

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

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

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

PERSONS WHO WISH TO ADDRESS THE BOARD DURING PUBLIC COMMENT OR WITH RESPECT TO AN ITEM THAT IS ON THE AGENDA, WILL BE LIMITED TO TWO (2) MINUTES.

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

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

Staff reports related to open session items on the agenda are also accessible on line at www.contracosta.ca.gov.

AGENDA
October 22, 2019

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

A. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code § 54957.6)

1. Agency Negotiators: David Twa and Richard Bolanos.

Employee Organizations: Public Employees Union, Local 1; AFSCME Locals 512 and 2700; California Nurses Assn.; SEIU Locals 1021 and 2015; District Attorney Investigators' Assn.; Deputy Sheriffs Assn.; United Prof. Firefighters I.A.F.F., Local 1230; Physicians' & Dentists' Org. of Contra Costa; Western Council of Engineers; United Chief Officers Assn.; Contra Costa County Defenders Assn.; Contra Costa County Deputy District Attorneys' Assn.; Prof. & Tech. Engineers IFPTE, Local 21; and Teamsters Local 856.

2. Agency Negotiators: David Twa.

Unrepresented Employees: All unrepresented employees.

B. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

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

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 2555 El Portal Drive, San Pablo

Agency Negotiator: Karen Laws, Principal Real Property Agent

Negotiating Parties: Contra Costa County and Overaa Investments, LLC

Under Negotiation: Price and Terms

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

Inspirational Thought- *"October is crisp days and cool nights, a time to curl up around the dancing flames and sink into a good book."* ~John Sinor, author

CONSIDER CONSENT ITEMS (Items listed as C.1 through C.97 on the following agenda) – Items are subject to removal from Consent Calendar by request of any Supervisor or on request for discussion by a member of the public. **Items removed from the Consent Calendar will be considered with the Discussion Items.**

PRESENTATIONS (5 Minutes Each)

- PR.1** PRESENTATION declaring October 23 - 31, 2019 as Red Ribbon Week in Contra Costa County. (Fatima Matal Sol, Health Services Department)
- PR.2** PRESENTATION honoring the winners of the Arts and Culture Commission of Contra Costa County 2019 Arts Recognition Awards. (Roger Renn, Arts and Culture Commission)
- PR.3** PRESENTATION recognizing Contra Costa County Cities Citizen Corp CERT Committee (C-8) for their award from the State of California Office of Volunteers, Office of the Governor of California. (Supervisor Gioia)
- PR.4** PRESENTATION proclaiming November 6, 2019 Contra Costa County Shelter-in-Place Education Day. (Randy Sawyer, Director of Hazardous Materials)

DISCUSSION ITEMS

D. 1 CONSIDER Consent Items previously removed.

D. 2 PUBLIC COMMENT (2 Minutes/Speaker)

- D.3** CONSIDER update on the status of the NuStar Energy incident, Crockett area. (Randy Sawyer, Director of Hazardous Materials Program and Lewis Broschard, CCC Fire Protection District Fire Chief)
- D.4** CONSIDER waiving the 180-day ‘sit out period’ for Editha Guevarra, Health Services Reimbursement Accountant; FIND that the appointment of Ms. Guevarra is necessary to provide training and back-up coverage for employee vacation, sick leave and unplanned absences; and APPROVE and AUTHORIZE the hiring of retiree Ms. Guevarra as a temporary employee effective November 1, 2019 through October 31, 2020. (Anna Roth, Health Services Director)

- D.5** HEARING to consider approving the Laurel Drive Subdivision Project in the Concord area, including adopting Ordinance No. 2019-23 to rezone a 3.6-acre parcel from R-40 to R-15 Single-Family Residential District, and adopting a mitigated negative declaration, as recommended by the County Planning Commission. (Harrel Trust - Owner, Lenox Homes, LLC - Applicant) (John Kopchik and Francisco Avila, Department of Conservation and Development)
- D.6** CONSIDER accepting a report from the Finance Committee regarding a proposed sales tax measure, establishing an ad hoc Board committee to develop an expenditure plan, and related actions. (Supervisors Mitchoff and Gioia)
- D.7** CONSIDER adopting Resolution No. 2019/587 approving a Side Letter between Contra Costa County and the Physicians' and Dentists' Organization of Contra Costa (PDOCC) extending the MOU through October 31, 2019; approving a new MOU implementing negotiated wage agreements, and other economic terms and conditions of employment, for the period of November 1, 2019 through October 31, 2022; and approving a Settlement Agreement concerning PDOCC's Unfair Practice Charge regarding patient roster sizes for ambulatory care clinics. (David Twa, County Administrator)

D. 8 CONSIDER reports of Board members.

Closed Session

ADJOURN

CONSENT ITEMS

Road and Transportation

- C. 1** AWARD and AUTHORIZE the Public Works Director, or designee, to execute a construction contract in the amount of \$5,534,448 with Ghilotti Bros., Inc., for the Buchanan Field Airport Runway 14L-32R Rehabilitation Project, Concord area. (91% Federal FAA AIP Funds, 4% Caltrans, 5% Airport Enterprise Funds)
- C. 2** AUTHORIZE the Public Works Director, or designee, to advertise for the 2020 On-Call Concrete Services Contract(s) for various road and flood control maintenance work, for routine maintenance and repair of existing road and flood control facilities, Countywide. (100% Local Road and Flood Control Funds)
- C. 3** ADOPT Resolution No. 2019/607 authorizing the Public Works Director, or designee, to file an application for funding in the amount of \$1,596,000 from Metropolitan Transportation Commission to complete the Treat Boulevard Corridor Improvements Project, Walnut Creek area. (75% State Transportation Improvement Program Funds, 25% Local Road Fund)

Engineering Services

- C. 4 ADOPT Resolution No. 2019/551 accepting completion of improvements for subdivision SD17-09300 for a project developed by Shapell Industries Inc., as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (No fiscal impact)
- C. 5 ADOPT Resolution No. 2019/592 proclaiming the week of October 19-26, 2019 as “California Flood Preparedness Week” in Contra Costa County, as recommended by the Public Works Director, Countywide. (No fiscal impact)

Special Districts & County Airports

- C. 6 APPROVE and AUTHORIZE the Public Works Director, or designee, to waive associated rental fees for the use of Lefty Gomez Community Center for New Horizon’s Annual Thanksgiving Food Distribution and Christmas Food Basket Toy Distribution, Rodeo area. (100% County Service Area R-10).
- C. 7 Acting as the governing body of the Contra Costa County Flood Control and Water Conservation District (District), APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute a 25-year license agreement authorizing the City of Walnut Creek to operate and maintain paved trails along District’s Pine Creek Channel and Milton Kubicek Detention Basin, and take related actions under the California Environmental Quality Act, Walnut Creek area. (No fiscal impact)
- C. 8 AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation District, or designee, to plan and organize the 6th Quadrennial Contra Costa County Creek and Watershed Symposium, to be held in Moraga on December 5, 2019, and to work with potential sponsors to help fund the event, Countywide. (100% Flood Control District Funds)
- C. 9 Acting as the governing body of the Contra Costa County Flood Control and Water Conservation District, APPROVE and AUTHORIZE the Chief Engineer, or designee, to use funds from Flood Control District Fund No. 250500 to pay approximately \$920,000 towards settlement and litigation costs in *Contra Costa County Flood Control and Water Conservation District v. Gary A. Eames, et al.*, as recommended by the Chief Engineer, Antioch area. (100% Flood Control District Funds)

Claims, Collections & Litigation

- C. 10 RECEIVE public report of litigation settlement agreements that become final during the period of September 1, 2019, through September 30, 2019.

- C. 11** DENY claims filed by Nancy Anderson, Century Vision Developers, CSAA on behalf of Yahaira Figueroa, Duane Fisher and Andrea Golden, Guillermo Gomez, Mohammad R. Mohammody and Kevin Tse. DENY late claim filed by Bhakti Yahoodi Bey, and Christopher Lyne.
- C. 12** Acting as the Governing Board of the Housing Authority of Contra Costa County, DENY claim filed by Lizette Sadler.

Statutory Actions

- C. 13** ACCEPT Board members meeting reports for September 2019.

Honors & Proclamations

- C. 14** ADOPT Resolution No. 2019/599 honoring the winners of Arts and Culture Commission of Contra Costa County 2019 Arts Recognition Awards, as recommended by the County Administrator.
- C. 15** ADOPT Resolution No. 2019/603 declaring October 23 - 31, 2019 as Red Ribbon Week in Contra Costa County, as recommended by the Health Services Director.
- C. 16** ADOPT Resolution No. 2019/601 recognizing October 20– 26, 2019 as Childhood Lead Poisoning Prevention Week, as recommended by the Health Services Director.
- C. 17** ADOPT Resolution No. 2019/602 proclaiming November 6, 2019 Contra Costa County Shelter-in-Place Education Day, as recommended by the Health Services Director.
- C. 18** ADOPT Resolution No. 2019/613 recognizing Contra Costa County Cities Citizen Corp CERT Committee (C-8) for their award from the State of California Office of Volunteers, Office of the Governor of California, as recommended by Supervisor Gioia.
- C. 19** ADOPT Resolution No. 2019/614 recognizing Michelle Seville, Richmond Arts & Culture Manager and devoted arts advocate on the occasion of her retirement, as recommended by Supervisor Gioia.
- C. 20** ADOPT Resolution No. 2019/600, honoring the recipients of the Arts and Culture Commission of Contra Costa County 2019 Awards for Outstanding Contributions to the Arts, as recommended by the County Administrator.

Ordinances

- C. 21** INTRODUCE Ordinance No 2019-31, adopting the 2019 California Building Standards Codes with changes, additions, and deletions, WAIVE reading, and FIX November 12, 2019 for a public hearing to consider adoption, as recommended by the Conservation and Development Director. (No fiscal impact)

Appointments & Resignations

- C. 22** ADOPT Resolution No. 2019/593 to reappoint Supervisor John Gioia as the Board of Supervisors representative and Supervisor Karen Mitchoff as the Board's alternate representative on the California State Association of Counties Board of Directors; and to reappoint Supervisor Candace Andersen as the Board of Supervisors representative and Supervisor Karen Mitchoff as the Board's alternate representative on the Central Contra Costa Transit Authority, as recommended by Supervisor Gioia.
- C. 23** APPOINT Deborah Spinola to the Trustee 1 seat on the Byron-Brentwood-Knightsen Union Cemetery District, as recommended by Supervisor Burgis.
- C. 24** APPOINT Kathie Thompson to the At Large #3 seat, and Gerald Richards to the At Large #9 seat on the Advisory Council on Aging, as recommended by the Family and Human Services Committee.
- C. 25** APPOINT Y'Anad Burrell to the At Large 1 seat on the Arts and Culture Commission, as recommended by the Family and Human Services Committee.
- C. 26** ACCEPT the resignation of Mr. Michele Manzone, DECLARE a vacancy in the Assessment Appeals Board District II Seat, and DIRECT the Clerk of the Board to post the vacancy, as recommended by Supervisor Andersen.
- C. 27** REAPPOINT Nancy Flood to the Trustee 1 Seat of the Alamo-Lafayette Cemetery District Board of Directors, as recommended by Supervisor Andersen.
- C. 28** APPOINT in lieu of election David Forkel and Randall Neudeck to serve on the Board of Trustees of Reclamation District 2025 (Holland Tract) for terms of four years, as recommended by the County Administrator.
- C. 29** APPOINT in lieu of election Russell E. Ryan and Randall Neudeck to the Board of Trustees of Reclamation District 2026 (Webb Tract) for a term of four years, as recommended by the County Administrator.

- C. 30** APPOINT in lieu of election Jake Messerli and Lawrence Watty to the Board of Trustees of Reclamation District 2090 (Quimby Island) for a term of four years, as recommended by the County Administrator.
- C. 31** APPOINT in lieu of election Randall Mager and Kevin Romick to the Board of Trustees of Reclamation District 2137 for a term of four years, as recommended by the County Administrator.

Appropriation Adjustments

- C. 32** Contingency Reserve (0990): APPROVE Appropriation Adjustment No. 5008 transferring \$2,490,000 in appropriations to the Airport (0843), Animal Services (0366), Conservation & Development (0280), Department of Information Technology (0147), Telecommunications (0060), Employment and Human Services (0501), Human Resources (0035), Library (0620), Public Defender (0243), Public Works (0650), Sheriff-Coroner (0255), and Treasurer-Tax Collector (0015) for fiscal year 2019-20 Venture Capital Projects. (100% General Fund)
- C. 33** Health Services Department (5899)/Fleet ISF (0064):APPROVE appropriation and Revenue Adjustment #005009 authorizing the transfer of appropriations in the amount of \$33,091 from Behavioral Health Services Division – Mental Health Service Act Innovation to General Services – ISF Fleet Services (0064) for the purchase of one (1) vehicle for the implementation of the Partners in Aging project.

Personnel Actions

- C. 34** ADOPT Position Adjustment Resolution No. 22519 to transition one Clerk-Beginning Level-Project (represented) position to a Merit System Clerk-Beginning Level (Non-Typing) (represented) position in the Library Department by way of the Bridges to Success pilot program. (100% Library Fund)
- C. 35** ADOPT Position Adjustment Resolution No. 22521 to establish the class of Elections Temporary Assignment (represented) and allocate on the Salary Schedule in the Clerk Recorder-Elections Department. (100% General Fund)
- C. 36** ADOPT Position Adjustment Resolution No. 22539 to add one Mental Health Clinical Specialist (represented) position in the Health Services Department. (100% HRSA)
- C. 37** ADOPT Position Adjustment Resolution No. 22540 to add one Senior Emergency Planning Coordinator position (represented) and cancel one Emergency Planning Coordinator position (represented) in the Health Services Department. (100% State Department of Public Health, Emergency Preparedness Office)

- C. 38 ADOPT Position Adjustment Resolution No. 22541 to add one Executive Secretary-Exempt position (unrepresented) and cancel one Secretary-Advanced Level position #7402 (represented) in the Health Services Department. (100% Enterprise Fund I)
- C. 39 ADOPT Position Adjustment Resolution No. 22538 to increase the hours of one Senior Health Education Specialist position #9703 in the Health Services Department. (100% CCHP Member Premium Payments)
- C. 40 ADOPT Position Adjustment Resolution No. 22547 to reallocate the salary of the Workforce Services Director-Exempt (unrepresented) classification on the Salary Schedule to convert the Pay for Performance step to a merit step, as recommended by the Human Resources Director. (No Fiscal Impact)
- C. 41 ADOPT Position Adjustment Resolution No. 22545 to add five full time Social Worker (represented) positions to the In-Home Supportive Services program as recommended by the Employment and Human Services Director. (48% Federal, 39% State, 13% County)
- C. 42 ADOPT Resolution No. 2019/612 to modify classifications previously associated with the Physicians', Dentists' Organization of Contra Costa (PDOCC) and to provide for benefits of unrepresented physician positions to parallel those in the new PDOCC Memorandum of Understanding, as recommended by the County Administrator.

Leases

- C. 43 APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to amend a sub-sublease with Concord Jet Service Incorporated, in an amount not to exceed \$250,000 to provide aircraft hangar and office space for the period May 1, 2017 through April 30, 2022 to reduce the leased aircraft storage space by 1,302 square feet and reduce rent by \$1,000 per month. (100% General Fund)
- C. 44 AUTHORIZE the Public Works Director, or designee, to terminate the County's lease of a portion of the property located at 217 South 11th Street, Richmond, from the Rosie the Riveter Trust and DECLARE as surplus, and APPROVE the conveyance of the modular building located at 217 South 11th Street, Richmond to the Rosie the Riveter Trust. (No fiscal impact)

Grants & Contracts

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

- C. 45 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Public Health Foundation Enterprises, Inc. (dba Heluna Health), to pay County in an amount not to exceed \$14,875 for the County's participation in the FoodNet Expanded Case Exposure Ascertainment Project to study foodborne bacteria for the period August 1, 2019 through July 31, 2020. (No County match)
- C. 46 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the U. S. Department of Veterans Affairs Northern California Health Care System, to pay County in an amount of \$133,941 to continue emergency shelter housing for homeless veterans at the Philip Dorn Respite Center in Concord for the period September 29, 2019 through September 28, 2020. (No county match)
- C. 47 APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with Kensington Police Protection and Community Services District to pay the County an amount not to exceed \$300,000 to provide law enforcement services for the period October 22, 2019 through April 21, 2020. (100% Agency Fees)
- C. 48 APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to accept funding from California Health Care Advocates in an amount not to exceed \$5,500 to fund the Senior Medicare Patrol Volunteer Liaison for the period September 1, 2019 through May 31, 2020. (100% Federal, No County match)
- C. 49 APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute contracts with the Defense Criminal Investigative Services, Western Field Office, San Francisco Resident Agency and the U.S. Department of State, Diplomatic Security Service, for use of the Sheriff's Range Facility commencing upon execution of the contract through June 30, 2020. (100% Agency Fees)

APPROVE and AUTHORIZE execution of agreement between the County and the following parties as noted for the purchase of equipment and/or services:

- C. 50 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Michael Levin, M.D. in an amount not to exceed \$285,496 to provide outpatient psychiatric services at the Central County Adult Mental Health Clinic, and to provide expert testimony in Lanterman Petris Short conservatorship trials for the period January 1, 2020 through December 31, 2020. (100% Mental Health Realignment)

- C. 51** APPROVE and AUTHORIZE the Interim Risk Manager to execute a contract amendment agreement with Tuell and Associates, Inc. to increase the payment limit by \$100,000 to a new payment limit of \$600,000 for additional workers' compensation and risk management staffing services with no change to the term of November 1, 2018 through November 1, 2019. (100% Workers' Compensation Internal Service Fund)
- C. 52** ALLOCATE \$20,000 from the Livable Communities Trust (District II portion) to the Public Works Department; APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a Memorandum of Understanding with the City of San Ramon to participate in the San Ramon Valley Street Smarts Program for the period July 1, 2019 through June 30, 2020, as recommended by Supervisor Andersen. (100% Livable Communities Trust Fund)
- C. 53** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Kitchell/CEM, Inc., to extend the term from December 31, 2019 to December 31, 2020, with no change to the payment limit of \$1,400,000, to provide On-Call Project Management Consulting Services for various facilities projects, Countywide. (100% Various Funds)
- C. 54** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with West Contra Costa Unified School District, in an amount not to exceed \$631,910 to provide wraparound services to severely emotionally disturbed children for the period July 1, 2019 through June 30, 2020, including a six-month automatic extension through December 31, 2020 in an amount not to exceed \$313,455. (50% Federal Medi-Cal, 49% Mental Health Realignment, 1% West Contra Costa Unified School District)
- C. 55** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Tranquility, Incorporated (dba San Miguel Villa), in an amount not to exceed \$900,000 to provide skilled nursing facility services to Contra Costa Regional Medical Center and Health Center patients for the period October 1, 2019 through September 30, 2020. (100% Whole Person Care)
- C. 56** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Interactive Resources, Inc., effective October 13, 2019, to extend the term from October 19, 2019 to December 31, 2020, with no change to the payment limit, to provide on-call architectural services for various facilities projects, Countywide. (100% Various Funds)
- C. 57** APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract amendment with FCS International, Inc. (dba FirstCarbon Solutions/Michael Brandman Associates), to increase the payment limit by \$42,677 to a new payment limit of \$299,119, with no change to the original term of October 1, 2018 through September 30, 2020, to complete the environmental study of the proposed 284-unit Del Hombre apartment complex in the Walnut Creek area. (100% Land Use Permit application fees)

- C. 58** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Fennie + Mehl Architects, effective October 17, 2019, to increase the payment limit by \$20,000 to a new payment limit of \$300,000 and to extend the term from October 17, 2019 to October 17, 2021, to provide architectural services for the remodel of the Contra Costa Television Studio. (100% Public Education and Government Cable Access Funds)
- C. 59** APPROVE and AUTHORIZE the County Clerk-Recorder, or designee, to execute a contract with DMT Solutions Global Corporation (dba Bluecrest) in an amount not to exceed \$461,300 for the purchase, licensing, and maintenance of the Relia-Vote Vantage System mail election ballot sorter, to capture the signatures on the return identification envelopes and then sort the ballots in preparation for tabulation, effective October 3, 2019. (89% Elections Capital Replacement funds, 11% General Fund)
- C. 60** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Paul H. Kwok, M.D., in an amount not to exceed \$1,347,000 to provide anesthesia services at Contra Costa Regional Medical Center and Health Centers for the period October 1, 2019 through September 30, 2022. (100% Hospital Enterprise Fund I)
- C. 61** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Thomas N. Paige, M.D., in an amount not to exceed \$390,000 to provide dermatology services for Contra Costa Regional Medical Center and Health Centers for the period October 1, 2019 through September 30, 2022. (100% Hospital Enterprise Fund I)
- C. 62** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Kimberly Loda, M.D., in an amount not to exceed \$262,080 to provide outpatient psychiatric care services to adults in West County for the period October 1, 2019 through September 30, 2020. (100% Mental Health Realignment)
- C. 63** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with William Berlingieri, M.D., in an amount not to exceed \$391,680 to provide outpatient psychiatric services in West County Costa County for the period January 1, 2020 through December 31, 2020. (100% Mental Health Services Act).
- C. 64** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Crestwood Behavioral Health, Inc., in an amount not to exceed \$95,000 to provide emergency residential care placement services to mentally ill adults for the period January 1, 2020 through December 31, 2020. (100% Mental Health Realignment)

- C. 65** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Rainbow Community Center of Contra Costa County, in an amount not to exceed \$782,141 to provide Mental Health Services Act prevention and early intervention services to members of the Lesbian, Gay, Bisexual, Transgender and Questioning community for the period July 1, 2019 through June 30, 2020, with a six-month automatic extension through December 31, 2020 in an amount not to exceed \$391,070. (100% Mental Health Services Act)
- C. 66** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Denis Mahar, M.D., in an amount not to exceed \$1,912,000 to provide cardiology services for Contra Costa Regional Medical Center and Health Centers for the period October 1, 2019 through September 30, 2022. (100% Hospital Enterprise Fund I)
- C. 67** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with the Contra Costa County Resource Conservation District, to increase the payment limit by \$200,000 to a new payment limit of \$350,000 and to extend the term from September 19, 2019 to September 20, 2020, to provide watershed coordination and outreach services, Countywide. (100% Stormwater Utility Assessment Funds)
- C. 68** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract with Debri-Tech, Inc. (dba Rapid Recycle), in an amount not to exceed \$1,975,100, to provide on-call assistance with trash and abandoned waste cleanup and removal for the Contra Costa County Watershed Program, for the period October 15, 2019 through September 30, 2022, Countywide. (100% Stormwater Utility Assessment Funds)
- C. 69** APPROVE amendment to the County's FY 2019/20 Community Development Block Grant Action Plan to award a total of \$2,771,523 in CDBG funds to two affordable multifamily residential rental projects, as recommended by the Affordable Housing Finance Committee. (100% Federal funds)
- C. 70** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Concord Yellow Cab, Inc., in an amount not to exceed \$240,000 to provide non-emergency taxicab transportation services for Contra Costa Regional Medical Center and Health Center patients for the period July 1, 2019 through June 30, 2020. (100% Hospital Enterprise Fund I)
- C. 71** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Sysco San Francisco, Inc., in an amount not to exceed \$500,000 for food, paper products, kitchen supplies, food storage units and other food service production items for the Contra Costa Regional Medical Center for the period November 1, 2019 through October 31, 2020. (100% Hospital Enterprise Fund I)

- C. 72** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Boston Scientific Corporation, in an amount not to exceed \$800,000 for specialty medical supplies and equipment for the Contra Costa Regional Medical Center for the period January 1, 2020 through December 31, 2021. (100% Hospital Enterprise Fund I)
- C. 73** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Optum360 Solutions, LLC, in an amount not to exceed \$139,021 including a Master Services License Agreement and Product Schedule for licensed software and support for the period January 31, 2020 through January 30, 2025. (100% Hospital Enterprise Fund I)
- C. 74** APPROVE and AUTHORIZE the Chief Information Officer, or designee, to execute a contract amendment with Sirius Computer Solutions, Inc., to extend the term from October 31, 2019 to October 31, 2021, and to increase the payment limit by \$100,000 to a new payment limit of \$700,000 for continued IBM System Z Mainframe Operating System services. (100% User Fees)
- C. 75** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Depuy Synthes Sales, Inc., in an amount not to exceed \$1,750,000 for instruments and supplies for the Contra Costa Regional Medical Center for the period April 1, 2020 through March 31, 2024. (100% Hospital Enterprise Fund I)
- C. 76** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with The Sun Healthcare and Surgery Group, Inc., in an amount not to exceed \$538,000 to provide podiatry services to Contra Costa Regional Medical Center and Health Center patients for the period October 1, 2019 through September 30, 2021. (100% Hospital Enterprise Fund I)
- C. 77** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Desarrollo Familiar, Inc. (dba Familias Unidas), in an amount not to exceed \$291,635 to provide referral, consultation and education, and outpatient mental health services in West County for the period July 1, 2019 through June 30, 2020, including a six-month automatic extension through December 31, 2020 in an amount not to exceed \$145,817. (5% Federal Medi-Cal; 39% Substance Abuse/Mental Health Services Administration Grant; 56% Mental Health Realignment)
- C. 78** APPROVE and AUTHORIZE the Director of Human Resources or designee, to execute contract amendments with AppleOne Employment Services and Nelson Family of Companies to extend the terms from June 30, 2017 through May 31, 2020 for temporary staffing services, Countywide. (100% charges to user departments)

- C. 79** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Covidien Holding, Inc., in an amount not to exceed \$2,250,000 for instruments, sutures, and supplies for the Contra Costa Regional Medical Center for the period February 1, 2020 through January 31, 2024. (100% Hospital Enterprise Fund I)
- C. 80** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with La Clinica De La Raza, Inc., effective July 1, 2019, to modify the physician recruitment incentive with no change in the payment limit of \$3,000,000 or term July 1, 2019 through June 30, 2020. (100% Contra Costa Health Plan Enterprise Fund II)
- C. 81** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with JVTCM Care, LLC, effective October 1, 2019, to increase the payment limit by \$60,000 to a new payment limit of \$205,401, to provide additional augmented board and care services with no change in the term August 1, 2019 through July 31, 2020. (100% Mental Health Realignment funds)
- C. 82** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Center Point, Inc., effective October 1, 2019, to increase the payment limit by \$275,256 to a new payment limit of \$1,208,233 to provide drug abuse prevention and treatment services for Contra Costa County adults with co-occurring substance abuse and mental disorders for the period July 1, 2019 through June 30, 2020 (80% Substance Abuse Prevention and Treatment Block Grant Perinatal and 20% Assembly Bill 109)
- C. 83** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Healthright 360, in an amount not to exceed \$835,424 to provide drug abuse prevention and treatment services for Contra Costa County adults for the period October 1, 2019 through June 30, 2020. (49% Drug Medi-Cal; 51% Substance Abuse Prevention and Treatment Block Grant)
- C. 84** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Martinez Unified School District in an amount not to exceed \$191,336 to provide prevention and early intervention services to high-school aged youth in Martinez for the period July 1, 2019 through June 30, 2020, including a six-month automatic extension through December 31, 2020 in an amount not to exceed \$95,668. (100% Mental Health Services Act)
- C. 85** APPROVE and AUTHORIZE the County Administrator, or designee, to execute contracts including modified indemnification with Martha Anthony and Richard Frankel, each in an amount not to exceed \$50,000, to provide mental health hearing officer services, upon appointment by the Superior Court, for detainees at County detention facilities, for the period October 1, 2019 through December 31, 2021. (100% Contra Costa County Superior Court funds)

Other Actions

- C. 86** APPROVE the list of providers recommended by Contra Costa Health Plan's Medical Director on September 25, 2019, and by the Health Services Director, as required by the State Departments of Health Care Services and Managed Health Care, and the Centers for Medicare and Medicaid Services. (No fiscal impact)
- C. 87** DIRECT the Auditor-Controller to release a total of \$4,961.40 from the Fish and Wildlife Propagation Fund to the Contra Costa Resource Conservation District to cover expenditures related to hosting the 6th Quadrennial Creek and Watershed Symposium, as recommended by the Fish and Wildlife Committee. (100% Fish and Wildlife Propagation Fund)
- C. 88** ADOPT Resolution No. 2019/572, approving a Settlement Agreement and Side Letter between Contra Costa County and Teamsters Local 856, modifying the current Memorandum of Understanding (July 1, 2016 - June 30, 2022) regarding Clinical Lab Scientists pay and schedules, as recommended by the County Administrator.
- C. 89** ADOPT Resolution No. 2019/604 authorizing the sale of specified tax-defaulted property at public auction, pursuant to the California Revenue and Taxation Code §3698, as recommended by the Treasurer-Tax Collector.
- C. 90** APPROVE an amendment to the County's FY 2019/20 Community Development Block Grant Action Plan, to award up to \$95,000 for relocation costs associated with the rehabilitation of Richmond Neighborhood Housing Services housing units, as recommended by the Affordable Housing Finance Committee. (100% Federal funds)
- C. 91** APPROVE and AUTHORIZE the Auditor-Controller, to issue a payment, on behalf of the Public Works Department, in the amount of \$2,000 payable to the Community Foundation of Alamo from County Service Area R-7, for the holiday lights at Andrew H. Young Park, Alamo area. (100% County Service Area R-7 Funds)
- C. 92** APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to renew Cardroom License Number 6, known as "California Grand Casino", currently located at 5988 Pacheco Blvd., Pacheco area, for the period November 26, 2019 through November 25, 2020. (100% Revenue)
- C. 93** ADOPT Resolution No. 2019/608 approving the issuance of multifamily housing revenue bonds by the California Statewide Communities Development Authority in an amount not to exceed \$85,000,000 to finance the acquisition and rehabilitation of Hilltop Commons Apartments located at 15690 Crestwood Drive in the unincorporated area of the County near San Pablo, and AUTHORIZE other related actions, as recommended by the Conservation and Development Director.

(100% Special Revenue Funds)

- C. 94** APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a Memorandum of Understanding with the California Department of Justice for the use of the Mobile Identification System. (No fiscal impact)
- C. 95** DECLARE as surplus and AUTHORIZE the Purchasing Agent to dispose of fully depreciated vehicles and equipment no longer needed for public use, as recommended by the Public Works Director, Countywide. (No fiscal impact)
- C. 96** ADOPT Resolution No. 2019/606 approving the Side Letter between the County of Contra Costa and IFPTE, Local 21 modifying Appendix E of the MOU to add the classification of Public Health Chief of Nursing and Clinical Services to the list of classifications eligible for on-call pay, as recommended by the County Administrator.
- C. 97** APPROVE and AUTHORIZE the Auditor-Controller to issue a refund of overpayment of documentary transfer tax totaling an amount not to exceed \$523 to specified parties, as recommended by the County Clerk-Recorder. (100% General Fund)

GENERAL INFORMATION

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

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

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

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

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

Room 106.

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

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

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

www.co.contra-costa.ca.us

STANDING COMMITTEES

The **Airport Committee** (Supervisors Diane Burgis and Karen Mitchoff) meets quarterly on the second Wednesday of the month at 11:00 a.m. at the Director of Airports Office, 550 Sally Ride Drive, Concord.

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

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

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

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

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

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

The **Sustainability Committee** (Supervisors John Gioia and Federal D. Glover) meets on the fourth Monday of every other month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

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

COMMITTEE	DATE	TIME	PLACE
Airports Committee	November 13, 2019	11:00 a.m.	See above
Family & Human Services Committee	November 25, 2019 Canceled Special Meeting November 13, 2019	10:30 a.m.	See above
Finance Committee	November 25, 2019 Canceled Special Meeting November 4, 2019	9:00 a.m.	See above
Hiring Outreach Oversight Committee	TBD	TBD	See above
Internal Operations Committee	November 11, 2019 Canceled December 9, 2019	1:00 p.m.	See above
Legislation Committee	Special Meeting November 4, 2019	11:00 a.m.	Room 108
Public Protection Committee	November 4, 2019	10:30 a.m.	See above
Sustainability Committee	Special Meeting December 9, 2019	9:30 a.m.	Room 108
Transportation, Water & Infrastructure Committee	November 11, 2019 Canceled Special Meeting November 14, 2019	2:00 p.m.	See above

AGENDA DEADLINE: Thursday, 12 noon, 12 days before the Tuesday Board meetings.

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB Assembly Bill

ABAG Association of Bay Area Governments

ACA Assembly Constitutional Amendment

ADA Americans with Disabilities Act of 1990

AFSCME American Federation of State County and Municipal Employees

AICP American Institute of Certified Planners
AIDS Acquired Immunodeficiency Deficiency Syndrome
ALUC Airport Land Use Commission
AOD Alcohol and Other Drugs
ARRA American Recovery & Reinvestment Act of 2009
BAAQMD Bay Area Air Quality Management District
BART Bay Area Rapid Transit District
BayRICS Bay Area Regional Interoperable Communications System
BCDC Bay Conservation & Development Commission
BGO Better Government Ordinance
BOS Board of Supervisors
CALTRANS California Department of Transportation
CalWIN California Works Information Network
CalWORKS California Work Opportunity and Responsibility to Kids
CAER Community Awareness Emergency Response
CAO County Administrative Officer or Office
CCE Community Choice Energy
CCCPCFD (ConFire) Contra Costa County Fire Protection District
CCHP Contra Costa Health Plan
CCTA Contra Costa Transportation Authority
CCRMC Contra Costa Regional Medical Center
CCWD Contra Costa Water District
CDBG Community Development Block Grant
CFDA Catalog of Federal Domestic Assistance
CEQA California Environmental Quality Act
CIO Chief Information Officer
COLA Cost of living adjustment
ConFire (CCCPCFD) Contra Costa County Fire Protection District
CPA Certified Public Accountant
CPI Consumer Price Index
CSA County Service Area
CSAC California State Association of Counties
CTC California Transportation Commission
dba doing business as
DSRIP Delivery System Reform Incentive Program
EBMUD East Bay Municipal Utility District
ECCPCFD East Contra Costa Fire Protection District
EIR Environmental Impact Report
EIS Environmental Impact Statement
EMCC Emergency Medical Care Committee
EMS Emergency Medical Services
EPSDT Early State Periodic Screening, Diagnosis and Treatment Program (Mental Health)
et al. et alii (and others)
FAA Federal Aviation Administration
FEMA Federal Emergency Management Agency
F&HS Family and Human Services Committee
First 5 First Five Children and Families Commission (Proposition 10)
FTE Full Time Equivalent

FY Fiscal Year
GHAD Geologic Hazard Abatement District
GIS Geographic Information System
HCD (State Dept of) Housing & Community Development
HHS (State Dept of) Health and Human Services
HIPAA Health Insurance Portability and Accountability Act
HIV Human Immunodeficiency Virus
HOME Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households
HOPWA Housing Opportunities for Persons with AIDS Program
HOV High Occupancy Vehicle
HR Human Resources
HUD United States Department of Housing and Urban Development
IHSS In-Home Supportive Services
Inc. Incorporated
IOC Internal Operations Committee
ISO Industrial Safety Ordinance
JPA Joint (exercise of) Powers Authority or Agreement
Lamorinda Lafayette-Moraga-Orinda Area
LAFCo Local Agency Formation Commission
LLC Limited Liability Company
LLP Limited Liability Partnership
Local 1 Public Employees Union Local 1
LVN Licensed Vocational Nurse
MAC Municipal Advisory Council
MBE Minority Business Enterprise
M.D. Medical Doctor
M.F.T. Marriage and Family Therapist
MIS Management Information System
MOE Maintenance of Effort
MOU Memorandum of Understanding
MTC Metropolitan Transportation Commission
NACo National Association of Counties
NEPA National Environmental Policy Act
OB-GYN Obstetrics and Gynecology
O.D. Doctor of Optometry
OES-EOC Office of Emergency Services-Emergency Operations Center
OPEB Other Post Employment Benefits
OSHA Occupational Safety and Health Administration
PACE Property Assessed Clean Energy
PARS Public Agencies Retirement Services
PEPRA Public Employees Pension Reform Act
Psy.D. Doctor of Psychology
RDA Redevelopment Agency
RFI Request For Information
RFP Request For Proposal
RFQ Request For Qualifications
RN Registered Nurse

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



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Status of the NuStar Energy Incident in Crockett

RECOMMENDATION(S):

RECEIVE update report on the current status of the NuStar Energy incident from the Director of Hazardous Materials and the Contra Costa County Fire Protection District Fire Chief.

FISCAL IMPACT:

None. This is a critical incident update.

BACKGROUND:

There was an explosion at an oil storage facility on the afternoon of October 15. The blast occurred at NuStar's facility, which stores fuels and hydrocarbons, at 90 San Pablo Avenue near the Cummings Skyway in Crockett. The cause of the explosion is currently under investigation.

CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors will not have the more current information regarding the NuStar Energy incident.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Randy Sawyer,
925-335-3200

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

By: , Deputy

cc: Anna Roth, Director of Health Services, Lewis Broschard, CCCFPD Chief



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Temporary Hire of County Retiree-Waiver of 180-day Sit-out Period

RECOMMENDATION(S):

1. CONSIDER waiving the 180-day 'sit out period' for Editha Guevarra, Health Services Reimbursement Accountant in the Health Services Department;
2. FIND that the appointment of Ms. Guevarra is necessary to provide back-up coverage for employee vacation, sick leave and unplanned absences; and
3. APPROVE and AUTHORIZE the hiring of retiree Ms. Guevarra as a temporary employee effective November 1, 2019 through October 31, 2020.

FISCAL IMPACT:

Upon approval, this action has a maximum cost of approximately \$55,000. This action will be funded 100% by Enterprise Fund I.

BACKGROUND:

Editha Guevarra retired on September 20, 2019, after 30 years with the County. As a Health Services Reimbursement Accountant, Ms. Guevarra worked in the Health Services Finance unit managing the Hospital and Clinics accounting functions and overseeing the Enterprise Fund I account, the largest revenue fund in the department. Ms. Guevarra's duties and responsibilities are highly specialized and requires advanced knowledge on the preparation of healthcare reimbursement from payment sources such as Medicare and Medi-Cal.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Dorette McCollum,
925-957-5251

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Moreover, the Finance unit has experienced significant turnover over the past few years including four retirements in 2019. Ms. Guevarra is familiar with all aspects of the Finance unit's operations and is willing to make herself available on a limited basis to provide back-up coverage for employee vacations, sick leave and unplanned absences.

The department will be recruiting to fill the vacancy and Ms. Guevarra's knowledge and skills are necessary to help train and mentor her replacement. In addition to providing training to the new hire, Ms. Guevarra will be available on an "as needed" basis to cover for leaves of absences and maintain stability in the Finance unit.

CONSEQUENCE OF NEGATIVE ACTION:

The accounting cycle has different deliverables throughout the year, and Ms. Guevarra will enable the Finance unit to bridge gaps in the learning curve for the new unit manager and four new accountants.



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 22, 2019

Subject: Laurel Drive Subdivision Project (#RZ18-3244)

RECOMMENDATION(S):

1. OPEN the public hearing on the Laurel Drive Subdivision Project, RECEIVE public testimony, and CLOSE the hearing.
2. FIND that the mitigated negative declaration prepared for the Project adequately analyzes the Project's environmental impacts, that there is no substantial evidence that the Project will have a significant impact on the environment, and that the mitigated negative declaration reflects the County's independent judgment and analysis.
3. ADOPT the mitigated negative declaration prepared for the Project.
4. ADOPT the mitigation monitoring program for the Project.
5. DIRECT the Department of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.
6. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, California, is the custodian of the documents and other material that constitutes the record of proceedings upon which the decision of the Board of Supervisors is based.
7. ADOPT Ordinance No. 2019-23, rezoning the subject property from R-40 Single-Family Residential District to R-15 Single-Family Residential District.
8. APPROVE the Laurel Drive Subdivision Project.
9. APPROVE the findings in support of the Project.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Francisco Avila, (925) 674-7801

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

By: , Deputy

cc:

RECOMMENDATION(S): (CONTD)

10. ACKNOWLEDGE that the Planning Commission approved the vesting tentative map for the Project, and no appeal of this approval was filed.

FISCAL IMPACT:

None. The applicant has paid the initial deposit, and is obligated to pay supplemental fees to cover any and all additional costs associated with the application processing.

BACKGROUND:

In August of 2018, the applicant submitted an 8-lot subdivision proposal which included a request to rezone the subject property from R-40 Single-Family Residential District (R-40) to R-15 Single-Family Residential District (R-15). The R-15 zoning district was chosen to align with the surrounding properties which have been developed with housing projects of similar density. The proposed 8 new residential lots range in size from 15,000 square feet to 18,000 square feet in area. The project also includes a request to remove 30 trees in order to construct the related subdivision improvements, 4,422 total cubic yards of grading, an exemption request from the off-site collect and convey requirements, and an annexation request in order to extend wastewater services to the subject site from the City of Concord. As part of the annexation request, the applicant will either have the subject property annexed into the City of Concord boundaries or enter into an Out of Area Service Agreement in order to receive wastewater services. The subdivision portion of the project was approved by the County Planning Commission (CPC) on September 11, 2019. The CPC approval included a recommendation to the Board of Supervisors to approve the rezoning request.

Site Description

The subject site is located at 5175 Laurel Drive, Concord, and consists of 3.6 total acres. One single-family residence and associated accessory structures are currently located on the property. A total of 30 trees are scattered throughout the site. The lot is generally rectangular in shape, 402 feet long, approximately 389 feet wide and has a 5-foot drop in grade elevation from the Laurel Drive frontage to the rear of the property.

Environmental Review

In accordance with the state Guidelines for Implementation of the California Environmental Quality Act (CEQA), an initial study was prepared to determine potential environmental impacts of the proposed project. Upon completion of the initial study, it was determined that mitigation measures could be incorporated into the project description that would reduce project impacts to a less than significant level.

The initial study and Notice of Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration was posted with the County Recorder and circulated for a public review on June 26, 2019. The final day for providing comments on the adequacy of the initial study was July 26, 2019. One letter in opposition to the project was received from an adjacent neighbor (9902 Malu Lane, Concord) and an informational letter was received from the Contra Costa Mosquito & Vector Control District (letters attached). In summary, the property owner of 9902 Malu Lane, contends that the project should be limited to four lots instead of the proposed eight in order to preserve current aesthetics and vegetation (Walnut trees). However, the project site has a General Plan designation of Single-Family Residential-Low Density (SL) which allows between 1.0 and 2.9 residences per net acre which is the basis for this rezoning request. As the site consists of 3.1 net acres, the SL designation allows for 9 lots where 8 lots are being proposed. Thus, the project is consistent with the General Plan designation for the

subject property. As mentioned above, the CPC has considered the application and public comments and found the proposal to be appropriate for the site and area in which it is situated. Since the the September 11, 2019, CPC hearing for this project, no additional comments has been provided to the County.

Rezoning

The site's current zoning designation is R-40 Single-Family Residential District. Changing the zoning of the subject property to R-15 Single-Family Residential District requires the following three findings be made: 1) compliance with the underlying General Plan designation; 2) compatibility with the proposed district and uses in adjacent districts; and 3) demonstration of community need. The General Plan designation for the site is Single-Family Residential-Low Density (SL), which allows 1.0 to 2.9 single family units per net acre. With a total net area of 3.1 acres for this site (3.6 acres gross minus 0.5 acres for roadway improvements, etc.), the project is allowed a minimum of 3 and a maximum of 9 residential units. As the proposal includes 8 new lots, the project is within the allowable density range of the SL designation. With regards to compatibility with the proposed zoning district and adjacent zoning districts, the project will reclassify the site from one single-family residential district to another. Each new lot will meet or exceed the minimum lot area, depth and average width requirements as required by the proposed R-15 zoning district. The surrounding zoning districts are entirely single family districts, ranging from R-10 to R-40, a similar range of densities to the proposal for the subject site and compatible with the densities of the surrounding neighborhoods in Concord. No uses capable of producing toxic waste, excessive noise, or vibration are allowable with the R-15 zoning district, therefore, the use of the site will remain compatible with the intended zoning district and adjacent residential districts. Furthermore, the project site currently contains numerous dilapidated structures which have resulted in a blight for the community. Approval of the rezoning request will enable the developer to improve upon a property that is underutilized, as well as remove a potential safety hazard for nearby residents. Given the information provided above, the CPC found the rezoning request to be appropriate for the site and recommended the Board approve the project.

Conclusion

County staff has analyzed the proposed 8-lot Laurel Place IV subdivision and rezone in terms of consistency with the neighborhood, appropriateness of use and conformance with the County General Plan and zoning code. Environmental analysis has identified potential impacts in areas of Aesthetics, Biology, Cultural Resources, Air Quality, and Geology. Consequently, mitigation measures have been incorporated into this project which reduce any potential impact to less-than-significant levels. Several members of the community attended the September 11, 2019, CPC hearing for this project and offered support. The single letter of opposition to the project did not offer any compelling evidence that warranted new mitigations or changes to the project. Upon reviewing the project and taking public testimony at the September 2019, hearing, the CPC unanimously approved the subdivision portion of the project and recommended that the Board of Supervisors approve the requested rezoning, County File Number RZ18-3244.

CONSEQUENCE OF NEGATIVE ACTION:

If denied, the subject property and existing improvements would remain within its present R-40 Single-Family Residential District and the subdivision project will not be constructed.

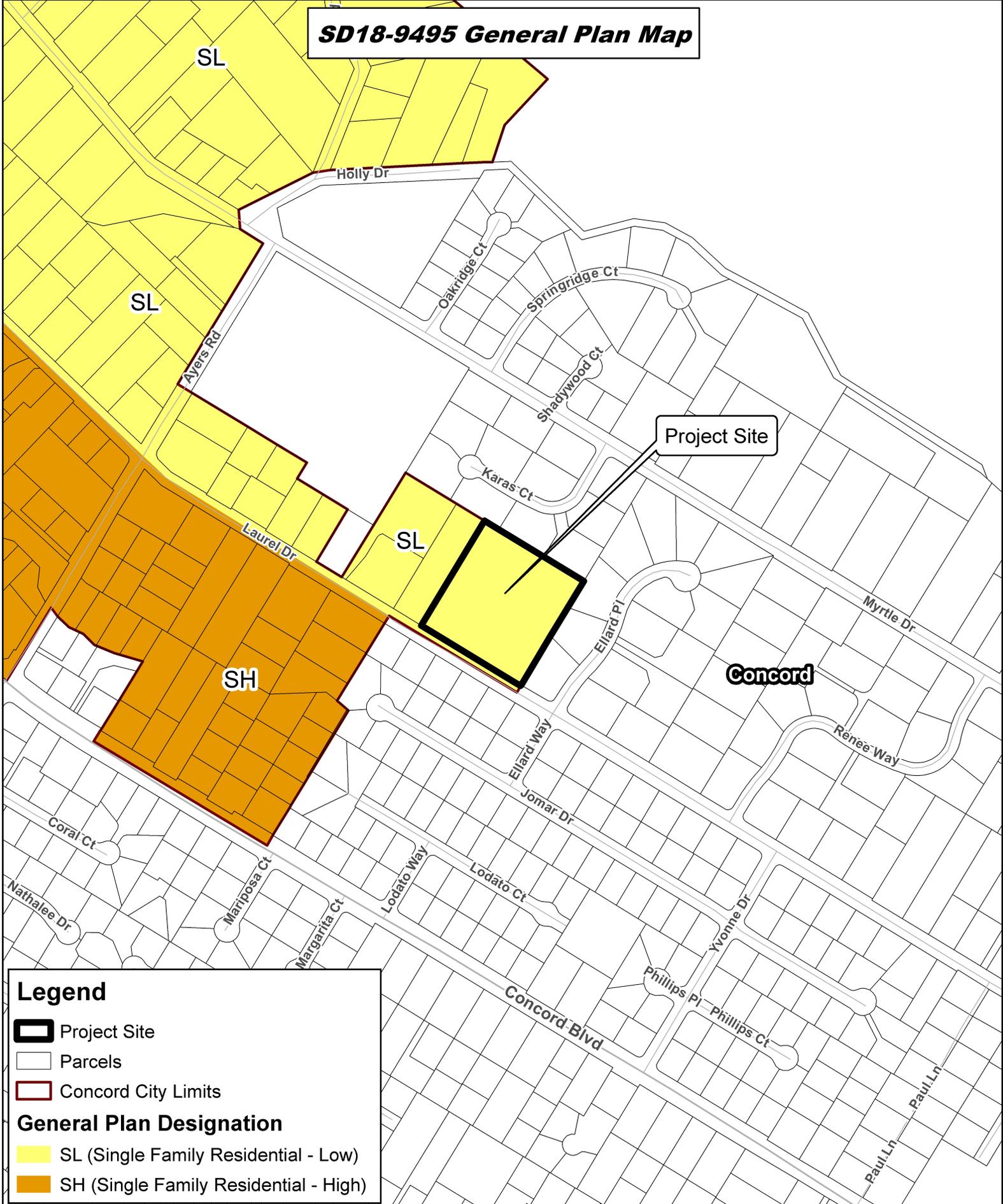
CHILDREN'S IMPACT STATEMENT:

The project involves a rezoning of the subject property from one residential zoning district to another, therefore, there will be no impacts on children's programs within the County.

ATTACHMENTS

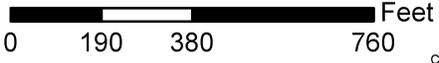
General Plan Map
Zoning Map
Aerial View
Ordinance No. 2019-23
CPC Sept. 11, 2019 Staff Report
CPC Approved Findings and COAs
CEQA Negative Declaration
CEQA Initial Study
CEQA MMRP
Public Comments
Vesting Tentative Map
Public Notification List
BOS Power Point Presentation

SD18-9495 General Plan Map



Legend

-  Project Site
-  Parcels
-  Concord City Limits
- General Plan Designation**
-  SL (Single Family Residential - Low)
-  SH (Single Family Residential - High)

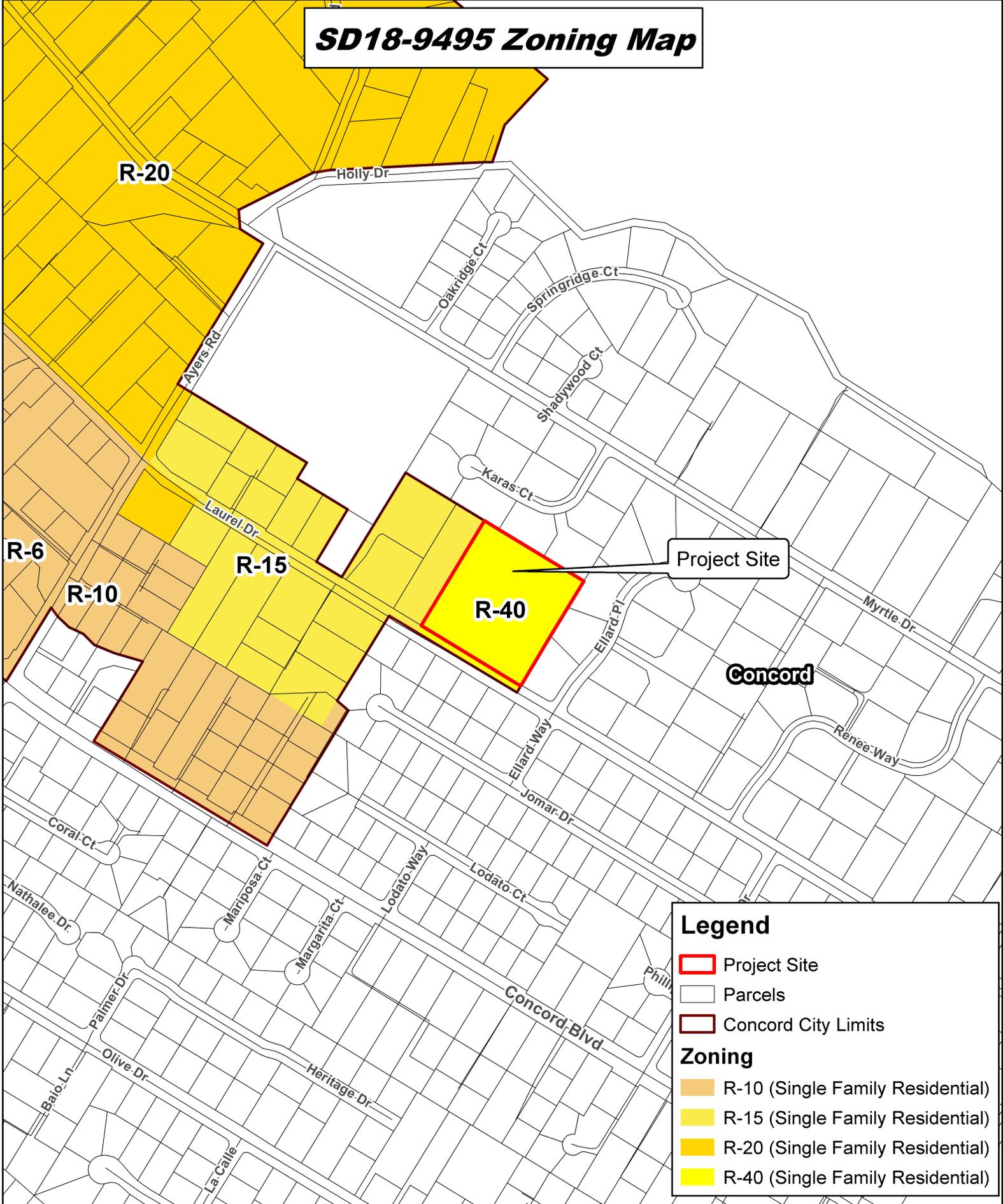


Map Created 8/1/2019
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37.59:41.791N 122.07:03.756W

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



SD18-9495 Zoning Map

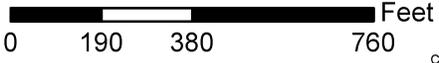


Legend

- Project Site
- Parcels
- Concord City Limits

Zoning

- R-10 (Single Family Residential)
- R-15 (Single Family Residential)
- R-20 (Single Family Residential)
- R-40 (Single Family Residential)



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SD18-9495 Aerial Photo



Project Site

Legend

-  Project Site
-  Parcels
-  Concord City Limits



Map Created 8/1/2019
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ORDINANCE NO. 2019 - 23
 (Re-Zoning Land in the

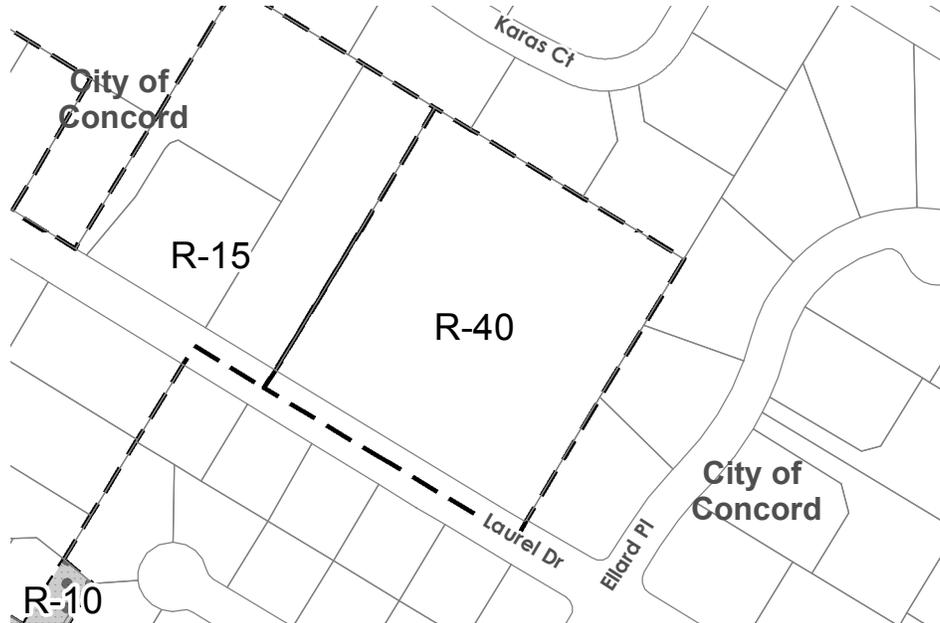
Concord Area)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I: Page J-17 of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Department of Conservation and Development File No. RZ18-3244 .)

FROM: Land Use District R-40 (Single Family Residential)

TO: Land Use District R-15 (Single Family Residential)
 and the Department of Conservation and Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



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

PASSED on _____ by the following vote:

<u>Supervisor</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
1. J. Gioia	()	()	()	()
2. C. Andersen	()	()	()	()
3. D. Burgis	()	()	()	()
4. K. Mitchoff	()	()	()	()
5. F.D. Glover	()	()	()	()

ATTEST: David Twa, County Administrator
 and Clerk of the Board of Supervisors _____

By _____, Dep. _____ Chairman of the Board
 (SEAL)



Department of Conservation and Development

County Planning Commission

Wednesday, September 11, 2019–7:00 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Laurel Place IV Vesting Tentative Map
County File Numbers:	SD18-9495 and RZ18-3244
Applicant:	Lenox Homes, LLC
Owners:	Harrel Trust
General Plan/Zoning:	Single-Family Residential-Low Density / R-40 Single-Family Residential District
Project Location:	The site is comprised of one parcel totaling 3.6-acres located at 5175 Laurel Drive in the Concord area. (APN: 117-040-086)
California Environmental Quality Act (CEQA) Status:	A Mitigated Negative Declaration (MND) indicating no significant environmental impacts has been prepared for the project.
Project Planner:	Francisco Avila, Senior Planner (925) 674-7801
Staff Recommendation:	Staff is recommending the County Planning Commission approve the subdivision contingent upon the Board's granting of the re-zoning request. See full recommendation in Section II.

I. PROJECT SUMMARY

The applicant is requesting approval of a vesting tentative map to subdivide 3.6 acres into 8 new residential lots. Lots range in size from 15,000 square feet to 18,000 square feet in area. Access will be provided via a new private road constructed to County public road standards that includes a sidewalk and guest parking. The project also includes a request to re-zone the property from R-40 to R-15 Single-Family Residential District, a tree permit request to remove 30 trees and an exemption from County Ordinance Code, Chapter 914-2.004 regarding collect and convey requirements.

II. RECOMMENDATION

Staff recommends that the County Planning Commission:

- A. FIND that on the basis of the whole record before the County that there is no substantial evidence the project will have a significant effect on the environment and that the June 26, 2019, Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis;
- B. ADOPT the June 26, 2019, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project;
- D. APPROVE the Laurel IV Vesting Tentative Map date received February 27, 2019, by the Department of Conservation and Development, Current Planning Division.
- E. ADOPT a motion recommending that the Board of Supervisors:
 - 1. FIND that on the basis of the whole record before the County that there is no substantial evidence the project will have a significant effect on the environment and that the June 26, 2019, Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis and ADOPT the proposed Negative Declaration.
 - 2. RECOMMEND approval of Ordinance No. 2019-23 to re-zone the subject property, Parcel 117-040-086, from a R-40 Single-Family Residential District to a R-15 Single-Family Residential District; and
 - 3. DIRECT the Department of Conservation and Development staff to file a Notice of Determination with the County Clerk.

The documents and other materials that constitute the record of proceedings upon which the County Planning Commission's decision is based are located at the Department of Conservation and Development under the custodianship of the project planner.

III. GENERAL INFORMATION

- A. General Plan: The subject property is located within a Single-Family Residential-Low Density District (SL). The SL designation has a density range of 1.0 to 2.9 units per net acre.
- B. Zoning: The site is located within the R-40 Single-Family Residential District.
- C. CEQA Status: On June 26, 2019, an Initial Study was prepared for the project and posted and circulated for public review. Upon completion of the initial study, it was found that the project would not result in any significant environmental impacts. One letter in opposition to the project was received from an adjacent neighbor and another informational letter was received from the Contra Costa Mosquito & Vector Control District. Each letter is discussed in Section VI. below.
- D. Origin of Parcel: The parcel was created with the recordation of Ayers Ranch Maps in 1912.
- E. Previous Applications: None.

IV. SITE/AREA DESCRIPTION

The subject site is located at the northern side of Laurel Drive, 1,000 feet south of the Ayers Road/Laurel Drive intersection in the Concord area. The Assessor's Parcel Number for the site is 117-040-086. The property consists of 3.6 total acres and is currently developed with one single-family residence and associated accessory structures. A total of 30 trees are scattered throughout the property. The site is generally rectangular in shape, 402 feet long, approximately 389 feet wide and has a 5-foot drop in grade elevation from the Laurel Drive frontage to the rear of the property.

V. PROJECT DESCRIPTION

The applicant is requesting approval of a 8-lot Vesting Tentative Map and a rezone from R-40 to R-15. The details of the request are described below:

A. Subdivision

The proposed tentative map identifies 8 lots ranging in size from 15,000 to 18,000 square feet in area. The lots will be accessed via a new private road to be constructed within a 33.5-foot-wide access easement. The new private road

will be constructed to County public road standards and will include a sidewalk and guest parking. The new road will intersect with Laurel Drive at a single location. All drainage features, streets and other common areas will be maintained by home owners of the subdivision via a maintenance agreement. 4,422 total cubic yards of soil will be graded and balanced on-site in order to create the building pads, roadway and related subdivision improvements.

B. Re-Zoning

The project includes a re-zoning from R-40 Single-Family Residential District to R-15 Single-Family Residential District.

C. Building Design

The Laurel Place IV subdivision development will offer two housing plans that include single story designs, three car garages and guest parking within the driveways. The maximum height of Plan 1 is 23 feet and 25 feet tall for the Plan 2 home. According to the developer, there will be several elevation styles and color schemes for variety.

D. Trees Removal

The removal of 30 trees will be necessary in order to create the new lots, grading, roadway construction, and installation of drainage facilities. No specific landscaping plans have been submitted for individual lots, however, as home sites are developed, landscaping plans may be necessary if required by County Ordinance (*e.g., over 500 square feet of new landscaping*).

E. Inclusionary Housing Ordinance

Residential development applications proposing 5 through 125 for-sale units, are subject to the Inclusionary Housing Ordinance, Chapter 822-4. In this case, the project must include the required number of Inclusionary Housing units or pay the in-lieu fee. Thus, the applicant has elected to pay the total in-lieu fee of \$52,800.48 in order to satisfy ordinance requirements.

E. Site Access, Guest Parking and Sidewalk

Site access will be provided by a private road to be constructed within a 33.5-foot wide access/utility easement. The roadway will include 8 guest parking spaces, curbs/gutters and a sidewalk. A Fire District turn-around will be located at the terminus of the roadway.

F. Exemption Request

The project includes an exemption request from County Ordinance Code, Division 914, Chapter 914-2.004 to provide relief from the off-site collect and convey requirements. The request is supported by Public Works Department staff and is further discussed below in Section VIII. D.

G. Annexation Request

The project also includes an annexation request in order to extend wastewater services to the subject site from the City of Concord (contiguous to the site). The project applicant will either have the subject property annexed into the City of Concord boundaries or enter into an Out of Area Service Agreement in order to receive wastewater services.

VI. AGENCY COMMENTS

The following agency comments were received for the application:

1. **Department of Conservation and Development (DCD), Building Inspection Division**: Building Inspection staff returned an Agency Comment Request dated August 17, 2018, indicating that staff did not have any comments on the application.
2. **DCD, Housing Division**: Housing Division staff submitted an email indicating that the applicant has satisfactorily completed an Inclusionary Housing Plan (payment of in-lieu fee).
3. **County Geologic Peer Review**: In a letter dated August 7, 2018, the County Geologist indicated that the geotechnical reports provided for the project were adequate for processing of this application.
4. **County Geologist, Hazardous Materials Peer Review**: The County Geologist provided a letter dated August 6, 2018, suggesting that the County solicit additional reviews of the applicant's Limited Phase II Subsurface Investigation, prepared by AEI Consultants, dated October 14, 2016. San Francisco Bay Regional Water Quality Control Board, Groundwater Protection Division Staff, provided an additional peer review of the applicant's Phase II Investigation and concluded that the report's conclusions and findings are consistent with that Department's requirements.

5. **Contra Costa Health Services, Environmental Health Division:** Environmental Health staff submitted a letter dated September 13, 2018, indicating that the project must adhere to all applicable laws and regulations administered by that Division.
6. **Public Works Department, Engineering Services Division:** In a memo dated April 15, 2019, Engineering Services Division staff provided recommended conditions of approval (COA's) for the project. Those conditions have been incorporated into the project as COA's 33 through 61.
7. **Contra Costa County Flood Control & Water Conservation District (Flood Control):** In a memo dated January 30, 2019, Flood Control staff provided recommended conditions of approval (verification of hydrologic capacity and payment of drainage fees) for the project. Those COA's have been incorporated into the Public Works recommended COA's 48 through 61.
8. **Contra Costa County Fire Protection District (Fire District):** Fire District staff submitted a letter dated January 23, 2019, indicating that the project must adhere to all applicable ordinance and adopted standards.
9. **City of Concord (sanitary sewer services):** In a letter dated October 12, 2018, City of Concord staff indicated that sanitary sewer service is available from that municipality subject to approval of an out of agency service agreement.
10. **Contra Costa Water District (CCWD):** In a memo dated August 30, 2018, CCWD staff indicated that water service is available to the project and that all other associated regulations shall be met as part of connecting to the water system.
11. **Contra Costa Local Agency Formation Commission (LAFCO):** LAFCO staff submitted comments via an email dated August 14, 2018, indicating that the preferred method of providing sanitary service to the project is via annexation of the subject property to the City of Concord. As an alternative, wastewater service can be provided through an out of agency service (OAS) agreement conditioned on future annexation of the property to the City of Concord.
12. **Contra Costa Mosquito & Vector Control District (CCMVCD):** The CCMVCD submitted a letter dated August 3, 2018, indicating that the project must adhere to all health and safety regulations administered by that Department.

VII. ENVIRONMENTAL REVIEW

In accordance with the state *Guidelines for Implementation of the California Environmental Quality Act (CEQA)*, an initial study was prepared to determine potential environmental impacts of the proposed project. Upon completion of the initial study, it was determined that mitigation measures could be incorporated into the project description that would reduce project impacts to a less than significant level.

The Initial Study and Notice of Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration was posted with the County Recorder and circulated for public review on June 26, 2019. The final day for providing comments on the adequacy of the initial study was July 26, 2019. One letter in opposition to the project was received from an adjacent neighbor (9902 Malu Lane, Concord) and an informational letter was received from the Contra Costa Mosquito & Vector Control District (letters attached). Below is a summary of the issues raised and staff's response.

1. Density: Property owners of 9902 Malu Lane, Concord, contend the project should be limited to four lots instead of the proposed eight in order to preserve current aesthetics of the area and vegetation (walnut trees).

Staff Response: The property has a General Plan designation of Single-Family Residential-Low Density (SL) which allows between 1.0 and 2.9 residences per net acre. As the site consists of 3.1 net acres, the project is consistent with the SL designation as only 8 lots are proposed (9 lots allowed). Additionally, the subject property is the sole remaining R-40 zoned property in the vicinity. The vast majority of the area is zoned R-15 (15,000 square-foot lot minimum), which is the proposed zoning for this project. Furthermore, much of the contiguous property to the north, south and east is within the City of Concord jurisdictional boundaries with RR-20 zoning. The RR-20 zoning requires a 20,000 square-foot minimum lot area which is similar with the proposed R-15 zoning district. Therefore, approval of this 8-lot subdivision application will result in a project that is compatible to the residential density of the overall surrounding neighborhood.

Aesthetically, the project proponent has indicated that the homes planned for this development will be of a single-story design. This single-story home approach will maintain the development patterns of the area. The applicant has also agreed to Mitigation Measures AES-2 and AES-3 which will limit the height of each new home to 28 feet and require muted earth tone colors for

all buildings and roofs. It is expected that once new trees and other landscaping mature, the project will blend in with neighboring properties. With adherence to these mitigation measures and installation of landscaping normally associated with residential properties, the project will maintain the visual characteristics of the immediate neighborhood and surrounding area in general.

2. Public Health and Safety: Contra Costa Mosquito & Vector Control District (District) staff submitted a letter indicating that potential impacts to human health by disease vectors needs to be properly addressed as part of the CEQA review. The letter goes on to indicate that oversights of potential impacts "*has created problems for mosquito abatement and vector control agencies throughout California*".

Staff Response: Staff acknowledges the District's concern that certain projects have potential to increase exposure of the public to disease vectors or increase mosquito/vector breeding habitat. Nevertheless, this project does not include any elements that allow for standing water or creates vector habitat. All drainage associated with this project will be directed to existing infrastructure with capacity to accommodate the additional rainwater runoff. In an abundance of caution, staff has included conditions of approval 48 through 61 which require adherence to all applicable Federal, State and local drainage requirements. Specifically, condition of approval number 60 states: "*Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.*" Therefore, no modifications to the project or addition of conditions of approval are required in relation to the District's comments.

VIII. STAFF ANALYSIS

The 8-lot subdivision is compatible with the surrounding neighborhood in terms of design and density. The project will provide additional inventory of detached single-family residential homes. The project layout, access, and building design will provide for an attractive development with no significant or adverse effects to the surrounding community or environment. Additionally, the project includes construction of a private access road that includes a sidewalk and guest parking. The roadway improvements will offer a safe pedestrian connection to Laurel Drive which is adjacent roadway to the site. Analysis of individual aspects of the project is discussed in further detail below:

A. General Plan Consistency: The site has a general plan designation of Single-Family Residential-Low Density (SL), which has a density range of 1.0 to 2.9 units per net acre. According to section 3.7 of the 2005-2020 County General Plan, *"Net acreage includes all land area used exclusively for residential purposes, and excludes streets, highways, and all other public rights-of-way"*. The table below demonstrates the project's compliance with the SL General Plan designation.

Category	Totals
Total Area (Gross) =	3.6 Acres
Private Streets & Drainage =	0.5 Acre
Total Area (Net) 3.6 – 0.5 =	3.1 Acres
# of Units Allowed, 3.1 Net Acres X 2.9 Units Per Net Acre =	1 to 9 Units Allowed
Total Allowable Units = 9 Total Units (8 unit proposed)	

Additionally, General Plan Policy 3-29 states *"New housing projects shall be located on stable and secure lands or shall be designed to mitigate adverse or potentially adverse conditions. Residential densities of conventional construction shall generally decrease as the natural slope increases"*. Given that the site is generally flat, no portions of the site present challenges to development. Additionally, geotechnical analysis of the site has determined that, as proposed, the subject property can safely accommodate the 8 new lots and associated improvements (e.g., roadway and drainage). Notwithstanding the physical characteristics of the site, the surrounding area is also developed with single-family residential-low density housing; therefore, the proposed density will be consistent with the existing development pattern for the area.

Staff is also supporting the subdivision request based on the developer's willingness to construct a sidewalk and guest parking within the new private roadway. Currently, the Laurel Drive frontage does not have defined pedestrian walkways or shoulders to accommodate safe pedestrian travel. With the addition of the subdivision, an increase in pedestrian traffic is expected in this area. Additionally, there are multiple schools within the immediate area. As such, the proposed access improvements represent a positive contribution to the community which will allow parents and children to safely access the nearby amenities. The applicant will be required to install the subject pedestrian improvements (per the Public Works Department's

review and approval) prior to the filing of the Final Map for this project. Therefore, based on all the points raised above, the proposed subdivision is in accord with the SL General Plan land use designation, as well as, compatible with the surrounding residential developments.

B. Re-Zoning - Consistency With Proposed R-15 Zoning District (R-15): The proposed Vesting Tentative Map identifies 8 new residential lots. Each lot meets or exceeds the minimum lot area, depth and average width requirements as required by the proposed R-15 Zoning District. Below is a chart demonstrating each lot’s compliance with the R-15 standards.

<u>Lot Number</u>	<u>Area (15,000 Sq. Ft. Min.)</u>	<u>Depth (100 Ft. Min.)</u>	<u>Average Width (100 Ft. Min.)</u>
<u>Lot #1</u>	19,557	175.5	100
<u>Lot #2</u>	19,469	175.5	100
<u>Lot #3</u>	18,245	152.6	100
<u>Lot #4</u>	20,078	161.9	116.9
<u>Lot #5</u>	19,954	161.9	116.1
<u>Lot #6</u>	18,310	157.5	100
<u>Lot #7</u>	19,469	180	100
<u>Lot #8</u>	19,625	180	100

As mentioned above, the developer will offer two housing plans to perspective buyers. Each plan will be of a single-story design with elevation options to add variety to the subdivision. The tentative map identifies building pad locations for all 8 lots. The building pads were established by delineating the applicable yard setbacks. This suggests that future home development will occur in accord with the R-15 zoning standards and not require approval of any variances.

C. Vehicular Circulation and Pedestrian Sidewalk: Vehicular circulation is provided by a private road within a 33.5-foot wide right-of-way easement. A turnaround at the terminus of the access road will allow for emergency vehicle, residence, visitor turnaround capability. One 5-foot-wide sidewalk will be constructed along the northern side of the new street. The sidewalk will provide safe pedestrian access from each new residence to the entrance of the subdivision. The project is expected to generate 7 to 9 peak hour vehicular trips per day. At this rate, the project is not expected to negatively impact traffic patterns or intersection levels of service in the area.

D. Drainage – Exemption Request: One bio-retention basin will be located between lots 4 and 5 to accommodate storm water runoff from the development. The applicant has provided analysis and calculations relative to the adequacy of the proposed on-site storm drainage infrastructure, including an evaluation as to the adequacy of the existing storm drain in the Karas Court right-of-way. Based on that analysis, the existing downstream facilities have adequate capacity to convey storm water runoff from this subdivision (Per Public Works comments, dated April 15, 2019). All common space areas (e.g., private roadway and drainage) will be maintenance agreement created for home owners. This approach to maintenance of common spaces is similar to other developments of equivalent size within the County.

The project also includes an exemption request from County Ordinance Code, Division 914, Chapter 914-2.2004 to provide relief from the off-site collect and convey requirements for the drainage associated with the western corner of the site. A minor ridgeline within the western portion of the site diverts about 25 percent of the site drainage to Laurel Drive. As the property is mapped as being within drainage area 33B (DA33B), the intent is to have this western runoff continue along the north side of Laurel Drive and eventually into a storm drain system west of Ayers Road. However, when the lot to the west (9902 Malu Lane) was developed, an inlet was installed along its frontage that actually diverts the subject site's western drainage and a portion of Laurel Drive to another formed drainage area 33C. The proposed layout of the subject site corrects this situation and returns (diverts) the site drainage back into the DA33B system (e.g., Karas Court).

In light of the above, in accordance with the requirements outlined in County Ordinance Code Chapter 92-6, the applicant submitted the exemption request. This request is supported due to the following:

1. Topographic constraints relative to the site as discussed above,
2. The infill nature of this project,
3. There is residual capacity within the Karas Court drainage system to accept the diverted runoff.

Given the applicant's hydrological calculations, historical drainage patterns, topography of the site and storm water control plan, granting of the exemption request would not be adverse to the neighboring properties or community in general.

E. Appropriateness of Use: The project involves the subdivision of a parcel into eight residential lots and related drainage/access improvements. Each lot will conform to the proposed R-15 zoning district. There is one existing residential building on-site that will be demolished. Use of the site for residential buildings is a permitted use, consistent with the surrounding area that consists of a variety of uses such as single-family residences, schools and other residential related uses. Nevertheless, height and design restrictions have been added to the development (COA #'s 19 and 20):

- Residential buildings on lots 1 through 8 shall be limited to 28 feet in height **(Mitigation Measure AES-2)**,
- Building and roof colors shall be muted earth tone colors to blend in with the environment. A variety of colors shall be used to the extent feasible to break-up any monolithic facades. **(Mitigation Measure AES-3)**

Based on these facts, the project is appropriate for the site and area in which it situated.

IX. SUMMARY OF STAFF ANALYSIS

County staff has analyzed the proposed 8-Lot Laurel Place IV subdivision in terms of neighborhood compatibility, appropriateness of use and conformance with the County General Plan and zoning code. The project will conform to all applicable development standards for the proposed R-15 Zoning District, and will add a quality housing option in an area that is primarily developed with similar uses. Environmental analysis has identified potential impacts in areas of Aesthetics, Biology, Cultural Resources, Air Quality, and Geology. Consequently, mitigation measures have been incorporated into this project which reduce any potential impact to less-than-significant levels. One concerned neighbor has provided written opposition to this project as discussed above. However, no compelling evidence has been provided that warrants a change in design or addition of mitigation measures.

X. CONCLUSION

Staff recommends that the County Planning Commission adopt the mitigated negative declaration prepared for the project, approve the Vesting Tentative Map contingent upon the Board of Supervisors approval of the re-zoning based on the attached findings and recommended conditions of approval.

FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE #'S RZ18-3244 AND SD18-9495; LENOX HOMES, LLC (APPLICANT) AND HARREL TRUST (OWNER)

I. FINDINGS

A. Growth Management Findings

- 1. Traffic:** Streets that provide access to and around the project site include Concord Boulevard, Ayers Road, and Laurel Drive. Regional access to the project site is provided by Kirker Pass Road, Interstate 680 and Highway 4.

Traffic engineers and planners use the concepts of Level of Service (LOS) and Vehicle Miles Traveled (VMT) to qualitatively describe traffic conditions. Additionally, the Contra Costa Transportation Authority (CCTA) Growth Management Plan, the West Contra Costa Transportation Advisory Committee (WCCTAC) Action Plan and the County of Contra Costa (County) General Plan establish measures of effectiveness and requirements for the analysis and disclosure of circulation impacts associated with new land developments. Potential circulation impacts may be expected, and traffic impact analyses are required for projects that generate more than 100 or more net new peak-hour trips. A project generating less than 100 peak-hour trips generally will not create or exacerbate any current traffic patterns. Using standard Institute of Transportation Engineers (ITE) Trip Generation trip rates, the 8-unit project will generate 7 gross a.m. peak-hour trips and 9 gross p.m. peak-hour trips. Based on the fact, that there is limited other new residential development potential in the immediate area, the cumulative effect to local roadways will be negligible.

As part of project implementation, a sidewalk and guest parking will be constructed within the new private road right-of-way. Once completed, the roadway improvements will improve pedestrian safety for current and future residents of the area. Additionally, these improvements will provide a safer means for neighborhood children to access local schools. This is viewed as a positive contribution for the existing residents of the area and potential future homeowners within the subdivision.

- 2. Water:** The proposed project is located at a suburban in-fill site that is currently serviced by public utility service systems. Proposed uses on-site would include 8 new residences and irrigation of landscaped areas. Contra Costa Water District provides water related services to the project site and have indicated that sufficient capacity exists for the project.

- 3. Sanitary Sewer:** No municipal sewer service is presently serving the subject property, however, the site is contiguous to the City of Concord boundaries which affords the project an opportunity to annex into the City of Concord boundaries or enter into an Out of Area Service agreement in order to receive wastewater services. Either of these options will require approval from the Contra Costa Local Agency Formation Commission (LAFCO). City of Concord staff has issued a Will Serve Letter indicating that wastewater services are available to the development.
- 4. Fire Protection:** The project is located 1.8 miles from Contra Costa Fire Department Station #8. In a memorandum dated, January 23, 2019, Fire District staff provided basic requirements for the development. Compliance with all applicable fire codes and regulations suggests that the project will not increase fire related risks beyond any acceptable levels.
- 5. Public Protection:** As the project will add to the County's population, condition of approval (COA) #16, requires that prior to the recording of the final map, the owner of the property shall participate in establishing a special tax for the parcels created by this subdivision. The collected tax money will be used to augment existing police services to accommodate for the incremental increase in population as a result of the 8 lot subdivision.
- 6. Parks and Recreation:** As the project will add to the County's population, COA #14 requires the project proponent to pay applicable Park Dedication in-lieu fees per unit. That fee in conjunction with all other Park Dedication fees collected for development within the County will be used in part to purchase new park land and upgrade existing community parks as determined appropriate by the Board of Supervisors.
- 7. Flood Control and Drainage:** The applicant must comply with the County's National Pollutant Discharge Elimination System Permit and Stormwater Management and Discharge Control Ordinance Title 10, for stormwater treatment. To comply, submittal of a final stormwater control plan, operation and maintenance plan, and actual construction of the necessary stormwater treatment facilities is required. Additionally, payment of drainage area DA 33B fees is required prior to filing of the Final Map. The collected fee will in part fund infrastructure within that drainage area. Furthermore, the applicant has provided a Stormwater System Analysis, dated October 3, 2018, indicating that sufficient capacity exists in the Karas Court drainage system to accommodate the project's additional rainwater flow. The Public Works Department staff has reviewed the analysis and accepted the report's findings. Therefore, compliance with all applicable codes and regulations suggests that the project will not represent any unacceptable risks with respect to drainage.

B. Re-zoning Findings

Section 26-2.1806 of the County Ordinance Code requires specific findings to be made by the planning agency when a request for change in land use district is made; they are as follows:

1. **Required Finding:** *The change proposed will substantially comply with the General Plan.*

Project Finding: The site's current zoning designation is R-40 Single-Family Residential District. Changing the zoning of the site to R-15 Single-Family Residential District will remain consistent with the Single-Family Residential-Low Density (SL) General Plan designation for this location. The SL designation allows a range of 1.0 to 2.9 single family units per net acre. With a total net area of 3.1 acres for this site (3.6 acres gross minus 0.5 acres for roadway improvements, etc.), the project is allowed to have 9 residential units. As the project includes 8 new residential lots, the project is within the allowable density range of the SL designation. No other uses are proposed with the application other than an access road, drainage and frontage improvements. For these reasons, approval of the re-zoning is appropriate and would substantially comply with the General Plan.

2. **Required Finding:** The uses authorized or proposed in the land use district are compatible within the district and with uses authorized in adjacent districts.

Project Finding: The subject site is bordered by residential developments of similar densities. Uses allowed by the R-15 Zoning District include, single-family residences, accessory buildings, care facilities and other uses indicative of a residential neighborhood. Re-zoning the site from R-40 to R-15 will not result in any uses capable of producing toxic waste, noise or vibrations. As the project includes a complete clearing of the site, no current uses or structures will become non-conforming or inconsistent with the approved R-15 designation. Thus, the uses allowed in the R-15 Zoning District are found to be compatible with uses previously authorized for the site and currently established in adjacent districts.

3. **Required Finding:** *Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.*

Project Finding: Approval of the rezoning request from R-40 Single-Family Residential District to R-15 Single-Family Residential District is necessary in order to construct the 8-lot subdivision project. The existing single-family residence has been

established on the 3.6-acre property for many decades. Historical use of the property included agricultural activities from 1939 to 1974, which no longer exist at the site or in the general area. Within the past few decades, much of the surrounding land has been re-zoned to similar zoning districts that allow higher residential densities (e.g., R-6, R-10, R-15 and R-20). Therefore, approval of this rezoning will in part allow construction of 8 new single-family residences that will provide additional housing options for the residents of the County and improve upon a property that is being underutilized. Therefore, for the reasons given above, the re-zoning of the site from R-40 to R-15 is appropriate for the area in which it is situated.

C. Tentative Map Findings

1. ***Required Finding:*** *The County Planning Commission shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law.*

Project Finding: The project has been found to be consistent with the General Plan designation of Single-Family Residential-Low Density (SL). Pursuant to the SL designation, the allowable density range is 1.0 to 2.9 residential units per net acre. As the site consists of 3.1 net acres (3.6 total acres, minus 0.5 acre of roadway/drainage improvements), the 8-lot subdivision is within the allowable density range for this site. The SL designation also allows for lots up to 43,560 square feet in area. The lots for this project range from 18,000 to 20,000 square feet in area, which is well within the allowable lot area maximum for the SL designation.

As part of the project's evaluation, the extent to which the project is consistent with General Plan policies pertaining to compatibility of land uses, compliance with principles of the Urban Limit Line and Measure C-1990, protection of open spaces, standards regarding geology, soils and earthquake risks, hazardous materials, flood hazards and drainage, protection of water quality, protection of biological resources, noise, protection of air quality, protection of visual resources, and protection of archeological and historical resources and found no evidence of inconsistencies. Additionally, the projected related traffic is not anticipated to negatively affect local traffic patterns or significantly diminish the Level of Service of key intersections in the area. The tentative map for the subdivision is consistent with the applicable goals and policies as found in the County 2005-2020 General Plan.

Lastly, when appropriate, the General Plan encourages development projects to contribute improvements of pedestrian facilities to ensure safe and efficient

connections from the development to major destination areas. As such, the applicant for this project has committed to install a sidewalk and guest parking within the new private access road to improve pedestrian safety and overall functionality (guest parking) of the subdivision. These improvements along with new housing options provided by this project are viewed as positive contributions to the area in general. Therefore, based on the entire record and as summarized herein, the tentative map is consistent with the County General Plan.

2. ***Required Finding:*** *The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.*

Project Finding: Compliance with the conditions of approval and Mitigation Monitoring and Reporting Program, suggests that the project will not pose any significant traffic impacts once the subdivision is completed. The design of the private road has been preliminarily reviewed and found to be compliant with County public road standards. Prior to issuance of building permits, the applicant is required to contribute fees for parks and recreation, school districts, child care and police services. Payment of these fees along with compliance with the applicable California Building Code, suggests that the project will fulfill all obligations related to construction of the project.

D. Tree Permit Findings

Required Finding: *The County Planning Commission is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:*

1. Reasonable development of the property will require the removal of 30 trees in order to create the new lots, grading, private roadway, and installation of drainage facilities. No trees scheduled to be removed are exceptional in their visual character or prominence on the site that would warrant special consideration to preserve.
2. Development of this project fully occupies the site making tree retention unreasonable. As home sites are developed, landscaping plans will be implemented and new vegetation will be established.
3. The County Planning Commission is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.

E. Findings for Granting an Exception to the Subdivision Ordinance (Title 9) Requirements

Exception to allow a diversion of stormwater entering and/or originating on the subject property, whereas County Code Section 914-2.004 requires all storm water entering and/or originating on a property to be collected and conveyed without diversion.

1. **Required Finding:** *That there are unusual circumstances or conditions affecting the property.*

Project Finding: The subject property has a minor ridgeline within the western portion of the site that diverts about 25 percent of the site drainage to Laurel Drive. As the property is mapped as being within drainage area 33B (DA33B), the intent is to have this western runoff continue along the north side of Laurel Drive and eventually into a storm drain system west of Ayers Road. However, when the lot to the west (9902 Malu Lane) was developed, an inlet was installed along its frontage that diverts the subject site's western drainage and a portion of Laurel Drive to another formed drainage area 33C. The proposed layout corrects this situation and returns the site drainage back into the DA33B system (e.g., via Karas Court drainage inlets). Therefore, allowing the property owner an exception to the collect and convey without diversion requirements is appropriate as the project will utilize drainage infrastructure that has been determined to have adequate capacity to accommodate the project's anticipated rainwater runoff.

2. **Required Finding:** *That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

Project Finding: The Single-Family Residential-Low Density (SL) General Plan land use designation for the site, allows between 1.0 and 2.9 residential units per net acre. As the site contains 3.1 net acres (3.6 total acres, minus 0.5 acre of improvements), the 8-lot subdivision is within the allowable range of units for the site (3 to 9 units). Given the development potential of the site, denial of the collect and convey exception would deprive the property owner a right to subdivide and improve upon the site. As the project does not include any uses other than residential, granting of the exception request will allow the property owner an opportunity to execute a project that is consistent with the development pattern of the surrounding properties and area in general.

3. **Required Finding:** *That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

Project Finding: In support of the exception request, the applicant has provided analysis and calculations relative to the adequacy of the proposed on-site storm drainage infrastructure, including an evaluation as to the adequacy of the existing storm drain in the Karas Court right-of-way. Based on that analysis, there is capacity within the Karas Court drainage infrastructure to accept the diverted runoff from the project. Based on these facts, granting the exception request will not be detrimental to neighboring properties or the area in general.

II. **CONDITIONS OF APPROVAL**

Entitlement Approvals

1. **Subdivision Map:** A Vesting Tentative Map for a 8-lot Subdivision is APPROVED based on the following documents, and is subject to the conditions of approval listed hereafter. The maximum number of lots approved for Subdivision #SD18-9495 is eight (8) lots.
 - Application and materials submitted to the Contra Costa County Department of Conservation and Development, Community Development Division (CDD), on August 1, 2018.
 - Revised Vesting Tentative Map for Subdivision 9495 – received February 27, 2019;
 - CEQA Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program prepared by CDD, and posted by the Contra Costa County Clerk on June 16, 2019.
 - Design Level Geotechnical Investigation, prepared by Berlogar Stevens & Associates, dated August 1, 2018;
 - Limited Phase II Subsurface Investigation, prepared by AEI Consultants, dated October 14, 2016;
 - Preliminary Storm Water Control Plan, prepared by APEX, dated December 28, 2018;

- Laurel Place Stormwater System Analysis, prepared by WENCK, dated October 3, 2018;
 - Preliminary Title Report, prepared by Old Republic Title Company, dated June 28, 2018.
2. Tree Permit: A Tree permit for the removal of thirty (30) code-protected trees for earthwork and construction activities within the property boundaries is APPROVED based on the following documents.
- Application and Materials submitted to CDD, on August 1, 2018;
 - Revised Vesting Tentative Map received by CDD on February 27, 2019.
3. Exception to Title 9: The following exception to Title 9 (Collect and Covey) of the County Code is APPROVED, as generally described in the materials dated, January 7, 2019.
- Diversion of the site's western storm water runoff from Drainage Area 33C to Drainage Area 33B.
4. Approval of this project is contingent upon approval of the re-zoning request, County File #RZ18-3244, by the Board of Supervisors.

Timing of Tree Removal or Alteration

5. Prior to any tree removal or alteration, the applicant shall record the Final Map and obtain the necessary grading and/or building permits for the proposed project.

Indemnification

6. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees, to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate full in the defense.

Application Fees

7. This application is subject to an initial application deposit of \$9,794.00 (total of subdivision and rezoning application fees), which was paid with the application submittal, plus time and materials costs if the application review expenses exceed 100% of the initial deposit. Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first. The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

Compliance Report Prior to Filing the Final Map

8. At least 45 days prior to filing of the Final Map or issuance of a grading or building permit, whichever occurs first, the applicant shall provide a permit compliance report to CDD for review and approval. The report shall identify all conditions of approval that are administered by CDD. The report shall document the measures taken by the applicant to satisfy all relevant conditions. Copies of the permit conditions may be obtained from CDD. CDD may reject the report if it is not comprehensive with respect to applicable requirements. The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$1,000 which shall be paid at the time of submittal of the compliance report.

Maintenance of Facilities

9. Applicant shall record a deed disclosure on each of the proposed lots (Lot 1 through Lot 8) to inform prospective buyers of the "Maintenance of Facilities" obligation stated under Conditions No. 10, No. 11, and No. 12 below, and to inform prospective buyers of the "Stormwater Management" obligations stated under Conditions No. 55 and No. 58.
10. Applicant shall ensure that all private street lights, common landscaping, private roads, shared retaining walls, on-site shared drainage and stormwater management facilities are maintained in perpetuity. The County will not accept these properties or facilities for ownership or maintenance. At least 45 days prior to filing the Final Map, Applicant shall submit to DCD staff a maintenance plan of operation ("MPO") for these and any other common areas and/or infrastructure for review and approval by DCD staff and the Public Works Department.

11. Prior to filing the Final Map, Applicant shall develop and record a maintenance covenant to ensure that lands and infrastructure identified in the above MPO will be maintained in accordance with said MPO, and that each lot in this subdivision will either share or otherwise be responsible in the maintenance and related cost as defined in detail in the text of the MPO. At least 45 days prior to filing the Final Map, Applicant shall submit to DCD staff the maintenance covenant for review and approval by DCD staff and the Public Works Department.
12. Prior to filing the Final Map, Applicant shall record a deed disclosure informing future owners of Lots 4 and 5 that the Bio-retention basin located on said lots will require periodic maintenance and access by maintenance personnel. The deed disclosure shall also inform the future property owners of Lots 4 and 5 that no alteration of the vegetation or placement of structures or any other improvements is allowed in the bio-retention basin area. At least 45 days prior to filing the Final Map, Applicant shall submit the deed disclosure to DCD staff for review and approval by DCD staff and the Public Works Department.

Inclusionary Housing/In-Lieu Fee

13. This project is subject to the Inclusionary Housing Ordinance (IHO). Pursuant to Section 822-4.402 of the County Ordinance Code, a residential development of eight for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as inclusionary units (units that are required to be sold at an affordable sales price to lower and moderate income households). The applicant is required to construct 1.20 inclusionary housing units for the project. Required inclusionary units: 8 for-sale units x 15% = 1.20 inclusionary units.

As an alternative to the requirement to construct inclusionary housing, the applicant has proposed the payment of a For-Sale Housing In-Lieu Fee. This alternative to collect an in-lieu fee, as established in DCD's fee schedule, has been accepted.

Prior to the recordation of the Final Map or the filing of a building permit for the development, whichever occurs first, the applicant shall pay to the County the full amount of the Inclusionary Housing Ordinance For-Sale Housing In-Lieu fee of \$52,800.48. This project was deemed complete on March 18, 2019. The in-lieu fee is calculated as: \$6,600.06/unit x 8 market rate units = \$52,800.48 total in-lieu fee. This in-lieu fee is non-refundable.

14. Should the applicant choose not to pay the in-lieu fee in full prior to the recordation of the Final Map or filing of a building permit, whichever occurs first, then the applicant must construct the required number of inclusionary units on-site, off-site, or a combination of both on-site and off-site.

Park Dedication and Park Impact Fees

15. At least 45 days prior to filing of the Final Map, the applicant shall pay the appropriate Park Dedication and Park Impact Fees for the project (8 lots total) as required per Chapter 920-6 of the County Code.

Child Care Fee

16. At least 45 days prior to filing of the Final Map, the applicant shall pay a fee of \$3,200.00 (\$400.00 per lot) toward child care facility needs in the area as established by the Board of Supervisors.

Police Services District

17. **Election for Establishment of a Police Services District to Augment Police Services:** Prior to the recording of the Final Map, the owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be per lot annual amount (with appropriate future CPI adjustment) then established at the time of voting by the Board of Supervisors. The election to provide for the tax shall be completed prior to filing the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time the election is requested by the owner. Allow a minimum of three to four months for processing.

Water Efficient Landscape Ordinance

18. The applicant shall comply with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495) and/or any applicable State mandated landscape/water related requirements applicable at the time of landscaping installation for the project. To the maximum extent feasible, the project proponent shall use drought tolerant vegetation for the development.

Aesthetics/Lighting

19. At least 30 days prior to applying for building permits for each new residence, the applicant/property owner shall submit a Compliance Verification application (only one application needed if developer constructs entire subdivision), for review and approval of Department of Conservation and Development, Current Planning Division (CDD) staff. The application must include construction drawings (e.g., site plan, floor plans, elevations and grading plans) to verify compliance with all mitigations and conditions of approval. **(Mitigation Measure (MM) AES-1)**
20. At least 30 days prior to recordation the final map, the applicant shall submit for the review and approval of CDD staff, a proposed deed restriction with the following height limitation. The approved deed restriction shall be recorded concurrently with the final map.
 - a. Residential buildings on lots 1 through 8 shall be limited to 28 feet in height. **(MM AES-2)**
21. At least 30 days prior to applying for residential building permits, the applicant shall provide for the review and approval of CDD staff color schemes that reflect the following:
 - a. Building and roof colors shall be muted earth tone colors to blend in with the environment. A variety of colors shall be used to the extent feasible to break-up any monolithic facades. **(MM AES-3)**
22. To the extent feasible, new residential lighting shall be low-lying and exterior lights on buildings shall be deflected so that lights shine onto the building site and not toward adjacent properties or offsite locations. The use of overly bright lighting shall be avoided. **(MM AES-4)**

Air

23. Consistent with the Best Management Practices required by the BAAQMD, the following actions shall be incorporated into construction contracts if required and specifications for the project:
 - a. All haul trucks transporting soil, sand, or other loose material to and from the site shall be covered.
 - b. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - c. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- d. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]).
 - e. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
 - f. A publicly visible sign shall be posted with the telephone number and contact information for the designated on-site construction manager available to receive and respond to dust complaints. This person shall report all complaints to Contra Costa County and take immediate corrective action as soon as practical but not more than 48 hours after the complaint is received. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. **(MM AIR – 1)**
24. Non-emergency maintenance, construction, and other activities on the site related to this project are restricted to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

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

For specific details on the actual day the state and federal holidays occur, please visit the following websites:

Federal Holidays:

http://www.opm.gov/Operating_Status_Schedules/fedhol/2019.asp

California Holidays:

<http://www.ftb.ca.gov/aboutFTB/holidays.shtml> **(MM AIR-2)**

Special Status Bats

22. In order to avoid impacts to special-status bats, a biologist shall survey all trees affected by the development (not just ones slated for removal) at least 15 days prior to commencing with any tree removal or earthwork that might disturb roosting bats in nearby trees. All bat surveys shall be conducted by a biologist with known experience surveying for bats. If no special-status bats are found during the surveys, then there would be no further regard for special-status bat species.

If special-status bat species are found on the project site, a determination will be made if there are young bats present. If young are found roosting in any tree, impacts to the tree shall be avoided until the young have reached independence. A non-disturbance buffer fenced with orange construction fencing shall also be established around the roost or maternity site. The size of the buffer zone shall be determined by a qualified bat biologist at the time of the surveys. If adults are found roosting in a tree on the project site but no maternal sites are found, then the adult bats can be flushed or a one-way eviction door can be placed over the tree cavity prior to the time the tree in question would be removed or disturbed. No other mitigation compensation would be required. **(MM BIO – 1)**

23. A nesting bird survey shall be conducted 15 days prior to commencing construction/grading or tree removal activities, if this work would commence between March 1 and September 15. If common passerine birds (that is, perching birds such as Anna's hummingbird and mourning dove) are identified nesting on the project site, grading or tree removal activities in the vicinity of the nest shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area. The size of the nest protective buffer required to ensure that the project does not result in take of nesting birds, their eggs or young shall be determined by a qualified ornithologist. Typically, most passerine birds can be expected to complete nesting by June 15th, with young attaining sufficient flight skills by early July. **(MM BIO – 2)**

Cultural Resources

24. The following Mitigation Measures shall be implemented during project demolition/construction activities.
 1. A program of on-site education to instruct all demolition/construction personnel in the identification of prehistoric and historic deposits shall be conducted prior to the start of any grading or construction activities.

2. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA), and/or Society of Professional Archaeology (SOPA), and the Wilton Rancheria Tribe, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.

(MM CUL – 1)

25. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may be those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

(MM CUL-2)

Geology

26. The applicant shall comply with all specific standards and criteria for use in design and construction of the project (site grading, drainage and foundation design, etc.) as identified in the February 15, 2017, BSA Design Level Geotechnical Investigation.

(MM GEO - 1)

27. Prior to issuance of construction permits or installation of improvements, the project proponent shall submit an geotechnical update report that references proposed grading, drainage and foundation plans and provides specific criteria and standards for site grading, drainage and foundation design based on adequate subsurface data. The scope of the update geotechnical investigation should address the following potential hazards: (i) expansive soils, (ii) corrosive soils, (iii) design of bio-retention facilities and their effect on planned improvements, and (iv) provide California Building Code seismic parameters that are based on the adopted CBC at the time that residential building permits are requested. It is anticipated that the geotechnical engineer's scope of work will demonstrate (v) that the expansivity and corrosivity of soils have been taken into account in grading and foundation design; (vi) that R-value testing has been utilized

for design of pavements, and (vii) include measures to protect pad areas from excessive moisture/ponding/surface runoff. **(MM GEO – 2)**

28. Concurrently with recordation of the Parcel Map, record a statement to run with deeds to the property acknowledging the BSA report by title, author (firm), and date, calling attention to conclusions, including the requirements for a design-level geotechnical investigation and noting that the report is available to prospective buyers from seller of the parcel. **(MM GEO – 3)**
29. The update geotechnical report shall be subject to review by the County's peer review geologist, and review/approval of the DCD staff. Improvement, grading and building plans shall carry out the recommendations of the approved report. **(MM GEO-4)**
30. The geotechnical report required by GEO-2 routinely includes recommended geotechnical observation and testing services during construction. These services are essential to the success of the project. They allow the geotechnical engineer to (i) ensure geotechnical recommendations for the project are properly interpreted and implemented by contractors, (ii) allow the geotechnical engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of the design recommendations in the approved report, and (iii) provide the opportunity for field modifications of geotechnical recommendations (with BID approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, placement of engineered fill, installation of recommended drainage facilities, and foundation related work. A hard hold shall be placed on the "final" grading inspection, pending submittal of a report from the project geotechnical engineer that documents their observation and testing services during grading and drainage related improvements.

Similarly, a hard hold shall be placed on the final building inspection for each residence, pending submittal of a letter-report from the geotechnical engineer documenting the monitoring services associated with implementation of foundation-related geotechnical recommendations. The geotechnical monitoring shall include pier hole drilling/foundation preparation work/installation of drainage improvements (e.g., collection of roof gutter in a closed conduit and conveying it to a suitable discharge point; and possibly installation of a sub-drain system around the perimeter of the foundation to control moisture beneath the foundation). **(MM GEO-5)**

31. All grading, excavation and filling shall be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soils shall be revegetated to minimize erosion and subsequent sedimentation. After October 15, only erosion control work shall be allowed by the grading permit. Any modification to the above schedule shall be subject to review by the County Grading Inspector, and the review/approval of the CDD staff. **(MM GEO-6)**

Debris Recovery

32. At least 15 days prior to the issuance of a grading permit or building permit, the developer shall enroll in the county's Debris Recovery Program and CalGreen regulation, which requires debris generated by construction projects to be recycled, or otherwise diverted from landfill disposal. Once the debris generated with the project activities are collected, Applicant shall transport the debris to an approved facility and in accordance with CalGreen regulations.

PUBLIC WORKS

CONDITIONS OF APPROVAL FOR SUBDIVISION SD18-9495 and RZ18-3244

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan/(vesting) tentative map submitted to the Department of Conservation and Development on February 27, 2019.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.

General Requirements

33. In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department, and are based on the Vesting Tentative Map received by the Department of Conservation and Development, Community Development Division, on February 27, 2019.

Roadway Improvements (Laurel Drive)

34. Applicant shall construct curb, 5-foot sidewalk (width measured from curb face), necessary longitudinal and transverse drainage, street lighting, and pavement widening and transitions along the frontage of Laurel Drive. Applicant shall construct face of curb 10 feet from the widened right-of-way line.
35. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Laurel Drive. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doveled into existing improvements.

Access to Adjoining Property

Proof of Access

36. Applicant shall furnish proof to Public Works Department of the acquisition of all necessary rights-of-way, rights-of-entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Encroachment Permit

37. Applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of driveways or other improvements within the right-of-way of Laurel Drive.

Abutter's Rights

38. Applicant shall relinquish abutter's rights of access along Laurel Drive with the exception of the proposed private road intersection.

Road Alignment/Intersection Design/Sight Distance

Sight Distance

39. The applicant shall grade, trim vegetation, widen pavement as necessary and realign the proposed access to provide stopping sight distance for a design speed of 40 miles per hour. Any new landscaping, signs, fencing, retaining walls, or other obstructions proposed at the proposed access shall be setback to ensure that the sight lines are clear.

Private Roads

40. Applicant shall construct a paved turnaround at the end of the proposed private road as shown on the vesting tentative map. Said turnaround is also subject to the review of the Fire District.
41. Applicant shall construct an on-site roadway system to current County private road standards with a minimum traveled width of 28 feet and a 33.5-foot access easement as proposed on the vesting tentative map. A five-foot sidewalk (width measured from curb face) shall be constructed along one side of the road. Although the proposed on-site roadway is shown as private, the pavement structural section shall conform to County public road standards.

Road Dedications

42. Property Owner shall convey to the County, by Offer of Dedication, the right-of-way necessary for the planned future width of 60 feet along the frontage of Laurel Drive.

Street Lights

43. Applicant shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Bicycle – Pedestrian Facilities

Pedestrian Access

44. Curb ramps and driveways shall be designed and constructed in accordance with current County Standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.
45. Applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.

Parking

46. Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the Public Works Department.

Utilities/Undergrounding

47. Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Laurel Drive. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters, and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Drainage Improvements

Collect and Convey

48. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to *an adequate* natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the storm waters to *an adequate* natural watercourse, in accordance with Division 914 of the County Ordinance Code.

Exception

The applicant shall be permitted an exception to allow a diversion of stormwater entering and/or originating on the subject property to be conveyed through Tract 7934, to the current 36-inch storm pipe in Karas Court, provided that the applicant verifies an access right of entry for construction on the neighboring property.

Miscellaneous Drainage Requirements

49. The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

50. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
51. The property owner shall dedicate a public drainage easement over any man-made drainage system which conveys stormwater run-off from public streets.
52. A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over all proposed storm drain lines traversing the site that convey runoff across neighboring lots. This includes rear yard drains conveying overflow from designated self-retaining areas.

Drainage Area Reimbursements

53. Certain improvements required by the Conditions of Approval for this development or the County Subdivision Ordinance Code may be eligible for credit or reimbursement against the drainage area fee. The developer should contact that Public Works Department to personally determine the extent of any credit or reimbursement for which he might be eligible. Any credit or reimbursements shall be determined prior to filing the final map or as approved by the Flood Control District.

National Pollutant Discharge Elimination System (NPDES)

54. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:

- Offer pavers for household driveways and/or walkways as an option to buyers.
- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention basins) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permits.
- Place advisory warnings on all catch basins and storm drains using current storm

drain markers.

- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Other alternatives comparable to the above as approved by the Public Works Department.

Stormwater Management and Discharge Control Ordinance

55. The applicant shall submit a FINAL Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the final map. To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
56. Improvement Plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
57. Stormwater management facilities shall be subject to inspection by the Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
58. Prior to filing of the Final Map, the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.

59. Prior to filing of the final map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.
60. Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

Drainage Area Fee Ordinance

61. The applicant shall comply with the requirements of the Contra Costa County Flood and Water Conservation District (FC District) Drainage Area 33B Fee Ordinance, as adopted by the Board of Supervisors. The fee shall be paid prior to the filling of the final map.

ADVISORY NOTES

- The applicant shall comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors.
- This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
- This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- The applicant shall comply with the requirements of the following agencies:
 - Department of Conservation and Development, Building Inspection Division and Grading Division
 - Contra Costa County Fire Protection District
 - Contra Costa Water District
 - City of Concord

- Bay Area Air Quality Management District
 - Regional Water Quality Control Board, District III
 - Local Agency Formation Commission
 - Contra Costa Mosquito & Vector Control District
-
- The project is subject to the development fees in effect under County Ordinance as of March 18, 2019, the date the vesting tentative map application was accepted as complete by the Department of Conservation and Development. These fees are in addition to any other development fees, which may be specified in the conditions of approval.

**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

Kelli Zenn
Business Operations Manager

June 26, 2019

**NOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT
A PROPOSED MITIGATED NEGATIVE DECLARATION**

County File No. SD18-9495 and RZ18-3244

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as amended to date, this is to advise you that the Community Development Division of the Department of Conservation and Development of Contra Costa County has prepared an initial study on the following project:

LEAD AGENCY: Contra Costa County, Department of Conservation and Development

PROJECT NAME: Laurel Place IV Subdivision, County File #'s SD18-9495 and RZ18-3244

APPLICANT: Lenox Homes, LLC
3675 Mount Diablo Boulevard, Suite 350
Lafayette, CA 94549

LOCATION: The property is addressed 5175 Laurel Drive, Concord.
Assessor's Parcel Number: 117-040-086.

DESCRIPTION:

Project Description: The applicant is requesting approval of a 8-lot Vesting Tentative Map. The proposed tentative map identifies 8 lots ranging in size from 15,000 to 18,000 square feet in area. The lots will be accessed via a new 28-foot-wide private road. The project also proposes to rezone the subject lot from R-40 Single-Family Residential District to R-15 Single-Family Residential District. An Out of Area Service Agreement and/or an annexation into the City of Concord boundaries will be necessary in order extend wastewater services to the subject site.

4,422 total cubic yards of soil will be graded and balanced on-site in order to create the building pads, roadway and related subdivision improvements. The removal of 30 trees will be necessary to construct the project. The project also includes an exemption request from County Ordinance Code, Division 914, Chapter 914-2.004 to be relieved of the off-site collect and convey requirements.

Site and Area Description: The project site is within an approximately 190-acre pocket of unincorporated land located at the northeastern edge of the City of Concord. The general area lies between Bailey Road to the north and Kirker Pass Road to the south. The Concord Naval Weapons Station land is located approximately 1,100 feet northeast of the site. Parcels in the vicinity range in size from 10,000 square feet to over an acre

and tend to be developed with residential uses. The Assessor's Parcel Number for the property is 117-040-086. The site consists of 3.6 acres and is currently developed with one single-family residence and several accessory buildings/structures. 30 trees are scattered throughout the property. The site is generally rectangular in shape, 402 feet long, approximately 389 feet wide and has a 5-foot drop in grade elevation from the Laurel Drive frontage to the rear of the property.

ENVIRONMENTAL EFFECTS:

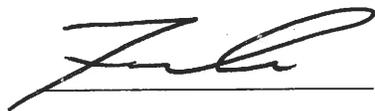
The Initial Study for the proposed project identified potentially significant impacts in the environmental area of aesthetics, air quality, biology, cultural resources, geology/soils and Utilities/Service Systems. Environmental analysis determined that measures were available to mitigate potential adverse impacts to insignificant levels. As a result, a Mitigated Negative Declaration (MND) has been prepared pursuant to Public Resources Code Section 21080(c), 21063.5, and Article 6 of the California Environmental Quality Act (CEQA) Guidelines.

Pursuant to the requirements of CEQA (CEQA Guidelines Section 15071) the MND describes the proposed project; identifies, analyzes, and evaluates the potential significant environmental impacts, which may result from the proposed project; and identifies measures to mitigate adverse environmental impacts. The mitigations identified in this document and designed for the proposed project, will ensure that the project will not cause a significant impact on the environment.

A copy of the mitigated negative declaration and all documents referenced in the mitigated negative declaration may be reviewed during business hours in the offices of the Department of Conservation and Development, Application and Permit Center at **30 Muir Road, Martinez, CA.**

Public Comment Period - The Period for accepting comments on the adequacy of the environmental documents extends to **Friday, July 26, 2019, at 4:00 P.M.** It is anticipated that this subdivision and rezoning application will be heard before the County Planning Commission on **Wednesday, August 28, 2019, at 7:00 P.M.** Any comments should be in writing and submitted to the following address:

Name: Francisco Avila, Senior Planner (925) 674-7801
Contra Costa County, Department of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553



Francisco Avila
Senior Planner

cc: County Clerk's Office (2 copies)
Adjacent Occupants and Owners
Notification List
Atth: Vicinity Map

CEQA ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Laurel Place IV Subdivision
County File's #SD18-9495 and RZ18-3244
2. **Lead Agency Name and Address:** Contra Costa County
Department of Conservation and Development,
Community Development Division
30 Muir Road
Martinez, CA 94553
3. **Contact Person and Phone Number:** Francisco Avila, Senior Planner, (925) 674-7801
4. **Project Location:** 5175 Laurel Drive
Concord, CA 94521
Assessor's Parcel Number: 117-040-086
5. **Project Sponsor's Name and Address:** Lenox Homes, LLC (Applicant)
3675 Mount. Diablo Boulevard., Suite 350
Lafayette, CA 94549

Harrel Trust (Owner)
5175 Laurel Drive
Concord, CA 94521
6. **General Plan Designation:** The subject property is located within a Single-Family Residential-Low Density (SL) General Plan Land Use designation.
7. **Zoning:** The subject property is located within a R-40 Single-Family Residential District (R-40).
8. **Description of Project:** The applicant is requesting approval of a 8-lot Vesting Tentative Map. The proposed tentative map identifies 8 lots ranging in size from 15,000 to 18,000 square feet in area. The lots will be accessed via a new 28-foot-wide private road. The project also proposes to rezone the subject lot from R-40 Single-Family Residential District to R-15 Single-Family Residential District. An Out of Area Service Agreement and/or an annexation into the City of Concord boundaries will be necessary in order extend wastewater services to the subject site.

4,422 total cubic yards of soil will be graded and balanced on-site in order to create the building pads, roadway and related subdivision improvements. The removal of 30 trees will be necessary to construct the project. The project also includes an exemption request from County Ordinance Code, Division 914, Chapter 914-2.004 to be relieved of the off-site collect and convey requirements.
9. **Surrounding Land Uses and Setting:** The project site is within an approximately 190-acre pocket of unincorporated land located at the northeastern edge of the City of Concord. The general area lies between Bailey Road to the north and Kirker Pass Road to the south. The Concord Naval Weapons Station land is located approximately 1,100 feet northeast of the site. Parcels in the vicinity range in size from 10,000 square feet to over an acre and tend to be developed with residential uses. The Assessor's Parcel Number for the property is 117-040-086. The site consists

of 3.6 acres and is currently developed with one single-family residence and several accessory buildings/structures. 30 trees are scattered throughout the property. The site is generally rectangular in shape, 402 feet long, approximately 389 feet wide and has a 5-foot drop in grade elevation from the Laurel Drive frontage to the rear of the property.

10. Other public agencies whose approval is required (e.g., permits, financing, approval, or participation agreement):

- Building Inspection Division,
- Grading Division,
- Environmental Health Department,
- Consolidated Fire Protection District,
- Contra Costa Water District,
- City of Concord (for annexation and/or Out of Area Service Agreement for wastewater management),
- Public Works Department, and
- Contra Costa Local Agency Formation Commission.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

In accordance with Section 21080.3.1 of the California Public Resources Code, a Notice of Opportunity to Request Consultation was sent on January 22, 2019, to the Wilton Rancheria, the one California Native American tribe that has requested notification of proposed projects within Contra Costa County. On February 28, 2019, staff received an email from the Wilton Rancheria requesting consultation for this project. Since that time, Wilton Rancheria has reviewed the Cultural Resources report and is in agreement with the mitigation measures prepared for the project.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Utilities/Services Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

Environmental Determination

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Francisco Avila
Senior Planner
Contra Costa County
Department of Conservation & Development

Date

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

a-b) The project proposes to subdivide the 3.6-acre residential property into 8 lots. One home has been constructed on this site since the early 1960s. Numerous outbuildings are scattered throughout the property. With approval of the project, it is expected that the site will be cleared and 8 new single-family homes will be built. It is anticipated that two differing floor plans will be offered for this subdivision, however, each of the models will be of a single-story design. As the project site is located within an area primarily developed with similar single-family homes, the proposed home designs will be compatible with the surrounding properties in terms of height, bulk and design.

Figure 5-4 (Scenic Routes Map) of the 2005-2020 Contra Costa County General Plan (General Plan) indicates that Kirker Pass Road is a designated scenic route. However, the project location is located approximately 3,000 feet to the north of Kirker Pass Road and at a 70-foot lower elevation, which eliminates the visual impact of the project as seen by travelers along that stretch of roadway. Additionally, the area between the project site and Kirker Pass Road is completely developed which will allow the proposed project to blend in with the immediate visual context. Therefore, the project would not represent a significant change in the quality of the Kirker Pass Road scenic route corridor.

Figure 9-1 (Scenic Ridges & Waterways) of the General Plan indicates that the subject site is located approximately 8,500 feet southwest of a designated scenic ridgeline. The ridgeline runs parallel to Kirker Pass Road and is at an elevation of 1,130 to 1,280 feet. The subject site is at an approximate elevation of 290 feet. Therefore, due to the substantial distance and elevation difference between the subject site and ridgeline, construction of 8 new residences will not be discernable from the ridgeline given the urban setting in which it is located.

All 30 trees located on the property will be removed in order to install the necessary subdivision improvements. Nevertheless, due to the relatively flat terrain, the potential new homes will be primarily visible to only contiguous properties and passerby along the Laurel Drive right-of-way. This change in visual setting will be minimized by the installation of typical privacy fencing and landscaping normally accustomed to single-family residential developments. Furthermore, the housing product proposed by the developer will consist of a single-story ranchette type of home that is not overly tall compared to the surrounding area. This type of visual change is consistent with Single-Family Residential Zoning Districts and Single-Family Residential General Plan land use designations. Nevertheless, incorporation of the following mitigation measures will ensure that the project once complete, will blend-in with neighboring properties and reduce any potential aesthetics impacts to less than significant levels.

AES-1: At least 30 days prior to applying for building permits for each new residence, the applicant/property owner shall submit a Compliance Verification application (only one application needed if developer constructs entire subdivision), for review and approval of Department of Conservation and Development, Current Planning Division (CDD) staff. The application must include construction drawings (e.g., site plan, floor plans, elevations and grading plans) to verify compliance with all mitigations and conditions of approval.

AES-2: At least 30 days prior to recordation of the final map, the applicant shall submit for the review and approval of CDD staff, a proposed deed restriction with the following height limitation. The approved deed restriction shall be recorded concurrently with the final map.

- a. Residential buildings on lots 1 through 8 shall be limited to 28 feet in height.

AES-3: At least 30 days prior to applying for residential building permits, the applicant shall provide for the review and approval of CDD staff color schemes that reflect the following:

- a. Building and roof colors shall be muted earth tone colors to blend in with the environment. A variety of colors shall be used to the extent feasible to break-up any monolithic facades.

- c) *In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Construction of eight new homes and removal of 30 trees throughout the property will be the major visual change as seen by the general public. However, residential developments in this area have continually occurred for decades and have established the character of the neighborhood. Construction of eight new residences that conform to the standards outlined in AES-2, on

conforming sized lots will generally be consistent with development patterns of the general area. The tree removal is necessary in order to install the required improvements (sidewalk and street, etc.) which will increase pedestrian safety for current and future residents. Although the removal of 30 trees will represent a visual change, none of the trees scheduled to be removed are of a height or location that establishes the character of the immediate environment. Therefore, the project will not substantially degrade the visual character or quality of the site or surrounding area. The project will have a less than significant impact on the visual characteristics of the site.

- d) *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Each new residence will have exterior lighting sources, however, lighting is not expected to be in excess of standard lighting for private residences. The lighting will provide the necessary light for safety and security at night. The subject property is located next to other single-family residences and, therefore, the proposed project is not expected to noticeably increase light or glare that could adversely affect day or nighttime visual characteristics in the area. Nevertheless, County Development Standards provide guidance on the type of lighting that would be appropriate for standard residential developments. All outdoor lighting shall be directed downward and screened away from adjacent properties and streets. Implementation of these development standards along with the following mitigation measure will reduce this impact to a level of less than significant.

AES-4: To the extent feasible, new residential lighting shall be low-lying and exterior lights on buildings shall be deflected so that lights shine onto the building site and not toward adjacent properties or offsite locations. The use of overly bright lighting shall be avoided.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURAL AND FOREST RESOURCES – Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a) *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

The land use of the subject property is entirely residential; no agricultural land uses are being conducted on the site, nor is the property zoned for any agricultural land uses. Figure 8-2 (Important Agricultural Lands) of General Plan indicates that the site is not located within an area designated as “Important Agricultural Lands”. The 2010 Contra Costa County Important Farmlands Map, published by the California Department of Conservation, indicates that the subject property is classified as “Urban and Built-up Land”; thus, there will be no Prime, Unique, or Farmland of Statewide Importance converted to non-agricultural uses as a result of the proposed subdivision, thus no impact.

- b-e) The site is not included in a Williamson Act contract, and the project does not propose any conversion of farmland or forestland to non-agricultural uses, nor will it result in the loss of any forest or timberland, since there is no timberland or timber production on the site. As mentioned above, the site is not zoned for agricultural land uses; the property is designated residential by the General Plan. Therefore, the project will have no impact to agriculture.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY – <i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

a-b) The air quality plan applicable to the project area is the Bay Area Air Quality Management District's (BAAQMD) Bay Area 2017 Clean Air Plan (Clean Air Plan), which was adopted on April 19, 2017.¹ The Clean Air Plan is a comprehensive plan to improve Bay Area air quality and protect public health. The Clean Air Plan defines control strategies to reduce emissions and ambient concentrations of air pollutants; safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily affected by air pollution; and reduce greenhouse gas emissions to protect the climate. Consistency with the Clean Air Plan can be determined if the project: 1) supports the goals of the Clean Air Plan; 2) includes applicable control measures from the Clean Air Plan; and 3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan. Due to the relatively small scope and residential nature of the project, the proposal would not conflict with or obstruct implementation of the Clean Air Plan. However, the BAAQMD requires the implementation of Construction Best Management Practices to ensure construction impacts are reduced to a less-than-significant level. Implementation of the following mitigation measure would require implementation of the BAAQMD's Best Management Practices and would reduce diesel PM exhaust emissions as well as construction dust (PM₁₀ and PM_{2.5}) impacts to a less than significant level.

AIR-1: Consistent with the Best Management Practices required by the BAAQMD, the following actions shall be incorporated into construction contracts if required and specifications for the project:

- a. All haul trucks transporting soil, sand, or other loose material to and from the site shall be covered.
- b. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- c. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- d. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]).
- e. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
- f. A publicly visible sign shall be posted with the telephone number and contact information for the designated on-site construction manager available to receive and respond to dust complaints. This person shall report all complaints to Contra Costa County and take immediate corrective action as soon as practical but not more than 48 hours after the complaint is received. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

¹ Bay Area Air Quality Management District, 2017. *Bay Area 2017 Clean Air Plan*. April 19, 2017.

c) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

The analysis in this Initial Study uses the methodologies provided in BAAQMD's CEQA Air Quality Guidelines updated in 2017 (BAAQMD Guidelines). Although the BAAQMD's adoption of the significance thresholds in the BAAQMD 2011 Guidelines have been rescinded due to a legal decision that found proper CEQA review did not occur, the County has determined that Appendix D of the BAAQMD Guidelines, in combination with BAAQMD's Revised Draft Options and Justification Report, provide substantial evidence to support the thresholds, and therefore has determined they are appropriate for use in the analysis.

The BAAQMD is the responsible agency in the San Francisco Bay Area Basin (SF Basin) for compliance with federal and state quality standards. The Concord area is included in the SF Basin. Construction of a new single-family residence in an urbanized area generally is categorically exempt under the California Environmental Quality Act (CEQA) by a Class 3 exemption, but since the project involves the construction of 8 residences and associated improvements, the proposed subdivision is subject to review under CEQA. Any emission of particulate matter, fine particulate matter, and ozone precursors generated by this project would primarily be related to the construction activities that would be associated with the construction of each new single-family residence and related improvements, but these impacts would be temporary in duration, and once completed, each residence is expected to have a negligible impact in terms of ambient air quality. Nevertheless, the construction phase of the project will be restricted to specific days of the week and to a limited number of work hours per day to lessen the amount of time during the week that construction-related air quality impacts would affect the neighborhood. Therefore, the project related impacts to air quality will be less than significant with implementation of the following mitigation measure.

AIR-2: Non-emergency maintenance, construction, and other activities on the site related to this project are restricted to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

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

For specific details on the actual day the state and federal holidays occur, please visit the following websites:

Federal Holidays:

http://www.opm.gov/Operating_Status_Schedules/fedhol/2019.asp

California Holidays:

<http://www.ftb.ca.gov/aboutFTB/holidays.shtml>

- d) *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Objectionable odors are typically associated with agricultural or heavy industrial land uses such as refineries, chemical plants, paper mills, landfills, sewage-treatment plants, etc. There is nothing in the project description that would indicate that the proposal would be a source of objectionable odors beyond that which is ordinarily associated with the construction of single-family residential project; therefore, the project's impact to nearby sensitive receptors is considered less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. <i>BIOLOGICAL RESOURCES – Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

According to the 2005-2020 County General Plan, “Significant Ecological Areas and Selected Locations of Protected Wildlife and Plant Species Areas,” map, the project site is not part of any biologically sensitive area. The site is surrounded by residential development, effectively limiting the potential for long distance wildlife corridors to occur on-site. As this is an infill development, development of this site would not impact wildlife movement or any riparian habitats, marshes, wetlands, vernal pools, etc. The site is located well inland from the San Francisco and Suisun bays, and therefore no coastal resources will be affected by the proposal. However due to the site’s numerous suitable nesting trees, the project applicant will be required to conduct a pre-construction survey if construction is to occur during the nesting season (March 1 – September 15). Impacts to wildlife species would be reduced to less than significant levels by implementing the following mitigation measures.

