Agenda

MEASURE X COMMUNITY ADVISORY BOARD

August 4, 2021
5:00 P.M.
VIRTUAL MEETING
The Public may observe and participate in the Virtual Zoom Meeting by using this link:
https://cccounty-us.zoom.us/j/81176769191
Meeting ID: 811 7676 9191
Or by dialing (888) 278-0254
Conference Code: 468751

Mariana Moore, Chair
BK Williams, Vice Chair

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

1. Roll Call

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

3. RECEIVE the Record of Action for the July 28, 2021, Measure X Community Advisory Board meeting (Mariana Moore, Chair)

4. RECEIVE presentations and PARTICIPATE in panel discussions on the topics of environment, transportation, public works, and conservation & development (Mariana Moore, Chair)

5. REVIEW and DISCUSS process for finalizing priorities and recommendations to submit to the Board of Supervisors (Mariana Moore, Chair)

6. The next meetings are currently scheduled for August 11th at 5:00 PM, August 13th at 9:00 AM, August 18th at 5:00 PM, and August 20th at noon.

7. Adjourn

The Measure X Community Advisory Board will provide reasonable accommodations for persons with disabilities planning to attend Measure X meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Measure X Community Advisory Board less than 96 hours prior to that meeting are available for public inspection at 1025 Escobar St., 4th Floor, Martinez, during normal business hours.

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

*Live Transcription (Automated Closed Captioning) is available in English via Zoom - Click the "**Live Transcript**" button from the in-meeting Zoom toolbar and **select one** of the options from the pop-up menu.*

*Live simultaneous Spanish interpretation is available for Measure X Community Advisory Board meetings by joining the meeting via the Zoom application. Click on the "**Interpretation Globe"** at the bottom of the screen and choose the language channel Spanish. You may wish to "Mute Original Audio" so that you only hear the utterances on the channel that you select.*

Measure X Community Advisory Board meeting agendas and videos are available in Spanish at: http://64.166.146.245/agenda_publish.cfm?id=&mt=ALL

For Additional Information Contact:

Lisa Driscoll, Committee Staff
Phone (925) 655-2047
lisa.driscoll@cao.cccounty.us

Contra Costa County Board of Supervisors

Subcommittee Report

MEASURE X COMMUNITY ADVISORY BOARD

Meeting Date: 08/04/2021

Subject: Public comment on any item under the jurisdiction of the Committee and not on this agenda

Department: County Administrator

Referral No.: 2/2/21 D.4

Referral Name: Measure X Community Advisory Committee

Presenter: Mariana Moore **Contact:**

Referral History:

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

Referral Update:

See attached public comments.

Recommendation(s)/Next Step(s):

Accept attached written public comments.

Attachments

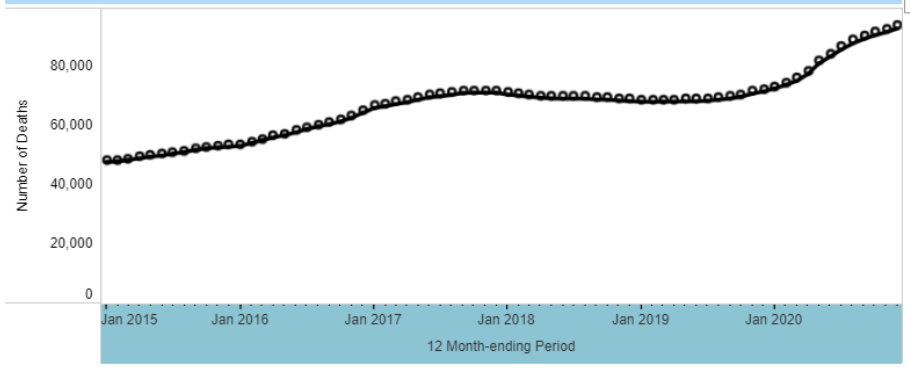
CA ad National Drug Overdose Trends
CDPH CCC OD Stats 7-27-21
Drug Sobering Center Issue Brief
Examples of Addiction Treatment Resource Funding
JAG Final Evaluations - Santa Cruz
Measure X Funds to Bolster the Addiction Treatment System
Public Comment - Library 16
Public Comment - Library 17
Safe Sobering San Francisco
SF Sobering Outcomes-Graphic
Testimony - Jessica Reid
Testimony - Raquel Santana-Pizana
Public Comment - Arts
Public Comments - Arts 2

12 Month Ending Provisional Drug Overdose Deaths – United States

12 Month-ending Provisional Number of Drug Overdose Deaths

Based on data available for analysis on: 7/4/2021

Figure 1a. 12 Month-ending Provisional Counts of Drug Overdose Deaths: United States



Select Jurisdiction

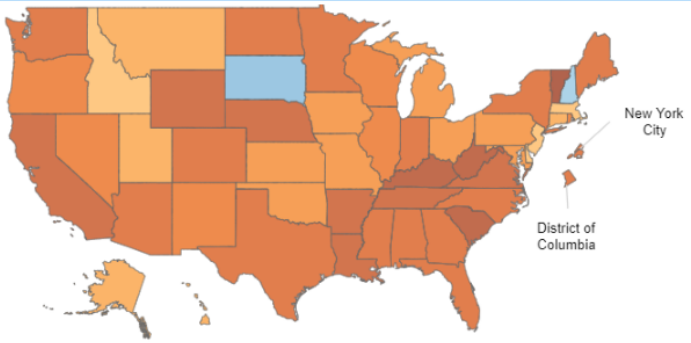
United States

Predicted Value

Reported Value

There were 92,183 overdose deaths in 2020 nationally, representing a +29.6% increase over 2019

Figure 1b. Percent Change in Reported 12 Month-ending Count of Drug Overdose Deaths, by Jurisdiction: December 2019 to December 2020



Select predicted or reported number of deaths

Predicted

Reported

Percent Change for United States

29.6

Legend for Percent Change in Drug Overdose Deaths Between 12-Month Ending Periods

-15.9 63.6

NOTES: *Reported* provisional counts for 12-month ending periods are the number of deaths received and processed for the 12-month period ending in the month indicated. Drug overdose deaths are often initially reported with no cause of death (pending investigation), because they require lengthy investigation, including toxicology testing. Reported provisional counts may not include all deaths that occurred during a given time period. Therefore, they should not be considered comparable with final data and are subject to change. *Predicted* provisional counts represent estimates of the number of deaths adjusted for incomplete reporting (see **Technical notes**).
Deaths are classified by the reporting jurisdiction in which the death occurred. Percent change refers to the relative difference between the reported or predicted provisional numbers of deaths due to drug overdose occurring in the 12-month period ending in the month indicated compared with the 12-month period ending in the same month of the previous year. Drug overdose deaths are identified using ICD–10 underlying cause-of-death codes: X40–X44, X60–X64, X85, and Y10–Y14.

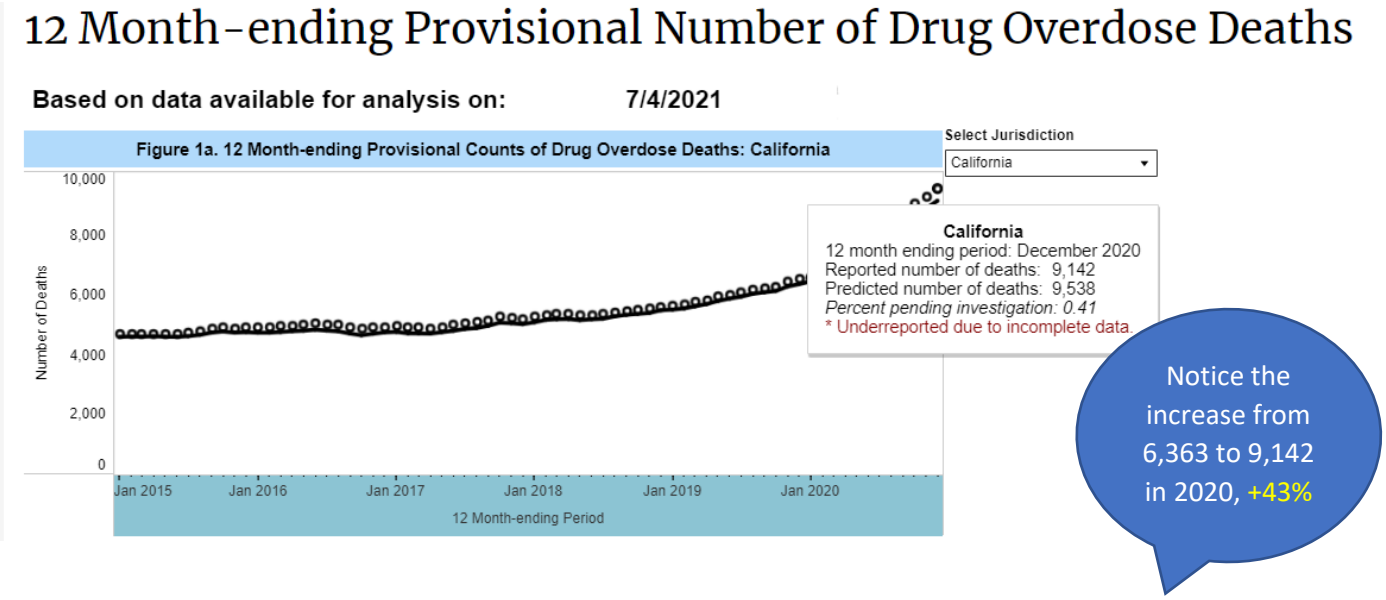
tableau

Unexpected response from 'GetSessionInfo' command when fetching online analytics server info.

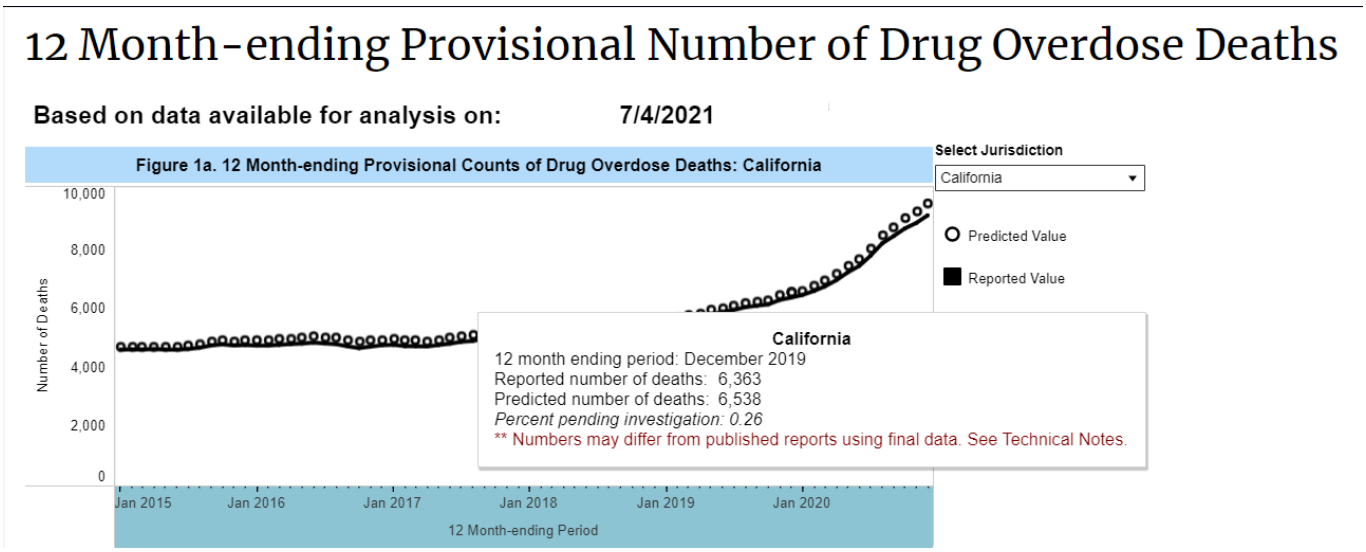
Source: https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm

12 Month Ending Provisional Drug Overdose Deaths – California

(12 Month period through 12/2020)



(12 Month period through 12/2019)



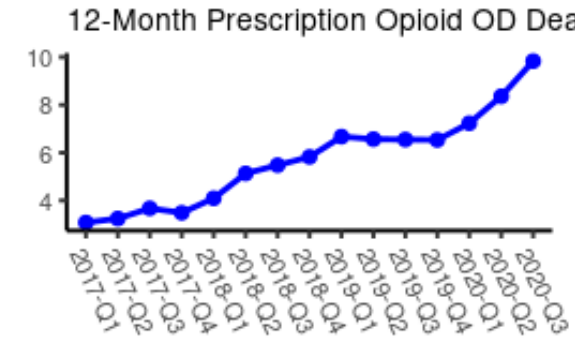
Source: https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm

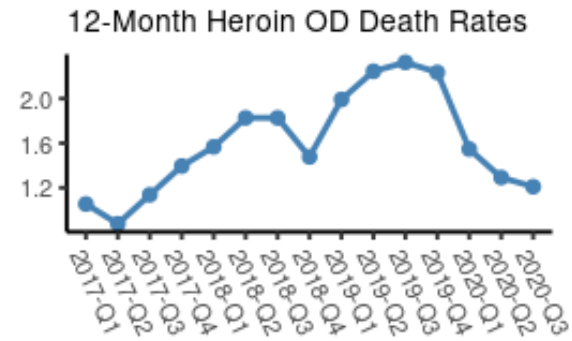
California Department of Public Health CDPH

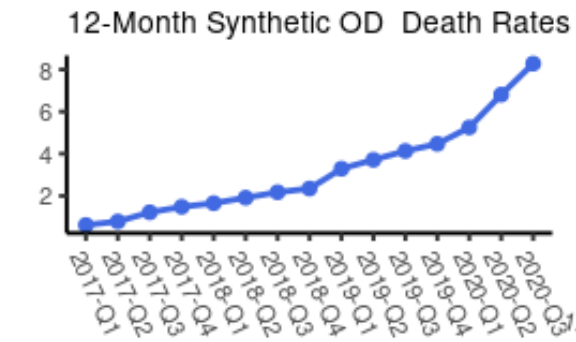
Contra Costa Opioid Overdose Snapshot: 2017-Q1 through 2020-Q3

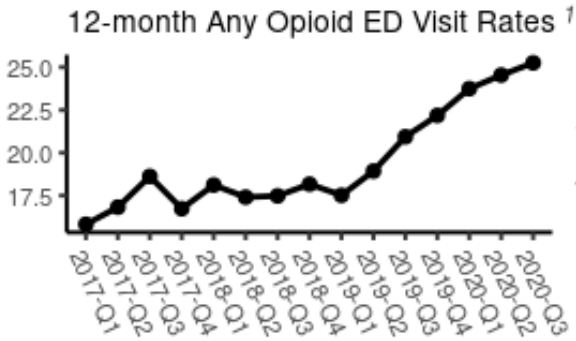
Report downloaded 07-27-2021

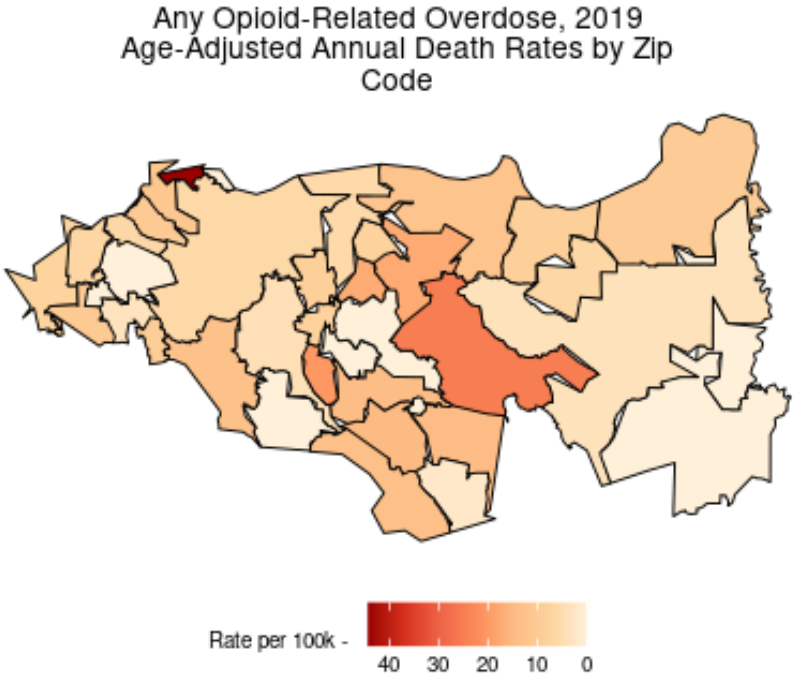
Contra Costa experienced 91 any opioid-related overdose deaths in 2019, the most recent calendar year of data available and the annual crude mortality rate for 2019 was 7.83 per 100k residents. This represents a 73% increase from 2017. The following charts present 12-month moving averages for selected opioid indicators (prescription-, heroin-, and synthetic opioid-related overdose deaths, and ED visits related to any opioid) and include trend data for 2020*. The map displays the annual zip code level age-adjusted rates for all opioid-related overdoses. Synthetic opioid overdose deaths may be largely represented by fentanyl.

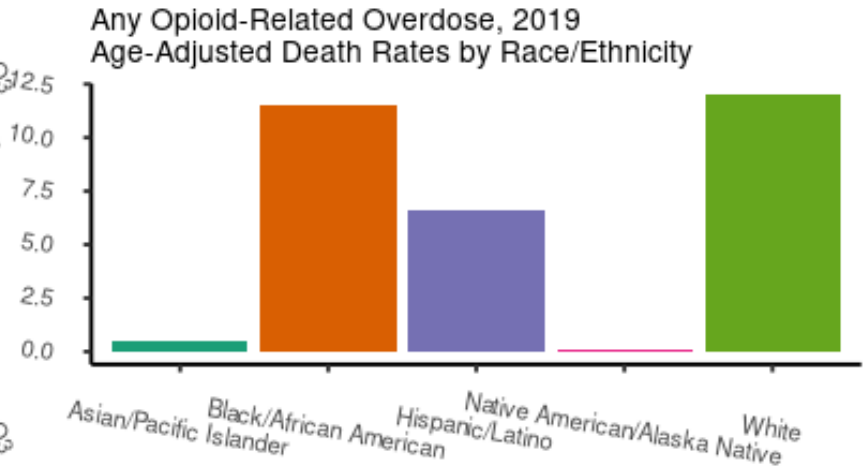












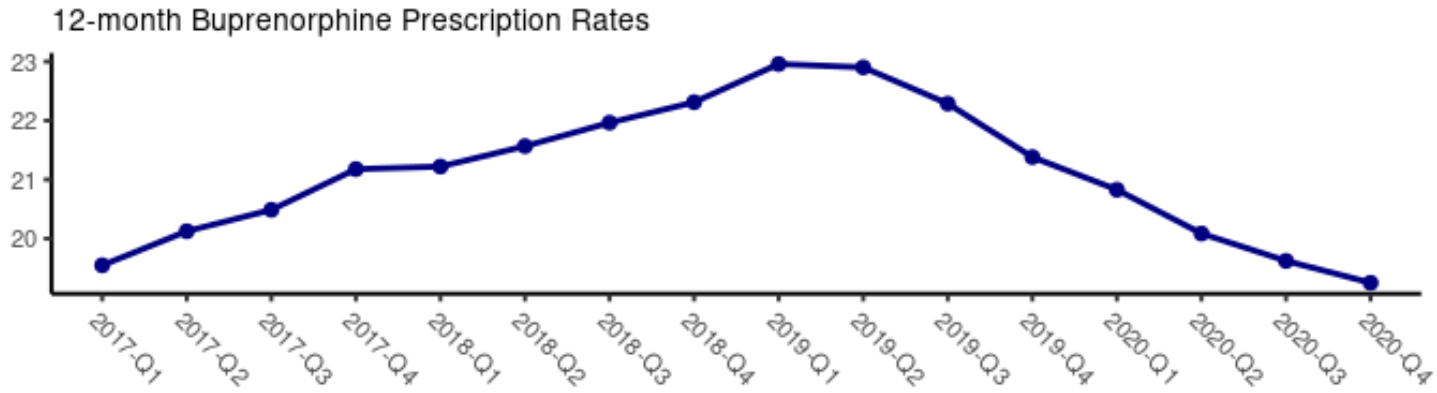
Footnotes: *Trend data for most recent year may be preliminary and may not be available for all data sources.
12-month rates are based on moving averages; OD = Related Overdose

Prescribing

There were 565,236 prescriptions for opioids (excluding buprenorphine) in Contra Costa in 2019. The annual crude opioid prescribing rate for 2019 was 490.01 per 1,000 residents. This represents a 20% decrease in prescribing from 2017. The following charts present 12-month moving averages for crude opioid prescribing rates, the crude rate of MMEs (morphine milligram equivalents) per person, the crude high dosage rate (i.e. greater than 90 Daily MMEs in the quarter), and the crude opioid/benzodiazepine overlap crude rate from 2017 to 2019 and include trend data for 2020*.

Treatment

Buprenorphine prescriptions in the county are used to gauge the expansion of medication-assisted treatment (MAT). The annual crude buprenorphine prescribing rate for 2019 was 21.38 per 1,000 residents. This represents a 1% increase in buprenorphine prescribing from 2017.



Footnotes: *Trend data for most recent year may be preliminary and may not be available for all data sources.
12-month rates are based on moving averages; OD = Related Overdose

DRUG SOBERING CENTER ISSUE BRIEF

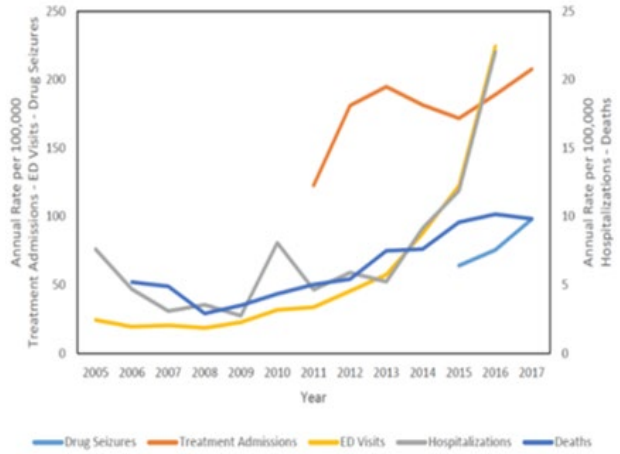
Mental Health San Francisco Implementation Working Group

I. BACKGROUND

The Drug Sobering Center is part of San Francisco's response to the overall increase in street drug use and specifically the spike in methamphetamine use in recent years.

Methamphetamine has been directly linked with increases in user death due to overdose, which has tripled in San Francisco since 2008. Methamphetamine use in the city is also associated with additional harms such as violent encounters, property damage, thefts, and hazardous waste. As illustrated in Figure 1, these behaviors have led to a mental health crisis related to stimulant use, overutilization of psychiatric emergency services, and law enforcement resources.

Figure 1: San Francisco Methamphetamine Indicators, 2005-2017



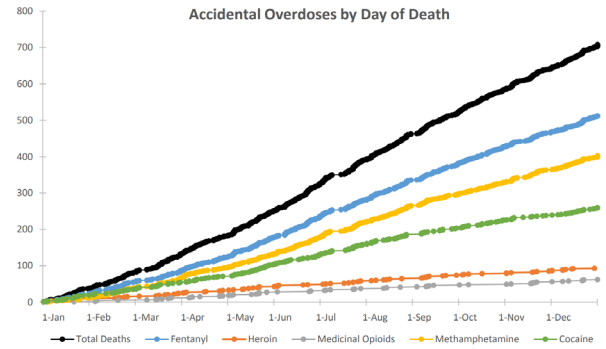
Mental Health San Francisco (MHSF), created through legislation (File No. 191148), identifies a Drug Sobering Center on Page 12, lines 19-23:

(vi) ***Drug Sobering Center.*** *Mental Health SF shall include at least one Drug Sobering Center that shall offer clinical support and beds at a clinically appropriate level of care for individuals who are experiencing psychosis due to drug use. The Drug Sobering Center shall coordinate with the Mental Health Service Center to provide clinically trained psychiatric services for patients with dual mental health and drug use diagnoses.*

Establishment of a sobering center for people who use methamphetamine, a stimulant that can induce psychosis and erratic behavior, was also the top recommendation of San Francisco's Methamphetamine Task Force in 2019: "to create a trauma-informed sobering site with integrated harm reduction services for individuals who are under the influence of methamphetamine."

The proposed Drug Sobering Center is one of the first of its kind in San Francisco and in the nation. Since 2003, San Francisco has operated a 12-bed Sobering Center primarily serving people with chronic alcohol use disorder who are intoxicated with alcohol. While the existing Sobering Center can accommodate individuals intoxicated on other substances, the needs of those sobering from drugs are different from alcohol. In addition, the needs of clients experiencing opioid dependence may also be different, warranting a broader definition of "drug sobering" and requiring the proposed Drug Sobering Center to address opioid and methamphetamine use. Figure 2 demonstrates the rising methamphetamine and opioid overdose deaths corresponding to increased use of both these drugs.

Figure 2: Accidental Overdoses by Day of Death, 2020



"Acc. Overdoses Open" cases do not have a final cause and manner of death classification; "Acc. Overdoses Closed" cases have a final cause and manner of death classification.
"No fixed address" denotes community members who may be experiencing homelessness.
"Residence" denotes address where decedent lived; "Location of Death" denotes the location where death was declared. For "Residence" and "Location of Death", the 4 most affected neighborhoods are represented, the "Others" category refers to all other zip codes within the City and County of San Francisco and any of out county residences.
"Gender" refers to gender at time of death.
"Total Deaths" denotes Accidental Overdoses where one or more drugs contribute to the cause of death; however, every point for each drug series is inclusive, but not necessarily exclusive, of that drug. "Total deaths" represents all accidental overdoses including ones for drugs not specified above.

Office of the Medical Examiner, Jan-Dec 2020 Overdoses (all drugs, including methamphetamine and opioids) San Francisco County (accessed at https://sf.gov/resource/2020/ocme-accidental-overdose-reports; 4/14/2021)

II. DRUG SOBERING CENTER OVERVIEW

The Drug Sobering Center is an opportunity to address the unique needs of individuals using drugs. Through targeted engagement, the Center will promote substance use services and social supports. The proposed Drug Sobering Center is a non-medical, social model program staffed by health workers focused on harm reduction, safety, and low-threshold engagement. The existing alcohol sobering center is a medical-model program staffed 24/7 by nurses who provide continuous medical assessment.

The Drug Sobering Center will provide:

- A safe, welcoming, and trauma-informed space for individuals, especially those experiencing homelessness, to move through drug-induced altered states and reduce harms
- An opportunity for low-threshold engagement to discuss less self-destructive coping strategies and move clients towards wellness recovery
- A response to the needs of the neighborhood, surrounding hospitals, outreach teams and other community providers serving these individuals

The Drug Sobering Center will be an accessible destination for transporting clients engaged by the Street Crisis Response Team, Street Medicine, Homeless Outreach Teams, Emergency Medical Services, and other first responders; and as an alternative destination to the hospital or jail for other community agencies.

The Center was originally scheduled for operation as a pilot program to be housed in temporary structure on Jones at Turk Street in early 2020. However, due to the COVID-19 emergency, this implementation was delayed. In early 2021, the San Francisco Department of Public Health (DPH) embarked upon a renewed effort to identify a more appropriate brick-and-mortar site for the Drug Sobering Center to take advantage of commercial lease opportunities; it concluded the building at 1076 Howard Street is well-suited for the design needs of this program and in an optimal geographic location.

PROGRAM DESIGN

Building on efforts during the 2020 design process, DPH recalibrated the current design to adapt to operations in a brick-and-mortar facility. The program planning is informed by the 2019 Methamphetamine Task Force recommendations.

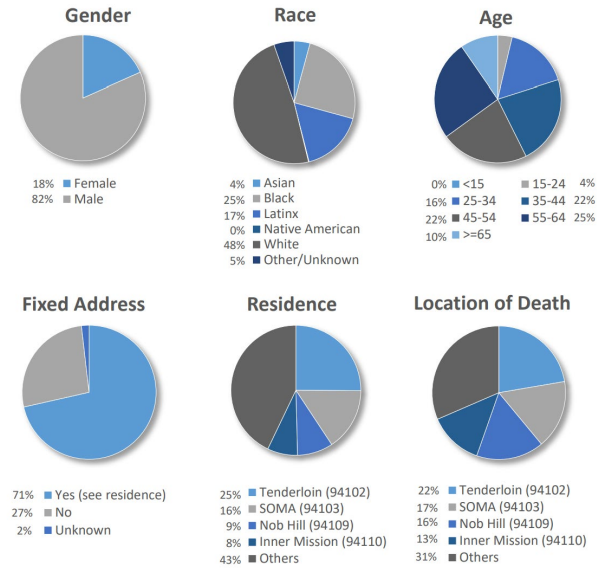
The proposed services include:

- Hospitality and support services
- Snacks and beverages
- Provision of materials to support activities of daily living (i.e., clothing, showering, hygiene supplies)
- On-site security for safety monitoring
- On-site EMT to provide health assessments and first aid
- Referral to primary care medical, outpatient mental health and substance use services, and other community resources
- Linkage to social services including housing supports
- Access to harm reduction supplies and education
- Individualized peer support and counseling using motivational interviewing to move clients towards harm reduction

SITE IDENTIFICATION

After an exhaustive search of available properties in District 6, which has one of the highest concentrations of overdose mortality in San Francisco (see Figure 3), DPH identified a site at 1076 Howard Street.

Figure 3: Overdose Mortality Characteristics



Office of the Medical Examiner, Jan-Dec 2020 Overdoses (all drugs, including methamphetamine and opioids) San Francisco County

It is a two-floor,17,000 square foot space that was scored by DPH clinical and operational leads to have the best fit of the available properties within the city. The site is a recently remodeled commercial space that is ready to accommodate tenant improvement. The Drug Sobering Center is expected to utilize the first floor. The second floor will be utilized by other DPH and MHSF programs that interface with Drug Sobering Center clients and staff (e.g., Street Medicine, Office of Coordinated Care, Street Crisis Response Team).

The San Francisco Department of Real Estate has initiated the procurement process by issuing a non-binding letter of intent to the landlord. The building is expected to be delivered turnkey with the landlord performing the required tenant improvements. The final cost will be determined once the interior program design and space fit study are finalized. These improvements include having sufficient restroom facilities for staff and clients, client consultation space, a medical exam room, sleeping areas for clients, quiet client activity space, and staff workspaces.

IDENTIFYING A PROGRAM OPERATOR

DPH designed the Drug Sobering Center to expedite implementation. HealthRIGHT 360 has been engaged to operate the program under a Professional Services Contract. This contract is an 18-month agreement that will allow DPH time to evaluate the new model and review best practices for this new innovative service. This contract will need approval by the Health Commission after fulfillment of community notification requirements, which is expected to be completed in April 2021. Additionally, during this 18-month period, DPH shall initiate a separate, competitive Request for Proposal (RFP) process to identify a long-term operator for the service who will manage the Center during the lease term at this location.

KEY PROJECT MILESTONES AND TIMELINE

The Drug Sobering Center is on an expedited timeline to begin construction, staff hiring and training, and development of clinical and operational protocols for a projected Fall 2021 opening.

Timeline	Milestone
April 2021	▪ Submission of lease package to Board of Supervisors ▪ Proposition I community notification meetings ▪ Presentation of program to MHSF Implementation Working Group
May 2021	▪ Board of Supervisors hearing
June 2021	▪ Mayor approval ▪ Presentation to Health Commission ▪ Begin construction ▪ Finalize operator contract
July 2021	▪ Develop protocols
Fall 2021	▪ Opening
Early 2022	▪ Post-opening Community Feedback Meeting

PROJECTED ANNUAL BUDGET

DPH is negotiating the final operational costs with HealthRIGHT 360 for the Drug Sobering Center pilot. The current estimated annual budget is approximately $4.2M. This figure includes an annual lease at approximately $590,902 per year, which includes the 2nd floor space to be allocated for other DPH offices.

ALIGNMENT WITH OTHER MHSF AND DPH INITIATIVES AND PRINCIPLES

The Drug Sobering Center will be a key partner and will enhance the resources available to clients served in the other areas of MHSF, such as the Street Crisis Response Team (SCRT), Mental Health Service Center, and the Office of Coordinated Care. By providing a safe, welcoming place for persons who do not require emergency services, SCRT will have access to a safe and reliable place for clients to “come-down” from their intoxication. Similarly, the Mental Health Service Center, in its current location five blocks away, will also be able to inform and refer clients to the Drug Sobering Center who may present in an intoxicated state and need a safe place.

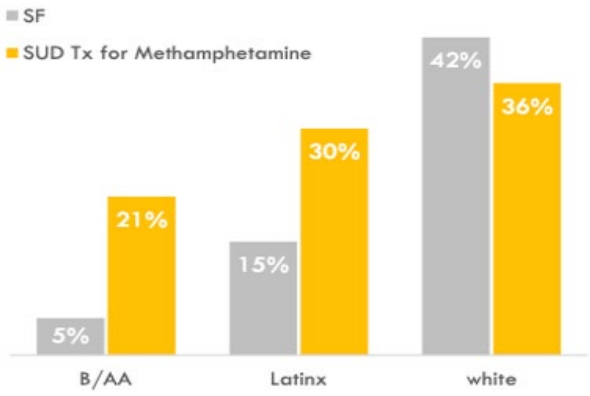
Once operational, the Office of Coordinated Care staff may be able to assess participants who visit the Drug Sobering Center and help identify treatment needs and substance use service placements. Similarly, the Center may be able to facilitate referral of participants needing services at the expanded Mental Health Service Center. These practices will avoid missed opportunities for early treatment engagement as well as reduce unnecessary use of emergency services by participants experiencing a drug-related crisis.

The Drug Sobering Center is a tangible asset that propels MHSF principles forward. By design, the Center expands the scope of services and opportunities for care to persons who are in crisis and are experiencing homelessness. By removing barriers to admission, providing supports to ensure safety, and delivering trauma-informed harm reduction services, the program provides an alternative to using emergency services.

III. ADDRESSING RACIAL EQUITY

The 2019 Methamphetamine Task Force Report demonstrated that people of color were disproportionately served by substance use services in comparison to the general population in San Francisco (see Figure 4). The report also referenced 2017 data indicating that nearly two-thirds of people admitted for methamphetamine treatment were people of color.

Figure 4: Percent of Population Admitted for Treatment



As drugs are increasingly consumed in public spaces, individuals who encounter intoxicated persons exhibiting harmful behaviors on the street have few options aside from contacting law enforcement and/or emergency services. When police engage intoxicated individuals in these scenarios, their interventions are limited, as they have few options beyond arrest or transport of the individual to the hospital, emergency room, or an urgent care center.

The Drug Sobering Center is an important alternative that will allow responders to divert individuals to a safe shelter-oriented setting rather than being viewed by some as a safety threat resulting in police intervention. The Center will also be an accessible tool for non-law enforcement responders, allowing them to be a more effective alternative to police intervention. Together with the Street Crisis Response Team, which are now operational in the Tenderloin and SOMA neighborhoods, the Drug Sobering Center will leverage the effectiveness of policing alternatives in these neighborhoods.

In addition, the Drug Sobering Center will provide early prevention and respite for individual at risk for methamphetamine or opioid (particularly fentanyl) overdose, both of which occur disproportionately in African Americans and in persons who reside in the Tenderloin and SOMA neighborhoods (see Figure 3). When individuals using drugs are indoors, they use less and are more likely to engage services.

Future expansion of this service to other disproportionally-impacted neighborhoods will be based upon evaluation of the success of this new model.

IV. COMMUNITY ENGAGEMENT

The recommendation for a Drug Sobering Center is based on the Methamphetamine Task Force's 2019 efforts. The task force was a diverse, multidisciplinary, and multi-sector appointed body that included medical and public health professionals, researchers, substance use disorder treatment providers, community advocates, emergency responders, criminal justice and law enforcement officials, drug policy experts, and current and/or former substance users. The Drug Sobering Center is one of three major recommendations put forth by the task force. The other recommendations are:

1. Strengthen the city's interdisciplinary behavioral health crisis response.
2. Prioritize and protect housing for people seeking treatment.

While these additional recommendations fall outside the scope of the Drug Sobering Center, they are embedded in the efforts of MHSF in its entirety, and specifically within the programmatic intent of the Office of Coordinated Care, Street Crisis Resolution Team, and establishment of new residential beds and facilities.

FUTURE PLANS FOR COMMUNITY ENGAGEMENT

Community feedback is a key component in the future implementation plans of the Drug Sobering Center. DPH and its partner HealthRight360 will engage the community through community forums. HealthRight360 will hold quarterly feedback meetings to provide program updates and hear direct feedback from the community and consumers about the program. Feedback will be documented and collected to identify best practices and evaluate program outcomes and success. DPH will also track demographic information to inform program modifications to ensure that the communities most adversely impacted by street drug use are able to access this new service.

Additional customer research may include using InterEthnica to better understand the needs of populations difficult to reach, avenues for reaching them, and the services changes which would optimize their engagement.

VI. DATA AND EVALUATION

According to the latest homeless count completed for San Francisco on January 2019, there are a total of 8,011 homeless individuals, an increase of 17% from the previous count in 2017 (See data from the Homeless Count & Survey Comprehensive Report 2019). Of these individuals experiencing homelessness, 42% self-report alcohol and drug abuse, and 39% report psychiatric/emotional conditions. Over a third (37%) are chronically homeless and very likely to receive services by DPH.

The homelessness presence is nowhere more evident than in District 6, where 3,659 (46%) individuals were counted. Although many resources, ranging from shelters and clinics to meal sites, are available in this district, many individuals are not able to use these services because of substance use and mental health issues, instead relying on care through emergency settings.

The Drug Sobering Center will measure its success by its contribution to other MHSF global outcomes and strategies including:

- **Utilization of the service by the MHSF target population: people experiencing homelessness with behavioral health needs.** Measure the number and duration of encounters to the Drug Sobering Center by housing status, race and ethnicity, and other key demographic indicators. Track the number of referrals to other MHSF programs.

- **Reduce recidivism (repeat encounters) within Psychiatric Emergency Services.** Provide an alternative, voluntary service to persons managing drug-induced inebriation. Measure the change in recidivism and use of these services.

- **Reduce recidivism (repeat encounters) within the criminal justice system.** Provide a safe space and controlled environment to prevent risky behavior that leads to engagement with law enforcement. Measure the change in recidivism and encounters within the justice system.

Additional pilot measures will track outcomes in three domains: 1) services and utilization, 2) quality, and 3) satisfaction. Examples of these domain indicators include:

- number of unique participants
- source of referral
- duration and extent of services provided
- measures of quality and safety including critical incidents and concerns received from clients or the community
- number of harm reduction supplies distributed
- number of referrals made or accepted to other mental health or substance use disorder services
- client and community satisfaction

VI. EVIDENCE-BASED MODELS

Other jurisdictions operate drug sobering programs that are comingled with alcohol sobering. This proposed Drug Sobering Center builds off the modeling of such programs, such as Exodus Recovery in Los Angeles, but it is the first sobering center dedicated exclusively to drug use. While there is considerable data supporting the use of sobering centers to alleviate jail overcrowding and overuse of emergency room services, sobering centers specifically for drug use is still a new public health concept.

Evidence suggests that sobering programs are beneficial to consumers and communities. For example, the Houston Recovery Center is a polysubstance sobering program that has found considerable benefits since its implementation in 2013. After the opening of the sobering center, public intoxication jail admissions in Houston decreased by 95% over the period 2012 to 2017, from 15,357 to 835.[1] While it is not believed that the center is responsible for all decreases in arrests, as Houston also implemented additional diversion policies for people with substance use disorder, the Center was an added resource to facilitate the practice. Additionally, the service model is credited as a valuable resource for people with frequent encounters with emergency services.

VII. KEY CONSIDERATIONS FOR THE IWG

The Drug Sobering Center pilot will launch in Fall 2021 as one of the first of its kind. The initial scope and program have been designed by staff and experts with the best data and research available. The following questions are critical areas of input for the MHSF Implementation Working Group (IWG):

1. **The Drug Sobering Center is a pilot which will be evaluated along four dimensions: 1) contribution to MHSF global outcomes, 2) Drug Sobering Center services and utilization, 3) quality; and 4) satisfaction. What other outcome measures would the IWG deem important or essential in evaluation of this program as pilot?**

Data from the Drug Sobering Center will supplement global MHSF datasets and performance measures, but the actual impact may be difficult to discern during the 18-month pilot. Much more attainable are service utilization and process measures like the number of unique visits, harm reduction services received, or actual social service or treatment referrals. Similarly, quality, complaint, and satisfaction will be routine program implementation measures. Looking ahead, DPH must determine if the Drug Sobering Center is an effective model which should be renewed or replicated.

2. **How should the Drug Sobering Center be evaluated in the context of rapidly changing patterns of community drug use?**

Patterns of community drug use evolve quickly. It is influenced by changing demographics and the economics of drug supply and demand. During COVID, San Francisco has witnessed a rapid rise in opioid drug use, particularly fentanyl. At the same time, methamphetamine use remained high. The relationship between methamphetamine and opioid drug use is complex, as the majority of current drug users are poly-substance users. The Drug Sobering Center's programming will respond to these emerging drug use patterns as the Center staff strive to reduce the impact of drugs on participants. Quite possibly, however, drug use patterns will change as the city emerges from the COVID pandemic, and housing options for persons experiencing homelessness remain uncertain.

[1] Jarvis et al. *Public Intoxication: Sobering Centers as an Alternative to Incarceration, Houston, 2010-2017*. American Public Health Association, 2019.

Examples of substance use disorder treatment resources which Measure X could fund, which lack funding from other funders:

- **SUBSTANCE USE DISORDER (addiction) Counselor Workforce Shortage**: Workforce retention grants to incentivize SUBSTANCE USE DISORDER (ADDICTION) Counselors to work in the field. Currently there is a drastic shortage, the County only allows fairly low wages in their Medicaid contracts which makes it difficult to retain talent. These grants could also include SUBSTANCE USE DISORDER (ADDICTION) Counselor education reimbursement as there are certain college level classes that have to be completed. The community colleges locally have programs that could potentially be funded to incentivize folks to enter the SUBSTANCE USE DISORDER (ADDICTION) counseling workforce. It is hard to quantify a funding allocation but these community college courses run approximately $10,000 per person and expanding the workforce pool by at least 30 additional addiction treatment counselors would help existing providers with lean staffing levels make more of an impact by filling critical positions.
- **Recovery Housing**: There is a shortage of recovery housing and the costs are difficult for a newly recovering person to carry while their searching for employment. Recovery Housing funds which the County has historically allocated to fund one's stay in sober housing for about 3 months time is decreasing this next year. Measure X could enhance this and help get people in early recovery on their feet while they look for employment. Sober living homes have beds which usually cost approximately $750 per person, per month, so if you were to fund 6 months of Sober Housing for a Contra Costa Resident and if that were done for *100 unique clients over one year's time the cost would be approximately $450,000.*[1]
- **Mental Health Support & Integration with SUBSTANCE USE DISORDER (ADDICTION) Treatment**: Medicaid funds for SUBSTANCE USE DISORDER (ADDICTION) treatment do not allow for the County to provide Addiction Psychiatry supports for our system of care. This is but one symptom of a fairly fragmented system which impacts the quality of patient care. For example, a patient with a co-occurring disorder (mental health diagnosis along with a SUBSTANCE USE DISORDER (ADDICTION) diagnosis) will access an SUBSTANCE USE DISORDER (ADDICTION) program and need help with their mental health, but County mental health resources are at capacity, appointment wait times are 4-6 weeks out, and the patient ends up being unable to engage in SUBSTANCE USE DISORDER (ADDICTION) treatment because their mental health is not yet stabilized with the right medications. Alameda County has fixed this problem by implementing a dedicated Addiction Psychiatrist for the SUBSTANCE USE DISORDER (ADDICTION) treatment network, allowing rapid access & support for providers when needed. These mental health professionals are expensive and not able to be funded by SUBSTANCE USE DISORDER (ADDICTION) Medi-Cal so Measure X would

[1] As a reference point, our Men's residential program 'Diablo Valley Ranch' serves ~ 350 men per year and approximately half of them are homeless and need recovery housing. There are at least 6 other residential treatment providers in Contra Costa as well with just as much of a need, so funding 100 residents per year is a small number and can potentially be increased.

potentially provide the tax revenues to enhance the SUBSTANCE USE DISORDER (ADDICTION) treatment system of care in this way. *These Addiction Psychiatrists cost approximately $400,000 per year or more.*

- **Sobering Centers**: Various surrounding counties (Alameda, San Mateo, Santa Clara) have implemented Sobering Centers to help with public intoxication. These sobering center programs have been shown to decrease emergency services utilization, decrease officer booking wait times and break the cycle of repeat incarceration / repeat ED utilization for those with fairly severe SUBSTANCE USE DISORDER (ADDICTION) by linking them to the broader system of care. Measure X monies could be allocated to fund a program of this type and a downstream savings could be achieved in terms of emergency services & law enforcement resources. My understanding is that the community has not been very supportive of this model when it was proposed in the past, but now is the time to act given the unprecedented overdose rates, homelessness problem, etc. *These programs cost approximately $1,500,000 per year depending on the scale and model* and should be run by community based organizations with a demonstrated history of running specialized programs such as these. Attached you will find a number of reports which measures the impact of Sobering Centers, including ones in the San Francisco & Santa Cruz regions.
- **SUBSTANCE USE DISORDER (ADDICTION) Provider Capital Expenditures**: Provider facilities are largely under-resourced as Medicaid dollars do not allow for the reimbursement of large capital expenditures. For example, roofs, foundations, etc. must be burdened by the owner of the facilities. Measure X facilities improvement grants could be allocated to make facilities safer & more inviting for the consumer. As an example, Capital improvement programs that offer *$250,000* of renovations grant dollars to providers could help enhance the system of care and improve program safet, and can even be done in a 'matching grant' type fashion so that the provider / owner shares in the cost burden.

SANTA CRUZ COUNTY SHERIFF'S OFFICE

Recovery Center

2018 FINAL PROGRAM EVALUATION REPORT

Janus of Santa Cruz
The Leader In Addiction Treatment

ASR

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A Message from the Sheriff

The Santa Cruz County Sheriff's Office Recovery Center was born from an idea I had when I ran the jail system from 2011 through 2013. I observed hundreds of bookings each month for public intoxication that came into our jail. These bookings utilized vast resources and brought a large amount of medical exposure to the county for an offense that is not typically treated as a crime in our justice system. I thought if we could view public intoxication arrests as a medical issue rather than a criminal justice issue we could save time, money and jail space, while also better serving the people who were experiencing an alcohol related crisis.

In early 2015 the Sheriff's Office applied for a Justice Assistance Grant to fund the Recovery Center. We were awarded 100% of the funding for two and a half years. We partnered with Janus of Santa Cruz and we opened the Sheriff's Office Recovery Center in June of 2015. The Recovery Center is now being used about 175 times a month and has expanded the client base to both drugs and alcohol.

The Justice Assistance Grant expired in December of 2017 and the county is committed to fully funding the Recovery Center with some much-appreciated help from the City of Santa Cruz. The Recovery Center is providing assistance and treatment options to clients and some are taking advantage of those opportunities. Additionally, by using the Recovery Center police officers and deputy sheriffs are saving time. The typical drop-off time at the center is about seven minutes, while booking a person into county jail takes about 50 minutes. This has resulted in more police officers and deputy sheriffs on the street to respond to calls and deter crime.

I am extremely proud of the Sheriff's Office Recovery Center and I am pleased to have such a great working relationship with Janus of Santa Cruz.

Jim Hart, Sheriff-Coroner

Acknowledgments

The Santa Cruz County Sheriff's Office and Janus of Santa Cruz wish to thank the following stakeholders and experts for their outstanding participation on the Recovery Center Steering Committee from 2015 to 2017. The committee convenes quarterly to assess progress, address programmatic challenges, and inform decision-making.

Committee Members	Organization
Steve Carney, Chief Deputy	Santa Cruz County Sheriff's Office
Craig Wilson, Chief Deputy	
Jeff Marsh, Chief Deputy	
Roy Morales, Lieutenant	
Rick Martinez, Deputy Chief	City of Santa Cruz Police Department
The late Bill Manov, Former Director	Santa Cruz County Alcohol and Drug Program
Deborah Elston	Santa Cruz County Neighbors
Jessica Nichols	Encompass Community Services
Carla Vencill	
Susie O'Hara	SIP / PACT Programs
David Corboy	Dominican Hospital
Rod Libbey, Former CEO	Janus of Santa Cruz
Rudy Escalante, CEO	
Lisa Russell, Director of Research and Evaluation	
Jaime Campos, Director of Operations	
Sam Price, Recovery Center Program Manager	

Headline Findings

	Data Highlights Reporting Period: June 2015 – December 2017
Service Episodes	• The Recovery Center served 984 individuals in **1,729 total episodes** of intoxication.
Client Demographics	• Race/Ethnicity: 65% White (Non-Hispanic), 27% Hispanic/Latino (any race). • Gender: 77% male, 23% female. • Age: 20% were 18-24, 22% were 25-34, 17% were 35-44, 38% were 45-64, and 5% were 65 or older.
Referral Source	• 90% of referrals to the Recovery Center were made by law enforcement; 10% were made by Dominican Hospital. • Most diversions made by law enforcement agencies came from the City of Santa Cruz Police Department (51%) and the Santa Cruz County Sheriff's Office (32%), followed by the Watsonville (6%) and Capitola (4%) police departments. • Referrals from law enforcement agencies increased 52% between 2016 and 2017.
Service Completions	• 88% of episodes were completed successfully, while 12% of episodes ended before completion.
Outcomes: *Progress Towards Grant Objectives*	• The number of average monthly jail bookings of 647 (f) (public intoxication) cases declined 53%, from 221 bookings in 2014, the baseline year, to 103 bookings in 2017. This exceeds the grant objective of a 20% decline. • On average, officers spent 7.1 minutes processing simple 647(f) cases at the Recovery Center in 2017, versus 50 minutes on average at the jail. This represents an 86% reduction in time spent processing cases, allowing officers to more quickly return to the field and tend to more dangerous crimes. • The Recovery Center saved law enforcement agencies across the county an estimated 38 hours per month of officer time. This estimate is the net time saved from all officers referring 647(f) cases to the Recovery Center rather than booking them at the jail (1,188 total hours over 31 months). • Utilization of the Recovery Center by law enforcement agencies generated a combined cost savings of $83,290 over the duration of the grant from the reduction in officer time associated with processing simple 647(f) cases without additional charges during the reporting period. • If recent trends continue, the Recovery Center is projected to serve nearly 2,000 people a year, saving law enforcement $91,887 annually, and freeing up 109 hours of officer time each month.

Overview of the Recovery Center

What are Recovery Centers?

In recent decades, a growing number of cities and counties across the U.S. have decided to change how they address the problem of public intoxication. By shifting the focus away from criminalization and focusing more resources on safety, treatment and access to services, these communities aim to produce better public health outcomes while reducing the burden on law enforcement and hospitals. A critical resource for many communities making this shift is a facility called a recovery center (also known as a sobering center).

Recovery centers provide a safe environment for non-violent intoxicated individuals to rest and recover until they are sober. Though they vary in size and capacity, recovery centers are typically staffed with medical professionals and provide guidance and referrals to help clients access services in areas such as substance abuse and dependence, mental health, and housing.

Recovery centers are also designed to relieve pressure on local law enforcement agencies and hospitals. In many cities and counties, chronically intoxicated individuals create a disproportionate drain on public resources. By diverting non-violent intoxicated individuals away from jail, law enforcement officers can avoid the often lengthy booking process and focus more of their attention on more serious crimes. The reduction in jail bookings also lowers the cost of operating the jail. Hospitals, too, can benefit from recovery centers by reducing the number of inappropriate emergency department (ED) visits and ambulance trips for acutely intoxicated individuals.

While recovery centers have opened in many areas across the U.S., they are most prevalent in the West. In addition to Santa Cruz County, California has recovery centers in San Francisco, Los Angeles, San Diego, Santa Barbara, and San Leandro. Other centers outside of California exist in Houston, Dallas, Little Rock, Portland, Seattle and Anchorage. Though they all share the purpose of providing a safe place for individuals to become sober, recovery centers vary with respect to capacity, staffing qualifications, and eligibility requirements.

About the Santa Cruz County Sheriff's Office Recovery Center

As the first and only program of its kind in the county, the Santa Cruz County Sheriff's Office Recovery Center opened June 1, 2015, providing non-violent individuals 18 and older a safe place to rest and recover while sobering from alcohol. The Recovery Center is a 10-bed facility with separate spaces for men and women. It is open 24 hours, 7 days per week, and staffed with trained referral specialists and medical professionals. The Recovery Center's clients are typically identified, referred, and transported to the Recovery Center by local law enforcement officers. Dominican Hospital also occasionally refers patients to the Recovery Center. As of July 2017, the Santa Cruz County Sheriff's Office required all 647(f) (public intoxication) and DUI first offender arrestees to be taken to the Recovery Center to be assessed for diversion eligibility. Over the reporting period, however, all law enforcement referrals were related to 647(f) violations.

After arriving at the Recovery Center, clients participate in an intake and screening process with a staff member. Staff continue to monitor vital signs and observe behaviors during the client's stay, and authorize them for release once they are assessed to be able to care for themselves and others. Before leaving the facility, clients complete a discharge interview and speak with a referral specialist who can

guide them to resources in the community based on their needs. The Recovery Center also offers SCOPE[1] opioid overdose prevention kits, drug and alcohol treatment referrals and human services information to clients who request it. The Recovery Center is operated by Janus of Santa Cruz, an addiction treatment center and independent contractor with the Santa Cruz County Sheriff's Office.

Evaluation Methodology

The Sheriff's Office contracted with Applied Survey Research (ASR) to provide evaluation services for the duration of the three-year JAG Award from 2015 to 2017. ASR developed the Recovery Center Evaluation Plan and data collection processes, participated in quarterly Steering Committee meetings, processed and analyzed data received from program partners, and provided guidance and review of quarterly progress reports as well as the Final Program Evaluation Report (see Appendix for an example of a dashboard progress report). Data collection and analysis were designed to provide reliable information concerning the following grant objectives, as outlined in the Evaluation Plan:

Grant Objectives

1) A 20% reduction in the number of jail bookings of public inebriates without additional charges.
2) A 5% reduction in the number of calls for emergency medical service related to public inebriates.
3) A 5% reduction in the number of emergency room visits by public inebriates.
4) A 65% reduction in the average time law enforcement officers spend on public inebriates without additional charges who are diverted to the Recovery Center rather than booked into jail.
5) A reduction in public costs (e.g., officer time, jail, emergency department) associated with public inebriates (without additional charges) being diverted to the Recovery Center.

Process Measures

ASR gathered the following process data to monitor implementation of the Recovery Center:

- Number of unduplicated program participants
- Number of visits
- Frequency of use of Recovery Center
- Length of stay
- Client demographic and other background characteristics
- Referrals offered at discharge
- Client intake and discharge status
- Referrals from law enforcement and hospitals
- Number of available beds

[1] SCOPE: Santa Cruz Overdose Prevention & Education, a program of Janus of Santa Cruz.

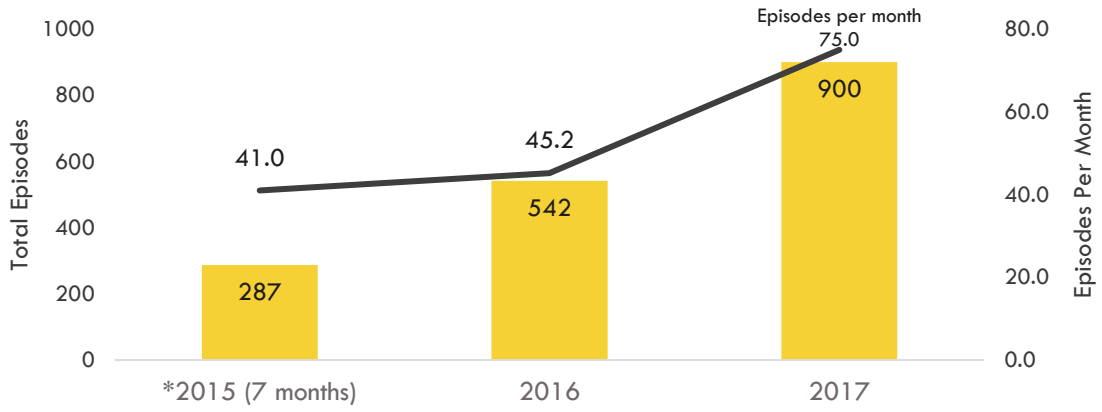
- Number of program staff recruited and trained, by roles
- Written operational procedures (or protocols)

Progress towards the grant objectives was evaluated quarterly, annually and cumulatively at the end of the grant period. Whenever possible, outcome data were compared to baseline data from 2014.

Total Service Episodes

Between June 1, 2015 and December 31, 2017, the Santa Cruz County Sheriff's Office Recovery Center served 1,729 total episodes of alcohol intoxication (984 unique individuals). The volume of clients increased considerably each year, most notably in 2017, after a policy change started in July 2017 by the Sheriff's Office required all 647(f) and DUI first offender arrestees to stop at the Recovery Center to be assessed for diversion eligibility (the figure below shows the increase in 647(f)-only service episodes).

Fig. 1. SERVICE EPISODES: ANNUAL TOTALS & MONTHLY AVERAGES OF 647(F) CASES



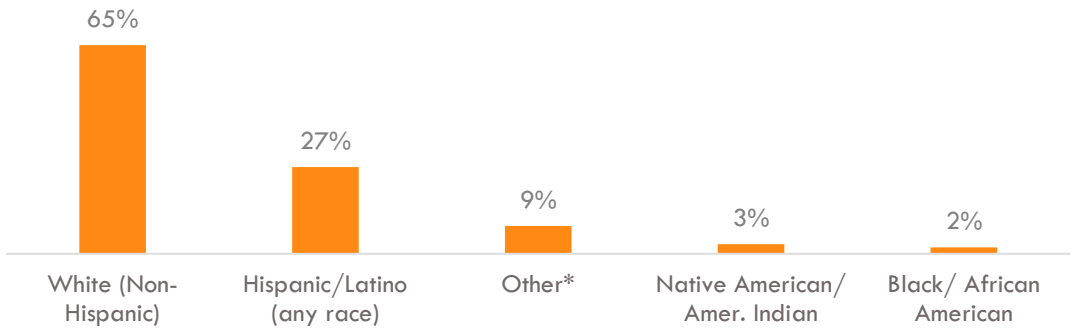
Source: Discharge and Detailed Client Information, Janus Forms Statistics Reports, (2015-2017). N=1,729 Episodes. Note: 2015 data were from June to December 2015.

Client Demographics

Race/Ethnicity, Gender, and Age of Clients

The following figures depict the demographic profile of the Recovery Center clients served from June 2015 to December 2017. Nearly two-thirds of clients were White (Non-Hispanic) (65%), followed by Hispanic/Latinos (of any race) who comprised 27% of the client population. Figure 2 (below) excludes the 12% of clients who did not indicate a race or ethnicity.

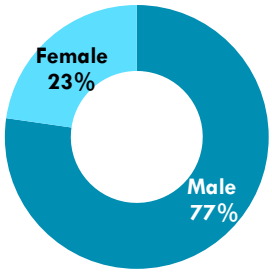
Fig. 2. RACE/ETHNICITY OF CLIENTS



Source: Discharge and Detailed Client Information (V2), Janus Forms Results Report (2015-2017).
N=879 unique clients who marked at least one race/ethnicity category. Categories are not mutually exclusive; 6% of clients marked more than one category. Clients who indicated no category (N=112) or marked "Decline to Answer" (N=5) were removed from the analysis.
**"Other" includes clients who specifically marked "Other" race or ethnicity without further specification, plus clients who marked Asian or Hawaiian/Pacific Islander (each represented less than 2% of clients).*

Over three-fourths (77%) of clients were male.

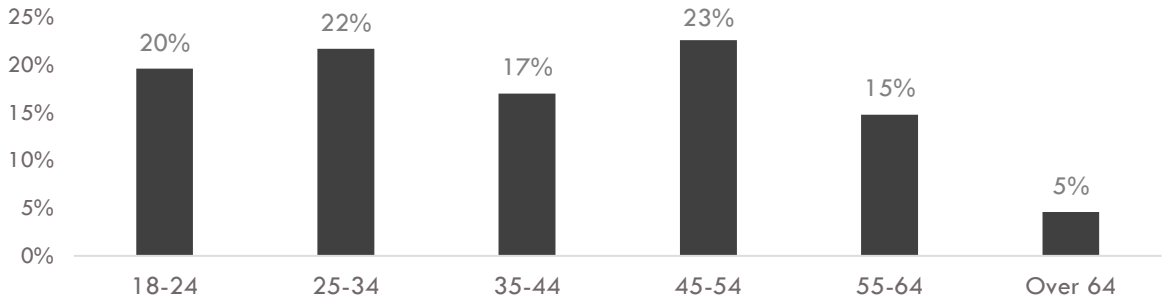
Fig. 3. GENDER OF CLIENTS



Source: Discharge and Detailed Client Information, Janus Forms Results Report (2015-2017).
N=903 unique clients.

Clients represented a wide range of adult age groups; none of the six age groups accounted for more than 23% of the total.

Fig. 4. AGE OF CLIENTS

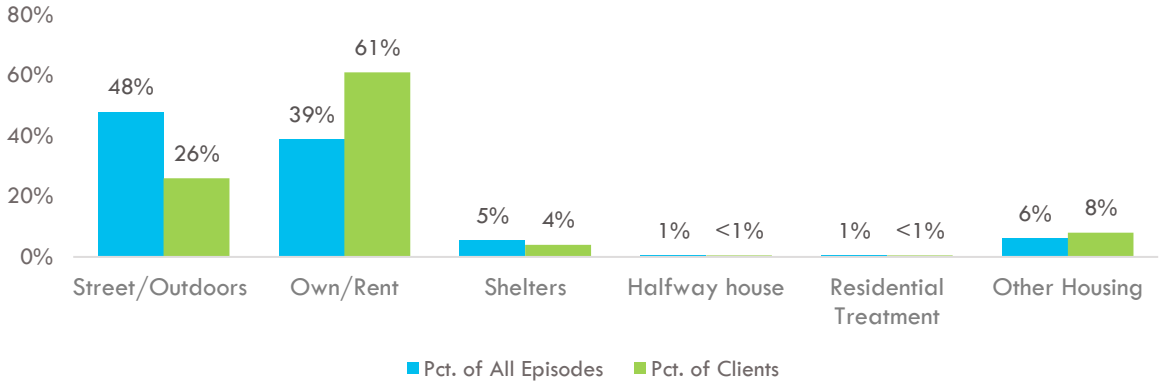


Source: Discharge and Detailed Client Information, Janus Forms Results Report (2015-2017). N=967 unique clients.

Housing Status in the Past 30 Days

A little over half of all episodes involved clients who had been living on the streets or outdoors (48%), or in a shelter (5%), for most of the 30 days prior to entering the Recovery Center. Though such clients represented just 30% of the client population, they were more likely than others to make multiple visits, and thus represented a disproportionate share of total episodes. Clients who owned or rented their homes were less likely to make multiple visits. They accounted for 61% of the client population but only 39% of all episodes.

Fig. 5. HOUSING STATUS IN THE PAST 30 DAYS



Source: Discharge and Detailed Client Information, Janus Forms Statistics Report (2015-2017).
N=1,504 episodes; 862 clients. Non-responses were removed from the analysis.
Note: Five percent of clients indicated different housing statuses at different intakes. Their housing status as of their first visit to the Recovery Center is what is represented by the "Pct. of Clients."

Key Process Measures

This section summarizes a series of key process measures related to the operation of the Recovery Center. The subsections indicate who referred clients to the Recovery Center, how often clients visited the Recovery Center, how many completed their stays or were discharged prematurely (by themselves and/or staff), how long clients stayed, how many were referred to related services, and the types of protocols used at the Recovery Center.

Referrals to the Recovery Center

Law Enforcement Referrals

From June 1, 2015 to December 31, 2017, 90% of all referrals to the Recovery Center were made by law enforcement. About half came from the City of Santa Cruz Police Department (51%) and nearly a third were from the Santa Cruz County Sheriff's Office (31.9%), followed by the police departments of Watsonville (5.8%) and Capitola (4.4%).

Fig. 6. LAW ENFORCEMENT REFERRAL SOURCE

Law Enforcement Agency	Percentage of Law Enforcement Referrals
Santa Cruz PD	51.0%
Santa Cruz County SO	31.9%
Watsonville PD	5.8%
Capitola PD	4.4%
Other	2.7%
Scotts Valley PD	2.6%
CA Highway Patrol	1.6%

Source: 647(f) PC Diversion, Janus Forms Statistics Reports, (2015-2017). N=1,744.

Dominican Hospital Referrals

A total of 176 referrals were made to the Recovery Center from Dominican Hospital during the grant period, representing 10% of client episodes.

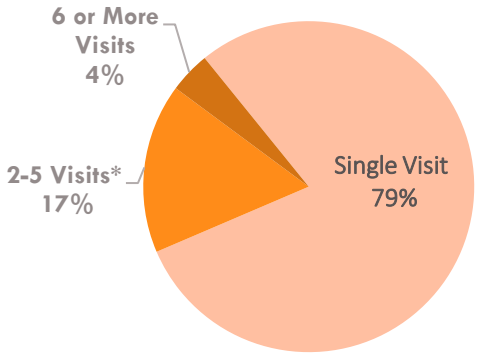
Frequency of Recovery Center Visits

From 2015 to 2017, 8 out of every 10 Recovery Center clients (79%) made a single visit and did not return; 17% of clients made 2-5 visits; and 4% of clients visited the Recovery Center six or more times.

The most frequent visitors account for a substantial portion of all episodes. The 4% of clients who visited the Recovery Center at least six times collectively account for 28% of all episodes (n=480 episodes). Within that group, the 10 most frequent clients (1% of the client population) account for 15% of all episodes. A 2017 research study involving a different recovery center found that high frequency users of the center had a significantly greater prevalence of chronic disorders, service utilization, and homelessness. These findings indicate that a recovery center can have a prominent role in the care for

those with acute alcohol intoxication, particularly those individuals with chronic public intoxication who are also homeless.[2]

Fig. 7. FREQUENCY OF RECOVERY CENTER VISITS



Source: Client Data, Janus Report, (2015-2017). N=984 unique clients.

Completions & Discharges

Completions: 88% of clients (N=1,499) completed their stays and left the Recovery Center according to protocol, indicating they were discharged to either self-care or one of a variety of referral sources.

Discharges Before Completion: 12% of clients (N=197) were discharged before completion of their service episode. Clients discharged prematurely include both medically unstable clients that require ambulance transport to Dominican as well as those that choose to leave the Recovery Center against staff advice, which requires law enforcement notification. Below are additional findings related to discharges prior to completion.

- Individuals in 103 episodes (6% of all episodes) left the Recovery Center prematurely and against protocol, prompting law enforcement notification.
- Individuals in 58 episodes (3% of all episodes) were re-arrested and removed from the Recovery Center.
- Individuals in 54 episodes (3% of all episodes) were medically removed from the center and discharged by ambulance or EMS services.

Average Length of Stay

Across all episodes (successful completions and early discharges), the average stay at the Recover Center lasted 5 hours and 40 minutes.

[2] Shannon Smith-Bernardin PhD RN, Adam Carrico PhD, Wendy Max PhD, and Susan Chapman PhD RN FAAN. "Utilization of a Sobering Center for Acute Alcohol Intoxication." *Society for Academic Emergency Medicine*. Volume 24, Issue 9 (2017): 1060–1071. Print.

Connecting Clients to Other Programs

- Service Referrals at Discharge: All clients completing a stay are offered referrals. During the reporting period, 289 clients accepted referrals to other services (e.g., alcohol treatment, housing assistance), and 84% of these referrals (N=243) were for substance abuse treatment. Overall, 99 confirmed successful connections were made to a community service.
- SIP/PACT Interface: The Recovery Center staff actively collaborate with SIP/PACT staff to coordinate care delivered to individuals on the SIP/PACT caseloads.

Operational Protocols

A series of operational protocols have been developed and implemented since the Recovery Center opened in June 2015. These protocols address functions such as: proper screening, intake, length of stay, safety, referral to community resources, re-admittance eligibility, discharge, and proper use of emergency services. Staff are continuously trained on protocols and receive a step-by-step workflow for how and when to complete certain tasks.

Program Outcomes

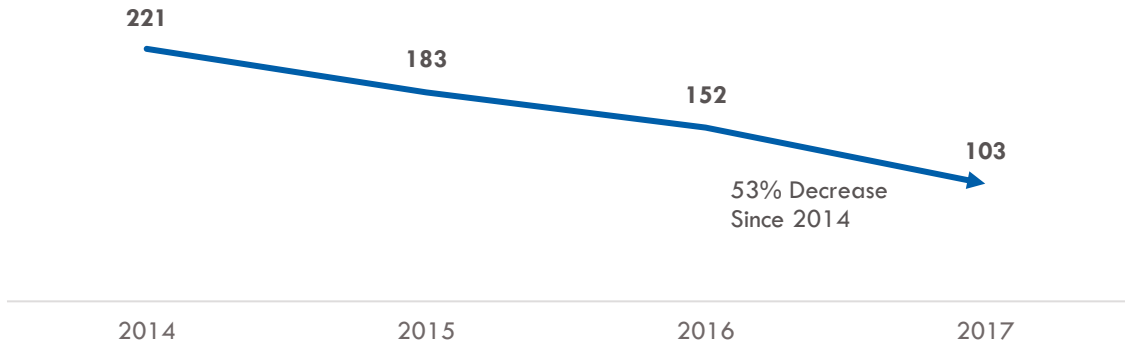
This section provides an assessment of the progress achieved toward each of the five grant objectives and a supplemental analysis.

Grant Objectives

Grant Objective 1: A 20% reduction in the number of jail bookings of public inebriates without additional charges.

The figure below shows that the number of average monthly jail bookings of public inebriates declined from 221 bookings in 2014, the baseline year, to 103 bookings in 2017, representing a 53% decline, *exceeding* the grant objective of 20% by 33 percentage points.

Fig. 8. AVERAGE MONTHLY JAIL BOOKINGS OF PUBLIC INEBRIATES



Source: Santa Cruz County Sheriff's Office.

Grant Objective 2: A 5% reduction in the number of calls for emergency medical service related to public inebriates.

Emergency call data could not be obtained to assess progress on this grant objective.

Grant Objective 3: A 5% reduction in the number of emergency room visits by public inebriates.

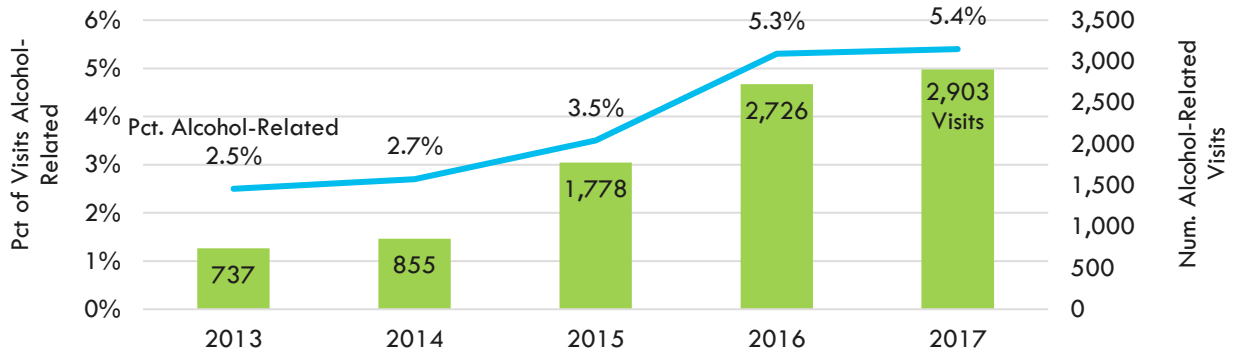
Research studies indicate that between one and five percent of emergency department (ED) visits are alcohol related,[3] and that such visits have been on the rise nationally for at least a decade. A recent NIH study found that from 2006 to 2014 the total number of alcohol-related ED visits in the U.S. rose 62% and the number of *acute* alcohol-related ED visits rose 52%.[4]

[3] "Alcohol -Related Emergency Department Visits And Hospitalizations And Their Co-Occurring Drug-Related, Mental Health, And Injury Conditions In The United States." National Institutes of Health, September 2013. URL: https://pubs.niaaa.nih.gov/publications/NEDS&NIS-DRM9/NEDS&NIS-DRM9.pdf

[4] "Trends in Alcohol-Related Emergency Department Visits in the United States: Results from the Nationwide Emergency Department Sample, 2006 to 2014." Alcoholism: Clinical and Experimental Research. Vol 42, Issue 2, Feb 2018. URL: http://onlinelibrary.wiley.com/wol1/doi/10.1111/acer.13559/abstract

Santa Cruz County has not been immune from this trend. Figures reported from Dominican Hospital since 2013 (Fig. 9, below) mark a steady increase in the number and percentage of emergency room visits coded as primarily alcohol-related disorders. However, according to Dominican Hospital, an internal modification in how alcohol-related visits were coded beginning in 2015 accounts for some of the increase after 2014.

Fig. 9. NUMBER AND PERCENTAGE OF ALCOHOL-RELATED ED VISITS



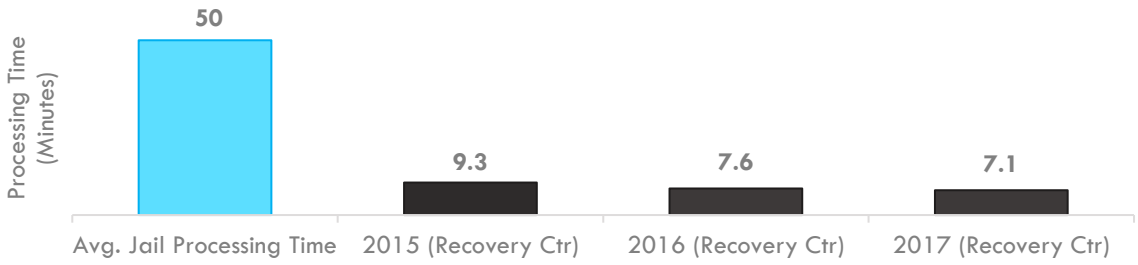
Source: Dominican Hospital.

Grant Objective 4: A 65% reduction in the average time law enforcement officers spend on public inebriates without additional charges who are diverted to the Recovery Center rather than booked into jail.

On average, officers spent 7.1 minutes processing simple 647(f) cases at the Recovery Center in 2017. In the absence of the Recovery Center, the average time to process such cases at the jail is estimated to be 50 minutes.[5] This 43-minute difference represents approximately an **86% reduction** in time spent processing cases, allowing officers to more quickly return to the field and tend to more dangerous crimes. The Recovery Center has trended towards increased efficiency in processing cases as average officer time decreased by two minutes from 2015 to 2017 (9.3 minutes to 7.1 minutes).

[5] This estimate is based on a range of averages cited by multiple officers that have processed 647(f) bookings at the jail since 2015. The processing time is the period that begins when the officer arrives at the jail with the arrestee, and ends when the officer leaves the jail after the booking is complete. Officers noted that booking times vary widely depending on the month, day of the week, time of day, whether the arrestee requires medical treatment, and the compliance of the arrestee during booking. Times generally range from a low of 15 minutes to a high of 90 minutes. The baseline used for this report (50 minutes) represents the midpoint of the range and lies within a set of general averages cited by multiple officers. A precise mean or median processing time for 647(f) cases cannot be calculated because the Sheriff's Office does not regularly monitor such times.

Fig. 10. AVERAGE OFFICER TIME (IN MINUTES) TO PROCESS SIMPLE 647(F) CASES AT THE JAIL & RECOVERY CENTER



Source: Average Jail Processing time is an estimate based on discussions with Sheriff's Office. 647(f) PC Diversion, Janus Forms Statistics Reports, (2015-2017).
Note: 2015 data were from June to December 2015.

By diverting over 1,700 individuals to the Recovery Center, law enforcement officers across the county were collectively freed of an estimated **1,188 hours** processing jail bookings from June 2015 through December 2017 (equivalent to **38 hours per month**).

Grant Objective 5: A reduction in public costs (e.g., officer time, jail, emergency department) associated with public inebriates (without additional charges) being diverted to the Recovery Center.

Reduced Officer Costs:

Utilization of the Recovery Center by law enforcement agencies generated an estimated savings of $83,290 in officer costs (i.e., salary). This is based on the collective reduction in officers' time associated with processing simple 647(f) cases without additional charges during the reporting period (June 2015 - December 2017).[6]

Reduced Hospital Costs:

Because the Recovery Center is not a licensed medical facility it has limited capacity to reduce the burden on the hospital's emergency department. For example, ambulances cannot transport persons to the Recovery Center for detoxification.

[6] To calculate total salary cost savings, the 0.7 hours (42 minutes) saved per case from 2015-2017 was multiplied by the number of diversions from each law enforcement agency (e.g., SCPD, Sheriff, Capitola PD) to estimate total hours saved by each agency. Then each agency's hours were multiplied by the average officer hourly salary rate for that agency. $83,290 is the sum of all agencies' savings.

It is possible, however, that the Recovery Center is contributing to reduced lengths of stay for alcohol intoxication in the ED by accepting law enforcement transfers of intoxicated adults who have been medically cleared by the ED. According to a 2017 study, the average length of stay at an ED for alcohol-related visits in the U.S. in 2010-2011 was 5 hours and 45 minutes.[7] At Dominican Hospital in Santa Cruz County, a recent sample of 17 ED patients referred to the Recovery Center in 2017 spent an average of 3 hours and 29 minutes in the ED before going to the Recovery Center–40 percent less time than the national estimated average for alcohol-related visits. (Dominican Hospital is unable to estimate the average length of stay for all alcohol-related visits.) Though these two groups likely differed in ways that would impact their average lengths of stay (e.g., severity of diagnosis, other symptoms presented), the shorter length of stay for Recovery Center clients is consistent with observations from ED staff who believe the referrals have provided necessary relief.

Supplemental Analysis

Recovery Center Costs per Episode Have Declined Dramatically

Data reported by Janus indicate a 70% decline in the cost per episode by the third year of the Recovery Center. During the start-up year of 2015-2016, initial costs of setting up the facility consumed much of the budget. In that year, costs were high relative to the number of episodes due to expenses such as required building renovations, obtaining and installing new equipment, developing operational procedures and a client record system, and outreach to law enforcement agencies and referral agencies. In addition, Janus oversaw the hiring of a team of certified Medical Assistants, EMTs and Referral Specialists with knowledge of local resources to operate the facility.

After the start-up activities were completed, further cost reductions were brought about by a policy change initiated by the Sheriff's Office. In July 2017, the Sheriff's Office began requiring that all 647(f) (public intoxication) and DUI first offender arrestees be routed through the Recovery Center before being brought to the jail. This contributed to a precipitous increase in 647(f) referrals, driving the cost down to $346.73 per episode from an earlier high of $1,215.01.

Fig. 11. COST PER RECOVERY EPISODE

Date Range	Costs	Combined Episodes*	Cost per Sobering Episode
06/01/2015 – 06/30/2016 (13 months)	$735,081.48	605	$1,215.01
07/01/2016 – 06/30/2017 (12 months)	$703,910.55	623	$1,129.87
07/01/2017 – 12/31/2017 (6 months)	$333,547.98	962**	$346.73

Source: Janus of Santa Cruz. Note: 2015 data were from June to December 2015.
**Episode counts include both 647F & DUI first offenders;*
***Beginning of new Sheriff's Office policy on 647(f) cases and DUI first offenders.*

[7] Peter M. Mullins, Maryann Mazer-Amirshahi, Jesse M. Pines; Alcohol-Related Visits to US Emergency Departments, 2001–2011, *Alcohol and Alcoholism*, Volume 52, Issue 1, 1 January 2017, Pages 119–125. URL: https://doi.org/10.1093/alcalc/agw074

Extrapolation of Cost and Time Savings if Current Trends and Policies Persist

As noted above, the Recovery Center's service population increased substantially in the last half of 2017. With start-up activities completed and the new diversion policy now in effect, it is possible to extrapolate the total cost and time savings achieved by these developments over a full year. To extrapolate the savings, the number of clients served over the most recent six month period (July 2017 to December 2017) was doubled and the cost and time savings were estimated accordingly. The table below displays the findings. If current trends continue, the Recovery Center would serve nearly 2,000 people a year, saving law enforcement agencies $91,887, and freeing up 109 hours of officer time each month.