BIO-1: In order to avoid impacts to special-status bats, a biologist shall survey all trees affected by the development (not just ones slated for removal) at least 15 days prior to commencing with any tree removal or earthwork that might disturb roosting bats in nearby trees. All bat surveys shall be conducted by a biologist with known experience surveying for bats. If no special-status bats are found during the surveys, then there would be no further regard for special-status bat species.

If special-status bat species are found on the project site, a determination will be made if there are young bats present. If young are found roosting in any tree, impacts to the tree shall be avoided until the young have reached independence. A non-disturbance buffer fenced with orange construction fencing shall also be established around the roost or maternity site. The size of the buffer zone shall be determined by a qualified bat biologist at the time of the surveys. If adults are found roosting in a tree on the project site but no maternal sites are found, then the adult bats can be flushed or a one-way eviction door can be placed over the tree cavity prior to the time the tree in question would be removed or disturbed. No other mitigation compensation would be required.

BIO-2: A nesting bird survey shall be conducted 15 days prior to commencing construction/grading or tree removal activities, if this work would commence between March 1 and September 15. If common passerine birds (that is, perching birds such as Anna’s hummingbird and mourning dove) are identified nesting on the project site, grading or tree removal activities in the vicinity of the nest shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area. The size of the nest protective buffer required to ensure that the project does not result in take of nesting birds, their eggs or young shall be determined by a qualified ornithologist. Typically, most passerine birds can be expected to complete nesting by June 15th, with young attaining sufficient flight skills by early July.

- b-d) There are no creeks, rivers, lakes, water bodies or riparian habitat of any kind on the site, or within one-third mile of the project, so the project will not interfere with the movement of any native resident or migratory fish or wildlife species; nor will the project interfere with any established native resident or migratory wildlife corridors, or impede the use of any wildlife nursery sites, thus the project will have no impact in this regard.
- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

As mentioned above, the site is not listed as being within one of the County’s “Significant Ecological Areas and Selected Locations of Protected Wildlife and Plant Species Areas,” therefore, there is a low potential for the project to significantly affect biological resources. However, all 30 trees on-site will be removed in order to construct the necessary subdivision improvements (sidewalk, driveways, homes, etc.). No trees on site are suitable for preservation due to their local or exceptional stature. Therefore, due to the expected installation of landscaping (a mix of grasses, shrubs and trees) with home construction, the project represents a less than significant impact.

- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

Since the subject property is not located within the boundaries of the East County Habitat Conservation Plan (HCP/NCCP), the project is not within their purview. There are no HCPs or NCCPs overlays on the subject property, so there will be no impact.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a-c) The project will include construction of buildings, drainage features, utility trenches, and other soil-disturbing activities. In order to accomplish the construction phase of the project, the site will need to be cleared of all structures and vegetation. Figure 9-2 (Archaeological Sensitivity Map) of the Contra Costa County General Plan shows that the site is located in an area that is designated “largely urbanized and excluded from the archeological sensitivity survey”. Nevertheless, the applicant for the project has contracted Holman & Associates to prepare an Archaeological

Literature Search and Survey, dated May 7, 2019. The author conducted a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS), file number 18-160. All records of identified archaeological resources within a quarter of a mile, and all archaeological resources reports for projects within 50m (165ft.) of the project area were reviewed. Based on all available records and a field survey performed on April 24, 2019, the project area has a low to moderate potential for containing archaeological resources.

The applicant also contracted Preservation Architecture to prepare a Historic Resources Evaluation, dated May 15, 2019. Preparation of the report utilized property documentation, historical architectural research, and a field visit and reconnaissance. In sum, the report determined:

- The site has no historic potential, is not associated with any events or persons of any identifiable historical importance;
- Does not embody any identifiable design or construction distinction, nor is the planning or design of the site or any of its buildings the product of any identifiable planner, designer, architect, etc.;
- Nor is there any identifiable artistry or artistic intent, and
- The site has not yielded nor has any identifiable potential to yield prehistoric or historic information.

Although these studies have been conducted, there remains potential of encountering human remains or cultural resources on the site during construction activities such as trenching. With that understanding, on January 22, 2019, a Notice of Opportunity to Request Consultation was forwarded to Wilton Rancheria. Wilton Rancheria returned a request for consolation in the event a find is discovered. Wilton Rancheria has reviewed the cultural resources documentation for this project and is in agreement with the findings and mitigation measures. Therefore, with the mitigation measures described below, the project will result in a less than significant impact level with respect to cultural resources.

CUL-1: The following Mitigation Measures shall be implemented during project demolition/construction activities.

1. A program of on-site education to instruct all demolition/construction personnel in the identification of prehistoric and historic deposits shall be conducted prior to the start of any grading or construction activities.
2. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA), and/or Society of Professional Archaeology (SOPA), and the Wilton Rancheria Tribe, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.

CUL-2: Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may be those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. ENERGY – Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a) *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation??*

The project includes construction of an 8 lot residential subdivision. As part of the construction phase of the development, contractors will be required to comply with the CalGreen / Construction & Demolition Debris Recovery Program. The program requires at least 65% by weight of job site debris to be recycled, reused, or otherwise diverted from landfill disposal. Operationally, the project is required to comply with Title 24 of the California Energy Code, which requires new energy efficiency technologies and methods to be incorporated in residential projects to conserve energy. Compliance with each of these programs suggests that the project will not result in wasteful use of energy during the construction or operation phases of the development.

- b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

The State of California has taken steps to increase the efficiency of vehicles, buildings, appliances and to provide more renewable energy. Legislation is routinely passed and codified to address climate change and clean energy production. Based on the location and residential nature of the

project, there is no part of the application proposal that suggests it will impede any State or Local initiatives that aimed at increasing renewable energy or efficiency.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GEOLOGY AND SOILS – Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

a) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:*

i-ii) The San Francisco Bay Region is considered one of the most seismically active regions of the United States. Consequently, it can be assumed that the proposed improvements will be subject to one or more major earthquakes during their useful life. Earthquake intensities vary depending on numerous factors, including (i) earthquake magnitude, (ii) distance of site from the causative fault, (iii) geology of the site, and other factors. The USGS has stated that there is a 72 percent chance of at least one magnitude 6.7 or greater earthquake striking the Bay Region between 2014 and 2043.

The Contra Costa County General Plan Safety Element includes a figure titled “Seismic Ground Response” (page 10-13). This map classifies the site as Moderately Low damage susceptibility. This designation is applied to sites that are underlain by Pliocene bedrock or Pleistocene Alluvium. This assessment assumes sound structures sited on competent foundation materials, and with critical slopes stable. The risk of structural damage from earthquake ground shaking is controlled by building and grading regulations. The California Building Code (CBC) mandates that for structures requiring building permits (including the proposed residential buildings, retaining walls over 3 ft. in height and most types of accessory structures), the design must take into account both foundation conditions, proximity of active faults and their associated ground shaking characteristics. Design-level geotechnical reports must include CBC seismic design parameters. Those parameters are used by the structural engineer in the design of civil engineering structures. With conservative design and quality construction, ground shaking damage can be kept to a practical minimum.

As part of this application submittal, the developer submitted a Design Level Geotechnical Investigation prepared by Berlogar Stevens & Associates (BSA), dated February 15, 2017. The BSA field investigation consisted of a detailed site inspection, a series of exploratory borings and a general description of the site location. Per the BSA report, the site is not located within a State of California Earthquake Fault Zone which indicates that there are no known active faults crossing the site. The report and its findings have been peer reviewed by the County Geologist and found to provide sufficient information to justify the report’s conclusions. Design and construction recommendations provided as part of the BSA report are incorporated into the project as mitigation measure GEO-1. Nevertheless, the County Geologist has recommended five additional mitigations for the project to ensure that the development represents a less than significant impact with respect to geological considerations.

GEO-1: The applicant shall comply with all specific standards and criteria for use in design and construction of the project (site grading, drainage and foundation design, etc.) as identified in the February 15, 2017, BSA Design Level Geotechnical Investigation.

GEO-2: Prior to issuance of construction permits or installation of improvements, the project proponent shall submit an geotechnical update report that references proposed grading, drainage and foundation plans and provides specific criteria and standards for site grading, drainage and foundation design based on adequate subsurface data. The scope of the update geotechnical investigation should address the following potential hazards: (i) expansive soils, (ii) corrosive soils, (iii) design of bio-retention facilities and their effect on planned improvements, and (iv) provide California Building Code seismic parameters that are based on the adopted CBC at the time that residential building permits are requested. It is anticipated that the geotechnical engineer’s scope of work will demonstrate (v) that the expansivity and corrosivity of soils have been taken into account in grading and foundation design; (vi) that R-value testing has been

utilized for design of pavements, and (vii) include measures to protect pad areas from excessive moisture/ponding/surface runoff.

GEO-3: Concurrently with recordation of the Parcel Map, record a statement to run with deeds to the property acknowledging the BSA report by title, author (firm), and date, calling attention to conclusions, including the requirements for a design-level geotechnical investigation and noting that the report is available to prospective buyers from seller of the parcel.

GEO-4: The update geotechnical report shall be subject to review by the County's peer review geologist, and review/approval of the DCD staff. Improvement, grading and building plans shall carry out the recommendations of the approved report.

GEO-5: The geotechnical report required by GEO-2 routinely includes recommended geotechnical observation and testing services during construction. These services are essential to the success of the project. They allow the geotechnical engineer to (i) ensure geotechnical recommendations for the project are properly interpreted and implemented by contractors, (ii) allow the geotechnical engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of the design recommendations in the approved report, and (iii) provide the opportunity for field modifications of geotechnical recommendations (with BID approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, placement of engineered fill, installation of recommended drainage facilities, and foundation related work. A hard hold shall be placed on the "final" grading inspection, pending submittal of a report from the project geotechnical engineer that documents their observation and testing services during grading and drainage related improvements.

Similarly, a hard hold shall be placed on the final building inspection for each residence, pending submittal of a letter-report from the geotechnical engineer documenting the monitoring services associated with implementation of foundation-related geotechnical recommendations. The geotechnical monitoring shall include pier hole drilling/foundation preparation work/installation of drainage improvements (e.g., collection of roof gutter in a closed conduit and conveying it to a suitable discharge point; and possibly installation of a sub-drain system around the perimeter of the foundation to control moisture beneath the foundation).

GEO-6: All grading, excavation and filling shall be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soils shall be revegetated to minimize erosion and subsequent sedimentation. After October 15, only erosion control work shall be allowed by the grading permit. Any modification to the above schedule shall be subject to review by the County Grading Inspector, and the review/approval of the CDD staff.

iii) *Seismic-related ground failure, including liquefaction?*

A secondary seismic hazard associated with earthquake shaking is the potential for strong ground shaking to trigger ground failure, including liquefaction of relatively loose, and relatively clay free sands that are saturated. The consequences of liquefaction can include differential settlement and lateral spreading failures. With regard to liquefaction potential, the Safety Element of the General Plan provides a map that divides Contra Costa County into three categories of liquefaction potential: “generally high,” “generally moderate to low,” and “generally low.”

This map was prepared by a geotechnical engineering firm under contract with the County that considered available data on soil types and the elevation of the water table, along with limited review of selected borehole logs for land development projects within the County. According to this map, the site and adjacent lands on the valley floor are classified generally moderate to low liquefaction potential. The bedrock in the Los Medanos Hills are classified generally low liquefaction potential. This liquefaction potential map in the General Plan is used as a “screening criteria” by Contra Costa County during the processing of land development applications, on a project-by-project basis. The County has consistently required rigorous evaluation of liquefaction potential in areas of high potential, and less comprehensive investigations in areas rated moderate to low liquefaction potential. The map attempts to be conservative of the side of safety. That is because project sites classified generally moderate to low are underlain by soils considered less likely to contain relatively loose, clay-free sands layers that are saturated. According to the County Peer Review Geologist, only 1 acre of every 1,000 acres in the moderate to low liquefaction potential category possess liquefiable sands.

A screening investigation normally involves evaluation of the subsurface conditions based on adequate subsurface exploration of the site. The deposits penetrated in the borehole are logged. The data gathered include (i) depth of water table, (ii) Standard Penetration Test blow counts, (iii) moisture/density testing, and (iv) gradation testing of sand layers. This technical data is utilized to draw preliminary conclusions regarding the need for a more rigorous/quantitative evaluation. Ordinarily, a screening investigation of this type would include one or more boreholes that are approximately 40-50 ft. deep (or to bedrock, whichever is less). Where liquefiable sands are confirmed to be present, the geotechnical report must provide stabilization measures. Therefore, as mentioned above, BSA performed borings at the site to evaluate the site characteristics. The boring results which included laboratory testing concluded that the potential for liquefaction is low due to the depth (50 feet) of groundwater and the clayey nature of the site soils.

iv) *Landslides?*

Landslides can be a concern on properties of substantial slope, however, the subject site is relatively flat. No contiguous properties have steep gradients, therefore, the project represents no risk of damage to property or safety to human beings as a result of the development.

b) *Would the project result in substantial soil erosion or the loss of topsoil?*

The project includes construction of 8 single-family homes and the associated roadway and drainage improvements. A Preliminary Stormwater Control Plan prepared by APEX Civil Engineering & Land Surveying, Inc., dated March 18, 2019, has been prepared for this project. The Stormwater Control Plan details the use of a bio-retention area between lots 4 and 5 to provide treatment and hydromodification. Drainage collected within the bio-retention area will then drain to three existing storm drain inlets that are connected to a 24-inch storm drain line that ultimately connects to a larger 36-inch storm drain main in the Karas Court to the north. The Stormwater Control Plan has been reviewed and accepted as preliminary complete by the Public Works Department. Any other minor alterations to the existing drainage patterns caused by the proposed project will require review and approval of the County Building Inspection Division and Public Works Department. Implementation of the final stormwater control plan suggests that rainwater runoff generated by the project will be appropriately drained and represent a less than significant impact with regards to soil erosion or the loss of topsoil.

The project also includes an exemption request from County Ordinance Code, Division 914, Chapter 914-2.004 to be relieved of the off-site collect and convey requirements for the drainage associated with the western corner of the site. A minor ridgeline within the western portion of the site diverts about 25% of the site drainage to Laurel Drive. As the property is mapped as being within drainage area 33B (DA33B), the intent is to have this western runoff continue along the north side of Laurel Drive and eventually into a storm drain system west of Ayers Road. However, when the lot to the west (9902 Malu Lane) was developed, an inlet was installed along its frontage that actually diverts the subject site's western drainage and a portion of Laurel Drive to another formed drainage area 33C. The proposed layout of the subject site corrects this situation and returns the site drainage back into the DA33B system (e.g., Karas Court).

In light of the above, in accordance with the requirements outlined in County Ordinance Code Chapter 92-6, the applicant submitted the exemption request. This request is supported due to the following:

1. Topographic constraints relative to the site as discussed above,
2. The infill nature of this project, and
3. There is residual capacity within the Karas Court drainage system to accept the diverted runoff.

Given the applicant's hydrological calculations, historical drainage patterns, topography of the site and stormwater control plan, granting of the exemption request would not be adverse to the neighboring properties or community in general.

c) *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

As mentioned in a and b above, the site's soil characteristics are not unstable due to off-site landslides, lateral spreading, subsidence or liquefaction.

- d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

The soils encountered in the BSA's borings were predominately silty and sandy clays. Single point swell testing was performed on two samples. One was collected at a depth of 2 feet and the other at 3 feet. The samples were loaded to 1,000 psf and then saturated. Both samples swelled 0.7% upon saturating. The results of the laboratory testing are indicative of soils having a moderate to high expansion potential. Thus, mitigation measure GEO-1 has been included into the project which provides design recommendations that once implemented will reduce the effects of expansive soils to less than significant levels.

- e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

Municipal waste water service is available to the site, therefore, the use of septic tanks or alternative wastewater disposal systems will not be necessary.

- f) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

No unique paleontological resources or unique geologic features have been identified on the site. Thus, no impacts to those resources is expected as a result of project.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. GREENHOUSE GAS EMISSIONS – <i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Greenhouse gases (GHGs) are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced global climate change are:

- Carbon dioxide (CO₂);
- Methane (CH₄);
- Nitrous oxide (N₂O);
- Hydrofluorocarbons (HFCs);
- Perfluorocarbons (PFCs); and
- Sulfur Hexafluoride (SF₆).

Over the last 200 years, humans have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere and enhancing the natural greenhouse effect, which is believed to be causing global warming. While manmade GHGs include naturally-occurring GHGs such as CO₂, methane, and N₂O, some gases, like HFCs, PFCs, and SF₆ are completely new to the atmosphere.

Certain gases, such as water vapor, are short-lived in the atmosphere. Others remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is excluded from the list of GHGs above because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

These gases vary considerably in terms of Global Warming Potential (GWP), which is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time that the gas remains in the atmosphere (“atmospheric lifetime”). The GWP of each gas is measured relative to CO₂, the most abundant GHG; the definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of CO₂ over a specified time period. GHG emissions are typically measured in terms of pounds or tons of “CO₂ equivalents” (CO₂e).

Construction Emissions. Construction activities, such as site preparation, site grading, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, and motor vehicles transporting the construction crew would produce combustion emissions from various sources. During construction of the project, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄, and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

However, implementation of Mitigation Measures AIR-1 and AIR-2 would further reduce already less-than-significant construction GHG emissions by limiting construction idling emissions and duration of daily work. Therefore, given construction emissions will be temporary and at limited levels, the impact to GHG emissions as a result of the project is considered to be less than significant.

Operational Emissions. Long-term operation of the proposed project (residential uses) would generate GHG emissions from mobile sources and indirect emissions from sources associated with energy consumption. Mobile-source emissions of GHGs would include project-generated vehicle trips associated with future residents at the project site. Emissions would also be generated at off-site utility providers as a result of demand for electricity generated by the proposed project. However, the amounts of GHG emissions expected from the project will be below any conceivable threshold of significance and would be less than significant.

- b) *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

In developing the threshold of significance for GHG emissions, the BAAQMD identified the emissions level for which a project would conflict with existing California legislation adopted to reduce Statewide GHG emissions. As indicated in the discussion presented above, the proposed project would not exceed the project-level significance criteria established by the BAAQMD and, therefore, the proposed project would not conflict with plans adopted for the purpose of reducing GHG emissions and this impact would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HAZARDS AND HAZARDOUS MATERIALS – <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The proposed project consists of subdividing the subject lot into 8 new parcels, and constructing eight new single-family residences on a site that is currently zoned for residential purposes. No industrial or commercial uses such as gas stations are proposed with this application. All utilities are available to the site which suggests that no routine transport of hazardous materials will be necessary to sustain the residential subdivision (e.g., propane). Compliance with the applicable building and fire codes implies that no undue risk will be introduced to the project as a result of construction of the anticipated new homes. Therefore, the project will not involve a significant increase in risks associated with transport of hazardous materials within the area.

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The proposed 8 lot subdivision involves rezoning the subject property from one residential designation to another. No industrial uses or activities that involve significant amounts of hazardous material are associated with the proposal or allowable with the new higher density residential zoning district. Due to the site's past agricultural uses, the applicant has contracted AEI Consultants to prepare a Limited Phase II Subsurface Investigation, dated October 14, 2016. The investigation included collection of eight shallow soil borings. No ground water was encountered in the borings during drilling activities. No visual or olfactory evidence (e.g., soil discoloration, odor) of potential impacted soils was observed in any of the recovered soils during drilling activities. Soil samples were submitted to McCampbell Analytical, Inc. of Pittsburg, CA, for analyses. The analytical results from this investigation were compared to the February 2016 Environmental Screening Levels (ESLs) developed by the San Francisco Bay Regional Water Quality Control Board (RWQCB). The report concluded that minor residual concentrations of organochlorine pesticides (OCPs) associated with agricultural land uses are present within shallow soils at the site. However, with the exception of dieldrin, arsenic levels were representative of naturally-occurring background conditions for metals in San Francisco Bay Area soils (Duverge, 2011). Based on these concentration levels of all known OCPs (dieldrin included), the report concluded that no further investigation or remedial action is required.

In an abundance of caution, the report was forwarded to the San Francisco Bay Regional Water Quality Control Board, Groundwater Protection Division for a peer review of the findings. RWQCB staff indicated in an email dated, March 18, 2019, that the detected arsenic concentrations exceed the residential screening levels, however, due to absence of any obvious hotspots (based on the distribution of sampling results), the concentration levels observed at the site are a common occurrence and is consistent with background levels in the Bay Area. Therefore, based on all available data, the project represents a less than significant impact with regards to the unexpected release or exposure of hazardous materials to humans or the environment.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Ayers Elementary school and Myrtle Farm school are located within one quarter of a mile of the project site. Notwithstanding that fact, the project does not include the storage or transportation of any hazardous materials on a commercial scale. Typical chemicals such as herbicides and pesticides are expected as part of typical residential uses, however, no large quantities of chemicals will be stored or used as part of the construction phase of the project. Therefore, the project represents a less than significant impact with regards to release of hazardous materials.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?*

The site is not listed as a hazardous materials site, thus no impact.

- e) *For a project located within an airport land use plan or, where such a plan has not yet been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The subject property is not located within an airport land use plan area, thus no impact.

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The proposed subdivision will be located completely within the boundaries of the subject property, and will not interfere with transport or access along any roadways or waterways that may be part of an emergency response or evacuation plan. The project does not propose to remove or alter any existing structures that may be an element of any existing emergency response or evacuation plan. Lastly, the proposed project will not negatively impact any communications methods that may be used during an emergency situation.

- g) *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

The project site is not located within an area designated as forest land or within an area with a high fire danger designation. The Contra Costa County Fire Protection District has reviewed the project and returned basic subdivision comments such as “NO PARKING – FIRE LANE” requirements for the proposed access road. The Fire District’s comments did not include any concern regarding wildfire. Furthermore, the 8 lot subdivision proposal is located at an urban infill site which is not near any substantial vegetation that would represent an increase of wildfire risk.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a-b) The proposed eight-lot subdivision is solely intended for residential activities. The proposed project will not produce any substances or other end products as part of its establishment. There will be no interaction between the proposed homes or infrastructure and any groundwater table or aquifer that may exist at the subject site. The project includes a request to annex or into an Out of Area Service agreement with the City of Concord for wastewater service. City of Concord staff has indicated that sufficient capacity exists to accommodate the addition of eight new residences at the site. Compliance with all applicable wastewater requirements and regulations suggests that the project will not violate any water quality standards or waste discharge requirements, therefore, the project represents a less than significant impact on the current wastewater system and ground water in general.
- c) *Would the project substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

i) *Result in substantial erosion or siltation on- or off-site?*

As mentioned in the Biological Section of this study, there are no bodies of water, or water features located on this site. Nevertheless, the applicant has submitted a stormwater control plan (SWCP) which has been deemed preliminarily complete by the Public Works Department. As described in the stormwater control plan, new impervious surfaces (driveways and new homes) will drain to the new vegetated bio-retention area. The rainwater runoff collected in this bio-retention area will be filtrated and treated prior to being released to existing drainage infrastructure. To support the drainage design, the applicant contracted Wenck Associates, Inc., dated October 3, 2018, to prepare a storm drain capacity analysis for the project. The report determined that there is capacity in the existing drainage system to accommodate the proposed additional runoff associated with the project. Any changes to the drainage plan will require review and approval of the Building Inspection Division and Public Works Department prior to construction. Therefore, the project will represent a less than significant impact with regards to erosion or siltation on or off-site.

ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

The applicant has prepared a hydrological study which demonstrates that adequate capacity exists within the storm drain system to the north, to accommodate the stormwater runoff generated by the project. As mentioned above, the SWCP will slow out flows into the system to pre-project rates. Therefore, based on the approved SWCP, the project will not cause or contribute to flooding on or off-site.

iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

The applicant has prepared a hydrological study which demonstrates that adequate capacity exists within storm drain system DA33B to accommodate the stormwater runoff generated by the project. As mentioned above, the SWCP will slow out flows into the system to pre-project rates and filter pollutants prior to discharge into the system. Therefore, based on the approved SWCP, the project will not cause or contribute to flooding on or off-site.

iv) *Impede or redirect flood flows?*

The project is not within a designated flood zone area. Nevertheless, the project will not impede or redirect flood flows to areas outside of the property boundaries. Runoff from properties surrounding and adjacent to the project site would be diverted through existing topographic features or stormwater drainage improvements on the north and side of the property. Drainage from properties on the west will be directed away from the site as they are at a lower topographic elevation.

- d) *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?*

The project would not be inundated by seiche, tsunami or mudflow. The available data indicates a reduction in the risk of a tsunami that is proportional to the distance from the Golden Gate and the western San Francisco Bay. There have been no recorded occurrences of a seiche wave in the project area.

- e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

A Storm Water Pollution Prevention Program (SWPPP) which incorporates Best Management Practices (BMPs) for the project is required by the Contra Costa County Building Inspection Division, Grading Section prior to issuance of grading permits for the construction phase of the project. County inspection during site preparation and construction would confirm the implementation and on-going maintenance of the SWPPP and BMPs and other pertinent County requirements related to water quality standards and waste discharge requirements. Therefore, the project will not result in significant impacts on water quality.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
11. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a) *Would the project physically divide an established community?*

The project will not physically divide an established community since the project is proposed on a relatively small existing residential site within a well-developed neighborhood. No roadways or other features that could potentially create a physical division of the community are proposed, therefore there will be no impact. The project will not result in incompatible uses, as many of the surrounding properties have been developed with similar uses for many years. Rather, the project will be consistent with many other properties in the immediate vicinity.

- b) *Would the project cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

There are no land use plans applicable to the site. The subject property is not located within the East Contra Costa County Habitat Conservation Plan (HCP)/Natural Community Conservation (NCCP) coverage area. Therefore, there is no need for this project to be covered under the plan.

Therefore, the project will have no impact with regard to conflicting with any adopted land use plan within the County.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

a-b) According to Figure 8-4 (Mineral Resource Areas) of the Contra Costa County General Plan, the subject property is not located within an area identified as a significant mineral resource area. Additionally, staff is unaware of any prior studies done at the subject property that indicate the potential presence of mineral resources.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. NOISE – Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

a-b) The subject site is located within a well-developed residential neighborhood in unincorporated Concord. The Department of Conservation and Development Accela GIS system shows that the site is approximately 0.6 miles west of the nearest area experiencing 60 dB noise levels (Kirker Pass Road). The home-construction phase of the project has the potential to contribute to existing noise levels and possible ground vibrations in the area due to the use of heavy duty construction

equipment, vehicles, and tools, but this impact will be of a temporary duration. Once completed, the project will not significantly increase the noise levels beyond current levels experienced in the area since no loud noise-generating activities are proposed or associated with the residential nature of the project. Therefore, with implementation of Mitigation Measure AIR-2, the construction phase of the project will be restricted to specific days of the week and to a limited number of work hours in order to lessen the amount of time during the week that noise impacts would affect the neighborhood, so the impact is less than significant as mitigated.

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The subject property is not located within an area covered by the Contra Costa County Airport Land Use Compatibility Plan, nor is the project located within 2 miles of an airport or private airstrip, so there will be no impact.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. POPULATION AND HOUSING – Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a-b) The project proposes eight new single-family residences, which will allow for several new families to move into the neighborhood, but this would not be considered “substantial” population growth. The proposed subdivision map indicates that the developer will install a new sidewalk within the dedicated area. As part of the sidewalk and vehicular access road installation, the associated project utilities will be undergrounded. New hook-ups for sewer, water, and electrical service to the new residences have tentatively been routed on the proposed map. The proposal does not require the displacement of people or existing communities, nor requires the construction of new homes elsewhere. The proposed subdivision and residences are not anticipated to induce substantial population growth in the area; therefore the impact will be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) *Fire Protection?*

The site is currently served by the Consolidated Fire Protection District. The District has reviewed the project and provided their comments and conditions relating to the proposed project, and no new or increased fire protection services were required, so the impact would be less than significant.

b) *Police Protection?*

The Growth Management Element, Section 4.4 of the County General Plan requires 155 square feet of Sheriff's station area and support facilities for every 1,000 members of the population; since there is only eight new residences proposed, the project would not increase the population up to this threshold. Therefore, the project would not increase the demand for police service facilities or require the construction or need for new police substations within the area, so the impact is considered less than significant.

c) *Schools?*

Impacts to schools are usually caused by significant increases in population. The subdivision and residences will not represent a substantial rate of population growth. Nonetheless, the developer will be required to pay a school developer fee for each lot prior to recordation of the map in order to offset any incremental increase in demand within the school system. The proposed project will produce eight new residences and associated fees, thus the impact is considered less than significant.

d) *Parks?*

The County General Plan requires that three acres of neighborhood parks be available for every 1,000 members of the population. The proposed project will not result in a significant increase in the County population, but the construction of eight new single-family residences will require the payment of a Park Impact Fee for each residence, which is used to acquire parkland and develop parks and recreation facilities to serve new residential development in the unincorporated areas of the County. Therefore the impact on parks and recreation is considered less than significant.

e) *Other public facilities?*

Impacts to other public facilities, such as hospitals and libraries are usually caused by substantial increases in population. Implementation of the proposed project is not anticipated to induce significant population growth since only eight new residences will result from project approval. The project is not anticipated to create substantial additional service demands besides those which have been preliminarily reviewed by various agencies of Contra Costa County, or result in adverse physical impacts associated with the delivery of fire, police, schools, parks, or other public services. Therefore, the impact to hospitals, libraries or other public facilities is less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Increased use of parks and other recreational facilities typically results from general population growth over time and from development of specific projects that significantly increase the number of people in the immediate vicinity of such facilities. Implementation of the proposed project is not anticipated to induce substantial population growth since only eight new residences will be built if approved. Nevertheless, fees will be required prior to recordation of the subdivision map that will be used to acquire parkland and develop parks and recreation facilities to serve new

residential development in the unincorporated areas of the County. Therefore, the impact is considered less than significant.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

The project proposes to subdivide the subject site into eight total lots which will result in the construction of eight new homes. No recreational facilities are proposed as part of the project which would create substantial additional service demands on local parks or have an adverse physical effect on the environment; therefore, the impact will be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
17. TRANSPORTATION – Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a) *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

The site is accessed via Laurel Drive which is a public roadway with no bicycle facilities or transit facilities. The nearest transit facilities are located on Kirker Pass Road and Ayers Road. The project includes frontage improvements (curb, gutter and sidewalk) which will improve pedestrian movement in the area. Both the County’s Public Works Department and Fire Department have reviewed the proposed pedestrian improvements and have determined that they comply with all applicable design standards (e.g., width, slope, line-of-site and fire apparatus turn-around).

The Contra Costa Transportation Authority (CCTA) Growth Management Plan and the County of Contra Costa (County) General Plan establish measures of effectiveness and requirements for the analysis and disclosure of circulation impacts associated with new land developments. Potential circulation impacts may be expected, and traffic impact analyses are required for projects that generate more than 100 or more than 100 net new peak-hour trips. A project generating less than 100 peak-hour trips generally will not create or exacerbate a significant circulation impact. Per the table below, the proposed project will generate less than 100 peak-hour trips, thus resulting in a less than significant impact.

Rate	Single-Family Detached House (210)
AM Peak Hour	0.74
PM Peak Hour	0.99
Weekdays	7
Rate Based on 8 Units	6 AM/8 PM Peak Hour Trips

Source: *Institute of Transportation Engineers, Trip Generation, 10th Edition.*

There is no potential for the proposed project to conflict with adopted policies, plans, or programs supporting alternative transportation. The proposed project would not alter the local infrastructure in a way that could hinder future establishment of public transportation. The project does not propose a design that would prevent the use of bicycles or other alternative modes of transportation, thus there would be no impact.

b) *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)?*

There are several available tools that assist planning staff when evaluating the vehicles miles traveled (VMT) of a specific project. The California Air Resources Board (ARB) has evaluated the existing tools (August 30, 2017, Report) and determined that based on the project type one tool may be more appropriate than another. As determined by the ARB report, the GreenTrip Connect tool provides a robust analysis of residential projects in any context area. By inputting the project details into the GreenTrip Connect program, it was determined that the residents of the project would not drive any more than the current Contra Costa County average for similar environmental contexts. According to the report results, the project would provide 23% more parking than what is otherwise provided in today's residential project's. Due to the additional parking provided it was determined that these parking spaces accounted for the induced demand for additional vehicles and miles traveled. Nevertheless, due to the project's infill nature, proximity to County Connection public transportation, and retail services, the project does not induce an overly high vehicles miles traveled expectation (41.45 miles per day expected, compared to 76 miles per day for low density projects, 35 miles a day for transit center locations and 15 miles per day for Urban Center sites). Therefore, due to the above analysis and results, the project is consistent with the methodology for evaluating the specific considerations of the project's transportation impacts and represents a less than significant impact.

c) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

There are no increased hazards due to a design feature such as curves or intersections. The project's ingress/egress will be provided by a new private road within a 33.5-foot wide access and utility easement. Comments received from the Public Works Department stated that the design of the project conforms to applicable design standards. The Contra Costa Fire Protection District has also reviewed the project for conformance with the Fire District standards, which include emergency access, and no comments of concern were received. Therefore, the project will have a less than significant impact.

d) *Would the project result in inadequate emergency access?*

The Contra Costa Fire Protection District has reviewed the project for conformance with the Fire District standards, which include emergency access, and no comments of concern were received. Therefore, the project will have a less than significant impact.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
18. TRIBAL CULTURAL RESOURCES – <i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a-b) As discussed in the Cultural Resources section of this initial study, the project site has numerous improvements/structures, which were originally built in the early to mid-1900's. None of these structures are a state or local historical resource. Additionally, the project site is considered urbanized and has no discernable archaeological or paleontological features; however, there is a possibility that buried archaeological or paleontological resources, or human remains could be present and accidentally discovered during grading or other earthwork. Therefore, the applicant is required to implement mitigation measures CUL-1 and CUL-2, which will result in a less than significant impact to Tribal Cultural Resources.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
19. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?*

The proposed subdivision is expected to result in the construction of eight new single-family residences. As proposed, the project will not require the construction of new utility facilities or the expansion of existing facilities. All responsible utilities have returned Agency Comments and have indicated that capacity exists to serve the project. Additionally, all utilities are available to the development at the project boundaries, which will require minimal ground disturbance. Thus the impact is considered to be less than significant.

- b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?*

The subject property currently receives water service from the Contra Costa Water District (CCWD). As proposed, the project will require connection to the existing water main, in compliance with the applicable California Building Codes. CCWD reviewed the project and submitted comments indicating that water service could be supplied to the new residences without the requirement of new or expanded facilities, so the impact will be less than significant.

- c) *Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The project includes subdividing a 3.6-acre property into eight new residential lots. One existing single-family residence and associated accessory buildings/structures are currently located on the property and will be removed in order to construct the new subdivision. No municipal sewer service is presently serving the property, however the subject site is contiguous to the City of Concord boundaries which affords the project an opportunity to annex into the City of Concord boundaries or enter into an Out of Area Service Agreement in order to receive wastewater services. Either of these options will require approval from the Contra Costa Local Agency Formation Commission (LAFCO). City of Concord staff has issued a Will Serve Letter indicating that wastewater services are available to the development.

Addition of 8 new residences to the site will generate approximately 270 gallons/day/home (2,160 per day total) of wastewater. The Will Serve Letter suggests that there is adequate capacity within the system to accommodate the new flow amounts. The actual physical work needed to connect the site to the existing 8-inch sewer main within the Laurel Drive right-of-way has very little potential for degrading the quality of the environment, reducing habitat, or plant/animal communities, or eliminating examples of California history, as the right-of-way has been paved and completely disturbed for many years. An 8-inch sewer main extension will connect to the existing sewer main and will be centrally located within the newly created public access and utility easement for the project. Once the new sewer main extension is constructed, 4-inch laterals will be extended to each new residence. Sanitary sewer clean outs will be installed and all connection fees will require payment.

No part of the project will change the existing use of the site from residential to a more intense use (e.g., commercial or industrial), therefore, it is not anticipated that any unexpected demands will be placed on the City of Concord wastewater infrastructure. Adjacent properties are consistent with the residential zoning of this site and are developed with similar residential uses. No agricultural or open space uses will be depleted as part of the construction of the project or on-going residential use of the site. Therefore, given that existing municipal wastewater treatment services are available for the project, the development represents a less than significant impact.

- d-e) *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

The subject property is currently designated as residential and will be used for residential-related land uses if the proposed subdivision is granted. Future development at the site would be limited to the land uses and structures permitted within the applicable residential zoning district, and will be limited in scale due to the relatively small size of the project site. Surrounding properties are similar in size and include similar residential uses. Due to the relatively small scope of the project, the project is not expected to generate significant amounts of solid-waste that would impact local landfills that serve the area, therefore, the development represents a less than significant impact.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
20. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

a-d) The project site is not located within an area of state responsibility or classified as very high fire hazard severity zone. The project involves construction of 8 new single-family residences within an urbanized area. All major roadways are well established and will not be impeded by any design element of the project. The private access road and project as a whole has been reviewed by the Contra Costa County Fire Protection District and no concerns were identified. Therefore, the project will not impair an adopted emergency plan, expose project occupants to wildfire pollutants, or expose people or structures to flooding or post-fire slope instability.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
21. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?*

As proposed, the project includes a request to subdivide the subject site into eight residential lots. The project conforms to the SH General Plan designation’s density and intended residential use. The project also includes a request to rezone the site from its current R-40 zoning to R-15. The new lots will meet the development standards as set forth by the R-15 Zoning District in terms of lot size, average width and depth. Construction of eight new residences and associated improvements will not significantly change the visual character of the area. Removal of 30 trees will not significantly affect the resource as the project is considered an in-fill project.

Since the project site has been completely disturbed by its occupants and is devoid of any water features, the project would have a less than significant potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Furthermore, the project does not have the potential to significantly eliminate important examples of any major period of California history and prehistory, therefore the impact is less than significant. Nevertheless, given an abundance of caution, all potential impacts can be reduced to less than significant levels with mitigation measures identified in this document. The proposal when reviewed cumulatively is a less than significant impact on the environment.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)*

The project involves creation of eight new lots that include new residences, roads, grading, retaining walls, drainage and sidewalk improvements, however, there are no improvements proposed that will be incompatible with the existing environment or area in which it is located. The proposed project and construction implications of the infrastructure has been analyzed as part of this study, and were found to have a less than significant impact on the environment. Staff is not aware of any other substantial projects in the immediate vicinity that may cumulatively affect utilities, roadways or the environment. Therefore, the project represents a less than significant cumulative impact.

- c) *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

The project as proposed will not significantly impact the environment. Furthermore, no evidence has been found that would indicate that the project would have a potential to cause substantial adverse effects on human beings, whether directly or indirectly, thus the impact will be less than significant.

REFERENCES

In the process of preparing the Initial Study Checklist and conduction of the evaluation, the following references (which are available for review at the Contra Costa County Department of Conservation and Development, 30 Muir Rd., Martinez, CA 94553) were consulted:

1. Application received by Contra Costa County on August 1, 2018.
2. Revised Vesting Tentative Map date stamped February 27, 2019.
3. Contra Costa County General Plan 2005-2020
4. Contra Costa County Code – Title 8 Zoning Ordinance
5. Contra Costa County Geographic Information System
6. Contra Costa County Land Information System
7. *Contra Costa County Important Farmland Map 2008* prepared by the California Department of Conservation
8. Public Resources Code section 12220(g)
9. Public Resources Code section 4526
10. Government Code section 51104(g)
11. California Environmental Quality Act (CEQA) as amended January 1, 2019.
12. Bay Area Air Quality Management District CEQA Guidelines dated May 2011 (Updated 2017).
13. Bay Area Air Quality Management District proposed Thresholds of Significance for Greenhouse Gas Emissions
14. California Department of Toxic Substances Control website
15. Association of Bay Area Governments Geographic Information Systems, Hazard Maps – Wildland Urban Interface Fire Threat
16. Federal Emergency Management Agency Flood Insurance Rate Map
17. Association of Bay Area Governments Geographic Information Systems, Hazard Maps – Dam Failure Inundation Areas
18. Agency Comments
19. Preliminary Title Report, prepared by Old Republic Title Company, dated June 28, 2018.
20. Laurel Place Stormwater System Analysis, prepared by WENCK, dated October 3, 2018.
21. Limited Phase II Subsurface Investigation, prepared by AEI Consultants, dated October 14, 2016.
22. Design Level Geotechnical Investigation, prepared by BSA, dated February 15, 2017.
23. Storm Water Control Plan, prepared by APEX, dated December 28, 2018.
24. Contra Costa County Code – Title 4 Health and Safety
25. Methods to Assess Co-Benefits of California Climate Investments, Vehicle Miles Traveled, prepared by California Air Resources Board, dated August 30, 2017.
26. GreenTrip Connect Online Tool.
27. Archaeological Literature Search and Survey, by Holman & Associates, dated May 7, 2019.
28. Historical Resources Evaluation, by Preservation Architecture, dated May 15, 2019.

ATTACHMENTS

- 1. Vicinity Map**
- 2. Project Plans**

**Mitigation Monitoring and Reporting Program
County File #'s SD18-9495 and RZ18-3244**

**5175 Laurel Drive
Concord, CA 94521**

June, 2019

SECTION 1: AESTHETICS

Potentially Significant Impact: *Construction of new residential structures have potential to alter the visual character of the immediate vicinity.*

Mitigation Measure(s):

AES-1: At least 30 days prior to applying for building permits for each new residence, the applicant/property owner shall submit a Compliance Verification application (only one application needed if developer constructs entire subdivision), for review and approval of Department of Conservation and Development, Current Planning Division (CDD) staff. The application must include construction drawings (e.g., site plan, floor plans, elevations and grading plans) to verify compliance with all mitigations and conditions of approval.

Implementing Action:	Submit residential building plans to CDD staff for review.
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Implementing Condition:	TBD
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Method of Verification:	Review residential plans to ensure consistency with all mitigations and conditions of approval.
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Timing of Verification:	At least 30 days prior to submittal for a building permit (with COA compliance review application).
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Party Responsible for Verification:	Project proponent and CDD staff.
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Compliance Verification:	
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AES-2: At least 30 days prior to recordation the final map, the applicant shall submit for the review and approval of CDD staff, a proposed deed restriction with the following height limitation. The approved deed restriction shall be recorded concurrently with the final map.

- a. Residential buildings on lots 1 through 8 shall be limited to 28 feet in height.

Implementing Action:	Submittal of a proposed deed restriction to CDD staff for review.
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Implementing Condition:	TBD
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Method of Verification:	Review of deed restriction language.
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Timing of Verification:	At least 30 days prior to submittal of subdivision map for recordation (with COA compliance review).
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Party Responsible for Verification:	Project proponent and CDD staff.
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Compliance Verification:	
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Abbreviations:

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<p>AES-3: At least 30 days prior to applying for residential building permits, the applicant shall provide for the review and approval of CDD staff, color schemes that reflect the following:</p> <p>a. Building and roof colors shall be muted earth tone colors to blend in with the environment. A variety of colors shall be used to the extent feasible to break-up any monolithic facades.</p>	
Implementing Action:	Submittal of color schemes for CDD staff review.
Implementing Condition:	TBD
Method of Verification:	Review of color schemes.
Timing of Verification:	At least 30 days prior to submittal of building permit applications.
Party Responsible for Verification:	Project proponent and CDD staff.
Compliance Verification:	
<p>AES-4: To the extent feasible, new residential lighting shall be low-lying and exterior lights on buildings shall be deflected so that lights shine onto the building site and not toward adjacent properties or offsite locations. The use of overly bright lighting shall be avoided.</p>	
Implementing Action:	Incorporate low-lying/low-intensity exterior lighting within all residential building plans.
Implementing Condition:	TBD
Method of Verification:	Review of residential construction plans.
Timing of Verification:	30 days prior to applying for building permits (with COA compliance review)
Party Responsible for Verification:	Project proponent and CDD staff.
Compliance Verification:	
<p>SECTION 2: AIR QUALITY</p>	
<p>Potentially Significant Impact: <i>Exhaust emissions and particulate produced by construction activities related to the project may cause exposure of the public or sensitive receptors to significant amounts of pollutants or objectionable odors.</i></p>	
<p>Mitigation Measures(s):</p>	
<p>AIR-1: Consistent with the Best Management Practices required by the BAAQMD, the following actions shall be incorporated into construction contracts if required and specifications for the project:</p>	

<p>a. All haul trucks transporting soil, sand, or other loose material to and from the site shall be covered.</p> <p>b. All vehicle speeds on unpaved roads shall be limited to 15 mph.</p> <p>c. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>d. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]).</p> <p>e. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.</p> <p>f. A publicly visible sign shall be posted with the telephone number and contact information for the designated on-site construction manager available to receive and respond to dust complaints. This person shall report all complaints to Contra Costa County and take immediate corrective action as soon as practical but not more than 48 hours after the complaint is received. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</p>	
Implementing Action:	Implement all construction related measures.
Implementing Condition:	TBD
Method of Verification:	Review of construction drawings to ensure construction related mitigations have been added and that contractors have been informed of requirements.
Timing of Verification:	Prior to CDD approval of construction documents and throughout construction-related activity.
Party Responsible for Verification:	Project proponent, contractors and CDD staff.
Compliance Verification:	
<p>Potentially Significant Impact: <i>Exhaust emissions and particulate produced by construction activities related to the project may cause exposure of the public or sensitive receptors to significant amounts of pollutants or objectionable odors.</i></p>	
<p>Mitigation Measures(s):</p> <p>AIR-2: Non-emergency maintenance, construction, and other activities on the site related to this project are restricted to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:</p> <p style="padding-left: 40px;">New Year's Day (State and Federal) Birthday of Martin Luther King, Jr. (State and Federal) Washington's Birthday (Federal) Lincoln's Birthday (State) President's Day (State and Federal) Cesar Chavez Day (State) Memorial Day (State and Federal) Independence Day (State and Federal)</p>	

Labor Day (State and Federal)
 Columbus Day (State and Federal)
 Veterans Day (State and Federal)
 Thanksgiving Day (State and Federal)
 Day after Thanksgiving (State)
 Christmas Day (State and Federal)

For specific details on the actual day the state and federal holidays occur, please visit the following websites:

Federal Holidays:

http://www.opm.gov/Operating_Status_Schedules/fedhol/2019.asp

California Holidays:

<http://www.ftb.ca.gov/aboutFTB/holidays.shtml>

Implementing Action:	Implement all construction related measures.
Implementing Condition:	TBD
Method of Verification:	Review of construction drawings to ensure construction related mitigations have been added and that contractors have been informed of requirements.
Timing of Verification:	Prior to CDD approval of construction documents and throughout construction-related activity.
Party Responsible for Verification:	Project proponent, contractors and CDD staff.
Compliance Verification:	

SECTION 3: BIOLOGICAL RESOURCES

Potentially Significant Impact: *The development project could have a potentially significant adverse impacts on protected bird species.*

Mitigation Measure(s):

BIO-1: In order to avoid impacts to special-status bats, a biologist shall survey all trees affected by the development (not just ones slated for removal) at least 15 days prior to commencing with any tree removal or earthwork that might disturb roosting bats in nearby trees. All bat surveys shall be conducted by a biologist with known experience surveying for bats. If no special-status bats are found during the surveys, then there would be no further regard for special-status bat species.

If special-status bat species are found on the project site, a determination will be made if there are young bats present. If young are found roosting in any tree, impacts to the tree shall be avoided until the young have reached independence. A non-disturbance buffer fenced with orange construction fencing shall also be established around the roost or maternity site. The size of the buffer zone shall be determined by a qualified bat biologist at the time of the surveys. If adults are found roosting in a tree on the project site

Abbreviations:

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but no maternal sites are found, then the adult bats can be flushed or a one-way eviction door can be placed over the tree cavity prior to the time the tree in question would be removed or disturbed. No other mitigation compensation would be required.	
Implementing Action:	Conduct bat survey as required.
Implementing Condition:	TBD
Method of Verification:	Review bat survey findings.
Timing of Verification:	At least 15 days prior to the start of construction.
Party Responsible for Verification:	Project proponent, project biologist, and CDD staff.
Compliance Verification:	

BIO-2: A nesting bird survey shall be conducted 15 days prior to commencing construction/grading or tree removal activities, if this work would commence between March 1 and September 15. If common passerine birds (that is, perching birds such as Anna’s hummingbird and mourning dove) are identified nesting on the project site, grading or tree removal activities in the vicinity of the nest shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area. The size of the nest protective buffer required to ensure that the project does not result in take of nesting birds, their eggs or young shall be determined by a qualified ornithologist. Typically, most passerine birds can be expected to complete nesting by June 15th, with young attaining sufficient flight skills by early July.

Implementing Action:	Conduct nesting bird survey as required.
Implementing Condition:	TBD
Method of Verification:	Review of bird survey.
Timing of Verification:	At least 15 days prior to the start of construction.
Party Responsible for Verification:	Project proponent, project biologist and CDD staff.
Compliance Verification:	

SECTION 4: CULTURAL RESOURCES

Potentially Significant Impact: *The proposed development will cause ground disturbance which may impact heretofore undocumented cultural resources.*

Mitigation Measure(s):

CUL-1: The following Mitigation Measures shall be implemented during project demolition/construction activities.

<ol style="list-style-type: none"> 1. A program of on-site education to instruct all demolition/construction personnel in the identification of prehistoric and historic deposits shall be conducted prior to the start of any grading or construction activities. 2. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA), and/or Society of Professional Archaeology (SOPA), and the Wilton Rancheria Tribe, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary. 	
Implementing Action:	Perform pre-demolition/construction training.
Method of Verification:	Review of training program and sign-in sheet.
Timing of Verification:	Review of training program 30 days prior to construction and adherence to the mitigation measures throughout all construction activities.
Party Responsible for Verification:	Project proponent, all contractor personnel and CDD staff.
Compliance Verification:	
<p><u>CUL-1:</u> Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may be those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.</p>	
Implementing Action:	Stop work and contact County coroner if human remains are discovered.
Method of Verification:	Review of written report detailing the disposition of remains per code requirements and MLD recommendations if applicable.
Timing of Verification:	Throughout all phases of the project.
Party Responsible for Verification:	Project proponent, all contractor personnel and CDD staff.
Compliance Verification:	
SECTION 4: GEOLOGY AND SOILS	
<p>Potentially Significant Impact: <i>In order to ensure longevity of subdivision related improvements, soils on the site need to be completely evaluated and corresponding recommendations incorporated into project designs.</i></p>	

Mitigation Measure(s):	
GEO-1: The applicant shall comply with all specific standards and criteria for use in design and construction of the project (site grading, drainage and foundation design, etc.) as identified in the February 15, 2017, BSA Design Level Geotechnical Investigation.	
Implementing Action:	Incorporation of all specific standards and criteria into project design.
Implementing Condition:	TBD
Method of Verification:	Review of construction plans.
Timing of Verification:	At least 30 days prior to applying for building/grading permits.
Party Responsible for Verification:	Applicant and CDD staff.
Compliance Verification:	
GEO-2: Prior to issuance of construction permits or installation of improvements, the project proponent shall submit a geotechnical update report that references proposed grading, drainage and foundation plans and provides specific criteria and standards for site grading, drainage and foundation design based on adequate subsurface data. The scope of the update geotechnical investigation should address the following potential hazards: (i) expansive soils, (ii) corrosive soils, (iii) design of bio-retention facilities and their effect on planned improvements, and (iv) provide California Building Code seismic parameters that are based on the adopted CBC at the time that residential building permits are requested. It is anticipated that the geotechnical engineer's scope of work will demonstrate (v) that the expansivity and corrosivity of soils have been taken into account in grading and foundation design; (vi) that R-value testing has been utilized for design of pavements, and (vii) include measures to protect pad areas from excessive moisture/ponding/surface runoff.	
Implementing Action:	Submittal of updated geotechnical report.
Implementing Condition:	TBD
Method of Verification:	Review of updated report.
Timing of Verification:	At least 30 days prior to applying for construction/grading permits.
Party Responsible for Verification:	Applicant and CDD staff.
Compliance Verification:	
GEO-3: Concurrently with recordation of the Final Map, record a statement to run with deeds to the property acknowledging the BSA report by title, author (firm), and date, calling attention to conclusions, including the requirements for a design-level geotechnical investigation and noting that the report is available to prospective buyers from seller of the parcel.	
Implementing Action:	Recordation of deed concurrently with the Final Map.
Implementing Condition:	TBD
Method of Verification:	Review of deed language prior to recordation.

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Timing of Verification:	Prior to recordation of the Final Map.
Party Responsible for Verification:	Applicant and CDD staff.
Compliance Verification:	
<p>GEO-4: The update geotechnical report shall be subject to review by the County’s peer review geologist, and review/approval of the DCD staff. Improvement, grading and building plans shall carry out the recommendations of the approved report.</p>	
Implementing Action:	Submittal of updated geotechnical report.
Implementing Condition:	TBD
Method of Verification:	County geologist to review report.
Timing of Verification:	At least 30 days prior to applying for building permits.
Party Responsible for Verification:	Applicant, County geologist and CDD staff.
Compliance Verification:	
<p>GEO-5: The geotechnical report required by GEO-2 routinely includes recommended geotechnical observation and testing services during construction. These services are essential to the success of the project. They allow the geotechnical engineer to (i) ensure geotechnical recommendations for the project are properly interpreted and implemented by contractors, (ii) allow the geotechnical engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of the design recommendations in the approved report, and (iii) provide the opportunity for field modifications of geotechnical recommendations (with BID approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, placement of engineered fill, installation of recommended drainage facilities, and foundation related work. A hard hold shall be placed on the “final” grading inspection, pending submittal of a report from the project geotechnical engineer that documents their observation and testing services during grading and drainage related improvements.</p> <p>Similarly, a hard hold shall be placed on the final building inspection for each residence, pending submittal of a letter-report from the geotechnical engineer documenting the monitoring services associated with implementation of foundation-related geotechnical recommendations. The geotechnical monitoring shall include pier hole drilling/foundation preparation work/installation of drainage improvements (e.g., collection of roof gutter in a closed conduit and conveying it to a suitable discharge point; and possibly installation of a sub-drain system around the perimeter of the foundation to control moisture beneath the foundation).</p>	
Implementing Action:	Submittal of letter-report.
Implementing Condition:	TBD
Method of Verification:	Review of letter-report.
Timing of Verification:	Prior to issuance of a “final” building inspection.
Party Responsible for Verification:	Applicant, County geologist and CDD staff.
Compliance Verification:	

GEO-6: All grading, excavation and filling shall be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soils shall be revegetated to minimize erosion and subsequent sedimentation. After October 15, only erosion control work shall be allowed by the grading permit. Any modification to the above schedule shall be subject to review by the County Grading Inspector, and the review/approval of the CDD staff.

Implementing Action:	Perform grading related activities during “dry season”.
Implementing Condition:	TBD
Method of Verification:	Review of grading permit application.
Timing of Verification:	During all phases of the project.
Party Responsible for Verification:	Applicant, Grading Inspection staff, CDD staff.
Compliance Verification:	

Abbreviations:

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Community Development Division (CDD)



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July 8, 2019

Francisco Avila
Contra Costa County, Dept. of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553

Re: Laurel Ranch IV Subdivision (SD18-9495, RZ18-3244) Proposed Mitigated Negative Declaration

Dear Mr. Avila,

Thank you for the opportunity to express the position of the Contra Costa Mosquito & Vector Control District (the District) regarding the proposed Mitigated Negative Declaration for the Laurel Ranch IV Subdivision located at 5175 Laurel Drive in the unincorporated Concord area.

As a bit of background, the District is tasked with reducing the risk of diseases spread through vectors in Contra Costa County by controlling them in a responsible, environmentally-conscious manner. A “vector” means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and rodents and other vertebrates. Under the California Health and Safety Code, property owners retain the responsibility to ensure that the structure(s), device(s), other project elements, and all additional facets of their property do not produce or harbor vectors, or otherwise create a nuisance. Owners are required to take measures to abate any nuisance caused by activities undertaken and/or by the structure(s), device(s), or other feature(s) of their property. Failure by the property owner to adequately address a nuisance may lead to abatement by the Contra Costa Mosquito & Vector Control District and civil penalties up to \$1,000 per day pursuant to California Health & Safety Code §2060-2067.

Potential impacts to human health by disease vectors is not properly addressed under CEQA—an oversight that has created problems for mosquito abatement and vector control agencies throughout California. The analysis for a project should consider evidence of potential environmental impacts, even if such impacts are not specifically listed on the Appendix G checklist. [State CEQA Guidelines, § 15063(f)]. To determine whether Public Health & Safety may be significantly impacted, lead agencies should refer to the California Health & Safety Code § 2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by local mosquito and vector control districts/agencies in their determination of environmental impacts. Would the project:

- a) Increase the potential exposure of the public to disease vectors (e.g., mosquitoes, flies, ticks, and rats)?
- b) Increase potential mosquito/vector breeding habitat (i.e., areas of prolonged standing/ponded water like wetlands or stormwater treatment control BMPs and LID features)?

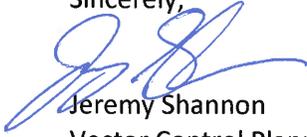
Protecting Public Health Since 1927

BOARD OF TRUSTEES

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Addressing these concerns in the environmental review and project planning phases can not only better protect public health and reduce the need for pesticide applications for vector control efforts, but avoid costly retrofits and fines for property owners in the future. Please don't hesitate to contact the District should you have any questions or need anything further.

Sincerely,



Jeremy Shannon

Vector Control Planner

925-771-6119

jshannon@contracostamosquito.com

Dear Francisoco Avila, Senior Planner
CCCC Department of Conservation and Development.



7/2/2019

I live next door to the property at 5175 Laurel Drive. I oppose redeveloping this into an 8 unit housing development. I purposely purchased my property at 9902 Malu Lane and built a home in the back of the lot. I plan to possibly one day develop the front ½ acre into a second home for my family. This area of concord is very rural and continues to have large lots. I have an unobstructed view of Mt Diablo from my yard and home. I would be very disappointed to see large scale (8 homes, small lots, added to this community). I hope my wishes can be considered and the neighbors could possible build a much smaller more intimate community of 4 homes, all single story as to not Ruin the ascetics of the area. If people want to live in track homes, there are many in other parts of the city.

In addition, I left many of the original Walnut Trees on my property to preserve the rural affect of the original orchards that once populated this area. It would be negligent for the city to simply bulldoze the entire area to make way for yet another housing project. If we need more housing in Concord, we should look to infill in the downtown core.

Thank you

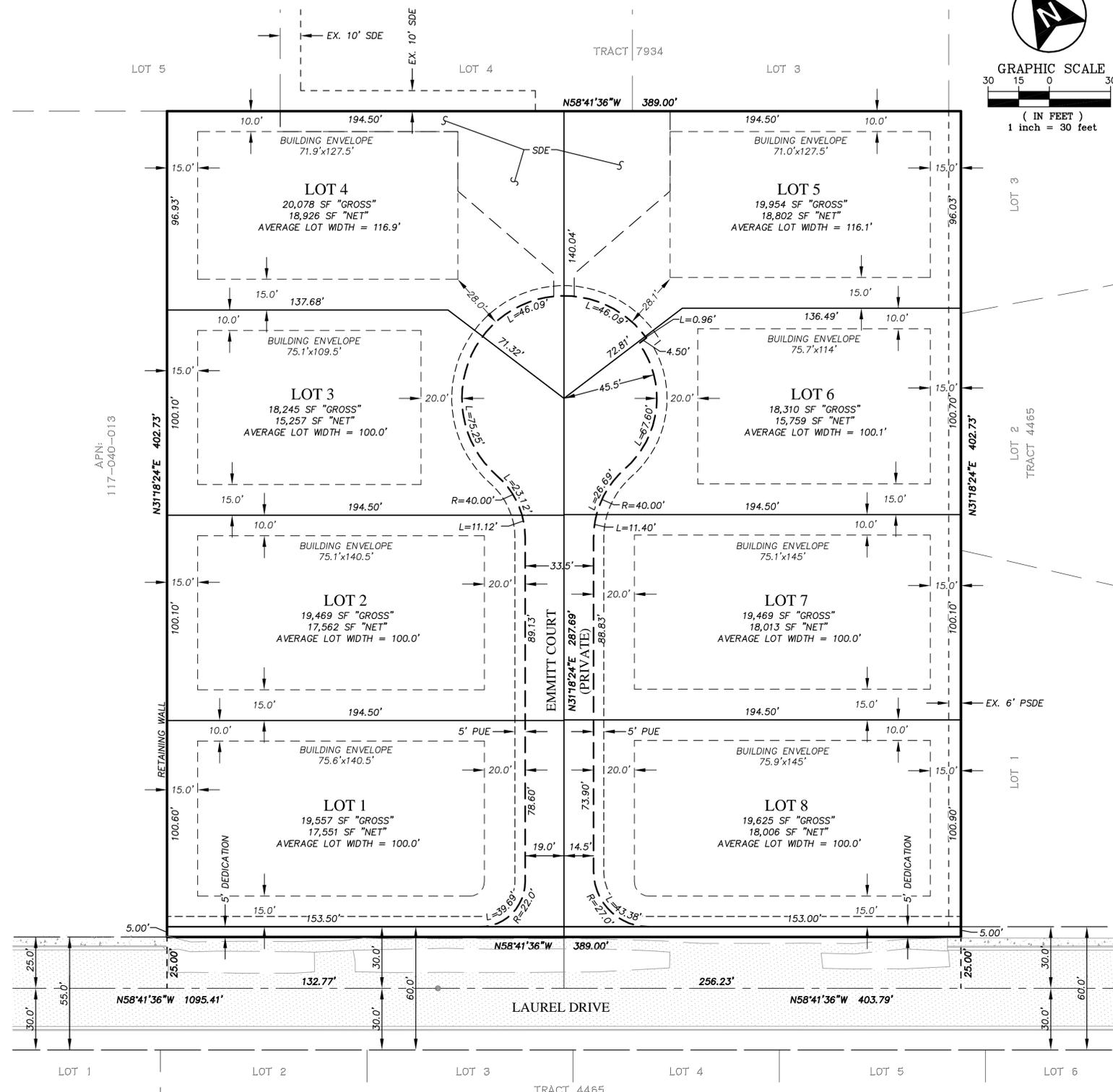
A very concerned neighbor

Michele Iseri

A handwritten signature in cursive script that reads "Michele Iseri". The signature is written in black ink and is positioned below the printed name.

VESTING TENTATIVE MAP "LAUREL PLACE IV"

SUBDIVISION 9495
CITY OF CONCORD
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



DEVELOPER

LENOX HOMES, LLC
3675 MT. DIABLO BLVD., SUITE 350
LAFAYETTE, CA 94549
(925) 283-8470

OWNER

PAMELA HARREL
5199 LAUREL DRIVE
CONCORD, CA 94521
(925) 586-8040

CIVIL ENGINEER

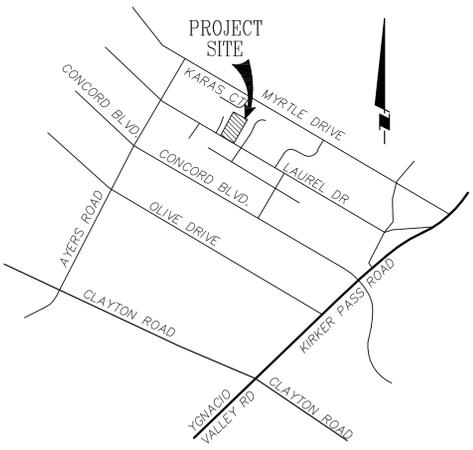
APEX CIVIL ENGINEERING & LAND SURVEYING
817 ARNOLD DRIVE, SUITE 50
MARTINEZ, CA 94553
(925) 476-8499

SOILS ENGINEER

BERLOGAR, STEVENS & ASSOCIATES
5587 SUNOL BOULEVARD
PLEASANTON, CA 94566
(650) 484-0220

LANDSCAPE ARCHITECT:

THOMAS BAAK & ASSOCIATES
1620 NORTH MAIN STREET, SUITE 4
WALNUT CREEK, CA 94596
(925) 933-2583



GENERAL

ASSESSORS PARCEL NO(s): 117-040-086
PROJECT ADDRESS: 5175 LAUREL DRIVE, CONCORD, CA
TOTAL AREA: 3.60 ACRES
NET DEVELOPABLE AREA: 3.14 ACRES
EXISTING USE: SINGLE FAMILY RESIDENCE
EXISTING ZONING: R-40 (SINGLE FAMILY RESIDENTIAL)
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
PROPOSED ZONING: R-15 (SINGLE FAMILY RESIDENTIAL)
NUMBER OF UNITS: 8 LOTS
DENSITY: 2.55 UNITS/AC
FEMA FLOOD DESIGNATION: ZONE "X" (FIRM PANEL 0304G, DATED 03-21-2017)

FACILITIES

WATER: CONTRA COSTA WATER DISTRICT
SEWER: CITY OF CONCORD
STORM DRAIN: CONTRA COSTA COUNTY CCCFPD
FIRE: PACIFIC GAS & ELECTRIC
GAS & ELECTRIC: AT&T
TELEPHONE: COMCAST
CABLE: COMCAST

NOTES:

- NO PUBLIC AREAS ARE PROPOSED.
- ALL EXISTING STRUCTURES, CONCRETE AND TREES ON-SITE ARE TO BE REMOVED.

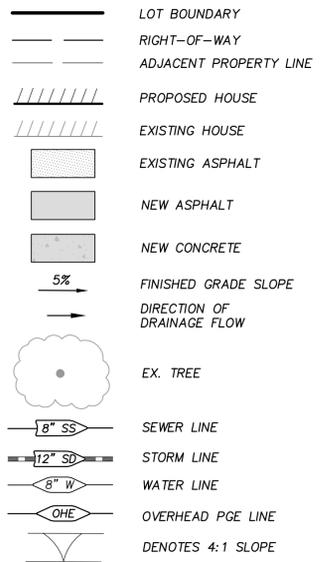
BASIS OF BEARINGS

BEARINGS ARE BASED ON THE CENTERLINE OF LAUREL DRIVE BETWEEN FOUND MONUMENTS AS SHOWN ON THE CCCO COUNTY RIGHT OF WAY DWG F 5167 E-71 TAKEN AS NORTH 58°41'36" WEST

BENCHMARK

ELEVATIONS ARE BASED ON CCCO BM 3074 BRASS DISC IN FLAGPOLE, AYERS ELEMENTARY SCHOOL ELEV.=280.57 ELEVATION WAS ADJUSTED TO NAVD 88 USING CORPSCON 6.1 ELEVATION DIFFERENTIAL=+2.6'; ELEV=283.17

LEGEND



ABBREVIATIONS

- AB - AGGREGATE BASE
- AC - ASPHALT CONCRETE
- BOC - BACK OF CURB
- BW - BOTTOM OF WALL
- CB - CATCH BASIN
- CCCO - CONTRA COSTA COUNTY
- CL - CLASS
- CL - CENTERLINE
- COC - CITY OF CONCORD
- DET - DETAIL
- EX - EXISTING
- FG - FINISH GRADE
- FH - FIRE HYDRANT
- GB - GRADE BREAK
- GF - GUTTER FLOWLINE
- HP - HIGH POINT
- P - PAD ELEVATION
- PI - POINT OF INTERSECTION
- PUE - PUBLIC UTILITY EASEMENT
- R/W - RIGHT OF WAY
- SD - STORM DRAIN
- SF - SQUARE FEET
- SS - SANITARY SEWER
- STD - STANDARD
- TW - TOP OF WALL
- TYP - TYPICAL
- W - WATER

SHEET INDEX

SHEET No.	DESCRIPTION
1	TITLE SHEET
2	TOPOGRAPHIC SURVEY & DEMOLITION PLAN
3	SECTIONS & DETAILS
4	PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN
5	PRELIMINARY C.3 STORM WATER CONTROL PLAN

REVISIONS	NO.	BY	DATE

DESIGN: JV
DRAWN: STAFF
CHECKED: JV
PROJECT #: 16119



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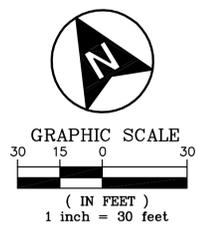
VESTING TENTATIVE MAP
TITLE SHEET
SUB # 9495
CONCORD, CA

SHEET 1 OF 5
DATE 02-04-2018

LAUREL RANCH IV - SUB # 9495 - VESTING TENTATIVE MAP - 02-04-2019

TOPOGRAPHIC SURVEY & DEMOLITION PLAN "LAUREL PLACE IV"

SUBDIVISION 9495
CITY OF CONCORD
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



LEGEND

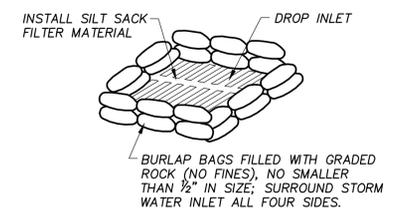
-  EX. GRAVEL DRIVEWAY TO SERVE AS CONSTRUCTION ENTRANCE
-  FIBER ROLL WATTLES
-  INLET PROTECTION
-  TREE TO BE REMOVED

DEMOLITION KEY LEGEND

- ① EXISTING STRUCTURE TO BE REMOVED
- ② EXISTING CONCRETE TO BE REMOVED
- ③ EXISTING FENCE TO BE REMOVED, AS NEEDED
- ④ EXISTING GRAVEL DRIVEWAY TO BE REMOVED
- ⑤ EXISTING TREE TO BE REMOVED (TYP)
- ⑥ 5'± OF CURB, GUTTER AND SIDEWALK TO BE REMOVED
- ⑦ EXISTING POWER POLE TO BE RELOCATED PER JOINT TRENCH PLANS
- ⑧ OVERHEAD POWER LINE / POWER POLE TO BE REMOVED
- ⑨ OVERHEAD POWER LINE TO BE RELOCATED. SEE JOINT TRENCH PLANS BY OTHERS
- ⑩ EXISTING WATER METER TO BE RELOCATED
- ⑪ EXISTING CATCH BASIN TO BE REMOVED

INLET PROTECTION NOTES:

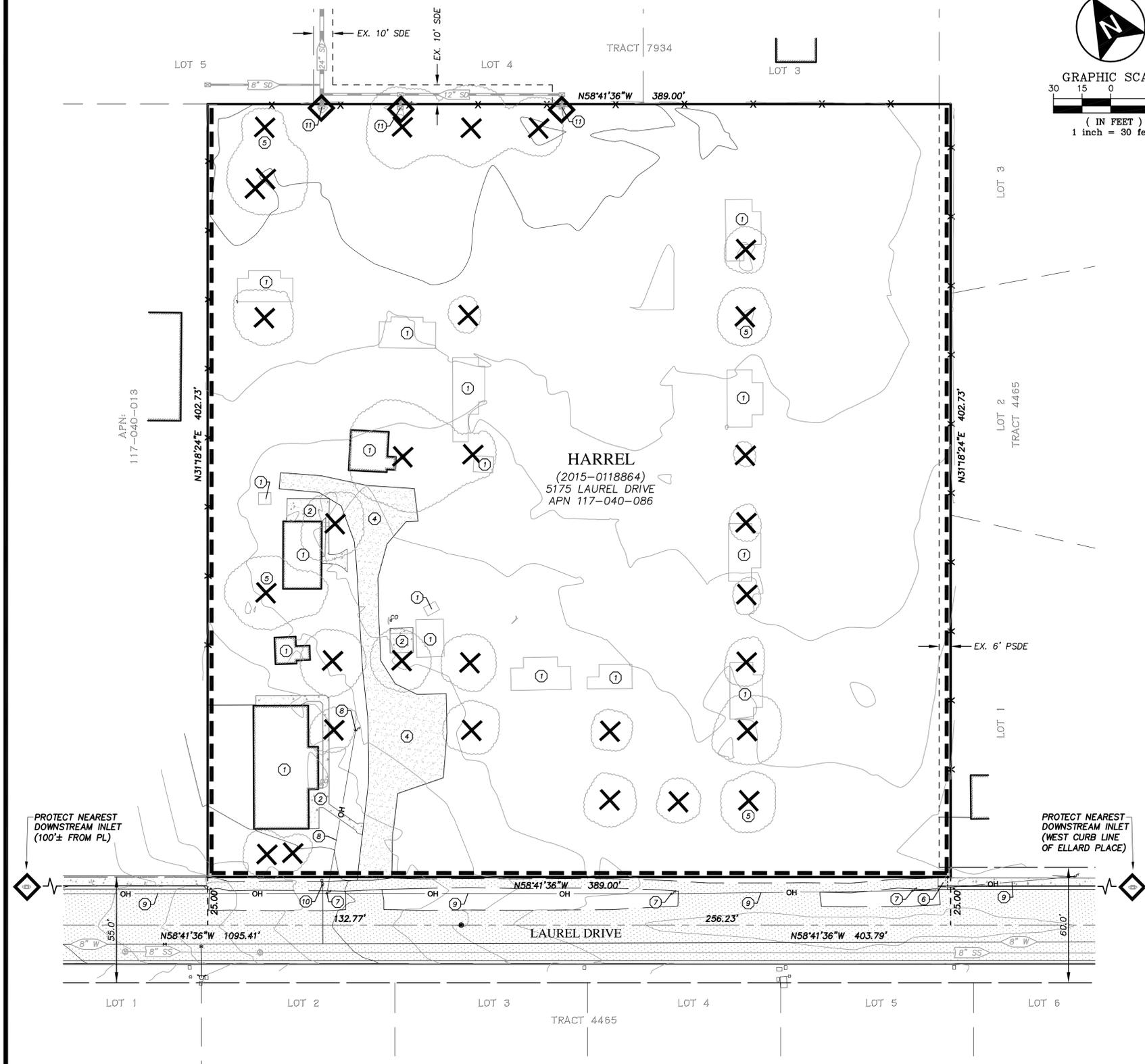
1. THICKNESS OF FILLED BAGS WHEN LAID FLAT SHALL NOT EXCEED 4".
2. ENSURE THERE ARE NO GAPS BETWEEN THE BAGS OR BETWEEN THE BAGS AND THE FACE OF CURB.
3. REMOVE ACCUMULATED SILT, DIRT, AND DEBRIS BEFORE IT EXCEEDS 2" THICK IN THE GUTTER.
4. INSPECT INLET PROTECTION DAILY DURING EXTENDED RAINFALL PERIODS AND BEFORE AND AFTER EACH RAIN EVENT.
5. SILT SACKS SHALL BE INSPECTED DAILY. EMPTIED & CLEANED AS REQUIRED.



DROP INLET PROTECTION
NOT TO SCALE

GENERAL DEMOLITION NOTES:

1. A DEMOLITION PERMIT IS REQUIRED PRIOR TO COMMENCEMENT OF DEMOLITION. COPIES OF THE PERMITS ARE REQUIRED TO BE ON SITE AT ALL TIMES.
2. NOISE-PRODUCING CONSTRUCTION ACTIVITY (INCLUDING PLAYING OF RADIO OR MUSIC) AND GRADING OPERATION SHALL BE LIMITED TO WEEKDAYS (MONDAY THROUGH FRIDAY) EXCEPT CITY HOLIDAYS AND FROM THE HOURS OF 7:00AM TO 5:00PM, SATURDAY AND SUNDAY; NONE, AND SHALL BE PROHIBITED ON STATE AND FEDERAL HOLIDAYS. ALL EQUIPMENT SHALL BE ADEQUATELY MUFFLED AND MAINTAINED. NO CHANGES SHALL BE ALLOWED WITHOUT PRIOR WRITTEN CONSENT OF THE COUNTY. ALL REQUESTS FOR CHANGES MUST BE MADE A MINIMUM OF 72 HOURS PRIOR TO THE REQUEST FOR CHANGE.
3. THE CONSTRUCTION CONTRACTOR AGREES, THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND DEFEND, INDEMNIFY AND HOLD THE DESIGN PROFESSIONAL AND CITY HARMLESS FROM ANY AND ALL LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.
4. THE CONTRACTOR SHALL PROVIDE EMERGENCY TELEPHONE NUMBERS FOR PUBLIC WORKS, AMBULANCE, POLICE, AND FIRE DEPARTMENTS AT THE JOB SITE.
5. THE CONTRACTOR SHALL CONTROL DUST BY WATERING EXPOSED SURFACES AS NEEDED. INCREASED WATERING SHALL BE REQUIRED WHEN WIND SPEEDS EXCEED 10 MPH.
6. THE PROJECT APPLICANT SHALL SWEEP STREETS DAILY, OR AS NECESSARY, WITH WATER SWEEPERS IF VISIBLE SOIL MATERIAL IS CARRIED ONTO ADJACENT PUBLIC STREETS.
7. THE CONTRACTOR SHALL PROVIDE TEMPORARY CONSTRUCTION DRIVES TO PREVENT THE TRACKING OF SOIL, DUST, MUD, OR CONSTRUCTION DEBRIS ON PUBLIC STREETS.
8. MUD TRACKED ONTO STREETS OR ADJACENT PROPERTIES SHALL BE REMOVED IMMEDIATELY, STREET SHALL BE SWEEPED WITH A POWER SWEEPER (NOT PRESSURE WASHED) AS DIRECTED BY THE COUNTY.
9. ALL WATER, SEWER, ELECTRIC, GAS, CABLE & PHONE SERVICES/LATERALS SHALL BE REMOVED BACK TO THE APPROPRIATE UTILITY MAIN.
10. SHOULD THERE BE ANY WATER WELLS ON THIS PROPERTY, THE CONTRACTOR SHALL OBTAIN A WELL PERMIT FROM THE COUNTY DEPARTMENT OF HEALTH SERVICES, ENVIRONMENTAL HEALTH DIVISION, PRIOR TO ANY GRADING IN THE IMMEDIATE VICINITY OF A WELL AND PRIOR TO REMOVAL OF A WELL.
11. SHOULD THERE BE A SEPTIC SYSTEM ON THIS PROPERTY, THE CONTRACTOR SHALL OBTAIN A PERMIT FROM THE COUNTY DEPARTMENT OF HEALTH SERVICES, ENVIRONMENTAL HEALTH DIVISION FOR REMOVAL, PRIOR TO ANY GRADING IN THE IMMEDIATE VICINITY OF A SEPTIC TANK OR LEACH FIELD AND PRIOR TO REMOVAL OF A SEPTIC SYSTEM.



REVISIONS	NO.	BY	DATE

DESIGN:	JV
DRAWN:	STAFF
CHECKED:	JV
PROJECT #:	16119



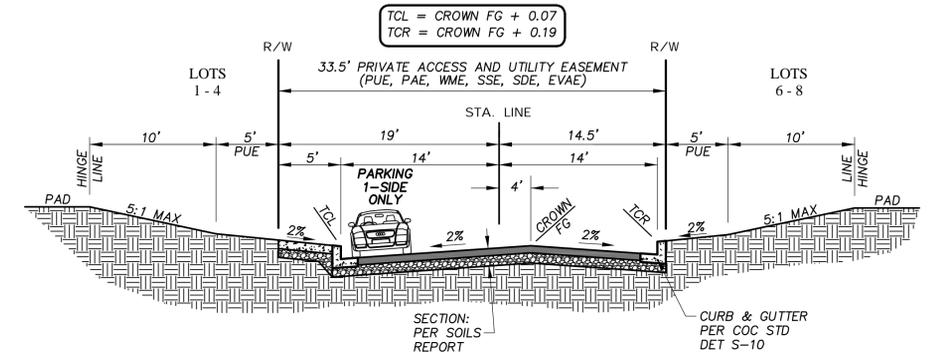

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VESTING TENTATIVE MAP
TOPOGRAPHIC SURVEY & DEMOLITION PLAN
LAUREL RANCH IV SUB # 9495 CONCORD, CA

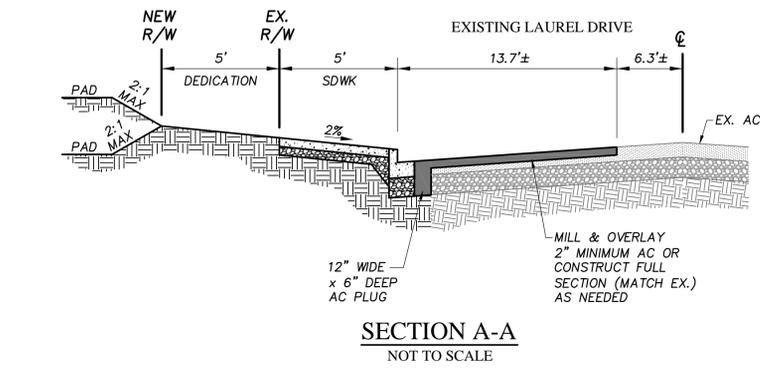
SHEET 2 OF 5
DATE 02-04-2018

SECTIONS & DETAILS "LAUREL PLACE IV"

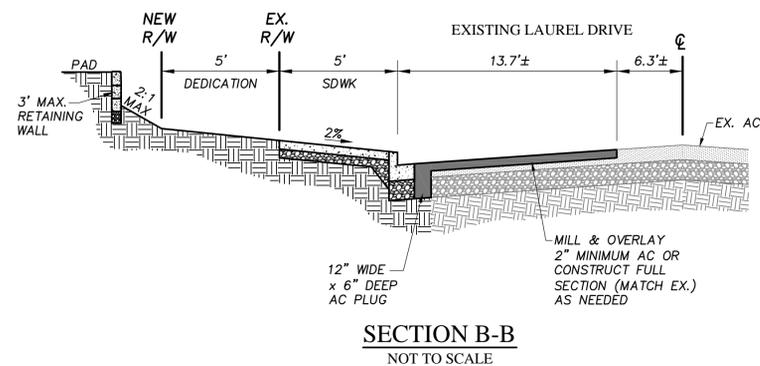
SUBDIVISION 9495
CITY OF CONCORD
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



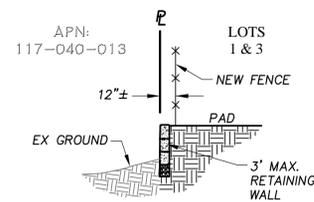
TYPICAL 33.5' STREET SECTION (PARKING 1-SIDE)
EMMITT COURT (PRIVATE)
SECTION H-H
NOT TO SCALE



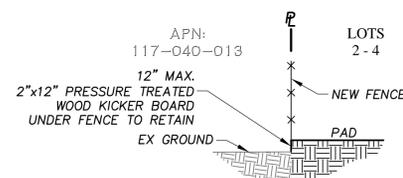
SECTION A-A
NOT TO SCALE



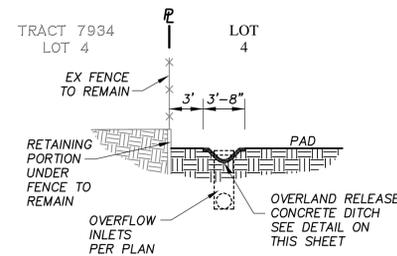
SECTION B-B
NOT TO SCALE



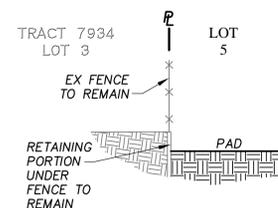
SECTION C-C
NOT TO SCALE



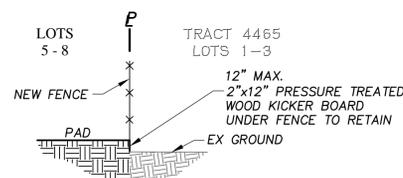
SECTION D-D
NOT TO SCALE



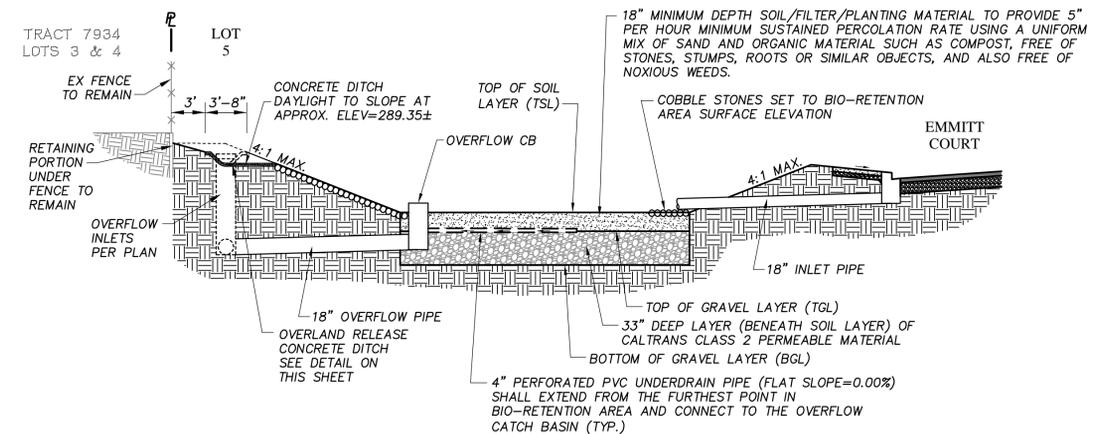
SECTION E-E
NOT TO SCALE



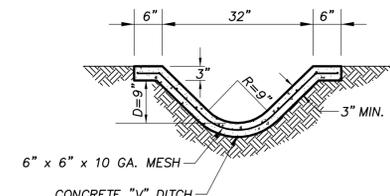
SECTION F-F
NOT TO SCALE



SECTION G-G
NOT TO SCALE



BIO-RETENTION AREA
DETAIL
NOT TO SCALE



TYPICAL CONCRETE DITCH
NOT TO SCALE

REVISIONS	NO.	BY	DATE

DESIGN:	JV
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PROJECT #:	16119



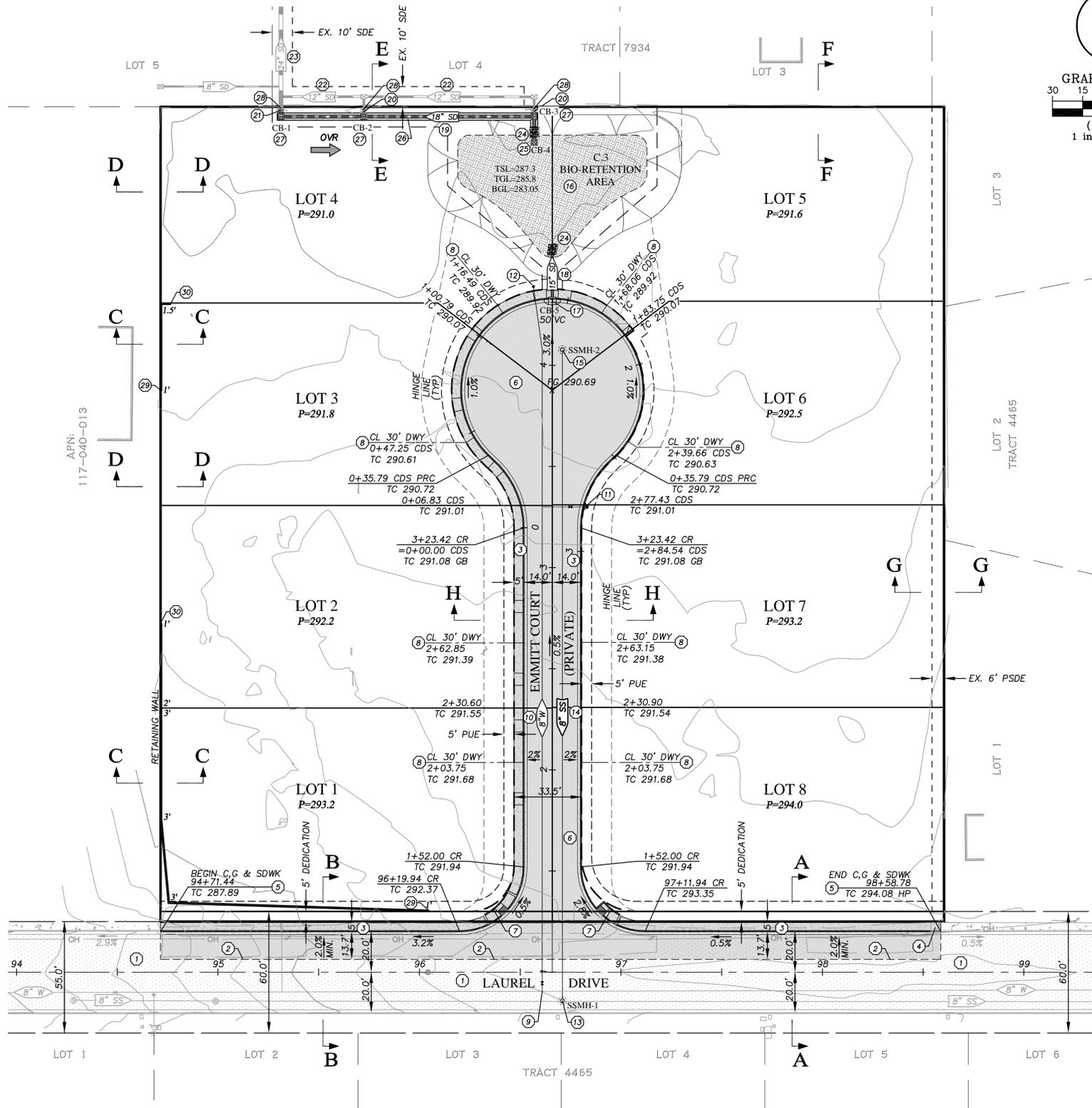
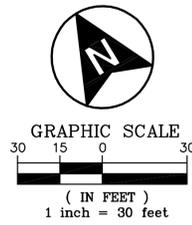
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VESTING TENTATIVE MAP
SECTIONS & DETAILS
LAUREL RANCH IV
SUB # 9495
CONCORD, CA

SHEET
3 OF 5
DATE
02-04-2018

PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN "LAUREL PLACE IV"

SUBDIVISION 9495
CITY OF CONCORD
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



SECTIONS NOTE:
REFER TO SHEET 3
FOR ALL SECTIONS
AND DETAILS

GRADING QUANTITIES

CUT	4,422 CU. YDS.
FILL	4,422 CU. YDS.

BALANCED SITE

TOTAL DISTURBED AREA: 3.76 ACRES (163,895 SF)

SD/SS SUMMARY

STRUCTURE #	GRATE/RIM ELEVATION	FLOW LINE ELEVATION
CB-1	G 290.83 6" SO 290.00	18" FL 284.42 IN 24" FL 284.42 OUT
CB-2	G 290.62 6" SO 289.79	12" FL 285.70 OUT 18" FL 284.63 THRU
CB-3	G 290.20 6" SO 289.37	12" FL 286.50 OUT 18" FL 285.05 THRU
CB-4	288.13	4" FL 285.72 IN 18" FL 285.11 OUT
CB-5	TC 289.78	15" FL 285.72 OUT
SSMH-1	RIM 293.02±	8" FL 282.16 IN EX. 8" FL 281.91± THRU
SSMH-2	RIM 290.08	8" FL 284.64 OUT

KEY LEGEND

- ① EXISTING PAVEMENT TO REMAIN
- ② PAVEMENT SAWCUT LINE (TYP)
- ③ CURB, GUTTER & SIDEWALK PER COC STD DET S-10
- ④ 5'± OF CURB, GUTTER AND SIDEWALK TO BE REMOVED PER DEMOLITION PLAN
- ⑤ MATCH EX. CURB, GUTTER AND SIDEWALK
- ⑥ ASPHALT. SECTION PER SOILS ENGINEER'S RECOMMENDATIONS
- ⑦ TYPE "C" HANDICAP RAMP PER COC STD DET S-15
- ⑧ 30" WIDE DRIVEWAY APPROACH PER COC STD DET S-14
- ⑨ CONNECT TO EXISTING WATER MAIN
- ⑩ 8" WATER MAIN TO BE DESIGNED BY CCWD
- ⑪ FIRE HYDRANT PER CCCFPD STANDARDS
- ⑫ 2" BLOWOFF TO BE DESIGNED BY CCWD
- ⑬ INSTALL SANITARY SEWER MANHOLE OVER EX. 8" SS PER COC STANDARDS
- ⑭ 8" SANITARY SEWER MAIN PER COC STANDARDS
- ⑮ SANITARY SEWER MANHOLE PER COC STANDARDS
- ⑯ BIO-RETENTION AREA. SEE DETAIL ON SHEET 3
- ⑰ TYPE "I" CATCH BASIN PER COC STD DET S-5
- ⑱ 15" RCP STORM DRAIN PIPE
- ⑲ 18" ADS STORM DRAIN PIPE
- ⑳ 12" ADS STORM DRAIN PIPE
- ㉑ 24" ADS STORM DRAIN PIPE
- ㉒ EX. 12" STORM DRAIN PIPE
- ㉓ EX. 24" STORM DRAIN PIPE
- ㉔ COBBLE STONES (TYP)
- ㉕ OVERFLOW INLET. CHRISTY U21 OR EQUAL
- ㉖ OVERLAND RELEASE CONCRETE DITCH. SEE DETAIL ON SHEET 3
- ㉗ INLET. CHRISTY U21 OR EQUAL
- ㉘ REMOVE EX. INLET AND CONNECT TO EX. SD PIPE WITH COLLAR
- ㉙ BEGIN RETAINING WALL
- ㉚ END RETAINING WALL
- ㉛ DAYLIGHT LINE (TYP)



NOTE:
THE LOCATION OF ALL EXISTING UTILITIES SHOWN ON THE PLANS HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE VARIOUS UTILITIES AND EXERCISE EXTREME CAUTION IN AREAS OF BURIED UTILITIES DURING CONSTRUCTION.

REVISIONS	NO.	BY	DATE

DESIGN: JV
DRAWN: STAFF
CHECKED: JV
PROJECT #: 16119



APEX
CIVIL ENGINEERING & LAND SURVEYING

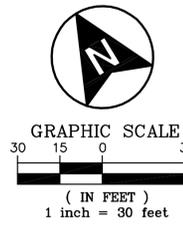
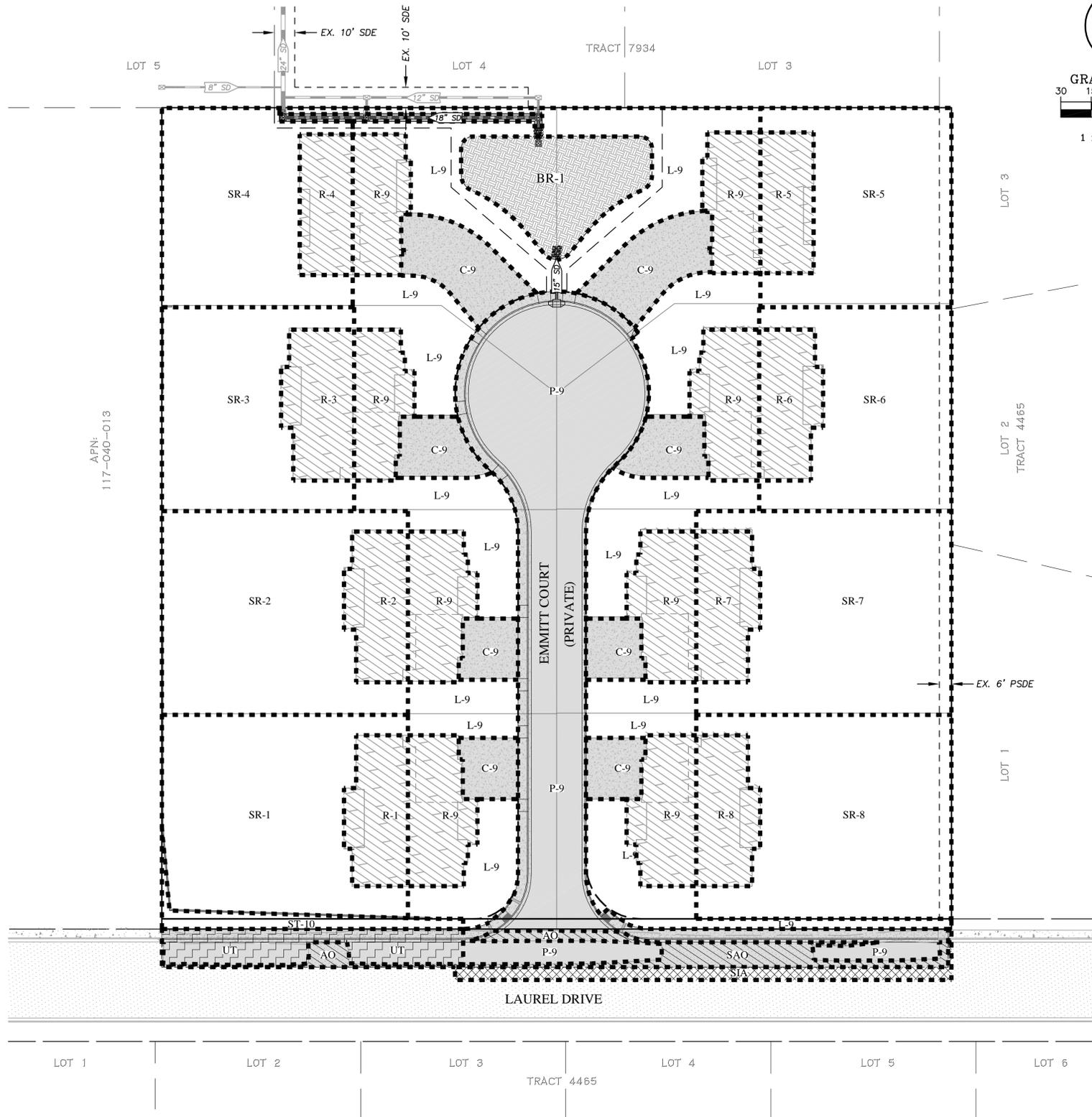
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VESTING TENTATIVE MAP
PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN
LAUREL RANCH IV SUB # 9495 CONCORD, CA

SHEET 4 OF 5
DATE 02-04-2018

PRELIMINARY C.3 STORM WATER CONTROL PLAN "LAUREL PLACE IV"

SUBDIVISION 9495
CITY OF CONCORD
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



ABBREVIATIONS

- C - CONCRETE
- L - LANDSCAPE AREA
- P - ASPHALT/PAVEMENT
- PL - FLOW-THROUGH PLANTER
- R - ROOFTOP
- SAO - SUBSTITUTE ASPHALT OVERLAY AREA
- SIA - SUBSTITUTE IMPERVIOUS AREA
- SR - SELF-RETAINING LANDSCAPE AREA
- ST - SELF-TREATING LANDSCAPE AREA
- UT - UNTREATED AREA

C.3 COMPLIANCE

REFER TO STORM WATER CONTROL PLAN REPORT FOR ADDITIONAL INFORMATION

AREA BREAKDOWN

PERVIOUS	
LANDSCAPING:	95,134 SF
BIO-RETENTION AREA:	3,771 SF
TOTAL AREA:	98,905 SF
IMPERVIOUS	
CONCRETE/ASPHALT:	31,042 SF
ROOFS:	32,828 SF
TOTAL AREA:	63,870 SF

C.3 STORM WATER CONTROL LEGEND

DRAINAGE MANAGEMENT AREAS (DMA):

LANDSCAPE AREA	L
SELF-RETAINING/ SELF-TREATING LANDSCAPE AREA	SR/ST
NEW IMPERVIOUS AREA (PAVEMENT/CONCRETE)	P C
ASPHALT OVERLAY NOT REQUIRED TO TREAT (IN-LIEU TREATMENT AREA)	SAO
UNTREATED AREA (CANNOT BE TREATED)	UT
SUBSTITUTE IMPERVIOUS AREA (IN-LIEU TREATMENT AREA)	SIA
NEW IMPERVIOUS AREA (ROOFTOP)	R
BIO-RETENTION AREA	BR-1

BMP TRIBUTARY BOUNDARY:

PROJECT C.3 SUMMARY

THE PROJECT IS DESIGNED TO TREAT THE REAR HALF OF ALL ROOFS IN SELF-RETAINING REAR YARDS.

THE FRONT HALF OF ALL ROOFS, DRIVEWAYS, SIDEWALK, FRONT YARD LANDSCAPE AREAS, EMMITT COURT AND A PORTION OF LAUREL DRIVE WILL BE TREATED IN THE BIO-RETENTION AREA (BR-1).

A PORTION OF LAUREL DRIVE IS UNTREATED. IN-LIEU OF TREATING THIS AREA, SUBSTITUTE PORTIONS OF LAUREL DRIVE, LABELED SIA (SUBSTITUTE IMPERVIOUS AREA) AND SAO (SUBSTITUTE ASPHALT OVERLAY NOT REQUIRING TREATMENT) TOGETHER EXCEED THE SIZE OF THE UNTREATED AREA AND ARE PROPOSED TO BE TREATED AND ARE ACCOUNTED FOR IN THE SIZING OF BR-1.

A SELF-TREATING AREA FRONTING ON LAUREL DRIVE ADJACENT TO LOT 1 IS PROPOSED.

THE PROJECT PROPOSES MORE THAN 1 ACRE OF NEW IMPERVIOUS SURFACES AND THEREFORE THE BIO-RETENTION AREA IS SIZED FOR TREATMENT AND HYDROMODIFICATION (HM).

PROJECT DATA FORM

PROJECT NAME/NUMBER	"LAUREL PLACE IV" - SUB # 9495
PROJECT LOCATION	5175 LAUREL DRIVE CONCORD, CA
NAME OF DEVELOPER	LENOX HOMES, LLC
PROJECT TYPE AND DESCRIPTION	8 LOTS (SINGLE FAMILY RESIDENTIAL)
PROJECT WATERSHED	MOUNT DIABLO CREEK WATERSHED
TOTAL PROJECT SITE AREA (ACRES)	3.74 ACRES (162,775 SF)
TOTAL AREA OF LAND DISTURBED (ACRES)	3.76 ACRES (163,895 SF)
TOTAL NEW IMPERVIOUS SURFACE AREA (SQ. FT.)	58,917 SF
TOTAL REPLACED IMPERVIOUS SURFACE AREA	4,953 SF
TOTAL PRE-PROJECT IMPERVIOUS SURFACE AREA	13,473 SF
TOTAL POST-PROJECT IMPERVIOUS SURFACE AREA	63,870 SF
RUNOFF REDUCTION MEASURES SELECTED	<input checked="" type="checkbox"/> 1. DISPERSE RUNOFF TO VEGETATED AREA <input type="checkbox"/> 2. PERVIOUS PAVEMENT (PAVERS) <input type="checkbox"/> 3. CISTERNS OR RAIN BARRELS <input checked="" type="checkbox"/> 4. BIO-RETENTION FACILITY OR FLOW-THROUGH PLANTER
50% RULE	N/A
PROJECT DENSITY	2.55 UNITS/AC
APPLICABLE SPECIAL PROJECT CATEGORIES	N/A
PERCENT LID AND NON LID TREATMENT	100% LID
HMP COMPLIANCE	YES

REVISIONS	NO.	BY	DATE

DESIGN:	JV
DRAWN:	STAFF
CHECKED:	JV
PROJECT #:	16119



817 Arnold Drive, Ste 50
Martinez, CA 94553
Ph: (925) 476-8499
www.apexce.net

VESTING TENTATIVE MAP
PRELIMINARY C.3 STORM WATER CONTROL PLAN
LAUREL RANCH IV SUB # 9495 CONCORD, CA

SHEET
5 OF 5
DATE
02-04-2018

117030036
BOEHNER DONALD L TRE
5176 LAUREL DR
CONCORD CA 94521-1527

117030037
SOUCHKOVA GALIA
17 PONDEREY PL
CONCORD CA 94521-2349

117040013
ISERI MICHELE
1873 SCOTT RD
CONCORD CA 94519-1734

117040067
ZUKOWSKI STANLEY J & DONNA R
1867 ELLARD PL
CONCORD CA 94521-1545

117040068
BALESTRIERI MARIO JR TRE
1869 ELLARD PL
CONCORD CA 94521-1545

117040073
LEE JOHN F H & GRACE A TRE
1870 ELLARD PL
CONCORD CA 94521-1545

117040074
DAHL BYRON C & PAMELA SUE TRE
1868 ELLARD PL
CONCORD CA 94521-1545

117040075
MYER DALE A TRE
1866 ELLARD PL
CONCORD CA 94521-1544

117040076
MAGNONE JACK H & KATHRYN J
1864 ELLARD PL
CONCORD CA 94521-1544

117040077
WEBB STEVE K
1862 ELLARD PL
CONCORD CA 94521-1544

117040078
KAUFMANN GARY A & TINA R TRE
1860 ELLARD PL
CONCORD CA 94521-1544

117040084
EBERHART MICHELLE
1863 ELLARD PL
CONCORD CA 94521-1544

117040085
THOMPSON CAROLYN C TRE
1865 ELLARD PL
CONCORD CA 94521-1544

117040086
HARREL PAMELA TRE EST OF
736 CORTE MANOLITO
SAN MARCOS CA 92069-7358

117040088
HARREL BRIAN TRE
736 CORTE MANOLITO
SAN MARCOS CA 92069-7358

117040090
ENGLAND BRIAN & CAROL
5141 LAUREL DR
CONCORD CA 94521-1535

117040091
PICAZO ENGELBERTO G & GLORIA
5151 LAUREL DR
CONCORD CA 94521-1535

117040107
ALTWER LUIS K & VICTORIA E TRE
5148 MYRTLE DR
CONCORD CA 94521-1522

117040108
IWAHASHI SATOSHI TRE
3527 MT DIABLO BLVD #223
LAFAYETTE CA 94549-3815

117040109
SIMEONE ANTHONY & KATHY TRE
1862 KARAS CT
CONCORD CA 94521-1551

117040110
PAPPAS JAMES A TRE
1858 KARAS CT
CONCORD CA 94521-1551

117040111
TIMMER SCOTT M & LAURA A TRE
1854 KARAS CT
CONCORD CA 94521-1551

117040112
JONES GLEN RICHARD TRE
1850 KARAS CT
CONCORD CA 94521-1551

117040113
VALERIO ARTURO
1851 KARAS CT
CONCORD CA 94521-1552

117040114
SIMMERING HARRY & TAMI T
1863 KARAS CT
CONCORD CA 94521-1552

117040115
WHITEHOUSE MARK & LORITA TRE
1867 KARAS CT
CONCORD CA 94521-1552

117040116
YATES JAMES & SUSAN
1871 KARAS CT
CONCORD CA 94521-1552

117040117
ORME RYAN
5144 MYRTLE DR
CONCORD CA 94521-1522

117101001
NAJAC ROBERT A & SHALENE TRE
5180 LAUREL DR
CONCORD CA 94521-1527

117101002
RHODES JUSTIN D
5184 LAUREL DR
CONCORD CA 94521-1527

117101003
LEANY JUSTIN & MEGAN
5188 LAUREL DR
CONCORD CA 94521-1527

117101004
STEPHAN LOUIS H & JUTTA TRE
5192 LAUREL DR
CONCORD CA 94521-1527

117101005
VENKER PAUL & BRENDA
5196 LAUREL DR
CONCORD CA 94521-1527

117101006
LEE ANA TERESITA
5198 LAUREL DR
CONCORD CA 94521-1527

117101007
HAGEN CREIGHTON D & JENNICE A
5189 JOMAR DR
CONCORD CA 94521-2339

117101008
MOHEB OMID
5185 JOMAR DR
CONCORD CA 94521-2339

117101009
GALLIANO MICHAEL & MAUREEN
TRE
5181 JOMAR DR
CONCORD CA 94521-2339

117101010
SHAKOORI AHMAD SAMIM
5177 JOMAR DR
CONCORD CA 94521-2339

117101011
HATFIELD DAVID & CHRISTINA TRE
5173 JOMAR DR
CONCORD CA 94521-2339

117101012
WINGARD HAYLEY M TRE
5169 JOMAR DR
CONCORD CA 94521-2339

117102001
TOLE KATIE
5200 LAUREL DR
CONCORD CA 94521-1530

117102002
TOUSLEY ARTHUR G & TRICIA D
5208 LAUREL DR
CONCORD CA 94521-1530

117102006
JACOBUS WILLIAM E TRE
5203 JOMAR DR
CONCORD CA 94521-2341

LENOX HOMES LLC
3675 MT DIABLO BLVD. SUITE 350
LAFAYETTE CA 94549

PUBLIC WORKS/ENGINEERING
DIVISION - JOCELYN LAROCQUE
INTEROFFICE

CONTRA COSTA MOSQUITO
ABATEMENT DIST, Attn: DISTRICT
MANAGER
155 MASON CIR
CONCORD CA 94520

BAAQMD, Attn: ENVIRONMENTAL
REVIEW SECTION
375 BEALE ST - STE 600
SAN FRANCISCO CA 94105

MT DIABLO UNIFIED SCHOOL DIST -
Attn: SUPERINTENDENT STEVEN
LAWRENCE PhD
1936 CARLOTTA DR
CONCORD CA 94519

CONTRA COSTA WATER DISTRICT,
PLANNING DEPARTMENT
PO BOX H2O
CONCORD CA 94520

CONTRA COSTA COUNTY FPD
CONSOLIDATED
INTEROFFICE

CITY OF CONCORD - Attn: PLANNING
DEPT
1950 PARKSIDE DR
CONCORD CA 94519

WILTON RANCHERIA - Attn: ED
SILVA
9728 KENT ST
ELK GROVE CA 94547

HOUSING PROGRAM - Attn:
CHRISTINE LOUIE
INTEROFFICE

PUBLIC WORKS - Attn: TRAFFIC
INTEROFFICE

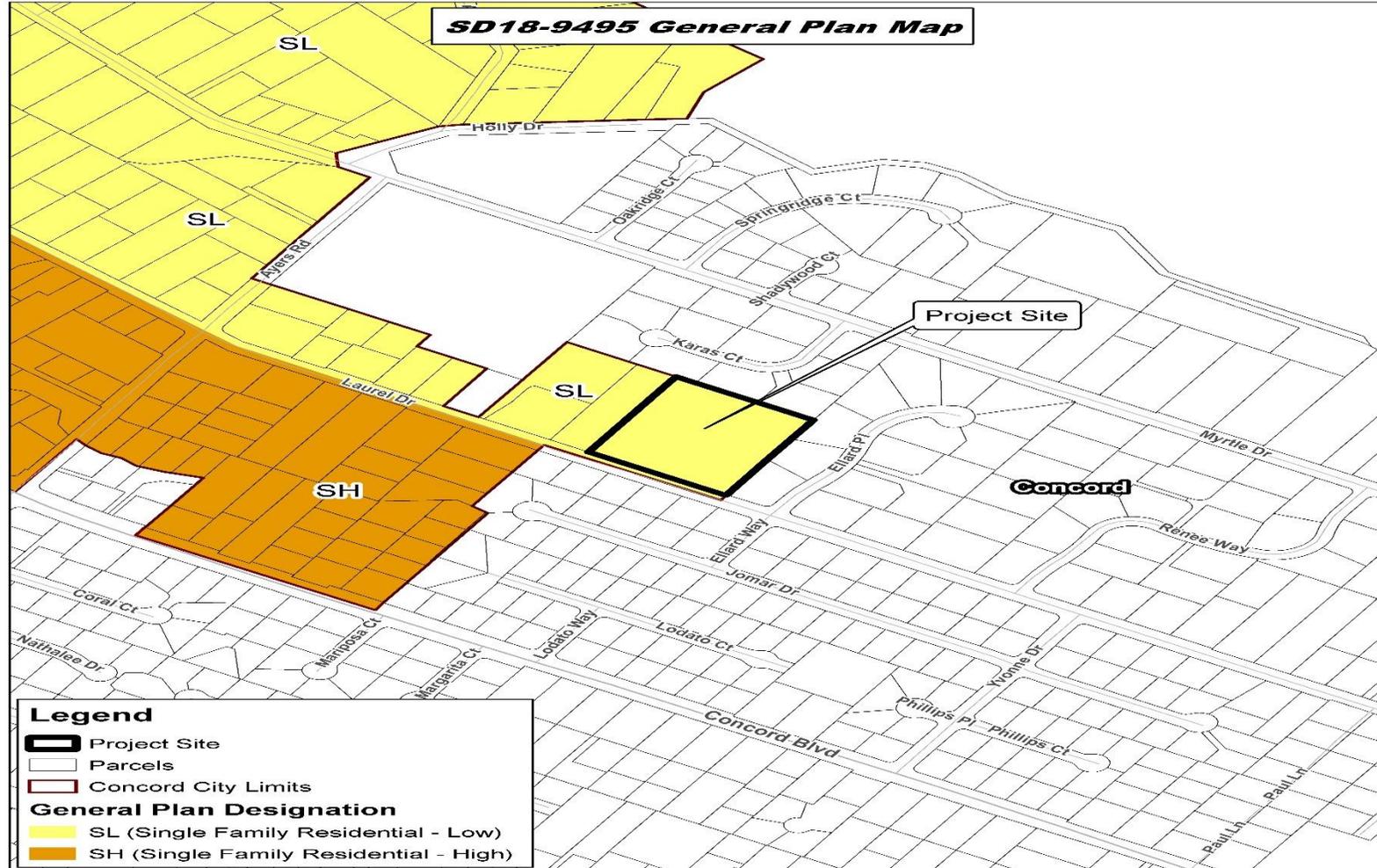
PUBLIC WORKS - Attn: FLOOD
CONTROL
INTEROFFICE

Laurel Place IV
Re-Zone and Subdivision
Application.

County File #RZ18-3244 and
SD18-9495.

Board of Supervisors
October 22, 2019

General Plan: SL

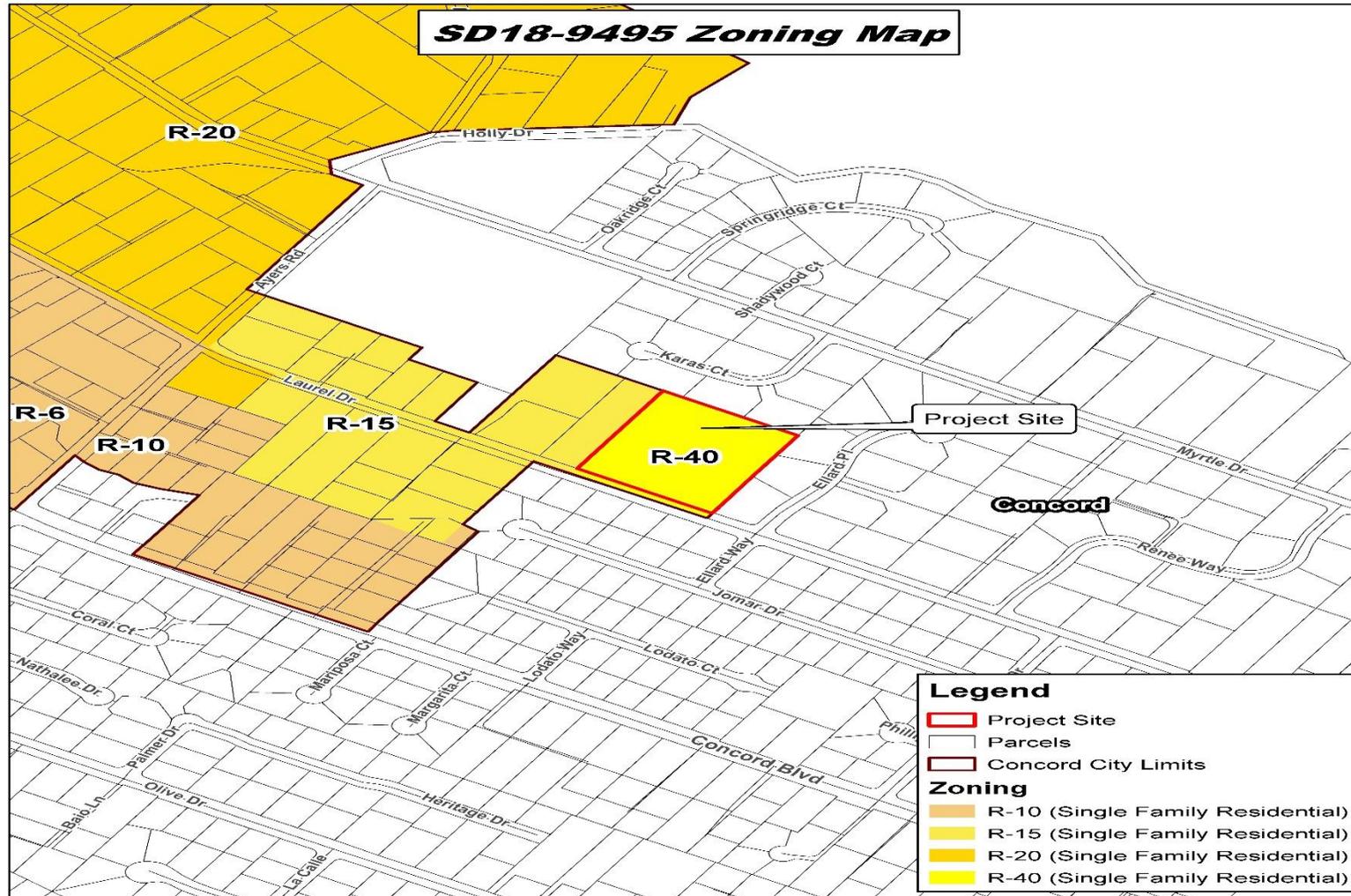


Map Created 8/1/2019
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Main Road, Alameda, CA 94601
 37.6841791N 122.0703756W

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



Zoning: R-40

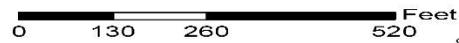


Map Created 8/1/2019
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37.59:11.791N 122.07:03.756W

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Aerial Map

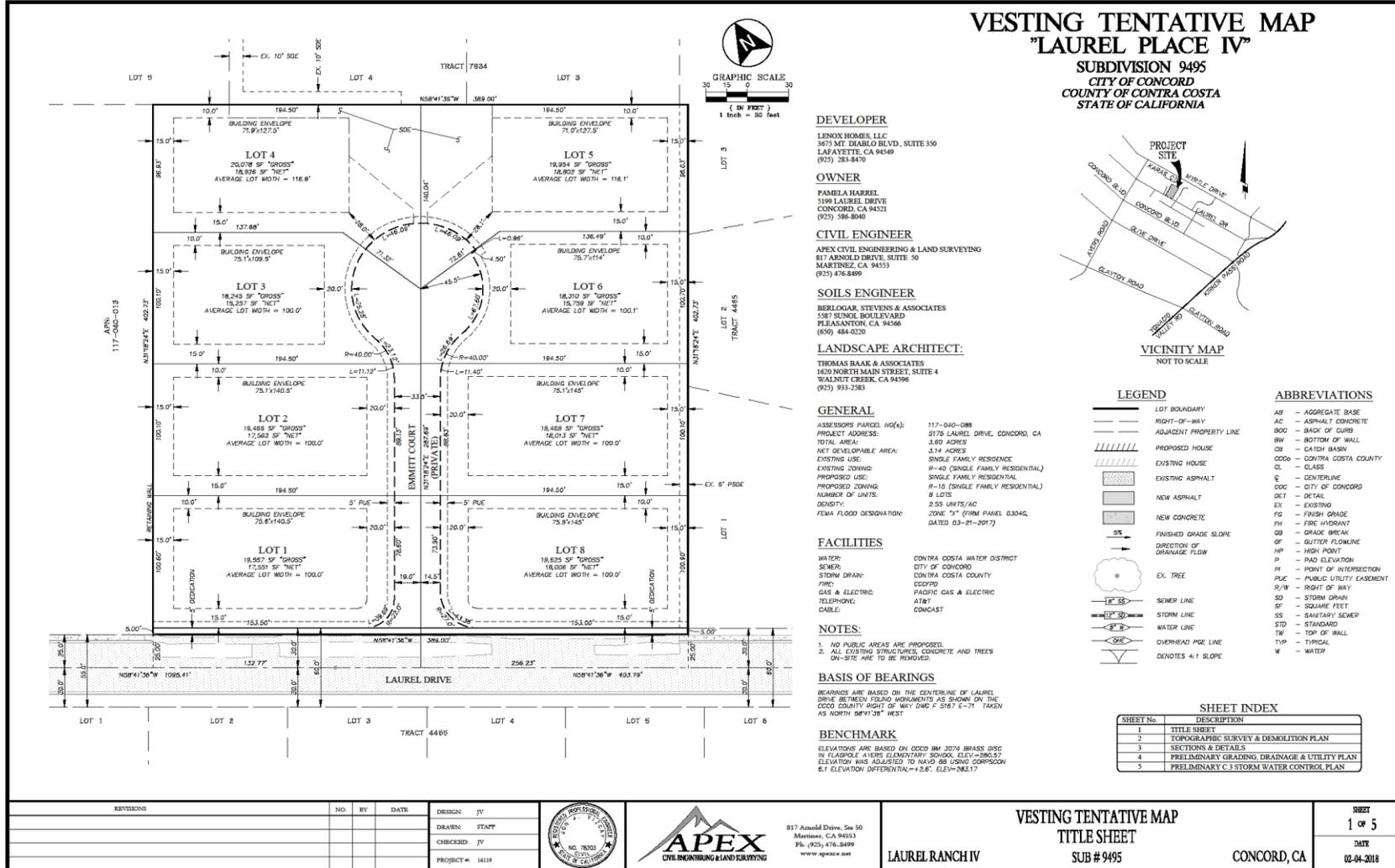


Map Created 8/12/2019
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94503
37:50:41.791N 122:07:03.750W

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Vesting Tentative Map



LAUREL RANCH IV - SUB # 9495 - VESTING TENTATIVE MAP - 02-04-2018

Re-Zoning Map

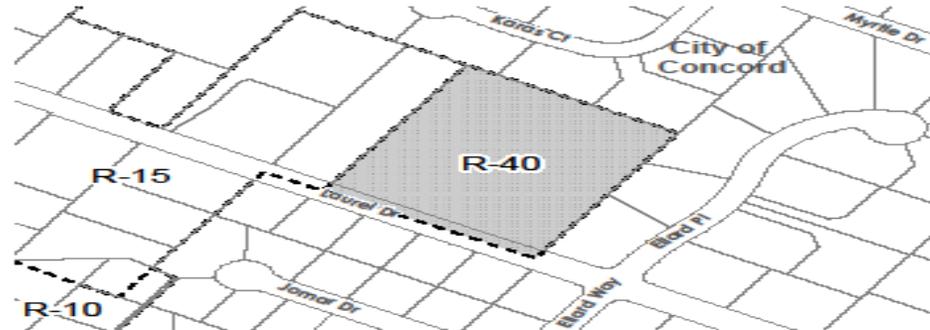
ORDINANCE NO. 2019 - 23
 (Re-Zoning Land in the
Concord Area)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I: Page J-17 of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Department of Conservation and Development File No. RZ18-3244.)

FROM: Land Use District R-40 (Single Family Residential)

TO: Land Use District R-15 (Single Family Residential)
 and the Department of Conservation and Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



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

PASSED on _____ by the following vote:

Supervisor	Aye	No	Absent	Abstain
1. J. Gioia	()	()	()	()
2. C. Andersen	()	()	()	()
3. D. Burgis	()	()	()	()
4. K. Mitchoff	()	()	()	()
5. F.D. Glover	()	()	()	()

ATTEST: David Twa, County Administrator
 and Clerk of the Board of Supervisors

By _____, Dep. _____ Chairman of the Board
 (SEAL)

ORDINANCE NO. 2019 - 23

RZ18-3244 - Joe Sordi - Lenox Homes, LLC

NEIGHBOR'S CONCERNS

- Too Dense
- Tree Removal
- Aesthetics

Staff Summary

- Mitigation measures have been identified for potential environmental impacts
- No evidence to warrant new conditions or mitigations
- Conforming R-15 Lots
- Consistent with other nearby developments

Questions

End



Contra
Costa
County

To: Board of Supervisors
From: FINANCE COMMITTEE
Date: October 22, 2019

Subject: Countywide Sales Tax Referral

RECOMMENDATION(S):

1. DETERMINE that a sales tax should be pursued over a parcel tax for the entire County (unincorporated and cities),
2. DIRECT that an expenditure plan be developed prior to the ballot measure being listed,
3. ACKNOWLEDGE that a general tax is not bound to be spent on specific services,
4. CREATE an ad hoc committee of Supervisors Mitchoff and Gioia to work on development of the expenditure plan,
5. DIRECT the ad hoc committee to create a workgroup composed of labor, community based organizations, Budget Justice Coalition, East Bay Leadership Council, and County Administrator staff.
6. DIRECT that meetings shall be open meetings governed by the Brown Act,
7. DIRECT staff to work with the California Department of Tax and Fee Administration (CDTFA) on logistics of listing a ballot measure and set up and collection contracts, if approved,
8. DIRECT staff to begin discussions with County lobbyist regarding special legislation needed to list measure on the ballot, but shall not begin drafting language or engaging legislators, and
9. ACKNOWLEDGE that the Governor would need to sign special legislation by May/June timeframe for the ballot measure to be feasible.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Timothy Ewell, Chief Assistant County Administrator (925) 335-1036

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

By: , Deputy

cc: All County Departments (via CAO)

RECOMMENDATION(S): (CONT'D)

FISCAL IMPACT:

This is an administrative report and has no specific fiscal impact. The attached Finance Committee report provides current projections for annual revenues for a countywide transaction and use tax. A 1/2 Cent tax would generate approximately \$93 million.