Fig. 12. EXTRAPOLATED CLIENT VOLUME AND COST SAVINGS OVER ONE YEAR*

	Extrapolation (Estimate)
Total Annual Episodes	1,924
Episodes/Month	160
Annual Officer Salary Savings	$91,887
Annual Officer Hours Saved	1,310
Officer Hours Saved per Month	109

**Assuming client volume and policies observed between July 2017 and December 2017 persists over an entire year.*

Testimonials

The accounts below provide first-hand testimony about the benefits of the Recovery Center for its clients as well as law enforcement officers.

Client Success Stories

- Story 1:

  We received a 62-year-old client, who had recently been evicted from her Sober Living House. She had been assaulted on the streets and had a wide range of health issues. After coming to the Recovery Center and speaking with a referral specialist, the client realized she was tired of drinking and wanted to re-enter treatment. Our team housed her for almost 22 hours while we coordinated her care at our main facility. We were able to taxi her to our main facility that day and check her into detox. After completing detox after 4 days, she was admitted into our residential facility as well. The client completed treatment at Janus almost 30 days later and reports that she feels great and is looking forward to her new lease on life.

- Story 2:

  A client was brought to us, who was without housing and in need of many different services in our county. He lived under a bridge, was often robbed by other people in the community because of his weakened state and inability to defend himself. After several arrests and visits to our center, we were able to help him establish a much needed re-connection to his case worker. This connection

has led the client to receiving proper medical treatment and has obtained semi-permanent housing with a local shelter. The case worker reported that "he is happier and looks healthier than he has in years."

- Story 3:

  As a follow-up to one of our previous success stories, we decided to connect with our former client three months later to measure the potential for continuing recovery. This particular client started coming into the Recovery Center soon after our opening, and when he first arrived he was suffering from a significant head injury on top of battling substance abuse issues. He was always kind and willing to give our referrals a try. This individual is now a vital part of his graduating treatment program, supervises 50 employees, lives in a sober living residence and is working on getting a vehicle. He enjoys riding his bike, going to church and enjoys checking in with staff at the Recovery Center frequently. He allows us to share his story and hopes that it will make a difference in helping others, and he credits the Recovery Center for saving his life.

Law Enforcement Testimonial

- Deputy Steve Ryan, Santa Cruz County Sheriff's Office:

  I have been actively using the Recovery Center since its inception. Efficiency is a quality that I value highly and I cannot say enough about the Recovery Center's ability to provide a quick turnaround time when bringing in people detained for alcohol related crimes. A trip to the jail with an individual who is being arrested for a trivial crime that will result in no criminal prosecution used to take 45-90 minutes depending on the region of the county the individual was arrested from, and on busy nights with a backlog of bookings that number could balloon to as much as three hours. I have never had to wait more than 10-15 minutes at the Recovery Center. The difference is staggering.

  Beyond the obvious benefit of keeping a patrol unit out of the field for a significantly less amount of time, I have seen tangible improvements in areas concerning officer safety. Due to the sometimes erratic and emotional nature of intoxicated people, it is rarely but sometimes necessary to use force to affect the arrest of a person for public intoxication. I have found that I gain significant amounts of compliance in the field when I explain to individuals I intend to arrest what my intentions are regarding the Recovery Center and brief explanation of the benefits of going to the Recovery Center versus the County Jail. This has a direct effect on decreasing my potential for injury or potential of injury to the arrested subject.

  I commend the work the staff are accomplishing at the Recovery Center, which has resulted in a direct and measurable improvement to the way we as Law Enforcement can conduct our business. I have never seen any of the staff behave in a way that can be described as anything less than professional and compassionate. I am excited about the program going forward and will continue to rely on their services to make my day more efficient and the community safer.

Conclusion

The purpose of Santa Cruz County Sheriff's Office Recovery Center has been to provide a safe, supportive place for non-violent intoxicated individuals to regain sobriety. By providing an alternative solution to arrests and bookings for public inebriation, and reducing the burden on hospital emergency departments, the Recovery Center frees up time for officers and EDs to focus on more severe public safety and medical needs. The need for this service prior to the Recovery Center's opening was acute, as evidenced by high numbers of individuals arrested for public intoxication and steady annual increases in alcohol-related ED visits.

From its opening in June 2015 through December 2017, the Recovery Center served 1,729 episodes of intoxication, from a total client population of 984 people. Seventy-nine percent of clients made a single visit, while 21% of clients made multiple visits.

Over the 31-month period, as the Recovery Center's refined its internal procedures and developed working arrangements with law enforcement agencies and Dominican Hospital, the number of clients served by the Recovery Center grew considerably. In the last six months of 2017, the Recovery Center served an average of 160 clients per month, nearly four times the monthly average in 2015 (41 clients per month).

Over the report period, approximately nine out of ten clients completed their stays according to protocol (88%), with just one in ten leaving prematurely or against protocol (12%). Among those clients who completed their stays, 289 clients had accepted referrals and other information about alcohol treatment services, and one third of these were confirmed as having been successfully connected to those services.

The Recovery Center also provided meaningful cost savings to law enforcement agencies and the Dominican Hospital Emergency Department. By diverting more public inebriates to the Recovery Center, the average number of jail bookings per month in the county declined steadily, from 221 monthly bookings in the 2014 baseline year down to 103 monthly bookings in 2017, a 53% decline. The time saved by allowing (or requiring) officers to divert public intoxication arrestees to the Recovery Center equated to an estimated 38 hours per month over the report period. If recent intake levels and policies developed in 2017 were to continue, the Recovery Center could potentially serve nearly 2,000 people a year, saving law enforcement agencies $91,887 annually, and freeing up 109 hours of officer time each month.

Though there is insufficient data to estimate reliably the cost savings to the Dominican ED, a sample of cases referred to the Recovery Center from the hospital suggest it may be contributing to reduced lengths of stay for alcohol intoxication in the ED by accepting law enforcement transfers of intoxicated adults who have been medically cleared by the ED. However, because the Recovery Center is not a licensed medical facility it has somewhat limited capacity to reduce the burden on the emergency department.

The results above are consistent with the testimony of Recovery Center and law enforcement staff, who believe the Center is fulfilling its mission to provide a more supportive, humane and cost-effective alternative for intoxicated individuals and the public at large.

About the Researcher

Applied Survey Research (ASR) is a social research firm based in Santa Cruz County. ASR is dedicated to helping people build better communities by creating meaningful evaluative and assessment data, facilitating information-based planning, and developing custom strategies. ASR has more than 30 years of experience working with public and private agencies, health and human service organizations, city and county offices, school districts, institutions of higher learning, and charitable foundations. Through community assessments, program evaluations, and related studies, ASR provides the information that communities need for effective strategic planning and community interventions.

www.appliedsurveyresearch.org

Appendix

Recovery Center Data Dashboard

Janus of Santa Cruz Recovery Center

Data Dashboard

TYPE OF INDICATOR	INDICATOR	TREND	Annual Data *2015	2016	2017	Total
How much?	# of sobering episodes		287	542	900	1729
	# of unique clients for each year, and total unique clients ever		211	346	543	984
How well?	# clients accepted specific referrals and services		10	190	89	289
	substance abuse treatment		*136*	*75*	*32*	*243*
	# of confirmed successful connections to a community service		5	56	38	99
	# of encounters who completed their stays according to protocol		246	472	781	1499
	% of encounters who completed their stays according to protocol		88%	90%	87%	88%
	# of encounters who did not complete according to protocol		*32*	*50*	*115*	197
	# left against staff advice		*9*	*28*	*66*	*103*
	# removed by ambulance		*12*	*26*	*16*	*54*
	# removed by law enforcement		*14*	*14*	*30*	*58*
	# of referrals by Dominican Emergency Department		28	64	84	176
	% of patient episodes referred by Dominican ED		9%	10%	10%	10%
	# of law enforcement referrals, by Department		270	584	890	1744
	% Santa Cruz PD		*43.3%*	*56.3%*	*49.9%*	*51.0%*
	% Santa Cruz County SO		*40.7%*	*22.8%*	*35.2%*	*31.9%*
	% Capitola PD		*4.1%*	*6.0%*	*3.4%*	*4.4%*
	% Scotts Valley PD		*2.6%*	*3.3%*	*2.2%*	*2.6%*
	% Watsonville PD		*5.6%*	*8.6%*	*4.0%*	*5.8%*
	% CA Highway Patrol		*2.2%*	*2.2%*	*1.0%*	*1.6%*
	% Other		*1.5%*	*0.9%*	*4.3%*	*2.7%*
Anybody better off?	average monthly # of jail bookings of 647(f) cases w/o additional charges		183	152	103	146
	Grant Objective: 20% decrease from 221 average monthly jail bookings in the baseline year (2014)		*-17%*	*-31%*	*-53%*	*-34%*
	Avg officer time (in minutes) to process simple 647(f) cases		9.3	7.6	7.1	7.6
	Grant Objective: 65% reduction from baseline of 50 minutes officers spend at jail to process simple 647(f) cases		*-81%*	*-85%*	*-86%*	*-85%*

Green shade indicates a grant objective.

MEASURE X FUNDS TO BOLSTER THE ADDICTION TREATMENT SYSTEM

TO: MEASURE X COMMUNITY ADVISORY BOARD
FROM: JAIME CAMPOS
SUBJECT: MEASURE X FUND ALLOCATION
DATE: 7/27/21
CC: BI-BETT BOARD OF DIRECTORS

Dear advisory board -

Thank you for your service on the Measure X advisory committee as you aim to steer usage of funds in a fair and equitable way based on county needs. We realize that the committee members are composed of individuals representing a broad range of service offerings for Contra Costa community members including child and family services, workforce specialists, housing, real estate experts and a few others.

Because the committee is lacking representation of Substance Use Disorder (SUD) treatment providers during a time when we are experiencing an opioid overdose epidemic and mental health crisis, we would like to request your support. As you are likely aware, the Department of Health & Human Services has deemed the opioid epidemic as a public health emergency. 70,630 people died from an overdose in 2019 [1] with preliminary CDC data showing that 2020 had even more concerning statistics given the 92,183 overdose deaths in that year,[2] a disturbing figure suggesting that the COVID-19 pandemic is significantly impacting our community's health and wellness as it relates to high-risk drug use. Taking a closer look at California's statistics from the 2020 year, our 9,142 overdose deaths are a staggering 43% increase over the prior year's overdose statistics,[3] while Contra Costa itself shows increasing year-over-year prescription & synthetic opioid overdose rates along with increasing opioid related ED visits.[4] Beyond drug use alone however, we know that high risk drinking behaviors have increased nationwide as well.[5]

All of the data point to an urgent need to bolster our SUD treatment system of care in Contra Costa County. Contra Costa relies on Medicaid programs which fund treatment stays for certain individuals however these resources are limited. Measure X funds are an excellent way of enhancing treatment resources during a time of unprecedented need. Therefore, we would strongly encourage your board to consider allocation of Measure X monies which support and enhance SUD treatment services in the County in an effort to add resources, capacity and new service lines which improve access to treatment for our vulnerable population.

Thank you -

Jaime Campos, CEO, Bi-Bett Addiction Treatment Programs
jcampos@bibett.org

[1] HHS (2020). 2019 National Survey on Drug Use & Health
[2] CDC (2021): 12 month ending provision counts of drug overdose deaths: United States.
[3] CDC (2021): 12 month ending provision counts of drug overdose deaths: California.
[4] CDPH (2021): California Opioid Overdose Surveillance Dashboard.
[5] Grossman, E. R., Benjamin-Neelon, S. E., & Sonnenschein, S. (2020). Alcohol Consumption during the COVID-19 Pandemic: A Cross-Sectional Survey of US Adults. International journal of environmental research and public health, 17(24), 9189. https://doi.org/10.3390/ijerph17249189

Lisa Driscoll

From: Gary and Jean Pokorny <gjpokorn@lmi.net>
Sent: Sunday, July 25, 2021 9:14 AM
To: Lisa Driscoll
Subject: We Support Measure X Funding for Libraries in Contra Costa County

Lisa,

Please provide this email to members of the Measure X Commission.

Thank you.

Gary & Jean Pokorny

Good Day Measure X Commissioners,

As residents and taxpayers of Contra Costa County we fully and enthusiastically support the use of Measure X funding to increase access to the many vital services that our County Libraries provide for residents of our county, with special emphasis upon how library access is a critical issue for persons of limited means..

We cannot think of any other service that meets the intent of why we supported Measure X as well as do expanded library hours. Library access, as requested in our County Librarian Alison McKee's proposal to have the County Library fully fund 56 hours of service at all libraries county-wide does this.

As you undoubtedly know, the ballot measure stated that Measure X funding is to be used, among other things: 1) for critical safety net services; 2) to invest in early childhood services; 3) to protect vulnerable populations; and 4) to fund "other essential services."

During the recent pandemic we learned again that our libraries provide critical internet access for families and children who otherwise do not have access to the internet from their home setting, either because they do not have a computer or an internet connection. This proved critical as schools shifted to on-line schooling.

Increasingly, job openings and applications are being handled through the internet. For unemployed workers seeking gainful employment, access to a computer and on-line connection is critical. Libraries enable low income families to gain this access. Increased open hours will make access more available to all.

Likewise, free and available access to written materials, newspapers, books, periodicals is critical for families of limited means and our libraries provide this access free to all. Being able to get into the libraries after work and on weekends is critical for workers and their families. Increasing hours to 56 per week will increase accessibility.

Our libraries in Contra Costa County have been leaders in providing English as a Second Language programs and adult Literacy programs for years. Having the ability to make such programs accessible during evenings and weekends will assist many who have the desire to improve their situation, but otherwise lack access to resources to do so.

During recent excess heat and air quality emergencies, libraries have served as cooling centers and as clean air respites. Increasing hours will increase the likelihood that libraries are available when such refuge is most needed.

And, of course, one of the most effective early childhood learning opportunities is library story time programs. Having increased access to these programs at convenient hours is vital for families of limited means.

Over the years we have observed that, in the highest income communities, local city council members have recognized the value of library services by augmenting the hours that the County has been able to provide. Meanwhile communities of lower income have struggled to do so. Providing a robust 56 hours of library service county-wide will make significant progress to equalize support for vulnerable populations county-wide.

Please support our County Library's request for more equitable and robust library service through the investment of Measure X dollars to keep all our libraries accessible to the greatest number of our citizens.

Thank you,

Gary & Jean Pokorny
2221 Spyglass Lane, El Cerrito, CA

Dear Ms. Lisa Driscoll, County Finance Director,

This is a letter of support for County Librarian Alison Mckee's Measure X Proposal.

As a Contra Costa resident, my family and I utilize many of the libraries in the area regularly. The library is such a wonderful resource for our community, and I fully support allocating funding toward increasing library programs, maintenance, and creating new jobs for the community.

I am also the Transitional Kindergarten (TK) teacher at Lupine Hills Elementary in Hercules, and I serve students from all of the elementary schools in Hercules. The library has been an amazing resource to our students. In addition to being a place for students to borrow books, the library has supported our school with field trips, library visits, and various programs year-round. It is an important extension of our learning environment for homework, tutoring, researching, and study groups. The library is one of the few places that families can go together and each person can be served in an educational, clean, fun, safe, and free environment.

I fully support County Librarian Alison Mckee's Measure X Proposal.

Thank you for your time and consideration.

Sincerely,

Crystal Turner

Lupine Hills Elementary School

Transitional Kindergarten (TK) Teacher

Safe Sobering: San Francisco's Approach to Chronic Public Inebriation

Shannon Smith-Bernardin, MSN, RN, CNL
Michelle Schneidermann, MD

Summary: Dedicated to the care of alcohol dependent people, the San Francisco Sobering Center cares for intoxicated clients historically treated *via* emergency services. With 29,000 encounters and 8,100 unduplicated clients, the Sobering Center safely and efficiently provides sobering and health care services to some of the City's most vulnerable people.

Key words: Sobering Center, chronic inebriate, alcohol dependence, alcohol-dependent person, alcohol intoxication, emergency service utilization, high utilizers, San Francisco, homeless, chronic homelessness.

Providing care to people who are acutely intoxicated is challenging, and working with those commonly labeled *chronic inebriate* can be particularly demanding and costly. Recent studies indicate that alcohol has a substantially negative impact on health in San Francisco.[1,2] Ten of the 17 leading causes of preventable mortality are related to alcohol and up to 10% of premature mortality can be attributed to alcohol. Additionally, a review of San Francisco's 2007–09 indicator for age-adjusted emergency room visits due to acute or chronic alcohol abuse demonstrated a rate of 51.3/10,000 population, far above the goal of 22/10,000 set by San Francisco County. Those between 45–64 years of age had a rate of 88.6/10,000 visits.[3] In one study by the Lewin Group in 2010, the unreimbursed health care costs related to alcohol use was over $18 million in one year.[2] In an effort to improve care and decrease costs associated with chronic alcoholics, San Francisco established a Sobering Center.

History. In 2002, over 50 stakeholders throughout San Francisco, including the Department of Public Health, Department of Emergency Management, local community organizations, the Hospital Council of Northern and Central California, and law enforcement agencies, were brought together to evaluate the decade-long trend in emergency department (ED) overcrowding and escalating ambulance diversion rates. Through this investigative collaboration, it was found that homeless alcohol-dependent

SHANNON SMITH-BERNARDIN *is the coordinator of the San Francisco Sobering Center and Medical Respite since 2007, and begins her PhD in Nursing/Health Policy at the University of California–San Francisco in Fall 2012.* ***MICHELLE SCHNEIDERMANN*** *is a UCSF Associate Professor of Medicine in the Division of Hospital Medicine at San Francisco General Hospital, and the Medical Director of the San Francisco Medical Respite and Sobering Center. Please address correspondence to SF Sobering Center, Attn: Shannon Smith-Bernardin; 1171 Mission Street; San Francisco, CA 94103; (415) 734-4209; shannon.smith-bernardin@sfdph.org.*

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people accounted for more than 20% of all ED visits and stayed nearly twice as long as non-intoxicated people. Additionally, nearly 75% of the high-utilizers of emergency ambulance services—individuals picked up more than four times a month—were chronic public inebriates.[4]

Considering the significant impact of chronic inebriation on both public resources and the individual health of those with alcohol dependence, the San Francisco Department of Public Health worked with nonprofit Community Awareness and Treatment Services (CATS) to design a pilot program addressing the needs of people found intoxicated in public. The McMillan Stabilization Program, now known as the San Francisco Sobering Center, opened in late 2003. The objectives of the program were to provide safe health care while engaging alcohol-dependent clients in order (1) to decrease the number of alcohol-only related admissions to emergency departments, and (2) to decrease the number of alcohol-only related ambulance transports.

Target population and referral. The focus of the Sobering Center is the homeless, alcohol-dependent individual; however, anyone found intoxicated in public can use its services. To qualify for admission to the Sobering Center, individuals must have no apparent medical or psychiatric conditions necessitating emergency interventions. Sobering Center accessibility is monitored through a citywide online system, so that emergency providers are able to view real-time sobering bed availability.

First responders throughout the City are trained with specific protocols to triage intoxicated adults for transfer to either an emergency department or the Sobering Center. Specifically, the Sobering Center receives clients from the streets by ambulance, police, and street outreach. Additionally, MAP (Mobile Assistance Patrol, a division of CATS) van services often respond alongside police and ambulance crews, and will take over and transport once a client has been determined to require only sobering services. Aiming to decrease the length of stay of people already in the emergency department, the MAP van also transports clients directly from the ED after preliminary assessments indicate acute intoxication as the only medical need. Walk-in clients are not accepted and are instead referred to an appropriate program or drop-in center for assistance.

Clinical practice. All clients are assessed by registered nurses and medical assistants upon intake. The typical client is provided with oral fluids and electrolytes, a meal, shower facilities, and clean clothing. Throughout their stays, clients are monitored closely for any medical or psychiatric complications, using comprehensive nursing protocols developed for the program. If a client's condition is too acute or unstable for the Sobering Center, the nurses coordinate transfer to an ED for further evaluation. Additionally, nurse practitioners and physician's assistants from a co-located Medical Respite program complement clinical services by providing urgent care and detoxification referrals. Once clients have safely sobered up, during a typical stay of 6–8 hours, staff elicit history about acute and chronic medical needs, housing status, and the client's interest in alcohol treatment programs. Staff contact existing case managers, primary care providers, and other community services to assist in coordinating care and disposition. Prior to discharge, clients are offered referrals to medical and social detoxification services, treatment programs and case management.

Utilization. Utilization of the Sobering Center has been substantial. Since opening in 2003, the Sobering Center has provided services to over 8,100 individual clients with

over 29,000 total encounters (see Table 1). Nearly 80% of these clients have had no more than one or two encounters during the eight years since the program has been in operation. At last count, fewer than 200 individuals (less than 2% of the unduplicated clients) account for nearly 70% of total visits (see Table 1). Significantly, nearly 90% of all Sobering Center clients have a history of homelessness.

Over 40% of client encounters are referred *via* ambulance, with an additional 35–40% from the street *via* MAP van (see Table 2). These are clients who would otherwise go to a nearby emergency department. Over 2,000 encounters—approximately 7%—have transferred from EDs to the Sobering Center. Police, clinics, case management programs and street outreach refer 10% of total client encounters. A majority of clients (nearly 90%) safely sober up and discharge either to self-care or a substance abuse facility. Annually, fewer than 3% of clients referred from EMS or ED bounce back to the emergency department. In eight years, there have been two deaths in the facility. Given the acuity of the clients, this is far fewer than expected.

Outcomes. The impact of the Sobering Center can be seen in both the short and long-term. In the short term, up to 29,000 inappropriate encounters with emergency services may have been avoided by diverting chronic inebriate care away from the ED to the Sobering Center. Decreasing inappropriate visits helps decrease ED overcrowding and allows the ED to operate more effectively for critical services. Additionally, the MAP van services that provide transportation directly from police or ambulance crew hand-off and directly from the ED to Sobering Center, allows emergency services and emergency department beds to be available sooner to receive new calls and clients. The Sobering Center operating costs (including staffing) are approximately $1 million dollars annually coming from Department of Public Health general funds. The daily operating costs for this 24/7 operation is less than $2,700, which makes it comparable to the cost of a single ambulance ride and emergency department visit (which combined ranges from $1,850 to $3,800). With an average census of 10 to 14 clients a day, the cost avoidance to the City is substantial.

Table 1.

UTILIZATION FROM 2009–11[a]

	2011	2010	2009
Total Encounters	5175	3254	2588
Unduplicated Clients	1682	1248	1080
Annual visits per unduplicated client			
>75 visits	6 clients	1 client	0 clients
21–74 visits	41	19	15
11–20 visits	43	23	25
3–10 visits	235	190	149
1–2 visits	1357	1015	891

[a]All data obtained through San Francisco Coordinated Case Management System.

Table 2.

ENCOUNTERS BY REFERRING PARTIES[a]

	2011	2010	2009
Ambulance	1878 (36.3%)	1448 (44.5%)	1128 (43.5%)
Mobile Assistance Patrol (MAP)	1991 (38.5%)	1227 (37.7%)	1033 (40.4%)
Police	393 (7.6%)	286 (8.8%)	167 (6.5%)
Transfer from Emergency Department via MAP	599 (11.6%)	116 (3.6%)	71 (2.7%)
Referred by Other	314 (6%)	177 (5.4%)	189 (7%)

[a]All data obtained through San Francisco Coordinated Case Management System.

Longer-term outcomes, such as improved health of chronic alcoholics, are more difficult to evaluate and demonstrate. That said, the Sobering Center is a vital partner in engaging complex, marginalized, high-cost individuals. Up to 70% of the highest-utilizers of multiple systems (referred to as *HUMS clients* in San Francisco) come through the Sobering Center. Individualized plans for those with complicated medical, psycho-social, or forensic issues are created for these clients and include coordination with ambulance personnel, case management and primary care services, mental health and recovery services, and when necessary, the Public Guardian's office (which operates under the authority and direction of the California Probate Code and the San Francisco Superior Court to provide conservatorship of persons and estates). Detailed progress notes on all clients are entered into a citywide database (the Coordinated Case Management System), accessible to numerous other community programs and health care personnel.

As many chronic alcoholics are not effectively connected to primary care, family or friends, subtle changes or declines in functional and cognitive status often go unrecorded. The ongoing relationship with Sobering Center staff provides continuity for many otherwise unmonitored individuals. For example, the Center's highest utilizer this year—a homeless man with over 140 visits—suffered a months-long decline in his cognitive and self-care abilities that could not be assessed or addressed effectively in the emergency department. As a result of the Sobering Center's detailed clinical documentation, advocacy, and coordination with the patient's case manager and the Public Guardian's office, he is now receiving care in a long-term facility. This type of care coordination is difficult to implement in other sectors of the health system and can be another benefit of a Sobering Center, especially one that has worked successfully with other safety-net providers.

Challenges. Staff members strive to keep the individual in a safe, supportive environment, off the streets, and out of the emergency department. However, the lack of sufficient discharge options negatively influences the ability to create long-term plans for clients. For those seeking sobriety, the wait for a residential rehabilitation bed can be weeks, taking longer than the maximum 21 days allowed at medical detoxification.

Thus, clients are discharged from detoxification to shelters rather than transitioning directly to rehabilitation; the sobriety achieved at detox often ends soon after. To reduce homelessness, San Francisco offers permanent supportive housing options through the Direct Access to Housing program. However, many of our most vulnerable clients are unable to achieve sufficient sobriety and organization to complete the applications and interview required, despite community-based intensive case management services. With this, a majority of our clients are discharged directly to the street without adequate access to transitional or permanent housing.

Due to capacity limitations, the Sobering Center is unable to accommodate walk-in clients. This is an obvious limitation as there are many clients, not acute enough to be brought in by first responders, who would benefit from sobering services. Currently, people who walk into the sobering center are referred to a local drop-in center or shelter. Unfortunately, the shelters do not accept people at all times of the day and night, seven days a week. We have found that a small number of clients are using the 911 system to request a ride to the Sobering Center, simply because they cannot get into a shelter bed in the middle of the day or late into the evening. We have no internal mechanism for tracking these data yet; however, there is continuing collaboration with the shelter health programs to discuss ongoing needs.

Additionally, the work is challenging. Many clients are subject to assaults or trauma and often show the physical and emotional scars of surviving on the streets. A significant challenge to staff is witnessing this scenario repeated weekly (sometimes daily) in some clients who have lost the will or ability to change their situation. Furthermore, most clients brought into the Sobering Center are not interested in decreasing their alcohol use; the reality is that clients are brought in because they are intoxicated, not because they are reaching out for assistance. That said, staff have learned that, no matter how frustrating or how unhealthy it is for the individual, every person must come to his or her own decisions, at his or her own time. In some cases, this constant, positive presence that the staff provides can work. One of our facility's most frequent users, coming regularly for nearly five years but never once accepting a referral to any service, finally this year asked for help. He successfully completed detoxification and is now living in a residential rehabilitation facility.

Next steps. Through extensive data review and feedback from both clients and staff, the Sobering Center has continued to refine its services. For example, when we reviewed our data of the number of successful referrals to medical detoxification, our numbers were lower than expected—with less than 20% of interested clients obtaining a detox bed. A root-cause analysis demonstrated that the wait-time for a detoxification bed was often longer than 24 hours, far longer than many clients can wait before experiencing alcohol withdrawal. Clients would either become unstable necessitating transfer to an emergency department or leave to begin drinking and become lost to follow-up. To address this problem, the Sobering Center initiated a withdrawal management pilot project in January 2012. In order to safely bridge the time between admission to the Sobering Center and transition to residential medical detoxification, clients are assessed with the revised Clinical Institute Withdrawal Assessment for Alcohol (CIWA) scale and, when indicated, provided medications for withdrawal management for up to 24 hours until a detox bed becomes available. Though longer-term data are not yet available,

we anticipate an increase in the numbers of clients safely transitioning to detox, with a reduction in the number of clients who are sent to emergency departments due to withdrawal or who leave independently unable to tolerate the wait for a bed. Of 18 clients treated in the pilot so far, 15 have successfully moved to medical detoxification.

Conclusion. The San Francisco Sobering Center offers a refuge from the streets and a safe place for chronic public alcoholics to sober. The center also demonstrates an innovative approach to diverting non-acute patients away from overcrowded emergency departments, resulting in significant cost avoidance. Because so many frequent users access the Sobering Center, it has also become a place where safety net services and coordinated care plans can be implemented for high cost patients. Finally, the Sobering Center is sometimes the only point of care for extremely marginalized homeless alcoholics. Clients arrive at the Sobering Center in a vulnerable state: intoxicated, wet, hungry, often unable to provide self-care. Harm reduction is the principle that guides the care at the Sobering Center. Every effort is made by staff to demonstrate acceptance and compassion. Specialized and dedicated staff can build trust and engagement, resulting at times in decreased alcohol use or abstinence. Work is ongoing to develop solutions for public inebriation and chronic alcoholism; until then, the Sobering Center will continue to provide an alternative to emergency care for some of the City's most vulnerable and marginalized people.

Notes

1. Katcher BS, Reiter RB, Aragon TJ. Estimating alcohol-related premature mortality in San Francisco: use of population-attributable fractions from the global burden of disease study. BMC Public Health. 2010 Nov 9;10:682.
2. The City and County of San Francisco. The cost of alcohol to San Francisco: analyses supporting an alcohol mitigation fee. Sacramanto, CA: Lewin Group Inc., 2010.
3. Health Communities Institute. ER rate due to alcohol abuse. Durham, NC: Health Communities Institute, 2012.
4. Gurley RJ. Meet San Francisco's 477 most expensive HUMS (high utilizers of multiple services). Washington, DC: Healthcare Roundup, 2012.

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San Francisco Sobering Center: Delivering innovative care for individuals with chronic public intoxication

A client centered, coordinated, and cost-effective alternative to emergency medical and police services

Shannon Smith-Bernardin
MSN, RN, CNL
Megan Kennel
MSN, RN, PHN

Purpose

Ten years ago, the question was asked: **Can individuals with chronic public alcohol intoxication be safely and appropriately cared for outside of the emergency medical system?** The answer came in the following way: with over 9,500 clients for 36,000 encounters, the San Francisco Sobering Center has delivered sobering and health care services to some of our city's most vulnerable people — demonstrating the success and safety of pre-hospital sobering care.

Background

In 2002, it was found that homeless alcohol-dependent people accounted for:

- More than 20% of all emergency department visits
- One-third of all emergency ambulance transports
- ED stays nearly twice as long as non-intoxicated persons

An investigative task force with over 50 citywide stakeholders together designed the pilot sobering program in 2003.

Financial Considerations

Initial implementation funding:

- City & County of San Francisco General Fund: $400,000
- One-time donations from private hospitals: $422,000

Annual operating budget: $1 million

- Staffing: Registered Nurse and Medical Assistant model
- Collaboration: 501c3, non-profit Community Awareness and Treatment Services (CATS, Inc.) providing fiscal partnership, non-clinical support and hospitality services

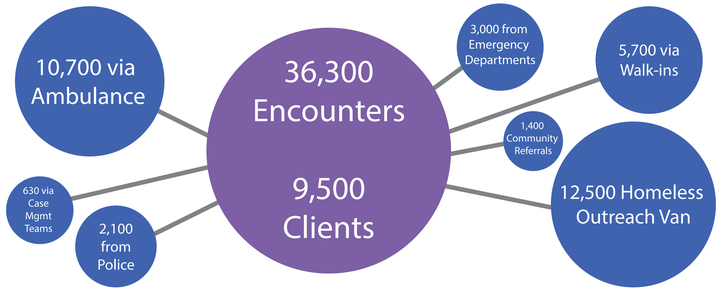
Cost Avoidance

Diverting 1 to 5 clients from ED admission daily can provide enough cost-avoidance alone to run the sobering center.

- ED cost to sober intoxicated individual = $500-$2,500 per encounter
- Cost to run Sobering including all staffing and facility costs only $2,700 daily, or $120-170 per encounter.
- The Sobering Center averages 4-6 ambulance admissions daily — directly avoiding an ED admission each time.

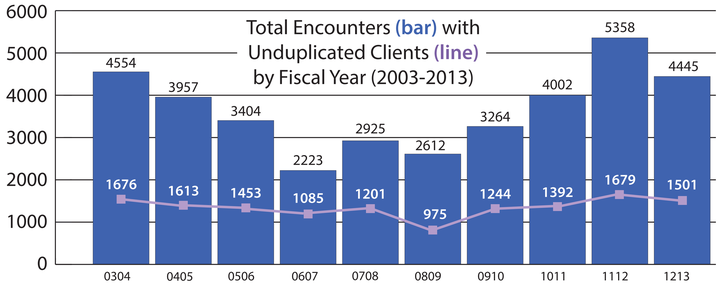
415.734.4209 megan.kennel@sfdph.org | shannon.smith@sfdph.org

Referral Sources: 2003–2013



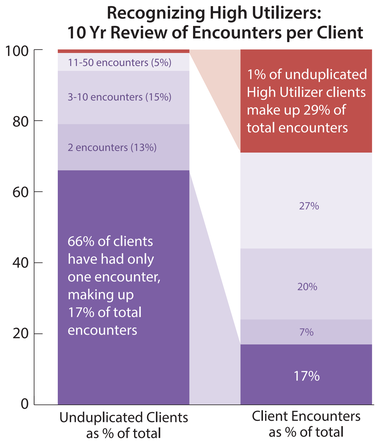
Impact

Each year, the Sobering Center serves over **1,000 intoxicated individuals for up to 5,400 encounters**. Via nurse protocols, clients are provided a bed, clinical monitoring, and care for hygiene, clothing and nutritional needs. Our center has implemented numerous programmatic changes based on our experience and ongoing data evaluation that have greatly improved our capacity, client outcomes and community engagement.



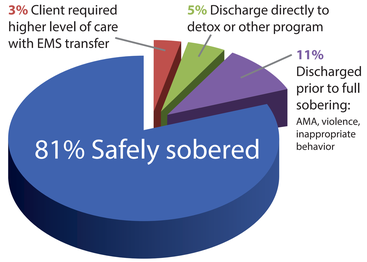
High-Utilizer Clients

Significant efforts are directed at our highest utilizing clients by focusing on their immediate discharge and long-term outcomes. The most frequent users of sobering services **(101 individuals with over 50 visits each)** have been our clients on average of over 6 years. Many of these individuals have a history of homelessness and comorbid medical or psychiatric disorders, illustrating the chronic and difficult trajectory of alcohol dependence.

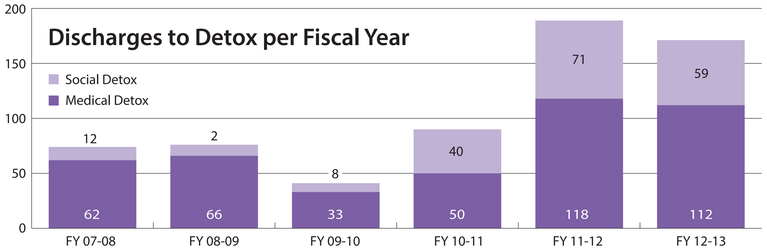


Transitions

The vast majority of encounters end successfully after client sobering.
Notably, **less than 3% of client encounters** require a higher level of care, requiring a transfer to medical or psychiatric emergency services.



Clients do not typically come to the Sobering Center seeking treatment.
For those with repeat visits to our program, sobering staff continually engage with clients to assess their readiness for stabilization services. Referrals are constantly being made to medical and social detoxification, shelters, case management services or treatment services.



In January 2012, Alcohol Withdrawal Management medication protocol was piloted to more safely stabilize and transition clients to medical detoxification. Since then, the program has doubled referrals and transitions to medical detox and increased coordination with other medical facilities throughout the city. **Over 88% of clients placed on Withdrawal Management Medication Protocol** were successfully stabilized for safe transition to medical detoxification services.

Collaboration

The Sobering Center collaborates with numerous citywide programs to provide clients direct transitions to support services and longer-term stabilization options, including:

- Case management teams
- Dore psychiatric crisis services
- Emergency department social work teams
- EMS/ Department of Emergency Management
- Engagement Specialist Team (EST)
- Homeless Outreach Team (HOT)
- HUMS (High utilizers of multiple systems) care conference
- Joe Healy Medical Detoxification
- Medical Respite
- Social Detoxification
- Treatment Access /Behavioral Health

CONTRA COSTA COUNTY WORKFORCE SERVICES BUREAU'S SAFETY NET PRESENTATION
JULY 14, 2021

In February, 2019, an extremely frightened and traumatized mother of 4 walked into an office in Bay Point, California with my two younger children to meet with Maria Munoz with 4 Our Families. Immediately, I felt a sense of comfort and understanding, from someone who knew what I had been going through; that I was in desperation for help and guidance and needed any support I could receive to help my children and I through this terrible time in our life. It was at that point, when I met Maria Munoz, a Navigator for 4 Our Families, I knew I was in good hands, and my children and I were going to be ok.

Going back a 2-3 weeks earlier, on January 20, 2019, after being in an abusive and violent marriage for 12-years, my life was given back to me. My perpetrator, my husband, was arrested for strangling me. Although, this was the beginning to a new beginning of my freedom to live my life, I was left with taking care of 4 children ranging in ages of 12 – 3 years old. As a once stay at home mom/wife, I had no means of making a living for my family and the anxiety I carried with not submitting us to live on the streets, and fighting hard to continue living in the comforts of our home was weighing on me heavily.

I had mentioned to Maria, that I had received her information from the organization called STAND. I mentioned that STAND had been helping me with getting me involved with a support group with other women going through the same situation. Without hesitation, Maria said she understood where I was coming from, and she was here to help. She immediately found resources such as employment support through Opportunity Junction (who happened to be in the same office), Department of Human Services to help me with Cal Fresh and MediCal and even helped me fill out the application to get started and set up the appointment with a Case Manager, SHELTER, Inc. to get help with my rent, Coco Kids to help with childcare while I looked for work, Family Justice Center to help seek free legal help in my situation, provided me with gift cards for food and gas to get me by in the meantime, and lastly gave all my children activity/care packages.

I was literally speechless and overwhelmed with gratitude as I had never thought walking into my meeting with Maria, that there was so much help and support for someone like myself, with my situation.

With all the resources Maria provided that day, I obtained a Bank Teller position with the help from Opportunity Junction, had medical and food expense privileges through Contra Costa County, help paying rent and past due car payments from SHELTER, INC., subsidized childcare through CoCo Kids, and legal representation from Bay Area Legal Aid.

These past two in a half years, my life has turned a 360 degrees in a positive direction. Although, I still struggle at times, I am able to stand on my two feet and hold my head up high that I deserved a better life for my children and myself and was able to accomplish just that. A BETTER LIFE. I am truly indebted Maria Munoz and the many professional she has connected me with to get me where I am today.

My story is a success story, I am proudly willing to share with all who want to know someone who beat the odds as a survivor of abusive, controlling, and social–isolation. My children are thriving and I am thriving as a better Mother for them. Life is good! It's not perfect, but IT IS GOOD! With sincere gratitude, I am thank you Maria and all your colleagues for all you have done for me.

Warm Fondness,

Jessica Reid-Ozalp

To: Advisory Board of Measure X

From: Raquel Santana-Pizana

Date: July 23, 2021

Subject: Welfare to Work Testimonial

Dear Advisory Board of Measure X,

My name is Raquel Santana-Pizana and I am currently a permanent employee with EHSD, Community Services Bureau. I am a Comprehensive Services Assistant Manager for the Head Start Program and I oversee two centers in Central County, George Miller and Lavonia Allen. I wanted to share my testimony on how the Welfare to Work program helped me become self-sufficient. In 2015, I was going through a very hard time in my life. I was unemployed and was caring for three daughters. Without a job, I went to the EHSD office in Richmond seeking help through the Calworks program. I was able to temporary receive Cash Aide, Calfresh, and Medical. I than became a participant in the Welfare to Work Program, and was a participant in Job Club/Job Search Readiness Program. The Job Club and Job Search program helped me tremendously by providing me with job interview clothes, helped me prepare for my interviews through mock interviews, helped me create a resume, provided money management trainings, and helped me eliminate any barriers in my life so that I can find employment. I was given the opportunity to become a CC Works employee once I completed my Job Club/Job Search classes. I was hired at the EHSD office in Richmond in the Welfare to Work Unit helping Ms. Elizabeth Benson and the Job Club facilitators as their unit clerk. It was a great experience that helped me gain the experience and knowledge to demonstrate my potential and skills. A few months later, I was offered a position as a County Temp, and was the Greeter for the Richmond EHSD office. While employed, I was provided with transportation money and free Child Care, and was later eligible to purchase a vehicle through the Keys Program. It was such a blessing to get a car to take my daughters to school and get home and to work. At the time, I had a used car that would not go reverse and later stopped working. The resources that were provided to me through the Welfare to Work Program really helped me to put my foot in the door, and helped me maintain my job and allowed me to continue working. I was really lucky to have obtained the resources provided by the Welfare to Work Program because I wouldn't have reached self-sufficiency without them.

Thank you,

Raquel Santana-Pizana

From: Consuelo Lara <clara41049@yahoo.com>
Sent: Thursday, July 29, 2021 12:05 PM
To: Lisa Driscoll <Lisa.Driscoll@cao.cccounty.us>
Subject: MEASURE X FUNDING FOR EQUITY IN THE ARTS

Dear County Supervisors,

This is a letter of support for the funding of THE ARTS IN CONTRA COSTA COUNTY with Measure X resources.

I am a retired teacher from WCCUSD where I taught at Helms Middle School, and Richmond High School. I have seen the difference the Arts can make in a student's life. I am most concerned about EQUITY. After my retirement in 2015, I was on the School Board from 2018-2020, and I am now on the Contra Costa County Board of Education. Equity in the Arts means that our most vulnerable students have the same access to the Arts as those schools/families with more resources.

While I was on the school board, we passed an EQUITY IN THE ARTS RESOLUTION August 2019. The link to the resolution is attached. I think every district in the County should make this a commitment. Measure X funding is the opportunity to do this.

Thank you,
Consuelo Lara, Trustee

Contra Costa County Board of Education

https://www.wccusd.net/Page/13695.

Lisa Driscoll

From: Liesl Seitz <lieslseitz@yahoo.com>
Sent: Friday, July 30, 2021 11:33 AM
To: Lisa Driscoll
Subject: Arts Funding

Dear Ms. Driscoll,

I am writing to you today to encourage support for the arts in Contra Costa County. Public funding will assure that the arts are not exclusively for the economically privileged in the county, but rather for all residents. Surely we can spare fifty-four cents each for such a cause.

Thank you for your consideration.

Liesl M. Seitz Buchbinder

Contra Costa County Board of Supervisors

Subcommittee Report

MEASURE X COMMUNITY ADVISORY BOARD

Meeting Date: 08/04/2021

Subject: Record of Action for July 28, 2021 Measure X Community Advisory Board Meeting

Department: County Administrator

Referral No.: N/A

Referral Name: Record of Action

Presenter: Lisa Driscoll, County Finance Director

Contact: Lisa Driscoll (925) 655-2047

Referral History:

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

Referral Update:

Attached for the Board's information is the Record of Action for its July 28, 2021 meeting.

Recommendation(s)/Next Step(s):

Staff recommends MXCAB receive the Record of Action for the July 28, 2021 meeting.

Fiscal Impact (if any):

No fiscal impact.

Attachments

Record of Action MXCAB 7-28-21

MEASURE X COMMUNITY ADVISORY BOARD

July 28, 2021
5:00 P.M.
1025 Escobar St., Martinez

Mariana Moore, Chair
BK Williams, Vice Chair

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

Present: Mariana Moore, Chair; BK Williams, Vice Chair; Edith Pastrano; Kathryn Chiverton; Jim Cervantes; Odessa LeFrancois; David Cruise; Dr. Michelle Hernandez; Sharon Quezada Jenkins; Ali Saidi; Jerry Short; Kimberly Aceves-Iniquez; Ruth Fernandez; Debbie Toth; Sandra Wall; Susun Kim; Cathy Hanville; Pello Walker; Gigi Crowder; Melissa Stafford Jones; Diana Honig; Steven Bliss

Absent: Michelle Stewart; Sandro Trujillo; Geneveva Calloway; Lindy Lavender; Peter Benson

Staff Present: Lisa Driscoll, County Finance Director; Enid Mendoza, Senior Deputy County Administrator

1. Roll Call

Staff provided instruction for access to English live transcription (automated closed captioning), and live simultaneous Spanish and ASL interpretation, and then conducted roll call. There were approximately 99 participants.

2. Accept attached written public comments.

There were no verbal public comments for items not on the agenda.

3. Staff recommends MXCAB receive the Record of Action for the July 21, 2021 meeting.

The Record of Action was accepted as presented.

4. RECEIVE presentations on the topics of libraries, arts & culture, and agriculture.

Mariana Moore introduced the topics for discussion. Presentations were provided and the following individuals shared their insight and experiences: Alison McKee, County Librarian; Antonio Medrano, CCC Library Commissioner; Jenny Balisle and Ben Miyaji, Arts and Culture Commission of Contra Costa; Silvia Ledezma, Vice Chair AC5, Arts-in-Corrections: County Jail Project; Tony Tamayo, artist, advocate, Poetry Out Loud and

ABOUTFACE Technical Assistant; Naina Shastri, Founder/Artistic Director at Ushanjali School of Dance, San Ramon Social Justice Collective; Donte Clark, Poetry Out Loud Coordinator; Ruthie Dineen, East Bay Center for the Performing Arts; Marva Reed, Art of the African Diaspora Curator
Sheila McKinney, Local Arts and Cultural Organizations grantee RYSE, youth artist performance; CieraJevae Gordon, Local Arts and Cultural Organizations grantee RYSE, youth artist performance; Tara Malik, Local Arts and Cultural Organizations grantee RYSE, youth artist performance
Keertana Srekkumar, youth artist, advocate, student, San Ramon Youth Art Committee President/Founder; Dedan Ji JaJa, ABOUTFACE Veteran artist; Jose Arriaga, Assistant Agricultural Commissioner - Director of Weights and Measures; and Matthew Slattengren, Agricultural Commissioner - Director of Weights and Measures.

At approximately 6:48 PM the MXCAB took a 12 minute break. At the conclusion of the break members of the MXCAB made comments and asked questions. At the conclusion of the MXCAB member comments, members of the public were offered an opportuity to speak and public comments were heard from 25 individuals in two different languages.

5. Discuss/modify attached plan for presenters.

BK Williams introduced the topic for discussion and both BK Williams and Mariana Moore reviewed the current schedule of speakers, including the addition of a speaker from 350 Contra Costa. MXCAB members discussed the need to schedule resident speakers. At Large member Debbie Toth volunteered to work to schedule transit consumers. There were no comments from the public on this item.

6. Accept attached updated tracking spreadsheet and list of potential funding buckets.

Mariana Moore reminded the MXCAB that there had been a discussion of how sub-group discussions could take place while maintaining transparency and public access to decision makers, and asked staff to update the MXCAB on restrictions and recommendations. Staff updated the group. A discussion took place regarding the process for continued tracking and ranking of issues. BK Williams reminded the MXCAB of the spreadsheet that was prepared by Cathy Hanville for MXCAB use and other tools that had been distributed. At the conclusion of the MXCAB comments, Chair Moore said that a few more meetings would be scheduled within the current decision timeframe. Those dates will be posted shortly.

7. The next meeting is currently scheduled for August 4, 2021.

There was no change to the next standing date and time.

8. Adjourn

The meeting adjourned at approximately 9:10 PM.

The Measure X Community Advisory Board will provide reasonable accommodations for persons with disabilities planning to attend Measure X meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Measure X Community Advsory Board less than 96 hours prior to that meeting are available for public inspection at 1025 Escobar St., 4th Floor, Martinez, during normal business hours.

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

For Additional Information Contact:

Lisa Driscoll, Committee Staff
Phone (925) 655-2047
lisa.driscoll@cao.cccounty.us

Contra Costa County Board of Supervisors

Subcommittee Report

MEASURE X COMMUNITY ADVISORY BOARD

Meeting Date:	08/04/2021		
Subject:	Focussed Presentation and Discussion - Environment, Transportation, Public Works, and Conservation & Development		
Submitted For:	MEASURE X Com Advisory Board,		
Department:	County Administrator		
Referral No.:	2/2/21 D.4		
Referral Name:	Community Advisory Committee for Measure X		
Presenter:	Mariana Moore	**Contact:**	Lisa Driscoll (925) 655-2047

Referral History:

Plan for series of focussed presentations and discussion was established by the Measure X Community Advisory Board. Committee received presentations on May 12 regarding seniors, disabled people, and veterans, on May 19 community safety: fire protection, on May 26 early childhood, on June 9 youth and young adults, on June 16 healthcare, on June 23 mental health/ behavioral health & disabled residents, on July 7 community safety: Justice systems, on July 14 safety net, on July 21 immigration and racial equity across systems, and on July 28 library, arts and culture, and agriculture.

Referral Update:

Attached are presentations regarding the environment, transportation, public works, and conservation & development.

Recommendation(s)/Next Step(s):

RECEIVE presentations on the topics of environment, transportation, public works, and conservation & development:

- Brian Balbas, Public Works
- John Cunningham, Conservation & Development - Accessible Transportation
- Jody London, Conservation & Development - Sustainability
- John Kopchik, Conservation & Development - Economic Development & Illegal Dumping Initiative
- Marti Roach, Contra Costa 350
- Darrell Owens, East Bay Transit Riders Union
- Transit Consumers

Public comments and additional materials (attached) were submitted to supplement presentations:

- Public Works
    - Funding Request for Flood Control Infrastructure
    - Public Works Flood Control Supplemental Materials
- Department of Conservation and Development
    - CC Transportation Authority - Accessible Transportation Plan
    - Climate Equity and Resilience Investments
    - Illegal Dumping Initiative

Attachments

1 - Public Works
Public Works Funding Request for Flood Control Infrastructure
Public Works Flood Control Supplemental Materials
2 - DCD Accessible Transportation Strategic Plan
CC Transportation Authority - Accessible Transportation Strategic Plan
3 - DCD Climate Equity and Resilience Investment
Department of Conservation and Development - Climate Equity and Resilience Investments
4 - DCD Economic Development
5 - DCD Illegal Dumping
DCD Illegal Dumping Initiative Stretegy Table
6 - Contra Costa 350
Public Comment - Sustainability
Public Comment - Climate Equity
Public Comment - Climate Equity 3

Contra Costa County
Public Works
Department

Public Works Department
Measure X Presentation

August 4, 2021

STORMWATER SERVICES FUNDING REQUESTS

The Public Works Department and Flood Control District receive funding from gas taxes, property taxes, special assessments, and a small amount of County General Funds. Past efforts to increase funding for stormwater-related services have not been successful. The Department has prepared requests for Measure X funds to supplement existing funding for much needed stormwater services as listed below:

Summary of PWD Measure X Proposals				
Topic	Region	Communities	Request	Timeframe
1. Flood Protection	West County	Underserved	$2,200,000	Annual
2. Storm Drains	Unincorporated	All	$1,400,000	Annual
3. Watershed Plans	County	All	$400,000	*10 years
4. Street Sweeping	Unincorporated	All	$600,000	Annual
5. Green Infrastructure	Unincorporated	Underserved	$1,000,000	Annual
		Annual Request:	$5,200,000	
		*10 Year Request:	$4,000,000	

FLOOD PROTECTION SAFETY IN WEST COUNTY

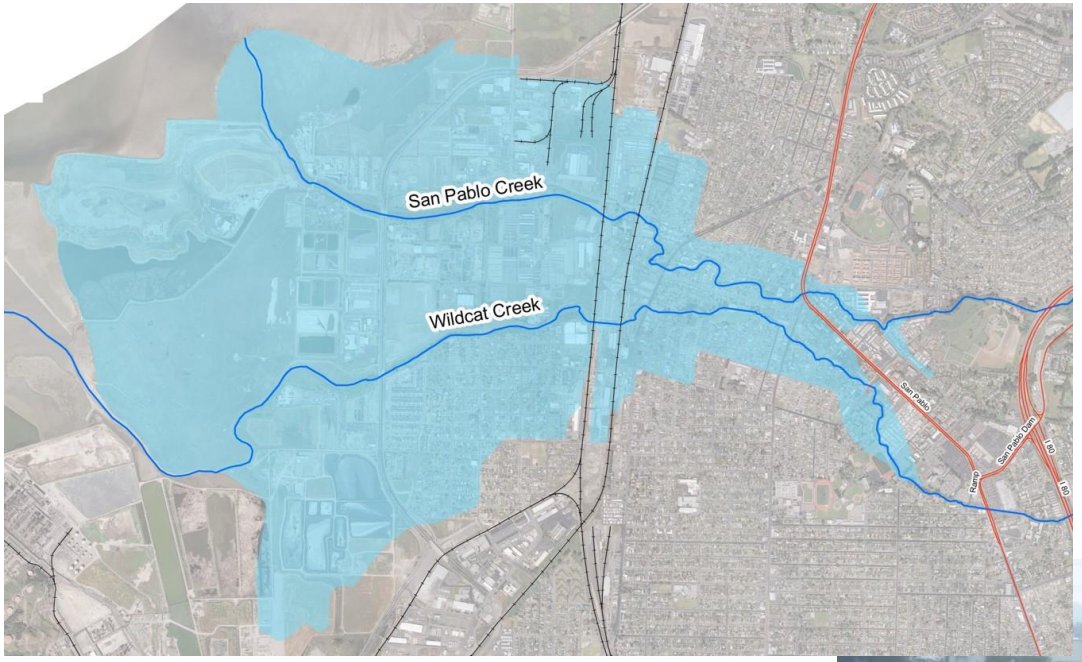
Services needed: Flood Control Levee and Channel Maintenance, Asset Management, and Resiliency in North Richmond, San Pablo, Richmond, Pinole, and Rodeo

Funding need: $2,200,000 Annually

Annual Funding Needs for Maintenance vs. Revenue (2020)		
Facility	Current Need	Revenue
Wildcat Creek	$1,000,000	$137,841
San Pablo Creek	$750,000	$0
Rheem Creek	$110,000	$23,090
Pinole Creek	$125,000	$0
Rodeo Creek	$450,000	$37,639
Totals:	$2,435,000	$198,570
Total Need:	**$2,236,430**	

Rodeo Creek
bank erosion
repair needed

Pinole Creek
bank erosion
repair needed



The projected impact (blue) of flooding in North Richmond, Richmond, and San Pablo if levees are not maintained, or not improved to accommodate sea level rise.

Routine maintenance needs on Rheem Creek – sediment, debris, and vegetation removal.

STORM DRAIN MAINTENANCE AND SAFETY - UNINCORPORATED COUNTY AREAS

Services needed: Storm Drain Inventory, Assessment, Repairs, Asset Management, Resiliency.

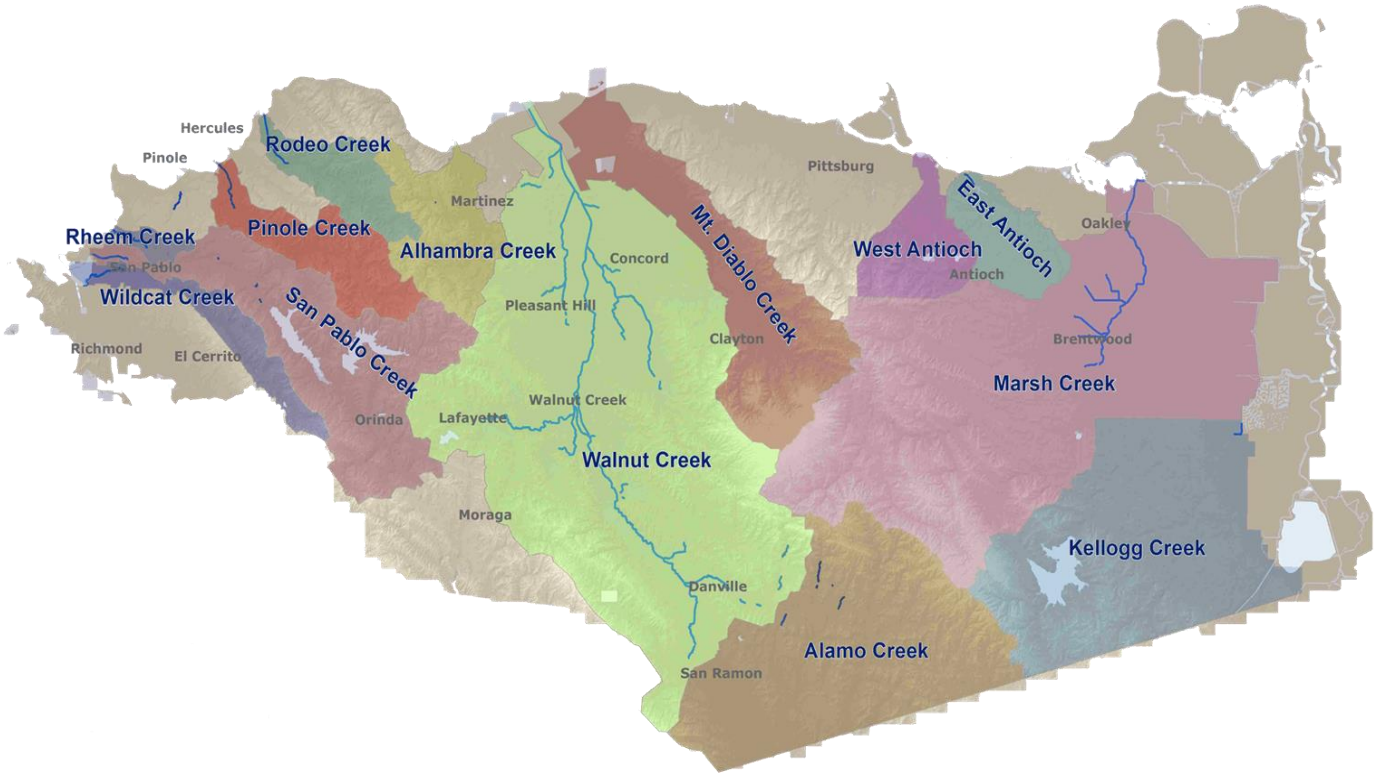
Funding need: $1,400,000 Annually

Examples of failed storm drains and resulting pavement damage

WATERSHED PLANS FOR ENTIRE COUNTY

Services needed: Watershed Plans to reduce contamination, improve the environment, reduce climate change impacts, and increase community engagement

Funding need: $400,000/year for 10 years

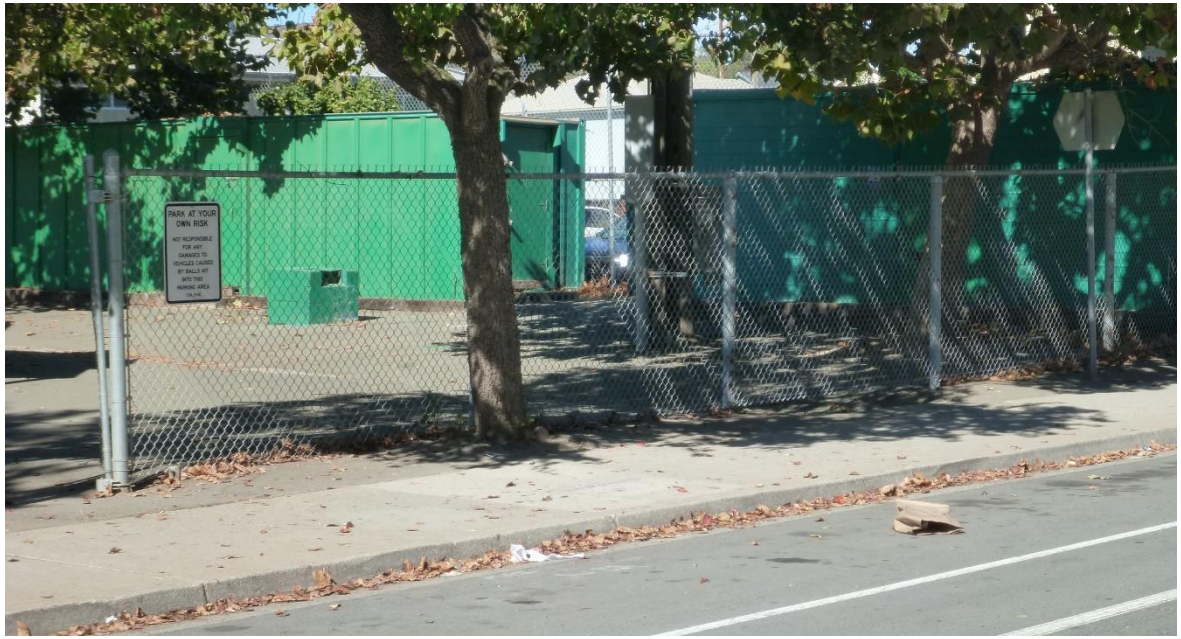


Watershed boundaries are different from City boundaries

STREET SWEEPING IN UNINCORPORATED COUNTY

Services needed: Street Sweeping to remove contaminants, trash, and sediment, improve watershed health, prevent flooding and increase bicycle safety.

Funding need: $600,000 Annually



Street curb and gutter sweeping needed

GREEN INFRASTRUCTURE WITHIN UNINCORPORATED COUNTY DISADVANTAGED COMMUNITIES

Services needed: Planning, Installation, Maintenance, and Asset Management

Funding need: $1,000,000 Annually

Examples of Green Infrastructure along a road and in a parking lot

Thank you
Questions?

Contra Costa County
Public Works
Department

Brian M. Balbas, Director
Deputy Directors
Stephen Kowalewski, Chief
Allison Knapp
Warren Lai
Carrie Ricci
Joe Yee

Memo

August 4, 2021

TO: Measure X Community Advisory Board

FROM: Brian M. Balbas, Public Works Director

SUBJECT: Measure X Funding Request for Flood Control Infrastructure

Despite the considerable discussions at multiple government levels surrounding funding for our Nation's critical infrastructure needs and the consistent efforts of our Contra Costa County Flood Control and Water Conservation District and Public Works Department to secure adequate and sustainable funding sources, we are still facing massive funding shortfalls. With aging critical infrastructure, deferred maintenance, increasing regulatory mandates and stresses brought on by climate change and sea level rise, public health, safety and quality of life, will be severely impacted if we do not act immediately to respond to these issues.

The reality is the longer these improvements are delayed the more it will cost and the higher the likelihood that we will endanger the public's lives, health and property. In this summary report, we have tried to provide some background, context and details to the issues we face and some of the steps we have taken in an effort to address this growing issue in Contra Costa County and across California. We recognize there is a substantial amount of material and we appreciate the Measure X Community Advisory Board's efforts in educating yourselves and the public regarding not just our challenges in flood protection, but for all of the interests that have come before your Advisory Board.

About half of Contra Costa County Flood Control and Water Conservation District's (District) and County Public Works Department's flood protection system has exceeded its design life and the other half is close to reaching its design lifespan. Because of its age, the system requires a high level of maintenance and will eventually need to be replaced. Currently, there is a shortfall in funding to adequately maintain our flood control system. Due to the chronic lack of funds, the system has unmet maintenance needs. Deferred maintenance of the system not only reduces its efficiency, but will ultimately lead to failure of our flood control system infrastructure.

The District manages approximately 79 miles of improved channels and 30 detention basins/dams that protect many cities and unincorporated areas. The County Public Works Department manages approximately 150 miles of streams, channels, and other drainage within our unincorporated areas. Funding for maintenance of a flood control system is 100% local funds as there are no federal or state programs for maintenance. We take advantage of the many federal and state granting opportunities available to help pay for

new and improved facilities when possible. We also condition some facilities to be installed by developers when construction takes place. However, no grant funding is available to pay for routine and regular maintenance.

The current value of District infrastructure is estimated at just over $1.3 Billion, adjusted to 2020 dollars. Much of the earlier constructed infrastructure was financed primarily through federal and state assistance, typically at 90 to 95% of the project costs. In the last twenty years, outside funding percentages have decreased to 50% or less, requiring more local funds, and limiting the ability to deliver projects.

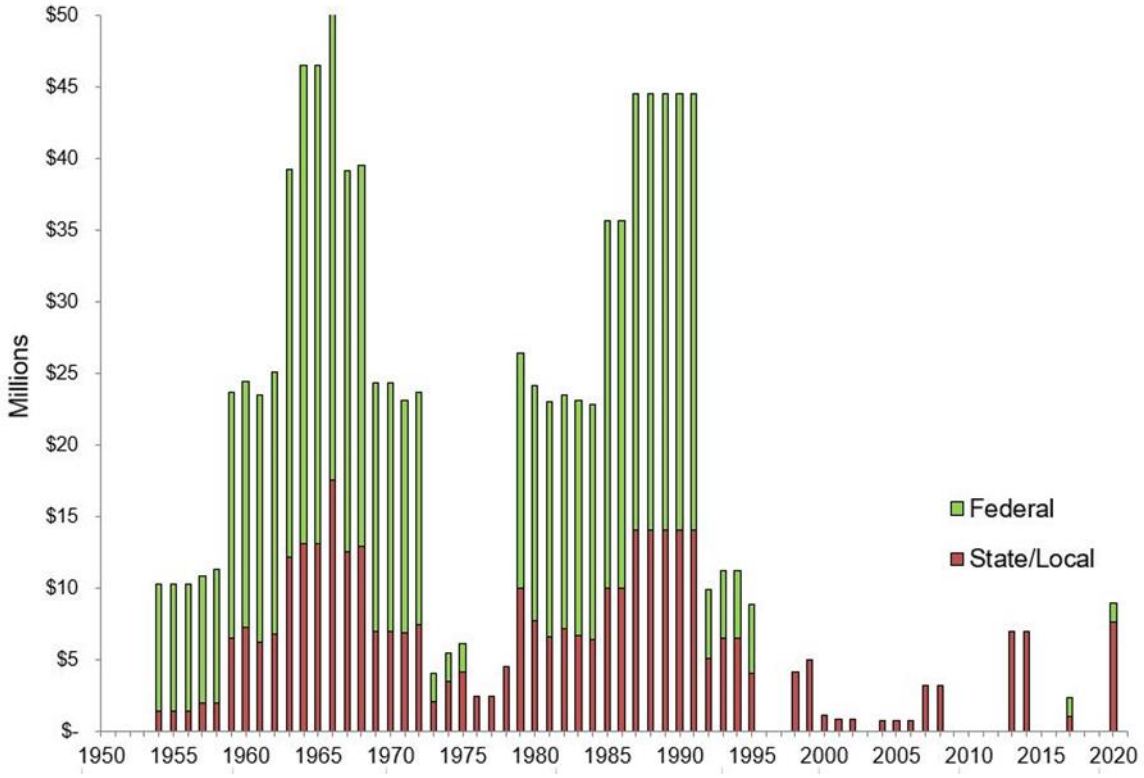


Figure 1. $1.3 Billion investment, adjusted to 2020 dollars, in flood control projects from 1951 – 2020.

This critical flood protection infrastructure protects approximately $34 Billion of community resources, including homes, businesses and roads, in low-lying areas.

The level of flood protection has been severely impacted or decreased because of lack of local funding for maintenance and replacement of failing systems is inadequate or non-existent, due to the property tax rates being at a fixed percentage since 1979, when Proposition 13 was passed. Areas that are most notably affected are in West Contra Costa County due to the extremely low tax revenue collected for maintenance (low to zero revenue). New and increasing impacts due to climate change and sea level rise on our coastal areas only adds to the challenges. The deferred maintenance cost for our stormwater facilities is currently approximately $27 Million per year. In addition, replacing District flood protection facilities is currently estimated at $3.2 Billion. This estimate is based on a 50 year life, and the replacement cost for all facilities spread over 75 years starting in 2030 (see chart below).

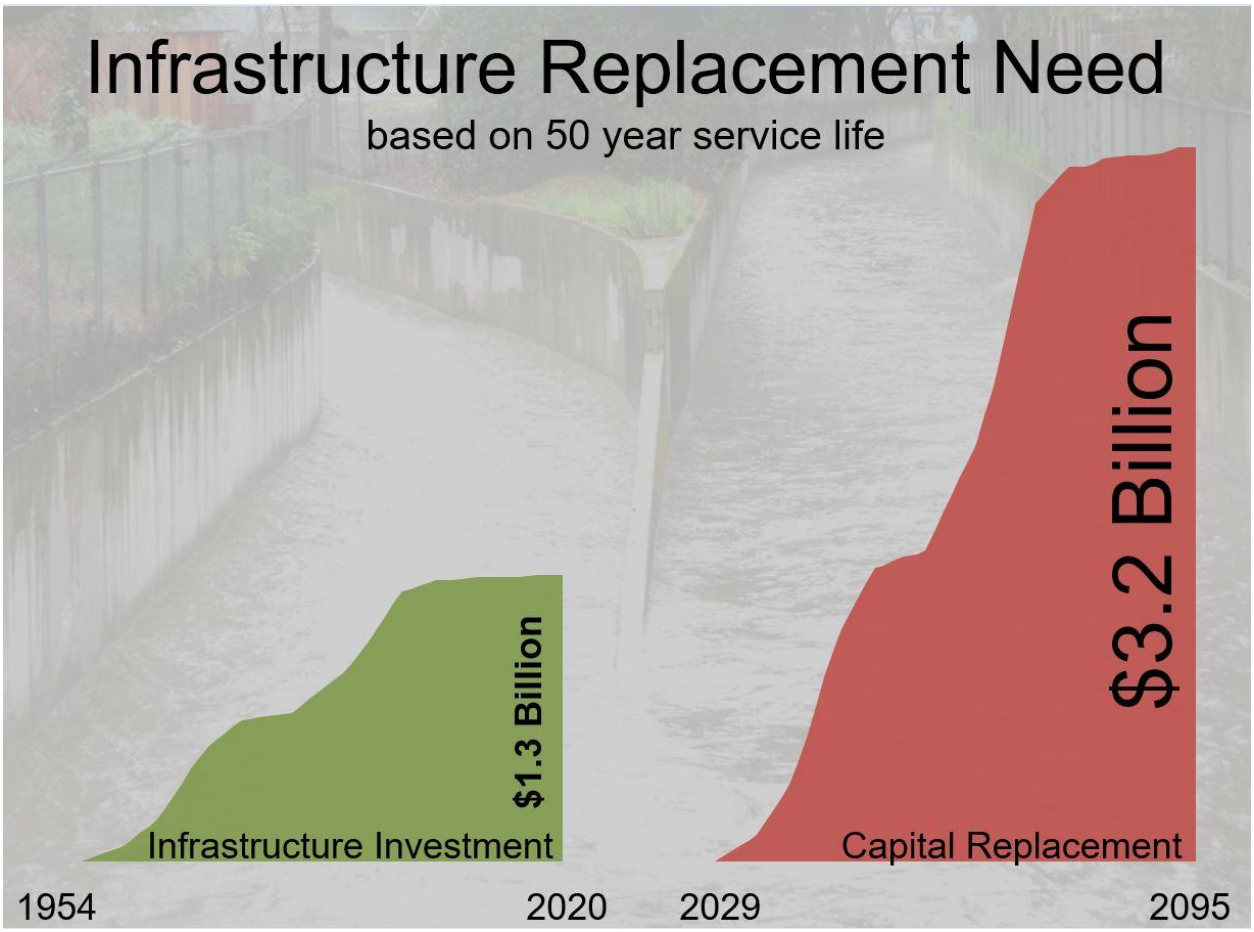


Figure 2. Current infrastructure value of $1.3 Billion would need $3.2 Billion for complete replacement.

In addition to the challenges of historically inadequate funding for operations, maintenance and replacement of our flood protection infrastructure and storm water systems, we face increased regulatory requirements. The District understands, appreciates and supports the need for these requirements, however, they substantially increase the cost, time and effort necessary to complete regular routine maintenance and capital replacement of the system we are responsible for operating and maintaining.

Since 1991, the California Regional Water Quality Control Board has created new requirements as part of the Municipal Regional Permit and increased existing requirements to reduce pollutants in our waterways. In response to these requirements the County Clean Water Program, consisting of the County and cities, was formed in 1993. In an effort to help address the additional costs of the requirements a Stormwater Utility Assessment (SUA) was created to fund these new requirements. While this initial SUA was helpful in covering costs related to new clean water requirements, changes in legislation and the cap on what could be assessed eventually caught up to these assessments. Now, these funds are insufficient to adequately address the increased requirements that have been implemented with each subsequent permit from the Regional Board. Given the requirements of Proposition 218, increasing these SUA's is simply not considered feasible today. The SUA for every city and the County is currently at the cap that can be collected annually.

The issues surrounding funding flood control infrastructure and the requirements from the California Regional Water Quality Control Board as part of the Municipal Regional Permit have been discussed, reviewed and analyzed for many years. In fact, the Contra Costa County Civil Grand Jury has filed three reports on these subjects. We have also attached the Grand Jury Reports as part of this document.

- Grand Jury Report 1305 in 2013 entitled "Getting to Clean Water in Contra Costa County". This report highlighted several issues associated with the negotiations related to the Municipal Regional Permit and implementation issues associated with the permit, including funding concerns. It provides some insight into the complexity of the issues and gives an idea of the funding issues that plagued the permit at that time and continue with subsequent permits issued since that time.
- Grand Jury Report 1705 in 2017, entitled "Funding Flood Control Infrastructure," had six findings and four recommendations. It recommended that the Board of Supervisors continue to pursue efforts to educate elected officials about the urgency of passing statewide flood control and stormwater funding, identify funds to begin reducing the deferred maintenance backlog, identify funds to begin building reserves for reconstruction of the aging infrastructure, and prepare for a County-wide campaign to educate the public on the need to replace aging infrastructure. In August 2017, the Board responded, in essence agreeing with all the findings and implementing all the recommendations; however, no funds have been made available to the District.
- Grand Jury Report 1907 in 2019, entitled "Stormwater Trash Reduction". This report was directed to the County and cities of the Clean Water Program. The Board responded to the issues directed to the County in August 2019, essentially agreeing with the six findings and implementing the two recommendations. The recommendations were to have the Board direct staff to provide a concise summary of the Municipal Permit Annual Report accomplishments, challenges, costs and funds needed for full compliance, as well as to identify additional revenue sources to fully fund requirements. The recommended need for revenue was forwarded to the County's Finance Committee, but due to COVID, those

discussions have been on hold. No additional funds have been made available to the District or County.

The permitting requirements for maintenance and capital replacement of flood control infrastructure have also become more difficult and costly with additional requirements. These permits differ from the requirements of the Municipal Regional Permit for clean water issued by the Regional Board. The permitting referenced here pertains more to working in waters of the Army Corp or Engineers, Waters of the State and jurisdictions under the purview of agencies like the California Department of Fish and Wildlife. We have worked with multiple regulators and formed great partnerships to respond to the need to protect native species and improve habitat, but these efforts take time and funding to meet the requirements of various interested parties.

The lack of funding for maintaining, improving and replacing flood control and clean water facilities is common across the state. For years we have advocated at local, state and federal levels but have yet to find viable solutions. Some of the efforts undertaken include:

- In 1996, Proposition 218 streamlined funding for utilities (sewer, water and garbage), but stormwater and flood control were not included.
- In 2012, the County Clean Water Program presented to County voters a stormwater funding initiative that failed.
- In 2016, a statewide stormwater funding initiative was stopped from going to the voters after progressing for two years.
- In 2017, Senate Bill 231 was passed, allowing stormwater agencies to establish tax rates using Prop 218, however this has not been implemented due to legal challenges.

The District and Public Works Department have shared these funding challenges annually with the California State Association of Counties, County Engineers Association of California, representatives at the State Capitol, the County Board of Supervisors, and the County Board of Supervisors - Transportation, Water, and Infrastructure Committee. We have attached to this report several examples of outreach and educational documents developed to assist in understanding the critical level of funding shortfall for these facilities.

There are many critical services that County departments and not for profit organizations provide to the citizens of the County. Not providing adequate flood protection and stormwater services is only increasing the risk to public safety, private property and the environment. Although our funding shortfall to resolve the backlog of maintenance needs is about $27 Million annually, we respectfully request $5.2 Million per year of Measure X funding to maintain the most immediate and critical needs. Figure 3 shows the annual costs continue to increase because we are not able to properly maintain the flood protection systems.

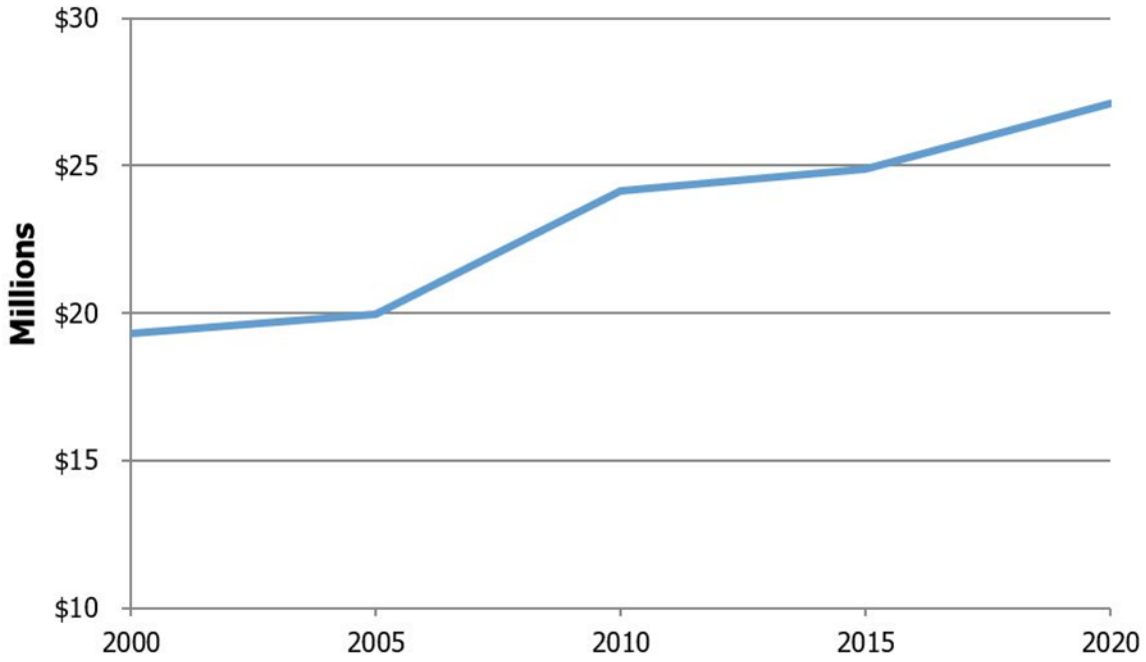


Figure 3. With chronic inadequate funding, our current maintenance backlog of $27 Million will continue to grow.

The remainder of this report summarizes the specific funding request that we are including in our presentation to the Measure X Community Advisory Committee. It mirrors the PowerPoint slides that will be included in our August 4, 2021 presentation.

The topics below are the critical immediate areas we have identified to include in our Measure X funding request. AS previously stated, our needs are significantly higher than the amounts we are requesting, however we recognize the competing interests throughout our County for these valuable Measure X funds. We also intend to continue our work at a local, state and federal level to improve long term sustainable funding and revenue to address the mounting flood protection infrastructure needs in Contra Costa County and across our nation.

We provided some information on each topic in the table below in an effort to try to address some general areas the Community Advisory Board is interested in as part of any presentation before your Board.

Summary of PWD Measure X Proposals

Topic	Region	Communities	Request	Timeframe
1. Flood Protection	West County	Underserved	$2,200,000	Annual
2. Storm Drains	Unincorporated	All	$1,400,000	Annual
3. Watershed Plans	County	All	$400,000	*10 years
4. Street Sweeping	Unincorporated	All	$600,000	Annual
5. Green Infrastructure	Unincorporated	Underserved	$1,000,000	Annual
		Annual Request:	**$5,200,000**	
		***10 Year Request:**	**$4,000,000**	

Each topic is addressed in detail in the following sections.

Topic 1 – Flood Protection Safety in West County

Topic
Unincorporated and City Communities of Concern Safety in West County – Flood Control Levees Maintenance, Asset Management, and Resilience in North Richmond, San Pablo, Richmond, Pinole, and Rodeo (Environmental Justice and Climate Change Resiliency)

Background
The communities of North Richmond and Rodeo, and portions of San Pablo, Richmond, and Pinole, are at risk of flooding because local Flood Control District tax revenue is inadequate for needed maintenance as well as improvements to provide climate change resilience. This affects over 16,000 residents adjacent to Wildcat Creek, San Pablo Creek, Rheem Creek, Pinole Creek, and Rodeo Creek, representing about 8.5 miles of channels and levees.

Needs
Adequate maintenance funding is needed to reduce the maintenance backlog, annual routine maintenance, as well as provide local match for grants to improve these facilities for resiliency to sea level rise. Tax funding has been low or zero since Proposition 13 froze them, per the table below. The current annul need of $2.4M minus revenue of $200k results in $2.2M additional funding needed annually.

Annual Funding Needs for Maintenance vs. Revenue (2020)		
Facility	**Current Need**	**Annual Revenue**
Wildcat Creek	$1,000,000	$137,841
San Pablo Creek	$750,000	$0
Rheem Creek	$110,000	$23,090
Pinole Creek	$125,000	$0
Rodeo Creek	$450,000	$37,639
Totals:	$2,435,000	$198,570
Total Need:	**$2,236,430**	

Underserved Impacts
These communities along the shoreline - North Richmond, San Pablo, Richmond, Pinole, and Rodeo – require flood protection to contain runoff from communities in upper watersheds, which are more resourced. Even minor tax increases to provide increased flood protection will disproportionally impact these underserved communities.

Trends
Flood risks will only increase yearly in these communities due to lack of maintenance and future sea level rise.

Racial Equity
The impacted populations of North Richmond, Richmond, Pinole, and Rodeo adjacent to the levees and flood control channels are mostly underrepresented groups.

Gaps
The most significant unmet needs are 1) community awareness, 2) eliminating the maintenance backlog, 3) routine maintenance, and 4) providing local match for grants to improve these facilities for resiliency to sea level rise.

Prevention
The community is aware of local flooding issues, however, the priority of this information is lower than the variety of other challenges the people in these economically marginalized areas face. The community stakeholders, along with the Flood Control District and County leaders, need to be active partners in stressing the severity of continued inaction and improve awareness of potential flooding and future risks.

Intersectional
Flooding will impact mobility-challenged persons, the homeless, evacuation routes, roadways, grocery stores, housing, and safety net services.

Transformational Bold Ideas
Community members can organize and create awareness about their need for increased flood protection, to be used for social media campaigns, political outreach, etc. This new funding will allow the community to track progress toward their flood reduction goals.

Success
All communities of concern with flood control facilities are made aware of the issues, a sustainable funding plan is in place to provide maintenance and resilience, and community members are engaged in the process. Ultimately the risk of flooding is reduced and that also reduces the public safety risks and potential losses to property and livelihoods.

Visuals
Below are maps and photos supporting this topic.

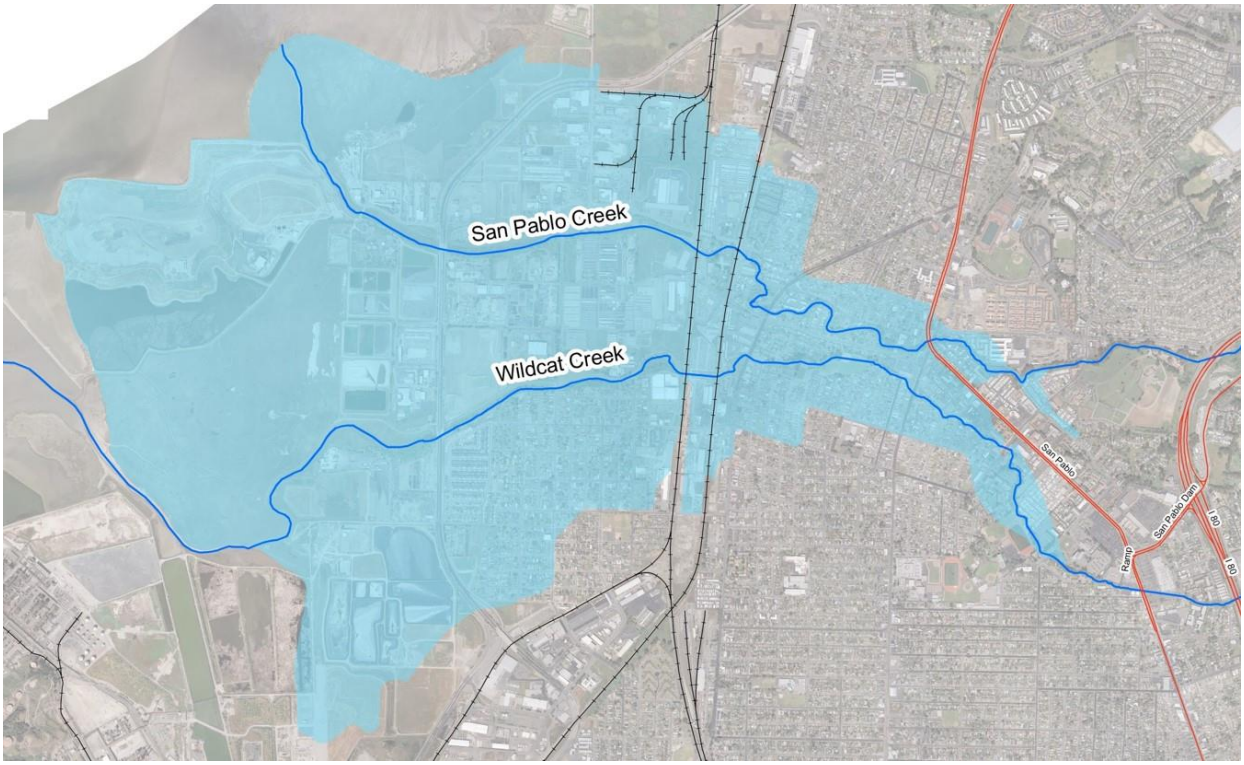


Figure 1-A. Blue shading shows where North Richmond will have flooding if levees are not maintained, or if not improved to accommodate sea level rise. Rheem, Pinole, and Rodeo Creeks currently do not provide protection from 100-yr flood or sea level rise.

Figure 1-B. Silt build up due to lack of routine maintenance in Rheem Creek due to lack of funding.

Figure 1-C. Creek bank erosion on Pinole Creek.

Figure 1-D. Creek bank erosion and storm drain pipe failure on Rodeo Creek.

Topic 2 – Storm Drain Maintenance and Safety in Unincorporated County

Topic
Unincorporated County Community Safety - Storm Drain Inventory, Assessment, Repairs, Asset Management, Resiliency (Climate Change Resiliency)

Background
The unincorporated County has an estimated 400 miles of underground storm drains and ditches in public rights of way, which are not adequately maintained due to limited funding. We estimate there is the same quantity of storm drains on private property that also serve the community, but are privately maintained. Combining the PWD and privately maintained storm drains locations data indicates that storm drains directly impact about 25% of the unincorporated population (44,000 residents). There are also indirect impacts to other residents due to sinkholes, road closures, flooding, etc. impacting their travel.

Needs
Inventory of the entire of public storm drain system, perform conditions assessment, establish a repair program, perform priority repairs, and conduct asset management. The funding need of $2M minus current funding of $600k results in $1.4M additional funding needed annually.

Underserved Impacts
A majority of these facilities are in low-lying areas including North Richmond, Tara Hills, Rodeo, Pacheco, and Bay Point. These areas require storm drains to contain runoff from communities in upper watersheds, which are more resourced. Even minor tax increases to provide increased flood protection will disproportionally impact these underserved communities.

Trends
Much of the storm drain system has reached the end of its life and is failing, or will fail soon. The lack of asset management information leads to flooding, collapses and sinkholes. Also, storm drains have become more important for community resiliency due to the need to trace hazardous spills, and the need to handle more intense runoff due to climate change impacts. The Regional Water Quality Control Board now requires us to submit a complete storm drain inventory.

Racial Equity
The populations in North Richmond, Rodeo, Pacheco, and Bay Point are disproportionally impacted by this issue.

Gaps
The most significant unmet needs are 1) community awareness, 2) eliminating the maintenance backlog, 3) routine maintenance, and 4) performing a comprehensive inventory.

Prevention
The community is aware of local flooding issues, however, the priority of this information is lower than the variety of other challenges the people in these economically marginalized areas face. The community stakeholders, along with the Flood Control District and County leaders, need to be active partners in stressing the severity of continued inaction and improve awareness of potential flooding and future risks.

Intersectional
There are impacts on transportation, emergency response, and the environment due to failed storm drains. The increase in storm drainage failures is a direct result of these funding issues. They will continue to increase unless additional funds are identified. These failures have far reaching impacts to everyone

Transformational Bold Ideas
To raise awareness, community members can adopt a storm drain, or pick up trash from the street to prevent it from entering the storm drain. As provided in our background materials, stormwater should be part of a larger comprehensive water program in California (drinking water, wastewater and storm water).

Success
All public storm drains are mapped, monitored, and maintained properly. There are no collapses, sinkholes, or failures. Sustainable funding is in place to ensure proper function and maintenance.

Visuals
Below are some photos supporting this topic.

Figure 2-A. Roadway sinkhole due to storm drain pipe collapse which is a safety concern for motorists, bicyclists, and pedestrians.

Figure 2-B. Roadway sinkhole due to storm drain pipe collapse.

Figure 2-C. Most metal pipes throughout the County are greater than 50 years old (well exceeding their intended lifespan) and the bottom has rusted through, or will soon. This pipe is considered as failed, and may soon collapse to create a sinkhole.

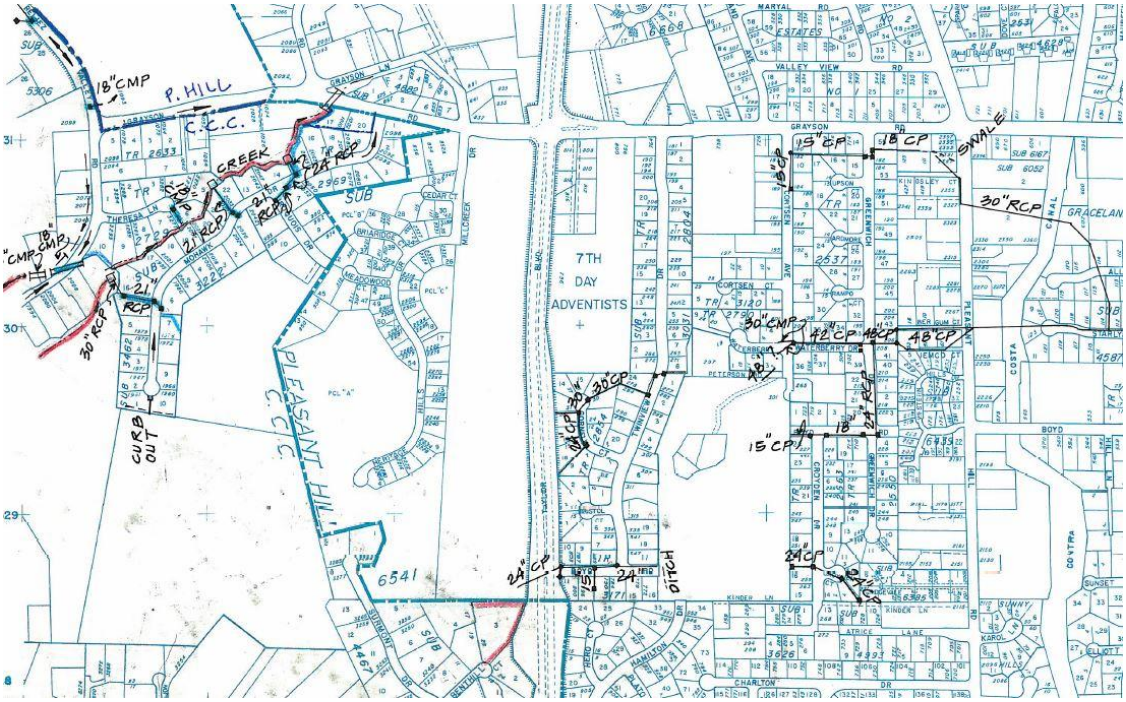


Figure 2-D. Approximately 50% of our storm drain data needs to be verified and updated into GIS system for better assessment of location information, hazardous material tracing, and emergency response.

Topic 3 – Watershed Plans for Entire County

Topic
County-wide Watershed Plans – Community Planning, Multi-Benefit Projects, Resiliency, Leverage Grants, Environmental Protection and Restoration (Environmental Justice, Climate Change Resiliency)

Background
Watershed plans will reduce contamination, improve the environment, provide health benefits for people, reduce climate change impacts, and increase community engagement. The Regional Water Quality Board now requires that watershed plans be developed, and could hold up permitting of public improvement projects and maintenance if not implemented. We receive no funding to create watershed plans.

Needs
Communities are not resourced to develop watershed plans, and involving multiple jurisdictions makes it complicated. About $400k per year for 10 years is needed to develop watershed plans throughout the County. These plans keep the County and all 19 cities as well.

Underserved Impacts
The communities of North Richmond, Tara Hills, Rodeo, Pacheco, and Bay Point are not resourced to fund basic services, much less watershed plans.

Trends
The regional Water Quality Board requires watershed plans, and with their implementation we can leverage future grants for restoration, invasives removal, and climate change resiliency projects.

Racial Equity
The populations in North Richmond, Tara Hills, Rodeo, Pacheco, Bay Point, Pittsburg, and Antioch, which are communities of concern, are disproportionally impacted by this issue, because they are in the low lying areas which receive much of the runoff and contamination from the upper watersheds.

Gaps
Lack of funding, lack of community awareness.

Prevention
The various stakeholders can engage in planning teams to develop aspects of their local watershed plan to contribute to the whole.

Intersectional
Committees will see the benefits of watershed planning such as health and resiliency to climate change, and will work to implement them over time.

Transformational Bold Ideas
Community members can adopt a section of creek or watershed, hold community events, and engage with developing their watershed plan.

Success
For each watershed in the County, a long-range watershed plan with a project list at the neighborhood scale is developed, and various communities are engaged in implementing their watershed plan, ultimately improving flood protection and our natural resources. This will reduce public safety issues and improve quality of life.

Visuals
Below are some photos supporting this topic.

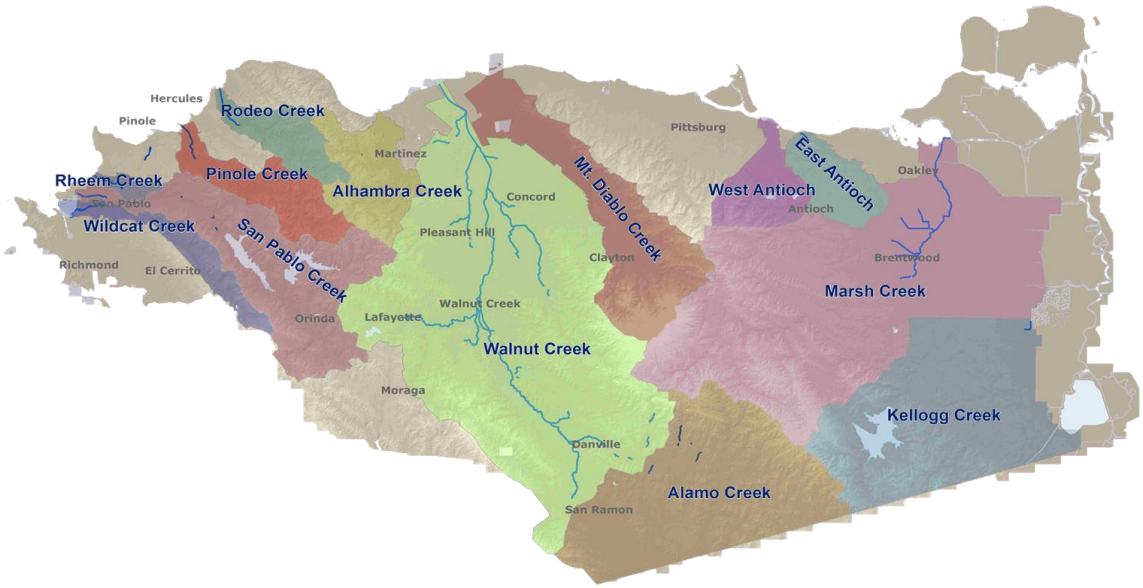


Figure 3-A. A watershed is an area where all the rain and other drainage meet at a point, like the San Francisco Bay. Watersheds do not follow city limits. The major watersheds in the County are shown.

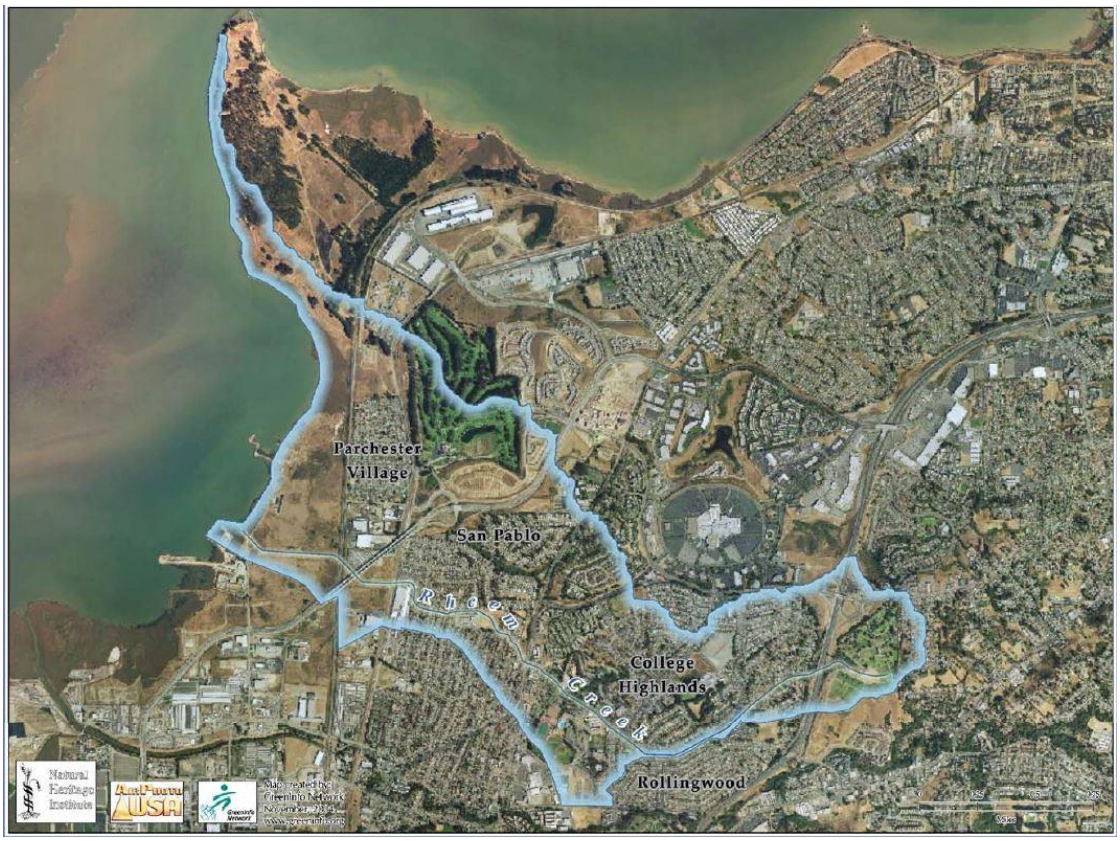


Figure 3-B. Watershed plans study multiple environmental aspects of the watershed to determine where it has been impacted and presents opportunities where it can be improved or restored. This is a portion of the Rheem Creek Watershed.

Topic 4 – Street Sweeping in Unincorporated County

Topic
Unincorporated County Street Sweeping – Removing contaminants, trash, and sediment, bicycle safety, flood prevention and community beautification (Environmental Justice)

Background
Street sweeping removes pollutants, improves watershed health, increases roadway safety, and beautifies neighborhoods. The Regional Water Board requires street sweeping of areas with curb and gutter. No funding mechanism is in place to fund street sweeping, so limited gas tax funds (which should be used for road repairs) are used to perform limited sweeping.

Needs
Our communities are not resourced to provide the street sweeping services needed. Funding of $600k annually is needed to bring resolution to this issue. This will allow the current use of road funds to be freed up for road repairs.

Underserved Impacts
The communities of North Richmond, Tara Hills, Rodeo, Pacheco, and Bay Point are not resourced to fund street sweeping.

Trends
Additional street improvements are being built, litter is increasing, and new contaminants on roadways (tire rubber, microbeads) are leading to the need for more street sweeping (length and frequency).

Racial Equity
The populations in North Richmond, Tara Hills, Rodeo, Pacheco, and Bay Point, which are communities of concern, are disproportionally impacted by this issue.

Gaps
Lack of funding, challenges with parked cars, inconsistent quality, and community involvement.

Prevention
The community is aware of the benefit of street sweeping, however, the priority of this activity is lower than the variety of other challenges the people in these economically marginalized areas face. The community stakeholders, along with the Flood Control District and County leaders, need to be active partners in stressing the severity of inaction and improve awareness of potential flooding and future risks.

Intersectional
People want the improved street sweeping because it reduces contamination flooding into the bay, improves watershed health, increases bicycle and pedestrian safety, decreases flooding and beautifies neighborhoods.

Transformational Bold Ideas
Community members can adopt a block, educate others on the importance of street sweeping, coordinate moving cars on sweeping days, and provide feedback on the quality of work performed.

Success
A high-quality street sweeping program with sustainable funding to address the many benefits highlighted above.

Visuals
Below are some photos supporting this topic.

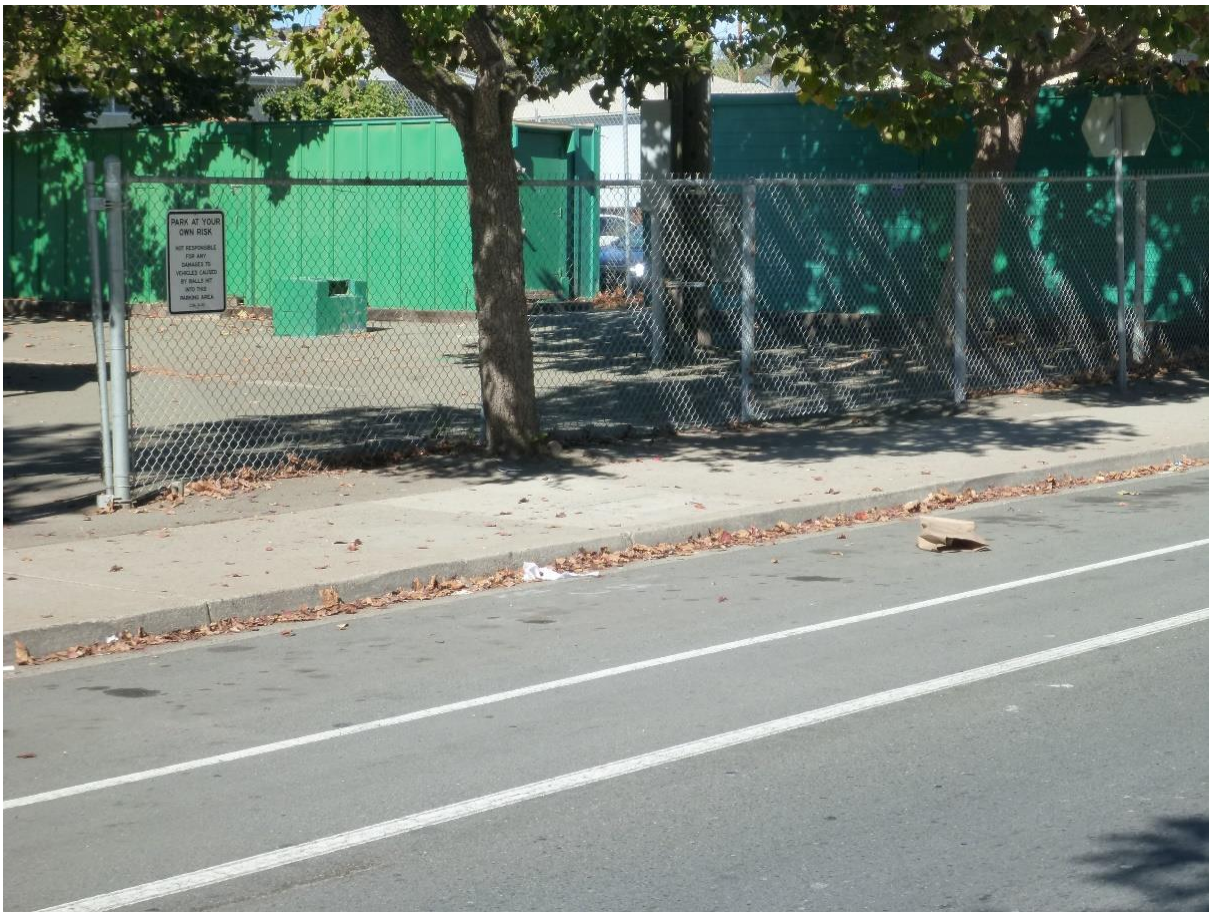


Figure 4-A. Trash along a street. When it rains, the trash flows along the curb and gutter, and into the storm drain inlet.

Figure 4-B. More outreach is needed to educate communities that all trash in the street will make its way into storm drain inlets, which carry stormwater into the San Francisco Bay.

Topic 5 – Green Infrastructure Conversions in Unincorporated County

Topic
Unincorporated County Communities of Concern Green Infrastructure Planning, Maintenance, and Asset Management (Environmental Justice, Climate Resiliency).

Background
Green Infrastructure (GI) cleans stormwater, reduces contamination, improves watershed health, provides health benefits for people, and reduces climate change impacts. The Regional Water Board now requires GI be incorporated into new projects, as well as systematically replacing grey infrastructure over time. No funding mechanism is in place to fund GI, although some GI can be developer funded and potentially some installations can be funded with grant funds.

Needs
Annual funding of $1M to plan, install, and maintain GI in unincorporated County. A small amount can be used to provide local match to leverage grants to install GI (the most expensive component).

Underserved Impacts
The communities of North Richmond, Tara Hills, Rodeo, Pacheco, and Bay Point are not resourced to install GI, whereas other communities can possibly pass a tax measure.

Trends
GI is required to be installed by the Regional Water Board, and the required amount of GI will increase over time.

Racial Equity
The populations in North Richmond, Tara Hills, Rodeo, Pacheco, and Bay Point, which are mainly communities of concern, are disproportionally impacted by this issue.

Gaps
Lack of funding, lack of community awareness, lack of available land.

Prevention
A community engagement program can be developed to get people involved in planning and pursuing GI projects. Community leaders can provide information to their community on progress made to install GI and meet Regional Board requirements.

Intersectional
Community members want the GI amenities such as trees, landscaping, and clean water in their communities, all of which improve community health.

Transformational Bold Ideas
Community members can adopt a block, clean up trash, and engage with planning the GI features to be installed on their block.

Success
A long-range GI plan with a project schedule at the neighborhood scale is developed and sustainable funding is in place to implement it over time.

Visuals
Below are some photos supporting this topic.

Figure 5-A. An example of green infrastructure along a street in San Pablo. It cleans runoff from streets and sidewalks, provides urban greening, and provides climate change resiliency.

Figure 5-B. An example of green infrastructure in a parking lot. This is a demonstration project located at 255 Glacier Drive.

Attachments:

CCCFD 2013 Status of Flood Protection Infrastructure
City of Antioch Response to Grand Jury Report No. 1305
2013 Grand Jury Report 1305: "Getting to Clean Water in Contra Costa County"
CCCPW Response to Civil Grand Jury Report No. 1705 Board Order
2017 Grand Jury Report 1705: "Funding Flood Control Infrastructure"
CCCFC Capital Improvement Plan 2018 Update 2018
CCCPW Response to Civil Grand Jury Report No. 1907 Board Order
2019 Grand Jury Report 1907: "Stormwater Trash Reduction"
CA's Flood Protection: Infrastructure Crisis
CCCFD: A Balanced Approach to Funding Stormwater Services

BMB:AK:TJ:MC:mw:az
G:\fldctl\Administration\Business Plan\Funding Alternatives\2021 CCC Measure X\Final Package\Mesure X Memo 7-29-21.docx
c: Allison Knapp, Deputy Director-Administrative Services
Tim Jensen, Supervising Civil Engineer-Flood Control
Chris Lau, Supervising Civil Engineer-Maintenance
Michelle Cordis, Senior Civil Engineer-Flood Control
Michele Wara, Executive Secretary-Administrative Services

CONTRA COSTA COUNTY FLOOD CONTROL
2013 Status of Flood Protection Infrastructure

Contra Costa County
Flood Control
& Water Conservation District

2013 Status of Flood Protection Infrastructure

First Annual Report: History, Condition, and Future Needs

CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

November 5, 2013

Prepared by: Tim Jensen

2013 STATUS OF FLOOD PROTECTION INFRASTRUCTURE

FIRST ANNUAL REPORT: HISTORY, CONDITION, AND FUTURE NEEDS

Message from Julie Bueren, Chief Engineer

Since its formation in 1951, the Flood Control District has worked with our partners to construct over $1 billion in regional flood protection infrastructure which protects over $25 billion assessed property value throughout the County, or about 17% of the total property valuation. This infrastructure currently consists of 79 miles of flood protection channels and 29 dams and detention basins. These provide the regional backbone of flood protection for most watersheds in our County. In addition to providing flood protection, we are working hard to improve our creek environments and water quality.

In April of 2013, the State Department of Water Resources completed an assessment of flood protection infrastructure statewide. Their analysis indicated that for Contra Costa County, 40,000 residents still live in a floodplain, $48 million worth of agricultural crops are located in a floodplain, and $4.9 billion in structures are located in a floodplain and susceptible to flood damage. Floodplains are the low lying areas adjacent to our creeks where historic flood waters deposited nutrient rich sediment leading the first settlers to establish their farms and orchards there. As our communities developed these floodplains often became the heart of a vibrant downtown which became subject to frequent flooding up until the Flood Control District began constructing flood protection facilities. Since then flooding has been virtually eliminated in the communities protected by our regional flood protection facilities.

While our flood protection infrastructure provides a vital service to our communities, it is getting old. By the end of this decade 40% of the Flood Control District's facilities will be more than 50 years old. We must begin to plan for the replacement of these aging facilities. At the same time, the trend in the local, state, and federal government budget process is to reduce spending on flood protection facilities. This is not only a countywide issue, but a national one. Collectively, we must lobby the state and federal government to reverse this trend and increase funding for this key infrastructure need.

In conjunction with 2013 California Flood Preparedness Week, we are providing this report to outline the status of our flood protection infrastructure, its value to our communities, and the resources needed to pro-actively continue providing adequate flood protection. Flood protection infrastructure is often forgotten because it is utilized, and noticed, only during large storm events. However, if we do not plan for maintaining and replacing this key infrastructure now, the future impact to our communities will be devastating. We need to only look back at the flood damage from the 1950's to see how devastating that impact would be. It is time to work with our partners to provide the flood protection needed for the next generation.

1.0 EXECUTIVE SUMMARY

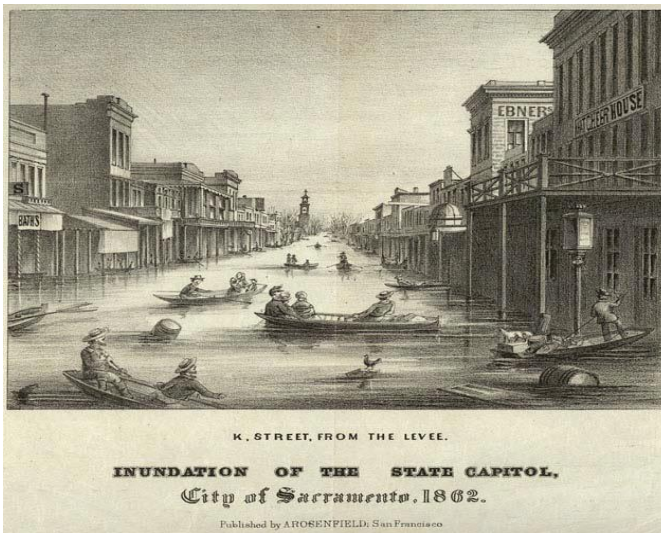
The Contra Costa County Flood Control and Water Conservation District's (FC District) ability to adequately maintain our flood protection system and our ability to keep pace with community needs for acceptable levels of flood protection has been sharply curtailed, and in some watersheds virtually eliminated, by passage of Proposition 13 in 1978 and Proposition 218 in 1996. The FC District has not been able to collect the necessary funds to complete the County's planned flood protection system or adequately operate and maintain our existing flood protection system. There are also capital replacement needs and other projected future issues on the horizon. Some progress has been made on some of these issues. Below are current and proposed action plans which need to be developed and implemented to address all the issues we are aware of:

Item	Action Plan Description	Cost Estimate	Time (years)	Start
1	Sediment Studies at Channel Mouths	$250,000	8	February 2008
2	Study Level of Flood Protection	$2,000,000	15	December 2008
3	Review and Report on Financial Status	$100,000	2	June 2012
4	Develop Financing Plan	$100,000	2	June 2012
5	Develop Communication and Outreach Plan	$150,000	2	February 2013
6	Improve Flood Forecasting and Warning Systems	$350,000	3	April 2013
7	Conditions Assessment of Critical Infrastructure	$5,500,000	7 - 10	October 2013
8	Seismic Study of 5 Dams	$1,250,000	5	2014
	Assessments Total:	**$9,700,000**	**15**	
9	Corps Improvement Projects	$20,000,000	30	1998
10	Levee Improvements to Corps and FEMA Standards	$2,000,000	6	October 2011
11	Capital Improvement Program	$154,000,000	?	2014
12	Maintenance Backlog Catch-up Process	$24,000,000	?	2014
13	Capital Replacement Program	$2,400,000,000	?	2029
14	New Flood Protection Standards	?	?	?
15	Climate Change Impact Studies	?	?	?
	Total Financial Need:	**$2,619,400,000**		
	Financial Need without Capital Replacement Program:	**$219,400,000**		

Several factors contribute to the difficulty of developing the above action plans. The FC District's major flood protection facilities were constructed by the federal government, and retain federal oversight. Federal flood protection requirements have increased since these facilities were constructed, whereas federal funding has decreased. The need for habitat preservation has also increased, which causes more areas to be protected and curtails the use of less-expensive traditional flood protection structures. In some cases these two requirements conflict, causing long and expensive negotiations or no project. Community expectations and involvement have increased, which can create better projects, but adds another layer of complexity. The FC District does not have the funds necessary to respond to these increased requirements and currently has no mechanism to increase its revenue. This report recommends moving forward with the above action plans to provide sustainable flood protection infrastructure into the future.

2.0 HISTORICAL CONTEXT

Contra Costa County was organized in 1850. Flooding was a constant companion of communities struggling to establish and develop within the County. There were 11 floods in Contra Costa County between 1849 and 1939 the worst being the flood of 1862. Over 15 inches of rain fell in Martinez during the first week in January 1862. The flood waters in the central valley created a lake 250 to 300 miles long and 20 to 60 miles wide. Telegraph poles along roads and rail lines in the lower parts of the valley were under water.



On January 10, 1862, newly elected governor Leland Stanford traveled to his inauguration ceremony in a rowboat. The State Capitol was moved to San Francisco for a few months until Sacramento could recover. In Contra Costa County, flood waters washed so much silt down Ygnacio Valley that Pacheco Slough was filled with sediment, eliminating Pacheco as a viable seafaring port town. This flood left the State bankrupt. Figure 1 below shows the rainfall for above average rain years in Martinez since 1849, with 1862 being the most prominent. Storms that resulted in flooding occurred regularly, along with the expensive recovery from flood damages.

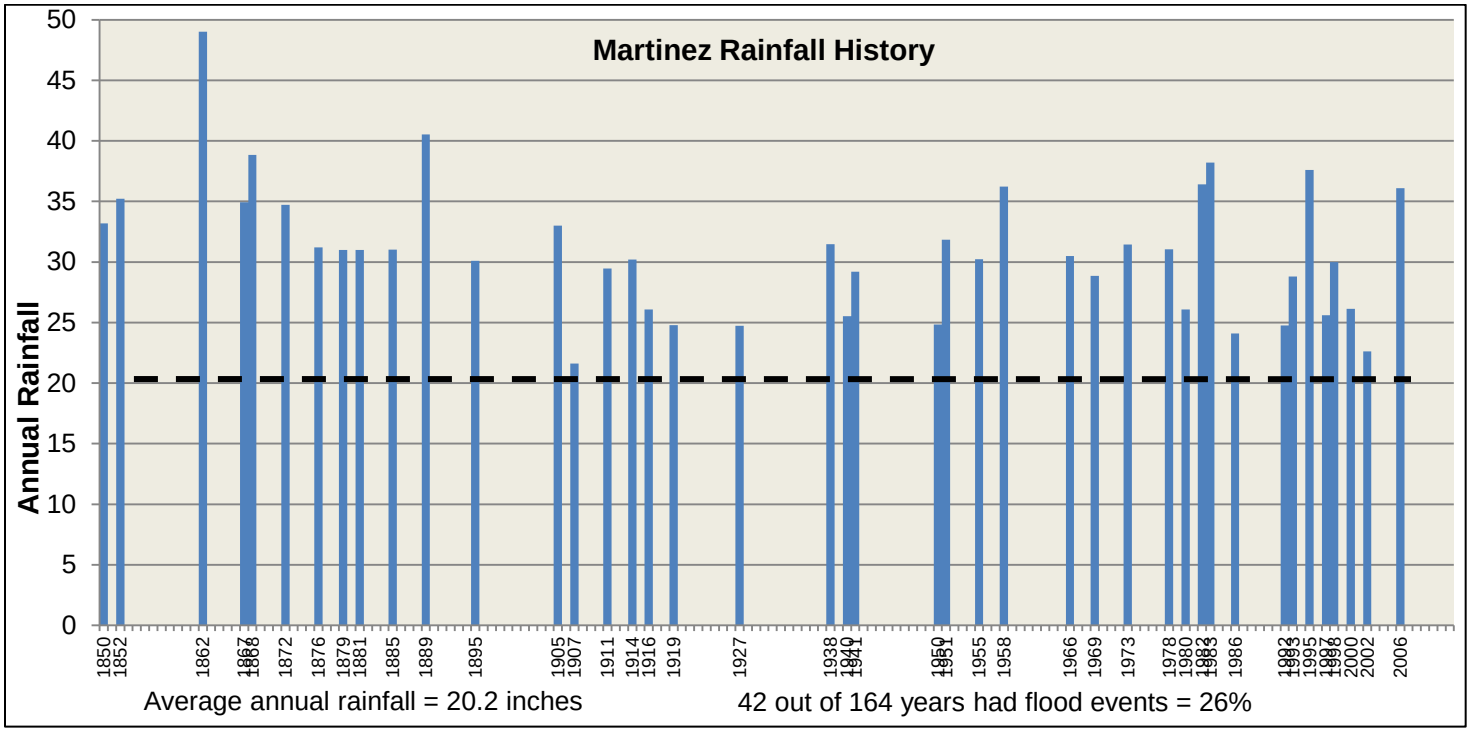


Figure 1. Historic Above Average Rain Years Where Flooding was Recorded

The Contra Costa County Flood Control and Water Conservation District was formed as an independent special district of the State in 1951 at the request of the residents of the County, and soon after began to build flood protection infrastructure. As Figure 1 indicates, the storms that historically impacted the County have not become less frequent over the years. We have seen that since the construction of flood protection facilities the historical flooding has been virtually eliminated in those watersheds protected by FC District facilities.

Figure 2 (below) shows the flood protection infrastructure owned and operated by the FC District. The heavy blue lines indicate where the 79 miles of flood control channels are located, and the District's 5 dams and 24 detention basins are scattered throughout those areas.

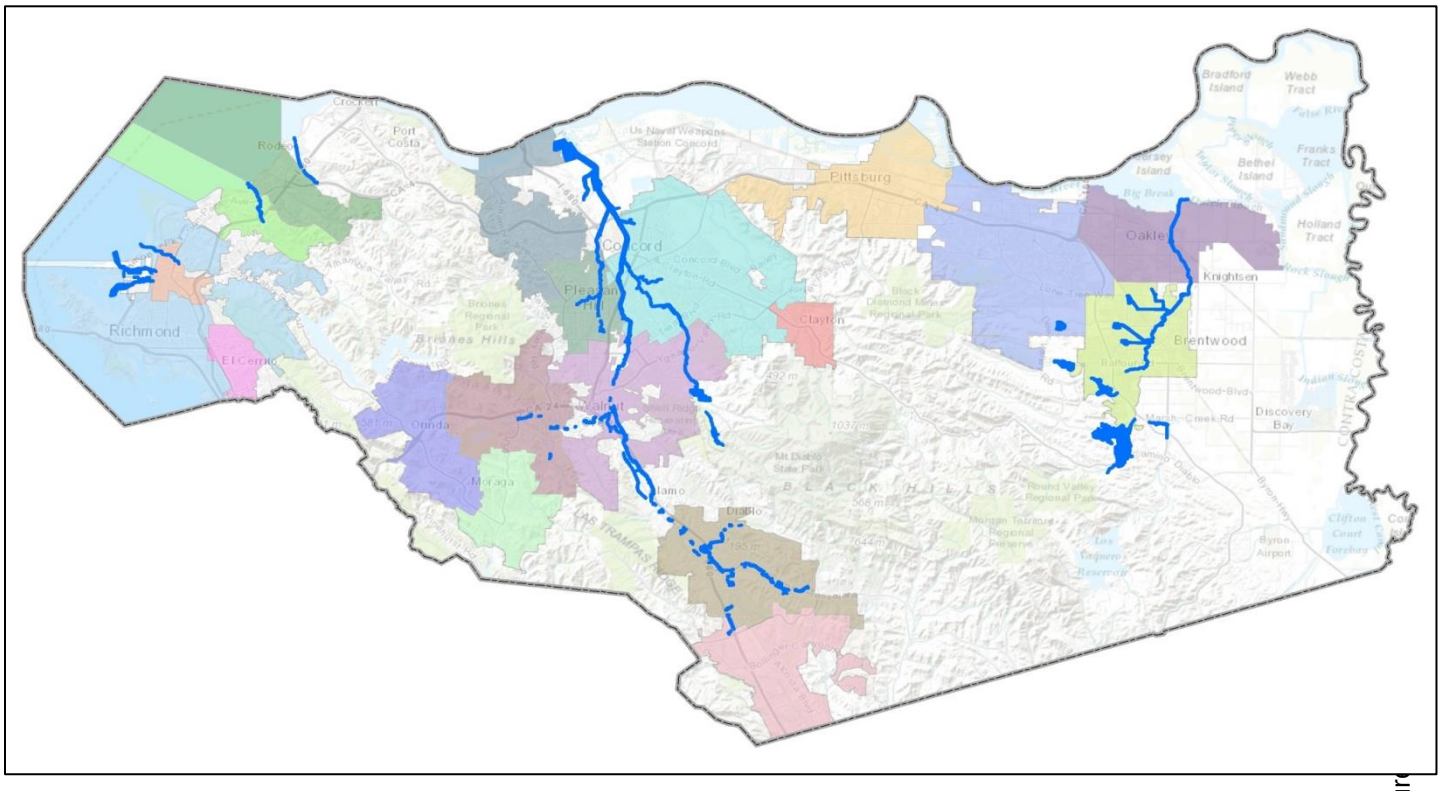


Figure 2. Flood Control District Infrastructure

Floodplains (literally the plain that floods) are low lying areas adjacent to the creeks and rivers that, on average, are inundated with storm flows every other year. Community leaders realized that flooding would need to be controlled by large dams, or by providing adequate channels or levees to keep water out of the communities in the flood plain, so they developed a standard based on the rainfall history at that time. The standard for flood protection facilities became a "100 year" level of protection. This provides protection from a 100 year storm (statistically a 1% chance of occurrence within a one year period) and is the basis for FEMA's flood insurance requirements. Figure 3 (below) shows the historic floodplain in one of our communities. If a home is built in a floodplain it is always in a floodplain, even though it is protected by FC District facilities. And statistically, there is always the chance that a storm larger than the 100-yr design standard level occurs which would exceed the capacity of our flood protection channels and

flood the historic floodplain. This recently happened in Colorado where many areas were flooded due to “1,000 year” storms much greater than the standard “100 year” storm. The highest level flood that FEMA normally evaluates is the “500 year” flood. The State has already called for 200 year level of flood protection in urban areas. And experts predict that as climate change progresses, extreme storm events will become more likely, which will lead to increased standards for flood protection.

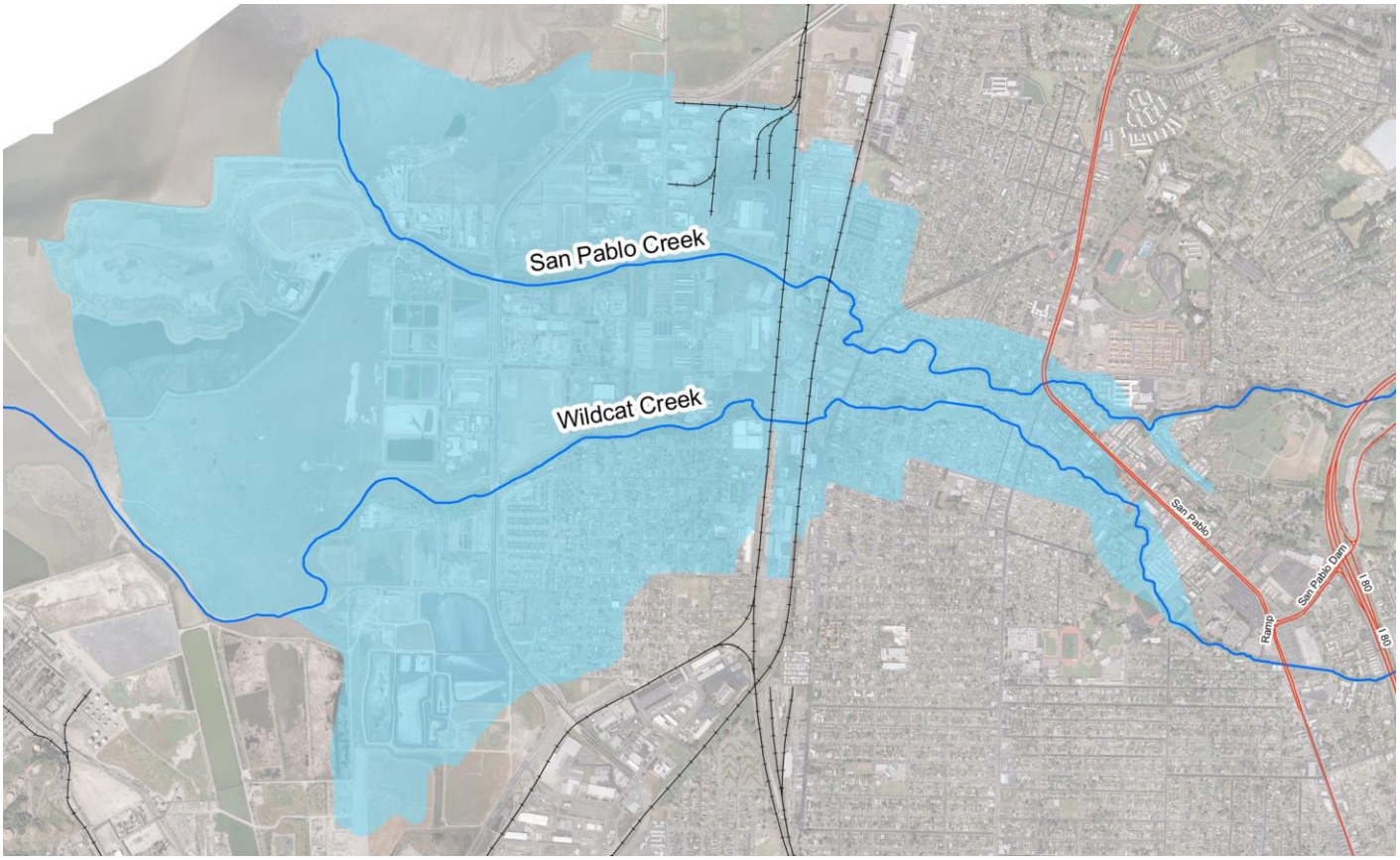


Figure 3. Historic Floodplain in North Richmond Prior to Flood Control Project

3.0 INTRODUCTION

In January 2005 the California State Department of Water Resources (DWR) released a report entitled “Flood Warnings: Responding to California’s Flood Crisis”. The report identified the following challenges, which are valid for our flood control district as well as for other flood control agencies throughout the State.

- Our flood protection system is comprised of aging infrastructure built in the 1950’s to 1970’s, which has been further weakened by deferred maintenance.

- State and local funding for effective flood protection and management programs has steadily been reduced since the passage of Proposition 13 in 1978.
- Several court decisions have resulted in greater flood damage liability to State and local government.
- Continuing to allow development in floodplains continues to increase the potential for flood damage to homes, businesses, and communities.

Building on their 2005 report, DWR has for the last several years been conducting an assessment of flood protection infrastructure throughout the state. Their report, "California's Flood Future: Recommendations for Managing the State's Flood Risk," released April 3, 2013 has identified the following:

Alhambra Creek Flooding Downtown Martinez 1997

- There is more than $50 billion in capital investment needs for currently identified flood protection projects in the state.
- More than $100 billion is the estimated additional investment needed for projects not yet formally developed but necessary to provide adequate flood protection in urban areas across the State.
- One in five Californian's live in a floodplain, and over one million of those are in the Bay Area.
- $575 billion in structures are at risk of flooding, with $130 billion in the Bay Area.

In addition to statewide and regional statistics and conclusions, the report includes the following statistics for Contra Costa County regarding a standard 100-yr flood event:

- 40,000 residents are currently in a floodplain and would be exposed to flooding.
- There would be up to $4.9 billion in structure and contents damage.
- Agricultural damages could reach $48 million.

The report concludes that flood protection infrastructure throughout the state does not meet current and future needs. In conducting research for the report, DWR interviewed over 140 public agencies in all 58 counties, as well as state and federal agencies, that provide flood

protection services. These agencies identified over 900 flood management projects in different stages of planning and implementation. Spending $50 billion on these projects would not bring all regions of the state to a minimum 100 year level of protection, whereas 200 year level of protection is now mandated by SB 5 in many parts of the state. Many flood control districts, including Contra Costa County's, need to conduct a conditions assessment of their facilities to identify their true infrastructure needs. After these additional assessments are completed, it is estimated the State will need an additional $100 billion investment in flood protection projects and improvements for $150 billion total. In addition to recommending regional flood risk assessments, the report also recommends establishing sufficient and stable funding mechanisms to reduce flood risks.

Flood control districts are often a victim of their own success. When we complete a flood protection project, the surrounding area no longer floods and the floodwaters are out of sight and out of mind. As a result, there is little support for funding ongoing maintenance of flood protection facilities even though each home removed from a FEMA-designated floodplain saves the homeowner approximately $1,000 each year in avoided flood insurance premiums. DWR's Flood Future report indicates there are 40,000 residents in the county that are in FEMA's Special Flood Hazard Area and pay flood insurance. County data indicates that about $5.4 million in flood insurance premiums are paid each year. The primary goal of the FC District is reducing flood risk, which works toward eliminating the need for residents to pay flood insurance. Flood insurance premiums reflect only a portion of the cost savings when all the flood protection provided by the FC District is considered. Since its formation in 1951, the FC District has worked with our partners to construct over $1 billion in flood protection infrastructure which protects over $25 billion assessed property value throughout the County.

Pine Creek Flooding, Market at Belmont, Concord 1958

FEMA indicates that flood insurance premiums are increasing substantially nationwide over the next several years as the rates become more actuary-based and federal subsidies are reduced. In California, during a typical 30-year mortgage period for a home not protected by a flood control facility, there is about a one in four chance (26%) that the homeowner will experience a

100-year flood. This risk is many times greater than the risk of a major home fire during that same 30-year period, and the flood risk will increase with time due to climate change impacts. As Figure 4 (below) shows, flooding is by far the most costly of the natural disasters we experience statewide.

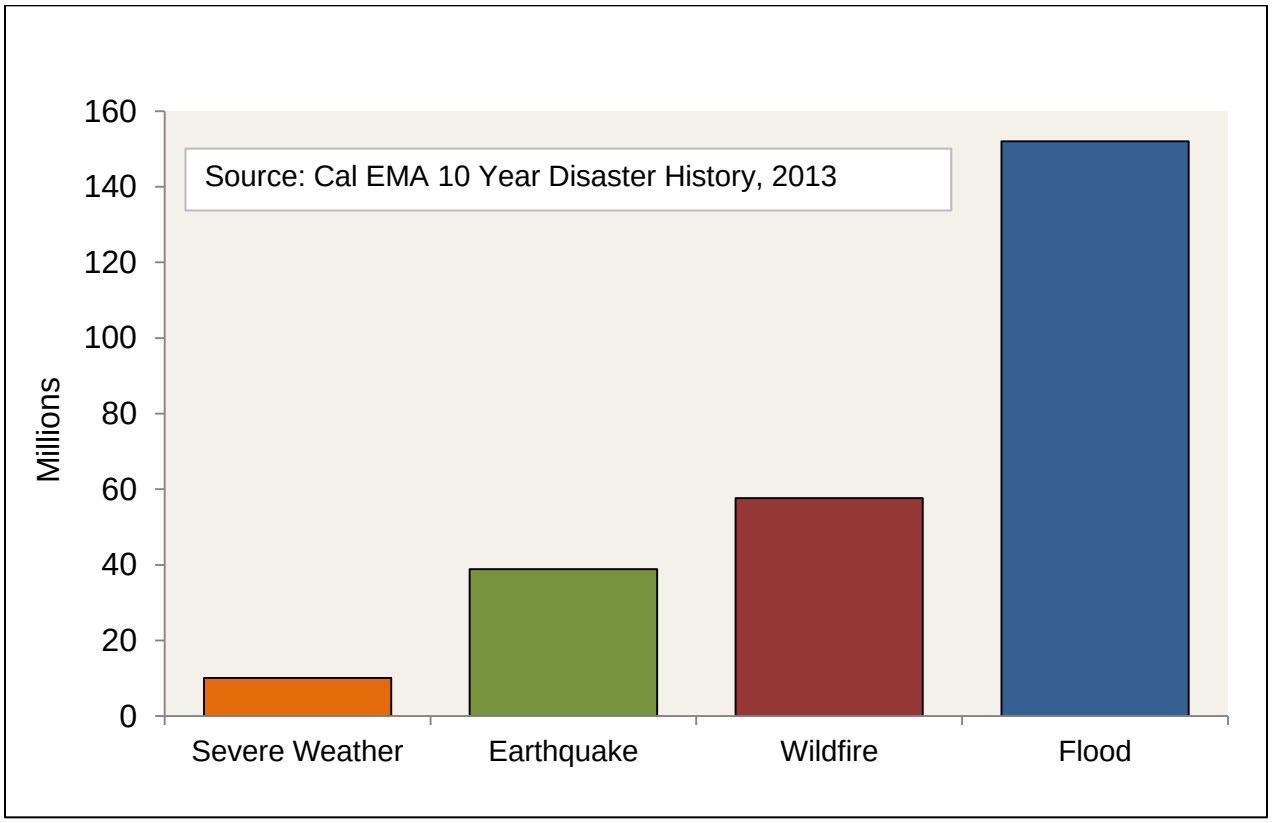


Figure 4. California Natural Disasters 10-yr Damage Totals

About 80% of the County's current flood protection infrastructure cost was funded by generous federal and state programs. Those funding program formulas have become less generous over time. For example, the Corps of Engineers cost share in the 1950s and 1960s was 95% to 100%, which was subsequently reduced to 75%. In 1996, Congress reduced the maximum federal cost share on Corps flood control projects to 65% of the total project cost and then in 2007 reduced it further to 50% for new projects. State funding has also been reduced. The State's Subvention Program, which assisted local flood control districts with the local match for federally funded projects, experienced a severe drop in funding starting in 1992 and has been unfunded for the last several years.

Figure 5 (below) shows the proportion of federal and local dollars that were invested in the FC District's flood protection system each year from the first project until 2010.

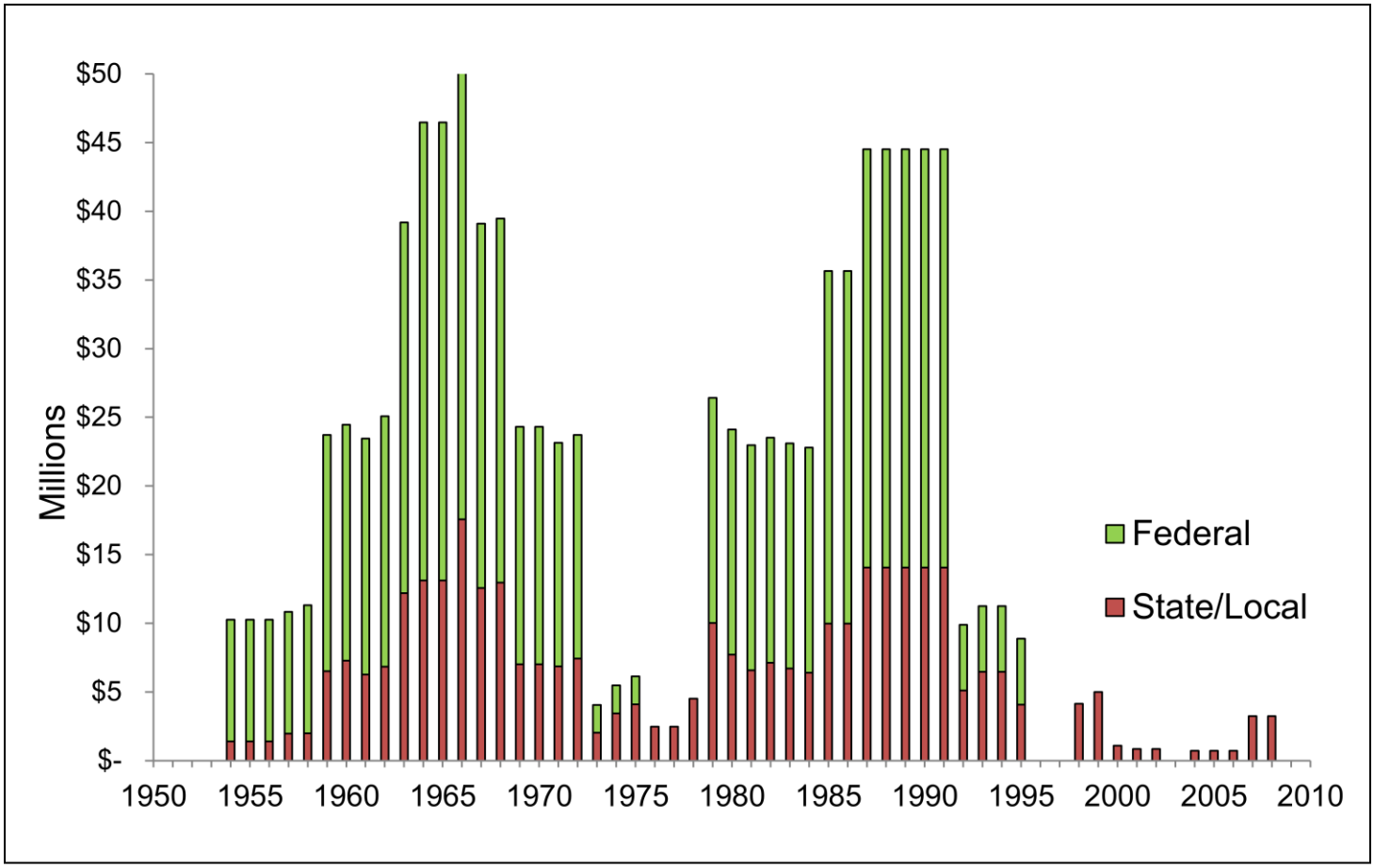


Figure 5. Federal and State/Local Share of Flood Protection Infrastructure Cost

4.0 INFRASTRUCTURE CONDITION

The future conditions of various types of FC District infrastructure are impacted by sediment, storm water runoff, financing, community interest, forecasting, age, and earthquake resiliency. Specific assessment studies of each of these categories should be performed to provide data on the scale of their impacts and how best to respond to those issues to provide sustainable flood protection infrastructure.

4.1 SEDIMENT IMPACT STUDIES

In the past, large quantities of sediment would inundate creeks and channels each winter

because no sediment controls were placed on construction and agricultural uses. Due to sediment control regulations, as well as less exposed soil due to urbanization, sediment loads and their impacts have reduced significantly. However, sediment buildup in the very lower reaches of our flood control channels continues to be an issue because the Corps of Engineers constructed them flat. This condition causes sediment from the upper watershed to slow down and deposit, and it also allows sediment from the bay to travel into the channel during tide stages and deposit sediment. Today, reduced capacity has developed in some channels with a resultant reduction in the level of flood protection. The impacted facilities are Pinole Creek, Rheem Creek, Rodeo Creek, and Walnut Creek. The cost to study the lower reaches of our channels to accurately determine the scope and cost of sediment removal is estimated at $250,000. This effort was partially begun in 2008, and we anticipate it taking several more years to complete.

4.2 LEVEL OF PROTECTION PROVIDED

The FC District's major flood control channels, such as Rodeo Creek, Pinole Creek, Grayson Creek, Marsh Creek, and Walnut Creek, are engineered channels that are made in the earth or made of concrete in a u-shape. They were designed to carry floodwaters quickly through the community and out to the Bay. Some of these channels also contain levees for a portion of their length.

There are generally two types of levees, wet levees and dry levees. Wet levees are typically those levees that hold back major rivers with a water surface that is continuously higher than the adjacent protected land surface. Dry levees are usually just elevated creek banks that intermittently contain flood waters that exceed the capacity of the creek channel. When most people think of levees they are thinking of wet levees, such as those in the Delta, holding back the Sacramento River. The only wet levee the Flood Control District maintains is at the mouth of the Marsh Creek Flood Control Channel where it holds back the waters of the Sacramento River at Big Break. This levee protects farmland which recently was purchased for a wetlands restoration project known as the Department of Water Resources Dutch Slough Restoration Project. The project proponents plan to breach this levee in a few years to allow waters to flow into the property for wetlands restoration. That levee will be turned over to another agency such as a reclamation district and the FC District will no longer be responsible for it.

Many of our flood control channels, such as Wildcat Creek, San Pablo Creek, Pinole Creek, Grayson Creek, Pine Creek and Walnut Creek have dry levees. These levees are generally at the lower reach; usually support maintenance access roads; and are in fairly good structural condition. Each year the Army Corps of Engineers inspects the channels and dry levees. In July of 2009 FEMA decertified several miles of the Wildcat Creek and San Pablo Creek levees, which could affect future flood insurance requirements for the surrounding communities.

Most wet levees in Contra Costa County are maintained by a variety of Reclamation Districts. Attached as Exhibit 1 is a map of the County showing the various Reclamation Districts and the tracts of land the Reclamation District levees are protecting. Bethel Island has a separate Municipal Improvement District to maintain its levee system.

In response to a local proposal to restore one of our flood control channels, the FC District did a detailed analysis of the upstream hydrology and channel hydraulics. We discovered that changes in land use, subsequent to the channel construction in the 1960's, resulted in storm runoff flows that exceed the original design capacity by over 40%. This resulted in reduced flood protection for the community and a false sense of security for residents thinking they have a higher level of protection than they really do. The original design capacity provided 100 year flood protection for the entire community, and all properties were removed from the FEMA floodplain maps. When FEMA revises their floodplain maps with this new information, many properties will be 'mapped into the floodplain' and thus have to acquire flood insurance.

This situation exists in other communities as well. The FC District needs to conduct studies to determine which communities are affected. FEMA is performing flood capacity studies of the Marsh Creek and Kellogg Creek watersheds. The FC District is working with the Corps on the Grayson Creek and Walnut Creek watersheds to provide some of this information. The detailed studies to determine the level of protection provided by all FC District facilities is estimated to be $2 million. This effort was started in 2008 and will take at least 10 more years to complete.

4.3 FINANCIAL STATUS

The Flood Control District financial status has changed significantly over the years due to reductions in federal, state, and local funding as mentioned above. As seen in Figure 5 (above), the FC District's first infrastructure boom was winding down just when Proposition 13 was enacted. This reduction in construction caused the FC District to lower the tax rates in watersheds where local funding was no longer needed for capital costs, and only the minimal maintenance was required for a new facility. In some areas, the tax rate was set to zero due to a funding surplus. Proposition 13 locked in those low or zero tax rates, and the FC District has not been able to raise them since. The only increases in revenue are due to increased property values, which go up and down and do not keep pace with construction costs, increasing regulations, and new standards. Thus, during the second peak of building infrastructure seen in Figure 5, some of the FC District funding zones incurred debt, and some of that debt is still on the books.

During the 1980's the FC District formed Drainage Areas to provide developer-funded capital improvement programs to install drainage infrastructure in several cities and the unincorporated County. During the 1990's the FC District formed Drainage Benefit Assessment Districts to provide maintenance funding for major drainage facilities that were associated with large coordinated developments. Also in the 1990's the FC District became the fiduciary agent for the Contra Costa Clean Water Program's Stormwater Utility Fees which require collection from each taxable parcel in the County and distribution to each city and the unincorporated County for implementing the National Pollution Discharge Elimination Program.

The FC District has insufficient funding to adequately operate and maintain our current flood protection infrastructure. To compensate, we limit spending to approximately $3 million per year on facilities maintenance, which is only 0.3% of our asset value, much lower than the industry standard.

Today, the FC District manages 71 separate funds, all of which are restricted return to source funds. The table below provides the past three fiscal year's average expenditures for the FC District's programs.

	Averages	
FCD Program Categories	**Past 3 years**	**Percent**
Maintenance	$3,549,310	36%
Capital	$3,790,207	39%
Public Assistance	$1,261,903	13%
Administration	$1,240,890	13%
Total	$9,842,310	100%

To put the FC District's share of property tax revenue into perspective vs. other taxing entities in the County, we calculated the annual amount collected from a $500,000 home in Walnut Creek (see Figure 6 below). This was determined by totaling the 1% ad velorem tax portions, special assessments, and bond measure payments shown on the tax bill. Some of the agencies on the list to receive property tax also charge use fees or receive revenue from monthly utility bills.

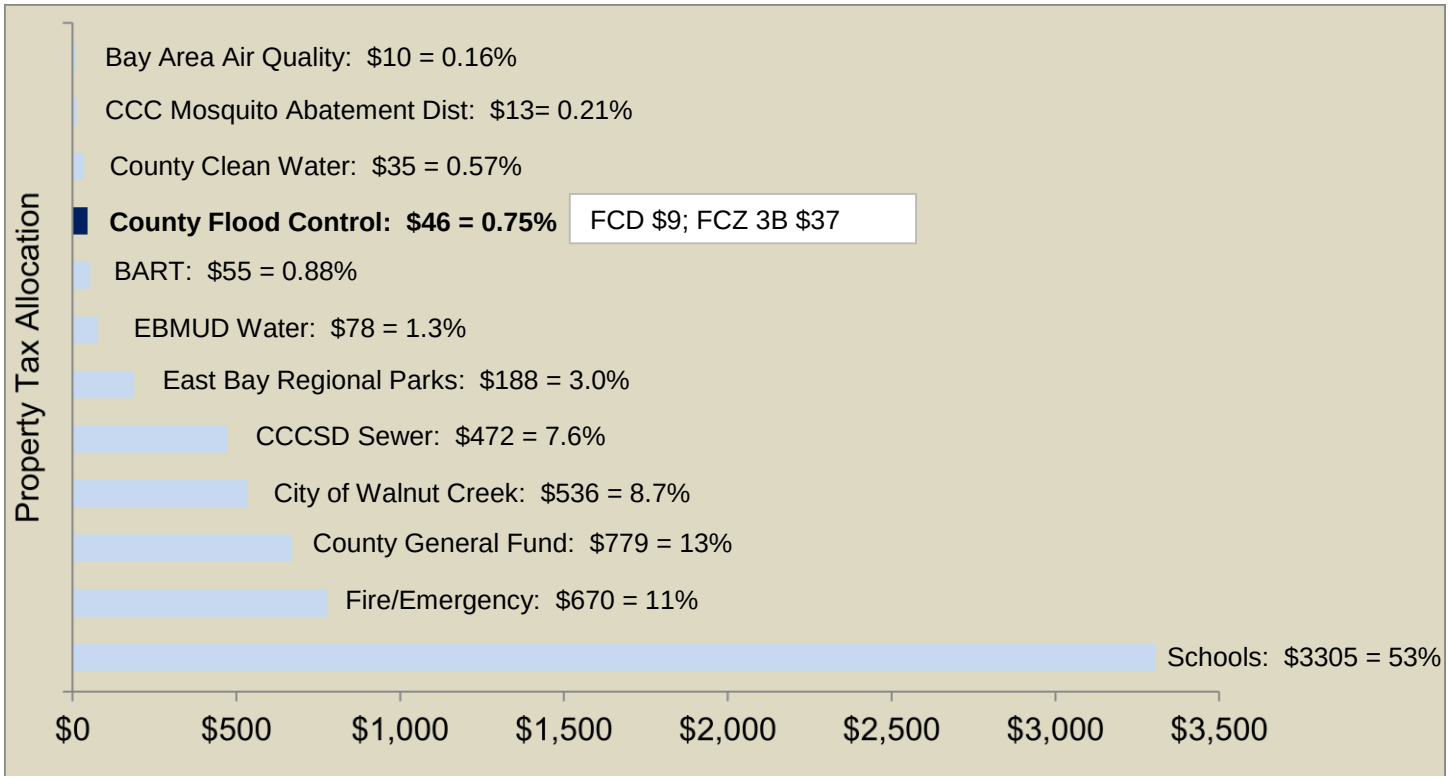


Figure 6. Annual Property Tax Comparisons - $500,000 Home in Walnut Creek

The FC District should perform a comprehensive review of its financial status at an estimated cost of $100,000. A preliminary look at our financial status was performed in 2012 and it will take about one more year to complete it.

4.4 FINANCIAL PLAN

The ability of the FC District to carry out its mission to provide ongoing flood protection for the County relies on having adequate funding. When we look at FC District revenue received vs. other community services and that is compared with the statewide damages caused by flooding from Figure 4, we see there is an inequality. The argument can be made that flood protection needs more funding. As in the past, the local community should not and can not support the entire financial burden for flood protection infrastructure needs. Government programs will need to be put in place to assist with financing. The FC District should investigate other funding mechanisms in place for flood control agencies and utilities throughout the State. Potential new funding sources and mechanisms need to be developed. Since funding is needed nationwide to deal with ongoing maintenance and replacement of aging infrastructure, we anticipate that state and federal legislation will need to be enacted. The cost to study this issue and provide recommendations is estimated at $100,000. A preliminary study of our financial plan options for some funding entities was held in 2012 and it will take about one more year to complete this for the remaining funding entities.

4.5 COMMUNICATION AND OUTREACH PLAN

In the past, the community had recent reminders of the need for flood protection when flooding occurred at or nearby their community on a regular basis. Today, with the success of our flood protection infrastructure, and the long time since the historic large floods occurred, we have seen a diminished perception of the need for flood protection. In order to engage the communities protected by FC District infrastructure, the FC District needs to develop a communication and outreach plan. To be successful, this plan will need to engage a variety of stakeholder groups in various communities throughout the County. We have already started working with two major stakeholders, the Contra Costa Taxpayer's Association and the East Bay Leadership Council, on this issue. The cost to develop a communication plan is estimated at $150,000. Preliminary discussions regarding communication planning was begun earlier this year and our goal is to have our plan in place by 2015.

4.6 FLOOD FORECASTING AND WARNING SYSTEMS

The success of flood control facility planning depends on the accurate prediction of storm water volumes generated in a watershed. Over the years the FC District has developed an extensive system of rain gauges that provides excellent information on the amount of rain falling in the watersheds throughout the County. To assure the adequacy of regional flood protection facilities, however, stream gauges are required to measure the actual runoff volumes in a watershed. The FC District currently receives information from four stream gauges operated by others.

Comprehensive coverage of the County would require the installation of additional gauges. To assure the availability of adequate long range planning and forecasting information, additional stream gauges should be installed and arrangements made for long term operation of the existing gauges operated by others. The cost to install nine additional stream gauges at various locations throughout the county is estimated to be $200,000. The FC District just received a grant to install these gauges which would cover all installation costs. The annual cost of maintaining these gauges, developing flow rating curves, and collecting stage data is estimated at $50,000 per year.

The FC District has just applied for a $100,000 grant to install new stream gages in East County and improve our flood prediction and warning systems. We will continue to plan for flood forecasting and flood warning improvements and apply for grants to implement those plans. The total estimated cost to provide adequate flood forecasting and flood warning systems throughout the county is $350,000. This effort was started earlier this year and should take about three years to complete.

4.7 CONDITIONS ASSESSMENT OF CRITICAL INFRASTRUCTURE

Our current facility assessment practice is to visually inspect our structures every year for signs of distress, such as spalling concrete, rust spots, cracks, etc. This type of superficial inspection is only adequate for fairly new infrastructure and for observing potential failure points.

Most of our channels appear to be in fairly good condition. However, some of the concrete lined channels and most of the concrete grade control/drop structures are reaching the end of their design life. The facilities subject to tidal influence are especially vulnerable due to the saltwater interaction. When our concrete facilities were built they were designed for a 50 year “design life”. We anticipate getting a 75 to 100 year “service life” from our facilities, but we will not really know our facilities’ service life unless assessments are completed. For more detailed information on design life and service life see attached Exhibit 2. The cost to assess the

structural integrity of all FC District facilities is estimated at $5.4 million and anticipated to take seven to ten years as presented below in Figure 7. This effort is just getting underway and will require placing some existing efforts on hold so as to not overspend our funds.

Watershed Name	Abbreviation	Annual Budget	Total Cost	Years
Marsh Creek	FCZ 1	$200,000	$1,130,000	5.7
Kellogg, San Pablo, Wildcat, Rodeo, Pinole, Rheem	FCZ 2, 6, 7, 8, 9, DA 127	$100,000	$380,000	3.8
Walnut Creek	FCZ 3B	$400,000	$2,800,000	7.0
Rossmoor Basin	DABA 67A	$25,000	$85,000	3.4
Canyon Lakes Facilities	DABA 75A	$100,000	$255,000	2.6
Bogue Ranch Basins	DABA 76A	$40,000	$255,000	6.4
Rassier Ranch Basin	DABA 910	$25,000	$85,000	3.4
West Alamo Creek	DABA 1010	$30,000	$100,000	3.3
Shadow Creek Basin	DABA 1010A	$30,000	$85,000	2.8
Blackhawk Facilities	CSA M-23	$50,000	$255,000	5.1
	Totals:	**$1,000,000**	**$5,430,000**	

Figure 7. Preliminary Conditions Assessment Action Plan

4.8 SEISMIC STUDY OF DAMS

The Flood Control District is responsible for five dam structures that are large enough to be regulated by the California Department of Water Resources, Division of Safety of Dams. The Deer Creek, Marsh Creek, and Dry Creek Dams are in East County and the Kubicek Basin and Upper Pine Creek Dam are in Central County. The Marsh Creek reservoir is the only dam that has water impounded behind it year round, although the water depth and volume stored during dry weather is quite low. Only during heavy storms does the water depth and volume in the Marsh Creek reservoir increase to significant levels, but this recedes quickly after the storm passes. The other four dams only have water behind them during heavy storms.

Each year the Division of Safety of Dams does a field review of the dams for functional safety. However, the dams have not been analyzed with respect to seismic stability. A local earthquake would impact the structure and/or outlet works, reducing the flood detention capacity of the facilities resulting in increased flood risk. The failure of any of these dams would result in inundation of many downstream properties. A structural analysis of the seismic stability of the FC District's dams needs to be performed and will cost an estimated $1,250,000 and take about 5 years to complete.

5.0 CAPITAL PROGRAMS

The FC District is already engaged in several capital improvement programs described below, however, several long-range capital programs have not been evaluated or begun.

5.1 US ARMY CORPS OF ENGINEERS IMROVEMENT PROJECTS

The FC District has been working with the US Army Corps of Engineers to modify three of our channels. These projects include the following:

- Habitat enhancements and flood protection restoration to Pinole Creek in Pinole.
- Modifications to Wildcat Creek in North Richmond to improve habitat and fish passage, as well as reduce sediment removal costs.
- Modification of the Lower Walnut Creek Channel in Pacheco to establish habitat and restore original flood protection.

These projects have been progressing very slowly due to the lack of Corps funding. The estimated cost to complete these projects is $20,000,000. It is difficult to estimate the schedule to complete these projects because of the long Corps planning process and lack of funding.

5.2 LEVEE IMPROVEMENTS

Several of the FC District's levees have already been found to be deficient against Corps and or FEMA flood protection standards, so improvement projects have been identified. These projects have been progressing very slowly due to the lack of FC District funding, but we have been able to receive State grant funds enabling us to move forward with improvements to the Wildcat Creek levees. The estimated cost to complete these projects is $2,000,000 and should take about four more years to complete.

5.3 CAPITAL IMPROVEMENT PROGRAM

The FC District is developing a comprehensive Capital Improvement Program which includes completing the originally planned infrastructure to provide regional flood protection for the communities that need it. The preliminary reports indicate that the cost to complete these projects is $154,000,000. It is difficult to estimate the timeframe for this work because all of the projects and funding have yet to be identified.

5.4 MAINTENANCE BACKLOG

There currently is insufficient funding to adequately maintain all of the FC District's flood protection system, thus a backlog of work has developed. The bulk of this backlog is due to anticipated sediment removal costs in the lower reaches of our flood control channels. Generally, sediment removal is a periodic maintenance requirement performed at intervals of 5 or more years, however, some facilities such as Wildcat Creek require sediment removal on average every two years. To complicate matters, sediment removal is often not the solution because lower reaches of channels are often quickly filled with sediment due to tidal influence, and anticipated sea level rise will move the sediment problem further upstream. In addition, regulatory agencies are developing policies to require mitigation for short term impacts of maintenance activities. Other categories of maintenance backlog include safety fence replacement, sub-drain rehabilitation, access restoration, and vegetation management. Thus, significant funding must be identified in perpetuity for sediment removal (or alternative solutions) and ongoing maintenance needs. The estimated cost of this maintenance backlog is $24,000,000. It is difficult to estimate the timeframe for performing this work because the funding has not been identified, and this type of work is actually an ongoing need instead of a one-time project.

5.5 CAPITAL REPLACEMENT PROGRAM

The current estimated asset value of the Flood Control District's 79 miles of channels and 29 detention basins and dams is approximately $1 billion. This estimate was based on researching the original construction cost for each of the FC District facilities and converting that cost to a present value in 2010 dollars as shown in Figure 5 (above). Today we are asking, how much is our capital replacement liability? When will it be needed? It would cost approximately $2.4 billion to replace our existing infrastructure assuming it is replaced in kind. This estimate is based on future dollar value when the infrastructure is replaced using a 75 year service life, and assuming we need to begin replacement work as soon as 2029 when the first flood protection facility reaches the age of 75 years.

There are many other factors that go into estimating the replacement costs of our infrastructure rather than just converting the original construction cost to future value. There were no or minimal environmental regulations when most of our infrastructure was built. For today's projects the environmental permitting and mitigation costs can be a significant portion of the project cost. There are also different community design and expectations today that favor a more natural project with habitat value that costs more than a traditional concrete channel. The FC District developed its "50 year Plan" specifically to address that issue. Replacement costs will also be more than the original cost due to restricted access. Development has occurred around many of our channels and structures making replacement more difficult. The federal and state programs which provided the majority of the original construction costs are no longer available.

The assessments of our existing flood protection infrastructure will provide the data needed to estimate the cost and schedule for capital replacement. We will then need to identify funding and community priorities. For this initial estimate, we are using $2.4 billion dollars over a period of 75 years starting in 2029.

5.6 NEW FLOOD PROTECTION STANDARDS

With the passage of Senate Bill 5, we will soon have to study and implement 200 year level of protection for urban areas of the County. The US Army Corps of Engineers and FEMA have increased their flood protection requirements and will continue to do so. The cost to study and implement these new requirements is unknown at this time.

5.7 CLIMATE CHANGE

With the reports coming out regarding climate change, there is a need to evaluate the impacts to FC District facilities and prepare to address them. From a flood protection perspective it is anticipated that storms will be of a shorter duration and more intense, increasing the frequency of flooding and demand for flood protection services.

Another element of increasing temperatures worldwide due to climate change is the increase in sea level. The Bay Conservation and Development Commission has adopted a standard of 16 inch sea level rise by 2050, and a 55 inch rise in water levels by 2100. Increased sea level means an increase in the elevation of San Francisco Bay and the Delta that our flood control channels drain in to, raising the flood waters ever higher in the lower reaches of our flood control channels. Sea level rise will slowly reduce the current level of flood protection in our coastal communities.

The cost to evaluate the impacts of these issues on FC District facilities and prepare plans to mitigate those impacts is unknown at this time.