BACKGROUND:

On May 21, 2019, while considering whether to accept a report on the Contra Costa Transportation Authority's (CCTA) development of a Transportation Expenditure Plan and potential sales tax ballot measure, the Board of Supervisors referred to the Finance Committee the concept of a countywide sales tax (non-transportation) measure.

On July 5, 2019, the Finance Committee met and discussed the feasibility of a sales tax measure. County Counsel provided two attachments to supplement the discussion. The first attachment is a document outlining the procedural steps necessary to bring a general or special sales tax measure to the voters for approval. The second attachment discusses the limitations on the use of public resources in relation to ballot measure campaigns for a tax. Both documents are also attached to this agenda item for reference as attachments A and B, respectively.

At the July 2019 Finance Committee meeting, staff was asked to provide several follow up information items to the Committee at it's next regular meeting, including: 1) information regarding the composition of parcels throughout the County, 2) County Counsel was asked to assemble information related to parcel taxes similar to what has been provided to the Committee for a sales tax (essentially a "Guide"), and 3) provide updated information as to what a 0.5% and 0.25% sales tax would generate if passed.

The attached report was presented to the Finance Committee on October 7, 2019. After deliberation, the Finance Committee directed staff to present these materials to the full-Board of Supervisors along with the included recommendations.

CONSEQUENCE OF NEGATIVE ACTION:

There will be insufficient time for development of proposed legislation and other time sensitive actions prior to the November 2020 election.

ATTACHMENTS

Report to Finance Committee of Proposed Sales Tax Measures (10/7/19)

Attachment A - Sales Tax Measures-General, Special, Voter-Initiated, Etc.

Attachment B - Use of Public Resrouces in Relation to Tax Measure Campaigns

Attachment C - Detailed District Taxes, Rates and Effective Dates

Attachment D - Summary Parcel Count (Uninforporated & City), by Use Code

Attachment E - County Counsel Memorandum - Uniformity in Parcel Tax Measures, October 1, 2019



Contra Costa County Board of Supervisors

Subcommittee Report

FINANCE COMMITTEE

5.

Meeting Date: 10/07/2019

Subject: Sales Tax

Submitted For: David Twa, County Administrator

Department: County Administrator

Referral No.: 5/21/2019 D.7

Referral Name: Sales Tax

Presenter: Supervisor John Gioia **Contact:** Timothy Ewell, Chief Assistant County Administrator (925) 335-1036

Referral History:

On May 21, 2019, while considering whether to accept a report on the Contra Costa Transportation Authority's (CCTA) development of a Transportation Expenditure Plan and potential sales tax ballot measure, the Board of Supervisors referred to the Finance Committee the concept of a countywide sales tax (non-transportation) measure.

On July 5, 2019, the Finance Committee met and discussed the feasibility of a sales tax measure. County Counsel provided two attachments to supplement the discussion. The first attachment is a document outlining the procedural steps necessary to bring a general or special sales tax measure to the voters for approval. The second attachment discusses the limitations on the use of public resources in relation to ballot measure campaigns for a tax. Both documents are also attached to this agenda item for reference as attachments A and B, respectively.

Referral Update:

At the July 2019 Finance Committee meeting, staff was asked to provide several follow up information items to the Committee at it's next regular meeting, including: 1) information regarding the composition of parcels throughout the County, 2) County Counsel was asked to assemble information related to parcel taxes similar to what has been provided to the Committee for a sales tax (essentially a "Guide"), and 3) provide updated information as to what a 0.5% and 0.25% sales tax would generate if passed.

General

In California, the maximum sales, use and transactions tax rate is 9.25%. This includes a statewide base sales and use tax rate of 7.25% and up to 2.00% for local district transaction and use taxes. The maximum rate can be increased by special legislation, which was covered in County Counsel's staff report at the July 2019 meeting. For this reason, details about that issue are not being covered directly in today's update, but are available in the attachments to this agenda packet for reference.

As additional background, as of the October 1, 2018, there were 270 transactions and use tax districts in California. Of these, 53 are countywide and 217 are in cities. The taxes are used to finance a variety of needs including public safety services, local hospitals, road repairs, capital projects, and parks and recreation activities. Approximately 90% of the state's population resides in one or more transactions and use tax districts. A statewide listing of approved transaction and use taxes, both countywide and within city limits, is included in Attachment C.

Economics of Countywide Transaction and Use Tax

At the July 2019 meeting, the Committee requested information regarding an updated projection of how much revenue both 0.5% and 0.25% transactions and use tax measures may generate. Previously, an estimate of approximately \$78 million had been widely circulated based on 0.5% tax sought by the CCTA. Staff has worked in consultation with HdL Companies, the County's sales tax consultants, to determine updated projections to assist the Committee in its discussions.

Current projections for annual revenues for a countywide transactions and use tax are:

- 0.5% (1/2 Cent): **\$93 million**
- 0.25% (1/4 Cent): **\$46.5 million**

Current projections for annual revenues for an unincorporated area transactions and use tax are:

- 0.5% (1/2 Cent): **\$8.32 million**
- 0.25% (1/4 Cent): **\$4.16 million**

Logistics

Assuming the electorate approves a new transactions and use tax throughout the County, the County will be required to enter into a new contract with the California Department of Tax and Fee Administration (CDTFA) (formerly the State Board of Equalization) for the administration of the approved ordinance imposing the tax. The County already has a such a contract in place with the CDTFA for administration current taxes, but that does no cover a new transactions and use tax.

Specifically, two contracts are required by the state; one to set up the newly established tax and one for ongoing administration. In addition the State will required an updated *Resolution of Confidentiality* for access to the allocation data by appropriate staff within the County.

The CDTFA has a team established internally to provide assistance to entities that are contemplating a ballot measure, including review of ordinance language and processing of the contract documents described above. Should the Committee and ultimately the full Board of Supervisors be interested in listing a ballot measure, it may be prudent to also direct staff to reach out to the CDTFA to seek guidance and ensure that all proper steps are being taken early on in the process prior to listing the measure on the ballot.

Parcel Tax vs. Sales Tax Considerations

The Committee also requested staff to provide information related to a parcel tax; specifically, the composition of parcels throughout the County. Earlier this year, the County Administrator's Office assembled an analysis of parcels throughout the County using data received from the

Assessor's Office in April 2019. In summary, there are 391,804 parcels in the County. A summary of the analysis is included as Attachment D.

For illustrative purposes, to generate the same \$93 million projected under a 0.5% countywide transactions and use tax, the County would need to seek a uniform countywide parcel tax of \$238 per parcel on all parcels identified in Attachment D. This would include all vacant, unbuildable, government and other parcels.

County Counsel has included a memorandum discussing the uniformity requirements of parcel taxes as Attachment E and will be available at today's meeting to answer questions of the Committee.

Recommendation(s)/Next Step(s):

Consider the attached information, begin the discussion of the issues involved in a sales tax measure, and provide staff direction on next steps.

Attachments

Attachment A - Sales Tax Measures-General, Special, Voter-Initiated, Etc.

Attachment B - Use of Public Resources in Relation to Tax Measure Campaigns

Attachment C - Detailed District Taxes, Rates and Effective Dates

Attachment D - Summary Parcel Count (Unincorporated & City), by Use Code

Attachment E - County Counsel Memorandum - Uniformity in Parcel Tax Measures, October 1 ,2019

Date: July 29, 2019

To: Finance Committee

From: Sharon L. Anderson, County Counsel 

Re: **SALES TAX MEASURES - GENERAL, SPECIAL, VOTER-INITIATED,
COUNTYWIDE, OR UNINCORPORATED AREA ONLY**

SUMMARY

This Office has been asked to outline the procedural steps necessary to bring a general or special sales tax measure¹ to the voters for approval. An ordinance proposing a local sales tax increase must be approved by a supermajority, four-fifths vote of the board of supervisors. This is true both for an ordinance proposing that the revenues be used for any county purpose (i.e., a general tax) or for a specific purpose (i.e., a special tax). A general sales tax measure must be approved by a majority of the electorate. A special sales tax requires a two-thirds vote of the electorate.

A “general” sales tax measure can only be placed on the ballot when consolidated with a “regularly scheduled general election for members of the governing body,” unless an emergency is unanimously declared by the governing body.² The next potential dates for a general sales tax measure would be March or November of 2020.³ A “special” sales tax election could be scheduled for the second Tuesday in April in even-numbered years (April 2020); the first Tuesday after the first Monday in March of odd-numbered years (March 2021), the first Tuesday after the first Monday in November of each year (November 2019), and the first Tuesday after the first Monday in March in each even-numbered year (March 2020), or any other date permitted by law.⁴ Mailed ballot election dates are the first Tuesday after the first Monday in May of each year (May 2020) and the last Tuesday in August of each year (August 2019).⁵ There are no published decisions that discuss the submission of a sales tax measure to the voters through a mailed ballot election. In the abstract, an all mail ballot election might be permissible

¹ A locally enacted sales tax is known as a “transactions and use tax.” See Rev. & Tax. Code, § 7285et seq., for county transaction and use taxes.

² Cal. Const., art. XIII C, § 2, subd. (b).

³ Elec. Code, §§ 1001, 1300, 1405

⁴ Gov. Code, § 53724(d).

⁵ Elec. Code, § 1500.

for a countywide special sales tax measure under Elections Code section 4000(c)(8), but further review would be needed to determine if there are practical limitations to this approach.

Theoretically, a citizen sales tax initiative could be scheduled on any of the dates authorized for a general or special sales tax countywide election.⁶ But, because some cities in this county are already at the statutory 9.25% sales tax cap, a countywide sales tax increase could not be proposed unless the cap for this county were first increased by legislative action. It is unlikely that a citizen sales tax initiative could be proposed for the unincorporated area only. That question would require further research. This memorandum pertains only to sales tax measures authorized by Revenue and Taxation Code sections 7285 and 7285.5. Different laws may apply to other types of tax measures.

This procedural guide has been divided into the following independent sections and subsections to assist the reader.

I.	General Sales Tax Measures Initiated by the Board of Supervisors	Page 5
	A. Countywide General Sales Tax Measures	Page 5
	B. Unincorporated Area General Sales Tax Measures	Page 7
II.	Special Sales Tax Measures Initiated by the Board of Supervisors	Page 8
	A. Countywide Special Sales Tax Measures	Page 8
	B. Unincorporated Area Special Sales Tax Measures.	Page 10
III.	Citizen-Initiated Sales Tax Measures	Page 10

BACKGROUND

Local governments levy many types of taxes, such as property taxes, parcel taxes, hotel taxes, utility taxes, sales taxes and other types of taxes, including Mello-Roos and property transfer taxes. Since 1978, the state's voters have amended the California Constitution several times, most significantly through the approval of Proposition 218 in 1996, to require that local government tax increases be approved by the local electorate. Proposition 218 added article XIII C and article XIII D to the California Constitution. Subsequent voter initiatives⁷ and legislative action,⁸ as well as guidance supplied by California courts, have resulted in a complex system of voter approval requirements for local taxes. The laws directly governing voter approval of local

⁶ This was the holding in *California Cannabis Coalition v. City of Upland* (2017) 39 Cal.5th 282.

⁷ Proposition 26, which amended article XIII A, section 3 of the California Constitution (adopted by Proposition 13 and relating to state taxes) and article XIII C section 1 (adopted by proposition 218) to add new definitions of state and local "taxes" and define all revenue measures imposed by the government as "taxes" unless within one of seven express exemptions for local government.

⁸ Including the Proposition 218 Omnibus Implementation Act, Gov. Code, §§ 53750-53758.

sales tax measures are found at Revenue and Taxation Code sections 7285 and 7285.5. These statutes specify that a four-fifths vote of the board of supervisors is required to place either a general or a special sales tax measure on the ballot. Thereafter, a simple majority of voters may approve the levy of a sales tax for general governmental purposes; however, a sales tax for a specific purpose requires that the tax and an expenditure plan for the projects to be funded by the tax be approved by a supermajority of two-thirds vote of the electorate.

Section 3 of article XIII C of the California Constitution addresses the role of citizen initiatives in matters affecting local taxes assessments, fees, and charges.⁹ Over the years it has generally been understood that citizen initiatives to increase taxes must secure the same vote of the electorate as those placed on the ballot by local governing bodies, i.e., a majority vote for general taxes and a two-thirds vote for special taxes.

On August 28, 2017, the California Supreme Court issued its decision in *California Cannabis Coalition v. City of Upland* (2017) 3 Cal.5th 924. The court held that a citizen-initiated general tax, as compared with a general tax initiated by a city council alone, does not have to comply with the Proposition 218 requirement that a general tax must be approved by the voters at a general election. The case involved an initiative to legalize medical marijuana dispensaries and impose a \$75,000 per year “annual Licensing and Inspection fee,” which the City of Upland concluded was a general tax, i.e., a tax to fund any lawful purpose of the city. Because article XIII C, section 2(b) only permits general tax measures to appear on ballots when city council seats are contested, the city council set the measure for the 2016 general election. The coalition supporting the initiative sued to compel an earlier special election. The trial court agreed with the city that the general tax measure could not be set for a special election. The Court of Appeal reversed and concluded that the article XIII C, section 2(b) requirement that general tax measures be on a regularly scheduled general election ballot does not apply to initiatives. The city obtained Supreme Court review. The Supreme Court affirmed the appellate decision.

Neither the Court of Appeal nor the Supreme Court decided whether the measure under consideration imposed a tax, but the Supreme Court concluded that even if it was a tax it was not subject to the general-election rule because that rule only applies to taxes proposed by the city council, not by initiative. Specifically, the 5-2 ruling stated that article XIII C, section 2(b) of the California Constitution does not restrict the provision of the state’s laws governing local initiatives that allows petitioners to collect enough signatures to qualify a tax measure for a special election ballot.

⁹ “Notwithstanding any other provision of this Constitution, including, but not limited to, Sections 8 and 9 of Article II, the initiative power shall not be prohibited or otherwise limited in matters of reducing or repealing any local tax, assessment, fee or charge. The power of initiative to affect local taxes, assessments, fees, and charges shall be applicable to all local governments and neither the Legislature nor any local government charter shall impose a signature requirement higher than that applicable to statewide statutory initiatives.” Cal. Const., art XIII C, § 3.

The *Upland* case did not say whether other portions of article XIII C, such as the requirement that special taxes be approved by a supermajority of two-thirds of the voters, would still apply to citizen initiatives. The only guidance we have on the issue are the following arguments made by the majority in support of the ruling: (1) the citizen initiative process is separate from the actions of *local government* as defined by Proposition 218; (2) article XIII C, section 2 does not explicitly mention initiatives; (3) article XIII C, section 2(d) was not specifically intended to apply to initiatives either by proponents of Proposition 218 or by the voters that approved Proposition 218; and (4) the court's obligation to "protect and liberally construe the initiative power and to narrowly construe provisions that would burden or limit its exercise" means it must err on the side of not applying restrictions to citizen initiatives.

It may take years of litigation involving citizen-initiated tax measures, and potentially additional legislation, to fully understand which Proposition 218 requirements carry over to the citizen initiative process. In the *Upland* case, the Supreme Court specifically declined to address a hypothetical situation where signature gatherers would gather enough signatures to qualify a tax for the ballot and then a city council would adopt the tax without submitting it to a vote of the people.¹⁰ However, given that California voters have explicitly imposed voter approval requirements on themselves through article XIII C, section 2(c) and (d) of the state Constitution, we expect the courts to confirm that a legislative body cannot adopt a citizen-initiated sales tax without submitting the ordinance to the voters for approval.

On July 5, 2019, in *Howard Jarvis Taxpayers Association, et al., v. City and County of San Francisco, et al.*, San Francisco Superior Court Case No. CGC-18-568657, a San Francisco Superior Court judge ruled that city officials did not violate state law or the City Charter by allowing two special tax measures to pass with a simple majority vote, rather than the supermajority, two-thirds vote requirement ordinarily applied to special tax measures. A copy of that decision is attached. It is anticipated that this ruling will be appealed, potentially all the way to the California Supreme Court. A complete resolution of the case could take as long as three years. Given the uncertainty in the law, for the foreseeable future it is likely that any effort to impose a citizen-initiated special purpose sales tax by majority vote under the *Upland* decision (as opposed to the two-thirds vote required by Propositions 13 and 218) will face immediate legal challenge.¹¹

¹⁰ *Upland, supra* at 947.

¹¹ In November 2018, a charter amendment proposing a parcel tax to fund education services and career readiness was approved by 62% of the voters in the City of Oakland. The ballot measure, Measure AA, was placed on the ballot through a citizens' initiative. The city council certified the measure as approved on December 11, 2018, based on the argument that after the *Upland* case, a voter-initiated ballot tax measure only requires the approval of a majority of the city's voters. The city council's decision is being challenged in court. On April 16, 2019 the city council will decide whether to begin collecting the parcel tax or to wait for the outcome of the pending litigation. (See, East Bay Times, "Oakland Sued Over Measure AA Parcel Tax," by Ali Tadayon, February 1, 2019, updated February 4, 2019, and East Bay Times "Oakland City Council to Decide Whether to Collect Parcel Tax," by Ali Tadayon, April 3, 2109.)

DISCUSSION

I. GENERAL SALES TAX MEASURES INITIATED BY THE BOARD OF SUPERVISORS

A. Countywide General Sales Tax Measures.

1. **The Board of Supervisors Must Adopt a Countywide General Sales Tax Ordinance by a Four-Fifths Vote.** To initiate a countywide general sales tax measure, the board of supervisors must adopt an ordinance proposing a countywide transactions and use tax under Revenue and Taxation Code section 7285. The board must introduce the proposed tax ordinance at one regular meeting and adopt it at a second regular meeting held at least five days after the date of its introduction.¹² A general sales tax ordinance must be approved by at least four members of the board of supervisors.¹³

2. **Contents of a Countywide General Sales Tax Ordinance.** The ordinance proposing the tax must include the type of tax and rate of tax to be levied, the method of collection and the date upon which an election shall be held on the issue.¹⁴ The form of the ordinance is supplied by the California Department of Tax and Fee Administration.

3. **The Countywide General Sales Tax Ballot Measure Must Be Approved by A Majority of all Voters in the County.** A proposed countywide general sales tax ordinance would be submitted to the voters of the entire county for approval. A majority of the electors voting on the measure must approve it.¹⁵ The ordinance is not effective until after it is approved by the voters.¹⁶

4. **Election Dates for a Countywide General Sales Tax Measure.** The timing of general sales tax measures is governed by Proposition 218. Proposition 218 requires that a general tax measure be on a regularly scheduled election date for members of the

¹² Gov. Code, § 25131.

¹³ Gov. Code, § 53724(b); Rev. & Tax. Code, § 7285.

¹⁴ Gov. Code, § 53724(a).

¹⁵ Cal. Const., art. XIII C, § 2, subd. (b); Rev. & Tax. Code, §7285: "The board of supervisors of any county may levy, increase, or extend a transactions and use tax throughout the entire county or within the unincorporated area of the county for general purposes at a rate of 0.125 percent or a multiple thereof, if the ordinance proposing that tax is approved by a two-thirds vote of all members of the board of supervisors and the tax is approved by a majority vote of the qualified voters of the entire county if levied on the entire county or the unincorporated area of the county if levied on the unincorporated area of the county, voting in an election on the issue. The board of supervisors may levy, increase, or extend more than one transaction and use tax under this section, if the adoption of each tax is in the manner prescribed in this section. The transactions and use tax shall conform to Part 1.6 (commencing with Section 7251). The revenues derived from the imposition of a tax pursuant to this section shall only be used for general purposes within the area for which the tax was approved by the qualified voters."

¹⁶ Gov. Code, § 53723.

board of supervisors, except in cases of emergency declared by a unanimous vote of the governing body.¹⁷ Pursuant to Government Code section 24202 and Elections Code section 1300, the election dates for boards of supervisors are on the same schedule as statewide elections. Elections Code section 1001 establishes these election dates to be March and November of even numbered years. *Silicon Valley Taxpayers Association v. Garner* (2013) 216 Cal.App.4th 402, clarified that either the March date or the November date is appropriate, even if a supervisor is not, in fact, on the November ballot because the race was decided at the primary election. The next two available dates would be March or November of 2020.

5. Mailed Ballots for an Election on a Countywide General Sales

Tax. Elections Code section 4000 specifies nine distinct situations under which elections may be conducted entirely by mailed ballot. One of the nine situations, identified in subsection (c)(8) of Section 4000, is “[a]n election or assessment ballot proceeding required or authorized by article XIII C or XIII D of the California Constitution.” In *Greene v. Marin County Flood Control & Water Conservation District* (2010) 49 Cal.4th 277, 297, the California Supreme Court noted in dicta that: “The elections authorized by Proposition 218 may be conducted by mail alone, while most other elections may not be.”

When considering the possibility of a mailed ballot election, however, the Proposition 218 requirement that elections on a general tax be consolidated with “regularly scheduled general election of members of the governing body” must also be considered.¹⁸ We are not aware of any other county that has held a countywide general tax election by mailed ballot. If an all mail ballot election to approve a general sales tax is something that this county wishes to pursue, we recommend that the costs, and legal, and logistical concerns, be further reviewed by the County Administrator’s Office, the Elections Department, and this Office before proceeding.

6. Legislation is Required Before a Countywide General Sales

Tax Can be Levied. The Revenue and Taxation Code caps the sales tax rate at 9.25%, which is composed of a 7.25% statewide tax rate plus a 2% local tax rate cap. The cities of Antioch, El Cerrito, Martinez, Moraga, Pinole, and Richmond each have their own locally-imposed sales tax which, combined with existing state and county sales taxes, puts the sales tax rate in these cities at or above the 9.25% cap.¹⁹ This means that legislation to increase the cap would be required before a countywide sales tax increase could be proposed to the voters. A copy of the California Sales and Use Tax Rate Schedule, effective April 1, 2019, is attached.

¹⁷ Cal. Const., art. XIII C § 2, subd. (b).

¹⁸ Cal. Const., art. XIII C, § 2, subd. (b).

¹⁹ The cap in El Cerrito is 9.75% (presumably due to special legislation). The other cities are at the 9.25% cap.

B. Unincorporated Area General Sales Tax Measure.

1. **The Board of Supervisors Must Adopt an Ordinance by a Four-Fifths Vote to Initiate an Unincorporated-Area-Only General Sales Tax.** The process to initiate a general sales tax measure in the unincorporated area is the same as for a countywide general sales tax.²⁰ The proposed tax ordinance would be introduced at one regular meeting of the board of supervisors and adopted by a four-fifths vote at a second regular meeting held at least five days after the date of its introduction.²¹

2. **Contents of an Unincorporated-Area-Only General Sales Tax Ordinance.** The contents of an ordinance proposing an unincorporated area only general sales tax would be similar to the ordinance for a countywide tax measure. The form of the ordinance is supplied by the California Department of Tax and Fee Administration.

3. **The Unincorporated-Area-Only General Sales Tax Measure must be Approved by Voters in the Unincorporated Area.** The ordinance would only need to be submitted to the voters in the *unincorporated* area of the county and approved by majority vote of those voters. The ordinance is not effective until after it is approved by the voters.²²

4. **Unincorporated-Area-Only General Sales Tax Election Dates.** The election dates would be the same as for a countywide general sales tax measure. The next two available dates would be March or November of 2020.

5. **Mailed Ballots for an Election on an Unincorporated-Area-Only General Sales Tax.** A mailed ballot election for a general sales tax measure in the unincorporated area theoretically may be possible, but potentially would not be practical due to the constitutional requirement that an election on a general tax measure be consolidated with a regularly scheduled general election of members of the governing body.²³

6. **Ability to Levy an Unincorporated-Area-Only General Sales Tax.** Because the unincorporated area sales tax rate is only at 8.25%, the voters could authorize a general sales tax of up to 1% in the unincorporated area only.

²⁰ Rev. & Tax. Code, § 7285; Elec. Code, § 9140.

²¹ Gov. Code, § 25131; Gov. Code, § 53724(b).

²² Cal. Const., art. XIII C, § 2, subd. (b); Rev. & Tax. Code, § 7285; Gov. Code, § 53723.

²³ Cal. Const. art. XIII C, § 2, subd. (b).

**II. SPECIAL SALES TAX MEASURES
 INITIATED BY THE BOARD OF SUPERVISORS**

A. Countywide Special Sales Tax Measures.

1. The Board Must Adopt a Countywide Special Sales Tax Ordinance by a Four-Fifths Vote. To initiate a countywide special sales tax measure, the board of supervisors must adopt an ordinance proposing a countywide sales tax for a specific purpose under Revenue and Taxation Code section 7285.5.²⁴ The proposed tax ordinance would be introduced at a first regular board of supervisors meeting and adopted at a second regular meeting held at least five days after the date of its introduction.²⁵ A special sales tax ordinance must be approved by at least four members of the board of supervisors.²⁶

2. Contents of a Countywide Special Sales Tax Ordinance. The ordinance proposing a countywide special sales tax must include the type of tax and rate of tax to be levied, the method of collection, the date upon which an election shall be held on the issue, the purpose or service for which its imposition is sought and “an expenditure plan describing the specific projects for which the revenues from the tax may be expended.”²⁷ The form of the ordinance is supplied by the California Department of Tax and Fee Administration.

3. Two-thirds Voter Approval Required to Pass a Countywide Special Sales Tax Ordinance. The ordinance proposing the countywide special sales tax must be submitted to the voters of the entire county for approval. Two-thirds of the electors voting on

²⁴ Rev. & Tax. Code §7285.5 provides: “(a) As an alternative to the procedure set forth in Section 7285, the board of supervisors of any county may levy, increase, or extend a transactions and use tax throughout the entire county or within the unincorporated area of the county, as applicable, for specific purposes. The tax may be levied, increased, or extended at a rate of 0.125 percent, or a multiple thereof, for the purpose for which it is established, if all of the following requirements are met:

(1) The ordinance proposing that tax is approved by a two-thirds vote of all members of the board of supervisors and is subsequently approved by a two-thirds vote of the qualified voters of the entire county if levied on the entire county or the unincorporated area of the county if levied on the unincorporated area of the county, voting in an election on the issue.

(2) The transactions and use tax conforms to the Transactions and Use Tax Law Part 1.6 (commencing with Section 7251).

(3) The ordinance includes an expenditure plan describing the specific projects for which the revenues from the tax may be expended.

(b) A county shall be deemed to be an authority for purposes of Chapter 1 (commencing with Section 55800) of Part 3 of Division 2 of Title 5 of the Government Code.

(c) The revenues derived from the imposition of a tax pursuant to this section shall only be used for specific purposes within the area for which the tax was approved by the qualified voters.”

²⁵ Gov. Code, § 25131.

²⁶ Rev. & Tax. Code, § 7285.5; Gov. Code, § 53274.

²⁷ Gov. Code, § 53274; Rev. & Tax. Code, § 7285.5.

the measure must approve it. The ordinance is not effective until after it is approved by the voters.²⁸

4. Election Dates for a Countywide Special Sales Tax Ordinance.

Proposition 218 does not regulate the timing of an election to approve a special tax. Those requirements are set forth in Government Code section 53724, enacted as part of Proposition 62.²⁹ The ordinance proposing the special tax “shall be consolidated with a statewide primary election, a statewide general election, or a regularly scheduled local election at which all of the electors of the [county] are entitled to vote.”³⁰ Pursuant to this authority, the board of supervisors could order a countywide special sales tax election on the following dates: the second Tuesday in April in even-numbered years; the first Tuesday after the first Monday in March of odd-numbered years, the first Tuesday after the first Monday in November of each year, and the first Tuesday after the first Monday in March in each even-numbered year.³¹ Alternatively, the board of supervisors could call the election on any other date “otherwise permitted by law” but would need to bear all of the costs of that election.³² If the board of supervisors calls a special election, the measure must appear on the ballot before the next statewide election for which it would qualify. The special election must be held not less than 88 days nor more than 103 days after the order of the election.³³

5. Mailed Ballots for a Countywide Special Sales Tax Ordinance.

A mailed ballot election on a countywide special sales tax measure may theoretically be possible under Elections Code section 4000(c)(8), provided that the election was held on a date permitted by law and the county was willing to pay the cost of the mailed ballot. If an all mail ballot election to approve a special sales tax is something that this county wishes to pursue, we recommend that the costs, and legal and logistical concerns, be reviewed with the County Administrator’s Office, the Elections Department, and this Office before proceeding.

6. Legislation is Required Before a Countywide Special Sales Tax Can be Levied. A countywide special sales tax election presents the same problem as a countywide general sales tax election. Because Antioch, El Cerrito, Martinez, Moraga, Pinole, and Richmond each have their own locally-imposed sales tax which, combined with existing state and county taxes, puts the sales and use tax rates in these cities at or above the 9.25% cap, the county cannot levy a countywide sales tax absent legislation that increases the cap.

²⁸ Cal. Const., art. XIII C, § 2 subd. (d); Rev. & Tax. Code, § 7285.5.

²⁹ Government Code sections 53720 - 53730 were added by initiative measure (Prop. 62) approved by the voters on November 4, 1986.

³⁰ Gov. Code, § 53724(c); Rev. & Tax. Code, § 7285.5.

³¹ Elec. Code, §§ 1000, 1002.

³² Gov. Code, § 53724(d).

³³ Elec. Code, § 1405, subd. (b).

B. Unincorporated Area Special Sales Tax Measure.

1. The Board of Supervisors Must Adopt an Ordinance by a Four-Fifths Vote to Initiate an Unincorporated-Area-Only Special Sales Tax. Revenue and Taxation Code section 7285.5 authorizes a county board of supervisors to adopt an ordinance proposing a sales tax for a specific purpose on the unincorporated area of the county. The proposed tax ordinance is introduced at a first regular meeting of the board of supervisors and adopted at a second meeting held at least five days after the date of its introduction.³⁴ The special sales tax ordinance must be approved by at least four members of the board of supervisors.³⁵

2. Contents of Ordinance for an Unincorporated-Area-Only Special Sales Tax. The form of the ordinance would be similar to a countywide special sales tax, including the necessity of an expenditure plan. The form of the ordinance is supplied by the California Department of Tax and Fee Administration.

3. Two-Thirds Voter Approval Required to Approve an Unincorporated-Area-Only Special Sales Tax. The ordinance must be submitted to the voters of the unincorporated area of the county for approval. Two-thirds of the electors voting on the measure must approve it.³⁶ The ordinance is not effective until after it is approved by the voters.

4. Election Dates for an Unincorporated-Area-Only Special Sales Tax. The election on the ordinance proposing a special sales tax in the unincorporated area only would be the same as for a countywide special sales tax, discussed above.

5. Mailed Ballots for an Election on a Special Sales Tax Ordinance in the Unincorporated Area Only. A mailed ballot election on a special sales tax measure for the unincorporated area may theoretically be possible under Elections Code section 4000(c)(8), provided the election were held on a date permitted by law and the county was willing to pay the cost of the mailed ballot. This question would require further investigation.

6. Ability to Levy a Special Sales Tax in Just the Unincorporated Area. Because the unincorporated area sales tax rate is only at 8.25%, the voters could authorize a special sales tax of up to 1% in the unincorporated area only.

III. CITIZEN-INITIATED SALES TAX MEASURES

The laws governing county initiative petitions are set forth in Elections Code sections 9100-9126. A detailed discussion of the initiative process is beyond the scope of this memorandum. However, a few issues are worth noting.

³⁴ Gov. Code, § 25131.

³⁵ Rev. & Tax. Code, § 7285.5.

³⁶ Cal. Const., art. XIII C, § 2 subd. (b); Rev. & Tax. Code, § 7285.5; Gov. Code, § 53722.

A. Ability to Levy. As was noted above, the Revenue and Taxation Code caps the sales tax rate at 9.25%. The most significant impediment to a citizen initiative to increase the sales tax in Contra Costa County is likely to be the fact that, to date, five cities in this County are at or above the statutory cap on sales taxes. The cities of Antioch, El Cerrito, Martinez, Moraga, Pinole and Richmond each have their own locally-imposed sales tax which, combined with existing state and county sales taxes, puts the sales tax rates in these cities at or above the 9.25% cap.³⁷ As such, legislation to increase the sales tax cap would be necessary before a countywide sales tax measure could be proposed to the voters.

B. Tax in the Unincorporated Area Only. Although Revenue and Taxation Code sections 7285 and 7285.5 give county boards of supervisors the authority to levy, increase, or extend transactions and use taxes throughout the county or within the unincorporated area, there is no general authority in the Elections Code to divide up the county electorate in this manner for purposes of a sales tax initiative. The Elections Code defines a “local election” as “a municipal, county, or district election.”³⁸ In defining a “county measure,” the Elections Code refers to any “question or proposition submitted to the voters of a county at any election held throughout an entire single county.”³⁹ We think it highly questionable that the law could be read to authorize a citizen-initiated ballot measure proposing a sales tax increase in the unincorporated area only.⁴⁰

C. Procedural Matters. Article XIII C, section 3 prohibits local governments from imposing “a signature requirement higher than that applicable to statewide statutory initiatives” for fiscal initiatives. This means that the number of signatures necessary to qualify a citizen-initiated county sales tax measure for the ballot can be no higher than five percent of the votes cast in the county for all candidates for governor at the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition.⁴¹

³⁷ The cap in El Cerrito is 9.75% (presumably due to special legislation). The other cities are at the 9.25% cap.

³⁸ Cal. Elec. Code, § 328.

³⁹ Cal. Elec. Code, § 312.

⁴⁰ When the City of San Diego authorized a special tax on hotels, it submitted the tax to a specially defined electorate consisting solely of owners of real property in the city on which a hotel is located and the lessees of government-owned real property on which a hotel is located. The court held the election was invalid because the tax should have been submitted to the “electorate” consisting of all registered voters in the city. (*City of San Diego v. Shapiro* (2014) 228 Cal.App.4th 756, 761, 771.) The court explained: “There is nothing in either the text or the constitutional history of Proposition 13 that suggests that voters intended for local governments to be able to exclude large numbers of registered voters from voting in a special tax election by limiting who would be deemed ‘qualified electors’ for purposes of the election.” (*Id.* at 776.) While that decision is not directly on point because it did not concern a tax imposed only in an unincorporated area of a county submitted to a vote by persons residing in the unincorporated area, it weighs against defining the electorate as a subset of the voters of a county.

⁴¹ Cal. Const., art. II, § 9, subd. (b); Elec. Code, § 9035. The total number of votes cast for Governor in the November 6, 2018 election was 416,150.

The proponents have 180 days to circulate the petition.⁴² The Registrar of Voters is responsible for verifying whether the initiative petition meets the required number of signatures. Upon receipt of a verified petition, a county board of supervisors' actions would be guided by Elections Code section 9118 and Revenue and Taxation Code section 7285 (for a general sales tax) or Revenue and Taxation Code section 7285.5 (for a special sales tax), meaning that the board could either: (1) adopt the ordinance without alteration by four-fifths vote at a regular meeting and submit it to the voters without alteration; (2) submit the ordinance directly to the voters without adopting it and without alteration; or (3) first order a report under Elections Code section 9111 and then adopt the ordinance or submit it to the voters. Pursuant to Elections Code section 1405, the election date for a county citizen initiative that qualifies for the ballot would be the next statewide election unless the board of supervisors decides to call a special election, i.e., in March and November of even numbered years.⁴³

D. *California Cannabis Coalition v. City of Upland.* The *Upland* case, discussed more fully in the Background section of this memorandum, may not have the profound impact that some hope and others potentially fear. Few taxes are proposed by initiative. Moreover, the initiative process can be expensive. The Los Medanos Healthcare District recently paid a signature gatherer \$11 per signature in an effort to acquire enough signatures to force the issue of its dissolution to an election. The total number of votes cast for Governor in this county in the November 6, 2018, election was 416,150. This means that it could cost in the vicinity of \$250,000 for a paid signature gatherer to collect the five percent of signatures necessary to qualify a sales tax initiative for the ballot at a regularly scheduled election.

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⁴² Elec. Code, §§ 9110, 9113.

⁴³ Elec, Code, § 1001.

California Sales and Use Tax Rates by County and City*
Operative April 1, 2019 (includes state, county, local, and district taxes)

ALAMEDA CO. 9.25% City of Alameda 9.75% City of Albany 9.75% City of Hayward 9.75% City of Newark 9.75% City of San Leandro 9.75% City of Union City 9.75%	HUMBOLDT CO. 7.75% City of Arcata 8.50% City of Eureka 8.50% City of Fortuna 8.50% City of Rio Dell 8.75% City of Trinidad 8.50%	MADERA CO. 7.75% City of Chowchilla 8.75% City of Madera 8.25%	ORANGE CO. 7.75% City of Fountain Valley 8.75% City of Garden Grove 8.75% City of La Habra 8.25% City of La Palma 8.75% City of Placentia 8.75% City of Santa Ana 9.25% City of Seal Beach 8.75% City of Stanton 8.75% City of Westminster 8.75%
ALPINE CO. 7.25%	IMPERIAL CO. 7.75% City of Calexico 8.25% City of El Centro 8.25%	MARIN CO. 8.25% Town of Corte Madera 9.00% Town of Fairfax 9.00% City of Larkspur 9.00% City of Novato 8.50% Town of San Anselmo 8.75% City of San Rafael 9.00% City of Sausalito 8.75%	PLACER CO. 7.25% Town of Loomis 7.50% City of Roseville 7.75%
AMADOR CO. 7.75%	INYO CO. 7.75%	MARIPOSA CO. 7.75%	PLUMAS CO. 7.25%
BUTTE CO. 7.25% City of Oroville 8.25% Town of Paradise 7.75%	KERN CO. 7.25% City of Arvin 8.25% City of Bakersfield 8.25% City of Delano 8.25% City of Ridgecrest 8.25% City of Wasco 8.25%	MENDOCINO CO. 7.875% City of Fort Bragg 8.875% City of Point Arena 8.375% City of Ukiah 8.875% City of Willits 8.375%	RIVERSIDE CO. 7.75% City of Cathedral City 8.75% City of Coachella 8.75% City of Hemet 8.75% City of Indio 8.75% City of La Quinta 8.75% City of Menifee 8.75% City of Murrieta 8.75% City of Norco 8.75% City of Palm Springs 9.25% City of Riverside 8.75% City of Temecula 8.75% City of Wildomar 8.75%
CALAVERAS CO. 7.25% City of Angels Camp 7.75%	KINGS CO. 7.25% City of Corcoran 8.25%	MERCED CO. 7.75% City of Atwater 8.25% City of Gustine 8.25% City of Los Banos 8.75% City of Merced 8.25%	SACRAMENTO CO. 7.75% City of Galt 8.25% City of Isleton 8.75% City of Rancho Cordova 8.25% City of Sacramento 8.75%
COLUSA CO. 7.25% City of Williams 7.75%	LAKE CO. 7.25% City of Clearlake 8.75% City of Lakeport 8.75%	MODOC CO. 7.25%	SAN BENITO CO. 8.25% City of Hollister 9.25% City of San Juan Bautista 9.00%
CONTRA COSTA CO. 8.25% City of Antioch 9.25% City of Concord 8.75% City of El Cerrito 9.75% City of Hercules 8.75% City of Martinez 9.25% Town of Moraga 9.25% City of Orinda 8.75% City of Pinole 9.25% City of Pittsburg 8.75% City of Pleasant Hill 8.75% City of Richmond 9.25% City of San Pablo 8.75%	LASSEN CO. 7.25%	MONO CO. 7.25% Town of Mammoth Lakes 7.75%	SAN BERNARDINO CO. 7.75% City of Barstow 8.75% City of Montclair 8.00% City of San Bernardino 8.00% Town of Yucca Valley 8.75%
DEL NORTE CO. 7.50%	LOS ANGELES CO. 9.50% City of Avalon 10.00% City of Burbank 10.25% City of Commerce 10.00% City of Compton 10.25% City of Covina 10.25% City of Cudahy 10.25% City of Culver City 10.25% City of Downey 10.00% City of El Monte 10.00% City of Glendale 10.25% City of Hawthorne 10.25% City of Huntington Park 10.25% City of Inglewood 10.00% City of La Puente 10.00% City of Lawndale 10.25% City of Long Beach 10.25% City of Lynwood 10.25% City of Pico Rivera 10.25% City of Pasadena 10.25% City of Pomona 10.25% City of San Fernando 10.00% City of Santa Fe Springs 10.50% City of Santa Monica 10.25% City of So. El Monte 10.00% City of South Gate 10.25%	MONTEREY CO. 7.75% City of Carmel-by-the-Sea 8.75% City of Del Rey Oaks 9.25% City of Gonzales 8.25% City of Greenfield 9.50% City of King City 8.75% City of Marina 9.25% City of Monterey 8.75% City of Pacific Grove 8.75% City of Salinas 9.25% City of Sand City 8.75% City of Seaside 9.25% City of Soledad 8.75%	SAN DIEGO CO. 7.75% City of Chula Vista 8.75% City of Del Mar 8.75% City of El Cajon 8.25% City of La Mesa 8.50% City of National City 8.75% City of Oceanside 8.25% City of Vista 8.25%
EL DORADO CO. 7.25% City of Placerville 8.25% City of So. Lake Tahoe 7.75%		NAPA CO. 7.75% City of St. Helena 8.25%	SAN FRANCISCO CO. 8.50%
FRESNO CO. 7.975% City of Coalinga 8.975% City of Fowler 8.975% City of Huron 8.975% City of Kernman 8.975% City of Kingsburg 8.975% City of Reedley 8.475% City of Sanger 8.725% City of Selma 8.475%		NEVADA CO. 7.50% City of Grass Valley 8.50% City of Nevada City 8.375% Town of Truckee 8.25%	
GLENN CO. 7.25% City of Orland 7.75%			

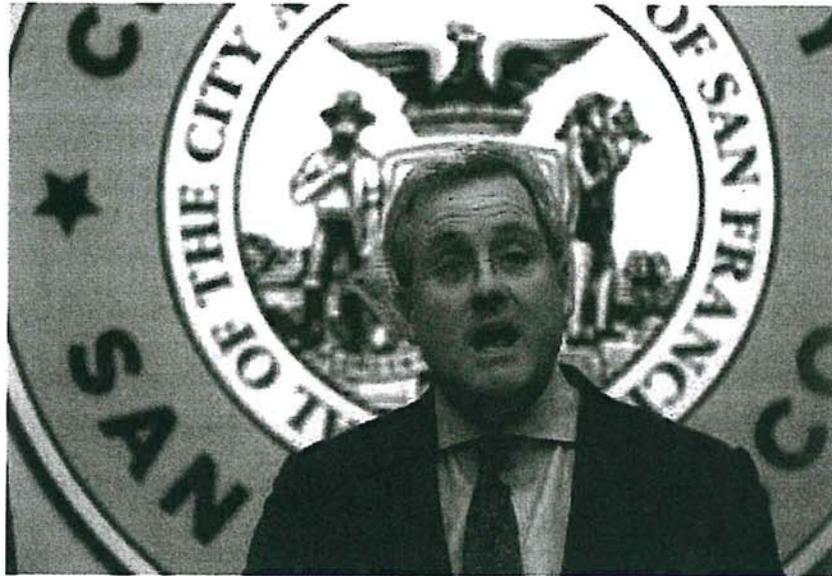
*(For more details, refer to www.cdfa.ca.gov/taxes-and-fees/sales-use-tax-rates.htm.)

Please note: Some communities located within a county or a city may not be listed. If you are in doubt about the correct rate or if you cannot find a community, please call our toll-free number at 1-800-400-7115 (TTY: 711), or call the local California Department of Tax and Fee Administration office nearest you for assistance.

SAN JOAQUIN CO. 7.75%	SOLANO CO. 7.375%
City of Lathrop 8.75%	City of Benicia 8.375%
City of Lodi 8.25%	City of Fairfield 8.375%
City of Manteca 8.25%	City of Rio Vista 8.125%
City of Stockton 9.00%	City of Suisun City 8.375%
City of Tracy 8.25%	City of Vacaville 8.125%
SAN LUIS OBISPO CO. 7.25%	City of Vallejo 8.375%
City of Arroyo Grande 7.75%	SONOMA CO. 8.25%
City of Atascadero 7.75%	City of Cotati 9.25%
City of Grover Beach 7.75%	City of Healdsburg 8.75%
City of Morro Bay 7.75%	City of Rohnert Park 8.75%
City of Paso Robles 7.75%	City of Santa Rosa 9.00%
City of Pismo Beach 7.75%	City of Sebastopol 9.00%
City of San Luis Obispo 7.75%	City of Sonoma 8.75%
SAN MATEO CO. 8.75%	STANISLAUS CO. 7.875%
City of Belmont 9.25%	City of Ceres 8.375%
City of Burlingame 9.00%	City of Oakdale 8.375%
City of East Palo Alto 9.25%	SUTTER CO. 7.25%
City of Redwood City 9.25%	TEHAMA CO. 7.25%
City of San Mateo 9.00%	City of Corning 7.75%
City of So. San Francisco 9.25%	City of Red Bluff 7.50%
SANTA BARBARA CO. 7.75%	TRINITY CO. 7.25%
City of Carpinteria 9.00%	TULARE CO. 7.75%
City of Guadalupe 8.00%	City of Dinuba 8.50%
City of Santa Barbara 8.75%	City of Farmersville 8.75%
City of Santa Maria 8.75%	City of Lindsay 8.75%
SANTA CLARA CO. 9.00%	City of Porterville 9.25%
City of Campbell 9.25%	City of Tulare 8.25%
City of Los Gatos 9.125%	City of Visalia 8.50%
City of San Jose 9.25%	City of Woodlake 8.75%
SANTA CRUZ CO. 8.50%	TUOLUMNE CO. 7.25%
City of Capitola 9.00%	City of Sonora 7.75%
City of Santa Cruz 9.25%	VENTURA CO. 7.25%
City of Scotts Valley 9.00%	City of Oxnard 7.75%
City of Watsonville 9.25%	City of Port Hueneme 8.75%
Santa Cruz (Unincorporated Area) 9.00%	City of Santa Paula 8.25%
SHASTA CO. 7.25%	City of Ventura 7.75%
City of Anderson 7.75%	YOLO CO. 7.25%
SIERRA CO. 7.25%	City of Davis 8.25%
SISKIYOU CO. 7.25%	City of W. Sacramento 8.25%
City of Dunsmuir 7.75%	City of Woodland 8.00%
City of Mount Shasta 7.50%	YUBA CO. 7.25%
City of Weed 7.50%	City of Marysville 8.25%
City of Yreka 7.75%	City of Wheatland 7.75%
	Yuba (Unincorporated Area) 8.25%

Editorial: Fate of SF citizen initiatives far from settled

JULY 08, 2019



This is no way to resolve an election in which more than 61% percent of San Franciscans made their intention clear, with neither doubt about the accuracy of the count nor any other allegations of irregularities. The only question was whether the threshold for passage should be a simple majority or two-thirds vote.

That question moved a significant step toward an answer Friday when a Superior Court judge agreed with City Attorney Dennis Herrera's office that two tax measures from last year required only a simple majority. November's Proposition C, taxing the city's largest businesses to raise \$300 million a year for housing and services for the homeless, received 61.3% of the vote; June's

Proposition C, taxing commercial landlords to raise \$146 million a year for child care programs, received just under 51% of the vote. Attachment A

The delegation of the outcome to the courts was regrettable but inevitable because of the ambiguity about whether initiatives resulting from citizen petitions are subject to the same threshold as those put on the ballot by elected officials. Two constitutional amendments passed by state voters decades ago (Propositions 13 and 218) had set a two-thirds standard for tax increases.

The state Supreme Court has not directly addressed this issue. But its 2017 ruling on an Upland (San Bernardino County) cannabis-tax measure that citizen initiatives can be decided in a primary election — instead of a general election, as required of government-sponsored measures — was interpreted by Herrera as a green light for citizen initiatives to pass with a simple majority.

This dispute goes beyond San Francisco. Across the bay, 62.4% of Oakland voters last year supported Measure AA, a \$198 parcel tax increase to raise \$30 million a year for pre-K through college readiness programs. Unlike Herrera, Oakland City Attorney Barbara Parker had interpreted state law as requiring a two-thirds vote for passage — which underscores the lack of clarity in state law. The Oakland City Council nevertheless certified Measure AA's passage, but voted 5-2 to hold off collecting the tax until the court challenge is settled.

San Francisco is collecting those taxes, though not spending the money until they get a final go-ahead from the courts. That could take years, with

business and anti-tax groups promising to appeal Friday's ruling. Attachment A

The status quo is unfair all around. For individual voters considering the merits of a new tax, the threshold for passage might not make any difference on what they decide. It makes a huge difference, however, to the approach of a campaign. The two-thirds barrier is daunting even in the most progressive of cities. It requires a greater infusion of money for voter education — and more intensive collaboration with potential opponents.

Indeed, one of our criticisms of Prop. C, for all our concern about the homelessness crisis, was the deficiency of accountability on the \$300 million surge in spending and the absence of input from all relevant interests in the ballot measure. If faced with a two-thirds threshold, the advocates of Prop. C might have gone to greater lengths to address those issues.

But fair is fair. The Prop. C campaign was assured by the city attorney's office *before* the election that it needed a simple majority to prevail. It did. It would be eminently unfair for the courts to invalidate that result after the vote, especially with all the ambiguity in the law.

It seems likely that either side that loses the court case will go back to California voters to make state law crystal clear. The unfortunate reality is that campaigns in the meantime are certain to face two battles, one at the ballot box and the other in courts.

This commentary is from The Chronicle's editorial board. We invite you to express your views in a letter to the editor. Please submit your letter via our online form: SFChronicle.com/letters.

FILED
San Francisco County Superior Court

JUL 05 2019

CLERK OF THE COURT

BY: *[Signature]*
Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

HOWARD JARVIS TAXPAYERS
ASSOCIATION, BUILDING OWNERS AND
MANAGERS OF CALIFORNIA, CALIFORNIA
BUSINESS PROPERTIES ASSOCIATION, and
CALIFORNIA BUSINESS ROUNDTABLE,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO
and ALL PERSONS INTERESTED IN THE
MATTER OF Proposition C of the June 5, 2018
San Francisco ballot, a commercial rent tax for
childcare and early education in San Francisco
and other matters related thereto,

Defendants.

Case No. CGC-18-568657

**ORDER ON CROSS-MOTIONS FOR
SUMMARY JUDGMENT**

1 On July 3, 2019, this matter came on regularly for hearing before the Court pursuant to the
2 motion for summary judgment filed by Plaintiffs Howard Jarvis Taxpayers Association, Building
3 Owners and Managers Association of California, California Business Properties Association, and
4 California Business Roundtable (Plaintiffs) and the cross-motion for summary judgment filed by
5 Defendant City and County of San Francisco (the City). All parties appeared by their respective
6 counsel of record, as reflected in the minutes and reporter's transcript. Having fully considered the
7 papers filed in support of and in opposition to the cross-motions for summary judgment on the
8 pleadings, and the arguments of counsel presented at the hearing, this Court rules as follows:

9 **I. Introduction**

10 Plaintiffs brought this reverse validation action following the June 5, 2018 Consolidated
11 Statewide Direct Primary Election in the City and County of San Francisco to obtain a ruling
12 concerning the validity of Proposition C, a voter initiative that appeared on the ballot in that
13 election. Proposition C, which in the Voter Information Guide bears the short title, "Additional
14 Tax on Commercial Rents Mostly to Fund Child Care and Education," would add Article 21, the
15 "Early Care and Education Commercial Rents Ordinance," to the City's Business and Tax
16 Regulations Code. (Prop. C, Legal Text, in Voter Information Pamphlet, Arntz Decl., Ex. F at 141-
17 144.) Article 21 would impose additional gross receipts taxes on revenues that certain local
18 businesses receive from the lease of warehouse and other commercial spaces in the City; would use
19 15% of funds collected from these additional taxes for any general purpose; and would devote the
20 remaining 85% of the funds to fund quality early care and education for young children and other
21 related purposes. (*Id.* at 143.) Proposition C received the affirmative votes of 50.87% of the
22 236,284 City voters who voted on that measure. (Arntz Decl., Ex. G at 16; Compl., pg. 1.)¹

23 Plaintiffs' verified Complaint to Invalidate Special Tax, filed on August 3, 2018, contains a
24 single cause of action. Plaintiffs allege that Proposition C is invalid because it imposed a special

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26 ¹ The Court grants the City's unopposed request for judicial notice of various provisions of the San
27 Francisco and Municipal Elections Code.

1 tax that required the approval of two-thirds of the voters under two different provisions of the
2 California Constitution—Article XIII C, section 2(d) and Article XIII A, section 4. (Compl. ¶¶ 8,
3 9.) Thus, Plaintiffs contend that the tax enacted by Proposition C is “invalid for failing to receive
4 two-thirds voter approval under the California Constitution.” (*Id.* ¶ 14.)

5 Plaintiffs also allege that the proponents of Proposition C were individual members of the
6 City’s Board of Supervisors, and that after the proponents obtained the requisite number of
7 signatures for a citizens’ initiative, the City placed Proposition C on the June 2018 ballot as a
8 citizens’ initiative. (*Id.* ¶ 10.) Plaintiffs allege that the City proposed Proposition D, a tax on
9 commercial rent for the purpose of funding affordable housing and homeless programs, on the
10 same ballot, and that because the two propositions both contained provisions that only the one
11 receiving the most affirmative votes would take effect, “this is evidence of a degree of coordination
12 between the supervisors who served as proponents of Proposition C and the City.” (*Id.* ¶ 11.)
13 Plaintiffs assert that “[w]hether City leadership places a special tax measure on the ballot by
14 incubating an initiative or by going directly through its Board of Supervisors, the measure requires
15 a two-thirds vote under the California Constitution to pass.” (*Id.* ¶ 12.) Plaintiffs’ complaint
16 makes no reference to the San Francisco Charter.

17 In their motion for summary judgment, Plaintiffs abandon their contention in their
18 complaint that Proposition C required a supermajority (two-thirds) vote under either Article XIII C,
19 section 2(d) or Article XIII A, section 4 of the California Constitution. Apparently anticipating the
20 City’s reliance on the California Supreme Court’s decision in *California Cannabis Coalition v. City*
21 *of Upland* (2017) 3 Cal.5th 924, they assert “it is unnecessary for the Court to reach that
22 argument.” Instead, Plaintiffs contend that the San Francisco Charter requires a two-thirds vote on
23 all special taxes, whether they are proposed by the Mayor or Board of Supervisors or by citizens’
24 initiative. Plaintiffs’ motion for summary judgment on this ground is procedurally improper
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26
27

1 because they did not raise the issue in their complaint.² Nevertheless, because the City does not
2 object on this ground, and because the issue presents a pure question of law on undisputed facts,
3 the Court will deem Plaintiffs' complaint amended to present the issue and will address it on its
4 merits.

5 Plaintiffs' second argument is that Proposition C was not a "real" citizens' initiative, but
6 instead must be treated as having been proposed by the Board of Supervisors and therefore subject
7 to the two-thirds vote requirement.

8 The material facts are undisputed. For the following reasons, Plaintiffs' motion for
9 summary judgment is denied, and the City's cross-motion is granted.

10 II. Proposition C Is Not Invalid Under The San Francisco Charter.

11 Plaintiffs contend first that the San Francisco Charter required a two-thirds vote on
12 Proposition C. That contention is based on the following reasoning: (1) Article XVII of the
13 Charter defines "initiative" to include "a proposal by the voters with respect to any ordinance, act
14 or other measure which is within the powers conferred upon the Board of Supervisors to enact"; (2)
15 by virtue of article XIII A, section 4 and article XIII C, section 2(d) of the California Constitution,
16 the Board of Supervisors is not empowered to enact a special tax without the concurrences of two-
17 thirds of the electors; (3) therefore, the voters' initiative power is similarly constrained.

18 This argument is foreclosed by a long line of California Supreme Court authority, which
19 draws a critical distinction between *substantive* limitations on the Board of Supervisors' legislative
20 authority and *procedural* requirements that the Board must follow to enact certain kinds of laws.
21 While the Charter restricts the voters from using their reserved power of initiative to enact any
22 measure that, because of its nature or subject matter, is *substantively* beyond the power of the
23

24 ² Plaintiffs appear "oblivious to the role of the pleadings as the outer measure of materiality in a
25 summary judgment proceeding," treating them instead as "a ticket to the courtroom which may be
26 discarded upon admission." (*FPI Development, Inc. v. Nakashima* (1991) 231 Cal. App. 3d 367,
381; see also *Bostrom v. County of San Bernardino* (1995) 35 Cal.App.4th 1654, 1663 ["Summary
27 judgment cannot be granted on a ground not raised by the pleadings. [Citation.] Conversely,
28 summary judgment cannot be *denied* on a ground not raised by the pleadings."].)

1 Board of Supervisors to enact, the Charter does not require the voters, when they legislate by
2 initiative, to follow the *procedures* the Board would have to follow in order to enact similar
3 legislation. In other words, "*procedural* requirements imposed on the Legislature or local
4 governments are presumed not to apply to the initiative power absent evidence that such was the
5 intended purpose of the requirements." (*California Cannabis Coalition*, 3 Cal.5th at 942.)

6 *California Cannabis Coalition* addressed this very question. In that case, the California
7 Supreme Court held that article XIII C of the California Constitution, which limits the ability of
8 local governments to impose taxes, "does not limit voters' 'power to raise taxes by statutory
9 initiative.'" (3 Cal.5th at 931, quoting *Kennedy Wholesale, Inc. v. State Bd. of Equalization* (1991)
10 53 Cal.3d 245, 251.) In particular, the Court concluded that "local government" as that term is
11 used in article XIII C does not include the electorate, based on the common understanding of that
12 term; how it is used in the text, findings, and declarations of article XIII C; and the ballot materials
13 for Proposition 218, by which that article was enacted, as well as those for Propositions 13 and
14 Proposition 26. (*Id.* at 936-941.)

15 The City of Upland argued that even if "local government" does not directly encompass the
16 electorate, "article XIII C, section 2, subdivision (b) *indirectly* applies to voters for two reasons,"
17 both of which the Court rejected. (*Id.* at 941.) First, Upland contended that the provision applies to
18 the electorate because, in its view, "the voters are the ones who ultimately impose *every* local tax."
19 (*Id.*) But, the Court observed, "that does not transform voters into the 'local government'
20 referenced in article XIII C, section 2." (*Id.* at 942.) Nor does the requirement of voter approval
21 necessarily mean it is the electorate that imposes the tax. (*Id.*)

22 Second, Upland argued, in terms nearly identical to Plaintiffs' position here, that the
23 provision at issue "constrains voter initiatives because 'statutory and constitutional limits on the
24 power of local government apply equally to local initiatives.'" (*Id.*) The Court rejected that
25 argument, underlining the distinction summarized above between limits on the substantive
26 authority of the legislative body and procedural requirements governing its exercise of such power:

1 When a local government lacks authority to legislate in an area, perhaps because the state
2 has occupied the field [citation], that limitation also applies to the people's local initiative
3 power. [Citation.] In contrast, where legislative bodies retain lawmaking authority subject
4 to procedural limitations, e.g., notice and hearing requirements [citation] or *two-thirds vote*
5 *requirements* [citation], we presume such limitations do not apply to the initiative power
6 absent evidence that such was the restrictions' intended purpose.

7 (*Id.* [emphasis added].) Numerous other cases reach the same conclusion. (See, e.g., *Kennedy*
8 *Wholesale, Inc.*, 53 Cal.3d at 249 [while "the voters' power is presumed to be coextensive with the
9 Legislature's," that does not mean that "legislative *procedures*, such as voting requirements, apply
10 to the electorate"]; *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 785 ["it is well established in
11 our case law that the existence of procedural requirements for the adoptions of local ordinances
12 generally does not imply a restriction of the power of initiative or referendum."]; *Associated Home*
13 *Builders of the Greater Eastbay, Inc. v. City of Livermore* (1976) 18 Cal.3d 582, 594 ["Procedural
14 requirements which govern *council* action . . . generally do not apply to initiatives, any more than
15 the provisions of the initiative law govern the enactment of ordinances in council."].)

16 Plaintiffs attempt to distinguish these cases, arguing that the only procedural requirements
17 that do not apply to voter initiatives are those where "voters literally can't do those things," such as
18 introducing bills. Plaintiffs contend that the "common feature" of these cases is that "impossible
19 and unavailable duties or conditions precedent will not be imposed on the electorate so as to nullify
20 their ability to propose legislation in the first instance." However, in *California Cannabis*
21 *Coalition*, the Supreme Court rejected a nearly identical contention by the concurring and
22 dissenting Justices, who interpreted those cases "more narrowly, as applying *exclusively* when the
23 procedural requirements at issue are 'incompatible with initiative procedures.'" (3 Cal.5th at 943;
24 see *id.* at 957-958 [conc. and dis. opn. of Kruger, J.].) The majority disagreed with that reading,
25 observing that it "proves too cramped an understanding of these cases' holdings or their
26 significance. While our cases noted that the restrictions at issue made little sense in light of the
27 distinct initiative process [citation], nothing suggests that those observations formed the metes and
28 bounds of our holding. To the contrary, our reasoning was broader and grew out of our
presumption in favor of the initiative power." (*Id.*)

1 Plaintiffs' argument is also inconsistent with the overall reasoning and thrust of the
2 California Supreme Court's decision in *California Cannabis Coalition*. There, the Court addressed
3 a broadly similar issue to that presented here: whether these provisions, which limit the ability of
4 state and local governments to impose taxes, "also restrict[] the ability of voters to impose taxes via
5 initiative." (*Id.* at 930.) It answered the question in the negative, concluding that "article XIII C
6 does not limit voters' power to raise taxes by statutory initiative." (*Id.* at 931, quoting *Kennedy*
7 *Wholesale, Inc. v. State Bd. of Equalization* (1991) 53 Cal.3d 245, 251.) As it explained,

8 A contrary conclusion would require an unreasonably broad construction of the term "local
9 government" at the expense of the people's constitutional right to direct democracy,
10 undermining our longstanding and consistent view that courts should protect and liberally
11 construe it. . . . Without a direct reference in the text of a provision—or a similarly clear,
12 unambiguous indication that it was within the ambit of a provision's purpose to constrain
13 the people's initiative power—we will not construe a provision as imposing such a
14 limitation.

15 (*Id.*) The Court based its analysis in part on the text of article XIII C, section 2, which applies only
16 to actions taken by a "local government." (*Id.* at 936.) Article XIII C defines that term to mean
17 "any county, city, city and county, including a charter city or county, any special district, or any
18 other local or regional governmental entity." (Cal. Const., art. XIII C, § 1(b).) The Court rejected
19 Upland's argument that this definition is broad enough to include the electorate. (3 Cal.5th at 937.)
20 It adopted a "clear statement" rule in order to protect the initiative power, which is liberally
21 construed. "Without an unambiguous indication that a provision's purpose was to constrain the
22 initiative power, we will not construe it to impose such limitations. Such evidence might include
23 an explicit reference to the initiative power in a provision's text, or sufficiently unambiguous
24 statements regarding such a purpose in ballot materials." (*Id.* at 945-946.) The Court found no
25 such indication in either the text of Proposition 218 (by which article XIII C was enacted) or the
26 ballot materials of that initiative or of Proposition 13 (by which article XIII C was enacted). "To
27 the contrary: The crux of the concern repeatedly reflected in the ballot materials is with local
28 governments and politicians—not the electorate—imposing taxes. Nowhere in the materials is

1 there any suggestion that Proposition 218 would rescue voters from measures they might, through a
2 majority vote, impose on themselves.” (*Id.* at 940.)

3 Plaintiffs insist that Proposition 218 must be construed to apply to voter initiatives because
4 the voters who enacted that proposition in 1996 must have been aware of *Altadena Library Dist. v.*
5 *Bloodgood* (1987) 192 Cal.App.3d 585, which Plaintiffs contend applied Proposition 13’s two-
6 thirds vote requirement to a local special tax brought as a citizens’ initiative. However, that case
7 held only that a library district was a “special district” within the meaning of Proposition 13 (in
8 addition to rejecting a novel claim that the supermajority requirement triggered close scrutiny as a
9 matter of equal protection). (*Id.* at 588.) It did not address the issue presented here (which was not
10 raised): whether the two-thirds vote requirement of Proposition 13 applies to special taxes enacted
11 by voter initiative. The case is not authority for that proposition. (See *People v. Brown* (2012) 54
12 Cal.4th 314, 330 [it is axiomatic that “cases are not authority for propositions not considered.”])³
13 In any event, of course, *Altadena* long predated the Supreme Court’s 2017 decision in *California*
14 *Cannabis Coalition*, which is binding on this court. (*Auto Equity Sales, Inc. v. Superior Court*
15 (1962) 57 Cal.2d 450, 455; see *Newport Harbor Offices & Marina, LLC v. Morris Cerullo World*
16 *Evangelism* (2018) 23 Cal.App.5th 28, 41 [regardless of whether a recent California Supreme Court
17 decision may be characterized as an intervening change in law, lower courts are bound to follow
18 it].)

19 In short, the procedural two-thirds vote requirement in articles XIII A, section 4 and XIII C,
20 section 2(d) of the California Constitution that limit the Board of Supervisors’ authority to impose
21 new taxes does not apply to the voters’ initiative power, either directly under those provisions or
22 indirectly under the San Francisco Charter.

23
24 ³ *City of Dublin v. County of Alameda* (1993) 14 Cal.App.4th 264, which Plaintiffs also cite, is
25 even less helpful to them. The court there held that a surcharge on waste disposal imposed by a
26 voter initiative was not a special tax within the meaning of Proposition 13, but rather was a valid
27 regulatory fee. (*Id.* at 280-285.) As a result, the court did not reach the question whether the
28 initiative required a two-thirds vote. Plaintiffs’ reliance on the dissenting opinion is misplaced.

1 **III. Plaintiffs' Claim That Proposition C Is Not A "True" Citizens' Initiative Is**
2 **Legally and Factually Meritless.**

3 Plaintiffs' second argument, to which they devote the bulk of their briefing,⁴ is that
4 Proposition C was not imposed by a "true" citizens' initiative. Rather, Plaintiffs contend that in
5 reality, "it was a proposal of the Board of Supervisors, the Tax's true creator." Plaintiffs cite as
6 evidence for this proposition that the Board of Supervisors had previously considered a closely
7 similar if not identical initiative, that Supervisor Norman Yee was the initiative's proponent, and
8 that he assertedly used his position and resources as a supervisor to place the initiative on the
9 ballot. Because the Board of Supervisors, as a local government entity, may not impose a special
10 tax absent two-thirds approval by the voters, Plaintiffs contend, the Court should ignore
11 Proposition C's designation as a voter initiative and invalidate it as a legislative initiative.
12 Plaintiffs rely for this argument entirely on the California Supreme Court's decision in *Boling v.*
13 *Public Employment Relations Board* (2018) 5 Cal.5th 898. However, neither that decision nor any
14 other pertinent authority supports Plaintiffs' novel contention.

15 At the outset, Plaintiffs' argument is inconsistent with the plain language of the Charter and
16 of the governing provisions of the California Elections Code, which draw a clear distinction
17 between measures proposed by the voters by initiative petition and measures proposed by a
18 legislative body such as the San Francisco Board of Supervisors or by the Mayor. Thus, as to voter
19 initiatives, Article XIV of the Charter, entitled "Initiative, Referendum and Recall," declares that
20 "the voters of the City and County shall have the power to enact initiatives . . ." (Charter §
21 14.100.) The Charter provides that "[a]n initiative may be proposed by presenting to the Director
22 of Elections a petition containing the initiative and signed by voters in a number equal to at least
23 five percent of the votes cast for all candidates for mayor in the last preceding general municipal
24 election for Mayor." (Charter § 14.101.) In contrast, Section 2.113 of the Charter provides that the

25 ⁴ Notably, Plaintiffs discuss this argument in only 4 pages of their moving papers, but devote nearly
26 all of their 20-page opposition brief to it.

1 Board of Supervisors, or four or more members of the Board, may submit to the voters declarations
2 of policy, and any matter (such as a proposed ordinance) which the Board is empowered to pass.
3 (Charter § 2.113(a).) That provision, entitled "Legislative Initiative," is contained in Article II of
4 the Charter, which governs the City's legislative branch. Likewise, the Mayor herself may also
5 submit a proposed initiative to the Board of Supervisors. (Charter § 3.100(16).) The Board must
6 assign a legislative or mayoral initiative to a committee for a public hearing. (*Id.* § 2.113(b).)
7 Measures proposed by initiative petition are also subject to a different timeline than those
8 submitted by the Mayor, Board of Supervisors, or four or more supervisors. (S.F. Muni. Elec.
9 Code § 300(b), (c).) Nothing in the Charter prevents a single member of the Board of Supervisors
10 from proposing an initiative and, by definition, so long as the initiative is proposed by less than
11 than four members of the Board, it is a citizens' initiative subject to the rules governing such
12 initiatives, not a legislative initiative.

13 These provisions parallel those contained in the state Elections Code. Under the California
14 Constitution, either the Legislature or the voters may place a measure, including a proposed
15 constitutional amendment, on the ballot. (See Cal. Const., art. II, § 8; art. IV, § 8.5; art. XVIII,
16 §§1, 3, 4.) Thus, the Legislature itself may propose an initiative constitutional amendment to be
17 submitted to the voters, in which case it is the official "proponent." (See, e.g., *Californians for an*
18 *Open Primary v. McPherson* (2006) 38 Cal.4th 735 [Legislature proposed constitutional
19 amendment for submission to the voters on the November 2004 ballot as Proposition 60].) If, on
20 the other hand, the measure is proposed by a private organization or an individual, as here, that
21 organization or individual is the measure's proponent. (See generally *Perry v. Brown* (2011) 52
22 Cal.4th 1116, 1139-1143 [discussing the initiative power and the constitutional and statutory basis
23 for official initiative proponents' standing under California law].) The California Elections Code
24 defines the proponent of a local initiative measure as "the person or persons who publish a notice
25 or intention to circulate petitions, or, where publication is not required, who file petitions with the
26 elections official or legislative body." (Elec. Code § 342.)

1 Here, the record establishes beyond dispute that Proposition C had a single proponent, who
2 submitted a notice of intention to circulate petitions for the proposed initiative, caused the notice
3 and ballot title and summary to be published in a local newspaper, and turned in initiative petitions
4 containing the requisite number of voter signatures. (Arntz Decl. ¶¶ 5-8 & Exs. A-E.) Thus,
5 Proposition C was a citizens' initiative as defined in the San Francisco Charter. In contrast,
6 Proposition D on the same ballot was placed on the ballot by five members of the Board of
7 Supervisors, and therefore was a legislative initiative. (Arntz Decl., Ex. F at 98-104, 144-147
8 [text].) That the proponent of Proposition C happened to be a member of the San Francisco Board
9 of Supervisors, Supervisor Norman Yee, or that he allegedly used his title or City resources to
10 advance the initiative, does not somehow transform a citizens' initiative into a legislative petition.
11 Nor does the fact that other members of the Board of Supervisors had previously considered a
12 similar proposed legislative initiative, or that they expressed their support for Proposition C by
13 signing the proponent's argument in the Voter Information Pamphlet (Arntz Decl. Ex. F at 92).⁵

14 Indeed, to articulate the latter argument is to reject it. It is common knowledge, and the
15 Court may take judicial notice, that municipal and statewide legislators routinely serve as
16 proponents of ballot measures or express their support for such measures, including in proponents'
17 arguments included in voter information pamphlets. For example, in May 2002, then-member of
18 the Board of Supervisors (now Governor) Gavin Newsom was one of two proponents of an
19 initiative entitled Care Not Cash that was enacted on the November 2002 ballot as Proposition N.
20 (See *McMahan v. City and County of San Francisco* (2005) 127 Cal.App.4th 1368, 1371.) Two

21 _____
22 ⁵ Plaintiffs devote much of their papers to attacking the motives and good faith of Supervisor Yee
23 and the entire Board of Supervisors. Thus, Plaintiffs insist that Proposition C was "a special tax
24 devised by the Board of Supervisors masquerading as [a] citizens' initiative in the hopes of evading
25 the two-thirds vote required by the San Francisco Charter and the California Constitution"; they
26 charge "City politicians" with "tramp[ing] the established rule" of Propositions 13 and 218 and
27 attempting to "circumvent[]" those provisions; they make factually unsupported charges against
28 Supervisor Yee; and they even accuse him of committing a criminal offense by illegally misusing
the seal of the City and County of San Francisco. The Court disapproves of Plaintiffs' intemperate
political rhetoric, which has no place in contested litigation involving important issues. A lawsuit
is not an election campaign.

1 other examples appear on the very same June 2018 ballot on which Proposition C appeared. There,
 2 the voters were presented with Proposition E, a proposed ordinance that would have prohibited the
 3 sale of flavored tobacco products in San Francisco, and Proposition G, a proposed parcel tax to
 4 provide funding to support the San Francisco Unified School District. (Arntz Decl., Ex. F at 105-
 5 109, 147-149 [text]; 118-124, 149-152 [text].) The proponents' argument in favor of the former
 6 proposition was signed by then-Supervisor Malia Cohen; in favor of the latter, by then-Mayor
 7 Mark Farrell and then-President of the Board of Supervisors (now Mayor) London Breed. Neither
 8 then-Supervisor's Newsom's role as a proponent of Care Not Cash nor the other Supervisors'
 9 support for Propositions E and G transformed those propositions from citizens' initiatives into
 10 legislative initiatives, as Plaintiffs' argument would have it, nor do Plaintiffs cite any authority that
 11 would compel that unprecedented conclusion.

12 The single case upon which Plaintiffs rely, *Boling v. Public Employment Relations Board*
 13 (2018) 5 Cal.5th 898, does not support their position.⁶ In *Boling*, San Diego's mayor sponsored a
 14 citizens' initiative to eliminate pensions for new municipal employees and rebuffed union demands
 15 to meet and confer over the measure. The Public Employment Relations Board (PERB) held that
 16 the city's failure to meet and confer constituted an unfair labor practice in violation of the Meyers-

17 ⁶ At oral argument, Plaintiffs also cited *Rider v. County of San Diego* (1991) 1 Cal.4th 1, but that
 18 case does not advance their position. There, a county board of supervisors sought the voters' two-
 19 thirds approval of a new sales tax to fund the county's justice facilities and, when that effort failed,
 20 directed a local legislator to introduce legislation creating a special district with limited tax powers
 21 to impose a sales tax increase upon approval by the county's voters. The initial version of the bill
 22 named the county's entire board of supervisors as the agency's board of directors, although under
 23 the final version only two county supervisors were included among the agency's seven directors.
 24 The county retained substantial control over the agency's operations and expenditures; the act
 25 required compliance with the county's master plan; and the agency's boundaries were coterminous
 26 with the county's. After the tax scheme was approved by a bare majority of county voters, the
 27 agency began operations, hiring several county employees for its staff and incurring expenses paid
 28 from funds advanced by the county. (*Id.* at 9.) The Court concluded that the agency was a "special
 district" within the meaning of Proposition 13 because it was "created to raise funds for city or
 county purposes to replace revenues lost by reason of the restrictions of Proposition 13." (*Id.* at
 11.) It held that in the future, courts could infer an intent to circumvent Proposition 13 "whenever
 the plaintiff has proved the new tax agency is *essentially controlled* by one or more cities or
 counties that otherwise would have had to comply with the supermajority provision of [article XIII
 A] section 4." (*Id.*) Thus, *Rider* did not involve a voter initiative, but instead an action by a taxing
 agency controlled by "local government."

1 Milias-Brown Act, Gov. Code § 3500 *et seq.* (the MMBA), and the Supreme Court granted review
2 to settle two questions: (1) the standards of review that apply on appeal to PERB's decisions; and
3 (2) "When a public agency itself does not propose a policy change affecting the terms and
4 conditions of employment, but its designated bargaining agent lends official support to a citizens'
5 initiative to create such a change, is the agency obligated to meet and confer with employee
6 representatives?" (*Id.* at 903-904; see also *id.* at 914 ["The question is whether the mayor's pursuit
7 of pension reform by drafting and promoting a citizens' initiative required him to meet and confer
8 with the unions."].)

9 As to the second question, the Court held that under the circumstances presented in the
10 case, "the MMBA applies to the mayor's official pursuit of pension reform as a matter of policy,"
11 and the city therefore was required to meet and confer with the union. (*Id.* at 904.) The Court's
12 analysis focused on the Government Code provision requiring governing bodies "or other
13 representatives as may be properly designated" to engage with unions on matters within the scope
14 of representation "prior to arriving at a determination of policy or course of action." (Gov. Code §
15 3505; see *id.* at 904, 913-919.) The Court concluded that these key statutory terms extended to the
16 mayor's sponsorship of the initiative because he was "using the powers and resources of his office
17 to alter the terms and conditions of employment," emphasizing his invocation of his position as
18 mayor and use of city resources and employees to draft, promote, and support the initiative, which
19 concerned a determination of policy on pension reform. (*Id.* at 918-919.) Thus, the Court held,
20 "when a local official with responsibility over labor relations uses the powers and resources of his
21 office to play a major role in the promotion of a ballot initiative affecting terms and conditions of
22 employment, the duty to meet and confer arises." (*Id.* at 919.)

23 *Boling* thus was decided entirely on statutory grounds under the MMBA. Nothing in the
24 decision addressed any issue under the California Constitution, nor did the Court even mention its
25 own recent decision in *California Cannabis Coalition*. The Court decidedly did *not* hold that the
26 mayor's active involvement in the development and promotion of the ballot initiative transformed

1 it from a voter initiative into a legislative initiative. To the contrary, it repeatedly referred to the
 2 citizens' initiative as such, including referring to the individual proponents of the initiative (who
 3 did not include the mayor), the signature-gathering campaign, and the certification of voter
 4 signatures that led to its being placed on the ballot. (See *id.* at 907-908.) Indeed, the Court
 5 specifically recognized that it was required to decide the case because it was unlike a prior
 6 decision, *People ex rel. Seal Beach Police Officers Assn. v. City of Seal Beach* (1984) 36 Cal.3d
 7 591, which "involved a city council's own decision to place a proposal on the ballot, rather than a
 8 citizen-sponsored initiative." (*Id.* at 915; see also *id.* at 914 [*Seal Beach* "involved a related but
 9 distinct issue: whether the meet-and-confer provisions of section 3505 applied when a city
 10 exercised its *own* constitutional power to propose charter amendments to its voters." [emphasis
 11 original]].)⁷ Nor, finally, did the Court suggest that the mayor's involvement in the genesis and
 12 development of the citizens' initiative invalidated the results of the election, in which the voters
 13 approved the initiative. To the contrary, PERB modified the ALJ's proposed remedy to vacate the
 14 results of the election, and instead directed the city to pay its employees compensation for the net
 15 value of their lost pension benefits, which payments were "to continue for as long as the Initiative
 16 was in effect." (*Id.* at 910.) The Court did not decide that issue, but directed the Court of Appeal
 17 on remand to address the appropriate judicial remedy for the statutory violation identified in its
 18 opinion. (*Id.* at 920.)⁸

19 ⁷ Plaintiffs refer in passing to the *California Cannabis Coalition* Court's brief discussion of a
 20 hypothetical situation in which a city council "could conceivably collude with a public employee
 21 union to place a levy on the ballot as a means of raising revenue for a goal supported by both," but
 22 with the council adopting the ordinance without submitting it to the voters. (3 Cal.5th at 947.)
 However, that hypothetical does not advance Plaintiffs' argument, both because it is not what
 occurred here and because the Court declined to address how it would decide the issue. (*Id.*) In
 any event, as the City pointed out at argument, its Charter would make such a situation impossible.

23 ⁸ On remand, the Court of Appeal held that "the City's failure to comply with the [Meyers-Milias
 24 Brown] Act before placing the Initiative on the ballot does not necessarily invalidate the Initiative,"
 25 and held further that PERB lacked power to invalidate the initiative, explaining that "any action by
 26 PERB effectively invalidating the Initiative or assuming the Initiative is or will be invalidated
 impermissibly encroaches on constitutional law, statutory law, and policy matters involving
 initiatives, elections, and the doctrine of preemption." (*Boling v. Public Employment Relations Bd.*
 (2019) 33 Cal.App.5th 376, 385, 388.)

1 In short, Plaintiffs' contention that "the City's admitted use of public offices and resources
2 violates *Boling* and invalidates its efforts" is unsupported by *Boling* or any other cited authority,
3 and must be rejected. Proposition C was a valid citizens' initiative under the express terms of the
4 San Francisco Charter and state law, and neither the Charter nor the California Constitution
5 required a two-thirds vote for its passage.

6
7 **IV. Conclusion**

8 For the foregoing reasons, Plaintiffs' motion for summary judgment is denied, and the
9 City's cross-motion for summary judgment is granted.

10 **IT IS SO ORDERED.**

11 Dated: July 5, 2019

12 
13 ETHAN P. SCHULMAN
14 JUDGE OF THE SUPERIOR COURT

**CGC-18-568657 HOWARD JARVIS TAXPAYERS ASSN. ET AL VS. CITY
AND COUNTY OF SAN FRANCISCO ET AL**

I, the undersigned, certify that I am an employee of the Superior Court of California, County Of San Francisco and not a party to the above-entitled cause and that on July 05, 2019 I served the foregoing **Order on Cross-motions for summary judgment** on each counsel of record or party appearing in propria persona by causing a copy thereof to be enclosed in a postage paid sealed envelope and deposited in the United States Postal Service mail box located at 400 McAllister Street, San Francisco CA 94102-4514 pursuant to standard court practice.

Date: July 05, 2019

By:  SHIRLEY LE

JONATHAN M. COUPAL / LAURA DOUGHERTY
HOWARD JARVIS TAXPAYERS ASSN
921 11TH ST #1201
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Contra Costa County **Attachment B**

Phone: (925) 335-1800

Fax: (925) 646-1078

Date: July 16, 2019

To: Finance Committee

From: Sharon L. Anderson, County Counsel
by: Mary Ann McNett Mason, Chief Assistant County Counsel *M.A.M.*

Re: **Use Of Public Resources In Relation to Tax Measure Campaigns**

This memorandum discusses the limitations on the use of public resources in relation to ballot measure campaigns for a tax.

A. May public resources be used in ballot measure campaigns for a tax?

1. General Prohibition.

Government Code section 54964 generally prohibits local agencies from using agency funds, including i.e., staff, facilities, equipment, supplies, and time, to support or oppose the approval or rejection of a ballot measure. However, in limited circumstances, the County may use County resources to engage in a *neutral* evaluation of the merits and effects of a proposed ballot measure and to inform the public of these findings.¹

2. Prohibited Communications.

The County and its employees and officials, including Board, committee and commission members, are not permitted to use County resources to campaign for or against a ballot measure.² Officials, in their official capacity, may not engage in communications traditionally associated with political campaigns such as:

¹ *Vargas v. City of Salinas* (2009) 46 Cal.4th 1.

² Historically, courts have disapproved the use of public funds in political campaigns on the basis that political expenditures are unauthorized by law and likely are unconstitutional. Public agencies may not 'take sides' in an election contest. (See, e.g. *Stanson v. Mott* (1976) 17 Cal.3d 206; *Mines v. Del Valle* (1927) 201 Cal. 273; *Miller v. Miller* (1978) 87 Cal.App.3d 762; *League of Women Voters of California v. Countywide Criminal Justice Coordination Committee* (1988) 203 Cal.App.3d 529; and *Vargas v. City of Salinas* (2009) 46 Cal.4th 1.)

-
- Advertising through bumper stickers, posters, television, radio, and billboards;
 - Preparing advocacy materials;
 - Disseminating advocacy materials prepared internally or by others; and
 - Circulating promotional campaign materials such as brochures, even if the materials contain some useful factual information.³

3. Limited Permissible Communications

If the Board of Supervisors votes to place a tax measure on the ballot, County officials may make *neutral*, informational communications about the ballot measure, including:

- Take a position on the ballot measure at a properly noticed public meeting of the Board of Supervisors;
- Prepare neutral, informational reports and other analyses to help voters determine the impacts of the measure, when use of funds for this purpose has been authorized by the Board of Supervisors; and
- Respond to inquiries about the ballot measure in a manner that provides a fair, neutral presentation of the facts.⁴

Information must be communicated in a way that does not use inflammatory language or argumentative rhetoric, and does not urge the public to adopt a particular position or to take any other actions supporting or opposing the measure.⁵ When sharing information related to a ballot measure, County officials must deliver the information through the County's regular communications channels (for example, through the County's existing website or existing newsletter).⁶ No special expenditure should be made by the County to publicize a position on a tax measure. For example, the County may not send out a special mailing about the ballot measure to area residents. Expenditures related to the ballot measure require the Board of Supervisors approval.

³ *Vargas* at 24,32,39, 42.

⁴ *Id.* at 24, 25, 35-37.

⁵ *Id.* at 30, 34, 40.

⁶ *Id.*

4. Reporting Requirements.

Government entities that engage in ballot measure-related activities must file campaign expenditure reports when required by law to do so. The Political Reform Act requires agencies that make certain ballot measure-related communications to report expenditures for these communications.⁷

Please be advised that the Fair Political Practices Commission is aggressively pursuing allegations involving the use of public funds for campaign purposes. The FPPC recently fined the Bay Area Rapid Transit District (“BART”) for failing to disclose campaign activity in support of a ballot measure. When the Board considers any use of public resources or expenditures related to the parcel tax measure, the Board and staff should err on the side of caution.

5. Activities as Private Citizens.

In their capacity as private citizens, County officials are permitted to campaign for or against local ballot measures and to join citizens’ groups that advocate for or against local ballot measures.⁸ When doing so, they should specifically state that their comments are not made in their capacity as County officials. If, in their capacity as private citizens, officials make contributions and independent expenditures related to a County tax measure, they should consider whether their expenditures are reportable and file reports as required by law.⁹

MAM/am

cc: David Twa, County Administrator

H:\MAM\finance committee tax measure memo 07-16-19.wpd

⁷ Gov. Code, §§ 82013, 82015, 82025, 82031. Public agencies must report payments of public resources made in connection with a communication that expressly advocates the passage or defeat of a clearly identified ballot measure (2 Cal. Code Regs. §§ 18420 (d), 18420.1 (a).) However, certain communications are exempted from the expenditure reporting requirements: the preparation of an agency report providing the agency’s internal evaluation of a measure made available to a member of the public upon the individual’s request; the announcement of the agency’s position at a public meeting or with the agenda or hearing minutes prepared for a meeting; a written argument filed by the agency for publishing in the voter information pamphlet; a departmental view presented by an agency employee upon request by a public or private organization at the meeting of that organization; and a communication clearly and unambiguously authorized by law. (2 Cal. Code Regs. §18420.1 (e).)

⁸ *League of Women Voters of California v. Countywide Criminal Justice Coordination Committee*, (1988) 203 Cal.App.3d 529, 555-56.

⁹ Gov’t Code, § 82013.

District Taxes, Rates, and Effective Dates

(City): Indicates district tax applies within the city limits and is in addition to other applicable state, local, and transit district taxes.
Certain cities provide addresses located within a special taxing jurisdiction.

Tax Area	District Name and Acronym	Rate	Effective Date	End Date
Alameda County	Alameda County Essential Health Care Services Transactions and Use Tax (ACHC)	0.50%	07-01-2004	
	Alameda County Transportation Commission 2002 (ACTI)	0.50%	04-01-2002	
	Alameda County Transportation Commission Transactions and Use Tax (ACTC)	0.50%	04-01-2015	
	Bay Area Rapid Transit District (BART)	0.50%	04-01-1970	
Alameda (City)	City of Alameda Transactions and Use Tax (ALTG)	0.50%	04-01-2019	
Albany (City)	City of Albany Transactions and Use Tax (ALBG)	0.50%	04-01-2013	
Hayward (City)	City of Hayward Transactions and Use Tax (HWDG)	0.50%	10-01-2014	
Newark (City)	City of Newark Transactions and Use Tax (NEGT)	0.50%	04-01-2017	
San Leandro (City)	City of San Leandro 2015 Transactions and Use Tax (SLDG)	0.50%	04-01-2015	
Union City (City)	City of Union City Transactions and Use Tax (UCGF)	0.50%	04-01-2011	
Amador County	Amador County Fire Protection and Emergency Med. Services Transactions and Use Tax (AMCG)	0.50%	04-01-2009	
Butte County				
Oroville (City)	City of Oroville Transactions and Use Tax (OVTG)	1.00%	04-01-2019	
Paradise (Town)	Town of Paradise Temporary Transactions and Use Tax (PTTG)	0.50%	04-01-2015	
Calaveras County				
Angels Camp (City)	City of Angels Camp Transactions and Use Tax (ACGT)	0.50%	04-01-2019	
Colusa County				
Williams (City)	City of Williams Transactions and Use Tax (WLMS)	0.50%	04-01-2007	
Contra Costa County	Bay Area Rapid Transit District (BART)	0.50%	04-01-1970	
	Contra Costa Transportation Authority (CCTA)	0.50%	04-01-1989	
Antioch (City)	City of Antioch Increase Transactions and Use Tax (ANIT)	1.00%	04-01-2019	
Antioch (City)	City of Antioch Transactions and Use Tax (ANTG)	0.50%	04-01-2014	03-21-2019
Concord (City)	City of Concord Transactions and Use Tax (CNCD)	0.50%	04-01-2011	
El Cerrito (City)	City of El Cerrito 2015 Transactions and Use Tax (ELCG)	1.00%	04-01-2015	
El Cerrito (City)	City of El Cerrito Street Improvements Transactions and Use Tax (ECSE)	0.50%	07-01-2008	
Hercules (City)	City of Hercules Temporary Transactions and Use Tax (HTGT)	0.50%	10-01-2012	
Martinez (City)	City of Martinez Road Maintenance and Improvement Transactions and Use Tax (MRMS)	0.50%	04-01-2017	
Martinez (City)	City of Martinez Transactions and Use Tax (MZGT)	0.50%	04-01-2019	
Moraga (Town)	Town of Moraga Transactions and Use Tax (MGAG)	1.00%	04-01-2013	
Orinda (City)	City of Orinda Transactions and Use Tax (ORGT)	0.50%	04-01-2013	
Pinole (City)	City of Pinole 2014 Transactions and Use Tax (PNGT)	0.50%	04-01-2015	
Pinole (City)	City of Pinole Transactions and Use Tax (PNLE)	0.50%	04-01-2007	
Pittsburg (City)	City of Pittsburg Preservation of Citywide Service Temporary Transactions and Use Tax (PPTG)	0.50%	10-01-2012	
Pleasant Hill (City)	City of Pleasant Hill Transactions and Use Tax (PLGT)	0.50%	04-01-2017	

District Taxes, Rates, and Effective Dates

Tax Area	District Name and Acronym	Rate	Effective Date	End Date
Richmond (City)	City of Richmond 2014 Transactions and Use Tax (RHMG)	0.50%	04-01-2015	
Richmond (City)	City of Richmond Transactions and Use Tax (RMGT)	0.50%	04-01-2005	
San Pablo (City)	City of San Pablo (EMS) Transactions and Use Tax (SPES)	0.25%	10-01-2014	
San Pablo (City)	City of San Pablo Transactions and Use Tax (SPGT)	0.50%	10-01-2012	09-30-2017
San Pablo (City)	City of San Pablo Transactions and Use Tax (SPRS)	0.25%	10-01-2017	
Del Norte County	Del Norte County Fairgrounds Transactions and Use Tax (DNCF)	0.25%	04-01-2015	
El Dorado County				
Placerville (City)	City of Placerville Public Safety Transactions and Use Tax (PLPS)	0.25%	04-01-1999	
Placerville (City)	City of Placerville Special Transactions and Use Tax (PLST)	0.25%	04-01-2011	
Placerville (City)	City of Placerville Special Transactions and Use Tax for Water, Sewer, Drains, Street Facilities (PVWS)	0.50%	04-01-2017	
South Lake Tahoe (City)	City of South Lake Tahoe Transactions and Use Tax (SLTG)	0.50%	04-01-2005	
Fresno County	Fresno County Public Library Transactions and Use Tax (FCPL)	0.125%	04-01-1999	
	Fresno County Transportation Authority (FCTA)	0.50%	07-01-1987	
	Fresno County Zoo Authority (FCZA)	0.10%	04-01-2005	
Coalinga (City)	Coalinga General Transactions and Use Tax (COLG)	1.00%	04-01-2019	
Fowler (City)	City of Fowler Transactions and Use Tax (FWLG)	1.00%	04-01-2019	
Huron (City)	City of Huron Public Safety Special Transactions and Use Tax (HPST)	1.00%	04-01-2014	
Kerman (City)	City of Kerman Transactions and Use Tax (KERM)	1.00%	04-01-2019	
Kingsburg (City)	City of Kingsburg Transactions and Use Tax (KBTG)	1.00%	10-01-2018	
Reedley (City)	City of Reedley Public Safety Transactions and Use Tax (RDPS)	0.50%	07-01-2008	
Sanger (City)	City of Sanger Public Safety Transactions and Use Tax (SGPS)	0.75%	07-01-2008	
Selma (City)	City of Selma Public Safety Transactions and Use Tax (SLMA)	0.50%	04-01-2008	
Glenn County				
Orland (City)	City of Orland Transactions and Use Tax (ORDG)	0.50%	04-01-2017	
Humboldt County	Humboldt County Transactions and Use Tax (HBGT)	0.50%	04-01-2015	
Arcata (City)	City of Arcata Transactions and Use Tax (ARGF)	0.75%	04-01-2009	
Eureka (City)	City of Eureka Supplemental Transactions and Use Tax (ERST)	0.50%	04-01-2011	
Eureka (City)	City of Eureka Transactions and Use Tax (ERKA)	0.25%	04-01-2009	
Fortuna (City)	City of Fortuna Police and Essential Services Transactions and Use Tax (FOGT)	0.75%	04-01-2017	
Rio Dell (City)	City of Rio Dell Transactions and Use Tax (RDGT)	1.00%	04-01-2015	
Trinidad (City)	City of Trinidad Transactions and Use Tax (TRGF)	0.75%	04-01-2009	
Imperial County	Imperial County Local Transportation Authority (IMTA)	0.50%	04-01-1990	
Calexico (City)	Calexico General Fund Transactions and Use Tax (CXGF)	0.50%	10-01-2010	
El Centro (City)	City of El Centro Transactions and Use Tax (ECTG)	0.50%	04-01-2017	
Inyo County	Inyo County Rural Counties Transactions Tax (INRC)	0.50%	10-01-1988	
Kern County				
Arvin (City)	City of Arvin Transactions and Use Tax (ARVN)	1.00%	04-01-2009	
Bakersfield (City)	City of Bakersfield Safety/Vital City Services and Use Tax (BSVG)	1.00%	04-01-2019	

District Taxes, Rates, and Effective Dates

Tax Area	District Name and Acronym	Rate	Effective Date	End Date
Delano (City)	City of Delano Transactions and Use Tax (DLNO)	1.00%	04-01-2008	
Ridgecrest (City)	City of Ridgecrest Public Safety and Essential City Services Transactions and Use Tax (RIDG)	1.00%	04-01-2017	
Ridgecrest (City)	City of Ridgecrest Temporary Transactions and Use Tax (RTGT)	0.75%	10-01-2012	03-31-2017
Wasco (City)	City of Wasco Transactions and Use Tax (WASG)	1.00%	04-01-2017	
Kings County				
Corcoran (City)	City of Corcoran Transaction and Use Tax (CRCG)	1.00%	10-01-2017	
Lake County				
Clearlake (City)	City of Clearlake Public Safety Transactions and Use Tax (CLPS)	0.50%	07-01-1995	
Clearlake (City)	City of Clearlake Road Maintenance and Improvement Transactions and Use Tax (CRMI)	1.00%	04-01-2017	
Lakeport (City)	City of Lakeport Public Safety and Essential City Services Transactions and Use Tax (LAKG)	1.00%	04-01-2017	
Lakeport (City)	City of Lakeport Transactions and Use Tax (LPGT)	0.50%	04-01-2005	
Los Angeles County				
	Los Angeles County Measure H Homeless (LACH)	0.25%	10-01-2017	
	Los Angeles County Metro Transportation Authority (LAMT)	0.50%	07-01-2009	
	Los Angeles County Traffic Improvement Plan (LAMA)	0.50%	07-01-2017	
	Los Angeles County Transportation Commission (LACT)	0.50%	07-01-1982	
	Los Angeles County Transportation Commission (LATC)	0.50%	04-01-1991	
Avalon (City)	City of Avalon Municipal Hospital and Clinic Transactions and Use Tax (AMHC)	0.50%	10-01-2000	
Burbank (City)	City of Burbank Infrastructure/Comm Sers Transactions and Use Tax (BURB)	0.75%	04-01-2019	
Commerce (City)	City of Commerce Transactions and Use Tax (CMMG)	0.50%	04-01-2013	
Compton (City)	City of Compton Transactions and Use Tax (COMG) ¹	1.00%	10-01-2016	
Covina (City)	City of Covina 2018 Transactions and Use Tax (COGT)	0.75%	04-01-2019	
Cudahy (City)	City of Cudahy Temporary Transactions and Use Tax (CDHG)	0.75%	04-01-2019	
Culver City (City)	City of Culver City Essential City Services Transactions and Use Tax (CLEG)	0.50%	04-01-2013	
Culver City (City)	City of Culver City Safety and Protection Transactions and Use Tax (CULG)	0.25%	04-01-2019	
Downey (City)	City of Downey Transactions and Use Tax (DWYG)	0.50%	04-01-2017	
El Monte (City)	City of El Monte Transactions and Use Tax (EMGF)	0.50%	04-01-2009	
Glendale (City)	City of Glendale Essential City Services Transactions and Use Tax (GNDG)	0.75%	04-01-2019	
Glendora (City)	City of Glendora Transactions and Use Tax (GLDA)	0.75%	07-01-2019	
Hawthorne (City)	City of Hawthorne Transactions and Use Tax (HAWG)	0.75%	04-01-2018	
Huntington Park (City)	City of Huntington Park Transactions and Use Tax (HTPG)	0.75%	10-01-2018	
Inglewood (City)	City of Inglewood Vital City Services Transactions and Use Tax (IGWD)	0.50%	04-01-2007	
La Mirada (City)	City of La Mirada Transactions and Use Tax (LMGT) ¹	1.00%	04-01-2013	03-31-2018
La Puente (City)	City of La Puente Safety and Protection Transactions and Use Tax (LUPG)	0.50%	04-01-2019	
Lawndale (City)	City of Lawndale Vital City Services Transactions and Use Tax (LAWG)	0.75%	04-01-2019	
Long Beach (City)	City of Long Beach Transactions and Use Tax (LBTG) ¹	1.00%	01-01-2017	
Lynwood (City)	City of Lynwood Transactions and Use Tax (LWDG) ¹	1.00%	04-01-2017	
Pasadena (City)	City of Pasadena Transactions and Use Tax (PSGD)	0.75%	04-01-2019	

District Taxes, Rates, and Effective Dates

Tax Area	District Name and Acronym	Rate	Effective Date	End Date
Pico Rivera (City)	City of Pico Rivera Transactions and Use Tax (PCRIV) ¹	1.00%	04-01-2009	
Pomona (City)	City of Pomona Transactions and Use Tax (PMAG)	0.75%	04-01-2019	
San Fernando (City)	City of San Fernando Temporary Transactions and Use Tax (SNFE)	0.50%	10-01-2013	
Santa Fe Springs (City)	City of Santa Fe Springs 2018 Transactions and Use Tax (SFSG) ²	1.00%	04-01-2019	
Santa Monica (City)	City of Santa Monica Transactions and Use Tax (SAMG)	1.00%	04-01-2017	
Santa Monica (City)	City of Santa Monica Transactions and Use Tax (STMA)	0.50%	04-01-2011	03-31-2017
South El Monte (City)	City of South El Monte Vital City Services Protection Transactions and Use Tax (SEMT)	0.50%	04-01-2011	
South Gate (City)	City of South Gate Transactions and Use Tax (SGTE) ¹	1.00%	10-01-2008	
Madera County	Madera County 2006 Transportation Authority (MCTC)	0.50%	04-01-2007	
Chowchilla (City)	City of Chowchilla Public Safety Transactions and Use Tax (CHCS)	1.00%	04-01-2019	
Madera (City)	City of Madera Transactions and Use Tax (MADG)	0.50%	04-01-2017	
Marin County	Marin Parks/Open Space/Farmland Preservation Transactions and Use Tax (MPSF)	0.25%	04-01-2013	
	Sonoma-Marin Area Rail Transit District (SMRT)	0.25%	04-01-2009	
	Transportation Authority of Marin County Transactions and Use Tax (TAMC)	0.50%	04-01-2005	
Corte Madera (Town)	Town of Corte Madera 2018 Transactions and Use Tax (CTMG)	0.75%	10-01-2018	
Corte Madera (Town)	Town of Corte Madera Transactions and Use Tax (CMGT)	0.50%	04-01-2014	09-30-2018
Fairfax (Town)	Town of Fairfax Transactions and Use Tax (FAXG)	0.75%	04-01-2017	
Fairfax (Town)	Town of Fairfax Transactions and Use Tax (FFGT)	0.50%	04-01-2012	03-31-2017
Larkspur (City)	City of Larkspur Essential Transactions and Use Tax (LSGT)	0.75%	04-01-2018	
Larkspur (City)	City of Larkspur Transactions and Use Tax (LKSG)	0.50%	04-01-2014	03-31-2018
Novato (City)	City of Novato 2016 Transactions and Use Tax (NOTO)	0.25%	04-01-2016	
San Anselmo (Town)	Town of San Anselmo Transactions and Use Tax (SAGT)	0.50%	04-01-2014	
San Rafael (City)	City of San Rafael Transactions and Use Tax (SREF)	0.75%	04-01-2014	
Sausalito (City)	City of Sausalito 2014 Transactions and Use Tax (SAUG)	0.50%	04-01-2015	
Mariposa County	Mariposa County Healthcare Transactions and Use Tax (MCHC)	0.50%	04-01-2005	
Mendocino County	Mendocino County Mental Health Treatment Act Tax (MMHT)	0.50%	04-01-2018	
	Mendocino Library Special Transactions and Use Tax (MLST)	0.125%	04-01-2012	
Fort Bragg (City)	City of Fort Bragg CV Starr Center Special Transactions and Use Tax (FBSS)	0.50%	07-01-2012	
Fort Bragg (City)	City of Fort Bragg Maintain City Streets Transactions and Use Tax (FBCS)	0.50%	01-01-2005	
Point Arena (City)	City of Point Arena Transactions and Use Tax (PARS)	0.50%	04-01-2004	
Ukiah (City)	City of Ukiah Transactions and Use Tax (UKGT)	0.50%	10-01-2005	
Ukiah (City)	City of Ukiah Transactions and Use Tax (UKHG)	0.50%	04-01-2017	
Willits (City)	City of Willits Road System Transactions and Use Tax (WCRS)	0.50%	10-01-2003	
Merced County	Merced County Transportation Authority (META)	0.50%	04-01-2017	
Atwater (City)	City of Atwater Public Safety Transactions and Use Tax (ATWS)	0.50%	07-01-2013	
Gustine (City)	City of Gustine Community Enhancement to Services Transactions and Use Tax (GSTG)	0.50%	04-01-2010	
Los Banos (City)	City of Los Banos Essential City Services Transactions and Use Tax (LSBS)	0.50%	04-01-2019	

District Taxes, Rates, and Effective Dates

Tax Area	District Name and Acronym	Rate	Effective Date	End Date
Los Banos (City)	City of Los Banos Public Safety Transactions and Use Tax (LBPS)	0.50%	04-01-2005	
Merced (City)	City of Merced Transactions and Use Tax (MRCD)	0.50%	04-01-2006	
Mono County				
Mammoth Lakes (Town)	Town of Mammoth Lakes Parks, Recreation and Trails Transactions and Use Tax (MLPR)	0.50%	10-01-2008	
Monterey County	Monterey-Salinas MST Special Transit District (MSTD)	0.125%	04-01-2015	
	Monterey Transportation Safety Transactions and Use Tax (MTSF)	0.375%	04-01-2017	
Carmel-by-the-Sea (City)	City of Carmel-by-the-Sea Transactions and Use Tax (CBSG)	1.00%	04-01-2013	
Del Rey Oaks (City)	City of Del Rey Oaks General Transactions and Use Tax (DROG)	0.50%	04-01-2015	
Del Rey Oaks (City)	City of Del Rey Oaks Transactions and Use Tax (DLRY)	1.00%	04-01-2007	
Gonzales (City)	City of Gonzales Quality of Life Transactions and Use Tax (GZGT)	0.50%	04-01-2015	
Greenfield (City)	City of Greenfield 2015 City Services Transactions and Use Tax (GRFD)	0.75%	04-01-2016	
Greenfield (City)	City of Greenfield Transactions and Use Tax (GFGT)	1.00%	10-01-2012	
King City (City)	City of King City General Transactions and Use Tax (KNGG)	1.00%	04-01-2019	
King City (City)	City of King City Transactions and Use Tax (KING)	0.50%	04-01-2015	03-31-2019
Marina (City)	City of Marina New Transactions and Use Tax (MRGT)	1.50%	04-01-2019	
Marina (City)	City of Marina Transactions and Use Tax (MRNA)	1.00%	04-01-2011	3-31-2019
Monterey (City)	City of Monterey Special Transactions and Use Tax (MTRS)	1.00%	04-01-2015	
Pacific Grove (City)	City of Pacific Grove Transactions and Use Tax (PGRV)	1.00%	10-01-2008	
Salinas (City)	City of Salinas Measure G Transactions and Use Tax (SLGT)	1.00%	04-01-2015	
Salinas (City)	City of Salinas Temporary Transactions and Use Tax (SLNS)	0.50%	04-01-2006	
Sand City (City)	City of Sand City 2015 Spec Purpose Transactions and Use Tax (SANG)	1.00%	04-01-2015	
Seaside (City)	City of Seaside 2017 Transactions and Use Tax (SEDG)	0.50%	10-01-2017	
Seaside (City)	City of Seaside Transactions and Use Tax (SEAS)	1.00%	07-01-2008	
Soledad (City)	City of Soledad Temporary Emergency Transactions and Use Tax (STEG)	1.00%	10-01-2012	
Napa County	Napa County Flood Protection Authority Tax (NCFP)	0.50%	07-01-1998	06-30-2018
	Napa Valley Transportation Authority Transaction and Use Tax (NVTA)	0.50%	07-01-2018	
St. Helena (City)	City of St. Helena Transactions and Use Tax (SHGT)	0.50%	04-01-2017	
Nevada County	Nevada County Public Library Transactions and Use Tax (NEVL)	0.25%	04-01-2017	
	Nevada County Public Library Transactions and Use Tax (NVPL)	0.125%	10-01-1998	03-31-2017
Grass Valley (City)	City of Grass Valley 2018 Transactions and Use Tax (GRVG)	1.00%	10-01-2018	
Grass Valley (City)	City of Grass Valley Transactions and Use Tax (GVGT)	0.50%	04-01-2013	09-30-2018
Nevada City (City)	City of Nevada City Fire and Police Transactions and Use Tax (NVSP)	0.375%	04-01-2017	
Nevada City (City)	City of Nevada City Street Improvements Transactions and Use Tax (NVSI)	0.50%	04-01-2007	
Nevada City (City)	City of Nevada City Transactions and Use Tax (NVGT)	0.375%	04-01-2013	03-31-2018
Truckee (Town)	Town of Truckee Trails Transactions and Use Tax (TTRS)	0.25%	10-01-2014	
Truckee (Town)	Town of Truckee Transactions and Use Tax (TRSR)	0.50%	10-01-1998	
Orange County	Orange County Local Transportation Authority (OCTA)	0.50%	04-01-1991	
Fountain Valley (City)	City of Fountain Valley Transactions and Use Tax (FVGT)	1.00%	04-01-2017	

District Taxes, Rates, and Effective Dates

Tax Area	District Name and Acronym	Rate	Effective Date	End Date
Garden Grove (City)	City of Garden Grove 2018 Transactions and Use Tax (GGGT)	1.00%	04-01-2019	
La Habra (City)	City of La Habra Transactions and Use Tax (LHBR)	0.50%	04-01-2009	
La Palma (City)	City of La Palma Transactions and Use Tax (LAPG)	1.00%	04-01-2017	
Placentia (City)	City of Placentia Transactions and Use Tax (PLCT)	1.00%	04-01-2019	
Santa Ana (City)	City of Santa Ana Transactions and Use Tax (SATA)	1.50%	04-01-2019	
Seal Beach (City)	City of Seal Beach Transactions and Use Tax (SEAL)	1.00%	04-01-2019	
Stanton (City)	City of Stanton Transactions and Use Tax (STGT)	1.00%	04-01-2015	
Westminster (City)	City of Westminster Transactions and Use Tax (WESG)	1.00%	04-01-2017	
Placer County				
Loomis (Town)	Town of Loomis Transactions and Use Tax (LOOG)	0.25%	04-01-2017	
Roseville (City)	City of Roseville Transactions and Use Tax (ROSG)	0.50%	04-01-2019	
Riverside County		0.50%	07-01-1989	
Cathedral City (City)	City of Cathedral City Transactions and Use Tax (CCGT)	1.00%	10-01-2010	
Coachella (City)	City of Coachella Transactions and Use Tax (COAC)	1.00%	04-01-2015	
Hemet (City)	City of Hemet Transactions and Use Tax (HMGT)	1.00%	04-01-2017	
Indio (City)	City of Indio Transactions and Use Tax (INGT)	1.00%	04-01-2017	
La Quinta (City)	City of La Quinta Transactions and Use Tax (LQUG)	1.00%	04-01-2017	
Menifee (City)	City of Menifee Transactions and Use Tax (MENG)	1.00%	04-01-2017	
Murrieta (City)	City of Murrieta Transactions and Use Tax (MURG)	1.00%	04-01-2019	
Norco (City)	City of Norco Transactions and Use Tax (NOGT)	1.00%	04-01-2019	
Palm Springs (City)	City of Palm Springs 2018 Transactions and Use Tax (PLSS)	0.50%	04-01-2018	
Palm Springs (City)	City of Palm Springs Transactions and Use Tax (PSGT)	1.00%	04-01-2012	
Riverside (City)	City of Riverside Transactions and Use Tax (RIVG)	1.00%	04-01-2017	
Temecula (City)	City of Temecula Transactions and Use Tax (TEMG)	1.00%	04-01-2017	
Wildomar (City)	City of Wildomar Transactions and Use Tax (WILG)	1.00%	04-01-2019	
Sacramento County		0.50%	04-01-1989	
Galt (City)	City of Galt Public Safety Transactions and Use Tax (GLTS)	0.50%	04-01-2009	
Isleton (City)	City of Isleton General Transactions and Use Tax (ISGT)	0.50%	04-01-2017	
Isleton (City)	City of Isleton Special Transactions and Use Tax (ISLS)	0.50%	10-01-2016	
Ranch Cordova (City)	City of Rancho Cordova Transactions and Use Tax (RHCG)	0.50%	04-01-2015	
Sacramento (City)	City of Sacramento 2018 Transactions and Use Tax (SARG)	1.00%	04-01-2019	
Sacramento (City)	City of Sacramento Transactions and Use Tax (SACG)	0.50%	04-01-2013	03-31-2019
San Benito County		1.00%	04-01-2019	
Hollister (City)	City of Hollister Transactions and Use Tax (HLST)	1.00%	04-01-2008	
San Juan Bautista (City)	City of San Juan Bautista Transactions and Use Tax (SJBG)	0.75%	04-01-2005	
San Bernardino County		0.50%	04-01-1990	
Barstow (City)		1.00%	04-01-2019	
Montclair (City)	City of Montclair Transactions and Use Tax (MTGR)	0.25%	04-01-2005	

District Taxes, Rates, and Effective Dates

Tax Area	District Name and Acronym	Rate	Effective Date	End Date
San Bernardino (City)	City of San Bernardino Transactions and Use Tax (SBRN)	0.25%	04-01-2007	
Yucca Valley (Town)	Town of Yucca Valley Essential Services Transactions and Use Tax (YUCG)	0.50%	04-01-2017	
Yucca Valley (Town)	Town of Yucca Valley Sewer Improvement & Assessment Transactions and Use Tax (YCST)	0.50%	04-01-2017	
San Diego County	San Diego County Regional Transportation Commission (SDTC)	0.50%	04-01-1988	
Chula Vista (City)	City of Chula Vista 2018 Transactions and Use Tax (CLVT)	0.50%	10-01-2018	
Chula Vista (City)	City of Chula Vista Temporary Transactions and Use Tax (CVGT)	0.50%	04-01-2017	
Del Mar (City)	City of Del Mar Transactions and Use Tax (DELG)	1.00%	04-01-2017	
El Cajon (City)	City of El Cajon Service Preservation Transactions and Use Tax (ECGF)	0.50%	04-01-2009	
La Mesa (City)	City of La Mesa Transactions and Use Tax (LMSA)	0.75%	04-01-2009	
National City (City)	City of National City Transactions and Use Tax (NCGT)	1.00%	10-01-2006	
Oceanside (City)	City of Oceanside Temporary Transactions and Use Tax (OTGT)	0.50%	04-01-2019	
Vista (City)	City of Vista Transactions and Use Tax (VSTA)	0.50%	04-01-2007	
San Francisco City and County	Bay Area Rapid Transit District (BART)	0.50%	04-01-1970	
	San Francisco County Public Finance Authority (SFPF)	0.25%	10-01-1993	
	San Francisco County Transportation Authority (SFTA)	0.50%	04-01-1990	
San Joaquin County	San Joaquin Transportation Authority (SJTA)	0.50%	04-01-1991	
Lathrop (City)	City of Lathrop Public Safety/Essentials Services Transactions and Use Tax (LTHG)	1.00%	04-01-2013	
Lodi (City)	City of Lodi 2018 General Transactions and Use Tax (LOGT)	0.50%	04-01-2019	
Manteca (City)	City of Manteca Public Safety Transactions and Use Tax (MTPS)	0.50%	04-01-2007	
Stockton (City)	City of Stockton Public Safety Transactions and Use Tax (SPFG)	0.25%	04-01-2005	
Stockton (City)	City of Stockton Special Library and Recreation Transactions and Use Tax (SSLR)	0.25%	04-01-2017	
Stockton (City)	City of Stockton Transactions and Use Tax (STKN)	0.75%	04-01-2014	
Tracy (City)	City of Tracy Transactions and Use Tax (TRCG)	0.50%	04-01-2017	
San Luis Obispo County				
Arroyo Grande (City)	City of Arroyo Grande Transactions and Use Tax (ARGD)	0.50%	04-01-2007	
Atascadero (City)	City of Atascadero Transactions and Use Tax (ATAC)	0.50%	04-01-2015	
Grover Beach (City)	City of Grover Beach Transactions and Use Tax (GRBH)	0.50%	04-01-2007	
Morro Bay (City)	City of Morro Bay Transactions and Use Tax (MRBY)	0.50%	04-01-2007	
Paso Robles (City)	City of Paso Robles Transactions and Use Tax (PRBG)	0.50%	04-01-2013	
Pismo Beach (City)	City of Pismo Beach Transactions and Use Tax (PSMO)	0.50%	10-01-2008	
San Luis Obispo (City)	City of San Luis Obispo Essential Services Transactions and Use Tax (SLOG)	0.50%	04-01-2007	
San Mateo County	San Mateo County Retail Transactions and Use Tax (SMGT)	0.50%	04-01-2013	
	San Mateo County Transit District (SMCT)	0.50%	07-01-1982	
	San Mateo County 2018 Transit District (SMTD)	0.50%	07-01-2019	
	San Mateo County Transportation Authority (SMTA)	0.50%	01-01-1989	
Belmont (City)	City of Belmont Transactions and Use Tax (BMTG)	0.50%	04-01-2017	
Burlingame (City)	City of Burlingame Essential Services Transactions and Use Tax (BUEG)	0.25%	04-01-2018	
East Palo Alto (City)	City of East Palo Alto Transactions and Use Tax (EPAG)	0.50%	04-01-2017	

District Taxes, Rates, and Effective Dates

Tax Area	District Name and Acronym	Rate	Effective Date	End Date
Redwood (City)	City of Redwood City Transactions and Use Tax (REDG)	0.50%	04-01-2019	
So. San Francisco (City)	So. San Francisco Fiscal Stability and Essential Services Transactions and Use Tax (SSFR)	0.50%	04-01-2016	
San Mateo (City)	City of San Mateo Transactions and Use Tax (SMTG)	0.25%	04-01-2010	
Santa Barbara County	Santa Barbara County Local Transportation Authority (SBAB)	0.50%	04-01-1990	
Carpinteria (City)	City of Carpinteria Local Transactions and Use Tax (CARG)	1.25%	04-01-2019	
Guadalupe (City)	City of Guadalupe Transactions and Use Tax (GUAD)	0.25%	04-01-2015	
Santa Barbara (City)	City of Santa Barbara Infrastructure Services Transactions and Use Tax (SBIG)	1.00%	04-01-2018	
Santa Maria (City)	City of Santa Maria Public Safety Transactions and Use Tax (SMPG)	1.00%	04-01-2019	
Santa Maria (City)	City of Santa Maria Transactions and Use Tax (SMAG)	0.25%	10-01-2012	3-31-19
Santa Clara County	Santa Clara County Retail Transactions and Use Tax (SCCR)	0.125%	04-01-2013	
	Santa Clara County Transit District (SCCT)	0.50%	10-01-1976	
	Santa Clara County Valley Transportation Authority (SCVT)	0.50%	04-01-2006	
	Santa Clara VTA BART Operating and Maintenance Transactions and Use Tax (SVTB)	0.125%	07-01-2012	
	Silicon Valley Transportation Solutions Tax (Santa Clara TA) (SVTS)	0.50%	04-01-2017	
Campbell (City)	City of Campbell Vital City Services, Maintenance and Protection Transactions and Use Tax (CMPL)	0.25%	04-01-2009	
Los Gatos (City)	City of Los Gatos Transactions and Use Tax (LGTG)	0.125%	04-01-2019	
San Jose (City)	City of San Jose Transactions and Use Tax (SJGT)	0.25%	10-01-2016	
Santa Cruz County	Santa Cruz County Public Library Transactions and Use Tax (SZPL)	0.25%	04-01-1997	
	Santa Cruz County Transportation Transactions and Use Tax (SCZT)	0.50%	04-01-2017	
	Santa Cruz County Unincorporated Area Transactions and Use Tax (SCUG)	0.50%	04-01-2019	
	Santa Cruz Metropolitan Transit District (SCMT)	0.50%	01-01-1979	
Capitola (City)	City of Capitola Permanent Retail Transactions and Use Tax (CPRG)	0.25%	04-01-2013	
Capitola (City)	City of Capitola Transactions and Use Tax (CPGT)	0.25%	04-01-2005	
Santa Cruz (City)	City of Santa Cruz 2018 Transactions and Use Tax (SCGT)	0.25%	10-01-2018	
Santa Cruz (City)	City of Santa Cruz Replacement Transactions and Use Tax (STCZ)	0.50%	04-01-2007	
Scotts Valley (City)	City of Scotts Valley Temporary Transactions and Use Tax (SVLY)	0.50%	04-01-2014	
Watsonville (City)	City of Watsonville Public Safety Transactions and Use Tax (WTPS)	0.50%	10-01-2014	
Watsonville (City)	City of Watsonville Transactions and Use Tax (WTVL)	0.25%	04-01-2007	
Shasta County				
Anderson (City)	City of Anderson Transactions and Use Tax (ANDG)	0.50%	10-01-2014	
Siskiyou County				
Dunsmuir (City)	City of Dunsmuir Transactions and Use Tax (DUNS)	0.50%	04-01-2016	
Mount Shasta (City)	City of Mt. Shasta Libraries Transactions and Use Tax (MTSH)	0.25%	10-01-2011	
Yreka (City)	City of Yreka Transactions and Use Tax (YRKG)	0.50%	04-01-2017	
Weed (City)	City of Weed Transactions and Use Tax (WEED)	0.25%	07-01-2015	
Solano County	Solano County Public Library Transactions and Use Tax (SLPL)	0.125%	10-01-1998	
Benicia (City)	City of Benicia Transactions and Use Tax (BNCG)	1.00%	04-01-2015	

District Taxes, Rates, and Effective Dates

Tax Area	District Name and Acronym	Rate	Effective Date	End Date
Fairfield (City)	City of Fairfield Transactions and Use Tax (FLDG)	1.00%	04-01-2013	
Rio Vista (City)	City of Rio Vista General Transactions and Use Tax (RVGG)	0.75%	04-01-2013	
Suisun (City)	City of Suisun Transactions and Use Tax (SUGT)	1.00%	04-01-2017	
Vacaville (City)	City of Vacaville 2017 Transactions and Use Tax (VCGT)	0.75%	04-01-2018	
Vacaville (City)	City of Vacaville Transactions and Use Tax (VACG)	0.25%	04-01-2013	03-31-2018
Vallejo (City)	City of Vallejo Transactions and Use Tax (VJGT)	1.00%	04-01-2012	
Sonoma County	County of Sonoma Measure F (SAPD)	0.25%	04-01-2011	
	Sonoma County Library Maintenance, Restoration, Enhancement Act (SCLM)	0.125%	04-01-2017	
	Sonoma County Parks and Safety Transactions and Use Tax (SCPS)	0.125%	04-01-2019	
	Sonoma County Transportation Authority (SNTA)	0.25%	04-01-2005	
	Sonoma-Marin Area Rail Transit District (SMRT)	0.25%	04-01-2009	
Cotati (City)	City of Cotati 2014 Transactions and Use Tax (COTI)	1.00%	10-01-2014	
Healdsburg (City)	City of Healdsburg Transactions and Use Tax (HDBG)	0.50%	04-01-2013	
Rohnert Park (City)	City of Rohnert Park Transactions and Use Tax (RPGF)	0.50%	10-01-2010	
Santa Rosa (City)	City of Santa Rosa 2010 Transactions and Use Tax (SRGF)	0.25%	04-01-2011	
Santa Rosa (City)	City of Santa Rosa 2018 Transactions and Use Tax (SATG)	0.25%	04-01-2019	
Santa Rosa (City)	City of Santa Rosa Public Safety Transactions and Use Tax (SRPS)	0.25%	04-01-2005	
Sebastopol (City)	City of Sebastopol Community Transactions and Use Tax (SEBG)	0.25%	04-01-2005	
Sebastopol (City)	City of Sebastopol Increase in the Community Transactions and Use Tax (SBCGS)	0.50%	04-01-2013	
Sonoma (City)	City of Sonoma Transactions and Use Tax (SOGT)	0.50%	10-01-2012	
Stanislaus County	Stanislaus County Library Transactions and Use Tax (STCL)	0.125%	07-01-1995	
	Stanislaus Measure L Local Roads First Transportation (SLFR)	0.50%	04-01-2017	
Ceres (City)	City of Ceres Public Safety Transactions and Use Tax (CRPS)	0.50%	04-01-2008	
Oakdale (City)	City of Oakdale Transactions and Use Tax (ODGT)	0.50%	04-01-2012	
Tehama County				
Corning (City)	City of Corning Transactions and Use Tax (CORG)	0.50%	10-01-2016	
Red Bluff (City)	City of Red Bluff 2014 Transactions and Use Tax (RDBF)	0.25%	04-01-2015	
Tulare County	Tulare County Transportation Authority (TCTA)	0.50%	04-01-2007	
Dinuba (City)	City of Dinuba Police and Fire Protection Transactions and Use Tax (DNBA)	0.75%	04-01-2006	
Farmersville (City)	City of Farmersville Transactions and Use Tax (FAMG)	0.50%	04-01-2018	
Farmersville (City)	City of Farmersville Transactions and Use Tax (FMGT)	0.50%	04-01-2005	
Lindsay (City)	City of Lindsay Transaction and Use Tax (LDSG)	1.00%	10-01-2017	
Porterville (City)	City of Porterville 2018 Transactions and Use Tax (PVGTT)	1.00%	04-01-2019	
Porterville (City)	City of Porterville Public Safety, Police and Fire Protection Transactions and Use Tax (PTVL)	0.50%	04-01-2006	
Tulare (City)	City of Tulare Transactions and Use Tax (TLRE)	0.50%	04-01-2006	
Visalia (City)	City of Visalia Public Safety Transactions and Use Tax (VPST)	0.25%	07-01-2004	
Visalia (City)	City of Visalia Transactions and Use Tax (VISG)	0.50%	04-01-2017	

District Taxes, Rates, and Effective Dates

Tax Area	District Name and Acronym	Rate	Effective Date	End Date
Woodlake (City)	City of Woodlake Transactions and Use Tax (WLKG)	1.00%	04-01-2018	
Tuolumne County				
Sonora (City)	City of Sonora Transactions and Use Tax (SPFW)	0.50%	01-01-2005	
Ventura County				
Oxnard (City)	City of Oxnard Vital Services Transactions and Use Tax (OXND)	0.50%	04-01-2009	
Port Hueneme (City)	City of Port Hueneme Essential Services Transactions and Use Tax (PHEG)	1.00%	04-01-2019	
Port Hueneme (City)	City of Port Hueneme Transactions and Use Tax (PTHN)	0.50%	04-01-2009	
Santa Paula (City)	City of Santa Paula Transactions and Use Tax (SPLT)	1.00%	04-01-2017	
Ventura (City)	City of Ventura Transactions and Use Tax (SBVT)	0.50%	04-01-2017	
Yolo County				
Davis (City)	City of Davis Transactions and Use Tax (DVSG)	1.00%	10-01-2014	
West Sacramento (City)	City of West Sacramento 2018 Transactions and Use Tax (WSGT)	0.25%	04-01-2019	
West Sacramento (City)	City of West Sacramento Transactions and Use Tax (WSCG)	0.25%	04-01-2017	
West Sacramento (City)	City of West Sacramento Transactions and Use Tax (WSTU)	0.50%	04-01-2003	
Woodland (City)	City of Woodland Supplemental Transactions and Use Tax (WOSF)	0.25%	10-01-2010	
Woodland (City)	City of Woodland Transactions and Use Tax (WDLT)	0.50%	10-01-2006	
Yuba County				
Marysville (City)	City of Marysville Transactions and Use Tax (MARG)	1.00%	10-01-2016	
Wheatland (City)	City of Wheatland Transactions and Use Tax (WTLT)	0.50%	04-01-2011	

¹ The 0.25 percent tax **will not** be imposed in the cities of Compton, Long Beach, Lynwood, Pico Rivera, Santa Monica, and South Gate because doing so would cause the rate in those cities to exceed the 10.25 percent maximum tax rate allowed under the law in Los Angeles County. If and when an existing tax in one of these cities expires, the Measure H tax will be imposed in that city immediately.