6.0 ADDITIONAL ISSUES

Additional requirements by agencies that regulate our flood protection facilities increase the costs to maintain, construct, and replace them. The FC District does not have funding programmed to adequately respond to these additional requirements:

- Corps and FEMA requirements for structural integrity, safety factors, access, and inspections have increased.

- Local communities require recreation amenities and environmental features in new flood protection facilities.

- New stormwater permit (NPDES) requirements restrict herbicide use, require extensive trash cleanup, and have added monitoring for pollutants.

- Federal and state environmental protection laws greatly restrict the use of concrete in channels.

- Local communities and advocacy groups are requiring fish passage be provided at drop structures and dams or that the facilities be eliminated altogether.

- Project mitigation often cannot be accommodated on site, requiring the need to purchase land offsite and maintain the mitigation in perpetuity.

- The issues listed above increase the need for project rights of way, which is normally not available in urban areas, and points to the difficult and controversial purchase of private property next to flood protection channels.

- The FC District partnered with federal agencies to construct our current flood protection system, most notably with the Army Corps of Engineers. Recently, however, several of our authorized projects are going through extensive and expensive feasibility studies that have no end in sight. Confrontational directives such as the Corps requirement to remove all vegetation from our levees, also strains our relationship. At some point we may have to reanalyze our long-standing partnership with federal agencies and reauthorize some projects to include more realistic requirements.

- Sediment from the upper watersheds deposits into our flood control channels, which the Army Corps of Engineers requires us to remove to maintain flood capacity. The Regional Water Quality Control Board considers sediment a pollutant and requires us to manage the sediment supply, which is typically on park lands. The Regional Board also restricts our ability to reuse sediment and where it can be disposed, impacting disposal costs. At the same time there is emerging evidence that there will be an increased need for sediment supply in the Bay for wetlands to adjust to sea level rise. The FC District could be caught in the middle between conflicting regulations resulting in increased cost and inefficiencies.

7.0 RECENT AND CURRENT INITIATIVES

Even with limited funding, the FC District has made significant strides over the last several years improving flood protection services, increasing our knowledge of the hydraulic integrity of our

facilities, and improving data collection capabilities. The following is a description of some of these achievements:

- Upper Sand Creek Basin – The FC District received a $2 million grant to help fund this $17 million regional detention basin on Sand Creek providing flood protection to the communities of Antioch, Brentwood, and Oakley.

- Pinole Creek Restoration Project – The FC District partnered with the City of Pinole who received a $2.65 million grant to enable restoration of the lower portion of Pinole Creek and dramatically increase flood protection capacity.

- Wildcat Creek – The FC District received a $560,000 grant to fund the engineering analysis on two miles of levees to determine what improvements are needed to meet FEMA standards. In addition, the FC District was recently awarded a $1,515,000 grant to construct the necessary improvements.

- 50-Year Plan – In 2009 the Board adopted the "50-Year Plan" as a concept policy to replace aging concrete infrastructure with natural creek systems. This constitutes the approach for the FC District's capital replacement program.

- Bay Area Flood Protection Agencies Association – The FC District played a leadership role in forming this association.

- Levee Vegetation – The FC District has played a leadership role in communicating the difficulties placed on local flood control agencies due to the recent change in Corps policy requiring that all trees be removed from levees.

- Creek and Channel Safety Program – In 2011 the FC District developed a Creek and Channel Safety Program that is effective and sustainable and has since been emulated by other flood control districts.

- Geographic Information System Resources – The FC District developed a right-of-way GIS layer which shows all of the FC District's fee ownership and easement parcels throughout the County and is available on the County's mapping website. The FC District is currently working on a maintenance layer which will show all of the maintenance activities conducted within each of the FC District maintained facilities.

- Rainfall Website – The FC District displays rainfall data in real time on its website with updates on fifteen minute intervals. This allows people throughout the County to view rainfall data and use the information to predict flooding in their community. The FC District works with the National Weather Service to share and coordinate rainfall data, which assists them in their forecasting models.

- Integrated Regional Water Management Plan – Participation in the Bay Area IRWMP provides the opportunity to develop joint flood protection projects with other water resource services.

8.0 SUMMARY

The total estimated cost for the above-described assessment studies (items 1 – 8 in Figure 8 below) is $9,700,000 and this work will take approximately 15 years to accomplish**.** This work is in addition to the current flood protection improvement projects already underway represented under items 9 – 11. The planning and studies needed for items 12 – 15 will be performed at a later date.

Item	Action Plan Description	Cost Estimate	Time (years)	Start
1	Sediment Studies at Channel Mouths	$250,000	8	February 2008
2	Study Level of Flood Protection	$2,000,000	15	December 2008
3	Review and Report on Financial Status	$100,000	2	June 2012
4	Develop Financing Plan	$100,000	2	June 2012
5	Develop Communication and Outreach Plan	$150,000	2	February 2013
6	Improve Flood Forecasting and Warning Systems	$350,000	3	April 2013
7	Conditions Assessment of Critical Infrastructure	$5,500,000	7 - 10	October 2013
8	Seismic Study of 5 Dams	$1,250,000	5	2014
	Assessments Total:	**$9,700,000**	**15**	
9	Corps Improvement Projects	$20,000,000	30	1998
10	Levee Improvements to Corps and FEMA Standards	$2,000,000	6	October 2011
11	Capital Improvement Program	$154,000,000	?	2014
12	Maintenance Backlog Catch-up Process	$24,000,000	?	2014
13	Capital Replacement Program	$2,400,000,000	?	2029
14	New Flood Protection Standards	?	?	?
15	Climate Change Impact Studies	?	?	?
	Total Financial Need:	**$2,619,400,000**		
	Financial Need without Capital Replacement Program:	**$219,400,000**		

Figure 8. Overall FC District Action Plans Cost and Schedule

9.0 CONCLUSIONS

On April 3, 2013, the State Department of Water Resources (DWR) released their report entitled, “California’s Flood Future: Recommendations for Managing the State’s Flood Risk.” This preliminary report is DWR’s effort to assess the state of flood protection, flood risk, and infrastructure needs throughout California. This report is also part of a Statewide flood protection education and awareness campaign culminating with the State’s media rollout the week of November 4 – 9, 2013, which has been declared, “Flood Preparedness Week.”

The risk of not adequately assessing flood protection infrastructure for the purpose of planning for all future maintenance and capital needs is great. Several years ago the State of California paid $484 million in damages from the failure of one flood control facility, in this case a levee on the Yuba River. This levee failure was due to lack of adequate maintenance and understanding of the structural integrity of the facility. The State’s top recommendation in their April report is to conduct flood risk assessments to better understand flood risk in the state.

Staff recommends that this report be referred to the Board, to coincide with DWR's media rollout in November, for direction to move forward with development of the above action plans for needed assessment studies and flood risk analysis, and to develop strategies for addressing the long range flood protection needs in the County. Staff also recommends that the Board be updated annually on the progress of our efforts both to develop plans and implement them, in the form of a Flood Control District Annual Report.

Exhibit 1

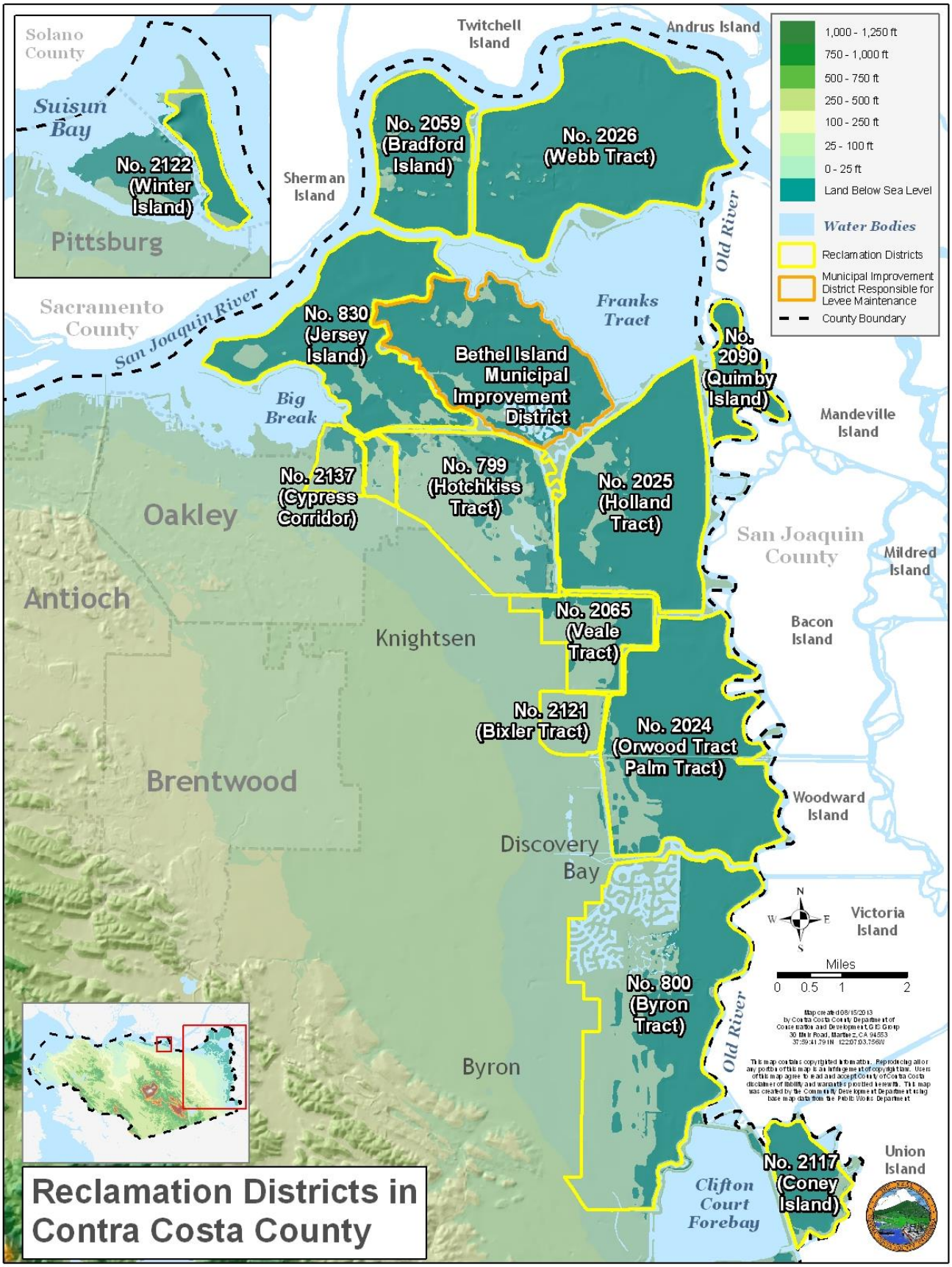

Reclamation Districts in Contra Costa County
Solano County
Suisun Bay
No. 2122 (Winter Island)
Pittsburg
Twitchell Island
Andrus Island
No. 2059 (Bradford Island)
No. 2026 (Webb Tract)
Sherman Island
Old River
Franks Tract
Sacramento County
San Joaquin River
No. 830 (Jersey Island)
Bethel Island Municipal Improvement District
No. 2090 (Quimby Island)
Big Break
Mandeville Island
No. 2137 (Cypress Corridor)
No. 799 (Hotchkiss Tract)
No. 2025 (Holland Tract)
Oakley
San Joaquin County
Mildred Island
Antioch
Knightsen
No. 2065 (Veale Tract)
Bacon Island
No. 2121 (Bixler Tract)
No. 2024 (Orwood Tract Palm Tract)
Brentwood
Woodward Island
Discovery Bay
Victoria Island
No. 800 (Byron Tract)
Byron
Clifton Court Forebay
No. 2117 (Coney Island)
Union Island
1,000 - 1,250 ft
750 - 1,000 ft
500 - 750 ft
250 - 500 ft
100 - 250 ft
25 - 100 ft
0 - 25 ft
Land Below Sea Level
Water Bodies
Reclamation Districts
Municipal Improvement District Responsible for Levee Maintenance
County Boundary
N
W
E
S
Miles
0 0.5 1 2

Exhibit 2

Service Life for Concrete Channels and Structures

A concrete flood control channel is a reinforced concrete structure and determination of its service life is the same as for other concrete structures. Bridge design specifications developed by the American Association of State Highway and Transportation Officials (AASHTO), define service life as the period of time that a structure is expected to be in operation. Design life is defined as the period of time that the structure can withstand the various and repetitive loading anticipated with a given set of design specifications. The AASHTO specifications require a design life of 75 years. In the 1950's and 1960's when the bulk of our flood control facilities were being planned, designed and built, the focus was on structure design life, which in those days was 50 years.

A structure's ability to meet its expected service life can be compromised in several ways. If the loading is increased over time during the service period, the expected design and service life will be decreased and structural failure will occur sooner than anticipated. Another problem is environmental conditions the structure is exposed to, such as chemical reaction with the concrete, extreme temperatures, freeze thaw cycles or excessive bed load. Certain chemicals, for example, can invade the concrete's pore structure and initiate physical or chemical reactions causing expansive byproducts. These in turn cause cracks and access to the reinforcing steel, ultimately causing corrosion and spalling concrete. At that point if major maintenance and repairs aren't performed the structure will proceed towards failure.

San Ramon Creek Drop Structure 5, Alamo

AASHTO specifications require earth retaining structures to be designed for a 75 year service life considering the potential long-term effects of materials deterioration, seepage and other potentially harmful environmental factors on each of the structure's material components. Although bridges, retaining walls and concrete channels are all reinforced concrete structures, more research could be done specifically on the service life expectations associated with flood control channels.

TJ:tj
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10/22/13

City of Antioch
Response to Grand Jury Report No. 1305

February 5, 2014

Via US Mail and Email: clope2@contracosta.courts.ca.gov

Steven Conlin, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

SUBJECT: CITY OF ANTIOCH RESPONSE TO GRAND JURY REPORT NO. 1305, "GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY – WHAT'S THE PLAN AND WHERE'S THE MONEY?"

Dear Jury Foreperson Conlin:

In accordance with your request and Section 933.05(a) of the California Penal Code, the City of Antioch (City) is submitting responses to Findings 1-11 and Recommendations 1-6 in the subject Grand Jury Report.

BACKGROUND

The Contra Costa Clean Water Program (CCCWP) consists of Contra Costa County, its 19 incorporated cities/towns, and the Contra Costa County Flood Control and Water Conservation District (District), hereinafter referred to collectively as "Permittees."

In November 1990, the United States Environmental Protection Agency (USEPA) published final stormwater rules implementing the 1987 Federal Clean Water Act (CWA) amendments, which established a framework for regulating municipal stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) permit program. The rules prohibit the discharge of pollutants in stormwater unless the discharge is in compliance with a NPDES permit. In response, the Permittees jointly established the CCCWP in 1991 through a Program Agreement, and applied for, and were subsequently issued, joint municipal NPDES permits issued by the San Francisco Bay and Central Valley Regional Water Quality Control Boards (Water Boards). The municipal NPDES permits are reissued approximately every five years.

The permits mandate Permittees to implement stormwater pollution prevention and control programs designed to reduce or eliminate the discharge of pollutants into and from municipal separate storm sewers (MS4s). Permittees conduct many of these mandated activities collectively (referred to as "Group Activities"). Costs for Group Activities are shared among the Permittees in accordance with a cost payment agreement between the District and each individual Permittee. The CCCWP is not itself a legal entity. The District provides staffing to the CCCWP and serves as the fiduciary agent and legal entity of the CCCWP. The roles and responsibilities of the CCCWP and Permittees are outlined in the Program Agreement, which was last updated and adopted by all Permittees in June 2010. In accordance with the Program

Agreement, each City/Town/County/District manager designates one representative to participate on a Management Committee, which is the CCCWP's decision-making body. The following responses are provided on behalf of the CCCWP.

CCCWP'S RESPONSES TO GRAND JURY FINDINGS 1-11

GRAND JURY FINDING #1

"In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program."

> **RESPONSE:** Agree. However, it is the City's understanding that the violation is for a specific element/provision within the unincorporated County's storm water program, not with the City, and was not a violation of overall compliance of all Permittees or the CCCWP.

GRAND JURY FINDING #2

"Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund."

> **RESPONSE:** Agree. Some municipalities supplement their stormwater programs with funding from sources other than, or in addition to, the general fund. The City currently does not supplement its stormwater program with contributions from its General Fund or other sources. With dedicated funding estimated to run out within 2 – 3 years and given the City's already strained General Fund, it is difficult to determine where additional funding will come from to maintain compliance activities.

GRAND JURY FINDING #3

"Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."

> **RESPONSE:** Agree. The 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Cir., July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation. Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit to existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects. Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. Current dedicated funding is insufficient to meet existing and future water quality compliance requirements. Municipalities require Federal and State

assistance to identify capital funding and new revenue sources necessary for constructing, operating and maintaining stormwater drainage infrastructure improvements.

GRAND JURY FINDING #4
"The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear."

RESPONSE: Agree. Water Board staff determines the process for negotiating the terms and conditions of the next permit in accordance with State law and policy. Through the Bay Area Stormwater Management Agencies Association (BASMAA), CCCWP Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

GRAND JURY FINDING #5
"Permittees disagree on what reasonable/practical program requirements should entail."

RESPONSE: Agree. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

GRAND JURY FINDING #6
"All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years."

RESPONSE: Agree. Given the City's $13M decrease in its annual General Fund since 2007 and critical public safety needs, it is difficult to determine from where the additional funding will come.

GRAND JURY FINDING #7
"The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring."

RESPONSE: Agree.

GRAND JURY FINDING #8
"As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done."

RESPONSE: Disagree. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process.

GRAND JURY FINDING #9
"It is unclear what the impact of non-compliance status will be for a Permittee."

RESPONSE: Agree. Note that the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees. Thus, the Permittees face regulatory actions and private lawsuits in the event of even relatively minor noncompliance. These private lawsuits brought by aggressive plaintiffs' attorneys are a reality. This double level of enforcement is unnecessary and costly and needs to be remedied by Federal and State legislators.

GRAND JURY FINDING #10
"The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees."

RESPONSE: Disagree. The CCCWP has consistently communicated that funding deficits for stormwater pollution prevention and control, and non-compliance with current and future permits, may result in significant fines and/or third-party lawsuits. However, if local, State, and Federal legislators and agencies don't appreciate these serious issues, then better communication on all ends is needed.

GRAND JURY FINDING #11
"Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans."

RESPONSE: Agree. Following the failure of the funding initiative, many Permittees are still in the process of evaluating options and alternative plans. Most or all of the available options, including redirecting monies from their General Funds, have significant negative consequences.

CCCWP'S RESPONSES TO GRAND JURY RECOMMENDATIONS 1-6

GRAND JURY RECOMMENDATION #1:
"The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff.

GRAND JURY RECOMMENDATION #2:
"The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently

exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

GRAND JURY RECOMMENDATION #3:
"Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans."

RESPONSE: Future expenditure requirements were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative. Funding plans are being developed (see response to Finding #11).

GRAND JURY RECOMMENDATION #4:
"Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance."

RESPONSE: CCCWP will consider preparing a "fact sheet" addressing these issues, which would be posted on the CCCWP's website. State and Federal legislators also need to be aware of the permitting and funding issues and work with all stakeholders to address impacts of noncompliance with the laws they draft. If the issue is not the laws, but how the regulating agencies are expanding those laws, then the administrations of the Governor and President need to be held accountable.

GRAND JURY RECOMMENDATION #5:
"The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

RESPONSE: CCCWP activities are: (a) aligned to facilitate the Permittees' compliance with permit requirements, including foresight of potential future permit requirements; (b) implemented efficiently with the available budget, and (c) responsive to the direction of the CCCWP's Management Committee, which is comprised of Permittee representatives.

GRAND JURY RECOMMENDATION #6:
"Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives."

RESPONSE: It is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable

provisions of the California Water Code. Again, State and Federal legislators need to be conscious of the funding issues facing Permittees in obtaining compliance with the Provisions they set, especially given these are all unfunded mandates, while remaining cognizant of the ability to get voters to accept additional revenue measures.

The City thanks the Contra Costa County Grand Jury for the opportunity to respond to its concerns. Please feel free to contact Phil Hoffmeister, NPDES Compliance Manager at (925) 779-6169 should you need additional information.

Sincerely,

Wade Harper, Mayor
City of Antioch

cc: Tom Dalziel, CCCWP Manager
Rinta Perkins, CCCWP Management Committee Chair

BOARD OF SUPERVISORS RESPONSE TO CONTRA COSTA COUNTY GRAND JURY REPORT 1305:
GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY – WHAT'S THE PLAN AND WHERE'S THE MONEY?

Responding for Contra Costa County and the Contra Costa County Flood Control and Water Conservation District (for the District and on behalf of the Contra Costa Clean Water Program)

I. FINDINGS:

1. "In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program."

RESPONSE: Agree.

2. "Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund."

RESPONSE: Agree. Some municipalities supplement their stormwater programs with funding from sources other than, or in addition to, the general fund.

3. "Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."

RESPONSE: Agree. The 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Circuit, July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their National Pollutant Discharge Elimination System (NPDES) permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation. Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit of existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects. Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. Current dedicated funding is insufficient to meet existing and future water quality compliance requirements. Municipalities require federal and state assistance to identify capital funding and new revenue sources necessary for constructing, operating and maintaining stormwater drainage infrastructure improvements.

4. "The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear."

RESPONSE: Agree. San Francisco Bay and Central Valley Regional Water Quality Control Boards (Water Boards) staff determines the process for negotiating the terms and conditions of the next permit in accordance with state law and policy. Through the Bay Area Stormwater Management Agencies Association (BASMAA), Contra Costa Clean Water Program (CCCWP)

Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

5. "Permittees disagree on what reasonable/practical program requirements should entail."

RESPONSE: Partially disagree. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee (the CCCWP's decision making body), continue to build and maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

6. "All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years."

RESPONSE: Agree.

7. "The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring."

RESPONSE: Agree.

8. "As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done."

RESPONSE: Disagree. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process. While a key function of the CCCWP is to act as a liaison between Perrmittees and federal and state regulators, each month Water Board staff is invited to attend the CCCWP Management Committee meetings to directly communicate to Permittees. In the last 12 months, representatives of the San Francisco Bay Water Board attended just two meetings and a representative of the Central Valley Water Board attended just one meeting.

9. "It is unclear what the impact of non-compliance status will be for a Permittee."

RESPONSE: Agree. Civil penalties of up to $10,000 per day plus $10 per gallon of polluted discharge for each violation may be imposed administratively by the Regional Water Quality Control Boards; fines of up to $25,000 per day for each violation may be assessed if imposed by the Superior Court. Furthermore, the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees. Other potential non-compliance enforcement options include, but are not limited to, corrective action notices (e.g., Notice to Comply, Notice of Deficiency, Notice of Violation, etc...), which may require additional water quality monitoring and/or pollution

prevention and control measure implementation further impacting funding for stormwater compliance activities.

10. "The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees."

RESPONSE: Disagree. The CCCWP has consistently communicated that funding deficits for stormwater pollution prevention and control services and facilities will hinder Permittees' efforts to improve water quality and comply with federal and state mandates; and, that non-compliance with current and future permits, may result in significant fines, costly remediation, and/or third-party lawsuits.

11. "Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans."

RESPONSE: Agree. Following the failure of the funding initiative, many Permittees are still in the process of evaluating options and alternative plans. Most or all of the available options, including redirecting monies from their General Funds, have significant negative consequences.

II. RECOMMENDATIONS:

1. "The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. BASMAA committees, Water Board staff, and Permittee representatives are attending regularly scheduled meetings to negotiate the terms and conditions of the next permit.

2. "The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

3. "Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans."

RESPONSE: The recommendation will not be implemented because it is not reasonable. Future expenditure requirements under the current permit were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative, and funding plans are being developed (see response to Finding #11); Estimates of future expenditure requirements associated with a range of future negotiation outcomes is not practical due to the complexity of the issues surrounding the management of municipal stormwater conveyance systems coupled with the number of permit requirements and the fluctuating and unpredictable nature of the

regulatory permit process. The CCCWP does not have the resources to provide a meaningful prediction of the outcomes of future negotiations in order to develop future funding plans at this time.

4. "Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance."

RESPONSE: This recommendation requires further analysis. The CCCWP's Management Committee will consider preparing a "fact sheet" addressing these issues, which would be posted on the CCCWP's website. This action will be considered in August and, if approved, implemented in October 2013.

5. "The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

RESPONSE: This recommendation has been partially implemented. In response to item (a) of the recommendation, please refer to the CCCWP's response to Recommendation #3 above. In response to items (b) and (c), the CCCWP continually evaluates its activities and operating costs based on projected available funding and constituent needs.

6. "Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives."

RESPONSE: This recommendation will not be implemented because it is not reasonable. It is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

THE CITY OF
BRENTWOOD
HERITAGE • VISION • OPPORTUNITY

MAILING ADDRESS:
City Hall
150 City Park Way
Brentwood, CA 94513
Phone: 925-516-5400
Fax: 925-516-5401
www.brentwoodca.gov

CITY ADMINISTRATION
150 City Park Way
Phone: 925-516-5440
Fax: 925-516-5441

COMMUNITY DEVELOPMENT
150 City Park Way
Phone: 925-516-5405
Fax: 925-516-5407

FINANCE & INFORMATION SYSTEMS
150 City Park Way
Phone: 925-516-5460
Fax: 925-516-5401

PARKS AND RECREATION
35 Oak Street
Phone: 925-516-5444
Fax: 925-516-5445

POLICE
9100 Brentwood Boulevard
Phone: 925-634-6911
24 Hr. Dispatch: 925-778-2441
Fax: 925-809-7799

PUBLIC WORKS

Operations Division
2201 Elkins Way
Phone: 925-516-6000
Fax: 925-516-6001

Engineering Division
150 City Park Way
Phone: 925-516-5420
Fax: 925-516-5421

August 16, 2013

Via US Mail and Email: clope2@contracosta.courts.ca.gov

Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

SUBJECT: CONTRA COSTA CLEAN WATER PROGRAM'S RESPONSE TO GRAND JURY REPORT NO. 1305, "GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY – WHAT'S THE PLAN AND WHERE'S THE MONEY?"

Dear Jury Foreperson Hamaji:

In accordance with your request and Section 933.05(a) of the California Penal Code, the City of Brentwood ("City") is submitting responses to Findings 1-11 and Recommendations 1-6 in the subject Grand Jury Report.

BACKGROUND

The Contra Costa Clean Water Program ("CCCWP") consists of Contra Costa County, its 19 incorporated cities/towns, and the Contra Costa Flood Control and Water Conservation District ("District"), hereinafter referred to collectively as "Permittees."

In November 1990, the United States Environmental Protection Agency ("USEPA") published final stormwater rules implementing the 1987 federal Clean Water Act ("CWA") amendments, which established a framework for regulating municipal stormwater discharges under the National Pollutant Discharge Elimination System ("NPDES") permit program. The rules prohibit the discharge of pollutants in stormwater unless the discharge is in compliance with a NPDES permit. In response, the Permittees jointly established the CCCWP in 1991 through a Program Agreement, and applied for, and were subsequently issued, joint municipal NPDES permits issued by the San Francisco Bay and Central Valley Regional Water Quality Control Boards ("Water Boards"). The municipal NPDES permits are reissued approximately every five years.

The permits mandate Permittees to implement stormwater pollution prevention and control programs designed to reduce or eliminate the discharge of pollutants into and from municipal separate storm sewers ("MS4s"). Permittees conduct many of these mandated activities collectively (referred to as "Group Activities"). Costs for Group Activities are shared among the Permittees in accordance with a cost payment agreement between the District and each individual Permittee.

The CCCWP is not itself a legal entity. The District provides staffing to the CCCWP and serves as the fiduciary agent and legal entity of the CCCWP. The roles and responsibilities of the CCCWP and Permittees are outlined in the Program Agreement, which was last updated and adopted by all Permittees in June 2010. In accordance with the Program Agreement, each City/Town/County/District manager designates one representative to participate on a Management Committee, which is the CCCWP's decision-making body. The following responses are provided by the City.

City of Brentwood's Responses to Grand Jury Findings 1-11

Grand Jury Finding #1
"In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program."

Response: Agree.

Grand Jury Finding #2
"Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund."

Response: Agree. Some municipalities supplement their stormwater programs with funding from sources other than, or in addition to, the general fund.

Grand Jury Finding #3
"Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."

Response: Agree. The 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Circuit, July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation. Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit of existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects.

Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. Current dedicated funding is insufficient to meet existing and future water quality compliance requirements. Municipalities require federal and state assistance to identify capital funding and new revenue sources necessary for constructing, operating and maintaining stormwater drainage infrastructure improvements.

Grand Jury Finding #4
"The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear."

Response: Agree. Water Board staff determines the process for negotiating the terms and conditions of the next permit in accordance with state law and policy. Through the Bay Area Stormwater Management Agencies Association ("BASMAA"), CCCWP Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit ("MRP") to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

Grand Jury Finding #5
"Permittees disagree on what reasonable/practical program requirements should entail."

Response: Partially disagree. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to build and maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

Grand Jury Finding #6
"All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years."

Response: Agree.

Grand Jury Finding #7
"The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring."

Response: Agree.

Grand Jury Finding #8
"As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done."

Response: Disagree. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process. While a key function of the CCCWP is to act as a liaison between Perrmittees and federal and state regulators, each month Water Board staff is invited to attend the CCCWP Management Committee meetings to directly communicate to Permittees. In the last 12 months, representatives of the San Francisco Bay Water Board attended just two meetings and a representative of the Central Valley Water Board attended just one meeting.

Grand Jury Finding #9
"It is unclear what the impact of non-compliance status will be for a Permittee."

Response: Agree.

Grand Jury Finding #10
"The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees."

Response: Disagree. The CCCWP has consistently communicated that funding deficits for stormwater pollution prevention and control services and facilities will hinder Permittees' efforts to improve water quality and comply with federal and state mandates and that non-compliance with current and future permits may result in significant fines, costly remediation, and/or third-party lawsuits.

Grand Jury Finding #11
"Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans."

Response: Agree. Following the failure of the funding initiative, many Permittees are still in the process of evaluating options and alternative plans. Most or all of the available options, including redirecting monies from their General Funds, have significant negative consequences.

City of Brentwood's Responses to Grand Jury Recommendations 1-6

Grand Jury Recommendation #1:
"The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined."

Response: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. BASMAA committees, Water Board staff, and Permittee representatives are attending regularly scheduled meetings to negotiate the terms and conditions of the next permit.

Grand Jury Recommendation #2:
"The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."

Response: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

Grand Jury Recommendation #3:
"Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans."

Response: The recommendation will not be implemented because it is not reasonable. Future expenditure requirements under the current permit were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative, and funding plans are being developed (see response to Finding #11). Estimates of future expenditure requirements associated with a range of future negotiation outcomes is not practical due to the complexity of the issues surrounding the management of municipal stormwater conveyance systems coupled with the number of permit requirements and the fluctuating and unpredictable nature of the regulatory permit process. The CCCWP does not have the resources to provide a meaningful prediction of the outcomes of future negotiations in order to develop future funding plans at this time.

Grand Jury Recommendation #4:
"Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance."

Response: This recommendation requires further analysis. The CCCWP's Management Committee will consider preparing a "fact sheet" addressing these issues, which would be posted on the CCCWP's website. This action will be considered in August and, if approved, implemented in October 2013.

Grand Jury Recommendation #5:
"The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

Response: This recommendation has been partially implemented. In response to item (a) of the recommendation, please refer to the CCCWP's response to Recommendation #3 above. In response to items (b) and (c), the CCCWP continually evaluates its activities and operating costs based on projected available funding and constituent needs.

Grand Jury Recommendation #6:
"Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives."

Response: This recommendation will not be implemented because it is not reasonable. It is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

The City thanks the Contra Costa County Civil Grand Jury for the opportunity to respond to its concerns. Please feel free to contact Miki Tsubota, Assistant Public Works Director, at (925) 516-5173 should you need additional information.

Sincerely,

Paul R. Eldredge

Paul R. Eldredge, City Manager
City of Brentwood

cc: Honorable Mayor and City Council of the City of Brentwood
Damien Brower, City Attorney

kd

CITY OF CLAYTON
Founded 1857 . . . Incorporated 1964

COMMUNITY DEVELOPMENT (925) 673-7340
ENGINEERING (925) 363-7433

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
JULIE K. PIERCE, *MAYOR*
HANK STRATFORD, *VICE MAYOR*
JIM DIAZ
HOWARD GELLER
DAVID T. SHUEY

July 31, 2013

Contra Costa Civil Grand Jury, 2012-2013
Attn: Marc Hamaji, Foreperson
725 Court Street
P O Box 431
Martinez, CA 94553-0091

Re: Contra Costa County Civil Grand Jury Report No. 1305, FY 2012-13
"Getting to Clean Water in Contra Costa County"

Dear Mr. Hamaji:

In behalf of the Clayton City Council, this letter responds to the Contra Costa Civil Grand Jury's Report No. 1305 regarding its impressions of the Contra Costa Clean Water Program, the 2012 Community Clean Water Initiative, and matters related to the municipal National Pollutant Discharge Elimination System (NPDES) permit program. The Clayton City Council met in a noticed special public meeting on July 30, 2013 to consider Report No. 1305 and therein authorized this written response.

Pursuant to California Government Code section 933.5(a), the City of Clayton does hereby respond to the Civil Grand Jury's required Findings (Nos. 1 thru 11) and Recommendations No. 1 through 6, as contained within Report No. 1305:

FINDINGS

Finding # 1: *In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program.*

The City agrees with this finding.

Finding # 2: *Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments, etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund.*

The City partially disagrees with this finding. The City of Clayton is not currently expending more than the total amounts collected from fees and assessments designated and restricted for purposes related to the City's Clean Water programs. Further, the City of Clayton has not supplemented its Clean Water unfunded-mandate programs with General Fund monies (yet).

Finding # 3: *Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements.*

The City partially disagrees with this finding. The 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Cir., July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with its NPDES permit if monitoring data show an exceedance, and exposes each to considerable liability, including fines and costly remediation.

Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will compel substantial public investment for the redesign and retrofit of existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects. Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas.

Due to these compulsory actions, current dedicated funding in Clayton is insufficient to meet all existing and future NPDES-compliant permit requirements. New revenue sources dedicated to these public policy unfunded mandates will be necessary for the City of Clayton to adequately design, construct, operate and maintain stormwater drainage infrastructure improvements in the future.

Finding # 4: *The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear.*

The City agrees with this finding. Regional Water Quality Control Board staff determines the process for negotiating the terms and conditions of the next municipal permit in accordance with state law and public policy. Recently through the Bay Area Stormwater Management Agencies Association (BASMAA), CCCWP Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Regional Water Quality Control Board staff regarding cost-benefit terms and scope of conditions in the next permit. As one of the smallest public agencies in the Bay Area, the Clayton City Council is increasingly concerned about the local financial burdens of this well-intended yet unfunded state mandate.

Finding # 5: *Permittees disagree on what reasonable/practical program requirements should entail.*

The City partially disagrees with this finding. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of restricted funds. Despite these local differences, Permittees, through representation on the Contra Costa County Clean Water Program's (CCCWP's) Management Committee, rarely disagree as to reasonable/practical programs and continue to maintain consensus regarding permit negotiating positions and the successful implementation of unfunded mandated program requirements.

Finding # 6: *All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years.*

The City agrees with this finding.

Finding # 7: *The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring.*

The City agrees with this finding. As the smallest city in Contra Costa County, Clayton expressly values the benefits of working collectively with other municipalities in sharing ideas, successful programs, and realizing taxpayer savings through economies of scale.

Finding # 8: *As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done.*

The City disagrees with this finding. Clayton can only imagine in a frightening way what its setting would be like if faced alone with stormwater regulators. There are indeed significant disparities between the expectations and views of the regulators and those of the Permittees; however, this friction is typical of most regulatory processes. It must be noted that non-governmental organizations (NGOs) and other interest groups inject critical influence into the NPDES decision-making process.

Finding # 9: *It is unclear what the impact of non-compliance status will be for a Permittee.*

The City partially disagrees with this finding. Permittees and this City have been advised repeatedly by regulators that civil penalties of up to $10,000 per day plus $10 per gallon of polluted discharge for each violation may be imposed administratively by Regional Water Quality Control Boards; fines of up to $25,000 per day for each violation may also be assessed if imposed by a Superior Court. Further, the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees. Within these guidelines Regional Water Quality Control Boards have discretion on their own enforcement actions yet Clayton and Permittees would not know what action the Board would engage until it actually acts on a violation.

Finding # 10: *The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees.*

The City disagrees with this finding. The CCCWP and the City of Clayton have consistently communicated and broadcast that funding deficits for mandated stormwater pollution prevention and control, and non-compliance with current and future permits, may result in significant fines, costly remediation and/or third party lawsuits. The more definitive Finding would have been: "is anyone listening?"

Finding # 11: *Following failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans.*

The City agrees with this finding. It is an unfathomable challenge to plan for the unfunded programmatic mandates of a state regulator which relies on an open check book of a local Permittee.

RECOMMENDATIONS

Recommendation # 1: *The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined.*

The recommendation has been implemented. The permit negotiation process is dynamic and must adapt to the exchange between the state regulator and the Permittees. This is an on-going process performed in cooperation between BASMAA and the Regional Water Quality Control Board staff. BASMAA committees, Water Board staff, and Permittee

representatives are attending regularly scheduled meetings to negotiate the terms and conditions of the next permit.

Recommendation # 2: *The CCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward.*

The recommendation has been implemented. BASMAA and the Regional Water Quality Control Board staff have agreed to a permit negotiation process that includes Permittee representatives. Further, Permittee representatives and Water Board staff continue to meet regularly to discuss permit issues in BASMAA committees.

Recommendation # 3: *Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans.*

The recommendation will not be implemented because it is not reasonable. Future expenditure requirements under the current permit were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative [ballot measure], and funding plans are difficult to develop (ref. response to Finding # 11.) Estimates of future expenditure requirements associated with a range of future negotiation outcomes is not practical due to the complexity of issues surrounding the management of municipal stormwater conveyance systems coupled with the number of permit requirements and the fluctuating and unpredictable nature of this regulatory permit process. The City of Clayton does not have the resources or magic crystal ball to provide a meaningful prediction of the outcomes of future negotiations in order to generate future funding plans at this time.

Recommendation # 4: *Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including the discussion of potential, but realistic, impacts of non-compliance.*

The recommendation requires further analysis. As a member of CCWP, the CCWP acts as the City's agent in matters related to NPDES permit requirements. The CCWP's Management Committee will consider preparing a "fact sheet" addressing these issues, which would be posted on the CCWP's website. This action will be considered in August 2013, and if approved, implemented in the last quarter of calendar year 2013.

Recommendation # 5: *The CCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.*

This recommendation has been partially implemented. In response to Item (a) of this recommendation, please refer to the City's response to Recommendation # 3 above. In response to Item (b) and Item (c), through the CCWP our City continually evaluates its activities and operating costs based on projected available funding and constituent needs.

Recommendation # 6: *Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives.*

This recommendation will not be implemented as it is not within this Permittee's power or authority to ensure that the objectives, timelines, or provisions of its NPDES unfunded mandated permit are reasonable. Tests of reasonableness, if used, are applied by the Regional Water Quality Control Board pursuant to the applicable provisions of the California Water Code. Again, state and federal legislators need to be more conscious of the forced funding mandates facing Permittees in obtaining compliance with the unfunded provisions and requirements they set while remaining cognizant of the fact Permittees are constrained in ability and capacity to get voters to accept additional revenue measures for state and federal unfunded mandates.

We appreciate the time and effort the Civil Grand Jury spent researching and considering these matters, and we trust this response will be helpful in its endeavors.

Sincerely,

Julie K. Pierce
Mayor

CITY OF CONCORD
1950 Parkside Drive
Concord, California 94519-2578
FAX: (925) 798-0636

OFFICE OF THE CITY MANAGER
Telephone: (925) 671-3150

CITY COUNCIL
Daniel C. Helix, Mayor
Timothy S. Grayson, Vice Mayor
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Ronald E. Leone

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Valerie J. Barone, City Manager

July 24, 2013

Mr. Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

Re: Response to Grand Jury Report No. 1305 entitled *Getting to Clean Water in Contra Costa County*

Dear Mr. Hamaji,

Thank you for the opportunity to respond to the findings and recommendations of the Contra Costa County Civil Grand Jury with regard to outsourcing municipal services for the City of Concord. The Concord City Council reviewed this letter of response at its July 23, 2013 City Council meeting.

For ease of reading, I have incorporated into this letter the language from your report for each finding and recommendation that the City has been asked to address. The City's response is directly below each finding and recommendation. Please also note that in each case this response reflects only the information as it reflects to the City of Concord. The City does not have knowledge of the financial information of the other responding organizations.

Findings

1. In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program.

   Response: The City of Concord agrees with the finding.

2. Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund.

   Response: The City of Concord agrees with the finding.

   Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments. The respondent is unaware of how other Permittees cover funding shortfalls.

3. Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements.

   Response: The City of Concord partially agrees with the finding.

   The City of Concord will maintain compliance with future permit requirements as long as the permit is compliant with Federal and State law. However, future compliance requirements are unknown at this time.

   Additionally, the 9th Circuit Court of Appeals decision in NRDC v. County of LA (9th Cir., July 13, 2011, no. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation.

   Permittees, regulators and watershed stakeholders agree that compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit to existing Municipal Separate Storm Sewer Systems (MS4s). Currently, stormwater treatment and flow control measures are required on many development projects. Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas.

   Current dedicated funding is insufficient to meet existing and future water quality compliance requirements. Municipalities require federal and state assistance to identify capital funding and new revenue sources necessary to construct, operate and maintain stormwater drainage infrastructure improvements.

4. The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear.

   Response: The City of Concord agrees with the finding.

   The San Francisco Regional Water Quality Control Board (SFRWQCB) staff determines the process by negotiating the terms and conditions of the next permit in accordance with state law and policy. Through the Bay Area Stormwater Management Agencies Association (BASMAA), CCCWP Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with SFRWQCB staff regarding the terms and conditions of the next permit.

5. Permittees disagree on what reasonable/practical program requirements should entail.

   Response: The City of Concord partially disagrees with the finding.

   Each municipality has different water-quality issues, pollutant sources, drainage system characteristics, availability of funds, and priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

6. All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years.

   Response: The City of Concord agrees with the finding.

7. The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring.

   Response: The City of Concord agrees with the finding.

8. As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done.

   Response: The City of Concord disagrees with the finding.

   There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process. While a key function of the CCCWP is to act as a liaison between Permittees and federal and state regulators, each month SFRWQCB staff is invited to attend the CCCWP Management Committee meetings to directly communicate to Permittees. In the last 12 months, representatives of the SFRWQCB attended just two meetings and a representative of the Central Valley Water Board attended just one meeting.

9. It is unclear what the impact of non-compliance status will be for a Permittee.

   Response: The City of Concord agrees with the finding.

   Civil penalties of up to $10,000 per day plus $10 per gallon of polluted discharge for each violation may be imposed administratively by the Regional Water Quality Control Boards; fines of up to $25,000 per day for each violation may be assessed if imposed by the Superior Court. Furthermore, the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees.

   Other potential non-compliance enforcement options include, but are not limited to, corrective action notices (e.g., Notice to Comply, Notice of Deficiency, Notice of Violation, etc.), which may require additional water quality monitoring and/or pollution prevention and control measure implementation further impacting funding for stormwater compliance activities.

10. The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees.

    Response: The City of Concord disagrees with the finding.

    The CCCWP has consistently communicated that funding deficits for stormwater pollution prevention and control services and facilities will hinder Permittees' efforts to improve water quality and comply with federal and state mandates, and that non-compliance with current and future permits may result in significant fines, costly remediation, and/or third-party lawsuits.

11. Following failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans.

    Response: The City of Concord agrees with the finding.

    Following the failure of the 2012 Community Clean Water Initiative, many Permittees are still in the process of evaluating options and alternative plans. Most or all of the available options, including redirecting monies from their General Funds, have significant negative consequences.

Recommendations

1. The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined.

   Response: This recommendation is being implemented in cooperation with BASMAA and SFRWQCB staff. BASMAA committees, SFRWQCB staff, and Permittee representatives are attending regularly scheduled meetings to negotiate the terms and conditions of the next permit.

2. The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward.

   Response: This recommendation is being implemented in cooperation with BASMAA and SFRWQCB staff. Specifically, BASMAA and SFRWQCB staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and SFRWQCB staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

3. Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans.

   Response: This recommendation has not yet been implemented, but will be implemented in the future. Future expenditure requirements under the current permit were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative, and funding plans are being developed (see response to Finding #11). However, estimating future expenditure requirements at this time for the yet to be negotiated reissued permit is premature as current permit mandated pilot studies and projects designed to inform future negotiated permit mandates are not yet complete.

   Additionally, permit reissuance negotiations are just getting underway and there is currently no draft permit available for review. Given the complexity and scope of municipal NPDES permits, and the inherent unpredictability of the reissuance process, quantifying a range of future expenditure requirements at this time would be highly speculative and subject to significant debate. A time frame for implementation of this recommendation is dependent on the permit reissuance process, which is dictated by the SFRWQCB pursuant to applicable provisions of the California Water Code.

4. Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance.

   Response: This recommendation requires further analysis. The CCCWP's Management Committee will consider preparing a "fact sheet" addressing these issues, which would be posted on the City of Concord's website. This action will be considered in August and, if approved, implemented in October 2013.

5. The CCCWP consider immediately beginning to re-align it activities and operating costs with: (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

   Response: This recommendation has been implemented. CCCWP activities are: (a) aligned to facilitate the Permittees' compliance with permit requirements, including foresight of potential future permit requirements; (b) implemented efficiently with the available budget, and (c) responsive to the direction of the CCCWP's Management Committee, which is comprised of Permittee representatives.

6. Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives.

   Response: This recommendation will not be implemented because it is not reasonable. It is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the SFRWQCB pursuant to the applicable provisions of the California Water Code.

Thank you for your work with regard to this very important issue in municipal governance and for the opportunity to respond.

Respectfully,

Valerie J. Barone
City Manager, City of Concord

cc: Mayor and City Council Members
City Clerk
City Attorney

DANVILLE

*"Small Town Atmosphere
Outstanding Quality of Life"*

July 17, 2013

Honorable John T. Laettner
Judge of the Superior Court
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

Re: Contra Costa County Grand Jury Report No. 1305, "Getting to Clean Water in Contra Costa County - What's the Plan and Where's the Money."

Dear Judge Laettner:

Pursuant to California Penal Code Section 933.05, this letter responds to Contra Costa County Grand Jury Report No. 1305, "Getting to Clean Water in Contra Costa County - What's the Plan and Where's the Money." This response was reviewed and authorized by the Town Council at a duly noticed Town Council meeting on July 16, 2013.

The Town of Danville is a co-permittee under the Contra Costa Clean Water Program (CCCWP). As requested in the Grand Jury report, Danville will respond to each Finding and Recommendation separately.

Grand Jury Findings

Finding #1: In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program.

Response: Danville agrees with Finding #1.

Finding #2: Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund.

Response: Danville partially disagrees with Finding #2. Danville is not currently spending more than the total amounts collected from fees and assessments designated to

510 LA GONDA WAY, DANVILLE, CALIFORNIA 94526

Administration (925) 314-3388 | Building (925) 314-3330 | Engineering & Planning (925) 314-3310 | Transportation (925) 314-3320 | Maintenance (925) 314-3450 | Police (925) 314-3700 | Parks and Recreation (925) 314-3400

fund the Town's Clean Water program and has not supplemented the Clean Water Program with General Fund monies.

Finding #3: "Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."

Response: Danville partially disagrees with Finding #3. The 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Cir., July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its National Pollutant Discharge Elimination System (NPDES) permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation. Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit to existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects. Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. Currently Danville's dedicated funding is sufficient to meet the regulatory requirements contained in the current Municipal Regional Permit (MRP). However the ability to meet future regulations to be contained in the upcoming MRP to be issued in 2014 is uncertain. New revenue sources will be necessary for constructing, operating and maintaining stormwater drainage infrastructure improvements in the future.

Finding #4: The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear.

Response: Danville agrees with Finding #4. Water Board staff determines the process for negotiating the terms and conditions of the next permit in accordance with state law and policy. Recently, through the Bay Area Stormwater Management Agencies Association (BASMAA), CCCWP Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

Finding #5: Permittees disagree on what reasonable/practical program requirements should entail.

Response: Danville partially disagrees with Finding #5. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Despite these differences, Permittees, through the Contra Costa Clean Water Program (CCCWP)'s Management Committee rarely disagree and continue to maintain consensus regarding permit negotiating positions and the successful implementation of program requirements.

Finding #6: All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years.

Response: Danville agrees with Finding #6.

Finding #7: The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring.

Response: Danville agrees with finding #7. Furthermore, Danville recognizes the benefits of working collectively with other municipalities and realizing cost savings through economies of scale.

Finding #8: As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done.

Response: Danville disagrees with Finding #8. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process. Non-governmental organizations also play a critical role in the decision-making process.

Finding #9: It is unclear what the impact of non-compliance status will be for a Permittee.

Response: Danville partially disagrees with Finding #9. Danville has been advised that civil penalties of up to $10,000 per day plus $10 per gallon of polluted discharge for each violation may be imposed administratively by the Regional Water Quality Control Boards (RWQCBs); fines of up to $25,000 per day for each violation may be assessed if imposed by the Superior Court. However, the Clean Water Act also provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation

regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees. Within these guidelines the RWQCB has leeway on their enforcement actions, the Town would not know what action the RWQCB would take until they actually act on a violation.

Finding #10: The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees.

Response: Danville disagrees with Finding #10. The CCCWP has consistently communicated that funding deficits for stormwater pollution prevention and control, and non-compliance with current and future permits, may result in significant fines, costly remediation and/or third-party lawsuits.

Finding #11: Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans.

Response: Danville agrees with Finding #11.

Grand Jury Recommendations

Recommendation #1: The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined.

Response: The recommendation has been implemented. Danville is a co-permittee under the CCCWP. The CCCWP is implementing this recommendation in cooperation with Bay Area Stormwater Management Agencies Association (BASMAA) and Water Board staff.

Recommendation #2: The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward.

Response: The recommendation has been partially implemented. In Danville, this recommendation has been implemented through the CCCWP in cooperation with BASMAA and Water Board staff. Specifically, most recently BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

Recommendation #3: Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans.

Response: The recommendation has partially been implemented. The Town has identified expenditure requirements associated with the current MRP. Estimating future expenditure requirements for the reissued 2014 permit is premature at this time as current permit mandated pilot studies and projects designed to inform future negotiated permit mandates are not yet complete. Additionally, the permit reissuance process is just getting underway and there is currently no draft permit available for review. A time frame for further implementation of this recommendation is dependent on the permit reissuance process, which is dictated by the Regional Water Quality Control Board and pursuant to applicable provisions of the California Water Code. A funding plan will be developed once the permit requirements in the new MRP are established.

Recommendation #4: Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance.

Response: The recommendation has not yet been implemented, but may be upon adoption of the new MRP. Danville can work through the CCCWP to prepare a "fact sheet" addressing these issues. It is expected that the information would be posted on the Town and CCCWP web sites after the next MRP is adopted and the requirements established in order to determine the projected costs.

Recommendation #5: The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

Response: The recommendation has been implemented. The CCCWP's activities are: (a) aligned to facilitate the Permittees' compliance with permit requirements, including foresight of potential future permit requirements; (b) implemented efficiently with the available budget, and (c) responsive to the direction of the CCCWP's Management Committee, which is comprised of Permittee representatives.

Recommendation #6: Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives.

Response: The recommendation will not be implemented because it is not warranted. It is not within the Permittee's power or authority to ensure that all stakeholders reach consensus on the objectives, timelines, or provisions of the next NPDES permit or future funding requests. Tests of reasonableness, if used, must be applied by the Water Board pursuant to the applicable provisions of the California Water Code.

The Town appreciates the time and effort spent by His Honor and the Grand Jury in consideration of these matters.

Sincerely,

TOWN OF DANVILLE

Newell Arnerich
Mayor

THE CITY OF
EL CERRITO

PUBLIC WORKS DEPARTMENT
(510) 215-4382

August 28, 2013

Via U.S. Mail and Email

Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553
Email: clope2@contracosta.courts.ca.gov

SUBJECT: EL CERRITO'S RESPONSE TO GRAND JURY REPORT NO. 1305, "GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY – WHAT'S THE PLAN AND WHERE'S THE MONEY?"

Dear Jury Foreperson Hamaji:

In accordance with your request and Section 933.05(a) of the California Penal Code, the City of El Cerrito is submitting responses to Findings 1-11 and Recommendations 1-6 in the subject Grand Jury Report. The City is one of 19 members (hereinafter referred to collectively as "Permittees") of the Contra Costa Clean Water Program (CCCWP), which was formed in 1991 by a program agreement to apply for a joint municipal NPDES permit from the San Francisco Bay and Central Valley Regional Water Quality Control Boards.

EL CERRITO'S RESPONSES TO GRAND JURY FINDINGS 1-11

GRAND JURY FINDING #1:
"In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program."

RESPONSE: Agree.

GRAND JURY FINDING #2:
"Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund."

RESPONSE: Agree. The City of El Cerrito supplements its shortfall from other special funds; not from the General Fund at this time. Some municipalities supplement their stormwater programs with funding from sources other than, or in addition to, the general fund.

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GRAND JURY FINDING #3:
"Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."

RESPONSE: Agree. The Ninth Circuit Court of Appeal decision in *NRDC v. County of LA* (9th Circuit, July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and therefore exposes those public agencies to considerable liability, including fines and costly remediation. Permittees, regulators, and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit of existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects. Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. Current dedicated funding is insufficient to meet existing and future water quality compliance requirements. Municipalities require federal and state assistance to identify capital funding and new revenue sources necessary for constructing, operating, and maintaining stormwater drainage infrastructure improvements.

GRAND JURY FINDING #4:
"The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear."

RESPONSE: Agree. Water Board staff determines the process for negotiating the terms and conditions of the next permit in accordance with state law and policy. Through the Bay Area Stormwater Management Agencies Association (BASMAA), CCCWP Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

GRAND JURY FINDING #5:
"Permittees disagree on what reasonable/practical program requirements should entail."

RESPONSE: Partially disagree. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to build and maintain consensus regarding permit negotiating positions and successfully identify, develop, and implement group permit compliance activities.

GRAND JURY FINDING #6:
"All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years."

RESPONSE: Partially disagree. The City does not have information to determine whether all permittees are forecasting that a majority will be out of compliance in 2 to 5 years, but it is our understanding that many permittees believe a significant number of permittees will be unable to comply fully in 2 to 5 years.

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GRAND JURY FINDING #7:
"The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring."

RESPONSE: Agree.

GRAND JURY FINDING #8:
"As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done, and what happens if it is not done."

RESPONSE: Disagree. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process. A key function of the CCCWP is to act as a liaison between Permittees and federal and state regulators with a goal to work through those differences.

GRAND JURY FINDING #9:
"It is unclear what the impact of non-compliance status will be for a Permittee."

RESPONSE: Agree. Civil penalties of up to $10,000 per day plus $10 per gallon of polluted discharge for each violation may be imposed administratively by the Regional Water Quality Control Boards; fines of up to $25,000 per day for each violation may be assessed if imposed by the Superior Court. Furthermore, the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees. Other potential non-compliance enforcement options include, but are not limited to, corrective action notices (e.g., Notice to Comply, Notice of Deficiency, Notice of Violation, etc…), which may require additional water quality monitoring and/or pollution prevention and control measure implementation further impacting funding for stormwater compliance activities.

GRAND JURY FINDING #10:
"The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees."

RESPONSE: Disagree. Both the City of El Cerrito and the CCCWP have consistently communicated that funding deficits for stormwater pollution prevention and control services and facilities will hinder Permittees' efforts to improve water quality and comply with federal and state mandates; and, that non-compliance with current and future permits, may result in significant fines, costly remediation, and/or third-party lawsuits.

GRAND JURY FINDING #11:
"Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans."

RESPONSE: Partially disagree. The City of El Cerrito was the only jurisdiction in which a majority of voters/property owners supported that Initiative. As a result, the City is considering pursuing and has undertaken preliminary steps toward a similar measure locally.

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EL CERRITO'S RESPONSES TO GRAND JURY RECOMMENDATIONS 1-6

GRAND JURY RECOMMENDATION #1:
"The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. BASMAA committees, Water Board staff, and Permittee representatives are attending regularly scheduled meetings to negotiate the terms and conditions of the next permit.

GRAND JURY RECOMMENDATION #2:
"The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

GRAND JURY RECOMMENDATION #3:
"Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans."

RESPONSE: The recommendation will not be implemented because it is not reasonable. Future expenditure requirements under the current permit were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative. Permittees that are considering the pursuit of local funding measures for permit requirements, such as the City of El Cerrito, will be developing funding plans as part of those processes. Estimates of future expenditure requirements associated with a range of future negotiation outcomes is not practical due to the complexity of the issues surrounding the management of municipal stormwater conveyance systems coupled with the number of permit requirements and the fluctuating and unpredictable nature of the regulatory permit process. The City of El Cerrito and the CCCWP do not have the resources to provide a meaningful prediction of the outcomes of future negotiations in order to develop future funding plans at this time.

GRAND JURY RECOMMENDATION #4:
"Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance."

RESPONSE: This recommendation requires further analysis. The CCCWP's Management Committee will consider preparing a "fact sheet" addressing these issues, which would be posted on the City and CCCWP's websites. This action will be considered in August and, if approved, implemented in October 2013.

GRAND JURY RECOMMENDATION #5:
"The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs."

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RESPONSE: This recommendation has been partially implemented. In response to item (a) of the recommendation, please refer to the CCCWP's response to Recommendation #3 above. In response to items (b) and (c), the CCCWP continually evaluates its activities and operating costs based on projected available funding and constituent needs.

GRAND JURY RECOMMENDATION #6:
"Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives."

RESPONSE: This recommendation will not be implemented because it is not reasonable. It is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

The City of El Cerrito thanks the Contra Costa County Civil Grand Jury for the opportunity to respond to its concerns. Please feel free to contact me at (510) 215-4382 should you need additional information.

Sincerely,

Yvetteh Ortiz
Interim Public Works Director /
City Engineer

City of El Cerrito

cc: Scott Hanin, City Manager, City of El Cerrito
Tom Dalziel, CCCWP Manager

CITY HALL 10890 San Pablo Avenue El Cerrito, CA 94530 FAX (510) 233-5401

OFFICE OF THE CITY MANAGER

Steven Duran

July 15, 2013

Mr. Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
P.O. Box 431
Martinez, CA 94553

RE: Response To Grand Jury Report No. 1305, "Getting To Clean Water In Contra Costa County – What's The Plan And Where's The Money?"

Dear Mr. Hamaji:

The City of Hercules has reviewed Grand Jury Report No. 1305, "Getting To Clean Water In Contra Costa County – What's The Plan And Where's The Money?" Responses to Findings and Recommendations are provided below and meet the requirements of California Penal Code Sections 933.05(a) and 933.05(b).

BACKGROUND

In November 1990, the United States Environmental Protection Agency (USEPA) published final stormwater rules implementing the 1987 federal Clean Water Act (CWA) amendments, which established a framework for regulating municipal stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) permit program. The rules prohibit the discharge of pollutants in stormwater unless the discharge is in compliance with a NPDES permit. In Response, the Permittees jointly established the CCCWP in 1991 through a Program Agreement, and applied for, and were subsequently issued, joint municipal NPDES permits issued by the San Francisco Bay and Central Valley Regional Water Quality Control Boards (Water Boards). The municipal NPDES permits are reissued approximately every five years.

The City of Hercules is a Permittee. The permits mandate Permittees to implement stormwater pollution prevention and control programs designed to reduce or eliminate the discharge of pollutants into and from municipal separate storm sewers (MS4s). Permittees conduct many of these mandated activities collectively (referred to as "Group Activities"). Costs for Group Activities are shared among the Permittees in accordance with a cost payment agreement between the Contra Costa County Flood Control and Wastewater Conservation District (District) and each individual Permittee. The roles and responsibilities of the CCCWP and Permittees are outlined in the Program Agreement, which was last updated and adopted by all Permittees in June 2010. In accordance with the Program Agreement, each City/Town/County/District

manager designates one representative to participate on a Management Committee, which is the CCCWP's decision-making body.

City Of Hercules Responses To Grand Jury Findings 1-11

Finding No. 1: In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program.

Response: The City Council agrees with this finding.

Finding No. 2: Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund.

Response: The City Council agrees with this finding.

Finding No. 3: Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements.

Response: The City Council agrees with this finding.

Finding No. 4: The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear.

Response: The City Council agrees with this finding.

Finding No. 5: Permittees disagree on what reasonable/practical program requirements should entail.

Response: The City Council agrees with this finding. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

Finding No. 6: All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years.

Response: The City Council agrees with this finding.

Finding No. 7: The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring.

Response: The City Council agrees with this finding.

Finding No. 8: As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done.

Response: The City Council disagrees with this finding. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process and these differences do not lead to a conclusion that the CCCWP is failing.

Finding No. 9: It is unclear what the impact of non-compliance status will be for a Permittee.

Response: The City Council agrees with this finding.

Finding No. 10: The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees.

Response: The City Council disagrees with this finding. The CCCWP, on behalf of Permittees, has consistently communicated that funding deficits for stormwater pollution prevention and control, and non-compliance with current and future permits, may result in significant fines and/or third-party lawsuits.

Finding No. 11: Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans.

Response: The City Council agrees with this finding. Following the failure of the funding initiative, many Permittees are still in the process of evaluating options and alternative plans. Most or all of the available options, including redirecting monies from their General Funds, have significant negative consequences.

City Of Hercules Responses To Grand Jury Recommendations 1-6

Recommendation No. 1: The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined.

Response: The recommendation will be implemented in coordination with other Permittees through the CCCWP.

Recommendation No. 2: "The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."

Response: The recommendation will be implemented in coordination with other Permittees and the CCCWP.

Recommendation No. 3: Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans.

Response: The recommendation has not yet been implemented, but will be implemented in the future. Implementation is subject to funding and staffing limitations.

Recommendation No. 4: Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance.

Response: The recommendation has not yet been implemented, but will be implemented in the future. Implementation is subject to funding priorities and limitations.

Recommendation No. 5: The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

Response: The recommendation will be implemented in coordination with other Permittees and the CCCWP.

Recommendation No. 6: Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives.

Response: The recommendation will not be implemented, as neither Permittees nor the District can ensure that the Water Board, the District and Permittees will agree to what is reasonable in terms of objectives and timelines.

The Hercules City Council thanks the Grand Jury for its service. If you have any questions or need additional clarification, please do not hesitate to contact us at (510) 799-8200.

Sincerely,

Steve Duran
City Manager

City Council

Mike Anderson, Mayor
Don Tatzin, Vice Mayor
Brandt Andersson, Council Member
Mark Mitchell, Council Member
Traci Reilly, Council Member

July 8, 2013

Marc Hamaji, Foreperson
2012-2013 Contra Costa County Civil Grand Jury
725 Court Street
Martinez, CA 94553

Dear Mr. Hamaji:

In reply to Grand Jury Report No. 1305, "Getting to Clean Water In Contra Costa County" please see the City of Lafayette's responses.

City of Lafayette's Responses to Grand Jury Report Findings:

1. In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program.
   The respondent agrees with the finding.

2. Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund.
   The respondent partially disagrees with the finding.
   Shortfalls are also being covered by Cities' program reserve funds.

3. Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements.
   The respondent agrees with the finding.
   The Contra Costa Clean Water Program provides additional information based on the 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Cir., July 13, 2011, No. 10-56017)

3675 Mount Diablo Boulevard, Suite 210, Lafayette, CA 94549
Phone: 925.284.1968 Fax: 925.284.3169
www.ci.lafayette.ca.us

determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California, in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation. Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit of existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects. Pilot studies and projects are being conducted under current NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. Current dedicated funding is insufficient to meet existing and future water quality compliance requirements. Municipalities require federal and state assistance to identify capital funding and new revenue sources necessary for constructing, operating and maintaining stormwater drainage infrastructure improvements.

4. The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear.
   The respondent agrees with the finding.
   Water Board staff determines the process for negotiating the terms and conditions of the next permit in accordance with state law and policy.

5. Permittees disagree on what reasonable/practical program requirements should entail.
   The respondent agrees with the finding.
   Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage systems, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Through the CCCWP's Management Committee, municipalities strive to maintain consensus in identifying, developing and implementing group permit compliance activities.

6. All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years.
   The respondent agrees with the finding.

7. The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring.
   The respondent agrees with the finding.

8. As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done.

The respondent disagrees with the finding.
Significant differences between the expectations and views of the regulators and those of the Permittees and the regulator's unresponsiveness to local jurisdictions' direct comments and comments provided through the CCCWP have contributed to the unsuccessful resolution of what needs to be done, how it should be done and what happens if it is not done. The CCCWP is assisting Permittees in meeting requirements in the existing permit that are significantly enhanced from the previous permit and require advanced technical knowledge and skills to deal with permit requirements such as monitoring and pilot projects and working through joint efforts required by the consolidation of the six municipal stormwater NPDES permits.

9. It is unclear what the impact of non-compliance status will be for a Permittee.
The respondent agrees with the finding.
There are both government enforcement and citizen suit provision measures in place to ensure compliance with the Clean Water Act and NPDES permits.
Civil penalties of up to $10,000 per day plus $10 per gallon of polluted discharge for each violation may be imposed administratively by the Regional Water Quality Control Boards; fines of up to $25,000 per day for each violation may be assessed if imposed by the Superior Court. Furthermore, the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees.

10. The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees.
The respondent disagrees with the finding.
The City of Lafayette City Council approves its SUA funding every year at a public meeting. A staff report highlighting concerns regarding future permit requirements and the ability of the City to meet those requirements is provided in meeting documents on the City's website and is available to all residents at City Hall or at the public meeting. Public hearings regarding SUA assessments are held at the County level by the Board of Supervisors of Contra Costa County. Funding needs and requirements were communicated to the public through direct mail to property owners through the Clean Water Initiative process. The CCCWP has communicated that funding deficits for stormwater pollution prevention and control, and non-compliance with current and future permits, may result in significant fines and/or third-party lawsuits. City Council is addressing future funding needs for stormwater pollution prevention as part of the public meeting and public hearing budget process.

11. Following failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans.
The respondent partially disagrees with the finding.
The situation has left the City with no choice but to try to address the future anticipated short

fall of funds needed to meet increasing permit requirements. As addressed in Finding 10 above, the City is discussing viable plans to meet anticipated future funding needs.

City of Lafayette's Responses to Recommendations to Grand Jury Report:

1. The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined.
   The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
   The City of Lafayette will communicate with the regulator that there is an immediate need for the regulator to provide a negotiation process directly involving Permittees. Significant differences between the expectations and views of the regulators and the Permittees must be addressed.
   The process followed in the past where the regulator held public hearings and then held numerous meetings with the Permittees (via the Bay Area Stormwater Management Agencies Association) and other key stakeholders to negotiate the permit; is not acceptable. Following those meetings the regulator issued a large MRP permit document and additional attachments of over 200 pages with significant differences between the expectations and views of the regulators and the Permittees not having been addressed and resolved.
   The regulator has time allocated to communicate directly to Permittees at regular monthly meetings of the CCCWP. If these times are not acceptable to meet directly with Permittees, other specific times will be requested to meet with the regulator to negotiate prior to the upcoming permit issuance.

2. The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward.
   The recommendation has not yet been implemented.
   The City of Lafayette looks forward to opportunities for direct communications between the City and regulatory authorities before the next permit issuance. Communications should begin immediately and continue up to the time of issuance of the permit.
   One example of confusing communication from the regulator:
   The Grand Jury report says, "The regulatory personnel indicate that when the SUA structure was enacted, many of the cities immediately shifted the funding of certain program-eligible activities (such as street sweeping and other elements of public works) out of their general funds to be funded out of the new stormwater assessments. While this may have been beneficial to cities in the short term, in the long run it removed funds which should have been available for the long-term growth and development of the stormwater program, which all understood would necessarily grow increasingly more complex and rigorous over time."
   At a recent CCCWP Management Committee meeting, Water Board staff speaking about ways

to meet new permit requirements for trash management stated that "effective street sweeping and on land pickup is probably as effective as full trash capture." If these and other public works activities have been and are continuing to meet permit requirements, why shouldn't they be funded through the City's stormwater assessments?

3. Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans.
   The recommendation has not yet been implemented but will be implemented in the future, with a time frame for implementation.
   The City of Lafayette has prepared a stormwater pollution prevention fund 10-year forecast. The City Council will set aside a reserve fund over each of the next ten years to fully fund the program through fiscal year 2022-23. The fund will start with a reserve contribution of $50,000 in the fiscal year 2013/2014 and be increased by an additional $10,000 each following year. Additional re-evaluation will be done through the new permit negotiation process with consideration of the 3 a, b, and c points made within the Grand Jury Report: a) negotiation of more realistic, better-defined compliance terms that take into account differences in participant demographics; b) implementation of more efficient and effective operating practices of the Contra Costa Clean Water Program; and, c) identification of ways to make the impacted communities more aware of the importance of the program and the challenges ahead.

4. Permittees consider identifying funds to disclose to the pubic "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance.
   The recommendation has been implemented.
   The City Council has discussed in public meetings the need for a funding reserve to fulfill their NPDES permit requirements. The City will continue to provide information to the public surrounding funding to fulfill NPDES permit requirements.

5. The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.
   The recommendation requires further analysis.
   The CCCWP has an accurate perspective of projected available funding by the Permittees and of the constituents' needs to keep costs down and concentrate their efforts on effective pollution prevention activities within each of their municipalities. The CCCWP might have some idea of the probable outcomes from the negotiation of the next permit's compliance requirements but both the CCCWP and the Permittees will need to have more input and clarification from the regulator as to what will be included in the permit.

6. Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes

articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishments of those objectives.

The recommendation requires further analysis.

The City of Lafayette has no current plans to approach its citizens with another request for additional funding. Reaching a consensus plan for the path forward with all stakeholders is a goal Permittees strive for and will appreciate when it is reached allowing for available funding to be used in the most effective way possible to best prevent stormwater pollution within the City.

The CCCWP provides this response: It is not within the Permittess' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

We hope this letter is responsive to your request.

Sincerely,

Michael Anderson

Mayor

City of Martinez
525 Henrietta Street, Martinez, CA 94553-2394
(925) 372-3505
FAX (925) 229-5012

July 25, 2013

Via US Mail and Email: clope2@contracosta.courts.ca.gov

Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
P.O. Box 431
Martinez, CA 94553

SUBJECT: CITY OF MARTINEZ'S RESPONSE TO GRAND JURY REPORT NO. 1305, "GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY – WHAT'S THE PLAN AND WHERE'S THE MONEY?"

Dear Jury Foreperson Hamaji:

In accordance with your request and Section 933.05(a) of the California Penal Code, the City of Martinez (City) is submitting responses to Findings 1-11 and Recommendations 1-6 in the subject Grand Jury Report.

BACKGROUND

The Contra Costa Clean Water Program (CCCWP) consists of Contra Costa County, its 19 incorporated cities/towns, and the District, hereinafter referred to collectively as "Permittees."

In November 1990, the United States Environmental Protection Agency (USEPA) published final stormwater rules implementing the 1987 federal Clean Water Act (CWA) amendments, which established a framework for regulating municipal stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) permit program. The rules prohibit the discharge of pollutants in stormwater unless the discharge is in compliance with a NPDES permit. In response, the Permittees jointly established the CCCWP in 1991 through a Program Agreement, and applied for, and were subsequently issued, joint municipal NPDES permits issued by the San Francisco Bay and Central Valley Regional Water Quality Control Boards (Water Boards). The municipal NPDES permits are reissued approximately every five years.

The permits mandate Permittees to implement stormwater pollution prevention and control programs designed to reduce or eliminate the discharge of pollutants into and from municipal separate storm sewers (MS4s). Permittees conduct many of these mandated activities collectively (referred to as "Group Activities"). Costs for Group Activities are shared among the Permittees in accordance with a cost payment agreement between the District and each individual Permittee. The CCCWP is not itself a legal entity. The District provides staffing to the CCCWP and serves as the fiduciary agent and legal

entity of the CCCWP. The roles and responsibilities of the CCCWP and Permittees are outlined in the Program Agreement, which was last updated and adopted by all Permittees in June 2010. In accordance with the Program Agreement, each City/Town/County/District manager designates one representative to participate on a Management Committee, which is the CCCWP's decision-making body. The following responses are provided on behalf of the CCCWP's Management Committee.

CITY'S RESPONSES TO GRAND JURY FINDINGS 1-11

GRAND JURY FINDING #1

"In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program."

CITY RESPONSE: Agree; however the City of Martinez **did not** receive a Notice of Violation. Contra Costa County along with the other cities and towns within the County are responsible for implementing their permit and each are individually subject to enforcement from the Water Board.

GRAND JURY FINDING #2

"Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund."

CITY RESPONSE: Agree; however the City of Martinez is currently fully funding their permit implementation with Stormwater assessments collected by the County Assessor on behalf of the City.

GRAND JURY FINDING #3

"Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."

CITY RESPONSE: Agree. The 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Circuit, July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation. Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit of existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects. Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. While current funding source is sufficient for exiting water quality compliance requirements, current dedicated funding is insufficient to meet future water quality compliance requirements. Municipalities require federal and state assistance to identify capital funding and new revenue sources necessary for constructing, operating and maintaining stormwater drainage infrastructure improvements.

GRAND JURY FINDING #4
"The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear."

CITY RESPONSE: Agree. Water Board staff determines the process for negotiating the terms and conditions of the next permit in accordance with state law and policy. Through the Bay Area Stormwater Management Agencies Association (BASMAA), CCCWP Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

GRAND JURY FINDING #5
"Permittees disagree on what reasonable/practical program requirements should entail."

CITY RESPONSE: Partially disagree. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to build and maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

GRAND JURY FINDING #6
"All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years."

CITY RESPONSE: Agree.

GRAND JURY FINDING #7
"The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring."

CITY RESPONSE: Agree.

GRAND JURY FINDING #8
"As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done."

CITY RESPONSE: Disagree. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process. While a key function of the CCCWP is to act as a liaison between Perrmittees and federal and state regulators, each month Water Board staff is invited to attend the CCCWP Management Committee meetings to directly communicate to Permittees. In the last 12 months, representatives of the San Francisco Bay Water Board attended just two meetings and a representative of the Central Valley Water Board attended just one meeting.

GRAND JURY FINDING #9
"It is unclear what the impact of non-compliance status will be for a Permittee."

CITY RESPONSE: Agree. Civil penalties of up to $10,000 per day plus $10 per gallon of polluted discharge for each violation may be imposed administratively by the Regional Water Quality Control Boards; fines of up to $25,000 per day for each violation may be assessed if imposed by the Superior Court. Furthermore, the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees. Other potential non-compliance enforcement options include, but are not limited to, corrective action notices (e.g., Notice to Comply, Notice of Deficiency, Notice of Violation, etc…), which may require additional water quality monitoring and/or pollution prevention and control measure implementation further impacting funding for stormwater compliance activities.

GRAND JURY FINDING #10
"The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees."

CITY RESPONSE: Disagree. The CCCWP has consistently communicated that funding deficits for stormwater pollution prevention and control services and facilities will hinder Permittees' efforts to improve water quality and comply with federal and state mandates; and, that non-compliance with current and future permits, may result in significant fines, costly remediation, and/or third-party lawsuits.

GRAND JURY FINDING #11
"Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans."

CITY RESPONSE: Agree. Following the failure of the funding initiative, many Permittees are still in the process of evaluating options and alternative plans. Most or all of the available options, including redirecting monies from their General Funds and gas tax, have significant negative consequences.

CITY'S RESPONSES TO GRAND JURY RECOMMENDATIONS 1-6

GRAND JURY RECOMMENDATION #1:
"The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined."

CITY RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. BASMAA committees, Water Board staff, and Permittee representatives are attending regularly scheduled meetings to negotiate the terms and conditions of the next permit.

GRAND JURY RECOMMENDATION #2:
"The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."

CITY RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

GRAND JURY RECOMMENDATION #3:
"Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans."

CITY RESPONSE: The recommendation will not be implemented because it is not reasonable. Future expenditure requirements under the current permit were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative, and funding plans are being developed (see response to Finding #11); Estimates of future expenditure requirements associated with a range of future negotiation outcomes is not practical due to the complexity of the issues surrounding the management of municipal stormwater conveyance systems coupled with the number of permit requirements and the fluctuating and unpredictable nature of the regulatory permit process. The CCCWP does not have the resources to provide a meaningful prediction of the outcomes of future negotiations in order to develop future funding plans at this time.

GRAND JURY RECOMMENDATION #4:
"Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance."

CITY RESPONSE: This recommendation requires further analysis. The CCCWP's Management Committee will consider preparing a "fact sheet" addressing these issues, which would be posted on the City's and CCCWP's website. This action will be considered in August and, if approved, implemented in October 2013.

GRAND JURY RECOMMENDATION #5:
"The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

CITY RESPONSE: This recommendation has been partially implemented. In response to item (a) of the recommendation, please refer to the CCCWP's response to Recommendation #3 above. In response to (b) and (c), the CCCWP continually evaluates its activities and operating costs based on projected available funding and constituent needs.

GRAND JURY RECOMMENDATION #6:
"Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives."

CITY RESPONSE: This recommendation will not be implemented because it is not reasonable. It is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

The City of Martinez thanks the Contra Costa County Grand Jury for the opportunity to respond to its concerns. Please feel free to contact Tim Tucker, City Engineer at (925) 372-3562 should you need additional information.

Sincerely,

Rob Schroder, Mayor
City of Martinez

Town of Moraga

TOWN MANAGER

August 29, 2013

Via US Mail and Email: clope2@contracosta.courts.ca.gov

Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

SUBJECT: CONTRA COSTA CLEAN WATER PROGRAM'S RESPONSE TO GRAND JURY REPORT NO. 1305, "GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY – WHAT'S THE PLAN AND WHERE'S THE MONEY?"

Dear Jury Foreperson Hamaji:

In accordance with your request and Section 933.05(a) of the California Penal Code, the Contra Costa County Flood Control and Water Conservation District (District) is submitting, on behalf of the Contra Costa Clean Water Program, responses to Findings 1-11 and Recommendations 1-6 in the subject Grand Jury Report.

BACKGROUND:

The Town of Moraga is part of the Contra Costa Clean Water Program (CCCWP) which consists of Contra Costa County, its 19 incorporated cities/towns, and the District, hereinafter referred to collectively as "Permittees."

In November 1990, the United States Environmental Protection Agency (USEPA) published final stormwater rules implementing the 1987 federal Clean Water Act (CWA) amendments, which established a framework for regulating municipal stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) permit program. The rules prohibit the discharge of pollutants in stormwater unless the discharge is in compliance with a NPDES permit. In response, the Permittees jointly established the CCCWP in 1991 through a Program Agreement, and applied for, and were subsequently issued, joint municipal NPDES permits issued by the San Francisco Bay and Central Valley Regional Water Quality Control Boards (Water Boards). The municipal NPDES permits are reissued approximately every five years.

The permits mandate Permittees to implement stormwater pollution prevention and control programs designed to reduce or eliminate the discharge of pollutants into and from municipal separate storm sewers (MS4s). Permittees conduct many of these mandated activities collectively (referred to as "Group Activities"). Costs for Group Activities are shared among the Permittees in accordance with a cost payment agreement between the District and each individual Permittee. The CCCWP is not itself a legal entity. The District provides staffing to the CCCWP and serves as the fiduciary agent and legal entity of the CCCWP. The roles and responsibilities of the CCCWP and Permittees are outlined in the Program Agreement, which

was last updated and adopted by all Permittees in June 2010. In accordance with the Program Agreement, each City/Town/County/District manager designates one representative to participate on a Management Committee, which is the CCCWP's decision-making body. The following responses are provided on behalf of the CCCWP's Management Committee.

RESPONSES TO GRAND JURY FINDINGS 1-11:

GRAND JURY FINDING #1:
"In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program."

RESPONSE: Agree.

GRAND JURY FINDING #2:
"Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund."

RESPONSE: Agree. Some municipalities supplement their stormwater programs with funding from sources other than, or in addition to, the general fund.

GRAND JURY FINDING #3:
"Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."

RESPONSE: Agree. The 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Circuit, July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation. Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit of existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and development projects. Pilot studies and projects are being conducted under current municipal NPDES permits through the CCCWP to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. Current dedicated funding is insufficient to meet existing and future water quality compliance requirements. Municipalities require federal and state assistance to identify capital funding and new revenue sources necessary for constructing, operating and maintaining stormwater drainage infrastructure improvements.

GRAND JURY FINDING #4:
"The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear."

RESPONSE: Agree. CCCWP staff determines the process for negotiating the terms and conditions of the next permit in accordance with state law and policy. Through the Bay Area

Stormwater Management Agencies Association (BASMAA), CCCWP Permittees including the Town of Moraga have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

GRAND JURY FINDING #5:
"Permittees disagree on what reasonable/practical program requirements should entail."

RESPONSE: Partially disagree. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to build and maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

GRAND JURY FINDING #6:
"All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years."

RESPONSE: Agree.

GRAND JURY FINDING #7:
"The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring."

RESPONSE: Agree.

GRAND JURY FINDING #8:
"As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done."

RESPONSE: Disagree. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process. While a key function of the CCCWP which the Town of Moraga is a part of is to act as a liaison between Perrmittees and federal and state regulators, each month Water Board staff is invited to attend the CCCWP Management Committee meetings to directly communicate to Permittees. In the last 12 months, representatives of the San Francisco Bay Water Board attended just two meetings and a representative of the Central Valley Water Board attended just one meeting.

GRAND JURY FINDING #9:
"It is unclear what the impact of non-compliance status will be for a Permittee."

RESPONSE: Agree. Civil penalties of up to $10,000 per day plus $10 per gallon of polluted discharge for each violation may be imposed administratively by the Regional Water Quality Control Boards; fines of up to $25,000 per day for each violation may be assessed if imposed by the Superior Court. Furthermore, the Clean Water Act provides that any U.S. citizen may file a

citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees. Other potential non-compliance enforcement options include, but are not limited to, corrective action notices (e.g., Notice to Comply, Notice of Deficiency, Notice of Violation, etc...), which may require additional water quality monitoring and/or pollution prevention and control measure implementation further impacting funding for stormwater compliance activities.

GRAND JURY FINDING #10:
"The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees."

RESPONSE: Disagree. The CCCWP which the Town of Moraga is a part of has consistently communicated that funding deficits for stormwater pollution prevention and control services and facilities will hinder Permittees' efforts to improve water quality and comply with federal and state mandates; and, that non-compliance with current and future permits, may result in significant fines, costly remediation, and/or third-party lawsuits.

GRAND JURY FINDING #11:
"Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans."

RESPONSE: Agree. Following the failure of the funding initiative, many Permittees like the Town of Moraga are still in the process of evaluating options and alternative plans. Most or all of the available options, including redirecting monies from their General Funds, have significant negative consequences.

RESPONSES TO GRAND JURY RECOMMENDATIONS 1-6

GRAND JURY RECOMMENDATION #1:
"The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. BASMAA committees, Water Board staff, and Permittee representatives are attending regularly scheduled meetings to negotiate the terms and conditions of the next permit.

GRAND JURY RECOMMENDATION #2:
"The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives including the Town of Moraga and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

GRAND JURY RECOMMENDATION #3:
"Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans."

RESPONSE: This recommendation has not yet been implemented, but will be implemented in the future. Future expenditure requirements under the current permit were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative, and funding plans are being developed (see response to Finding #11). However, estimating future expenditure requirements for the yet to be negotiated reissued permit is premature at this time as current permit mandated pilot studies and projects designed to inform future negotiated permit mandates are not yet complete. Additionally, permit reissuance negotiations are just getting underway and there is currently no draft permit available for review. Given the complexity and scope of municipal NPDES permits, and the inherent unpredictability of the reissuance process, quantifying a range of future expenditure requirements at this time would be highly speculative and subject to significant debate. A time frame for implementation of this recommendation is dependent on the permit reissuance process, which is dictated by the Water Board pursuant to applicable provisions of the California Water Code.

GRAND JURY RECOMMENDATION #4:
"Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance."

RESPONSE: This recommendation requires further analysis. The CCCWP's Management Committee which the Town of Moraga is a part of will consider preparing a "fact sheet" addressing these issues, which would be posted on the CCCWP's website, and, if appropriate, may also be posted on the Town's website. This action will be considered in August and, if approved, implemented in October 2013.

GRAND JURY RECOMMENDATION #5:
"The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

RESPONSE: This recommendation has been implemented. CCCWP activities are: (a) aligned to facilitate Town of Moraga and other Permittees' compliance with permit requirements, including foresight of potential future permit requirements; (b) implemented efficiently with the available budget, and (c) responsive to the direction of the CCCWP's Management Committee, which is comprised of Permittee representatives.

GRAND JURY RECOMMENDATION #6:
"Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives."

RESPONSE: This recommendation will not be implemented because it is not reasonable. It is not within the Permittees' power or authority to ensure that the objectives, timelines, or

provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

The Town of Moraga thanks the Contra Costa County Grand Jury for the opportunity to respond to its concerns. Please feel free to contact Tom Dalziel, CCCWP Manager at (925) 313-2392 or myself at (925) 888-7025 should you need additional information.

Sincerely,

Jill Keimach
Moraga Town Manager

cc: Moraga Town Council
Tom Dalziel, CCCWP Manager

City of Oakley
A Place for Families in the Heart of the Delta

3231 Main Street
Oakley, CA 94561
925 625 7000 tel
925 625 9859 fax
www.ci.oakley.ca.us

Mayor
Kevin Romick

Vice Mayor
Randy Pope

Councilmembers
Diane Burgis
Doug Hardcastle
Carol Rios

June 26, 2013

Contra Costa County Civil Grand Jury
Attn: Mark Hamaji, Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091
Clope2@contracosta.courts.ca.gov

RE: **Response to Grand Jury Report No. 1305 "Getting to Clean Water in Contra Costa County"**

Mr. Hamaji:

Thank you for the opportunity to respond to the Grand Jury's recent Report No. 1305. Below are our replies regarding each Finding and Recommendation requested of the City of Oakley.

Finding #1: Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program.

City's Response: *We agree with this finding.*

Finding #2: Many permitees are currently spending more than the total amounts collected from fees/taxes/assessments, etc, designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund.

City's Response: *We agree with this finding, though we are aware that some municipalities supplement their stormwater programs sources other than, or in addition to, their general funds.*

Finding #3: Despite the current levels of money being spent on the stormwater control initiatives, many Permitees do not think they are doing as much as necessary to position themselves to meet future compliance requirements.

City's Response: *We agree with this finding.*

Finding #4: The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear.

City's Response: *We agree with this finding.*

Finding #5: Permitees disagree on what reasonable/practical program requirements should entail.

City's Response: *We agree with this finding.*

Finding #6: All Permitees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years.

City's Response: *We agree with this finding.*

Finding #7: The CCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring.

City's Response: *We agree with this finding.*

Finding #8: As an intermediary between the Permitees and the regulatory bodies, the CCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permitees. There are dramatically different perspectives of what needs to be done and what happens if it is not done.

City's Response: *We don't agree with this finding. The regulatory process often produces disagreements and different interpretations.*

Finding #9: It is unclear what the impact of non-compliance status will be for a Permitee.

City's Response: *We agree with this finding. It appears that the federal Clean Water Act allows any one to file a suit against any person who has allegedly violated the law. The results of any given claim may be different and the exact impact of non-compliance is not clear.*

Finding #10: The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permitees.

City's Response: *We disagree with this finding. Representing the Permitees, the CCWP has consistently communicated that funding deficits for stormwater pollution prevention and control, and non-compliance with current and future permits, may result in significant fines and/or third-party lawsuits.*

Finding #11: Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans.

City's Response: *We mostly agree with this finding. We are not aware of all cities' activities/plans; however, Oakley is still evaluating options and alternative plans to comply.*

Recommendation #1: The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined.

City's Response: *This recommendation is being implemented by CCWP in cooperation with the Bay Area Stormwater Management Agencies Association (BASMAA) and the Water Board staff.*

Recommendation #2: The CCWP immediately being to implement more direct communication between the individual Permitees and the regulatory authorities

City's Response: *This recommendation is being implemented by CCWP in cooperation with the Bay Area Stormwater Management Agencies Association (BASMAA) and the Water Board staff. There is an agreement for a process for permit negotiations.*

Recommendation #3: Permitees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans.

City's Response: *Oakley prepared an estimated future expenditure requirement as a part of the Engineer's Report for the 2012 Community Clean Water Imitative. Continued evaluation, out of necessity, will be conducted.*

Recommendation #4: Permitees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including discussion of potential, but realistic, impacts of non-compliance.

City's Response: *This information was presented during the 2012 Community Clean Water Imitative and CCWP has committed to develop a fact sheet that can be used by all Permitees that will be made public.* yes

Recommendation #5: The CCWP consider immediately beginning to re-align its activities and operating costs.

City's Response: *CCWP activities are aligned to facilitate the Permittees' compliance with permit requirements, including foresight of potential future permit requirements, implemented efficiently with the available budget, and responsive to the direction of CCWP's Management Committee, which is comprised of Permittee representatives.*

Recommendation #6: Before any Permitee makes any effort to approach its citizens with another request for additional funding and all stakeholders reach a consensus on a plan for the path forward.

City's Response: *It is difficult to determine if all stakeholders could reach a consensus, particularly if some provisions of the NPDES permit are deemed to be reasonable by the Permittees. With that said, Oakley is willing to participate in any discussion to seek such a consensus.*

Again, we thank you for the opportunity to respond to the Grand Jury's recent Report No. 1305. If you have any questions or need any assistance, please contact me directly at (925) 625-7025 or at montgomery@ci.oakley.ca.us.

Sincerely,

Bryan H. Montgomery

Bryan H. Montgomery
City Manager

cc: City Council

ORINDA 22 orinda way • orinda • california • 94563

August 29, 2013

Via US Mail and Email: clope2@contracosta.courts.ca.gov

Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

SUBJECT: CITY OF ORINDA'S RESPONSE TO GRAND JURY REPORT NO. 1305, "GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY – WHAT'S THE PLAN AND WHERE'S THE MONEY?"

Dear Jury Foreperson Hamaji:

In accordance with your request and Section 933.05(a) of the California Penal Code, I am submitting, on behalf of the City of Orinda, responses to Findings 1-11 and Recommendations 1-6 in the subject Grand Jury Report.

BACKGROUND

The City of Orinda is a member of the Contra Costa Clean Water Program (CCCWP) which consists of Contra Costa County, its 19 incorporated cities/towns, and the Contra Costa County Flood Control and Water Conservation District, hereinafter referred to collectively as "Permittees."

In November 1990, the United States Environmental Protection Agency (USEPA) published final stormwater rules implementing the 1987 federal Clean Water Act (CWA) amendments, which established a framework for regulating municipal stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) permit program. The rules prohibit the discharge of pollutants in stormwater unless the discharge is in compliance with a NPDES permit. In response, the Permittees jointly established the CCCWP in 1991 through a Program Agreement, and applied for, and were subsequently issued, joint municipal NPDES permits issued by the San Francisco Bay and Central Valley Regional Water Quality Control Boards (Water Boards). The municipal NPDES permits are reissued approximately every five years.

The permits mandate Permittees to implement stormwater pollution prevention and control programs designed to reduce or eliminate the discharge of pollutants into and from municipal separate storm sewers (MS4s). Permittees conduct many of these mandated activities collectively (referred to as "Group Activities").

Costs for Group Activities are shared among the Permittees in accordance with a cost payment agreement between the District and each individual Permittee. The CCCWP is not itself a legal entity. The District provides staffing to the CCCWP and serves as the fiduciary agent and legal entity of the CCCWP. The roles and responsibilities of the CCCWP and Permittees are outlined in the Program Agreement, which was last updated and adopted by all Permittees in June 2010.

CITY OF ORINDA'S RESPONSES TO GRAND JURY FINDINGS 1-11

GRAND JURY FINDING #1
"In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program."

RESPONSE: Agree.

GRAND JURY FINDING #2
"Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund."

RESPONSE: Agree. Orinda supplements its stormwater program with funding from the general fund.

GRAND JURY FINDING #3
"Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."

RESPONSE: Agree. The 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Circuit, July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation. Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit of existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects. Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. Current dedicated funding is insufficient to meet existing and future water quality compliance requirements. Municipalities require federal and state assistance to identify capital funding and new revenue sources necessary for constructing, operating and maintaining stormwater drainage infrastructure improvements.

GRAND JURY FINDING #4
"The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear."

RESPONSE: Agree. Water Board staff determines the process for negotiating the terms and conditions of the next permit in accordance with state law and policy. Through the Bay Area

Stormwater Management Agencies Association (BASMAA), CCCWP Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

GRAND JURY FINDING #5
"Permittees disagree on what reasonable/practical program requirements should entail."

RESPONSE: Partially disagree. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to build and maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

GRAND JURY FINDING #6
"All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years."

RESPONSE: Agree.

GRAND JURY FINDING #7
"The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring."

RESPONSE: Agree.

GRAND JURY FINDING #8
"As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done."

RESPONSE: Disagree. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process. While a key function of the CCCWP is to act as a liaison between Permittees and federal and state regulators, each month Water Board staff is invited to attend the CCCWP Management Committee meetings to directly communicate to Permittees. In the last 12 months, representatives of the San Francisco Bay Water Board attended just two meetings and a representative of the Central Valley Water Board attended just one meeting.

GRAND JURY FINDING #9
"It is unclear what the impact of non-compliance status will be for a Permittee."

RESPONSE: Agree. Civil penalties of up to $10,000 per day plus $10 per gallon of polluted discharge for each violation may be imposed administratively by the Regional Water Quality Control Boards; fines of up to $25,000 per day for each violation may be assessed if imposed by the Superior Court. Furthermore, the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil

penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees. Other potential non-compliance enforcement options include, but are not limited to, corrective action notices (e.g., Notice to Comply, Notice of Deficiency, Notice of Violation, etc...), which may require additional water quality monitoring and/or pollution prevention and control measure implementation further impacting funding for stormwater compliance activities.

GRAND JURY FINDING #10
"The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees."

RESPONSE: Disagree. The CCCWP has consistently communicated that funding deficits for stormwater pollution prevention and control services and facilities will hinder Permittees' efforts to improve water quality and comply with federal and state mandates; and, that non-compliance with current and future permits, may result in significant fines, costly remediation, and/or third-party lawsuits.

GRAND JURY FINDING #11
"Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans."

RESPONSE: Partially disagree. Following the failure of the funding initiative, many Permittees are still in the process of evaluating options and alternative plans. Most or all of the available options, including redirecting monies from their General Funds, have significant negative consequences. Although these are not realistic alternative plans, we are continuing to seek solutions.

CITY OF ORINDA'S RESPONSES TO GRAND JURY RECOMMENDATIONS 1-6

GRAND JURY RECOMMENDATION #1:
"The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. BASMAA committees, Water Board staff, and Permittee representatives are attending regularly scheduled meetings to negotiate the terms and conditions of the next permit.

GRAND JURY RECOMMENDATION #2:
"The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

GRAND JURY RECOMMENDATION #3:
"Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans."

RESPONSE: The recommendation will not be implemented because it is not reasonable. Future expenditure requirements under the current permit were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative, and funding plans are being developed (see response to Finding #11); Estimates of future expenditure requirements associated with a range of future negotiation outcomes is not practical due to the complexity of the issues surrounding the management of municipal stormwater conveyance systems coupled with the number of permit requirements and the fluctuating and unpredictable nature of the regulatory permit process. The CCCWP does not have the resources to provide a meaningful prediction of the outcomes of future negotiations in order to develop future funding plans at this time.

GRAND JURY RECOMMENDATION #4:
"Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance."

RESPONSE: This recommendation requires further analysis. The CCCWP's Management Committee will consider preparing a "fact sheet" addressing these issues, which would be posted on the CCCWP's website. This action will be considered in August and, if approved, implemented in October 2013.

GRAND JURY RECOMMENDATION #5:
"The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

RESPONSE: This recommendation has been partially implemented. In response to item (a) of the recommendation, please refer to the CCCWP's response to Recommendation #3 above. In response to items (b) and (c), the CCCWP continually evaluates its activities and operating costs based on projected available funding and constituent needs.

GRAND JURY RECOMMENDATION #6:
"Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives."

RESPONSE: This recommendation continues to be implemented. It is the City's goal to approach and inform its citizens regarding any objectives mandated to the Clean Water Program which may require another future request for additional funding. However, it is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

On behalf of the City of Orinda, thank you for the opportunity to respond to the Contra Costa County Grand Jury's concerns.

Sincerely,

Amy R. Worth
Mayor, City of Orinda

cc: Charles Swanson, Director of Public Works and Engineering Services
Larry Theis, Senior Civil Engineer

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CITY OF PINOLE
City Manager's Office

2131 Pear Street
Pinole, CA 94564
Phone: (510) 724-8933
FAX: (510) 724-9826
www.ci.pinole.ca.us

August 22, 2013

Sent Via US Mail and Email: clope2@contracosta.courts.ca.gov

Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

Dear Mr. Hamaji:

Enclosed, please find the City of Pinole response to Grand Jury Report Number 1305, "Getting to Clean Water in Contra Costa County – What's the Plan and Where's the Money?

Grand Jury Findings:

1. ***"In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its storm water program."***

   Response: The City of Pinole agrees with this finding.

2. ***"Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund."***

   Response: The City of Pinole agrees with this finding. Some municipalities supplement their stormwater programs with funding from sources other than, or in addition to, the General Fund.

3. ***"Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."***

Response: The City of Pinole agrees with this finding.

4. ***"The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear."***

   Response: The City of Pinole agrees with this finding.

5. ***"Permittees disagree on what reasonable/practical program requirements should entail."***

   Response: The City of Pinole partially agrees. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to build and maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

6. ***"All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years."***

   Response: The City of Pinole agrees with this finding.

7. ***"The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring."***

   Response: The City of Pinole agrees with this finding.

8. ***"As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done."***

   Response: The City of Pinole Disagrees with this finding. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process. While a key function of the CCCWP is to act as a liaison between Perrmittees and federal and state regulators, each month Water Board staff is invited to attend the CCCWP Management Committee meetings to directly communicate to Permittees. In the last 12 months, representatives of the San Francisco Bay

Water Board attended just two meetings and a representative of the Central Valley Water Board attended just one meeting.

9. ***"It is unclear what the impact of non-compliance status will be for a Permittee."***

   Response: The City of Pinole Agrees with this finding.

10. ***"The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees."***

    Response: The City of Pinole Disagrees with this finding. The CCCWP has consistently communicated that funding deficits for stormwater pollution prevention and control services and facilities will hinder Permittees' efforts to improve water quality and comply with federal and state mandates; and, that non-compliance with current and future permits, may result in significant fines, costly remediation, and/or third-party lawsuits.

11. ***"Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans."***

    Response: The City of Pinole Agrees with this finding. Following the failure of the funding initiative, many Permittees are still in the process of evaluating options and alternative plans. Most or all of the available options, including redirecting monies from their General Funds, have significant negative consequences.

Grand Jury Recommendations:

1. ***"The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined."***

Response:

This recommendation is being implemented in cooperation with BASMAA and Water Board staff. BASMAA committees, Water Board staff, and Permittee representatives are attending regularly scheduled meetings to negotiate the terms and conditions of the next permit.

2. ***"The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."***

Response:

This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

3. ***"Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans."***

Response:

This recommendation has not yet been implemented, but will be implemented in the future. Future expenditure requirements under the current permit were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative, and funding plans are being developed (see response to Finding #11). However, estimating future expenditure requirements for the yet to be negotiated reissued permit is premature at this time as current permit mandated pilot studies and projects designed to inform future negotiated permit mandates are not yet complete.

Additionally, permit reissuance negotiations are just getting underway and there is currently no draft permit available for review. Given the complexity and scope of municipal NPDES permits, and the inherent unpredictability of the reissuance process, quantifying a range of future expenditure requirements at this time would be highly speculative and subject to significant debate. A time frame for implementation of this recommendation is dependent on the permit reissuance process, which is dictated by the Water Board pursuant to applicable provisions of the California Water Code.

4. ***"Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance."***

Response:

This recommendation requires further analysis. The CCCWP's Management Committee will consider preparing a "fact sheet" addressing these issues, which would be posted on the CCCWP's website. This action will be considered in August and, if approved, implemented in October 2013.

5. ***"The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.***

   Response:

   The City of Pinole has implemented this recommendation through the CCCWP activities including: (a) aligned to facilitate the Permittees' compliance with permit requirements, including foresight of potential future permit requirements; (b) implemented efficiently with the available budget, and (c) responsive to the direction of the CCCWP's Management Committee, which is comprised of Permittee representatives.

6. ***"Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives."***

   Response:

   The City of Pinole will not implement this recommendation because it is not reasonable. It is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

If you have any questions about the above, please do not hesitate to contact me at (510) 724-8933.

Sincerely,

Belinda B. Espinosa

Belinda B. Espinosa
City Manager

C Mayor and Council
Ben Reyes, City Attorney
Patricia Athenour, City Clerk

CITY OF PITTSBURG
65 Civic Avenue
Pittsburg, CA 94565
(925) 252-4930 Fax (925) 252-6928

August 12, 2013

Via US Mail and Email: clope2@contracosta.courts.ca.gov

Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

SUBJECT: CONTRA COSTA CLEAN WATER PROGRAM'S RESPONSE TO GRAND JURY REPORT NO. 1305, "GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY – WHAT'S THE PLAN AND WHERE'S THE MONEY?"

Dear Jury Foreperson Hamaji:

In accordance with your request and Section 933.05(a) of the California Penal Code, the City of Pittsburg is submitting responses to Findings 1-11 and Recommendations 1-6 in the subject Grand Jury Report.

BACKGROUND

In 1987, the U.S. Congress began requiring NPDES permits for all non-point source discharges of stormwater runoff entering waters of the state. Permit compliance responsibilities are vested with the State Water Quality Control Board (SWQCB). In 1993, the City of Pittsburg joined with the Contra Costa County Flood Control and Water Conservation District, Contra Costa County, and nineteen other cities to create the Contra Costa Clean Water Program (the "Clean Water Program") to effectively respond to the federal and state requirements regulating local discharges of stormwater into the San Joaquin / Sacramento River Delta and other waters of the state. The Clean Water Program conducts many of these mandated activities collectively ("Group Activities"). As a member of the Clean Water Program, the City is required to fund its pro-rata share of the Clean Water Program costs and the cost of its own City staff, which carry out many of the mandates at the local level.

City of Pittsburg's responses to G 1-11and Jury Findings

GRAND JURY FINDING #1

"In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program."

RESPONSE: Agree.

GRAND JURY FINDING #2
"Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund."

RESPONSE: Agree. The City of Pittsburg's stormwater control activities are supplemented by the City's solid waste fund, as funds are available. This supplement supports the City's stormwater efforts with regard to street sweeping and management of illegal dumping.

GRAND JURY FINDING #3
"Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."

RESPONSE: Agree. The 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Circuit, July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation. Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit of existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects. Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. Current dedicated funding is insufficient to meet existing and future water quality compliance requirements. Municipalities require federal and state assistance to identify capital funding and new revenue sources necessary for constructing, operating and maintaining stormwater drainage infrastructure improvements. The City of Pittsburg is judicious about how stormwater funds are expended. The availability of supplemental funding for the stormwater program varies from year to year. Therefore, the City makes every effort to choose and / or implement the most effective compliance activities for the monies available.

GRAND JURY FINDING #4
"The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear."

RESPONSE: Agree. Water Board staff determines the process for negotiating the terms and conditions of the next permit in accordance with state law and policy. Through the Bay Area Stormwater Management Agencies Association (BASMAA), CCCWP Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

GRAND JURY FINDING #5
"Permittees disagree on what reasonable/practical program requirements should entail."

RESPONSE: Partially disagree. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-

making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to build and maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

GRAND JURY FINDING #6
"All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years."

RESPONSE: Agree.

GRAND JURY FINDING #7
"The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring."

RESPONSE: Agree.

GRAND JURY FINDING #8
"As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done."

RESPONSE: Disagree. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process. While a key function of the CCCWP is to act as a liaison between Permittees and federal and state regulators, each month Water Board staff is invited to attend the CCCWP Management Committee meetings to directly communicate to Permittees. In the last 12 months, representatives of the San Francisco Bay Water Board attended just two meetings and a representative of the Central Valley Water Board attended just one meeting.

GRAND JURY FINDING #9
"It is unclear what the impact of non-compliance status will be for a Permittee."

RESPONSE: Agree. Civil penalties of up to $10,000 per day plus $10 per gallon of polluted discharge for each violation may be imposed administratively by the Regional Water Quality Control Boards; fines of up to $25,000 per day for each violation may be assessed if imposed by the Superior Court. Furthermore, the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees. Other potential non-compliance enforcement options include, but are not limited to, corrective action notices (e.g., Notice to Comply, Notice of Deficiency, Notice of Violation, etc...), which may require additional water quality monitoring and/or pollution prevention and control measure implementation further impacting funding for stormwater compliance activities.

GRAND JURY FINDING #10
"The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees."

RESPONSE: Partially disagree. The CCCWP has consistently communicated that funding deficits for stormwater pollution prevention and control services and facilities will hinder Permittees' efforts

to improve water quality and comply with federal and state mandates; and, that non-compliance with current and future permits, may result in significant fines, costly remediation, and/or third-party lawsuits. More effort must be made by the permittee to convey to the general public that this funding source also funds the maintenance of many Cities' storm drainage infrastructure. Therefore any funding deficits could also impact the City's ability to provide needed response services during emergencies and to address all maintenance services in a timely fashion.

GRAND JURY FINDING #11
"Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans."

RESPONSE: Partially agree. The City of Pittsburg anticipated that funding available for stormwater program permit compliance would inevitably become insufficient to address both the maintenance demands of the City's aging stormwater conveyance system, as well as the increasingly stringent mandates of a dynamic NPDES municipal permit. To help defray these increased costs of permit compliance, the Pittsburg City Council passed a resolution allowing the use of solid waste funds to help defray the costs of trash-related NPDES compliance mandates. In addition, the City continues to be as judicious as possible, expending funds for compliance activities that would produce the most meaningful results. Redirection of monies from the General Fund would have significant impacts to other City services obligated to the public.

CITY OF PITTSBURG'S RESPONSES TO GRAND JURY RECOMMENDATIONS 1-6

GRAND JURY RECOMMENDATION #1:
"The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. BASMAA committees, Water Board staff, and Permittee representatives are attending regularly scheduled meetings to negotiate the terms and conditions of the next permit.

GRAND JURY RECOMMENDATION #2:
"The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

GRAND JURY RECOMMENDATION #3:
"Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans."

RESPONSE: The recommendation will not be implemented because it is not reasonable. Estimates of future expenditure requirements associated with a range of future negotiation outcomes is not practical due to the complexity of the issues surrounding the management of municipal stormwater conveyance systems coupled with the number of permit requirements and the

fluctuating and unpredictable nature of the regulatory permit process. The City of Pittsburg does not have the resources to provide a meaningful prediction of the outcomes of future negotiations in order to develop future funding plans at this time.

GRAND JURY RECOMMENDATION #4:
"Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance."

RESPONSE: This recommendation requires further analysis. The CCCWP's Management Committee will consider preparing a "fact sheet" addressing these issues, which would be posted on the CCCWP's website. This action will be considered in August and, if approved, implemented in October 2013.

GRAND JURY RECOMMENDATION #5:
"The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

RESPONSE: This recommendation has been partially implemented. In response to item (a) of the recommendation, please refer to the City's response to Recommendation #3 above. In response to items (b) and (c), the City and CCCWP continually evaluate the activities and operating costs based on projected available funding and constituent needs.

GRAND JURY RECOMMENDATION #6:
"Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives."

RESPONSE: If this recommendation refers to the pursuit of a city-wide funding measure, the City would ensure that the objectives and expectant milestones of the proposed measure would clearly be articulated to its public. However, if this recommendation refers to a forward path for the permittee to implement measures for permit compliance, then this recommendation will not be implemented because finding consensus amongst all stakeholders is difficult. It is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

The City of Pittsburg thanks the Contra Costa County Civil Grand Jury for the opportunity to respond to its concerns. Please feel free to contact Jolan Longway at (925) 252-4803 should you need additional information.

Sincerely,

Joe Sbranti
City Manager

cc: Jolan Longway, Civil Engineer II

SEP - 4 2013

CITY MANAGER'S OFFICE

August 29, 2013

Via US Mail and Email: clope2@contracosta.courts.ca.gov

Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

SUBJECT: CONTRA COSTA CLEAN WATER PROGRAM'S RESPONSE TO GRAND JURY REPORT NO. 1305, "GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY – WHAT'S THE PLAN AND WHERE'S THE MONEY?"

Dear Jury Foreperson Hamaji:

In accordance with your request and Section 933.05(a) of the California Penal Code, the Contra Costa County Flood Control and Water Conservation District (District) is submitting, on behalf of the Contra Costa Clean Water Program, responses to Findings 1-11 and Recommendations 1-6 in the subject Grand Jury Report.

BACKGROUND

The Contra Costa Clean Water Program (CCCWP) consists of Contra Costa County, its 19 incorporated cities/towns, and the District, hereinafter referred to collectively as "Permittees."

In November 1990, the United States Environmental Protection Agency (USEPA) published final stormwater rules implementing the 1987 federal Clean Water Act (CWA) amendments, which established a framework for regulating municipal stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) permit program. The rules prohibit the discharge of pollutants in stormwater unless the discharge is in compliance with a NPDES permit. In response, the Permittees jointly established the CCCWP in 1991 through a Program Agreement, and applied for, and were subsequently issued, joint municipal NPDES permits issued by the San Francisco Bay and Central Valley Regional Water Quality Control Boards (Water Boards). The municipal NPDES permits are reissued approximately every five years.

The permits mandate Permittees to implement stormwater pollution prevention and control programs designed to reduce or eliminate the discharge of pollutants into and from municipal separate storm sewers (MS4s). Permittees conduct many of these mandated activities collectively (referred to as "Group Activities"). Costs for Group Activities are shared among the Permittees in accordance with a cost payment agreement between the District and each individual Permittee. The CCCWP is not itself a legal entity. The District provides staffing to the CCCWP and serves as the fiduciary agent and legal entity of the CCCWP. The roles and responsibilities of the CCCWP and Permittees are outlined in the Program Agreement, which

450 Civic Center Plaza, Richmond, CA 94804-1630
Telephone: (510) 620-6512 Fax: (510) 620-6542 www.ci.richmond.ca.us

was last updated and adopted by all Permittees in June 2010. In accordance with the Program Agreement, each City/Town/County/District manager designates one representative to participate on a Management Committee, which is the CCCWP's decision-making body. The following responses are provided on behalf of the CCCWP.

CCCWP'S RESPONSES TO GRAND JURY FINDINGS 1-11

GRAND JURY FINDING #1
"In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program."

RESPONSE: Agree.

GRAND JURY FINDING #2
"Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund."

RESPONSE: Agree. City of Richmond supplement's the stormwater program with funding from grants when awarded and the general fund.

GRAND JURY FINDING #3
"Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."

RESPONSE: Agree. The 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Cir., July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation. Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit to existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects. Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. Current dedicated funding is insufficient to meet existing and future water quality compliance requirements. Municipalities require federal and state assistance to identify capital funding and new revenue sources necessary for constructing, operating and maintaining stormwater drainage infrastructure improvements.

GRAND JURY FINDING #4
"The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear."

RESPONSE: Agree. Water Board staff determines the process for negotiating the terms and conditions of the next permit in accordance with state law and policy. Through the Bay Area Stormwater Management Agencies Association (BASMAA), CCCWP Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

GRAND JURY FINDING #5
"Permittees disagree on what reasonable/practical program requirements should entail."

RESPONSE: Agree. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

GRAND JURY FINDING #6
"All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years."

RESPONSE: Agree.

GRAND JURY FINDING #7
"The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring."

RESPONSE: Agree.

GRAND JURY FINDING #8
"As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done."

RESPONSE: Disagree. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process.

GRAND JURY FINDING #9
"It is unclear what the impact of non-compliance status will be for a Permittee."

RESPONSE: Agree. Note that the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees.

GRAND JURY FINDING #10
"The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees."

RESPONSE: Disagree. The CCCWP has consistently communicated that funding deficits for stormwater pollution prevention and control, and non-compliance with current and future permits, may result in significant fines and/or third-party lawsuits.

GRAND JURY FINDING #11
"Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans."

RESPONSE: Disagree. Following the failure of the funding initiative, the City of Richmond is in the process of evaluating options and alternative plans. This includes working with State legislators to change the mechanism of raising fees for stormwater compliance.

CCCWP'S RESPONSES TO GRAND JURY RECOMMENDATIONS 1-6

GRAND JURY RECOMMENDATION #1:
"The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff.

GRAND JURY RECOMMENDATION #2:
"The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

GRAND JURY RECOMMENDATION #3:
"Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans."

RESPONSE: Future expenditure requirements were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative. Funding plans are being developed (see response to Finding #11).

GRAND JURY RECOMMENDATION #4:

"Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance."

RESPONSE: The Contra Costa Clean Water Program (CCCWP) will consider preparing a "fact sheet" addressing these issues, which would be posted on the CCCWP's website.

GRAND JURY RECOMMENDATION #5:
"The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

RESPONSE: CCCWP activities are: (a) aligned to facilitate the Permittees' compliance with permit requirements, including foresight of potential future permit requirements; (b) implemented efficiently with the available budget, and (c) responsive to the direction of the CCCWP's Management Committee, which is comprised of Permittee representatives including the city of Richmond.

GRAND JURY RECOMMENDATION #6:
"Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives."

RESPONSE: It is not within the City of Richmond's power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

The City of Richmond thanks the Contra Costa County Grand Jury for the opportunity to respond to its concerns. Please feel free to contact Lynne Scarpa, Environmental Manager at (510) 307-8135 should you need additional information.

Sincerely,

Bill Lindsay
City Manager
City of Richmond

cc: Lynne Scarpa, Environmental Manager
Tom Dalziel, CCCWP Manager

ADMINISTRATION
City Manager

CITY OF SAN PABLO
City of New Directions

August 6, 2013

Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

SUBJECT: Contra Costa County Grand Jury Report No. 1305 "Getting to Clean Water in Contra Costa County – What's the Plan and Where's the Money?"

Dear Jury Foreperson Hamaji:

In accordance with your request and Section 933.05(a) of the California Penal Code, the City of San Pablo is submitting responses to Findings 1-11 and Recommendations 1-6 in the subject Grand Jury Report. The City of San Pablo appreciates the time and effort that the Grand Jury spent considering these matters.

GRAND JURY FINDINGS

1. **In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program.**

RESPONSE: Agree.

2. **Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund.**

RESPONSE: Agree. The City of San Pablo supplements the stormwater program with funding from the general fund.

3. **Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements.**

RESPONSE: Agree.

4. **The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear.**

RESPONSE: Agree. Water Board staff determines the process for negotiating the terms and conditions of the next permit. Through the Bay Area Stormwater

Management Agencies Association (BASMAA), and as a member of the Contra Costa Clean Water Program (CCCWP), the City of San Pablo has joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

5. **Permittees disagree on what reasonable/practical program requirements should entail.**

RESPONSE: Partially disagree. Each municipality has different water-quality issues, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to build and maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

6. **All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years.**

RESPONSE: Agree.

7. **The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring.**

RESPONSE: Agree.

8. **As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done.**

RESPONSE: Disagree. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process. A key function of the CCCWP is to represent Permittees while acting as a liaison between Perrmittees and federal and state regulators. It should be noted that Water Board staff is invited every month to attend the CCCWP Management Committee meetings to directly communicate with Permittees but they seldom attend.

9. **It is unclear what the impact of non-compliance status will be for a Permittee.**

RESPONSE: Agree. Civil penalties of up to $10,000 per day plus $10 per gallon of polluted discharge for each violation may be imposed administratively by the Regional Water Quality Control Boards; fines of up to $25,000 per day for each violation may be assessed if imposed by the Superior Court. Furthermore, the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Other potential non-compliance enforcement options include, but are not limited to, corrective action notices (e.g., Notice to Comply, Notice of Deficiency, Notice of Violation, etc.), which may require

additional programs further impacting funding for stormwater compliance activities. The Grand Jury interviewed only one regulator and one NGO who indicated a more lenient treatment, however, that information is not conclusive or binding.

10. **The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees.**

RESPONSE: Disagree. The CCCWP has stated in public outreach materials that funding deficits for stormwater pollution prevention will hinder Permittees' efforts to comply with federal and state mandates; and, that non-compliance with NPDES permits, may result in significant fines, costly remediation, and/or third-party lawsuits. These issues are also communicated to the public through City Council presentations and staff reports.

11. **Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans.**

RESPONSE: Agree. Following the failure of the funding initiative, the City of San Pablo is still in the process of evaluating options and alternative plans. Most or all of the available options, including redirecting General Fund monies, have significant negative consequences.

GRAND JURY RECOMMENDATIONS

1. **The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined.**

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. BASMAA committees, Water Board staff, and Permittee representatives including San Pablo staff are attending regularly scheduled meetings to negotiate the terms and conditions of the next permit.

2. **The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward.**

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

3. **Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans.**

RESPONSE: The recommendation will not be implemented because it is not reasonable at this time. Future expenditure requirements under the current permit were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative, and funding plans are being developed (see response to Finding #11); Estimates of future expenditure requirements associated with a range of future negotiation outcomes is not practical due to the complexity of the issues surrounding

the management of municipal stormwater conveyance systems coupled with the number of permit requirements and the fluctuating and unpredictable nature of the regulatory permit process. The CCCWP does not have the resources to provide a meaningful prediction of the outcomes of future negotiations in order to develop future funding plans at this time.

4. **Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance.**

RESPONSE: This recommendation requires further analysis (see Finding #9 above). The CCCWP's Management Committee will consider preparing a "fact sheet" addressing these issues, which would be posted on the CCCWP's website. This action will be considered this fall.

5. **The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.**

RESPONSE: This recommendation has been partially implemented. In response to item (a) of the recommendation, please refer to the City's response to Recommendation #3 above. In response to items (b) and (c), the City and CCCWP annually evaluate the activities and operating costs based on projected available funding and constituent needs.

6. **Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives.**

RESPONSE: This recommendation will not be implemented because it is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

The City of San Pablo appreciates the opportunity to respond to the Contra Costa County Civil Grand Jury concerns. Please feel free to contact Karineh Samkian, Environmental Program Analyst, at (510) 215-3064 if you have any further questions.

Sincerely,

Matt Rodriguez
City Manager

Cc: San Pablo City Council

CITY OF SAN RAMON

2222 CAMINO RAMON
SAN RAMON, CALIFORNIA 94583
PHONE: (925) 973-2500
WEB SITE: www.sanramon.ca.gov

August 14, 2013

Via U.S. Mail and Email: clope2@contracosta.courts.ca.gov

Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

RE: Contra Costa County Grand Jury Report No. 1305: "Getting to Clean Water in Contra Costa County – What's the Plan and Where's the Money"

Dear Mr. Hamaji,

On behalf of the City of San Ramon, this letter responds to the Contra Costa Grand Jury Report No. 1305: "Getting to Clean Water in Contra Costa County – What's the Plan and Where's the Money". The City of San Ramon appreciates the time and effort that you and the Grand Jury spend considering these matters. As required by California Penal Code §933.05, the City's response to the overall findings and recommendations is provided below.

Finding #1: In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program.

City Response: The City of San Ramon agrees with this finding.

Finding #2: Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund.

City Response: The City of San Ramon agrees with this finding.

Finding #3: Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements.

City Response: The City of San Ramon agrees with this finding.

Finding #4: The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear.

City Response: The City of San Ramon agrees with this finding.

Finding #5: Permittees disagree on what reasonable/practical program requirements should entail.

City Response: The City of San Ramon partially disagrees with this finding. While disagreements do occur as part of discussions related to stormwater management practices and priorities, Permittees consistently reach a consensus on matters related to county-wide efforts and initiatives. Each Permittee manages challenges and issues unique to their municipal storm water conveyance system which creates a fluctuation of priorities from one municipality to another.

Finding #6: All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years.

City Response: The City of San Ramon agrees with this finding.

Finding #7: The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring.

City Response: The City of San Ramon agrees with this finding.

Finding #8: As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done.

City Response: The City of San Ramon disagrees with this finding. Significant differences between the expectations and views of the regulators and Permittees exist due to the complexity of municipal storm water conveyance systems; the detection and management of pollutants; and the ability to fund maintenance, monitoring, and pollutant mitigation activities.

Finding #9: It is unclear what the impact of non-compliance status will be for a Permittee.

City Response: The City of San Ramon agrees with this finding.

Finding #10: The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees.

City Response: The City of San Ramon disagrees with this finding. Non-compliance and funding deficit risks are communicated accurately to the public through public presentations, City Council staff reports, and outreach campaigns.

Finding #11: Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans.

City Response: The City of San Ramon partially disagrees with this finding. The uncertainty of future permit requirements creates a situation in which the projection of long term funding needs is not possible; therefore municipalities must wait for adopted permits in order to create realistic long-term alternate plans. The City of San Ramon continues to discuss alternatives with a range of funding options, some of which could lead to a reduction of services.

Recommendation #1: The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined.

City Response: This recommendation has been implemented through coordination between the CCCWP, Bay Area Stormwater Management Agencies Association (BASMAA), and the Regional Water Board staff.

Recommendation #2: The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward.

City Response: The recommendation has been implemented. The CCCWP implemented procedures to ensure individual permittees are well informed of negotiations between BASMAA and the regulatory authorities. Permittees are made aware of meetings with regulatory authorities and are encouraged to participate in those meetings directly should a permittee choose to do so. Regulators have a standing invitation with a dedicated agenda item to attend CCCWP Management Committee meetings in order to directly communicate with permittees.

Recommendation #3: Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans.

City Response: The recommendation will not be implemented because it is not reasonable. Estimates of future expenditure requirements associated with a range of negotiation outcomes is not feasible due to the complexity of the issues surrounding the management of a municipal storm water management conveyance system coupled with the number of permit requirements and the fluctuating nature of the regulatory permit process. Permittees and the CCCWP do not have the resources to provide a meaningful prediction of the outcomes of future negotiations in order to develop future funding plans at this time. Future expenditure requirements can be estimated after a permit is adopted. The Engineer's Report for the 2012 Community Clean Water Initiative estimated future expenditures and developed a funding plan for the current permit cycle.

Recommendation #4: Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance.

City Response: The recommendation has not been implemented but will be implemented through the CCCWP in the near future.

Recommendation #5: The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

City Response: The recommendation has been partially implemented. In response to item (a) of the recommendation, please refer to the City response to Recommendation #3. In response to (b) and (c), the City and CCCWP continually evaluate the activities and operating costs based on projected available funding and constituent needs.

Recommendation #6: Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives.

City Response: The recommendation will not be implemented because it is not reasonable. The City of San Ramon faces a funding shortfall under the current permit terms. Based on information from Regional Water Board staff and the history of prior permit cycles, the next permit will increase the cost of compliance for all Permittees. Most Permittees do not have the resources to wait for a consensus from all stakeholders before exploring options to generate additional funding to cover existing shortfalls. The nature of the negotiation process combined with the complexity of the issue and the five-year term of the permit fosters a situation where reaching a consensus is an ongoing and dynamic process. In addition, it is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

The City of San Ramon appreciates the work performed by the Grand Jury and acknowledges the importance of the role served in oversight of local government activities.

We trust the Grand Jury will find these responses helpful to its endeavor.

Sincerely,

Greg Rogers
City Manager

(1) Mayor & City Council

CITY OF
WALNUT
CREEK

August 8, 2013

Via US Mail and Email: clope2@contracosta.courts.ca.gov

Mr. Marc Hamaji, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

SUBJECT: CITY OF WALNUT CREEK'S RESPONSE TO GRAND JURY REPORT NO. 1305, "GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY – WHAT'S THE PLAN AND WHERE'S THE MONEY?"

Dear Jury Foreperson Hamaji:

In accordance with your request and Section 933.05(a) of the California Penal Code, the City of Walnut Creek wishes to respond to Findings 1-11 and Recommendations 1-6 in the subject Grand Jury Report.

The City of Walnut Creek is co-permittee of the Contra Costa Clean Water Program (CCCWP), which is subsequently issued a joint municipal National Pollutants Discharge Elimination Permit (NPDES) permit issued by the San Francisco Bay Regional Water Quality Control Board. Costs for CCCWP activities are shared among the co-permittees in accordance with a cost payment agreement.

GRAND JURY FINDING #1
"In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program."

RESPONSE: Agree.

GRAND JURY FINDING #2
"Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund."

RESPONSE: Disagree. The City of Walnut Creek funds its Stormwater program solely through its Stormwater Utility Assessment and program fund reserves. The reserves are anticipated to run out in 5 years unless alternative funding source is identified.

GRAND JURY FINDING #3
"Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements."

RESPONSE: Agree. The 9th Circuit Court of Appeal decision in NRDC v. County of LA (9th Cir., July 13, 2011, No. 10-56017) determined that a municipality is strictly liable for violations of its NPDES permit if its discharges cause or contribute to an exceedance of a water quality standard in receiving waters. This decision potentially places every municipal stormwater discharger in the State of California in immediate non-compliance with their NPDES permit if monitoring data show an exceedance, and exposed to considerable liability, including fines and costly remediation. Permittees, regulators and watershed stakeholders agree compliance with strict numeric water quality standards will require substantial public investment for the redesign and retrofit to existing municipal separate storm sewer systems (MS4s). Currently, stormwater treatment and flow control measures are required on many new and redevelopment projects. Pilot studies and projects are being conducted under current municipal NPDES permits to evaluate the costs and benefits of implementing facilities that treat runoff from existing developed areas. Current dedicated funding is insufficient to meet existing and future water quality compliance requirements. Municipalities require federal and state assistance to identify capital funding and new revenue sources necessary for constructing, operating and maintaining stormwater drainage infrastructure improvements.

GRAND JURY FINDING #4
"The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear."

RESPONSE: Agree. Water Board staff determines the process for negotiating the terms and conditions of the next permit in accordance with state law and policy. Through the Bay Area Stormwater Management Agencies Association (BASMAA), CCCWP Permittees have joined with other Bay Area municipalities that are also Permittees under the Municipal Regional Stormwater Permit (MRP) to participate in discussions with Water Board staff regarding the terms and conditions of the next permit.

GRAND JURY FINDING #5
"Permittees disagree on what reasonable/practical program requirements should entail."

RESPONSE: Agree. Each municipality has different water-quality issues that must be addressed, different pollutant sources, different drainage system characteristics, different availability of funds, and different priorities for use of funds. Each municipality has its own decision-making body. Despite these differences, Permittees, through the CCCWP's Management Committee, continue to maintain consensus regarding permit negotiating positions and successfully identify, develop and implement group permit compliance activities.

GRAND JURY FINDING #6
"All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years."

RESPONSE: Agree.

GRAND JURY FINDING #7
"The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring."

RESPONSE: Agree.

GRAND JURY FINDING #8
"As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done."

RESPONSE: Disagree. There are significant differences between the expectations and views of the regulators and those of the Permittees; however, this is characteristic of the regulatory process.

GRAND JURY FINDING #9
"It is unclear what the impact of non-compliance status will be for a Permittee."

RESPONSE: Agree. Note that the Clean Water Act provides that any U.S. citizen may file a citizen suit against any person who has allegedly violated an effluent limitation regulation. Citizen enforcers are entitled to measures sufficient to ensure compliance, the imposition of administrative civil penalties of up to $27,500 per violation per day, and costs of litigation, including reasonable attorney's fees.

GRAND JURY FINDING #10
"The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees."

RESPONSE: Disagree. City staff has consistently communicated that funding deficits for stormwater pollution prevention and control, and non-compliance with current and future permits, may result in significant fines and/or third-party lawsuits.

GRAND JURY FINDING #11
"Following the failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans."

RESPONSE: Disagree. Following the failure of the funding initiative, City of Walnut Creek has streamlined many activities through innovative technology to be more efficient. The City strives not to impact its General Funds to augment Stormwater program implementation.

CCCWP'S RESPONSES TO GRAND JURY RECOMMENDATIONS 1-6

GRAND JURY RECOMMENDATION #1:
"The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff.

GRAND JURY RECOMMENDATION #2:
"The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward."

RESPONSE: This recommendation is being implemented in cooperation with BASMAA and Water Board staff. Specifically, BASMAA and Water Board staffs have agreed to a permit negotiation process that includes Permittee representatives. In addition, Permittee representatives and Water

Board staff continue to attend regularly scheduled discussions of permit issues in BASMAA committees.

GRAND JURY RECOMMENDATION #3:
"Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans."

RESPONSE: Future expenditure requirements were estimated as part of the Engineer's Report for the 2012 Community Clean Water Initiative. Funding plans are being developed (see response to Finding #11).

GRAND JURY RECOMMENDATION #4:
"Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance."

RESPONSE: The City of Walnut Creek will consider preparing a "fact sheet" addressing these issues, which would be posted on the City's Clean Water website (www.walnut-creek.org/cleanwater).

GRAND JURY RECOMMENDATION #5:
"The City consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

RESPONSE: CCCWP activities are: (a) aligned to facilitate the Permittees' compliance with permit requirements, including foresight of potential future permit requirements; (b) implemented efficiently with the available budget, and (c) responsive to the direction of the CCCWP's Management Committee, which is comprised of Permittee representatives.

GRAND JURY RECOMMENDATION #6:
"Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives."

RESPONSE: It is not within the Permittees' power or authority to ensure that the objectives, timelines, or provisions of their NPDES permit are reasonable. Tests of reasonableness, if used, are applied by the Water Board pursuant to the applicable provisions of the California Water Code.

The City of Walnut Creek thanks the Contra Costa County Grand Jury for the opportunity to respond to its concerns. Please feel free to contact Rinta Perkins, Clean Water Program Manager at (925) 256-3511 should you need additional information.

Sincerely,

Ken Nordhoff
City Manager

cc: Rinta Perkins, Clean Water Program Manager

2013 Grand Jury Report 1305
"Getting to Clean Water in Contra Costa County"

A REPORT BY
THE 2012-2013 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1305

GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY

What's the Plan and Where's the Money?

APPROVED BY THE GRAND JURY:

Date: 5/21/2013

MARTHA WHITTAKER
GRAND JURY FOREPERSON-PRO TEM

ACCEPTED FOR FILING:

Date: 5/29/13

JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contact: Martha Whittaker
Foreperson
925-957-5638

Contra Costa County Grand Jury Report 1305

GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY

What's the Plan and Where's the Money?

TO: Cities and Towns of Contra Costa County; Contra Costa County Board of Supervisors; Contra Costa Flood and Water Conservation District (collectively "Permittees"), and the Contra Costa Clean Water Program

SUMMARY

The Contra Costa Clean Water Program (CCCWP) is characterized by an inability among the stakeholder organizations to reach agreement regarding exactly what they are trying to accomplish, in what manner, in what period of time, and the consequences of failing to do so. Stakeholders include CCCWP management and Permittees, empowered regulatory bodies, and interested activist community groups. They have different opinions and perspectives of what is important, what should or should not be prioritized, what is urgent, what quantifiable indicators should be used to gauge progress and compliance and what is the real exposure for non-compliance. The result is a stream of public communication and comment that is, at best, contradictory and, at worst, misleading. As a starting point, there needs to be constructive dialogue between each of the Permittees and the appropriate regulatory authorities.

The failure of Proposition 218, the 2012 Community Clean Water Initiative, to receive voter approval was a serious setback for the program. The ballot initiative was intended to, at least partially and for a short period of time, address the imbalance between the current and projected future costs for planned clean water activities that far exceeded available funds. Now the Permittees must determine alternative funding sources.

It is projected that by 2015, with no changes in the current permit requirements, a funding gap of several million dollars will exist. This shortfall could significantly grow if new permit requirements are incrementally more onerous than current requirements, as expected. This funding gap, if not resolved, may result in an inability to conduct critical activities needed to meet permit standards. It may also place some Permittees in a condition of non-compliance, with consequent exposure to fines, other monetary damages and enforcement actions.

As the challenge of finding additional funding is addressed, it is an appropriate time for the Permittees to make an effort to better define and understand their paths forward and develop more detailed plans, timelines, and desired outcomes. These re-evaluations should, at least,

include:

a) negotiation of more realistic, better-defined compliance terms that take into account differences in participant characteristics;

b) implementation of more efficient and effective operating practices of the Contra Costa Clean Water Program; and,

c) identification of ways to make the impacted communities more aware of the importance of the program and the challenges ahead.

METHODOLOGY

In evaluating the stormwater pollution control activities as instituted in Contra Costa County by the Permittees, the following tasks were performed:

- Interviews with selected city managers and selected county officials
- Interviews with CCCWP staff, selected Permittee representatives to the CCCWP (collectively "program personnel") and regulatory personnel
- Interview with a representative from an environmental Non-Governmental Organization (NGO)
- Review of the stormwater permits applicable in Contra Costa County
- Review of individual Permittee stormwater program budgets
- Review of CCCWP publications and operating data
- Review of Permittee Annual Reports for the most recent year
- Attendance at CCCWP Management Committee Meetings and review of minutes for those meetings and others not attended
- Review of Environmental Protection Agency (EPA) and California State Water Board literature with regard to stormwater programs and requirements
- Review of information prepared (and in some cases sent to voters) as part of the 2012 Community Clean Water Initiative, including a number of different outside consultant reports
- Review of public media articles involving the local storm water program and recent ballot initiative
- Review of informational websites including California Stormwater Quality Association (casqa.org), Bay Area Stormwater Management Agencies Association (basmaa.org) and Contra Costa Clean Water Program (cccleanwater.org)

BACKGROUND

The Federal Clean Water Act (as amended from time to time) established the National Pollutant Discharge Elimination System (NPDES) Permit Program to control water pollution. The program regulates point sources that discharge pollutants into the waterways of the United States. The Permit Program is administered by the individual states - in California, by the State Water Board and a series of Regional Water Quality Control Boards (RWQCB). The various water boards are responsible for issuing NPDES permits governing discharges into specific watersheds and determining and enforcing compliance with the individual permit requirements.

One requirement of amendments to the Clean Water Act in 1987 was that many municipalities were obligated to obtain NPDES permits for discharges of urban runoff from their storm sewer systems into local watersheds. Accordingly, the 19 incorporated cities/towns of Contra Costa County, along with the Contra Costa County Flood Control District and the unincorporated areas of Contra Costa County (collectively the "Permittees"), were required to obtain these NPDES permits. The Permittees are covered by one of two applicable permits as shown in the following table:

San Francisco Permit (Discharge into San Francisco Bay)		Central Valley Permit (Discharge into Delta)
Clayton	Pittsburg	Antioch
Concord	Pleasant Hill	Brentwood
El Cerrito	Richmond	Oakley
Hercules	San Pablo	
Lafayette	San Ramon	
Martinez	Walnut Creek	
Orinda	Moraga	
Pinole	Danville	

The Contra Costa Flood Control and Water Conservation District and Contra Costa County are parties to both permits. For purposes of the discussion in this report, no distinction is made between the two permits.

These parties to the two permits -- the Permittees -- are individually responsible for complying with the requirements of their respective permits. The activities typically include street sweeping, storm drain maintenance and cleaning, litter control, creek cleanup programs, construction site and business inspection and control, and public outreach.

In Contra Costa County, in 1991 the Permittees formed the Contra Costa Clean Water Program (CCCWP) to coordinate certain centralized services or group activities such as training and monitoring programs, and public outreach. The CCCWP also serves as the point organization for the Permittees' interface with the Regional Water Quality Control Boards and is expected to continue to do so in the upcoming permit renegotiations. CCCWP is run by a "management committee" comprised of representatives of each of the Permittees. Each of the Permittees and the CCCWP file an Annual Report detailing their compliance with the permit. Reviews of these reports indicate that, for the most recent period, no instances of non-compliance were reported.

However, in December, 2012, Contra Costa County received a "Notice of Violation" with regard to its stormwater program identifying 9 different violations and 30 required actions. Moreover, in January, 2013, several of the Permittees received "Notices of Deficiency" related to a review by the Water Board of certain sections of the 2012 Annual Reports. County personnel interviewed acknowledged that, the most recent Annual Report notwithstanding, the County is not in compliance under the permits. Additionally, a number of the cities interviewed suggested that they were either on the verge of non-compliance, if not already noncompliant.

Generally, the cities and county fund their storm water permit activities via a Stormwater Utility Assessment (SUA) levied on property owners (exceptions are Brentwood and Richmond which use alternative sources including general fund revenues). CCCWP is funded by the participating cities out of the assessment revenue collected.

According to a report to the CCCWP from SCI Consulting Group, since the implementation of the SUA, "inflation and ever-expanding permit mandates have progressively increased the cost of NPDES permit implementation and drainage system maintenance. All municipalities now charge the maximum authorized by the SUA."

From a budgetary perspective, over the past two fiscal years the majority of cities are spending more than they collect in assessment revenue. Municipalities are absorbing shortfalls using non-storm water funds, general fund resources or prior years' reserves. Several city managers indicate that, to the extent general fund monies are required for this purpose; there will be an impact on their city's ability to provide other services.

The regulatory authorities are aware of and sympathetic to the fiscal challenges faced by cities with respect to the program, but have a somewhat different view as to why the cities face the challenges they do. The regulatory personnel indicate that when the SUA structure was enacted, many of the cities immediately shifted the funding of certain program-eligible activities (such as street sweeping and other elements of public works) out of their general funds to be funded out of the new stormwater assessments. While this may have been beneficial to the cities in the short term, in the long run it removed funds which should have been available for the long-term growth and development of the stormwater program, which all understood would necessarily grow increasingly more complex and rigorous over time.

Some city managers and program personnel indicate that, while still in compliance, they are not necessarily doing everything they need to do to ensure continued future compliance due to funding limitations. In a report by SCI Consulting Group commissioned by the CCCWP, consultants stated "Because of current fiscal difficulties, most municipalities are deferring some required maintenance on infrastructure. Some permit-mandated activities, such as staff training, routine surveillance and inspections and outreach are also being minimized. While these budget balancing reductions will not necessarily compromise permit compliance in the short term, in the long term, they could erode local program effectiveness."

The current permits have introduced additional requirements including expanded storm water monitoring and increased trash control. It is expected that the renegotiated permits will have additional significant implementation requirements. For example, cities now have a requirement that 40% of all trash be removed from the storm water discharge by mid-2014. This rises to 70% by 2017 and 100% by 2022. The State Water Board has rejected the short-term plan submitted by CCCWP for meeting these requirements.

The exact timing of negotiations and program requirements of the new permits are not fully known at this time. Discussion with program personnel and observation of select CCCWP management committee meetings indicate that there is some disagreement as to what Permittees view as reasonable requirements. However, the Permittees also believe that, individually, they have very limited ability to influence the permit process.

The regulators believe that they must balance the requirements of the legal mandates (including Federal Clean Water Act requirements and California state requirements), the desires of outside advocacy groups (primarily environmental groups such as San Francisco Baykeeper, Natural Resource Defense Council, etc.) and the Permittees. Regulators feel the permits are sufficiently flexible to account for size differentials and, to the extent possible, take into account individual circumstances.

The overall structure of the Clean Water Program, with the resulting multiple layers of bureaucracy between the regulatory authorities and the individual Permittees may be a key contributing factor to the dramatically different perspectives of what needs to be done, how it should be done, and what happens if it is not done. Discussions with representatives of many stakeholder organizations revealed a lack of alignment on these issues. In particular, while regulators indicate that the underlying rules are flexible and enforcement activity is subjective, Permittees indicate they are forced to "interpret" the message and this makes formulation of their stormwater program plans and activities difficult. This is especially true during a time of scarcity of financial resources, and a need to make hard choices between competing demands for those resources.

To address the current and expected future fiscal shortfalls, the municipalities and CCCWP sponsored a county-wide Proposition 218 compliant ballot initiative to increase funding by approximately $8.7 million per year. According to program personnel, this additional funding level was based on "what the public would accept"; however, consultants to CCCWP estimated future costs to be well in excess of those requested via the ballot measure. The ballot measure failed. In its Annual Report the CCCWP described the results as follows:

"The defeat of the 2012 Community Clean Water Initiative represents a setback for Permittees' clean water programs in Contra Costa County. Permittees have exhausted their reserves. Many are now relying on other municipal revenues, such as their general funds, to implement MRP (Municipal Regional Permit) compliance. At the same time, reductions in general fund revenues due to significant losses in property and sales tax revenues has resulted in reductions in staffing, salaries and benefits, and community services and programs. Local elected officials are faced with agonizing and unpopular public policy decisions on how to use and allocate their limited resources and revenues to continue to provide critical services (e.g. public safety, road maintenance, public facilities operation and maintenance, natural resource protection)."

Some city managers have referred to the current storm water situation as an "unfunded mandate". They indicate that specific solutions to the potential funding problems have not been determined. At least one city, El Cerrito, has held some limited public discussion on the issue and has begun to explore potential funding options including a city-specific bond measure. In its 2012 Annual Report, the CCCWP indicates that it does not believe any additional county-wide funding measures would be successful at this time.

Interviews with some city managers and program personnel indicate that, given the fiscal issues

they face, the level of deferred program activities, and both currently known and expected more rigorous future program requirements, the majority of cities in the county will be in non-compliance with the NPDES permits over the next 2-5 years. The impact of non-compliance is not clear at this point. There is a wide range of potential outcomes. In a report prepared as part of the ballot initiative effort, consultants to the CCCWP indicate the following:

"Non-compliance with Permit Requirements exposes the Permittees to fines from the RWQCB as well as to potential third-party lawsuits. All Permittees must demonstrate full compliance or be subject to regulatory actions including:

- Administrative Civil Liability - $10,000 per day of violation and/or $10.00 per gallon of discharge
- Cease and Desist Orders for either public or private development projects
- Third-Party lawsuits alleging non-compliance and recommending regulatory actions be taken against the entity until violations have been corrected or negative impacts eliminated."

One regulatory agency made it clear that, while these statements might reflect the "letter of the law", they in no way reflect the "spirit of the law" or any intention on the part of that regulatory agency to implement fines of any kind in the near term on Permittees making reasonable efforts to achieve compliance. An interview conducted with a member of a prominent environmental group echoed this position that they do not intend to put undue financial burden or bring third-party lawsuits against Permittees as long as they can demonstrate that concerted and continuous efforts are being made to fulfill the mandates of the permit. The environmentalist clearly stated that while they have in the past and will continue to rigorously monitor various Permittee compliance activities in the future, their approach remains realistic and mindful of the financial and personnel constraints of those Permittees.

Some city managers and program personnel acknowledge the potential for significant monetary fines or other regulatory actions. It is possible that the Regional Water Quality Control Boards will recognize the severity of the fiscal situation and enter into a consent-decree type arrangement which, while not changing the discharge requirements, will allow more time to reach those levels as long as continuous progress can be demonstrated by each Permittee and will not impose onerous fines or penalties.

Observation of discussions at the CCCWP Management Committee meetings and a review of their meeting minutes reflect that they have not developed substantive solutions to the fiscal issues facing the group. The CCCWP Annual Report describes actions which they are currently taking to ameliorate the situation as, "specific actions identified include, but are not limited to:

- Review and analyze alternative CCCWP organizational structures, staffing and consultant support levels, and tasks;
- Review other potential sources of revenue (e.g. increased fees) to fund mandated compliance activities;
- Engage local elected officials, municipal managers, businesses, citizens and other stakeholders in development of effective water quality attainment strategies;

- Identify prioritized actions to reduce the discharge of trash and other pollutants of concern to local creeks, the Delta and bay; and,

- Seek flexibility requirements to allow individual Permittees to focus their limited resources to address local water quality priority problems."

It is not clear from interviews with program personnel or city managers that these actions have resulted in any significant or concrete changes which go to solve the current set of problems or at least partially ameliorate the current set of problems facing the Permittees.

Attendance at CCCWP Management Committee meetings, as well as a review of the group's minutes and discussions with city managers and program personnel indicate that there are concerns with how the organization is operating and whether it is really in a position to provide or contribute significantly to resolving the current fiscal situation. City managers in particular believe that the 2012 ballot initiative was mishandled in the way it was conducted, and the public was not educated as to its necessity. Some individual city participants question whether they might be better off trying to resolve their issues independently rather than as a combined group. Discussions with program personnel and a review of the history of local watershed permitting, as contained in the current NPDES permits, show that the regulatory authorities have fostered the creation of larger groups of participants in Contra Costa County that share standard agreements. Doing so removes the necessity of negotiating a series of unique agreements with individual municipalities. This is also true outside of Contra Costa County.

The San Francisco Bay permit expires in 2014 and the Central Valley Permit expires in 2015. Both will require renegotiation of new pollution standards and required activities. It is not clear how successfully the CCCWP (including its various committees) has undertaken the efforts to actively communicate issues and problems in order to influence the structure and requirements of the next permits, including dialogue to understand the possibility and ramifications of potential non-compliance and the regulatory bodies' likely responses.

While some Permittees have made excellent efforts to educate their constituents as to the nature and magnitude of the problems they face, most have not. Interviews with program personnel indicate that little or no discussion with citizens of either the current or the expected longer-term fiscal issues faced by the stormwater programs have occurred.

FINDINGS

1. In the most recent Annual Reports, Permittees reported compliance with their permits; however, Contra Costa County recently received a "Notice of Violation" with regard to its stormwater program.

2. Many Permittees are currently spending more than the total amounts collected from fees/taxes/assessments etc., designated for stormwater management purposes; any funding shortfalls are covered via supplements from the general fund.

3. Despite the current levels of money being spent on the stormwater control initiatives, many Permittees do not think they are doing as much as necessary to position themselves to meet future compliance requirements.

4. The requirements for compliance are expected to become increasingly demanding and the process of negotiating the terms and conditions of the next permit are unclear.

5. Permittees disagree on what reasonable/practical program requirements should entail.

6. All Permittees are forecasting that the lack of funds needed to undertake the critical activities to reach compliance levels will result in the majority of them being non-compliant in 2-5 years.

7. The CCCWP seems to be doing a reasonable job in terms of its role for centralized activities such as public education, outreach, training and monitoring.

8. As an intermediary between the Permittees and the regulatory bodies, the CCCWP appears to be failing because there is a significant difference between the expectations and views of the regulators and the Permittees. There are dramatically different perspectives of what needs to be done, how it should be done and what happens if it is not done.

9. It is unclear what the impact of non-compliance status will be for a Permittee.

10. The potential future risk associated with funding deficits and non-compliance is not being accurately communicated to citizens by the Permittees.

11. Following failure of the 2012 Community Clean Water Initiative, cities do not appear to have formulated realistic alternative plans.

RECOMMENDATIONS

The Grand Jury recommends that:

1. The permit negotiation process be clarified with roles, negotiating strategies, and negotiation objectives defined.

2. The CCCWP immediately begin to implement more direct communications between the individual Permittees and the regulatory authorities to eliminate the confusion that currently exists between the two parties as to program requirements, solutions for meeting long-term permit compliance and development of mutually agreed-upon plans for the path forward.

3. Permittees immediately quantify a range of future expenditure requirements associated with a range of negotiation outcomes and develop funding plans.

4. Permittees consider identifying funds to disclose to the public "the issues" surrounding the lack of funding to fulfill their NPDES permit requirements, including a discussion of potential, but realistic, impacts of non-compliance.

5. The CCCWP consider immediately beginning to re-align its activities and operating costs with; (a) probable outcomes from the negotiation of the next permit's compliance requirements; (b) projected available funding; and (c) constituent needs.

6. Before any Permittee makes any effort to approach its citizens with another request for additional funding, all stakeholders reach consensus on a plan for the path forward that includes articulations of reasonable objectives, ways to measure those objectives and reasonable timelines for accomplishment of those objectives.

REQUIRED RESPONSES

	Findings	Recommendations
City of Antioch	1 – 11	1 - 6
City of Brentwood	1 – 11	1 - 6
City of Clayton	1 – 11	1 - 6
City of Concord	1 – 11	1 - 6
Town of Danville	1 – 11	1 - 6
City of El Cerrito	1 – 11	1 - 6
City of Hercules	1 – 11	1 - 6
City of Lafayette	1 – 11	1 - 6
City of Martinez	1 – 11	1 - 6
Town of Moraga	1 – 11	1 - 6
City of Oakley	1 – 11	1 - 6
City of Orinda	1 – 11	1 - 6
City of Pinole	1 – 11	1 - 6
City of Pittsburg	1 – 11	1 - 6
City of Pleasant Hill	1 – 11	1 - 6
City of Richmond	1 – 11	1 - 6
City of San Pablo	1 – 11	1 - 6
City of San Ramon	1 – 11	1 - 6
City of Walnut Creek	1 – 11	1 - 6
Contra Costa County Board of Supervisors	1 – 11	1 - 6
Contra Costa Flood and Water Conservation District	1 – 11	1 - 6
Contra Costa Clean Water Program	1 – 11	1 - 6

CONTRA COSTA COUNTY PUBLIC WORKS
Response to Civil Grand Jury
Report No. 1705 Board Order

Contra Costa County

To: Board of Supervisors

From: David Twa, County Administrator

Date: August 1, 2017

Subject: Response to Civil Gran Jury Report No. 1705, Entitled "Funding Flood Control Infrastructure"

RECOMMENDATION(S):

ADOPT report as the Board of Supervisors' response to Civil Grand Jury Report No. 1705, entitled "Funding Flood Control Infrastructure" and DIRECT the Clerk of the Board to forward to the Superior Court no later than August 29, 2017.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The 2016/17 Civil Grand Jury filed the above-reference report attached, on May 31, 2017, which was reviewed by the Board of Supervisors and subsequently referred to the County Administrator and Public Works Department, who prepared the attached response that clearly specifies:

A. Whether the finding or recommendation is accepted or will be implemented;
B. If a recommendation is accepted, a statement as to who will be responsible for implementation and a definite target date;
C. A delineation of the constrains if a recommendation is accepted but cannot be

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/01/2017** ☑ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, 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: August 1, 2017

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

By: Stephanie Mello, Deputy

Contact: Laura Strobel, (925) 335-1091

cc: Julie Burean, Public Works Director

implemented within a six-month period; and
D. The reason for not accepting or adopting a finding or recommendation.

BACKGROUND: (CONT'D)

FINDINGS

F1. Reserves have not been set aside for the replacement costs of the County flood control system.

Response: *The respondent agrees with the finding.*

F2. Presently, there is little public support to fund the replacement costs of the County flood control system.

Response: *The respondent neither agrees nor disagrees with the finding; however, based on presentations given to a wide variety of groups in Contra Costa County and the feedback received, there does not appear to be public support to raise revenue to fund replacement costs of Flood Control District facilities.*

F3. There is little sense of urgency among elected officials towards financing the replacement costs of flood control in California.

Response: *The respondent disagrees with the finding. The Contra Costa County Board of Supervisors understands the urgency to develop a funding source for replacement, however the solution includes modifying the California State Constitution. Senate Bill 231 by Hertzberg would define Sewer to include stormwater and flood control facilities and, therefore, be considered a utility and be allowed to raise rates similar to water and wastewater. The California State Association of Counties (CSAC) is committed to finding a funding solution for local stormwater programs. CSAC staff are working in coordination with county public works departments to build local political support with county Board of Supervisors and state legislators as well as to increase public awareness of this critical issue until a successful statewide solution is identified.*

F4: The older sections of the County flood control system are approaching their design life of 70 years.

Response: *The respondent agrees with the finding.*

F5: The current mechanism for funding flood control is not enough to maintain and eventually replace the system.

Response: *The respondent agrees with the finding. None of the Flood Control Zones have adequate funding to maintain and eventually replace the systems. For example, the County receives no money to maintain and replace the existing infrastructure for Pinole Creek, Zone 9 because the tax rate was set at zero when Proposition 13 went into effect.*

F6. The proposed California Water Conservation, Flood Control and Storm Water Management Act could provide revenues for County Flood Control to begin building financial reserves for full maintenance and eventual replacement of the system.

Response: *The respondent agrees with the finding. The proposed legislation is an*

effort to modify the California Constitution to allow stormwater to be treated as a utility similar to water or sewer. This proposed modification would allow a rate structure for stormwater to be used for maintenance or replacement of facilities.

RECOMMENDATIONS

R1. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider continuing to pursue efforts to educate elected officials about the urgency of passing the California Water Conservation, Flood Control and Storm Water Management Act.

Response: *The recommendation has been implemented. The Board of Supervisors is working with the California State Association of Counties and the League of Cities to outreach to elected officials and the public in general in California on the importance of stormwater funding.*

R2. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider identifying funds to increase the Flood Control maintenance budget to begin reducing the deferred maintenance backlog, prior to January 2018.

Response: *The recommendation has been implemented. The Board of Supervisors is very involved in the ongoing efforts to identify funding to increase the Flood Control maintenance budget and is working closely with CSAC and state Legislators to determine the best course of action to address stormwater funding. It is not anticipated that currently proposed legislation will pass before January 2018.*

R3. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider identifying funds to begin building reserves to fund the reconstruction of the County flood control system, prior to January 2018.

Response: *The recommendation has been implemented. The Board of Supervisors has considered availability of funding and is closely following efforts in Sacramento to determine the best course of action to address stormwater funding. It is not anticipated that the proposed legislation would pass before January 2018.*

R4. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District,should consider instructing Flood Control staff to prepare plans for a County wide campaign to educate the public on the need to replace the infrastructure.

Response: *The recommendation has been implemented. The Flood Control District is engaged in an ongoing outreach campaign to residents on the importance of stormwater infrastructure and the funding for installation, replacement and maintenance. District Staff regularly reports to the Board of Supervisors' Transportation Water and Infrastructure Committee on the outreach efforts and to the full Board of Supervisors annually and receives input and direction.*

<u>CONSEQUENCE OF NEGATIVE ACTION:</u>

In order to comply with statutory requirements, the Board of Supervisors must provide a response to the Superior Court no later than August 29, 2017. The Board must take timely action in order to comply with the statutory deadline.

ATTACHMENTS

Civil Grand Jury Report No. 1705

2017 Grand Jury Report 1705
“Funding Flood Control Infrastructure”

A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1705

Funding Flood Control Infrastructure

APPROVED BY THE GRAND JURY:

Date: 6/8/17

JIM MELLANDER
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 5/31/17

JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contact: Jim Mellander
Foreperson
925-608-2621

Contra Costa County Civil Grand Jury Report 1705

Funding Flood Control Infrastructure

TO: Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District

SUMMARY

Most portions of the Contra Costa County (County) flood control system were built over 55 years ago. Because of its age, the system requires a high level of maintenance and will eventually need to be replaced. Currently, there is a shortfall in funds to adequately maintain the flood control system. Due to the lack of funds, the system has unmet maintenance needs. Deferred maintenance of the system not only reduces its efficiency, but could lead to failure of flood control components.

To prevent failure of the flood control system, immediate funding is needed to pay for deferred maintenance. The Contra Costa County Flood Control and Water Conservation District (Flood Control) lacks adequate sources of revenue to pay for these needs. State legislation has been proposed that would enable flood control to be funded as a utility through assessed fees.

The Grand Jury recommends that the County Board of Supervisors consider funding deferred maintenance, while continuing to support efforts to get State legislation passed allowing Flood Control to increase revenues for replacement of its aging infrastructure.

METHODOLOGY

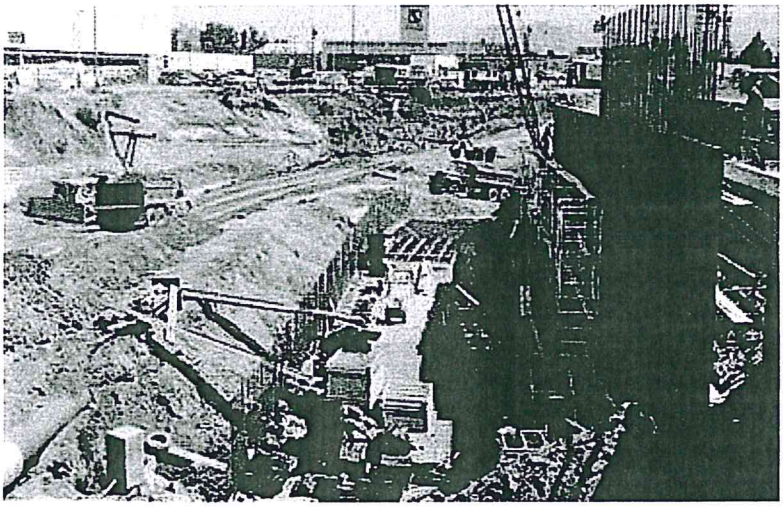
In the course of its investigation, the Grand Jury:

- Interviewed members of County Flood Control, County Public Works, the County Board of Supervisors and engineering consultants
- Reviewed Flood Control documents related to maintenance, capital

improvement requirements, and financial management of the system
- Reviewed the Flood Control Fifty-Year Plan
- Attended a Flood Control report to the Board of Supervisors
- Participated in a tour of the Lower Walnut Creek Flood Control System

BACKGROUND

Flood Control was formed in 1951 in response to widespread flooding. In the late 1950s, the Army Corps of Engineers began construction of the flood control system, paid by federal funding. A series of flood control projects was constructed over the next 30 years. Today, the system is extensive, consisting of 75 miles of channels, 35 detention basins and 25 trash racks. The oldest sections of this system are over 55 years old.



Construction of the culvert under Broadway Plaza in the early 1960s
(Courtesy of the Walnut Creek Historical Society)

According to staff from Flood Control, most of its revenue for operations and maintenance is collected from an assessment of property taxes. Flood Control receives only 0.75% of the one percent of the property tax collected. The 0.75% rate has not changed since 1978.

Some other revenue sources include:
- Special assessments in some drainage areas to fund ongoing maintenance costs
- Impact fees from development projects within some drainage areas to fund construction of planned drainage facilities
- Fees for services related to hydraulic and hydrological analysis

The funding sources are insufficient to maintain and/or replace the flood control infrastructure. It requires an increasing amount of annual maintenance due to its age and will eventually need to be replaced. Required maintenance costs far exceed the money budgeted to properly maintain the system, resulting in a substantial backlog of maintenance requirements. Flood Control has no reserves set aside for the eventual replacement of the infrastructure. Past attempts to raise money for flood control improvements have not been successful.

In 2012 Flood Control tried to raise revenues to cover funding shortfalls through the Community Clean Water Initiative, which was placed on the ballot for Contra Costa County. Some of the monies from the proposed per-parcel fee would have helped to fund the flood control system, but County voters rejected the initiative.

In 2015, AB 1362 was introduced in the State Assembly as the first step in providing cities and counties with a mechanism to fund storm water related infrastructure and services. The introduced version of the bill was later changed to a different purpose, deleting the mechanism to fund flood control.

Two recent polls in Contra Costa County showed low public support for increased taxes or assessments to fund the reconstruction of the flood control system.

DISCUSSION

To varying degrees, the County flood control system prevents flooding every year. January 2017 was the wettest January on record in the County since 1973, and no major flooding occurred within the County during that month. This is a testament to the quality of maintenance that Flood Control and County Public Works have accomplished with limited funding.

Flood Control believes that the present level of flood deterrence cannot be maintained at current funding levels. As parts of the system age past their design life and maintenance fails to keep pace with needed repairs, flood control performance will be impacted negatively. Deferred maintenance of flood control structures leads to poor system performance and will eventually result in subsystem failures.

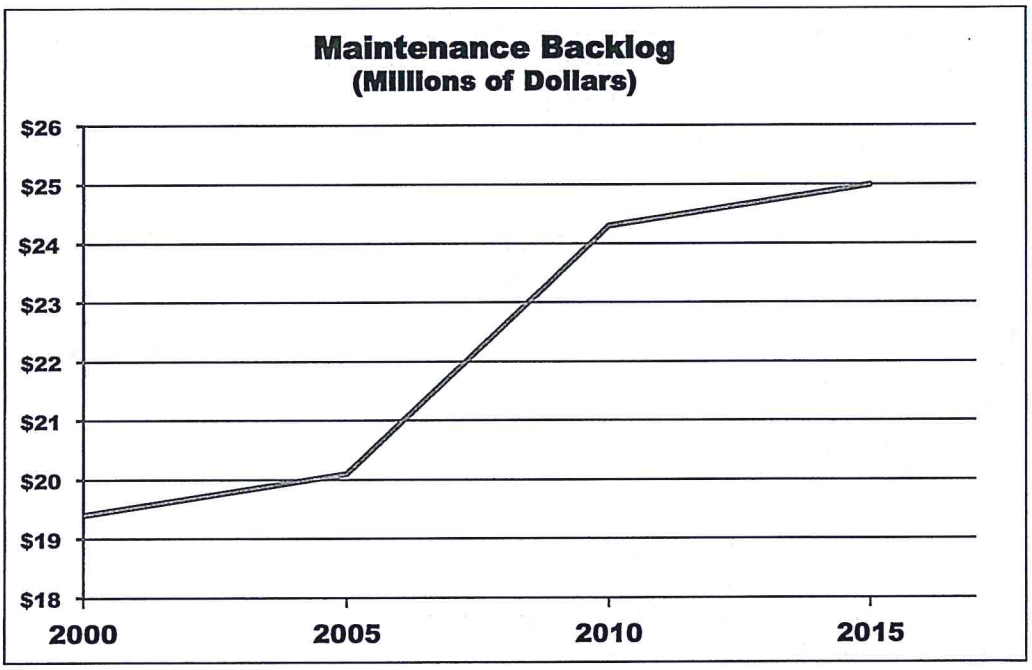
The design life of the flood control system's concrete-lined channels is approximately 70 years. This means that the system's older sections are approaching the time when deterioration will accelerate. The extent of the deterioration will depend upon the funding that Flood Control has available for maintenance.