² Santa Fe Springs may exceed the maximum rate of 10.25 percent in Los Angeles County by 0.50 percent per Revenue and Taxation Code section 7286.27.

Contra Costa County			
Summary Parcel Count (Unincorporated & City), by Use Code			as of April 12, 2019
Use Code Type	Use Code	Description	Countywide
Residential	10	Vacant, Unbuildable	1,722
	11	Single Family: 1 Res. On 1 Site	228,068
	12	Single Family: 1 Res. On 2+ Sites	1,036
	13	Single Family: 2+ Res. On 1+ Sites	2,851
	14	Single Family: Other than Single Family Land	8,196
	15	Misc. Improvements, 1 Site	953
	16	Misc. Improvements, On 2 or more sites	21,228
	17	Vacant, 1 Site (Includes PUD Sites)	8,026
	18	Vacant, 2 or More Sites	388
	19	Single Family Res, Detached, w/ Com. Area	46,482
Multiple	20	Vacant	260
	21	Duplex	3,089
	22	Triplex	463
	23	Fourplex	1,499
	24	Combinations; e.g. Single & Double	410
	25	Apartments, 5-12 Units, Inclusive	950
	26	Apartments, 13-24 Units, Inclusive	265
	27	Apartments, 25-59 Units, Inclusive	243
	28	Apartments, 60 Units or more	282
	29	Attached PUD's, Cluster Homes, Co-ops, Condos	33,423
Commercial	30	Vacant Land	917
	31	Commercial Stores (not Supermarkets)	1,966
	32	Small Grocery Stores (e.g. 7-11, Quick Stop)	56
	33	Office Buildings	1,253
	34	Medical; Dental	349
	35	Service Stations; Car Washes; Bulk Plants, Mini Lube	318
	36	Auto Repair	488
	37	Community Facilities; Recreational; Swim Pool	107
	38	Golf Courses	247
	39	Bowling Alleys	7
	40	Boat Harbors	192
	41	Supermarkets (not in shopping centers)	32
	42	Shopping Centers	720
	43	Financial Buildings (Ins./Title Comp., Banks)	93
	44	Motels, Hotels, & Mobile Home Parks	161
	45	Theaters	20
	46	Drive-In Restaurants (Hamburger, Taco, etc.)	174
	47	Restaurants (not drive-in; inside serv. only)	177
	48	Multiple and Commercial; Misc. Improved	208
49	Auto Agencies	118	

Contra Costa County Summary Parcel Count (Unincorporated & City), by Use Code			as of April 12, 2019
Use Code Type	Use Code	Description	Countywide
Industrial	50	Vacant Land	703
	51	Industrial Park (w/ structures)	432
	52	Research and Development, w/ or w/out structures	28
	53	Light Industrial	749
	54	Heavy Industrial	169
	55	Mini-Warehouse	105
	56	Misc. Imps.	162
Land	61	Rural, Residential Improved (1A up to 10A)	1,261
	62	Rural, w/ or w/out Misc. Structures (1A up to 10A)	717
	63	Urban Acreage (10A up to 40A)	296
	64	Urban Acreage (40A and over)	97
	65	Orchards, Vineyards, Row Crops, Irrig. Past (10A up to 40A)	427
	66	Orchards, Vineyards, Row Crops, Irrig. Past (40A and more)	111
	67	Dry Farming, Farming, Grzing & Pasturing (10A up to 40A)	263
	68	Dry Farming, Farming, Grzing & Pasturing (40A and more)	227
	69	Agricultural Preserves	380
Institutional	70	Intermediate Care Fac. (Rehab, Nursing)	45
	71	Churches	682
	72	Schools & Colleges (Public or Private)	518
	73	Acute Care Hospitals, w/ or w/out imp	23
	74	Cemeteries & Mortuaries	59
	75	Fraternal & Service Orgs.; Group Homes, Shelters	63
	76	Res. Care Facilities	69
	77	Cultural Uses (Libraries, Museums)	14
	78	Parks and Playgrounds	231
	79	Gov't owned, w/ or w/out Bldgs.	7,025
Miscellaneous	81	Private Roads	318
	82	Pipelines & Canals	30
	83	State Board Assessed Parcels	291
	84	Utilities, w/ or w/out bldgs. (not assessed by State Board of Equal.	14
	85	Public and Private Parking	430
	86	Taxable Municipally-Owned Property	242
	87	Cmn Area Pcls in PUD's (Open Spaces, Rec. Fac.)	5,829
	88	Manufactured Housing	2,223
	89	Other; Split Parcels in different tax code areas	134
Total Parcel Count			391,804

Office of the County Counsel
651 Pine Street, 9th Floor
Martinez, CA 94553

Contra Costa County
Phone: (925) 335-1800
Fax: (925) 646-1078

Date: October 1, 2019

To: Finance Committee

From: Sharon L. Anderson, County Counsel
By: Thomas L. Geiger, Assistant County Counsel 

Re: ANALYSIS OF UNIFORMITY REQUIREMENT IN PARCEL TAX MEASURES

SUMMARY

This responds to the Finance Committee's request for an analysis of *Borikas v. Alameda Unified School District* (2013) 214 Cal.App.4th 135, a case involving a school district parcel tax with different rates for different types of properties. In *Borikas*, the Court of Appeal invalidated the district's parcel tax because the same tax rate was not applied to all parcels regardless of the parcel's size or characteristics. The Court invalidated the tax because the statute authorizing the tax required the tax to be applied uniformly to all property and taxpayers. But not all enabling statutes include a requirement that parcel taxes must be applied uniformly. Whether a court upholds a parcel tax measure with different tax rates based on a parcel's use or size depends on whether the tax measure's authorizing statute includes a uniformity requirement.

DISCUSSION

1. Parcel Taxes Generally

A parcel tax is a tax collected on the property tax roll that is based on either a flat, per-parcel rate or a rate that varies based on other factors such as parcel size, use, or other physical attributes other than value. (*Heckendorn v. City of San Marino* (1986) 42 Cal.3d 481, 487.) Parcel taxes based upon the value of the property are invalid as a violation of Proposition 13's limits on ad valorem property taxes -- i.e., taxes based on the assessed value of property. (Cal. Const., art. XIII A, § 1; see *City of Oakland v. Digre* (1988) 205 Cal.App.3d 99, 110.) Section 3 of article XIII D limits the types of taxes that can be imposed upon a parcel of property to two types -- the ad valorem property tax imposed pursuant to article XIII and article XIII A, and any special tax receiving a two-thirds vote pursuant to Section 4 of article XIII A. Accordingly, a parcel tax may be imposed only as a special tax. (*Nielson v. City of California City* (2006) 133 Cal.App.4th 1296, 1312.) A special tax means "any tax imposed for specific purposes," including a tax imposed for specific purposes and placed into a general fund. (Cal. Const., art. XIII C, § 1(d).) The California Supreme Court has described a special tax as a tax "levied to fund a specific governmental project or program." (*Rider v. County of San Diego* (1991) 1

Cal.4th 1, 15.)¹

2. Analysis of *Borikas v. Alameda Unified School District*

In *Borikas*, the First District Court of Appeal considered whether it was appropriate to impose a parcel tax with varied rates based on different property types. The lawsuit arose out of a 2008 vote on Measure H, a parcel tax measure for the Alameda Unified School District that was narrowly approved by the voters. The measure imposed a parcel tax with differing rates based on use and size of the parcel. A taxpayer sued, arguing that the tax had to be the same rate for each parcel because the law that authorized the tax included a uniformity requirement. The school district's defense was that rationally-based classifications were permissible.

The Court of Appeal agreed with the plaintiff, noting that with limited exceptions, the statute on which the tax was based required that it “apply uniformly” to all taxpayers or all real property within the school district.² In reviewing the legislative intent behind the statute, the court concluded: “It is ... apparent that when the Legislature added the ‘apply uniformly’ language to these enabling statutes, it also viewed classification and differential tax rates as matters requiring *express* authorization.” (*Borikas, supra*, 214 Cal.App.4th at pp. 163-164.) Based on this analysis, the Court concluded that the enabling statute at issue did not empower school districts to classify taxpayers and property, and impose different tax rates. (*Borikas, supra*, 214 Cal.App.4th at p. 151.) The Alameda Unified School District appealed to the California Supreme Court; however, the Supreme Court denied the request for rehearing, which meant that the District was required to repay about \$7 million in taxes it collected under the invalid tax measure.

3. Other Authorizing Statutes

A county's power to tax arises from statute. (*Santa Clara County Local Transportation Authority v. Guardino* (1995) 11 Cal.4th 220, 247-249.) Like the statute at issue in *Borikas*, some statutes that authorize counties to impose a parcel tax include a uniformity requirement. For example, a library tax levied under Government Code section 53717 must “apply uniformly to all taxpayers or all real property within the city, county, city and county, or library district.” Similarly, the parcel tax authorization found in the County Service Area Law, Government Code section 25215.2, specifically requires that special taxes imposed to support County Service Area services must be “applied uniformly to all taxpayers or all real property within the county service area, except that unimproved property may be taxed at a lower rate than improved property.”

¹ The analysis on tax uniformity in this memo applies only to parcel taxes. It does not apply to sales taxes, the “transactions and use tax” imposed under Division 2, Part 1.7, Chapter 2 of the Revenue and Taxation Code.

² The statute at issue in *Borikas* was Government Code section 50079, which provides in pertinent part: “(a) Subject to Section 4 of Article XIII A of the California Constitution, any school district may impose qualified special taxes within the district pursuant to the procedures established in Article 3.5 (commencing with Section 50075) and any other applicable procedures provided by law. (b) (1) As used in this section, “qualified special taxes” means special taxes that *apply uniformly to all taxpayers or all real property within the school district*, except that unimproved property may be taxed at a lower rate than improved property.” [Emphasis added.]

Finance Committee

October 1, 2019

Page 3

In contrast, other parcel tax enabling statutes do not include a uniformity requirement. For example, a Mello-Roos Community Facilities District special parcel tax may “be on or based on a benefit received by parcels of real property, the cost of making facilities or authorized services available to each parcel, or some other reasonable basis as determined by the legislative body.” (Gov. Code, § 53325.3.) Similarly, a special tax for police or fire under Government Code section 53978 can be applied in zones and can vary based on the class of improvement on property or the use of property.

CONCLUSION

Whether to adopt an ordinance to authorize the levy of a special parcel tax is a policy decision for the Board of Supervisors, subject to final approval by the voters. If the Board of Supervisors authorizes the preparation of a parcel tax measure to be placed on an upcoming ballot, this office will work with the County Administrator’s Office to prepare the ordinance and analyze whether the authorizing statute for the Board’s proposed measure includes a uniformity requirement.

TLG:

H:\2019\Board of Supervisors\Borikas memo - Finance Cmte.doc

To: Board of Supervisors
 From: David Twa, County Administrator
 Date: October 22, 2019



Contra
 Costa
 County

Subject: Physicians' and Dentists' Organization of Contra Costa Contract Extension, New MOU, and Settlement Agreement

RECOMMENDATION(S):

ADOPT Resolution No. 2019/587 approving a Side Letter between Contra Costa County and the Physicians' and Dentists' Organization of Contra Costa (PDOCC) extending the previous Memorandum of Understanding (MOU) through October 31, 2019; approving a new MOU implementing negotiated wage agreements, and other economic terms and conditions of employment, for the period of November 1, 2019 through October 31, 2022; approving a Settlement Agreement concerning PDOCC's Unfair Practice Charge regarding patient roster sizes for ambulatory care clinics; and directing the Chief Medical Officer to provide to the Human Resources Director the list of PDOCC positions and incumbents for placement in the new classifications and steps, pursuant to the MOU agreement, to be effective November 1, 2019.

FISCAL IMPACT:

The terms and conditions set forth in this action have an estimated FY 2019/20 cost of \$4.8 million (eight month cost of \$4.0 million plus one-time cost of \$800,000); and an on-going annual cost of approximately \$6.5 million. The costs will be expended in the Hospital Enterprise Fund.

BACKGROUND:

PDOCC reached a Tentative Agreement with the County on October 1, 2019. Upon ratification and Board of Supervisors approval, the resulting Memorandum of Understanding will include modifications to wages

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

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

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

By: , Deputy

cc: Robert Campbell, Auditor-Controller, Dianne Dinsmore, Human Resources Director, Anna Roth, Director of Health Services

BACKGROUND: (CONT'D)

>

and benefits. The negotiations included an extension of the previous contract from October 31, 2018 to October 31, 2019 to bridge the extended negotiation period. Also during negotiations, a Settlement Agreement was reached concerning PDOCC's Unfair Practice Charge regarding patient roster sizes for ambulatory care clinics. The extension Side Letter, new Memorandum of Understanding, and Settlement Agreement are attached. A summary of the MOU changes are provided below.

Scope of Agreement (Section 33)

- The term of the agreement is November 1, 2019 through October 31, 2022.

Preamble/Definitions

- Updates Preamble
- Adds definition for Hospitalist Medicine, Medical Staff Member, and Physician.
- Revises definition for Department Head.
- Deletes definition of Registrar and Temporary.

Organization Security (Section 2)

- Revises language to reflect legal (*Janus* and SB 866) changes
- Updates language in Section 2.8 for release time requests to be provided in writing to the Employee Relations Officer or designee; delete “in writing to the Department...”
- Updates current list in Section 2.9 to change “Medical and Surgical Registrars” to “Hospitalist.”
- Adds a section to continue to use contract physicians in the Contra Costa Detention Facilities.

Salaries (Section 5)

- General Wage Increases (5.1.A)
 - Effective November 1, 2019, new classifications will be established with salary ranges and additional pay items as shown in Exhibit A.
 - Effective November 1, 2019, employees will be reclassified as reflected in Exhibit A; Providers in Steps 1-4 will be placed at Step 1. Providers in Steps 5 and above will be placed at Step 2.
 - Effective November 1, 2020, the base rate of pay for all classifications represented by PDOCC, except for Primary Care Provider-Exempt, Primary Care Provider - Limited-Exempt, and Ambulatory Care Provider-Exempt will be increased by two percent (2%).
 - Effective November 1, 2021, the base rate of pay for all classifications represented by PDOCC, except for Primary Care Provider-Exempt, Primary Care Provider - Limited-Exempt, and Ambulatory Care Provider-Exempt will be increased by two percent (2%).
- Longevity Pay (Section 5.1.B):
 - Longevity Pay will be a flat dollar amount per month:
 - Upon completion of 120 months - \$500.00 per month

- Upon completion of 180 months - \$1,000.00 per month
- Upon completion of 240 months - \$1,500.00 per month
- Revises Section 5.2 – Appointment and Section 5.8 – Part-Time Compensation to reflect impact of new classification step ranges.
- Retitles Section 5.4 - Merit Adjustment to Step Advancement.
 - Updates Section 5.14 – Stipends to revise differentials and specialized call obligation pays.
 - 5.14.A: Med Staff President: \$825/month
 - 5.14.B: Department heads (max available is 14): \$600/month
 - 5.14.D: Chairperson of Med Staff Committees (max available is 22): \$600/month
 - 5.14.E: Division Heads (max available is 10): \$300/month
- Deletes outdated provisions of Section 5.16 - Electronic Health Records Incentive Program.
- Deletes sections made obsolete by classification restructure: Reappointment (Section 5.3); Frequency (5.5); Effective Date (5.6); Reclassification of Position (5.10); Salary on Change of Assignment (5.11); Reassignment (5.13); Salary Structure Modifications (5.15).

Days and Hours of Work (Section 6)

- Revises and combines Section 6.2 - Employee Physicians on Weekly Schedules and Section 6.3 - Employee Physicians on Monthly Schedules into one section.
- Revises additional duty pay, call back pay, and night shift pay as shown on Exhibit B.
- Revises differentials and specialized call obligation pay.
- Creates new Section 6.7 - Operational Adjustments regarding clinic roster sizes and incentives. Beginning January 1, 2020, the following incentives will be established for primary care and pediatrician ambulatory care providers working in the clinics:
 - a. Access Incentive Bonus – \$1,500 per quarter for providers who meet specified clinic goals.
 - b. Patient Experience Incentive Bonus – \$500 per year when a provider receives the targeted Top Box score rating in the CG-CAHPS Adult Survey Provider Rating Question.
 - c. Quality Incentive Bonus – \$500 per year to providers that meet or exceed the national Medicaid 90th percentile for all the primary care-based quality measures in CCHS’ QIP or other named Medi-Cal waiver program.
- Revises Direct Patient Care and Administrative Time sections to include detailed clinical time and administrative time allocations for each new classification.
- Deletes sections made obsolete by classification restructure: Evening and Weekend Assignments (6.7), Physician Call (6.8), Emergency Room Pay (6.9), Panel Management Compensation (6.10).

Vacation Leave (Section 8)

- Replaces “Exempt Medical Staff Physician” with “Unit Members” in Section 8.4.

Sick Leave (Section 9)

- Updates Section 9.3.d(1) – changed “conditions” to “limitations.”
- Updates language in Section 9.4.a(1).
- Updates Section 9.4.b(3) - deleted “of explanation” and added “and duration”.
- Updates Section 9.6 – Workers’ Compensation to reflect the current percentage (75%) of Workers’ Compensation pay to employees for accepted claims.
- Deletes Section 9.6.E – Rehabilitation Integration.
- Upon notification from PDOCC of the bargaining unit decision to participate in the California State Disability Insurance (SDI) program, the County will work with PDOCC to facilitate participation.

Leave of Absence (Section 10)

- Replaces “Physicians and Dentists” with “Unit Members” in Section 10.13 – Unpaid Sabbatical Leave and deletes last sentence in this section.

Jury Duty and Witness Duty (Section 11)

- Deletes first sentence of paragraph three in Section 18.2 – Witness Duty.

Health, Life, & Dental Care (Section 12)

- Beginning January 1, 2020, the County will provide a premium subsidy of up to 75% of the second lowest priced non-deductible HMO plan (currently Kaiser A) for Employee and Employee +1, and 76.5% for Employee +2 or more.
- Beginning January 1, 2021, the County will provide a premium subsidy of up to 78.5% of the second lowest priced non-deductible HMO plan for all tiers.
- Beginning January 1, 2022, the County will provide a premium subsidy of up to 80% of the second lowest priced non-deductible HMO plan for all tiers.
- The County will make an annual contribution into an HSA for active employees who are enrolled in the Kaiser Permanente High Deductible Health Plan and who have an HSA.

Grievance Procedure (Section 15)

- Removes references to “Human Resources Director” and replaces with “Employee Relations Officer or his/her designee.”
- Clarifies the time limit for discipline appeals is governed by Section 14.6 – Procedure on Dismissal, Suspension, Disciplinary Demotion, or Reduction in Pay.
- Replaces Step 4 - Board of Adjustment with Mediation in Section 15.1.
- Updates Section 15.2 – Scope of Adjustment Board and Arbitration Decisions to remove references to Adjustment Board.

Retirement (Section 16)

- Deletes obsolete language.

Education Reimbursement (Section 17)

- Updates the amount for education reimbursement.
- Adds a new paragraph to include eligibility for payment of Resident I, II, and III California medical license fees.

Paid Personal Leave/Education Leave/Other Leave (Section 18)

- Updates section title and converts eligibility from days to hours for each type of leave.

Mileage (Section 19)

- Adds reference to Administrative Bulletin on Expense Reimbursement.
- Adds new section 19.2 – Commuter Benefit Program.

Pay Warrant Errors (Section 20)

- Allows for a repayment period of up to 3 times the length of time the overpayment occurred.

Service Awards (Section 21)

- Updates the language by adding reference to Administrative Bulletin on Service Recognitions and Awards and deletes old language.

Unfair Labor Practice (Section 22)

- Deletes entire section.

Length of Service Definition (Section 23)

- Deletes the word “provisional”.

Permanent-Intermittent Employee Health Plan (Section 27)

- Deletes entire section.

Reduction in Force (Section 29)

- Revises existing language to address the new classification structure.

Special Studies/Other Actions (Section 32)

- Deletes entire section.

Clean-Up

- Updates exhibits, incorporates side letters, and renumbers the MOU as necessary

CONSEQUENCE OF NEGATIVE ACTION:

The County will continue to be out of contract with the Physicians' and Dentists' Organization of Contra Costa, and the California Public Employment Relations Board case would not be resolved.

ATTACHMENTS

Resolution 2019/587

Side Letter - PDOCC/Contract Extension

PDOCC MOU 11-1-19 through 10-31-22

PDOCC/County Settlement Agreement

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

Adopted this Resolution on 10/22/2019 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2019/587

In The Matter Of: Approving a Side Letter between Contra Costa County and the Physicians' and Dentists' Organization of Contra Costa extending the previous Memorandum of Understanding through October 31, 2019; approving a new Memorandum of Understanding implementing negotiated wage agreements, and other economic terms and conditions of employment, for the period of November 1, 2019 through October 31, 2022; approving a Settlement Agreement concerning Physicians' and Dentists' Organization of Contra Costa's Unfair Practice Charge regarding patient roster sizes for ambulatory care clinics; and directing the Chief Medical Director to provide to the Human Resources Director the list of PDOCC positions and incumbents for placement in the new classifications and steps, pursuant to the MOU agreement, to be effective November 1, 2019.

The Contra Costa County Board of Supervisors acting in its capacity as the Governing Board of the County of Contra Costa, **RESOLVES** that:

1. The Side Letter between Contra Costa County and the Physicians' and Dentists' Organization of Contra Costa modifying the Preamble and Section 35.4 Duration of Agreement of the Memorandum of Understanding (MOU) to extending the contract from October 1, 2018 to October 31, 2019, is ADOPTED. A copy of the Side Letter is attached;
2. The Memorandum of Understanding between Contra Costa County and the Physicians' and Dentists' Organization of Contra Costa providing for wages, benefits and other terms and conditions of employment for the period beginning November 1, 2019 through October 31, 2022, for those classifications represented by the Physicians' and Dentists' Organization of Contra Costa is ADOPTED. A copy of the MOU is attached;
3. The Settlement Agreement concerning PDOCC's Unfair Practice Charge regarding patient roster sizes for ambulatory care clinics is ADOPTED. A copy of the Settlement Agreement is attached; and
4. The Chief Medical Director is DIRECTED to provide to the Human Resources Director the list of PDOCC positions and incumbents for placement in the new classifications and steps, pursuant to the MOU agreement, to be effective November 1, 2019.

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

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

ATTESTED: October 22, 2019

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

By: , Deputy

cc: Robert Campbell, Auditor-Controller, Dianne Dinsmore, Human Resources Director, Anna Roth, Director of Health Services

SIDE LETTER AGREEMENT

Duration of Agreement

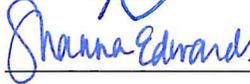
This Side Letter is by and between the County of Contra Costa ("County") and the Physicians' and Dentists' of Contra Costa ("PDOCC") and is effective upon approval of the Board of Supervisors.

This Side Letter modifies the Preamble and Section 35.4 Duration of Agreement of the Memorandum of Understanding (MOU) (October 1, 2008 – October 31, 2018) between the County and PDOCC by extending the current MOU from October 31, 2018 to October 31, 2019. The parties acknowledge that proper written notice was provided to commence negotiations for a successor MOU as required by Section 35.4.

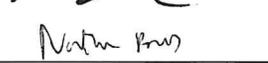
The effect of this Side Letter is that all other terms and conditions of the MOU are extended accordingly for the new term of the MOU between the County and PDOCC (October 1, 2008 – October 31, 2019).

Date: October 1, 2019

Contra Costa County:
(Signature / Printed Name)

	/	Kelly Tuffo
	/	SAMIR B. SHAH, MD
	/	Shanna Edwards
_____	/	_____
_____	/	_____
_____	/	_____

PDOCC:
(Signature / Printed Name)

	/	David MacDonald
	/	Tai Roe
	/	KEITH WHITE
	/	Nathan Brooks
_____	/	_____
_____	/	_____

MEMORANDUM OF UNDERSTANDING
BETWEEN
CONTRA COSTA COUNTY
AND
PHYSICIANS' AND DENTISTS' ORGANIZATION
OF
CONTRA COSTA



NOVEMBER 1, 2019 – OCTOBER 31, 2022

**PHYSICIANS' & DENTISTS' ORGANIZATION
OF CONTRA COSTA**

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**MEMORANDUM OF UNDERSTANDING
BETWEEN
CONTRA COSTA COUNTY
AND
PHYSICIANS' AND DENTISTS' ORGANIZATION
OF CONTRA COSTA**

This Memorandum of Understanding (MOU) is entered into pursuant to the authority contained in Division 34 of Board of Supervisors' Resolution 81/1165 and has been jointly prepared by the parties.

The Employee Relations Officer (County Administrator) is the representative of Contra Costa County in employer-employee relations matters as provided in Board of Supervisors' Resolution 81/1165.

The parties have met and conferred in good faith regarding wages, hours and other terms and conditions of employment for the employees in units in which the Physicians' and Dentists' Organization of Contra Costa (PDOCC) is the recognized representative, have freely exchanged information, opinions and proposals and have endeavored to reach agreement on all matters relating to the employment conditions and employer-employee relations covering such employees.

This MOU shall be presented to the Contra Costa County Board of Supervisors, as the governing board of the County and appropriate fire districts, as the joint recommendations of the undersigned for salary and employee benefit adjustments for the term as set forth herein.

DEFINITIONS

DEFINITIONS

Appointing Authority: The Health Services Director unless otherwise provided by statute or ordinance.

Class: A group of positions sufficiently similar with respect to the duties and responsibilities that similar selection procedures and qualifications may apply and that the same descriptive title may be used to designate each position allocated to the group.

Class Title: The designation given to a class, to each position allocated to the class, and to the employees allocated to the class.

County: Contra Costa County.

Department Head: An assignment, in which a Medical Staff Member coordinates with the Appointing Authority in compliance with the medical staff bylaw governance and quality measures.

Director of Human Resources: The person designated by the County Administrator to serve as the Director of Human Resources.

Employee: A person who is an incumbent of a position or who is on leave of absence in accordance with provisions of this MOU and whose position is held pending his return.

Exempt: Any position which is exempt from the Merit System.

Layoff List: A list of persons who have occupied positions allocated to a class in the merit system and who have involuntarily separated by layoff, displacement, or demoted by displacement, or have voluntarily demoted in lieu of layoff or displacement, or have voluntarily transferred in lieu of layoff or displacement.

Permanent-Intermittent Position: Any position which requires the services of an incumbent for an indefinite period but on an intermittent basis, as needed, paid on an hourly basis.

Permanent Part-Time Position: Any position which will require the services of an incumbent for an indefinite period but on a regularly scheduled less than full time basis.

Permanent Position: Any position which has required, or which will require the services of an incumbent without interruption, for an indefinite period.

Physician: Physician classes are: Primary Care Provider, Primary Care Provider – Limited, Ambulatory Care Provider, Emergency Medicine, Hospitalist, OB/GYN – Full Spectrum, OB/GYN - FM Adv OB, Oral Surgeon, Pathologist, Pediatrician - Ambulatory, Pediatrician – Hospital, Psychiatrist - Adult, Psychiatrist – Pediatric, and Psychiatrist-Emg Svs/Det.

Position: The assigned duties and responsibilities calling for the regular full time, part-time or intermittent employment of a person.

SECTION 1 - ORGANIZATION RECOGNITION

Resignation: The voluntary termination of permanent employment with the County.

SECTION 1 - ORGANIZATION RECOGNITION

PDOCC is the formally recognized employee organization for the representation unit listed below, and such organization has been certified as such pursuant to the Board Order dated December 19, 1995 and the Board Order dated August 21, 2012.

The terms and conditions of this MOU are effective for the classifications listed in Exhibit A and effective November 1, 2019, upon approval of this MOU by the Board of Supervisors.

Physicians', Dentists', and Optometrists' Unit

SECTION 2 - ORGANIZATION SECURITY

2.1 Dues Deduction. Pursuant to Board of Supervisors' Resolution 81/1165, only a majority representative may have dues deduction and as such PDOCC has the exclusive privilege of dues deduction or agency fee deduction for all employees in its units.

The Organization shall indemnify, defend, and save the County harmless against any and all claims, demands, suits, orders, or judgments, or other forms of liability that arise out of or by reason of this organization security section, or action taken or not taken by the County under this Section. This includes, but is not limited to, the County's attorneys' fees and costs. The provisions of this subsection shall not be subject to the grievance procedure following the adoption of this MOU by the County Board of Supervisors.

2.2 Communicating With Employees. PDOCC shall be allowed to use designated portions of bulletin boards or display areas in public portions of County buildings or in public portions of offices in which there are employees represented by PDOCC, provided the communications displayed have to do with official organization business such as times and places of meetings and further provided that the employee organization appropriately posts and removes the information. The department head reserves the right to remove objectionable materials after notification to and discussion with PDOCC.

Representatives of PDOCC, not on County time, shall be permitted to place a supply of employee literature at specific locations in County buildings if arranged through the Labor Relations Manager or designated representative; said representatives may distribute employee organization literature in work areas (except work areas not open to the public) if the nature of the literature and the proposed method of distribution are compatible with the work environment and work in progress.

Such placement and/or distribution shall not be performed by on duty employees.

PDOCC shall be allowed access to work locations in which it represents employees for the following purposes:

SECTION 2 - ORGANIZATION SECURITY

- a. to post literature on bulletin boards;
- b. to arrange for use of a meeting room;
- c. to leave and/or distribute a supply of literature as indicated above;
- d. to represent an employee on a grievance, and/or to contact a PDOCC officer on a matter within the scope of representation;
- e. to ascertain whether the terms and conditions of the MOU are being complied with.

In the application of this provision, it is agreed and understood that in each such instance advance arrangements, including disclosure of which of the above purposes is the reason for the visit, will be made with the departmental representative in charge of the work area, and the visit will not interfere with County services.

2.3 Use of County Buildings. PDOCC shall be allowed the use of areas normally used for meeting purposes for meetings of County employees except during the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday when:

- a. such space is available;
- b. there is no additional cost to the County;
- c. it does not interfere with normal County operations, nor interfere with employee's work responsibility.
- d. the meetings are on matters within the scope of representation.

The administrative official responsible for the space shall establish and maintain scheduling of such uses. PDOCC shall maintain proper order at the meeting, and see that the space is left in a clean and orderly condition.

The use of County equipment (other than items normally used in the conduct of business meetings, such as desks, chairs, ashtrays, and blackboards) is strictly prohibited, even though it may be present in the meeting area.

2.4 Advance Notice. PDOCC shall, except in cases of emergency, have the right to reasonable notice of any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the Board, or boards and commissions appointed by the Board, and to meet with the body considering the matter.

The listing of an item on a public agenda, or the mailing of a copy of a proposal at least seventy-two (72) hours before the item will be heard, or the delivery of a copy of the proposal at least twenty-four (24) hours before the item will be heard, shall constitute notice.

SECTION 2 - ORGANIZATION SECURITY

In cases of emergency when the Board, or boards and commissions appointed by the Board, determines it must act immediately without such notice or meeting, it shall give notice and opportunity to meet as soon as practical after its action.

2.5 Written Statement for New Employees.

- A. The County will provide a written statement to each new employee hired into a classification in any of the bargaining units represented by PDOCC, that the employee's classification is represented by PDOCC and the name of a representative of the Union. The County will provide the employee with a packet of information that has been supplied by the Union.
- B. The County will make reasonable efforts to provide email notification to the Union as soon as a new employee hired into a classification represented by PDOCC has been scheduled for a new employee orientation. Whether or not email notification is provided, the County will provide written notice to the Union of all new employee orientations, at least ten (10) calendar days prior to the event. The County may provide less than ten (10) calendar days' notice to the Union in instances where there is an urgent need critical to the County's operations that was not reasonably foreseeable.
- C. The new employee orientation notice provided to the Union will include the date, time, and location of the orientation.
- D. The Union will be provided the opportunity to have up to two (2) representatives meet with new employees for up to thirty (30) minutes at the beginning of the orientation. One (1) of these representatives may be a bargaining unit member. A bargaining unit member attending orientation as a Union representative shall be given paid release time sufficient to cover the Union's presentation and travel time. The Union will provide the names of any employees who they wish to be released at least 48 hours in advance to the Labor Relations Manager. Approval for release time is subject to adequate staff coverage at the employee's worksite.
- E. The Union may provide written materials to new employees during the new employee orientation. The Union's presentation will be conducted during paid County time as a regular part of the new employee orientation. No representative of management shall be present during the Union's presentation.

2.6 Notification of Dues Deduction Changes. PDOCC shall regularly provide the County with the names of employees for whom dues deductions should be initiated, changed, or discontinued pursuant to this section in a manner that has been mutually agreed upon by the County and PDOCC and set forth in a separate protocol document. PDOCC will submit a spreadsheet in an agreed upon format to the Office of the Auditor-Controller via email. Requests for dues deductions received by the Auditor-Controller by the close of business at least five (5) business days prior to the end of the pay period will be implemented in the following pay period. PDOCC certifies that it will only send requests to initiate dues deductions for employees who have authorized the deductions.

SECTION 2 - ORGANIZATION SECURITY

2.7 Assignment of Classes to Bargaining Units. The County shall assign new classes in accordance with the following procedure:

- a. Initial Determination. When a new class title is established, the Labor Relations Manager shall review the composition of existing representation units to determine the appropriateness of including some or all of the employees in the new class in one or more existing representation units, and within a reasonable period of time shall notify all recognized employee organizations of his/her determination.
- b. Final Determination. His/her determination is final unless within ten (10) days after notification a recognized employee organization requests in writing to meet and confer thereon.
- c. Meet and Confer and Other Steps. He/she shall meet and confer with such requesting organizations (and with other recognized employee organizations where appropriate) to seek agreement on this matter within sixty (60) days after the ten (10) day period in Subsection b, unless otherwise mutually agreed. Thereafter, the procedures in cases of disagreement, arbitration referral and expenses, and criteria for determination shall conform to Board of Supervisors' Resolution 81/1165.

2.8 Release Time for Training. Effective January 1, 2000, the County shall provide a maximum of fifty (50) hours per calendar year of release time for union-designated representatives to attend labor related training programs.

Requests for release time shall be provided to the Employee Relations Officer or designee in writing at least fifteen (15) days in advance of the time requested. The Department will reasonably consider each request and notify the affected employee whether such request is approved within one (1) week of receipt.

2.9 Physicians and Dentists as Employees or Contractors.

A. Employees or Contractors. The County agrees to hire new physicians and dentists who are or will be regularly scheduled to work twenty (20) or more hours each week, as employees in positions assigned to the PDOCC Bargaining Unit, and not as contractors, in the following specialties:

1. General Internal Medicine
2. General Pediatrics
3. Emergency Medicine
4. Family Practice
5. General Pathology
6. Oral Surgery
7. General Dentistry
8. General Practice
9. Hospitalist
10. Obstetrics and Gynecology

SECTION 2 - ORGANIZATION SECURITY

B. Psychiatrists.

1. The County will endeavor to utilize psychiatrists who are employed by the County and represented by PDOCC, to provide at least sixty percent (60%) of the psychiatric service hours provided annually to the County.
2. Beginning February 1, 2015, and each February 1 thereafter, the Health Services Department will provide an alphabetical list of all psychiatrists, both employed and contracted, working for the Department during the prior calendar year with the total number of psychiatric service hours provided by each psychiatrist listed. If the total number of psychiatric service hours provided by contracted psychiatrists during the prior the calendar year exceeds forty percent (40%) of the total psychiatric service hours provided by all psychiatrists, then the Health Services Department will pay to PDOCC the amount of PDOCC dues for each full-time equivalent (F.T.E.) for contracted service hours over forty percent (40%). One (1) F.T.E. is equivalent to 2,080 service hours per year. The number of F.T.E. for dues payment will be determined by taking the total number of annual service hours over forty percent (40%) provided by contracted psychiatrists divided 2,080 hours (e.g., 10,400 contracted service hours ÷ 2,080 hours= 5 F.T.E.).
3. By January 15 of each year, PDOCC will provide the Health Services Department with the annual dues amount for one F.T.E. at the top step of the Exempt Medical Staff Physician salary schedule for the prior calendar year for purposes of calculating the dues payment to PDOCC. If the Health Services Department determines that a payment is owed to PDOCC pursuant to this section 2.9.B., such payment will be made to PDOCC no later than March 1 of any year in which a payment is due.

C. CCHP Community Provider Network Physicians. Notwithstanding subsections A. and B. above, the County may continue to contract for physician services needed by the Contra Costa Health Plan.

D. Detention Assignment. Notwithstanding subsections A. and B. above, the County may continue to contract for physician services in the Contra Costa Detention Facilities.

E. Use of Locum Tenens. Notwithstanding section 2.9.A, physicians or dentists may be contracted by the County directly or through a third party (locum tenens) to provide services in a temporary capacity as described below. The term Locum Tenens as used in this section refers to either type of contracted provider. Psychiatrists who are contracted for pursuant to this section are still subject to the limitations of paragraph B of section 2.9.

1. Recruitment Mechanism: A locum tenens may provide services for up to six (6) months when recruitment for permanent employment is being considered by the Department. To utilize this recruitment mechanism, there must be an available vacant position. During the six (6) month trial period, if the Department determines that the locum tenens is an acceptable candidate for permanent employment,

SECTION 3 - NO DISCRIMINATION

employment in a permanent position may be offered at any time. If the offer is refused, the locum tenens provider's services will be ended within two (2) weeks of the date of refusal. If a locum tenens refuses the offer of employment, he/she will not be allowed to return to the County as a locum tenens for a period of twelve (12) months from the date of rejection of the offer of employment.

2. Seasonal Need: A locum tenens may provide services in primary care, the Emergency Department, or Short Notice Clinics during the specific peak periods described below. Under this category, individual locum tenens providers are limited to working a maximum of fifteen (15) weeks.

a. Winter Flu Season – the period from Monday prior to Thanksgiving through the last day in February, inclusive.

b. Summer Vacation Season – the period of the Monday prior to Memorial Day through the Friday following Labor Day, inclusive.

3. Coverage for Leaves of Absence: The Department may use a locum tenens to cover for an employee during a leave of absence that is greater than one (1) month of continuous absence, e.g., maternity, military, medical, workers' compensation leaves, etc. Individual locum tenens providing services under this category may work a maximum of nine (9) months.

Upon request from PDOCC, the Department will provide to PDOCC a report of locum tenens use within fourteen (14) calendar days of the request. The report will include the names of the locum tenens providers used, assignment (work type and location), and duration of work.

SECTION 3 - NO DISCRIMINATION

There shall be no discrimination because of sex, race, creed, color, national origin, sexual orientation or union activities against any employee or applicant for employment by the County or by anyone employed by the County; and to the extent prohibited by applicable State and Federal law there shall be no discrimination because of age. There shall be no discrimination against any disabled person solely because of such disability unless that disability prevents the person from carrying out the essential functions of the position safely.

SECTION 4 - SHOP STEWARDS AND OFFICIAL REPRESENTATIVES

4.1 Attendance at Meetings. Employees designated as shop stewards or official representatives of PDOCC shall be allowed to attend meetings held by County agencies during regular working hours on County time as follows:

- a. If their attendance is required by the County at a specific meeting, including meetings of the Board of Supervisors;
- b. if their attendance is sought by a hearing body or presentation of testimony or other reasons;

SECTION 5 – SALARIES

- c. if their attendance is required for a meeting necessary for settlement of grievances filed pursuant to Section 15 - Grievance Procedure of this MOU and scheduled at reasonable times agreeable to all parties;
- d. if they are designated as a shop steward, in which case they may utilize a reasonable time at each level of the proceedings to assist an employee to present a grievance provided the meetings are scheduled at reasonable times agreeable to all parties;
- e. if they are designated as spokesperson or representative of PDOCC and as such make representations or presentations at meetings or hearings on wages, salaries and working conditions; provided in each case advance arrangements for time away from the employee's work station or assignment are made with the appropriate department head, and the County agency calling the meeting is responsible for determining that the attendance of the particular employee(s) is required, including meetings of the Board of Supervisors and Retirement Board where items which are within the scope of representation and involving PDOCC are to be discussed.

4.2 PDOCC Representatives. Official representatives of PDOCC shall be allowed time off on County time for meetings during regular working hours when formally meeting and conferring in good faith or consulting with the Labor Relations Manager or other management representatives on matters within the scope of representation, provided that the number of such representatives shall not exceed two (2) without prior approval of the Labor Relations Manager, and that advance arrangements for the time away from the work station or assignment are made with the appointing authority or designee.

SECTION 5 – SALARIES

5.1 General Wage Increases. On November 1, 2019, employees will be reclassified to classifications in Exhibit A. Providers in Steps 1-4 will be placed at Step 1. Providers in Steps 5 and above will be placed at Step 2.

A. The base rate of pay for all classifications represented by PDOCC, excluding the classifications of Primary Care Provider, Primary Care Provider-Limited, and Ambulatory Care Provider, will be increased as follows:

Effective November 1, 2020	2% increase
Effective November 1, 2021	2% increase

B. Longevity Pay. Effective November 1, 2019, full-time employees who have completed the required months of service as County employees will receive the maximum longevity pay per month set forth in the chart below. Part-time employees who have completed the required months of service as County employees will receive a pro-rated monthly amount based on position hours (e.g. 32/40).

The longevity pay is effective on the first day of the month following the month in which the employee completes the required months of service. Employees who

SECTION 5 – SALARIES

have completed the required months of service prior to November 1, 2019, will be paid the amounts on the chart below prospectively only from November 1, 2019.

Completed Months of Service	Maximum Longevity Pay Per Month
120 months through 179 months	\$500.00 per month
180 months through 239 months	\$1,000.00 per month
240 months	\$1,500.00 per month

5.2 Appointment or Change of Assignment. Employees shall be employed only in classes for which they are qualified by virtue of their education, experience and professional license, and shall be paid at a rate established for their classification. The determination of an employee's qualifications and designation of the appropriate step of the salary range shall be by the Appointing Authority or designee and shall be final.

5.3 Step Advancement. Employees at Step 1 will be eligible for advancement to Step 2 as follows:

1. All employees originally placed at Step 1 as of the effective date of this MOU, will be placed in Step 2 on November 1, 2020.
2. For employees hired into Step 1 after the effective date of this MOU: Following one (1) year of employment, the employee will advance to Step 2 on the first day of the month following the month in which the employee completes a full year of employment.

5.4 Payment. On the tenth (10th) day of each month, the Auditor will draw a warrant upon the Treasurer in favor of each employee for the amount of salary due the employee for the preceding month; provided, however, that each employee (except those paid on an hourly rate) may choose to receive an advance on the employee's monthly salary, in which case the Auditor shall, on the twenty-fifth (25th) day of each month, draw his/her warrant upon the Treasurer in favor of such employee.

The advance shall be in an amount equal to one-third (1/3) or less (at the option of the employee) of the employee's basic salary of the previous month except that it shall not exceed the amount of the previous month's basic salary less all requested or required deductions.

The election to receive the advance shall be made on-line using Employee Self Service (ESS) on the prescribed form. If the employee makes an update between the 1st and 15th of the month, then the change will impact the current month's advance. If the employee makes the update after the 15th it will impact the following month's advance.

Such an election will remain effective until revoked.

In the case of an election made pursuant to this Section 5.4 all required or requested deductions from salary shall be taken from the second installment, which is payable on the tenth (10th) day of the following month.

5.5 Part-Time Compensation. An employee working part-time shall be paid a monthly salary in the same ratio to the full time monthly rate to which he would be entitled as an employee working full time as the number of hours per week in his part-time work schedule bears to the number of hours in the regular full time schedule. Other benefits to which the employee is entitled under the provisions of this division may be assigned on the same pro rata basis.

5.6 Compensation for Portion of Month. Any employee who works less than any full calendar month, except when on earned vacation or authorized sick leave, shall receive as compensation for his/her services an amount which is the same ratio to the established monthly rate as the number of days worked is to the actual working days in such employee's normal work schedule for the particular month; but if the employment is intermittent, compensation shall be on an hourly basis.

5.7 Salary on Promotion - Residents. Residents are expected to spend approximately one year in each of the three resident classifications. However, the duration of an employee's training at one of the levels may be extended at the discretion of the Appointing Authority or designee. Residents advancing to a next higher resident physician classification shall be paid at the monthly rate for that classification.

5.8 Stipends. Employees are eligible for the following additional compensation. An employee may be eligible for and receive stipends in more than one category.

- A. The President of the Medical Staff will receive \$825 per month.
- B. The Department Heads of Family Medicine, Anesthesia, Dental, Diagnostic Imaging, Emergency Medicine, Internal Medicine, Obstetrics and Gynecology, Pathology, Pediatrics, Psychiatry, Hospitalist Medicine, ICU, Regional DFAM Division Head, and other comparable assignments deemed appropriate by the Appointing Authority or designee will be eligible to receive \$600 per month. The maximum monthly number of stipends available for assignment in this category is fourteen (14) unless additional stipends are approved by the Chief Medical Officer.
- C. The Chairperson of the Medical Staff committees charged with considerable responsibility and other comparable assignments deemed appropriate by the Appointing Authority or designee will receive \$600 per month. The maximum monthly number of stipends available for assignment in this category is twenty-two (22) unless additional stipends are approved by the Chief Medical Officer.
- D. The Division Heads, the Assistant Residency Director, and other comparable assignments deemed appropriate by the Appointing Authority or designee will receive \$300 per month. The maximum monthly number of stipends available for assignment in this category is ten (10) unless additional stipends are approved by the Chief Medical Officer.
- E. Residents are eligible for a stipend of \$250 per month.

SECTION 6 - DAYS AND HOURS OF WORK

The above stipends will become effective on the first day of the month following the employee's appointment unless the appointment is effective on the first day of the month, in which case the stipend will commence immediately.

5.9 Electronic Health Records Incentive Program. The federal Medicaid (Medi-Cal) Electronic Health Records ("EHR") Incentive Program ("EHR Incentive Program") pursuant to the federal Health Information Technology for Economic Clinical Health (HITECH) Act provides incentive payments to an eligible professional ("EP") for meaningful use of an EHR system. The terms "EHR Incentive Program," "EHR," "EP," "meaningful use," "adopt, implement, and upgrade (AIU)," and "incentive payments," as used in this MOU, have the same meaning as those definitions in Part 495 of title 42 the Code of Federal Regulations. In furtherance of the goals of the EHR Incentive Program, EPs who are employed in classifications represented by PDOCC will do the following:

- A. EPs will utilize the County's certified EHR system, ccLink, in accordance with the meaningful use requirements of the EHR Incentive Program and any Health Services Department requirements. EPs will cooperate with any requests from the County to provide information, documentation, or validation of their meaningful use of ccLink.
- B. EPs employed in classifications represented by PDOCC will reassign their EHR incentive payments to the County. The EPs will provide the County with any requested information and complete any necessary documentation to reassign their EHR incentive payments to the County.
- C. The County shall defend, indemnify, and hold PDOCC harmless against any legal claims filed in any forum against PDOCC by EPs who are members of PDOCC that challenge whether PDOCC has legal authority to agree to a Memorandum of Understanding that requires EPs to reassign to the County their EHR incentive payments from the EHR Incentive Program pursuant to the HITECH Act. This provision will expire when the EHR Incentive Program ends in 2021. This provision, 5.9.C., is not subject to the grievance procedure.
- D. Except as indicated in C., above, any disputes concerning the application and/or interpretation of section 5.9 shall be resolved through the grievance procedure of this MOU.

SECTION 6 - DAYS AND HOURS OF WORK

6.1 Work Week Defined. The work week for employees, except Residents, is five (5) eight-hour days, or a total of forty (40) hours, between 12:01 a.m. on Sunday and 12:00 midnight on Saturday. However, when operational requirements require deviations from the usual pattern of five eight-hour days, an employee may be scheduled otherwise to meet operational requirements.

6.2 Employee Schedules. Permanent full time and part time employees will be scheduled weekly or monthly as determined by management. Regardless of whether employees are scheduled weekly or monthly, they are required to work their designated

SECTION 6 - DAYS AND HOURS OF WORK

position hours. Employees in this bargaining unit are professional employees and as such are paid a predetermined salary each pay period even if they work more than their weekly or monthly designated position hours. Hours worked are defined as those hours of the day for which the employees are required to fulfill the responsibilities of their professional positions.

6.3 Additional Duty Pay. Only additional work assigned by management (above and beyond routine assigned duties) will be eligible for additional duty pay. Additional Duty pay will be paid at the rate and for the eligible classifications reflected in Exhibit B.

6.4 Clinical On Call Pay. An employee is eligible for this pay when the employee is assigned additional on-call obligations beyond the obligations required as a part of their normal job duties by the Appointing Authority or his/her designee. On Call Pay is paid at the rate and for the eligible classifications reflected in Exhibit B.

6.5 Nocturnist Pay. Any work performed by classifications given assignments in Emergency Medicine, Hospitalist, OBGYN-Full Spectrum, OBGYN-FM Adv OB, Pediatrician-Hospitalist, Psychiatrist–Emg Svs/Det, will be eligible for \$50 for each hour worked between 11:00 p.m. – 7:00 a.m. Monday through Thursday; 9:00 p.m. – 7:00 a.m. Friday, Saturday, Sunday, Holidays, the night before Christmas and New Year’s Eve, at the rate reflected in Exhibit B.

6.6 Schedule Preparation. The Appointing Authority or designee will prepare written schedules in advance. The employee's preferences as well as Department's operational requirements will be considered in preparing the schedule. The work schedules for residents will be determined by the Residency Program Director.

6.7 Operational Adjustments. Having met and conferred in good faith regarding adjusting clinic roster sizes to meet a target patient seen rate, the parties agree that management will retain the management-controlled right to schedule and fill a roster of eleven (11) patients in a four-hour clinic. In addition, the roster shall include two (2) provider-controlled (PPO/Per Provider Only) slots which can be booked by the provider or designee at the provider’s discretion. Beginning January 1, 2020, with the goal of increasing the number of patients provided care in clinics, the following incentives will be established for primary care and pediatrician ambulatory care providers who meet these specialized criteria while working in the clinics:

- a. Access Incentive Bonus – Incentive payment of one thousand five hundred dollars (\$1,500) per quarter if the average patients seen per quarter in a four-hour clinic equals ten (10) and the weekly average of the class A clinics per quarter is five (Family Practice, Adult Medicine and Pediatrics). In order to be eligible, the provider must work a minimum of ten (10) weeks per quarter.
- b. Patient Experience Incentive Bonus – A single incentive payment of five hundred dollars (\$500) annually when a provider receives the targeted Top Box score rating in the CG-CAHPS Adult Survey Provider Rating Question from patients that complete the survey in the prior County fiscal year.

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- i. Provider Rating Question: “Using any number from 0 to 10, where 0 is the worst provider possible and 10 is the best provider possible, what number would you use to rate this provider?”
 - ii. Top Box: Number of respondents who answered 9 or 10.
 - iii. The target to be revised annually based on the national 90th percentile for Medicaid patients.
 - iv. A minimum of 100 completed surveys to be eligible.
 - v. If the CG-CAHPS Adult Survey Provider Rating changes, new requirements will be adopted.
- c. Quality Incentive Bonus – A single incentive payment of \$500 annually to providers that meet or exceed the national Medicaid 90th percentile for all the primary care-based quality measures in CCHS’ QIP or other named Medi-Cal waiver program in the prior County fiscal year.

6.8 Direct Patient Care and Administrative Time.

Administrative Responsibilities. Administrative Responsibilities is time when the employee does not provide Direct Patient Care. This is time to complete the necessary and required work related to patient care including, but not limited to all non-Direct Patient Care related tasks, reviewing and completing forms, telephone calls, EHR in box management, attendance at department meetings, peer review, root cause analyses, medical staff responsibilities, administrative or medical staff mandated trainings, and other responsibilities assigned by the medical staff or by management.

Administrative Time Allocation. Administrative Time Allocation is the time spent conducting Administrative Responsibilities.

Direct Patient Care. “Direct Patient Care” is any time the employee’s primary responsibility is to deliver health care directly to patients, including but not limited to, clinics, emergency room procedures, diagnosis tests, surgery, and the supervision of resident physicians.

Clinical Time Allocation. Clinical Time Allocation is the time spent providing Direct Patient Care or time spent doing special projects as defined by the Chief Medical Officer or designee.

Providers will be assigned Clinical and Administrative time based on his/her Classification as follows:

Ambulatory Care Provider - Exempt

1. Clinical Time Allocation.
 - a. Providers in this classification will be scheduled weekly.
 - b. Providers working a full time schedule in this classification will work thirty-six (36) hours of scheduled clinical time.

SECTION 6 - DAYS AND HOURS OF WORK

- c. Clinical time and salaries for Providers working less than full time in this classification will be pro-rated as follows:
 - i. Providers working 87.5% time will work 32 hours of scheduled clinical time.
 - ii. Providers working 77.5% time will work 28 hours of scheduled clinical time.
 - iii. Providers working 65% time will work 24 hours of scheduled clinical time.
 - iv. Providers working 55% time will work 20 hours of scheduled clinical time.
 - d. Ambulatory Care Providers must work one (1) weeknight clinic if assigned, per month. Providers will not be assigned to weeknight clinics until the County has attempted to staff the weeknight clinic first with volunteers or overtime assignments. "Weeknight" for the purpose of this section is defined as Monday – Thursday. Ambulatory Care Providers whose weekly scheduled clinical time in a month includes weeknight clinics are not required by this section to work an additional weeknight clinic during that month. Additionally, Ambulatory Care Providers whose weekly scheduled clinical time includes more than one weeknight clinic are not permitted to reduce their weeknight clinic assignments under this section without the prior approval of the Chief Medical Officer (CMO) or designee.
2. Administrative Time Allocation.
- a. Providers working full time (36 hours clinical) will receive four (4) hours of administrative time.
 - b. Administrative time for Providers working less than full time will be pro-rated as follows:
 - i. Providers working 87.5% time (32 hours clinical) will receive 3 hours of administrative time.
 - ii. Providers working 77.5% time (28 hours clinical) will receive 3 hours of administrative time.
 - iii. Providers working 65% time (24 hours clinical) will receive 2 hours of administrative time.
 - iv. Providers working 55% time (20 hours clinical) will receive 2 hours of administrative time.
 - c. Failure to maintain compliance with regulatory requirements, medical staff bylaws, or administrative policy requirements may result in a reassignment of administrative time to direct patient care time as follows: The Provider must be given a written first notice of the acts of noncompliance along with instructions on what steps must be taken to achieve compliance. The timeline to achieve compliance shall be included in the notice. If the Provider after that time period is not able to achieve compliance, then the Provider will be provided a second written notice. That notice shall include notice of reassignment of administrative time to direct patient care time and appeal rights. The Provider may appeal within five (5) business days of receipt of the second written notice by submitting a written request to the CMO (or designee) to contest the findings or timeline. The CMO (or designee) shall review the appeal from the Provider and issue a final determination on the findings within ten (10) business days. If the Provider does not appeal, or if

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the CMO (or designee) denies the appeal, the Provider will have administrative time reassigned to direct patient care time for one month for each notice of noncompliance.

- d. Providers are expected to fulfill all of their administrative responsibilities associated with their work assignment regardless of how long they take to complete.

Dentist - Exempt

1. Clinical Time Allocation.

- a. Providers in this classification will be scheduled weekly.
- b. Providers working a full time schedule in this classification will work thirty-six (36) hours of scheduled clinical time. The required clinical time will consist of a minimum of nine (9) qualifying clinic blocks.
- c. Clinical time and salaries for Providers working less than full time in this classification will be pro-rated as follows:
 - i. Providers working 87.5% time will work 32 hours of scheduled clinical time.
 - ii. Providers working 77.5% time will work 28 hours of scheduled clinical time.
 - iii. Providers working 65% time will work 24 hours of scheduled clinical time.
 - iv. Providers working 55% time will work 20 hours of scheduled clinical time.

2. Administrative Time Allocation.

- a. Providers working full time (36 hours clinical) will receive four (4) hours of administrative time.
- b. Administrative time for Providers working less than full time will be pro-rated as follows:
 - i. Providers working 87.5% time (32 hours clinical) will receive 3 hours of administrative time.
 - ii. Providers working 77.5% time (28 hours clinical) will receive 3 hours of administrative time.
 - iii. Providers working 65% time (24 hours clinical) will receive 2 hours of administrative time.
 - iv. Providers working 55% time (20 hours clinical) will receive 2 hours of administrative time.
- c. Failure to maintain compliance with regulatory requirements, medical staff bylaws, or administrative policy requirements may result in a reassignment of administrative time to direct patient care time as follows: The Provider must be given a written first notice of the acts of noncompliance along with instructions on what steps must be taken to achieve compliance. The timeline to achieve compliance shall be included in the notice. If the Provider after that time period is not able to achieve compliance, then the Provider will be provided a second written notice. That notice shall include notice of reassignment of administrative time to direct patient care time and appeal rights. The Provider may appeal within five (5) business days of receipt of the second written notice by submitting a written request to the CMO (or

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designee) to contest the findings or timeline. The CMO (or designee) shall review the appeal from the Provider and issue a final determination on the findings within ten (10) business days. If the Provider does not appeal, or if the CMO (or designee) denies the appeal, the Provider will have administrative time reassigned to direct patient care time for one month for each notice of noncompliance.

- d. Providers are expected to fulfill all of their administrative responsibilities associated with their work assignment regardless of how long they take to complete.

Emergency Medicine - Exempt

1. Clinical Time Allocation.

- a. Providers in this classification will be scheduled monthly.
- b. Providers working a full time schedule in this classification will work thirty-two (32) hours of scheduled clinical time per week, averaged over the period of one (1) month.
- c. Holidays, days, nights, and weekend shifts must be shared equitably between all providers in this classification.

2. Administrative Time Allocation.

- a. Providers working full-time, which is 40 position hours (32 hours clinical), will receive eight (8) hours of administrative time.
- b. Administrative time for Providers working less than full time will be pro-rated as follows:
 - i. Providers working 34-39 position hours will receive 6 hours of administrative time.
 - ii. Providers working 28-33 position hours will receive 4 hours of administrative time.
 - iii. Providers working less than 28 position hours will receive no administrative time.
- c. Failure to maintain compliance with regulatory requirements, medical staff bylaws, or administrative policy requirements may result in a reassignment of administrative time to direct patient care time as follows: The Provider must be given a written first notice of the acts of noncompliance along with instructions on what steps must be taken to achieve compliance. The timeline to achieve compliance shall be included in the notice. If the Provider after that time period is not able to achieve compliance, then the Provider will be provided a second written notice. That notice shall include notice of reassignment of administrative time to direct patient care time and appeal rights. The Provider may appeal within five (5) business days of receipt of the second written notice by submitting a written request to the CMO (or designee) to contest the findings or timeline. The CMO (or designee) shall review the appeal from the Provider and issue a final determination on the findings within ten (10) business days. If the Provider does not appeal, or if the CMO (or designee) denies the appeal, the Provider will have administrative time reassigned to direct patient care time for one month for each notice of noncompliance.

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- d. Providers are expected to fulfill all of their administrative responsibilities associated with their work assignment regardless of how long they take to complete.

Hospitalist - Exempt

1. Clinical Time Allocation.
 - a. Providers in this classification will be scheduled monthly.
 - b. Providers working a full time schedule in this classification will work thirty-six (36) hours of scheduled clinical time per week, averaged over the period of one (1) month.
 - c. Clinical time and salaries for Providers working less than full time in this classification will be pro-rated as follows:
 - i. Providers working 87.5% time will work 32 hours of scheduled clinical time.
 - ii. Providers working 77.5% time will work 28 hours of scheduled clinical time.
 - iii. Providers working 65% time will work 24 hours of scheduled clinical time.
 - iv. Providers working 55% time will work 20 hours of scheduled clinical time.
 - d. Holidays, days, nights, and weekend shifts must be shared equitably between all providers in this classification.
 - e. Clinic shifts may be substituted for hospital shifts with prior approval of administration.
2. Administrative Time Allocation.
 - a. Providers working full time (36 hours clinical) will receive four (4) hours of administrative time.
 - b. Administrative time for Providers working less than full time will be pro-rated as follows:
 - i. Providers working 87.5% time (32 hours clinical) will receive 3 hours of administrative time.
 - ii. Providers working 77.5% time (28 hours clinical) will receive 3 hours of administrative time.
 - iii. Providers working 65% time (24 hours clinical) will receive 2 hours of administrative time.
 - iv. Providers working 55% time (20 hours clinical) will receive 2 hours of administrative time.
 - c. Failure to maintain compliance with regulatory requirements, medical staff bylaws, or administrative policy requirements may result in a reassignment of administrative time to direct patient care time as follows: The Provider must be given a written first notice of the acts of noncompliance along with instructions on what steps must be taken to achieve compliance. The timeline to achieve compliance shall be included in the notice. If the Provider after that time period is not able to achieve compliance, then the Provider will be provided a second written notice. That notice shall include notice of reassignment of administrative time to direct patient care time and appeal rights. The Provider may appeal within five (5) business days of receipt of the

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second written notice by submitting a written request to the CMO (or designee) to contest the findings or timeline. The CMO (or designee) shall review the appeal from the Provider and issue a final determination on the findings within ten (10) business days. If the Provider does not appeal, or if the CMO (or designee) denies the appeal, the Provider will have administrative time reassigned to direct patient care time for one month for each notice of noncompliance.

- d. Providers are expected to fulfill all of their administrative responsibilities associated with their work assignment regardless of how long they take to complete.

Obstetrics & Gynecology (OBGYN) – Full Spectrum - Exempt

Employees in this classification are Board certified/Board eligible in OBGYN or will become Board certified in OBGYN, within three years from either the date of hire for new hires or within three years from the date this MOU is signed for current employees. Employees No. 45883, 45884, and 64602 are grandfathered into the classification.

1. Clinical Time Allocation.

- a. Providers in this classification will be scheduled monthly.
- b. Providers working a full time schedule in this classification will work thirty-six (36) hours of scheduled clinical time per week, averaged over the period of one (1) month.
- c. Clinical time for providers working less than full time in this classification will be pro-rated as follows:
 - i. Providers working 87.5% time will work 32 hours of scheduled clinical time weekly.
 - ii. Providers working 77.5% time will work 28 hours of scheduled clinical time weekly.
 - iii. Providers working 65% time will work 24 hours of scheduled clinical time weekly.
 - iv. Providers working 55% time will work 20 hours of scheduled clinical time weekly.

2. Administrative Time Allocation.

- a. Providers working full time (36 hours clinical) will receive four (4) hours of administrative time.
- b. Administrative time for Providers working less than full time will be pro-rated as follows:
 - i. Providers working 87.5% time (32 hours clinical) will receive 3 hours of administrative time.
 - ii. Providers working 77.5% time (28 hours clinical) will receive 3 hours of administrative time.
 - iii. Providers working 65% time (24 hours clinical) will receive 2 hours of administrative time.
 - iv. Providers working 55% time (20 hours clinical) will receive 2 hours of administrative time.
- c. Failure to maintain compliance with regulatory requirements, medical staff bylaws, or administrative policy requirements may result in a reassignment of

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administrative time to direct patient care time as follows: The Provider must be given a written first notice of the acts of noncompliance along with instructions on what steps must be taken to achieve compliance. The timeline to achieve compliance shall be included in the notice. If the Provider after that time period is not able to achieve compliance, then the Provider will be provided a second written notice. That notice shall include notice of reassignment of administrative time to direct patient care time and appeal rights. The Provider may appeal within five (5) business days of receipt of the second written notice by submitting a written request to the CMO (or designee) to contest the findings or timeline. The CMO (or designee) shall review the appeal from the Provider and issue a final determination on the findings within ten (10) business days. If the Provider does not appeal, or if the CMO (or designee) denies the appeal, the Provider will have administrative time reassigned to direct patient care time for one month for each notice of noncompliance.

- d. Providers are expected to fulfill all of their administrative responsibilities associated with their work assignment regardless of how long they take to complete.

Obstetrics & Gynecology (OBGYN) – Family Medicine with Focus in Advanced Obstetrics - Exempt

Employees in this classification are Board certified in Family Medicine with post residency training and/or experience in obstetrics as approved by Chief Medical Officer or designee.

1. Clinical Time Allocation.
 - a. Providers in this classification will be scheduled monthly.
 - b. Providers working a full time schedule in this classification will work thirty-six (36) hours of scheduled clinical time per week, averaged over the period of one (1) month.
 - c. Clinical time for Providers working less than full time in this classification will be pro-rated as follows:
 - i. Providers working 87.5% time will work 32 hours of scheduled clinical time weekly.
 - ii. Providers working 77.5% time will work 28 hours of scheduled clinical time weekly.
 - iii. Providers working 65% time will work 24 hours of scheduled clinical time weekly.
 - iv. Providers working 55% time will work 20 hours of scheduled clinical time weekly.
2. Administrative Time Allocation.
 - a. Providers working full time (36 hours clinical) will receive four (4) hours of administrative time.
 - b. Administrative time for Providers working less than full time will be pro-rated as follows:
 - i. Providers working 87.5% time (32 hours clinical) will receive 3 hours of administrative time.

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- ii. Providers working 77.5% time (28 hours clinical) will receive 3 hours of administrative time.
 - iii. Providers working 65% time (24 hours clinical) will receive 2 hours of administrative time.
 - iv. Providers working 55% time (20 hours clinical) will receive 2 hours of administrative time.
- c. Failure to maintain compliance with regulatory requirements, medical staff bylaws, or administrative policy requirements may result in a reassignment of administrative time to direct patient care time as follows: The Provider must be given a written first notice of the acts of noncompliance along with instructions on what steps must be taken to achieve compliance. The timeline to achieve compliance shall be included in the notice. If the Provider after that time period is not able to achieve compliance, then the Provider will be provided a second written notice. That notice shall include notice of reassignment of administrative time to direct patient care time and appeal rights. The Provider may appeal within five (5) business days of receipt of the second written notice by submitting a written request to the CMO (or designee) to contest the findings or timeline. The CMO (or designee) shall review the appeal from the Provider and issue a final determination on the findings within ten (10) business days. If the Provider does not appeal, or if the CMO (or designee) denies the appeal, the Provider will have administrative time reassigned to direct patient care time for one month for each notice of noncompliance.
- d. Providers are expected to fulfill all of their administrative responsibilities associated with their work assignment regardless of how long they take to complete.

Optometrist - Exempt

Clinical Time Allocation.

- a. Providers in this classification will be scheduled weekly.
- b. Providers working in this classification will work forty (40) hours of scheduled clinical time per week in refraction clinics.

Oral Surgeon - Exempt

Clinical Time Allocation.

- a. Providers in this classification will be scheduled weekly.
- b. Providers working a 40 hour weekly schedule in this classification will work forty (40) hours of scheduled patient-facing clinical time.
- c. The required clinical time will consist of ten (10) clinic or Operating Room blocks per week.
- d. Provider is required to be on-call for 15 days per month, including 2 weekends per month.

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Pathologist - Exempt

Clinical Time Allocation.

- a. Providers in this classification will be scheduled weekly.
- b. Providers working in this classification will work forty (40) hours of scheduled clinical time per week.
- c. All clinical on-call shifts (including: holidays, days, nights, and weekends) must be shared equitably between all Providers in this classification. Payment for this duty is included in this classification's base pay.
- d. Call back pay is not included in base pay.

Pediatrician – Ambulatory - Exempt

1. Clinical Time Allocation.

- a. Providers in this classification will be scheduled weekly.
- b. Providers working a full time schedule in this classification will work thirty-six (36) hours of scheduled clinical time. The required clinical time will consist of a minimum of seven (7) pediatric designated clinic blocks.
- c. Hospital shifts or special projects time may be substituted for clinic shifts with prior approval of the CMO.
- d. In the event that the CMO assigns a bargaining unit employee in a pediatric ambulatory position to hospital shifts, that employee may be placed on a monthly schedule, with mutual agreement of the provider and the CMO.
- e. Clinical time and salaries for Providers working less than full time in this classification will be pro-rated as follows:
 - i. Providers working 87.5% time will work 32 hours of scheduled clinical time.
 - ii. Providers working 77.5% time will work 28 hours of scheduled clinical time.
 - iii. Providers working 65% time will work 24 hours of scheduled clinical time.
 - iv. Providers working 55% time will work 20 hours of scheduled clinical time.
- f. Providers must work one (1) weeknight clinic if assigned, per month. Providers will not be assigned to weeknight clinics until the County has attempted to staff the weeknight clinic first with volunteers or overtime assignments. "Weeknight" for the purpose of this section is defined as Monday – Thursday. Providers whose weekly scheduled clinical time in a month includes weeknight clinics are not required by this section to work an additional weeknight clinic during that month. Additionally, Providers whose weekly scheduled clinical time includes more than one weeknight clinic are not permitted to reduce their weeknight clinic assignments under this section.

2. Administrative Time Allocation.

- a. Providers working full time (36 hours clinical) will receive four (4) hours of administrative time.
- b. Administrative time for Providers working less than full time will be pro-rated as follows:

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- i. Providers working 87.5% time (32 hours clinical) will receive 3 hours of administrative time.
 - ii. Providers working 77.5% time (28 hours clinical) will receive 3 hours of administrative time.
 - iii. Providers working 65% time (24 hours clinical) will receive 2 hours of administrative time.
 - iv. Providers working 55% time (20 hours clinical) will receive 2 hours of administrative time.
 - c. Failure to maintain compliance with regulatory requirements, medical staff bylaws, or administrative policy requirements may result in a reassignment of administrative time to direct patient care time as follows: The Provider must be given a written first notice of the acts of noncompliance along with instructions on what steps must be taken to achieve compliance. The timeline to achieve compliance shall be included in the notice. If the Provider after that time period is not able to achieve compliance, then the Provider will be provided a second written notice. That notice shall include notice of reassignment of administrative time to direct patient care time and appeal rights. The Provider may appeal within five (5) business days of receipt of the second written notice by submitting a written request to the CMO (or designee) to contest the findings or timeline. The CMO (or designee) shall review the appeal from the Provider and issue a final determination on the findings within ten (10) business days. If the Provider does not appeal, or if the CMO (or designee) denies the appeal, the Provider will have administrative time reassigned to direct patient care time for one month for each notice of noncompliance.
 - d. Providers are expected to fulfill all of their administrative responsibilities associated with their work assignment regardless of how long they take to complete.

Pediatrician – Hospital – Exempt

1. Clinical Time Allocation.
 - a. Providers in this classification will be scheduled monthly.
 - b. Providers working a full time schedule in this classification will work thirty-six (36) hours of scheduled clinical time in the hospital or nursery per week, averaged over the period of one (1) month.
 - c. The expectation is that holidays, days, nights, and weekend shifts will be shared equitably between all providers in this classification.
 - d. Clinic Shifts may be substituted for hospital shifts with prior approval of Chief Medical Officer or designee.
 - e. Clinical time and salaries for Providers working less than full time in this classification will be pro-rated as follows:
 - i. Providers working 87.5% time will work 32 hours of scheduled clinical time.
 - ii. Providers working 77.5% time will work 28 hours of scheduled clinical time.
 - iii. Providers working 65% time will work 24 hours of scheduled clinical time.

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- iv. Providers working 55% time will work 20 hours of scheduled clinical time.
2. Administrative Time Allocation.
- a. Providers working full time (36 hours clinical) will receive four (4) hours of administrative time.
 - b. Administrative time for Providers working less than full time will be pro-rated as follows:
 - i. Providers working 87.5% time (32 hours clinical) will receive 3 hours of administrative time.
 - ii. Providers working 77.5% time (28 hours clinical) will receive 3 hours of administrative time.
 - iii. Providers working 65% time (24 hours clinical) will receive 2 hours of administrative time.
 - iv. Providers working 55% time (20 hours clinical) will receive 2 hours of administrative time.
 - c. Failure to maintain compliance with regulatory requirements, medical staff bylaws, or administrative policy requirements may result in a reassignment of administrative time to direct patient care time as follows: The Provider must be given a written first notice of the acts of noncompliance along with instructions on what steps must be taken to achieve compliance. The timeline to achieve compliance shall be included in the notice. If the Provider after that time period is not able to achieve compliance, then the Provider will be provided a second written notice. That notice shall include notice of reassignment of administrative time to direct patient care time and appeal rights. The Provider may appeal within five (5) business days of receipt of the second written notice by submitting a written request to the CMO (or designee) to contest the findings or timeline. The CMO (or designee) shall review the appeal from the Provider and issue a final determination on the findings within ten (10) business days. If the Provider does not appeal, or if the CMO (or designee) denies the appeal, the Provider will have administrative time reassigned to direct patient care time for one month for each notice of noncompliance.
 - d. Providers are expected to fulfill all of their administrative responsibilities associated with their work assignment regardless of how long they take to complete.

Primary Care Provider - Exempt

1. Clinical Time Allocation.
- a. Providers in this classification will be scheduled weekly.
 - b. Providers working a full time schedule in this classification will work thirty-six (36) hours of scheduled clinical time. The required clinical time will consist of a minimum of seven (7) qualifying clinic blocks.
 - c. Clinical time and salaries for Providers working less than full time in this classification will be pro-rated as follows:
 - i. Providers working 87.5% time will work 32 hours of scheduled clinical time.

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- ii. Providers working 77.5% time will work 28 hours of scheduled clinical time.
- iii. Providers working 65% time will work 24 hours of scheduled clinical time.
- iv. Providers working 55% time will work 20 hours of scheduled clinical time.

A minimum of seven (7) qualifying clinic blocks for any Provider working 87.5% in this classification is required to remain in this classification. A minimum of six (6) qualifying blocks for any Provider working 77.5% in this classification is required to remain in this classification. A minimum of five (5) qualifying blocks for any Provider working 65% or 55% in this classification is required to remain in this classification.

- d. Primary Care Providers must work one (1) weeknight clinic if assigned, per month. Providers will not be assigned to weeknight clinics until the County has attempted to staff the weeknight clinic first with volunteers or overtime assignments. "Weeknight" for the purpose of this section is defined as Monday – Thursday. Primary Care Providers whose weekly scheduled clinical time in a month includes weeknight clinics are not required by this section to work an additional weeknight clinic during that month. Additionally, Primary Care Providers whose weekly scheduled clinical time includes more than one weeknight clinic are not permitted to reduce their weeknight clinic assignments under this section.
2. Administrative Time Allocation.
- a. Providers working full time (36 hours clinical) will receive four (4) hours of administrative time.
 - b. Administrative time for Providers working less than full time will be pro-rated as follows:
 - i. Providers working 87.5% time (32 hours clinical) will receive 3 hours of administrative time.
 - ii. Providers working 77.5% time (28 hours clinical) will receive 3 hours of administrative time.
 - iii. Providers working 65% time (24 hours clinical) will receive 2 hours of administrative time.
 - iv. Providers working 55% time (20 hours clinical) will receive 2 hours of administrative time.
 - c. Failure to maintain compliance with regulatory requirements, medical staff bylaws, or administrative policy requirements may result in a reassignment of administrative time to direct patient care time as follows: The Provider must be given a written first notice of the acts of noncompliance along with instructions on what steps must be taken to achieve compliance. The timeline to achieve compliance shall be included in the notice. If the Provider after that time period is not able to achieve compliance, then the Provider will be provided a second written notice. That notice shall include notice of reassignment of administrative time to direct patient care time and appeal rights. The Provider may appeal within five (5) business days of receipt of the second written notice by submitting a written request to the CMO (or designee) to contest the findings or timeline. The CMO (or designee) shall

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review the appeal from the Provider and issue a final determination on the findings within ten (10) business days. If the Provider does not appeal, or if the CMO (or designee) denies the appeal, the Provider will have administrative time reassigned to direct patient care time for one month for each notice of noncompliance.

- d. Providers are expected to fulfill all of their administrative responsibilities associated with their work assignment regardless of how long they take to complete.
3. **Qualifying Clinics include the following:**
- a. Adult Medicine
 - b. Family Practice
 - c. Language Specific
 - d. Positive Health (HIV)
 - e. Perioperative
 - f. Med-Pain
 - g. Detention
 - h. Special Projects Qualifying

Clinics may be added or removed (due to a clinic no longer being needed or offered as determined by the County) from this list at Management's discretion. Providers who have a qualifying clinic(s) that is eliminated from the list above will be able to add another qualifying clinic(s) from the list to maintain their status in the Primary Care Provider classification.

Primary Care Provider – Limited (Hired before November 1, 2019) - Exempt

1. **Clinical Time Allocation.**
 - a. Providers in this classification will be scheduled weekly.
 - b. Providers working a full time schedule in this classification will work thirty-six (36) hours of scheduled clinical time. The required clinical time will consist of a minimum of five (5) qualifying clinic blocks.
 - c. Clinical time and salaries for Providers working less than full time in this classification will be pro-rated as follows:
 - i. Providers working 87.5% time will work 32 hours of scheduled clinical time.
 - ii. Providers working 77.5% time will work 28 hours of scheduled clinical time.
 - iii. Providers working 65% time will work 24 hours of scheduled clinical time.
 - iv. Providers working 55% time will work 20 hours of scheduled clinical time.

A minimum of five (5) qualifying clinic blocks for any Provider working in this classification is required to remain in this classification.
 - d. Notwithstanding Exhibit C, Providers in this classification will not be required to work more than five (5) qualifying clinic blocks per week. Management retains all other rights to involuntarily change assignments as set forth in Exhibit C.

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- e. Primary Care Providers–Limited must work one (1) weeknight clinic if assigned, per month. Providers will not be assigned to weeknight clinics until the County has attempted to staff the weeknight clinic first with volunteers or overtime assignments. “Weeknight” for the purpose of this section is defined as Monday – Thursday. Primary Care Providers whose weekly scheduled clinical time in a month includes weeknight clinics are not required by this section to work an additional weeknight clinic during that month. Additionally, Primary Care Providers whose weekly scheduled clinical time includes more than one weeknight clinic are not permitted to reduce their weeknight clinic assignments under this section without the prior approval of the CMO or designee.
2. Administrative Time Allocation.
- a. Providers working full time (36 hours clinical) will receive four (4) hours of administrative time.
 - b. Administrative time for Providers working less than full time will be pro-rated as follows:
 - i. Providers working 87.5% time (32 hours clinical) will receive 3 hours of administrative time.
 - ii. Providers working 77.5% time (28 hours clinical) will receive 3 hours of administrative time.
 - iii. Providers working 65% time (24 hours clinical) will receive 2 hours of administrative time.
 - iv. Providers working 55% time (20 hours clinical) will receive 2 hours of administrative time.
 - c. Failure to maintain compliance with regulatory requirements, medical staff bylaws, or administrative policy requirements may result in a reassignment of administrative time to direct patient care time as follows: The Provider must be given a written first notice of the acts of noncompliance along with instructions on what steps must be taken to achieve compliance. The timeline to achieve compliance shall be included in the notice. If the Provider after that time period is not able to achieve compliance, then the Provider will be provided a second written notice. That notice shall include notice of reassignment of administrative time to direct patient care time and appeal rights. The Provider may appeal within five (5) business days of receipt of the second written notice by submitting a written request to the CMO (or designee) to contest the findings or timeline. The CMO (or designee) shall review the appeal from the Provider and issue a final determination on the findings within ten (10) business days. If the Provider does not appeal, or if the CMO (or designee) denies the appeal, the Provider will have administrative time reassigned to direct patient care time for one month for each notice of noncompliance.
 - d. Providers are expected to fulfill all of their administrative responsibilities associated with their work assignment regardless of how long they take to complete.
3. Opt-in Period for Primary Care Provider–Limited Classification.
- a. Providers currently scheduled for fewer than five (5) qualifying clinic blocks can choose to modify their schedules to qualify for placement in the Primary

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Care Provider-Limited classification within sixty (60) days of ratification of the MOU.

- b. The Department will have six (6) months to place the Provider in a Limited group qualifying schedule. Providers requesting to opt-in to the Limited classification shall remain classified as Ambulatory Care Providers (and receive compensation under the salary schedule for Ambulatory Care Provider) until their qualifying schedule for Primary Care Provider–Limited status is implemented. After six (6) months, the Provider will automatically be transferred into the Limited group and shall receive compensation as a Limited group Provider.
 - c. Providers who miss the deadline to opt-in to the Limited classification will still have the option of moving to the Primary Care classification in accordance with the Primary Care classification job expectations.
 - d. This election section is limited to the successor MOU following the 2008-2016 MOU.
4. **Qualifying Clinics include the following:**
- a. Adult Medicine
 - b. Family Practice
 - c. Language Specific
 - d. Positive Health (HIV)
 - e. Perioperative
 - f. Hematology-Oncology
 - g. Neurology
 - h. Med-Pain
 - i. Detention
 - j. Special Projects Qualifying

Clinics may be added or removed (due to a clinic no longer being needed or offered as determined by the County) from this list at Management’s discretion. Providers who have a qualifying clinic(s) that is eliminated from the list above will be able to add another qualifying clinic(s) from the list to maintain their status in the Primary Care Provider–Limited classification.

Psychiatrist – Adult - Exempt

Clinical Time Allocation.

- a. Ambulatory providers in this classification will be scheduled weekly.
- b. Hospital providers in this classification will be scheduled monthly.
- c. Providers working a full time schedule in this classification will work forty (40) hours weekly of scheduled clinical time.
- d. Providers must work one (1) weeknight clinic if assigned, per month. Providers will not be assigned to weeknight clinics until the County has attempted to staff the weeknight clinic first with volunteers or overtime assignments. “Weeknight” for the purpose of this section is defined as Monday – Thursday. Providers whose weekly scheduled clinical time in a month includes weeknight clinics are not required by this section to work an additional weeknight clinic during that month. Additionally, Providers whose

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weekly scheduled clinical time includes more than one weeknight clinic are not permitted to reduce their weeknight clinic assignments under this section.

Psychiatrist – Pediatric - Exempt

Clinical Time Allocation.

- a. Ambulatory providers in this classification will be scheduled weekly.
- b. Hospital providers in this classification will be scheduled monthly.
- c. Providers working a full time schedule in this classification will work forty (40) hours weekly of scheduled clinical time.
- d. Providers must work one (1) weeknight clinic if assigned, per month. Providers will not be assigned to weeknight clinics until the County has attempted to staff the weeknight clinic first with volunteers or overtime assignments. “Weeknight” for the purpose of this section is defined as Monday – Thursday. Providers whose weekly scheduled clinical time in a month includes weeknight clinics are not required by this section to work an additional weeknight clinic during that month. Additionally, Providers whose weekly scheduled clinical time includes more than one weeknight clinic are not permitted to reduce their weeknight clinic assignments under this section.

Psychiatrist – PES/Detention - Exempt

Clinical Time Allocation.

- a. Providers working in this classification will be scheduled monthly.
- b. Providers working full time in this classification will work forty (40) hours of scheduled clinical time per week.

Resident

Expectation of work will be in accordance with the Residency Director and Accreditation Council for Graduate Medical Education (ACGME) requirements.

6.9 Increase in Hours. Permanent-intermittent and permanent part-time employees who wish to have the hours of their position increased, must make a written request to the appointing authority during the months of April and/or October for the duration of the new MOU.

The Appointing Authority reviewing these requests will evaluate them within thirty (30) days of their receipt, considering among other matters the actual hours assigned to and worked by the employee during the previous 6 months, the anticipated continuing need for their assignment for additional hours and operational requirements.

Those requests which are approved by the department for an increase in hours will be submitted for consideration by the County as a P-300 request within an additional sixty (60) days. The employee will be notified in writing with an explanation of requests not approved. PDOCC will be copied on all denials.

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6.10 Time Stamping. Permanent Intermittent (hourly) employees must time stamp in and out as they begin and end their work shifts and take meal periods. Permanent full-time and part-time employees on a weekly schedule must report time off and time worked for special pays on the electronic timecard. Permanent full-time and part-time employees on a monthly schedule must report start and end times on each day worked, time off, and time worked for special pays on the electronic timecard.

6.11 Time Reporting and Pay Practices Waiver. PDOCC agrees to the implementation of an Automated Timekeeping System. PDOCC waives its right to meet and confer regarding any impacts that may result from the County's implementation of an automated timekeeping system, including but not limited to, changes to current departmental time reporting and pay practices. PDOCC agrees to convert from the current payroll cycle when the County is able to upgrade the current payroll system or implement a new County payroll system.

SECTION 7 - HOLIDAYS

7.1 Holidays Observed. The County will observe the following holidays:

- A. January 1st, known as New Year's Day
Third Monday in January known as Dr. M. L. King, Jr. Day
Third Monday in February, known as Presidents Day
The last Monday in May, known as Memorial Day
July 4th, known as Independence Day
First Monday in September, known as Labor Day
November 11th, known as Veterans Day
Fourth Thursday in November, known as Thanksgiving Day
The day after Thanksgiving
December 25th, known as Christmas Day

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

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

- B. Each full time employee will accrue two (2) hours of personal holiday leave per month. Each part time employee will accrue a pro-rated number of hours of personal holiday leave per month. No employee may accrue more than forty (40) hours of personal holiday leave. On separation from County service, an employee will be paid for any unused personal holiday leave at the employee's then current pay rate.
- C. Employees who are scheduled monthly shall have their obligate hours reduced by the number of holiday hours each month. Employees who are scheduled monthly and who work on any County observed holiday (as specified in Section 7.1.A), shall have those hours worked on the holiday count towards the employee's designated

position hours for that month.

7.2 Holiday is NOT Worked and Holiday Falls on Scheduled Work Day

- A. Holiday Observed – Full-Time Employees: Each full-time employee is entitled to observe a holiday (8 hours off work), without a reduction in pay whenever a holiday is observed by the County. When a full-time employee is scheduled to work less than eight (8) hours on a holiday and the employee observes the holiday, the employee is also entitled to receive flexible pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) for the difference between eight (8) hours and the hours the employee was scheduled to work on the holiday.

- B. Holiday Observed in Excess of Eight (8) hours – Full-Time Employees: When a holiday falls on a full-time employee’s scheduled workday, the employee is entitled to only eight (8) hours off work without a reduction in pay. If the workday is a ten (10) hour day, the employee must use two (2) hours of non-sick leave accruals. If the workday is a twelve (12) hour day, the employee must use four (4) hours of non-sick leave accruals. If the employee does not have any non-sick leave accrual balances, leave without pay (AWOP) will be authorized.

- C. Holiday Observed – Part-Time Employees: When a holiday is observed by the County, each part-time employee is entitled to observe the holiday in the same ratio as his/her number of position hours bears to forty (40) hours, multiplied by 8 (hours), without a reduction in pay. For example, a part-time employee whose position hours are 24 hours per week is entitled to 4.8 hours off work on a holiday (24/40 multiplied by 8 = 4.8). Hereinafter, the number of hours produced by this calculation will be referred to as the “Part-Time employee’s holiday hours.”

When the number of hours in a part time employee’s scheduled work day that falls on a holiday (“scheduled work hours”) is less than the employee’s “Part Time employee’s holiday hours,” the employee is also entitled to receive flexible pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) for the difference between the employee’s “scheduled work hours” and the employee’s “Part time employee’s holiday hours.”

When the number of hours in a part time employee’s scheduled work day that falls on a holiday (“scheduled work hours”) is more than the employee’s “Part Time employee’s holiday hours,” the employee must use non-sick leave accruals for the difference between the employee’s “scheduled work hours” and the employee’s “Part Time employee’s holiday hours.” If the employee does not have any non-sick leave accrual balances, leave without pay (AWOP) will be authorized.

7.3 Holiday is NOT Worked and Holiday Falls on Scheduled Day Off.

- A. Full-Time Employee: When a holiday is observed by the County on the scheduled day off of a full-time employee, the employee is entitled to take eight (8) hours off work, without a reduction in pay, in recognition of the holiday. The employee is also entitled to receive eight (8) hours of flexible pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) in recognition of his/her scheduled day

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off.

- B. Part-Time Employee: When a holiday is observed by the County on the scheduled day off of a part-time employee, the part-time employee is entitled to observe the holiday in the amount of the “Part-Time employee’s holiday hours,” without a reduction in pay, in recognition of the holiday. The employee is also entitled to receive flexible pay at the rate of 1.0 times his/her base rate of pay (not including differentials) in the amount of the “Part-Time employee’s holiday hours” in recognition of his/her scheduled day off.

7.4 Holiday is WORKED and Holiday Falls on Scheduled Work Day

- A. Full-Time Employee: When a full-time employee works on a holiday that falls on the employee’s scheduled work day, the employee is entitled to receive his/her regular salary. The employee is also entitled to receive holiday pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) for all hours worked up to a maximum of eight (8) hours. When a full-time employee is scheduled to work less than 8 hours on a holiday (short shift) and the employee works that short shift, the employee is also entitled to receive flexible pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) for the difference between eight (8) hours and the short shift hours. When a full-time employee is scheduled to work more than eight (8) hours on a holiday (long shift) and the employee works more than the long shift hours, the employee is entitled to receive straight time pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) for all hours worked beyond the long shift hours.
- B. Part-Time Employee: When a part-time employee works on a holiday that falls on the employee’s scheduled work day, the part-time employee is entitled to receive his/her regular salary. The part-time employee is also entitled to receive holiday pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) for all hours worked on the holiday, up to a maximum of eight (8) hours.

When a part-time employee is scheduled to work less than the employee’s “part-time employee’s holiday hours” on a holiday (short shift) and the employee works that short shift, the employee is also entitled to receive flexible pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) for the difference between the “Part-time employee’s holiday hours” and the short shift hours

When a part-time employee is scheduled to work more than his/her “part-time employee’s holiday hours” on a holiday (long shift) and the employee works more than the long shift hours, the employee is entitled to receive straight time pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) for all hours worked beyond the long shift hours.

7.5 Holiday is WORKED and Holiday Falls on Scheduled Day Off.

- A. Full-Time Employee: When a full-time employee works on a holiday that falls on the employee’s scheduled day off, the employee is entitled to receive his/her regular salary. The employee is also entitled to receive straight pay at the rate of one (1.0)

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times his/her base rate of pay (not including differentials) for all hours worked on the holiday. The employee is also entitled to receive eight (8) hours of flexible pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) in recognition of his/her scheduled day off.

- B. Part-Time Employee: When a part-time employee works on a holiday that falls on the employee's scheduled day off, the employee is entitled to receive his/her regular salary. The part-time employee is also entitled to receive straight time pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) for all hours worked on the holiday. The part-time employee is also entitled to receive flexible pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) multiplied by the amount of the "Part-time employee's holiday hours" in recognition of his/her scheduled day off.

7.6 Permanent Intermittent Employee.

Holiday is Worked: Permanent intermittent employees who work on a holiday are entitled to receive straight time pay at the rate of one (1.0) times his/her base rate of pay (not including differentials) for all hours worked on the holiday.

SECTION 8 - VACATION LEAVE

8.1 Vacation Allowance.

- A. Exempt Medical Staff members in permanent positions are entitled to vacations with pay which accrue according to, and may be cumulated to maximums set forth in the table below. Accrual is by hours of working time per calendar month of service and begins on the date of appointment to a permanent position, except that increased accruals granted in recognition of long service being on the first of the month following the month in which the Exempt Medical Staff Member accrues the time set forth in Subsection (b), and except that accrual for portions of a month shall be in minimum amounts of one-tenth hour calculated on the same basis as for partial month compensation pursuant to Section 5.6 – Compensation for Portion of Month. Vacation credits may be used only after completion of six months service in a permanent position but may be used by Exempt Medical Staff Members to supplement exhausted sick leave in cases of absence during the first six months, and in addition, by Exempt Medical Staff Resident Physicians in order to reconcile vacation schedules to training needs.

An Exempt Medical Staff Resident Physician who is required by the Department to schedule his/her vacation at the sole convenience of the Department in order to accommodate training needs shall have the equivalent of one (1) year's accrual of vacation credited at the beginning of each fiscal year's training program to accommodate Departmental vacation scheduling prior to regular accruals on a monthly basis. Exempt Medical Staff Resident Physicians may utilize this vacation account credit in advance of the date the vacation is regularly accrued under the provisions applying to all Exempt Medical Staff Physicians.

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However, Resident Physicians who terminate before the end of a fiscal year's training program shall have their vacation credit account adjusted downward to equal the pro rata vacation they would have accrued on the regular accrual plan. If a Resident Physician uses vacation accruals in excess of the adjusted entitlement computed effective on his/her separation, the Resident shall reimburse the County for the excess vacation accruals taken at his/her then current pay rate.

No vacation shall be allowed in excess of actual accrual at the time vacation is taken. On separation from County service Exempt Medical Staff Members shall be paid for any unused vacation credits at their then current pay rate.

- B. The rates at which vacation credits accrue, and the maximum cumulation thereof, are as follows:

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

8.2 Accrual During Leave Without Pay. No employee who has been granted a leave without pay or unpaid military leave shall accrue any vacation credit during the time of such leave, nor shall an employee who is absent without pay accrue vacation credit during the absence.

8.3 Vacation Allowance for Separated Employees. On separation from County service, an employee shall be paid for any unused vacation credits at the employee's then current pay rate.

8.4 Vacation Preference. Vacation requests for unit members in the Hospital and Clinics which are received in the Medical Staff Office at least thirty-five (35) days in advance will be responded to within ten days of receipt of the request and will be approved or denied based on the overall staffing considerations for the time requested. Vacation requests which are received less than thirty-five (35) days in advance will also be considered but preference will be given to those requests submitted with more than thirty-five (35) days advance notice. Approved vacations will not be canceled except under extreme circumstances.

SECTION 9 - SICK LEAVE

9.1 Purpose of Sick Leave. The primary purpose of paid sick leave is to ensure employees against loss of pay for temporary absences from work due to illness or injury. It is a benefit extended by the County and may be used only as authorized; it is not paid time off which employees may use for personal activities.

9.2 Credits to and Charges Against Sick Leave. Sick leave credits accrue at the rate of eight (8) working hours credit for each completed month of service, as prescribed by County Salary Regulations and Memoranda of Understanding. Employees who work a portion of a month are entitled to a pro rata share of the monthly sick leave credit computed on the same basis as is partial month compensation.

Credits to and charges against sick leave are made in minimum amounts of one-tenth hour (6 minutes) increments.

Unused sick leave credits accumulate from year to year.

When an employee is separated other than through retirement, accumulated sick leave credits shall be cancelled unless separation is involuntary and related to budget reductions, in which case the employee may petition the County to restore accumulated credits if that employee is reemployed within two years.

As of the date of retirement, an employee's accumulated sick leave is converted to retirement on the basis of one day of retirement service credit for each day of accumulated sick leave credit.

9.3 Policies Governing the Use of Paid Sick Leave. As indicated above, the primary purpose of paid sick leave is to ensure employees against loss of pay for temporary absences from work due to illness or injury. The following definitions apply:

Immediate Family means and includes only the spouse, son, stepson, daughter, stepdaughter, father, stepfather, mother, stepmother, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, foster children, aunt, uncle, niece, nephew, cousin, stepbrother, stepsister, or domestic partner of an employee and/or includes any other person for whom the employee is the legal guardian or conservator, or any person who is claimed as a "dependent" for IRS reporting purposes by the employee.

Employee means any person employed by Contra Costa County in an allocated position in the County service.

Paid Sick Leave Credits means those sick leave credits provided for by County Salary Regulations and memoranda of understanding.

Condition/Reason: With respect to necessary verbal contacts and confirmations which occur between the department and the employee when sick leave is requested or verified, a brief statement in non-technical terms from the employee regarding inability to work due to injury or illness is sufficient.

Accumulated paid sick leave credits may be used, subject to appointing authority approval, by an employee in pay status, but only in the following instances:

- a. Temporary Illness or Injury of an Employee. Paid sick leave credits may be used when the employee is off work because of a temporary illness or injury.

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- b. Permanent Disability Sick Leave. Permanent disability means the employee suffers from a disabling physical injury or illness and is thereby prevented from engaging in any County occupation for which the employee is qualified by reason of education, training or experience. Sick leave may be used by permanently disabled employees until all accruals of the employee have been exhausted or until the employee is retired by the Retirement Board, subject to the following conditions:
1. An application for retirement due to disability has been filed with the Retirement Board.
 2. Satisfactory medical evidence of such disability is received by the appointing authority within thirty (30) days of the start of use of sick leave for permanent disability.
 3. The appointing authority may review medical evidence and order further examination as deemed necessary, and may terminate use of sick leave when such further examination demonstrates that the employee is not disabled, or when the appointing authority determines that the medical evidence submitted by the employee is insufficient, or where the above conditions have not been met.
- c. Communicable Disease. An employee may use paid sick leave credits when under a physician's order to remain secluded due to exposure to a communicable disease.
- d. Sick Leave Utilization for Pregnancy Disability. Employees whose disability is caused or contributed to by pregnancy, miscarriage, abortion, childbirth, or recovery therefrom, shall be allowed to utilize sick leave credit to the maximum accrued by such employee during the period of such disability under the conditions set forth below:
1. Application for such leave must be made by the employee to the appointing authority accompanied by a written statement of disability from the employee's attending physician. The statement must address itself to the employee's general physical limitations having considered the nature of the work performed by the employee, and it must indicate the date of the commencement of the disability as well as the date the physician anticipates the disability to terminate.
 2. If an employee does not apply for leave and the appointing authority believes that the employee is not able to properly perform her work or that her general health is impaired due to disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery therefrom the employee shall be required to undergo a physical examination by a physician selected by the County. Should the medical report so recommend, a mandatory leave shall be imposed upon the employee for the duration of the disability.
 3. Sick leave may not be utilized after the employee has been released from the hospital unless the employee has provided the County with a written

statement from her attending physician stating that her disability continues and the projected dates of the employee's recovery from such disability.

- e. Medical and Dental Appointments. An employee may use paid sick leave credits:
 - 1. For working time used in keeping medical and dental appointments for the employee's own care; and
 - 2. For working time used by an employee for prescheduled medical and dental appointments for an immediate family member.
- f. Emergency Care of Family. An employee may use paid sick leave credits for working time used in cases of illness or injury to an immediate family member.
- g. Death of Family Member. An employee may use paid sick leave credits for working time used because of a death in the employee's immediate family or of the employee's domestic partner, but this shall not exceed three working days, plus up to two days of work time for necessary travel. Use of additional accruals including sick leave when appropriate may be authorized in conjunction with the bereavement leave at the discretion of the appointing authority.
- h. Legal Adoption of a Child. Paid sick leave credits may be used by an employee upon adoption of the child.
- i. Accumulated paid sick leave credits may not be used in the following situations:
 - 1. Vacation. Paid sick leave credits may not be used for an employee's illness or injury which occurs while he/she is on vacation but the County Administrator may authorize it when extenuating circumstances exist and the appointing authority approves.
 - 2. Not in Pay Status. Paid sick leave credits may not be used when the employee would otherwise be eligible to use paid sick leave credits but is not in pay status.

9.4 Administration of Sick Leave. The proper administration of sick leave is a responsibility of the employee and the department head. Unless otherwise provided in the supplemental sections of this MOU, the following procedures apply:

- a. Employee Responsibilities
 - 1. Employees are responsible for notifying their department of an absence prior to the commencement of their work shift or as soon thereafter as possible. Notification shall include a statement that the absence is due to a medical condition and possible duration of the absence.
 - 2. Employees are responsible for keeping their department informed on a continuing basis of their condition and probable date of return to work.

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3. Employees are responsible for obtaining advance approval from their supervisor for the scheduled time of pre-arranged personal or family medical and dental appointment.
 4. Employees are encouraged to keep the department advised of (1) a current telephone number to which sick leave related inquiries may be directed, and (2) any condition(s) and/or restriction(s) that may reasonably be imposed regarding specific locations and/or persons the department may contact to verify the employee's sick leave.
- b. Department Responsibilities. The use of sick leave may properly be denied if these procedures are not followed. Abuse of sick leave on the part of the employee is cause for disciplinary action.

Departmental approval of sick leave is a certification of the legitimacy of the sick leave claim. The department head or designee may make reasonable inquiries about employee absences. The department may require medical verification for an absence of three (3) or more working days. The department may also require medical verification for absences of less than three (3) working days for probable cause if the employee had been notified in advance in writing that such verification was necessary. Inquiries may be made in the following ways:

1. Calling the employee's residence telephone number or other contact telephone number provided by the employee if telephone notification was not made in accordance with departmental sick leave call-in guidelines. These inquiries shall be subject to any restrictions imposed by the employee.
2. Obtaining the employee's signature on the Absence/Overtime Record, or on another form established for that purpose, as employee certification of the legitimacy of the claim.
3. Obtaining the employee's written statement regarding the sick leave claim and duration.
4. Requiring the employee to obtain a physician's certificate or verification of the employee's illness, date(s) the employee was incapacitated, and the employee's ability to return to work, as specified above.
5. In absences of an extended nature, requiring the employee to obtain from their physician a statement of progress and anticipated date on which the employee will be able to return to work, as specified above.

Department heads are responsible for establishing timekeeping procedures which will insure the submission of a time card covering each employee absence and for operating their respective offices in accordance with these policies and with clarifying regulations issued by the Office of the County Administrator.

To help assure uniform policy application, the Human Resources Director or designated management staff of the County Human Resources Department should be contacted with respect to sick leave determinations about which the department is in doubt.

9.5 Disability.

- A. An employee physically or mentally incapacitated for the performance of duty is subject to dismissal, suspension or demotion, subject to the County Employees Retirement Law of 1937. An appointing authority after giving notice may place an employee on leave if the appointing authority has filed an application for disability retirement for the employee, or whom the appointing authority believes to be temporarily or permanently physically or mentally incapacitated for the performance of the employee's duties.
- B. An appointing authority who has reasonable cause to believe that there are physical or mental health conditions present in an employee which endanger the health or safety of the employee, other employees, or the public, or which impair the employee's performance of duty, may order the employee to undergo at County expense and on the employees paid time a physical, medical examination by a licensed physician and/or a psychiatric examination by a licensed physician or psychologist, and receive a report of the findings on such examination. If the examining physician or psychologist recommends that treatment for physical or mental health problems, including leave, are in the best interests of the employee or the County in relation to the employee overcoming any disability and/or performing his or her duties the appointing authority may direct the employee to take such leave and/or undergo such treatment.
- C. Leave due to temporary or permanent disability shall be without prejudice to the employee's right to use sick leave, vacation, or any other benefit to which the employee is entitled other than regular salary. The Human Resources Director may order lost pay restored for good cause and subject to the employee's duty to mitigate damages.
- D. Before an employee returns to work from any absence for illness or injury, other leave of absence or disability leave, exceeding two weeks in duration, the appointing authority may order the employee to undergo at County expense a physical, medical, and/or psychiatric examination by a licensed physician, and may consider a report of the findings on such examination. If the report shows that such employee is physically or mentally incapacitated for the performance of duty, the appointing authority may take such action as he/she deems necessary in accordance with appropriate provisions of this MOU.

9.6 Workers' Compensation. A permanent non-safety employee shall continue to receive the appropriate percent of regular monthly salary during any period of compensable temporary disability absence not to exceed one year. For all accepted claims filed with the County on or after January 1, 2008, the percentage of regular monthly salary for employees entitled to Workers' Compensation shall be seventy-five percent (75%). If

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Workers' Compensation becomes taxable, the parties shall meet and confer with respect to the salary continuation and funding of the increased cost.

- A. Waiting Period. There is a three (3) calendar day waiting period before Workers' Compensation benefits commence. If the injured worker loses any time on the day of injury, that day counts as day one (1) of the waiting period. If the injured worker does not lose time on the date of injury, the waiting period will be the first three (3) calendar days the employee does not work as a result of the injury. The time the employee is scheduled to work during this waiting period will be charged to the employee's sick leave and/or vacation accruals. In order to qualify for Workers' Compensation the employee must be under the care of a physician. Temporary compensation is payable on the first three (3) days of disability when the injury necessitates hospitalization, or when the disability exceeds fourteen (14) days.
- B. Continuing Pay. A permanent employee shall receive the appropriate percentage as outlined above of regular monthly salary during any period of compensable temporary disability not to exceed one year. Payment of continuing pay and/or temporary disability compensation shall be made in accordance with Part 2, Article 3 of the Workers' Compensation Laws of California. "Compensable temporary disability absence" for the purpose of this Section, is any absence due to work connected disability which qualifies for temporary disability compensation as set forth in Part 2, Article 3 of the Workers' Compensation Laws of California. When any disability becomes medically permanent and stationary and/or reaches maximum medical improvement, the salary provided by this Section shall terminate. No charge shall be made against sick leave or vacation for these salary payments. Sick leave and vacation rights shall not accrue for those periods during which continuing pay is received.
- Employees shall be entitled to a maximum of one (1) year of continuing pay benefits for any one injury or illness.
- C. Continuing pay begins at the same time that temporary Workers' Compensation benefits commence and continues until either the member is declared medically permanent/stationary and/or reaches maximum medical improvement, or until one (1) year of continuing pay, whichever comes first provided the employee remains in an active employed status. Continuing pay is automatically terminated on the date an employee is separated from County service by resignation, retirement, layoff, or the employee is no longer employed by the County. In these instances, employees will be paid Workers' Compensation benefits as prescribed by Workers' Compensation laws. All continuing pay will be cleared through the County Administrator's Office, Risk Management Division.

Whenever an employee who has been injured on the job and has returned to work is required by an attending physician to leave work for treatment during working hours, the employee shall be allowed time off up to three (3) hours for such treatment without loss of pay or benefits, provided the employee notifies his/her supervisor of the appointment at least three (3) working days prior to the appointment or as soon as the employee becomes aware the appointment has been made. Said visits are to be scheduled contiguous to either the beginning or

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end of the scheduled work day whenever possible. This provision applies only to injuries/illnesses that have been accepted by the County as work related.

- D. If an injured employee remains eligible for temporary disability beyond one year, applicable salary will continue by integrating sick leave and/or vacation accruals with workers' compensation benefits (vacation charges to be approved by the department and the employee). If salary integration is no longer available, workers' compensation benefits will be paid directly to the employee as prescribed by workers' compensation laws.
- E. Health Insurance. The County contribution to the employee's group insurance plan(s) continues during the continuing pay period and during integration of sick leave or vacation with workers' compensation benefits.
- F. Method of Integration. An employee's sick leave and/or vacation charges shall be calculated as follows:

$$C = 8 [1 - (W \div S)]$$

C = Sick leave or vacation charge per day (in hours)

W = Statutory Workers' Compensation for a month

S = Monthly salary

For example: W = \$960.00/mo. Workers' Compensation

S = \$1667.00 per month salary

8 = 8 hours

C = Hours to be charged to Sick Leave

C = $8 [1 - (\$960 \div \$1,667)]$

C = $8 [1 - (.5758)]$

C = $8 (.4242)$

C = 3.39

3 hours chargeable to sick leave

5 hours chargeable to Workers' Comp.

9.7 Accrual During Leave Without Pay. No employee who has been granted a leave without pay or an unpaid military leave shall accrue any sick leave credits during the time of such leave nor shall an employee who is absent without pay accrue sick leave credits during the absence.

9.8 State Disability Insurance. Upon notification from PDOCC of the bargaining unit decision to participate in the California State Disability Insurance (SDI) program, the County will work with PDOCC to facilitate participation.

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10.1 Leave Without Pay. Any employee who has permanent status may be granted a leave of absence without pay upon written request, approved by the appointing authority; provided, however, that leaves for pregnancy, pregnancy disability, serious health

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conditions, and family care shall be granted in accordance with applicable state and federal law.

10.2 General Administration - Leaves of Absence. Requests for leave of absence without pay shall be made upon forms prescribed by the Director of Human Resources and shall state specifically the reason for the request, the date when it is desired to begin the leave, and the probable date of return.

Insofar as pregnancy disability leave is used under Section 9.3.d – Sick Leave Utilization for Pregnancy Disability, that time will not be considered a part of the eighteen (18) week family leave period. Additionally, an employee may choose to remain in a pay status by using available sick leave (under conditions specified in Section 9.3 - Policies Governing the Use of Paid Sick Leave), vacation, floating holiday or compensatory time off entitlements during the eighteen (18) week family leave; however, use of accruals must be on a continuous basis from the beginning of the family leave period and may not be broken into segments used on a monthly basis. Family leave must be requested at least thirty (30) days prior to the scheduled leave commencement date unless an exigency arises.

- A. Leave without pay may be granted for any of the following reasons:
1. illness, disability, or serious health condition;
 2. pregnancy or pregnancy disability;
 3. family care;
 4. to take a course of study such as will increase the employee's usefulness on return to the position;
 5. for other reasons or circumstances acceptable to the appointing authority.
- B. An employee must request family care leave at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable. If the need is not foreseeable, the employee must provide written notice to the employer within five (5) days of learning of the event by which the need for family care leave arises.
- C. A leave without pay may be for period not to exceed one (1) year, provided the appointing authority may extend such leave for additional periods. Procedure in granting extensions shall be the same as that in granting the original leave, provided that the request for extension must be made not later than thirty (30) calendar days before the expiration of the original leave.
- D. Nevertheless, a leave of absence for the employee's serious health condition or for family care (FMLA) shall be granted to an employee who so requests it for up to eighteen (18) weeks during a "rolling" twelve (12) month period measured backward from the date the employee uses his/her FMLA leave in accordance with Section 10.4 - Family Care Leave or Medical Leave, below.

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- E. Whenever an employee who has been granted a leave without pay desires to return before the expiration of such leave, the employee shall submit a request to the appointing authority in writing at least fifteen (15) days in advance of the proposed return. Early return is subject to prior approval by the appointing authority. The Human Resources Department shall be notified promptly of such return.
- F. Except in the case of leave of absence due to family care, pregnancy, pregnancy disability, illness, disability, or serious health condition, the decision of the appointing authority on granting or denying leave or early return from leave shall be subject to appeal to the Human Resources Director and not subject to appeal through the grievance procedure set forth in this MOU.

10.3 Military Leave. Any employee who is ordered to serve as a member of the State Militia or the United States Army, Navy, Air Force, Marine Corps, Coast Guard or any division thereof shall be granted a military leave for the period of such service, plus ninety (90) days. Additionally, any employee who volunteers for service during a mobilization under Executive Order of the President or Congress of the United States and/or the State Governor in time of emergency, shall be granted a leave of absence in accordance with applicable federal or state laws. Upon the termination of such service or upon honorable discharge, the employee shall be entitled to return to his/her position in the classified service provided such still exists and the employee is otherwise qualified, without any loss of standing of any kind whatsoever.

An employee who has been granted a military leave shall not, by reason of such absence, suffer any loss of vacation, holiday, or sick leave privileges which may be accrued at the time of such leave, nor shall the employee be prejudiced thereby with reference to salary adjustments or continuation of employment. For purposes of determining eligibility for salary adjustments, time on military leave shall be considered as time in County service.

Any employee who has been granted a military leave, may upon return, be required to furnish such evidence of performance of military service or of honorable discharge as the Director of Human Resources may deem necessary.

10.4 Family Care Leave or Medical Leave. Upon request to the appointing authority, during a "rolling" twelve (12) month period measured backward from the date the employee uses his/her FMLA leave, any employee who has permanent status shall be entitled to at least eighteen (18) weeks (less if so requested by the employee) leave for:

- a. Medical leave of absence for the employee's own serious health condition which makes the employee unable to perform the functions of the employee's position; or
- b. family care leave of absence without pay for reason of the birth of a child of the employee, the placement of a child with an employee in connection with the adoption or foster care of the child by the employee, or the serious illness or health condition of a child, parent, spouse, or domestic partner of the employee.

The employee may be asked to provide certification of the need for family care leave or medical leave. Additional period(s) of family care or medical leave may be granted by the appointing authority.

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The eighteen (18) weeks' entitlement may be in broken periods, intermittently on a regular or irregular basis, or may include reduced work schedules depending on the specific circumstances and situations surrounding the request for leave. The eighteen (18) weeks may include use of appropriate available paid leave accruals when accruals are used to maintain pay status, but use of such accruals is not required beyond that specified in Section 10.8 - Leave Without Pay-Use of Accruals, below. When paid leave accruals are used for a medical or family care leave, such time shall be counted as part of the eighteen (18) week entitlement.

In the situation where husband and wife are both employed by the County, the family care or medical leave entitlement based on the birth, adoption or foster care of a child is limited to an aggregate for both employees together of eighteen (18) weeks during a "rolling" twelve (12) month period measured backward from the date the employee uses his/her FMLA leave. Employees requesting family care leave are required to advise their appointing authority(ies) when their spouse is also employed by the County.

For medical and family care leaves of absence under this section, the following definitions apply:

Child: A biological, adopted, or foster child, stepchild, legal ward, conservatee or a child who is under eighteen (18) years of age for whom an employee stands in loco parentis or for whom the employee is the guardian or conservator or an adult dependent child of the employee.

Parent: A biological, foster, or adoptive parent, a stepparent, legal guardian, conservator, or other person standing in loco parentis to a child.

Spouse: A partner in marriage as defined in California Civil Code Section 4100.

Domestic Partner: An unmarried person, eighteen (18) years or older, to whom the employee is not related and with whom the employee resides and shares the common necessities of life.

Serious Health Condition: An illness, injury, impairment, or physical or mental condition which warrants the participation of a family member to provide care during a period of treatment or supervision and involves either inpatient care in a hospital, hospice or residential health care facility or continuing treatment or continuing supervision by a health care provider (e.g., physician or surgeon) as defined by state and federal law.

Certification for Family Care Leave: A written communication to the employer from a health care provider of a person for whose care the leave is being taken which need not identify the serious health condition involved, but shall contain:

1. the date, if known, on which the serious health condition commenced;
2. the probable duration of the condition;
3. an estimate of the amount of time which the employee needs to render care or supervision;

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4. a statement that the serious health condition warrants the participation of a family member to provide care during a period of treatment, or supervision;
5. if for intermittent leave or a reduced work schedule leave, the certification should indicate that the intermittent leave or reduced leave schedule is necessary for the care of the individual or will assist in their recovery, and its expected duration.

Certification for Medical Leave: A written communication from a health care provider of an employee with a serious health condition or illness, to the employer, which need not identify the serious health condition involved, but shall contain:

1. the date, if known, on which the serious health condition commenced;
2. the probable duration of the condition;
3. a statement that the employee is unable to perform the functions of the employee's job;
5. if for intermittent leave or a reduced work schedule leave, the certification should indicate the medical necessity for the intermittent leave or reduced leave schedule and its expected duration.

Comparable Position: A position with the same or similar duties and pay which can be performed at the same or similar geographic location as the positions held prior to the leave. Ordinarily, the job assignment will be the same duties in the same program area located in the same city, although specific clients, caseload, co-workers, supervisor(s), or other staffing may have changed during an employee's leave.

10.5 Pregnancy Disability Leave. Insofar as pregnancy disability leave is used under Section 9.3.d - Sick Leave Utilization for Pregnancy Disability, that time will not be considered a part of the eighteen (18) week family care leave period.

10.6 Group Health Plan Coverage. Employees who were members of one of the group health plans prior to commencement of their leave of absence can maintain their health plan coverage with the County contribution by maintaining their employment in pay status as described in Section 10.8 - Leave Without Pay-Use of Accruals, below. During the eighteen (18) weeks of an approved medical or family care leave under Section 10.4 - Family Care Leave or Medical Leave, above the County will continue its contribution for such health plan coverage even if accruals are not available for use to maintain pay status as required under Section 10.8. In order to maintain such coverage, employees are required to pay timely the full employee contribution to maintain their group health plan coverage, either through payroll deduction or by paying the County directly.

10.7 Unauthorized Absence. An unauthorized absence from the work site or failure to report for duty after a leave request has been disapproved, revoked, or cancelled by the appointing authority, or at the expiration of a leave, shall be without pay. Such absence may also be grounds for disciplinary action.

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10.8 Leave Without Pay - Use of Accruals.

- A. All Leaves of Absence. During the first twelve (12) month period of any leave of absence without pay, an employee may elect to maintain pay status each month by using available sick leave (if so entitled under Section 9.3 - Policies Governing the Use of Paid Sick Leave), vacation, floating holiday, compensatory time off or other accruals or entitlements; in other words, during the first twelve (12) months, a leave of absence without pay may be "broken" into segments and accruals used on a monthly basis at the employee's discretion. After the first twelve (12) months, the leave period may not be "broken" into segments and accruals may not be used, except when required by LTD Benefit Coordination or as provided in the sections below.
- B. Family Care or Medical Leave. During the eighteen (18) weeks of an approved medical or family care leave, if a portion of that leave will be on a leave of absence without pay, the employee will be *required* to use *at least* 0.1 hour of sick leave (if so entitled under Section 9.3 - Policies Governing the Use of Paid Sick Leave), vacation, floating holiday, compensatory time off or other accruals or entitlements if such are available, although use of additional accruals is permitted under subsection A above.
- C. Leave of Absence/Long Term Disability (LTD) Benefit Coordination. An eligible employee who files an LTD claim and concurrently takes a leave of absence without pay will be required to use accruals as provided in Section B herein during the eighteen (18) week entitlement period of a medical leave specified in Section 10.4 - Family Care Leave or Medical Leave above. If an eligible employee continues beyond the eighteen (18) week entitlement period on a concurrent leave of absence/LTD claim, the employee may choose to maintain further pay status only as allowed under subsection A herein.
- D. Sick leave accruals may not be used during any leave of absence, except as allowed under Section 9.3 - Policies Governing the Use of Paid Sick Leave.

10.9 Leave of Absence Replacement and Reinstatement. Any permanent employee who requests reinstatement to the classification held by the employee in the same department at the time the employee was granted a leave of absence, shall be reinstated to a position in that classification and department.

10.10 Reinstatement from Family Care Medical Leave. In the case of a family care or medical leave, an employee on a 5/40 schedule shall be reinstated to the same or comparable position if the return to work is after no more than 90 work days of leave from the initial date of a continuous leave, including use of accruals, or within the equivalent on an alternate work schedule. A full time employee taking an intermittent or reduced work schedule leave shall be reinstated to the same or comparable position if the return to work on a full schedule is after no more than 720 hours, including use of accruals, of intermittent or reduced schedule leave. At the time the original leave is approved, the appointing authority shall notify the employee in writing of the final date to return to work, or the maximum number of hours of leave, in order to guarantee reinstatement to the same or

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comparable position. An employee on a schedule other than 5/40 shall have the time frame for reinstatement to the same or comparable position adjusted on a pro rata basis.

10.11 Salary Review While on Leave of Absence. The salary of an employee who is on leave of absence from a County position on any anniversary date and who has not been absent from the position on leave without pay more than six (6) months during the preceding year shall be reviewed on the anniversary date. Employees on military leave shall receive salary increments that may accrue to them during the period of military leave.

10.12 Furlough Days Without Pay. Subject to the prior written approval of the appointing authority, employees may elect to take furlough days or hours without pay (pre-authorized absence without pay), up to a maximum of fifteen (15) calendar days for any one period. Longer pre-authorized absences without pay are considered leaves of absence without pay. Employees who take furlough time shall have their compensation for the portion of the month worked computed in accord with Section 5.6 - Compensation for Portion of Month of this MOU. Full time and part time employees who take furlough time shall have their vacation, sick leave, floating holiday and any other payroll-computed accruals computed as though they had worked the furlough time. When computing vacation, sick leave, floating holiday and other accrual credits for employees taking furlough time, this provision shall supersede Section 7 - Holidays, Subsection 7.1.b, Section 8 - Vacation Allowance, and Section 9 - Sick Leave, of this MOU regarding the computation of vacation, sick leave, floating holiday and other accrual credits as regards furlough time only. For payroll purposes, furlough time (absence without pay with prior authorization of the appointing authority) shall be reported separately from other absences without pay to the Auditor-Controller. The existing VTO program shall be continued for the life of the contract.

10.13 Unpaid Sabbatical Leave. Unit members with six (6) years or more of service credit may take up to 120 calendar days of unpaid leave of absence every six (6) years, if an appropriate fill-in provider is available to assume the unit member's regular responsibilities. This leave is subject to the approval of the Health Services Director or designee who will consider the timing of the leave and the suitability of the replacement clinician. This provision is not grievable.

Employees on unpaid sabbatical leave shall not accrue any vacation, floating holiday or sick leave credit during this time, nor shall they be paid for County holidays. In order to continue their health benefits during this time, the employee must pay both the County and their share of the health care premium cost.

Employees must request such leave in writing to the Health Services Director, including the dates of leave and name of fill-in provider(s), at least ninety (90) calendar days before the beginning of requested leave. Management will provide a written reply within thirty (30) calendar days of the date of receipt of the request, including an explanation if the request is denied.

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11.1 Jury Duty. For purposes of this Section, jury duty shall be defined as any time an employee is obligated to report to the court.