A public poll conducted for Flood Control by Fairbank, Maslin, Metz & Associates in 2015 showed "a lack of understanding of the danger of flooding." The poll reflected low support (about 40%) for increased property or parcel taxes to fund future system needs.

Flood Control staff have sometimes referred to themselves as "stewards of forgotten infrastructure."

Flood Control has implemented a seven-year program to assess the current condition of the system's structures. The goal of this program is to prioritize the structures or portions of the system in greatest need of repair. The preliminary results, based on visual inspection techniques, have provided an average structural rating of 'good,' with an 80% confidence level. If properly maintained and needed repairs are made in a timely manner, many of the system's newer sections could last several decades.

Flood Control estimates that to rebuild the entire system to its original standards would take 40 or more years and cost about $2.4 billion, in 2016 dollars.



This graph is part of Flood Control's presentation to the County Board of Supervisors 2/7/17

The above graph shows the growing shortfall, since 2000, between flood control system maintenance needs and system maintenance revenues. Flood Control has a current annual maintenance and capital improvement budget of $5.15 million. At the level of funding presently available, the growing backlog shortfall is projected to be over $25 million dollars in 2017.

The County has no current reserves to fund an increased level of flood control system maintenance or to cover the much greater costs of future system reconstruction.

In 2016, The California State Association of Counties (CSAC), of which Contra Costa is a member, proposed a statewide ballot measure titled the California Water Conservation, Flood Control and Storm Water Management Act. Other interested statewide organizations included the League of California Cities, the County Engineers Association of California (CEAC) and the Association of California Water Agencies. The proposed State ballot measure would allow local governments to assess flood control services as a utility. Once the measure is passed, voters in a county would still be required to approve the change. To determine voter sentiment on the proposed legislation, a statewide poll was conducted by CSAC and CEAC. The polling results were negative, so the proposed ballot measure did not move forward in 2016.

FINDINGS

F1. Reserves have not been set aside for the replacement costs of the County flood control system.

F2. Presently, there is little public support to fund the replacement costs of the County flood control system.

F3. There is little sense of urgency among elected officials towards financing the replacement costs of flood control in California.

F4. The older sections of the County flood control system are approaching their design life of 70 years.

F5. The current mechanism for funding flood control is not enough to maintain and eventually replace the system.

F6. The proposed California Water Conservation, Flood Control and Storm Water Management Act could provide revenues for County Flood Control to begin building financial reserves for full maintenance and eventual replacement of the system.

RECOMMENDATIONS

R1. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider continuing to pursue efforts to educate elected officials about the urgency of passing the California Water Conservation, Flood Control and Storm Water Management Act.

R2. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider identifying funds to increase the

Flood Control maintenance budget to begin reducing the deferred maintenance backlog, prior to January 2018.

R3. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider identifying funds to begin building reserves to fund the reconstruction of the County flood control system, prior to January 2018.

R4. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider instructing Flood Control staff to prepare plans for a County wide campaign to educate the public on the need to replace the infrastructure.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District	F1 to F6	R1 to R4

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
PO Box 431
Martinez CA 94553-0091

CONTRA COSTA COUNTY FLOOD CONTROL
CAPITAL IMPROVEMENT PLAN
2018 UPDATE
FISCAL YEAR 2017/2018 – 2023/2024

Contra Costa County
Flood Control
& Water Conservation District

Flood Control Capital Improvement Plan
2018 Update
Fiscal Year 2017/2018 – 2023/2024

CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

November 2018

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Table 1: 7-Year Flood Control CIP Overall Summary
Table 2: 7-Year Flood Control CIP List
Table 3: Unprogrammed Future Projects List

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Appendix A: Detailed Project Information
Appendix B: Unprogrammed Future Projects Details

2018 FLOOD CONTROL CAPITAL IMPROVEMENT PLAN

A. INTRODUCTION AND OVERVIEW

The Flood Control Capital Improvement Plan (CIP) is a programming document for the funding of capital flood control projects[1] within the Contra Costa County Flood Control and Water Conservation District (District). The District's jurisdictional boundary covers the entire Contra Costa County and includes cities in addition to the unincorporated County communities.

The District operates 79 miles of flood control channels, 29 dams and detention basins, and 47 drop structures throughout the County. These facilities are on 4,189 parcels covering over 1,500 acres, and provide the regional backbone of flood protection in Contra Costa County.
The CIP is prepared in accordance with the District's Expenditure Policy and presented to the Board of Supervisors for approval. This CIP is intended to be updated every two years and it provides a 7-year outlook on the District's capital activities in support of the regional, long-range development and related flood control plans.

It is recognized that local communities have direct interest in the regional flood control projects and that those projects can impact a wide range of stakeholders. Therefore, the District is committed to developing projects in an open, community-based planning process. Furthermore, development of consistent stormwater management strategies in the region requires close coordination between local governments, regulators, as well as developers and landowners. Those strategies include concepts for comprehensive watershed management and resilient and sustainable design integration. To the extent feasible, those concepts have been incorporated into the development of this CIP. It is the intention of the District to continue to work collaboratively with all stakeholders to coordinate the implementation of regional drainage improvements.

Approval of this CIP by the Board of Supervisors does not automatically approve projects for implementation. Flood control projects typically require years of advance planning, coordination, and cooperation between various agencies and community stakeholders. This
CIP is prepared as a programmatic, planning-level document that intends to guide the District to program and initiate preliminary engineering work on the identified projects. Each project must undergo its own individual feasibility analysis and environmental assessment. As such, scope and cost of each project is preliminary and may change after additional reviews. Some projects may later prove to be infeasible or not cost-effective and may be dropped from subsequent plans.

[1] A capital project is a long-term capital investment that constructs, expands, renovates, or replaces a facility or facilities, often called infrastructure.

B. FUNDING CHALLENGES AND PRIORITIES

Over the years, the District's revenues have been constrained by fiscally-restrictive, state-wide ballot measures, while the cost of operations and maintenance has increased significantly due to more stringent regulatory requirements and aging facilities. As a result, deferred maintenance has created over $24 million backlog of facility repair and restoration work throughout the District. In response to these challenges and increasing demand for more capital improvements, in 2005, the Board of Supervisors, as the governing Board of the District, established the Flood Control Expenditure Policy to provide overall fiscal programming direction and guidance to staff in developing the District's capital improvement program. That Policy, generally, dictates that the District establish Capital Improvement Plans and give the highest priority to those projects that preserve the existing infrastructure and extend the useful life of a facility.

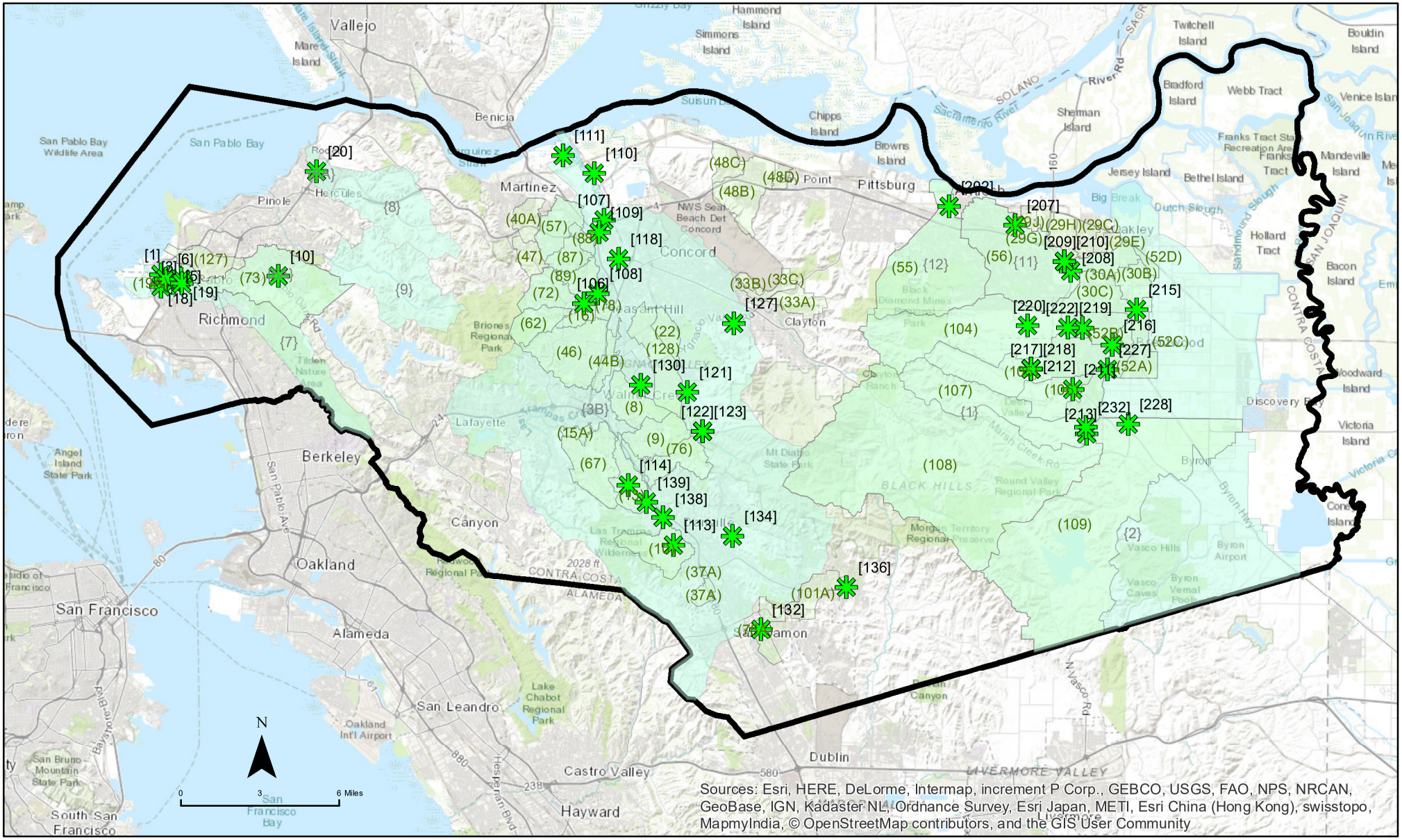
C. REVENUE SOURCES

Funds for flood control improvements are mainly derived from property tax assessments, development and special benefit fees, and federal and state grants. Property tax and fee assessments are typically collected through various Flood Control Zones, Drainage Areas, and Benefit Assessment Areas. These areas have been established throughout the District over the years. A map of established Drainage Areas and Drainage Zones is shown in Figure 1. The following provides a summary description of funding sources from those areas and other revenue sources:

1. Flood Control Zone Property Tax Assessments
   Flood Control Zones were established over entire watersheds to fund the design, construction, and maintenance of flood control and water conservation facilities in the watershed. Funding resources vary from Zone to Zone with some Zones having no operating funds. In most cases, funding is not sufficient to maintain existing improvements, construct additional drainage facilities needed to provide the desired level of flood protection, or restore flood control channels to sustainable natural systems[2]. There are 14 identified major watershed Flood Control Zones in the District. Ten Flood Control Zones have been formed, but only five generate tax revenue.

2. Drainage Area Fees
   Drainage Areas were formed, as subwatersheds of Flood Control Zones, to provide funding for the construction of drainage improvements needed to mitigate increased storm runoff resulting from development within the subwatershed area[3]. Drainage Areas typically do not provide funding for ongoing maintenance of the DA improvements. There are 180 Drainage

[2] Funding discrepancy between Zones is mainly due to Proposition 13 which effectively fixed property tax rates and constrained the District's ability to raise new revenues.
[3] Drainage Areas are analogous to the "Areas of Benefits" or "AOB" that collect revenues and fund transportation projects.



Legend

- Project Locations [ID #]
- Drainage Areas (DA#)
- Drainage Zones {DZ#}

Contra Costa County Flood Control and Water Conservation District 7-Year CIP Location Map

Figure 1

Contra Costa County Flood Control & Water Conservation District

Areas identified in the District representing small watersheds or subwatersheds. Sixty-three of the Drainage Areas have been formed and have an adopted plan and a drainage fee ordinance. These are in areas where development has, is, or will be occurring. As such, revenues from these areas are dependent on the housing and land development economy.

3. Drainage Area Benefit Assessments
   Drainage Area Benefit Assessments (DABA) are funds that are typically used on operation, maintenance, and repair of storm drainage facilities in a defined drainage benefit assessment area. There are currently seven DABAs established in the District.

4. Drainage Area Tax Assessments
   Three of the 63 formed Drainage Areas receive a small portion of tax revenue in addition to, or instead of, developer fees. Drainage Area property tax revenue is typically spent on the design, construction, operation, maintenance, repair, rehabilitation, and reconstruction of storm drainage facilities within the Drainage Area.

5. Federal and State Grants
   The District has been successful in seeking and obtaining various state and federal grants for many of its projects in the recent past and continues to pursue those sources actively for future projects. In general, federal and state grants are becoming more competitive and very limited for single-purpose, flood control projects. This is a change from past decades when state and federal grants provided a majority of the District's capital funding. Most grants now provide assistance to projects that provide grant-specific environmental benefits. This is another incentive for the District to incorporate environmental components to its flood control projects in order to be competitive with state and federal grants.

D. 2018 FLOOD CONTROL CAPITAL IMPROVEMENT PLAN

In accordance with its Expenditure Policy, the District sets priorities within three specific program categories in establishing its capital program. These priorities are then balanced with the available funding in given Flood Control Zones or Drainage Areas to ensure the most feasible project delivery. The program categories in order of priority are:

1. System Preservation
2. Public Safety
3. System Expansion

Based on the Expenditure Policy framework, a total of 43 projects representing an investment of $53 million over seven years make up this plan's recommended projects. Figure 1 shows the geographic location of the proposed projects. Table 1 below provides an overall summary of recommended projects by funding entity highlighting project locations by watershed/major creek.

Contra Costa County Flood Control & Water Conservation District

Table 1. 7-Year Flood Control Capital Improvement Overall Summary

(By Fund Source/Creek)

Funding Source/Creek	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2023-25	Totals
Flood Control Zone 1	**$ 481,571**	**$ 590,000**	**$ 1,306,000**	**$ 1,059,000**	**$ 468,000**	**$ 1,640,000**	**$ 420,000**		**$ 5,964,571**
Marsh*	$ 391,571	$ 430,000	$ 1,306,000	$ 1,059,000	$ 468,000	$ 1,500,000	$ 210,000	$ -	$ 5,364,571
Dry	$ -	$ -	$ -	$ -	$ -	$ 140,000	$ 210,000	$ -	$ 350,000
Deer	$ 90,000	$ 160,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 250,000
Flood Control Zone 3B	**$ 770,000**	**$ 1,158,000**	**$ 7,818,000**	**$ 5,585,000**	**$ 305,000**	**$ 20,000**	**$ 40,000**		**$ 15,696,000**
Grayson *	$ 160,000	$ 271,000	$ 2,760,000	$ 600,000	$ -	$ -	$ -	$ -	$ 3,791,000
Walnut *	$ 215,000	$ 417,000	$ 4,775,000	$ 4,800,000	$ -	$ -	$ -	$ 4,846,500	$ 10,207,000
Pacheco *	$ -	$ -	$ -	$ 75,000	$ 75,000	$ -	$ -	$ -	$ 150,000
Pine	$ -	$ -	$ 143,000	$ 110,000	$ 230,000	$ -	$ -	$ -	$ 483,000
Galindo	$ -	$ -	$ -	$ -	$ -	$ 20,000	$ 40,000	$ -	$ 60,000
San Ramon	$ 20,000	$ 70,000	$ -	$ -	$ -	$ -	$ -		
Various	$ 375,000	$ 400,000	$ 140,000	$ -	$ -	$ -	$ -	$ -	$ 915,000
Flood Control Zone 6A - San Pablo	**$ -**	**$ -**	**$ -**	**$ 20,000**	**$ -**	**$ -**	**$ 20,000**	$ -	**$ 40,000**
Flood Control Zone 7 - Wildcat	**$ -**	**$ 27,000**	**$ -**	**$ 20,000**	**$ 27,000**	**$ -**	**$ 20,000**	$ -	**$ 94,000**
Drainage Area 10	**$ -**	**$ -**	**$ 17,000**	**$ -**	**$ -**	**$ -**	**$ -**	$ -	**$ 17,000**
Drainage Area 13	**$ 20,000**	**$ 333,000**	**$ 300,000**	**$ -**	**$ -**	**$ -**	**$ -**	$ -	**$ 653,000**
Drainage Area 46 - Grayson/Murderer's *	**$ -**	**$ -**	**$ -**	**$ 528,000**	**$ 626,000**	**$ -**	**$ -**		**$ 1,154,000**
Drainage Area 55 - Antioch	**$ 827,000**	**$ 280,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**		**$ 1,107,000**
Drainage Area 56 - Antioch	**$ 90,000**	**$ 225,000**	**$ 1,078,000**	**$ 500,000**	**$ 115,000**	**$ 108,000**	**$ 102,000**		**$ 2,218,000**
Drainage Area 73	**$ -**	**$ -**	**$ -**	**$ 50,000**	**$ -**	**$ -**	**$ -**	$ -	**$ 50,000**
Drainage Area 75A	**$ 10,000**	**$ 90,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	$ -	**$ 100,000**
Drainage Area 130	**$ 36,050**	**$ 192,000**	**$ 920,000**	**$ 166,000**	**$ 353,000**	**$ 814,000**	**$ 1,607,000**		**$ 4,088,050**
Marsh *	$ 26,050	$ 100,000	$ 867,000	$ -	$ 11,000	$ 77,000	$ 578,000	$ 55,000	$ 1,659,050
Deer	$ -	$ -	$ 22,000	$ 39,000	$ 215,000	$ 88,000	$ 594,000	$ 5,143,000	$ 958,000
Sand	$ 10,000	$ 92,000	$ 31,000	$ 127,000	$ 127,000	$ 649,000	$ 435,000	$ 76,000	$ 1,471,000
Drainage Area 910	**$ -**	**$ 26,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	$ -	**$ 26,000**
Drainage Area 1010A - Shadow	**$ -**	**$ 30,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	$ -	**$ 30,000**
Grants - Walnut *	**$ 175,000**	**$ 400,000**	**$ 237,000**	**$ 1,250,000**	**$ -**	**$ -**	**$ -**	$ -	**$ 2,062,000**
Other - Grayson *	**$ 140,000**	**$ 146,000**	**$ 900,000**	**$ 100,000**	**$ -**	**$ -**	**$ -**		**$ 1,286,000**
Unfunded	**$ 23,000**	**$ 353,000**	**$ 40,000**	**$ 8,000,000**	**$ 6,407,000**	**$ 3,430,000**	**$ 890,000**	**$ 4,846,500**	**$ 19,143,000**
Wildcat/San Pablo/Rodeo	**$ -**	**$ 353,000**	**$ 40,000**	**$ -**	**$ 273,000**	**$ -**	**$ -**		$ 666,000
Grayson/Murderer's *	$ -	$ -	$ -	$ -	$ 34,000	$ -	$ -	$ -	$ 34,000
Walnut *	$ -	$ -	$ -	$ 8,000,000	$ 500,000	$ 450,000	$ 450,000	$ 4,846,500	$ 9,400,000
Pacheco *	$ -	$ -	$ -	$ -	$ 5,600,000	$ -	$ -	$ -	$ 5,600,000
Galindo	$ -	$ -	$ -	$ -	$ -	$ -	$ 440,000		$ 440,000
Marsh *	$ -	$ -	$ -	$ -	$ -	$ 2,980,000	$ -		$ 2,980,000
Kellog	$ 23,000	$ -	$ -	$ -	$ -	$ -	$ -		$ 23,000
Totals	**$ 2,572,621**	**$ 3,850,000**	**$ 12,616,000**	**$ 17,278,000**	**$ 8,301,000**	**$ 6,012,000**	**$ 3,099,000**	**$ 4,846,500**	**$ 53,728,621**

* Projects with multiple funding sources

Each location shown in the list may have several projects in various phases of development and implementation.

It must be noted that some of the recommended projects are partially unfunded. Approximately $31 million is planned to be funded through various flood control funds and $3 million is planned to come from other local, State, or federal grants. An additional $19 million will be needed to fully fund the projects. As projects are further developed, efforts will be made to seek additional resources. A more detailed list of all projects within each funding entity, including partially unfunded, is included in Table 2.

As stated above, priorities set for each project are based on the framework outlined in the District's Expenditure Policy. Approximately, 71% of planned capital expenditures will fund system preservation while 28% will support system expansion in support of flood risk reduction. The remaining 1% will improve public safety. Figure 2 below shows the breakdown of capital expenditures by program priority.

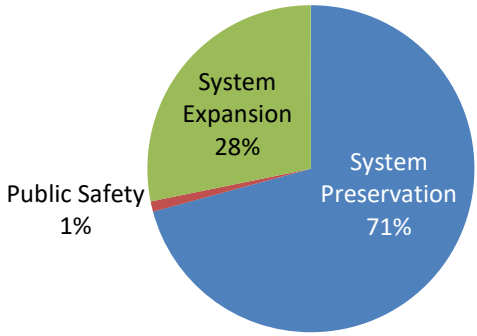


Figure 2. 7-Year CIP Expenditure by priority

Additionally, detailed information about each project is included in Appendix A. The information provided for each project includes project name, description, justification, cost estimate, funding source(s), program priority, and anticipated expenditure plan category.

Each project is assigned a unique number. Projects with numbers from 1 to 99 are located in West County, 100 to 199 are in Central County and 200 and greater are in East County. Projects are presented in numerical order.

Generally, all identified projects are led by the District; however, for the purpose of completeness, this CIP may include some projects that are co-funded by the District, but managed in partnership with other jurisdictions. It must be noted that in addition to capital projects, this CIP also includes several hydraulic, seismic, and condition assessment studies that support capital projects.

Contra Costa County
Flood Control
& Water Conservation District

Table 2. 7-Year Flood Control Capital Improvement Project List

(By Fund Source)

Funding Source	ID	Project Title	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	Totals
Flood Control Zone 1			**$ 481,571**	**$ 590,000**	**$ 1,306,000**	**$ 1,059,000**	**$ 468,000**	**$ 1,640,000**	**$ 420,000**	**$ 5,964,571**
	210	Marsh Creek Reservoir Seismic Assessment [8355]	$ -	$ 130,000	$ 160,000	$ -	$ -	$ -	$ -	$ 290,000
	211	Dry Creek Reservoir Seismic Assessment [WO TBD]	$ -	$ -	$ -	$ -	$ -	$ 140,000	$ 210,000	$ 350,000
	212	Deer Creek Reservoir Seismic Assessment [8355]	$ 90,000	$ 160,000	$ -	$ -	$ -	$ -	$ -	$ 250,000
	213	Marsh Creek Reservoir Capacity and Habitat Restoration [8495]	$ 55,521	$ -	$ 129,000	$ 109,000	$ 468,000	$ 1,500,000	$ 210,000	$ 2,471,521
	216	Marsh Creek Widening Between Dainty Avenue and Sand Creek [8466]	$ 26,050	$ 100,000	$ 867,000	$ -	$ -	$ -	$ -	$ 993,050
	227	Marsh Creek and Sand Creek Structures Conditions Assessment [8360]	$ 310,000	$ 200,000	$ -	$ -	$ -	$ -	$ -	$ 510,000
	232	Marsh Creek Reservoir Emergency Spillway Rehabilitation [TBD]	$ -	$ -	$ 150,000	$ 950,000	$ -	$ -	$ -	$ 1,100,000
Flood Control Zone 3B			**$ 770,000**	**$ 1,158,000**	**$ 7,818,000**	**$ 5,585,000**	**$ 305,000**	**$ 20,000**	**$ 40,000**	**$ 15,696,000**
	107	Grayson Creek Levee Rehabilitation at CCCSD Treatment Plant [8348]	$ 140,000	$ 146,000	$ 900,000	$ 100,000	$ -	$ -	$ -	$ 1,286,000
	108	Grayson Creek Channel Fence Rehabilitation [WO TBD]	$ -	$ -	$ -	$ 500,000	$ -	$ -	$ -	$ 500,000
	109	Grayson Creek Sediment Removal [8334]	$ 20,000	$ 125,000	$ 1,860,000	$ -	$ -	$ -	$ -	$ 2,005,000
	110	Lower Walnut Creek Restoration Project [8285]	$ 165,000	$ 292,000	$ 525,000	$ 4,700,000	$ -	$ -	$ -	$ 5,682,000
	111	Pacheco Marsh Restoration [8494]	$ -	$ -	$ -	$ 75,000	$ 75,000	$ -	$ -	$ 150,000
	118	Walnut Creek Sediment Removal - Clayton Valley Drain to Drop Structure 1 [8334]	$ 50,000	$ 125,000	$ 4,250,000	$ 100,000	$ -	$ -	$ -	$ 4,525,000
	121	Kubicek Basin Sediment Removal [WO TBD]	$ -	$ -	$ -	$ -	$ 40,000	$ -	$ -	$ 40,000
	122	Pine Creek Dam Seismic Assessment [8346]	$ -	$ -	$ -	$ 110,000	$ 190,000	$ -	$ -	$ 300,000
	123	Pine Creek Reservoir Functional Assessment [WO TBD]	$ -	$ -	$ 143,000	$ -	$ -	$ -	$ -	$ 143,000
	127	Galindo Creek Improvements [WO TBD]	$ -	$ -	$ -	$ -	$ -	$ 20,000	$ 40,000	$ 60,000
	130	Flood Control Zone 3B Channels and Structures Conditions Assessment [8353]	$ 375,000	$ 400,000	$ 140,000	$ -	$ -	$ -	$ -	$ 915,000
	138	San Ramon Creek Watershed Study [8541]	$ 20,000	$ 70,000	$ -	$ -	$ -	$ -	$ -	$ 90,000
Flood Control Zone 6A			**$ -**	**$ -**	**$ -**	**$ 20,000**	**$ -**	**$ -**	**$ 20,000**	**$ 40,000**
	1	San Pablo Creek Silt Survey	$ -	$ -	$ -	$ 20,000	$ -	$ -	$ 20,000	$ 40,000
Flood Control Zone 7			**$ -**	**$ 27,000**	**$ -**	**$ 20,000**	**$ 27,000**	**$ -**	**$ 20,000**	**$ 94,000**
	3	Wildcat Creek Silt Survey	$ -	$ -	$ -	$ 20,000	$ -	$ -	$ 20,000	$ 40,000
	5	Wildcat Sediment Basin Desilt	$ -	$ 27,000	$ -	$ -	$ 27,000	$ -	$ -	$ 54,000
Drainage Area 10			**$ -**	**$ -**	**$ 17,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 17,000**
	113	Update DA 10 for Danville Area	$ -	$ -	$ 17,000	$ -	$ -	$ -	$ -	$ 17,000
Drainage Area 13			**$ 20,000**	**$ 333,000**	**$ 300,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 653,000**
	114	Update DA 13 Plan for Western Alamo	$ -	$ 33,000	$ -	$ -	$ -	$ -	$ -	$ 33,000
	139	DA 13 Line F-1 Storm Drainage in Alamo	$ 20,000	$ 300,000	$ 300,000	$ -	$ -	$ -	$ -	$ 620,000
Drainage Area 46			**$ -**	**$ -**	**$ -**	**$ 528,000**	**$ 626,000**	**$ -**	**$ -**	**$ 1,154,000**
	106	DA46 Grayson and Murderer's Creek Subregional Improvements	$ -	$ -	$ -	$ 528,000	$ 626,000	$ -	$ -	$ 1,154,000
Drainage Area 55			**$ 827,000**	**$ 280,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 1,107,000**
	202	West Antioch Creek - DA55 Culverts at 10th Street [8399]	$ 827,000	$ 280,000	$ -	$ -	$ -	$ -	$ -	$ 1,107,000
Drainage Area 56			**$ 90,000**	**$ 225,000**	**$ 1,078,000**	**$ 500,000**	**$ 115,000**	**$ 108,000**	**$ 102,000**	**$ 2,218,000**
	207	Trembath Detention Basin [8532]	$ 90,000	$ 225,000	$ 1,050,000	$ 450,000	$ -	$ -	$ -	$ 1,815,000
	208	Lindsey Basin Finalization Tasks & R/W Transfer [8126]	$ -	$ -	$ 11,000	$ 33,000	$ 16,000	$ 6,000	$ -	$ 66,000
	209	Develop Revenue Generating Sites at Lindsey Basin [WO TBD]	$ -	$ -	$ 17,000	$ 17,000	$ 99,000	$ 102,000	$ 102,000	$ 337,000
Drainage Area 73			**$ -**	**$ -**	**$ -**	**$ 50,000**	**$ -**	**$ -**	**$ -**	**$ 50,000**
	10	DA 73 Drainage Plan Update - Richmond [WO TBD]	$ -	$ -	$ -	$ 50,000	$ -	$ -	$ -	$ 50,000
Drainage Area 75A			**$ 10,000**	**$ 90,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 100,000**
	132	Canyon Lakes Facilities Conditions Assessment [8361]	$ 10,000	$ 90,000	$ -	$ -	$ -	$ -	$ -	$ 100,000
Drainage Area 130			**$ 36,050**	**$ 192,000**	**$ 920,000**	**$ 166,000**	**$ 353,000**	**$ 814,000**	**$ 1,607,000**	**$ 4,088,050**
	215	Marsh Creek Supplemental Capacity [WO TBD]	$ -	$ -	$ -	$ -	$ 11,000	$ 77,000	$ 578,000	$ 666,000
	216	Marsh Creek Widening Between Dainty Avenue and Sand Creek [8466]	$ 26,050	$ 100,000	$ 867,000	$ -	$ -	$ -	$ -	$ 993,050
	217	Deer Creek Reservoir Expansion [8447]	$ -	$ -	$ 22,000	$ 11,000	$ 66,000	$ 88,000	$ 594,000	$ 781,000
	218	Deer Creek Reservoir Expansion - R/W Acquisition [8463]	$ -	$ -	$ -	$ 28,000	$ 149,000	$ -	$ -	$ 177,000
	220	Upper Sand Creek Basin Surplus Material [8517]	$ 10,000	$ 72,000	$ 11,000	$ 66,000	$ 11,000	$ 66,000	$ 11,000	$ 247,000
	222	Lower Sand Creek Basin Construction [8492]	$ -	$ 20,000	$ 20,000	$ 61,000	$ 116,000	$ 583,000	$ 424,000	$ 1,224,000
Drainage Area 910			**$ -**	**$ 26,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 26,000**
	134	Rassier Ranch Basin Conditions Assessment [8362]	$ -	$ 26,000	$ -	$ -	$ -	$ -	$ -	$ 26,000

Funding Source	ID	Project Title	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	Totals
Drainage Area 1010A			**$ -**	**$ 30,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 30,000**
	136	Shadow Creek Basin Conditions Assessment [WO TBD]	$ -	$ 30,000	$ -	$ -	$ -	$ -	$ -	$ 30,000
Grants			**$ 175,000**	**$ 400,000**	**$ 237,000**	**$ 1,250,000**	**$ -**	**$ -**	**$ -**	**$ 2,062,000**
	110	Lower Walnut Creek Restoration Project [8285]	$ 175,000	$ 400,000	$ 237,000	$ 1,250,000	$ -	$ -	$ -	$ 2,062,000
Other			**$ 140,000**	**$ 146,000**	**$ 900,000**	**$ 100,000**	**$ -**	**$ -**	**$ -**	**$ 1,286,000**
	107	Grayson Creek Levee Rehabilitation at CCCSD Treatment Plant [8348]	$ 140,000	$ 146,000	$ 900,000	$ 100,000	$ -	$ -	$ -	$ 1,286,000
Unfunded			**$ 23,000**	**$ 353,000**	**$ 40,000**	**$ 8,000,000**	**$ 6,407,000**	**$ 3,430,000**	**$ 890,000**	**$ 19,143,000**
	5	Wildcat Sediment Basin Desilt [WO TBD]	$ -	$ 273,000	$ -	$ -	$ 273,000	$ -	$ -	$ 546,000
	18	San Pablo Conditions Assessment [WO TBD]	$ -	$ -	$ 20,000	$ -	$ -	$ -	$ -	$ 20,000
	19	Wildcat Conditions Assessment [WO TBD]	$ -	$ -	$ 20,000	$ -	$ -	$ -	$ -	$ 20,000
	20	Rodeo Conditions Assessment [WO TBD]	$ -	$ 80,000	$ -	$ -	$ -	$ -	$ -	$ 80,000
	106	DA46 Grayson and Murderer's Creek Subregional Improvements [TBD]	$ -	$ -	$ -	$ -	$ 34,000	$ -	$ -	$ 34,000
	110	Lower Walnut Creek Restoration Project [8285]	$ -	$ -	$ -	$ 8,000,000	$ 500,000	$ 450,000	$ 450,000	$ 9,400,000
	111	Pacheco Marsh Restoration [8494]	$ -	$ -	$ -	$ -	$ 5,600,000	$ -	$ -	$ 5,600,000
	127	Galindo Creek Improvements [WO TBD]	$ -	$ -	$ -	$ -	$ -	$ -	$ 440,000	$ 440,000
	213	Marsh Creek Reservoir Capacity and Habitat Restoration [8495]	$ -	$ -	$ -	$ -	$ -	$ 2,980,000	$ -	$ 2,980,000
	228	Kellog Conditions Assessment [WO TBD]	$ 23,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 23,000
		Totals	**$ 2,572,621**	**$ 3,850,000**	**$ 12,616,000**	**$ 17,278,000**	**$ 8,301,000**	**$ 6,012,000**	**$ 3,099,000**	**$ 53,728,621**

E. UNPROGRAMMED FUTURE PROJECTS

Unprogrammed future projects are those that have been scoped, but not yet programmed for funding in the next 7 years. Those projects are expected to be included in future plans for implementation after 2024. Table 3 includes a list of future projects. Details of these projects are included in Appendix B.

Funding Source	ID	Project Title	FY 2024-
Flood Control Zone 3B			**$ 13,767,000**
	124	Pine Creek Reservoir Sediment Removal and Capacity Restoration [WO TBD]	$ 5,000,000
	125	San Ramon Creek Sediment Removal near San Ramon Bypass [WO TBD]	$ 363,000
	128	Green Valley Creek Improvements up to 1st Crossing of Diablo Road [WO TBD]	$ 6,600,000
	129	Green Valley Creek Improvements Upstream of 2nd Crossing of Diablo Road [WO TBD]	$ 1,804,000
Drainage Area 33A			**$ 209,779**
	120	DA 33A Concord Boulevard Culvert Replacement [WO TBD]	$ 209,779
Drainage Area 48B			**$ 429,000**
	201	DA 48B Line A at Port Chicago Highway	$ 429,000
Drainage Area 55			**$ 215,000**
	205	Fitzuren Road Remainder Parcel	$ 215,000
Drainage Area 109			**$ 270,000**
	225	DA 109 - Kellogg Creek Project Development	$ 270,000
Unfunded			**$ 51,139,221**
	7	Wildcat Creek Habitat Improvements (USACE 1135 Program) [8619]	$ 2,000,000
	9	Wildcat / San Pablo Creeks Phase II [WO TBD]	$ 12,045,000
	12	Pinole Creek Habitat Restoration (1135 Project) [8493]	$ 6,250,000
	17	Sustainable Capacity Improvement at Rodeo Creek [WO TBD]	$ 10,285,000
	23	Canada di Cierbo Habitat Improvement [WO TBD]	$ 3,000,000
	26	Pinole Creek Capacity Assessment	$ 300,000
	117	DA 67 - Tice Creek Bypass [WO TBD]	$ 2,481,000
	120	DA 33A Concord Boulevard Culvert Replacement [WO TBD]	$ 87,221
	203	West Antioch Creek Improvements - L Street to 10th Street [WO TBD]	$ 4,906,000
	204	West Antioch Creek Improvements at Highway 4 [WO TBD]	$ 2,200,000
	206	East Antioch Creek Marsh Restoration [WO TBD]	$ 7,585,000
		Totals	**$ 66,030,000**

Table 3. Unprogrammed Future Projects

F. FUTURE UPDATES

As staff develops and implements these capital projects, future CIP updates will include information on the progress and delivery of the listed projects. Additionally, efforts on the identification of funding shortfalls and additional funding sources to support the District's capital needs are underway. The 2013 Report on the Status of Flood Protection Infrastructure and its 2017 update provided some information about those efforts. Additional detailed information will be reported in future updates.

G. CREDITS

Prepared By: Gus Amirzehni, PE
Reviewed By: Paul Detjens, PE

List of Appendices:

Appendix A Detailed Project Information Sheets
Appendix B Unprogrammed Future Projects Details

Appendix A Detailed Project Information

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	San Pablo Creek Silt Survey
WORK ORDER:	WO TBD ID: 1
PROJECT DESCRIPTION:	Perform focused topographic surveys at six predesignated cross section locations to determine the amount of sediment accumulation and to determine the need for channel desilting. Channel desilting, once determined to be needed, would be scoped under a separate CIP entity.
PROJECT NEED:	The current operations and maintenance manual produced by the Corps requires annual sediment surveys. These surveys are a method to determine channel capacity and are in lieu of a more comprehensive survey and hydraulic model.
SUPERVISOR DISTRICT:	I
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	4
FUNDING SOURCE(S):	Flood Control Zone 6
TOTAL PROJECT COST:	$40,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$20,000	$0	$0	$20,000
FUNDING SOURCE(S):							
Flood Control Zone 6A	$0	$0	$0	$20,000	$0	$0	$20,000

AFFECTED AREA: Richmond, North Richmond

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Wildcat Creek Silt Survey
WORK ORDER:	9705 ID: 3
PROJECT DESCRIPTION:	Perform focused topographic surveys at six predesignated cross section locations to determine the amount of sediment accumulation and to determine the need for channel desilting. Channel desilting, once determined to be needed, would be scoped under a separate CIP entity.
PROJECT NEED:	The current operations and maintenance manual produced by the Corps requires annual sediment surveys. These surveys are a method to determine channel capacity and are in lieu of a more comprehensive survey and hydraulic model.
SUPERVISOR DISTRICT:	I
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	4
FUNDING SOURCE(S):	FC Zone 7, TBD
TOTAL PROJECT COST:	$40,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$20,000	$0	$0	$20,000
FUNDING SOURCE(S):							
Flood Control Zone 7	$0	$0	$0	$20,000	$0	$0	$20,000

AFFECTED AREA: Richmond

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Wildcat Sediment Basin Desilt
WORK ORDER:	WO TBD ID: 5
PROJECT DESCRIPTION:	Remove accumulated sediment from the Wildcat Creek Sediment Basin and stockpile on adjacent storage site for later off haul.
PROJECT NEED:	The Wildcat Creek sediment basin is designed to trap sediment and prevent sediment accumulation in more sensitive areas downstream. If it is not periodically desilted, the basin becomes less effective and sediment escapes downstream.
SUPERVISOR DISTRICT:	I
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	2
FUNDING SOURCE(S):	Flood Control Zone 7, Unfunded
TOTAL PROJECT COST:	$900,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$300,000	$0	$0	$300,000	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 7	$0	$27,000	$0	$0	$27,000	$0	$0
Unfunded	$0	$273,000	$0	$0	$273,000	$0	$0

AFFECTED AREA: Richmond

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Basin was last desilted in 2010-2011.

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: DA 73 Drainage Plan Update - Richmond

WORK ORDER: WO TBD ID: 10

PROJECT DESCRIPTION: Update the Drainage Area 73 Drainage Plan to reflect community needs

PROJECT NEED: Drainage Area 73 has an outdated plan, and it does not reflect current drainage needs. In collaboration with the City of Richmond and community stakeholders, this project will develop an updated drainage plan and a list of drainage projects to accommodate current drainage needs.

SUPERVISOR DISTRICT: I

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 3

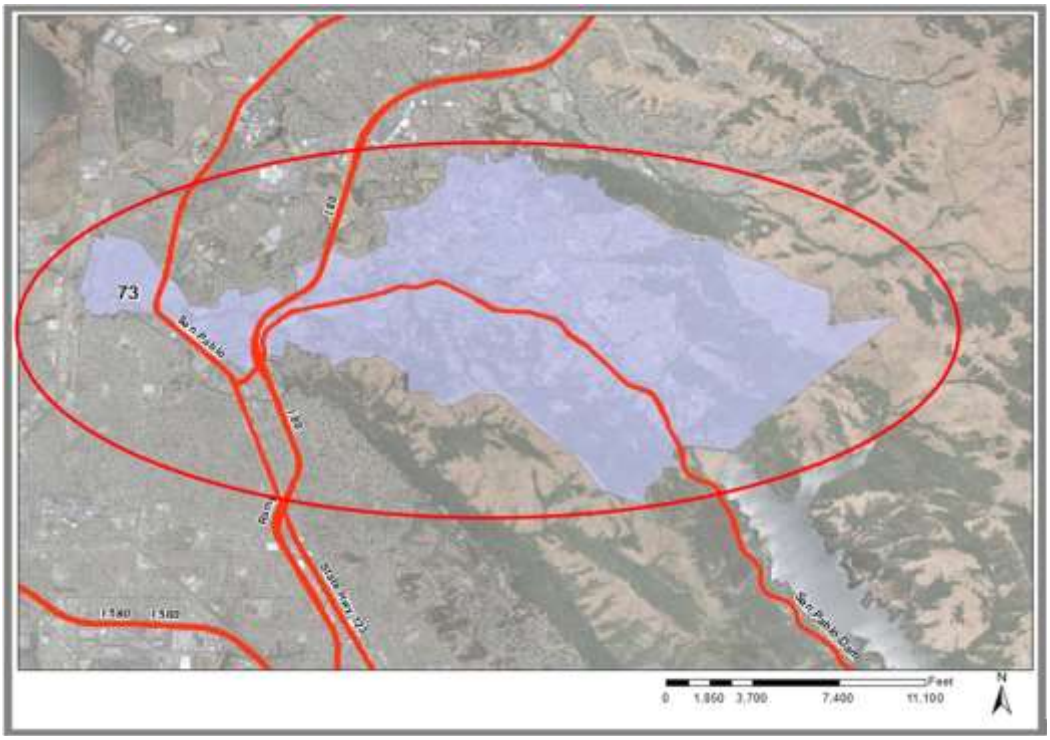
FUNDING SOURCE(S): Drainage Area 73

TOTAL PROJECT COST: $50,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$50,000	$0	$0	$0
FUNDING SOURCE(S):							
Drainage Area 73	$0	$0	$0	$50,000	$0	$0	$0

AFFECTED AREA: Richmond



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	San Pablo Conditions Assessment
WORK ORDER:	WO TBD ID: 18
PROJECT DESCRIPTION:	Hire specialized consultants to assess conditions of existing facilities. Two-phase approach: start with initial assessment, and proceed to more detailed assessment as warranted.
PROJECT NEED:	Need to identify deficiencies and conduct a retrofit plan, if needed.
SUPERVISOR DISTRICT:	I
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	1
FUNDING SOURCE(S):	Unfunded
TOTAL PROJECT COST:	$20,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$20,000	$0	$0	$0	$0
FUNDING SOURCE(S):							
Unfunded	$0	$0	$20,000	$0	$0	$0	$0

AFFECTED AREA: Community of North Richmond and San Pablo

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): No

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Wildcat Conditions Assessment
WORK ORDER:	WO TBD ID: 19
PROJECT DESCRIPTION:	Hire specialized consultants to assess conditions of existing facilities. Two-phase approach: start with initial assessment, and proceed to more detailed assessment as warranted.
PROJECT NEED:	Need to identify deficiencies and conduct a retrofit plan, if needed.
SUPERVISOR DISTRICT:	I
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	1
FUNDING SOURCE(S):	Flood Control District Fund 7505
TOTAL PROJECT COST:	$20,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$20,000	$0	$0	$0	$0
FUNDING SOURCE(S):							
Unfunded	$0	$0	$20,000	$0	$0	$0	$0

AFFECTED AREA: Richmond, E. Richmond Heights, San Pablo, and Community of N. Richmond

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

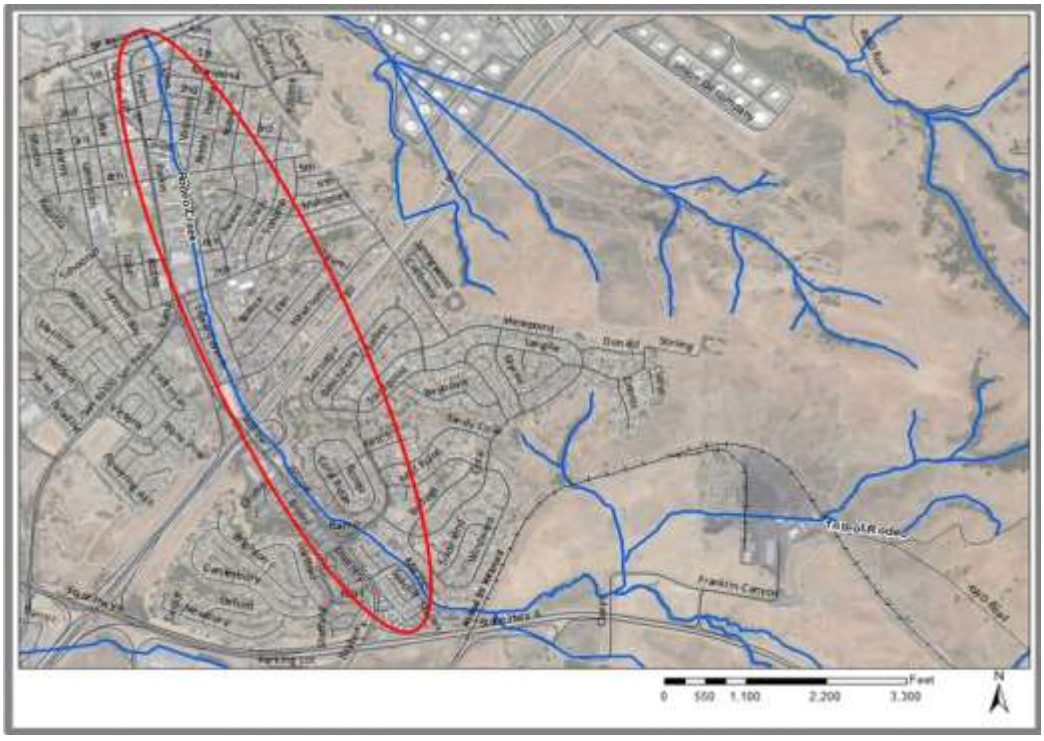
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Rodeo Conditions Assessment
WORK ORDER:	WO TBD ID: 20
PROJECT DESCRIPTION:	Hire specialized consultants to assess conditions of existing facilities. Two-phase approach: start with initial assessment, and proceed to more detailed assessment as warranted.
PROJECT NEED:	Need to identify deficiencies and conduct a retrofit plan, if needed.
SUPERVISOR DISTRICT:	V
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	1
FUNDING SOURCE(S):	Unfunded
TOTAL PROJECT COST:	$125,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$80,000	$0	$0	$0	$0	$0
FUNDING SOURCE(S):							
Unfunded	$0	$80,000	$0	$0	$0	$0	$0

AFFECTED AREA: The unincorporated community of Rodeo



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Prior year expenditures not shown.

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: DA46 Grayson and Murderer's Creek Subregional Improvements

WORK ORDER: TBD ID: 106

PROJECT DESCRIPTION: In partnership with the City of Pleasant Hill, the project will identify, design and implement sub-regional drainage improvements in the Grayson / Murderer's Creeks subwatershed. Likely projects are capacity improvements at bridges, floodwalls along sections of creek, and collector storm drains to more efficiently deliver stormwater to the creek.

PROJECT NEED: Downtown Pleasant Hill and Poet's Corner areas are identified on the FEMA maps as having moderate flood risk. Area flooded in 1997 and again in 2006. City desires a project to take residents out of the floodplain. Early indications from the Corps study were favorable, but project ultimately did not have a sufficient benefit / cost ratio, or federal funding. This local, smaller project is the result.

SUPERVISOR DISTRICT: IV

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 2

FUNDING SOURCE(S): Drainage Area 46 funds + City of Pleasant Hill funds

TOTAL PROJECT COST: $1,188,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$528,000	$660,000	$0	$0
FUNDING SOURCE(S):							
Drainage Area 46	$0	$0	$0	$528,000	$626,000	$0	$0
Unfunded	$0	$0	$0	$0	$34,000	$0	$0

AFFECTED AREA: Pleasant Hill

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: DA46 plan amendment needed before implementation of this project.

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Grayson Creek Levee Rehabilitation at CCCSD Treatment Plant

WORK ORDER: 8348 ID: 107

PROJECT DESCRIPTION: Raise levees along Grayson Creek along STA 8+00 to 39+00 LT to improve level of protection at CCCSD treatment plant.

PROJECT NEED: Additional flood protection is desired at the CCCSD Treatment Plant from Grayson Creek. This is in addition to the 2007 project that increased flood protection to a 100-year design storm level.

SUPERVISOR DISTRICT: V

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 1

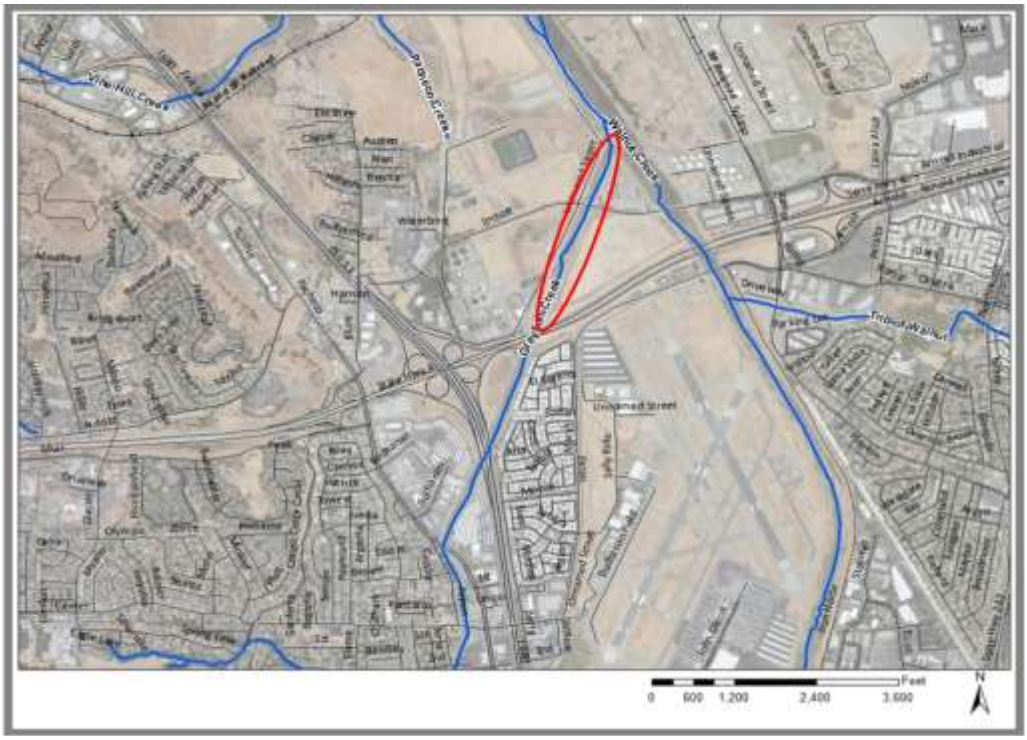
FUNDING SOURCE(S): Flood Control Zone 3B and CCCSD

TOTAL PROJECT COST: $2,572,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$280,000	$292,000	$1,800,000	$200,000	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 3B	$140,000	$146,000	$900,000	$100,000	$0	$0	$0
Other	$140,000	$146,000	$900,000	$100,000	$0	$0	$0

AFFECTED AREA: Martinez area, Unincorporated County



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Grayson Creek Channel Fence Rehabilitation

WORK ORDER: WO TBD ID: 108

PROJECT DESCRIPTION: Repair Fences along Grayson Creek concrete channel as part of our Creek and Channel Safety Program

PROJECT NEED: Existing fence posts are starting to rust and spalling concrete from the channel wall. This project would renovate existing fence posts and fence, rehabilitate the damaged concrete wall, and replace the failing fence with new material. This project would extend the useful life of the protective fenceline, as well as preventing further deterioration of the concrete wall as part of our Creek and Channel Safety Program.

SUPERVISOR DISTRICT: IV

PROGRAM TYPE: Public Safety

PROJECT PRIORITY: 3

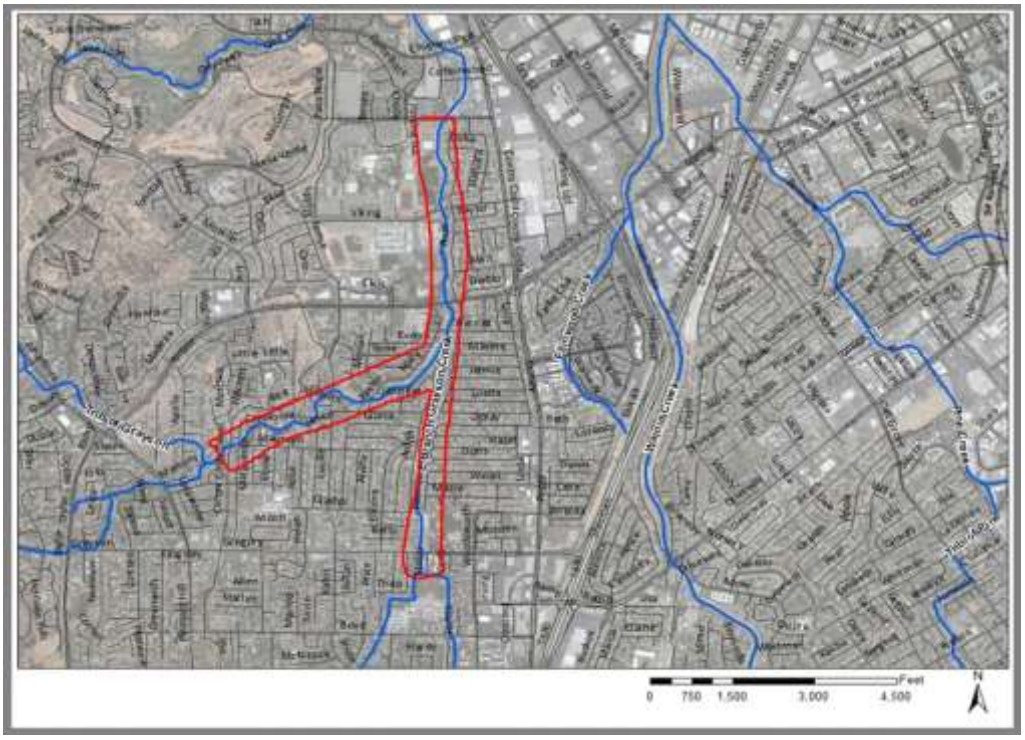
FUNDING SOURCE(S): Flood Control Zone 3B

TOTAL PROJECT COST: $500,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$500,000	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 3B	$0	$0	$0	$500,000	$0	$0	$0

AFFECTED AREA: Pleasant Hill



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Grayson Creek Sediment Removal

WORK ORDER: 8334 ID: 109

PROJECT DESCRIPTION: Remove accumulated sediment from Grayson creek between confluence with Walnut Creek to Chilpancingo Parkway (about 9,000 linear feet in selected areas)

PROJECT NEED: Remove accumulated sediment to restore design flood capacity of the channel. Exact areas to be desilted will be determined with a pre-design topographic silt survey.

SUPERVISOR DISTRICT: IV & V

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 1

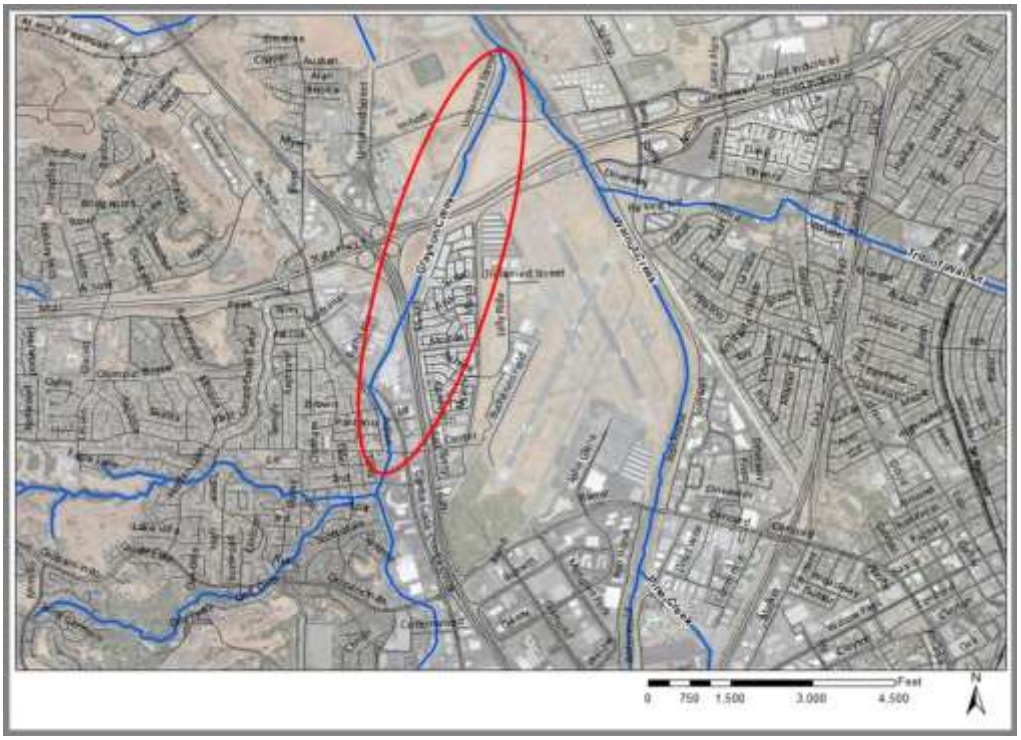
FUNDING SOURCE(S): Flood Control Zone 3B

TOTAL PROJECT COST: $2,005,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$20,000	$125,000	$1,860,000	$0	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 3B	$20,000	$125,000	$1,860,000	$0	$0	$0	$0

AFFECTED AREA: Pleasant Hill, Pacheco



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Portions of this area was last desilted in 2006. Effort shared with Walnut Creek desilt (#118)

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Lower Walnut Creek Restoration Project

WORK ORDER: 8285 ID: 110

PROJECT DESCRIPTION: Transform Lower Walnut Creek from an antiquated, difficult to maintain, legacy USACE facility into a sustainable, environmentally sensitive facility for the next 50 years. Project includes modification of project levees, acquisition of flowage easements and possible reconfiguration of the channel conveyance to better accommodate sediment and habitat.

PROJECT NEED: The Lower Walnut Creek project incorporates a new way of approaching the traditional methods of operating and maintaining a flood control facility. This alternative approach moves away from the single purpose, flood protection USACE design, to a sustainable, environmentally sensitive plan that will restore appropriate floodplains and habitat in the area.

SUPERVISOR DISTRICT: V

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 1

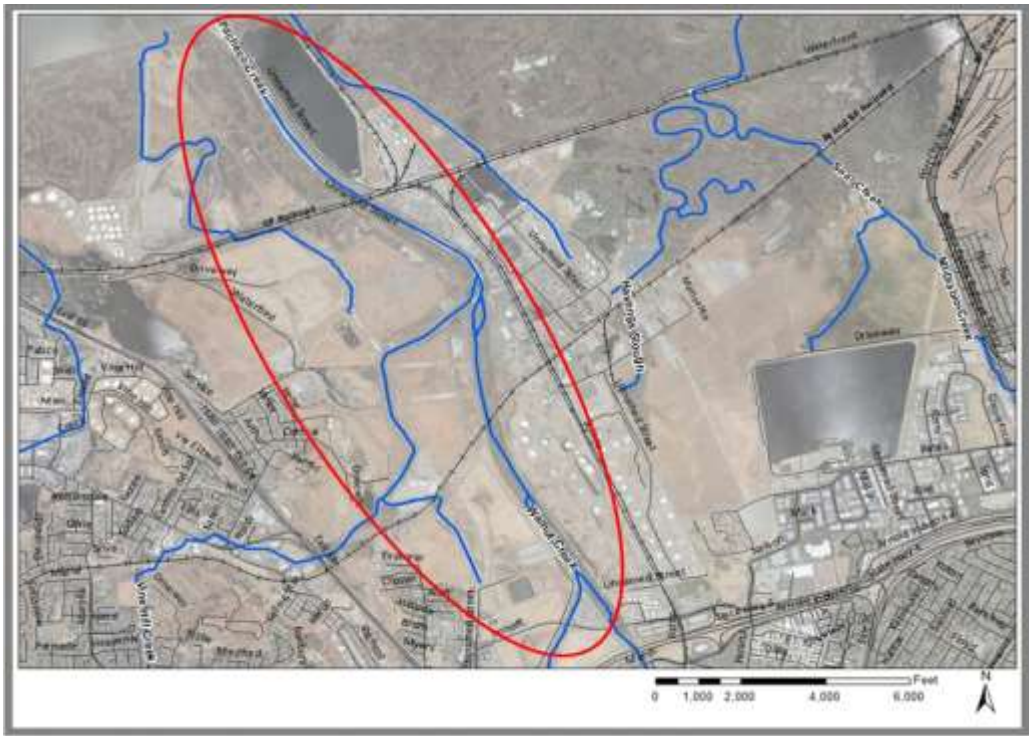
FUNDING SOURCE(S): Flood Control Zone 3B and Regional, State and federal Grant Funds (TBD)

TOTAL PROJECT COST: $41,630,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$340,000	$692,000	$762,000	$13,950,000	$500,000	$450,000	$450,000
FUNDING SOURCE(S):							
Flood Control Zone 3B	$165,000	$292,000	$525,000	$4,700,000	$0	$0	$0
Grants	$175,000	$400,000	$237,000	$1,250,000	$0	$0	$0
Unfunded	$0	$0	$0	$8,000,000	$500,000	$450,000	$450,000

AFFECTED AREA: Martinez, Pacheco, Concord



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Signature District project. Prior and future year expenditures not shown. Existing grants received from CDFW and EPA. Anticipated future grants to cover unfunded.

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Pacheco Marsh Restoration

WORK ORDER: 8494 ID: 111

PROJECT DESCRIPTION: Project is another name for the North Reach of Lower Walnut Creek (CIP#110.) Pacheco Marsh is unique in that it has different partners for restoration than the rest of LWC and, as such, is worthy of a separate CIP designation. This project intends to directly follow implementation of LWC Restoration (CIP#110) and will provide recreational amenities, additional habitat creation and long term stewardship of the site.

PROJECT NEED: A restored Pacheco Marsh will provide 126 acres of quality habitat for a number of rare and endangered species, as well as passive recreation amenities.

SUPERVISOR DISTRICT: V

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 1

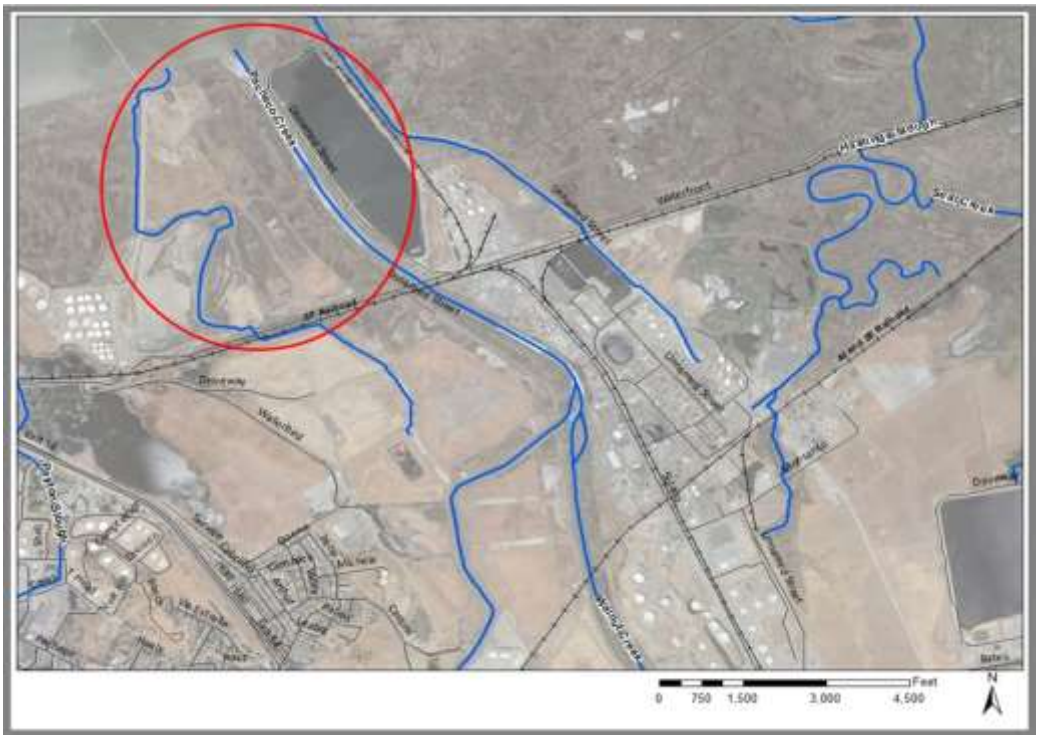
FUNDING SOURCE(S): Flood Control Zone 3B + funds from EBRPD, John Muir Land Trust, and future state and federal grants (TBD)

TOTAL PROJECT COST: $10,895,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$75,000	$5,675,000	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 3B	$0	$0	$0	$75,000	$75,000	$0	$0
Unfunded	$0	$0	$0	$0	$5,600,000	$0	$0

AFFECTED AREA: Martinez



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: reference "Pacheco Marsh Public Access Plan-draft Vision Concepts", Alternative B (Placeworks. 4/102017) for details. Anticipate John Muir Land Trust funds to cover unfunded amount.

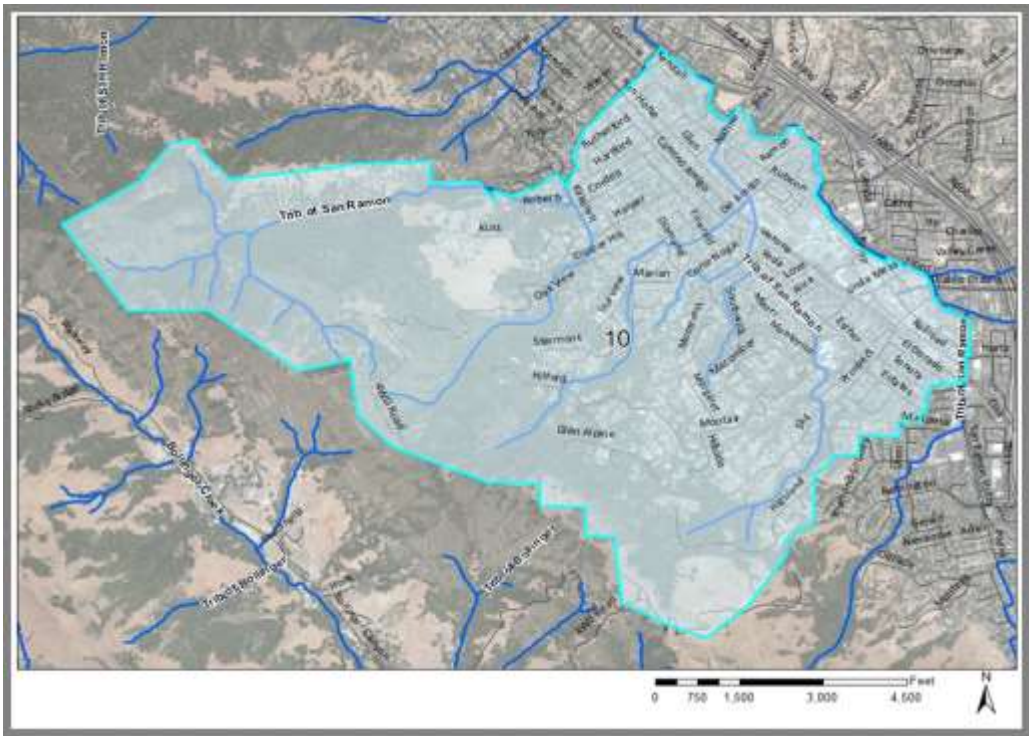
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Update DA 10 for Danville Area
WORK ORDER:	8302 ID: 113
PROJECT DESCRIPTION:	Update Drainage Area 10 Plan for Danville and develop a project for implementing the remaining elements of the drainage area plan in coordination with the Town of Danville
PROJECT NEED:	This project is needed to update existing drainage plan and determine future drainage improvements and related costs.
SUPERVISOR DISTRICT:	II
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	4
FUNDING SOURCE(S):	Drainage Area funds
TOTAL PROJECT COST:	$86,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$17,000	$0	$0	$0	$0
FUNDING SOURCE(S):							
Drainage Area 10	$0	$0	$17,000	$0	$0	$0	$0

AFFECTED AREA: Danville



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE: Prior year expenditures not shown.

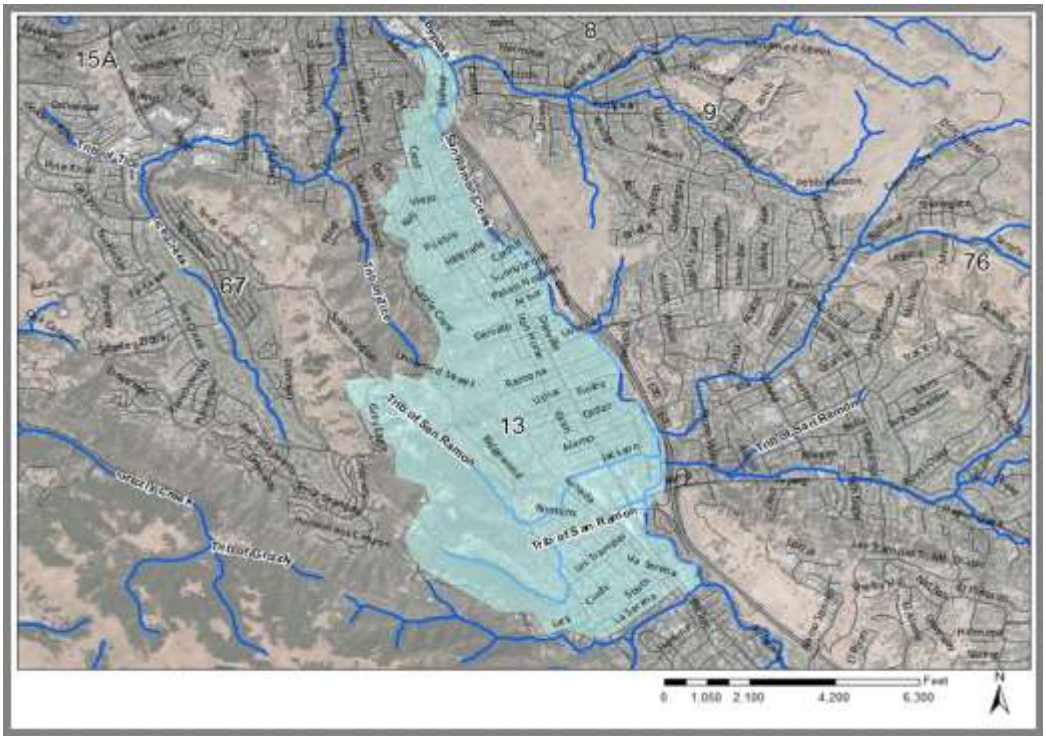
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Update DA 13 Plan for Western Alamo
WORK ORDER:	8303 ID: 114
PROJECT DESCRIPTION:	Update the DA13 drainage plan and related costs
PROJECT NEED:	The adopted DA13 plan is old, and it does not reflect the current needs of the community. This project would update the plan so it is relevant, current, and ensures DA13 fees and ad valorem revenue are adequate to implement the needed capital projects.
SUPERVISOR DISTRICT:	II
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	3
FUNDING SOURCE(S):	Drainage Area 13 ad-valorem tax and drainage fee funds
TOTAL PROJECT COST:	$174,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$33,000	$0	$0	$0	$0	$0
FUNDING SOURCE(S):							
Drainage Area 13	$0	$33,000	$0	$0	$0	$0	$0

AFFECTED AREA: Alamo



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): No

NOTE: Prior year expenditures not shown.

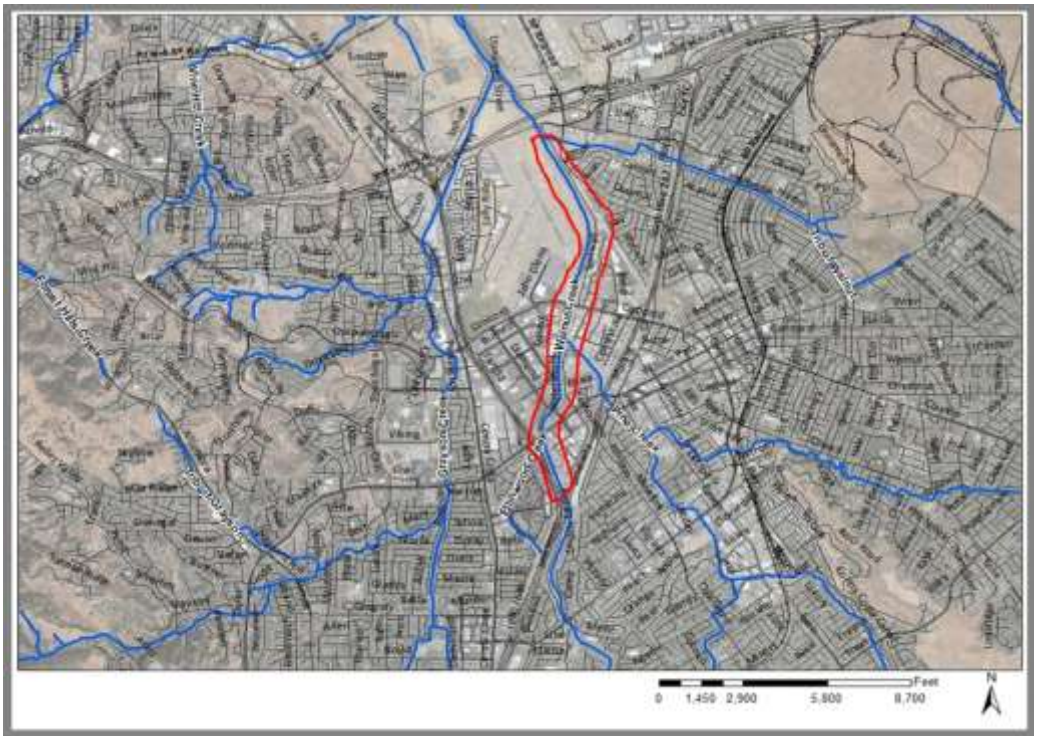
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Walnut Creek Sediment Removal - Clayton Valley Drain to Drop Structure 1
WORK ORDER:	8334 ID: 118
PROJECT DESCRIPTION:	Remove accumulated sediment from upland benches in Walnut Creek to restore channel capacity and restore wetlands
PROJECT NEED:	Remove accumulated sediment to restore design flood capacity of the channel. Exact areas to be desilted will be determined with a pre-design topographic silt survey.
SUPERVISOR DISTRICT:	IV
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	1
FUNDING SOURCE(S):	Flood Control Zone 3B
TOTAL PROJECT COST:	$4,525,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$50,000	$125,000	$4,250,000	$100,000	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 3B	$50,000	$125,000	$4,250,000	$100,000	$0	$0	$0

AFFECTED AREA: Concord, Pleasant Hill



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Effort shared with Grayson desilt (#109)

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Kubicek Basin Sediment Removal

WORK ORDER: WO TBD ID: 121

PROJECT DESCRIPTION: Remove sediment and restore habitat to ensure basin continues to function as designed

PROJECT NEED: The Pine Creek Detention Basin -- now known as the Kubicek Basin -- was designed for sediment storage. This sediment needs to be periodically removed to ensure proper functioning of the basin. Sediment has not been removed since the basin was constructed in the 1970s.

SUPERVISOR DISTRICT: IV

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 3

FUNDING SOURCE(S): Flood Control Zone 3B

TOTAL PROJECT COST: $88,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$0	$40,000	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 3B	$0	$0	$0	$0	$40,000	$0	$0

AFFECTED AREA: Walnut Creek, Concord

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Prior year expenditures not shown.

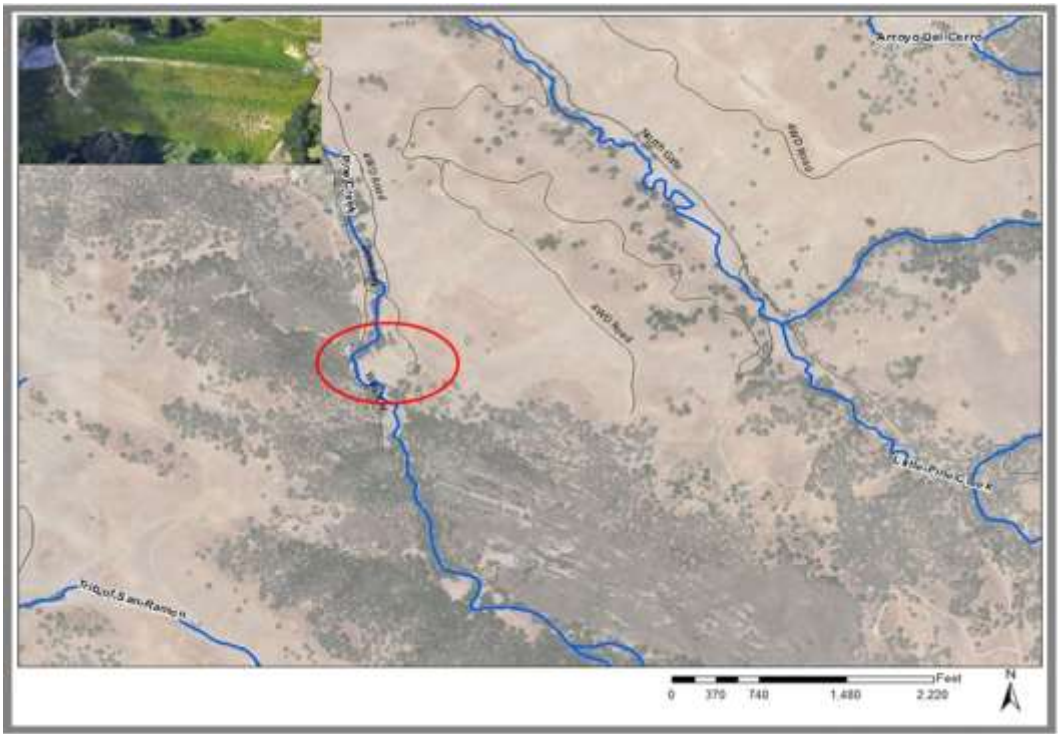
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Pine Creek Dam Seismic Assessment
WORK ORDER:	8346 ID: 122
PROJECT DESCRIPTION:	Hire specialized consultant to assess seismic performance of existing dam and recommend retrofit improvements. Two-phase approach: start with hazard assessment, and proceed to more detailed geotechnical analysis if warranted.
PROJECT NEED:	This project would identify deficiencies and conduct a retrofit plan, if needed.
SUPERVISOR DISTRICT:	IV
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	3
FUNDING SOURCE(S):	Flood Control Zone 3B
TOTAL PROJECT COST:	$300,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$110,000	$190,000	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 3B	$0	$0	$0	$110,000	$190,000	$0	$0

AFFECTED AREA: Walnut Creek, Unincorporated County



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Pine Creek Reservoir Functional Assessment

WORK ORDER: WO TBD ID: 123

PROJECT DESCRIPTION: Conduct a assessment of the existing Pine Creek Dam to ensure it meets DSOD standards and still provides the proper hydraulic performance. Verify hydrologic design assumptions and compare to current development plans of the watershed. Determine if the downstream Kubicek Basin can hydraulically handle a situation where the Pine Creek Dam is removed and not replaced.

PROJECT NEED: Pine Creek dam is an older facility; need to ensure it meets current safety standards and rehabilitate if needed. This project would cover assessment only, and will be revisited if significant rehabilitation is found to be necessary.

SUPERVISOR DISTRICT: IV

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 3

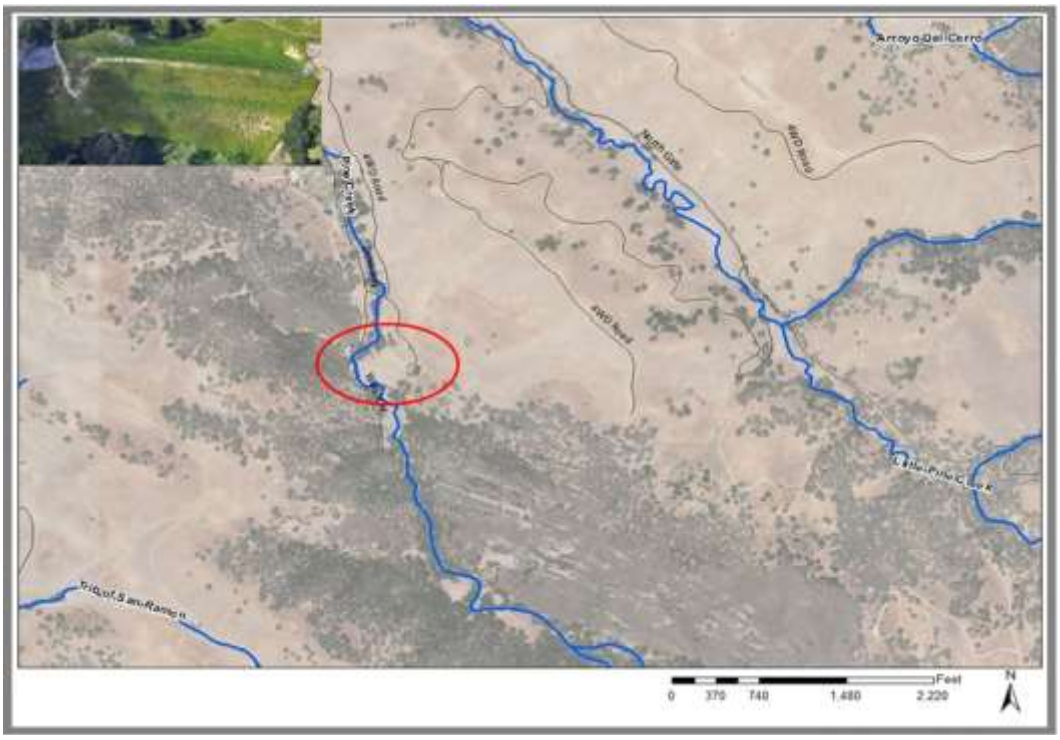
FUNDING SOURCE(S): Flood Control Zone 3B

TOTAL PROJECT COST: $143,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$143,000	$0	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 3B	$0	$0	$143,000	$0	$0	$0	$0

AFFECTED AREA: Walnut Creek, Unincorporated County



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Assessment only; rehabilitation not included. Seismic evaluation is covered under a separate CIP entry because seismic work will likely be combined with other dams.

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Galindo Creek Improvements

WORK ORDER: WO TBD ID: 127

PROJECT DESCRIPTION: Participate with City of Concord and USACE to construct a stormwater detention basin on Galindo Creek upstream of Ygnacio Valley Road (CSU East Bay Campus). Basin will be created with a modification to the existing headwall.

PROJECT NEED: This project would reduce flood risk to properties in the floodplain between Ygnacio Valley and the start of the concrete channel portion of Galindo Creek in the City of Concord. USACE and Concord have completed a federal reconnaissance study.

SUPERVISOR DISTRICT: IV

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 5

FUNDING SOURCE(S): Flood Control Zone 3B and the City of Concord

TOTAL PROJECT COST: $500,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$20,000	$480,000
FUNDING SOURCE(S):							
Flood Control Zone 3B	$0	$0	$0	$0	$0	$20,000	$40,000
Unfunded	$0	$0	$0	$0	$0	$0	$440,000

AFFECTED AREA: Concord

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Assume Concord will be the lead agency for CEQA/permits. Expect larger total project with additional funding by other partners. $500k is max FC Zone 3B contribution.

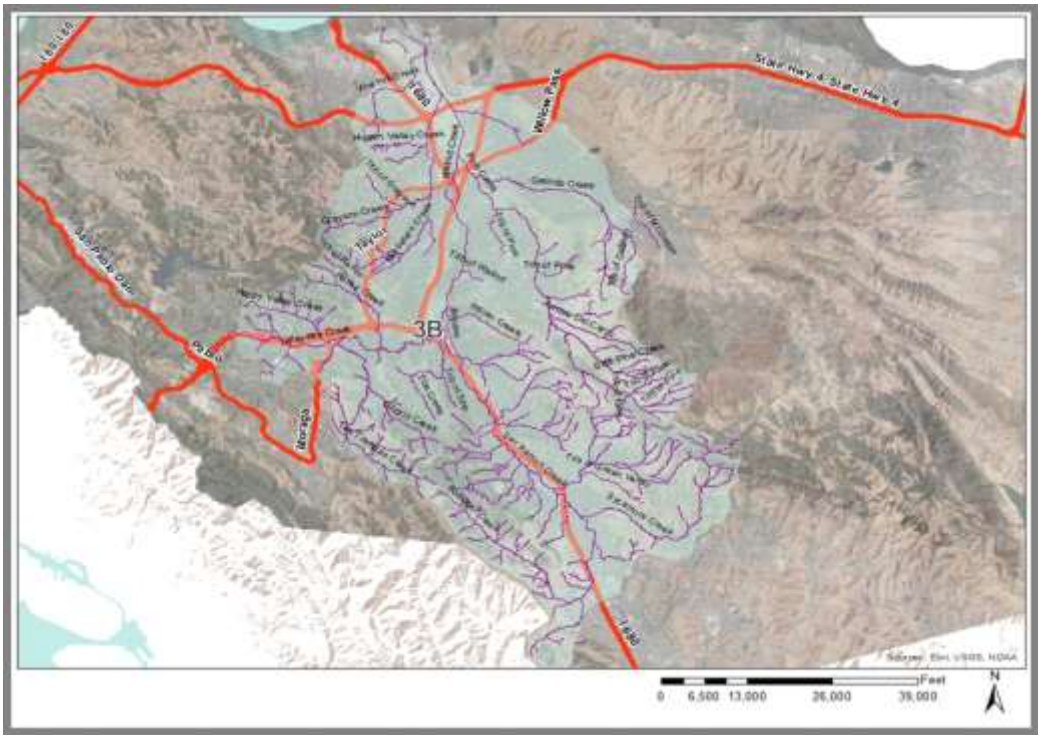
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Flood Control Zone 3B Channels and Structures Conditions Assessment
WORK ORDER:	8353 ID: 130
PROJECT DESCRIPTION:	Hire specialized consultants to assess conditions of existing facilities. Two-phase approach: start with initial assessment, and proceed to more detailed assessment as warranted.
PROJECT NEED:	Need to identify deficiencies and conduct a retrofit plan, if needed.
SUPERVISOR DISTRICT:	IV & V
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	1
FUNDING SOURCE(S):	Flood Control Zone 3B
TOTAL PROJECT COST:	$915,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$375,000	$400,000	$140,000	$0	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 3B	$375,000	$400,000	$140,000	$0	$0	$0	$0

AFFECTED AREA: Pleasant Hill, Walnut Creek, Concord, and unincorporated.



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

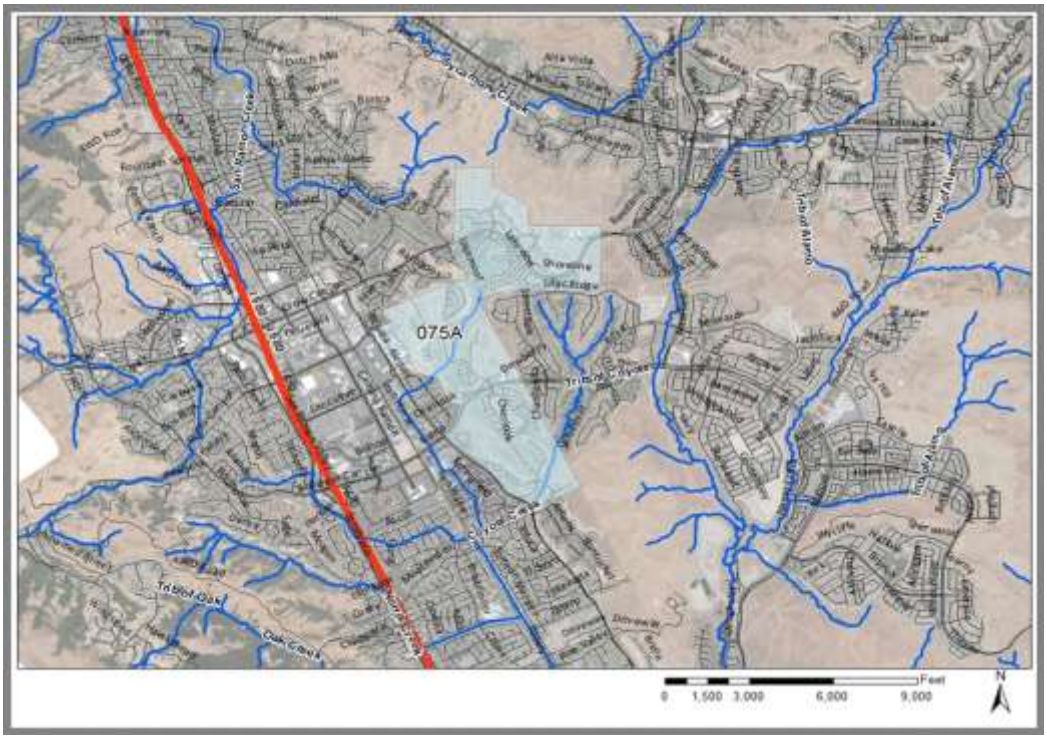
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Canyon Lakes Facilities Conditions Assessment
WORK ORDER:	8361 ID: 132
PROJECT DESCRIPTION:	Hire specialized consultants to assess conditions of existing facilities. Two-phase approach: start with initial assessment, and proceed to more detailed assessment as warranted.
PROJECT NEED:	Need to identify deficiencies and conduct a retrofit plan, if needed.
SUPERVISOR DISTRICT:	II
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	1
FUNDING SOURCE(S):	DABA 75A
TOTAL PROJECT COST:	$100,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$10,000	$90,000	$0	$0	$0	$0	$0
FUNDING SOURCE(S):							
Drainage Area 75A	$10,000	$90,000	$0	$0	$0	$0	$0

AFFECTED AREA: The City of San Ramon



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Rassier Ranch Basin Conditions Assessment

WORK ORDER: 8362 ID: 134

PROJECT DESCRIPTION: Hire specialized consultants to assess conditions of existing facilities. Two-phase approach: start with initial assessment, and proceed to more detailed assessment as warranted.

PROJECT NEED: Need to identify deficiencies and conduct a retrofit plan, if needed.

SUPERVISOR DISTRICT: II

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 1

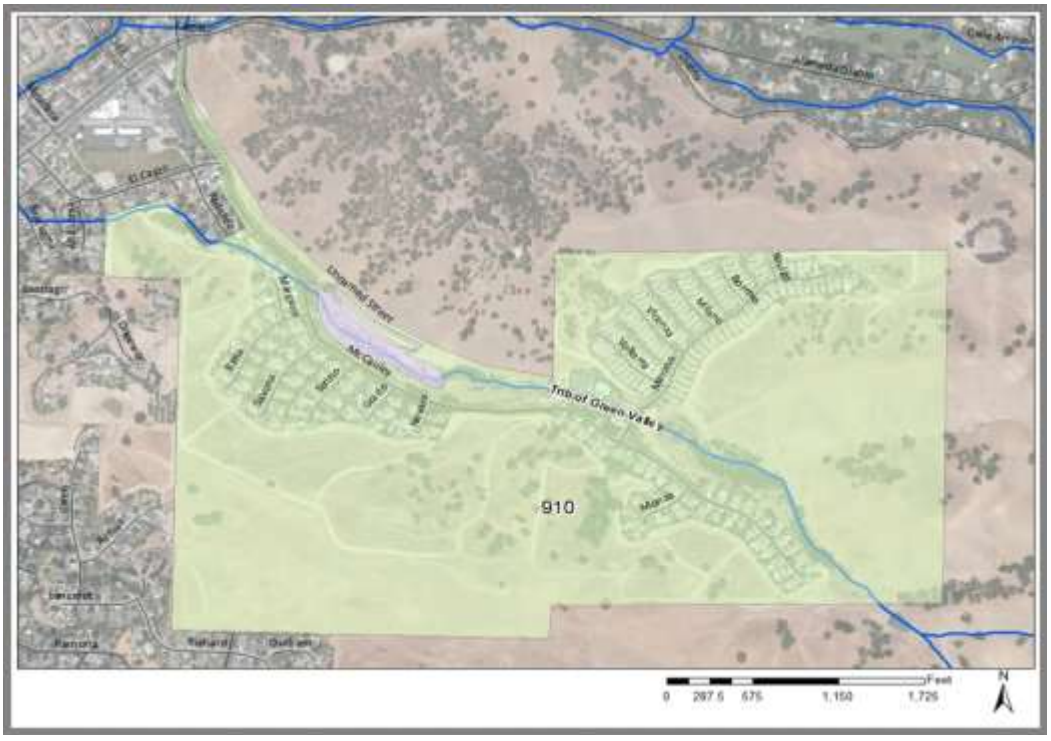
FUNDING SOURCE(S): DABA 910

TOTAL PROJECT COST: $26,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$26,000	$0	$0	$0	$0	$0
FUNDING SOURCE(S):							
Drainage Area 910	$0	$26,000	$0	$0	$0	$0	$0

AFFECTED AREA: Danville



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: See #130.

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Shadow Creek Basin Conditions Assessment
WORK ORDER:	WO TBD ID: 136
PROJECT DESCRIPTION:	Hire specialized consultants to assess conditions of existing facilities. Two-phase approach: start with initial assessment, and proceed to more detailed assessment as warranted.
PROJECT NEED:	Need to identify deficiencies and conduct a retrofit plan, if needed.
SUPERVISOR DISTRICT:	III
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	1
FUNDING SOURCE(S):	DABA 1010A
TOTAL PROJECT COST:	$30,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$30,000	$0	$0	$0	$0	$0
FUNDING SOURCE(S):							
Drainage Area 1010A	$0	$30,000	$0	$0	$0	$0	$0

AFFECTED AREA: Blackhawk

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: West Antioch Creek - DA55 Culverts at 10th Street

WORK ORDER: 8399 ID: 202

PROJECT DESCRIPTION: Fund construction of quadruple box culverts on West Antioch Creek at 10th Street by the City of Antioch.

PROJECT NEED: As reported by the City, this section of West Antioch Creek floods annually because of lack of capacity under 10th Street and through the old Ford Dealer. This project would help alleviate this flooding by constructing culverts with sufficient capacity and will connect to the previously widened channel downstream. The improvement of the channel upstream of 10th Street is a separate project in this CIP.

SUPERVISOR DISTRICT: V

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 2

FUNDING SOURCE(S): Local Funds (Drainage Area 55, City funds 50%), State Grants (IRWMP Prop 1E: 50%)

TOTAL PROJECT COST: $1,800,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$827,000	$280,000	$0	$0	$0	$0	$0
FUNDING SOURCE(S):							
Drainage Area 55	$827,000	$280,000	$0	$0	$0	$0	$0

AFFECTED AREA: Antioch

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE: City of Antioch is functional lead. DA55 contribution capped at $1.8 million per 2012 agreement with Antioch. (Prior year expenditures not shown.)

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Trembath Detention Basin

WORK ORDER: 8532 ID: 207

PROJECT DESCRIPTION: Design and construct Trembath Detention Basin. Trembath Basin is a new facility. Trembath Basin will be regulated by State Division of Dam Safety.

PROJECT NEED: This project is needed to provide flood protection in the lower watershed of East Antioch Creek in accordance with the adopted Drainage Area 56 (DA 56) plan.

SUPERVISOR DISTRICT: III

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 2

FUNDING SOURCE(S): Drainage Area 56 (Org 7566)

TOTAL PROJECT COST: $11,690,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$90,000	$225,000	$1,050,000	$450,000	$0	$0	$0
FUNDING SOURCE(S):							
Drainage Area 56	$90,000	$225,000	$1,050,000	$450,000	$0	$0	$0

AFFECTED AREA: Antioch

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE: Prior and future year expenditures not shown.

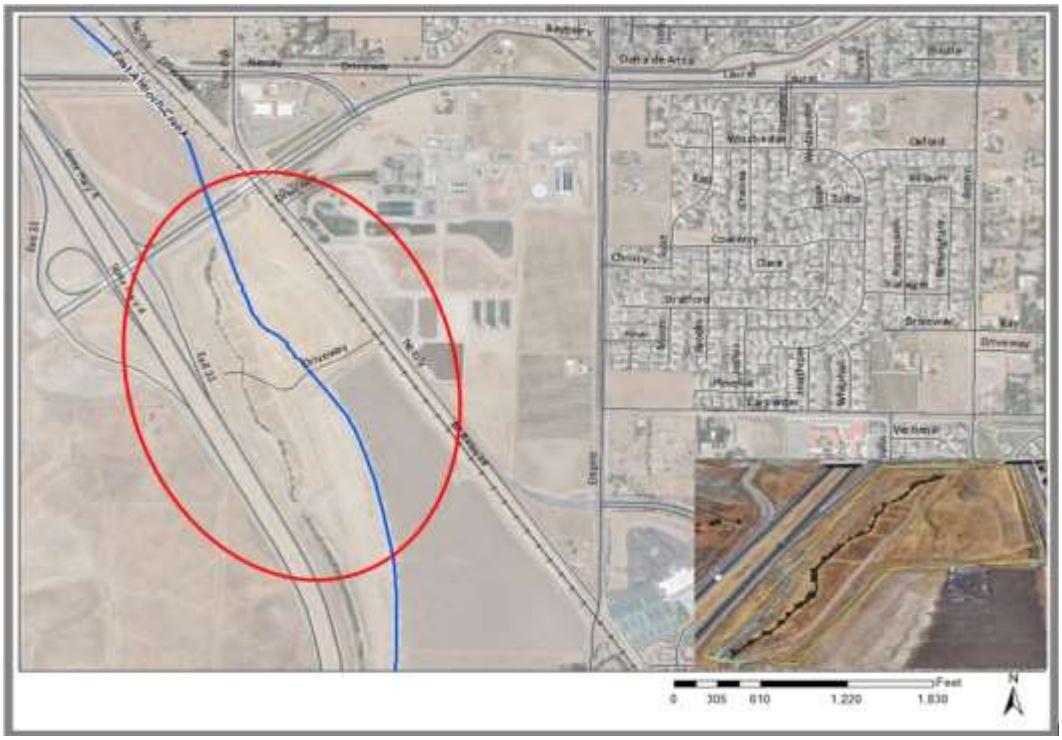
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Lindsey Basin Finalization Tasks & R/W Transfer
WORK ORDER:	8126 ID: 208
PROJECT DESCRIPTION:	Develop an Operations & Maintenance manual and convey basin right of way to the City of Antioch for perpetual ownership and maintenance. Generate legal description of property to be conveyed to separate basin from developable remainder parcels.
PROJECT NEED:	This is a completed non-regional facility and needs to be conveyed to the local city for ownership and maintenance.
SUPERVISOR DISTRICT:	III
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	5
FUNDING SOURCE(S):	DA 56 funds (Org 7566)
TOTAL PROJECT COST:	$258,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$11,000	$33,000	$16,000	$6,000	$0
FUNDING SOURCE(S):							
Drainage Area 56	$0	$0	$11,000	$33,000	$16,000	$6,000	$0

AFFECTED AREA: Antioch



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO (predates HCP adoption)

NOTE: Basin substantially completed in 2006 as part of Segment 1 of the SR4 Bypass. Still need to construct spillway across future Slaten Ranch Road.(Prior year expenditures not shown.)

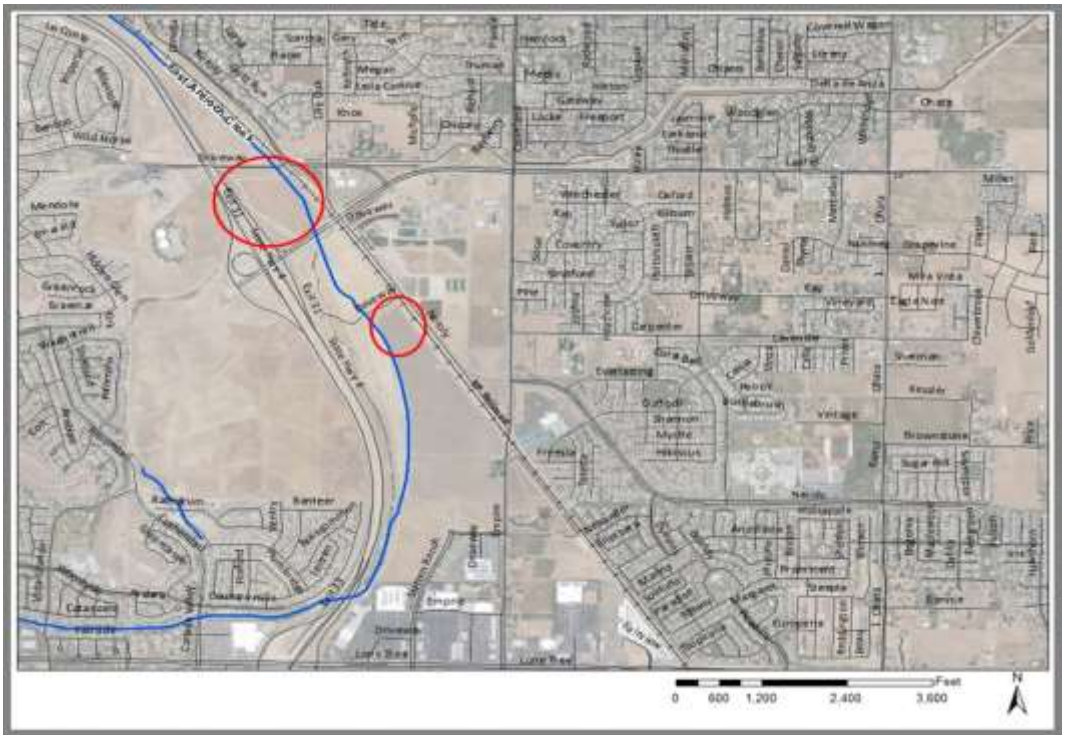
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Develop Revenue Generating Sites at Lindsey Basin
WORK ORDER:	WO TBD ID: 209
PROJECT DESCRIPTION:	Prepare conceptual plans and a cost estimate for the development of the two District-owned remainder parcels near the Lindsey Basin. Market the parcels to generate maximum long-term revenue for the Drainage Area and / or the District.
PROJECT NEED:	The Lindsey Detention Basin was designed for future re-use of spoil disposal sites as revenue-generating development. This project will facilitate this long-planned development. Project timing is a rough estimate; actual development depends on the commercial real estate market.
SUPERVISOR DISTRICT:	III
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	5
FUNDING SOURCE(S):	Drainage Area funds (Org,7566)
TOTAL PROJECT COST:	$593,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$17,000	$17,000	$99,000	$102,000	$102,000
FUNDING SOURCE(S):							
Drainage Area 56	$0	$0	$17,000	$17,000	$99,000	$102,000	$102,000

AFFECTED AREA: Antioch



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Future year expenditures not shown.

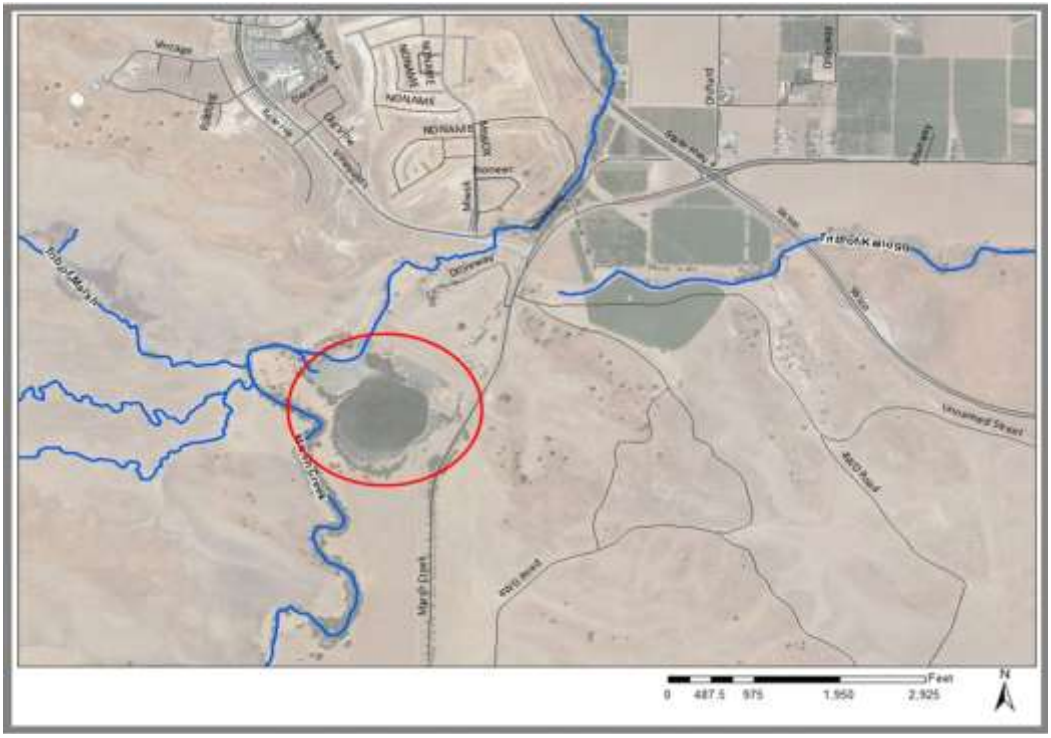
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Marsh Creek Reservoir Seismic Assessment
WORK ORDER:	8355 ID: 210
PROJECT DESCRIPTION:	Hire specialized consultant to assess seismic performance of existing dam and recommend retrofit improvements, if needed. Two-phase approach: start with hazard assessment, and proceed to more detailed geotechnical analysis if warranted.
PROJECT NEED:	Need to identify deficiencies and conduct a retrofit plan, if needed.
SUPERVISOR DISTRICT:	III
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	3
FUNDING SOURCE(S):	Flood Control Zone 1
TOTAL PROJECT COST:	$330,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$130,000	$160,000	$0	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 1	$0	$130,000	$160,000	$0	$0	$0	$0

AFFECTED AREA: Brentwood



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE:

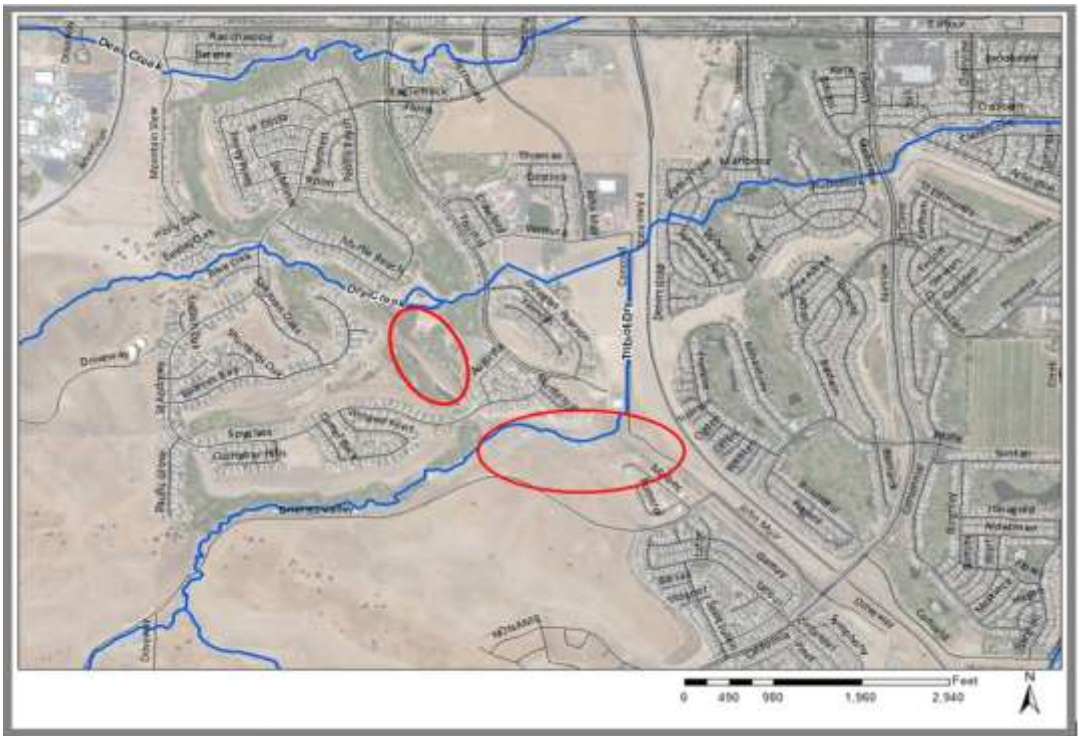
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Dry Creek Reservoir Seismic Assessment
WORK ORDER:	WO TBD ID: 211
PROJECT DESCRIPTION:	Hire specialized consultant to assess seismic performance of existing dam embankments and recommend retrofit improvements, if needed. Two-phase approach: start with hazard assessment, and proceed to more detailed geotechnical analysis if warranted.
PROJECT NEED:	Need to identify deficiencies and conduct a retrofit plan, if needed.
SUPERVISOR DISTRICT:	III
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	3
FUNDING SOURCE(S):	Flood Control Zone 1
TOTAL PROJECT COST:	$360,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$140,000	$210,000
FUNDING SOURCE(S):							
Flood Control Zone 1	$0	$0	$0	$0	$0	$140,000	$210,000

AFFECTED AREA: Brentwood



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Deer Creek Reservoir Seismic Assessment
WORK ORDER:	8355 ID: 212
PROJECT DESCRIPTION:	Hire specialized consultant to assess seismic performance of existing dam and recommend retrofit improvements, if needed. Two-phase approach: start with hazard assessment, and proceed to more detailed geotechnical analysis if warranted.
PROJECT NEED:	Need to identify deficiencies and conduct a retrofit plan, if needed.
SUPERVISOR DISTRICT:	III
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	2
FUNDING SOURCE(S):	Flood Control Zone 1
TOTAL PROJECT COST:	$200,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$90,000	$160,000	$0	$0	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 1	$90,000	$160,000	$0	$0	$0	$0	$0

AFFECTED AREA: Brentwood

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Marsh Creek Reservoir Capacity and Habitat Restoration

WORK ORDER: 8495 ID: 213

PROJECT DESCRIPTION: Assess reservoir condition and habitat condition of impoundment area. Develop restoration plan that: maintains or improves level of flood protection, improves surrounding habitat, is compatible with surrounding state park uses, deals appropriately with accumulated mercury and accommodates mercury that will arrive at the basin in the next 50 years. After proper approvals and CEQA analysis, implement the preferred alternative.

PROJECT NEED: Marsh Creek Reservoir was constructed in 1964 as a single-purpose facility and has reduced flood risks. Now nearing a half-century of use, the reservoir has poor water quality (impacted by mercury). With the opening of the state park on surrounding lands, there is an increased pressure to allow public access. A comprehensive restoration plan is needed to guide operations of this facility and development of future projects for the next 50 years.

SUPERVISOR DISTRICT: III

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 3

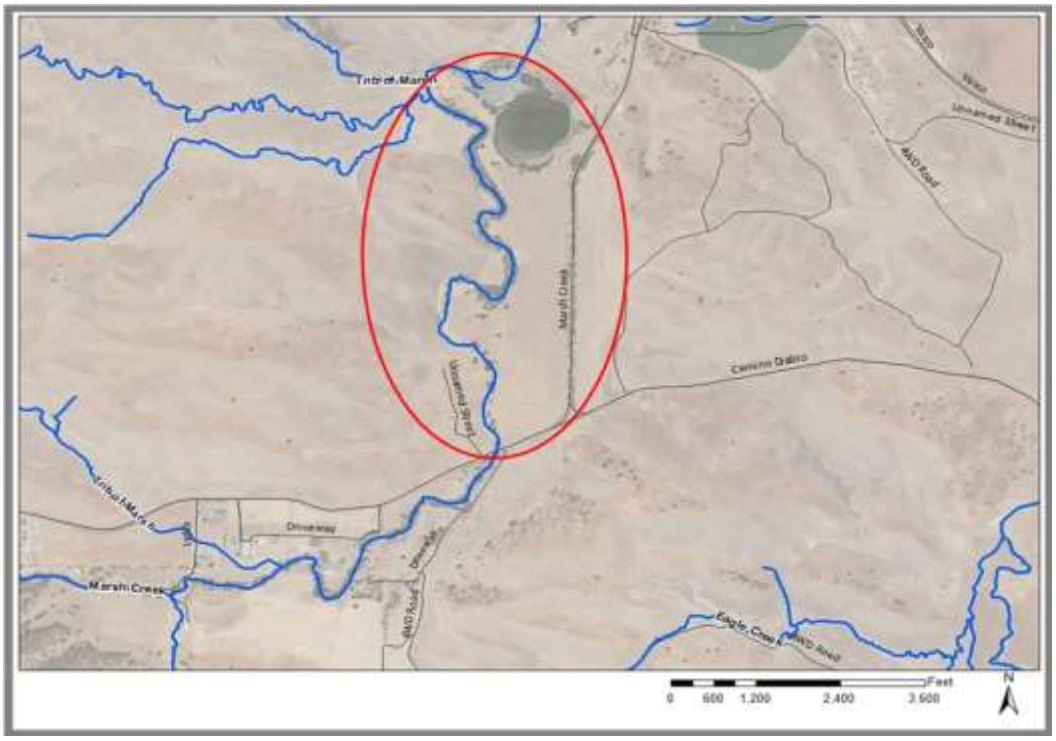
FUNDING SOURCE(S): Flood Control Zone 1, future grant funds

TOTAL PROJECT COST: $5,500,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$55,521	$0	$129,000	$109,000	$468,000	$4,480,000	$210,000
FUNDING SOURCE(S):							
Flood Control Zone 1	$55,521	$0	$129,000	$109,000	$468,000	$1,500,000	$210,000
Unfunded	$0	$0	$0	$0	$0	$2,980,000	$0

AFFECTED AREA: Oakley, Brentwood



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): Yes

NOTE: Plan implementation may be delayed depending on other priorities for FC Zone 1 funds, (Future year expenditures not shown.)

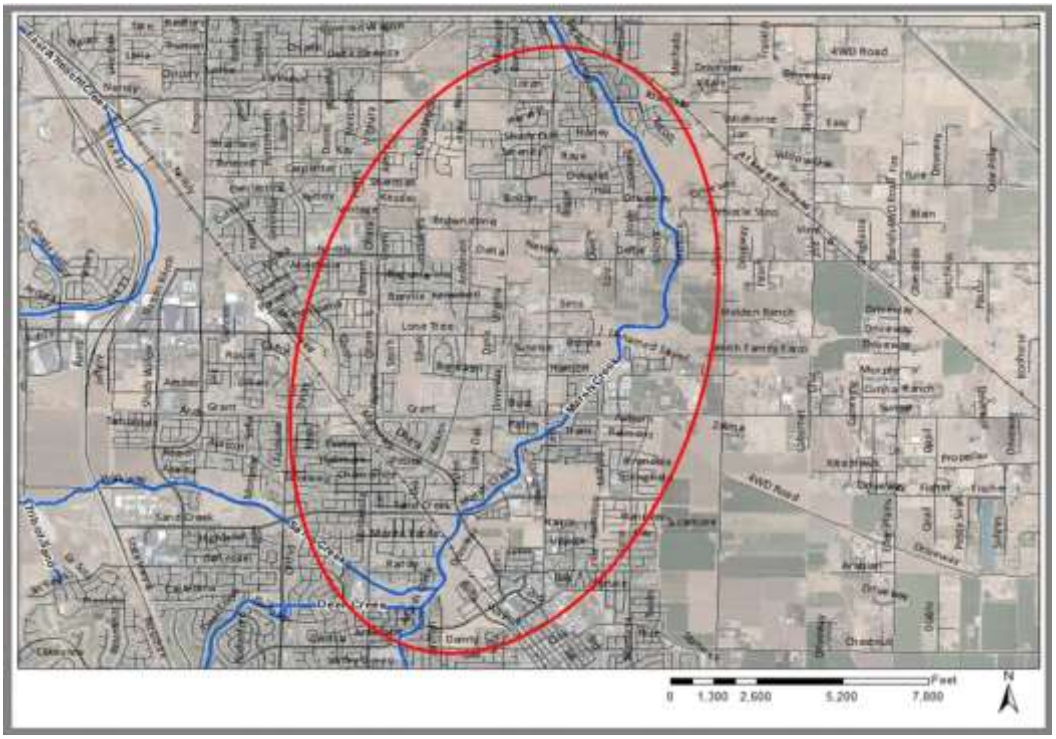
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Marsh Creek Supplemental Capacity
WORK ORDER:	WO TBD ID: 215
PROJECT DESCRIPTION:	Raise channel banks, levees and construct floodwalls to improve flood protection
PROJECT NEED:	A 2010 District study identified the need for additional channel capacity upon ultimate development of the watershed. This project is needed to ensure 100-year storms are contained in the channel without overtopping and flooding adjacent neighborhoods.
SUPERVISOR DISTRICT:	III
PROGRAM TYPE:	System Expansion
PROJECT PRIORITY:	3
FUNDING SOURCE(S):	Flood Control Zone 1, Drainage Area 130, future grant funds
TOTAL PROJECT COST:	$3,664,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$0	$11,000	$77,000	$578,000
FUNDING SOURCE(S):							
Drainage Area 130	$0	$0	$0	$0	$11,000	$77,000	$578,000

AFFECTED AREA: Oakley, Brentwood



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE: See the 2010 study on file to contain 100-year flood flows and contain 50-year flood flows with freeboard. (Future year expenditures not shown.)

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Marsh Creek Widening Between Dainty Avenue and Sand Creek

WORK ORDER: 8466 ID: 216

PROJECT DESCRIPTION: Widen sections of the Marsh Creek Channel to improve peak flood capacity. Reconstruct access roads / trails, and construct a large retaining wall along the left bank

PROJECT NEED: Marsh Creek in this vicinity does not have capacity to contain the 100-year event, or the 50-year event with freeboard. Additional channel capacity is needed. This project is the second phase of the project at Dainty Road (and upstream) that was built in the late 1990s. This project is developed in collaboration with and is part of the larger Three Creeks Parkway Restoration Project.

SUPERVISOR DISTRICT: III

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 1

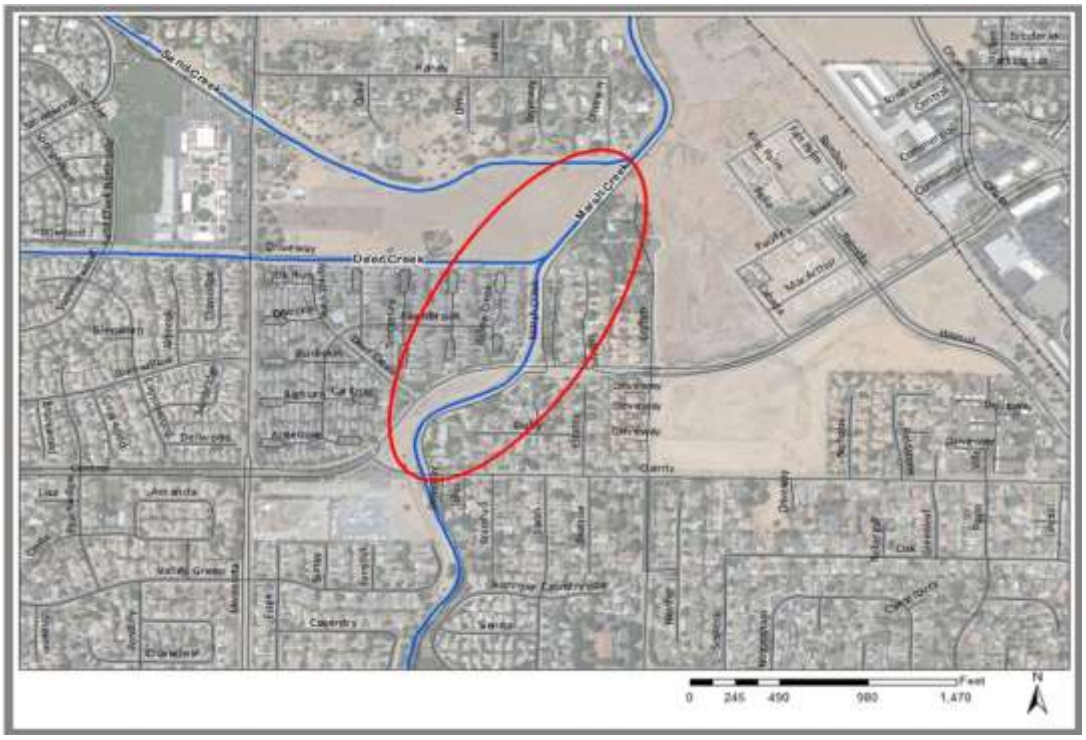
FUNDING SOURCE(S): Flood Control Zone 1 and Drainage Area 130

TOTAL PROJECT COST: $2,564,800

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$52,100	$200,000	$1,734,000	$0	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 1	$26,050	$100,000	$867,000	$0	$0	$0	$0
Drainage Area 130	$26,050	$100,000	$867,000	$0	$0	$0	$0

AFFECTED AREA: Oakley, Brentwood



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Deer Creek Reservoir Expansion
WORK ORDER:	8447 ID: 217
PROJECT DESCRIPTION:	Excavate the storage area of the existing Deer Creek Reservoir to increase stormwater holding capacity and reduce flood flows downstream
PROJECT NEED:	This project would increase storage capacity of Deer Creek Reservoir to protect downstream properties from flooding. Work to date has established that it is more beneficial to expand the future storage volume behind the existing dam by selectively excavating the storage area rather than raising the dam.
SUPERVISOR DISTRICT:	III
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	3
FUNDING SOURCE(S):	Drainage Area 130, possible Flood Control Zone 1
TOTAL PROJECT COST:	$6,072,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$22,000	$11,000	$66,000	$88,000	$594,000
FUNDING SOURCE(S):							
Drainage Area 130	$0	$0	$22,000	$11,000	$66,000	$88,000	$594,000

AFFECTED AREA: Oakley, Brentwood

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Deer Creek Reservoir Expansion - R/W Acquisition

WORK ORDER: 8463 ID: 218

PROJECT DESCRIPTION: Acquire additional land rights over area currently encumbered only by a flowage easement. This is needed for expansion of the storage area of the Deer Creek Reservoir, located south of Balfour Road in Brentwood.

PROJECT NEED: Need to retain additional stormwater in Deer Creek Reservoir to protect downstream properties. Instead of raising the dam, the plan is to expand the storage volume behind the existing dam by selectively excavating the storage area. The existing flowage easement is insufficient to do so; need to upgrade flowage easement into a drainage easement.

SUPERVISOR DISTRICT: III

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 3

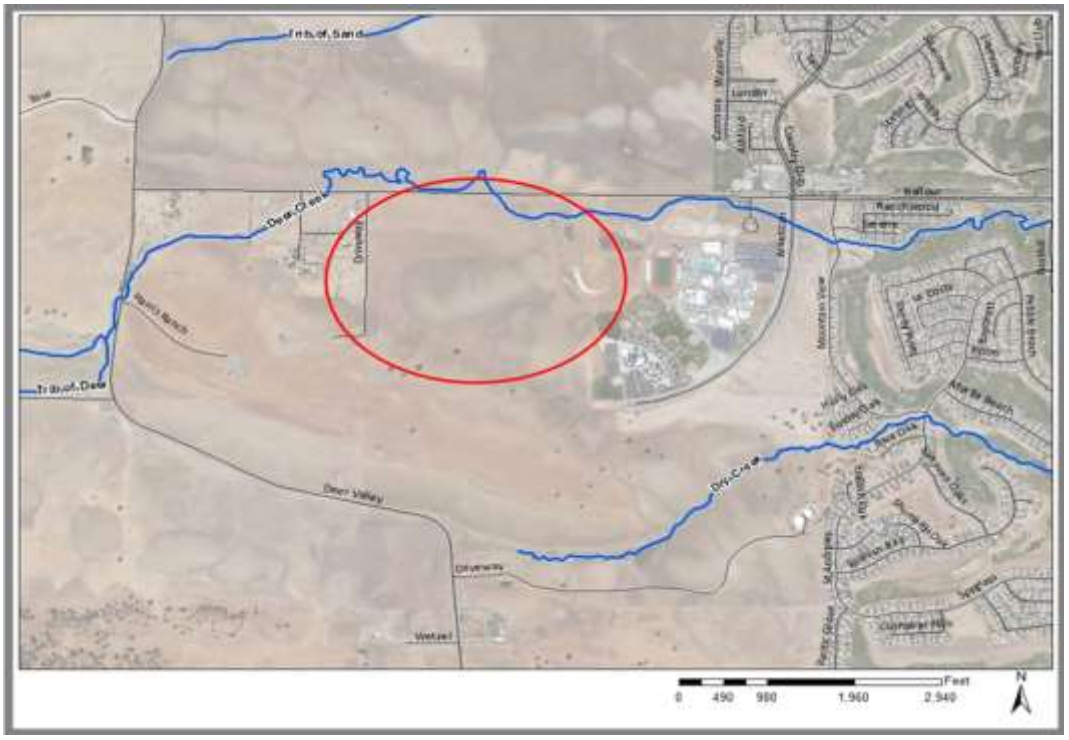
FUNDING SOURCE(S): Drainage Area 130, possible Flood Control Zone 1

TOTAL PROJECT COST: $214,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$0	$28,000	$149,000	$0	$0
FUNDING SOURCE(S):							
Drainage Area 130	$0	$0	$0	$28,000	$149,000	$0	$0

AFFECTED AREA: Brentwood



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): N/A

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Upper Sand Creek Basin Surplus Material

WORK ORDER: 8517 ID: 220

PROJECT DESCRIPTION: Coordinate removal of Upper Sand Creek Basin material by others, separate from main USCB contract. Includes material removed in advance of construction as well as material removed post construction. Common customers include contractors, developers and other agencies needing high quality fill material.

PROJECT NEED: Brokering dirt removal in this way typically represents an excellent value (in cost/yd3) for the District. Interest in material (and thus cost) is highly dependent on the economy. Each cubic yard of material removed gets the basin incrementally closer to its ultimate volume at a reduced cost per cubic yard.

SUPERVISOR DISTRICT: III

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 2

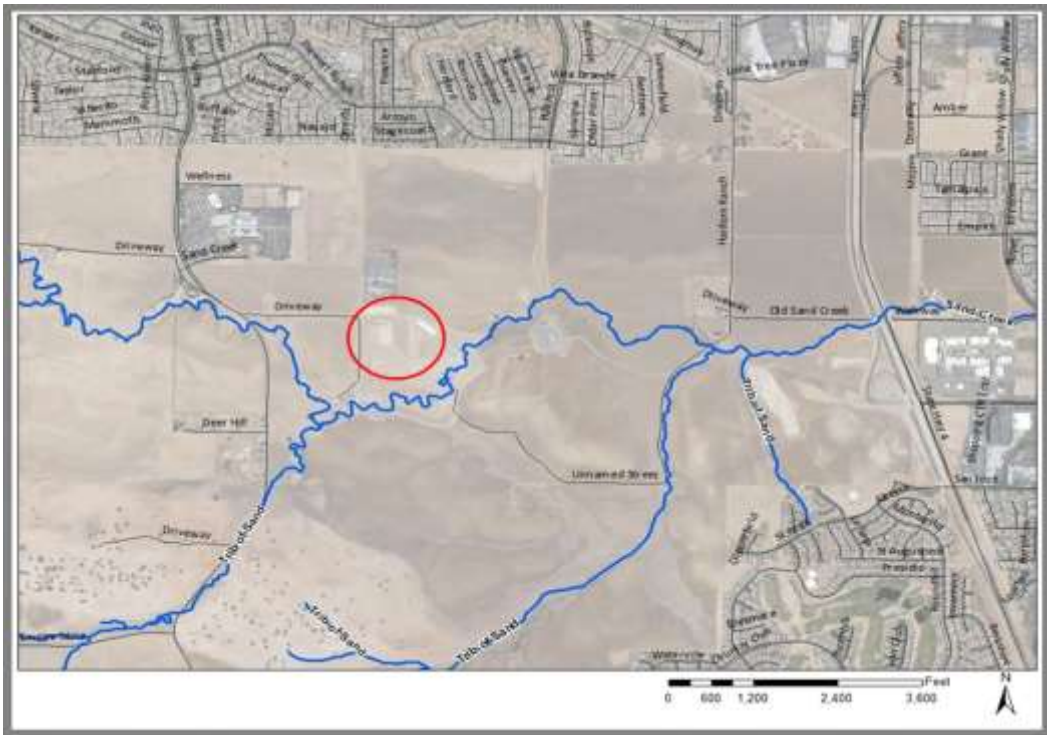
FUNDING SOURCE(S): DA 130, FC Zone 1

TOTAL PROJECT COST: $458,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$10,000	$72,000	$11,000	$66,000	$11,000	$66,000	$11,000
FUNDING SOURCE(S):							
Drainage Area 130	$10,000	$72,000	$11,000	$66,000	$11,000	$66,000	$11,000

AFFECTED AREA: Antioch



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE: Prior and future expenditures not shown.

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Lower Sand Creek Basin Construction

WORK ORDER: 8492 ID: 222

PROJECT DESCRIPTION: Construct a 300 ac-ft regional detention basin on Sand Creek. The existing 40 ac-ft basin will be converted into an 300 ac-ft offline basin with new intake structure, primary and emergency spillways, low flow channel and riparian mitigation area.

PROJECT NEED: In conjunction with the Upper Sand Creek Basin, this lower basin will reduce stormwater flows in Sand Creek and in Marsh Creek. With the upper basin in place, the 100 year 12 hour flow rate is 1230 cfs. Once completed, the lower basin will reduce this flow rate to 209 cfs, and provide improved flood protection for Brentwood and Oakley.

SUPERVISOR DISTRICT: III

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 3

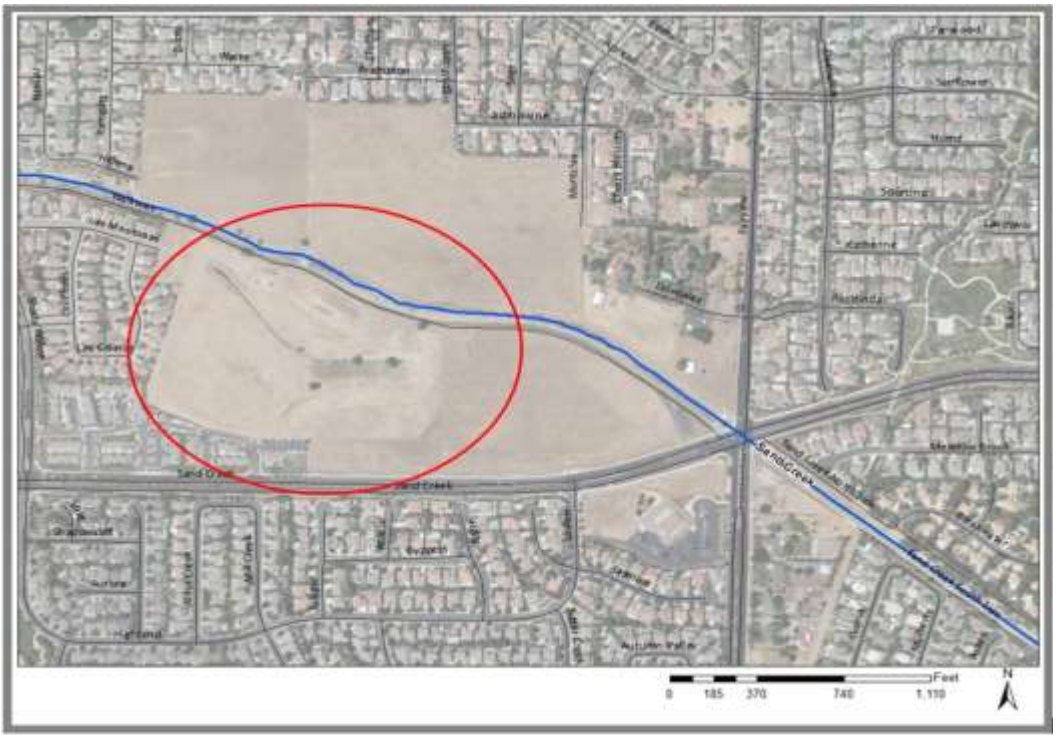
FUNDING SOURCE(S): Drainage Area 130, possible future Federal, State and local grants, Flood Control Zone 1

TOTAL PROJECT COST: $7,103,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$20,000	$20,000	$61,000	$116,000	$583,000	$424,000
FUNDING SOURCE(S):							
Drainage Area 130	$0	$20,000	$20,000	$61,000	$116,000	$583,000	$424,000

AFFECTED AREA: Oakley, Brentwood



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Marsh Creek and Sand Creek Structures Conditions Assessment

WORK ORDER: 8360 ID: 227

PROJECT DESCRIPTION: Hire specialized consultants to assess conditions of existing facilities. Two-phase approach: start with initial assessment, and proceed to more detailed assessment as warranted.

PROJECT NEED: Need to identify deficiencies and conduct a retrofit plan, if needed.

SUPERVISOR DISTRICT: III

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 1

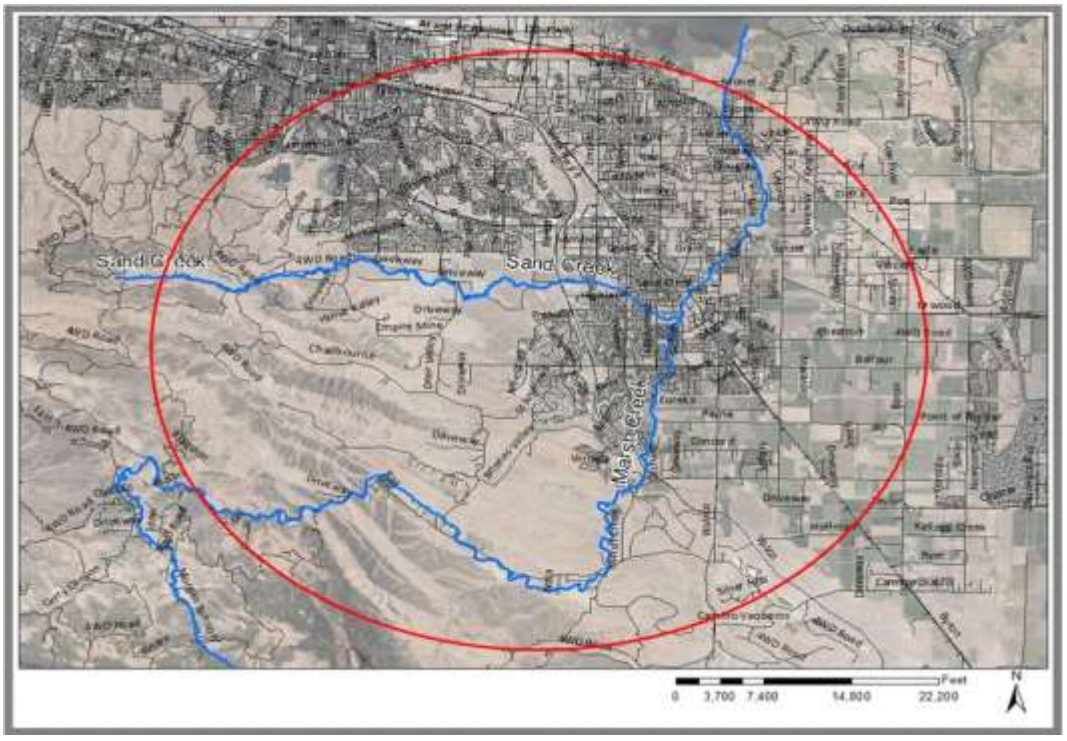
FUNDING SOURCE(S): Flood Control Zone 1

TOTAL PROJECT COST: $510,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$310,000	$200,000	$0	$0	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 1	$310,000	$200,000	$0	$0	$0	$0	$0

AFFECTED AREA: The Cities of Brentwood and Oakley



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Kellog Conditions Assessment
WORK ORDER:	WO TBD ID: 228
PROJECT DESCRIPTION:	Hire specialized consultants to assess conditions of existing facilities. Two-phase approach: start with initial assessment, and proceed to more detailed assessment as warranted.
PROJECT NEED:	Need to identify deficiencies and conduct a retrofit plan, if needed.
SUPERVISOR DISTRICT:	III
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	1
FUNDING SOURCE(S):	Unfunded
TOTAL PROJECT COST:	$23,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$23,000	$0	$0	$0	$0	$0	$0
FUNDING SOURCE(S):							
Unfunded	$23,000	$0	$0	$0	$0	$0	$0

AFFECTED AREA: The Cities of Byron and Discovery Bay

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Marsh Creek Reservoir Emergency Spillway Rehabilitation

WORK ORDER: TBD ID: 232

PROJECT DESCRIPTION: Improve performance of spillway by extending concrete apron to Marsh Creek

PROJECT NEED: To avoid toe erosion upon use of spill way

SUPERVISOR DISTRICT: III

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 2

FUNDING SOURCE(S): Flood Control Zone 1

TOTAL PROJECT COST: $1,100,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$0	$0	$150,000	$950,000	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 1	$0	$0	$150,000	$950,000	$0	$0	$0

AFFECTED AREA: Brentwood

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N):

NOTE:

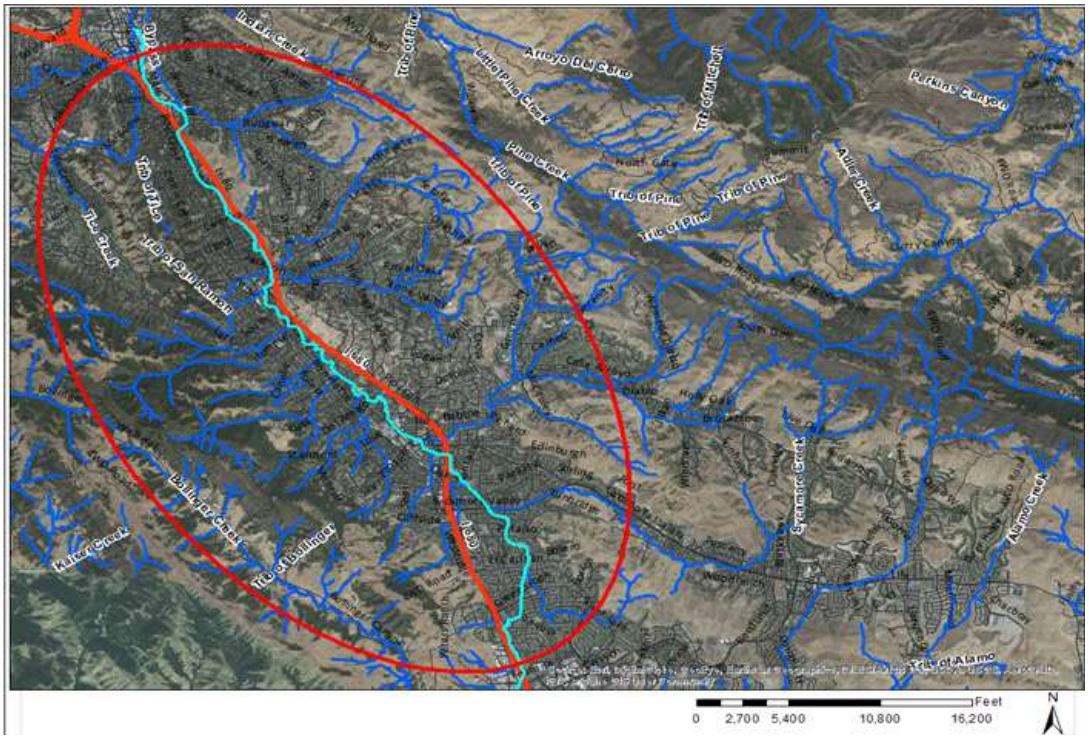
CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	San Ramon Creek Watershed Study
WORK ORDER:	8541 ID: 138
PROJECT DESCRIPTION:	The Watershed Planning-Engineering group is studying the hydraulics of San Ramon Creek through the use of HEC-RAS modeling.
PROJECT NEED:	The current hydraulics report was created in 1977 and the future hydraulics report will supersede its predecessor.
SUPERVISOR DISTRICT:	II
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	2
FUNDING SOURCE(S):	Flood Control Zone 3B
TOTAL PROJECT COST:	$90,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$20,000	$70,000	$0	$0	$0	$0	$0
FUNDING SOURCE(S):							
Flood Control Zone 3B	$20,000	$70,000	$0	$0	$0	$0	$0

AFFECTED AREA: San Ramon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CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: DA 13 Line F-1 Storm Drainage in Alamo

WORK ORDER: 8303 ID: 139

PROJECT DESCRIPTION: Construct a drainage line that will connect with the existing drainage network and reduce local flooding issues. The newly created drainage line (Line F-1) will consist of a 30-inch pipe that will run parallel to the Iron Horse Trail Corridor from existing line "F" at Las Trampas Road (1300 ft.), to the intersection of South Avenue. From this point the pipe will extend another 150 ft. to the southwest, to the intersection of South Avenue and La Serena Court (Fig.1). Drainage inlet structures will be placed every 250 feet (as per the County criteria) including: 6 inlets on the Iron Horse Trail, 1 manhole on Las Trampas Road, and 2 inlets in the intersection of South Avenue and La Serena Court.

PROJECT NEED: To address recurring flooding complications at locations along South Avenue; the intersection of South Avenue and Wayland Lane, and the intersection of South Avenue and La Serena Court.

SUPERVISOR DISTRICT: II

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 2

FUNDING SOURCE(S): Drainage Area 13

TOTAL PROJECT COST: $620,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
PROJECT EXPENDITURES:	$20,000	$300,000	$300,000	$0	$0	$0	$0
FUNDING SOURCE(S):							
Drainage Area 13	$20,000	$300,000	$300,000	$0	$0	$0	$0

AFFECTED AREA: Alamo

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

Appendix *B* Unprogrammed Future Projects Details

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Wildcat Creek Habitat Improvements (USACE 1135 Program)

WORK ORDER: 8619 ID: 7

PROJECT DESCRIPTION: Rehabilitate fish ladder, reconfigure and expand sediment basin and improve riparian habitat throughout the limits of the previous Army Corps of Engineers project.

PROJECT NEED: This project is needed to improve flood control protection and wildlife habitat at Wildcat Creek. The fish ladder at Wildcat Creek is inoperative and the sediment basin needs to be expanded. Sediment accumulates underneath riparian vegetation that makes its removal impossible. This has reduced the level of flood control protection and increased maintenance costs. The Corps' 1135 program is intended to address these concerns, but progress is slowed by variable levels of federal funding.

SUPERVISOR DISTRICT: I

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 2

FUNDING SOURCE(S): USACE 1135 Program (75% - $5M limit)

TOTAL PROJECT COST: $2,000,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$2,000,000
FUNDING SOURCE(S):								
Unfunded	$0	$0	$0	$0	$0	$0	$0	$2,000,000

AFFECTED AREA: Richmond

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: see also http://www.spn.usace.army.mil/projects/wildcatcreek1135.html. Local match funding is not secured.

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Wildcat / San Pablo Creeks Phase II

WORK ORDER: WO TBD ID: 9

PROJECT DESCRIPTION: Channel improvements in Wildcat Creek and San Pablo Creek in the City of San Pablo upstream of BNSF railroad tracks

PROJECT NEED: The previous Corps projects stopped at the BNSF railroad. Significant residual flood risk remains in the portions of San Pablo and Wildcat Creeks in the City of San Pablo upstream of the BNSF railroad. This project would consist of the coordination needed with the Corps for expansion of the system upstream.

SUPERVISOR DISTRICT: I

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 5

FUNDING SOURCE(S): City of San Pablo, US Army Corps of Engineers

TOTAL PROJECT COST: $12,045,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$12,045,000
FUNDING SOURCE(S):								
Unfunded	$0	$0	$0	$0	$0	$0	$0	$12,045,000

AFFECTED AREA: San Pablo

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Pinole Creek Habitat Restoration (1135 Project)

WORK ORDER: 8493 ID: 12

PROJECT DESCRIPTION: Improve riparian habitat throughout the limits of the previous Army Corps of Engineers project. Remove possible fish barriers and improve habitat while preserving and expanding flood conveyance. Work within the USACE 1135 Program to ensure federal participation in this project.

PROJECT NEED: The Pinole Creek USACE project is dated and single purpose. Center for Ecosystem Management and Restoration has identified Pinole Creek as primary steelhead habitat in the west Contra Costa County. Habitat improvements are needed to ensure migrating steelhead pass successfully through the project area to habitat upstream.

SUPERVISOR DISTRICT: V

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 5

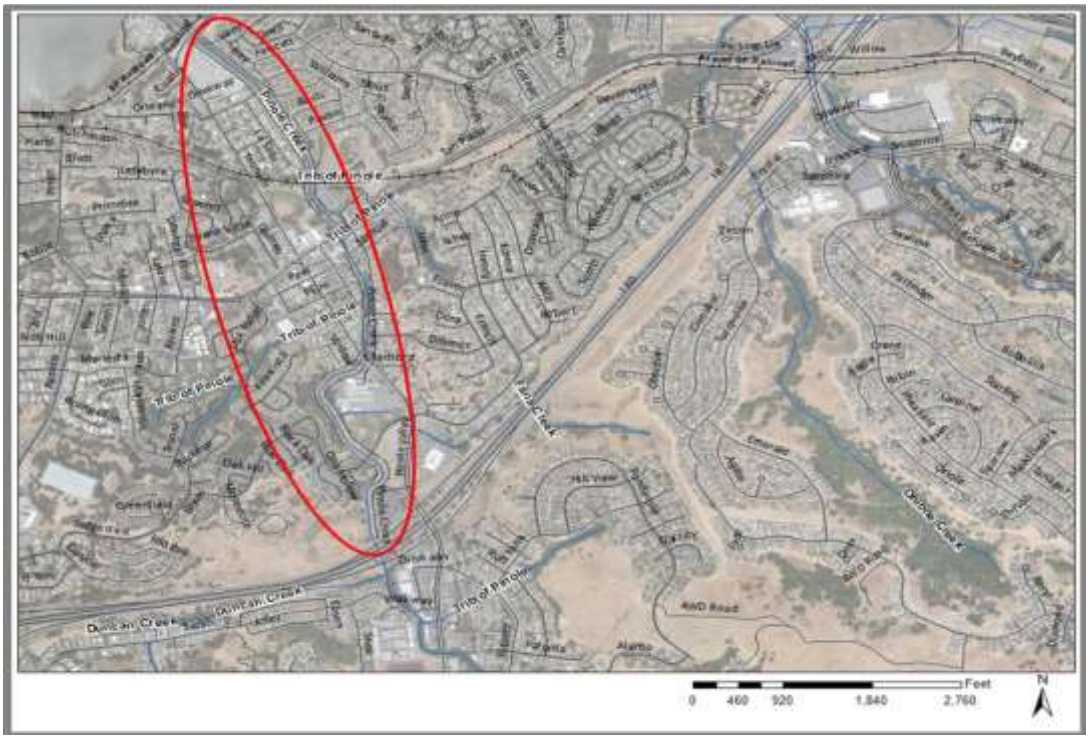
FUNDING SOURCE(S): City of Pinole, USACE 1135 Program (75% - $5M limit)

TOTAL PROJECT COST: $6,250,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$6,250,000
FUNDING SOURCE(S):								
Unfunded	$0	$0	$0	$0	$0	$0	$0	$6,250,000

AFFECTED AREA: Pinole



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Sustainable Capacity Improvement at Rodeo Creek

WORK ORDER: WO TBD ID: 17

PROJECT DESCRIPTION: Rehabilitate or replace concrete-lined portion of creek to improve conveyance, restore habitat

PROJECT NEED: Rodeo Creek is a 1960s era USACE channel, is devoid of most habitat, and is difficult to keep desilted, especially in the lowest reach. A new, more sustainable design of the creek is needed, and it has the potential to serve as a catalyst for further revitalization of the adjacent community. This project would also reduce long term dredging costs.

SUPERVISOR DISTRICT: V

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 3

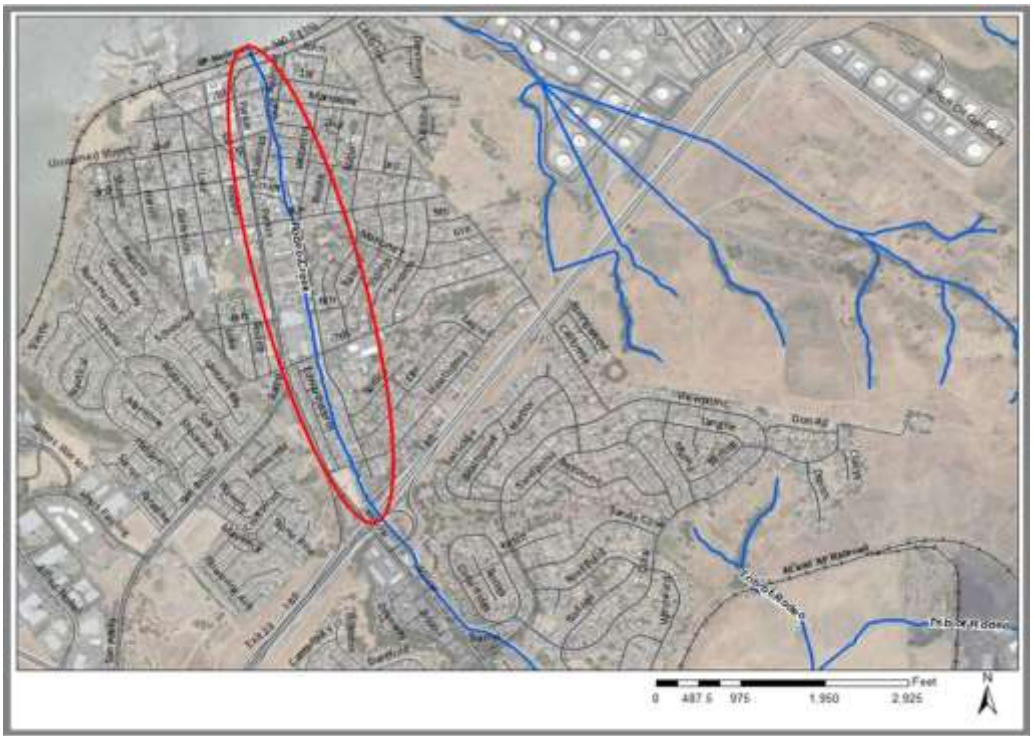
FUNDING SOURCE(S): Unfunded

TOTAL PROJECT COST: $10,285,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$10,285,000
FUNDING SOURCE(S):								
Unfunded	$0	$0	$0	$0	$0	$0	$0	$10,285,000

AFFECTED AREA: Rodeo



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: DA 67 - Tice Creek Bypass

WORK ORDER: WO TBD ID: 117

PROJECT DESCRIPTION: Construct 66-inch bypass pipe in Tice Valley Boulevard, Meadow Road and Lancaster to provide a bypass for storm flows in Tice Creek

PROJECT NEED: The 2004 completion of the Rossmoor Detention Basin significantly reduced flood risk for this area providing approximately a 20-year level of protection from Tice Creek. This long-planned bypass pipe would provide additional conveyance while allowing Tice Creek to remain in it's natural state.

SUPERVISOR DISTRICT: II

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 5

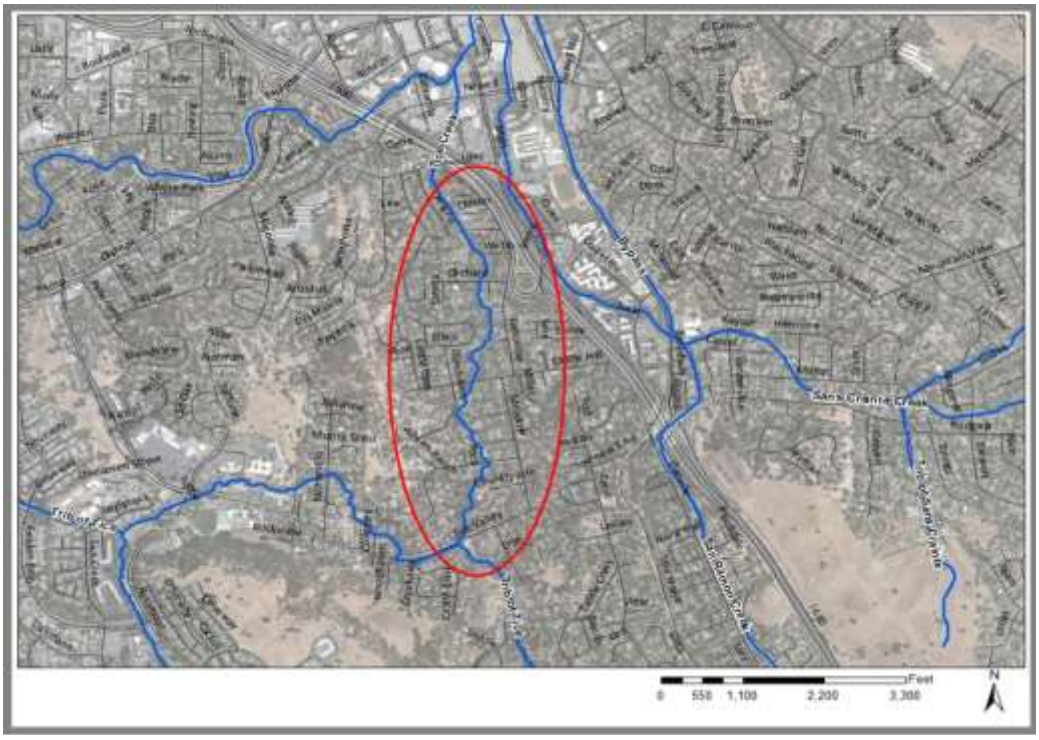
FUNDING SOURCE(S): Grant funds, City of Walnut Creek funds, other funds TBD.

TOTAL PROJECT COST: $2,481,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$2,481,000
FUNDING SOURCE(S):								
Unfunded	$0	$0	$0	$0	$0	$0	$0	$2,481,000

AFFECTED AREA: Walnut Creek, Unincorporated County



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: DA 33A Concord Boulevard Culvert Replacement

WORK ORDER: WO TBD ID: 120

PROJECT DESCRIPTION: Replace an undersized 60-inch culvert under Concord Blvd with a 117-inch by 79-inch arch culvert

PROJECT NEED: The existing culvert is undersized and stormwater backs up and inundates Concord Blvd. The replacement culvert will be able to pass a 25-year storm event, lessening the risk of flooding on Concord Blvd. This is a cooperative project with the City of Concord. Per the 5-24-2005 JEPA, DA 33A will contribute a maximum of 90% of available funds which is currently approximately $209k.

SUPERVISOR DISTRICT: IV

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 4

FUNDING SOURCE(S): Drainage Area 33A funds

TOTAL PROJECT COST: $297,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$297,000
FUNDING SOURCE(S):								
Drainage Area 33A	$0	$0	$0	$0	$0	$0	$0	$209,779
Unfunded	$0	$0	$0	$0	$0	$0	$0	$87,221

AFFECTED AREA: Concord

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Pine Creek Reservoir Sediment Removal and Capacity Restoration

WORK ORDER: WO TBD ID: 124

PROJECT DESCRIPTION: Remove accumulated sediment in Pine Creek Reservoir to restore design flood storage capacity. Create wetlands in new reservoir bottom as mitigation of impacts. Rehabilitate primary and emergency spillways to extend design life.

PROJECT NEED: Another CIP project will first perform a functional assessment to verify continued need for reservoir. If found to still be needed, then this project will restore design functionality and extend the design life.

SUPERVISOR DISTRICT: IV

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 4

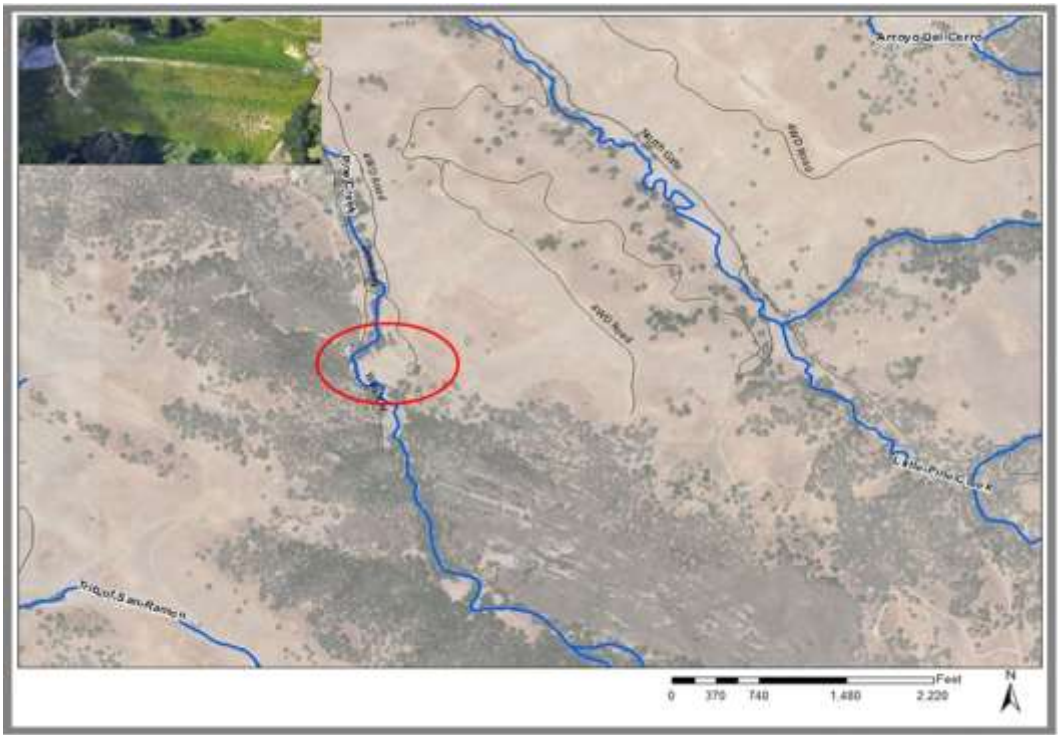
FUNDING SOURCE(S): Flood Control Zone 3B

TOTAL PROJECT COST: $5,000,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$5,000,000
FUNDING SOURCE(S):								
Flood Control Zone 3B	$0	$0	$0	$0	$0	$0	$0	$5,000,000

AFFECTED AREA: Walnut Creek, Unincorporated County



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Seismic evaluation is covered under a separate CIP entry because seismic work will likely be combined with other dams.

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: San Ramon Creek Sediment Removal near San Ramon Bypass

WORK ORDER: WO TBD ID: 125

PROJECT DESCRIPTION: Desilt San Ramon Creek downstream of the San Ramon Bypass diversion structure in Alamo to the bypass channel at the San Ramon PP Corridor

PROJECT NEED: The San Ramon Creek Bypass Channel has a complex series of weirs allowing both low flows and high flows to continue down San Ramon Creek. Flows between those extremes are bypassed through the bypass system. The grades in San Ramon Creek downstream of the low flow pipe outfall prevent those low flows from passing into San Ramon Creek. This project would allow base flows to remain in the natural channel.