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- a. When called for jury duty, County employees, like other citizens, are expected to discharge their jury duty responsibilities.
- b. Employees shall advise their department as soon as possible if scheduled to appear for jury duty.
- c. If summoned for jury duty in a Superior, Federal Court, or for a Coroner's jury, employees may remain in their regular pay status, or they may take paid leave (vacation, floating holiday, etc.) or leave without pay and retain all fees and expenses paid to them.
- d. When an employee is summoned for jury duty selection or is selected as a juror in a Superior or Federal Court, employees may remain in a regular pay status if they waive all fees (other than mileage), regardless of shift assignment and the following shall apply:
 1. If an employee elects to remain in a regular pay status and waive or surrender all fees (other than mileage allowances), the employee shall obtain from the Clerk or Jury Commissioner a certificate indicating the days attended and noting that fees other than mileage are waived or surrendered. The employee shall furnish the court certificate to his/her department where it shall be retained as a department record. No "Absence/Overtime Record" must be submitted to the department payroll clerk.
 2. An employee who elects to retain all fees must take leave (vacation, floating holiday, etc.) or leave without pay. No court certificate is required but an "Absence/Overtime Record" must be submitted to the department payroll clerk.
- e. Employees are not permitted to engage in any employment regardless of shift assignment or occupation before or after daily jury service that would affect their ability to properly serve as jurors.
- f. An employee on short notice standby to report to court, whose job duties make short notice response impossible or impractical, shall be given alternate work assignments for those days to enable them to respond to the court on short notice.
- g. When an employee is required to serve on jury duty, the County will adjust that employee's work schedule to coincide with a Monday to Friday schedule for the remainder of their service, unless the employee requests otherwise. Participants in 9/80 or 4/10 work schedules will not receive overtime or compensatory time credit for jury duty on their scheduled days off.
- h. Permanent-intermittent employees are entitled to paid jury duty leave only for those days on which they were previously scheduled to work.

11.2 Witness Duty. Employees called upon as a witness or an expert witness in a case arising in the course of their work or the work of another department may remain in their regular pay status and turn over to the County all fees and expenses paid to them other

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than mileage allowance or they may take vacation leave or leave without pay and retain all fees and expenses. Part-time employees who give depositions on a regular day off will be paid at the straight time rate. Scheduling of depositions which would incur premium pay shall be at the discretion of the appointing authority or designee.

Employees called to serve as witnesses in private cases or personal matters (e.g., accident suits and family relations) shall take vacation leave or leave without pay and retain all witness fees paid to them.

Employees shall advise their department as soon as possible if scheduled to appear for witness duty. Permanent-intermittent employees are entitled to paid witness duty only for those days on which they were previously scheduled to work.

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12.1 Health Plan Coverages. The County will provide medical and dental coverage for permanent employees regularly scheduled to work twenty (20) or more hours per week and for their eligible family members, expressed in one of the Medical Plan contracts and one of the Dental Plan contracts between the County and the following providers:

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

Medical Plans:

All employees have access to the following medical plans:

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

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

In the event that one of the medical plans listed above meets the criteria for a high cost employer-sponsored health plan that may be subject to an excise penalty (a.k.a. Cadillac Tax) under the federal Patient Protection and Affordable Care Act (“ACA”) (42 U.S.C. § 18081), the Joint Labor/Management Benefit Committee will meet to consider plan design and other changes in an effort to mitigate the negative impact of the excise penalty. If the Committee is unable to make sufficient plan changes and the plan(s) continue to meet the criteria for high cost employer-sponsored health plan(s), such plan(s) will be eliminated for all employees.

12.2 County Health and Dental Plan Monthly Premium Subsidy:

- A. County Premium Subsidy: The amount of the County subsidy that is paid for employees and eligible family members is a set dollar amount and is not a

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percentage of the premium charged by the plan. The County will pay the following monthly premium subsidy:

<u>Health & Dental Plans</u>	<u>Employee</u>	<u>Employee +1 Dependent</u>	<u>Employee +2 or More Dependents</u>
Contra Costa Health Plans (CCHP), Plan A	\$600.51	\$1,430.76	\$1,430.76
Contra Costa Health Plans (CCHP), Plan B	\$611.34	\$1,452.65	\$1,452.65
Kaiser Permanente Health Plans	\$614.78	\$1,432.42	\$1,432.42
Health Net HMO Plans	\$853.92	\$2,094.74	\$2,094.74
Health Net PPO Plans	\$753.81	\$753.81	\$1,790.70
Delta Dental PPO with CCHP A or B	\$41.60	\$93.72	\$93.72
Delta Dental PPO with Kaiser or Health Net	\$33.11	\$74.59	\$74.59
Delta Dental PPO without a Health Plan	\$42.44	\$95.62	\$95.62
DeltaCare HMO with CCHP A or B	\$28.48	\$61.55	\$61.55
DeltaCare HMO with Kaiser or Health Net	\$22.67	\$48.99	\$48.99
DeltaCare HMO without a Health Plan	\$29.05	\$62.80	\$62.80

- B. If the County contracts with a health and/or dental plan provider not listed above, the amount of the premium subsidy that the County will pay to that health and/or dental plan provider for employees and their eligible family members shall not exceed the amount of the premium subsidy that the County would have paid to the former plan provider.
- C. In the event that the County premium subsidy amounts are greater than one hundred percent (100%) of the applicable premium of any medical or dental plan, for any plan year, the County’s contribution will not exceed one hundred percent (100%) of the applicable plan premium.
- D. Joint Labor/Management Benefit Committee.
1. The Unions and County agree to create a Joint Labor/Management Benefit Committee (“Benefit Committee”). The Benefit Committee will be composed of two (2) representatives (not including Union/Association staff) from each Union/Association in the County and Management representatives to be determined. The Benefit Committee replaces the existing Healthcare Oversight Committee. The existing Healthcare Coalition will remain, but may meet quarterly.
 2. The Benefit Committee will convene in order to 1) select a replacement medical or dental plan in the event that a plan listed in this Section 12 is no longer available; 2) design a wellness program; 3) discuss future medical, dental, or vision plan design; or 4) assess the future impact of any excise tax pursuant to the federal Patient Protection and Affordable Care Act (“ACA”) (42 U.S.C. § 18081) on any high cost medical plans offered by the County. If the Benefit Committee is selecting a replacement medical or dental plan for a plan that is no longer available, the selection must be unanimously agreed upon by the Union/Association representatives on the Committee and any such selected plan

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will be available to employees represented by the Unions and incorporated into their respective MOUs after ratification by each Union/Association.

3. Immediately upon adoption of an overall contract extension package agreement, the County and the Coalition Union/Association Benefit Committee representatives will work together as equal partners to 1) identify a new medical plan carrier to replace Health Net, and 2) explore the costs of CalPERS Health and other plan options including but not limited to the SEIU Taft-Hartley Trust plans as possible future replacements with the goal of beginning with the 2020 plan year. Any replacement plans selected must not increase the County's retiree health costs.
4. The new medical plan carrier that will replace Health Net must include an HMO plan and one plan providing out-of-network provider coverage.
5. Once all nine (9) Coalition Union/Association representatives on the Benefit Committee and the County have agreed on the new medical plan carrier to replace Health Net, the new medical plan will replace Health Net for all Coalition Unions/Associations the following January 1.
6. Each year, County will coordinate a team composed of the County, the County's benefits consultant, and Union/Association Benefit Committee representatives, to work as equal partners to provide input for the annual negotiations with the medical plan providers over the plan premiums for the next plan year. The team will have authority to make information requests, request and observe presentations by the County's healthcare consultant regarding premium rates and ask questions, and help guide the strategy of the County in the annual negotiations.
7. County and Unions/Associations of the Coalition will jointly work to educate employees regarding the cost benefits of lower cost plans, including the Kaiser High Deductible Health Plan.
8. County and Union/Association Benefit Committee representatives will jointly work as equal partners to seek plan design changes across all plans that would reduce costs and improve quality of care.

12.3 Retirement Coverage:

A. Upon Retirement:

1. Employees Hired On or Before December 12, 2006.
 - a. Upon retirement, and for the term of this agreement, eligible employees and their eligible family members may remain in their County health/dental plan, but without County-paid life insurance coverage, if immediately before their proposed retirement the employees and dependents are either active subscribers to one of the County contracted health/dental plans or if while on authorized leave of absence without pay, they have retained continuous coverage

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during the leave period. The County will pay the health/dental plan monthly dollar premium subsidies for eligible retirees and their eligible family members set forth in Section 12.2 (County Health and Dental Plan Monthly Premium Subsidy).

2. Employees Hired between December 13, 2006 – October 31, 2013.
 - a. Upon retirement and for the term of this agreement, all employees covered by Section 12.1, who were hired on or after December 13, 2006 and before November 1, 2013, are eligible for retiree health coverage pursuant to the terms outlined in Section 12.3A(1)(a) above, upon completion of fifteen (15) years of service as an employee of Contra Costa County. For the purposes of retiree health eligibility, one year of service is defined as one thousand (1,000) hours worked within one anniversary year. The existing method of crediting service while an employee is on an approved leave of absence will continue for the duration of this agreement. The County will pay the health/dental plan monthly premium subsidies for eligible retirees and their eligible family members set forth in Section 12.2 (County Health and Dental Plan Monthly Premium Subsidy).

3. Employees Hired On or After November 1, 2013:
 - a. Eligibility for Retiree Health Coverage: All employees covered by Section 12.1 hired on or after November 1, 2013, are eligible for retiree health/dental coverage pursuant to subsection (b), below, upon completion of fifteen (15) years of service as an employee of Contra Costa County. For purposes of retiree health eligibility, one year of service is defined as one thousand (1,000) hours worked within one anniversary year.

The existing method of crediting service while an employee is on an approved leave of absence will continue for the duration of this Agreement.

- b. For eligible employees covered by Section 12.1 hired on or after November 1, 2013, and their eligible family members, no monthly premium subsidy will be paid by the County for any health or dental plan after they separate from County employment. However, any such eligible employee who retires under the Contra Costa County Employees' Retirement Association ("CCCERA") may retain continuous coverage of a county health or dental plan provided that (i) he or she begins to receive a monthly retirement allowance from CCCERA within 120 days of separation from County employment, (ii) he or she pays the full premium cost under the health plan without any County premium subsidy and (iii) immediately before their proposed retirement the employees and dependents are either active subscribers to one of the County contracted health/dental plans or if while on authorized leave of absence without pay, they have retained continuous coverage during the leave period.

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4. Any person who becomes age 65 on or after November 1, 2013, and who is eligible for Medicare must immediately enroll in Medicare Parts A and B.
- B. Employees Who File For Deferred Retirement: Employees, covered by Section 12.1, who resign and file for a deferred retirement and their eligible family members, may continue in their County group health and dental plan under the following conditions and limitations.
1. Health and dental coverage during the deferred retirement period is totally at the expense of the employee, without any County contributions.
 2. Life insurance coverage is not included.
 3. To continue health and dental coverage, the employee must:
 - a. be qualified for a deferred retirement under the 1937 Retirement Act provisions;
 - b. be an active member of a County group health and/or dental plan at the time of filing their deferred retirement application and elect to continue plan benefits;
 - c. be eligible for a monthly allowance from CCCERA and direct receipt of a monthly allowance within twenty-four (24) months of application for deferred retirement; and
 - d. file an election to defer retirement and to continue health benefits hereunder with the County Benefits Division within thirty (30) days before separation from County service.
 4. Deferred retirees who elect continued health benefits hereunder and their eligible family members may maintain continuous membership in their County health and/or dental plan group during the period of deferred retirement by paying the full premium for health and dental coverage on or before the 10th of each month, to the Contra Costa County Human Resources Department-Employee Benefits Division. When the deferred retirees begin to receive retirement benefits, they will qualify for the same health and/or dental plan coverage pursuant to Section 12.3.A - Upon Retirement as similarly situated retirees who did not defer retirement.
 5. Deferred retirees may elect retiree health benefits hereunder without electing to maintain participation in their County health and/or dental plan during their deferred retirement period. When they begin to receive retirement benefits, they will qualify for the same coverage and/or dental coverage pursuant to Section 12.3.A above, as similarly situated retirees who did not defer retirement, provided reinstatement to a County group health and/or dental plan will only occur following a three (3) full calendar month waiting period after the month in which their retirement allowance commences.

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6. Employees who elect deferred retirement will not be eligible in any event for County health or dental plan subvention unless the member draws a monthly retirement allowance within twenty-four (24) months after separation from County service.
 7. Deferred retirees and their eligible family members are required to meet the same eligibility provisions for health/dental plans as similarly situated retirees who did not defer retirement.
- C. Subject to the provisions of Section 12.3 subparts A, B, and D and upon retirement and for the term of this agreement, the following employees (and their eligible family members) are eligible to receive a monthly premium subsidy for health and dental plans or are eligible to retain continuous coverage of such plans: permanent full time employees (40/40) and permanent part time employees (whose positions are designated as 20/40 or more), who retire from a position or classification that was represented by this bargaining unit at the time of his or her retirement.
- D. For purposes of this Section 12.3 only, 'eligible family members' does not include Survivors of employees or retirees.

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

A. Health Insurance

1. Eligible Dependents:
 - a. Employee's Legal Spouse
 - b. Employee's qualified domestic partner
 - c. Employee's child to age 26
 - d. Employee's Disabled Child who is:
 - (1) Over age 26,
 - i. Unmarried; and,
 - ii. Incapable of sustaining employment due to a physical or mental disability that existed prior to the child's attainment of age 19.
2. "Employee's child" includes natural child, child of a qualified domestic partner, step-child, adopted child and a child specified in a Qualified Medical Child Support Order (QMCSO) or similar court order.

B. Dental Insurance

1. Eligible Dependents all dental plans:
 - a. Employee's Legal Spouse
 - b. Employee's qualified domestic partner

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- c. Employee's disabled child who is over age 19, unmarried, and incapable of sustaining employment due to a physical or mental disability that existed prior to the child's attainment of age 19.
2. Delta Dental PPO Only:
Employee's unmarried child who is:
 - (1) Under age 19; or
 - (2) Age 19, or above, but under age 24; and
 - i. Resides with the Employee for more than 50% of the year excluding time living at school; and,
 - ii. Receives at least 50% of support from Employee; and
 - iii. Is enrolled and attends school on a full-time basis, as defined by the School.
3. Delta Care HMO Only – Employee's Child to age 26.
4. "Employee's child" includes natural child, child of a qualified domestic partner, step-child, adopted child and a child specified in a Qualified Medical Child Support Order (QMCSO) or similar court order.

12.5 Dual Coverage:

- A. On and after January 1, 2014, each employee and retiree may be covered only by a single County health (or dental) plan, including a CalPERS plan. For example, a County employee may be covered under a single County health and/or dental plan as either the primary insured or the dependent of another County employee or retiree, but not as both the primary insured and the dependent of another County employee or retiree.
- B. On and after January 1, 2014, all dependents, as defined by Section 12.4, Family Member Eligibility Criteria, may be covered by the health and/or dental plan of only one spouse or one domestic partner. For example, when both parents are County employees, all of their eligible children may be covered as dependents of either parent, but not both.
- C. For purposes of this Section 12.5 only, "County" includes the County of Contra Costa and all special districts governed by the Board of Supervisors, including, but not limited to, the Contra Costa County Fire Protection District.
- D. Optometrists. For employees in the classification Optometrist (VPS7), the dates set forth in subsections A and B do not apply. Instead, this section 12.5 "Dual Coverage" applies effective on and after January 1, 2010. With this exception, all other provisions of section 12.5 apply.

12.6 Medical Plan Cost-Sharing with Active Employees on and after January 1, 2018.

- A. Medical Plan Cost-Sharing for Active Employees for the 2018 Plan Year. For active employees for the plan year that begins on January 1, 2018, the County will pay the

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monthly premium subsidy for medical plans stated below:

Medical Plans	Employee	Employee +1 Dependent	Employee +2 or More Dependents
Contra Costa Health Plans (CCHP), Plan A	\$574.45	\$1,137.59	\$1,778.56
Contra Costa Health Plans (CCHP), Plan B	\$598.08	\$1,165.96	\$1,882.99
Kaiser Permanente Health Plan A	\$452.41	\$838.02	\$1,544.88
Kaiser Permanente Health Plan B	\$463.73	\$919.05	\$1,463.45
Health Net HMO Plan A	\$821.30	\$1,435.26	\$2,735.98
Health Net HMO Plan B	\$767.68	\$1,491.54	\$2,377.76
Health Net PPO Plan A	\$926.10	\$1,508.34	\$3,349.90
Kaiser High Deductible Health Plan	\$461.96	\$946.56	\$1,432.15

B. Medical Plan Cost-Sharing for Active Employees for the 2019 Plan Year. For active employees for the plan year that begins on January 1, 2019, the County will pay the monthly premium subsidy for medical plans stated below:

1. For the Months of January through October:

Employee Medical Plans	Monthly Premium	County Monthly Premium Subsidy	Employee Monthly Premium Cost
Contra Costa Health Plans (CCHP), Plan A	\$812.06	\$608.05	\$204.01
Contra Costa Health Plans (CCHP), Plan B	\$900.19	\$635.33	\$264.86
Kaiser Permanente Health Plan A	\$877.30	\$499.13	\$378.17
Kaiser Permanente Health Plan B	\$697.28	\$500.84	\$196.44
Health Net HMO Plan A	\$1,677.56	\$903.74	\$773.82
Health Net HMO Plan B	\$1,166.55	\$825.01	\$341.54
Health Net PPO Plan A	\$2,340.40	\$1,076.44	\$1,263.96
Kaiser High Deductible Health Plan	\$559.68	\$491.83	\$67.85

Employee +1 Dependent Medical Plans	Monthly Premium	County Monthly Premium Subsidy	Employee Monthly Premium Cost
Contra Costa Health Plans (CCHP), Plan A	\$1,624.10	\$1,204.79	\$419.31
Contra Costa Health Plans (CCHP), Plan B	\$1,800.37	\$1,240.45	\$559.92
Kaiser Permanente Health Plan A	\$1,754.60	\$931.46	\$823.14
Kaiser Permanente Health Plan B	\$1,394.56	\$993.28	\$401.28
Health Net HMO Plan A	\$3,355.12	\$1,600.14	\$1,754.98
Health Net HMO Plan B	\$2,333.10	\$1,606.20	\$726.90
Health Net PPO Plan A	\$4,680.80	\$1,809.03	\$2,871.77
Kaiser High Deductible Health Plan	\$1,119.36	\$1,006.30	\$113.06

Employee +2 Dependent Medical Plans	Monthly Premium	County Monthly Premium Subsidy	Employee Monthly Premium Cost
Contra Costa Health Plans (CCHP), Plan A	\$2,436.18	\$1,879.37	\$556.81
Contra Costa Health Plans (CCHP), Plan B	\$2,700.56	\$1,994.74	\$705.82

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Kaiser Permanente Health Plan A	\$2,631.90	\$1,685.05	\$946.85
Kaiser Permanente Health Plan B	\$2,091.84	\$1,574.80	\$517.04
Health Net HMO Plan A	\$5,032.68	\$2,983.30	\$2,049.38
Health Net HMO Plan B	\$3,499.65	\$2,549.75	\$949.90
Health Net PPO Plan A	\$7,021.20	\$3,800.93	\$3,220.27
Kaiser High Deductible Health Plan	\$1,679.04	\$1,521.76	\$157.28

2. For the months of November through December:

Employee Medical Plans	Monthly Premium	County Monthly Premium Subsidy	Employee Monthly Premium Cost
Contra Costa Health Plans (CCHP), Plan A	\$812.06	\$641.65	\$170.41
Contra Costa Health Plans (CCHP), Plan B	\$900.19	\$672.58	\$227.61
Kaiser Permanente Health Plan A	\$877.30	\$600.00	\$277.30
Kaiser Permanente Health Plan B	\$697.28	\$600.00	\$97.28
Health Net HMO Plan A	\$1,677.56	\$986.18	\$691.38
Health Net HMO Plan B	\$1,166.55	\$882.34	\$284.21
Health Net PPO Plan A	\$2,340.40	\$1,226.79	\$1,113.61
Kaiser High Deductible Health Plan	\$559.68	\$559.68	\$0.00

Employee +1 Dependent Medical Plans	Monthly Premium	County Monthly Premium Subsidy	Employee Monthly Premium Cost
Contra Costa Health Plans (CCHP), Plan A	\$1,624.10	\$1,271.99	\$352.11
Contra Costa Health Plans (CCHP), Plan B	\$1,800.37	\$1,314.95	\$485.42
Kaiser Permanente Health Plan A	\$1,754.60	\$1,200.00	\$554.60
Kaiser Permanente Health Plan B	\$1,394.56	\$1,200.00	\$194.56
Health Net HMO Plan A	\$3,355.12	\$1,765.02	\$1,590.10
Health Net HMO Plan B	\$2,333.10	\$1,720.86	\$612.24
Health Net PPO Plan A	\$4,680.80	\$2,109.72	\$2,571.08
Kaiser High Deductible Health Plan	\$1,119.36	\$1,119.36	\$0.00

Employee +2 Dependent Medical Plans	Monthly Premium	County Monthly Premium Subsidy	Employee Monthly Premium Cost
Contra Costa Health Plans (CCHP), Plan A	\$2,436.18	\$1,980.17	\$456.01
Contra Costa Health Plans (CCHP), Plan B	\$2,700.56	\$2,106.48	\$594.08
Kaiser Permanente Health Plan A	\$2,631.90	\$1,825.00	\$806.90
Kaiser Permanente Health Plan B	\$2,091.84	\$1,825.00	\$266.84
Health Net HMO Plan A	\$5,032.68	\$3,230.62	\$1,802.06
Health Net HMO Plan B	\$3,499.65	\$2,721.74	\$777.91
Health Net PPO Plan A	\$7,021.20	\$4,251.97	\$2,769.23
Kaiser High Deductible Health Plan	\$1,679.04	\$1,679.04	\$0.00

D. Medical Plan Cost-Sharing for Active Employees on and after January 1, 2020.

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1. For active employees for the plan year that begins on January 1, 2020, the County will move to a percentage-based cost sharing approach for medical care premium subsidies. The County will pay seventy-five percent (75%) of the total medical plan premium for the Employee and Employee +1 Dependent tiers of the second lowest priced non-deductible HMO plan. The County will pay 76.5% of the total medical plan premium for the Employee +2 or more Dependents tier of the second lowest priced non-deductible HMO plan. These annual calculated dollar amounts will be applied to all plans and tiers as described.
2. For active employees for the plan year that begins on January 1, 2021, the County will pay seventy-eight and a half percent (78.5%) of the total medical plan premium for each tier of the second lowest priced non-deductible HMO plan. This annual calculated amount will be applied to all plans and tiers, except Kaiser Permanente Health Plan B.
3. For active employees for the plan year that begins on January 1, 2022, and each year thereafter, the County will pay eighty percent (80%) of the total medical plan premium for each tier of the second lowest priced non-deductible HMO plan. This annual calculated dollar amount will be applied to all plans and tiers, except Kaiser Permanente Health Plan B.
4. For active employees for the plan year that begins on January 1, 2021, and each year thereafter, for the Kaiser Permanente Health Plan B, employees will pay at least the following share of the total medical plan premium:

Kaiser Permanente Health Plan B	Employee Monthly Premium Cost
Employee	\$20.00
Employee +1 Dependent	\$40.00
Employee + 2 or More Dependents	\$60.00

5. In the event of a reduction in the premium for the second lowest priced non-deductible HMO plan, the County will pay the premium subsidy for medical plans that the County paid in the previous plan year.
- E. Beginning 2022, the County will review technological advancements in the area of benefits administration and consider asking any eligible employee who waives County health insurance to provide proof of other health insurance coverage.

12.7 Life Insurance Benefit Under Health and Dental Plans: For employees who are enrolled in the County's program of medical or dental coverage as either the primary or the dependent, term life insurance in the amount of ten thousand dollars (\$10,000) will be provided by the County.

12.8 Supplemental Life Insurance: In addition to the life insurance benefits provided by this agreement, employees may subscribe voluntarily and at their own expense for supplemental life insurance. Employees may subscribe for an amount not to exceed five hundred thousand dollars (\$500,000), of which one hundred thousand (\$100,000) is a guaranteed issue, provided the election is made within the required enrollment periods.

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12.9 Health Care Spending Account. After six (6) months of permanent employment, employees may elect to participate in a Health Care Spending Account (HCSA) Program designated to qualify for tax savings under Section 125 of the Internal Revenue Code, but such savings are not guaranteed. The HCSA Program allows employees to set aside a predetermined amount of money from their pay, not to exceed the maximum amount authorized by federal law, per calendar year, before taxes, for health care expenses not reimbursed by any other health benefit plans. HCSA dollars may be expended on any eligible medical expenses allowed by Internal Revenue Code Section 125. Any unused balance is forfeited and cannot be recovered by the employee.

12.10 PERS Long-Term Care: The County will deduct and remit monthly premiums to the PERS Long-Term Care Administrator for employees who are eligible and voluntarily elect to purchase long-term care at their personal expense through the PERS Long-Term Care Program.

12.11 Voluntary Vision Plan: Beginning with the 2017 plan year, active permanent full-time and active permanent part-time employees will be offered the opportunity to enroll in a voluntary vision plan. Employees will pay the full premium costs of the plan. The County will contract with a provider for a voluntary vision plan with no co-pays. The vision plan is not available to temporary or permanent-intermittent employees.

12.12 Health Savings Account with High Deductible Health Plan: Active employees who are enrolled in the Kaiser Permanente High Deductible Health Plan may select a Health Savings Account (“HSA”) offered through Kaiser Permanente under the following conditions and subject to any other laws, regulations or rules governing HSAs:

1. Only active employees who are enrolled in the Kaiser High Deductible Health Plan may elect to initially enroll in the HSA. The HSA is not available to permanent-intermittent or temporary employees.
2. Employees may only contribute up to the maximum annual contribution rate for HSAs as set forth in the United States Internal Revenue Code.
3. Funds contributed to the HSA are invested as directed by the employee. The County does not provide any recommendations or advice on investment or use of HSA funds.
4. Employees are responsible for paying any HSA account management fees charged by the HSA administrator.
5. The County does not manage or administer the HSAs.

For the 2020 Plan Year and each year thereafter, the County will contribute six hundred and twenty-five dollars (\$625) annually into the HSA for active employees who are enrolled in the Kaiser Permanente High Deductible Health Plan and have an HSA. The contribution will be made with the February 10 pay for the plan year.

12.13 Dependent Care Assistance Program: The County offers the option of enrolling in a Dependent Care Assistance Program (DCAP) designed to qualify for tax savings under Section 129 of the Internal Revenue Code, but such savings are not guaranteed. The program allows employees to set aside up to five thousand dollars (\$5,000) of annual salary (before taxes) per calendar year to pay for eligible dependent care (child and elder

SECTION 12 – MEDICAL, DENTAL & LIFE INSURANCE

care) expenses. Any unused balance is forfeited and cannot be recovered by the employee.

12.14 Premium Conversion Plan: The County offers the Premium Conversion Plan (PCP) designed to qualify for tax savings under Section 125 of the Internal Revenue Code, but tax savings are not guaranteed. The program allows employees to use pre-tax dollars to pay health and dental premiums.

12.15 Prevailing Section: To the extent that any provision of this Section (Section 12 Medical, Dental, & Life Insurance) is inconsistent with any provision of any other County enactment or policy, including but not limited to Administrative Bulletins, the Salary Regulations, the Personnel Management Regulations, or any other agreement or order of the Board of Supervisors, the provision(s) of this Section (Section 12 – Medical, Dental, & Life Insurance) will prevail.

12.16 Rate Information. The County Benefits Division will make health and dental plan rate information available upon request to employees and departments. In addition, the County Benefits Division will publish and distribute to employees and departments information about rate changes as they occur during the year.

12.17 Coverage Upon Separation: An employee who separates from County employment is covered by his/her County health and/or dental plan through the last day of the month in which he/she separates. Employees who separate from County employment may continue group health and/or dental plan coverage to the extent provided by the COBRA laws and regulations.

12.18 Partial Month. The County's contribution to the health plan premium is payable for any month in which the employee is paid. If an employee is not paid enough compensation in a month to pay the employee share of the premium, the employee must make up the difference by remitting the amount delinquent to the Auditor-Controller by the tenth (10th) of each month. The responsibility for this payment rests with the employee. If payment is not made, the employee shall be dropped from the health plan.

12.19 Coverage During Absences. Employees shall be allowed to maintain their health plan coverage at the County group rate for twelve (12) months if on approved leave of absence provided that the employee shall pay the entire premium (i.e. both employer and employee share) for the health plan during said leave. Said payment shall be made by the employee at a time and place specified by the County by the tenth (10th) of each month. Late payment shall result in cancellation of health plan coverage.

An employee on leave in excess of twelve (12) months may continue group coverage subject to the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) provided the employee pays the entire cost of coverage, plus any administrative fees, for the option selected. The entire cost of coverage shall be paid by the 10th of each month at a place and time specified by the County. Late payment may result in cancellation of health plan coverage with no reinstatement allowed.

12.20 Child Care. The County will continue to support the concept of non-profit child care facilities similar to the "Kid's at Work" program established in the Public Works Department.

12.21 Health Benefit Coverage for Employees Not Otherwise Covered. To access County health plans, an employee represented by the PDOCC who is not otherwise eligible for health coverage by the County, must be eligible to receive an offer of coverage from the County under the federal Patient Protection and Affordable Care Act (“ACA”) (42 U.S.C. § 18081). Employees eligible to receive an offer of coverage (and qualified dependents), will be offered access to County health insurance plans. Employees will be responsible for the full premium cost of coverage. This provision is not subject to the grievance process.

SECTION 13 - RESIGNATIONS

An employee's voluntary termination of service is a resignation. Written resignations shall be forwarded to the Human Resources Department by the appointing authority immediately on receipt, and shall indicate the effective date of termination. Oral resignation shall be immediately confirmed by the appointing authority in writing to the employee and to the Human Resources Department and shall indicate the effective date of termination.

13.1 Resignation in Good Standing. A resignation giving the appointing authority written notice at least two (2) weeks in advance of the last date of service (unless the appointing authority requires a longer period of notice, or consents to the employee's terminating on shorter notice) is a resignation in good standing.

13.2 Constructive Resignation. A constructive resignation occurs and is effective when:

- a. An employee has been absent from duty for five (5) consecutive working days without leave; and
- b. five (5) more consecutive work days have elapsed without response by the employee after the mailing of a notice of resignation by certified mail by the appointing authority to the employee at the employee's last known address.

13.3 Expressed Resignation. A resignation is effective when delivered or spoken to the appointing authority, operative either on that date or another date specified.

13.4 Revocation. A resignation that is effective is revocable only by written concurrence of the employee and the appointing authority.

13.5 Coerced Resignations.

- A. Time Limit. A resignation which the employee believes has been coerced by the appointing authority may be revoked within seven (7) calendar days after its expression, by serving written notice on the Director of Human Resources and a copy to the appointing authority.
- B. Reinstatement. If the appointing authority acknowledges that the employee could have believed that the resignation was coerced, it shall be revoked and the

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employee returned to duty effective on the day following the appointing authority's acknowledgement.

- C. Contest. Unless, within seven (7) days of the receipt of the notice, the appointing authority acknowledges that the resignation could have been believed to be coerced, this question should be handled as an appeal to the Director of Human Resources.
- D. Disposition. If the Director of Human Resources determines that the resignation was coerced, the resignation shall be deemed revoked and the employee returned to duty effective on the day following the decision but without loss of pay, subject to the employee's duty to mitigate damages.

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14.1 Sufficient Cause for Action. The appointing authority may dismiss, suspend, temporarily reduce the pay of, or demote any employee for cause. The reduction in pay may not exceed five percent (5%) for a three month period. The following are sufficient causes for such action; the list is indicative rather than inclusive of restrictions and dismissal, suspension or demotion may be based on reasons other than those specifically mentioned:

- a. absence without leave,
- b. conviction of any criminal act involving moral turpitude,
- c. conduct tending to bring the County into disrepute,
- d. disorderly or immoral conduct,
- e. inefficiency,
- f. insubordination,
- g. being at work under the influence of liquor or drugs, carrying onto the premises liquor or drugs or consuming or using liquor or drugs during work hours and/or on County premises,
- h. neglect of duty (i.e. non-performance of assigned responsibilities),
- l. negligent or willful damage to public property or waste of public supplies or equipment,
- j. violation of any lawful or reasonable regulation or order given by a supervisor or Department Head,
- k. willful violation of any of the provisions of the County's ordinance,

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- l. material and intentional misrepresentation or concealment of any fact in connection with obtaining employment,
- m. misappropriation of County funds or property,
- n. unreasonable failure or refusal to undergo any physical, medical and/or psychiatric exam and/or treatment authorized by this MOU,
- o. dishonesty or theft,
- p. excessive or unexcused absenteeism and/or tardiness,
- q. sexual harassment, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, or physical conduct of a sexual nature, when such conduct has the purpose or effect of affecting employment decisions concerning an individual, or unreasonably interfering with an individual's work performance, or creating an intimidating and hostile working environment,
- r. restriction or revocation of medical staff privileges.

14.2 Notice of Proposed Action. Before taking a disciplinary action to dismiss, suspend, for more than five (5) work days, temporarily reduce the pay of, or demote an employee, the appointing authority shall cause to be served personally or by certified mail, on the employee, a Notice of Proposed Action, which shall contain the following:

- a. A statement of the action proposed to be taken.
- b. A copy of the charges; including the acts or omissions and grounds upon which the action is based.
- c. If it is claimed that the employee has violated a rule or regulation of the County, department or district, a copy of said rule shall be included with the notice.
- d. A statement that the employee may review and request copies of materials upon which the proposed action is based.
- e. A statement that the employee has seven (7) calendar days to respond to the appointing authority either orally or in writing.

14.3 Employee Response. The employee upon whom a Notice of Proposed Action has been served shall have seven (7) calendar days to respond to the appointing authority either orally or in writing before the proposed action may be taken. Upon request of the employee and for good cause, the appointing authority may extend in writing the period to respond. If the employee's response is not filed within seven (7) days or during an extension, the right to respond is lost.

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14.4 Leave Pending Employee Response. Pending response to a Notice of Proposed Action within the first seven (7) days or extension thereof, the appointing authority for cause specified in writing may place the employee on temporary leave of absence, with pay.

14.5 Length of Suspension. Suspensions without pay shall not exceed thirty (30) days unless ordered by an arbitrator or an adjustment board.

14.6 Procedure on Dismissal, Suspension, Disciplinary Demotion, or Reduction in Pay.

- A. In any disciplinary action to dismiss, suspend, temporarily reduce the pay of, or demote a permanent employee after having complied with the requirements of Section 14.2 where applicable, the appointing authority shall make an order in writing stating specifically the causes for the action.
- B. Service of Order. Said order of dismissal, suspension, temporary reduction in pay, or demotion shall be filed with the Director of Human Resources, showing by whom and the date a copy was served upon the employee to be dismissed, suspended, temporarily reduced in pay, or demoted, either personally or by certified mail to the employee's last known mailing address. The order shall be effective either upon personal service or deposit in the U. S. Postal Service.
- C. Employee Appeals from Order. The employee may appeal an order of dismissal, suspension, temporary reduction in pay, or demotion through the procedures of Section 15 - Grievance Procedure, of this MOU provided that such appeal is filed in writing with the Human Resources Director within ten (10) calendar days after service of said order.

14.7 Employee Representation Rights. The County recognizes an employee's right to representation during an investigatory interview or meeting that may result in discipline. The County shall not interfere with the representative's right to assist an employee to clarify the facts during the interview. If the employee requests a union representative, the investigatory interview shall be temporarily recessed for a reasonable period of time until a union representative can be present. For those interviews, which by nature of the incident must take place immediately, the union will take reasonable steps to make a union representative immediately available.

The employer shall inform the employee of the general nature of the investigation at the time the employer directs the employee to be interviewed.

14.8 Disciplinary Investigations and Actions. During an investigation which could result in disciplinary action, the County at the written request of the employee will notify the employee every thirty (30) days of the status of the investigation, and the anticipated date that the investigation will be concluded.

SECTION 15 - GRIEVANCE PROCEDURE

At the written request of the employee, except in termination, all records of disciplinary actions shall be destroyed five (5) years after the date of the disciplinary action, provided that:

1. there is no further incident/s of counseling or disciplinary action; or
2. the document has not been cited in additional disciplinary actions.

SECTION 15 - GRIEVANCE PROCEDURE

15.1 Definition and Procedural Steps. A grievance is any dispute which involves the interpretation or application of any provision of this MOU excluding, however, those provisions of this MOU which specifically provide that the decision of any County official shall be final, the interpretation or application of those provisions not being subject to the grievance procedure. PDOCC may represent the employee at any stage of the process. Grievances must be filed within thirty (30) days of the incident or occurrence about which the employee claims to have a grievance. Discipline appeals utilizing the grievance procedure must be filed within the timeframe set forth in Section 14.6 – Procedure on Dismissal, Suspension, Disciplinary Demotion, or Reduction in Pay. Grievances will be processed in the following manner:

Step 1. Any employee, group of employees, or employee organization who believes that a provision of this MOU has been misinterpreted or misapplied to his or her detriment shall discuss the complaint with the employee's immediate supervisor, who shall meet with the employee within five (5) days of receipt of a written request to hold such meeting. Grievances challenging suspensions, reductions in pay, demotions and terminations may be filed at Step 2 within the time frame set forth above.

Step 2. If a grievance is not satisfactorily resolved in Step 1 above, the grievant may submit the grievance in writing within ten (10) work days to such management official as the Department Head may designate. This formal written grievance shall state which provision of the MOU has been misinterpreted or misapplied, how misapplication or misinterpretation has affected the grievant to the grievant's detriment, and the redress the grievant seeks. A copy of each written communication on a grievance shall be filed with the Employee Relations Officer or his/her designee. The Department Head or his or her designee shall have ten (10) work days in which to respond to the grievance in writing.

Step 3. If a grievance is not satisfactorily resolved in Step 2 above, the employee may appeal in writing within ten (10) work days to the Employee Relations Officer or his/her designee. The Employee Relations Officer or his/her designee shall have twenty (20) work days in which to investigate the merit of the complaint, and to meet with the Department Head and the grievant and attempt to settle the grievance and respond in writing.

Step 4. If the parties are unable to reach a mutually satisfactory accord on any grievance that is presented at Step 3, the Union may appeal the grievance and request mediation in writing to the Employee Relations Officer or his/her designee within ten (10) work days of

SECTION 15 - GRIEVANCE PROCEDURE

the date of the written response at Step 3. This step of the grievance procedure may be waived by the mutual written agreement of the parties.

Step 5. If a mediator is unable to resolve the grievance at Step 4, either the grievant or the County may require that the grievance be referred to an impartial arbitrator who shall be designated by mutual agreement between the employee and the Employee Relations Officer or his/her designee. Such request shall be submitted within twenty (20) work days of the conclusion of the mediation. Within twenty (20) work days of the request for arbitration, the parties shall mutually select an arbitrator who shall render a decision within thirty (30) work days from the date of final submission of the grievance including receipt of the court reporter's transcript and post hearing briefs, if any. The fees and expenses of the arbitrator and of the Court Reporter shall be shared equally by the employee and the County. Each party, however, shall bear the costs of its own presentation, including preparation and post hearing briefs, if any.

15.2 Scope of Arbitration Decisions.

- A. Decisions of arbitrators on matters properly before them shall be final and binding on the parties hereto, to the extent permitted by law.
- B. No arbitrator shall entertain, hear, decide or make recommendations on any dispute unless such dispute involves a position in a unit represented by PDOCC which has been certified as the recognized employee organization for such unit and unless such dispute falls within the definition of a grievance as set forth in Subsection 15.1 above.
- C. Proposals to add to or change this MOU or to change written agreements supplementary hereto shall not be arbitrable and no proposal to modify, amend or terminate this MOU, nor any matter or subject arising out of or in connection with such proposals, may be referred to arbitration under this Section. No arbitrator shall have the power to amend or modify this MOU or written agreements supplementary hereto or to establish any new terms or conditions of employment.
- D. If the Employee Relations Officer or his/her designee, in pursuance of the procedures outlined in Step 3 or Step 4 above, resolve a grievance which involves suspension or discharge, they may agree to payment for lost time or to reinstatement with or without payment for lost time.
- E. No change in this MOU or interpretations thereof (except interpretations resulting from arbitration proceedings hereunder) will be recognized unless agreed to by the County and PDOCC.

15.3 Time Limits. The time limits specified above may be waived by mutual agreement of the parties to the grievance. If the County fails to meet the time limits specified in Steps 1 through 3 above, the grievance will automatically move to the next step. If an employee fails to meet the time limits specified in Steps 1 through 5 above, the grievance will be deemed to have been settled and withdrawn.

SECTION 16 – RETIREMENT

15.4 PDOCC Notification. An official with whom a formal grievance is filed by a grievant who is included in a unit represented by PDOCC, but is not represented by PDOCC in the grievance, shall give PDOCC a copy of the formal presentation.

15.5 Compensation Complaints. All complaints involving or concerning the payment of compensation shall be initially filed in writing with the Employee Relations Officer or his/her designee. Only complaints which allege that employees are not being compensated in accordance with the provisions of this MOU shall be considered as grievances. Any other matters of compensation are to be resolved in the meeting and conferring process, and if not detailed in the MOU which results from such meeting and conferring process shall be deemed withdrawn until the meeting and conferring process is next opened for such discussion. No adjustment shall be retroactive for more than two (2) years from the date upon which the complaint was filed.

15.6 Strike/Work Stoppage. During the term of this MOU, PDOCC, its members and representatives, agree that it and they will not engage in, authorize, sanction or support any strike, slowdown, stoppage of work, sickout or refusal to perform customary duties.

In the case of a legally-declared lawful strike against a private or public sector employer which has been sanctioned and approved by the labor body or council having jurisdiction, an employee who is in danger of physical harm shall not be required to cross the picket line, provided the employee advises his or her supervisor as soon as possible, and provided further that an employee may be required to cross a picket line where the performance of his or her duties is of an emergency nature and/or failure to perform such duties might cause or aggravate a danger to public health or safety.

15.7 Filing by PDOCC. PDOCC may file a grievance at Step 3 on behalf of affected employees when action by the County Administrator or the Board of Supervisors violates a provision of this MOU.

SECTION 16 – RETIREMENT

16.1 Contribution. All employees will pay one hundred percent (100%) of the employees' basic retirement benefit contributions determined annually by the Board of Retirement of the Contra Costa County Employees' Retirement Association without the County paying any part of the employees' contributions. All employees are also responsible for the payment of the employees' contributions to the retirement cost of living program as determined annually by the Board of Retirement, without the County paying any part of the employees' contributions. The County will pay one hundred percent (100%) of the employer's retirement contribution determined annually by the Board of Retirement.

16.2 Retirement Benefit - Employees who become New Members of CCCERA on or after January 1, 2013.

A. For employees who, under the Public Employees Pension Reform Act (PEPRA), become New Members of the Contra Costa County Employees Retirement (CCCERA) system on or after January 1, 2013, retirement benefits are governed by the California Public Employees Pension Reform Act of 2013 (PEPRA), (Chapters

SECTION 17 - EDUCATION REIMBURSEMENT

296, 297, Statutes of 2012). To the extent this Agreement conflicts with any provision of PEPRA, PEPRA governs.

- B. For employees who, under PEPRA, become New Members of CCCERA on or after January 1, 2014, the cost of living adjustment to the retirement allowance will not exceed two percent (2%) per year, and the cost of living adjustment will be banked.
- C. For employees who, under PEPRA, become New Members of CCCERA, the disability provisions are the same as the current Tier III disability provisions.

SECTION 17 - EDUCATION REIMBURSEMENT

- A. Permanent full time employees in classifications subject to this MOU will be eligible for \$1,150 each calendar year to be applied to reimbursement for continuing education courses and associated tests, medical books and journals, professional dues, license fees, exam fees, medical/dental on-line computer services, computer hardware and software, from a standardized County-approved list or with appointing authority approval, provided each employee complies with the provisions of the Computer Use and Security Policy adopted by the Board of Supervisors. Unused reimbursement entitlements may be carried over to the next calendar year, but the maximum reimbursement available in any calendar year may not exceed twice the annual entitlement. Requests for reimbursement must be submitted within ninety (90) days of the date the expense was incurred. Permanent part-time PDOCC Unit members assigned to positions of at least twenty (20) hours per week shall be entitled to educational reimbursement on a prorated basis.
- B. Employees in classifications of Resident I, II, and III subject to this MOU will be eligible for nine hundred dollars (\$900) to be applied to reimbursement of California Medical Board licensing fees, payable one time during the employee's residency. This reimbursement is in addition to the reimbursement listed in 17.A.

SECTION 18 - PAID PERSONAL LEAVE/EDUCATIONAL LEAVE/OTHER LEAVE

18.1 Paid Personal Leave. In lieu of overtime or compensatory time off provisions, full-time employees with three (3) years of service in classes covered by this MOU, will be credited with forty (40) hours of paid personal leave. Incumbents of the Resident Physician classes are not eligible for paid personal leave but service in such classes will count towards the three (3) years credit to qualify for this benefit. Paid Personal Leave will be prorated for permanent part-time employees, but will not be credited for permanent intermittent (on-call) employees.

This leave must be used during the calendar year in which credited and may not be carried forward. This paid personal leave is separate from paid vacation and will be accounted for accordingly. Upon separation from County service there shall be no pay off for unused personal leave credits.

18.2 Educational Leave. Each permanent full time employee with one (1) or more years of service shall be entitled to forty (40) hours leave with pay each calendar year to attend courses, institutions, workshops or classes which meet requirements for American Medical Association Category One Continuing Medical Education or recognized by the National Specialty Organization appropriate to the area of the employee's practice. Courses must be approved in advance by the Department Head and the Appointing Authority or designee, and must be completed prior to or concurrent with the leave. Employees attending courses which are scheduled and reimbursed by the Department and attended during work hours shall not receive additional leave.

Educational leave shall be scheduled in the same manner as vacation leave. It must be used in the same calendar year or the calendar year following the year the credit was awarded. Health Services Department staff will advise eligible employees annually, in the month of May, of the balances available in the Education Leave Bank and Education Reimbursement.

An employee who attends an approved course on a date for which he/she is not regularly scheduled to work or who completes an approved home study course will be granted exchange time off or paid for the equivalent number of hours at his/her hourly base rate. The employee must indicate his/her preference for time off or pay in advance of taking the course. The final determination will be at the discretion of the Director of Medical Staff Affairs or designee. If the employee is granted exchange time off in lieu of pay, the employee will receive a voucher from the Director of Medical Staff Affairs or designee. An original copy of an educational leave voucher, signed by the Appointing Authority or designee may be required at the time the leave is scheduled.

Permanent part-time employees shall be entitled to educational leave on a pro-rated basis.

18.3 Other Leave. In recognition of the requirement to attend mandatory meetings and trainings during non-work time, permanent full time employees with six years of service will receive an additional forty (40) hours paid leave. This leave will be pro-rated for part-time employees but will not be credited for permanent-intermittent (on-call) employees. This paid leave will be credited at the beginning of each calendar year and may not be carried forward. Upon separation from County service, there shall be no payoff for unused credits. Utilization of this leave shall be applied for and authorized in accordance with Section 8.4 - Vacation Preference.

SECTION 19 - MILEAGE

19.1 Reimbursement for Use of Personal Vehicle. Procedures and definitions relative to the mileage reimbursement will be in accordance with the Administrative Bulletin on Expense Reimbursement.

19.2 Commuter Benefit Program. Prior to July 1, 2017, the County will offer employees the option of enrolling in an employee-funded qualified transportation (commuter) benefit program designed to qualify for tax savings under Section 132(f) of title 26 of the Internal Revenue Code, but such savings are not guaranteed. The Commuter Benefit Program will allow employees to set aside pre-tax dollars for qualified transportation expenses to the

SECTION 20 - PAY WARRANT ERRORS

extent and amount allowed by the Internal Revenue Service.

SECTION 20 - PAY WARRANT ERRORS

If an employee receives a pay warrant which has an error in the amount of compensation to be received and if this error occurred as a result of a mistake by the Auditor-Controller's Department, it is the policy of the Auditor-Controller's Department that the error will be corrected and a new warrant issued within forty-eight (48) hours, exclusive of Saturdays, Sundays and holidays from the time the Department is made aware of and verifies that the pay warrant is in error. If the pay warrant error has occurred as a result of a mistake by an employee (e.g. payroll clerk) other than the employee who is receiving the pay, the error will be corrected as soon as possible from the time the department is made aware that pay warrant is in error.

Pay errors in employee pay shall be corrected as soon as possible as to current pay rate but that no recovery of either overpayments or underpayments to an employee shall be made retroactively except for the two (2) year period immediately preceding discovery of the pay error. This provision shall apply regardless of whether the error was made by the employee, the appointing authority or designee, the Director of Human Resources or designee, or the Auditor-Controller or designee. Recovery of fraudulently accrued over or underpayments are excluded from this section for both parties.

When the County notifies an employee of an overpayment and proposed repayment schedule, the employee may accept the proposed repayment schedule or may request a meeting through the County Labor Relations Department. If requested, a meeting shall be held to determine a repayment schedule which shall be no longer than three (3) times the length of time the overpayment occurred.

If requested by the employee, a PDOCC representative may be present at a meeting with management to discuss a repayment schedule in the case of overpayments to the employee.

SECTION 21 - SERVICE AWARDS

Procedures and definitions relative to Service Awards shall be in accordance with Administrative Bulletin No. 410 – Service Recognitions and Awards.

SECTION 22 - INSURANCE

22.1 Malpractice. County medical personnel covered by this MOU are covered under the self-insurance trust funds while working within their course and scope of employment. The exception to coverage is fraud, corruption or malice as defined in Government Code 825. The Government Code confers appropriate authority on the Board of Supervisors to administer the self-insurance program. The Board approves all settlements over \$20,000 and accepts or rejects the recommendations of the County's attorneys and the Office of Risk Management regarding the option of trial. Any issues or concerns, or request for

SECTION 23 - LENGTH OF SERVICE DEFINITION

information regarding the administration of this plan may be directed to the Appointing Authority or designee.

22.2 Long Term Disability Insurance. In 1994, the County amended its existing long-term disability income protection program adopted by Resolution 82/1334 to include Residents and to provide for eighty-five percent (85%) replacement of basic monthly earnings, reduced by any deductible benefits. Basic monthly earnings include base salary step plus any stipend(s) computed as of the first day of the month in which the disability commences or other loss occurs. All other provisions of this plan remain unchanged.

SECTION 23 - LENGTH OF SERVICE DEFINITION (For Service Awards and Accruals)

The length of service credits of each employee of the County shall date from the beginning of the last period of continuous County employment (including temporary and permanent status, and absences on approved leave of absence). When an employee separates from a permanent position in good standing and within two (2) years is reemployed in a permanent County position, service credits shall include all credits accumulated at time of separation, but shall not include the period of separation. The Human Resources Director shall determine these matters based on the employee status records in his department.

SECTION 24 - PERMANENT PART-TIME EMPLOYEE BENEFITS

Permanent part-time employees receive prorated vacation and sick leave benefits. They are eligible for health, dental and life insurance benefits at corresponding premium rates providing they work at least fifty percent (50%) of full time. If the employee works at least fifty percent (50%) of full time, County retirement participation is also included.

SECTION 25 - PERMANENT-INTERMITTENT EMPLOYEE BENEFITS

Permanent-intermittent employees are eligible for prorated vacation and sick leave benefits.

SECTION 26 - PERSONNEL FILES

An employee shall have the right to inspect and review any official record(s) relating to his or her performance as an employee or to a grievance concerning the employee which is kept or maintained by the County in the employee's personnel file in the Human Resources Department or in the employee's personnel file in their Department. The employee's union representative, with written authorization by the employee, shall also have the right to inspect and review any official record(s) described above. The contents of such records shall be made available to the employee and/or the employee's union representative, for inspection and review at reasonable intervals during the regular business hours of the County. Employees shall be permitted to review their personnel files at the Personnel office during their work hours. For those employees whose work hours do not coincide with

SECTION 27 – CATASTROPHIC LEAVE BANK

the County's business hours, management shall provide a copy of the employee's personnel file for their review. The custodian of records will certify that the copy is a true and correct copy of the original file.

Twelve or more months following the date of issue of a Counseling Memo, an employee may submit a written request to the Health Services Personnel Officer, requesting that the Counseling Memo be removed from all County (including Department) files. The Memo shall be removed unless:

- A. During the intervening period, additional incident/s occurred that caused the counseling memo to be written; or
- B. The Counseling Memo has been included in disciplinary action. The Health Services Personnel Officer will reply to the request, verifying either that the Memo has been removed or retained.

SECTION 27 – CATASTROPHIC LEAVE BANK

Catastrophic Leave Bank. The County Human Resources Department will operate a Catastrophic Leave Bank which is designed to assist any County employee who has exhausted all paid accruals due to a serious or catastrophic illness, injury, or condition of the employee or family member. The program establishes and maintains a Countywide bank wherein any employee who wishes to contribute may authorize that a portion of his/her accrued vacation, compensatory time, holiday compensatory time or floating holiday be deducted from those account(s) and credited to the Catastrophic Leave Bank. Employees may donate hours either to a specific eligible employee or to the bank. Upon approval, credits from the Catastrophic Leave Bank may be transferred to a requesting employee's sick leave account so that employee may remain in paid status for a longer period of time, thus partially ameliorating the financial impact of the illness, injury, or condition.

Catastrophic illness or injury is defined as a critical medical condition, a long-term major physical impairment or disability which manifests itself during employment.

Operation. The plan will be administered under the direction of the Director of Human Resources. The Human Resources Department will be responsible for receiving and recording all donations of accruals and for initiating transfer of credits from the Bank to the recipient's sick leave account. Disbursement of accruals will be subject to the approval of a six (6) member committee composed of three (3) members appointed by the County Administrator and three (3) members appointed by the majority representative employee organizations. The committee shall meet as necessary to consider all requests for credits and shall make determinations as to the appropriateness of the request. The committee shall determine the amount of accruals to be awarded for employees whose donations are non-specific. Consideration of all requests by the committee will be on an anonymous requester basis.

Hours transferred from the Catastrophic Leave Bank to a recipient will be in the form of sick leave accruals and shall be treated as regular sick leave accruals.

SECTION 28 - REDUCTION IN FORCE

To receive credits under this plan, an employee must have permanent status, must have exhausted all time off accruals to a level below eight (8) hours total, have applied for a medical leave of absence and have medical verification of need. Donations are irrevocable unless the donation to the eligible employee is denied. Donations may be made in hourly blocks with a minimum donation of not less than four (4) hours from balances in the vacation, holiday, floating holiday, compensatory time, or holiday compensatory time accounts. Employees who elect to donate to a specific individual shall have seventy-five percent (75%) of their donation credited to the individual and twenty-five (25%) credited to the Catastrophic Leave Bank.

Time donated will be converted to a dollar value and the dollar value will be converted back to sick leave accruals at the recipient's base hourly rate when disbursed. Credits will not be on a straight hour-for-hour basis. All computations will be on a standard 173.33 basis. Except that employees on other than a forty (40) hour week will have hours prorated according to their status.

Any recipient will be limited to a total of one thousand forty (1040) hours or its equivalent per catastrophic event; each donor will be limited to one hundred twenty (120) hours per calendar year.

No element of this plan is grievable. All appeals from either a donor or recipient will be resolved on a final basis by the Director of Human Resources.

No employee will have any entitlement to catastrophic leave benefits. The award of Catastrophic Leave will be at the sole discretion of the committee, both as to amounts of benefits awarded and as to persons awarded benefits. Benefits may be denied, or awarded for less than six (6) months. The committee will be entitled to limit benefits in accordance with available contributions and to choose from among eligible applicants on an anonymous basis those who will receive benefits, except for hours donated to a specific employee. In the event a donation is made to a specific employee and the committee determines the employee does not meet the Catastrophic Leave Bank criteria, the donating employee may authorize the hours to be donated to the bank or returned to the donor's account. The donating employee will have fourteen (14) calendar days from notification to submit his/her decision regarding the status of their donation, or the hours will be irrevocably transferred to the Catastrophic Leave Bank.

Any unused hours transferred to a recipient will be returned to the Catastrophic Leave Bank.

SECTION 28 - REDUCTION IN FORCE

It is understood between the parties that budget reductions and program changes may cause separations and/or reductions of hours affecting classes represented by PDOCC.

The practice privileges of any represented employee shall not be affected by reduction in force.

SECTION 28 - REDUCTION IN FORCE

The following procedures shall be followed.

1. Represented classifications are as follows (hereinafter referred to as "PDOCC Classifications") in this Section:
 - Primary Care Provider
 - Primary Care Provider – Limited
 - Ambulatory Care Provider
 - Dentist
 - Emergency Medicine
 - Hospitalist
 - OB/GYN – Full Spectrum
 - OB/GYN – FM – Adv. OB
 - Optometrist
 - Oral Surgeon
 - Pathologist
 - Pediatrician – Ambulatory
 - Pediatrician – Hospital
 - Psychiatrist – Adult
 - Psychiatrist – Pediatric
 - Psychiatrist – PES/Detention
 - Resident I
 - Resident II
 - Resident III
2. An employee's seniority for layoff and displacement purposes shall be determined by the date of hire into an existing or previous PDOCC-represented job classification with the County.
3. It is management's decision whether or not to have a reduction in force and the decision is not subject to the grievance procedure.
4. Once management has determined the need for a reduction in force, it is management's decision which PDOCC Classification(s) to reduce and by how much to reduce each PDOCC Classification(s). However, management agrees to meet and confer over the effects and impacts of its decisions prior to implementation. This section is not subject to the grievance procedure.
5. Reductions will occur by eliminating the least senior employee based on date of hire into an existing or previous PDOCC-represented job classification with the County until management has completed the desired reduction. Displacement shall be subject to the employee meeting medical staff minimum qualifications for the classification into which the employee bumps. An employee may only bump into a PDOCC-represented classification to which she/he previously held.
6. Should an employee have his/her hours reduced or eliminated due to a reduction in force, the employee has the right to be rehired back within four (4) years of his/her layoff date to perform the work of the PDOCC Classification they previously had before anyone new is employed in that PDOCC Classification. The employee seeking rehire must have

SECTION 29 - PROBATIONARY PERIOD

maintained current competence and be eligible for basic unrestricted privileges necessary to perform the typical work of the PDOCC Classification to which he/she desires to be rehired.

7. Employees who voluntarily leave employment do not have rehire rights as outlined in #6 above.

8. Temporary employees and Locums Tenens working in classifications and areas that the County intends to lay off or reduce hours will be laid off or given notice to stop working before any PDOCC member is laid off or has his/her hours reduced due to a reduction in force.

9. The County will provide PDOCC and any PDOCC members who, as a result of a workforce reduction, would suffer layoff or hours reduction with sixty (60) calendar days' notice of layoff or hours reduction. If the affected member could "bump" (see item 5 above), the member would have fourteen (14) calendar days to notify the County of this intention. The County would then give sixty (60) calendar days notice to PDOCC and to the member who was "bumped". If the provisions in Items 10 and 11 above applied, this cycle would repeat until reduction in force had been accomplished.

10. Seniority is maintained for any employee who has a break in service of less than two (2) years as a result of layoff, except that period of break in service does not count as time towards seniority.

11. Any employee who has vacated a represented job in order to take a management position may bump back into his/her appropriate job classification, (as defined in #2 above), should their management assignment be subject to workforce reduction.

SECTION 29 - PROBATIONARY PERIOD

Effective with Board of Supervisors' approval of the MOU, upon initial appointment employees in classifications subject to this MOU (excluding Exempt Medical Staff Resident Physicians) shall serve a twelve (12) month probationary period commencing on the date of appointment. The probationary period shall not include time served in temporary or residency appointments or any period of continuous absence exceeding fifteen (15) calendar days. Employees will receive an evaluation during the probationary period.

The regular appointment of a probationary employee shall begin on the day following the end of the probationary period, subject to the condition that the Director of Human Resources receive from the appointing authority a statement in writing that the services of the employee during the probationary period were satisfactory and that the employee is recommended for permanent appointment. If a clerical or administrative error delays a probationary report and it is determined that it was the intent of the appointing authority to retain the probationer, the employee affected will not suffer any loss of pay or benefits.

Employees will serve a probationary period unless at the discretion of the appointing authority the probationary period is waived for employees who have previously served one

SECTION 30 – BILINGUAL PAY

(1) year or more in a permanent position in good standing in this bargaining unit and who have not been separated from County service for a period of more than five (5) years.

During the probationary period, employees are subject to termination by the appointing authority without cause and without right of appeal or compliance with Section 14 - Dismissal, Suspension, Reduction in Pay, and Demotion, or Section 15 - Grievance Procedure.

SECTION 30 – BILINGUAL PAY

A salary differential of one hundred dollars (\$100.00) per month shall be paid to incumbents of positions requiring bilingual proficiency as designated by the appointing authority and Director of Human Resources. Said differential shall be paid to eligible employees in paid status for any portion of a given month. Designation of positions for which bilingual proficiency is required is the sole prerogative of the County. The Union shall be notified when such designations are made.

SECTION 31 - ADOPTION

The provisions of this MOU shall be made applicable on the dates indicated and upon approval by the Board of Supervisors. Resolutions and Ordinances, where necessary, shall be prepared and adopted in order to implement these provisions. It is understood that where it is determined that an Ordinance is required to implement any of the foregoing provisions, said provisions shall become effective upon the first day of the month following thirty (30) days after such Ordinance is adopted.

SECTION 32 - SCOPE AGREEMENT AND SEPARABILITY OF PROVISION

32.1 Scope of Agreement. Except as otherwise specifically provided herein, this MOU fully and completely incorporates the understanding of the parties hereto and constitutes the sole and entire agreement between the parties in any and all matters subject to meet and confer. Neither party shall, during the term of this MOU demand any change herein, provided that nothing herein shall prohibit the parties from changing the terms of this MOU by mutual agreement. Any past side letters or any other agreements that are not incorporated into or attached to this MOU are deemed expired upon approval of this MOU by the Board of Supervisors.

PDOCC understands and agrees that the County is not obligated to meet and confer regarding wages, hours or conditions of employment during the term of this extended agreement, except as otherwise required by law.

32.2 Separability of Provisions. Should any section, clause or provision of this MOU be declared illegal, unlawful or unenforceable, by final judgment of a court of competent jurisdiction, such invalidation of such section, clause or provision shall not invalidate the

SECTION 33 - FAIR LABOR STANDARDS ACT PROVISIONS

remaining portions hereof, and such remaining portions shall remain in full force and effect for the duration of this MOU.

32.3 Salary Ordinance. Where a specific provision contained in a section of this MOU conflicts with a specific provision contained in a section of the Master Salary Ordinance (Res. 83/1), the provision of this MOU shall prevail. Those provisions of the Master Salary Ordinances within the scope of representation which are not in conflict with the provisions of this MOU and those provisions of the Master Salary Ordinance which are not within the scope of representation shall be considered in full force and effect.

32.4 Duration of Agreement. This Agreement shall continue in full force and effect from November 1, 2019 to and including October 31, 2022. Said Agreement shall automatically renew from year to year thereafter unless either party gives written notice to the other prior to ninety (90) days from the aforesaid termination date of its intention to amend, modify or terminate the agreement.

SECTION 33 - FAIR LABOR STANDARDS ACT PROVISIONS

The Fair Labor Standards Act, as amended, may govern certain terms and conditions of the employment of employees covered by this MOU. It is anticipated that compliance with the Act may require changes in some of the County policies and practices currently in effect or agreed upon. If it is determined by the County that certain working conditions, including but not limited to work schedules, hours of work, method of computing overtime, overtime pay and compensatory time off entitlements or use, must be changed to conform with the Fair Labor Standards Act, such terms and conditions of employment shall not be controlled by this MOU but shall be subject to modification by the County to conform to the federal law, without further meeting and conferring. The County shall notify PDOCC and will meet and confer with said organization regarding the implementation of such modifications.

PDOCC EXHIBITS

- A. Class and Salary Listing
- B. Classification Eligibility for Pay
- C. Notification of Involuntary Permanent Change of Assignment
- D. Medical Insurance

Physicians', Dentists', and Optometrists' Unit

Class and Salary Listing

Effective 11/1/2019

Job Code	Classification Title	Flex Staff (F)	Monthly Salary Range	
			Step 1	Step 2
VPT5	Primary Care Provider–Ex		\$17,463.91	\$19,916.67
VPT6	Primary Care Provider–LT–Ex		\$17,463.91	\$19,916.67
VPT1	Ambulatory Care Provider–Ex		\$15,284.75	\$17,333.33
VPT2	Dentist–Ex		\$12,540.00	\$14,250.00
VPS3	Emergency Medicine–Ex		\$18,333.33	\$20,833.33
VPT3	Hospitalist–Ex		\$16,720.00	\$19,000.00
VPS5	OBGYN–Full Spectrum–Ex		\$16,866.67	\$19,166.67
VPS6	OBGYN–FM Adv Obstetrics–Ex		\$15,253.33	\$17,333.33
VPS7	Optometrist–Ex		\$8,946.67	\$10,166.67
VPS8	Oral Surgeon–Ex		\$16,720.00	\$19,000.00
VPT7	Pathologist–Ex		\$19,095.75	\$21,625.00
VPS9	Pediatrician–Ambulatory–Ex		\$16,674.75	\$19,083.33
VPS0	Pediatrician–Hospitalist–Ex		\$15,253.33	\$17,333.33
VPT8	Psychiatrist–Adult–Ex		\$17,160.00	\$19,500.00
VPT9	Psychiatrist–Pediatric–Ex		\$17,893.33	\$20,333.33
VPT0	Psychiatrist–Emg Svs/Det–Ex		\$17,893.33	\$20,333.33
VP71	Resident I	F	\$4,833.33	n/a
VP72	Resident II	F	\$5,250.00	n/a
VP74	Resident III	F	\$5,666.67	n/a

Physicians', Dentists', and Optometrists' Unit

Classification Eligibility for Pay

Job Code	Classification Title	Additional Duty*	Clinical On-Call	Call-Back	Night Shift M-Th: 11pm-7am Fri-Sun & Holidays**: 9pm-7am
VPT5	Primary Care Provider-Ex	Base Hourly Rate	\$28/hr	n/a	n/a
VPT6	Primary Care Provider-LT-Ex	Base Hourly Rate	\$28/hr	n/a	n/a
VPT1	Ambulatory Care Provider-Ex	Base Hourly Rate	\$28/hr	n/a	n/a
VPT2	Dentist-Ex	Base Hourly Rate	n/a	n/a	n/a
VPS3	Emergency Medicine-Ex	\$190/hr	\$28/hr	n/a	\$50/hr
VPT3	Hospitalist-Ex	Base Hourly Rate	\$28/hr	1.2x Hourly Base	\$50/hr
VPS5	OBGYN-Full Spectrum-Ex	Base Hourly Rate	\$28/hr	1.2x Hourly Base	\$50/hr
VPS6	OBGYN-FM Adv Obstetrics-Ex	Base Hourly Rate	\$28/hr	n/a	\$50/hr
VPS7	Optometrist-Ex	Base Hourly Rate	n/a	n/a	n/a
VPS8	Oral Surgeon-Ex	Base Hourly Rate	\$28/hr	1.2x Hourly Base	n/a
VPT7	Pathologist-Ex	Base Hourly Rate	\$28/hr	1.2x Hourly Base	n/a
VPS9	Pediatrician-Ambulatory-Ex	Base Hourly Rate	\$28/hr	n/a	n/a
VPS0	Pediatrician-Hospitalist-Ex	Base Hourly Rate	\$28/hr	n/a	\$50/hr
VPT8	Psychiatrist-Adult-Ex	Base Hourly Rate	\$28/hr	n/a	n/a
VPT9	Psychiatrist-Pediatric-Ex	Base Hourly Rate	\$28/hr	n/a	n/a
VPT0	Psychiatrist-Emg Svs/Det-Ex	Base Hourly Rate	\$28/hr	n/a	\$50/hr
VP71	Resident I	\$50/hr	n/a	n/a	n/a
VP72	Resident II	\$50/hr	n/a	n/a	n/a
VP74	Resident III	\$50/hr	n/a	n/a	n/a

* Base hourly rate is determined using a 2080 hour work year

** And the night before Christmas and New Year's Eve

Contra
Costa
County



Human Resources
Department

Administration Bldg.
651 Pine Street, Third Floor
Martinez, California 94553-1292
(510) 335-1764

Leslie T. Knight
Director of Human Resources

April 10, 1997

Stephen Daniels, MD., President
Physicians' & Dentists' Organization of Contra Costa
PO Box 1803
Martinez CA 94553

RE: NOTIFICATION OF INVOLUNTARY PERMANENT CHANGE OF ASSIGNMENT

Dear Dr. Daniels:

This is to confirm tentative agreement reached by Contra Costa County and the Physicians' & Dentists' Organization of Contra Costa regarding notification of involuntary permanent change of assignment.

Except in cases of emergency, a twenty-eight (28) day notice will be provided to any bargaining unit member prior to any involuntary permanent change in work hours, type of work, or work location. This provision shall not be applicable in disciplinary situations.

If the above conforms with your understanding, please indicate agreement by affixing your signature in the space provided below.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathy Ito".

Kathy Ito
Labor Relations Manager

Confirmed:

A handwritten signature in cursive script, appearing to read "Stephen Daniels, MD.". The signature is written over a horizontal line.

Stephen Daniels, MD., President
PDOCC

cc: Leslie Knight, Human Resources Director
William Walker, MD., Health Services Director

MEDICAL INSURANCE

Co-Pays and Co-Insurance

The medical plan co-pays and co-insurance are as follows:

CCHP A:	No charge
CCHP B:	No charge in Network \$5 Office Visit in the CPN Network \$3 Preferred Generic RX \$3 Preferred Brand RX \$3 Non-Preferred Brand RX
KAISER A:	\$10 Office Visit \$10 Generic RX \$20 Brand RX \$10 Emergency Room & Outpatient Surgery
KAISER B:	\$500/\$1000 Member/Family Deductible \$20 Office Visit (not subject to deductible) \$20 Urgent Care Copay (not subject to deductible) \$10 Lab & X-ray Copay (not subject to deductible) \$10 Preferred Generic RX \$30 Preferred Brand RX \$20 Non-Preferred Brand RX 10% Co-Insurance for Inpatient Hospital, Outpatient Surgical and Emergency Room (After Deductible) \$3000/\$6000 Member/Family Annual Out of Pocket Maximum
KAISER HDHP:	\$1500 Deductible (Single Coverage) \$2600/first person, \$3000/full family Deductible (Family Coverage) 10% Office Visit/Urgent Care Co-insurance (After Deductible) 10% Lab & X-Ray Co-insurance (After Deductible) \$10 Generic Rx (After Deductible) \$30 Brand-Name Rx (After Deductible) 10% Inpatient Hospitalization Co-insurance (After Deductible) 10% ER & Outpatient Surgery Co-insurance (After Deductible) \$3000/\$6000 Member/Family Annual Out of Pocket Maximum

EXHIBIT D
Physicians' and Dentists' Organization of Contra Costa

HEALTHNET HMO A: (This plan will be eliminated in 2020)	\$10 Office Visit \$10 Generic RX \$20 Formulary RX \$35 Non-Formulary RX \$25 Emergency Room
HEALTH NET HMO Plan B: (This plan will be eliminated in 2020)	\$20 Office Visit \$50 Urgent Care Visit \$1000 Inpatient Hospital \$500 Out-Patient Surgical \$100 Emergency Room Co-pay \$10 Preferred Generic RX \$20 Non-Preferred Brand RX \$35 Non-Preferred Brand or Generic RX \$2000/\$6000 per Member/Family Annual Out of Pocket Maximum
HEALTH NET SMARTCARE HMO A: (New plan available in 2020)	\$15 Office Visit \$25 Urgent Care Visit \$10 Preferred Generic RX \$20 Preferred Brand RX \$35 Non-Formulary RX \$50 Emergency Room Co-pay \$0 Inpatient Hospital
HEALTH NET SMARTCARE HMO B: (New plan available in 2020)	\$30 Office Visit \$10 Preferred Generic RX \$30 Preferred Brand RX \$50 Non-Formulary RX \$100 Emergency Room \$1,500 Inpatient Hospital
HEALTH NET PPO A:	\$10 Office Visit in network \$5 Generic RX \$5 Formulary RX No Non-formulary RX \$10 Non-Preferred Brand or Generic RX \$50 Emergency Room Deductible Plus 10% 10% Inpatient Hospital Co-Insurance

**PHYSICIANS' & DENTISTS' ORGANIZATION
OF CONTRA COSTA**

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SETTLEMENT AGREEMENT

1. PARTIES. This settlement agreement (hereinafter referred to as "Agreement") is made by and between Physicians and Dentists of Contra Costa ("PDOCC") and the County of Contra Costa ("COUNTY") on behalf of its Health Services Department.

2. SUBJECT. This Agreement is a settlement of all existing and possible differences among the parties concerning PDOCC's Unfair Practice Charge No. SF-CE-1234-M ("UPC") filed on July 31, 2014, with the Public Employment Relations Board ("PERB") on behalf of its members concerning the effects of the COUNTY's increase in patient roster sizes for ambulatory care clinics from 10 to 11 patients scheduled. On March 28, 2017, the Administrative Law Judge hearing the case issued a proposed decision. On or about May 22, 2017, the COUNTY filed Exceptions to the proposed decision with the PERB Board. On or about June 29, 2017, PDOCC also filed Exceptions to the proposed decision with the PERB Board. A decision by the PERB Board remains pending.

3. COUNTY'S OBLIGATIONS. COUNTY agrees to the following:

- A. COUNTY will set aside eight hundred thousand dollars (\$800,000) to be distributed in lump sum payments, less applicable taxes and deductions, to those employees and in those amounts as determined by PDOCC. The County's position is that these payments are not pension compensable but it recognizes that the final determination of pension eligibility is up to the Contra Costa County Employees' Retirement Association (CCCERA).
- B. COUNTY will meet with PDOCC within thirty days of the approval of this Agreement by the Board of Supervisors to receive direction from PDOCC on the distribution of the \$800,000.
- C. COUNTY agrees that there will be two patient roster slots for each four-hour clinic available for booking by the provider or the provider's designee at the provider's discretion. These two provider-controlled patient roster slots are in addition to the eleven management-controlled patient roster slots for each four-hour clinic.
- D. COUNTY will sign a joint letter with PDOCC to notify PERB and the PERB Board of its withdrawal of its Exceptions to the proposed decision described in paragraph 2. SUBJECT, above. COUNTY will sign the joint letter attached as Exhibit A when executing this Agreement. COUNTY will send the joint letter to PERB within five (5) business days of approval of this Agreement by the Board of Supervisors and will provide a copy to PDOCC.

4. PDOCC's OBLIGATIONS. In consideration for the above, PDOCC agrees to the following:

- A. PDOCC will meet with the COUNTY within thirty days of the approval of this Agreement by the Board of Supervisors to provide COUNTY with a list of which employees will receive a lump sum payment and the amount of the lump sum payment for each identified employee. Lump sum payments to employees will be less applicable taxes and deductions. The gross amount lump sum payments will not exceed a combined total of eight hundred thousand dollars (\$800,000). The County's position is that these payments are not pension compensable but it recognizes that the final determination of pension eligibility is up to CCCERA.
- B. PDOCC agrees that the COUNTY retains the management right to schedule and fill a roster of eleven patients in a four-hour clinic. These eleven patient roster slots for each four-hour clinic are in addition to two patient roster slots per four-hour clinic that may be filled at the direction of the provider or the provider's designee.
- C. PDOCC will sign a joint letter with the COUNTY to notify PERB and the PERB Board of its withdrawal of its UPC and its Exceptions to the proposed decision described in paragraph 2. SUBJECT, above, within five (5) business days of the approval of this Agreement by the Board of Supervisors. PDOCC will sign the joint letter attached as Exhibit A when executing this Agreement. PDOCC agrees that the COUNTY will send the signed joint letter attached as Exhibit A to PERB within five (5) business days of approval of this Agreement by the Board of Supervisors.
- D. PDOCC agrees not to file any grievance, unfair practice charge, claim, or lawsuit against the COUNTY, arising from the matters set forth in paragraph 2. SUBJECT, above.

5. EFFECTIVE DATE. This Agreement is effective on November 1, 2019, following execution by the parties and approval by the Board of Supervisors.

6. NO ADMISSION. This Agreement is a compromise of the differences between the parties relative to the matters set forth in paragraph 2. SUBJECT, above, and it is not and shall never be considered an admission of any fault, error, wrongdoing, or liability by COUNTY with respect to the matters set forth in paragraph 2. SUBJECT, above.

7. NO PRECEDENT. The parties acknowledge and agree that this Agreement is not to be considered precedent setting in any other forum or matter, including, but not limited to, a grievance, appeal, claim, unfair labor practice charge, or lawsuit.

8. COSTS. Each party will bear its own costs and attorneys' fees.

9. INTERPRETATION. The language of all parts of this Agreement shall, in all cases, be construed as a whole, according to its fair meaning, and not strictly for or against either Party.

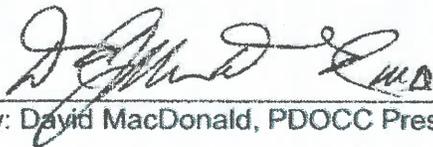
10. ENTIRE AGREEMENT. This Agreement is fully integrated and constitutes the entire agreement and understanding between the Parties. There are no oral understandings, terms or conditions and neither Party has relied upon any representation, express or implied, not contained in this Agreement. All prior understandings, terms or conditions are deemed merged into this Agreement.

11. EXECUTION IN COUNTERPARTS. This Agreement may be executed in counterparts, each of which will be treated as an original and all of which together are to be considered one and the same agreement. Facsimile signatures or scanned copies of signatures are binding and are to be considered original signatures.

12. AUTHORIZATION. The undersigned parties represent that they are authorized to execute this Agreement on behalf of their principals.

Physicians & Dentists of Contra Costa

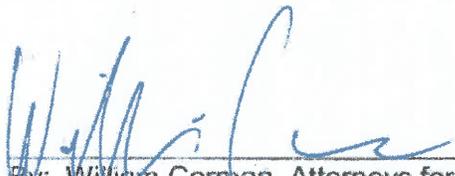
COUNTY OF CONTRA COSTA

 10/12/19
By: David MacDonald, PDOCC President

 10-14-19
By: David Twa, County Administrator

Approved as to form by Bogatin Corman
and Gold:

Approved as to form by
Sharon L. Anderson, County Counsel:


By: William Corman, Attorneys for PDOCC

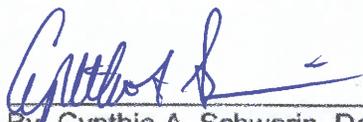

By: Cynthia A. Schwerin, Deputy County
Counsel, Attorneys for County of Contra
Costa

EXHIBIT A

October 22, 2019

Public Employment Relations Board
Attn: Appeals Assistant
Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811-4124

Re: *Physicians and Dentists Organization of Contra Costa County v. County of Contra Costa*, UPC No. SF-CE-1234-M

Dear Members of the PERB Board:

The Physicians and Dentists Organization of Contra Costa County ("PDOCC") and the County of Contra Costa ("County") have reached an agreement to resolve the above-referenced unfair practice charge.

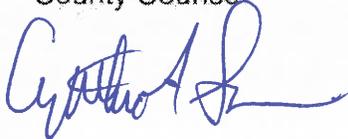
As a result of the settlement, PDOCC hereby withdraws its unfair practice charge No. SF-CE-1234-M, withdraws its Exceptions to the proposed decision pending on appeal before the PERB Board, and requests that the PERB Board accept these withdrawals and dismiss the appeal, dismiss the unfair practice charge, and close the case.

As a result of settlement, the County hereby withdraws its Exceptions to the proposed decision in Case No. SF-CE-1234-M pending on appeal before the PERB Board, and requests that PERB accept these withdrawals, dismiss the appeal, dismiss the unfair practice charge, and close the case.

Thank you for your consideration of this joint request by the parties.

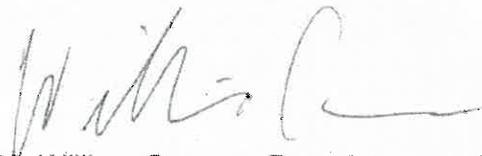
Sincerely,

Sharon L. Anderson
County Counsel



By: Cynthia A. Schwerin, Deputy County Counsel, Attorneys for County of Contra Costa

Bogatin Corman & Gold



By: William Corman, Esq., Attorneys for PDOCC



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Construction Contract for the Buchanan Field Airport Runway 14L-32R Rehabilitation Project, Concord area.

RECOMMENDATION(S):

APPROVE plans, specifications, and design for the Buchanan Field Airport Runway 14L-32R Rehabilitation Project. County Project No. 4855-4661-SAS-6X5324, Federal Project No. AIP 3-06-0050-025, (District 4)

DETERMINE that the bid submitted by Ghilotti Bros., Inc. ("Ghilotti Bros.") demonstrated adequate good faith efforts to meet the Disadvantaged Business Enterprise (DBE) requirement for this project and that Ghilotti Bros. has submitted the lowest responsive and responsible base bid plus Alternative No. 1 and Alternative No. 2 per the specifications for the project.

AWARD the construction contract for the above project to Ghilotti Bros. in the listed amount (\$5,534,447.50) and the unit prices submitted in the bid, and DIRECT that Ghilotti Bros. shall present two good and sufficient surety bonds, as indicated below, and that the Public Works Director, or designee, shall prepare the contract.

ORDER that, after the contractor has signed the contract and returned it, together with the bonds as noted below and any required certificates of insurance or other required documents, and the Public Works Director has reviewed and found them to be sufficient, the Public Works Director, or designee, is authorized to sign the contract for this Board.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Kevin Emigh,
925.313.2233

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

By: , Deputy

cc:

RECOMMENDATION(S): (CONTD)

ORDER that, in accordance with the project specifications and/or upon signature of the contract by the Public Works Director, or designee, bid bonds posted by the bidders are to be exonerated and any checks or cash submitted for security shall be returned.

ORDER that, the Public Works Director, or designee, is authorized to sign any escrow agreements prepared for this project to permit the direct payment of retentions into escrow or the substitution of securities for moneys withheld by the County to ensure performance under the contract, pursuant to Public Contract Code Section 22300.

DELEGATE, pursuant to Public Contract Code Section 4114, to the Public Works Director, or designee, the Board's functions under Public Contract Code Sections 4107 and 4110.

DELEGATE, pursuant to Labor Code Section 6705, to the Public Works Director, or to any registered civil or structural engineer employed by the County, the authority to accept detailed plans showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection during trench excavation covered by that section.

DECLARE that, should the award of the contract to Ghilotti Bros. be invalidated for any reason, the Board would not in any event have awarded the contract to any other bidder, but instead would have exercised its discretion to reject all of the bids received. Nothing in this Board Order shall prevent the Board from re-awarding the contract to another bidder in cases where the successful bidder establishes a mistake, refuses to sign the contract, or fails to furnish required bonds or insurance (see Public Contract Code Sections 5100-5107).

FISCAL IMPACT:

The construction contract will be funded by 90.66% Federal FAA AIP Funds, 4% Caltrans, 5.34% Airport Enterprise Funds.

BACKGROUND:

The above project was previously approved by the Board of Supervisors, plans and specifications were filed with the Board, and bids were invited by the Public Works Director. On June 25, 2019, the Public Works Department received bids from the following contractors:

BIDDER, TOTAL AMOUNT, BOND AMOUNTS

Ghilotti Bros., Inc.: \$5,534,447.50; Payment: \$5,534,447.50; Performance: \$5,534,447.50

A Teichert & Sons, Inc. dba Teichert Construction.: \$5,589,800.00

DeSilva Gates Construction LP \$6,187,687.00

Martin Brothers Construction \$6,236,118.25

Granite Rock Company. \$6,428,068.00

Bay Cities Paving & Grading, Inc. \$6,489,136.30

Ghilotti Construction Co., Inc. \$6,554,636.25

Granite Construction Company \$6,947,940.70

The bidder listed first above, Ghilotti Bros., submitted the lowest responsive and responsible bid, which is \$55,352.50 less than the next lowest bid.

This is a federally funded project subject to a Disadvantaged Business Enterprise (DBE) contract goal and requirements. The Public Works Director reports that the lowest monetary bidder, Ghilotti Bros., attained DBE participation of 6.83% and submitted adequate documentation of good faith efforts to meet the DBE goal (7.00%) and requirements for this project. The Public Works Director recommends that the Board determine that Ghilotti Bros. has demonstrated adequate good faith efforts to meet the DBE goal for this project and has complied with the DBE requirements for this project and recommends that the construction contract be awarded to Ghilotti Bros.

The Public Works Director recommends that the bid submitted by Ghilotti Bros. is the lowest responsive and responsible bid, and this Board concurs and so finds.

The Board of Supervisors previously determined that the project is a California Environmental Quality Act Class 15301(Class I) Categorical Exemption.

The general prevailing rates of wages, which shall be the minimum rates paid on this project, have been filed with the Clerk of the Board, and copies will be made available to any party upon request.

CONSEQUENCE OF NEGATIVE ACTION:

Construction of the project would be delayed, and the project might not be built.



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Advertise the 2020 On-Call Concrete Services Contract(s) for Various Road and Flood Control Maintenance Work, Countywide.

RECOMMENDATION(S):

AUTHORIZE the Public Works Director, or designee, to advertise for the 2020 On-Call Concrete Services Contract(s) for Various Road and Flood Control Maintenance Work, for routine maintenance and repair of existing road and flood control facilities, Countywide.

FISCAL IMPACT:

The On-Call Concrete Services Contract(s) for Various Road and Flood Control Maintenance Work is to be funded by 100% Local Road and Flood Control Funds.

BACKGROUND:

The Public Works Department will use the On-Call Concrete Services Contract(s)

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Ron Thai 925
313-7003

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

for various road and flood control maintenance work to provide supplemental services as needed to the Public Works Maintenance crews for routine road and flood control maintenance and repairs in various locations throughout Contra Costa County.

The Public Works Department intends to award at least one \$150,000 contract, but not more than three \$150,000 contracts to the responsible bidder(s). Each contract will have a term of one year with the option of two one-year extensions and will be used as needed with no minimum amount that has to be spent.

CONSEQUENCE OF NEGATIVE ACTION:

Where concrete services are required, the Public Works Department may be unable to complete routine road and flood control maintenance work in a timely manner.



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Application for funding from MTC for the Treat Blvd. Corridor Improvements Project, Walnut Creek area.

RECOMMENDATION(S):

ADOPT Resolution No 2019/607 authorizing the Public Works Director, or designee, to file an application for, and accept, funding in the amount of \$1,596,000 from Metropolitan Transportation Commission (MTC) for programming discretion, committing any necessary matching funds and stating assurance to complete the Treat Boulevard Corridor Improvements Project, Pleasant Hill area. (District IV)

FISCAL IMPACT:

The County has requested \$1,596,000 in State Transportation Improvement Program (STIP) funds for the Treat Boulevard Corridor Improvements Project. The required local match is estimated as \$546,000 which will be funded by the Local Road Fund, providing approximately a 75% STIP and 25% Local Road Fund cost share.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Mary Halle,
925.313.2327

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

By: , Deputy

cc:

BACKGROUND:

The STIP is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the State Highway Account and other funding sources. The STIP is composed of two sub-elements: the Regional Transportation Improvement Program (RTIP) and the Interregional Transportation Improvement Program (ITIP).

As the Regional Transportation Planning Agency (RTPA) for the Bay Area, the MTC is responsible for developing regional project priorities for the RTIP for the nine counties of the Bay Area. The biennial RTIP is then submitted to the California Transportation Commission for inclusion in the STIP. The Treat Boulevard Corridor Improvements Project is recommended by the Contra Costa County Transportation Authority (CCTA) to MTC for a funding award through the STIP following a rating and selection process by a technical review committee administered by CCTA.

Project Description

The Treat Boulevard Corridor Improvements project will implement bicycle infrastructure and pedestrian enhancements along the Treat Boulevard Corridor. Improvements include buffered bicycle lanes and a new shared use path, enhancing existing crosswalks, closing three free right-turn lanes, and eliminating a traffic bottle-neck.

CONSEQUENCE OF NEGATIVE ACTION:

A negative action will eliminate a potential funding opportunity (i.e., STIP funding) and delay implementation of improvements.

ATTACHMENTS

Resolution No. 2019/607

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

Adopted this Resolution on 10/22/2019 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2019/607

IN THE MATTER OF Authorizing the filing of an application for funding assigned to MTC and committing any necessary matching funds and stating assurance to complete the project

WHEREAS, Contra Costa Public Works Department (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$1,596,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Treat Boulevard Corridor Improvements Project (herein referred to as PROJECT) for the State Transportation Improvement Program (STIP) (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule

submitted with the project application; and

- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
- in the case of a transit project, the PROJECT will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of a highway project, the PROJECT will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
- in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and be it further

RESOLVED that APPLICANT will provide any required matching funds; and be it further

RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it further

RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it further

RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it further

RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and be it further

RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it further

RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

RESOLVED that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it further

RESOLVED that, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it further

RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its Executive Director, General Manager, City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

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

ATTESTED: October 22, 2019

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

Contact: Mary Halle, 925.313.2327

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Accepting completion of improvements for subdivision SD17-09300, San Ramon (Dougherty Valley) area.

RECOMMENDATION(S):

ADOPT Resolution No. 2019/551 accepting completion of improvements for subdivision SD17-09300 for a project developed by Shapell Industries Inc., a Delaware Corporation, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

FISCAL IMPACT:

No Fiscal Impact.

BACKGROUND:

The developer has completed the improvements per the Subdivision Agreement, and in accordance with the Title 9 of the County Ordinance Code.

CONSEQUENCE OF NEGATIVE ACTION:

The completion of improvements will not be accepted and the warranty period will not begin.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Randolph Sanders
(925)313-2111

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

By: , Deputy

cc: Jocelyn LaRocque- Engineering Services, Randolph Sanders- Engineering Services, Joshua Laranang- Engineering Services, Chris Hallford -Mapping , Renee Hutchins - Records, Karen Piona- Record, Chris Low - City of San Ramon, Shapell Homes, a Division of Shapell Industries, Inc., Philadelphia Indemnity Insurance Company, T-07/17/2020, Sherri Reed

ATTACHMENTS

Resolution No.

2019/551

Decrease Penalty Rider

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

Adopted this Resolution on 10/22/2019 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2019/551

IN THE MATTER OF: accepting completion of improvements for subdivision SD17-09300 for a project developed by Shapell Industries Inc., a Delaware Corporation, as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District II)

The Public Works Director has notified this Board that the improvements in subdivision SD17-09300 have been completed as provided in the Subdivision Agreement with Shapell Industries Inc., a Delaware Corporation heretofore approved by this Board in conjunction with the filing of the Subdivision Map.

WHEREAS, these improvements are approximately located along "new" Dougherty Road, near Bollinger Canyon Road.

NOW, THEREFORE, BE IT RESOLVED that the improvements have been COMPLETED as of October 22, 2019, thereby establishing the six-month terminal period for the filing of liens in case of action under said Subdivision Agreement:

DATE OF AGREEMENT: August 14, 2018

NAME OF SURETY: Philadelphia Indemnity Insurance Company

BE IT FURTHER RESOLVED the payment (labor and materials) surety for \$1,117,500.00, Bond No. PB00579800090 issued by the above surety be RETAINED for the six month lien guarantee period until April 22, 2020 at which time the Board AUTHORIZES the release of said surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that Bergamot Court, Bergamot Way and Roseum Court for the hereinafter described public improvements, as shown and dedicated for public use on the Final Map of subdivision SD17-09300, filed, in Book 539 of Final Maps at Page 1, Official Records of Contra Costa County, State of California, are ACCEPTED AS COMPLETE.

Road Name: Bergamot Court

Length (miles): 0.24

Road/ROW Width: 36'/46'

Road Name: Bergamot Way

Length (miles): 0.06

Road/ROW Width: 36'/46'

Road Name: Roseum Court

Length (miles): 0.12

Road/ROW Width: 36'/46'

BE IT FURTHER RESOLVED that upon acceptance by the Board of Supervisors, the San Ramon City Council shall accept the improvements for maintenance and ownership in accordance with the Dougherty Valley Memorandum of Understanding.

BE IT FURTHER RESOLVED that the beginning of the warranty period is hereby established, and the \$22,500 cash deposit (Auditor's Deposit Permit No. 761124, dated May 4, 2018) made by Shapell Industries Inc., a Delaware Corporation, and the performance surety bond rider for \$332,325.00, Bond No PB00579800090 issued by Philadelphia Indemnity Insurance Company

be RETAINED pursuant to the requirements of Section 94-4.406 of the Ordinance Code until release by this Board.

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

Contact: Randolph Sanders (925)313-2111

ATTESTED: October 22, 2019

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

By: , Deputy

cc: Jocelyn LaRocque- Engineering Services, Randolph Sanders- Engineering Services, Joshua Laranang- Engineering Services, Chris Hallford -Mapping , Renee Hutchins - Records, Karen Piona- Record, Chris Low - City of San Ramon, Shapell Homes, a Division of Shapell Industries, Inc., Philadelphia Indemnity Insurance Company, T-07/17/2020, Sherri Reed

Decrease PENALTY RIDER

BOND NO. PB00579800090

To be attached and form a part of Bond No. PB00579800090 dated the 19th day of April, 2018, executed by Philadelphia Indemnity Insurance Company as surety, on behalf of Shapell Industries, Inc., a Delaware Corporation as current principal of record, and in favor of County of Contra Costa, as Oblige, and in the amount of Two Million Two Hundred Fifteen Thousand Five Hundred Dollars and 00/100 (\$2,215,500.00).

In consideration of the agreed premium charged for this bond, it is understood and agreed that Philadelphia Indemnity Insurance Company hereby consents that effective from the 29th day of August, 2019, said bond shall be amended as follows:

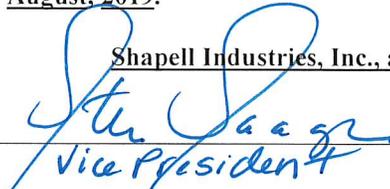
THE BOND PENALTY SHALL BE Decreased:

FROM: Two Million Two Hundred Fifteen Thousand Five Hundred Dollars and 00/100 (\$2,215,500.00)

TO: Three Hundred Thirty Two Thousand Three Hundred Twenty Five Dollars and 00/100 (\$332,325.00)

The Decrease of said bond penalty shall be effective as of the 29th day of August, 2019, and does hereby agree that the continuity of protection under said bond subject to changes in penalty shall not be impaired hereby, provided that the aggregate liability of the above mentioned bond shall not exceed the amount of liability assumed by it at the time the act and/or acts of default were committed and in no event shall such liability be cumulative.

Signed, sealed and dated this 30th day of August, 2019.

BY: Shapell Industries, Inc., a Delaware Corporation
PRINCIPAL

Vice President

BY: Philadelphia Indemnity Insurance Company
SURETY

Richard J. Decker, ATTORNEY-IN-FACT

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

Civil Code § 1189

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

State of PENNSYLVANIA

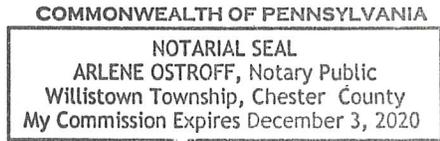
County of CHESTER



On August 30, 2019 before me, ARLENE OSTROFF, Notary Public

personally appeared Richard J. Decker

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



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

Witness my hand and official seal.

Signature [Handwritten Signature] Notary Public Signature

Place Notary Public Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to the persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

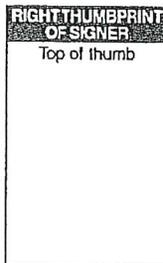
Description of Attached Document

Title or Type of Document

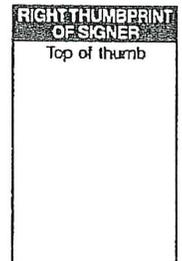
Document Date Number of Pages:

Signer's Name:

- Individual
Corporate Officer - Title(s):
Partner - Limited General
Guardian or Conservator
Attorney-in-Fact
Trustee
Other:
Signer is representing Philadelphia Indemnity Insurance Company



- Individual
Corporate Officer - Title(s):
Partner - Limited General
Guardian or Conservator
Attorney-in-Fact
Trustee
Other:
Signer is representing



PHILADELPHIA INDEMNITY INSURANCE COMPANY
One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Joseph W. Kolok, Jr., James L. Hahn, Daniel P. Dunigan, Richard J. Decker, Brian C. Block & William F. Simkiss of The Simkiss Agency, Inc., its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$25,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

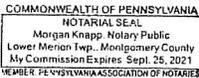
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27TH DAY OF OCTOBER, 2017.

(Seal)



Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 27th day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public: Morgan Knapp
residing at: Bala Cynwyd, PA
My commission expires: September 25, 2021

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 27th day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 30TH day of AUGUST, 2019.



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

PHILADELPHIA INDEMNITY INSURANCE COMPANY

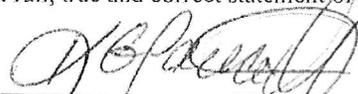
Statutory Statements of Admitted Assets, Liabilities and Capital and Surplus
(in thousands, except par value and share amounts)

<u>Admitted Assets</u>	As of December 31,	
	2018	2017
Bonds (fair value \$7,036,118 and \$6,911,411)	\$ 7,018,246	\$ 6,708,174
Preferred stocks (fair value \$46,324 and \$50,134)	46,213	48,537
Common stocks (cost \$14,897 and \$31,965)	14,853	33,817
Mortgage loans	473,067	400,590
Real estate	1,514	3,294
Other invested assets (cost \$211,099 and \$234,382)	219,251	240,475
Derivatives	157	-
Receivables for securities sold	1,109	399
Cash, cash equivalents and short-term investments	65,668	140,468
Cash and invested assets	<u>7,840,078</u>	<u>7,575,754</u>
Premiums receivable, agents' balances and other receivables	968,504	831,770
Reinsurance recoverable on paid losses	34,694	33,955
Accrued investment income	82,576	86,998
Receivable from affiliates	5,480	6,611
Federal income taxes receivable	-	4,869
Net deferred tax asset	121,266	113,125
Other assets	5,586	89
Total admitted assets	<u>\$ 9,058,184</u>	<u>\$ 8,653,171</u>
<u>Liabilities and Capital and Surplus</u>		
Liabilities:		
Net unpaid losses and loss adjustment expenses	\$ 4,581,608	\$ 4,263,696
Net unearned premiums	1,616,043	1,533,201
Reinsurance payable on paid loss and loss adjustment expenses	30,374	23,933
Ceded reinsurance premiums payable	89,591	80,592
Commissions payable, contingent commissions and other similar charges	234,551	225,361
Federal income taxes payable	3,141	-
Funds held	61,944	83,909
Accrued expenses and other liabilities	37,562	33,890
Payable to affiliates	13,148	10,761
Provision for reinsurance	-	1
Payable for purchased securities	20,741	81,458
Total liabilities	<u>\$ 6,688,703</u>	<u>\$ 6,336,802</u>
Capital:		
Common stock, par value of \$10 per share; 1,000,000 shares authorized, 450,000 shares issued and outstanding	4,500	4,500
Surplus:		
Gross paid-in and contributed surplus	386,071	386,071
Unassigned surplus	1,978,910	1,925,798
Total surplus	<u>2,364,981</u>	<u>2,311,869</u>
Total capital and surplus	<u>2,369,481</u>	<u>2,316,369</u>
Total liabilities and capital and surplus	<u>\$ 9,058,184</u>	<u>\$ 8,653,171</u>

The undersigned, being duly sworn, says: That she is the Executive Vice President and Chief Financial Officer of Philadelphia Indemnity Insurance Company; that said Company is a corporation duly organized in the state of Pennsylvania, and licensed and engaged in the State of Pennsylvania and has duly complied with all the requirements of the laws of the said State applicable of the said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under the Act of Congress. And that to the best of her knowledge and belief the above statement is a full, true and correct statement of

Attest:

COMMONWEALTH OF PENNSYLVANIA NOTARIAL SEAL Kimberly A. Kessleski, Notary Public Lower Merion Twp., Montgomery County My Commission Expires Dec. 18, 2020 MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES
--


 Karen Gilmer-Pauciello, EVP & CFO


 Kimberly Kessleski, Notary

Sworn to before me this 21st day of May 2019.

ACKNOWLEDGMENT

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

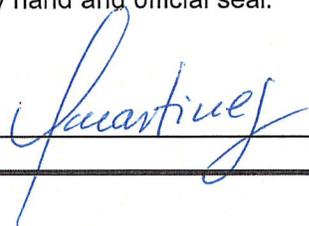
State of California
County of Alameda)

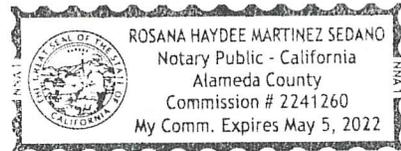
On September 12, 2019 before me, Rosana Haydee Martinez Sedano, Notary Public
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature  (Seal)





**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: PROCLAIM the week of October 19-26, 2019 as “California Flood Preparedness Week” in Contra Costa County.

RECOMMENDATION(S):

ADOPT Resolution No. 2019/592 proclaiming the week of October 19-26, 2019 as “California Flood Preparedness Week” in Contra Costa County, as recommended by the Public Works Director, Countywide.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Last year, on October 16, 2018, the Board declared “California Flood Preparedness Week” on October 20-26, 2018. This year, the State has declared “California Flood Preparedness Week” to be on October 19-26, 2019.

The County would join federal, state, and other local agencies during Flood Preparedness week in raising awareness of flood risk in California and reminding Californians that climate change impacts, recent wildfires, and extreme weather events make it more important than ever for Californians to be flood ready. Floods after fire present greater risk to communities and homes downslope of burn areas because the ground cannot absorb the water. Instead, rain hits slick, charred hillsides and picks up ash, topsoil, and debris as it moves downhill. Flash flooding,

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jocelyn LaRocque -
(925)313-2315

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

By: , Deputy

cc: Jocelyn LaRocque- Engineering Services, Randolph Sanders- Engineering Services, David Twa. CAO, Susan Shiu - CCTV, Carrie Ricci- Duty

BACKGROUND: (CONT'D)

mudflows, and debris flows happen quickly, so it is critical people and communities living downslope of a burn area are prepared.

As part of the Unincorporated County Floodplain Management Program administered by the Public Works Department, Public Works would like to provide information about the Unincorporated Contra Costa County Floodplain Program and resources on flood risk and preparedness. This information is also available through the California Department of Water Resources, specifically the Flood Preparedness website, which provides links to additional information from such agencies as the Federal Emergency Management Agency and the National Flood Insurance Program.

CONSEQUENCE OF NEGATIVE ACTION:

Contra Costa County will not declare that week as the statewide California Flood Preparedness Week.

ATTACHMENTS

Resolution No. 2019/592

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

Adopted this Resolution on 10/22/2019 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2019/592

IN THE MATTER OF: proclaiming California Flood Preparedness Week October 19-26, 2019.

WHEREAS the County of Contra Costa recognizes the significant public safety threat flooding poses to the population, assets, and economy of our County; and

WHEREAS the floodplain management program services provided in our community are an integral part of our citizen's everyday lives; and

WHEREAS the support and understanding of an informed citizenry is vital to the efficient administration of the Unincorporated Contra Costa County Floodplain Program; and

WHEREAS the health and safety of this community greatly depend on the administration of this program; and

WHEREAS during the California Flood Preparedness Week, local, state, and federal agencies across the state work together to inform the public about the dangers of flooding, how to prepare their homes and families for a flood, and plan for recovery; and

WHEREAS climate change impacts, recent wildfires, and extreme weather events make it more important than ever for Californians to be flood ready; and

WHEREAS California Flood Preparedness Week 2019 will be held statewide during the week of October 19-26, 2019; and

WHEREAS the theme for California Flood Preparedness Week 2019 will be "Be Aware, Be Prepared, and Take Action!"

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby recognize October 19-26, 2019 as CALIFORNIA FLOOD PREPAREDNESS WEEK, support public awareness of flood risk, and encourages County residents to take action to understand their flood risk and prepare appropriately.

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

ATTESTED: October 22, 2019

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

Contact: Jocelyn LaRocque - (925)313-2315

By: , Deputy

cc: Jocelyn LaRocque- Engineering Services, Randolph Sanders- Engineering Services, David Twa. CAO, Susan Shiu - CCTV, Carrie Ricci- Duty



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Waive associated rental fees for the use of Lefty Gomez Community Center by New Horizons Career Development Center, Rodeo area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to waive associated rental fees for the use of Lefty Gomez Community Center for New Horizon's Annual Thanksgiving Food Distribution and Christmas Food Basket Toy Distribution, Rodeo area. (District V)

FISCAL IMPACT:

\$840.00 - 100% County Service Area (CSA) R-10. CSA R-10 will not receive revenue from this activity.

BACKGROUND:

New Horizons Career Development Center (CDC) is committed to providing resources for residents who meet the guidelines for low income levels in the Rodeo community. Resources include: computer and resume workshops; life skills classes; and opportunities for educational advancement. Each year New Horizons CDC presents holiday events which bring the community together.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Carl Roner
(925)313-2213

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

By: , Deputy

cc: Vincent Manuel, BOS- District V, Slava Gospodchikov - Engineering Services, Carl Roner- Special Districts, Rochelle Johnson - Special Districts, Victoria Skerritt, Special Districts

BACKGROUND: (CONT'D)

This is a day of fun, and includes food basket and toy distributions.

To help defray the costs associated with these events, New Horizons CDC is requesting a waiver of the \$840.00 of associated rental fees for the use of the Lefty Gomez Community Center on the following dates and times:

- November 15, 2019, from 10 a.m. to 4:00 p.m. for the 2019 Thanksgiving Food Distribution.
- December 14, 2019, from 12:00 p.m. to 4:00 p.m. for the Annual Christmas Food Basket Distribution and Christmas Toy Giveaway.

The requested dates do not conflict with other community programs that take place regularly at Lefty Gomez Community Center.

CONSEQUENCE OF NEGATIVE ACTION:

If this request for fee waivers is not approved, the use of the Lefty Gomez Community Center would not be funded via the CSA R-10 and New Horizons CDC would be responsible for paying \$840.00 of associated rental fees for the use of the Rodeo Senior Center.

ATTACHMENTS

New Horizon 2019 Holiday letter and Flyer for County - Fee Waiver Request

New Horizon 2019 Holiday Rental Application



NEW HORIZONS CAREER DEVELOPMENT CENTER INC.

DR. ANTHONY A. K. HODGE, Executive Director

199 Parker Avenue • Rodeo, CA 94572 • Ph. (510) 799-2916

www.newhorizonscdc.com

September 16, 2019

BOARD OF DIRECTORS

CHAIR
COOKIE TEAT

SECRETARY
AIMEE LOHR

MEMBER
ANTHONY HODGE

MEMBER
MICHAEL PASELY

To whom it may concern:

New Horizons Career Development Center has been committed to being a viable partner in the community by helping out those who meet the guidelines for low and very low income levels. We are excited about our 2019 events calendar so as we are in the planning process of our Annual Celebrations which will be held on the dates outlined below:

- Annual Community Thanksgiving Feeding: Friday, November 15, 2019 from 10pm to 4pm.
- Christmas Toy Giveaway: Friday, December 20, 2019 from 10pm to 4pm.

New Horizons have reserved the Senior Center in the past for the annual event located at 189 Parker Avenue in Rodeo. We are now requesting a fee waiver to utilize the Lefty Gomez Community Facility to host the community event and public use so as the Senior Center is no longer available.

The 2019 holiday events will be a day of fun and unity for our community. We will prepare a delicious Thanksgiving Feast, give away Turkey's/Food Baskets, and Toys for Christmas. All free of cost!

Thank you for your consideration of our request and continued support.

Kindly,

Dr. Anthony A.K. Hodge
Executive Director

Mission Statement:

Empowering individuals to become self sufficient so they may live enriched and fulfilling lives.

Annual Thanksgiving Meal & Food Basket Giveaway

Meal: Friday, November 15, 2019

12pm to 4pm

Lefty Gomez Community Center

470 Parker Avenue

Rodeo, CA 94572

Free To The Community!

(All you need to do is show up)

Please contact New Horizons Career Development Center at 510-799-2916 for registration and questions.



T H A N K F U L



*New Horizons
Career Development
Center Cordially Invites You to Our*

CHRISTMAS & TOY/FOOD BASKET GIVEAWAY

Date: Friday, December 20, 2019

Time: 12:00 p.m. to 4:00 p.m.

Location: 470 Parker Avenue, Rodeo, CA 94572

**Free to the
Communi-
ty!!!**

For addi-
tional ques-
tions you
may contact
the center
at 510-799-
2916





*New Horizons
Career Development
Center Cordially Invites You
to Our*



***ANNUAL HOLIDAY TOY & FOOD BASKET
GIVEAWAY***

**Fecha: Viernes 20 de diciembre de 2019
12:00 p.m. a 4:00 p.m.**

**Ubicación: Centro Comunitario Lefty Gomez
470 Parker Avenue, Rodeo, CA 94572**

GRATIS a la Comunidad!

(Todo lo que necesitahacer es aparecer)

Para preguntas
adicionales,
puede ponerse en
contacto con New
Horizons Center
para registrarse:
(510) 799-2916.



LEFTY GOMEZ

MONTARABAY

APPLICATION FOR FACILITY USE

Deposit Receipt No. _____

Date 9/16/2019

Rental Receipt No. _____

Send Check to: A or B

Rental Receipt No. _____

New Horizons CDC

Dr. Anthony Hodge or Latasha C.

A. Individual/Organization Name

B. Designated person in charge of activity

199 Parker Avenue

199 Parker Avenue

Street Address

Street Address

Rodeo CA 94572

Rodeo CA 94572

City/Zip Code

City/ Zip Code

510-799-2916 415-724-7931

510-799-2916 415-725-7442

Day Phone

Evening Phone

Day Phone

Evening Phone

Community Feeding Thanks - giving NOV. 15, 2019 Friday

Type of Event

Date(s) of the Event

10 am

4 pm

6

Entry Time

Departure Time

Total hours

Applicant(s) intends to (check all that apply):

- Serve alcohol to the general public
- Sell alcohol to the general public
- Serve food to the general public
- Sell food to the general public

FACILITY REQUEST

Applicant will will not clean facility before departure (check one)

Community Center (non-resident)	\$ _____
Community Center (resident)	\$ <u>35.00 x 6 = 210.00</u>
Kitchen	\$ _____
Ball Field	\$ _____
Ball Field Lights	\$ _____
Tennis Court Lights (Lefty Gomez)	\$ _____
Tennis Court Net (Lefty Gomez)	\$ _____
Meeting (3hr. max)	\$ _____

Staff Fee (Open/Close)	\$ <u>10.00</u>
Security Fee	\$ _____
Cleaning/Damage Deposit	\$ <u>200.00</u>
Alcoholic Beverage Fee	\$ _____
Alcoholic Deposit	\$ _____
Noise Disturbance Deposit	\$ _____
Extra Hours	\$ _____
Other	\$ _____
TOTAL AMOUNT DUE	\$ <u>420.00</u>

Fee Waiver Request. Thanks a Ton!

Agreement

My signature certifies that I have received and read, the Community Center Rules and Regulations; Community Center Rental Rates, Fees, Permits, and Insurance Requirements; and Community Center Renters Cleaning Guidelines; that I will take full responsibility for seeing that the use of these facilities/area by the organization/group I represent is in full, adherence and compliance with these conditions, that I will hold Contra Costa County, CSA R-10 and/or M-17 harmless from any damage, claim for damage for personal injury or death, damage to or loss of property, claims for damage to or loss of property incurred in the use of these facilities/area; that if there are any minors in the group using these facilities/are, I will accept full responsibility for them throughout the period covered by this application. The applicant's signature attests the parties' agreement hereto:

L. Chillow

Applicant's Signature

9/16/2019

Date

FOR OFFICE USE ONLY

Cash Check # _____ Money Order# _____

Total Amount of Fees: \$ 420.00

Amount Paid: \$ _____

Balance Due: \$ _____

Date Balance Due: _____

Additional Charges

\$ _____ Cleaning
\$ _____ Damages
\$ _____ Security
\$ _____ Extra Hrs
= _____ Total Add'l charges

Refunds

\$ _____ Amount
Refund check # _____
Date of Refund _____

Application Approved Denied

By L. Chillow

Reason for Denial _____

Driver's License No. _____

Security Confirmed? Yes No Date: _____

LEFTY GOMEZ MONTARABAY

APPLICATION FOR FACILITY USE

Deposit Receipt No. _____ Date 9/16/2019

Rental Receipt No. _____ Send Check to: A or B

Rental Receipt No. _____

New Horizons CDC

A. Individual/Organization Name

199 Parker Avenue

Street Address

Rodeo CA 94572

City/Zip Code

510-799-2916 415-724-7931

Day Phone Evening Phone

Dr. Anthony Hodge or Latasha Chillo

B. Designated person in charge of activity

199 Parker Avenue

Street Address

Rodeo CA 94572

City/Zip Code

510-799-2916 415-725-7142

Day Phone Evening Phone

Christmas Food Basket / Toy Give-Away Friday

Type of Event Date(s) of the Event

10am 4pm 6

Entry Time Departure Time Total hours

Applicant(s) intends to (check all that apply):

- Serve alcohol to the general public
- Sell alcohol to the general public
- Serve food to the general public
- Sell food to the general public

FACILITY REQUEST

Applicant will will not clean facility before departure (check one)

Community Center (non-resident)	\$ _____	Staff Fee (Open/Close)	\$ <u>10.00</u>
Community Center (resident)	\$ <u>30 x 6 = 210.00</u>	Security Fee	\$ _____
Kitchen	\$ _____	Cleaning/Damage Deposit	\$ <u>200.00</u>
Ball Field	\$ _____	Alcoholic Beverage Fee	\$ _____
Ball Field Lights	\$ _____	Alcoholic Deposit	\$ _____
Tennis Court Lights (Lefty Gomez)	\$ _____	Noise Disturbance Deposit	\$ _____
Tennis Court Net (Lefty Gomez)	\$ _____	Extra Hours	\$ _____
Meeting (3hr. max)	\$ _____	Other	\$ _____
		TOTAL AMOUNT DUE	\$ <u>420.00</u>

Fee Waiver Request. Thanks a Ton!

Agreement

My signature certifies that I have received and read, the Community Center Rules and Regulations; Community Center Rental Rates, Fees, Permits, and Insurance Requirements; and Community Center Renters Cleaning Guidelines; that I will take full responsibility for seeing that the use of these facilities/area by the organization/group I represent is in full, adherence and compliance with these conditions, that I will hold Contra Costa County, CSA R-10 and/or M-17 harmless from any damage, claim for damage for personal injury or death, damage to or loss of property, claims for damage to or loss of property incurred in the use of these facilities/area; that if there are any minors in the group using these facilities/are, I will accept full responsibility for them throughout the period covered by this application. The applicant's signature attests the parties' agreement hereto:

Latasha Chillo
Applicant's Signature

9/16/2019
Date

FOR OFFICE USE ONLY

Cash Check # _____ Money Order# _____

Total Amount of Fees: \$ 420.00

Amount Paid: \$ _____

Balance Due: \$ _____

Date Balance Due: _____

Application Approved
 Denied

By Latasha Chillo

Reason for Denial _____

Driver's License No. _____

Security Confirmed? Yes No Date: _____

Additional Charges

Refunds

\$ _____ \$ _____ \$ _____ \$ _____ = \$ _____ Refund check # _____
Cleaning Damages Security Extra Hrs Total Add'l charges Amount Date of Refund _____



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Approve and Authorize the Chief Engineer to execute a license agreement between CCC FCWCD and the City of Walnut Creek related to paved trails.

RECOMMENDATION(S):

Acting as the governing body of the Contra Costa County Flood Control and Water Conservation District (District), APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute on behalf of the District, a license agreement with the City of Walnut Creek (City) for the purpose of operating and maintaining trails along the Pine Creek Channel and Milton Kubicek Detention Basin, effective October 22, 2019, and shall remain in effect for 25 years, pursuant to Section 31 of the Contra Costa County Flood Control and Water Conservation District Act. (Project No.: 7520-6B8315)(CP#18-31).

DETERMINE that the conveyance of the license is in the public interest and will not substantially conflict or interfere with the use of the property by the District.

DETERMINE that the activity is not subject to the California Environmental Quality Act (CEQA), pursuant to Article 5, Section 15061(B)(3) of the State CEQA guidelines; and DIRECT the Director of the Department of Conservation and Development (DCD) to file a Notice of Exemption with the County Clerk.

DIRECT the Chief Engineer to arrange for payment of a \$50.00 fee to the County Clerk for filing and a \$25.00 fee to DCD for processing the Notice of Exemption.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jewel Lopez (925)
957-2485

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

By: , Deputy

cc: Jorge Hernandez, PW Flood Control

RECOMMENDATION(S): (CONT'D)

DIRECT the Real Estate Division of the Public Works Department to cause said license agreement be delivered to the City of Walnut Creek.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

In June 2017, the District issued an encroachment permit, for a period of five years, to the City for the maintenance and operation of the existing trail within the Milton Kubicek Detention Basin and the existing wood pedestrian bridge, known as the Diablo Shadows pedestrian bridge, over the Pine Creek Flood Control Channel, which connects a City-maintained regional trail with Diablo Shadows Park. By entering into a License Agreement with the City, the City would be able to operate and maintain the existing trail within the Milton Kubicek Detention Basin for a longer term. The City would also have the ability to operate and maintain the Diablo Shadows pedestrian bridge, an existing trail and any new permitted trails along the Pine Creek Flood Control Channel. The City has agreed to accept responsibility for liability, vegetation maintenance, and litter control within the trail area.

CONSEQUENCE OF NEGATIVE ACTION:

The District would continue to have the responsibility to maintain the areas that the City utilizes as trails.

ATTACHMENTS

License Agreement

CEQA

**LICENSE AGREEMENT
BETWEEN
CONTRA COSTA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
AND
THE CITY OF WALNUT CREEK**

This LICENSE AGREEMENT ("License") is made and entered into this _____ day of _____ 2019, ("Effective Date") by and between CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a Flood Control District existing under the laws of the State of California, (the "District") and the CITY OF WALNUT CREEK, a California Municipal Corporation (the "City"). City and District are sometimes hereinafter referred to individually as a "party" or collectively as the "parties".

RECITALS

- A. The District holds fee title to the Joint Use Areas, as defined in Section 1 of this License. City desires to use the Joint Use Areas for recreational purposes such a pedestrian bridge, trails, combined vehicle/pedestrian access, and other ancillary recreational uses, and associated uses such as landscaping, fencing, bollards, and signs. District is willing to allow City to use the Joint Use Area for those purposes for the benefit of City and its residents and other persons.
- B. The purpose of this License is to provide for City's continued use of the Joint Use Areas under the terms and conditions of this License.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and District agree as follows:

- 1. **Description of the Joint Use Areas:** The "Joint Use Areas" are that certain real properties more particularly shown in the orange highlighted hashed areas on Exhibits "A" and "B," attached hereto and incorporated herein by this reference. District and City understand and agree that the Joint Use Areas may be modified or amended from time to time as necessary upon the mutual written consent of the parties, which consent may be given by City's City Manager or his/her designee and the Districts' Chief Engineer or his/her designee on behalf of the City and District respectively.
- 2. **Grant of License:** As of the Effective Date, District hereby grants to City a revocable, non-exclusive license to enter upon, occupy, and use the Joint Use Areas for the purposes described in, and subject to the terms and conditions of, this License.
- 3. **Term:** The term of this License commences on the Effective Date, and it ends _____, 2044, unless or until the earlier occurrence of either of the following: (a) this License amended by mutual written agreement of the parties, or (b) this License is suspended, partially revoked, or terminated by either party in writing in accordance with the provisions contained herein.
- 5. **District's Title:** City hereby acknowledges District's fee title in and to the Joint Use Areas, and agrees never to assail or to resist District's title. City acknowledges and agrees that it is not acquiring any interest or estate in the Joint Use Areas, or the land underlying the Joint

Use Areas, by executing this License, and that no interest or estate in the Joint Use Areas is being conveyed to it, that this License will never convey such right or estate in or to the Joint Use Areas, or the land underlying the Joint Use Areas, nor will City obtain any title or claim to use the Joint Use Areas beyond that specifically granted in this License.

The City shall not enter into any agreement or contract, or accept grants, gifts or funding provided by the Federal, State or other government authority that in any way subordinates the rights of the District over the Joint Use Areas, including but not limited to, District's right to construct, use, maintain, alter, reconstruct, enlarge or otherwise modify its facilities located within the Joint Use Areas without the expressed written consent of the District. Should City's actions or uses of the Joint Use Areas subordinate the rights of the District over the Joint Use Areas, the City shall be obligated to cure the subordination or to replace District's facilities in another location acceptable to the District at its sole cost and expense, or compensate the District for any costs, loss, or damages resulting from its loss of use of such facilities.

Further, City shall not enter into any agreement or contract with any third parties that extend any rights beyond the extent, terms, or existence of this License.

6. **District's Uses:** District shall have the right to use the Joint Use Areas, for any purpose, including, but not limited to, flood control detention basins, drainage water conveyance, water conservation, water quality improvement, maintenance, channeling, or otherwise controlling the flow of drainage waters, as well as performing any other activities, and constructing or maintaining any facilities that the District may be required to perform, construct, or maintain by other agencies at the Federal, State, Regional or Local level, including but not limited to, water quality and quality control and environmental mitigation and enhancement, all of which shall hereinafter be referred to as "District's Uses." District's Uses of the Joint Use Areas shall be paramount or superior to any other use of the Joint Use Areas, including but not limited to, City's Uses described in Section 7 titled "City's Uses of the Joint Use Areas".

District may require access to all Joint Use Areas blocked by City barricades or bollards. Each such barricade/bollard shall have two padlocks attached to it such that both District and City can access each area independent of one another. Further, City shall not hinder or obstruct District's access, including access by District or District's permittees' vehicles, to those areas so barricaded. District shall provide its padlock at no cost to the City.

District's Uses may cause a temporary interruption in the City's use or permission to enter upon and use the Joint Use Areas. In the event that any of the District's Uses causes an interruption or interference with any of City's Uses, District shall attempt to minimize such interruption or interference and will provide the City as much advance notice as possible under the circumstances. District shall not under any circumstances be liable to City or any other users of the Joint Use Areas for any cost, expense or damage caused by their loss of use of the Joint Use Areas unless due to the gross negligence or willful misconduct of the District.

7. **City's Uses of the Joint Use Areas:** City shall have the non-exclusive right to use the Joint Use Areas for recreational purposes such a pedestrian bridge, trails, combined vehicle/pedestrian access, and other ancillary recreational uses, and associated uses such as landscaping, fencing, bollards, and signs, in accordance with the provision of Section 10. Maintenance, Alterations, and Surrender of the Joint Use Areas shall hereinafter be referred to as "City's Uses." City's Use of the Joint Use Areas for various special events ("Special Events"), shall include but not limited to, such things as organized Creek Cleanup Parties by

outside third parties, Bike or Running Races, and Neighborhood events. City shall provide, at City's sole expense, its own equipment, and other personal property necessary or convenient to its uses of the Joint Use Areas unless otherwise expressly agreed to by the District from time to time. Any of City's permits with third parties to use the Joint Use Areas shall include a hold harmless provision whereby both the District and Contra Costa County (the "County") are held harmless as provided in Section 13, titled "Hold Harmless and Indemnification".

City shall not permit any motor-driven vehicles on the Joint Use Areas, except in designated parking areas, unless the vehicles are those of the City or the City's permittees that are being used for construction, maintenance, repair, patrol, or public safety purposes. To prevent unauthorized motor-driven vehicles in any of the Joint Use Areas, City, at its sole cost, will install barricades/bollards or similar devices and signage where necessary and appropriate. The City shall also install, at its sole cost, such access control devices in areas where the installation of new improvements or modification of existing Joint Use Areas has provided access that otherwise did not exist prior to the City installed work.

Any of City's Uses, and all City's rights granted or implied by this License, are secondary and subordinate to the District's Uses. In addition, any joint uses by the City or by others as allowed by the District, will be subordinate to the rights of any entity (hereinafter "Permittees") with existing facilities installed on the District's property, including the Joint Use Areas. The City shall not, at any time, use, or permit the public to use, the Joint Use Areas in any manner that will materially interfere with or impair District's or Permittees' use of the Joint Use Areas. Any application for easements, right of entry, permit or other right to use District's property received by the District that may affect the City's Use of the Joint Use Areas will be submitted for City review and the District will not grant a Permittee any rights in the Joint Use Areas that are inconsistent with any of City's Uses existing at the time of Permittee's request and will make a good faith effort to condition applicant to cure their effect on City's future use.

8. **Payment of District's Costs:** City shall reimburse District for any reasonable increases in the cost to maintain District's facilities in the Joint Use Areas due to the City's use of said areas. City, with District's reasonable consent, shall have the option of doing the maintenance work, contracting with the District or hiring an outside contractor to perform any normal and customary maintenance in the Joint Use Areas to eliminate the District's increased costs. If the City chooses to contract with the District for maintenance services and the District agrees to enter into a contract, the scope and cost for the maintenance work in the Joint Use Areas will be mutually agreed upon in writing prior to any maintenance work being performed by the District.

City shall pay all reasonable expenses associated with the alteration of the Joint Use Areas pursuant to an Encroachment Permit for Use of District Right of Way and the restoration, maintenance or repair of the Joint Use Areas pursuant to an Encroachment Permit for Use of District Right of Way (as defined in Section 10).

9. **Lawful Conduct:** City agrees that it will obey, observe and use due diligence to the extent reasonably feasible to require all persons entering upon the Joint Use Areas to obey and observe all terms of this License and all applicable laws, ordinances, orders, rules, permits, regulations and requirements relating to the Joint Use Areas. City shall be responsible for paying all fines, penalties, or charges which may be levied for violation of laws, ordinances, orders, rules, permits, and regulations, arising out of the operations of City, or its officers,

employees including agents, permittees or invitees. City shall not commit, suffer, or permit any nuisance in or about the Joint Use Areas.

- 10. Maintenance, Alterations, and Surrender of the Joint Use Areas:** City shall, at City's sole expense, repair and maintain the Joint Use Areas as described herein and as shown on Exhibit "A" and "B", and all City improvements therein in a safe, clean, neat, orderly and presentable condition, free from weeds, waste, litter, graffiti and other items resulting from City's use of or public access to the Joint Use Areas, and left by parties other than District and its Permittees. As used in this License, the term "litter" shall include, but not be limited to, paper, garbage, refuse, trimmings, and other items that detracts from the neat and tidy appearance, cleanliness, and safety of the Joint Use Areas. City shall also be responsible for the removal of all dead animals from the Joint Use Areas, at its sole expense, which responsibility may include calling the Contra Costa County Animal Services Department to have them remove the dead animal(s).

The City shall maintain and repair all improvements the City installs or constructs in the Joint Use Areas, including but not limited to, Pine Creek, Lime Ridge and Shell Ridge trail improvements, pedestrian bridge and bridge abutments, fencing, barricades/bollards, signs, landscaping, asphalt concrete, aggregate base material, grass, and erosion protection in a safe, clean, neat, orderly and serviceable condition, such that the improvements do not interfere with the District's Uses. City shall keep the Joint Use Areas free from weeds, grasses and other objectionable vegetation where applicable and shall abate vegetation within the Joint Use Areas to local County fire district standards. For improvements within Pine Creek, City shall abide by the conditions and requirements of the U.S. Army Engineer District, San Francisco Corps of Engineers (Corps) Operations and Maintenance Manual ("O&MM") and any other restriction or condition imposed by the Corps. Except for City's routine maintenance activities, City shall obtain District's consent and approval at least fifteen (15) business days prior to any activity that could reasonably disrupt any of District's Uses of the Joint Use Areas.

City is responsible, at its expense, for all repair and maintenance associated with City's improvements in the Joint Use Areas. Except in the case of an emergency, the City shall not make alterations to the Joint Use Areas, including the installation of improvements or utilities or performance of any construction, reconstruction, remodeling, alteration, removal, landscaping, tree planting, major maintenance work, or other work without the prior application to the District and written consent of District's Chief Engineer, or his or her designee. Written application for City's alterations to the Joint Use Areas shall be in the form of an "Encroachment Permit for Use of District's Right of Way" ("Encroachment Permit"). City shall make every effort to report emergency work in the Joint Use Areas to the District within twenty four (24) hours from commencement of such work. When deemed necessary, at the sole but reasonable discretion of the District's Chief Engineer, the City shall apply to the District for approval of emergency modifications to the Joint Use Areas. District may require City to alter or remove any emergency work done by City at City's sole cost and expense, if the emergency work interferes with District's Uses.

Except in the case of an emergency, District shall not make alterations to the Joint Use Areas, including the installation of improvements or utilities or performance of any construction, reconstruction, remodeling, alteration, removal, landscaping, tree planting, maintenance or other activities without prior notice to City. District is aware that such alterations could disrupt any City-approved use of the Joint Use Areas. District will provide the City with at least ten (10) working days written notice of such alterations unless the District can reasonably provide the City with greater advanced notice under the

circumstances. Any modification of, or amendment to, the Joint Use Areas will be designed and/or constructed, as applicable, to accommodate the joint use by City. District will provide City with design documents no later than the 50% project design milestone for review and comment.

11. **Mechanic's and Materialman's Liens:** City shall not permit any mechanic's, materialman's, or other lien to be placed against the Joint Use Areas, or the property of which the Joint Use Areas forms a part, in connection with any labor, materials, or services furnished or claimed to have been furnished to the City related to any City-installed improvements. City shall remove or discharge any such lien that shall be filed against the District related to the Joint Use Areas or property of which the Joint Use Areas forms a part, in a timely fashion, whether bonded or not, provided, however that either the District or the City may contest any such lien, so long as the enforcement thereof is stayed.
12. **Security of the Joint Use Areas:** City shall provide patrol and security services necessary to prevent unauthorized use of and to protect the safety of users of the Joint Use Areas, as are reasonably practical and feasible. City agrees to devote, at a minimum, the same standards and levels of public safety patrol and security service to the Joint Use Areas as it devotes to its other recreational facilities. City shall designate, in writing to District, a representative who shall be responsible for overseeing the day-to-day operations and maintenance of the Joint Use Areas.

District shall not have any duty to guard or secure, and shall have no liability for any injury, loss, or damage to, City, or any third person, including goods, property, facilities, or equipment, located upon the Joint Use Areas irrespective of the cause of such loss or damage, except to the extent that such loss or damage was caused by the sole negligence or willful misconduct of District, or its officers, employees or permittees excluding the City.

13. **Hold Harmless and Indemnification:** City shall defend, indemnify, save, protect, and hold harmless District and Contra Costa County ("County"), their boards, officers, agents and employees, from and against any and all claims, suits, costs, loss, expense, and liability for any damages, death or injury to persons or property, from any cause whatsoever arising directly or indirectly from or connected with the operations or use of the Joint Use Areas by the City or its officers, agents, employees, contractors, subcontractors or invitees hereunder, save and except claims or litigation arising through the sole or active negligence or sole willful misconduct of the District or County, or their officers, agents or employees, and will make good to and reimburse District for any expenditures, including reasonable attorneys' fees requested by District, and will defend any such suits at the sole cost and expense of City.

To the maximum extent permitted by law, City's obligations to District and County, their boards, officers, agents and employees, under this Section shall also extend to District's related agencies and entities, affiliates, successors and assigns, and other permitted users of the Joint Use Areas, for all liability, claims, suit, demands, cause of action, damage, cost or expense including, without limitation, any fines, penalties, judgements, litigation costs, attorney's fees, consulting, engineering, and construction costs, all costs of any required or necessary testing, remediation, repair, removal, cleanup and detoxification of the Joint Use Areas, and all costs for preparation of any cleanup, remediation, closure or other required plans incurred by District and such other permitted users of the Joint Use Areas, as a result of City's breach of Section 15 titled "Health, Safety and Environmental Protection", or as a result of City's breach that causes any such discharge, leakage, spillage, emission, or

pollution, regardless of whether such liability, cost, or expense arises during or after the termination of this License.

District shall indemnify, defend and hold harmless City for District's and or County's share of liability, as determined by a court of law, for any damage, injury or death of or to any person or property of any person, including attorneys and expert fees, arising out of the negligence or willful misconduct of District or County, or either entity's officers, employees, or agents, in the exercise of District's obligations under this License or the use of the property by District or County.

- 14. Conditions of Property:** District makes no representations as to the suitability of the Joint Use Areas for any of City's Uses. Prior to the execution of this License, City shall inspect the Joint Use Areas and shall make its own determination as to its suitability for use by the City, and the City shall be solely responsible for determination of such suitability.

The City agrees that the Joint Use Areas are subject to sliding, erosion, subsidence, flooding and other possible hazardous conditions, and if these conditions do not affect the operation of the channel, then the District is under no obligation to restore, maintain or repair any damage resulting from sliding, erosion, subsidence, flooding or other hazardous conditions therein. The City, with the prior written approval of the District, may perform, at City's sole cost and expense, such restoration, maintenance, or repair as City deems necessary for its proper and safe use of the Joint Use Area. City agrees that District has no responsibility or liability to City for any hazardous condition that exists or may occur on or in the Joint Use Areas.

- 15. Health, Safety and Environmental Protection:** City, at its sole cost and expense, shall comply with all present or future applicable laws, statues, codes, rules and regulations regarding health, safety, noise, environmental protection, waste disposal, water and air quality as they pertain to the City's use of the Joint Use Areas. No hazardous materials shall be handled by City, at any time, on or in the Joint Use Areas, without the District's express written permission. City shall not commit, or suffer to be committed, the discharge of any waste in the Joint Use Areas, or any nuisance or other act that may pollute or contaminate the Joint Use Areas, or the watershed of which the Joint Use Areas are a part.

City shall not cause or permit any hazardous materials as defined in this Section, to be generated, brought onto, stored, used, emitted, released, discharged, or disposed of in, on, under, or about the Joint Use Areas except that City, its officers, employees, agents, contractors, guests, or invitees may do so with prior express written permission from the District, which may be denied in District's sole discretion.

As used herein, "hazardous materials" includes but is not limited to any substance, material or waste that becomes designated classified or regulated as being "toxic," "hazardous," or a "pollutant" under any federal, state or local law, regulation or ordinance.

City is further prohibited from using any herbicide, pesticide or hazardous substance, including those for which it has obtained District's prior approval to use, anywhere on the Joint Use Areas, in an unsafe or careless manner or in any manner that is contrary to the manufacturer's instructions or contrary to greater restrictions that the District may impose. City must satisfy any and all herbicide, pesticide application permit requirements as may be required by Federal, State or local regulations or agencies.

Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the Joint Use Areas due to City's use or occupancy of the Joint Use Areas, or City's use, release, or disposal of any pesticide or hazardous substance, the City, at City's expense, shall test, remedy, repair, remove, clean, remediate, and detoxify all property affected thereby, whether owned or controlled by District or by any third person, to the satisfaction of District, and any governmental body having jurisdiction there over. City shall immediately notify District verbally and in writing upon either the occurrence or discovery of any such discharge, leakage, spillage, emission, or pollution. City's notification to District pursuant to this Section does not relieve City of any legal requirement to notify any governmental body with jurisdiction thereafter.

16. Water Quality Control Board Requirements: City shall conform fully to the requirements of the California Regional Water Quality Control Board San Francisco Bay Region (Order No. 99-058) NPDES Permit No. 0029912 regarding waste discharge requirements for Contra Costa County Flood Control and Water Conservation District, Contra Costa County and the cities that formed the Contra Costa Clean Water Program adopted by the California Regional Water Quality Control Board, San Francisco Bay Region ("Regional Board"), on July 29, 1999, and any subsequent amendments by the Regional Board. This Regional Board's permit regulates storm water and non-storm water discharges associated with activities within District rights of way. City shall report to the Regional Board any and all reporting requirements necessitated by City's Uses of the Joint Use Areas as if City was owner of the property.

17. Insurance: City shall have the right to self-insure. In the event that City does self-insure, City shall provide written evidence of such self-insurance to District, and shall include District and County as additional insured under such self-insurance coverage as described in this section.

If City does not self-insure, then, during the entire term of this License, City shall provide and maintain, in full force and effect at all times, insurance policies meeting the requirements described in this Section below, unless otherwise expressed in writing by the District's Chief Engineer. The City shall furnish copies of the required insurance policies for review by the District.

A. City shall provide comprehensive general liability insurance with a minimum combined single-limit coverage of Five Million and No/100 Dollars (\$5,000,000.00) for all damages, including consequential damages, due to bodily injury, sickness, or disease, or death to any person(s) or damages to or destruction of property, including the loss of use thereof, arising from each occurrence. All insurance policies required by this License shall include the following language: "Contra Costa County Flood Control and Water Conservation District, and Contra Costa County, their boards, officers, agents, and employees are additional insureds under this insurance policy as to all operation and activities associated with the License for the Joint Use Areas." Said policies shall constitute primary insurance as to the District and County, their directors, officers, and employees, so that other insurance policies held by them or their self-insurance programs shall not be required to contribute to any loss covered under City's insurance policy or policies.

District may from time to time, at its sole discretion, modify the requirements of this Section, including requiring the City and the City's contractors and subcontractors to modify the limits of coverage, to provide and maintain insurance coverage for additional categories of risk, or to otherwise change the policy provided for each type

of insurance to reflect changes in general costs or in risk exposure due to the City's use of the Joint Use Areas.

- B. City shall take out and maintain Worker's Compensation and Employer's Liability Insurance, as required by law, for all of its employees working on the Joint Use Areas. City shall require any subcontractor to provide it with evidence of Worker's Compensation and Employer's Liability Insurance, all in strict compliance with California State Laws.
- C. City shall provide District with a copy of City's insurance policies issued by a carrier evidencing liability insurance as required herein no later than the effective commencement date of this License. If City should renew the insurance policies or acquire either a new insurance policy or amend the coverage afforded through an endorsement to the policy at any time during the term of this License, City shall provide a current copy of the insurance policy to the District.
- D. City shall require all contractors and subcontractors, performing work for the City in the Joint Use Areas or using the Joint Use Areas in accordance with the activities defined in this License, to provide insurance coverage of the types and in the amounts as set forth in this section or as specified by the District and to furnish evidence of such insurance to the City and the District. The insurance policies provided by the City's contractors and subcontractors shall constitute primary insurance as to the District and County, their boards, officers, agents and employees, so that other insurance policies held by them or their self-insurance programs shall not be required to contribute to any loss covered under insurance policy or policies of the City's contractor and subcontractors.

The insurance policies provided by City and the City's contractors and subcontractors shall include a provision requiring thirty-days (30) written notice to District before cancellation, lapse, or material change of the above-specified coverage. This License shall not become effective until insurance coverage verification satisfactory to the District is received and approved in writing by the District. The City shall modify its insurance coverage and compel the modification of the insurance coverage of its contractors and subcontractors upon thirty (30) days written notification by the District's Chief Engineer to do so.

- 18. **Assignment:** City shall not assign or transfer this License or any interest herein, without the prior written consent of District.
- 19. **Waivers:** No waiver by either party of any breach or violation by the other party of any provision of this License shall be deemed to be a waiver of any breach or violation of any other provision hereof, nor of any subsequent or continued breach or violation of the same or any other provision of this License. District's acceptance of any monies that become due under this License shall not be deemed to be a waiver of any pre-existing or concurrent breach or violation by City of this License.
- 20. **Non-Discrimination:** City shall not discriminate, or allow any discrimination against or segregation of any person or group of persons on account of race, age, color, sex, creed, religion, national origin, or ancestry, or any basis protected under the law, in the use, occupancy, tenure, or enjoyment of the Joint Use Areas.

21. Prior Agreements: This License represents the entire agreement of the parties hereto, and replaces any and all other previous agreements, if any, between the parties concerning the Joint Use Areas. This License can only be modified by a written amendment signed by each of the parties hereto.

22. Limitations of Use: District and City have determined, and City hereby acknowledges, that City's Uses, as described in Section 7 titled "City's Uses of the Joint Use Areas", may not always be compatible with District's Uses, as described in Section 6 titled "District's Use", even if City observes and complies with the terms of this License. In circumstances where City's Use of the Joint Use Areas either conflicts with District's Use of the Joint Use Areas or presents a threat to the public's health and safety, in the reasonable determination of the District, the District shall have the right to suspend, limit, or to modify City's Use of the Joint Use Areas upon twenty (20) working days written notice from the District, including requiring City to remove any of its facilities, improvements, equipment, or other property from the Joint Use Areas, or from the area of which the Joint Use Areas forms a part, if applicable, or to restore the condition of the Joint Use Areas, as necessary, at no cost to the District; provided, however; in those circumstances where the District has approved the City's Uses and development of related facilities, improvements and/or equipment prior to a determination that such uses and/or improvements present a reasonable threat to the public's health and safety or conflict with the District's Uses, the District shall be required to consult with the City in good faith to determine if a remediation plan is possible and financially viable which will minimize disruption in the City's Uses and removal of all or part of the City's facilities, improvements and/or equipment developed thereupon before suspending, limiting or modifying the City's Use of the Joint Use Areas.

City understands that District's primary uses of the Joint Use Areas, or the areas of which the Joint Use Areas form a part, are paramount, and City's Use of the Joint Use Areas for recreational and other purposes can continue only if such use does not interfere with or increase the costs of District's operations associated with the Joint Use Areas, unless mitigated by the City.

District shall not be responsible or liable for damage or removal of any improvements placed, installed, repaired or constructed by the City in the Joint Use Areas when there is an emergency related to District's Uses described in Section 6, "District Uses" above unless such damage or removal is due to the gross negligence or willful misconduct of the District. In all other cases, District shall notify City of work that is necessary and allow City the opportunity to make repairs. Both parties will use their best efforts to minimize damage to the other party's facilities.

23. Termination: This License may be terminated as follows:

- A. At any time upon the mutual written agreement of the parties as approved by each party's governing body.
- B. District and City shall each have the right to terminate this License upon the other party's breach of any material term, covenant or condition of this License. A party shall be in breach of this License if said party fails to perform or observe any material term, covenant or condition of this License for a period of thirty (30) days following receipt of a written "Notice of Breach" from the other party (the "Cure Period"); provided, however; a party shall not be in breach if the nature of the alleged breach is such that it cannot reasonably be cured within the Cure Period but the party commences a cure within the Cure Period and diligently proceeds to complete a cure

of the breach. In those instances where there is a dispute between the parties as to whether a breach has occurred or the cure is adequate, the parties agree to resolve the dispute in accordance with Section 25 titled "Dispute Resolution", below.

- 24. Surrender of the Joint Use Areas:** Upon receipt of District's notice to suspend, limit or terminate the City's Use of any or all of the Joint Use Areas, City shall have the right to remove any improvements installed by City upon the Joint Use Areas affected by the District's decision. If, following such notice from the District, City determines that it does not want to remove some or all of the affected improvements, District shall determine whether or not District will want the improvements to remain on the Joint Use Areas. In the event that District determines that it does not want the improvements to remain on the Joint Use Areas, then City shall immediately remove the improvements, and shall restore the Joint Use Areas to the condition existing just prior to City's Use of the Joint Use Areas, such to be at no cost to the District.
- 25. Dispute Resolution:** Should there be any dispute between City and District regarding the interpretation or the enforcement of this License, or regarding the acts or omissions of either City or District, such dispute shall be first submitted to mediation before a mutually agreed-upon mediator before either City or District may commence litigation. If City or District cannot agree upon the identity of a mediator within ten (10) business days after a party requests mediation, then City and District shall each select a mediator and those two mediators will select a third mediator to mediate the dispute. Neither City nor District shall be entitled to collect or be reimbursed for its attorneys' fees in connection with any such mediation or for the fees of the mediator paid by any party hereto. However, the parties shall share equally in the expense of the mediator who ultimately handles the mediation. The City and District shall use all best efforts and due diligence to complete mediation as soon as possible after it is initiated hereunder. Should either party, in its sole discretion, determine that mediation is proving unsuccessful, such party shall give notice to the other party and, thereafter, both parties may avail themselves to those remedies available under law or in equity.
- 26. Notices:** All notices given under this License shall be served by enclosing the same in a sealed envelope addressed to the other party, certified mail, postage prepaid, addressed as follows:

To District: Chief Engineer
 Contra Costa County
 Flood Control and Water Conservation District
 255 Glacier Drive
 Martinez, CA 94553

To City: City Manager
 City of Walnut Creek
 1666 N. Main Street
 Walnut Creek, CA 94596

Or to such other address as either party may designate by written notice to the other. Delivery shall be deemed effective: on the same day if delivery is made in person; on the next day after the date of mailing if delivery is made by overnight carrier; or on the fifth day following the date of mailing, if delivery is made by First Class U.S. mail.

27. **No Third Party Beneficiaries:** Nothing in the License shall, nor is it intended to, confer on any person or party other than District, County and City, any rights or remedies under this License.
28. **Amending License Agreement:** This License cannot be modified or amended except in writing agreed upon by both parties hereto, which written agreement shall be in the form of an amendment to this License.
29. **Utilities:** City shall not install any utilities, including, but not limited to, gas, water, electricity, garbage disposal, storm water and sanitary sewer services, and telephone services, on the Joint Use Areas without District's prior written consent. Upon District's prior written consent, City shall install all utilities so approved at City's sole expense, and City shall pay, on City's own account, all charges for said utilities used or consumed on the Joint Use Areas.
30. **Severability:** If any term, covenant, or provision of this License, which does not materially affect the consideration of this License, is held to be invalid, illegal, or unenforceable in any respect, the validity of the remainder of this License shall not be affected thereby.
31. **Controlling Law and Venue:** This License shall be construed in accordance with the laws of the State of California. In the event of any dispute arising under this License, venue shall be set in Contra Costa County and the parties waive all provisions of law providing for a change of venue in these proceedings to any other county.
32. **Paragraph Headings:** Paragraph headings as used herein are for convenience only and will not be deemed to be a part of such paragraphs and will not be construed to change the meaning thereof.

Remainder of page left intentionally blank.

33. Counterparts: This License may be executed in three (3) or more counterparts, each of which is deemed to be an original.

**DISTRICT:
CONTRA COSTA COUNTY
FLOOD CONTROL AND WATER
CONSERVATION DISTRICT**

**CITY:
CITY OF WALNUT CREEK**

By _____
Brian M. Balbas
Chief Engineer

By _____
Dan Buckshi
City Manager

Date: _____
(Date of Board Approval)

Date _____
(Date signed)

RECOMMENDED FOR APPROVAL:

ATTEST:

By _____
Karen A. Laws
Principal Real Property Agent

By _____
Suzie Martinez
City Clerk

Date: _____

Date _____

APPROVED AS TO FORM:
Sharon L. Anderson, County Counsel

APPROVED AS TO FORM:

By _____
Stephen M. Siptroth
Deputy County Counsel

By _____
Brian Hickey
City Attorney

License Agreement with the City of Walnut Creek

Diablo Shadows Park & Pine Creek Trail



Data Sources: County GIS data
Orthophoto date: 2014



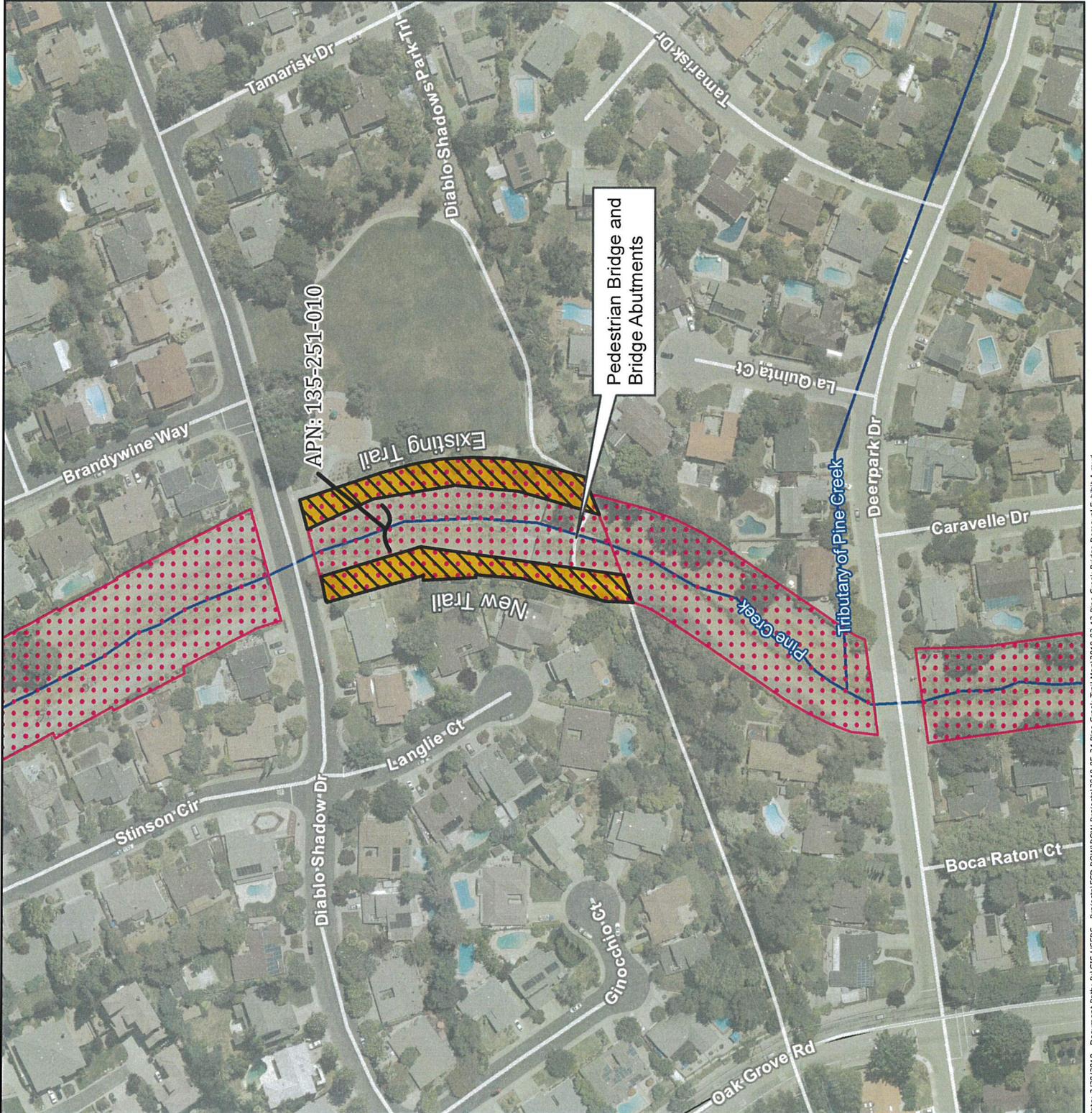
Exhibit A

Flood Control ROW

- FCD Fee Title
- Joint Use Area
- Creeks



This map contains copyrighted information. Reproducing all or any portion of this map is an infringement of copyright law. Users of this map agree to read and accept County of Contra Costa disclaimer of liability and warranties.



**License Agreement with
the City of Walnut Creek**

**Milton Kubicek Detention
Basin & Pine Creek Trail**



Data Sources: County GIS data
Orthophoto date: 2014



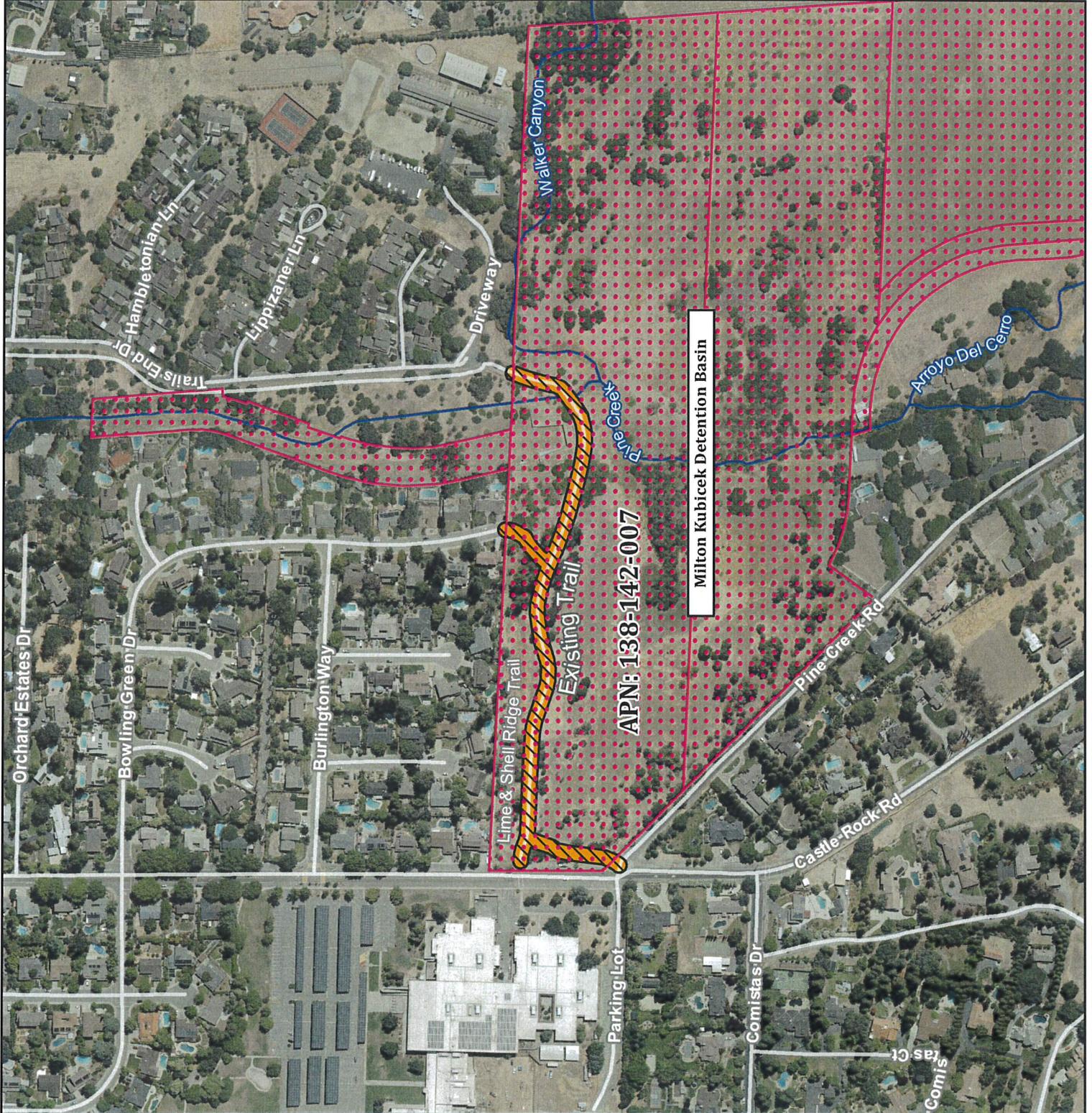
Exhibit B

Flood Control ROW

-  FCD Fee Title
-  Joint Use Area
-  Creeks



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CALIFORNIA ENVIRONMENTAL QUALITY ACT
Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: Contra Costa County
Dept. of Conservation & Development
30 Muir Road
Martinez, CA 94553

County Clerk
County of: Contra Costa

Project Title: Flood Control Permit Issued to City of Walnut Creek
Proj. No. FCP 630-17 CP#18-31

Project Applicant: **Contra Costa County Public Works Department**

Project Location – **Specific:** Diablo Shadows Park and Milton Kubicek Detention Basin

Project Location: City of Walnut Creek Project Location – County: **Central Contra Costa**

Description of Nature, Purpose and Beneficiaries of Project:

The purpose of this project is for the Contra Costa County Flood Control and Water Conservation District (FCD) to issue an encroachment permit to the City of Walnut Creek (City) to remove Diablo Shadows Pedestrian Bridge over Pine Creek Flood Control Channel and construct a paved trail on the west side of Pine Creek Flood Control Channel, north of the bridge to Diablo Shadow Drive. In addition, the project also involves the FCD entering into a license agreement and other related right-of-way transactions with the City for the maintenance and operation of a new paved trail along the Pine Creek Flood Control Channel and for the existing trail within Milton Kubicek Detention Basin.

The FCD previously issued an encroachment permit (Flood Control Permit 618-17), to the City for maintenance and operation of the existing trail through the Milton Kubicek Detention Basin and the existing Diablo Shadows Pedestrian Bridge. As part of this project, the FCD would issue a new encroachment permit to the City to remove Diablo Shadows Pedestrian Bridge and construct a paved trail on the existing gravel access road from the location of the bridge to Diablo Shadow Drive, on the west side of the Pine Creek Flood Control Channel.

The FCD would also enter into a license agreement with the City for the maintenance and operation of two trail locations including the new paved trail on the west side of Pine Creek Flood Control Channel and for the existing trail within the Milton Kubicek Detention Basin that the City has been maintaining for years. The license agreement will also cover access rights on the east side of Pine Creek Channel for trail access, ingress, and egress. Fence, trail, and landscaping, currently in FCD right-of-way on the east side of the channel will also be included in the license agreement.

This CEQA documentation covers issuance of an encroachment permit, license agreement, and other related right-of-way transactions with the City of Walnut Creek. The City will be responsible for CEQA analysis as well as obtaining any applicable local, State, or federal regulatory permits for their project.

Name of Public Agency Approving Project: **Contra Costa County**
Name of Person or Agency Carrying Out Project: **Contra Costa County Public Works Department**

Exempt Status:

- Ministerial Project (Sec. 21080(b) (1); 15268;
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption: Class ()
- Other Statutory Exemption, Code No.: _____
- General Rule of Applicability [Article 5, Section 15061 (b)(3)]

Reasons why project is exempt: The project consists of the minor real property transactions and it can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment, pursuant to Section 15061(b)(3) of the CEQA guidelines.

Lead Agency Contact Person: **Matt Kawashima - Public Works Dept.** Area Code/Telephone/Extension: **(925) 313-2161**

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

AFFIDAVIT OF FILING AND POSTING

I declare that on _____, I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature Title

Applicant:
Public Works Department
255 Glacier Drive
Martinez, CA 94553
Attn: **Matt Kawashima**
Environmental Services Division
Phone: (925) 313-2161

Department of Fish and Game Fees Due
 EIR - \$3,271.⁰⁰
 Neg. Dec. - \$2,354.⁷⁵
 DeMinimis Findings - \$0
 County Clerk - \$50
 Conservation & Development - \$25

Total Due: \$75.⁰⁰
Total Paid \$ _____
Receipt #: _____

**DETERMINATION THAT AN ACTIVITY
IS EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

ACTIVITY NO.: FCP 630-17, CP#18-31

ACTIVITY NAME: Flood Control Permit Issued to City of Walnut Creek

PREPARED BY: Matt Kawashima

DATE: September 5, 2018

This activity is not subject to the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061 (b) (3) of the CEQA Guidelines.

It can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

DESCRIPTION OF THE ACTIVITY:

The purpose of this project is for the Contra Costa County Flood Control and Water Conservation District (FCD) to issue an encroachment permit to the City of Walnut Creek (City) to remove Diablo Shadows Pedestrian Bridge over Pine Creek Flood Control Channel and construct a paved trail on the west side of Pine Creek Flood Control Channel, north of the bridge to Diablo Shadow Drive. In addition, the project also involves the FCD entering into a license agreement and other related right-of-way transactions with the City for the maintenance and operation of a new paved trail along the Pine Creek Flood Control Channel and for the existing trail within Milton Kubicek Detention Basin.

The FCD previously issued an encroachment permit (Flood Control Permit 618-17), to the City for maintenance and operation of the existing trail through the Milton Kubicek Detention Basin and the existing Diablo Shadows Pedestrian Bridge. As part of this project, the FCD would issue a new encroachment permit to the City to remove Diablo Shadows Pedestrian Bridge and construct a paved trail on the existing gravel access road from the location of the bridge to Diablo Shadow Drive, on the west side of the Pine Creek Flood Control Channel.

The FCD would also enter into a license agreement with the City for the maintenance and operation of two trail locations including the new paved trail on the west side of Pine Creek Flood Control Channel and for the existing trail within the Milton Kubicek Detention Basin that the City has been maintaining for years. The license agreement will also cover access rights on the east side of Pine Creek Channel for trail access, ingress, and egress. Fence, trail, and landscaping, currently in FCD right-of-way on the east side of the channel will also be included in the license agreement.

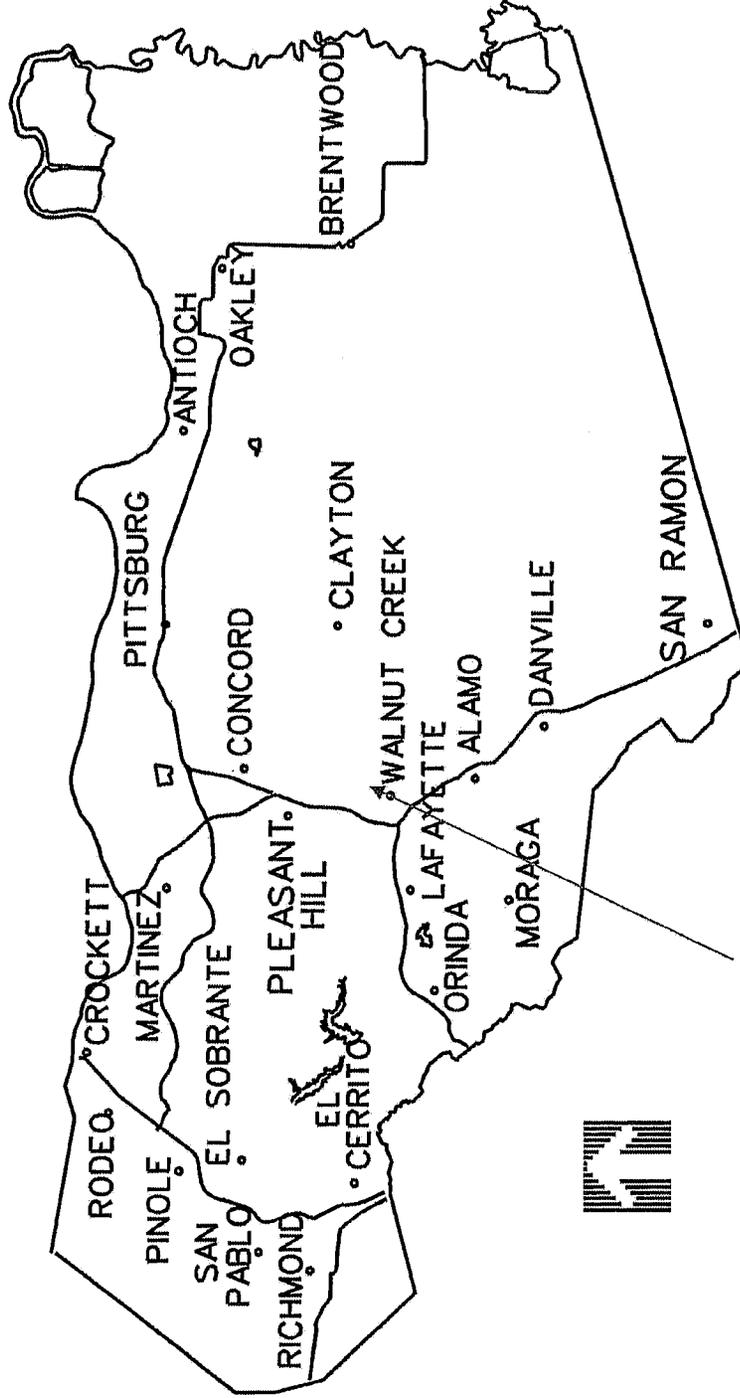
This CEQA documentation covers issuance of an encroachment permit, license agreement, and other related right-of-way transactions with the City of Walnut Creek. The City will be responsible for CEQA analysis as well as obtaining any applicable local, State, or federal regulatory permits for their project.

LOCATION: The project is located in the City of Walnut Creek, Central Contra Costa County (Figures 1 – 5)

REVIEWED BY: *Claudia Kempf for* DATE: 9-5-18
Avé Brown
Principal Environmental Analyst
Environmental Services Division
Contra Costa County Public Works Department

APPROVED BY: *Teen B. Moore* DATE: 9/12/18
Deputy Zoning Administrator
Dept. of Conservation and Development

CONTRA COSTA COUNTY CALIFORNIA



PROJECT LOCATION

FIGURE 1

Regional Location Map

Flood Control Permit Issued to City of Walnut Creek
Contra Costa County Public Works Department

Determination of Exemption (DE)
September 2018

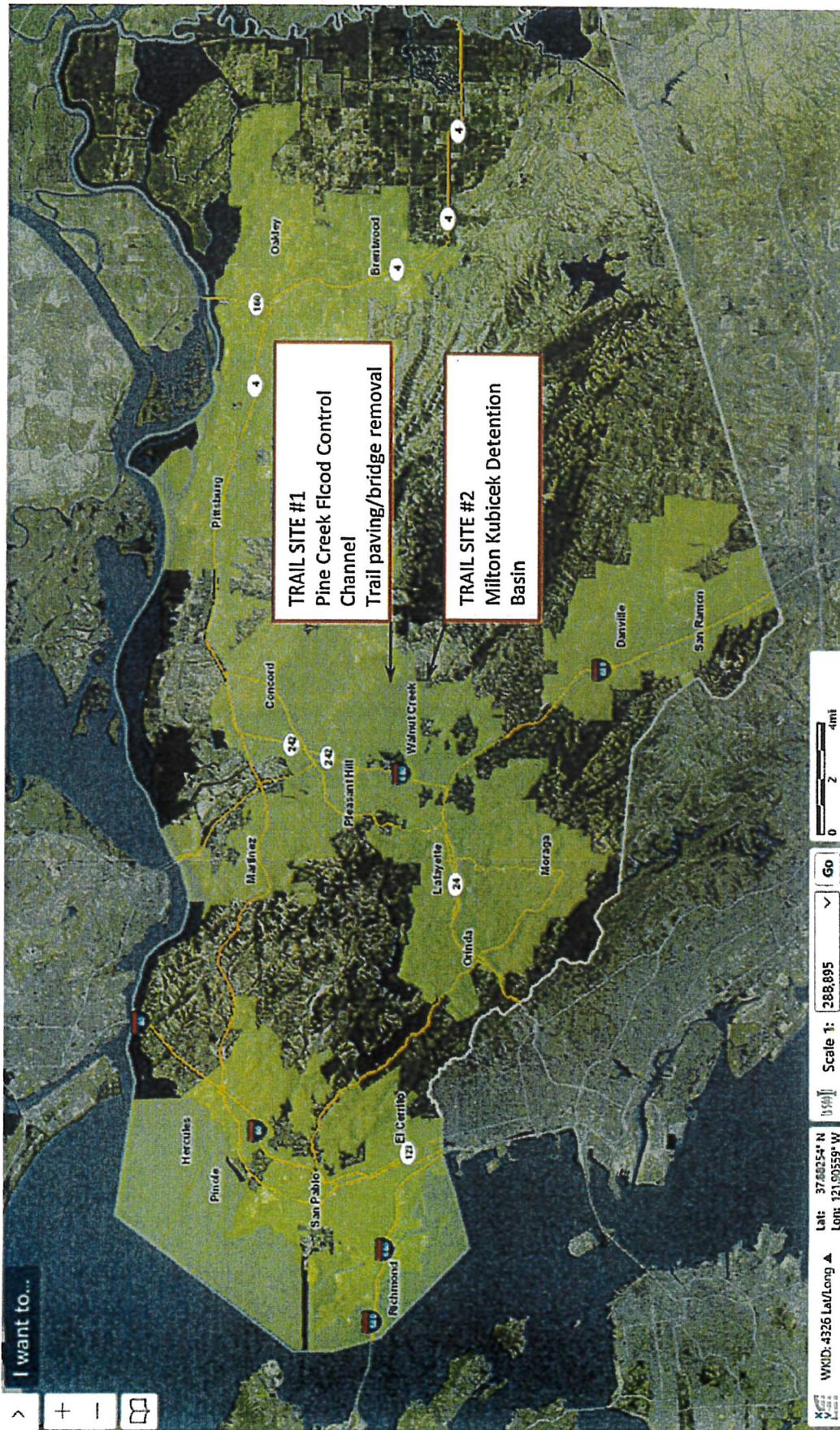


FIGURE 2

Project Locations Map

Determination of Exemption (DE)
September 2018

Flood Control Permit Issued to City of Walnut Creek
Contra Costa County Public Works Department



FIGURE 3

Project Overview Map

Determination of Exemption (DE)
September 2018

Flood Control Permit Issued to City of Walnut Creek
Contra Costa County Public Works Department

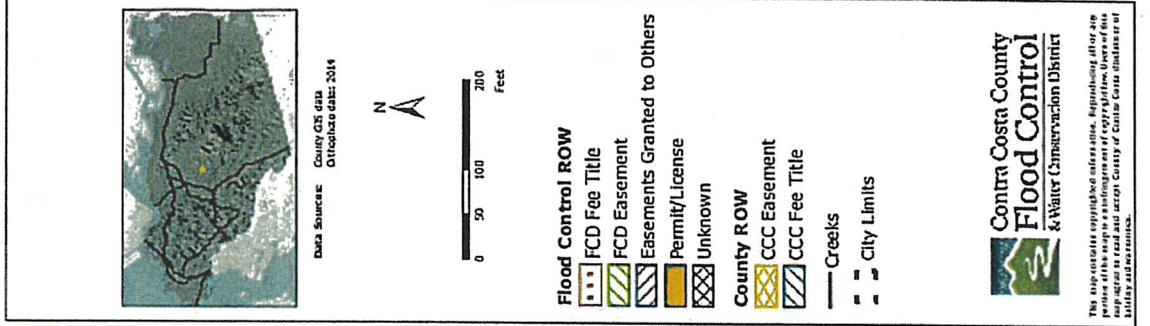
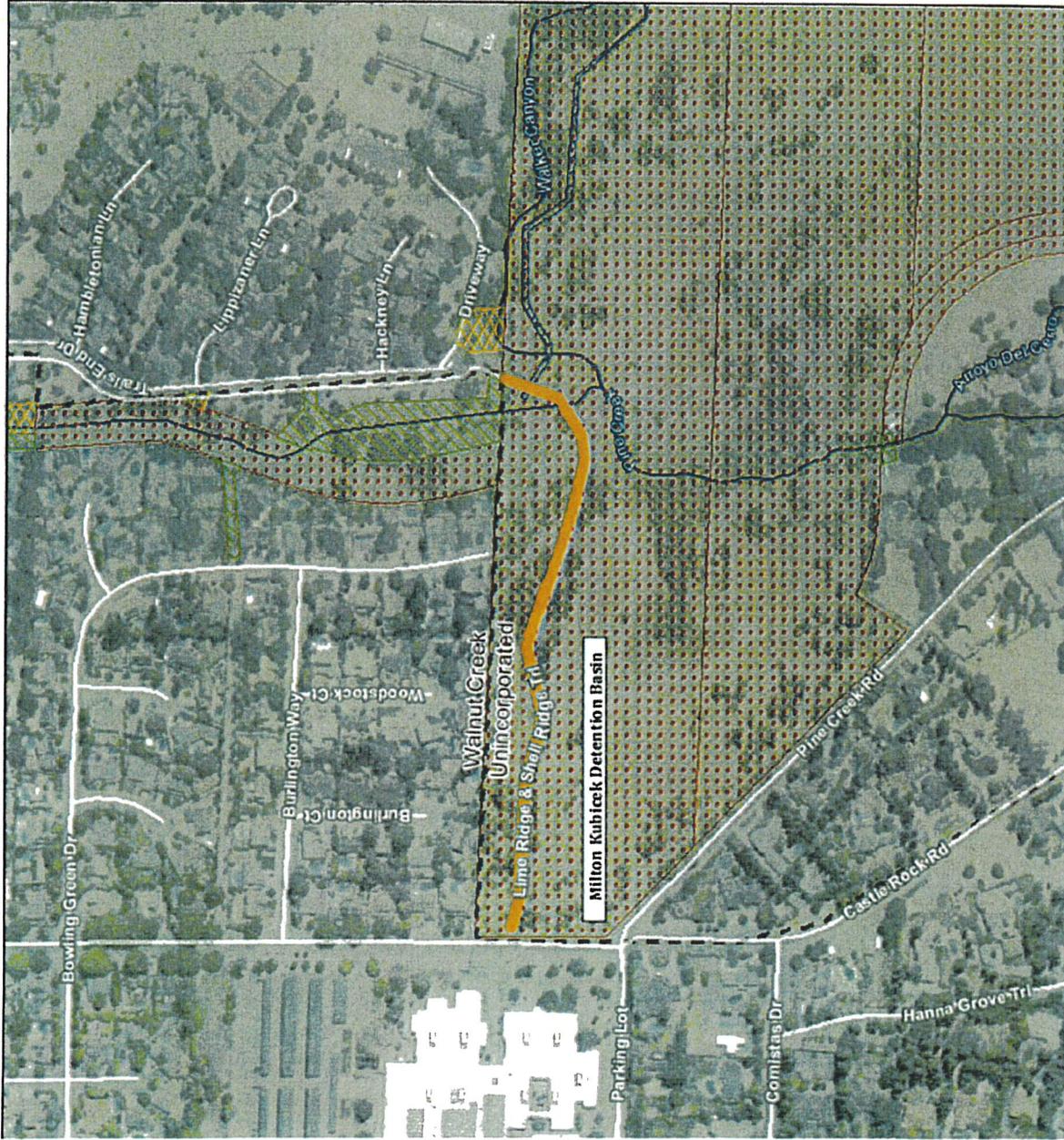


FIGURE 4

Diablo Shadows Park & Pine Creek Trail Map

Determination of Exemption (DE)
September 2018

Flood Control Permit Issued to City of Walnut Creek
Contra Costa County Public Works Department



Data Sources: County GIS data
DTI photo data: 2014



- Flood Control ROW**
- FCD Fee Title
 - FCD Easement
 - Easements Granted to Others
 - Permit/License
 - Unknown
- County ROW**
- CCC Easement
 - CCC Fee Title
- Other Symbols**
- Creeks
 - City Limits



This map contains copyrighted information. Reproducing or using parts of this map is a violation of copyright law. Users of this map are advised to contact the Contra Costa District Office for a copy of this map.

Milton Kubicek Detention Basin & Pine Creek Trail Map

Determination of Exemption (DE)
September 2018

Flood Control Permit Issued to City of Walnut Creek
Contra Costa County Public Works Department



Contra
Costa
County

To: Contra Costa County Flood Control District Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: 6th Quadrennial Contra Costa Watershed Symposium. Project No. 7505-6F8513

RECOMMENDATION(S):

AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conversation District (FC District), or designee, to plan and organize the 6th Quadrennial Contra Costa County Creek and Watershed Symposium (Symposium), to be held in Moraga on December 5, 2019, and to work with potential sponsors to help fund the event, Countywide.

FISCAL IMPACT:

Flood Control District staff time is covered by FC District Funds.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Michelle Cordis, (925)
313-2381

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

By: , Deputy

cc: Allison Knapp, Deputy Chief Engineer, Tim Jensen, Flood Control, Michelle Cordis, Flood Control, Beth Balita, Finance, Catherine Windham, Flood Control

BACKGROUND:

The Symposium is an event that provides an opportunity for interested individuals representing a wide variety of organizations and perspectives to assemble and learn about timely and significant issues regarding the health of creeks and watersheds. The day-long Symposium will be held at St. Mary's College on December 5, 2019. The event will focus on a variety of issues related to creeks and watersheds, including climate change, the Lower Walnut Creek Channel project, and the status and health of various animals and habitats in our watersheds as a measure of watershed health.

The Symposium is being organized through the Contra Costa Watershed Forum (CCWF). The CCWF is an open committee of some fifty organizations, including state and local agencies, local nonprofit environmental and education organizations, community volunteer groups, and private citizens. The work of CCWF participants is premised on the notion that actions in a watershed are interrelated and, therefore, broad participation and cooperation is needed to effect change. Members of the CCWF work together to find common approaches to making our water resources healthy, functional, attractive and safe community assets. The FC District has contracted with the Contra Costa Resource Conservation District (CCRCD) to organize the CCWF after years of this work being done by the Department of Conservation and Development.

The past five quadrennial symposia had an attendance of between 250 and 350 people. CCTV filmed and broadcast the prior four events and will be asked to do so again this year.

The cost to attend has traditionally been minimal or free. With increased costs to provide an excellent quality symposium as in previous years, the 2019 event is proposed to have tickets at approximately \$25 per person. Sponsorships help defray event costs, approximately \$80,000 of FC District funds. Sponsorship levels include varying numbers of tickets as well and advertisement opportunities. Sponsorship Levels are listed here: <http://cocowaterweb.org/2019symposium/>. The FC District already qualifies as a Sponsor by virtue of its in-kind support. The CCRCD will also be receiving approximately \$5,000 from the Fish & Wildlife Propagation Fund. CCWF is currently working on identifying additional potential sponsors and cosponsors.

The Symposium occurs every four years and is a very highly regarded and much anticipated event. Staff recommends the Board authorize the planning work needed to organize and host this very special and popular event.

CONSEQUENCE OF NEGATIVE ACTION:

If this Board Order is not approved, the FC District will not have authorization to plan the 6th Watershed Symposium.

CHILDREN'S IMPACT STATEMENT:

Schools will be included in outreach activities for the Symposium. Youth may be included in the content of the Symposium, which is still under development.



Contra
Costa
County

To: Contra Costa County Flood Control District Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: West Antioch Creek at 10th Street Drainage Improvement Project — Source of funds for payment of Condemnation Action. Project No. 7579-6D8399

RECOMMENDATION(S):

Acting as the governing body of the Contra Costa County Flood Control and Water Conservation District (Flood Control District), APPROVE and AUTHORIZE the Chief Engineer, or designee, to use funds from Flood Control District Fund No. 250500 to pay approximately \$920,000 towards settlement and additional costs incurred in *Contra Costa County Flood Control and Water Conservation District v. Gary A. Eames, et al.*, Case No. C15-02052, as recommended by the Chief Engineer, Antioch area.

FISCAL IMPACT:

Up to \$920,000 from Fund No. 250500 will be used to pay the settlement in the *Eames* case and other Flood Control District expenses related to the *Eames* case. An additional of approximately \$420,000 in Drainage Area 55 (DA 55) funds will be contributed to the settlement.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Tim Jensen, (925)
313-2390

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

By: , Deputy

cc: Allison Knapp, Deputy Chief Engineer, Tim Jensen, Flood Control, Paul Detjens, Flood Control, Catherine Windham, Flood Control

BACKGROUND:

On June 11, 2019, the Board of Supervisors approved a settlement in litigation titled *Contra Costa County Flood Control and Water Conservation District v. Gary A. Eames, et al.*, Case No. C15-02052 — a condemnation action to acquire property for the West Antioch Creek Channel Improvements project in DA 55. When the settlement was approved, Flood Control District staff anticipated that \$1.4 million in DA 55 funds would be available to pay the Flood Control District's portion of the settlement — \$1.1 million in addition to the \$750,000 already deposited with the State Treasurer — and related litigation costs. After judgment was entered in the *Eames* case on September 16, 2019, staff determined that only approximately \$480,000 is available in the DA 55 fund. Therefore, staff recommends using funds from Flood Control District Fund No. 250500 to pay the balance of the settlement (approximately \$620,000) and the Flood Control District attorney's fees and other costs incurred in the *Eames* case (up to approximately \$300,000). Monies in Fund No. 250500 are not restricted to a particular drainage area and can be used for any Flood Control District expenses.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board Order is not approved, the Flood Control District will not have sufficient funds in the DA 55 account to pay a settlement in the *Eames* case, or its outstanding litigation costs, and the Flood Control District will be exposed to additional liabilities.



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: October 22, 2019

Subject: Public report of litigation settlement agreements that became final during the period of September 1, 2019, through September 30, 2019

RECOMMENDATION(S):

RECEIVE public report of litigation settlement agreements that became final during the period of September 1, 2019, through September 30, 2019, as recommended by County Counsel

FISCAL IMPACT:

Settlement amounts are listed below.

BACKGROUND:

One agreement to settle pending litigation, as defined in Government Code section 54956.9, became final during the period of September 1, 2019, through September 30, 2019.

Contra Costa County Flood Control and Water Conservation District v. Gary A. Eames, et al., CCC Sup. Ct. Case No. C15-02052. This was an action to acquire certain property by eminent domain in the Antioch area for the West Antioch Creek Channel Improvement project, a District and City of Antioch project. In exchange for title to the property, the property owner will be paid \$3.9 million, of which the District will pay \$1,850,000, and the City will pay \$2,050,000. Each party will bear its own costs and attorney's fees in the litigation. The Board of Supervisors, acting as the District's governing body, authorized

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Thomas Geiger,
335-1800

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

the settlement on June 11, 2019, in closed session, by a 5-0 vote. Judgment pursuant to the parties' stipulation was entered September 16, 2019.

This report includes final settlements of litigation matters handled by the Office of the County Counsel. This report does not include litigation settlements that were reported by the Risk Management Division of the County Administrator's Office as a consent item on the Board's open session agenda.

CONSEQUENCE OF NEGATIVE ACTION:

The report would not be accepted.



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Claims

RECOMMENDATION(S):

DENY claims filed by Nancy Anderson, Century Vision Developers, CSAA on behalf of Yahaira Figueroa, Duane Fisher and Andrea Golden, Guillermo Gomez, Mohammad R. Mohammody and Kevin Tse. DENY late claim filed by Bhakti Yahoodi Bey, and Christopher Lyne.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Nancy Anderson: Personal injury claim for damages arising out of execution of search warrant in the amount of \$150,000.

Century Vision Developers: Property claim for damage to vehicle arising out of motor vehicle accident in the amount of \$14,788.82

CSAA on behalf of Yahaira Figueroa: Property claim for damage to vehicle in an unknown amount to vehicle in a motor vehicle accident involving a County employee.

Duane Fisher & Andrea Golden: Property damage to personal property arising out of motor vehicle accident involving a County employee in the amount of \$1,320.

Guillermo Gomez: Personal injury claim arising out of an automobile accident in the amount of \$5,000,000.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Scott Selby
925.335.1400

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Mohammad R. Mohammody: Property claim for damage to vehicle due to roadway conditions in the amount of \$1,081.49

Kevin Tse: Property claim for damage to vehicle due to roadway conditions in the amount of \$156.63.

Bhakti Yahoodi Bey: Request that Board of Supervisors accept a late claim alleging breach of a treaty by the United States.

Christopher Lyne: Request that Board of Supervisors accept a late claim for property tax exemption.



Contra
Costa
County

To: Board of Supervisors
From: Joseph Villarreal, Executive Director
Date: October 22, 2019

Subject: Claims

RECOMMENDATION(S):

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

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Lizette Sadler: Property claim for personal property damaged by a fire in the amount of \$1,485.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

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

Contact: Scott Selby
925.335.1400

By: , Deputy

cc:



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: ACCEPT Board members meeting reports for September 2019

RECOMMENDATION(S):

ACCEPT Board members meeting reports for September 2019. ACCEPT District II August 2019 report.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Government Code section 53232.3(d) requires that members of legislative bodies report on meetings attended for which there has been expense reimbursement (mileage, meals, lodging ex cetera). The attached reports were submitted by the Board of Supervisors members in satisfaction of this requirement. District V has nothing to report.

CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors will not be in compliance with Government Code 53232.3(d).

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Joellen Bergamini
925.335.1906

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

By: , Deputy

cc:

ATTACHMENTS

District III September 2019
Report

District IV September 2019
Report

District II August 2019 Report

District I September 2019 Report

District II September 2019 Report

Supervisor Diane Burgis - September 2019 AB1234

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

Date	Meeting Name	Location
2-Sep	Interdrone Conference - Airport	Oakland
3-Sep	Interdrone Conference	Las Vegas
4-Sep	Interdrone Conference	Las Vegas
4-Sep	Phone Meeting with John Kopchik, Director of Conservation and Development	Las Vegas
5-Sep	Interdrone Conference	Las Vegas
6-Sep	Interdrone Conference - Airport	Oakland
7-Sep	Moonlight on the Mountain Event	Danville
9-Sep	Legislative Committee Meeting	Martinez
9-Sep	Internal Operations Committee Meeting	Martinez
9-Sep	Meeting with Zell & Associates, Western Region, and Corporate Communication	Martinez
9-Sep	First 5 Commission Meeting	Concord
10-Sep	Board of Supervisors Meeting	Martinez
10-Sep	Contra Costa County Fire Protection District Meeting	Martinez
11-Sep	Airport Committee Meeting	Concord
11-Sep	Meeting with County Supervisor Karen Mitchoff	Concord
11-Sep	Meeting with County Administrator, David Twa	Martinez
11-Sep	LAFCO Meeting	Martinez
12-Sep	Commanders Call Meeting	Oakley
12-Sep	Phone Meeting with Chief Broschard and Fire Marshal Bachman	Brentwood
12-Sep	Meeting with Antioch GenOn	Antioch
12-Sep	Tour of Oakley North Point Site	Oakley
12-Sep	Tour of Brentwood Transit Village	Brentwood
13-Sep	Contra Costa Health Plan/Joint Conferece Committee Meeting	Martinez
13-Sep	Delta 6 Meeting	Brentwood
13-Sep	Meeting with County Staff	Brentwood
13-Sep	Meeting with Brentwood City Manager, Gus Vina	Brentwood
13-Sep	21st Labor to Labor Dinner	Orinda
16-Sep	Northern Waterfront Ad Hoc Committee Meeting	Martinez
16-Sep	Illegal Dumping Ad HOC Meeting	Martinez
16-Sep	2020 Census Meeting	Martinez
17-Sep	Board of Supervisors Meeting	Martinez
17-Sep	Contra Costa Sustainability Awards & Green Business Recognition Event	Pleasant Hill
18-Sep	Meeting with Mental Health Commissioner, Douglas Dunn	Brentwood

18-Sep	Meeting with Integrated Pest Management Director, Wade Finlinson	Brentwood
18-Sep	Constituent Meeting	Brentwood
18-Sep	Meeting with Chief Helmick, East Contra Costa Fire Protection District	Brentwood
19-Sep	Ag Policy Meeting	Knightsen
19-Sep	Meeting with Alliance for a Better Brentwood	Brentwood
19-Sep	Meeting with Captain Borbely, Office of the Sheriff	Brentwood
19-Sep	Interview for the Brentwood-Byron-Knightsen Union Cemetery District	Brentwood
19-Sep	Delta Protection Commission Meeting	Clarksburg
20-Sep	Phone Meeting with Delta Counties Coalition	Brentwood
20-Sep	Stand Down on the Delta Event	Antioch
21-Sep	Marsh Creek Coastal Cleanup Day Event	Brentwood
21-Sep	Antioch Historical Car Show Event	Antioch
21-Sep	Stand Down on the Delta Event	Antioch
21-Sep	Heart of Oakley Event	Oakley
21-Sep	Delta Protection Commission Coastal Cleanup Day Event	Antioch
21-Sep	Choice in Aging Event	Antioch
23-Sep	Delta Water Roundtable Meeting	Walnut Grove
24-Sep	Board of Supervisors Meeting	Martinez
24-Sep	Housing Authority Meeting	Martinez
25-Sep	Interviews for the Knightsen Town Advisory Council	Brentwood
25-Sep	Interviews for the Brentwood-Byron-Knightsen Union Cemetery District	Brentwood
25-Sep	Meeting with Carol Jensen, Historical Landmark Advisory Committee	Brentwood
25-Sep	Tri Delta Transit Meeting	Antioch
25-Sep	Interview for the Contra Costa County Fire Commission	Antioch
26-Sep	Meeting with Lt. Sliger and Lt. Foley from the Office of the Sheriff	Martinez
26-Sep	Meeting with Elemental Wellness	Martinez
26-Sep	Meeting with Northstar Equities, Inc.	Martinez
26-Sep	Phone Meeting with Chief Marcucci, Cal Fire	Martinez
27-Sep	Phone Meeting with Delta Counties Coalition	Brentwood
27-Sep	East Family Justice Center Grand Opening	Antioch
27-Sep	Antioch BAART Open House	Antioch
28-Sep	Markstein Sales Company 100th Anniversary Event	Antioch
28-Sep	Undead Roller Derby Event	Antioch
30-Sep	Interview with Contra Costa Resource Conservation District	Antioch
30-Sep	Interview for the Contra Costa Commission for Women	Brentwood

30-Sep	Meeting with Sutter Delta Medical Center	Brentwood
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* Reimbursement may come from an agency other than Contra Costa County

Meeting
Community Outreach
Meeting
Community Outreach
Community Outreach
Community Outreach
Community Outreach
Meeting
Meeting

Meeting

**Supervisor Karen Mitchoff
September 2019**

DATE	MEETING NAME	LOCATION	PURPOSE
09/07/19	Moonlight on the Mountain	Danville	Community Outreach
09/09/19	Legislation Committee	Martinez	Decisions on agenda items
09/10/19	Board of Supervisors Meeting	Martinez	Decisions on agenda items
09/13/19	ABAG Administrative Committee	San Francisco	Decisions on agenda items
09/13/19	Labor to Labor Dinner	Orinda	Community Outreach
09/17/19	Board of Supervisors Meeting	Martinez	Decisions on agenda items
09/19/19	ABAG Executive Board Meeting	San Francisco	Decisions on agenda items
09/23/19	Delta Water Roundtable Meeting	Walnut Grove	Water Advocacy
09/25/19	Delta Conservancy Meeting	Sacramento	Water Advocacy

Supervisor Candace Andersen - Monthly Meeting Report *August 2019*

Date	Meeting	Location
2	Citizens Corp	San Ramon
5	SWAT	San Ramon
6	Board of Supervisors	Martinez
6	Solar Ribbon Cutting	Martinez
6	Nat'l Night Out	Danville

Supervisor John Gioia

September – 2019 Monthly Meeting Statement

Government Code section 53232.3(d) requires that members of legislative bodies report on meetings attended for which there has been expense reimbursement (mileage, meals, lodging, etc.).

1. Meeting Date: September 4, 2019

Meeting: CSAC Foundation Retreat

Location: Sacramento, CA

2. Meeting Date: September 5, 2019

Meeting: CSAC Board of Directors

Location: Sacramento, CA

3. Meeting Date: September 7 to September 10,

Meeting: Rail-Volution Conference

Location: Vancouver, BC

Supervisor Gioia sought reimbursement from the County only for meetings that he attended in his capacity as a County Supervisor during the month of September, 2019 located outside Contra Costa County.

Supervisor Candace Andersen - Monthly Meeting Report *September 2019*

Date	Meeting	Location
5	CCCTA MP&L	Lafayette
9	Fire Station 16 opening	Lafayette
9	Internal Operations	Martinez
10	Board of Supervisors	Martinez
10	State of the District	San Ramon
11	CCCERA	Concord
11	Exchange Club	Danville
11	LAFCO	Martinez
11	Start Smart	Danville
12	Community Forum Suicide Prevention	San Ramon
12	East Bay EDA	Oakland
14	Confire Memorial	Concord
16	Alamo Liaison	Danville
17	Board of Supervisors	Martinez
17	Traffix	San Ramon
17	Sustainable CC Awards	Pleasant Hill
19	CCCTA	Concord
19	TriValley Council	Danville
19	ABAG	San Francisco
20	Mental Health Advisory	San Ramon
23	Family & Human Services	Martinez
23	TriValley Regional Power Summit	Pleasanton
24	Board of Supervisors	Martinez
25	CCCERA	Concord
25	Speak to Alamo Rotary	Alamo
26	Bishop Ranch Exec Forum	San Ramon
26	CCCSWA	Walnut Creek
27	EBRCSA	Alameda



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Arts and Culture Commission of Contra Costa County 2019 Arts Recognition Awards

RECOMMENDATION(S):

ADOPT Resolution No. 2019/599 honoring the winners of Arts and Culture Commission of Contra Costa County 2019 Arts Recognition Awards.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Julia Taylor,
925.335.1043

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

By: , Deputy

cc:

ATTACHMENTS

Resolution
2019/599

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

In the matter of:

Resolution No. 2019/599

Honoring the winners of the Arts and Culture Commission of Contra Costa County 2019 Arts Recognition Awards.

WHEREAS, Dr. Lawrence E. Anderson is Founder and Conductor Emeritus of the Danville Community Band; is a lifelong music educator and band director on the high school and college level beginning at Miramonte High School in Orinda; was an adjudicator for the California Music Educators Association for music festivals for elementary through high school students; in retirement, has served as Student Teacher Supervisor for Chapman University in Walnut Creek; has been published in numerous professional journals; and has a monthly column “Note on Key” for Alive Magazine; and

WHEREAS, Dr. Napoleon Dargan has brought innovative arts programming to some of the most vulnerable residents of Contra Costa County; has attained amazing results to address anxiety and depression; has brought his powerful work to national and regional conferences to spread it to systems around the Country; has led programs throughout the Contra Costa County Health Service for patients and staff to engage in various forms of the arts with education in many core subjects; and has been an active contributor to the Art of Health and Healing for 7 years; and

WHEREAS, Rosalinda Grejsen Co-founded the Art Guild of the Delta in Brentwood; has been Gallery Director of the Delta Gallery Community Art Center; was President of the Brentwood Art Society; is working with the Brentwood Library to help with Art displays at the new library facility; is currently the Chair of the City of Brentwood Arts Commission and has added many projects to the City art inventory; and is a talented ceramic artist with her work being juried in regional and national shows; and

WHEREAS, Leslie Noel founded the Peter Pan Foundation (PPF) to inspire children of all ages to find their inner talents and confidence, to develop strength of character and enhance creativity, all while engaging in philanthropy; over 2,000 children/teen performers have participated in PPF performances and philanthropic events, which resulted in donations to University of California San Francisco Benioff Children’s Hospital of over \$2,000,000 and more than 150 PlayStation video games, and has granted 100 Make-A-Wish wishes to terminally ill kids; and

WHEREAS, Kelsey Wengel is a facilitator of learning and a mentor to her art students at Dougherty Valley High School (DVHS); with the City of San Ramon, oversees the “Beauty of Age” program that partners DVHS advanced art students with senior citizens to create a meaningful portrait of the senior; and is the Visual Arts mentor for the San Ramon Valley Unified School District, working with all 5 high schools in the District to curate a gallery exhibit at San Ramon City Hall highlighting the students’ artwork.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors congratulates Dr. Lawrence E. Anderson, Dr. Napoleon Dargan, Rosalinda Grejsen, Leslie Noel, and Kelsey Wengel, for their outstanding achievement and contributions to Contra Costa County’s arts and culture.

JOHN GIOIA

Chair, District I Supervisor

CANDACE ANDERSEN

District II Supervisor

DIANE BURGIS

District III Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

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

ATTESTED: October 22, 2019

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Declaring October 23rd-31st, 2019 as Red Ribbon Week

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Fatima Matal Sol,
925-335-3307

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

By: , Deputy

cc: Marcy Wilhelm, Fatima Matal Sol

ATTACHMENTS

Resolution
2019/603

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

In the matter of:

Resolution No. 2019/603

Declaring October 23rd-31st, 2019 "Red Ribbon Week" in Contra Costa County

WHEREAS, substance use in America creates staggering societal costs and prevent millions of people from reaching their full potential. The 2018 National Survey on Drug Use and Health (NSDUH) reported that nearly one in five people aged 12 or older used an illicit drug in the past year, of which 43.5 million people consumed marijuana in the past year; and
WHEREAS, during 2018 approximately 20.3 million people aged 12 or older had a Substance Use Disorder (SUD), including 14.8 million people who had an Alcohol Use Disorder (NSDUH); and to improve the well-being of our nation and to protect county residents, we must continue to make the prevention and treatment of alcohol and other drug use a priority; and
WHEREAS, The National Partnership, Inc., initiated the Red Ribbon Week Campaign after Drug Enforcement Administration Agent Enrique "Kiki" Camarena was killed in Mexico by drug traffickers in 1985; and
WHEREAS, nationally, the percentage of youth reporting they see "great risk" in using marijuana has declined (Monitoring Our Future, 2018); and
WHEREAS, in Contra Costa 27% of 11th graders stated that there was no harm in smoking marijuana occasionally, and 69% of 11th graders report that marijuana is either fairly easy or very easy to obtain(CHKS, 2015-2017); and
WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to maintain an honest perception of harm and reduce youth access to marijuana; and
WHEREAS, The National Red Ribbon Week Campaign offers citizens the opportunity for youth and parents to demonstrate their commitment to drug-free lifestyles, and will be celebrated in every community in America during Red Ribbon Week, October 23-31, 2019; and
WHEREAS, the Behavioral Health Division Alcohol and Other Drugs Services, schools and community based organizations such as Reach Project, and the Alcohol and Other Drugs Advisory Board coordinate Red Ribbon Week activities to offer our residents the opportunity to demonstrate their commitment to healthy, alcohol and drug-free lifestyles; and
WHEREAS, business, government, parents, law enforcement, media, medical institutions, religious institutions, schools, senior citizens, service organizations, and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration;
NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors does hereby proclaim October 23-31, 2019, as RED RIBBON WEEK, and encourages its citizens to participate in alcohol and other drug prevention activities and programs, not only during Red Ribbon Week, but all year long, making a visible statement that we are strongly committed to an alcohol and drug-free Contra Costa County.

JOHN GIOIA

Chair, District I Supervisor

CANDACE ANDERSEN

District II Supervisor

DIANE BURGIS

District III Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

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

ATTESTED: October 22, 2019

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Proclaim October 20 – 26, 2019 as Childhood Lead Poisoning Prevention Week

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Daniel Peddycord, 925-313-6712

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

By: , Deputy

cc: Gail Doyle, Marcy Wilhelm

ATTACHMENTS

Resolution

2019/601

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

In the matter of:

Resolution No. 2019/601

PROCLAIMING OCTOBER 20 – 26, 2019 AS “CHILDHOOD LEAD POISONING PREVENTION WEEK”

WHEREAS, Contra Costa County recognizes the importance of healthy homes and a safe environment for all of our children and families; and

WHEREAS, an important part of ensuring a safe environment is preventing Contra Costa children from being poisoned by lead in their homes and community; and

WHEREAS, research shows that children are harmed by even low levels of lead and that lead poisoning often has few or no early visible symptoms; and

WHEREAS, lead poisoning can have lifelong effects, especially for children, ranging from cognitive and behavioral problems to delayed growth and learning disabilities; and

WHEREAS, Contra Costa children may be exposed to lead from deteriorated lead-based paint and contaminated soil, and from other sources such as cultural and consumer products, lead brought home from the workplace, and historic environmental contamination; and

WHEREAS, to keep our children safe and healthy, all children under the age of six should be assessed for lead exposure, at-risk children should receive blood tests for lead; and lead hazards must be identified and removed from a child’s environment; and

WHEREAS, lead poisoning is preventable through greater awareness and elimination of lead hazards; using lead-safe work practices when disturbing lead-based paint; and ensuring that children have a healthy diet and access to health care; and

WHEREAS, the State of California has enabled the Contra Costa Lead Poisoning Prevention Project (LPPP) to offer services to these children, and since 1993 the LPPP has been working to reduce the number of lead poisoned children in Contra Costa through case management, outreach and education, and early intervention services; and

WHEREAS, screening results show that Contra Costa children are still being exposed to the dangers of lead
NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors proclaims October 20 - 26, 2019 as Childhood Lead Poisoning Prevention Week in Contra Costa County, to prevent childhood lead poisoning through increased community awareness and activities supporting the elimination of lead from our homes, consumer products and other sources, and the environment.

JOHN GIOIA

Chair, District I Supervisor

CANDACE ANDERSEN

District II Supervisor

DIANE BURGIS

District III Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

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the date
shown.

ATTESTED: October 22, 2019

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: CAER 2019 Shelter-in-Place Education Day

RECOMMENDATION(S):

ADOPT Resolution No. 2019/602 proclaiming November 6, 2019 as the Contra Costa County Shelter-in-Place Education Day.

BACKGROUND:

Contra Costa County Community Awareness and Emergency Response Group, Inc. has worked with schools and day care facilities for the last eighteen years on sheltering in place when there is a hazardous material release that could impact them. This protective action is the best immediate action that a person can take to protect them against exposure to hazardous materials that could occur from an accidental release or spill. Attached find the proclamation and a flyer announcing November 6, 2019 as Shelter-in-Place Education Day.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Cho Noi Cheung,
925-335-3212

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

By: , Deputy

cc: cho nai cheung, Marcy Wilhelm

ATTACHMENTS

Resolution

2019/602

2019 Fact Sheet

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

In the matter of:

Resolution No. 2019/602

Proclaiming November 6, 2019 as the Contra Costa County Shelter-in-Place Education Day

Whereas public and private schools and childcare centers throughout Contra Costa County will be participating in the Shelter-in-Place Drill on November 6th; and

Whereas Contra Costa Community Awareness Emergency Response Group – CAER – is sponsoring the 18th Annual Shelter-in-Place Drill and assisting schools and childcare centers with their emergency preparedness; and

Whereas emergency response agencies including fire, sheriff and health officials all recommend Shelter-in-Place as the immediate action to take in case of a hazardous release; and

Whereas the Shelter-in-Place Drill increases public awareness about Shelter-in-Place as a protective action and gives students and teachers practice in implementing this important procedure; and

Whereas the County Office of Education has endorsed the Shelter-in-Place Drill and encouraged all sites to participate;

Now, Therefore, Be It Resolved that the Contra Costa County Board of Supervisors recognizes the importance of preparing for emergencies and encourages participation in the Contra Costa CAER Group’s public education efforts. In support of the parents, teachers, students and staff that will be participating with hundreds of other schools and childcare centers in the Shelter-in-Place Drill, we proclaim November 6, 2019, as “Shelter-in-Place Education Day.”

JOHN GIOIA

Chair, District I Supervisor

CANDACE ANDERSEN

District II Supervisor

DIANE BURGIS

District III Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

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ATTESTED: October 22, 2019

David J. Twa,

By: _____, Deputy



2019 Shelter-in-Place Drill *FACT SHEET*

- The Shelter-in-Place drill will begin at 11:00 a.m. on November 6th. This coincides with the testing of the safety sirens in Contra Costa that sound at 11:00 a.m.

Or, if necessary, you can change to a time better suited to your site.



Please note: If you do not normally hear the sound of the sirens on the first Wednesday of every month YOU WILL NOT HEAR THEM ON NOV. 6th Sirens are only one of the ways a Shelter-in-Place alert is broadcast. In an actual emergency, other tools to alert the public would also be used, such as KCBS 740AM radio, scrolling messages on CCTV, weather radio alerts, and the TENS system (automated telephone calls) as well as cell phone notifications.

- Each site will determine how complex they want the Shelter-in-Place drill to be at their own facility. The scope can range from a tabletop exercise with staff to a full-scale drill bringing everyone inside to Shelter-in-Place. Drill can be as long as you want it to be.
- The drill is being sponsored by Contra Costa County CAER (Community Awareness Emergency Response) Group. CAER is a non-profit organization with members from fire, law enforcement, health services, emergency services, plus community and industry representatives.
- All public and private schools and childcare centers are encouraged to participate. This is a chance to be part of a countywide exercise that will promote further awareness about Shelter-in-Place training and procedures.
- Participating schools and childcare centers will have their names posted on the CAER web site at www.cococaer.org.
- The County Board of Supervisors as well as All City Councils in the County are being asked to proclaim November 6th as "Shelter-in-Place Education Day."
- The Shelter-in-Place Drill is an annual event on the first Wednesday in November. CAER sponsors the drill to promote emergency preparedness in our schools and childcare centers.



**Contra
Costa
County**

To: Board of Supervisors
From: John Gioia, District I Supervisor
Date: October 22, 2019

Subject: Recognizing Contra Costa County Cities Citizen Corp for receiving Award for Outstanding Community Impact

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Sonia Bustamante,
(510)231-8686

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

By: , Deputy

cc:

ATTACHMENTS

Resolution

2019/613

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

In the matter of:

Resolution No. 2019/613

**Contra Costa County Cities Citizen Corp CERT Committee Award for Outstanding
Community Impact**

Whereas, The network of CERT programs in this County came into existence through a grass roots workgroup that represented cities, fire districts and local communities named “Contra Costa County Cities Citizen Corp CERT Committee” or C-8; and
Whereas, The regional connection has allowed for greater funding opportunities, shared organized training and education on CERT topics and in the last several years C-8 has expanded its membership to include CERT programs from Alameda and Solano Counties, increasing collaboration and better training opportunities to serve the greater Bay Area; and

Whereas, C-8's regional approach has yielded additional standardization of training, shared equipment, resources and joint disaster exercises amongst the cities and each disaster exercise conducted in the Fall and Spring generally serves 100 new graduates supporting seven incorporated and unincorporated areas of the County; and

Whereas, Because of C-8's regional approach The San Ramon Valley Fire District created an emergency training program for Community Care and Intermediate Care Facilities, this program involved CERT groups helping train the care home staffs of these facilities serving the elderly and, the CERT groups partnered with the County Public Health Department to distribute training materials to these facilities in West, Central, South and East County areas; and

Whereas, C-8 was also instrumental in supporting the Contra Costa County Animal Disaster Response Team (CART) program, the CART training program educates volunteers about animals' responses during a disaster, and how to care and shelter animals in evacuation shelter, many of the volunteers in this program have deployed to the multiple north state fires and evacuations in the past two years to serve animals in sheltering feeding and care; and

Whereas, After CERT members graduate from their basic 20 hours of training, they are encouraged to further their training by becoming Amateur Radio Operators, Red Cross Shelter workers, taking CERT Traffic Control Class and joining the Contra Costa CART; and

Whereas, C-8 has helped to get Spanish CERT out to many areas of the County, the program called Listos, which is an abbreviated CERT training fills a gap that existed delivering emergency preparedness training to the Hispanic Community, Listos training is being pushed out countywide followed by Spanish CERT programs currently in three cities; and

Whereas, CERT C-8 received the Outstanding Community Impact Award from the State of California Office of Volunteers, which was given to members of the C-8 at the National CERT Conference this past June in San Diego in recognition of C-8 for their expansion of services to the citizens in emergency preparedness training throughout the County; and

Whereas, The C-8 currently has 70 members from throughout the region and all the cities in the County are represented including County Animal Services, the County

Office of Emergency Services, County Fire, local refineries, the Community Colleges District, County Health Services, American Red Cross, Alameda County Fire, Vacaville Fire, and the City of Marin CERT.

The Contra Costa County Board of Supervisors does hereby recognize C-8 for their outstanding work in emergency preparedness and as awardee of the Outstanding Community Impact from the California Office of Volunteers, Office of the Governor of the State of California.

JOHN GIOIA

Chair, District I Supervisor

CANDACE ANDERSEN

District II Supervisor

DIANE BURGIS

District III Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

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

ATTESTED: October 22, 2019

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: John Gioia, District I Supervisor
Date: October 22, 2019

Subject: Honoring Michelle Seville, Retiring Richmond Arts & Culture Manager and Devoted Arts Advocate

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Kate Rauch
510-231-8691

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

By: , Deputy

cc:

ATTACHMENTS

Resolution

2019/614

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

In the matter of:

Resolution No. 2019/614

Honoring Michelle Seville, Retiring Richmond Arts & Culture Manager and Devoted Arts Advocate

WHEREAS, Michele Seville has lived in West Contra Costa County for 27 years, and has created a legacy of arts support throughout the area; and

WHEREAS, Michele Seville was one of the original park rangers at the Rosie the Riveter National Historical Park when it was first established in late 2000, where she recorded the oral histories of many “Rosies” from around the country; and

WHEREAS, Michele Seville volunteered in 1998 to serve as project manager for the Richmond Annex Mural commissioned by the Richmond Annex Neighborhood Council, thereby elevating her to the attention of then Richmond Arts & Culture Manager Virginia Rigney and securing herself a position on the Richmond Arts & Culture Commission where she served for six years; and

WHEREAS, Michele Seville was a founding co-coordinator of Point Richmond Music, which she continues to volunteer with 18 years later; and

WHEREAS, Michele Seville was part of the design team that helped design the West County Reentry Success Center, serving individuals and families impacted by incarceration in one welcoming hub in Richmond; and

WHEREAS, Michele Seville has supported and collaborated with numerous independent organizations and agencies working to make Richmond a thriving and welcoming—and art-filled—city for all, including Richmond Main Street Initiative, Richmond, CA/Regla, Cuba Friendship Committee, Richmond Museum of History, Arts & Culture Commission of Contra Costa County, arts commissions in neighboring cities, Water Emergency Transportation Authority, and California Poets in the Schools; and

WHEREAS, as the Richmond Arts & Culture Manager, Michele Seville has been a tireless advocate for public art and for the arts in general; and

WHEREAS, Michele Seville has led city support for Richmond’s primary nonprofit arts organizations, including NIAD (Nurturing Independence Through Artistic Development), RAC (Richmond Art Center), EBCPA (East Bay Center for the Performing Arts), and the Richmond, CA/Regla, Cuba Friendship Committee’s unique collection of prints by Cuban artist Antonio Canet Hernández; and

WHEREAS, as the Richmond Arts & Culture Manager, Michele Seville served the city by supporting and collaborating with numerous organizations and events, such as “Chalk It Up for the Birds,” culminating in the designation of the osprey as Richmond’s official city bird; “Blossoms and Thorns,” a photography exhibition focusing on the internment of Japanese-American residents of West County during WWII; finding an art conservationist for the Richmond Museum of History to restore the recently discovered Arnautoff mural; Richmond Greenway development, supporting activities, visioning, and grant proposals; the Richmond Writes! Poetry Contest for youth in schools; and building and maintaining the most comprehensive arts information notification network in West Contra Costa County, earning herself the title of “Queen of Connections” awarded by the East Bay Express in August 2018; and

WHEREAS, Michele Seville counts as her most important work both the passage of

the Percent for Art in Private Development ordinance and the ongoing Neighborhood Public Art Program, which was initially funded by a California Arts Council grant when Virginia Rigney was the Richmond Arts & Culture Manager; after a period of dormancy, Michele Seville revived the program with city funding, providing opportunities for youth to work with neighborhoods to create public art programs with small grants.

WHEREAS, Michelle Seville is retiring as the city of Richmond's Arts & Culture Manager after 12 years of dedicated, productive, creative service.

NOW THEREFORE , Be It Resolved that the Board of Supervisors of Contra Costa County does hereby honor Michelle Seville for her amazing contributions to the arts in Richmond, thank her for her inspirational community service, and wish her well in all future endeavors.

JOHN GIOIA

Chair, District I Supervisor

CANDACE ANDERSEN

District II Supervisor

DIANE BURGIS

District III Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

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ATTESTED: October 22, 2019

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Arts and Culture Commission of Contra Costa County 2019 Awards for Outstanding Contributions to the Arts

RECOMMENDATION(S):

ADOPT Resolution No. 2019/600, honoring the recipients of the Arts and Culture Commission of Contra Costa County 2019 Awards for Outstanding Contributions to the Arts.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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ATTESTED: October 22, 2019

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

Contact: Julia Taylor,
925.335.1043

By: , Deputy

cc:

ATTACHMENTS

Resolution

2019/600

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

In the matter of:

Resolution No. 2019/600

Honoring the winners of the Arts and Culture Commission of Contra Costa County 2019 Awards for Outstanding Contributions to the Arts.

WHEREAS, Lafayette Town Hall Theater is being awarded an Award for Outstanding Contributions to the Arts as the longest running and oldest continuously active theatre company in Contra Costa County, and is reaching a milestone celebrating their 75th Anniversary and 300th theatre production; has provided high quality theater, education and live entertainment that enriches, enlightens and engages their patrons, community, and performers; their music, theater and dance education program serves 600 families per year; and, they bring their programs to Lamorinda elementary schools, host Music and Comedy events and host an annual Lafayette Community music festival showcasing the community's wide-ranging musical talents; and

WHEREAS, Blue Devil Performing Arts (BDPA), founded by Tony and Ann Odello in 1957, is being awarded an Award for Outstanding Contributions to the Arts; was founded as a Drum Corps with a separate marching team, but later added glockenspiels (bells), Color Guard and horns to their productions; was undefeated State Champion Drum and Bell Corps from 1957-1970; the Majorettes earned six National Championships and twelve National Team titles; became the 19th time Drum Corps International World Champion Drum and Bugle Corps; BDPA also includes a B Drum and Bugle Corps and a C Drum and Bugle Corps, the Diablo Wind Symphony, which includes 60-80 local students ages 14-22, the River City College Indoor Percussion group, a B Winter Guard and a Special Needs Guard; has provided unique opportunities to their fans and members by offering performances and clinics with great artists in the musical world; has been featured in concerts all over the world; and, since inception, has served over 6,000 young people, in 1,800 families.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors congratulates Town Hall Theatre and Blue Devil Performing Arts for their outstanding achievements, commitment, and contributions to Contra Costa County's arts and culture.

JOHN GIOIA

Chair, District I Supervisor

CANDACE ANDERSEN

District II Supervisor

DIANE BURGIS

District III Supervisor

KAREN MITCHOFF

District IV Supervisor

FEDERAL D. GLOVER

District V Supervisor

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the date
shown.

ATTESTED: October 22, 2019

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 22, 2019

Subject: Introduce Ordinance No. 2019-31, adopting the 2019 California Building Standard Codes

RECOMMENDATION(S):

1. INTRODUCE Ordinance No 2019-31, adopting the 2019 California Building code, the 2019 California Residential Code, the 2019 California Green Building Standards Code, the 2019 California Electrical Code, the 2019 California Plumbing Code, the 2019 California Mechanical Code, and the 2019 Existing Building Code, with changes, additions and deletions. WAIVE reading, and FIX November 12, 2019 at 9:30 a.m. for a public hearing to consider adoption of the ordinance and adoption of findings of local conditions to justify construction standards stricter than those imposed by Health and Safety Code section 19180 et seq.
2. DIRECT the Clerk of the Board to publish notice of the hearing pursuant to Government Code section 6066.
3. AUTHORIZE the preparation of an ordinance summary by County Counsel and the publication of the summary in accordance with Government Code section 25124, and DIRECT the Clerk of the Board of Supervisors to post a copy of the full text of the proposed ordinance in the office of the Clerk of the Board.

FISCAL IMPACT:

None

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jason Crapo,
925-674-7722

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

By: , Deputy

cc:

BACKGROUND:

The California Building Standards Commission has adopted the 2019 California Building Standards Code (CBSC), replacing the 2016 CBSC. The CBSC includes the California Building, Residential, Electrical, Plumbing, Mechanical, Green Building Standards, Fire, Energy, Historical Building and Existing Building Codes. These statewide codes will be effective January 1, 2020. The Department of Conservation and Development is responsible for enforcing the CBSC within the unincorporated area of the County.

Although these codes apply statewide, Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change these codes and establish more restrictive building standards if the local jurisdiction finds that the changes and modifications are reasonably necessary because of local climatic, geological, topographical, or environmental conditions. The attached proposed ordinance would adopt the statewide codes and amend them to address local conditions.

The proposed Ordinance No 2019-31 amends the statewide codes due to local climatic, geographical, topographical, and environmental conditions. These conditions are described in the attached Findings. The following are the substantive changes to the 2019 California Building Standards Code:

Modifications to the 2019 California Building Code

- Require installation of hard-wired smoke detectors in existing flat roof buildings when a pitched roof is added on top of the existing flat roof, and the solid sheathing of the flat roof is not removed. This amendment is the same as the local amendment made to the previous statewide code.
- Require more reinforcing in some building foundations to better withstand seismic forces found in the region of California. This amendment is the same as the local amendment made to the previous statewide code.

Modifications to the 2019 California Residential Code

- Prohibit the use of gypsum wallboard as seismic bracing, and restrict the use of Portland Cement Plaster as seismic bracing to single-story, single-and two-family dwellings and accessory structures. These amendments are the same as the previous code cycle and are based on the performance of these materials during previous earthquakes in California.

Modifications to the 2019 California Green Building Standards Code

- Electric vehicle charging station requirements for new multi-family buildings will be amended as follows. The statewide code requires 10 percent of parking space be designated as Electric Vehicle Charging Spaces ("EV spaces") and equipped with the electrical conduit and other associated electrical infrastructure to support the future installation of electrical vehicle charging devices. The ordinance would require that half of the designated EV spaces (5% of the total number of parking spaces) be equipped with fully operational electrical vehicle charging equipment. This amendment would impose a stricter standard than that included in the statewide code, and the percentage of parking spaces required to be equipped with fully operational charging equipment is consistent with the current policy previously

adopted by the Board.

- Electrical vehicle station requirements for non-residential buildings will be amended as follows. The statewide code generally requires 6 percent of parking spaces be designated as Electric Vehicle Charging Spaces ("EV spaces") and equipped with the electrical conduit and other associated electrical infrastructure to support the future installation of electric vehicle charging devices. The ordinance would require that all designated EV spaces be equipped with fully operational electric vehicle charging equipment. This amendment is the same local amendment made to the previous statewide code.
- More restrictive construction waste reduction, disposal and recycling standards consistent with those presently enforced in the County, including the following. Apply construction waste management requirements in the statewide code to certain projects for existing residential buildings, including: demolition projects when a demolition permit is required, except demolition projects that are necessary to abate a public nuisance; projects that impact 5,000 square feet or more of the total combined conditioned and unconditioned building area; projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more. Delete the exception from construction waste management requirements for projects solely based on their isolated location from diversion facilities. Require measuring and documentation of all generated debris to ensure that at least 65% is diverted from landfills.

Modifications to the 2019 California Existing Building Code

The amendments to the 2019 California Existing Building Code are not substantive in nature and are limited to administrative provisions for the use and enforcement of this Code and to be consistent with the administrative provisions of the other statewide codes as amended.

CONSEQUENCE OF NEGATIVE ACTION:

If the proposed ordinance is not approved, the County will not adopt the 2019 California Building Standards Code as amended.

ATTACHMENTS

Findings

Ordinance No. 2019-31

CONTRA COSTA COUNTY
FINDINGS IN SUPPORT OF CHANGES, ADDITIONS, AND DELETIONS TO
STATEWIDE BUILDING STANDARDS CODE

The California Building Standards Commission has adopted and published the 2019 Building Standards Code, which is comprised of the 2019 California Building, Residential, Green Building Standards, Electrical, Plumbing, Mechanical, and Existing Building Codes. These codes are enforced in Contra Costa County by the Building Inspection Division of the Department of Conservation and Development.

Although these codes apply statewide, Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change these codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological, or topographical conditions. For amendments to the California Green Building Standards Code, local climatic, geological, and topographical conditions include local environmental conditions.

Ordinance No. 2019-31 adopts the statewide codes and amends them to address local conditions. Pursuant to Health and Safety Code section 17958.7, the Contra Costa County Board of Supervisors finds that the more restrictive standards contained in Ordinance No. 2019-31 are reasonably necessary because of the local climatic, geological, and topographic conditions that are described below.

I. Local Conditions

A. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Design Categories D and E, which designates very high risk for earthquakes. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is near numerous earthquake faults including the San Andreas Fault, and all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area. A study released in 2015 by the Working Group of California Earthquake Probabilities predicts that for the San Francisco region, the 30-year likelihood of one or

more earthquake of 6.7 or larger magnitude is 72%. The purpose of this Working Group is to develop statewide, time-dependent Earthquake Rupture Forecasts for California that use best available science, and are endorsed by the United States Geological Survey, the Southern California Earthquake Center, and the California Geological Survey. Scientists, therefore, believe that an earthquake of a magnitude 6.7 or larger is now slightly more than twice as likely to occur as to not occur in, approximately, the next 30 years.

Interstates 680, 80, 580 and State Route 4 run throughout Contra Costa County. These interstates and state route divide the County into west, south, north and east areas. An overpass or undercrossing collapse would significantly alter the response route and time for responding emergency equipment.

Earthquakes of the magnitude noted above could cause major damage to electrical transmission facilities and to gas and electrical lines in buildings, causing disruption and starting fires throughout the County.

(b) Impact

A major earthquake could severely restrict the response of Contra Costa County Fire Districts and their capability to control fires. When buildings not equipped with earthquake structural support move off their foundations, gas pipes may rupture. Fires may develop from line ruptures and spread from house to house, causing an extreme demand for fire protection resources. The proximity of large areas within the County to fault traces necessitates adopting stricter structural construction standards.

2. Soils

(a) Conditions

The area is replete with various soils, many of which are expansive. Many areas have landslide prone soils and some areas are potentially liquefiable during severe seismic shaking.

Throughout Contra Costa County, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding 20%. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. The majority of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as downed trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be unpassable

preventing fire protection resources from reaching fires caused by gas line ruptures or other sources.

3. Topographic

(a) Conditions

i) Vegetation

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations 6 to 8 months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout Contra Costa County, especially in those developed and developing areas of the County. Earthquake gas fires due to gas line ruptures can ignite grasslands and stress fire district resources.

ii) Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit feasible response routes for Fire District resources in and to District areas.

iii) Buildings, Landscaping, and Terrain

Many of the newer large buildings and building complexes have building access and landscaping features and designs, which preclude or greatly limit any approach or operational access to them by Fire District vehicles. In addition, the presence of security gates and roads of inadequate width and grades that are too steep for Fire District vehicles adversely affect fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires that fire personnel both in numbers and in stamina. Access problems often result in severely delaying, misdirecting or making impossible fire and smoke control efforts. In existing structures where pitched roofs have been built over an existing roof, smoke detectors should be required to warn residents of smoke and fire before the arrival of fire personnel.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the County fire resources. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Most earthquake fires are caused by natural gas line ruptures. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public safety resources would have to be prioritized to mitigate the greatest threat and may be unavailable for smaller single dwellings that affected or threatened by broken gas lines.

Other variables may intensify the situation:

1. The extent of damage to the water system
2. The extent of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic condition (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingle coverings (both on the roof diaphragm and sides of the dwellings) could result in conflagrations.
8. The large number of dwellings that slip off their foundations and rupture gas lines and electrical systems resulting in further conflagrations.

More restrictive electric vehicle charging standards and construction and demolition waste recovery requirements would not impact the availability of the County's fire or public safety resources.

B. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. 96% of precipitation falls during the months of October through April, and 4% from May through September. May through September is a dry 5-month period each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from 45 to 65% during spring, summer, and fall, and from 60 to 90% in the winter. It occasionally falls as low as 15%.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely. Gas fires due to gas line ruptures can also spark and engulf a single-family residence during these dry periods.

Because of dryness, a rapidly burning gas fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks or embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Greenhouse Gas Emissions

(a) Conditions

The California Air Resources Board has collected information on emissions from air pollution sources since 1969. This information is periodically compiled by State and local air pollution control agencies to create regional and statewide greenhouse gas emissions inventories. The California greenhouse gas emissions inventory maintains information on various air pollution sources and identifies “mobile sources” (all on-road vehicles such as automobiles and trucks, and off-road vehicles such as trains, ships, aircraft, and farm equipment) as a primary pollution source. According to the 2016 statewide inventory, the transportation sector remains the largest source of greenhouse gas emissions, accounting for 36% of the total greenhouse gas emissions. Emissions from recycling and waste, comprising 2% of the total greenhouse gas emissions, have grown by 19% since 2000, and 94% of that amount is landfill emissions. California adopted land use and transportation policies and mandatory recycling laws to help reduce greenhouse gas emissions by promoting the use of renewable energy sources and reducing landfill disposal.

Contra Costa County also completed a local greenhouse gas emissions inventory as well as a community-wide Climate Action Plan. The County’s Climate Action Plan contains measures reducing greenhouse gas emissions pertaining to renewable fuel vehicles and reducing landfill disposal for the purpose of reducing greenhouse gas emissions.

(b) Impact

More restrictive electric vehicle charging standards and construction and demolition waste recovery requirements would be consistent with the intent of State legislation and County requirements to aggressively implement energy and waste policies designed to ensure success in meeting their greenhouse gas emission reduction and reusable energy and recycling goals.

3. Temperature

(a) Conditions

Temperatures have been recorded as high as 114° F. Average summer highs are in the 75° to 90° range, with average maximums of 105° F in some areas of unincorporated Contra Costa County.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building, wildland fires, and fires caused by gas line ruptures.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more fire resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire Districts in Contra Costa County. The change of temperatures throughout the County between very low and extreme highs contributes to a voltage drop in conductors used for power pole lines. This necessitates that voltage drops be considered.

More restrictive electric vehicle charging standards and construction and demolition waste recovery requirements would not have a negative impact on the temperature conditions within the County.

4. Winds

(a) Conditions

Prevailing winds in many parts of Contra Costa County are from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities can reach 14 mph to 23 mph ranges, gusting to 25 to 35 mph. 40 mph winds are experienced occasionally and winds up to 55 mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do exacerbate fires, both interior and exterior, to burn, and spread rapidly. Fires involving non-irrigated weeds, grass, brush, and fires caused by gas line ruptures can grow to a magnitude and be fanned to an intensity beyond the control capabilities of the fire services very quickly even by relatively moderate winds. When such fires are not controlled; they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by all Contra Costa County Fire Districts on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor toward causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas, or lacking automatic fire protection systems, or lacking proper gas shut-off devices to shut off gas when pipes are ruptured, or lacking proper electrical systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

More restrictive electric vehicle charging standards and construction and demolition waste recovery requirements would not have a negative impact on the wind conditions within the County.

II. Necessity of More Restrictive Standards

Because of the conditions described above, the Contra Costa County Board of Supervisors finds that there are building and fire hazards unique to Contra Costa County that require the increased fire protection and structural and design load requirements set forth in Ordinance No. 2019-31.

- The ordinance amends the 2019 California Building Code by:
 - Clarifying the reference to electrical vehicle charging for new residential constructions to include both future and fully operational chargers in accordance with local amendments made to the CGBSC. (§74-4.002(b).)
 - Requiring the installation of a smoke detector in each existing flat roof building when a pitched roof is added on top of the existing flat roof, and the solid sheathing of the flat roof is not removed. (§ 74-4.002(c).)
 - Requiring most wood shakes or shingles used for exterior wall covering to be fire treated. (§ 74-4.002(d).)
 - Requiring special inspections for concrete at certain foundations to be consistent with

- code requirements for concrete at other locations. (§ 74-4.002(e).)
 - Addressing the poor performance of plain concrete structural elements during seismic events. (§ 74-4.002(f), § 74-4.002(h), § 74-4.002(i).)
 - Prohibiting placement of reinforcement while the concrete is in a semifluid condition thus increasing quality control during construction. Enhanced quality control is necessary because of seismic considerations. (§ 74-4.002(g).)
- The ordinance amends the 2019 California Residential Code by:
 - Requiring the installation of a smoke detector in each existing flat roof building when a pitched roof is added on top of the existing flat roof, and the solid sheathing of the flat roof is not removed. (§ 74-4.004(c).)
 - Prohibiting the use of gypsum wallboard as braced wall panels in single- and two-family dwellings and accessory structures, and by limiting the use of Portland Cement Plaster braced walls to only one story single- and two-family dwellings, as these materials have performed poorly during recent California seismic events. (§74-4.004(d), and §74-4.004(e).)
- The ordinance amends the 2019 California Green Building Standards Code by:
 - Imposing more restrictive electric vehicle charging standards consistent with those presently enforced in the County, as follows:
 - Clarifying the definition of electric vehicle charging space to include both current and future installations to be consistent with local amendments.
 - For new multi-family buildings:
 - Requiring five percent of the total number of parking spaces (but not less than one space) be fully operational Electric Vehicle Charging Spaces (“EV spaces”), where no fully operational spaces are currently required in the statewide code. (§ 74-4.006(d).)
 - Requiring five percent of the total number of parking spaces be prepared for future Electric Vehicle Charging by installing raceways connected to appropriate subpanels. Current code requires 10 percent future EVSE spaces, but no operational spaces. (§ 74-4.006(d).)
 - For new non-residential buildings:
 - Requiring that the specified number of EV spaces in new construction provide fully operational EVSE, as opposed to the statewide code which requires electrical infrastructure only. (§ 74-4.006(i).)
 - Requiring infrastructure for current EV spaces to be installed per the California Electrical Code to be consistent with local amendments. (§ 74-4.006(j), and § 74-4.006(k).)
 - Increasing the required number of EV spaces for projects with more than 10 parking spaces, and less than 201 parking spaces. (§ 74-4.006(l).)

- Imposing more restrictive construction waste reduction, disposal and recycling standards consistent with those presently enforced in the County as follows:
 - Imposing the mandatory restrictions from Chapter 4 of the 2019 CGBSC on certain projects for existing residential buildings, including:
 - Projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more. ((§ 74-4.006(b).)
 - Projects that impact 5,000 square feet or more of the total combined conditioned and unconditioned building area. ((§ 74-4.006(b).)
 - Demolition projects when a demolition permit is required, except demolition projects that are necessary to abate a public nuisance. (§ 74-4.006(b), and § 74-4.006(c).)
 - Eliminating the exception from construction waste management requirements for projects solely based on their isolated location from diversion facilities. ((§ 74-4.006(e).)
 - Requiring measuring of all generated debris to ensure that at least 65% is diverted from landfills. (§ 74-4.006(f), and § 74-4.006(p).)
 - Requiring that more comprehensive documentation for construction waste management be provided to the enforcing agency and making submittal of the same a prerequisite for scheduling final inspections. (§ 74-4.006(h), and § 74-4.006(r).)
- The amendments to the 2019 California Existing Building Code are not substantive in nature and are limited to administrative provisions for the use and enforcement of this Code, and to be consistent with the administrative provisions of the statewide codes as amended.

ORDINANCE NO. 2019-31

ADOPTION OF CALIFORNIA BUILDING STANDARDS CODES

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

SECTION I. SUMMARY. This ordinance adopts the 2019 California Building Code, the 2019 California Residential Code, the 2019 California Green Building Standards Code, the 2019 California Electrical Code, the 2019 California Plumbing Code, the 2019 California Mechanical Code, and the 2019 California Existing Building Code, with changes, additions, and deletions that are necessary because of local climatic, geological, or topographical conditions. This ordinance is adopted pursuant to Health and Safety Code sections 17922, 17958, 17958.5, and 17958.7, and Government Code sections 50020 through 50022.10.

SECTION II. Section 74-2.002 (Adoption) of Division 74 (Building Code) of the County Ordinance Code is amended to read:

74-2.002 Adoption.

- (a) The building code of this county is the 2019 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the 2019 California Residential Code (California Code of Regulations, Title 24, Part 2.5), the 2019 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), and the 2019 California Existing Building Code (California Code of Regulations, Title 24, Part 10), as amended by the changes, additions, and deletions set forth in this division and Division 72.
- (b) The 2019 California Building Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (c) The 2019 California Residential Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (d) The 2019 California Green Building Standards Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (e) The 2019 California Existing Building Code, with the changes, additions, and deletions

set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.

- (f) At least one copy of this building code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (g) As of the effective date of the ordinance from which this division is derived, the provisions of the building code are controlling and enforceable within the county. (Ords. 2019-31 § 2, 2016-22 § 2, 2013-24 § 2, 2011-03 § 2, 2007-54 §3, 2002-31 § 3, 99-17 § 5, 99-1, 90-100 § 5, 87-55 § 4, 80-14 § 5, 74-30.)

SECTION III. Chapter 74-4 (Modifications) of Division 74 (Building Code) of the County Ordinance Code is amended to read:

**Chapter 74-4
MODIFICATIONS**

74-4.002 Amendments to CBC. The 2019 California Building Code ("CBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2019 California Building Code.

- (a) CBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of this code and as follows:
 - (1) Sections 103, 113, 114, and 116 of CBC Chapter 1 are deleted.
 - (2) Section 105.2 (Work exempt from permit) of CBC Chapter 1, subsection 4 is amended to read:
 - 4. Retaining walls that are not more than 3 feet in height measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding Class I, II, or III-a liquids.
 - (3) Section 107.2.1 (Information on construction documents) of CBC Chapter 1 is amended to read:

107.2.1 Information on Construction Documents. Construction documents shall include dimensions and shall be drawn to scale on

suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the county building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

- (4) Section 110.1 (Inspections - General) of CBC Chapter 1 is amended by adding the following to the end of that section:

At the time of first inspection by the county building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

- (b) Section 420.13 [HCD] (Electric vehicle (EV) charging for new construction) of CBC Chapter 4 (Special Detailed Requirements Based on Occupancy and Use) is amended to read:

420.13 Electric vehicle (EV) charging for new construction. Newly constructed Group R-1, R-2, and R-3 buildings shall be provided with infrastructure to facilitate future installation and use of electric vehicle (EV) chargers, and, where required, newly constructed Group R-2 buildings shall be provided with electric vehicle charging spaces equipped with fully-operational EV chargers, in accordance with the California Green Building Standards Code (CALGreen), Chapter 4, Division 4.1.

- (c) Section 907.2.10.9.1 is added to Section 907.2.10.9 (Existing Group R occupancies) of CBC Chapter 9 (Fire Protection Systems), to read:

907.2.10.9.1 Existing flat roof buildings. In existing flat roof buildings, the installation of a smoke detector that complies with California Residential Code Section R314.6 shall be required when a pitched roof is added on top of the

existing flat roof and the solid sheathing of the flat roof is not removed.

- (d) Section 1405.2 is added to Section 1405 (Combustible materials on the exterior side of exterior walls) of CBC Chapter 14 (Exterior Walls), to read:

1405.2 Wood shakes or shingles. Wood shakes or shingles used for exterior wall covering shall be fire treated unless there is a minimum of 10 feet from the exterior wall (including shakes or shingles) to the property line or the exterior wall faces a street.

- (e) In Section 1705.3 (Concrete construction) of CBC Chapter 17 (Special Inspections and Tests), Exception 1 is amended to read:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength of no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

- (f) Section 1809.8 (Plain concrete footings) of CBC Chapter 18 (Soils and Foundations) is deleted.

- (g) Section 1810.3.9.3 (Placement of reinforcement) of CBC Chapter 18 (Soils and Foundations) is amended by deleting Exception 3.

- (h) Section 1905.1.7 (ACI 318, Section 14.1.4) of CBC Chapter 19 (Concrete) is amended to read:

1905.1.7 ACI 318, Section 14.1.4. Delete ACI 318, Section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to Seismic Design Category C, D, E, or F.

14.1.4.1- Structures assigned to Seismic Design Category C, D, E, or F shall not have elements of structural plain concrete, except as follows:

- (a) Reserved.
- (b) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

- (c) Plain concrete footings supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.
- (i) Section 1906.1 (Structural Plain Concrete - Scope) of CBC Chapter 19 (Concrete) is amended by deleting the exception.
- (j) Section 1907.1 (Minimum Slab Provisions - General) of CBC Chapter 19 (Concrete) is amended by adding the following sentence to that section:
 - Slabs shall have a minimum reinforcement of 6-inch by 6-inch by 10-gauge wire mesh or equal at mid-height.
- (k) Appendix C and Appendix I of the CBC are incorporated into the County building code. Appendix A, Appendix B, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, Appendix J, Appendix K, Appendix L, and Appendix M of the CBC are excluded from the County building code. (Ords. 2019-31 § 3, 2016-22 § 3, 2013- 24 § 3, 2011-03 § 3, 2007-54 § 4, 2002-31 § 3, 99- 17 § 6, 99-1, 90-100 § 6, 87-55 § 5, 80-14 § 6, 74-30 § 1.)

74-4.004 Amendments to CRC. The 2019 California Residential Code ("CRC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2019 California Residential Code.

- (a) Sections R103, R112, and R113 of CRC Chapter 1 (Scope and Application) are deleted.
- (b) In Section R105.2 (Work exempt from permit) of CRC Chapter 1 (Scope and Application), subsection 3 is amended to read:
 - 3. Retaining walls that are not more than 3 feet in height measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding Class I, II, or III-a liquids.
- (c) Section R314.8.1.1 is added to Section R314.8 (Existing Group R-3 occupancies) of CRC Chapter 3 (Building Planning), to read:

R314.8.1.1 Existing flat roof buildings. In existing flat roof buildings, the installation of a smoke detector that complies with Section R314.6 shall be required when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed.

(d) Section R602.10.3(3) (Bracing Requirements Based on Seismic Design Category) of CRC Chapter 6 (Wall Construction) is amended as follows:

(1) The title of Table R602.10.3(3) is amended to read:

TABLE R602.10.3(3)^g

(2) Footnote "g" is added to Table R602.10.3(3), to read:

g. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story dwellings and accessory structures.

(e) Section R602.10.4.5 is added to Section R602.10.4 (Construction methods for braced wall panels) of CRC Chapter 6 (Wall Construction), to read:

R602.10.4.5 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted, but gypsum board is permitted to be installed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story dwellings and accessory structures.

(f) Appendix H of the CRC is incorporated into the County building code. Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix I, Appendix J, Appendix K, Appendix L, Appendix M, Appendix N, Appendix O, Appendix P, Appendix Q, Appendix R, Appendix S, Appendix T, Appendix U, Appendix V, and Appendix W of the CRC are excluded from the County building code. (Ords. 2019-31 § 3, 2016-22 § 3, 2013- 24 § 3, 2011-03 § 3.)

74-4.006 Amendments to CGBSC. The 2019 California Green Building Standards Code ("CGBSC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2019 California Green Building Standards Code.

(a) Section 202 (Definitions) of CGBSC Chapter 2 (Definitions) is amended by replacing the definition of Electric Vehicle Charging Space (EV Space) with the following:

ELECTRIC VEHICLE CHARGING SPACE (EV SPACE). A space intended for current or future installation of EV charging equipment and charging of electric vehicles.

- (b) Section 301.1.1 (Additions and alterations) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.1.1 Additions and alterations. The mandatory provisions of Chapter 4 shall apply to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and within the specific area of the addition or alteration.

The mandatory provisions of Section 4.408 shall apply to the following types of construction or demolition projects for existing residential buildings:

1. Projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more.
2. Alterations to existing structures impacting 5,000 square feet or more of total combined conditioned and unconditioned building area.
3. Demolition projects when a demolition permit is required.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

For the purposes of determining whether a project meets the 5,000 square-foot threshold, the enforcing agency may deem all phases of a project and all related projects taking place on a single or adjoining parcel(s) as a single project.

- (c) Section 301.3.2 (Waste diversion) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.3.2 Waste diversion. The requirements of Section 5.408 shall apply to additions, alterations, and demolition whenever a permit is required for work.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

- (d) Section 4.106.4.2 (New multifamily dwellings) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.106.4.2 New multifamily dwellings. For any new multifamily dwelling other than a dwelling type specified in Section 4.106.4.1, if residential parking is provided, 10 percent of the total number of parking spaces at the dwelling site shall be electric vehicle charging spaces (EV spaces). Half of the EV spaces, but not less than one, shall be equipped with fully-operational electric vehicle supply equipment (EVSE). The remaining EV spaces shall be capable of supporting future EVSE. The location and type of each EV space shall be identified on construction documents. Calculations to determine the number of EV spaces shall be rounded up to the nearest whole number.

- (e) Section 4.408.1 (Construction waste management) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 4.408.2.

Exceptions:

1. Excavated soil and land-clearing debris.
2. The enforcing agency may identify alternate waste reduction requirements if the agency determines that an owner or contractor has adequately demonstrated that diversion facilities necessary for the owner to comply with this section do not exist or are not located within a reasonable distance from the jobsite.

- (f) Section 4.408.2 (Construction waste management plan) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.2 Construction waste management plan. Submit a construction waste management plan for the project, signed by the owner, in conformance with Items 1 through 5 prior to issuance of building permit. The construction waste management plan shall be updated as necessary upon approval by the enforcing agency and shall be available during construction for examination by the enforcing agency. The plan must do all of the following:

1. Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale.

2. Specify if construction and demolition waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).
3. Identify diversion and disposal facilities where the construction and demolition waste material will be taken and identify the waste management companies, if any, that will be utilized to haul the construction and demolition waste material. A waste management company utilized to haul construction and demolition waste material must have all applicable County approvals.
4. Identify construction methods employed to reduce the amount of construction and demolition waste generated.
5. Specify that the amount of construction and demolition debris shall be calculated consistent with the enforcing agency's requirements for the weighing of debris. The owner shall ensure that all construction and demolition debris diverted or disposed are measured and recorded by weight or volume using the most accurate method of measurement available. To the extent practicable, all construction and demolition debris shall be weighed using scales. Scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not possible due to lack of scales or not practical due to materials being reused on-site or elsewhere or other considerations, a volumetric measurement shall be used. The owner shall convert volumetric measurements to weight using the standardized conversion factors approved by the enforcing agency for this purpose.

(g) Section 4.408.3 (Waste management company) of CGBSC Chapter 4 (Residential Mandatory Measures) is deleted.

(h) Section 4.408.5 (Documentation) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.5 Documentation. A construction waste management final report containing information and supporting documentation that demonstrates compliance with Section 4.408.1, Section 4.408.2, Items 1 through 5, and, when applicable, Section 4.408.4 or Section 4.408.4.1, shall be provided to the enforcing agency before the final inspection. The required documentation shall include, but is not necessarily limited to, the following:

1. Documentation of the quantity by weight of each material type diverted or disposed, consistent with the requirements of Section 4.408.2, Item 5, and receipts or written certification from all receiving facilities utilized to divert or dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report; or
2. For projects that satisfy the waste stream reduction alternative specified in Section 4.408.4 or Section 4.408.4.1, documentation of the quantity by weight of each material type disposed and the total combined weight of construction and demolition waste disposed in landfills as a result of the project, the corresponding pounds disposed per square foot of the building area, and receipts or written certification from all receiving facilities utilized to dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report.

- (i) Section 5.106.5.3 (Electric vehicle (EV) charging) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3 Electric vehicle (EV) charging. [N] New nonresidential construction shall provide the required number of electric vehicle charging spaces (EV spaces) per Table 5.106.5.3.3. Each EV space shall be equipped with fully-operational electric vehicle supply equipment (EVSE). Each EV space shall be constructed in accordance with the California Building Code and California Electrical Code.

- (j) Section 5.106.5.3.1 (Single charging space requirements) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is deleted.
- (k) Section 5.106.5.3.2 (Multiple charging space requirements) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is deleted.
- (l) Section 5.106.5.3.3 (EV charging space calculations) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3.3 EV charging space calculations. [N] For new nonresidential construction, the required number of EV charging spaces equipped with fully-operational EVSE is calculated in accordance with Table 5.106.5.3.3.

Exception: On a case-by-case basis, the building official may authorize new construction to include fewer EV charging spaces than would otherwise be required by Table 5.106.5.3.3, or require no spaces, if the

building official determines either of the following:

1. There is insufficient electrical supply to the new construction to adequately serve the required number of EV charging spaces.
2. The cost of the new construction will be substantially adversely impacted by any local utility infrastructure design requirements that are directly related to the installation of the required number of EV charging spaces.

TABLE 5.106.5.3.3

NONRESIDENTIAL CHARGING SPACE CALCULATION	
TOTAL NUMBER OF PARKING SPACES	NUMBER OF REQUIRED EV CHARGING SPACES
1—9	0
10	1
11—25	2
26—50	3
51—75	5
76—100	6
101—200	12
201 and over	6%*
*Calculation for spaces shall be rounded up to the nearest whole number	

(m) Section 5.106.5.3.4 (Identification) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is deleted.

(n) Section 5.106.5.3.5 (Future charging spaces) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3.5 Designated parking credit. [N] Each EV charging space required by Section 5.106.5.3.3 shall be counted as one designated parking space required by Section 5.106.5.2.

(o) Section 5.408.1 (Construction waste management) of CGBSC Chapter 5 Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1.

Exceptions:

1. Excavated soil and land-clearing debris.
2. The enforcing agency may identify alternate waste reduction requirements if the agency determines that an owner or contractor has adequately demonstrated that diversion facilities necessary for the owner to comply with this section do not exist or are not located within a reasonable distance from the jobsite.

(p) Section 5.408.1.1 (Construction waste management plan) of CGBSC Chapter 5 Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1.1 Construction waste management plan. Submit a construction waste management plan for the project, signed by the owner, in conformance with Items 1 through 5 prior to issuance of building permit. The construction waste management plan shall be updated as necessary upon approval by the enforcing agency and shall be available during construction for examination by the enforcing agency. The plan must do all of the following:

1. Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale.
2. Specify if construction and demolition waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).
3. Identify diversion and disposal facilities where the construction and demolition waste material will be taken and identify the waste management companies, if any, that will be utilized to haul the construction and demolition waste material. A waste management company utilized to haul construction and demolition waste material must have all applicable County approvals.
4. Identify construction methods employed to reduce the amount of construction and demolition waste generated.
5. Specify that the amount of construction and demolition debris shall be calculated consistent with the enforcing agency's requirements for the weighing of debris. The owner shall ensure that all construction and demolition debris diverted or disposed are measured and recorded by weight or volume using the most accurate method of measurement available. To the extent

practicable, all construction and demolition debris shall be weighed using scales. Scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not possible due to lack of scales or not practical due to material being reused on-site or elsewhere or other considerations, a volumetric measurement shall be used. The owner shall convert volumetric measurements to weight using the standardized conversion factors approved by the enforcing agency for this purpose.

- (q) Section 5.408.1.2 (Waste management company) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is deleted.
- (r) Section 5.408.1.4 (Documentation) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1.4 Documentation. A construction waste management final report containing information and supporting documentation that demonstrates compliance with Section 5.408.1, Section 5.408.1.1, Items 1 through 5, and, when applicable, Section 5.408.1.3, shall be provided to the enforcing agency before the final inspection. The required documentation shall include, but is not necessarily limited to, the following:

1. Documentation of the quantity by weight of each material type diverted or disposed, consistent with the requirements of Section 5.408.1.1, Item 5, and receipts or written certification from all receiving facilities utilized to divert or dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report; or
2. For projects that satisfy the waste stream reduction alternative specified in Section 5.408.1.3, documentation of the quantity by weight of each new construction material type disposed and the total combined weight of new construction waste disposed as a result of the project, the corresponding pounds of new construction disposal per square foot of the building area, and receipts or written certification from all receiving facilities utilized to dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report.

(Ords. 2019-31 § 3, 2016-22 § 3, 2015-22 § 2.)

74-4.008 Amendments to CEBC. The 2019 California Existing Building Code ("CEBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2019 California Existing Building Code

- (a) CEBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of this code and as follows:
 - (1) Sections 103, 112, 113, and 115 of CEBC Chapter 1 are deleted.
 - (2) Section 106.1 (Construction Documents - General) of CEBC Chapter 1 is amended by deleting the exception.
 - (3) Section 106.2.1 (Construction documents) of CEBC Chapter 1 is amended to read:

106.2.1 Construction documents. Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the county building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

(Ords. 2019-31 § 3, 2016-22 § 3.)

SECTION IV. Section 76-2.002 (Adoption) of Division 76 (Electrical Code) of the County Ordinance Code is amended to read:

76-2.002 Adoption.

- (a) The electrical code of this county is the 2019 California Electrical Code (California Code of Regulations, Title 24, Part 3) ("CEC"), as amended by the changes, additions, and deletions set forth in this division and Division 72.
- (b) The 2019 California Electrical Code, with the changes, additions, and deletions set forth

in Chapter 76-4 and Division 72, is adopted by this reference as though fully set forth in this division.

- (c) At least one copy of this electrical code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of the ordinance from which this division is derived, the provisions of the electrical code are controlling and enforceable within the county. (Ords. 2019-31 § 4, 2016-22 § 4, 2013-24 § 4, 2011-03 § 4, 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24.)

SECTION V. Section 78-2.002 (Adoption) of Division 78 (Plumbing Code) of the County Ordinance Code is amended to read:

78-2.002 Adoption.

- (a) The plumbing code of this county is the 2019 California Plumbing Code (California Code of Regulations, Title 24, Part 5), as amended by the changes, additions, and deletions set forth in Division 72.
- (b) The 2019 California Plumbing Code, with the changes, additions, and deletions set forth in Division 72, is adopted by this reference as though fully set forth in this division.
- (c) At least one copy of this plumbing code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of the ordinance from which this division is derived, the provisions of the plumbing code are controlling and enforceable within the county. (Ords. 2019-31 § 5, 2016-22 § 6, 2013-24 § 5, 2011-03 § 5, 2007-54 § 6, 2002-31 § 5, 99-17 § 12, 74-29.)

SECTION VI. Section 710-2.002 (Adoption) of Division 710 (Mechanical Code) of the County Ordinance Code is amended to read:

710-2.002 Adoption.

- (a) The mechanical code of this county is the 2019 California Mechanical Code (California Code of Regulations, Title 24, Part 4), as amended by the changes, additions, and deletions set forth in Division 72.
- (b) The 2019 California Mechanical Code, with the changes, additions, and deletions set

forth in Division 72, is adopted by this reference as though fully set forth in this division.

- (c) At least one copy of this mechanical code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of the ordinance from which this division is derived, the provisions of the mechanical code are controlling and enforceable within the county. (Ords. 2019-31 § 6, 2016-22 § 7, 2013-24 § 6, 2011-03 § 6, 2007-54 § 7, 2002-31 § 6, 99-17 § 13, 88-91 § 5, 74-31.)

SECTION VII. Section 72-6.212 of the County Ordinance Code is amended to read:

72-6.212 Expiration of permit. Every permit issued by the county building official becomes void if the building or work authorized is not begun within 12 months from the permit's date, or if it is suspended or abandoned for one hundred eighty continuous calendar days without excuse satisfying the county building official as being beyond control and remedy by the permittee. Evidence of starting work shall consist of at least one required inspection within 12 months of the permit issuance date or the date the permit was suspended or the work was abandoned. Once a permit becomes void, a new permit shall be obtained before any work is commenced or recommenced, and a new permit fee shall be paid. Any permittee holding an unexpired permit may apply for a permit extension upon a showing of good and satisfactory reason acceptable to the county building official. If the permittee is unable to commence work within the time required by this section, the county building official may extend the time of the permit for a period not exceeding one hundred eighty days upon written request by the permittee. No permit shall be extended more than once. (Ords. 2019-31 § 7, 2007-54 § 2, 2002-31 § 2, 99-1 § 5, 87-55 § 3, 80-14 § 3, 74-32 § 2, 71-32 § 1, 67-70 § 3: prior code § 7106: Ord. 1372 § 5H).

SECTION VIII. Section 72-6.416 of the County Ordinance Code is deleted.

SECTION IX. Section 76-4.404 of the County Ordinance Code is amended to read:

76-4.404 Approved equipment. When obtainable, electrical equipment that an approved testing laboratory has examined, listed or labeled as conforming to applicable standards shall be used in preference to others. (Ords. 2019-31 § 9, 2007-54 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 82-23 § 2, 79-67, 76-24).

SECTION X. Section 76-4.614 of the County Ordinance Code is deleted.

SECTION XI. Chapter 718-16 (Residential Sprinkler System Option) of the County Ordinance Code is deleted in its entirety.

SECTION XII VALIDITY. The Contra Costa County Board of Supervisors declares that if any

section, paragraph, sentence, or word of this ordinance or of the 2019 California Building Code, Residential Code, Green Building Code, Plumbing Code, Electrical Code, Mechanical code, or Existing Building Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Contra Costa County Board of Supervisors that it would have passed all other portions or provisions of this ordinance independent of the elimination herefrom any portion or provision as may be declared invalid.

SECTION XIII. EFFECTIVE DATE. This ordinance becomes effective on January 1, 2020 or 30 days after passage, whichever is later. Within 15 days of passage, this ordinance shall be published once in the East Bay Times, a newspaper published in this County. This ordinance shall be published in a manner satisfying the requirements of Government Code section 25124, with the names of supervisors voting for and against it.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

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

Board Chair

By: _____
Deputy

[SEAL]

KCK:

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Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: APPOINTMENTS TO THE CALIFORNIA STATE ASSOCIATION OF COUNTIES BOARD OF DIRECTORS

RECOMMENDATION(S):

1. ADOPT Resolution No. 2019/593 to reappoint Supervisor John Gioia as the Board of Supervisors representative and Supervisor Karen Mitchoff as the Board's alternate representative on the California State Association of Counties (CSAC) Board of Directors to new terms beginning on December 1, 2019 and ending on November 30, 2020; and to reappoint Supervisor Candace Andersen at the Board of Supervisors representative and Supervisor Karen Mitchoff as the Board's alternate representative on the Central Contra Costa Transit Authority (CCCTA); Board of Directors to new terms beginning on May 2, 2019 and ending on May 1, 2021; and to restate the appointment of Board members and other individuals to serve on Board committees, special county committees, and regional boards/ committees/ commissions for 2019, some of which include additional compensation in the form of stipend.
2. INDICATE that the attached Resolution No. 2019/593 supersedes in its entirety Resolution No. 2019/180, which was adopted by the Board of Supervisors on June 11, 2019.
3. DIRECT staff to update, if necessary, the County website and the single Fair Political Practices Commission Form 806, which lists all the paid appointed positions on committees, boards, or commissions for members of the Board of Supervisors.

FISCAL IMPACT:

The recommendation results in no fiscal impact to the County.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jami Napier,
925-335-1908

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

By: , Deputy

cc:

BACKGROUND:

The terms of office of the CSAC Board of Directors seat and its Alternate will expire on November 30, 2019. The primary purpose of CSAC is to represent county government before the California Legislature, administrative agencies and the federal government. CSAC places a strong emphasis on educating the public about the value and need for county programs and services. CSAC's long-term objective is to significantly improve the fiscal health of all California counties so they can adequately meet the demand for vital public programs and services. All 58 California counties are dues-paying members of the association. Under provisions of the CSAC Constitution, members of the Board of Directors and alternates are nominated by their respective boards of supervisors and appointed by the CSAC Executive Committee to a one-year terms of office commencing with the first day of the CSAC annual conference. This year, that will be on Tuesday, December 3, 2019. Any member of your Board of Supervisors is eligible for the directorship.

CSAC holds two annual meetings for its membership: the Spring Legislative Conference in Sacramento and the Annual Meeting in November. CSAC's Board of Directors holds its first meeting of each year at the association's annual conference. Thus, it is important that the Board of Supervisors send its newly appointed board representative to this first meeting. The new Board of Directors will meet at the annual conference, first by caucus (urban, suburban, and rural) to nominate CSAC officers and Executive Committee members, and again as a full Board to elect the 2020 Executive Committee and to conduct other business. Under the CSAC Constitution, Executive Committee members are elected from the membership of the Board of Directors.

Also included in the resolution are the appointments to the Central Contra Costa Transit Authority Board of Directors (CCCTA). The terms of office of the Central Contra Costa Transit Authority Board, also known as County Connection Board of Directors expired on May 1, 2019. Supervisor Candace Andersen is current Board of Supervisors representative and Supervisor Karen Mitchoff is the alternate on the Central Contra Costa Transit Authority Board of Directors. Reappointment of the Supervisors will ensure continued stability on the CCCTA board.

In April 2012, the Fair Political Practices Commission (FPPC) adopted Regulation § 18705.5, which permits a Supervisor to vote on his/her own appointment to a body or board paying a salary or stipend for service if all of the following conditions are met:

1. The appointment is to a committee, board, or commission of a public agency, a special district, a joint powers agency or authority, or a metropolitan planning organization; and
2. State law, a local ordinance, or a joint powers agreement requires the Board to appoint; and
3. The Board adopts and posts on its website, a list of each appointed position for which compensation is paid, the salary or stipend for the position, the name of the appointee, the name of the alternate, if any, and the term of the appointment.

Form 806 is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards, or commissions of a public agency, special district, and joint powers agency or authority. Each agency must post on its website a single Form 806, listing all of the paid appointed positions. When there is a change in compensation or a new appointment, the Form 806 is updated to reflect the change. The form must be updated promptly as changes occur. As the CSAC appointments do not receive any compensation, no changes are required to the Form 806.

ATTACHMENTS

Resolution 2019/593

Attachment I to Resolution 2019/593

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

Adopted this Resolution on 10/22/2019 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2019/593

IN THE MATTER OF ENSURING CONTINUED REPRESENTATION ON THE CALIFORNIA STATE ASSOCIATION OF COUNTIES BOARD OF DIRECTORS, THE CENTRAL CONTRA COSTA TRANSIT AUTHORITY BOARD OF DIRECTORS, AND UPDATING BOARD MEMBER ASSIGNMENTS TO 2019 BOARD COMMITTEES, SPECIAL COUNTY COMMITTEES, AND REGIONAL ORGANIZATIONS

WHEREAS the primary purpose of the California State Association of Counties (CSAC) is to represent county government before the California Legislature, administrative agencies and the federal government; and

WHEREAS, CSAC places a strong emphasis on educating the public about the value and need for county programs and services; and

WHEREAS CSAC's long-term objective is to significantly improve the fiscal health of all California counties so they can adequately meet the demand for vital public programs and services; and.

WHEREAS CSAC is governed by a 58-member Board of Directors, with one representative from each member county, designated as either urban, suburban or rural; and

WHEREAS, the terms of office of the Board of Supervisors' appointees to the CSAC Board of Directors will expire on November 30, 2019; and

WHEREAS, the recommended appointments will ensure continued representation of the Board of Supervisors on the myriad issues of significance to Contra Costa County; and

WHEREAS the Central Contra Costa Transit Authority (CCCTA), also known as County Connection provides fixed-route and paratransit bus service throughout communities in Contra Costa County; and

WHEREAS, the terms of office for the CCCTA are two-year terms; and

WHEREAS adoption of a new Master Resolution with a complete roster of all appointments is required by Board policy whenever terms expire or new appointments are made; and

WHEREAS, after any new appointments or reappointments are made, when there is a change in compensation for any appointment, or where there is a change in the number of meetings of the board or committee to which an appointment is made, the Fair Political Practices Commission requires the County to update and post on the County's website the County's Report of Public Official Appointments, Form 806;

NOW, THEREFORE, THE BOARD OF SUPERVISORS RESOLVES TO:

1. REAPPOINT Supervisor John Gioia as the Board of Supervisors representative and Supervisor Karen Mitchoff as the Board's alternate representative on the California State Association of Counties Board of Directors to new terms beginning on December 1, 2019 and ending on November 30, 2020.
2. REAPPOINT Supervisor Candace Andersen as the Board of Supervisors representative and Supervisor Karen Mitchoff as the Board's alternate representative on the Central Contra Costa Transit Authority to new terms beginning May 2, 2019 and ending on May 1, 2021.
3. AFFIRM the appointment of the Board members and other individuals to serve on Board committees, special county committees and regional boards / committees / commissions as specified in the Master as Type I for Board Standing Committees,

Type II for Other Internal Committees, Type III for Regional Bodies, Type IV for Special/Restricted seats, and Type V for Board Ad Hoc Committees.

4. INDICATE that this Resolution No. 2019/593 supersedes in its entirety Resolution No. 2019/180, which was adopted by the Board of Supervisors on June 11, 2019.

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

Contact: Jami Napier, 925-335-1908

ATTESTED: October 22, 2019

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

By: , Deputy

cc:

ATTACHMENT I TO RESOLUTION NO. 2019/593
CONTRA COSTA COUNTY BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS
(Sorted by Committee Type)

<u>Type*</u>	<u>Committee Name</u>	<u>Term Expiration</u>	<u>Appointee</u>	<u>Stipend Information</u>
I	Airport Committee, Chair	12/31/2019	Diane Burgis	NO STIPEND
I	Airport Committee, Vice Chair	12/31/2019	Karen Mitchoff	NO STIPEND
I	Family & Human Services Committee, Chair	12/31/2019	Candace Andersen	NO STIPEND
I	Family & Human Services Committee, Vice Chair	12/31/2019	John Gioia	NO STIPEND
I	Finance Committee, Chair	12/31/2019	Karen Mitchoff	NO STIPEND
I	Finance Committee, Vice Chair	12/31/2019	John Gioia	NO STIPEND
I	Hiring Outreach & Oversight Committee, Chair	12/31/2019	Federal Glover	NO STIPEND
I	Hiring Outreach & Oversight Committee, Vice-Chair	12/31/2019	Candace Andersen	NO STIPEND
I	Internal Operations Committee, Chair	12/31/2019	Diane Burgis	NO STIPEND
I	Internal Operations Committee, Vice Chair	12/31/2019	Candace Andersen	NO STIPEND
I	Legislation Committee, Chair	12/31/2019	Diane Burgis	NO STIPEND
I	Legislation Committee, Vice Chair	12/31/2019	Karen Mitchoff	NO STIPEND
I	Public Protection, Chair	12/31/2019	John Gioia	NO STIPEND
I	Public Protection, Vice Chair	12/31/2019	Federal Glover	NO STIPEND
I	Sustainability Committee, Chair	12/31/2019	John Gioia	NO STIPEND

ATTACHMENT I TO RESOLUTION NO. 2019/593
CONTRA COSTA COUNTY BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS
(Sorted by Committee Type)

<u>Type*</u>	<u>Committee Name</u>	<u>Term Expiration</u>	<u>Appointee</u>	<u>Stipend Information</u>
I	Sustainability Committee, Vice Chair	12/31/2019	Federal Glover	NO STIPEND
I	Transportation, Water & Infrastructure Committee, Chair	12/31/2019	Karen Mitchoff	NO STIPEND
I	Transportation, Water & Infrastructure Committee, Vice Chair	12/31/2019	Candace Andersen	NO STIPEND
II	Bay Area Counties Caucus	12/31/2019	Karen Mitchoff	NO STIPEND
II	Bay Area Counties Caucus, Alternate	12/31/2019	Candace Andersen	NO STIPEND
II	Bay Area Regional Interoperable Communications System (BayRICS) Authority	12/31/2019	Mike Casten	NO STIPEND
II	BayRICS Authority, Alternate	12/31/2019	Elise Warren	NO STIPEND
II	California Identification System Remote Access Network Board (Cal-ID RAN Board)	12/31/2019	Diane Burgis	NO STIPEND
II	Central Contra Costa Solid Waste Authority	Unspecified	Candace Andersen	STIPEND of \$50/meeting; max of 2 paid/month
II	Central Contra Costa Solid Waste Authority	Unspecified	Karen Mitchoff	STIPEND of \$50/meeting; max of 2 paid/month
II	Contra Costa Family Justice Alliance	12/31/2020	Diane Burgis	NO STIPEND
II	Contra Costa Health Plan Joint Conference Committee	12/31/2019	Diane Burgis	NO STIPEND
II	Contra Costa Health Plan Joint Conference Committee	12/31/2019	Federal Glover	NO STIPEND
II	Dougherty Valley Oversight Committee	12/31/2019	Diane Burgis	NO STIPEND

Note: Type I: Internal Standing Committees; Type II: Internal Appointments; Type III: Regional Appointments; Type IV: Special/Restricted Appointments; Type V: Ad Hoc Committees

ATTACHMENT I TO RESOLUTION NO. 2019/593
CONTRA COSTA COUNTY BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS
(Sorted by Committee Type)

<u>Type*</u>	<u>Committee Name</u>	<u>Term Expiration</u>	<u>Appointee</u>	<u>Stipend Information</u>
II	Dougherty Valley Oversight Committee	12/31/2019	Candace Andersen	NO STIPEND
II	East Bay Regional Communication System (EBRCS) Authority Governing Board	12/31/2019	Candace Andersen	NO STIPEND
II	East Bay Regional Communication System (EBRCS) Authority Governing Board, Alternate	12/31/2019	Karen Mitchoff	NO STIPEND
II	East Contra Costa County Habitat Conservancy, Governing Board	12/31/2019	Diane Burgis	NO STIPEND
II	East Contra Costa County Habitat Conservancy, Governing Board, Alternate	12/31/2019	Federal Glover	NO STIPEND
II	East Contra Costa Regional Fee & Finance Authority	12/31/2019	Diane Burgis	NO STIPEND
II	East Contra Costa Regional Fee & Finance Authority, Alternate	12/31/2019	Federal Glover	NO STIPEND
II	East County Water Management Association	12/31/2020	Diane Burgis	STIPEND of \$170/meeting; max 6 per month
II	East County Water Management Association, Alternate	12/31/2020	Federal Glover	STIPEND of \$170/meeting; max 6 per month
II	eBART (Bay Area Rapid Transit) Partnership Policy Advisory Committee	12/31/2019	Federal Glover	NO STIPEND
II	eBART (Bay Area Rapid Transit) Partnership Policy Advisory Committee	12/31/2019	Diane Burgis	NO STIPEND
II	First 5 Children and Families Commission Alternate Member	12/31/2019	Candace Andersen	NO STIPEND
II	First 5 Children and Families Commission Member	12/31/2019	Diane Burgis	NO STIPEND
II	Hazardous Waste Management Facility Allocation Committee	Unspecified	Candace Andersen	STIPEND of \$150 per meeting.
II	Hazardous Waste Management Facility Allocation Committee, Alternate	Unspecified	Karen Mitchoff	STIPEND of \$150 per meeting.

ATTACHMENT I TO RESOLUTION NO. 2019/593
CONTRA COSTA COUNTY BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS
(Sorted by Committee Type)

<u>Type*</u>	<u>Committee Name</u>	<u>Term Expiration</u>	<u>Appointee</u>	<u>Stipend Information</u>
II	Kensington Solid Waste Committee Alternate	12/31/2019	Kate Rauch	NO STIPEND
II	Kensington Solid Waste Committee Member	12/31/2019	John Gioia	NO STIPEND
II	Medical Services Joint Conference Committee, Chair	12/31/2019	Federal Glover	NO STIPEND
II	Medical Services Joint Conference Committee, Vice Chair	12/31/2019	John Gioia	NO STIPEND
II	North Richmond Waste and Recovery Mitigation Fee Committee	12/31/2019	John Gioia	NO STIPEND
II	North Richmond Waste and Recovery Mitigation Fee Committee, Alternate	12/31/2019	Robert Rogers	NO STIPEND
II	Open Space/Parks & East Bay Regional Parks District Liaison Committee, Chair	12/31/2019	Diane Burgis	NO STIPEND
II	Open Space/Parks & East Bay Regional Parks District Liaison Committee, Vice Chair	12/31/2019	Federal Glover	NO STIPEND
II	Pleasant Hill BART/Contra Costa Centre Joint Powers Authority Board of Trustees	Unspecified	Karen Mitchoff	NO STIPEND
II	Pleasant Hill BART/Contra Costa Centre Joint Powers Authority Board of Trustees	Unspecified	Candace Andersen	NO STIPEND
II	State Route 4 Bypass Authority	12/31/2019	Diane Burgis	NO STIPEND
II	State Route 4 Bypass Authority, Alternate	12/31/2019	Federal Glover	NO STIPEND
II	SWAT (Southwest Area Transportation Committee)	12/31/2019	Candace Andersen	NO STIPEND
II	SWAT, Alternate	12/31/2019	Karen Mitchoff	NO STIPEND
II	TRAFFIX (Measure J Traffic Congestion Relief Agency)	12/31/2019	Candace Andersen	NO STIPEND

Note: Type I: Internal Standing Committees; Type II: Internal Appointments; Type III: Regional Appointments; Type IV: Special/Restricted Appointments; Type V: Ad Hoc Committees

ATTACHMENT I TO RESOLUTION NO. 2019/593
CONTRA COSTA COUNTY BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS
(Sorted by Committee Type)

<u>Type*</u>	<u>Committee Name</u>	<u>Term Expiration</u>	<u>Appointee</u>	<u>Stipend Information</u>
II	TRAFFIX (Measure J Traffic Congestion Relief Agency), Alternate	12/31/2019	Karen Mitchoff	NO STIPEND
II	TRANSPAC (Central County Transportation Partnership and Cooperation)	12/31/2019	Karen Mitchoff	NO STIPEND
II	TRANSPAC, Alternate	12/31/2019	Candace Andersen	NO STIPEND
II	TRANSPLAN (East County Transportation Planning)	12/31/2019	Diane Burgis	NO STIPEND
II	TRANSPLAN, Alternate	12/31/2019	Federal Glover	NO STIPEND
II	Tri-Valley Transportation Council	12/31/2019	Candace Andersen	NO STIPEND
II	Urban Counties of California	12/31/2019	Federal D. Glover	NO STIPEND
II	Urban Counties of California, Alternate	12/31/2019	Karen Mitchoff	NO STIPEND
II	WCCTAC (West County Transportation Advisory Committee)	12/31/2019	John Gioia	NO STIPEND
II	WCCTAC, Alternate	12/31/2019	Federal Glover	NO STIPEND
II	West Contra Costa Integrated Waste Management Authority	Unspecified	John Gioia	STIPEND of \$50 per meeting.
II	West Contra Costa Integrated Waste Management Authority, Alternate	Unspecified	Federal Glover	STIPEND of \$50 per meeting.
III	Bay Area Air Quality Management District Board of Directors	1/20/2020	Karen Mitchoff	Per diem of \$100/meeting + travel exp; max \$6,000
III	Bay Area Air Quality Management District Board of Directors	6/17/2021	John Gioia	Per diem of \$100/meeting + travel exp; max \$6,000
III	Central Contra Costa Transit Authority (CCCTA) Board of Directors	5/1/2021	Candace Andersen	STIPEND of \$100 per meeting; up to \$200 month

Note: Type I: Internal Standing Committees; Type II: Internal Appointments; Type III: Regional Appointments; Type IV: Special/Restricted Appointments; Type V: Ad Hoc Committees

ATTACHMENT I TO RESOLUTION NO. 2019/593
CONTRA COSTA COUNTY BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS
(Sorted by Committee Type)

<u>Type*</u>	<u>Committee Name</u>	<u>Term Expiration</u>	<u>Appointee</u>	<u>Stipend Information</u>
III	Central Contra Costa Transit Authority (CCCTA) Board of Directors, Alternate	5/1/2021	Karen Mitchoff	STIPEND of \$100 per meeting; up to \$200 month
III	Contra Costa Transportation Authority Board of Commissioners (Seat 1)	1/31/2021	Federal D. Glover	STIPEND of \$100 per meeting; up to \$400 month
III	Contra Costa Transportation Authority Board of Commissioners (Seat 2)	1/31/2020	Karen Mitchoff	STIPEND of \$100 per meeting; up to \$400 month
III	Contra Costa Transportation Authority Board of Commissioners, Alternate (Seat 1)	1/31/2021	Candace Andersen	STIPEND of \$100 per meeting; up to \$400 month
III	Contra Costa Transportation Authority Board of Commissioners, Alternate (Seat 2)	1/31/2020	John Gioia	STIPEND of \$100 per meeting; up to \$400 month
III	Contra Costa Transportation Authority Board of Commissioners, Second Alternate (Seat 1)	1/31/2021	John Gioia	STIPEND of \$100 per meeting; up to \$400 month
III	Contra Costa Transportation Authority Board of Commissioners, Third Alternate (Seat 1)	1/31/2021	Diane Burgis	STIPEND of \$100 per meeting; up to \$400 month
III	Local Agency Formation Commission	5/2/2022	Candace Andersen	STIPEND of \$150 per meeting.
III	Local Agency Formation Commission	5/2/2022	Federal D. Glover	STIPEND of \$150 per meeting.
III	Local Agency Formation Commission, Alternate	5/4/2020	Diane Burgis	STIPEND of \$150 per meeting.
III	Marin Energy Authority (MCE) Board of Directors	12/31/2019	John Gioia	NO STIPEND
III	Marin Energy Authority (MCE) Board of Directors, Alternate	12/31/2019	Federal Glover	NO STIPEND
III	Metropolitan Transportation Commission	2/1/2023	Federal Glover	STIPEND of \$100/meeting; up to \$500/month per agency.
III	Tri Delta Transit Authority, Board of Directors (Seat 1)	12/31/2020	Federal Glover	STIPEND of \$100/month
III	Tri Delta Transit Authority, Board of Directors (Seat 2)	12/31/2019	Diane Burgis	STIPEND of \$100/month

ATTACHMENT I TO RESOLUTION NO. 2019/593
CONTRA COSTA COUNTY BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS
(Sorted by Committee Type)

<u>Type*</u>	<u>Committee Name</u>	<u>Term Expiration</u>	<u>Appointee</u>	<u>Stipend Information</u>
III	WCC Healthcare District Finance Committee	12/31/2019	Federal Glover	NO STIPEND
III	WCC Healthcare District Finance Committee	12/31/2019	John Gioia	NO STIPEND
III	CCTA, Community Based Transportation Steering Committee	Unspecified	Federal Glover	NO STIPEND
IV	ABAG Executive Board (Seat 1)	6/30/2020	Karen Mitchoff	STIPEND of \$150 per meeting.
IV	ABAG Executive Board (Seat 2)	6/30/2020	Candace Andersen	STIPEND of \$150 per meeting.
IV	ABAG Executive Board, Alternate 1	6/30/2020	John Gioia	STIPEND of \$150 per meeting.
IV	ABAG Executive Board, Alternate 2	6/30/2020	Diane Burgis	STIPEND of \$150 per meeting.
IV	ABAG Finance Authority for Nonprofit Corporations Board of Directors and its Executive Committee	12/31/2019	Karen Mitchoff	NO STIPEND
IV	ABAG Finance Authority for Nonprofit Corporations Board of Directors and its Executive Committee, First Alternate	12/31/2019	Candace Andersen	NO STIPEND
IV	ABAG Finance Authority for Nonprofit Corporations Board of Directors and its Executive Committee, Second Alternate	12/31/2019	Russell Watts	NO STIPEND
IV	ABAG General Assembly	12/31/2019	Karen Mitchoff	NO STIPEND
IV	ABAG General Assembly, Alternate	12/31/2019	Diane Burgis	NO STIPEND
IV	ABAG Regional Planning Committee	Unspecified	Karen Mitchoff	STIPEND of \$150 per meeting.
IV	Bay Conservation & Development Commission	Unspecified	John Gioia	STIPEND of \$100 per meeting; max of 4 meetings.
IV	Bay Conservation & Development Commission, Alternate	Unspecified	Federal Glover	STIPEND of \$100 per meeting; max of 4 meetings.

Note: Type I: Internal Standing Committees; Type II: Internal Appointments; Type III: Regional Appointments; Type IV: Special/Restricted Appointments; Type V: Ad Hoc Committees

ATTACHMENT I TO RESOLUTION NO. 2019/593
CONTRA COSTA COUNTY BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS
(Sorted by Committee Type)

<u>Type*</u>	<u>Committee Name</u>	<u>Term Expiration</u>	<u>Appointee</u>	<u>Stipend Information</u>
IV	CCCERA (Contra Costa County Employees Retirement Association) Board of Trustees	6/30/2020	Candace Andersen	STIPEND of \$100 per meeting.
IV	Contra Costa Countywide Redevelopment Successor Agency Oversight Board	Unspecified	Federal Glover	NO STIPEND
IV	Contra Costa Countywide Redevelopment Successor Agency Oversight Board	Unspecified	Karen Mitchoff	NO STIPEND
IV	CSAC (California State Association of Counties) Board of Directors	11/30/2020	John Gioia	NO STIPEND
IV	CSAC Board of Directors, Alternate	11/30/2020	Karen Mitchoff	NO STIPEND
IV	Delta Diablo Sanitation District Governing Board	12/31/2019	Federal Glover	STIPEND of \$170 per meeting; max of 6 meetings.
IV	Delta Diablo Sanitation District Governing Board, Alternate	12/31/2019	Karen Mitchoff	STIPEND of \$170 per meeting; max of 6 meetings.
IV	Delta Protection Commission	12/31/2019	Diane Burgis	NO STIPEND
IV	Delta Protection Commission, Alternate	12/31/2019	Karen Mitchoff	NO STIPEND
IV	Law Library Board of Trustees	12/31/2019	Nolan Armstrong	NO STIPEND
IV	Mental Health Commission	12/31/2019	Diane Burgis	NO STIPEND
IV	Mental Health Commission, Alternate	12/31/2019	Candace Andersen	NO STIPEND
IV	Sacramento-San Joaquin Delta Conservancy Board	Unspecified	Karen Mitchoff	NO STIPEND
IV	Sacramento-San Joaquin Delta Conservancy Board, Alternate	Unspecified	Diane Burgis	NO STIPEND
V	Census 2020 , Vice Chair	12/31/2020	Candace Andersen	NO STIPEND

ATTACHMENT I TO RESOLUTION NO. 2019/593
CONTRA COSTA COUNTY BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS
(Sorted by Committee Type)

<u>Type*</u>	<u>Committee Name</u>	<u>Term Expiration</u>	<u>Appointee</u>	<u>Stipend Information</u>
V	Census 2020, Chair	12/31/2020	Diane Burgis	NO STIPEND
V	Childhood Asthma Ad Hoc Committee, Chair	Unspecified	John Gioia	NO STIPEND
V	Childhood Asthma Ad Hoc Committee, Vice Chair	Unspecified	Federal Glover	NO STIPEND
V	Industrial Safety Ordinance/Community Warning System Ad Hoc Committee	Unspecified	John Gioia	NO STIPEND
V	Industrial Safety Ordinance/Community Warning System Ad Hoc Committee	Unspecified	Federal Glover	NO STIPEND
V	Northern Waterfront Economic Development Ad Hoc Committee	Unspecified	Federal Glover	NO STIPEND
V	Northern Waterfront Economic Development Ad Hoc Committee	Unspecified	Diane Burgis	NO STIPEND



Contra
Costa
County

To: Board of Supervisors
From: Diane Burgis, District III Supervisor
Date: October 22, 2019

Subject: APPOINTMENT TO THE BYRON-BRENTWOOD-KNIGHTSEN UNION CEMETERY DISTRICT

RECOMMENDATION(S):

APPOINT Deborah Spinola to the Trustee 1 seat on the Byron-Brentwood-Knightsen Union Cemetery District to a term expiring December 31, 2022, as recommended by Supervisor Diane Burgis.

Trustee 1
Deborah Spinola
Brentwood, CA 94513

FISCAL IMPACT:

None.

BACKGROUND:

The Trustee 1 seat was declared vacant by the Board of Supervisors on June 11, 2019. Applications were accepted and the recommendation to appoint the above individual was then determined.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Lea Castleberry
925-252-4500

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

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: FAMILY & HUMAN SERVICES COMMITTEE
Date: October 22, 2019

Subject: RECOMMENDATION FOR APPOINTMENT TO THE ADVISORY COUNCIL ON AGING

RECOMMENDATION(S):

APPOINT Kathie Thompson to the At Large #3 seat, and Gerald Richards to the At Large #9 seat on the Advisory Council on Aging with terms expiring September 30, 2021.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

On December 6, 2011 the Board of Supervisors adopted Resolution No. 2011/497 adopting policy governing appointments to boards, committees, and commissions that are advisory to the Board of Supervisors. Included in this resolution was a requirement that applications for at large/countywide seats be reviewed by a Board of Supervisors committee.

The Advisory Council on Aging provides a means for county-wide planning, cooperation and coordination for individuals and groups interested in improving and developing services and opportunities for the older residents of this County. The Council provides leadership and advocacy on behalf of older persons and serves as a channel of communication and information on aging.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Julie DiMaggio Enea
(925) 335-1077

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

By: , Deputy

cc: ACOA Staff, FHS Staff

BACKGROUND: (CONT'D)

The Advisory Council on Aging consists of 40 members serving 2 year staggered terms, each ending on September 30. The Council consists of representatives of the target population and the general public, including older low-income and military persons; at least one-half of the membership must be made up of actual consumers of services under the Area Plan. The Council includes: 19 representatives recommended from each Local Committee on Aging, 1 representative from the Nutrition Project Council, 1 Retired Senior Volunteer Program, and 19 Members at-Large.

There are currently 29 seats filled on the Advisory Council on Aging and 11 vacancies. These vacant seats include: Local Committee Oakley, Local Committee San Pablo, Local Committee Lafayette, Local Committee Moraga, Local Committee San Ramon, Local Committee Martinez, Local Committee Pinole, Local Committee Pittsburg, and Member-At-Large seats 3, 8, and 9.

The FHS Committee approved the nominations of Ms. Thompson and Mr. Richards at its October 7, 2019 meeting. The recommended appointments will bring the membership to 31, leaving 9 seats vacant.

ATTACHMENTS

K. Thompson Appointment Memo

Candidate Application_Kathie Thompson_ACOA

G. Richards Appointment Memo

Candidate Application_Gerald Richards_ACOA

Contra Costa County California
Employment & Human Services

Kathy Gallagher, Director

40 Douglas Dr., Martinez, CA 94553 * Phone: (925) 313-1579 * Fax: (925) 313-1575 * www.cccounty.us/ehsd.

MEMORANDUM

DATE: 06/27/2019

TO: Family and Human Services Committee

CC: Tracy Murray, Deputy Director, Aging and Adult Services

FROM: Anthony Macias, Staff Representative for the Advisory Council on Aging

SUBJECT: Advisory Council on Aging – Appointment Requested

The Contra Costa Area Agency on Aging (AAA) recommends for immediate appointment to the Contra Costa Advisory Council on Aging (ACOA) the following applicant: Ms. Kathie Thompson for Member at Large (MAL) Seat # 3. The MAL #3 seat is undesignated and has remained vacant since 03/26/2019, with term ending 9/30/2019.

Recruitment has been handled by both the Area Agency on Aging, the ACOA and the Clerk of the Board using CCTV. AAA staff has encouraged interested individuals including minorities to apply through announcements provided at the Senior Coalition meetings and at the regular monthly meetings of the ACOA. The Contra Costa County EHSD website contains dedicated web content where interested members of the public are encouraged to apply and provided an application with instructions on whom to contact for ACOA related inquiries, including application procedure.

Ms. Thompson submitted an application for ACOA membership dated 06/13/2018 that is provided as a separate attachment. An interview with Ms. Thompson and the ACOA Membership Committee was held on 08/15/2018. Ms. Thompson was then selected to be placed on the wait list for the next available opening of an MAL seat. When MAL#3 seat was vacated on 04/09/2019, Ms. Thompson was recommended to the ACOA Executive Committee for approval to fill this seat. At the 06/5/2019 Executive Committee meeting. Ms. Thompson was approved unanimously by this committee to fill MAL#3 seat. The members of the ACOA voted unanimously to approve Ms. Tobey's appointment recommendation at their 06/17/2019 meeting.

Thank You



Contra Costa County

For Office Use Only
Date Received:

For Reviewers Use Only:
Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:
Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Advisory Council on Aging

At Large Vacancy

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. Name: Thompson Kathie
(Last Name) (First Name) (Middle Name)

2. Address: [Redacted] CA 94598
(No.) (Street) (Apt.) (City) (State) (Zip Code)

3. Phones: [Redacted]
(Home No.) (Work No.) (Cell No.)

4. Email Address: [Redacted]

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma G.E.D. Certificate California High School Proficiency Certificate

Give Highest Grade or Educational Level Achieved 12

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) John Brown University	General	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>		4		
B)		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>				
C)		Yes No <input type="checkbox"/> <input type="checkbox"/>				
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes No <input type="checkbox"/> <input type="checkbox"/>			
Regional Occupational Program						

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) From <u> </u> To <u> </u> 04/05 12/15 Total: Yrs. <u> </u> Mos. <u> </u> 10 11 Hrs. per week <u>40</u> . Volunteer <input type="checkbox"/></p>	<p>Title Practice Manager Employer's Name and Address Andrew D. Marshall, DDS Lynne D. Martz, DDS 2067 Ygnacio Valley Rd. Walnut Creek, CA 94598</p>	<p>Duties Performed Front Office Operations including phones, scheduling, billing, A/R, insurance, financial coordination, marketing, community interface</p>
<p>B) Dates (Month, Day, Year) From <u> </u> To <u> </u> 07/03 03/05 Total: Yrs. <u> </u> Mos. <u> </u> 1 8 Hrs. per week <u>40</u> . Volunteer <input type="checkbox"/></p>	<p>Title Practice Manager Employer's Name and Address Transcendentist 3030 Ashby Ave., Ste 101 Berkeley, CA 94705</p>	<p>Duties Performed Front Office Operations including phones, scheduling, Accounts Payable/Receivable and inventory, marketing, community interface</p>
<p>C) Dates (Month, Day, Year) From <u> </u> To <u> </u> 03/02 07/03 Total: Yrs. <u> </u> Mos. <u> </u> 1 4 Hrs. per week <u>40</u> . Volunteer <input type="checkbox"/></p>	<p>Title Practice Manager Employer's Name and Address Bio-Energy Testing Center no longer in operation</p>	<p>Duties Performed Chosen to help establish a pilot anti-aging, health and fitness center.</p>
<p>D) Dates (Month, Day, Year) From <u> </u> To <u> </u> <u> </u> <u> </u> Total: Yrs. <u> </u> Mos. <u> </u> <u> </u> <u> </u> Hrs. per week <u> </u> . Volunteer <input type="checkbox"/></p>	<p>Title <u> </u> Employer's Name and Address <u> </u></p>	<p>Duties Performed <u> </u></p>

7. How did you learn about this vacancy?

CCC Homepage Walk-In Newspaper Advertisement District Supervisor Other

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No Yes

If Yes, please identify the nature of the relationship:

9. Do you have any financial relationships with the County such as grants, contracts, or other economic relations? No Yes

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name: Kathie Thomson Date: 6/13/18

Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. Send the completed paper application to the Office of the Clerk of the Board at: 651 Pine Street, Room 106, Martinez, CA 94553.
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

Kathy Gallagher, Director
40 Douglas Dr., Martinez, CA 94553 * Phone: (925) 313-1579 * Fax: (925) 313-1575 * www.cccounty.us/ehsd.

MEMORANDUM

DATE: 09/05/2019

TO: Family and Human Services Committee

CC: Tracy Murray, Director Aging and Adult Services

FROM: Anthony Macias, Staff Representative for the Advisory Council on Aging

SUBJECT: Advisory Council on Aging – Appointment Requested

The Contra Costa Area Agency on Aging (AAA) recommends for immediate appointment to the Contra Costa Advisory Council on Aging (ACOA) the following applicant: Mr. Gerald Richards for Member at Large Seat # 9. The MAL #9 seat is undesignated and has remained vacant since May 15, 2019.

Recruitment has been handled by both the Area Agency on Aging, the ACOA and the Clerk of the Board using CCTV. AAA staff has encouraged interested individuals including minorities to apply through announcements provided at the Senior Coalition meetings and at the regular monthly meetings of the ACOA. The Contra Costa County EHSD website contains dedicated web content where interested members of the public are encouraged to apply and are provided an application with instructions on whom to contact for ACOA related inquiries, including application procedure.

Mr. Richards was a prior member of the ACOA. A re-interview was determined to be unnecessary to fill MAL #9 on the ACOA with term ending 9/30/2021. Mr. Richards submitted an application for ACOA membership dated 03/26/2019 that is provided as a separate attachment. At the time of his ACOA Membership Committee selection to fill one of the At Large vacancies there were no other applicants; the ACOA voted to approve Mr. Richards's appointment recommendation at their 08/21/19 meeting.

Thank You



Contra
Costa
County

For Office Use Only
Date Received:
APR 05 2019
CLERK BOARD OF SUPERVISORS
CONTRA COSTA COUNTY

For Reviewers Use Only:
Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:
Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

ADVISORY COUNCIL ON AGING

MAL

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. Name: RICHARDS, GERALD THOMAS
(Last Name) (First Name) (Middle Name)

2. Address: [Redacted] CA [Redacted]
(No.) (Street) (Apt.) (City) (State) (Zip Code)

3. Phones: N/A N/A [Redacted]
(Home No.) (Work No.) (Cell No.)

4. Email Address: [Redacted]

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma G.E.D. Certificate California High School Proficiency Certificate

Give Highest Grade or Educational Level Achieved: Doctor of Jurisprudence

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) Lafayette College, Easton, PA	Industrial Engineering	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			BS	6/1957
B) Purdue University, West Lafayette, IN	Engineering Science	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			MSE	6/1963
C) Golden Gate University School of Law, San Francis	Law	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			JD	5/1976
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes No <input type="checkbox"/> <input type="checkbox"/>			

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) <u>From</u> <u>To</u> <input type="text" value="1/18/19"/> <input type="text" value="Present"/> Total: <u>Yrs.</u> <u>Mos.</u> <input type="text"/> <input type="text"/> Hrs. per week <input type="text" value="1 Hr"/> . Volunteer <input checked="" type="checkbox"/></p>	<p style="text-align: center;">Title</p> <input type="text" value="Ask the Attorney"/> <hr/> <p style="text-align: center;">Employer's Name and Address</p> <input type="text" value="Well Connected Call-ins For Covia a 505(c)(3) nonprofit, formerly Epeccosal Senior Services"/>	<p style="text-align: center;">Duties Performed</p> <input type="text" value="Call a central number and take legal questions from callers to answer for one hour per week"/>
<p>B) Dates (Month, Day, Year) <u>From</u> <u>To</u> <input type="text" value="9/18/18"/> <input type="text" value="present"/> Total: <u>Yrs.</u> <u>Mos.</u> <input type="text"/> <input type="text"/> Hrs. per week <input type="text" value="2 hr"/> . Volunteer <input checked="" type="checkbox"/></p>	<p style="text-align: center;">Title</p> <input type="text" value="Consulting Attorney"/> <hr/> <p style="text-align: center;">Employer's Name and Address</p> <input type="text" value="Contra Costa Senior Legal Services, Concord, CA"/>	<p style="text-align: center;">Duties Performed</p> <input type="text" value="Consult with up to four clients each meeting at the San Pablo Senior Center"/>
<p>C) Dates (Month, Day, Year) <u>From</u> <u>To</u> <input type="text" value="3/2005"/> <input type="text" value="12/31/16"/> Total: <u>Yrs.</u> <u>Mos.</u> <input type="text" value="11 Years"/> <input type="text"/> Hrs. per week <input type="text"/> . Volunteer <input checked="" type="checkbox"/></p>	<p style="text-align: center;">Title</p> <input type="text" value="Various"/> <hr/> <p style="text-align: center;">Employer's Name and Address</p> <input type="text" value="Contra Costa County Advisory Council on Aging"/>	<p style="text-align: center;">Duties Performed</p> <input type="text" value="Work Group Chair, All the Offices at least once, 1st Vice Chair four times and President four times."/>
<p>D) Dates (Month, Day, Year) <u>From</u> <u>To</u> <input type="text" value="1/1/98"/> <input type="text" value="8/31/15"/> Total: <u>Yrs.</u> <u>Mos.</u> <input type="text"/> <input type="text"/> Hrs. per week <input type="text" value="4"/> . Volunteer <input checked="" type="checkbox"/></p>	<p style="text-align: center;">Title</p> <input type="text" value="Consulting Attorney"/> <hr/> <p style="text-align: center;">Employer's Name and Address</p> <input type="text" value="Contra Costa Senior Legal Services, Richmond, CA & Concord, CA"/>	<p style="text-align: center;">Duties Performed</p> <input type="text" value="Consult with up to four clients each meeting at a different Senior Center each week for 3 weeks per month."/>

7. How did you learn about this vacancy?

CCC Homepage Walk-In Newspaper Advertisement District Supervisor Other Susan Fredreck

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No Yes

If Yes, please identify the nature of the relationship:

9. Do you have any financial relationships with the County such as grants, contracts, or other economic relations? No Yes

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name: *Susan Fredreck* Date: 3/26/2017

Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. Send the completed paper application to the Office of the Clerk of the Board at: **651 Pine Street, Room 106, Martinez, CA 94553.**
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.



Contra
Costa
County

To: Board of Supervisors
From: FAMILY & HUMAN SERVICES COMMITTEE
Date: October 22, 2019

Subject: RECOMMENDATION FOR APPOINTMENT TO THE ARTS AND CULTURE COMMISSION

RECOMMENDATION(S):

APPOINT Y'Anad Burrell to the At Large 1 seat on the Arts and Culture Commission of Contra Costa County (AC5) to a term expiring June 30, 2023.

BACKGROUND:

On December 6, 2011 the Board of Supervisors (BOS) adopted Resolution No. 2011/497 adopting policy governing appointments to boards, committees, and commissions that are advisory to the BOS. Included in this resolution was the requirement that applications for at large/countywide seats be reviewed by a Board of Supervisors committee.

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

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Julie DiMaggio Enea
(925) 335-1077

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

By: , Deputy

cc: AC5 Liaison, FHS Staff

BACKGROUND: (CONT'D)

The Arts and Culture Commission (AC5) is composed by one representative from each of the five supervisorial districts, four at-large representatives and one alternate, for a total of ten seats. Appointments are for a four-year period with terms expiring on June 30 of alternating odd numbered years. The current roster is listed in the attached memo. There is currently one vacant seat. At its July meeting, AC5 voted to nominate Y'Anad Burrell to the At Large 1 seat, for which the term expired on June 30, 2019.

The FHS Committee approved Ms. Burrell's nomination on October 7, 2019.

ATTACHMENTS

Y. Burrell Appointment Memo

Candidate Application_Y. Burrell_AC5



ARTS AND CULTURE COMMISSION OF CONTRA COSTA COUNTY

651 PINE STREET, 10TH FLOOR, MARTINEZ, CA 94553
STAFF@AC5.CCCOUNTY.US (925) 646-2278 **AC5.ORG**

July 25, 2019

Family and Human Services Committee

Appointment Recommendation for Arts and Culture Commission of Contra Costa County

Please consider the appointment of:

Ms. Y'Anad Burrell

Richmond, District 1 Al-Large #1 Seat

This appointment will fill the Al-Large #1 Seat

Current Commission Seats:

Commissioner Silvia Ledezma	Richmond, District I
Commissioner Beverly Kumar	Danville, District II
Commissioner Petural Shelton	Danville, District III
Commissioner Elizabeth Wood	Concord, District IV
Commissioner Teresa Snook O'Riva	Rodeo, District V
Commissioner Y'Anad Burrell	Richmond, At-Large I
Commissioner LaMar Anderson	Concord, At-Large II
Commissioner Joan D'Onofrio	Concord, At-Large III
Commissioner Lanita Mims	Antioch, At-Large IV
Commissioner Pearl Parmelee Cabrera	Alternate

After reviewing five applications and careful consideration of issues relevant to Arts and Culture in Contra Costa County, including advancing the arts in a way that fosters creativity within the community and celebrates our diverse cultural expression, the Commission recommends **Y'Anad Burrell** to fill the At-Large #1 Seat.

Working with the current AC5 Commissioners, this new Commissioner will promote the Arts and culture as a vital element in the quality of life for all of the citizens of Contra Costa County.

Recruitment efforts including two months of posting on the CCTV Bulletin board, news releases sent to many news outlets, posting on Supervisors newsletter, emails sent on Constant Contact and posting on the AC5 website.

Also considered were applications from Carolyn Considine , Lafayette; Ben Miyaji, Pittsburg; Martha Newman, Kensington and Charmion Patton, Richmond.

Sincerely,

Roger Renn, AC5 Managing Director



Contra
Costa
County

Please return completed applications to:

Clerk of the Board of Supervisors

651 Pine St., Room 106

Martinez, CA 94553

or email to: ClerkofTheBoard@cob.cccounty.us

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

First Name

Y'ANAD

Last Name

BURRELL

Home Address - Street

[Redacted]

City

RICHMOND

Zip Code

[Redacted]

Phone (best number to reach you)

[Redacted]

Email

[Redacted]

Resident of Supervisorial District:

1

EDUCATION

Check appropriate box if you possess one of the following:

High School Diploma

CA High School Proficiency Certificate

G.E.D. Certificate

Colleges or Universities Attended	Course of Study/Major	Degree Awarded	
SAN FRANCISCO STATE UNIVERSITY	ACCOUNTING	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
GOLDEN GATE UNIVERSITY	PUBLIC ADMINISTRATION	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
GOLDEN GATE UNIVERSITY	HEALTHCARE MANAGEMENT	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Other Training Completed:

PARALEGAL CERTIFICATE, FUNDRAISING CERTIFICATE

Board, Committee or Commission Name

ARTS & CULTURE COMMISSION CONTRA COSTA COUNTY

Seat Name

AT-LARGE

Have you ever attended a meeting of the advisory board for which you are applying?

No

Yes If yes, how many?

Served for 7 years as AC5 Commissioner

Please explain why you would like to serve on this particular board, committee, or commission.

I have served on this commission for the last 7 years and would like to continue that endeavor. At our June 3rd Commission meeting I was voted in as Chair of the Commission and very honored for the opportunity.

I joined this commission out of my passion and interest for diversity, inclusion and equity in the arts sector. Here is a partial list of my activities over the years: (1) Introducing the Art of Living Black to AC5 where the group now participates regularly in Art Passage event; (2) represented AC5 on Create CA Committees; (3) participated as a Judge on several youth art competitions in the county; (4) Participated as a grant reviewer with the California Arts Council; (5) I Chair the AC5 Communications Committee and co-lead the rebranding of the AC5 logo; and (6) we are currently in the process of developing a plan to develop a new county-wide Cultural Plan, as the last one was done over 15 years ago.

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume with this application)

I have more than 15 years in the arts and culture spaces from producing art/fashion events to being an advocate for diversity in the arts. I served for 7 years on the Leadership Vanguard Committee for the Museum of the African Diaspora (MoAD) in San Francisco as well.

I am including my resume with this application:

Please check one:

Yes

No

I would like to be considered for appointment to other advisory bodies for which I may be qualified.

Please check one:

Yes

No

Are you currently or have you ever been appointed to a Contra Costa County advisory board?

Please check one: Yes No

List any volunteer and community experience, including any boards on which you have served.

Healthy Richmond, Access to Quality Healthcare Committee
Board Member, PEERS (Community Mental Health)
PRSA National, Diversity & Inclusion Committee (Public Relations Society of America)
Past Vice President/SF Bay Area | California Diversity Council
Past President, Public Relations Society of America (PRSA), SF Chapter (2016)
Former Vanguard Advisory Council Member, Museum of the African Diaspora (2010 – 2017)

Do you have a familial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed below or Resolution no. 2011/55)

Please check one: Yes No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the county, such as grants, contracts, or other economic relationships?

Please check one: Yes No

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publicly accessible. I understand and agree that misstatements and/or omissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

Signed: Y'Anad Burrell **Date:** 6/10/19

Submit this application to: Clerk of the Board of Supervisors
651 Pine St., Room 106
Martinez, CA 94553

Questions about this application? Contact the Clerk of the Board at (925) 335-1900 or by email at ClerkofTheBoard@cob.cccounty.us

Important Information

1. This application and any attachments you provide to it is a public document and is subject to the California Public Records Act (CA Government Code §6250-6270).
2. All members of appointed bodies are required to take the advisory body training provided by Contra Costa County.
3. Members of certain boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
4. Meetings may be held in various locations and some locations may not be accessible by public transportation.
5. Meeting dates and times are subject to change and may occur up to two (2) days per month.
6. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.
7. As indicated in Board Resolution 2011/55, a person will not be eligible for appointment if he/she is related to a Board of Supervisors member in any of the following relationships: mother, father, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson, great-granddaughter, first-cousin, husband, wife, father-in-law, mother-in-law, daughter-in-law, stepson, stepdaughter, sister-in-law, brother-in-law, spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouses' grandson, registered domestic partner, relatives of a registered domestic partner as listed above.
8. A person will not be eligible to serve if the person shares a financial interest as defined in Government Code §87103 with a Board of Supervisors Member.



Contra
Costa
County

To: Board of Supervisors
From: Candace Andersen, District II Supervisor
Date: October 22, 2019

Subject: RESIGNATION FROM THE ASSESSMENT APPEALS BOARD

RECOMMENDATION(S):

ACCEPT the resignation of following individual from the District II Seat of the Assessment Appeals Board effective September 5, 2019, DECLARE a vacancy in the District II Seat, and DIRECT the Clerk of the Board to post the vacancy, for a term with an expiration date of September 5, 2022, as recommended by Supervisor Candace Andersen:

Mr. Michele Manzone
Orinda, CA 94563

FISCAL IMPACT:

NONE

BACKGROUND:

Established May 29, 1973 by Ordinance 73-45, the Assessment Appeals Board

-
- APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jill Ray,
925-957-8860

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

By: , Deputy

cc: District 2 Supervisor, Maddy Book, Assessment Appeals Board, Appointee

BACKGROUND: (CONT'D)

is the Board of Equalization for the County, with the power to equalize the valuation of the taxable property in the County for the purpose of taxation and review, as well as equalize and adjust penal and escaped assessments on the roll. There are five Appeals Board Members, and five Alternate Members. To be eligible for these positions, a person must meet the following qualifications: 1. Be knowledgeable in the area of property appraisal and taxation. 2. Have a minimum of five years professional experience in California as one of the following: Certified Public Accountant, Public Accountant, Licensed Real Estate Broker, Attorney, or Property Appraiser accredited by a national professional organization. 3. Five years experience in California as an appraiser certified by the State Board of Equalization. Assessment Appeals Board members serve staggered three year terms.

After Mr. Manzone's appointment to the Seat, it was determined that he did not meet the minimum qualifications needed to serve on the Assessment Appeals Board.

CONSEQUENCE OF NEGATIVE ACTION:

The seat will remain filled by an unqualified appointee.

CHILDREN'S IMPACT STATEMENT:

NONE



Contra
Costa
County

To: Board of Supervisors
From: Candace Andersen, District II Supervisor
Date: October 22, 2019

Subject: APPOINTMENT TO THE ALAMO-LAFAYETTE CEMETERY DISTRICT BOARD OF DIRECTORS

RECOMMENDATION(S):

REAPPOINT the following person to the Trustee 1 Seat of the Alamo-Lafayette Cemetery District Board of Directors for a four-year term with an expiration date of November 2, 2023, as recommended by Supervisor Candace Andersen:

Nancy Flood
Lafayette, CA 94549

FISCAL IMPACT:

NONE

BACKGROUND:

Established by the Board of Supervisors on April 5, 1937, the purpose of the Alamo-Lafayette Cemetery District Board of Directors is to establish rates to be charged for burials within the cemeteries of the district which will allow the grave to be maintained on a self-supporting basis; to prepare and maintain maps detailing information about the lots; to keep records of all remains interred in the cemeteries. (Health and Safety Code, Section 8961.4 and 8963).

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jill Ray,
925-957-8860

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

By: , Deputy

cc: District 2 Supervisor, Maddy Book, District Board, Appointee

BACKGROUND: (CONT'D)

Membership is comprised of three trustees who must live in the district. Terms are for four years from the date of appointment. Due to redistricting, all three Trustee Seats fall within District Two, therefore the District Two Supervisor is responsible for the recruitment and recommendations for appointment to the Board of Supervisors for all three seats.

Ms. Flood remains an active member in the community and on the Board. Supervisor Andersen feels her continued involvement will be of great benefit to the Cemetery Board.

CONSEQUENCE OF NEGATIVE ACTION:

The seat will become vacant.

CHILDREN'S IMPACT STATEMENT:

NONE



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Reclamation District 2025 (Holland Tract)

RECOMMENDATION(S):

APPOINT in lieu of election David Forkel and Randall Neudeck to the Board of Trustees of Reclamation District 2025 (Holland Tract) for a term of four years, commencing December 2019 and concluding December 2023.

FISCAL IMPACT:

None.

BACKGROUND:

The Board of Supervisors received correspondence from Pamela Forbus, District Secretary for Reclamation District 2025 (Holland Tract), requesting appointment to the Board of Trustees of the District in lieu of elections. Ms. Forbus reports that subsequent to posting the notice calling for nominations, the District received only two filing petitions, from David Forkel and Randall Neudeck. Therefore, the District election scheduled for November 12, 2019 is uncontested and no election will be conducted.

At this time, the District respectfully requests that the Board of Supervisors appoint David Forkel and Randall Neudeck to four-year terms on the Board of Trustees of Reclamation District 2025. The terms will commence in December 2019 and conclude in December 2023.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Emlyn Struthers,
925-335-1919

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominees to the Board of Trustees for Reclamation District 2025 (Holland Tract) would not be approved, which may hinder the Board of Trustees in achieving a quorum and conducting the District's business.

ATTACHMENTS

Correspondence from RD 2025 Secretary

RECLAMATION DISTRICT NO. 2025
(HOLLAND TRACT)

343 East Main Street, Suite 815
Stockton, California 95202
(209) 943-5551

Board of Trustees
DAVID A. FORKEL, Chairman
RANDALL NEUDECK
CLARK MISNER

NATHAN HERSHEY, MBK Engineers
District Engineer
PAMELA A. FORBUS
Secretary/Attorney

October 8, 2019

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

Sent via email: clerkoftheboard@cob.cccounty.us

Re: Reclamation District No. 2025 (Holland Tract)

Ladies and Gentlemen:

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

On or prior to September 12, 2019, a nominating petition was filed nominating the following named individuals for the office of Trustee:

David A. Forkel
96 Oak Road
Fairfax, CA 94930

Randall Neudeck
1121 L Street, Suite 900
Sacramento, CA 95814

Pursuant to Water Code Section 50741, a notice was published on September 26, 2019, advising that no election would be held in said Reclamation District for the office of Trustee.

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

It is, therefore, respectfully requested in accordance with the provisions of Section 50741 of the Water Code that the

Clerk of the Board
Contra Costa County
October 8, 2019
Page 2

following named individual be appointed as a member of the Board of Trustees of Reclamation District No. 2025 (Holland Tract) for the term set opposite his name or until a successor is elected and qualified:

DAVID A. FORKEL - 4 years

RANDALL NEUDECK - 4 years

If you have any questions regarding this matter, please feel free to contact me at (209) 943-5551 or by email at pamforbus@sbcglobal.net

Yours very truly,



PAMELA A. FORBUS

PAF/ph
Enclosure

RECLAMATION DISTRICT NO. 2025 (HOLLAND TRACT)

CERTIFICATE OF SECRETARY

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

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

2. That the elective offices of said District to be filled at the 2019 general District Election is as follows:

Two Trustees

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

DAVID A. FORKEL - 4 years

RANDALL NEUDECK - 4 years

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

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

In testimony hereof, I have set my hand this 8th day of October, 2019.



Pamela A. Forbus, Assistant Secretary
Reclamation District No. 2025
(Holland Tract)



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Reclamation District 2026 (Webb Tract)

RECOMMENDATION(S):

APPOINT in lieu of election Russell E. Ryan and Randall Neudeck to the Board of Trustees of Reclamation District 2026 (Webb Tract) for a term of four years, commencing December 2019 and concluding December 2023.

FISCAL IMPACT:

None.

BACKGROUND:

The Board of Supervisors received correspondence from Pamela Forbus, District Secretary for Reclamation District 2026 (Webb Tract), requesting appointment to the Board of Trustees of the District in lieu of elections. Ms. Forbus reports that subsequent to posting the notice calling for nominations, the District received only two filing petitions, from Russell E. Ryan and Randall Neudeck. Therefore, the District election scheduled for November 12, 2019 is uncontested and no election will be conducted.

At this time, the District respectfully requests that the Board of Supervisors appoint Russell E. Ryan and Randall Neudeck to four-year terms on the Board of Trustees of Reclamation District 2026. The terms will commence in December 2019 and conclude in December 2023.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Emlyn Struthers,
925-335-1919

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominees to the Board of Trustees for Reclamation District 2026 (Webb Tract) would not be approved, which may hinder the Board of Trustees in achieving a quorum and conducting the District's business.

ATTACHMENTS

Correspondence from RD 2026 Secretary

RECLAMATION DISTRICT NO. 2026
(WEBB TRACT)

343 East Main Street, Suite 815
Stockton, California 95202
(209) 943-5551

Board of Trustees
DAVID A. FORKEL, Chairman
RANDALL NEUDECK
RUSSELL E. RYAN

NATHAN HERSHEY, MBK Engineers
District Engineer
PAMELA A. FORBUS
Secretary/Attorney

October 8, 2019

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

Sent via email: clerkoftheboard@cob.cccounty.us

Re: Reclamation District No. 2026 (Webb Tract)

Ladies and Gentlemen:

This office represents the Board of Trustees of Reclamation District No. 2026 (Webb Tract). Relative to the above, this will serve to call to your attention to the necessity of appointing two Trustees to the Board of Trustees of Reclamation District No. 2026 (Webb Tract).

On or prior to September 12, 2019, a nominating petition was filed nominating the following named individuals for the office of Trustee:

Russell E. Ryan
1121 L Street, Suite 900
Sacramento, CA 95814

Randall Neudeck
1121 L Street, Suite 900
Sacramento, CA 95814

Pursuant to Water Code Section 50741, a notice was published on September 26, 2019, advising that no election would be held in said Reclamation District for the office of Trustee.

Enclosed with this letter is a Certificate of the District Secretary for Reclamation District No. 2026 (Webb Tract).

It is, therefore, respectfully requested in accordance with the provisions of Section 50741 of the Water Code that the

Clerk of the Board
Contra Costa County
October 8, 2019
Page 2

following named individual be appointed as a member of the Board of Trustees of Reclamation District No. 2026 (Webb Tract) for the term set opposite his name or until a successor is elected and qualified:

RUSSELL E. RYAN - 4 years

RANDALL NEUDECK - 4 years

If you have any questions regarding this matter, please feel free to contact me at (209) 943-5551 or by email at pamforbus@sbcglobal.net

Yours very truly,



PAMELA A. FORBUS

PAF/ph
Enclosure



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Reclamation District 2090 (Quimby Island)

RECOMMENDATION(S):

APPOINT in lieu of election Jake Messerli and Lawrence Watty to the Board of Trustees of Reclamation District 2090 (Quimby Island) for a term of four years, commencing December 2019 and concluding December 2023.

FISCAL IMPACT:

None.

BACKGROUND:

The Board of Supervisors received correspondence from Pamela Forbus, District Secretary for Reclamation District 2090 (Quimby Island), requesting appointment to the Board of Trustees of the District in lieu of elections. Ms. Forbus reports that subsequent to posting the notice calling for nominations, the District received only two filing petitions, from Jake Messerli and Lawrence Watty. Therefore, the District election scheduled for November 12, 2019 is uncontested and no election will be conducted.

At this time, the District respectfully requests that the Board of Supervisors appoint Jake Messerli and Lawrence Watty to four-year terms on the Board of Trustees of Reclamation District 2025. The terms will commence in December 2019 and conclude in December 2023.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Emlyn Struthers,
925-335-1919

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominees to the Board of Trustees for Reclamation District 2090 (Quimby Island) would not be approved, which may hinder the Board of Trustees in achieving a quorum and conducting the District's business.

ATTACHMENTS

Correspondence from RD 2090 Secretary

QUIMBY ISLAND RECLAMATION DISTRICT NO. 2090

343 East Main Street, Suite 815
Stockton, California 95202
(209) 943-5551

Board of Trustees
JAKE MESSERLI, Chairman
COLBY HEATON
LARRY WATTY

CHRIS NEUDECK, KSN Engineers
District Engineer
PAMELA A. FORBUS
Secretary/Attorney

October 8, 2019

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

Sent via email: clerkoftheboard@cob.cccounty.us

Re: Quimby Island Reclamation District No. 2090

Ladies and Gentlemen:

This office represents the Board of Trustees of Quimby Island Reclamation District No. 2090. Relative to the above, this will serve to call to your attention to the necessity of appointing two Trustees to the Board of Trustees of Quimby Island Reclamation District No. 2090.

On or prior to September 12, 2019, a nominating petition was filed nominating the following named individuals for the office of Trustee:

Jake Messerli
1346 Blue Oaks Blvd
Roseville, CA 95678

Lawrence Watty
332 Maitland Drive
Alameda, CA 94502

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

Enclosed with this letter is a Certificate of the District Secretary for Quimby Island Reclamation District No. 2090.

It is, therefore, respectfully requested in accordance with the provisions of Section 50741 of the Water Code that the

Clerk of the Board
Contra Costa County
October 8, 2019
Page 2

following named individual be appointed as a member of the Board of Trustees of Quimby Island Reclamation District No. 2090 for the term set opposite his name or until a successor is elected and qualified:

JAKE MESSERLI - 4 years

LAWRENCE WATTY - 4 years

If you have any questions regarding this matter, please feel free to contact me at (209) 943-5551 or by email at pamforbus@sbcglobal.net

Yours very truly,



PAMELA A. FORBUS

PAF/ph
Enclosure

QUIMBY ISLAND RECLAMATION DISTRICT NO. 2090

CERTIFICATE OF SECRETARY

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

1. That I am the Assistant Secretary for QUIMBY ISLAND RECLAMATION DISTRICT NO. 2090.

2. That the elective offices of said District to be filled at the 2019 general District Election is as follows:

Two Trustees

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

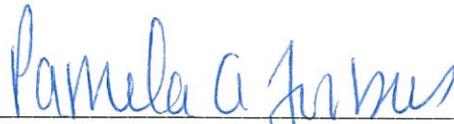
JAKE MESSERLI - 4 years

LAWRENCE WATTY - 4 years

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

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

In testimony hereof, I have set my hand this 8th day of October, 2019.



Pamela A. Forbus, Assistant Secretary
Quimby Island Reclamation
District No. 2026



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Reclamation District 2137

RECOMMENDATION(S):

APPOINT in lieu of election Randall Mager and Kevin Romick to the Board of Trustees of Reclamation District 2137 for a term of four years, commencing December 2019 and concluding December 2023.

FISCAL IMPACT:

None.

BACKGROUND:

The Board of Supervisors received correspondence from Pamela Forbus, District Secretary for Reclamation District 2137 (Holland Tract), requesting appointment to the Board of Trustees of the District in lieu of elections. Ms. Forbus reports that subsequent to posting the notice calling for nominations, the District received only two filing petitions, from Randall Mager and Kevin Romick. Therefore, the District election scheduled for November 12, 2019 is uncontested and no election will be conducted.

At this time, the District respectfully requests that the Board of Supervisors appoint Randall Mager and Kevin Romick to four-year terms on the Board of Trustees of Reclamation District 2137. The terms will commence in December 2019 and conclude in December 2023.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Emlyn Struthers,
925-335-1919

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The proposed nominees to the Board of Trustees for Reclamation District 2137 would not be approved, which may hinder the Board of Trustees in achieving a quorum and conducting the District's business.

ATTACHMENTS

Correspondence from RD 2137 Secretary

RECLAMATION DISTRICT NO. 2137

343 East Main Street, Suite 815
Stockton, California 95202
(209) 943-5551

Board of Trustees
EDWARD SCHMIT, Chairman
RANDALL MAGER
KEVIN ROMICK

NATHAN HERSHEY, MBK Engineers
District Engineer
PAMELA A. FORBUS
Secretary/Attorney

October 8, 2019

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

Sent via email: clerkoftheboard@cob.cccounty.us

Re: Reclamation District No. 2137

Ladies and Gentlemen:

This office represents the Board of Trustees of Reclamation District No. 2137. Relative to the above, this will serve to call to your attention to the necessity of appointing two Trustees to the Board of Trustees of Reclamation District No. 2137.

On or prior to September 12, 2019, a nominating petition was filed nominating the following named individuals for the office of Trustee:

Randall Mager
3008 Prado Lane
Davis, CA 95618

Kevin Romick
2066 Verona Court
Oakley, CA 94561

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

Enclosed with this letter is a Certificate of the District Secretary for Reclamation District No. 2137.

It is, therefore, respectfully requested in accordance with the provisions of Section 50741 of the Water Code that the

Clerk of the Board
Contra Costa County
October 8, 2019
Page 2

following named individual be appointed as a member of the Board of Trustees of Reclamation District No. 2137 for the term set opposite his name or until a successor is elected and qualified:

RANDALL MAGER - 4 years

KEVIN ROMICK - 4 years

If you have any questions regarding this matter, please feel free to contact me at (209) 943-5551 or by email at pamforbus@sbcglobal.net

Yours very truly,



PAMELA A. FORBUS

PAF/ph
Enclosure

RECLAMATION DISTRICT NO. 2137

CERTIFICATE OF SECRETARY

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

1. That I am the Assistant Secretary for RECLAMATION DISTRICT NO. 2137.

2. That the elective offices of said District to be filled at the 2019 general District Election is as follows:

Two Trustees

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

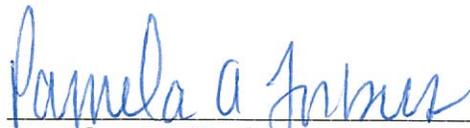
RANDALL MAGER - 4 years

KEVIN ROMICK - 4 years

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

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

In testimony hereof, I have set my hand this 8th day of October, 2019.



Pamela A. Forbus, Assistant Secretary
Reclamation District No. 2137



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Appropriation Transfer for Approved FY 2019-20 Venture Capital Projects

RECOMMENDATION(S):

APPROVE Appropriation Adjustment No. 5008 transferring \$2,490,000 in appropriations to the Airport (0843), Animal Services (0366), Conservation & Development (0280), Department of Information Technology (0147), Telecommunications (0060), Employment and Human Services (0501), Human Resources (0035), Library (0620), Public Defender (0243), Public Works (0650), Sheriff-Coroner (0255), and Treasurer-Tax Collector (0015) for fiscal year 2019-20 Venture Capital Projects.

FISCAL IMPACT:

Project funds are budgeted in the General Fund Contingency for FY 2019-20 (100% General Fund).

BACKGROUND:

The Board of Supervisors adopted a Budget Policy in 2006, which included a resource intended to improve departmental operations. Per this policy, in FY 2019-20 funding was made available for technology projects to be used to increase efficiencies and economies in departments that did not have resources available within their normal operating budgets for such expense. Requests for these funds were submitted with the Departments' baseline budgets. Departments included requests of \$4,272,580 and the County Administrator was able to approve \$2,490,000.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Lisa Driscoll, (925)
335-1023

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

**FY 2019-20
Venture Capital Requests**

<u>Department</u>	<u>Amount</u>	<u>Project Title</u>
Airport	\$52,000	Radio Equipment for Firefighting personnel
Airport	\$30,000	Security Gate Switch Equipment
Animal Services	\$22,000	Electronic Deposit Program upgrade
Animal Services	\$23,000	Presynct Reporting System
Conservation & Development	\$175,000	Electronic Plan Check
Dept of Info Technology	\$174,000	Wi-Fi Access Points
Dept of Info Technology	\$600,000	Network/Application Redundancy
Dept of Info Technology	\$30,000	Critical Service Redundancy
Dept of Info Technology	\$130,000	Print Management Solution
Dept of Info Technology	\$90,000	Hilltop Safety Fencing
Employment & Human Svcs	\$80,000	Electronic-based case assignment
Human Resources	\$70,000	Skills Survey
Human Resources	\$268,000	Smart Enterprise Resource Planning-PeopleSoft
Library	\$25,000	Remote Computer Management System
Public Defender	\$220,000	Infrastructure Renovation - Rewiring
Public Works	\$100,000	Business Analysis of Project Delivery Process
Sheriff-Coroner	\$271,000	Cyber Security Software Upgrade
Treasurer-Tax Collector	\$100,000	Cashiering Project
Treasurer-Tax Collector	\$15,000	Server Room Cooling Unit
Treasurer-Tax Collector	\$15,000	Offsite Back-up Server
TOTAL	\$2,490,000	

CONSEQUENCE OF NEGATIVE ACTION:

Departments will not receive the resources needed to fund the aforementioned projects.

ATTACHMENTS

APOO 5008: 2019/20 Venture Capital Allocations

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

TIC 27 AUDITOR-CONTROLLER
2019 OCT -3 A 10:51

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

BOARD OF SUPERVISORS

COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: County - Various				
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE	
0990	6301	Appropriations for Contingencies	2,490,000	00		
4853	4951	Office Equipment & Furniture			82,000	00
3340	2251	Computer Software			45,000	00
2653	2251	Computer Software			175,000	00
1075	2132	Minor Computer Equipment			174,000	00
1070	2251	Computer Software			600,000	00
4280	2284	Requested Maintenance			30,000	00
1065	2132	Minor Computer Equipment			130,000	00
4295	2284	Requested Maintenance			90,000	00
5123	2251	Computer Software			80,000	00
1300	2251	Computer Software			338,000	00
3714	2251	Computer Software			25,000	00
2900	2284	Requested Maintenance			220,000	00
4500	2310	Non Cnty Prof Spclzd Svcs			100,000	00
2512	2479	Other Special Dept Exp			271,000	00
0015	4951	Office Equipment & Furniture			130,000	00
1691	5016	Transfers - Gov/Gov			200,000	00
1691	5017	Transfers - Gov/Ent			82,000	00
TOTALS			2,490,000	00	2,772,000	00

APPROVED

AUDITOR-CONTROLLER:
BY:  DATE 10/13/19

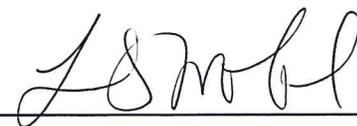
COUNTY ADMINISTRATOR:
BY:  DATE 10/18/19

BOARD OF SUPERVISORS:
YES:
NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST

Transfer appropriations approved for FY 2019-20 Venture Capital Projects.

 10/1/19

SIGNATURE TITLE DATE
APPROPRIATION APOO 5008

ADJ. JOURNAL NO.

CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT
T/C 24

ACCOUNT CODING		BUDGET UNIT: County-Variou			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
4853	9957	Transfers - Gov/Ent	82,000	00	
2653	9956	Transfers - Gov/Gov	175,000	00	
3714	9956	Transfers - Gov/Gov	25,000	00	
TOTALS			282,000	0	0 00

APPROVED

AUDITOR-CONTROLLER:
 BY:  DATE 10/3/19

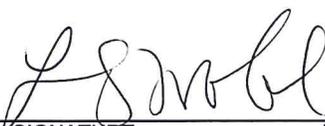
COUNTY ADMINISTRATOR:
 BY:  DATE 10/1/19

BOARD OF SUPERVISORS:
 YES:
 NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST

Transfer revenue approved for FY 2019-20 Venture Capital Projects (non-General Fund departments)



10/1/2019

SIGNATURE _____ TITLE _____ DATE _____

REVENUE ADJ. JOURNAL NO. _____ RAOO 5008



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Appropriation Adjustment for Behavioral Health Services Administration

RECOMMENDATION(S):

Health Services Department (5899)/Fleet ISF (0064): Approve Appropriation and Revenue Adjustment #005009 authorizing the transfer of appropriations in the amount of \$33,091 from Behavioral Health Services Division – Mental Health Services Act Innovation to General Services – ISF Fleet Services (0064) for the purchase of one (1) vehicle for the implementation of the Partners in Aging program.

FISCAL IMPACT:

This action increases appropriations in General Services – Fleet Services (0064) and reduces appropriations in Behavioral Health Services (5899) by \$33,091. This purchase is funded 100% by Mental Health Services Act funds.

BACKGROUND:

The Partners in Aging project seeks to provide more effective treatment for individuals who are frail, homebound, and suffer from multiple physical and mental impairments, especially those with co-occurring substance use disorders. Additionally, this project will utilize a home-based peer component to engage older adults who have been identified by Psychiatric Emergency Services (PES) as those in need of additional care. Peer support workers will link individuals discharged from PES to appropriate services and provide in-home peer support services including efforts to increase clients' skills in daily living activities as well as engagement with appropriate resources and social networks. Purchase of these vehicles will allow County to implement the Partners in Aging project.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, PhD.,
925-957-5212

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

By: , Deputy

cc: Marcy Wilhelm, Windy Taylor

CONSEQUENCE OF NEGATIVE ACTION:

If this appropriation adjustment is not approved, the Division will not be able to purchase cars to implement the Partners in Aging project.

ATTACHMENTS

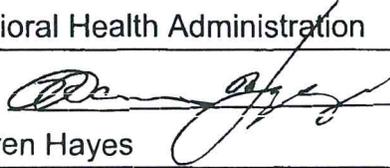
Purchase Request

TC 24/27-39818-APOO5009

VEHICLE AND EQUIPMENT REQUEST FORM
(See Instruction Sheet)

Department: Behavioral Health Administration

Date: 3/28/2019

Authorized Signature: 

Telephone: 925-957-2616

Printed Name: Warren Hayes

1. Reason and justification for vehicle request: The clinical team will use the vehicle to provide transportation services for multiple clients to and from various appointments. The team will also use this vehicle to provide home visits for the older adult population.

2. Funding Source (Budget information will be used to prepare Board Order): All funding is allocated through the Mental Health Services Act. The cost center that will be used for the funding of this vehicle is: #5899 MHSA Innovation.

Is an appropriation adjustment needed? Yes No

Fiscal Officer: Name: Faye Ny

Telephone: 925-957-5540

3. Description of vehicle or equipment requested (If applicable, complete an accessories form): 2019 Edge FWD- SE, Oxford White, 8 Speed Automatic Transmission. This vehicle is requested to have no County emblem inlaid. This request has been pre-approved by department head.

4. Is an alternative fuel vehicle acceptable? Yes No

If no, reason clean air vehicle will not work: If available please order.

5. If replacement, which vehicle or equipment is being replaced: Type: N/A

Vehicle/Equipment Number: N/A

Odometer/Hours: N/A

6. Reason purchase cannot wait until next budget cycle: There is currently no vehicles available for the clinical team's use and program schedules will be set in place with immediate transportation needs.

7. CAO Release to PWD Fleet Manager: Yes No

Date: 5/29/19

CAO Signature: 

FOR PWD FLEET MANAGER USE

1. Is vehicle/equipment an addition to the fleet? Yes No

2. If vehicle/equipment is for replacement, an inspection/evaluation to be completed by Fleet Manager:

Date Inspected: _____

Vehicle/Equipment: Make: _____ Model: _____ Year: _____

Condition of vehicle and/or equipment and life expectancy: _____

Accumulated Depreciation: _____ Estimated Salvage Value: _____

Estimated Cost of Request: _____

3. Any underutilized vehicles in existing department fleet? Yes No

4. Fleet Manager Signature: _____ Date: _____

CONTRA COSTA COUNTY
 APPROPRIATION ADJUSTMENT /
 ALLOCATION ADJUSTMENT
T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

- BOARD OF SUPERVISORS
- COUNTY ADMINISTRATOR
- AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT : Health Services - Behavioral Health <u>0467</u>			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
5899	1011	Permanent Salaries	33,091	00	
5899	5011	Reimbursement Gov/Gov			33,091 00
4284	4953	Autos & Trucks			33,091 00
TOTALS			33,091	00	66,182 00

APPROVED

AUDITOR-CONTROLLER:

BY:  DATE 10/11/19

COUNTY ADMINISTRATOR:

BY:  DATE 10/16/19

BOARD OF SUPERVISORS:

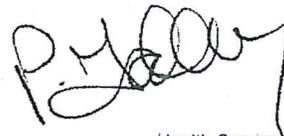
YES:

NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST:

Appropriation adjustment for vehicle purchase authorized by the Board in the MHSA Innovation project.



Health Services COO/ CFO

SIGNATURE TITLE DATE

APPROPRIATION APOD 5009

ADJ. JOURNAL NO.

CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT/
ALLOCATION ADJUSTMENT
T/C 24

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

- BOARD OF SUPERVISORS
- COUNTY ADMINISTRATOR
- AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT : Health Services - Behavioral Health			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
4284	9951	Reimbursement Gov/Gov	33,091	00	
TOTALS			33,091	00	0 00

APPROVED

AUDITOR-CONTROLLER:

BY:  DATE 10/11/19

COUNTY ADMINISTRATOR:

BY:  DATE 10/15/18

BOARD OF SUPERVISORS:

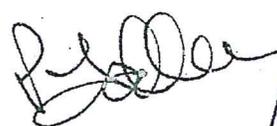
YES:

NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST:

Appropriation adjustment for vehicle purchase authorized by the Board in the MHSA Innovation project



Health Services COO/ CFO

SIGNATURE _____ TITLE _____ DATE _____

REVENUE ADJ. RAOO 5009

JOURNAL NO.

**Contra
Costa
County**



To: Board of Supervisors
From: Dianne Dinsmore, Human Resources Director
Date: October 22, 2019

Subject: Transition one Clerk-Beginning Level-Project position into the Merit System

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22519 to transition one Clerk-Beginning Level – Project (JWX9) (represented) position #17292 at salary plan and grade 3R5 0693 (\$2,536.66 - \$3,085.54) and its incumbent into the Merit System as Clerk-Beginning Level (Non-Typing) (JWXE) (represented) position at salary plan and grade 3R5 0693 (\$2,536.66 - \$3,085.54) in the Library Department by way of the Bridges to Success (BTS) pilot program.

FISCAL IMPACT:

Upon approval, this action will result in an annual cost of \$17,655 to the Library fund. No impact to the County General Fund.

BACKGROUND:

In December 2016, the Board approved beginning the Bridges to Success pilot program. This program encourages the hiring of individuals with developmental disabilities and provides job coaching and assistance for these new employees. These employees are hired into a project position and periodically evaluated over the course of a year. As part of the program, Bridges to Success employees who successfully serve for a year in the project position may be transitioned into the Merit System following approval by the Board of Supervisors.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Samuel Treanor at (925)
608-7702

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

The Library is a participant in this pilot program and appointed a candidate to serve as a Clerk-Beginning Level - Project. Per PMR Section 1603.1, an employee who has served in a project position for a year from a program initially established by the Board for a limited time may be moved into the Merit System if the Director of Human Resources recommends such inclusion, the Board of Supervisors approves the classification, and the employee was appointed from an eligible list on an open competitive basis.

The employee appointed through the Bridges to Success program was appointed from an eligible list on an open competitive basis. The Director of Human Resources recommends including the position into the Merit System. This candidate has performed satisfactorily for a full year as an employee in the project position. Consequently, the Library requests the candidate's position and incumbent be transitioned into the Merit System.

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, the incumbent will not receive the benefits of being a Merit System employee after meeting all of the program requirements. This could discourage further participation in the Bridges to Success program.

ATTACHMENTS

P300 22519 Transition Clerk-Beginning Level Project into Merit System_Library Dept

POSITION ADJUSTMENT REQUEST

NO. 22519
DATE 9/1/2019

Department County Library Department No./
Budget Unit No. 0620 Org No. 3723 Agency No. 85
Action Requested: Transition one (1) Clerk-Beginning Level Project (JWX9) position # 17292 into the merit system as Clerk-Beginning Level (non-typing) (JWXE)

Proposed Effective Date: 10/1/2019

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$17,655.00 Net County Cost \$0.00
Total this FY \$13,241.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Library Fund

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Melinda S. Cervantes

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

BR for JE

9/18/2019

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 10/8/2019

Transition one Clerk-Beginning Level – Project (JWX9) (represented) position #17292 at salary level 3R5 0693 (\$2,536.66 - \$3,085.54) and its incumbent into the merit system as Clerk-Beginning Level (Non-Typing) (JWXE) (represented) position at salary level 3R5 0693 (\$2,536.66 - \$3,085.54) in the Library Department.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.

10/1/2019(Date)

Mary Jane De Jesus-Saepharn

10/8/2019

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

10/16/2019

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other: _____

/s/ Julie DiMaggio Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 10/16/2019

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY



Contra
Costa
County

To: Board of Supervisors
From: Dianne Dinsmore, Human Resources Director
Date: October 22, 2019

Subject: Create Classification of Elections Temporary Assignment (EBWA)

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22521 to establish the classification of Elections Temporary Assignment (EBWA) (represented) at Salary Plan and Grade 3RD 1000 (\$22.59/hour) in the Clerk Recorder - Elections Department.

FISCAL IMPACT:

100% General Fund. The increased costs are within the division's appropriated budget for temporary salaries for FY 2019-20. The division has estimated the increase at \$54,000.

BACKGROUND:

For each major election cycle, the Clerk-Recorder Department must recruit between 50-75 temporary staff to assist with the Primary and General Elections. Many of these employees only work for the department for 3-6 weeks. Without these workers, the County cannot successfully conduct these major elections. With change at the State Legislature to move the 2020 Presidential Primary Election up to March instead of June, the Department needs to have staff hired and available to work no later than the first week of December. It is promising to be a high-profile election with a significant turnout.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Debi Cooper
925-335-7899

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

By: , Deputy

cc: Debi Cooper

BACKGROUND: (CONT'D)

The County has been losing Contra Costa temporary staff to Alameda County because Alameda's pay for this work is significantly higher. This is particularly apparent in West County, which is close to the Alameda County offices. The Department already has difficulty recruiting quality temporary staff due to the low unemployment rate and the fact that surrounding counties pay their temporary staff up to 50% more than we currently offer.

It currently takes an average of 2-3 weeks for a candidate to complete the County's pre-employment and onboarding processes. When the Department needs to bring on more than 50 people at one time, it creates great challenges for the Clerk-Recorder and Human Resources Departments to handle the volume.

The Clerk-Recorder Department's Elections Division and Human Resources have worked together to create a plan to establish an Elections Temporary Assignment Pool (ETAP) of candidates in order to ensure sufficient time to recruit and onboard before the need to deploy staff begins. In this way, we hope to spread out the onboarding process for the Clerk-Recorder and Human Resources Departments. Instead of all candidates needing to be processed at one time, we would have a continuous recruitment for candidates interested in working at election time. Alameda County has a Temporary Assignment Pool (TAP) program that has been in place for several years, and the framework for the ETAP program in Contra Costa is modeled off Alameda County's program.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to create a classification and provide a competitive salary for election temporary help will interfere with the County's ability to conduct successful elections. Quality workers will continue to move to nearby counties that pay more.

ATTACHMENTS

P300 22521_Elections Temporary Assignment

POSITION ADJUSTMENT REQUEST

NO. 22521
DATE 9/30/2019

Department Clerk-Recorder

Department No./
Budget Unit No. 2353 Org No. 0043 Agency No. 24

Action Requested: Create the classification of Elections Temporary Assignment (represented) (EBWA) Salary Plan 3RD Grade 1000 (\$22.59/hour).

Proposed Effective Date: 10/1/2019

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$53,961.00 Net County Cost \$53,961.00
Total this FY \$53,961.00 N.C.C. this FY \$53,961.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Covered by Cost Savings

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

J.C

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

BR for JE

9/30/2019

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 10/10/2019

Establish the classification of Elections Temporary Assignment (EBWA) at Salary Plan and Grade 3RD 1000 (\$22.59/hour).

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

Shelly Gough

10/10/2019

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 10/17/2019

Approve Recommendation of Director of Human Resources
 Disapprove Recommendation of Director of Human Resources
 Other: _____

/s/ Julie DiMaggio Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

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

Adjustment is APPROVED DISAPPROVED

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 10/17/2019

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services
Date: October 22, 2019

Subject: Add one Mental Health Clinical Specialist in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22539 to add one Mental Health Clinical Specialist (VQSB) position at salary plan and grade level TC2-1384 (\$62,161-\$92,279) in the Health Services. (Represented)

FISCAL IMPACT:

Upon approval, this action has an approximate annual increase of \$160,002 with \$35,139 in pension costs already included. 100% funded by Health Resources and Services Administration (HRSA).

BACKGROUND:

The Health Services Department is requesting to add one Mental Health Clinical Specialist to its Public Health Division. Health Care for the Homeless Program is geared towards increasing access to health care that focuses on harm reduction and integration of behavioral and medical services to those within this population. The services are free to all who is experiencing homelessness without the focus on their insurance. A grant was awarded of \$167,000 to expand the access to Mental Health and Substance Use Disorder services for the homeless individuals.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Sabrina Pearson, (925)
957-5240

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

The responsibilities of the new position is to provide psycho-therapeutic intervention, treatment, and other related mental health services to consumers, refers clients to appropriate community agencies and interprets and explains to clients about social and emotional factors pertaining to mental health illness.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, Health Care for the Homeless will not have adequate clinical support to provide the appropriate level of health care services to the homeless population.

ATTACHMENTS

P300 No. 22539

POSITION ADJUSTMENT REQUEST

NO. 22539
DATE 10/8/2019

Department Health Services

Department No./
Budget Unit No. 0540 Org No. 6377 Agency No. A18

Action Requested: Add one Mental Health Clinical Specialist (VQSB) in the Health Services Department.

Proposed Effective Date: _____

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost	<u>\$160,002</u>	Net County Cost
Total this FY	<u>\$120,001</u>	N.C.C. this FY

SOURCE OF FUNDING TO OFFSET ADJUSTMENT: 100% Health Resources and Services Administration.

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Sabrina Pearson

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Kennard
Deputy County Administrator

10/8/2019
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other:

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date _____

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services
Date: October 22, 2019

Subject: Add one Senior Emergency Planning Coordinator position and cancel one Emergency Planning Coordinator position in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22540 to add one Senior Emergency Planning Coordinator (9GWB) position at salary plan and grade level ZB5-1653 (\$6,562-\$7,976) and cancel one vacant Emergency Planning Coordinator position #13461 (9GSA) at salary plan and grade level ZB5-1501 (\$5,645-\$6,862) in the Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, this action has an annual increase cost approximately of \$17,340 with \$4,363 in pension costs already included. This action is funded 100% by State Department of Public Health, Emergency Preparedness Office (PHEP).

BACKGROUND:

The Health Services Department is requesting to add one Senior Emergency Planning Coordinator and cancel one vacant Emergency Planning Coordinator position #13461 in its Public Health Emergency Response Unit (HERU). As part of re-organizational changes, Public Health downgraded the Emergency Services Manager to the Health Services Emergency Preparedness Manager classification,

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Sabrina Pearson, (925) 957-5240

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

and the next step is adding a Senior Emergency Planning Coordinator and canceling the Emergency Planning Coordinator to offset the cost. This Senior position can exercise lead direction to subordinate Emergency Planning Coordinators within that unit and is the advanced working level in the field of emergency management.

The new position will be responsible for developing and maintaining emergency preparedness response and recovery programs; and working with public warning response protocols that included but not limited cities within the county, special districts, local industry, business, non-profit organizations, and state and federal government agencies. Additionally, the incumbent will be participating in the development of funding applications and progress reports in the Health Emergency Response Unit.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, Public Health Response Unit within The Health Services Department will not have the adequate professional staffing with the expertise to assist with emergency planning.

ATTACHMENTS

P300 No. 22540

POSITION ADJUSTMENT REQUEST

NO. 22540
DATE 10/8/2019

Department Health Services Department No./
Budget Unit No. 0450 Org No. 5752 Agency No. A18
Action Requested: Add one Senior Emergency Planning Coordinator (9GWB) position and cancel one vacant Emergency Planning Coordinator (9GSA) position #13461 in the Health Services Department.

Proposed Effective Date: _____

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$17,340 Net County Cost
Total this FY \$13,005 N.C.C. this FY

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% State Dept. of Public Health, Emergency Preparedness Office.

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Sabrina Pearson

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Kennard
Deputy County Administrator

10/8/2019
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other:

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date _____

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services
Date: October 22, 2019

Subject: Add one Executive Secretary-Exempt position and cancel one Secretary-Advanced Level position #7402 in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22541 to add one Executive Secretary-Exempt position (J3T5) at salary plan and grade level B85-1445 (\$5,434 - \$5,890) and cancel one Secretary-Advanced Level position (J3TG) at salary plan and grade level 3R2-1163 (\$4,162 - \$5,327) Position #7402 in the Health Services Department. (Represented)

FISCAL IMPACT:

This action has an annual increase cost of approximately \$10,647 with pension costs of \$2,679 already included. The entire cost is fully offset by Enterprise Fund I.

BACKGROUND:

The Director of Health Services, Anna Roth, RN, MS, MPH, does not have a dedicated confidential Executive Secretary position allocated to providing daily administrative support. Instead, administrative support is currently provided by one permanent clerk, and a temporary work experience employee (WEX Trainee) working through a training program administered by the Employment and Human Services Department. The Executive Secretary position will be responsible for solely supporting the Director of Health Services in a variety of activities including, but not limited to: maintaining the Director's appointment calendar and meeting schedules, as well as coordinating

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jo-Anne Linares, (925)
957-5240

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

travel arrangements; prioritizing appointments with/for the Director with supervision and direction as needed; answering and screening telephone calls, emails, and greeting visitors; serving as the liaison between department heads or designees, staff, public and other officials; composing draft memorandum, emails, and other essential administrative/scheduling correspondences; preparing and assisting in the preparation of highly confidential and sensitive reports; and providing lead and work direction to a clerk and WEX Trainee, and student interns in the Office of the Director. This position will be privy to confidential information regarding operational, organizational, and personnel plans and strategies throughout Health Services.

CONSEQUENCE OF NEGATIVE ACTION:

The Director of Health Services will not have a dedicated confidential staff to perform daily administrative support tasks in the Health Services Office of the Director.

ATTACHMENTS

P300 No. 22541

POSITION ADJUSTMENT REQUEST

NO. 22541
DATE 10/2/2019

Department Health Services

Department No./
Budget Unit No. 0540 Org No. 6544 Agency No. A18

Action Requested: Add one Executive Secretary-Exempt (J3T5) position at salary plan B85-1445 (\$5,343-\$5,890) and cancel one Secretary-Advanced Level (J3TG) position # 7402 at salary plan 3R2-1163 (\$4,162-\$5,327) in the Health Services Department.

Proposed Effective Date: _____

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$10,647.00 Net County Cost _____

Total this FY \$7,098.00 N.C.C. this FY _____

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Enterprise Fund I

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Jo-Anne Linares

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Kennard

10/9/2019

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE _____

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 10/9/2019

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services
Date: October 22, 2019

Subject: Increase Position Hours of one Senior Health Education Specialist in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22538 to increase the hours of one Senior Health Education Specialist (VMWE) position #9703 from 32/40 to 40/40 at salary plan and grade level TC5-1543 (\$5,885-\$7,153) in Health Services Department. (Represented)

FISCAL IMPACT:

Upon approval, this action has an annual increase cost of approximately \$28,322 with \$6,539 in pension costs already included. The cost is entirely supported with CCHP Member Premium Revenues.

BACKGROUND:

The Health Services Department is requesting to increase the hours of Senior Health Education Specialist position #9703 from 32/40 to 40/40 in the Health Services Department. The increased hours will be used to complete special projects which involve the design and execution of improvement efforts, specifically ensuring that the materials developed are culturally appropriate and offering strategies for different subsets of the target groups. This incumbent has a large role in the upcoming Disparity Performance Improvement Project assigned by California Department of Health Care Services.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Sabrina Pearson, (925) 957-5240

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Contra Costa Health Plan within Health Services will not have adequate professional staffing to ensure state improvement plans are completed.

ATTACHMENTS

P300 No. 22538

POSITION ADJUSTMENT REQUEST

NO. 22538
DATE 10/8/2019

Department Health Services

Department No./
Budget Unit No. 0860 Org No. 6106 Agency No. A18

Action Requested: Increase the hours of one Senior Health Education Specialist (VMWE) position #9703 from 32/40 to 40/40 in Health Services Department.

Proposed Effective Date: _____

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$28,322 Net County Cost
Total this FY \$21,241 N.C.C. this FY

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% CCHP Member Premium Payments

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Sabrina Pearson

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Kennard
Deputy County Administrator

10/8/2019
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other:

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date _____

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY



Contra
Costa
County

To: Board of Supervisors
From: Dianne Dinsmore, Human Resources Director
Date: October 22, 2019

Subject: Reallocate the Salary of the Workforce Services Director-Exempt Classification

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22547 to reallocate the salary of the Workforce Services Director-Exempt (XAD3) (unrepresented) on the Salary Schedule from Salary Plan and Grade B85 2113 (\$10,352 - \$12,583) five (5) merit steps and one (1) Pay for Performance step to Salary Plan and Grade B85 1009 (\$10,352 - \$13,212) six (6) merit steps and no Pay for Performance; and cancel Resolution Number 99/220 to exclude the outstanding pay provisions for the class, as recommended by the Human Resources Director.

FISCAL IMPACT:

There is no fiscal impact.

BACKGROUND:

The County has been working to convert Pay for Performance salary steps to regular merit step increments over time. The Workforce Services Director - Exempt currently has five merit steps and one Pay for Performance step. In order to retain and recruit highly qualified candidates in this role, Human Resources recommends converting the top salary step to a merit pay step.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Dianne Dinsmore (925)
335-1766

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

By: , Deputy

cc: Gladys Scott Reid, Robert Campbell, Auditor-Controller

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Employment and Human Services Department will be hampered in their ability to recruit and retain highly skilled candidates.

ATTACHMENTS

P300 22547 Salary Reallocation

POSITION ADJUSTMENT REQUEST

NO. 22547
DATE 10/7/2019

Department Human Resources Department Department No./
Budget Unit No. 0504 Org No. _____ Agency No. 19

Action Requested: Reallocate the salary of the Workforce Services Director-Exempt (XAD3) (unrepresented) classification on the Salary Schedule from Salary Plan and Grade B85 2113 (\$10,352 - \$12,583) five merit steps and one performance step to Salary Plan and Grade B85 1009 six merit steps and no pay for performance step, and cancel Resolution Number 99/220 to exclude the outstanding pay provisions for the class

Proposed Effective Date: _____

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost _____ Net County Cost _____
Total this FY _____ N.C.C. this FY _____

SOURCE OF FUNDING TO OFFSET ADJUSTMENT _____

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Dianne Dinsmore

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 10/7/2019

Reallocate the salary of the Workforce Services Director-Exempt (XAD3) (unrepresented) classification on the Salary Schedule from Salary Plan and Grade B85 2113 (\$10,352 - \$12,583) five merit steps and one performance step to Salary Plan and Grade B85 1009 six (6) merit steps and no pay for performance step and cancel Resolution Number 99/220 to exclude the outstanding pay provisions for the class

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

Gladys Scott Reid

10/7/2019

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE _____

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 10/15/2019

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 22, 2019

Subject: Add Five Social Workers to the In-Home Supportive Services Program

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22545 to add five (5) full time Social Worker (X0VC) (represented) positions at salary plan and grade 255-1434 (\$5,463 - \$6,641) in the Employment and Human Services Department.

FISCAL IMPACT:

The anticipated cost of funding these positions are \$338,500 (salary and benefits) for a six-month period (January through June 2020) and \$677,000 for annual costs. The State allocation (CFL 19/20-28) has been increased to \$4,819,574. This increases budgeted revenue of \$2,836,823 by \$1,982,751, allowing the Department to fund five additional Social Workers in the Aging and Adult Services Bureau (Org Code 0503). Costs will be covered by 48% Federal, 39% State and 13% County funds, with no increase to the County General Fund allocation needed.

BACKGROUND:

Employment and Human Services Department (EHSD) is requesting the addition of five Social Workers for the In Home Supportive Services (IHSS) program.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Livienne Manguera,
(925) 608-5022

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

By: , Deputy

cc: Livienne Manguera

BACKGROUND: (CONT'D)

>

The IHSS program has been understaffed over the years, which has been exacerbated by significant caseload growth. The program has been under a state-mandated corrective action plan for several years and has not made the progress required because we have not been able to add staff equal to caseload growth and the challenge of recruiting qualified social workers.

CONSEQUENCE OF NEGATIVE ACTION:

The IHSS program will be unable to hire additional Social Workers so that the Division can make progress on the state-mandated correction improvement plan.

ATTACHMENTS

P300 No. 22545 Adding 5 Social Workers to IHSS

POSITION ADJUSTMENT REQUEST

NO. 22545
DATE 10/11/2019

Department Employment and Human Services Department No./
Budget Unit No. 0503 Org No. 5311 Agency No. A19
Action Requested: Add five (5) full time Social Worker (X0VC) (represented) positions at salary plan & grade 255-1434 (\$5463 - \$6641)

Proposed Effective Date: 10/23/2019

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$338,500.00 Net County Cost \$44,000.00
Total this FY \$169,000 N.C.C. this FY \$22,000.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 48% Federal, 39% State, 13% County

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Livienne Manguera (925) 608-5022

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Julia Taylor

10/14/2019

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 10/14/2019

Add five (5) full time Social Worker (X0VC) (represented) positions at salary plan & grade 255-1434 (\$5463 - \$6641)

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.

____ (Date)

Amanda Monson

10/14/2019

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

10/15/2019

Approve Recommendation of Director of Human Resources

Disapprove Recommendation of Director of Human Resources

Other: _____

Lisa Driscoll, County Finance Director

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 10/15/2019

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
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(services, supplies, equipment, etc.)
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6. Briefly explain the consequences of not filling the project position(s) in terms of:
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 - c. financial implications
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 - e. organizational implications

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 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Management Resolution and Classification Changes Associated with Impact of New Physicians' and Dentists' Organization of Contra Costa MOU

RECOMMENDATION(S):

ADOPT Resolution No. 2019/612 to modify classifications previously associated with the Physicians', Dentists' Organization of Contra Costa (PDOCC) and to provide for benefits of temporary unrepresented physician positions to parallel those in the new PDOCC Memorandum of Understanding (November 1, 2019 through October 31, 2022).

FISCAL IMPACT:

Costs of temporary employees are paid from the Health Services Agency budgets.

BACKGROUND:

The Physicians', Dentists' Organization of Contra Costa (PDOCC) recently agreed to a new Memorandum of Understanding (MOU). The new MOU includes new classification titles and codes. This action deactivates classifications that will become obsolete on October 31, 2019, and retitles three existing resident physician classifications. Additionally, this action replaces obsolete special pays for temporary physicians, dentists, and optometrists in the Management Resolution. Temporary physicians, dentists, and optometrists are covered by the County Management Resolution because PDOCC does not represent temporary employees.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

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

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

By: , Deputy

cc: Robert Campbell, Auditor-Controller, Dianne Dinsmore, Human Resources Director, Anna Roth, Director of Health Services

CONSEQUENCE OF NEGATIVE ACTION:

Defunct classifications will remain in PeopleSoft and temporary physician, dentist, and optometrist employees will not be paid appropriately.

ATTACHMENTS

Resolution 2019/612

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

Adopted this Resolution on 10/22/2019 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2019/612

In The Matter Of: deleting obsolete physician, dentist, and optometrist classifications, retitling resident physician classifications, and modifying benefits for temporary physicians, dentists, and optometrists.

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

1. Effective November 1, 2019, the following defunct Exempt Medical Staff classifications are deleted: Resident Physician IV (VP75); Chief of Dental Services (VPD3); Physician Fellow (VPR1); Optometrist (VPS1); Dental Specialist (VPV7); Dentist (VPW0); and Physician (VPW9).
2. Effective November 1, 2019, the following classifications are retitled with no change to classification code: Resident Physician I (VP71) to Resident I; Resident Physician II (VP72) to Resident II; and Resident Physician III (VP74) to Resident III.
3. Effective November 1, 2019, Section 2. Days and Hours of Work, in Appendix I of Management Resolution No. 2019/507, add classifications to Subsection 4, to allow temporary physicians, dentists, and optometrists to work more than twenty-five (25) hours per week:
 - Ambulatory Care Provider-Exempt (VPT1); Dentist-Exempt (VPT2); Emergency Medicine-Exempt (VPS3); Hospitalist-Exempt (VPT3); OBGYN-Full Spectrum-Exempt (VPS5); OBGYN-FM Adv Obstetrics-Exempt (VPS6); Optometrist-Exempt (VPS7); Oral Surgeon-Exempt (VPS8); Pathologist-Exempt (VPT7); Pediatrician-Ambulatory-Exempt (VPS9); Pediatrician-Hospitalist-Exempt (VPS0); Primary Care Provider-Exempt (VPT5); Primary Care Provider-Limited-Exempt (VPT6); Psychiatrist-Adult-Exempt (VPT8); Psychiatrist-Pediatric-Exempt (VPT9); and Psychiatrist-Emg/Svs/Detention-Exempt (VPT0).
4. Effective November 1, 2019, Section 6. Special Pays for Temporary Physicians, in Appendix I of Management Resolution No. 2019/507 be replaced in its entirety with:
 - 6.10 Clinical On-Call. A temporary physician is eligible for Clinical On-Call pay when assigned to on-call obligations by the Appointing Authority or his/her designee. Clinical On-Call pay will be paid at the rate of twenty-eight dollars (\$28) per hour for each hour of designated on-call period. The on-call pay ends if the physician is called back and returns to work during the on-call period.
 - 6.11 Nocturnist Pay. A temporary physician performing work in the classifications of Emergency Medicine-Exempt, Hospitalist-Exempt, OBGYN-Full Spectrum-Exempt, OBGYN-FM Advanced Obstetrics-Exempt, Pediatrician-Hospitalist-Exempt, and Psychiatrist-Emergency Services Detention-Exempt, is eligible for fifty dollars (\$50) for each hour worked between 11:00 p.m. – 7:00 a.m. Monday through Thursday; and for each hour worked between 9:00 p.m. – 7:00 a.m. on Friday, Saturday, Sunday, Holidays, December 24, and December 31.

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

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

ATTESTED: October 22, 2019

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

By: , Deputy

cc: Robert Campbell, Auditor-Controller, Dianne Dinsmore, Human Resources Director, Anna Roth, Director of Health Services



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 22, 2019

Subject: Concord Jet Service, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to amend a sub-sublease with Concord Jet Service Incorporated, in an amount not to exceed \$250,000 to provide aircraft hangar and office space for the period May 1, 2017 through April 30, 2022 to reduce the leased aircraft storage space by 1,302 square feet and reduce rent by \$1,000 per month.

FISCAL IMPACT:

100% General Fund. Budgeted.

BACKGROUND:

On May 9, 2017 the Board of Supervisors approved the execution of a sub-sublease with Concord Jet Services Incorporated to provide aircraft hangar and office space for the period from May 1, 2017 through April 30, 2022. During this time, the Office of the Sheriff required additional office and hangar space to accommodate its specialized law enforcement aviation capabilities to include search and rescue and FAA-certified drone flight operation and instruction. The office and hangar space located at 1450 Sally Ride Drive in Concord currently provides suitable facility for the storage of department aircraft and vital specialized law enforcement training to include

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Sandra Brown,
925-335-1553

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

FAA drone pilot certification courses. This area is the only suitable facility that has been identified to meet the needs of the Office of the Sheriff.

Today's action would amend the sub-sublease to remove 1,302 square feet of unneeded aircraft storage space from the sublease and reduce rent by \$1,000 per month.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve will result in the Office of the Sheriff in pay for excess law enforcement aircraft storage.



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: TERMINATION of County's lease of a portion of real property located at 217 South 11th Street, Richmond and transfer ownership to Rosie the Riveter.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to terminate the lease dated April 13, 2010, between the Rosie the Riveter Trust, as lessor, and the County, as lessee, for a portion of the property located at 217 South 11th Street, Richmond.

DECLARE as surplus the modular building located at 217 South 11th Street, Richmond, having Serial Nos. 170990313, 1700990314, 170990315 and 170990316 (the Modular), and AUTHORIZE the Public Works Director, or designee, to execute a Bill of Sale to transfer ownership of the Modular to the Rosie the Riveter Trust, a nonprofit public benefit corporation, in accordance with Government Code Section 25372.

FISCAL IMPACT:

There is no negative impact to the General Fund. The County pays \$1 per year as rent under the lease that is proposed to be terminated. No County funds were used to acquire the modular building.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jann Edmunds (925)
957-2454

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

By: , Deputy

cc:

BACKGROUND:

In 1995, the County acquired approximately 1.34 acres of real property located at 1014 Florida Avenue and 217 South 11th Street in Richmond (the Property). The Property is the site of the Maritime Child Development Center (Maritime Center), an historic building that was constructed during World War II for use by mothers working at the Kaiser shipyards. The County operated childcare development programs at the Maritime Center until 2004. At that time, the Maritime Center was deemed unsafe and the programs were moved to another location in Richmond.

In 2004, the County leased a portion of the Property to the Richmond Elementary School (RES), a private non-profit corporation for the sole purpose of operating a pre-school and other related social services, educational or administrative activities from a modular building located on the Property. The County owns the modular, which was acquired with funds provided by the Administration for Children and Families, an agency of the Federal Government's Department of Health & Human Services (ACF). Until August 2016, the ACF maintained an interest in the modular.

On April 6, 2010, pursuant to a Board Order, the County donated the Property to the Rosie the Riveter Trust (Rosie the Riveter). At that time, ACF declined to allow the County to donate the modular. As a result, the County leased back that portion of the Property that is the site of the modular under a 20-year lease and subleased the site and the modular to RES. The sublease between the County and RES terminates by its terms on April 30, 2020.

Under the terms of the lease between the County and Rosie the Riveter, (i) Rosie the Riveter is responsible for maintaining the Property, (ii) the County is responsible for maintaining the modular, which is considered to be the personal property of the County, (iii) the County has the right to terminate the lease with 30 days' notice, and (iv) if the County elects to convey the modular to Rosie the Riveter, Rosie the Riveter must accept the conveyance.

In August 2016, in a letter addressed to the County's Community Services Bureau, ACF released its interest in the modular and consented to the modular being donated. With the release of ACF's interest in the modular, there is no reason for the County to continue to own it. Since the County no longer needs to own the modular, the reason for the County's lease of a portion of the Property, and simultaneous sublease to RES, no longer applies. Staff therefore recommends:

- The County terminate the lease between the County and Rosie the Riveter effective April 30, 2020, the same day that the sublease between the County and RES terminates by its terms.
- The County declare the modular to be surplus property and convey it to Rosie the Riveter through a bill of sale effective April 30, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to terminate the lease between the County and Rosie the Riveter and to convey the modular to Rosie the Riveter will result in the County continuing to be responsible for maintaining property that is no longer required for County purposes.

ATTACHMENTS

RTR Bill of Sale

BILL OF SALE

April 30, 2020

The County of Contra Costa, a political subdivision of the State of California (the “**County**”), in conformance with Government Code section 25372, and in furtherance of a grant deed dated April 13, 2010, under which the County transferred real property located at 217 South 11th Street in the City of Richmond, County of Contra Costa, State of California (the “**Property**”), to the Rosie the Riveter Trust, a nonprofit public benefit corporation (“**Rosie the Riveter**”), for use for public purposes that relate directly to child care, education, family counseling, or historic preservation, or the administration of such purposes, does hereby donate, transfer and assign to Rosie the Riveter the following modular building that is located on the Property (the “**Asset**”):

One manufactured modular building having Serial Nos. 170990313, 1700990314, 170990315, 170990316, and related improvements.

The Asset is being transferred from the County to Rosie the Riveter in "AS-IS" condition, and the County makes no warranty, claim or guaranty, or any kind, as to the condition, suitability for any particular use, or any possible uses of the Asset.

COUNTY OF CONTRA COSTA, a
Political subdivision of the State of
California

ROSIE THE RIVETER TRUST
a nonprofit public benefit
corporation

By _____
Brian M. Balbas
Director of Public Works

By _____
Diane M. Hedler
President Board of Directors

RECOMMENDED FOR APPROVAL

By _____
Karen A. Laws
Principal Real Property Agent

By  _____
Jann Edmunds
Associate Real Property Agent

APPROVED AS TO FORM:
Sharon L. Anderson, County Counsel

By: _____
Deputy County Counsel



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Agreement #29-818-2 with Public Health Foundation Enterprises, Inc. (dba Heluna Health)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Grant Agreement #29-818-2, containing mutual indemnification, with Public Health Foundation Enterprises, Inc. (dba Heluna Health), a nonprofit corporation, to pay County an amount not to exceed \$14,875 for participation in the FoodNet Expanded Case Exposure Ascertainment (eCEA) Project, for the period from August 1, 2019 through July 31, 2020.

FISCAL IMPACT:

This Agreement will result in an amount not to exceed \$14,875 in funding. (No County match)

BACKGROUND:

The Health Services Department's Public Health Division receives hundreds of reports of Salmonellosis and Shigellosis cases annually. There are likely many cases that do not get reported because community members do not see their doctor or confirmatory testing is not performed. These infections can result in serious illness and hospitalization across the age spectrum. Administering the expanded case report and the eCEA questionnaire will allow health officials to gathering additional information that could result in enhanced disease prevention and control

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Daniel Peddycord,
925-313-6712

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

By: , Deputy

cc: L Walker, M Wilhelm

BACKGROUND: (CONT'D)

activities.

On January 15, 2019, the Board of Supervisors approved Grant Agreement #29-818-1 with Public Health Foundation Enterprises, Inc. (dba Heluna Health) to receive funds for participation in the eCEA, to study foodborne bacteria, for the period from January 15, 2019 through July 31, 2019.

Approval of Agreement #29-818-2 will allow the County to continue to receive funds to support the eCEA Project, through July 31, 2020. This Agreement includes mutual indemnification.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, The County will not receive funding to provide services for the eCEA Project.

ATTACHMENTS



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Grant Agreement #29-539-9 with the U. S. Department of Veterans Affairs Northern California Health Care System

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute Grant Agreement #29-539-9 (VA #612-18-3-2973-0047) with the U.S. Department of Veterans Affairs Northern California Health Care System (VANCHCS), a Government Agency, to pay the County in an amount of \$133,940.40 for the provision of services and associated operating cost of the Philip Dorn Respite Center through the Central County's Adult Interim Housing Program in Concord, for the period from September 29, 2019 through September 28, 2020.

FISCAL IMPACT:

Approval of this agreement will result in an amount of \$133,940.40 from VANCHCS for the Central County's Adult Interim Housing Program, Philip Dorn Respite Center in Concord for 2019/2020. (No County match)

BACKGROUND:

The Health Services Department seeks continuous funding to provide interim housing, treatment, and other services for homeless veterans that access the County's emergency shelter program. Each year the shelters provide interim housing and support services to over 75 homeless veterans of Contra Costa County.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Lavonna Martin,
925-608-6701

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

By: , Deputy

cc: L Walker, M Wilhelm

BACKGROUND: (CONT'D)

On October 23, 2018, the Board of Supervisors approved Agreement #29-539-8 to receive funding to support emergency shelter housing for homeless veterans of Contra Costa County through September 28, 2019.

Approval of Grant Agreement #29-539-9 will allow the County to receive funds to support the Central County's Adult Interim Housing Program Philip Dorn Respite Center in Concord through September 28, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this Agreement is not approved, the County will not receive funding to support the homeless veterans requiring shelter.



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 22, 2019

Subject: Law Enforcement Services

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with Kensington Police Protection and Community Services District, including modified indemnification language, to pay the County an amount not to exceed \$300,000 to provide law enforcement services for the period October 22, 2019 through April 21, 2020.

FISCAL IMPACT:

100% funded by the Kensington Police Protection District.

BACKGROUND:

The Kensington Police Protection and Community Services District (KPPCSD) has requested assistance from the Sheriff's Office in providing oversight for their police department. The KPPCSD has endured a prolonged vacancy for their chief of police position and desires temporary coverage through the use of a Sheriff's Office Captain to serve as an Interim Chief of Police. The KPPCSD will reimburse the Sheriff's Office for the costs related to this temporary agreement.

CONSEQUENCE OF NEGATIVE ACTION:

The Sheriff's Office will not be authorized to execute the contract.

-
- APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Sandra Brown,
925-335-1553

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

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: October 22, 2019

Subject: California Health Care Advocates Funding

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to accept funding from California Health Care Advocates in an amount not to exceed \$5,500 for the Senior Medicare Patrol Volunteer Liaison for the period September 1, 2019 through May 31, 2020.

FISCAL IMPACT:

County to receive \$5,500 of Federal funding from California Health Care Advocates, with no County match.

BACKGROUND:

California Health Care Advocates will provide funding to Employment and Human Services Health Insurance Counseling and Advocacy Program (HICAP) for a Senior Medicare Patrol (SMP) volunteer liaison who will focus on outreach and education regarding prevention and reporting of Medicare Fraud. The funding will be used to support the SMP liaison activities which may include: data collection, monitoring and reporting customer inquiries; volunteer recruitment, training, retention and support; community education, outreach and training; and, fraud prevention activities.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Elaine Burres
609-4960

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Without funding Senior Medicare Fraud Liaison services would not be provided in County through the Senior Medicare Patrol Volunteer Liaison funding by Health Insurance Counseling and Advocacy Program (HICAP) in County.



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 22, 2019

Subject: Range Use Contract

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute contracts with the Defense Criminal Investigative Service, Western Field Office, San Francisco Resident Agency and the U.S. Department of State, Diplomatic Security Service for use of the Sheriff's Range Facility commencing upon execution of the contract through June 30, 2020.

FISCAL IMPACT:

No net county cost - 100% Participant fees

BACKGROUND:

Local, state, and federal law enforcement officers are required to complete firearms qualifications on a regular basis. The Office of the Sheriff has a firing range and classroom that can be used by other law enforcement agencies for firearms qualifications when not in use by County staff. The recommended contract provides for use of the Sheriff's Range Facilities, including firearms range and classroom, for firearms qualification of this government agency and their employees. The contract includes mutual indemnification language. The contract agency will pay a per day fee for access to the Sheriff's Range Facility.

CONSEQUENCE OF NEGATIVE ACTION:

Negative action on this request would mean a loss of revenue for the County and a valuable loss of services for outside agencies.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Sandra Brown
925-335-1553

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

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #74-433-11 with Michael Levin, M.D.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #74-433-11 with Michael Levin, M.D., an individual, in an amount not to exceed \$285,496, to provide outpatient psychiatric services in Central County Adult Mental Health Clinics, and expert testimony in Lanterman Petris Short (LPS) conservatorship trials, for the period from January 1, 2020 through December 31, 2020.

FISCAL IMPACT:

This Contract is funded 100% by Mental Health Realignment. (No Rate increase)

BACKGROUND:

On December 11, 2018, the Board of Supervisors approved Contract #74-433-10, with Michael Levin, M.D. for the provision of outpatient psychiatric services, including diagnosing, counseling, evaluating, medical and therapeutic treatment, consulting, training to other clinical staff, and expert testimony in LPS conservatorship trials, for the period from January 1, 2019 through December 31, 2019.

Approval of Contract #74-433-11 will allow the Contractor to continue providing outpatient psychiatric services at the Central County Adult Mental Health Clinic including the provision of expert psychiatric testimony in LPS conservatorship trials, through December 31, 2020.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, Ph.D.,
925-957-5212

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

By: , Deputy

cc: E Suisala , M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's clients will not have access to Contractor's outpatient psychiatric, or LPS conservatorship services.



Contra
Costa
County

To: Board of Supervisors
From: Denise Rojas, Interim Risk Manager
Date: October 22, 2019

Subject: Contract Amendment for Tuell & Associates

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Interim Risk Manager to execute a Contract Amendment Agreement with Tuell and Associates, Inc. to increase the payment limit by \$100,000 to a new payment limit of \$600,000 for workers' compensation and risk management staffing services during the term of November 1, 2018 through November 1, 2019.

FISCAL IMPACT:

Additional cost of \$100,000 for workers' compensation claims administration services is funded through the Workers' Compensation Internal Service Fund.

BACKGROUND:

Tuell and Associates, Inc. provides expert temporary staff specializing in claims processing and risk management services. Due to retirements and long term leaves, additional temporary staff is needed to process claims in a timely manner and avoid penalties for delayed payment due to staffing shortages. Tuell and Associates, Inc. has the highly experienced staff needed to fill the vacant positions while we recruit to hire permanent staff.

CONSEQUENCE OF NEGATIVE ACTION:

Risk Management will not be able to efficiently process the County's claims and satisfy current regulations.

-
- APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Denise Rojas (925)
335-1400

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

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 22, 2019

Subject: Allocation of Funds from the Livable Communities Trust to Public Works to Participate in the San Ramon Valley Street Smarts Program, San Ramon

RECOMMENDATION(S):

ALLOCATE \$20,000 from the Livable Communities Trust (District II portion) to the Public Works Department and DIRECT the Public Works Director to execute, on behalf of the County, a Memorandum of Understanding with the City of San Ramon for the County to participate in the San Ramon Valley Street Smarts Program for the period July 1, 2019 through June 30, 2020, as recommended by Supervisor Andersen.

FISCAL IMPACT:

No General Fund impact. This action allocates \$20,000 from the District II portion of the Livable Communities Trust Fund (Fund). The current balance in the District II portion of the Fund is \$1,538,986.91.

BACKGROUND:

The Livable Communities Trust Fund (Fund) is a Special Revenue Mitigation Fund that was established by the Board of Supervisors on November 15, 2005, following the approval of the Camino Tassajara Combined General Plan Amendment Project, also known as the Alamo Creek and Intervening Property residential projects, and was required as a condition of approval. The Fund was established to implement the County's Smart Growth Action Plan. The residential developers pay an \$8,000 per unit fee (excluding

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Kristin Sherk, (925)
674-7887

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

affordable housing portions of the projects) into the Fund. The Department of Conservation and Development administers the Fund.

On December 3, 2013, the Board of Supervisors determined that revenue from the Fund should be spent equally among supervisorial districts. At complete build-out, deposits to the Fund will total \$8,448,000. As of August 7, 2019, the account has collected \$8,136,000 in revenue fees and \$701,225 in accrued interest with \$5,682,076 remaining in uncommitted funds. The approved expenditures to date are attached.

The San Ramon Valley Street Smarts Program ("Street Smarts Program") is a collaborative effort among the County Public Works Department, the City of San Ramon, the Town of Danville, the San Ramon Valley Unified School District, and the San Ramon Valley Fire Protection District to support traffic, bicyclist and pedestrian safety for school children. It supports goal five of the Smart Growth Action Plan to help fund transit and other transportation improvements that foster smart growth principles. The County has participated in this program since 2004 by funding a share of the costs to implement the program. During Fiscal Year 2019/20, the City of San Ramon is administering the program and is requesting that the County fund a total of \$20,000 for program support (\$10,000) and administrative support services (\$10,000).

The Public Works Director, or designee, will execute on behalf of the County, a Memorandum of Understanding (MOU) with the City of San Ramon to pay the City of San Ramon \$20,000 to participate in the Street Smarts Program for the period of July 1, 2019 through June 30, 2020. The MOU is attached in its substantially final form and will be executed in a form approved by County Counsel.

The Street Smarts Program campaign is implemented through the collaborative effort of the Street Smarts Advisory Committee ("Advisory Committee"), which meets periodically to implement program components. The Advisory Committee has adopted several large-scale programs to be implemented. They include the following:

- Street Smarts Media Annual Press Release: An annual press release will be sent out at the beginning of the program year outlining the upcoming Street Smarts Program. The release will encourage members of the media and the public to learn about Street Smarts' traffic safety education activities for the upcoming school year.
- Traffic Safety Assemblies: Street Smarts devised an elementary and middle school assembly designed to teach students the basics of pedestrian and bicycle safety. On-site assemblies educate students about the lessons of traffic safety in a fun and entertaining environment.
- Bike Rodeos/Festival: As a component of Street Smarts' Safe Routes to School Efforts, bike rodeos are an after-school activity that allows elementary school students to practice their cycling and traffic safety skills in a controlled, supervised environment. Bike rodeos include an interactive bicycling course, bike maintenance station and individual helmet check to ensure a proper fit. These activities reinforce street safety concepts.
- Community Outreach Efforts: Street Smarts staff attends over two dozen community events as part of its outreach efforts. At the events, Street Smarts representatives staff an informational booth with traffic safety educational program materials and activities for children and teen drivers.

The Street Smarts Program advances traffic, bicyclist, and pedestrian safety within the San Ramon

Valley. For these reasons, Supervisor Andersen recommends that the Board of Supervisors approve continuing participation in the program during Fiscal Year 2019/20, and allocating an award of \$20,000 for program support and administrative services.

CONSEQUENCE OF NEGATIVE ACTION:

Contra Costa County will no longer be a participant in the Street Smarts Program.

CHILDREN'S IMPACT STATEMENT:

The Street Smarts Program supports Outcome 5: Communities are Safe and Provide a High Quality of Life for Children and Families.

ATTACHMENTS

LCT Project List

2019/20 Street Smarts MOU

**Livable Communities Trust Funds
Project Expenditure List**

Number	Board Date	Project	District I	District II	District III	District IV	District V	Total Expenditures	Remaining Balance
2013-01	10/22/2013	Northern Waterfront	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000.00	\$ -
2016-01	6/14/2016	Heritage Point	\$ 1,432,830	\$ -	\$ -	\$ -	\$ -	\$ 57,599.72	\$ 1,375,230.28
2016-02	12/20/2016	Marsh Creek Trail	\$ -	\$ -	\$ 250,000	\$ -	\$ -	\$ 250,000.00	\$ -
2016-03	12/20/2016	Agriculture Policy Study	\$ -	\$ -	\$ 150,000	\$ -	\$ -	\$ 150,000.00	\$ -
2017-01	3/7/2017	Agra Tech Solar Light Greenhouse	\$ -	\$ -	\$ -	\$ 25,000	\$ 25,000	\$ 50,000.00	\$ -
2017-02	3/14/2017	Rides for Veterans (Mobility Matters)	\$ -	\$ 33,458	\$ -	\$ 50,187	\$ -	\$ 83,645.00	\$ -
2017-03	9/19/2017	Garden Park Apartments	\$ -	\$ -	\$ -	\$ 125,000	\$ -	\$ 125,000.00	\$ -
2018-01	1/16/2018	SRV Street Smarts - 2018	\$ -	\$ 20,000	\$ -	\$ -	\$ -	\$ 20,000.00	\$ -
2018-02	2/27/2018	Contra Costa Housing Security Fund	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ 10,000.00	\$ -
2018-03	3/27/2018	Newell Avenue Pathway	\$ -	\$ 75,000	\$ -	\$ -	\$ -	\$ 75,000.00	\$ -
2018-04	3/27/2018	Tri Valley Rising Report	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ 10,000.00	\$ -
2018-05	6/12/2018	RYSE Acquisition - Phase 1	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ 25,000.00	\$ -
2018-06	12/4/2018	SRV Street Smarts - 2019	\$ -	\$ 20,000	\$ -	\$ -	\$ -	\$ 20,000.00	\$ -
2018-07	12/18/2018	Choice in Aging	\$ -	\$ -	\$ -	\$ 40,000	\$ -	\$ 13,200.00	\$ 26,800.00
2019-01	1/15/2019	Friends of the El Sobrante Library	\$ 140,000	\$ -	\$ -	\$ -	\$ -	\$ 140,000.00	\$ -
2019-02	3/26/2019	RYSE Acquisition - Phase 2	\$ 42,500	\$ -	\$ -	\$ -	\$ -	\$ 42,500.00	\$ -
2019-03	3/26/2019	RYSE Center Capital Expansion Project	\$ 51,174	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,174.00
2019-04	6/18/2019	2040 Tri Valley Vision Plan Investment	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ 10,000.00
2019-05	7/30/2019	Bay Point Resident Deputy Program	\$ -	\$ -	\$ -	\$ -	\$ 200,000	\$ 200,000.00	\$ -
2019-06	7/30/2019	PWD - Beautification Bay Point	\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000.00	\$ -
2019-07	7/30/2019	District V Code Enforcement	\$ -	\$ -	\$ -	\$ -	\$ 100,000	\$ 100,000.00	\$ -
2019-08	10/8/2019	SRV Street Smarts - 2020	\$ -	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ 20,000.00
			\$ 1,741,504	\$ 248,458	\$ 450,000	\$ 290,187	\$ 425,000	\$ 1,671,944.72	\$ 1,463,204.28



CITY OF SAN RAMON

2401 CROW CANYON ROAD
SAN RAMON, CALIFORNIA 94583
WEB SITE: WWW.SANRAMON.CA.GOV

August 12, 2019

Brian Balbas
Public Works Director
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94553

RE: Memorandum of Understanding – 2019/2020 Street Smarts Program
Program Development and Administration Staffing Services

Dear Mr. Balbas:

The City of San Ramon (“City”) is pleased to continue to partner with Contra Costa County (“County”) in the implementation of programs, such as the Street Smarts Program, that are of importance to the San Ramon Valley and on issues, which do not recognize political boundaries.

This Memorandum of Understanding (MOU) outlines the apportionment of duties and responsibilities between the City and County regarding the provisions of the Street Smarts Program development, materials, and administrative staffing services for the 2019/2020 Program Year.

1. Program Background

The Street Smarts Program is a traffic safety public education campaign that is implemented valley-wide through the collaborative efforts of the City of San Ramon, Town of Danville, Contra Costa County, San Ramon Valley Unified School District, and the San Ramon Valley Fire Protection District.

The Program is funded and directed by the five primary public agencies listed above with additional funds provided by private sponsors, including the San Ramon Valley Council of PTAs. The federal Safe Routes to School Program will fund significant components of the Street Smarts efforts during the 2019/2020 Program Year. On an annual basis, each of the five public agencies appropriate funds for Program development, materials, and administrative costs.

This MOU outlines the provisions of Program development, materials, and Program administrative services to the County, by the City, for the 2019/2020 Program Year.

2. Responsibilities of the City and the County

A. The City shall:

- a. Program staffing services within unincorporated Contra Costa County (in the geographic area known as the San Ramon Valley and as defined by the San Ramon Valley Unified School District) as outlined in the Street Smarts Program 2019/2020 Work Plan (Attachment A) and 2019/2020 Financial Plan (Attachment B).
- b. Continue to participate in the Street Smarts Advisory Committee and contribute staff time towards the ongoing implementation of the Program.

B. The County shall:

- a. Contribute Ten Thousand Dollars (\$10,000.00) in funds to the City of San Ramon for its share of the Program's administrative staffing costs outlined in Attachments A and B for the 2019/2020 Program Year.
- b. Contribute Ten Thousand Dollars (\$10,000.00) in funds to the City of San Ramon for its share of the Program's general support costs for the 2019/2020 Program Year.
- c. Continue to participate in the Street Smarts Program Advisory Committee and contribute staff time towards the ongoing implementation of the Program during the 2019/2020 Program Year.

3. Unsanctioned Programs

A public agency partner may choose to conduct programs or activities within their jurisdiction using the Street Smarts brand. These are known as Unsanctioned Programs and are individual agencies' efforts to promote Traffic Safety Education or enhance the Street Smarts brand beyond those identified in the 2019/2020 Work Plan.

Examples of Unsanctioned Programs include the Town of Danville's efforts to include the Street Smarts logo on Traffic Safety Education pamphlets at schools or the City of San Ramon's Safe Routes to School My Beat / My School Officer Program.

All financial and human resources used to implement Unsanctioned Programs must be borne by the sponsoring agency. The Valley-wide Street Smarts Program budget and other resources shall not be used.

4. Modifications

The Program Work Plan may be augmented at any time during the Program year, subject to the review and agreement of both parties. All Work Plan modifications shall be documented in writing and shall be executed with an amended MOU.

5. Termination

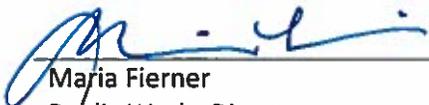
This MOU is in effect beginning July 1, 2019 and ending June 30, 2020.

6. Renewal

This MOU may be renewed beyond this Program Year, subject to the review and agreement of both parties. All MOU renewals shall be documented in writing and shall be executed with an amended MOU.

If you agree to the terms and conditions above, please execute this MOU on both originals to indicate your acceptance and return one original for our files.

We look forward to continuing our collaboration on programs of regional significance. Please do not hesitate to contact Lisa Bobadilla, Division Manager, at (925) 973-2651 if you have any questions.


_____ X
Maria Fierner
Public Works Director
City of San Ramon

_____ X
Brian Balbas
Public Works Director
Contra Costa County

Date: 8/16/19

Date: _____



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Approve and Authorize Amendment No. 3 to Consulting Services Agreement with Kitchell/CEM Inc. to provide On-Call Project Management Services

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Kitchell/CEM, Inc., to extend the term from December 31, 2019 to December 31, 2020, with no change to the payment limit of \$1,400,000, to provide On-Call Project Management Consulting Services for various facilities projects, Countywide. (100% Various Funds)

FISCAL IMPACT:

100% Various Funds

BACKGROUND:

The Public Works Department is involved in various projects in the County, which require project management services for capital improvement projects. The consultant has been augmenting Public Works staff on an as-needed basis or when in-house expertise is not available.

On June 16, 2015, the Board of Supervisors approved an On-Call Consulting Services Agreement with Kitchell/CEM in the amount of \$250,000.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Ramesh Kanzaria
925-957-2480

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

On February 9, 2016 the Board of Supervisors approved Amendment No. 1 to increase the payment limit from \$250,000 to a new payment limit of \$500,000.

On December 6, 2016, the Board of Supervisors approved Amendment No. 2 to increase the payment limit from \$500,000 to a new payment limit of \$1,400,000, and to extend the termination date to December 31, 2019.

Amendment No. 3 is necessary to provide architectural services associated with the completion of ongoing projects. The Amendment provides that the Consultant will only perform services on projects it is currently working on.

CONSEQUENCE OF NEGATIVE ACTION:

If Amendment No. 2 is not approved, projects currently in process will be delayed, which will ultimately result in higher project costs.



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Novation Interagency Agreement #74-191-15 with West Contra Costa Unified School District

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Novation Interagency Agreement #74-191-15 with West Contra Costa Unified School District, a government agency, in an amount not to exceed \$631,910, to provide wraparound services to Severely Emotionally Disturbed (SED) children, for the period from July 1, 2019 through June 30, 2020, which includes a six-month automatic extension through December 31, 2020, in an amount not to exceed \$313,455.

FISCAL IMPACT:

This Agreement is funded by 50% Federal Medi-Cal, 49% Mental Health Realignment and 1% West Contra Costa Unified School District. (Rate increase)

BACKGROUND:

This Agreement meets the social needs of County's population by providing child-family team facilitators and other wraparound services to families of SED children; facilitates multi-agency collaborative service delivery; and minimizes the need for crisis services and involvement with the Juvenile Justice System.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, PhD.,
925-957-5212

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

By: , Deputy

cc: F Carroll, M Wilhelm

BACKGROUND: (CONT'D)

On December 18, 2018, the Board of Supervisors approved Novation Contract #74-191-14 with West Contra Costa Unified School District, for the period from July 1, 2018 through June 30, 2019, which included a six-month automatic extension through December 31, 2019, for the provision of wraparound services to SED children. Approval of Novation Interagency Agreement #74-191-15 replaces the automatic extension under the prior Agreement and allows the Contractor to continue providing services through June 30, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this Agreement is not approved, there will be fewer wraparound services available to families of children with serious emotional and behavioral disturbances in West Contra Costa County, which may result in the need for crisis services and involvement with the juvenile justice system.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #72-134 with Tranquility, Incorporated (dba San Miguel Villa)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #72-134 with Tranquility, Incorporated (dba San Miguel Villa), a corporation, in an amount not to exceed \$900,000, to provide skilled nursing facility services to Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Center patients, for the period October 1, 2019 through September 30, 2020.

FISCAL IMPACT:

This Contract is funded 100% by Whole Person Care Funds.

BACKGROUND:

To reduce cost incurred due to inappropriate hospitalization, this Contract will allow patients who do not require hospital care but are unable to transition directly back into the community, to receive wrap around case management and rehabilitation services.

Under Contract #72-134, Contractor will provide skilled nursing facility services to CCRMC and Contra Costa Health Center patients for the period October 1, 2019 through September 30, 2020.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Dan Peddycord,
925-313-6712

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

By: , Deputy

cc: L Walker, M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients will not have access to Contractor's services and therefore may be re-hospitalized unnecessarily.



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: APPROVE and AUTHORIZE Amendment No. 2 with Interactive Resources, Inc. for On-Call Architectural Services

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Interactive Resources, Inc., effective October 13, 2019, to extend the term from October 19, 2019 to December 31, 2020, with no change to the payment limit, to provide On-Call Architectural Services for various facilities projects, Countywide.

FISCAL IMPACT:

100% Various Funds

BACKGROUND:

On October 13, 2015, the Board of Supervisors approved an on-call Consulting Services Agreement with Interactive Resources, Inc. in an amount of \$500,000. Interactive Resources, Inc. is under contract to provide on-call architectural services for various on going projects.

On February 14, 2017, the Board of Supervisors approved an on-call Consulting Services Agreement with Interactive Resources, Inc., to increase the payment limit by \$400,000 to a new payment limit of \$900,000, and to extend the term to October 13, 2019 with a one-year extension option, for as -needed architectural services, Countywide.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Ramesh Kanzaria
925-957-2480

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

The Contract limit of \$900,000 has nearly been reached. Amendment No. 2 is necessary to provide architectural services and the additional costs associated with the completion of ongoing projects and potentially new small project(s).

Interactive Resources, Inc. is familiar with these active projects, and the design and construction of typical building type of County facilities; therefore, it is recommended that the contract amendment be awarded.

Additional fees will be used for the existing and additional projects which include remodels, tenant improvements, additions, modernization, mechanical, electrical, and plumbing upgrades, and code-related improvements. Projects may also include investigations, studies, and reports. Some of the anticipated projects include those identified in the County's facilities life-cycle improvement program ("FLIP") under the recent budget allocation for capital projects and deferred maintenance. Having this on-call agreement in place will allow the design phase to commence sooner and provide for a shorter project completion schedule.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, projects currently in process will be delayed, which will ultimately result in higher project costs.



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 22, 2019

Subject: Contract Amendment with FCS International Incorporated to Continue Work on the EIR for the Del Hombre Apartment Project in the Walnut Creek Area

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract amendment with FCS International, Inc. (dba FirstCarbon Solutions/Michael Brandman Associates), to increase the payment limit by \$42,677 to a new payment limit of \$299,119, with no change to the original term of October 1, 2018 through September 30, 2020, to complete the environmental study of the proposed 284-unit Del Hombre apartment complex in the Walnut Creek area.

FISCAL IMPACT:

No impact to the General Fund. The cost for preparing the EIR is paid by the project applicant.

BACKGROUND:

The Department of Conservation and Development (DCD) received an application from 3000 Del Hombre Holdings, LLC requesting approval of a General Plan Amendment, Rezoning, Minor Subdivision, and Development Plan for a proposed 284-unit apartment project in the Walnut Creek area to be known as the Del Hombre Apartments. Based on the scope and scale of the project, the Department determined that an Environmental Impact Report should be prepared in order to evaluate the potential environmental impacts of the project. The County awarded a contract to FCS (Contract #46393), who is currently in the process of preparing the document. Due to additional review and updates to the biological resources and transportation sections, and updates to exhibits, including the site plan, additional work and additional funds will be

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jennifer Cruz, (925)
674-7790

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

required in order to complete the EIR. The increased expenditure limit of \$42,677 is needed to complete the remaining tasks for the environmental review.

CONSEQUENCE OF NEGATIVE ACTION:

If the contract amendment is not approved, DCD will be unable to complete the environmental review for the pending land development application.



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Approve and Authorize an Amendment No. 1 with Fennie + Mehl Architects, for Architectural Services, Martinez area. (WH221AB)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Fennie + Mehl Architects, effective October 17, 2019, to increase the payment limit by \$20,000 to a new payment limit of \$300,000 and to extend the term from October 17, 2019 to October 17, 2021, to provide architectural services for the remodel of Suite 200 for the County Administrator’s Office, Contra Costa Television (CCTV), 10 Douglas Drive, Suite 200, Martinez.

FISCAL IMPACT:

100% Public Education and Government Cable Access Funds. (Project WH221A/B)

BACKGROUND:

On October 17, 2017, the Board of Supervisors approved a Consulting Services Agreement with Fennie + Mehl Architects in the amount of \$280,000.

Amendment No. 1 is necessary to provide architectural services and additional costs associated with the completion of this project that is anticipated to be completed in early 2021.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Ramesh Kanzaria
925-957-2480

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Fennie + Mehl Architects and the specialized engineering consultants assembled for the CCTV Project have the design and technical experience that is appropriate to the scale and scope of this Project.

CONSEQUENCE OF NEGATIVE ACTION:

If this Amendment No. 1 is not approved the project will be delayed, which will ultimately result in higher project costs.



Contra
Costa
County

To: Board of Supervisors
From: Joseph E. Canciamilla, Clerk-Recorder
Date: October 22, 2019

Subject: Purchase of Relia-Vote Mail Ballot Envelope Sorter

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Clerk-Recorder, or designee, to execute a contract with DMT Solutions Global Corporation (dba Bluecrest) in an amount not to exceed \$461,300 for the purchase, licensing, and maintenance of the Relia-Vote Vantage System mail election ballot sorter, to capture the signatures on the return identification envelopes and then sort the ballots in preparation for tabulation, effective October 3, 2019.

FISCAL IMPACT:

This purchase is fully funded by Elections Capital Replacement funds, which are collected for the specific purpose of purchasing and/or replacing voting and election equipment. Annual licensing and maintenance is \$46,788 and is included in General Fund current and future budgets. The division conducted a cost comparison of other machines performing the same functions and the Relia-Vote system was the most cost effective product.

BACKGROUND:

The Relia-Vote Vantage System is necessary to provide for accurate and timely processing of vote-by-mail ballots, as required by law and Uniform Vote Counting Procedures. This system captures the signatures on the return identification envelopes and then sorts the ballots in preparation for tabulation.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019**
 APPROVED AS RECOMMENDED
 OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Scott O. Konopasek,
925-335-7808

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

The current volume of mail ballots has more than quadrupled since 2006 and now exceeds the current sorter's capability of 20,000 envelopes per hour. The new sorter is rated at 45,000 envelopes per hour and is expected to meet the department's needs for the next five years, by which time we anticipate converting to an all-mail ballot voting model.

During each major election, the division will receive, capture the signature and sort more than 400,000 ballot envelopes. The department does not have the staff or time resources to complete these processes manually.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to increase mail ballot envelope scanning and sorting capability will delay the processing of mail ballots and delay election results as the number of mail ballots continues to rise. Continuing to use the existing obsolete piece of equipment could leave the election process open to system failure.



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #26-875-29 with Paul H. Kwok, M.D.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of County Contract #26-875-29 with Paul H. Kwok, M.D., an individual, in an amount not to exceed \$1,347,000, to provide anesthesia services for patients at Contra Costa Regional Medical Center (CCRMC) and Health Centers patients, for the period October 1, 2019 through September 30, 2022.

FISCAL IMPACT:

This Contract is funded 100% by Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On September 13, 2016, the Board of Supervisors approved Contract #26-875-27 (as amended by Contract Amendment Agreement #26-875-28) with Paul H. Kwok, M.D., for the provision of anesthesia services, including, but not limited to clinical coverage, consultation, training, on-call and surgical procedures, for patients at CCRMC for the period from October 1, 2016 through September 30, 2019.

Approval of Contract #26-875-29 will allow Contractor to continue providing anesthesia services at CCRMC, through September 30, 2022.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Samir Shah, M.D.,
925-370-5525

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

By: , Deputy

cc: A Floyd , M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring anesthesia services at CCRMC will not have access to Contractor's services.



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #26-968-17 with Thomas N. Paige, M.D.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #26-968-17 with Thomas N. Paige, M.D., an individual, in an amount not to exceed \$390,000, to provide dermatology services at Contra Costa Regional Medical Center (CCRMC) and Health Centers, for the period from October 1, 2019 through September 30, 2022.

FISCAL IMPACT:

This Contract is funded 100% by Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On September 13, 2016, the Board of Supervisors approved Contract #26-968-16 with Thomas N. Paige, M.D, to provide dermatology services at CCRMC and Contra Costa Health Centers, for the period from October 1, 2016 through September 30, 2019.

Approval of Contract #26-968-17 will allow Contractor to continue to provide dermatology services at CCRMC and Contra Costa Health Centers through September 30, 2022.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring dermatology services will not have access to Contractor's services.

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- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Samir Shah, M.D.,
925-370-5525

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

By: , Deputy

cc: A Floyd , M Wilhelm



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #24-704-7 with Kimberly Loda, M.D.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #24-704-7 with Kimberly Loda, M.D., an individual, in an amount not to exceed \$262,080, to provide outpatient psychiatric care services to adults in West County, for the period from October 1, 2019 through September 30, 2020.

FISCAL IMPACT:

This Contract is funded 100% by Mental Health Realignment Funds. (No rate increase)

BACKGROUND:

On October 9, 2018, the Board of Supervisors approved Contract #24-704-6 with Kimberly Loda, M.D., for the provision of outpatient psychiatric care services including diagnosing, counseling, evaluation, and providing medical and therapeutic treatment to adults in West County for the period from October 1, 2018 through September 30, 2019.

Approval of Contract #24-704-7 will allow the Contractor to continue to provide outpatient psychiatric care services to adults in West County, through September 30, 2020.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, Ph.D,
925-957-5212

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

By: , Deputy

cc: E SUISALA , M. WILHELM

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's clients will not have access to Contractor's psychiatric care services.



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #74-419-12 with William Berlingieri, M.D.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #74-419-12 with William Berlingieri, M.D., an individual, in an amount not to exceed \$391,680, to provide outpatient psychiatric services in West County Costa County, for the period from January 1, 2020 through December 31, 2020.

FISCAL IMPACT:

This Contract is funded 100% by Mental Health Services Act. (No Rate increase)

BACKGROUND:

On January 15, 2019, the Board of Supervisors approved Contract #74-419-11 with William Berlingieri, M.D., for the provision of outpatient psychiatric services, including diagnosing, counseling, evaluating, medical and therapeutic treatment, consulting, training to other clinical staff, and expert testimony in LPS conservatorship trials, for the period from January 1, 2019 through December 31, 2019.

Approval of Contract #74-419-12 will allow the Contractor to continue providing outpatient psychiatric services in West County Costa County, through December 31, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's clients will not have access to Contractor's outpatient psychiatric services.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, Ph.D.,
925-957-5212

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

By: , Deputy

cc: A Floyd, M Wilhelm



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #24-086-145(17) with Crestwood Behavioral Health, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #24-086-145(17), containing mutual indemnification, with Crestwood Behavioral Health, Inc., a corporation, in an amount not to exceed \$95,000 to provide emergency residential care placement services to mentally ill adults for the period January 1, 2020 through December 31, 2020.

FISCAL IMPACT:

This Contract is funded 100% Mental Health Realignment. (No rate increase)

BACKGROUND:

On December 11, 2018, the Board of Supervisors approved Contract #24-086-145(15), as amended by Contract Amendment Agreement #24-086-145(16), with Crestwood Behavioral Health, Inc., to provide emergency residential care placement services for the period from January 1, 2019 through December 31, 2019.

Approval of Contract #24-086-145(17) will allow the Contractor to continue to provide emergency residential care placement services through December 31, 2020. This contract includes mutual indemnification.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, Ph.D.,
925-957-5201

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

By: , Deputy

cc: A Floyd, M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, there will be fewer emergency residential facilities to provide services to Supplemental Security Income eligible clients in the Continuing Care Program.



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Novation Contract #74-375-10 with Rainbow Community Center of Contra Costa County

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Novation Contract #74-375-10 with Rainbow Community Center of Contra Costa County, a non-profit corporation, in an amount not to exceed \$782,141, to provide Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) services to members of the Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) community, for the period from July 1, 2019 through June 30, 2020. This Contract includes a six-month automatic extension through December 31, 2020, in an amount not to exceed \$391,070.

FISCAL IMPACT:

This Contract is funded 100% Mental Health Services Act. (Rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing a community-based social support program designed to decrease isolation, depression and suicidal ideation among members of the LGBTQ community residing in Contra Costa County.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, Ph.D.,
925-957-5212

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

By: , Deputy

cc: L Walker, M Wilhelm

BACKGROUND: (CONT'D)

On October 23, 2018, the Board of Supervisors approved Novation Contract #74-375-9 with Rainbow Community Center of Contra Costa County, for the period from July 1, 2018 through June 30, 2019, which included a six-month automatic extension through December 31, 2019, for the provision of MHSA PEI services.

Approval of Novation Contract #74-375-10 replaces the automatic extension under the prior Contract, and allows Contractor to continue providing services through June 30, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, Contractor will not provide outreach and community engagement events, support groups, in-services, and counseling to the LGBTQ community and their families.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #26-752-5 with Denis Mahar, M.D.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of County Contract #26-752-5 with Denis Mahar, M.D., an individual, in an amount not to exceed \$1,912,000, to provide cardiology services at Contra Costa Regional Medical Center (CCRMC) and Health Centers, for the period October 1, 2019 through September 30, 2022.

FISCAL IMPACT:

This Contract is funded 100% by Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On October 18, 2016, the Board of Supervisors approved Contract #26-752-3 (as amended by Amendment Agreement #26-752-4) with Denis Mahar, M.D, to provide cardiology services at CCRMC for the period from October 1, 2016 through September 30, 2019.

Approval of Contract #26-752-5 will allow the Contractor to continue providing cardiology services through September 30, 2022.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County’s patients will not have access to Contractor services.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Samir Shah, M.D.,
925-370-5525

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

By: , Deputy

cc: A Floyd , M Wilhelm



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Contract Amendment with the Contra Costa County Resource Conservation District, Countywide. Project No. 7517-WO7078

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with the Contra Costa County Resource Conservation District, to increase the payment limit by \$200,000 to a new payment limit of \$350,000 and to extend the term from September 19, 2019 to September 20, 2020, to provide watershed coordination and outreach services, Countywide.

FISCAL IMPACT:

This project is funded 100% Stormwater Utility Assessment Funds.

BACKGROUND:

Agency will provide on-call technical and support services related to education, outreach, and other activities required by the current and reissued NPDES (National Pollutant Discharge Elimination System) stormwater permit issued by the San Francisco Bay Region of the California Regional Water Quality Control Board.

CONSEQUENCE OF NEGATIVE ACTION:

Without the approval of this contract by the Board of Supervisors, Contra Costa County will be out of compliance with its stormwater permit from the Regional Water Quality Control Board.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Melinda Harris, (925) 313-2037

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

By: , Deputy

cc: Tim Jensen, Flood Control, Michele Mancuso, County Watershed Program, Beth Balita, Finance, Melinda Harris, County Watershed Program, Catherine Windham, Flood Control



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Trash and Abandoned Waste Cleanup and Services Contract with Debris-Tech (dba Rapid Recycle). Project No. 7517-WO7078

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract with Debris-Tech, Inc. (dba Rapid Recycle), in an amount not to exceed \$1,975,100, to provide on-call assistance with trash and abandoned waste cleanup and removal for the Contra Costa County Watershed Program (CWP), for the period October 15, 2019 through September 30, 2022, Countywide.

FISCAL IMPACT:

This project is funded 100% Stormwater Utility Assessment Funds.

BACKGROUND:

The CWP requires as-needed assistance with trash and abandoned waste cleanup and related removal activities in order to remain in compliance with Contra Costa County's stormwater NPDES (National Pollutant Discharge Elimination System) permit from the California Regional Water Quality Control Board.

CONSEQUENCE OF NEGATIVE ACTION:

Without the approval of this contract by the Board of Supervisors, Contra Costa County will be out of compliance with its stormwater permits from the Regional Water Quality Control Board.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Melinda Harris, (925) 313-2037

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

By: , Deputy

cc: Tim Jensen, Flood Control, Michele Mancuso, County Watershed Program, Melinda Harris, County Watershed Program, Catherine Windham, Flood Control



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 22, 2019

Subject: Substantial Amendment to the FY 2019/20 Community Development Block Grant - Housing

RECOMMENDATION(S):

APPROVE a Substantial Amendment to the County's FY 2019/20 Community Development Block Grant (CDBG) Action Plan to award a total of \$2,771,523 in CDBG funds two affordable multifamily residential rental projects, as recommended by the Affordable Housing Finance Committee:

- 1) Acquisition and rehabilitation of Coggins Square Apartments, an 87-unit development in the unincorporated area of the County adjacent to the Contra Costa Centre BART Station in the amount of \$2,370,000; and
- 2) Replacement and modernization of elevators in Nevin Plaza, a 142-unit Richmond Housing Authority property serving the elderly and disabled in the amount of \$401,523.

FISCAL IMPACT:

There is no fiscal impact to the County General Fund. Community Development Block Grant (CDBG) funds are federal funds provided to the County on a formula allocation basis through the U.S. Department of Housing and Urban Development.

Catalog of Federal Domestic Assistance #14.218

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Kristen Lackey (925)
674-7888

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

By: , Deputy

cc:

BACKGROUND:

Annually, the County receives an allocation of Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD). A condition of administering a CDBG program is ensuring the timely use of funds. In May of each year, HUD compares our line of credit (unexpended CDBG plus any program income received) to 1.5 times our annual allocation. If our line of credit is above the 1.5 test, then HUD can reduce our following year's allocation.

Due to a lack of timely viable applications for FY 2019/20 and receipt of over \$2 million in program income during FY 2018/19, the County has \$2,771,523 in CDBG funds to be allocated. These funds need to be expended over \$4 million by May 2020 in order to meet the 1.5 test.

On June 21, 2019, a Special Request for Proposals was publicly issued with applications due by July 22, 2019. Three housing applications were received. One of the applications will be considered with the FY 2020/21 CDBG allocations, and the other two applications were presented to the Affordable Housing Finance Committee at its October 4, 2019 meeting. Below is a summary of the projects and the committee's recommended allocations:

Coggins Square Apartments Acquisition and Rehabilitation Project

Coggins Square Apartments is an 87-unit multifamily residential rental development built 18 years ago by a limited partnership comprised of BRIDGE Housing and a tax credit investor. With the assistance of CDBG, HOME, Redevelopment Agency funds, and private activity bonds, the transit oriented project included 100% affordable units with deep affordability levels and large 3-bedroom units suitable for families. The building is in need of substantial rehabilitation such as water damage remediation, a new roof, repainting and upgrading the units and interior community spaces. An application for multifamily housing revenue bond authority will be submitted to the State on October 11, 2019, for an allocation on December 11, 2019. The County will serve as the conduit bond issuer, for which the Board of Supervisors has already approved two resolutions. The project financing is expected to close in March, 2020. The project meets County and HUD eligibility requirements.

Recommended CDBG allocation: \$2,370,000

Nevin Plaza Elevator Replacement and Modernization

Nevin Plaza is a 142-unit, 7-story multifamily residential rental development built by the Richmond Housing Authority (RHA) in 1986. All of the units in the building are affordable with a specific reservation for elderly or disabled heads of household. One of the elevators has been nonfunctional for several months while the remaining elevator is outdated and unreliable. The total cost of the project would drain the RHA's capital budget and leave them unable to bring vacant units up to a rentable standard, thus continuing their inability to cover operating costs. The RHA issued an RFP for a developer to undertake a major refinance, rehabilitation and construction of a new adjacent building, but that development will not occur for another year or two. This project is an urgent need and meets County and HUD eligibility requirements.

Recommended CDBG allocation: \$401,523

CONSEQUENCE OF NEGATIVE ACTION:

Not approving the allocation of CDBG funds would prevent the projects from proceeding and risk a reduction in future CDBG allocations.

CHILDREN'S IMPACT STATEMENT:

The recommendation supports one or more of the following children's outcomes:

- (1) Children Ready for and Succeeding in School;
- (2) Children and Youth Healthy and Preparing for Productive Adulthood;
- (3) Families that are Economically Self Sufficient;
- (4) Families that are Safe, Stable and Nurturing; and
- (5) Communities that are Safe and Provide a High Quality of Life for Children and Families.



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #26-378-11 with Concord Yellow Cab, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Service Director, or designee, to execute on behalf of the County Contract #26-378-11 with Concord Yellow Cab, Inc., a corporation, in an amount not to exceed \$240,000, to provide non-emergency taxicab transportation services for Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Center patients, for the period July 1, 2019 through June 30, 2020.

FISCAL IMPACT:

This Contract funded 100% by Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On July 24, 2018, the Board of Supervisors approved Contract #26-378-10 with Concord Yellow Cab, Inc., to provide taxicab transportation of patients unable to transport themselves to medical appointment due to medical conditions, including physical disabilities which make it unsafe for patients to travel on public transportation, patients who have a verifiable seizure disorder, or patients who have received medication which has or could, impair the mobility for the period July 1, 2018 through June 30, 2019.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jaspreet Benepal,
925-370-5101

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

By: , Deputy

cc: A Floyd, M Wilhelm

BACKGROUND: (CONT'D)

Approval of Contract #26-378-11 will allow the Contractor to provide taxicab transportation services to patients to and from CCRMC and Health Centers through June 30, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring non-emergency taxicab transportation services will not receive services from the Contractor.



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Purchase Order with Sysco San Francisco, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a Purchase Order with Sysco San Francisco, Inc., in an amount not to exceed \$500,000 for the purchase of food, paper products, and kitchen supplies, such as food storage units, serving utensils, serving pans, anti-fatigue mats, and other food service production items for the Contra Costa Regional Medical Center (CCRMC), for the period from November 1, 2019 through October 31, 2020.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I budget.

BACKGROUND:

Food and paper products are essential to providing nutritious meals to CCRMC patients, staff, and visitors. Sysco San Francisco, Inc. has one of the largest selections of products to be able to meet the demands of the CCRMC with the necessary options.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, then the CCRMC will have to obtain the necessary products from different vendors, creating inefficiencies in ordering, inventory, and quality.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jaspreet Benepal,
925-370-5501

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

By: , Deputy

cc: Margaret Harris, Marcy Wilhelm



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Purchase Order with Boston Scientific Corporation

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a Purchase Order with Boston Scientific Corporation, in an amount not to exceed \$800,000 for the purchase of specialty medical supplies and equipment for the Contra Costa Regional Medical Center (CCRMC), for the period from January 1, 2020 through December 31, 2021.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I budget.

BACKGROUND:

Boston Scientific Corporation manufactures and distributes specialty medical and surgical supplies such as angiographic and guiding catheters, diagnostic and interventional wires, peripheral balloons, and stents, which are used to treat various urological, pelvic, and gastrointestinal disorders.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, CCRMC will be unable to treat patients with these certain conditions.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jaspreet Benepal,
925-370-5101

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

By: , Deputy

cc: Margaret Harris, Marcy Wilhelm



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #23-513-4 with Optum360 Solutions, LLC

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute Contract #23-513-4 with Optum360 Solutions, LLC (formerly known as Optum360, LLC and OptumInsight, Inc.), and a Master Services License Agreement (MSLA) and Product Schedule, in an amount not to exceed \$139,021 for licensed software and support for the period January 31, 2020 through January 30, 2025.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I Budget.

BACKGROUND:

The Board of Supervisors previously authorized Health Services (on July 9, 2019 (C.120), to enter into an agreement for a five-year term with Optum360 Solutions, LLC for software licenses, but since that time the term in the contract has changed from January 31, 2019 through January 30, 2024, to the new term of January 31, 2020 through January 30, 2025, and the payment limit has increased by \$10,498 to \$139,021.

Health Services Department Information Systems requires licenses for Correct Coding Initiatives (CCI) and Local Code Directives (LCD) for the hospital and billing offices which interfaces with the EPIC platform. Optum360 Solutions, LLC has been a long-term vendor for CCRMC, and provides the software licenses and support for CCI and LCD compliance. These products are vital to assuring

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Patrick Wilson,
925-335-8700

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

By: , Deputy

cc: Marcy Wilhelm

BACKGROUND: (CONT'D)

appropriate and compliant coding of hospital claims is submitted to The Centers for Medicare and Medicaid Services (CMS).

Approval will allow the contractor to provide services through January 30, 2025. The MSLA requires the County to indemnify Optum360 Solutions, LLC for third party claims arising out of the County's direction for Contractor to deliver customer data, County's use of the software after the service term, County's breach of the Agreement, and to indemnify the American Dental Association (ADA) for claims and damages arising from the County's use of the ADA's codes or any documentation from the ADA.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, the Department will not be able to maintain licensing of billing technologies required to be compliant with CMS, and the Epic medical records platform standards.



**Contra
Costa
County**

To: Board of Supervisors
From: Marc Shorr, Chief Information Officer
Date: October 22, 2019

Subject: APPROVE and AUTHORIZE the Chief Information Officer, or designee, to execute a contract amendment/extension agreement with Sirius Computer Solutions

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Information Officer, or designee, to execute a contract amendment/extension agreement with Sirius Computer Solutions, Inc., to extend the term from October 31, 2019 to October 31, 2021, and to increase the payment limit by \$100,000 to a new payment limit of \$700,000 for continued IBM System Z Mainframe Operating System services.

FISCAL IMPACT:

The cost for this contract has been included in the Department of Information Technology's approved FY 19-20 budget and will be included in the FY 20-21 budget. All costs are offset by user fees.

BACKGROUND:

The Department of Information Technology uses the IBM System Z mainframe operating system on its mainframe servers. On November 3, 2013, the Board authorized the Chief Information Officer to enter into a professional services contract with Sirius Computer Solutions, Inc. to provide (on an as-needed basis) IBM System Z mainframe operating system support including, without limitation, general trouble-shooting assistance, application support and system software administration;

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Scott Sullivan, (925)
313-1288

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

By: , Deputy

cc: Scott Sullivan, Nancy Zandonella

BACKGROUND: (CONT'D)

with subsequent annual amendments to extend the term through October 31, 2019. During the term of the proposed contract extension, Sirius Computer Solutions, Inc. will continue to work with County employees, under the direction of the Chief Information Officer, or designee. This contract includes provisions requiring the contractor to indemnify the County for any claims for infringement of a third party's intellectual property rights to the extent the infringement claims are based on Contractor's performance of support services under the contract.

CONSEQUENCE OF NEGATIVE ACTION:

Mainframe production job processing can impact the Finance System, Land Information Systems, (Assessor, Treasurer-Tax Collector and the Auditor-Controller), Property Tax Systems (Secured, Unsecured, Redemption and Delinquent), Court (Criminal and Traffic), Probation (Adult and Juvenile), District Attorney Juvenile Division, Public Defender's Office and the Justice Automated Warrant System.

The County's business productivity and finance systems could be negatively impacted if the Mainframe malfunctioned and we were unable to correct the issues. The implications could be severe.



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Purchase Order with Depuy Synthes Sales, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a Purchase Order with Depuy Synthes Sales, Inc., in an amount not to exceed \$1,750,000 for the purchase of instruments and supplies for the Contra Costa Regional Medical Center (CCRMC), for the period from April 1, 2020 through March 31, 2024.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I budget.

BACKGROUND:

Depuy Synthes Sales, Inc. provides instruments, implants, devices and supplies for the Orthopedic Surgery Unit to perform special procedures and operations at CCRMC. Depuy Synthes Sales, Inc., has been a reliable source of supplies for the Operating Room (OR). The OR requires a fast and steady replenishment of implants that Depuy Synthes Sales, Inc., can provide.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve this Purchase Order will result in increased expense to the Department. CCRMC is able to take advantage of Depuy's status as a Vizient vendor, which enables the Department to obtain competitive pricing through the Vizient Group Purchasing contract.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jaspreet Benepal,
925-370-5101

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

By: , Deputy

cc: Marcy Wilhelm, Renee Nunez



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #76-561-7 with The Sun Healthcare and Surgery Group, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of County Contract #76-561-7 with The Sun Healthcare and Surgery Group, Inc., a corporation, in an amount not to exceed \$538,000, to provide podiatry services for Contra Costa Regional Medical Center (CCRMC) and Health Centers patients, for the period October 1, 2019 through September 30, 2021.

FISCAL IMPACT:

This Contract is funded 100% by Hospital Enterprise Fund I. (No Rate Increase)

BACKGROUND:

On September 11, 2018, the Board of Supervisors approved Contract #76-561-4 (as amended by Contract Amendment Agreements #76-561-5 and #76-561-6) with Xingbo P. Sun (dba The Sun Healthcare and Surgery Group, Inc.), to provide podiatry services at CCRMC and Health Centers for the period October 1, 2018 through September 30, 2019.

Approval of Contract #76-561-7 will allow Contractor to continue to provide podiatry services at CCRMC and Health Centers through September 30, 2021.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Samir Shah, M.D.,
925-370-5525

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

By: , Deputy

cc: A Floyd , M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring podiatry services at CCRMC and Contra Costa Health Centers will not have access to Contractor's services.



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Novation Contract #24-213-56 with Desarrollo Familiar, Inc. (dba Familias Unidas)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Novation Contract #24-213-56 with Desarrollo Familiar, Inc. (dba Familias Unidas), a non-profit corporation, in an amount not to exceed \$291,635, to provide referral, consultation and education, and outpatient mental health services in West Contra Costa County for the period from July 1, 2019 through June 30, 2020. This Contract includes a six-month automatic extension through December 31, 2020, in an amount not to exceed \$145,817.

FISCAL IMPACT:

This Contract is funded by 5% Federal Medi-Cal, 39% Substance Abuse/Mental Health Services Administration (SAMHSA) Grant and 56% Mental Health Realignment. (Rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing information and referrals, consultation and education, and outpatient mental health services for Spanish-speaking, mentally ill clients in West Contra Costa County at Familias Unidas Counseling Center. On December 18, 2019, the Board of Supervisors approved Novation Contract #24-213-55 with Desarrollo Familiar, Inc. (dba Familias Unidas), for the provision of referral, consultation and education, and outpatient mental health services in West Contra Costa County, for the period from July 1, 2018 through June 30, 2019, which included a six-month automatic extension through December 31, 2019.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, PhD.,
925-957-5212

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

By: , Deputy

cc: L Walker, M Wilhelm

BACKGROUND: (CONT'D)

Approval of Novation Contract #24-213-56 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this novation contract is not approved, a significant number of County's mentally ill, Spanish-speaking adult clients in West Contra Costa County will experience reduced access to the information, referrals, consultation, education, and outpatient mental health services that they need.



Contra
Costa
County

To: Board of Supervisors
From: Dianne Dinsmore, Human Resources Director
Date: October 22, 2019

Subject: Contracted Temporary Help

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Human Resources or designee, to execute contract amendments with AppleOne Employment Services and Nelson Family of Companies to extend the terms from June 30, 2017 through May 31, 2020 for temporary staffing services, Countywide.

FISCAL IMPACT:

The fiscal impact of these contracts are borne by the operating departments that utilize the services.

BACKGROUND:

The County contracts with AppleOne Employment Services and Nelson Family of Companies to provide temporary employees to perform clerical work for County departments on an as-needed basis. The extension of these contracts will ensure County departments continue to have access to temporary employees. The retroactive effective dates of the contract extension agreements are necessary to authorize the payment of past invoices.

CONSEQUENCE OF NEGATIVE ACTION:

If these extension agreements are not approved, the loss of these services will have a significant and negative impact on operating departments that currently require contracted temporary help services.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

**VOTE OF
SUPERVISORS**

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

ATTESTED: October 22, 2019

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

Contact:
925-335-1751

By: , Deputy

cc: Robert Campbell, Auditor-Controller



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Purchase Order with Covidien Holding, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a Purchase Order with Covidien Holding, Inc., in an amount not to exceed \$2,250,000 for the purchase of instruments, sutures, and supplies for the Operating Room at the Contra Costa Regional Medical Center (CCRMC), for the period from February 1, 2020 through January 31, 2024.

FISCAL IMPACT:

The purchase order is 100% funded by the Hospital Enterprise Fund I.

BACKGROUND:

Covidien Holding, Inc. provides instruments, sutures, and supplies for the Surgical Unit to perform procedures and operations at the CCRMC. Covidien Holding, Inc. has been a reliable source of supplies for the Operating Room, providing a fast and steady replenishment of supplies.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve this Purchase Order will result in increased expense to the Health Services Department. CCRMC is able to take advantage of Covidien's status as a Vizient vendor, which enables the Department to obtain competitive pricing through the Vizient Group Purchasing contract.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Jaspreet Benepal,
925-370-5501

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

By: , Deputy

cc: Marcy Wilhelm, Margaret Harris



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Amendment Agreement #27-456-16 with La Clinica De La Raza, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Amendment Agreement #27-456-16 with La Clinica De La Raza, Inc., a non-profit corporation, effective July 1, 2019, to amend Contract #27-456-15, to modify the physician recruitment incentive, with no change in the payment limit of \$3,000,000 and no change in the original term of July 1, 2019 through June 30, 2020.

FISCAL IMPACT:

This amendment agreement is funded 100% by CCHP Enterprise Fund II. (No Rate Increase)

BACKGROUND:

On June 18, 2019, the Board of Supervisors approved Contract #27-456-15 with La Clinica De La Raza, Inc., for the provision of primary care and optometry services to CCHP members, for the period from July 1, 2019 through June 30, 2020.

Approval of Amendment Agreement #27-456-16 will modify the physician recruitment incentive and allow the Contractor to continue to provide primary care and optometry services for CCHP members through June 30, 2020.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Sharron Mackey,
925-313-6104

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

By: , Deputy

cc: L Walker, M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment agreement is not approved, certain specialty health care services for CCHP members under the terms of their Individual and Group Health Plan membership contracts with the County will not be provided.

ATTACHMENTS



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Amendment #24-681-96(2) with JVTCM Care, LLC

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract Amendment Agreement #24-681-96(2) with JVTCM Care, LLC, a limited liability company, effective October 1, 2019, to amend Contract #24-681-96(1) to increase the payment limit by \$60,000, from \$145,401 to a new payment limit of \$205,401, with no change in the original term of August 1, 2019 through July 31, 2020.

FISCAL IMPACT:

This amendment is funded by 100% by Mental Health Realignment funds. (No rate increase)

BACKGROUND:

In August 2019, the County Administrator approved and the Purchasing Services Manager executed Contract #24-681-96(1) with JVTCM Care, LLC, to provide augmented residential board and care services including room, board, care and supervision, for the period from August 1, 2019 through July 31, 2020.

Approval of Contract Amendment Agreement #24-681-96(2) will allow the Contractor to provide additional augmented board and care services through July 31, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, County residents will not receive services provided by this contractor.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, Ph.D.,
925-957-5212

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

By: , Deputy

cc: A Floyd, M Wilhelm



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Amendment #74-601-1 with Center Point, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract Amendment Agreement #74-601-1 with Center Point, Inc., a non-profit corporation, effective October 1, 2019, to amend Contract #74-601 to increase the payment limit by \$275,256, from \$932,977 to a new payment limit of \$1,208,233, to provide drug abuse prevention and treatment services for Contra Costa County adults with co-occurring substance abuse and mental disorders, with no change in the original term of July 1, 2019 through June 30, 2020.

FISCAL IMPACT:

This Contract is funded by 80% Substance Abuse Prevention and Treatment Block Grant Perinatal and 20% Assembly Bill 109. (Rate increase)

BACKGROUND:

On July 30, 2019, the Board of Supervisors approved Contract #74-601 with Center Point, Inc., for the provision of drug abuse prevention and treatment services for adults with co-occurring substance abuse and mental disorders, for the period July 1, 2019 through June 30, 2020.

Approval of Contract Amendment Agreement #74-601-1 will allow the Contractor to provide additional Medi-Cal drug abuse treatment services, through June 30, 2020.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, Ph.D,
925-957-5212

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

By: , Deputy

cc: E Suisala , M Wilhelm

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's Clients will not receive substance abuse treatment from Contractor, resulting in an overall reduction of services to a community at risk for incarceration.



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Contract #74-596-1 with Healthright 360

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #74-596-1 with Healthright 360, a non-profit corporation, in an amount not to exceed \$835,424 to provide drug abuse prevention and treatment services to adults, for the period from October 1, 2019 through June 30, 2020.

FISCAL IMPACT:

This Contract is funded by 49% Drug Medi-Cal and 51% Substance Abuse Prevention and Treatment Block Grant. (Rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing specialized substance abuse treatment and prevention programs to help clients to achieve and maintain sobriety and to experience the associated benefits of self-sufficiency, family reunification, cessation of criminal activity and productive engagement in the community. On April 16, 2019, the Board of Supervisors approved Contract #74-596 with Healthright 360, for the provision of drug abuse prevention and treatment services, which are not available within Contra Costa County limits, for Contra Costa County adults at Contractor's facility in San Francisco County for the period April 1, 2019 through June 30, 2019, which included a three-month automatic extension through September 30, 2019.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, Ph.D,
925-957-5212

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

By: , Deputy

cc: E Suisala , M Wilhelm

BACKGROUND: (CONT'D)

Approval of Contract #74-596-1 will allow Contractor to continue providing services through June 30, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's Clients will not receive substance abuse treatment from Contractor, resulting in an overall reduction of services to a community at risk for incarceration.



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Novation Interagency Agreement #74-373-10 with Martinez Unified School District

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Novation Interagency Agreement #74-373-10 with Martinez Unified School District, a political subdivision of the State of California, in an amount not to exceed \$191,336, to provide Mental Health Services Act (MHSA) prevention and early intervention (PEI) services to high school students in Martinez, for the period from July 1, 2019 through June 30, 2020, which includes a six-month automatic extension through December 31, 2020, in an amount not to exceed \$95,668.

FISCAL IMPACT:

This Interagency Agreement is funded 100% by MHSA. (Rate increase)

BACKGROUND:

This Agreement meets the social needs of County's population by providing a youth development program known as The New Leaf Collaborative, which will include individualized learning plans, place-based learning projects and career mentorships and internships for approximately eighty (80) high school adolescent youths in Martinez of all cultural backgrounds.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Suzanne Tavano, Ph.D,
925-957-5212

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

By: , Deputy

cc: E Suisala , M Wilhelm

BACKGROUND: (CONT'D)

On July 24, 2018, the Board of Supervisors approved Novation Interagency Agreement #74-373-9 with Martinez Unified School District for the provision of MHSA-PEI services, for the period from July 1, 2018 through June 30, 2019 which included a six-month automatic extension through December 31, 2019.

Approval of Novation Interagency Agreement #74-373-10 replaces the automatic extension under the prior Agreement and allows Agency to continue providing services through June 30, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, High School students in Martinez will not have access to the focused learning and career opportunities offered by this MHSA-PEI program.

CHILDREN'S IMPACT STATEMENT:

This MHSA-PEI program supports the following Board of Supervisors' community outcomes: "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include increases in social connectedness, communication skills, parenting skills, and knowledge of the human service system in Contra Costa County.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: CONTRACTS FOR MENTAL HEALTH HEARING OFFICERS

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to execute contracts including modified indemnification with Martha Anthony and Richard Frankel, each in an amount not to exceed \$50,000, to provide mental health hearing officer services, upon appointment by the Superior Court, for detainees at County detention facilities, for the period October 1, 2019 through December 31, 2021.

FISCAL IMPACT:

The hearing officers will be compensated at a rate of \$125 per hearing plus reasonable expenses. Hearing Officer costs incurred by the County will be reimbursed by the Superior Court.

BACKGROUND:

With the increased number of individuals with serious mental disorders in detention facilities, the ability to administer psychiatric medication within the facilities has become increasingly important. In 2017, the Legislature amended Penal Code section 2603 to authorize the involuntary administration of psychiatric medication to inmates under certain limited circumstances.

Under Section 2603, psychiatric medication can be administered without consent either in an emergency or on a non-emergency basis, after the treating psychiatrists make certain findings. The findings must include: the existence of a serious mental disorder; that the inmate is gravely disabled; and either that the inmate

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Julie DiMaggio Enea
(925) 335-1077

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

lacks the capacity to consent to or refuse medications or that the inmate is a danger to self or others if not medicated. The inmate must be provided a hearing for the purpose of determining his or her capacity or dangerousness due to a mental disorder (“capacity hearing”).

Capacity hearing requirements differ depending upon an inmate’s status as pre-trial or post-trial. A court-appointed commissioner or referee, or a court-appointed hearing officer may conduct capacity hearings in place of a Superior Court judge when an inmate is post-trial. A Superior Court judge is required to conduct capacity hearings when the inmate is pre-trial. However, a court-appointed commissioner or referee, or a court-appointed hearing officer may decide whether an inmate should be medicated up until the time of their capacity hearing regardless of whether they have stood trial.

As designated in Welfare and Institutions Code section 5334, all commissioners, referees, and hearing officers are appointed by the Superior Court from a list of attorneys unanimously approved by a panel composed of the local mental health director, the county public defender, and the county counsel or district attorney, as designated by the county board of supervisors.

The County is required to assemble a panel in order to develop a list of attorneys qualified to serve as hearing officers for appointment by the Superior Court, which can appoint individuals from the list to rule in the above circumstances. The County Administrator's Office recruited for hearing officer candidates in July and August 2019 and convened the specified panel on August 28, 2019, which unanimously recommended Ms. Anthony and Mr. Frankel to the Superior Court. The Superior Court approved the panel's recommendations on August 29th.

Board approval of the recommended action will assist in the development of additional judicial resources to allow for qualified, court-appointed hearing officers to conduct certain capacity hearings and decide *ex parte* applications. The contracts provide County indemnification of the Hearing Officers for claims under the Tort Claims Act (Gov. Code, § 810; specifically § 820 et seq. and § 825 et seq.).

Hearing Officers are appointed by the Superior Court and responsible for conducting mental health facility-based hearings to determine:

- (1) probable cause for further involuntary detention of mentally disordered patients in psychiatric facilities (Probable Cause/Certification Review Hearings, Welfare & Institutions Code Section 5250 et seq), and/or
- (2) capacity and cause for involuntary administration of psychiatric medication pursuant to Penal Code Section 2603.
- (3) an individual's capacity to refuse psychotropic medication (Capacity Hearings, Welfare & Institutions Code Section 5332 et seq).

A Mental Health Hearing Officer may also be also responsible for conducting "Roger S" hearings, an administrative procedure for admission of minors who are not dependents or wards of the juvenile court to acute care public psychiatric facilities under contract with the County of Contra Costa.

Both the Health Services Department and the Office of the Sheriff remain committed to transferring individuals to appropriate treatment facilities. However, as the Legislature has recently recognized, there is a lack of community-based beds suitable and available to detainees with serious mental disorders. This action is recommended in order to provide mental health treatment to detained individuals.

CONSEQUENCE OF NEGATIVE ACTION:

Should the Board elect to not approve the recommendation, the County will not engage the recommend qualified, prospective hearing officers, thereby requiring all hearings under Section 2603 to be conducted by Superior Court judges.



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 22, 2019

Subject: Approve New and Recredentialing Providers in Contra Costa Health Plan's Community Network

RECOMMENDATION(S):

APPROVE the list of providers recommended by Contra Costa Health Plan's Medical Director on September 25, 2019, and by the Health Services Director, as required by the State Department of Health Care Services and Managed Health Care, and the Centers for Medicare and Medicaid Services.

FISCAL IMPACT:

There is no fiscal impact for this action.

BACKGROUND:

The National Committee on Quality Assurance (NCQA) requires that evidence of Board of Supervisors approval must be contained within each Contra Costa Health Plan (CCHP) provider's credentials file. Approval of this list of providers as recommended by the CCHP Medical Director will enable the CCHP to comply with this requirement.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, CCHP's Providers would not be appropriately credentialed and not be in compliance with the NCQA.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Sharron Mackey,
925-313-6104

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

By: , Deputy

cc: Marcy Wilhelm, Heather Wong

ATTACHMENTS

Credentialing-Recredentialing List CCHP-Sep 19

Contra Costa Health Plan
Providers Approved by Medical Director
September 25, 2019

CREDENTIALING PROVIDERS SEPTEMBER 2019	
Name	Specialty
Abrahamson, Lauren, NP	Mid-Level OB/GYN
Aita, Jenna, M.Ed., RBT	Qualified Autism Provider
An, Jennifer, MD	Primary Care Pediatrics
Aulakh, Hardeep, NP	Mid-Level Nephrology
Brar, Ripudaman, MD	Psychiatry
Carrizosa, Lauren, NP	Mental Health Services
Chentanez, Teera, MD	Infectious Disease
Chow, David, MD	Physical Medicine & Rehabilitation/ Pain Medicine
Ejaz, Ehsan, PA	Mid-Level Neurological Surgery Assistant
Garcia, Erica, BS	Qualified Autism Professional
Gilliland, Morgan, NP	Primary Care Internal Medicine
Kaur, Parveen, MD	Primary Care Family Medicine
Kenan, Joseph, MD	Psychiatry
Klein, Julie, BCBA	Qualified Autism Provider
McEntire, Nicole, BCBA	Qualified Autism Provider
Mukhopadhyay, Suddha, BCBA	Qualified Autism Provider
Nemes, Christopher, MD	Psychiatry
Nolan, Ryan, MD	Surgery – General
O'Neill, Kimberly, MA, RBT	Qualified Autism Provider
Patel, Nilam, BCBA	Qualified Autism Provider
Saelee, Alicia, M.Ed.	Qualified Autism Provider
Schleicher, Steven, BCBA	Qualified Autism Provider
Skille, Leif, MD	Psychiatry
Tinkelenberg, Judith, CNM	Midwife
Trevino, Vicki, PA	Mid-Level Surgery – General
Vang, Linda, BCBA	Qualified Autism Provider
Weir, Sierra, SLP	Speech Pathology
Wolfe-Roubatis, Emily, CNM	Midwife
Zheng, Yi, MD	Gastroenterology

CREDENTIALING ORGANIZATIONAL PROVIDERS SEPTEMBER 2019		
Provider Name	Provide the Following Services	Location
Continuum Care North Bay, LLC	Hospice & Palliative Care	Petaluma
Pleasant Hill Post Acute	Skilled Nursing Facility	Pleasant Hill

RE-CREDENTIALING PROVIDERS SEPTEMBER 2019	
Name	Specialty
Akera, Chika, MD	Primary Care Family Medicine
Bottomley, Sarah, NP	Primary Care Internal Medicine
Buenviaje, Sarah, NP	Mid-Level Oncology
Chen, Xiaochuan, MD	Primary Care Internal Medicine
Dosanjh, Amarjit, MD	Surgery – Plastic
Eaglin, Olga, PA	Primary Care Family Medicine
Fleck, Catherine, MFT, BCBA	Qualified Autism Provider
Fong, Karen, MD	Otolaryngology
Ford, Lloyd, MD	Otolaryngology
Frankland, Michelle, NP	Mid-Level Oncology
Fulkerson, Eric, MD	Surgery – Orthopaedics
Goodman, Suzan, MD	Family Planning
Henneberg, Christine, MD	Family Planning
Hill, Anne B., NP	Mid-Level Family Planning
Huber, Cheyenne, OD	Optometry
Junnila, Ricky, DC	Chiropractic Medicine
Khashayar, Ramin, MD	Pulmonary Disease
King, Mariam, PsyD	Neuro Psych Testing
Krier, Margaret, MFT	Mental Health Services
Kronick, John, MD	Orthopaedic Surgery
Kuhfal, Bonny, HAD	Hearing Air Dispensing
Lottman, Karen, LCSW	Mental Health Services
Nyamora, Cory, PsyD	Mental Health Services
Orden, Roy, MD	Allergy & Immunology
Reinganum, Sara, MD	Surgery – General
Seaver, Margaret, MD	Hematology/Oncology
Shalaby, Mostafa, MD	Pulmonary Disease
Sharma, Rishi, MD	Gastroenterology

RECREREDENTIALING PROVIDERS SEPTEMBER 2019	
Name	Specialty
Skarda, Stephen, DC	Chiropractic Medicine
Veza, Valerie, LCSW	Mental Health Services

RECREREDENTIALING ORGANIZATIONAL PROVIDERS SEPTEMBER 2019		
Provider Name	Provide the Following Services	Location
Shields Nursing Centers, Inc. dba: Shields Nursing Center	Skilled Nursing Facility	El Cerrito
Shields Nursing Centers, Inc. dba: Shields/Richmond Nursing Center	Skilled Nursing Facility	Richmond

Bopl-September 25, 2019



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 22, 2019

Subject: Funding for the 6th Quadrennial Countywide Creek and Watershed Symposium

RECOMMENDATION(S):

DIRECT the Auditor/Controller to release a total of \$4,961.40 from the Fish and Wildlife Propagation Fund to the Contra Costa Resource Conservation District (CCRCD) to cover expenditures related to hosting the 6th Quadrennial Creek and Watershed Symposium, as recommended by the Fish and Wildlife Committee.

FISCAL IMPACT:

The recommendation will have no impact on the County General Fund. A portion of the fines from violations of fish and game regulations in the County is deposited in the Fish and Wildlife Propagation Fund, which has a current balance of approximately \$330,000. State law defines how money in this fund may be spent and the Board of Supervisors is responsible for authorizing specific expenditures. Providing funds to cover some costs related to hosting the Symposium is consistent with the expenditure criteria established by State law.

BACKGROUND:

The Contra Costa County Flood Control District contracts with the Contra Costa Resource Conservation District (CCRCD) to organize the Contra Costa Watershed Forum. This year, they have contracted with CCRCD to also coordinate the Symposium and lead the planning efforts.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Maureen Parkes,
925-674-7831

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Funding for the event includes contributions from the Contra Costa County Flood Control and Water Conservation District, CCRCD, CCTV, Martinez Oral History Society and others, as well as organizations that are willing to donate funds as a sponsor.

CCRCD submitted a request to the Fish and Wildlife Committee to allocate Fish and Wildlife Propagation funds in the amount of \$4,961.40 to cover some of the costs associated with hosting the 6th Quadrennial Contra Costa County Creek and Watershed Symposium. The Fish and Wildlife Committee considered CCRCD's request on July 17, 2019 and unanimously approved a recommendation to the Board of Supervisors to fully fund the request.

The 2019 Symposium will be a celebration of the Contra Costa Watershed Forum's 20 year history. The Symposium will be on December 5, 2019 and held at St. Mary's College in Moraga, California. Organizers anticipate that 350 to 400 people representing a wide variety of organizations and perspectives will attend to learn about significant issues regarding the health of creeks and watersheds in the County. The theme of the Symposium is "Creating a Culture of Conservation". Symposium topics will include youth engagement, the confluence of art and the environment, and celebrating the accomplishments of watershed groups in the last 20 years. Obi Kaufmann, author of *The State of Water*, is confirmed as the keynote speaker. The program will include presentations from professionals working on watershed issues, a poster session, awards ceremony, refreshments and a catered lunch. Some of the events planned include a reception to end the festivities on December 5th, and a day of optional field trips on December 6th where attendees have the opportunity to view some of the sites and projects discussed on the first day of the Symposium.

There a registration fee of \$25 for participants. This covers the cost of lunch, refreshments throughout the day, and an evening reception. Sponsorship contributions such as that recommended by the Fish and Wildlife Committee cover other costs incurred in hosting the event. Specifically, these funds will contribute to covering costs for the meeting room, redesigning the Symposium logo, printing of programs, posters, banners, name tags, and a commemorative coffee mug as part of the welcome packet for attendees.

CHILDREN'S IMPACT STATEMENT:

Schools will be included in outreach activities for the Symposium. Youth may be included in the content of the forum, which is still under development.



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Resolution No. 2019/572 Teamsters Local 856 - Settlement Agreement & Side Letter regarding Clinical Lab Specialists

RECOMMENDATION(S):

ADOPT Resolution No. 2019/572, approving a Settlement Agreement and Side Letter, between Contra Costa County and Teamsters Local 856, modifying the current Memorandum of Understanding (July 1, 2016 - June 30, 2022) regarding Clinical Lab Scientists pay and schedules.

FISCAL IMPACT:

Costs associated with this action will be paid from the Hospital Enterprise Fund.

BACKGROUND:

Over the last several months, the County and Teamsters, Local 856 have worked together to address the recruitment and retention issues in the Clinical Lab Scientist II job classification and to address any potential future salary compaction issues between the Senior Clinical Laboratory Scientist and the Clinical Laboratory Scientist II. The Side Letter modifies Section 54.3.B. of the Memorandum of Understanding to

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

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

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

By: , Deputy

cc: Robert Campbell, Auditor-Controller, Dianne Dinsmore, Human Resources Director, Anna Roth, Director of Health Services

BACKGROUND: (CONT'D)

provide employees in the Clinical Lab Scientist II classification with new work schedules that are predictable and consistent, with rotating weekends off. Employees in the Senior Clinical Laboratory Scientist classification will work one (1) weekend every 28 days. The attached Settlement Agreement includes a recommendation to address recruitment, retention, and future compaction for both classifications by increasing the base rate of pay by five percent (5%).

This Side Letter will remain in effect for the term of the current Memorandum of Understanding (“MOU”) between the County and Teamsters (July 1, 2016 – June 30, 2022). The terms of this Side Letter will be incorporated into the successor MOU unless otherwise negotiated by the parties. All other terms and conditions of the current MOU between the County and Teamsters remain unchanged by this Side Letter.

CONSEQUENCE OF NEGATIVE ACTION:

Members will not receive the salary increase agreed to in the tentative agreement between Teamsters and the County and employees will not have predictive schedules, resulting in significant recruitment and retention issues.

ATTACHMENTS

Resolution 2019/572

Teamsters/County Settlement Agreement

Side Letter - Teamsters, Local 856

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

Adopted this Resolution on 10/22/2019 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2019/572

In The Matter Of: Approving the Side Letter and Settlement Agreement between Contra Costa County and Teamsters, Local 856, modifying the current Memorandum of Understanding (July 1, 2016 - June 30, 2022) regarding Clinical Lab Scientist pay and schedules.

The Contra Costa County Board of Supervisors acting in its capacity as Governing Board of the County of Contra Costa **RESOLVES THAT:**

1. Effective October 22, 2019, the attached Settlement Agreement between the County of Contra Costa and Teamsters, Local 856 be **ADOPTED**;
2. Effective November 1, 2019, the attached Side Letter dated October 16, 2019 between the County of Contra Costa and Teamsters, Local 856 be **ADOPTED**; and
3. Effective November 1, 2019, the base rate of pay for the classifications of Clinical Lab Scientist II (VHVD), and Senior Clinical Lab Scientist (VHNA) will be increased by five (5) percent.

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

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

ATTESTED: October 22, 2019

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

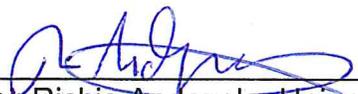
By: , Deputy

cc: Robert Campbell, Auditor-Controller, Dianne Dinsmore, Human Resources Director, Anna Roth, Director of Health Services

SETTLEMENT AGREEMENT

1. PARTIES. This Settlement Agreement (hereinafter, Agreement) is made by and between Teamsters, Local 856 ("Teamsters") and the County of Contra Costa ("County") on behalf of its Health Services Department.
2. SUBJECT. This Agreement is a settlement of all existing and possible differences between the parties concerning the recruitment and retention issues in the Clinical Laboratory Scientist II job classification at the Contra Costa Regional Medical Center (CCRMC) Clinical Laboratory. This Agreement also settles the existing salary compaction between the Senior Clinical Laboratory Scientist and the Clinical Laboratory Scientist II.
3. NO ADMISSION. This Agreement is a compromise of the differences between the parties concerning the matters set forth in paragraph 2. SUBJECT, above, and it is not, and shall never be considered an admission of any fault, error, wrongdoing, or liability by either Party.
4. NO PRECEDENT. The parties acknowledge and agree that this Agreement is not to be considered precedent setting in any other forum or matter, including, but not limited to, a grievance, appeal, claim, unfair practice charge, or lawsuit.
5. COUNTY'S OBLIGATIONS:
 - a. The COUNTY will recommend that the base rate of pay for the Clinical Laboratory Scientist II and Senior Clinical Laboratory Scientist classifications be increased by five percent (5%). The increase will be effective on the first day of the month following approval of the increase by the Board of Supervisors.
 - b. The COUNTY will sign and recommend approval of the Side Letter attached as Exhibit A, which amends Section 54.3.B of the parties' Memorandum of Understanding (July 1, 2016 – June 30, 2022) ("MOU"). The COUNTY will sign the Side Letter when it signs this Agreement. The Side Letter will take effect on the first day of the month following its approval by the Board of Supervisors.
6. TEAMSTERS' OBLIGATIONS. In consideration for the above, Teamsters agrees to the following:
 - a. TEAMSTERS agrees to the Side Letter, attached as Exhibit A, to amend Section 54.3.B. of the parties' MOU and which will take effect on the first day of the month following approval of the Side Letter by the Board of Supervisors. TEAMSTERS will sign the Side Letter when it signs this Agreement.

- b. Teamsters agrees not to file any grievance, unfair practice charge, claim, or lawsuit against the COUNTY, arising from the matters set forth in paragraph 2. Subject, above.
7. COSTS. Each party will bear its own costs and attorneys' fees.
8. INTERPRETATION. The language of all parts of this Agreement shall, in all cases, be construed as a whole, according to its fair meaning, and not strictly for or against either Party.
9. EFFECTIVE DATE. This Agreement is effective on October 22, 2019, following full execution by the parties.
10. ENTIRE AGREEMENT. This Agreement is fully integrated and, along with the Exhibits attached hereto, constitutes the entire agreement and understanding between the Parties. There are no oral understandings, terms or conditions and neither Party has relied upon any representation, express or implied, not contained in this Agreement. All prior understandings, terms or conditions are deemed merged into this Agreement.
11. EXECUTION IN COUNTERPARTS. This Agreement may be executed in counterparts, each of which will be treated as an original and all of which together are to be considered one and the same agreement. Facsimile signatures or scanned copies of signatures are binding and are to be considered original signatures.

<p>TEAMSTERS, LOCAL 856</p>  <hr/> <p>By: Richie Andazota, Union Representative, Teamsters Local 856</p>	<p>CONTRA COSTA COUNTY</p>  <hr/> <p>Lisa Driscoll, County Finance Director</p> <p>Approved as to form: Sharon L. Anderson, County Counsel</p>  <hr/> <p>By: Cynthia A. Schwerin, Deputy County Counsel, Attorneys for Contra Costa County</p>
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SIDE LETTER
between
CONTRA COSTA COUNTY
and
TEAMSTERS, LOCAL 856

This Side Letter is by and between Teamsters, Local 856 ("Teamsters") and Contra Costa County ("County") and is effective on the first day of the month following approval by the Board of Supervisors.

This side letter amends Section 54.3 – Health Services Unit of the Memorandum of Understanding (MOU) between the County and Teamsters (July 1, 2016 – June 30, 2022) by replacing Section 54.3.B. – Clinical Laboratory Scientist & Laboratory Technician, with a new Section 54.3.B. as follows:

Section 54.3 – Health Services Unit.

54.3.B Senior Clinical Laboratory Scientist, Clinical Laboratory Scientist & Laboratory Technician.

1. The Health Services Department shall continue a staggered lunch period system for the Clinical Laboratory Scientist I & II and Senior Clinical Laboratory Scientist classifications in order to ensure uninterrupted lunch periods for these employees. A Clinical Laboratory Scientist II who, at the County's request, is placed in charge of clinical laboratory assignments for an eight (8) hour shift, shall receive an additional five dollars (\$5.00) per shift.
2. Each full-time employee in the classes of Clinical Laboratory Scientist I & II and Senior Clinical Laboratory Scientist will be granted sixteen (16) hours per year of continuing education (CE) leave to complete courses required for license renewal. For permanent part-time employees, CE leave will be prorated based on their assigned hours. Employees may carry over CE leave from one year to the next to a maximum of thirty-two (32) hours without restriction.
3. Each full-time employee in the class of Laboratory Technician whose position requires a phlebotomy certificate will be granted three (3) hours per year of continuing education (CE) leave to complete courses required for certification renewal. For permanent part-time employees, CE leave will be prorated based on their assigned hours. Employees may carry over CE leave from one year to the next to a maximum of six (6) hours.
4. Schedules. Employees in the classification of Clinical Laboratory Scientist II will have schedules that are predictable and consistent, with rotating weekends off. All employees in the Clinical Laboratory Scientist II classification, starting with the most senior employee, will select a schedule from a list of available shift

EXHIBIT A

schedules. Schedules will be awarded based on seniority and will take effect the first day of the month following completion of the bid process.

Employees in the classification of Senior Clinical Laboratory Scientist will work one (1) weekend every 28 days.

The County reserves the right to modify schedules as a result of attrition.

- 5. Use of Registry Staff. The County has the right to use registry staff to cover incidental absences (call-ins, vacations, leave of absences, vacancies, etc).

This Side Letter will remain in effect for the term of the current Memorandum of Understanding ("MOU") between the County and Teamsters (July 1, 2016 – June 30, 2022). The terms of this Side Letter will be incorporated into the successor MOU unless otherwise negotiated by the parties. All other terms and conditions of the current MOU between the County and Teamsters remain unchanged by this Side Letter.

Date: 10/16/19

Contra Costa County:
(Signature / Printed Name)

Lisa Driscoll / Lisa Driscoll

Teamsters, Local 856:
(Signature / Printed Name)

Richard Ajozola / RICHARD AJOZOLA



Contra
Costa
County

To: Board of Supervisors
From: Russell Watts, Treasurer-Tax Collector
Date: October 22, 2019

Subject: Sale of Tax-Defaulted Property by the County Tax Collector

RECOMMENDATION(S):

ADOPT Resolution No. 2019/604 authorizing the sale of specified tax-defaulted property at public auction, pursuant to the California Revenue and Taxation Code ("R&T") §3698, as recommended by the Treasurer-Tax Collector.

FISCAL IMPACT:

All costs will be recovered from the proceeds of the sale. Property or property interests that have been offered for sale at least once and where no acceptable bids have been received at the minimum price, the tax collector may offer that same property or those interests at the same or next scheduled sale at a minimum price that may be less than the amount of defaulted taxes, delinquent and redemption penalties as specified in R&T §3698.5(a)(1). Should the final selling price at public auction be less than the amount as specified in R&T §3698.5(a)(1), proceeds shall be distributed as specified in R&T §4673.1 & R&T §4674 and any remaining balance to satisfy the amounts as specified in R&T §3698.5(a)(1) may be transferred from the Tax Loss Reserve Fund. (R&T § 4703.2(c).)

BACKGROUND:

The Tax Collector has the authority to sell tax-defaulted property that

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Brice Bins, (925)
957-2848

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

is subject to the power of sale (R&T §3691). Written approval of the Board of Supervisors (R&T § 3694 and 3698) is required to sell property at public auction (R&T §3692) to the highest bidder at the time and place fixed for sale (R&T §3706). Property that has been tax-defaulted for five or more years and is subject to the Tax Collector's power to sell may be sold. All or any portion of a property may be offered for sale, without regard to its boundaries when it became subject to sale (R&T §3691).

The purpose of the sale is to collect unpaid taxes. Offering property for sale achieves this, either by collecting the unpaid taxes from the proceeds of the sale or through redemption by the assessee. Any person or entity, including cities, taxing agencies, revenue districts and the State may purchase property at a public auction (R&T § 3691 and 3705). The only exception to eligible purchasers is the Tax Collector, who conducts the sale, or his/her employees (California Government Code § 1090).

If a parcel is redeemed before the close of business on the last business day prior to the date of sale, the power to sell is automatically nullified and the parcel will be withdrawn from the sale. If a parcel is redeemed within 90 days of the scheduled sale, \$150 will be collected to reimburse the County for costs incurred in preparing to conduct the sale (R&T § 4112). Where property or property interests have been offered for sale at least once and no acceptable bids therefor have been received at the minimum price, the tax collector may, in his or her discretion and with the approval of the board of supervisors, offer that same property or those interests at the same or next scheduled sale at a minimum price that the tax collector deems appropriate in light of the most current assessed valuation of that property or those interests, or any unique circumstance with respect to that property or those interests. (R&T § 3698.5(c)) Any parcel remaining unsold may be reoffered within a 90-day period and any new parties of interest shall be notified in accordance with R&T §3706.

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, the Annual Tax Collector's Public Auction will not proceed and property taxes will not be collected.

ATTACHMENTS

Resolution 2019/604

2020 Public Auction List

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

Adopted this Resolution on 10/22/2019 by the following vote:

AYE:
NO:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2019/604

Sale of Tax-Defaulted Property by the County Tax Collector

Whereas, the Board, pursuant to §3698 of the Revenue and Taxation code, having been notified by the County Tax Collector of his intent to sell certain tax-defaulted property at public auction and having been provided with a description and minimum purchase price for which each will be sold, and the notice of intended sale of the aforementioned properties be posted or published in accordance with §3702 and §3703 of the California Revenue and Taxation Code.

Now, Therefore, Be It Resolved by the Board that the County Tax Collector's proposed sale of tax-defaulted properties listed in Exhibit A attached hereto and made a part hereof, at or above the minimum price indicated is APPROVED pursuant to §3698 of the Revenue and Taxation Code, and the notice of intended sale be posted or published in accordance with §3702 and §3703 of the Revenue and Taxation Code.

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

Contact: Brice Bins, (925) 957-2848

ATTESTED: October 22, 2019

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

By: , Deputy

cc:

EXHIBIT "A"

WITH APPROVAL OF THE BOARD OF SUPERVISORS, BY RESOLUTION 2019/xxx DATED OCTOBER xx, 2019																						
THE PROPERTY LISTED BELOW WAS OFFERED FOR SALE AT PUBLIC AUCTION ENDING ON FEBRUARY 25, 2020, AND WAS DISPOSED OF AS FOLLOWS:																						
Item #	Assessor's Parcel Number (APN) Assessee(s)	Minimum Bid Amount	Default Number Power to Sell Notice Rec. #	Final Sales Price	Total Payment Received	Less Transfer Tax (City)	Less Transfer Tax (State)	Less State Fee	Less Add'l Rec. Fee	Less Rec. Fee	Less Notice Cost	Redemption						Less Redemption Amount	Less Current Taxes	Remaining Excess Proceeds	Purchaser Name Deed Document Number Date Recorded	
												Delinquent Cost Breakdown										Adv.
1	WITHDRAWN																					
2	117-420-058-2 KA YUET YUNG CHOR,TRE	17,100	2013-00641 2019-0128894																			
3	110-221-022-4 ANGEL DAVILA	40,500	2013-00693 2019-0128896																			
4	126-650-056-8 JENNIFER LEBHERZ	7,500	2010-01523 2019-0128870																			
5	505-383-026-0 CATHY C NIELSEN	110,400	2013-01206 2019-0128898																			
6	370-081-012-4 DONALD E BARKLEY	39,400	2013-01337 2019-0128901																			
7	161-332-016-5 KYLE CHURCH	9,600	2013-01462 2019-0128903																			
8	372-375-005-9 RONALD KEMPKER	13,900	2012-01315 2019-0128878																			
9	360-091-022-2 FREDDIE DENISE CALDWELL	47,100	2013-01504 2019-0128904																			
10	087-081-007-4 JOSE L CHACON, SALVADOR MADRIGAL	48,200	2013-01757 2019-0128905																			
11	087-393-005-1 DEVIN DOBSON	22,600	2012-01514 2019-0128879																			
12	508-020-002-4 ELLESHA ANN GIESE	36,700	2013-01915 2019-0128908																			
13	560-170-016-3 EBERLINE SERVICES INC	411,100	2013-02378 2019-0128909																			
14	561-252-012-1 JAMES HERNANDEZ	35,300	2013-02411 2019-0128911																			
15	540-300-016-8 TABERNACLE OF PRAISE JESUS	13,600	2013-02564 2019-0128917																			
16	540-310-023-2 JUAN MARTIN DELCAMPO	49,000	2013-02566 2019-0128918																			
17	544-031-017-4 ABDO MOHAMED	6,400	2013-02578 2019-0128919																			
18	550-301-007-5 SANDRA ANDERSON	56,800	2013-02641 2019-0128920																			
19	514-240-007-5 KENNETH ANDREW GRIFFIN	5,900	2012-02376 2019-0128882																			
20	414-222-003-9 DOMINIC HICKS	38,800	2011-02535 2019-0128873																			
21	513-062-002-3 GENEVER YOUNGBLOOD	11,400	2011-02745 2019-0128874																			
22	513-161-004-9 BESSIE COUNTEE	159,900	1989-02503 1995-0109907																			
23	538-310-005-3 NOLIA M FRY MARIE GIVENS	220,100	1991-03280 1997-0123103																			
24	408-012-036-5 HELEN E RICE	127,700	1993-03226 1999-0188743																			
25	534-211-013-6 AAFIYA AKBAR MUHAMMAD	197,900	2005-04665 2011-0174155																			
26	414-142-022-6 RODERICK KENNEY ELSIE JEAN KENNEY	46,400	2008-06498 2014-0134915																			
27	530-120-030-8 MARIO ORELLANA	28,100	2011-02325 2018-0130853																			
28	010-450-035-0	38,700	2012-02814																			

EXHIBIT "A"

WITH APPROVAL OF THE BOARD OF SUPERVISORS, BY RESOLUTION 2019/xxx DATED OCTOBER xx, 2019																							
THE PROPERTY LISTED BELOW WAS OFFERED FOR SALE AT PUBLIC AUCTION ENDING ON FEBRUARY 25, 2020, AND WAS DISPOSED OF AS FOLLOWS:																							
Item #	Assessor's Parcel Number (APN) Assessee(s)	Minimum Bid Amount	Default Number Power to Sell Notice Rec. #	Final Sales Price	Total Payment Received	Less Transfer Tax (City)	Less Transfer Tax (State)	Less State Fee	Less Add'l Rec. Fee	Less Rec. Fee	Less Notice Cost	Redemption						Less Redemption Amount	Less Current Taxes	Remaining Excess Proceeds	Purchaser Name Deed Document Number Date Recorded		
												Delinquent Cost Breakdown										Adv.	B4A
29	ARMAND H DELAROSA, SR, TRE 417-161-055-5	38,700	2019-0128883 2013-03197																				
30	ANTHONY K GILLIAM 413-130-012-3	13,100	2019-0128924 2012-03123																				
31	KATHERYINE AUSTIN 170-161-015-4	18,900	2018-0130879 2012-03249																				
32	MARK RANDOLPH ROGERS, TRE 247-110-007-9	38,500	2019-0128884 2013-03504																				
33	EDWARD H CUNNINGHAM 255-770-006-5	31,200	2019-0128926 2011-04181																				
34	MARK JOHN HOLOBETZ 208-420-014-2	35,800	2019-0128875 2013-03682																				
35	CARL D HINRICHS 212-401-004-8	50,500	2019-0128927 2013-03749																				
36	DAVID L ASH 212-073-044-1	91,500	2019-0128928 2013-03836																				
37	BRENT B ANDERSON, MELISSA A AFFOLTER 222-520-006-8	80,300	2019-0128929 2012-03757																				
38	BRIAN J & MELANI D RIVERA 037-123-023-6	43,200	2019-0128885 2013-04063																				
39	PENSCO TRUST CO 034-140-014-1	9,200	2019-0128930 2013-04109																				
40	DAVID N ARENDS 035-250-019-3	7,100	2019-0128931 2013-04150																				
41	JEFFREY J & JULIE A WAYNE 035-250-020-1	7,100	2019-0128932 2013-04151																				
42	JEFFREY J & JULIE A WAYNE 166-320-006-9	21,500	2019-0128933 2013-04814																				
43	GABRIEL PEREZ 159-400-009-1	8,800	2019-0128937 2013-04820																				
44	C NICHOLAS WILLIAMS, JR, TRE 026-120-004-2	5,500	2019-0128938 2013-04899																				
45	SOSNOWSKI & ASSOCIATES INC 425-013-022-8	59,900	2019-0128940 2013-04942																				
46	LV INVESTMENT INC 031-070-002-6	42,600	2019-0128941 2012-04578																				
47	HAJIME HOLMES 031-070-003-4	19,200	2019-0128887 2012-04579																				
48	HAJIME HOLMES 032-140-002-0	52,200	2019-0128888 2012-04605																				
49	LAWRENCE A & MARY E MAES 032-150-001-9	192,600	2019-0128889 2012-04606																				
50	LAWRENCE A & MARY E MAES 026-020-006-8	48,800	2019-0128890 2012-04614																				
51	SOSNOWSKI & ASSOCIATES INC 026-030-009-0	15,100	2018-0130812 2012-04615																				
52	SOSNOWSKI & ASSOCIATES INC 354-203-003-0	144,500	2018-0130872 2011-05211																				
	FIRST BAPTIST CHURCH CROCKETT 409-291-008-4		2019-0128876 1994-07481																				
	JAMES & CORINEA RAY		2000-0148830																				

WITH APPROVAL OF THE BOARD OF SUPERVISORS, BY RESOLUTION 2018/566 DATED OCTOBER 13, 2018
 THE PROPERTY LISTED BELOW WAS OFFERED FOR SALE AT PUBLIC AUCTION ENDING ON MAY 21, 2019, AND WAS DISPOSED OF AS FOLLOWS:

ITEM #	Assessor's Parcel Number (APN) Assessee(s)	Minimum Bid Amount	Default Number Power to Sell Notice Rec. #	Final Sales Price	Total Payment Received	Less Transfer Tax (City)	Less Transfer Tax (State)	Less State Fee	Less Add'l Rec. Fee	Less Rec. Fee	Less Notice Cost	Redemption						Less Redemption Amount	Less Current Taxes	Remaining Excess Proceeds	Purchaser Name Deed Document Number Date Recorded			
												Delinquent Cost Breakdown										Redemption	Current	Excess
												Adv.	B4A	Title	County	Contact	Dlq. Cost							
17	085-226-005-8 JOSE MARIO SIINO	23,400	2008-04798 2014-0134899																			WITHDRAWN		
20	528-330-009-2 LACY III & CARMEN L DOUGLAS	31,900	2012-01948 2018-0130833																			REDEEMED		
29	530-120-030-8 MARIO ORELLANA	22,400	2011-02325 2018-0130853																			WITHDRAWN		
34	414-142-022-6 RODERICK KENNEY ELSIE JEAN KENNEY	40,700	2008-06498 2014-0134915																			BANKRUPTCY		
38	529-290-021-3 SACHIKO PERRYMAN, ESTATE OF	85,700	1998-02662 2004-0312515																			REDEEMED		
41	413-130-012-3 KATHERYINE AUSTIN, KATHERYINE GAINES	10,800	2012-03123 2018-0130879																			WITHDRAWN		
46	041-151-004-3 EDWARD C & ELIZABETH WILKIE	165,900	2002-06790 2008-0175661																			REDEEMED		
49	026-020-006-8 SOSNOWSKI & ASSOCIATES INC	274,100	2012-04614 2018-0130812																			NO BID AT 5-19 SALE		
50	026-030-009-0 SOSNOWSKI & ASSOCIATES INC	71,200	2012-04615 2018-0130872																			NO BID AT 5-19 SALE		
56	409-021-027-1 JIM E MITCHELL	21,400	1990-07480 1996-0129768	37,600.00	37,641.80	0.00	41.80	1.50	2.00	15.00	35.00	25.00	250.00	250.00	150.00	0.00	400.00	1,075.00	33,731.94	3,864.56	0.00	Rosemary Fonseca 2019-0084401, 6-6-19		
57	433-020-007-4 SKYE ALICE MCLAUGHLIN	84,600	2010-07070 2016-0166357																			WITHDRAWN		
				37,600.00	37,641.80	0.00	41.80	1.50	2.00	15.00	35.00	25.00	250.00	250.00	150.00	0.00	400.00	1,075.00	33,731.94	3,864.56	0.00			



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 22, 2019

Subject: Substantial Amendment to the County's FY 2019/20 CDBG Action Plan - CDBG Funds for Relocation Costs:
Richmond Neighborhood Housing Services, Inc.

RECOMMENDATION(S):

APPROVE an Amendment to the County's FY 2019/20 Community Development Block Grant (CDBG) Action Plan to award up to \$95,000 for relocation costs associated with the rehabilitation of Richmond Neighborhood Housing Services housing units, that are rented to low/moderate-income households in the City of Richmond, as recommended by the Affordable Housing Finance Committee.

FISCAL IMPACT:

There is no fiscal impact to the County General Fund. Community Development Block Grant (CDBG) funds are federal funds provided to the County on a formula allocation basis through the U.S. Department of Housing and Urban Development.

Catalog of Federal Domestic Assistance #14.218

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Gabriel Lemus,
925-674-7882

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

By: , Deputy

cc:

BACKGROUND:

Richmond Neighborhood Housing Services, Inc. (RNHS), is a nonprofit housing organization dedicated to promoting and maintaining affordable housing to low/moderate-income households in the City of Richmond. RNHS was awarded \$280,000 in FY 2017/18 and \$151,000 in FY 2018/19, to rehabilitate up to eight single-family housing units within RNHS's low/moderate-income housing portfolio. At the time of award, temporary relocation of households was not anticipated; however, it became apparent that temporary relocation would be necessary for some, as complete project scopes commenced.

County CDBG staff recommends up to \$95,000 in additional CDBG funds for temporary relocation costs associated with the rehabilitation of RNHS's housing units in order to properly and adequately relocate and temporarily house the households currently residing in the units proposed for rehabilitation. Although, temporary relocation can be costly for a project and an inconvenience for a household, it is recommended in order to ensure households are adequately and properly temporarily housed during the time of construction, with none of the relocation costs paid by the households. In most cases when federal or state funds are involved with the rehabilitation of housing units, relocation has a specific process to follow and the costs of relocation is not the responsibility of the affected households. In addition, temporarily relocating a household allows the rehabilitation work to be performed in a much timelier and efficient manner as it eliminates any scheduling conflicts with the tenants.

The additional \$95,000 in CDBG funds would pay for a relocation consultant and for the costs associated with relocating a household (move-out/move-in costs, storage, temporary lodging, etc.). The consultant's obligation would be to ensure that the required relocation process under the Uniform Relocation Act takes place, which will include preparation and dissemination of relocation notices, preparation of relocation plans for each affected household, and collecting/preparing documentation indicating that the proper steps for relocation took place. In addition, the consultant would work with each household to ascertain the proper and adequate temporary housing that each household would require, and then find and secure the temporary housing for each household.

Available CDBG Funds: The \$95,000 of CDBG funds are available due to a cancellation of a project that was unable to move forward after it was determined to be ineligible. Therefore, the funds for that cancelled project are available to allocate to other eligible activities.

Affordable Housing Finance Committee Meeting: County CDBG staff presented their recommendation to the County's Affordable Housing Finance Committee on October 4, 2019. After staff's presentation, the Affordable Housing Finance Committee recommended to allocate up to \$95,000 of CDBG funds for relocation costs associated with the rehabilitation of RNHS's housing units that are rented out to low/moderate-income households in the City of Richmond.

CONSEQUENCE OF NEGATIVE ACTION:

Not approving the additional CDBG funds would delay or prevent the rehabilitation of RNHS's housing units, which would prevent the preservation of existing affordable housing to low/moderate-income households.

CHILDREN'S IMPACT STATEMENT:

The activity/project supports the preservation of affordable housing, which supports the Children's Report Card by helping families become economically self-sufficient and enables families to be safe, stable and nurturing.



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Approve and Authorize the Auditor-Controller to issue a payment of \$2,000 to the Community Foundation of Alamo for the holiday lights, Alamo area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Auditor-Controller, to issue a payment, on behalf of the Public Works Department, in the amount of \$2,000 payable to the Community Foundation of Alamo from County Service Area R-7 (CSA), for the holiday lights at Andrew H. Young Park, as recommended by the Public Works Director, Alamo area.

FISCAL IMPACT:

100% County Service Area (CSA) R-7 Funds.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Rochelle Johnson
(925)313-2299

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

By: , Deputy

cc: Diana Oyler - Finance , Dom Prueett - BOS , Rochelle Johnson - Special Districts, Victoria Skerritt, Special Districts

BACKGROUND:

CSA R-7 residents participate in Alamo's Annual Tree Lighting Festival each year. The Alamo Tree Lighting Festival is a collaborative effort coordinated by the Community Foundation of Alamo. CSA R-7 also contributes the use of Andrew H. Young Park and provides funding to decorate the park with holiday lights. The 2019 Alamo Tree Lighting Festival will take place on Sunday, December 8, 2019 from 4:30 p.m. – 6:30 p.m. The holiday lights will be installed on or after November 15, 2019 and will remain up through January 15, 2020. The CSA R-7 contribution was reviewed by the Alamo Municipal Advisory Council (Alamo MAC) at their meeting on May 7, 2019 and a \$2,000 contribution from CSA R-7 funds was recommended for this event.

CONSEQUENCE OF NEGATIVE ACTION:

Without Board approval the quality of this event would be diminished.



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 22, 2019

Subject: Renewal of Cardroom License

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to renew Cardroom License Number 6, known as "California Grand Casino" currently located at 5988 Pacheco Blvd., Pacheco, California, for the period of November 26, 2019 through November 25, 2020.

FISCAL IMPACT:

\$10,500; \$1,000 application fees plus \$500 per table for licensing of nineteen (19) card tables. 100% Revenue.

BACKGROUND:

In accordance with County Ordinance No. 82-44, Chapter 52-3, Article 52-3.3, Section 52-3.321, an application has been submitted by Mr. Lamar V. Wilkinson and Ms. Elizabeth Wilkinson for the renewal of Cardroom License Number 6, known as "California Grand Casino". The Office of the Sheriff conducted a background investigation of the applicants. The investigation produced no adverse information, which would preclude approval of this application. This Cardroom License will be issued to Mr. Lamar V. Wilkinson and Ms. Elizabeth Wilkinson, owners of the cardroom establishment.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Sandra Brown,
925-335-1553

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Negative action will result in Cardroom License Number 6 not being renewed and expiring on November 25, 2019. Once expired, the Cardroom will no longer be able to operated until such time that a new license has been approved.

CHILDREN'S IMPACT STATEMENT:



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 22, 2019

Subject: Multifamily Housing Revenue Bonds - Hilltop Commons Apartments

RECOMMENDATION(S):

ADOPT Resolution No. 2019/608:

1. Approving the issuance of Multifamily Housing Revenue Bonds (the "Bonds") by the California Statewide Communities Development Authority (CSCDA) in an amount not to exceed \$85,000,000, for the benefit of Fairfield Hilltop LP, a California limited partnership (the "Borrower"), to provide for the financing of the acquisition and rehabilitation of a 322-unit multifamily housing development generally known as Hilltop Commons Apartments (the "Project") located at 15690 Crestwood Drive in the unincorporated area of the County near San Pablo. Such adoption is solely for the purposes of satisfying the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Section 147(f) of the Internal Revenue Code of 1986 and California Government Code Section 6500 (and following).
2. Waiving the requirement of the County Multifamily Bond Policies that the County serve as issuer of multifamily housing bonds for projects located in the unincorporated area of the County.
3. Approving the sale and transfer of the Project from Steadfast Hilltop Commons, L.P. (the "Current Owner") to the Borrower subject to receipt of an Assignment and Assumption of Regulatory Agreement (the "Assignment Agreement"), an opinion of Borrower's counsel regarding the enforceability of the Assignment Agreement against the Borrower, and a related Bond Counsel opinion.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Kristen Lackey (925)
674-7888

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

By: , Deputy

cc:

RECOMMENDATION(S): (CONTD)

4. Authorizing staff to assist with the redemption of the 2001 Bonds issued by the County for the original development of the Project.
5. Approving the termination of certain 2001 Bond documents upon such redemption, provided that the County is included as a third party beneficiary to a new regulatory agreement and the Borrower agrees to continue paying County annual issuer fees.
6. Authorizing the Director of the Department of Conservation and Development (the "Director") to execute the Assignment Agreement, a termination agreement and any other documents deemed necessary in order to effectuate the purpose of this Resolution.

FISCAL IMPACT:

No impact to the General Fund. The County will be reimbursed for any costs incurred in the process of conducting the TEFRA Hearing, assisting with the bond redemption and the termination of 2001 bond documents. The CMFA will issue tax-exempt revenue bonds on behalf of the Borrower. Repayment of the Bonds is solely the responsibility of the Borrower. The Borrower will continue operating the project in compliance with the existing Regulatory Agreement, including payment of County annual fees.

BACKGROUND:

Fairfield Hilltop LP has requested that the County conduct a Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) public hearing for the California Statewide Communities Development Authority (CSCDA) issuance of Multifamily Housing Revenue Bonds in an amount not to exceed \$85,000,000 to be used to finance the acquisition and rehabilitation of a 322-unit multifamily rental housing development commonly known as Hilltop Commons Apartments located at 15690 Crestwood Drive in the unincorporated area of the County near San Pablo (the "Project"). The Project will be operated by Fairfield Residential, one of the nation's largest full service property managers. An elected body of the governmental entity having jurisdiction over the area where the project is located must approve the issuance of the Bonds following the conduct of a public hearing regarding the financing of the project in order for all or a portion of the Bonds to qualify as tax-exempt bonds for the financing of the Project. The County is a member of the CSCDA (since 1990) and is the governmental entity having jurisdiction over the area where the project is located.

One of the purposes of the proposed Resolution is to acknowledge that a public hearing was held by the County's Affordable Housing Program Manager on October 14, 2019, where members of the community were given an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the project and to approve of CSCDA's use of tax-exempt bonds for the financing of the Project. No public comments were received during or prior to the public hearing. A notice of the public hearing was published in the Contra Costa Times (proof of publication attached) on October 7, 2019.

Typically the County would be the conduit bond issuer for a project located in the unincorporated area of the County, but Fairfield is on a short timeline to close the transaction for this Project and has already begun the bond issuance process with the assistance of CSCDA. Additionally, CSCDA has a special carryforward allocation of bond authority from prior years from the California Debt Limit Allocation Committee (CDLAC) needed for the bonds to be tax-exempt in the event that the Project does not receive a direct allocation from CDLAC. The Resolution waives the requirement of the County Multifamily Bond Policies that the County be the conduit bond issuer for this Project located within the unincorporated area of the County.

Prior to Fairfield Hilltop LP acquiring and rehabilitating the Project after the bond transaction closes, FRH Realty LLC, an affiliate of Fairfield Residential, will purchase the Project from the current owner, Steadfast Hilltop Commons, L.P. The County currently administers a Regulatory Agreement on the

property from a 2001 bond issuance that requires 169 of the 322 units be rented by households earning at or below 60% of the area median income for a term of 30 years. The Regulatory Agreement can be assumed by a new Project owner if the County finds that the new owner has sufficient experience and capability to fulfill the obligations provided for in the Regulatory Agreement. County staff conducted a due diligence review and finds Fairfield Residential to be so capable.

The Resolution approves the sale and transfer of the Project and the associated Assignment and Assumption of Regulatory Agreement and Declaration of Restrictive Covenants. Execution of the document is contingent on a legal opinion of enforceability from Borrower's counsel and an opinion of the County's Bond Counsel, Quint & Thimmig.

When the new bond transaction closes, the 2001 Regulatory Agreement will be terminated and the requirements imposed by the County in that terminated agreement will be incorporated into a new Regulatory Agreement between Fairfield Hilltop LP and CSCDA, allowing for the County to have enforceability rights to ensure the rental requirements that were in the 2001 Regulatory Agreement are adhered to by Fairfield Hilltop LP and continue to receive its annual issuer fee.

CONSEQUENCE OF NEGATIVE ACTION:

Negative action would prevent CSCDA from providing tax-exempt financing for the acquisition and rehabilitation of the Hilltop Commons project in the unincorporated area of the County near San Pablo.

CHILDREN'S IMPACT STATEMENT:

The recommendation supports one or more of the following children's outcomes:

- (1) Children Ready for and Succeeding in School;
- (2) Children and Youth Healthy and Preparing for Productive Adulthood;
- (3) Families that are Economically Self Sufficient;
- (4) Families that are Safe, Stable and Nurturing; and
- (5) Communities that are Safe and Provide a High Quality of Life for Children and Families.

ATTACHMENTS

Resolution 2019/608

Hilltop Commons Proof of Publication

Hilltop Commons Transcript

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

Adopted this Resolution on 10/22/2019 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2019/608

Resolution Approving the Issuance of Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority in an Approximate Amount of Eighty-Five Million Dollars (\$85,000,000) for the Purpose of Providing Financing for Hilltop Commons Apartments Located in the Unincorporated Area of the County near San Pablo, Approving Transfer of Ownership of the Project and Termination of a related Regulatory Agreement and Declaration of Restrictive Covenants.

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the County of Contra Costa (the "County"), to issue revenue bonds in accordance with the provisions of Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, Fairfield Hilltop LP, a California limited partnership (the "Borrower"), has requested that the Authority adopt a plan of financing providing for the issuance of multifamily housing revenue bonds in one or more series issued from time to time, including bonds issued to refund such multifamily housing revenue bonds in one or more series from time to time, in the principal amount of approximately \$85,000,000 (the "Bonds") to finance or refinance the acquisition and rehabilitation of a 322-unit multifamily rental housing project located at 15690 Crestwood Drive in the unincorporated area of the County near the City of San Pablo known as Hilltop Commons Apartments (the "Project"); and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the area in which any facility financed by such bonds is, or is to be, located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of the Board of Supervisors are the applicable elected representatives of the County and the Project is located in the County; and

WHEREAS, the Affordable Housing Program Manager of the Department of Conservation and Development of the County has, following notice duly given, held a public hearing regarding the financing of the Project and the issuance of the Bonds by the Authority, and a summary of any oral or written testimony received at the public hearing has been presented to the Board of Supervisors for its consideration; and

WHEREAS, the Board of Supervisors now desires to approve the issuance of the Bonds by the Authority; and

WHEREAS, the Board of Supervisors has heretofore adopted a Debt Management Policy for the County, Appendix 5 to which includes Multifamily Mortgage Revenue Bond Program Policies and Procedures (the "County Multifamily Bond Policies"); and

WHEREAS, Section X of the County Multifamily Bond Policies in effect that the County will be the issuer of multifamily housing bonds for projects located in the unincorporated area of the County, and the Board of Supervisors now desires to waive that requirement so that the Authority can issue the Bonds for the Project in light of limitations on the principal amount of private activity bonds that can be issued and the Authority's stated expectation that it will have the ability to issue the Bonds in the principal amount needed to finance the acquisition and rehabilitation of the Project; and

WHEREAS, in October of 2004, the County issued its Multifamily Housing Revenue Bonds (Hilltop Commons Apartments Project) 2001 Series A, 2001 Series A-T and 2001 Series B (collectively, the “2001 Bonds”), and the proceeds of the 2001 Bonds were used at that time to provide financing for the Project; and

WHEREAS, Steadfast Hilltop Commons, L.P., a California limited partnership, the current owner of the Project (the “Current Owner”) is expected to sell the Project to the Borrower prior to the issuance of the Bonds, and the agreements related to the 2001 Bonds require the prior written consent of the County to such transfer after the submission of certain documents to the County specified in the Regulatory Agreement and Declaration of Restrictive Covenants, dated as of July 1, 2001 (the “2001 Bond Document”), between the County and the Current Owner; and

WHEREAS, the Borrower has indicated that it is expected that a redemption of all of the outstanding 2001 Bonds will occur concurrently with the transfer of the Project to the Borrower; and

WHEREAS, the Borrower has also indicated that, upon the issuance of the Bonds, it desires that the County terminate the 2001 Bond Document and the County is amendable to such termination, subject to certain conditions set forth in this Resolution; and

WHEREAS, the Borrower has agreed to pay all costs of the County in connection with the conduct of the public hearing and approval of the issuance by the Authority of the Bonds, and the County’s approval of the transfer of ownership of the Project and the termination of the 2001 Bond Document; and

WHEREAS, the Board of Supervisors now desires to approve the issuance of the Bonds by the Authority, the sale and transfer of the ownership of the Project to the Borrower, and otherwise to authorize County Staff to assist the Borrower with the redemption of the 2001 Bonds and the termination of the 2001 Bond Document.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Contra Costa, as follows:

Section 1. The Board hereby finds and declares that the foregoing recitals are true and correct.

Section 2. For purposes of Section 147(f) of the Code, the Board of Supervisors hereby approves the issuance of Bonds by the Authority to provide financing for costs of the Project. The County shall have no responsibility or liability whatsoever with respect to the issuance or administration of the Bonds.

Section 3. The Board of Supervisors hereby waives the requirement of the County Multifamily Bond Policies to the effect that the County be the issuer of bonds to finance the Project, and hereby consents to the Authority issuing the Bonds for the Project; and

Section 4. The Board of Supervisors hereby approves the sale and transfer of the Project from the Current Owner to the Borrower, subject to the receipt by the Affordable Housing Program Manager of an Assignment and Assumption of Regulatory Agreement and Declaration of Restrictive Covenants (the “Assignment Agreement”) and an opinion of counsel to the Borrower regarding the enforceability of the Assignment Agreement against the Borrower, as required by the 2001 Bond Document in forms acceptable to the Affordable Housing Program Manager, upon consultation with Bond Counsel, and an opinion of Bond Counsel as referenced in Section 12 of the 2001 Bond Document. The Director of the Department of Conservation and Development is hereby authorized and directed to execute and deliver the Assignment Agreement in the form approved by the Affordable Housing Program Manager, and the execution and delivery by the Director of the Department of Conservation and Development of the Assignment Agreement shall be conclusive evidence of the approval by the County of the sale and transfer of the Project to the Borrower.

Section 5. The Board of Supervisors hereby authorizes Staff of the Department of Conservation and Development of the County to assist with the redemption of the 2001 Bonds, and authorizes the Director of the Department of Conservation and Development to execute such documents, upon consultation with Bond Counsel, as are necessary to be executed by the County in connection therewith.

Section 6. The Board of Supervisors hereby approves the termination of the 2001 Bond Document and authorizes the Director of the Department of Conservation and Development to execute a termination agreement related thereto in a form acceptable to Bond Counsel and the Director, provided that (a) the obligation of the Borrower to pay the annual Issuer Fee for the remainder of the Qualified Project Period (as such capitalized terms are used in the 2001 Bond Document) is set forth in a regulatory agreement and declaration of restrictive covenants executed in connection with the issuance of the Bonds (the “New Regulatory Agreement”), (b) the County is an intended third party beneficiary of the New Regulatory Agreement and is thereby legally able to enforce the provisions of the New Regulatory Agreement against the Borrower, (c) the New Regulatory Agreement is otherwise in form and substance acceptable to the Director of the Department of Conservation and Development, upon consultation with Bond Counsel to the County, and (d) the Borrower delivers to the County an opinion of its counsel as to the enforceability of the New Regulatory Agreement against the Borrower.

Section 7. The adoption of this Resolution does not (a) relieve or exempt the Borrower from obtaining any permits or approvals that are required by, or determined to be necessary from, the County in connection with the acquisition, rehabilitation or operation of the Project, nor (b) obligate the County to incur any obligation or provide financial assistance with respect to the Bonds or the Project.

Section 8. Quint & Thimmig LLP is hereby approved as Bond Counsel to the County with respect to the approval by the Board of Supervisors of the issuance of the Bonds, the sale and transfer of ownership of the Project, the redemption of the 2001 Bonds, and the termination of the 2001 Bond Document; provided that the fees and expenses of Bond Counsel shall be paid by the Borrower.

Section 9. All actions heretofore taken by the officers and agents of the County with respect to the approval of issuance of Bonds by the Authority, the sale and transfer of ownership of the Project, the redemption of the 2001 Bonds and the termination of the 2001 Bond Document, all as described in this Resolution are hereby approved, ratified and confirmed, and the officers of the County are hereby authorized and directed, for and in the name and on behalf of the County, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents, which any such officer may deem necessary or advisable in order to effectuate the purposes of this Resolution. Section 10. This Resolution shall take effect upon its adoption.

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

ATTESTED: October 22, 2019

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

Contact: Kristen Lackey (925) 674-7888

By: , Deputy

cc:

West County Times

1050 Marina Way S
Richmond, CA 94804
(510) 262-2740

3697629

QUINT & THIMMIG LLP
900 LARKSPUR LANDING, SUITE 270
LARKSPUR, CA 94939

PROOF OF PUBLICATION

FILE NO. Public Notice

In the matter of

West County Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the West County Times, a newspaper of general circulation, printed and published in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of August 29, 1978. Case Number 188884.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

10/07/2019

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 7th day of October, 2019.



Signature

Legal No.

0006408458

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Affordable Housing Program Manager of the Contra Costa County Department of Conservation and Development on Monday, October 14, 2019 at the hour of 9:00 a.m., or as soon thereafter as the matter may be heard, in the offices of the Contra Costa County Department of Conservation and Development, 30 Muir Road, Martinez, California, will hold a public hearing in accordance with Section 147(f) of the Internal Revenue Code of 1986 with respect to the proposed issuance by the California Statewide Communities Development Authority (the "Authority") of multifamily housing revenue bonds (the "Bonds") in an approximate principal amount of \$85,000,000. Proceeds of the Bonds will be used to finance costs of the acquisition and rehabilitation by Fairfield Hilltop LP, a California limited partnership (the "Borrower"), of 322 units of multifamily rental housing currently identified as Hilltop Commons Apartments (the "Development"), that are located at 15690 Crestwood Drive in the unincorporated area of the County near San Pablo, California (the "City"). All or a portion of the units in the Development will be rented to persons and families of very low or low income.

The Bonds and the obligation to pay principal of and interest thereon and any redemption premium with respect thereto will not constitute an indebtedness or an obligation of the Authority, the County, the City, or the State of California or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of any of them, but will be payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the Borrower.

Notice is further given that at said hearing, all proponents and opponents of the Development will have an opportunity to be heard on the question as to whether or not the Bonds should be issued by the Authority and all interested parties will be given the opportunity to be heard. Written comments may also be submitted at or before the hearing to Kristen Lackey, Affordable Housing Program Manager of the Contra Costa County Department of Conservation and Development, 30 Muir Road, Martinez, California 94553.

Publish: West County Times
WCT# 6408458 Oct. 7, 2019

TRANSCRIPT FOR THE TEFRA HEARING

October 14, 2019 9:00 a.m.

This noticed public hearing is required by Section 147(f) of the Internal Revenue Code of 1986, as amended. The hearing is on the proposed issuance by the California Statewide Communities Development Authority (the "Authority") of multifamily housing revenue bonds in an approximate amount of Eighty-Five Million Dollars (\$85,000,000). Proceeds from the sale of the proposed bonds will be used to provide financing for costs of the acquisition and rehabilitation of 322 units of multifamily residential rental housing by Fairfield Hilltop LP, a California limited partnership. The housing units, currently identified as Hilltop Commons Apartments, are located at 15690 Crestwood Drive in the unincorporated area of the County of Contra Costa near San Pablo, California.

The Board of Supervisors may consider adoption of a resolution approving the issuance of the bonds by the Authority on October 22, 2019. Any comments provided at this hearing will be made available to the Board of Supervisors prior to their taking action on October 22nd or on such later date as the matter may be considered by the Board of Supervisors.

If there are parties present who wish to voice their opinion and provide comments on the proposed financing of the development or the issuance of the bonds, I would ask that they be recognized now by raising their hand. I will then let each person provide any written or oral testimony that they may wish to provide on this matter.

Opened hearing: 9:01 am
Speakers present: 0
Closed hearing: 9:21 am

By: Kristen Lackey
Kristen Lackey,
Affordable Housing Program Manager,
Contra Costa County Department of
Conservation and Development

Date: October 14, 2019



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: October 22, 2019

Subject: Memorandum of Understanding with the California Department of Justice

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a 2019 Memorandum of Understanding with the California Department of Justice for the use of the Mobile Identification System beginning October 1, 2019.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The DOJ MID System was developed to provide a rapid identification service to participating California law enforcement agencies (LEA) utilizing a Federal Bureau of Investigation (FBI) certified mobile fingerprint capture device in the field. This process employs a National Institute of Standards and Technology (NIST) record formatted to the California Technical Finger Search (TFS)/Technical Finger Response (TFR) type of transaction via a web service protocol. The Memorandum of Understanding for the Mobile Identification System is to allow our County to utilize the system. The Mobile Identification System is essential for officers to use while on patrol so they can identify a subject within seconds. Once the fingerprints are sent to DOJ they will have instant responses to a subject's criminal history including outstanding warrants.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Sandra Brown,
925-335-1553

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

By: , Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Without agreeing to the California Department of Justice Memorandum of Understanding for Mobile Identification, our Sheriff's Office including outside agencies will not be allowed to utilize the system. Officers on patrol would not have access to receive CLETS responses from DOJ or the FBI. Any warrant information would not be accessible. Officers would only have access to the current local system. The current local system only informs officers if the subject has been arrested in Contra Costa or Alameda County. This limited information may cause officers to potentially release subjects that have outstanding warrants, missing individuals, or other persons of interest.



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 22, 2019

Subject: Disposal of Surplus Property

RECOMMENDATION(S):

DECLARE as surplus and AUTHORIZE the Purchasing Agent, or designee, to dispose of fully depreciated vehicles and equipment no longer needed for public use, as recommended by the Public Works Director, Countywide.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Section 1108-2.212 of the County Ordinance Code authorizes the Purchasing Agent to dispose of any personal property belonging to Contra Costa County and found by the Board of Supervisors not to be required for public use. The property for disposal is either obsolete, worn out, beyond economical repair, or damaged beyond repair.

CONSEQUENCE OF NEGATIVE ACTION:

Public Works would not be able to dispose of surplus vehicles and equipment.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Nida Rivera, (925)
313-2124

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

By: , Deputy

cc:

ATTACHMENTS

Surplus Vehicles & Equipment

ATTACHMENT TO BOARD ORDER OCTOBER 22, 2019

Department	Description/Unit/Make/Model	Serial No.	Condition A. Obsolete B. Worn Out C. Beyond economical repair D. Damaged beyond repair
PUBLIC WORKS	2000 CHEVY S-10 TRUCK #5020 (68139 MILES)	1GCCS19W0YK297601	C. BEYOND ECONOMICAL REPAIR
SHERIFF	2012 FORD TAURUS SEDAN #1037 (124195 MILES)	1FAHP2DW7CG130755	B. WORN OUT
SHERIFF	2013 FORD INTERCEPTOR #3307 (122441 MILES)	1FM5K8AR5DGC25907	C. BEYOND ECONOMICAL REPAIR
SHERIFF	2018 FORD INTERCEPTOR SEDAN #2591 (11012 MILES)	1FAHP2MT6JG135061	D. DAMAGED BEYOND REPAIR (ACCIDENT)
PROBATION	2000 FORD TAURUS SEDAN #0466 (69584 MILES)	1FAFP5328YG277701	B. WORN OUT
SHERIFF	2009 TOYOTA PRIUS HYBRID #0297 (101585 MILES)	JTDKB20UX97834508	B. WORN OUT
PUBLIC WORKS	2003 FORD F-250 TRUCK #6155 (126344 MILES)	3FTNX21523MB33857	C. BEYOND ECONOMICAL REPAIR
PUBLIC WORKS	2016 FORD TRANSIT CONNECT #4342 (18680 MILES)	NM0LS7EX6G1254920	D. DAMAGED BEYOND REPAIR (ACCIDENT)
SHERIFF	2009 TOYOTA PRIUS HYBRID #1110 (96965 MILES)	JTDKB20U897865840	C. BEYOND ECONOMICAL REPAIR
CONSERVATION & DEVELOPMENT	2008 HONDA CIVIC HYBRID #0279 (93525 MILES)	JTDKB20U897865840	B. WORN OUT
SHERIFF	2013 FORD ESCAPE SUV #3737 (126201 MILES)	1FMCU0G99DUD03407	C. BEYOND ECONOMICAL REPAIR
SHERIFF	2012 CHEVY TAHOE SUV #3723 (92450 MILES)	1GNLC2E05CR296701	B. WORN OUT
SHERIFF	2008 CHEVY TAHOE SUV #3699 (92727 MILES)	1GNFK030X8R263627	B. WORN OUT
SHERIFF	2012 FORD TAURUS SEDAN #1038 (111520 MILES)	1FAHP2DW9CG130756	B. WORN OUT
SHERIFF	2014 FORD INTERCEPTOR SEDAN #3409 (93812)	1FM5K8AR9EGB02449	C. BEYOND ECONOMICAL REPAIR
SHERIFF	2013 FORD INTERCEPTOR #3300 (125510 MILES)	1FM5K8AR2DGC25914	B. WORN OUT
PUBLIC WORKS	1992 MITSUBISHI FG-40 FORKLIFT #9040 (2161 HOURS)	AF2950116	C. BEYOND ECONOMICAL REPAIR
PUBLIC WORKS	2011 FORD F-150 TRUCK #5250 (105880 MILES)	1FTVX1CF6BKD01709	B. WORN OUT
SHERIFF	2015 TOW-LET FLUSH TRAILER #8645 ()	4T9AT1019FR160420	D. DAMAGED BEYOND REPAIR
SHERIFF	2015 TOW-LET FLUSH TRAILER #8646 ()	4T9AT1012FR160419	D. DAMAGED BEYOND REPAIR



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Local 21 Side Letter - Modification to Appendix E (On-Call) of MOU Adding New Classification

RECOMMENDATION(S):

ADOPT Resolution No. 2019/606 approving the Side Letter between the County of Contra Costa and IFPTE, Local 21 modifying Appendix E of the Memorandum of Understanding to add the new classification of Public Health Chief of Nursing and Clinical Services (VVDB) to the list of classifications eligible for on-call pay.

FISCAL IMPACT:

No additional on-call time is associated with this change, existing call will be assigned to this position. The annual increased cost is estimated to be under \$10,000 and will be absorbed by Health Services.

BACKGROUND:

The new classification of Public Health Chief of Nursing and Clinical Services (VVDB) was established by the Board of Supervisors on October 8, 2019. This Side Letter adds the new classification to the list of classifications eligible for on-call pay.

CONSEQUENCE OF NEGATIVE ACTION:

Employees in the classification will not be eligible for on-call pay and may be reluctant to take calls without compensation.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

Contact: Lisa Driscoll (925)
335-11023

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

By: , Deputy

cc: Robert Campbell, Auditor-Controller, Dianne Dinsmore, Human Resources Director, Anna Roth, Director of Health Services

ATTACHMENTS

Resolution 2019/606

Side Letter - IFPTE, Local

21

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

Adopted this Resolution on 10/22/2019 by the following vote:

AYE:
NO:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2019/606

In The Matter Of: The Side Letter Agreement between Contra Costa County and IFPTE, Local 21, to modify Appendix E adding the classification of Public Health Chief of Nursing and Clinical Services for On-Call pay.

The Contra Costa County Board of Supervisors acting in its capacity as Governing Board of the County of Contra Costa and the Board of Directors of the Contra Costa County Fire Protection District **RESOLVES THAT:**

Effective November 1, 2019, the attached Side Letter of Agreement dated October 9, 2019 be **ADOPTED**.

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

ATTESTED: October 22, 2019

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

Contact: Lisa Driscoll (925) 335-11023

By: , Deputy

cc: Robert Campbell, Auditor-Controller, Dianne Dinsmore, Human Resources Director, Anna Roth, Director of Health Services

SIDE LETTER
Between
Contra Costa County
and
Professional and Technical Engineers, IFPTE, Local 21

This side letter is by and between Professional and Technical Engineers, IFPTE, Local 21 ("Local 21") and Contra Costa County ("County"). This side letter is effective the first of the month following approval by the Board of Supervisors.

This side letter amends the Memorandum of Understanding ("MOU") between Contra Costa County and the Professional and Technical Engineers, IFPTE; Local 21 (July 1, 2016 - June 30, 2022) to modify Appendix E - Shift Differential, On-Call, Call Back Matrix to add the new classification of Public Health Chief of Nursing and Clinical Services (VVDB). The revised Appendix E is attached.

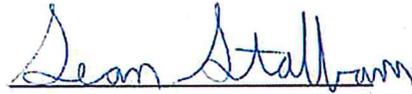
This Side Letter will remain in effect for the term of the current Memorandum of Understanding ("MOU") between the County and Local 21 (July 1, 2016 - June 30, 2022). The terms of the Side Letter will be incorporated into the successor MOU unless otherwise negotiated by the parties. All other terms and conditions of the current MOU between the County and Local 21 remain unchanged by this Side Letter.

Dated: October 9, 2019.

Contra Costa County



IFPTE, Local 21

 10/9/19

APPENDIX E

Only the following classifications are eligible to receive Shift Differential Pay, On-Call Duty Pay, or Call-Back Time Pay to the extent designated below:

Code	Classification	Shift	On-Call	Call-Back
VLFA	ASST DIR OF HAZ MAT PROGRAM		X	
VWDG	CHIEF OF DET HLTH NURSING SVCS		X	
3AGG	COMMUNITY LIBRARY MANAGER	X		
LKHA	COMPUTER OPERATIONS SUPERVISOR	X		
LWSA	DATABASE ADMINISTRATOR		X	
VVGS	DIRECTOR PUB HLTH CLINIC SVCS		X	
VWDF	DIRECTOR, INPATIENT NURSING OP		X	
VBHB	EMERGENCY MEDICAL SVS PRG CORD		X	
9GSA	EMERGENCY PLANNING COORD	X		
1WHB	ENVIRONMENTAL SVCS SUPERVISOR	X		
LBTC	HEALTH SVCS INFO SYS PROG/ANL		X	
LBTB	HEALTH SVCS INFO SYSTEMS SPEC	X	X	
VCFB	HEALTH SVCS INFO TECH SUPV		X	
VDHA	HOMELESS SERVICES PROGRAM CHIEF		X	
LBVC	HS SYSTEMS ANALYST II	X	X	
LBDT	HS SYSTEMS ANALYST III		X	
LTNA	INFO SYS MANAGER I		X	
LBHB	INFORMATION SYSTEMS SUPERVISOR		X	
VQDN	MH PROGRAM CHIEF		X	
VQDC	MH PROGRAM MANAGER		X	
LNSA	NETWORK ADMINISTRATOR I	X	X	X
LNSB	NETWORK ADMINISTRATOR II		X	X
LBTA	NETWORK ANALYST II		X	X
LNVA	NETWORK TECHNICIAN II		X	
VWHF	NURSING PROGRAM MANAGER		X	
VBSG	PRE-HOSPITAL CARE COORDINATOR		X	
VWHL	PUBLIC HLTH NURSE PROG MANAGER	X	X	
VBSD	PUBLIC HLTH PRGM SPEC I		X	
VBND	PUBLIC HLTH PRGM SPEC II		X	
VVDB	PH CHIEF OF NURSING & CLINICAL SERVICES		X	
PSHB	PW MAINTENANCE SUPERVISOR			X
3AGH	SR COMMUNITY LIBRARY MANAGER	X		
V4HE	SUPERVISING ARP ENGINEER		X	
VHHF	SUPERVISING CLINICAL LAB SCIEN	X		
VLHA	SUPERVISING ENVIRON HLTH SPEC		X	
LWWA	SYSTEMS SOFTWARE ANALYST I		X	
LWVA	SYSTEMS SOFTWARE ANALYST II		X	

APPENDIX E

The following classifications, while assigned to the Contra Costa Regional Medical Center and all Health Centers, are eligible to receive On-Call Duty Pay, or Call-Back Time Pay to the extent designated below:

Code	Classification	On-Call	Call-Back
VWHJ	AMBULATORY CARE CLINICAL SERVICES SUPV	X	
VEDA	AODS PROGRAM CHIEF	X	
VYSC	ASSISTANT DIRECTOR OF PHARMACY SVCS	X	
VWDH	CHIEF NURSING INFORMATICS OFFICER	X	
V7DA	COMMUNICABLE DISEASE PROGRAM CHIEF	X	X
LKVA	COMPUTER OPERATIONS ANALYST	X	X
VQFB	DEPUTY DIRECTOR BEHAVIORAL HEALTH	X	
VWDC	DIR OF AMBULATORY CARE NURSING SVCS	X	
VVGS	DIR OF PUBLIC HEALTH LABORATORY SVCS	X	X
VYDC	DIRECTOR OF PHARMACY SERVICES	X	
VCDC	FACILITIES MANAGER	X	X
VRFA	HEALTH PLAN NURSE PROGRAM DIRECTOR	X	
LKFA	HEALTH SERVICES INFO SYS OPS MNGR	X	
LBFA	HS INFO TECH MANAGER	X	
LBVB	HS IT CLINICAL SYS ANALYST I	X	
LBTE	HS IT CLINICAL SYS ANALYST II	X	
LBWC	HS SYSTEMS ANALYST I	X	
VWSF	INFECTION PREVENTION & CONTROL MGR	X	X
LBSD	IT SECURITY SPECIALIST	X	
LBVA	NETWORK ANALYST I	X	X
LBHA	NETWORK MANAGER	X	
LNWA	NETWORK TECHNICIAN I	X	
LWWA	SYSTEMS SOFTWARE ANALYST I	X	X
LWVA	SYSTEMS SOFTWARE ANALYST II	X	X
VWHG	UTILIZATION REVIEW MANAGER	X	

During the term of this Agreement, the parties may mutually agree to add additional classifications to this list, upon approval of the County Administrator or his/her designee, and approval by the Board of Supervisors.



**Contra
Costa
County**

To: Board of Supervisors
From: Joseph E. Canciamilla, Clerk-Recorder
Date: October 22, 2019

Subject: Refund Overpayment of Documentary Transfer Tax

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Auditor-Controller to issue a refund of overpayment of documentary transfer tax totaling an amount not to exceed \$523 to specified parties.

FISCAL IMPACT:

The recommendation will result in a reduction of \$522.50 to the County General Fund: \$110.00 is from the 2018-19 fiscal year and \$412.50 is from the 2019-20 fiscal year.

BACKGROUND:

The County Clerk-Recorder received an excess payment of documentary transfer tax or should not have collected transfer tax from the following parties in the amounts listed in the table that follows:

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **10/22/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: October 22, 2019

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

Contact: Laura Wilson,
925-335-7921

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Consumer's Title Company	Series #2019-0097862	\$110.00
11246 Gold Express Drive #101		
Gold River, CA 95670		
SPL Express, Inc.	Series #2019-0163220	\$412.50
3380 N. San Fernando Road		
Los Angeles, CA 90065		

CONSEQUENCE OF NEGATIVE ACTION:

Failure to reimburse the parties would cause them to pay more than legally required for documentary transfer tax.