SUPERVISOR DISTRICT: IV

PROGRAM TYPE: system Preservation

PROJECT PRIORITY: 4

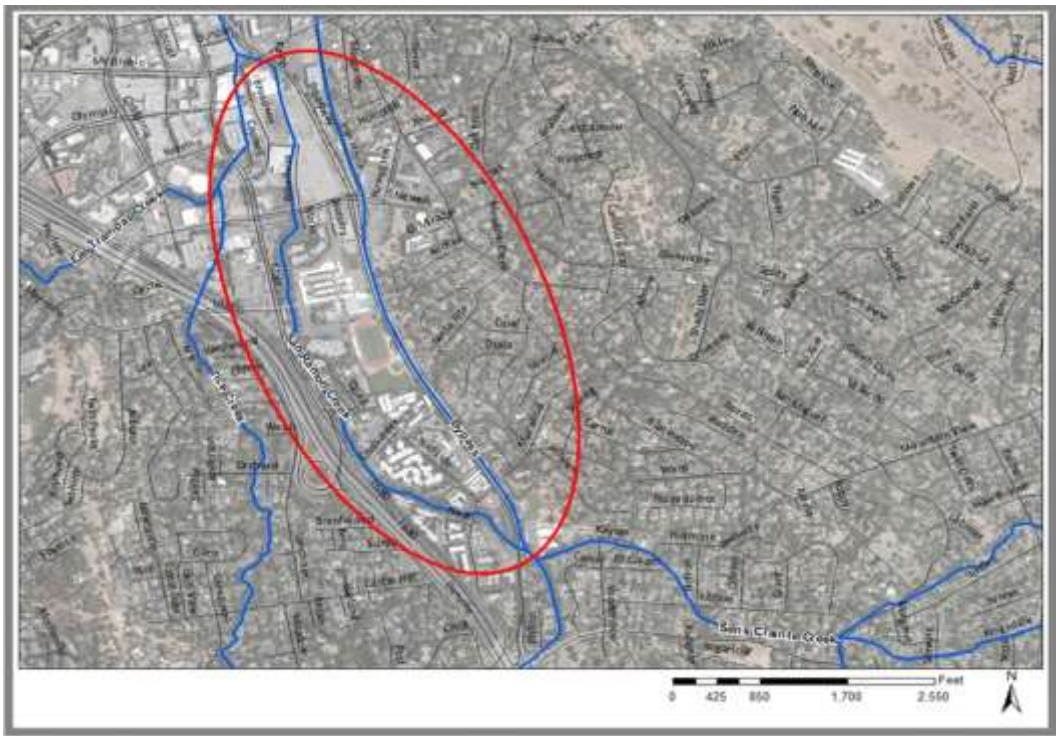
FUNDING SOURCE(S): Flood Control Zone 3B

TOTAL PROJECT COST: $363,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$363,000
FUNDING SOURCE(S):								
Flood Control Zone 3B	$0	$0	$0	$0	$0	$0	$0	$363,000

AFFECTED AREA: District IV



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Green Valley Creek Improvements up to 1st Crossing of Diablo Road
WORK ORDER:	WO TBD ID: 128
PROJECT DESCRIPTION:	Hire specialized consultants to assess conditions of existing facilities. Two-phase approach: start with initial assessment, and proceed to more detailed assessment as warranted.
PROJECT NEED:	The existing channel is incised and lacks the capacity to pass the 100-year flood event. The project is needed to lower the flood risk to the surrounding neighborhood.
SUPERVISOR DISTRICT:	II
PROGRAM TYPE:	System Expansion
PROJECT PRIORITY:	4
FUNDING SOURCE(S):	Flood Control Zone 3B
TOTAL PROJECT COST:	$6,600,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$6,600,000
FUNDING SOURCE(S):								
Flood Control Zone 3B	$0	$0	$0	$0	$0	$0	$0	$6,600,000

AFFECTED AREA: Danville

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME:	Green Valley Creek Improvements Upstream of 2nd Crossing of Diablo Road
WORK ORDER:	WO TBD ID: 129
PROJECT DESCRIPTION:	Hire specialized consultants to assess conditions of existing facilities. Two-phase approach: start with initial assessment, and proceed to more detailed assessment as warranted.
PROJECT NEED:	Green Valley Creek at this location has erosion pressures and capacity issues. Past creek improvements stopped just downstream. This project will improve erosion and capacity conditions.
SUPERVISOR DISTRICT:	II
PROGRAM TYPE:	System Preservation
PROJECT PRIORITY:	5
FUNDING SOURCE(S):	Flood Control Zone 3B & Town of Danville
TOTAL PROJECT COST:	$2,024,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$1,804,000
FUNDING SOURCE(S):								
Flood Control Zone 3B	$0	$0	$0	$0	$0	$0	$0	$1,804,000

AFFECTED AREA: Danville

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: DA 48B Line A at Port Chicago Highway

WORK ORDER: WO TBD ID: 201

PROJECT DESCRIPTION: Design and Construct 595 LF of 84-inch storm drain crossing Port Chicago Highway near Skipper Drive. This is a portion of DA 48B, Line A.

PROJECT NEED: The existing 60-inch pipe under Port Chicago Highway is undersized and in poor condition. Construction of the replacement 84-inch storm drain will extend the service life of the facility and reduce flood risk for the surrounding community.

SUPERVISOR DISTRICT: V

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 5

FUNDING SOURCE(S): Contra Costa County Redevelopment, DA 48B

TOTAL PROJECT COST: $429,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$429,000
FUNDING SOURCE(S):								
Drainage Area 48B	$0	$0	$0	$0	$0	$0	$0	$429,000

AFFECTED AREA: Bay Point

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: West Antioch Creek Improvements - L Street to 10th Street

WORK ORDER: WO TBD ID: 203

PROJECT DESCRIPTION: Design and construct channel improvements from the downstream end of "L" Street Crossing to the upstream end of the 10th Street culverts in conjunction with the City of Antioch

PROJECT NEED: The current channel was constructed only to an interim capacity and currently does not contain a 100-year storm event. Bottlenecks include the UPRR arch culvert and the narrow channel through the fairgrounds. This project will need to be constructed prior to constructing the third 10-foot pipe under Highway 4.

SUPERVISOR DISTRICT: V

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 5

FUNDING SOURCE(S): Drainage Area 55, City of Antioch, Grants, developer funds (upon development of the fairgrounds)

TOTAL PROJECT COST: $4,906,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$4,906,000
FUNDING SOURCE(S):								
Unfunded	$0	$0	$0	$0	$0	$0	$0	$4,906,000

AFFECTED AREA: Antioch

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Project needs to proceed before CIP#204.

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: West Antioch Creek Improvements at Highway 4

WORK ORDER: WO TBD ID: 204

PROJECT DESCRIPTION: Complete the storm drain system between "L" Street and Fitzuren Road. Work includes a new headwall downstream of "L" Street, one 8' by 10' box culvert under "L" Street, a single 10' diameter storm drain up to and under Highway 4 to connect to the exiting 10' pipes just north of Fitzuren Road. This results in a complete, triple 10' storm drain system.

PROJECT NEED: Caltrans / CCTA has constructed a second bore under the highway as part of freeway widening in 2015. This CIP project completes the third bore between Fitzuren Road and "L" Street, and should not be constructed until downstream improvements (W. Antioch Creek at 10th Street, and W. Antioch Creek 10th Street to "L" Street) are constructed. See project #203.

SUPERVISOR DISTRICT: III & V

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 5

FUNDING SOURCE(S): Drainage Area 55, City of Antioch, Grants

TOTAL PROJECT COST: $2,200,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$2,200,000
FUNDING SOURCE(S):								
Unfunded	$0	$0	$0	$0	$0	$0	$0	$2,200,000

AFFECTED AREA: Antioch

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE: Project should follow construction of project #203.

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Fitzuren Road Remainder Parcel

WORK ORDER: WO TBD ID: 205

PROJECT DESCRIPTION: Prepare conceptual plans and facilitate development of three District-owned parcels on Fitzuren Road. Market these parcels for a commercial use, such as a restaurant or neighborhood retail.

PROJECT NEED: These parcels were purchased in the 1980s to allow the construction of three large storm drains to carry West Antioch Creek. They were purchased with the intent of developing the unused portion once the storm drains were installed. The storm drain was designed to maximize the unused portion of the parcels and thus maximize the revenue generating potential for the District and DA 55. This project will follow the construction of the final 10' storm drain through the parcel.

SUPERVISOR DISTRICT: III

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 5

FUNDING SOURCE(S): Drainage Area 55, Flood Control District

TOTAL PROJECT COST: $215,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$215,000
FUNDING SOURCE(S):								
Drainage Area 55	$0	$0	$0	$0	$0	$0	$0	$215,000

AFFECTED AREA: Antioch

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE: Project should follow construction of project #204.

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: East Antioch Creek Marsh Restoration

WORK ORDER: WO TBD ID: 206

PROJECT DESCRIPTION: Design and construct marsh and floodplain improvements on East Antioch Creek downstream of Cavallo Road. Includes marina outlet channel (or equivalent), hazardous material clean-up on affected portion of Hickmont site, and three new box culverts under Wilbur Avenue.

PROJECT NEED: Provide flood protection in the lower watershed of East Antioch Creek in accordance with the adopted Drainage Area 56 (DA 56) plan

SUPERVISOR DISTRICT: V

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 5

FUNDING SOURCE(S): Drainage Area 56

TOTAL PROJECT COST: $7,585,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$7,585,000
FUNDING SOURCE(S):								
Unfunded	$0	$0	$0	$0	$0	$0	$0	$7,585,000

AFFECTED AREA: Antioch

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): Yes

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: DA 109 - Kellogg Creek Project Development

WORK ORDER: TBD ID: 225

PROJECT DESCRIPTION: Re-analyze the Kellogg Creek (Drainage Area 109) Plan and develop projects for future implementation

PROJECT NEED: The current DA 109 plan is conceptual, and while sufficient to collect funds for improvements, the plan lacks the detail to develop and prioritize projects in the watershed. This effort will re-study the DA 109 plan to define specific projects for implementation, rank those projects, and then begin implementation in priority order.

SUPERVISOR DISTRICT: III

PROGRAM TYPE: System Expansion

PROJECT PRIORITY: 5

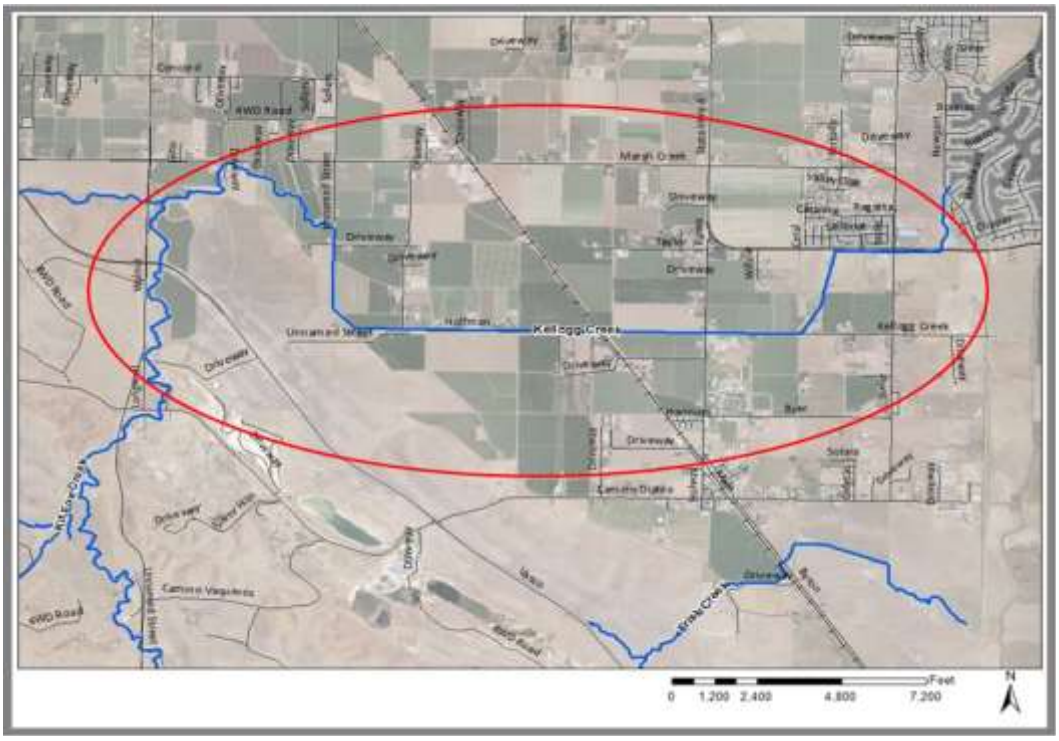
FUNDING SOURCE(S): DA 109 Funds

TOTAL PROJECT COST: $270,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$270,000
FUNDING SOURCE(S):								
Drainage Area 109	$0	$0	$0	$0	$0	$0	$0	$270,000

AFFECTED AREA: Town of Discovery Bay



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): YES

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Canada di Cierbo Habitat Improvement

WORK ORDER: WO TBD ID: 23

PROJECT DESCRIPTION: Create a mitigation bank for County and District mitigation needs. Acquire right of way, develop restoration plan, implement plan and reap benefits.

PROJECT NEED: Public projects often have unavoidable habitat impacts. Often, the remedy is to 'buy in' to a bank which is often located outside of the county. While this provides habitat mitigation, it does little to actually offset the impacts locally. The west part of CCC is underserved for this type of bank. Canada di Cierbo seeks to remedy this and provide quality, local mitigation and habitat improvement.

SUPERVISOR DISTRICT: V

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 5

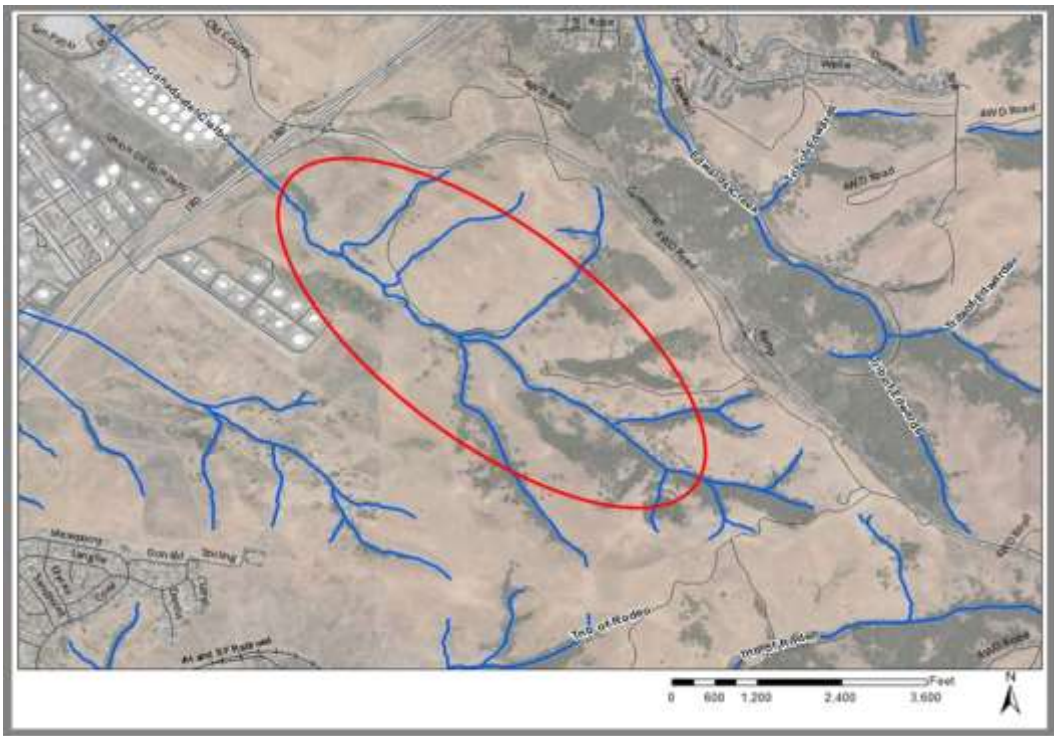
FUNDING SOURCE(S): TBD

TOTAL PROJECT COST: $3,000,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$3,000,000
FUNDING SOURCE(S):								
Unfunded	$0	$0	$0	$0	$0	$0	$0	$3,000,000

AFFECTED AREA: Crockett, Unincorporated County



EAST COUNTY HABITAT CONSERVATION PLAN (Y/N):

NOTE:

UNPROGRAMMED FUTURE CAPITAL IMPROVEMENT PROJECT SUMMARY REPORT

PROJECT NAME: Pinole Creek Capacity Assessment

WORK ORDER: TBD ID: 26

PROJECT DESCRIPTION: Assess creek capacity and watershed conditions and develop alternatives for improving flood protection in the area.

PROJECT NEED: Watershed conditions have changed significantly with land development projects decreasing flood protection in the area. This project is intended to study watershed and creek conditions and develop alternatives for improving flood protection levels.

SUPERVISOR DISTRICT: I

PROGRAM TYPE: System Preservation

PROJECT PRIORITY: 5

FUNDING SOURCE(S):

TOTAL PROJECT COST: $300,000

PLANNED PROJECT EXPENDITURES AND FUNDING SOURCE(S)

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	Future
PROJECT EXPENDITURES:	$0	$0	$0	$0	$0	$0	$0	$300,000
FUNDING SOURCE(S):								
Unfunded	$0	$0	$0	$0	$0	$0	$0	$300,000

AFFECTED AREA: Cities of Hercules and Pinole

EAST COUNTY HABITAT CONSERVATION PLAN (Y/N): NO

NOTE: Zone 9 (Pinole Creek) is significantly underfunded. Funding for this item is very uncertain.

CONTRA COSTA COUNTY PUBLIC WORKS
RESPONSE TO CIVIL GRAND JURY REPORT
No. 1907 Board Order

Contra Costa County

To: Board of Supervisors

From: David Twa, County Administrator

Date: August 6, 2019

Subject: RESPONSE TO CIVIL GRAND JURY REPORT NO. 1907, ENTITLED "STORMWATER TRASH REDUCTION: ARE WE DOING ALL THAT WE CAN?"

RECOMMENDATION(S):

1. ADOPT report as the Board of Supervisors' response to Civil Grand Jury Report No. 1907, entitled "Stormwater Trash Reduction: Are We Doing All That We Can?", and DIRECT the Clerk of the Board to transmit the Board's response to the Superior Court no later than August 21, 2019, as recommended by the County Administrator and Public Works Director.

2. REFER the Finance Committee identification of additional revenue sources to fully fund stormwater pollution reduction permit compliance by June 30, 2020.

FISCAL IMPACT:

No impact to the General Fund, and minimal impact to the Public Works Department's budget. The County's stormwater trash reduction program is funded primarily with Stormwater Utility Assessments. The work necessary to meet most of the Report's findings and recommendations is already budgeted and included in the Department's program costs. The only additional item is a summary report, to be prepared each year and submitted to the Board outlining annual accomplishments, costs, challenges, and needs. This information is all readily available, so preparation of a summary report is a relatively minimal cost. There

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/06/2019** ☑ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, 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: August 6, 2019

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

Contact: Julie DiMaggio Enea
(925) 335-1077

By: Stephanie Mello, Deputy

cc: County Finance Director, Public Works Director, CAO Deputy, Clerk of the Board

may be additional unknown costs to identify and/or develop additional revenue sources as directed by the

FISCAL IMPACT: (CONT'D)

Board in the future. For example, the cost to develop a property-related fee and take it to election would be over $1 million, which the Stormwater Utility Assessment cannot afford.

BACKGROUND:

The 2018/19 Civil Grand Jury filed the above-referenced report, attached, on May 23, 2019, which was reviewed by the Board of Supervisors and subsequently referred to the County Administrator and the Public Works Director, who prepared the attached response that clearly specifies:

A. Whether the finding or recommendation is accepted or will be implemented;
B. If a recommendation is accepted, a statement as to who will be responsible for implementation and a definite target date;
C. A delineation of the constraints if a recommendation is accepted but cannot be implemented within a six-month period; and
D. The reason for not accepting or adopting a finding or recommendation.

The report, Grand Jury Report No. 1907, "Stormwater Trash Reduction" (Report), was addressed to the County Board of Supervisors and each of the City/Town Councils in the county. The subject of the Report is trash in the local creeks and waterways of the county that drain into, and thereby pollute, the Delta and San Francisco Bay. The State Regional Water Quality Control Board issues the County and cities/towns a permit to reduce pollutant levels in stormwater flowing through the county. Trash is considered a pollutant and the permit includes detailed requirements for reducing trash in the county's waterways. The Report looked at the performance of the County and the cities/towns in meeting the trash reduction requirements, and how permit compliance information was communicated to citizens and elected officials. The Report concluded with nine findings and four recommendations, along with a table indicating which findings and recommendations apply to each jurisdiction.

Below are the proposed responses to the findings and recommendations applicable to the County's unincorporated communities. The California Penal Code specifies that the Board of Supervisors must forward its response to the Superior Court no later than August 21, 2019 (90 days from receipt).

FINDINGS

F1. The 2015 Municipal Regional Stormwater Permit requires most of the cities, towns, and the County to take action to reduce trash discharges by 80%, from 2009 baseline levels, by July 1, 2019.

> *F1 Response. The respondent agrees with the finding. The County anticipates meeting the 80% trash reduction target by July 1, 2019 due to past compliance measures plus new full trash capture devices installed this year.*

F2. Antioch, Brentwood, Oakley, and the eastern portion of the County were added to the Permit in February, 2019 and have a requirement to reduce trash discharges by 70%, from their 2016 baseline trash levels, by December 31, 2019.

F2 Response. The respondent agrees with the finding. The County does not treat unincorporated East County separately from the rest of the county. East County will therefore meet the 80% trash reduction target by July 2019, as discussed above, exceeding the 70% requirement.

F3. Using the formula prescribed in the Permit, Brentwood, Clayton, Concord, Danville, El Cerrito, Lafayette, Martinez, Moraga, Orinda, Pittsburg, Richmond, San Pablo, San Ramon, and Walnut Creek report that they have already reached their July 1, 2019 trash reduction goals.

F3. No response required.

F4. In June, 2018, Hercules and Pinole were issued Cease and Desist Orders by the Water Board requiring them to improve their performance in meeting their trash reduction goals.

F4. No response required.

F5. The County estimates that it will need an additional $1.2 million per year to meet all the Permit requirements.

F5 Response. The respondent agrees with the finding. The County will need an additional $1.2 million each year for the last two years of the Permit (MRP 2.0) to meet all permit requirements (not just trash) within the timeline specified in the current Permit. The County estimated the total cost to comply with the Permit for each of the last two years is $5 million. The County has identified about $3.2 million each year in Stormwater Utility Assessment funds and about $600,000 in Road Funds and Flood Control Funds, leaving a shortfall of $1.2 million. The County will likely need additional funding to comply with additional requirements when the next Municipal Regional Permit is issued in late 2020 (MRP 3.0).

F6. Both the CCCWP and LAFCO report that unfunded federal and state mandated stormwater permit compliance programs are a challenge for cities, towns, and the County.

F6 Response. The respondent agrees with the finding. The Contra Costa County Board of Supervisors accepted a report from the Transportation, Water, and Infrastructure Committee on November 6, 2018, the last of several reports outlining the costs associated with current Permit compliance, the needed funding, the

funding shortfall, and funding challenges.

F7. Concord, El Cerrito, Hercules, Lafayette, Martinez, Pinole, Pittsburg, Richmond, San Pablo, and Walnut Creek have established ordinances banning Styrofoam food packaging in their communities.

F7. No response required.

F8. Caltrans reports that highways and ramps along portions of Highways 4 and 24, Interstates 80, 580, and 680 in Antioch, El Cerrito, Richmond, and in the unincorporated areas of the County are high trash generation areas.

F8 Response. The respondent agrees with the finding. The County is working with Caltrans on locating potential joint trash reduction projects that will reduce trash in and around freeway ramps in unincorporated communities.

F9. No narrative summary of the accomplishments, challenges, costs, and funds needed to fully comply with the Permit is provided in the required annual reports prepared by CCCWP, the County, and each city and town.

F9 Response. The respondent agrees with the finding. The structure of the Annual Report required by the Regional Water Board as part of the current Permit does not lend itself to providing a narrative summary and does not require a breakdown of costs, challenges, and funds needed for compliance. However, the County Board of Supervisors, on November 6, 2018, received a full report from the Transportation, Water, and Infrastructure Committee on the challenges, cost, and funding needed to comply with the Permit.

RECOMMENDATIONS

R1. The City Councils of Hercules and Pinole should each consider directing their city manager to implement trash controls to bring them into compliance with the 80% trash reduction goal by December 31, 2019.

R1. No response required.

R2. The City/Town Councils of Antioch, Brentwood, Clayton, Danville, Moraga, Oakley, Orinda, Pleasant Hill, and San Ramon should consider limiting the use of Styrofoam containers in their communities by June 30, 2020.

R2. No response required.

R3. The Board of Supervisors and all City/Town Councils should consider directing staff to provide a concise summary of their Annual Reports, citing their

accomplishments, challenges, costs, and funds needed to fully comply with the Permit, by December 31, 2019.

R3 Response. The recommendation has not yet been implemented, but will be implemented in the future. The County Board of Supervisors, on November 6, 2018, received a full report from the Transportation, Water, and Infrastructure Committee on the challenges, cost, and funding needed to comply with the current Permit. Staff will develop a summary report to the County Board of Supervisors by December 2019 for the FY 2018/19 Annual Report.

R4. The Board of Supervisors and all City/Town Councils should consider identifying additional revenue sources to fully fund Permit requirements in order to comply with the Permit and avoid potential liability, by June 30, 2020.

R4 Response. The recommendation has not yet been implemented, but will be implemented in the future. The County Board of Supervisors will consider identifying additional revenue sources to fully fund Permit compliance and will refer this item to its Finance Committee to work with staff and develop recommendations by June 30, 2020.

ATTACHMENTS

Civil Grand Jury Report No. 1907, entitled "Stormwater Trash Reduction: Are We Doing All That We Can?"

2019 Grand Jury Report 1907
“Stormwater Trash Reduction”

Grand Jury

Contra
Costa
County

725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

June 4, 2019

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

Dear Clerk of the Board:

Attached is a copy of Grand Jury Report No. 1907, "Stormwater Trash Reduction" by the 2018-2019 Contra Costa County Grand Jury.

Sincerely,

Richard S Nakano, Foreperson
2018-2019 Contra Costa County Civil Grand Jury

Enclosure

A REPORT BY
THE 2018-2019 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1907

Stormwater Trash Reduction

Are We Doing All That We Can?

APPROVED BY THE GRAND JURY

Date MAY 22, 2019

RICHARD S. NAKANO
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date MAY 23 2019

ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contact: Richard S. Nakano
Foreperson
925-522-6941

Contra Costa County Grand Jury Report 1907

Stormwater Trash Reduction

Are We Doing All That We Can?

**TO: Contra Costa County Board of Supervisors;
City/Town Councils of: Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek**

SUMMARY

What is being done about the discarded paper, plastics, and other unwanted junk that ends up along our local streets, freeways, and public areas? This trash is polluting our local creeks, rivers, the San Francisco Bay, and the ocean itself. Is anything being done to fix this regional problem that has global implications? What more can we do as citizens, cities, and Contra Costa County (the County) to help keep our waterways clean?

The federal Clean Water Act, as amended by the Water Quality Act of 1987, requires permits for stormwater discharges from municipal systems to prevent stormwater from washing harmful pollutants into waterways. Under the Clean Water Act, these discharges are considered to be significant contributors of pollutants to waters of the United States. Discharges from stormwater systems operated by the County and each of its 19 cities and towns are also subject to the requirements of the Clean Water Act.

The Clean Water Act is enforced locally by the San Francisco Regional Water Quality Control Board (Water Board) through a Municipal Regional Stormwater Permit (Permit), issued in 2015. This Permit requires Contra Costa County and its cities and towns, along with other cities and the counties of Alameda, San Mateo, and Santa Clara, to reduce trash discharged from their storm sewers. Under the Permit, cities, towns, and counties are required to reduce their trash discharged by storm sewers by 80% from 2009 base ieveis by Juiy 1, 2019. Cities and counties are required to prepare detailed

annual reports that document their trash abatement performance.

Cities, towns, and the County get credit toward their percent trash reduction by reducing the amount of trash discharged from their storm sewer systems. They accomplish this primarily by installing and maintaining trash capture devices which separate trash from entering a stormwater system and waterways. They can also take steps to control trash at its source by limiting businesses from providing plastic straws, plastic bags, and/or Styrofoam cups, bowls, plates, takeout containers, and serving trays. For these source control programs, there is a maximum of 10% credit available under the Permit.

The California Department of Transportation (Caltrans) also owns, operates, and maintains significant storm sewer systems within the County. Under a separate permit, Caltrans is also required to implement control measures in all of its high-trash-generating areas. These include freeways and ramps in high density residential, commercial, and industrial areas. The Water Board recently issued an enforcement order against Caltrans to increase its trash cleanup efforts on Bay Area highways, or face heavy fines.

This report examines how the County, its cities, and towns are performing with regard to the Permit's trash reduction goals. Our investigation revealed that most of the cities and towns in the County are on target to achieve the 80% trash reduction goal.

The cities of Hercules and Pinole are underperforming toward achieving this 80% goal. The Grand Jury recommends that the cities of Hercules and Pinole consider taking steps to improve performance to comply with required trash reduction goals by installing trash capture devices and instituting source control programs.

The Grand Jury also recommends that cities, towns, and the County consider publishing annual reports in summary form, citing accomplishments and challenges, including the costs and funds needed to comply with the Permit requirements. One solution is to prevent the generation of pollution at its source. This includes limiting the use of Styrofoam cups, bowls, plates, and takeout containers.

Cities, towns, and the County should consider identifying additional revenue sources to fully fund Permit requirements in order to comply with the Permit and avoid potential liability.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Examined how the County and its cities and towns are performing with regard to their trash reduction mandates
- Explored how Permit compliance information is communicated to the citizens and elected officials in Contra Costa County

- Interviewed staff from: Contra Costa Clean Water Program, Contra Costa County Public Works, and selected cities
- Interviewed representatives from an environmental Non-governmental Organization, and the Water Board
- Reviewed stormwater permits, reports, and documents
- Reviewed information available on the Contra Costa Clean Water Program website (www.cccleanwater.org)
- Reviewed media reports

BACKGROUND

Federal and State Stormwater Regulations

The 1972 Federal Water Pollution Control Act (the Clean Water Act) regulates water quality standards for all public and private wastewater discharges into waterways. These water quality standards are set using National Pollutant Discharge Elimination System (NPDES) permits which regulate waste discharges into waters of the United States. In 1987, the Clean Water Act was amended and expanded to include stormwater discharges from municipal-owned/operated storm drains. In 1990, NPDES stormwater permit application requirements for municipal stormwater discharges were established by the U.S. Environmental Protection Agency.

In California, the federal NPDES permit program is administered and enforced by the State Water Resources Control Board through nine Regional Water Quality Control Boards. These water boards issue permits to prevent stormwater from washing harmful pollutants into waterways. Permits are updated and reissued approximately every five years. The first county-wide stormwater permits were issued in the early 1990s.

Contra Costa Clean Water Program

In 1991, in response to the expanded Federal and State stormwater regulations, the County, its cities, and towns established the Contra Costa Clean Water Program (CCCWP). Its purpose is to provide a uniform approach to address Water Board permit requirements and implement activities jointly carried out by the cities, towns, and the County.

The CCCWP comprises Contra Costa County, 19 cities and towns, and the Contra Costa County Flood Control and Water Conservation District. These are:

- Contra Costa County Flood Control and Water Conservation District
- Clayton
- Concord
- El Cerrito
- Hercules
- Lafayette
- Martinez
- Orinda
- Pinole
- Pittsburg
- Pleasant Hill
- Richmond
- San Pablo
- San Ramon
- Walnut Creek
- Town of Danville
- Town of Moraga
- Antioch
- Brentwood
- Oakley
- Contra Costa County unincorporated areas

Current Stormwater Permit

According to the Water Board, stormwater is a significant source of certain pollutants that cause or contribute to water quality pollution in the region. To address this problem the Water Board issued county-wide municipal stormwater permits in the early 1990s.

In 2015, the Water Board re-issued these county-wide municipal stormwater permits as one Municipal Regional Stormwater NPDES Permit (Permit) to regulate stormwater discharges from municipalities and local agencies in Alameda, central and western Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo. In February, 2019, the cities of Antioch, Brentwood, and Oakley and the eastern portion of Contra Costa County were formally added to the Permit.

Under the Permit, cities, towns, and counties are required to prohibit the discharge of materials other than stormwater into storm drain systems and watercourses. Each city, town, and county is individually responsible for complying with the Permit requirements to meet their pollution reduction goals. The Permit allows cities, towns, and counties to collaborate in designing, developing, and implementing new solutions to reduce stormwater pollution.

The Permit includes stormwater management regulations for the following: trash reduction, new real estate development and redevelopment, illicit discharge, and public information and outreach. The Permit also regulates stormwater from industrial and commercial sites, construction sites, pesticides, mercury, PCB's, and copper.

According to the Water Board, the sources of trash include discharges from the storm drain system, windblown trash, and other discharges such as direct dumping and homeless encampments. This trash washes into San Francisco Bay and the ocean, where it becomes part of a global problem. It is unsightly, can cause storm drain blockage, decreases property values, and impacts recreational use and wildlife habitat in waterways. Trash such as plastic bags may harm wildlife through entanglement or ingestion. Trash may also contain hazardous materials such as heavy metals, toxic chemicals, oil and grease products, and other pollutants that are unhealthy and harmful to people and the environment.

Failure to comply with the discharge requirements constitutes a violation of the

California Water Code and the Clean Water Act. If there is a violation, the Water Board may impose fines and other civil liabilities. The Water Board may also refer violators to the State Attorney General who can seek civil monetary penalties and injunctive relief, or take other appropriate enforcement actions.

Preventing Trash at its Source

A key element in any trash reduction program is to stop pollution before it harms the environment. Programs that prevent trash at its source (commonly referred to as "source control") include banning businesses from providing plastic bags, plastic straws, and Styrofoam cups, bowls, plates, and takeout containers.

Plastic bags are not biodegradable and take hundreds of years to decompose. This results in plastics littering the environment, degrading creeks and waterways, and adversely effecting wildlife. When bags decompose, toxins are released into the soil and water, harming land and marine wildlife. Plastic straws are hazardous to the environment because they settle in the landfills, clog storm drains, and collect in the ocean. Styrofoam is a plastic commonly found in packing and food packaging. It is rarely reused, is an abundant form of litter hazardous to land and marine life and can take 500 years to decompose.

On November 8, 2016, California voters approved Proposition 67 which bans the use of carry-out plastic bags that once were given at grocery stores and food marts. They now offer customers the option to purchase either recycled paper or reusable plastic bags. As an example, the City of San Jose implemented a successful source control program. Its 2011 plastic bag ban resulted in a litter reduction of approximately 89% in the storm drain system, 60% in the creeks and rivers, and 59% in city streets and neighborhoods. A state law (AB1884) limiting full-service restaurants in the state from handing out single-use plastic straws became effective on January 1, 2019.

DISCUSSION

This report focuses on the trash reduction requirement of the Permit. The report examines how the County, cities, and towns are performing regarding reducing trash in creeks and waterways. It also explores how information can be better communicated to citizens in the County.

Trash Reduction Requirements

Cities, towns, and the County are required to implement trash control actions in accordance with procedures and the schedule outlined in the Permit.

The trash reduction schedule in the Permit requires that each city, town, and the County reduce trash from their 2009 baseline levels, using requirements and accounting

procedures contained in the Permit. The trash reduction goals and schedule are as follows:

- 70% by July 1, 2017
- 80% by July 1, 2019
- 100% by July 1, 2022

The cities of Antioch, Oakley, Brentwood, and the eastern unincorporated areas of the County were added to the Permit in February, 2019. They have a modified goal to reduce trash by 70% from their 2016 baseline trash levels by December 31, 2019.

Cities, towns, and the County receive credit toward their trash reduction goal by reducing the amount of trash discharged from their storm sewer systems. They accomplish this by installing and maintaining trash capture devices which prevent trash from entering stormwater systems and waterways. The percent reduction in trash is calculated by applying a formula that compares current levels with 2009 baseline amounts.

Cities, towns, and the County can take additional steps to control trash at its source by limiting businesses from providing Styrofoam cups, bowls, plates, takeout containers, and serving trays. For these source control programs there is a maximum of 10% credit toward the trash reduction goal available in the Permit.

As explained below, some cities and towns have already instituted source control programs, which they expect will reduce the amount of trash released into the environment. Most have also implemented trash management actions, such as increased street sweeping; land, creek and shoreline cleanups; and homeless encampment cleanups.

Table 1 illustrates:

- The percent reduction in trash, from 2009 baseline levels, that each city, town, and the County unincorporated areas achieved in Fiscal Year (FY) 2017-18
- The number of trash capture devices installed
- Cities that have implemented a source control program

Table 1
FY 2017-18 Trash Reduction Achieved

City/Town/County	FY 2017-18 Total % Trash Reduction	Full Trash Capture Devices Installed	Source Control Programs
Antioch	NA	1	NA
Brentwood	83.3 %	91	No
Clayton	99.5%	195	No
Concord	83.0%	451	No
Danville	100.0%	74	Yes
El Cerrito	84.5%	122	Yes
Hercules	69.0%	41	Yes
Lafayette	91.7%	38	No
Martinez	91.2%	118	Yes
Moraga	82.0%	121	No
Oakley	67.0%	68	No
Orinda	85.6%	5	No
Pinole	31.0%	113	Yes
Pittsburg	83.4%	127	Yes
Pleasant Hill	78.0%	123	Yes
Richmond	83.4%	170	Yes
San Pablo	87.7%	128	Yes
San Ramon	100.0%	81	No
Walnut Creek	95.9%	202	Yes
County unincorporated areas	75.0%	286	pending

Source: CCCWP Website https://www.cccleanwater.org/resources/reports
NA: data not available
Note: Antioch, Oakley, Brentwood and the eastern unincorporated areas of the County are required to achieve a trash reduction goal of 70% by December 31, 2019. All others are required to achieve a trash reduction goal of 80% by July 1, 2019.

Brentwood, Clayton, Concord, Danville, El Cerrito, Lafayette, Martinez, Moraga, Orinda, Pittsburg, Richmond, San Pablo, San Ramon, and Walnut Creek indicate that they have already reached their July 1, 2019 trash reduction goal of 80% from 2009 levels.

The cities of Hercules, Oakley, and Pinole report achieving less than 70% trash reduction in their latest annual reports. In June, 2018, Hercules and Pinole were issued Cease and Desist Orders by the Water Board requiring them to improve their

performance in meeting the required trash reduction goals. The Orders set deadlines for implementing trash controls that will bring the cities into compliance with the 80% trash load reduction relative to 2009 baseline conditions, by July 1, 2019.

Source Control Programs

One way for the County, cities, and towns to help achieve their trash reduction goals is to focus on source control programs. These programs can reduce the amount of litter that enters the stormwater system.

Danville, Pittsburg, Pleasant Hill, Richmond, San Pablo, and Walnut Creek implemented ordinances banning single-use plastic bags prior to the ban becoming law in California.

Ten cities also have established ordinances banning Styrofoam food packaging. They are: Concord, El Cerrito, Hercules, Lafayette, Martinez, Pinole, Pittsburg, Richmond, San Pablo, and Walnut Creek. The County is proposing an ordinance to ban Styrofoam container use by companies selling food and beverages, private care facilities, and County establishments in the unincorporated areas.

Brentwood, Clayton, Concord, Lafayette, Moraga, Oakley, Orinda, and San Ramon have not reported source control programs as part of their trash reduction goals.

Trash Reduction along Caltrans Freeways and Ramps

Caltrans owns, operates, and maintains freeways and ramps within the County. In a separate permit issued by the State Water Resources Control Board in 2012, and amended in 2014 and 2015, Caltrans is required to implement control measures in all high trash generating areas. These areas include freeways and ramps in high density residential, commercial, and industrial areas in Contra Costa County.

Caltrans is a state agency outside the Grand Jury's jurisdiction. However, it acknowledges that its freeways and ramps are collectors of trash and debris. Caltrans developed a work plan in 2016 to "ensure maximum environmental benefit while also achieving mobility and safety benefits to the traveling public." (Caltrans, Trash Load Reduction Workplan for the San Francisco Bay Region, 2016). In the County, the Workplan indicated that high trash level stretches include portions of Highways 4 and 24, and Interstate 80.

Table 2 shows the ramps with high trash levels:

Table 2
Highway Ramps with High Trash Levels

Highway	Ramps
HWY4	Loveridge Rd, Railroad Ave., Morello Ave., McEwen Ave., and Willow Ave.
I-80	Cutting Blvd, Potrero Ave., Carlson Blvd, Central Ave., Appian Way, Richmond Parkway, San Pablo Dam Road, San Pablo Ave., MacDonald Ave., and Buchanan St.
I-580	Regatta Blvd., Bayview Ave., and Central Ave.
I-680	Willow Pass Road

On November 7, 2018, a letter urging the Water Board to take enforcement action against Caltrans was signed by two Contra Costa County Supervisors, elected officials from the cities of Antioch, El Cerrito, and Richmond, and over 60 elected officials from Alameda, San Mateo, and Santa Clara counties. The letter urged the Water Board to order Caltrans to:

- Install trash capture devices in "very high" and "high" trash generation areas wherever feasible;
- Increase frequency of trash removal; and
- Collaborate with municipalities and local agencies to implement these solutions.

According to the Water Board, Caltrans has identified portions of its highways and ramps "that generate significant amounts of trash but has not identified an acceptable schedule for timely implementation of trash controls to meet [p]ermit" requirements. (Water Board, Cease and Desist Order No. R2-2019-0007). In February, 2019, the Water Board ordered Caltrans to install devices to capture roadway debris or otherwise clean up all 8,820 acres of land under its jurisdiction in the Bay Area identified as "significant trash generating areas" by 2026. Failure to comply with the directive could result in fines of up to $25,000 a day.

Trash from Homeless Encampments

Waste from homeless encampments close to creeks present an environmental hazard. The Contra Costa County Coordinated Outreach and Engagement Team (CORE) collects and removes over 6,000 pounds of trash each month at homeless sites. CORE regularly visits homeless encampments to identify needs of the homeless. CORE encourages the homeless to clean up after themselves by providing trash bags.

Permit Compliance Costs

Stormwater permit compliance activities in most Contra Costa County cities, towns, and the County are funded by a Stormwater Utility Assessment (SUA) authorized in 1993. Rates range from $25 to $45 a year for single-family homes. In FY 2017-18 the revenues collected countywide totaled $15.1 million. These funds are used to support the Permit compliance activities undertaken by each of the cities, towns, the County, and CCCWP.

The cities of Richmond and Brentwood do not have a stormwater utility assessment. Their stormwater pollution prevention activities are funded from other revenue sources, and the cities' general funds.

The authority to raise taxes or assessment fees to pay for governmental services, including stormwater related activities, is limited by voter initiatives such as Proposition 13 and Proposition 218. Stormwater assessment rates have maximum limits, established by each city, town, and the County in 1993. They all reached their maximum rates by FY 2009-10. Since then, cities, towns, and the County have been supplementing their SUA revenues with funding from other sources, including their general funds.

The County is responsible for complying with the Permit provisions only in the unincorporated areas. The County estimates its compliance costs to be $5 million per year. Of that amount, $2.2 million per year is budgeted for trash reduction related activities.

The County receives about $3.8 million per year in SUA revenue, road, and flood control funding. The County estimates that it will need an additional $1.2 million per year to meet all the Permit requirements.

Revenue shortfalls may prevent the County from meeting its stormwater trash reduction goals. Failure to comply with the Permit would leave the County liable for substantial fines from the Water Board. In order to achieve a trash reduction goal of 100%, the County may need to consider seeking additional sources of funding.

Both the CCCWP and the Contra Costa Local Agency Formation Commission (LAFCO) report that unfunded federal and state mandated stormwater permit compliance programs are a challenge for cities, towns, and the County. In its 2019 Municipal Service Review, LAFCO reports, "[s]tormwater control requirements mandated by regional and state agencies are increasing the cost of treating stormwater without providing compensating new revenue sources." To address this funding shortfall, the Grand Jury recommends that cities, towns, and the County consider undertaking efforts to identify additional funding sources to fully fund Permit requirements in order to comply with the Permit and avoid potential liability.

Public Awareness

The required Annual Reports provide a detailed breakdown of performance toward complying with all the Permit provisions by the CCCWP, each city, town, and the County. The CCCWP 2017-18 Annual Report documenting permit compliance activities it conducted during the year totals 564 pages. Each city, town, and the County also prepared a similar report documenting its permit compliance performance. These reports each range in length from 58 to 177 pages. They are filled with forms and tables supplied by the Water Board, which document accomplishments for the year. No narrative summary is provided identifying accomplishments, challenges, costs, and funds needed to fully comply with the Permit. The Grand Jury recommends that to enable the public to understand these issues, CCCWP, each city, town, and the County should consider providing a narrative summary of their efforts to achieve Permit requirements.

FINDINGS

F1. The 2015 Municipal Regional Stormwater Permit requires most of the cities, towns, and the County to take action to reduce trash discharges by 80%, from 2009 baseline levels, by July 1, 2019

F2. Antioch, Brentwood, Oakley, and the eastern portion of the County were added to the Permit in February, 2019 and have a requirement to reduce trash discharges by 70%, from their 2016 baseline trash levels, by December 31, 2019.

F3. Using the formula prescribed in the Permit, Brentwood, Clayton, Concord, Danville, El Cerrito, Lafayette, Martinez, Moraga, Orinda, Pittsburg, Richmond, San Pablo, San Ramon, and Walnut Creek report that they have already reached their July 1, 2019 trash reduction goals.

F4. In June, 2018, Hercules and Pinole were issued Cease and Desist Orders by the Water Board requiring them to improve their performance in meeting their trash reduction goals.

F5. The County estimates that it will need an additional $1.2 million per year to meet all the Permit requirements.

F6. Both the CCCWP and LAFCO report that unfunded federal and state mandated stormwater permit compliance programs are a challenge for cities, towns, and the County.

F7. Concord, El Cerrito, Hercules, Lafayette, Martinez, Pinole, Pittsburg, Richmond, San Pablo, and Walnut Creek have established ordinances banning Styrofoam food packaging in their communities.

F8. Caltrans reports that highways and ramps along portions of Highways 4 and 24, Interstates 80, 580, and 680 in Antioch, El Cerrito, Richmond, and in the unincorporated areas of the County are high trash generation areas.

F9. No narrative summary of the accomplishments, challenges, costs, and funds needed to fully comply with the Permit is provided in the required annual reports prepared by CCCWP, the County, and each city and town.

RECOMMENDATIONS

R1. The City Councils of Hercules and Pinole should each consider directing their city manager to implement trash controls to bring them into compliance with the 80% trash reduction goal by December 31, 2019.

R2. The City/Town Councils of Antioch, Brentwood, Clayton, Danville, Moraga, Oakley, Orinda, Pleasant Hill, and San Ramon should consider limiting the use of Styrofoam containers in their communities by June 30, 2020.

R3. The Board of Supervisors and all City/Town Councils should consider directing staff to provide a concise summary of their Annual Reports, citing their accomplishments, challenges, costs, and funds needed to fully comply with the Permit, by December 31, 2019.

R4. The Board of Supervisors and all City/Town Councils should consider identifying additional revenue sources to fully fund Permit requirements in order to comply with the Permit and avoid potential liability, by June 30, 2020.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F1, F2, F5, F6, F8, and F9	R3 and R4
City of Antioch	F2, F6, F8, and F9	R2, R3, and R4
City of Brentwood	F2, F3, F6, and F9	R2, R3, and R4
City of Clayton	F1, F3, F6, and F9	R2, R3, and R4
City of Concord	F1, F3, F6, F7, and F9	R3 and R4
Town of Danville	F1, F3, F6, and F9	R2, R3, and R4
City of El Cerrito	F1, F3, F6, F7, F8, and F9	R3 and R4
City of Hercules	F1, F4, F6, F7, and F9	R1, R3, and R4
City of Lafayette	F1, F3, F6, F7, and F9	R3 and R4
City of Martinez	F1, F3, F6, F7, and F9	R3 and R4
Town of Moraga	F1, F3,F6, and F9	R2, R3, and R4
City of Oakley	F2, F6, and F9	R2, R3, and R4
City of Orinda	F1, F3, F6, and F9	R2, R3, and R4
City of Pinole	F1, F4, F6, F7, and F9	R1, R3, and R4
City of Pittsburg	F1, F3, F6, F7, and F9	R3 and R4
City of Pleasant Hill	F1, F6, and F9	R2, R3, and R4
City of Richmond	F1, F3, F6, F7, F8, and F9	R3 and R4
City of San Pablo	F1, F3, F6, F7, and F9	R3 and R4
City of San Ramon	F1, F3, F6, and F9	R2, R3, and R4
City of Walnut Creek	F1, F3, F6, F7, and F9	R3 and R4

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

CA’s Flood Protection Infrastructure Crisis

California's Flood Protection *Infrastructure Crisis*

Coyote Creek, San Jose

14,000 people evacuated
1,300 homes with extensive damage
479 homes yellow tagged
Damages = $75 million

Oroville Dam Spillway

188,000 people evacuated
Significant environmental damage
Facility age = 50 years
Repair cost = $100's of millions?

Contra Costa County Flood Protection Facilities

$1 billion asset value

79 miles of channels + 29 detention basins
protecting
$25 billion community value

40% of facilities are 50+ yrs old

How much longer will they function? Capital replacement estimated at $2.4 billion.
Stormwater is a critical resource, yet we don't have funding to capture it for reuse.

Contra Costa County
Flood Control
& Water Conservation District

Our Need: Reliable funding sources and rate structures for stormwater and flood control services and projects, similar to the water and wastewater sector.

Current Projects

North Richmond Levee Improvements: This project will increase the height of levees along Wildcat Creek in the disadvantaged community of North Richmond and will save 265 homes from being placed in the FEMA flood zone. The need is due to changed FEMA requirements, not levee failure.

Lower Walnut Creek Restoration Project: This project includes restoration of prime habitat along the 4.5 mile downstream reach of Walnut Creek and Pacheco Creek in Pacheco as well as improved flood protection and public access. This multi-objective, innovative project was the subject of a scientific paper on how to address the challenges of flood protection, sea level rise, and climate change in a single project.

Three Creeks Project: Collaboration with American Rivers, the City of Brentwood, and Friends of the Marsh Creek Watershed, brought $3 million in outside funding to create a $5.5 million project that will restore habitat value, improve flood protection, and add public access along ¾ mile of Marsh Creek in Brentwood.

Challenges

Municipal Regional Permit 2.0: The cost of complying with the County's new stormwater permit ranges from an artificially low $19 million for the five-year permit term, up to a potential of $200 million. The permit structure makes it impossible to control compliance within our own jurisdiction, however, the most likely scenario will cost about $62 million. Our current revenue stream is $3.5 million per year and raising revenue is unlikely due to lack of majority vote.

Sustainable Maintenance Funding: For the size of flood protection system in Contra Costa County, we should be spending about $30 million per year to maintain our facilities. Unfortunately, we only have $4 million per year to spend on maintenance leaving a $26 million annual disinvestment in our infrastructure. Each year we continue in this disinvestment mode, the more it will cost to fix our facilities when they fail. And the longer we wait, the more likely that failure will be catastrophic rather than incremental.

Aging Infrastructure: About half of our flood protection system was built between 1955 and 1970, and the other half between 1980 and 1990. These facilities were built with a design life of 50 years, and almost 40% of the system has exceeded that age. We are currently in the process of conducting a conditions assessment of our systems to determine their remaining service life. No matter what the study shows, our revenue was locked in with passage of Proposition 13 in 1978 and is not enough to fund the planning work of a capital replacement program, let alone constructing the capital projects which are estimated at $2.4 billion.

Recent Accomplishments

Pinole Creek Fish Passage: A large concrete culvert under Interstate 80 in Pinole was modified to allow fish to pass safely under the freeway and up into miles of prime habitat. This project was led by the Contra Costa Resource Conservation District along with a host of partners.

Giving the Natives a Chance: This private/public partnership was created to replace non-native grasses in flood control channels with native species to reduce herbicide use. This was the second year that native grass plugs were planted along a reach of flood control channel in the Concord.

Stay Out, Stay Alive!: In 2011, two young men from Las Lomas High School attempted to raft down Walnut Creek flood control channel during a heavy rain storm. They lost their lives in the turbulent waters and the Flood Control District initiated a safety program to educate kids and parents about the inherent dangers of flood control channels and creeks. We've now established an ongoing interactive safety program at two schools adjacent to that same flood control channel.

Legislative Tours: As part of our outreach effort to elected officials, we conducted several tours of our facilities with state legislators and local council members. We have interesting and valuable flood protection infrastructure in each district. We are looking forward to more tours.

Flood Preparation and Warning: The Flood Control District has developed flood preparedness and predictive warning programs for communities, now available on our web page for desktop and mobile devices. The information helps people become aware of their flooding potential and be able to better prepare their home and family in advance of heavy storms.

CONTRA COSTA COUNTY FLOOD CONTROL
A Balanced Approach to
Funding Stormwater Services

The Answer to California's Stormwater Problem

ONE-Water

A Balanced Approach to Funding Stormwater Services

Contra Costa County
Flood Control
& Water Conservation District

Who We Are and How We've Evolved

The **Contra Costa County Flood Control and Water Conservation District** has served the community for 65 years. It covers all of Contra Costa County, including its cities, and owns property throughout the county for the purpose of constructing and maintaining regional flood control channels and creeks.

The District's primary job is to manage stormwater, protect local watersheds, and preserve our waterways and the surrounding environment.

Our original mandate was to provide flood protection infrastructure and improvements for a rapidly developing Contra Costa County in the most economical manner. However, today's communities desire a broader range of services.

Along with proper flood protection, residents today also want a healthy, natural-looking ecosystem, good water quality, and sustainable and rich plant and animal habitat. They also want opportunities to engage with their creeks and watersheds.

The District's **50 Year Plan** was first developed in 1999 with the goal of converting concrete and rip-rap lined flood control channels into more natural systems that safely convey the same flood waters.

Despite the fact that we have a plan and vision that is supported by the community, we are unable to meet this new demand. With proper funding the District would be able to transform stormwater services to meet today's needs.

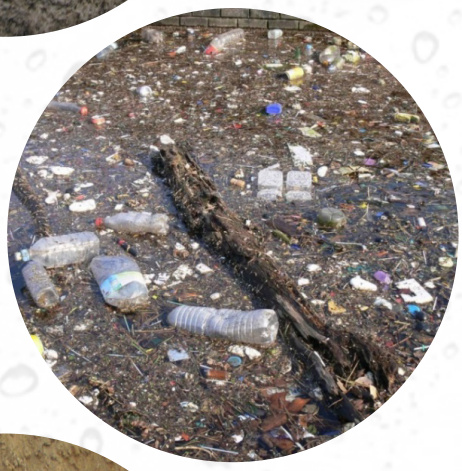
Cities, Counties, and Flood Control Districts Provide Four Essential Stormwater Services

Groundwater Supply

Helping increase stormwater infiltration by removing obstacles and enhancing recharge of groundwater basins.

Regional Flood Protection

Managing large Flood Control District facilities that protect communities from dangerous flooding.



Stormwater Quality Improvement

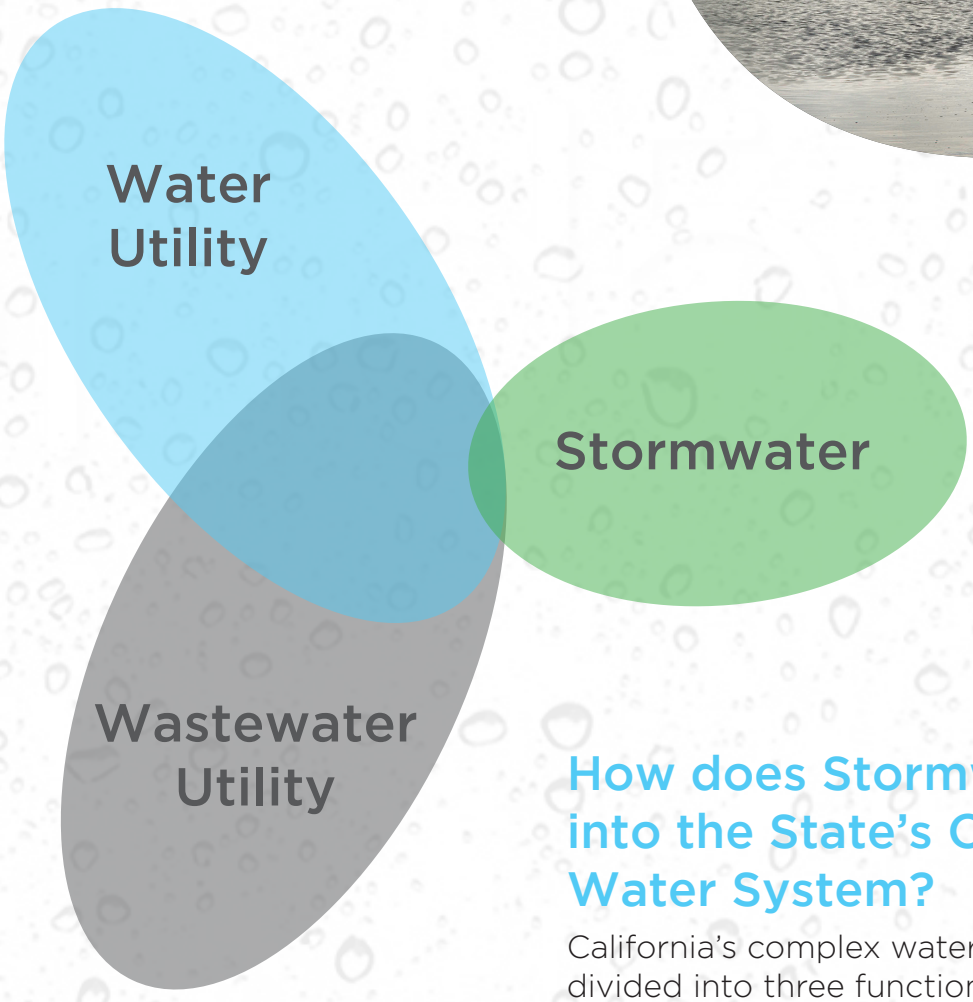
Removing pollutants and toxins from urban run-off before they enter local waterways to protect the environment and the water supply.

Community Drainage

Maintaining local drainage systems that effectively move stormwater away from urban areas to prevent flooding.

What is Stormwater?

Stormwater originates as rain or snow. Once it falls it can either infiltrate to recharge groundwater basins, be held on the surface and evaporate, or run-off into local waterways. In urban areas, which have high amounts of impervious surfaces, stormwater frequently ends up as run-off. This runoff also carries with it many pollutants from urban living.



How does Stormwater Fit into the State's Overall Water System?

California's complex water system is divided into three functioning sectors: Water, Wastewater, and Stormwater. These three sectors work together, each one connected to the other, each segment providing water that is vital to the state's numerous ecosystems, industries, and residents.

Funding for our Stormwater System is not meeting California's needs

Chronic Funding Issues Are Prohibiting Progress

Stormwater funding is reliant on funding mechanisms that were frozen in the 1970s, while agencies responsible for Water and Wastewater Utilities have had the flexibility over the years to charge rates necessary to provide updated, reliable services.

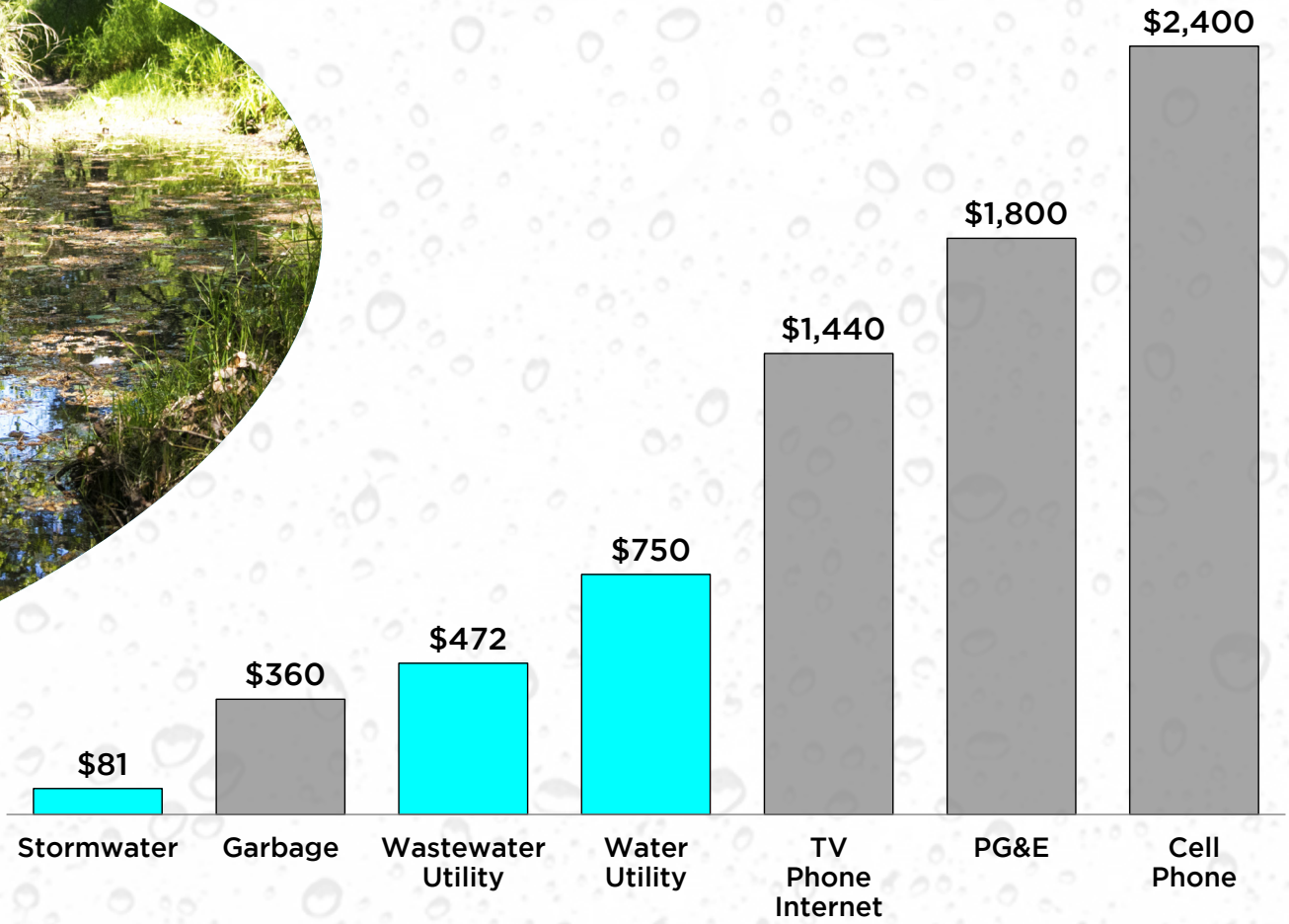
A fully invested stormwater program has sufficient financial resources to pay for maintenance and capital replacement.

Dis-investment is the shortfall between what the budget should be to cover maintenance and capital investment of a sustainable system, and what the budget actually is.

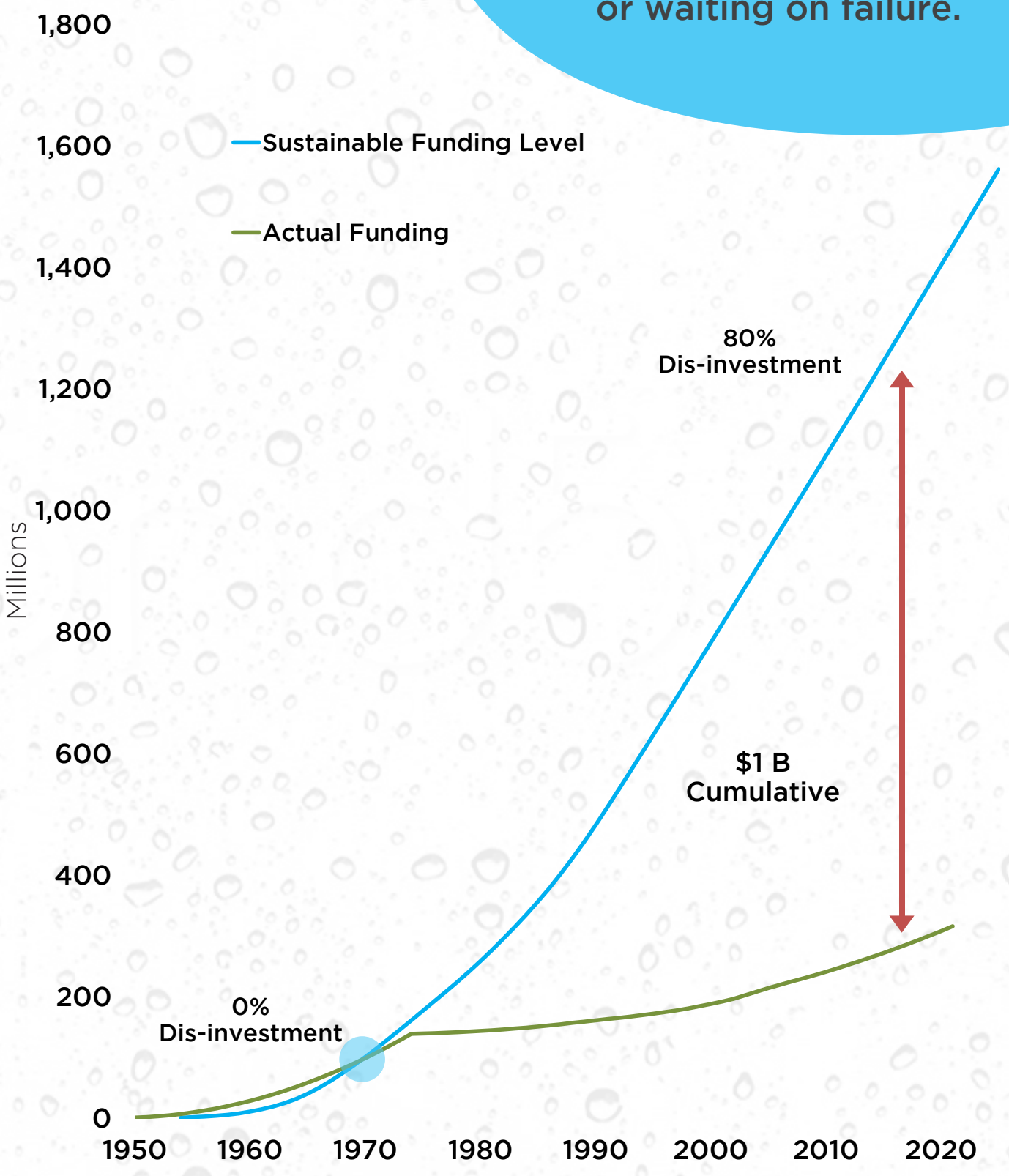
Dis-investment in stormwater infrastructure and services has been growing every year since 1978.

Annual Household Expense Comparison

Based on a $500,000 home in Walnut Creek



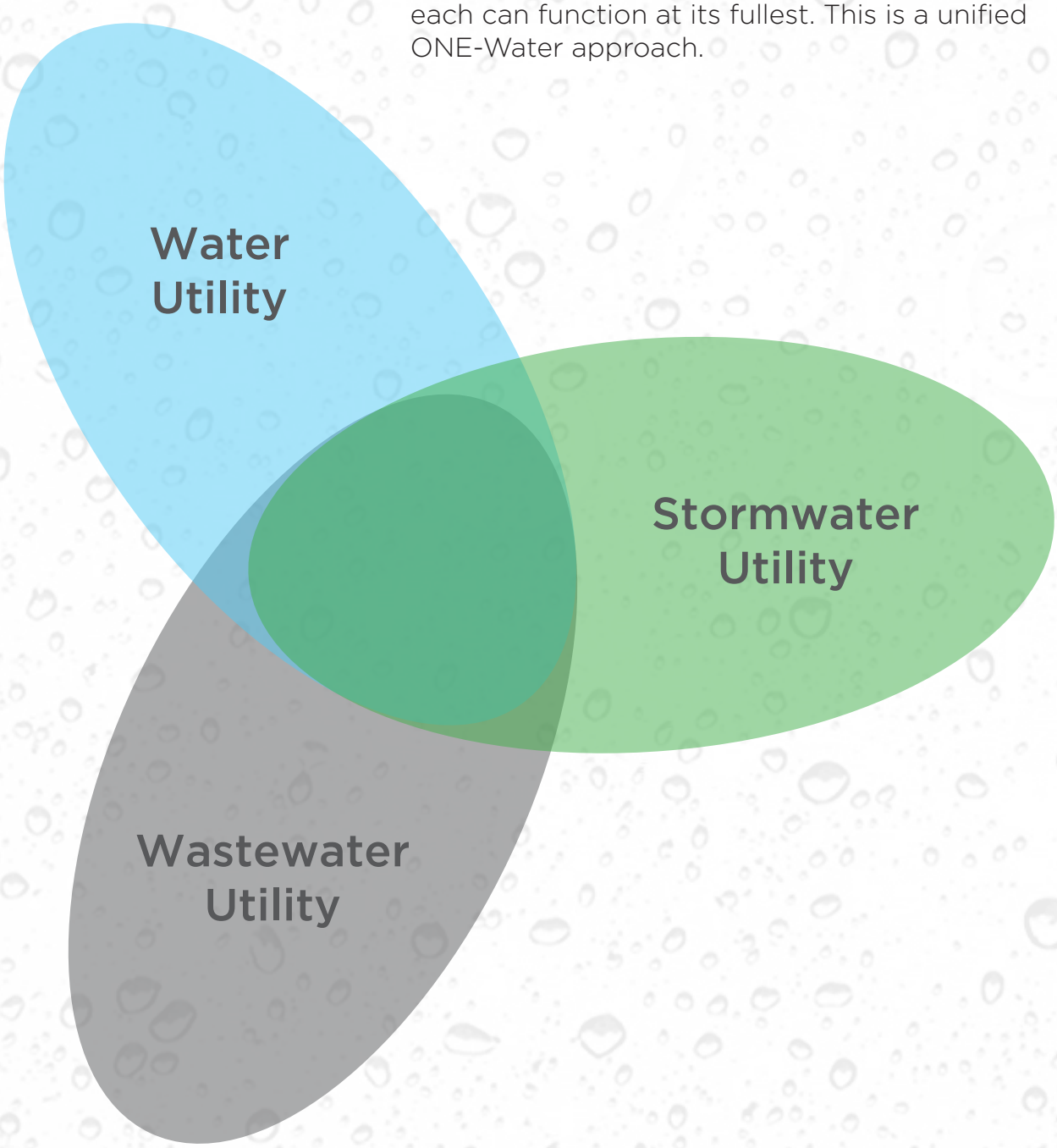
We are either investing in a sustainable system, or waiting on failure.



Dis-Investment growth for CCC Flood Control District

The Solution Involves Replacing Fragmented Past Policies with a Unified ONE-Water Policy

Water is scarce in California, so we need to ensure that every drop of water meets its full potential. To achieve better management of all aspects of California's water system, each of the state's three water sectors needs to be properly funded so that each can function at its fullest. This is a unified ONE-Water approach.



Facing the reality of our changing climate means that the availability of water is changing, and we have to change with it. Finding ways to maximize our usage of available water is a vital step in averting a future crisis.

Fully funding stormwater services will close the loop and allow cities, counties, and flood control districts to do their part to preserve California's most precious resource, our water.

With better, more reliable funding, the Stormwater sector can function more effectively too, providing much-needed flood protection, recharging groundwater basins, increasing drinking water supplies, and providing a healthier environment for all.

What are the Benefits of an Effective Stormwater System?

An effective, well-funded stormwater system would:

Protect
communities from dangerous floods.

Recharge
groundwater basins providing a vital reserve for our diminishing groundwater.

Provide
healthy creeks for future generations by restoring healthy watersheds.

Ensure
clean water for healthy ecosystems where plants, animals, and people thrive.

Reduce
the strain caused by extended droughts.

Meet
Federal and State guidelines for clean water.

Transform
old concrete channels into natural streams.

To protect the future residents of California, we need to manage our water resources with great care. Climate change has put growing pressure on our entire water system, which has led to increased measures to protect our watersheds, ensure water quality, and provide updated flood protection. With proper funding Stormwater utilities can fulfill a critical role in preserving the State's water.

There Is A Solution!

We need a fully funded Stormwater system. That way, not just Water and Wastewater Utilities, but all sectors of California's water system will be operating at full capacity. Working together under a ONE-Water approach, all sectors can ensure every drop of water is utilized to its full benefit.

The Legislature can play a role in getting the Stormwater sector fully funded. A ONE-Water integrated approach can lead to policy that will rectify the current inequities in water system funding.

A Constitutional Amendment approved by the Legislature can establish a ballot measure that addresses the issue. This will allow California voters to decide on equitable stormwater funding.

WWW.CCCOUNTY.US/FLOODCONTROL

Contra Costa County
Flood Control
& Water Conservation District

Accessible Transportation Strategic Plan

Measure X Community Advisory Board

Presented by John Cunningham

Principal Planner

County Department of Conservation and Development

August 4, 2021

CONTRA COSTA transportation authority

NELSON NYGAARD

WHAT IS THE ATSP?

- **The Accessible Transportation Strategic (ATS) Plan** examines transportation challenges of seniors, people with disabilities, and veterans in Contra Costa County
- **Partnership between the Contra Costa Transportation Authority (CCTA) and the County,** which included extensive consultation with users of the system and other stakeholders
- **Recommends a new coordinating entity, and development of a funding stream** to ensure transformational change
- **Phase 2 (Implementation) started in July 2021**

TESTIMONIALS

"Why has this gone on so long without being taken care of…?

I'm talking about these very basic funds services to people who absolutely need them…

If we don't address the issue, then who will? If we aren't supposed to be here advocating for the seniors, for the disabled, for the low income, then who will?

"I can't get to church on Sundays!"

Pello Smith, Vice Chair,
Paratransit Coordinating Council
Paratransit Rider

TESTIMONIALS

"On one occasion, I travelled to Brentwood for a doctor's appointment. By the time we reached my doctor's office, it was closed. We were on the van(s) for almost 6 hours. The one seat pilot has given me back my life. I feel secure, safe, it's the next best thing to putting my key in the ignition and starting my own car."

Alana Pineda

Paratransit Rider

TESTIMONIALS

"One of our main concerns...is transportation for our seniors...if you want to use paratransit and you live in west county, paratransit can't take you to east county. You have to transfer, we are talking about older Americans...the schedules don't mesh so that you can get off of one and immediately get on another....if you use paratransit the driver cannot help the person to the door...it should be studied and looked in to... We hope that you consider this when you are considering how the funding should be spent."

Myrtle Braxton
President, Richmond Commission on Aging
May 12, Measure X Community Advisory Board Meeting

TESTIMONIALS

"Current senior-oriented mobility services do not have the capacity to handle the increase in people over 65 years of age…the massive growth among the aging …points to a lack of fiscal and organizational readiness…the closure and consolidation of medical facilities while rates of diabetes and obesity are on the rise will place heavy demands on an already deficient system."

Bay Area Human Service – Public Transit Coordinated Plan 2018
Metropolitan Transportation Commission

"The impact of our aging population is profound and is in the realm of an imperative. We are not currently resourced enough to meet the demands of our older adults and people with disabilities population. At a policy level we need to work together to figure out a plan as to how we meet those needs

Tracy Murray, Director of Aging and Adult Services

Measure X Community Advisory Board Meeting
May 12, 2021

FUNDING REQUEST

$1.4 Million for Short-term Implementation

- **Establishment of a Coordinating Entity** that will be responsible for short- and long-term implementation of accessible transportation strategies including the identification of a new, ongoing funding source to support continuing operations.
- **One Call/One Click Operations Center.** Countywide, centralized phone and internet -resource for all modes of transportation serving target populations. Assisting callers in making travel plans based on their abilities.
- **User-side Subsidies** for low-income populations for whom existing fares represent a barrier to access.
- **Expansion and Enhancement of One Seat Ride Pilot Program** allowing paratransit riders to travel throughout the county (and possibly outside the county) without having to transfer between paratransit vehicles.

+ Ongoing, annual funding is needed until stable funding is identified

VIDEO TESTIMONIAL

ADDITIONAL INFORMATION

FUNDING REQUEST – ONGOING

- **The oversight Task Force will be convened in fall 2021** – The a The Task Force will allow staff to have increased certainty on timing and projects

- **Ongoing Funding Support Until New Revenue Stream is Established** – Funding for the Coordinating Entity, One-Call/One-Click Operation, user-side subsidy/One-Seat Ride programs and other priorities to be set by the Task Force

- **Progress Reports** – Staff will continue to provide progress updates and expenditure reports

BACKGROUND AND OVERVIEW OF PROJECT

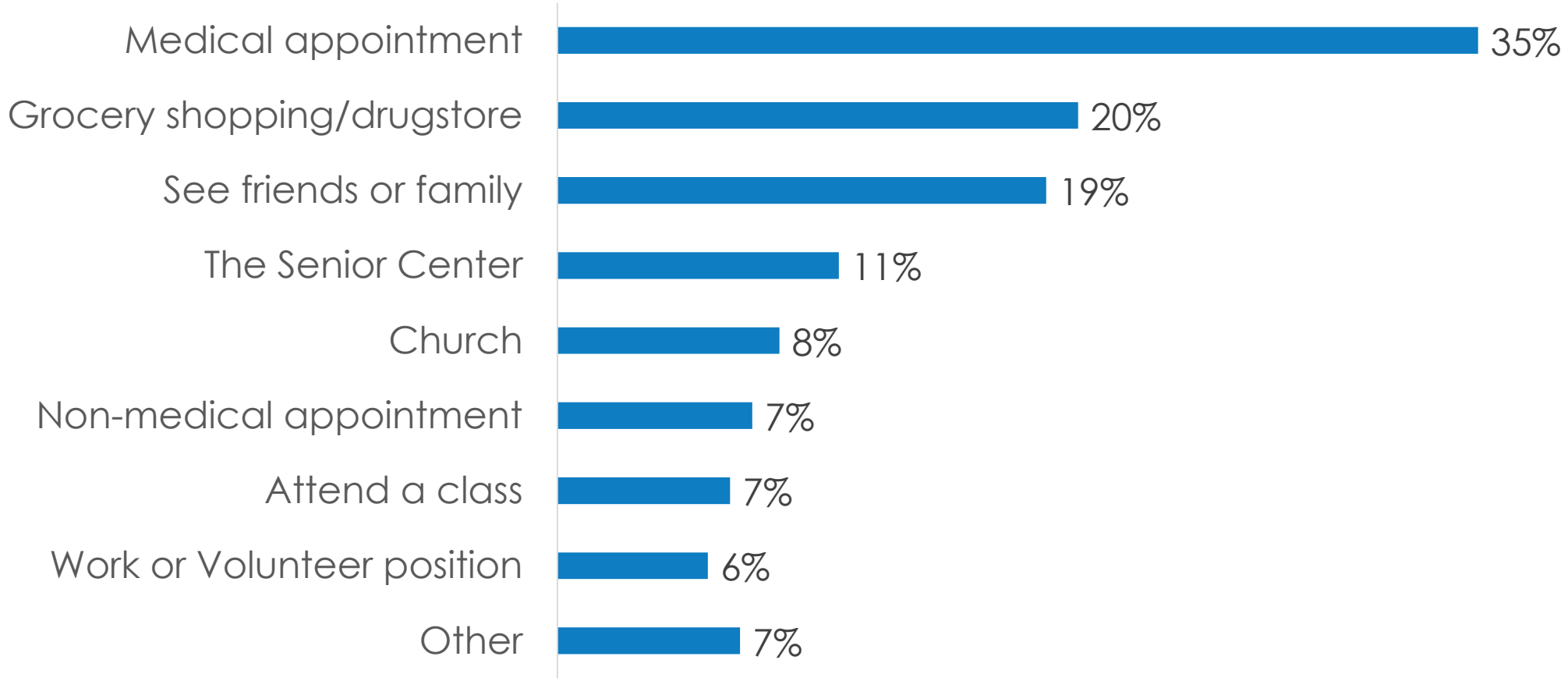
Oversight Committees

- **Technical Advisory Committee (TAC)** – comprised of public and non-profit providers of service providing subject matter expertise and public policy implications on service concepts

- **Policy Advisory Committee (PAC)** – comprised of public and non-profit leadership providing input on addressing policy barriers, communicating with stakeholders about the Study, liaising with elected or appointed Boards, and reviewing and prioritizing recommended strategies

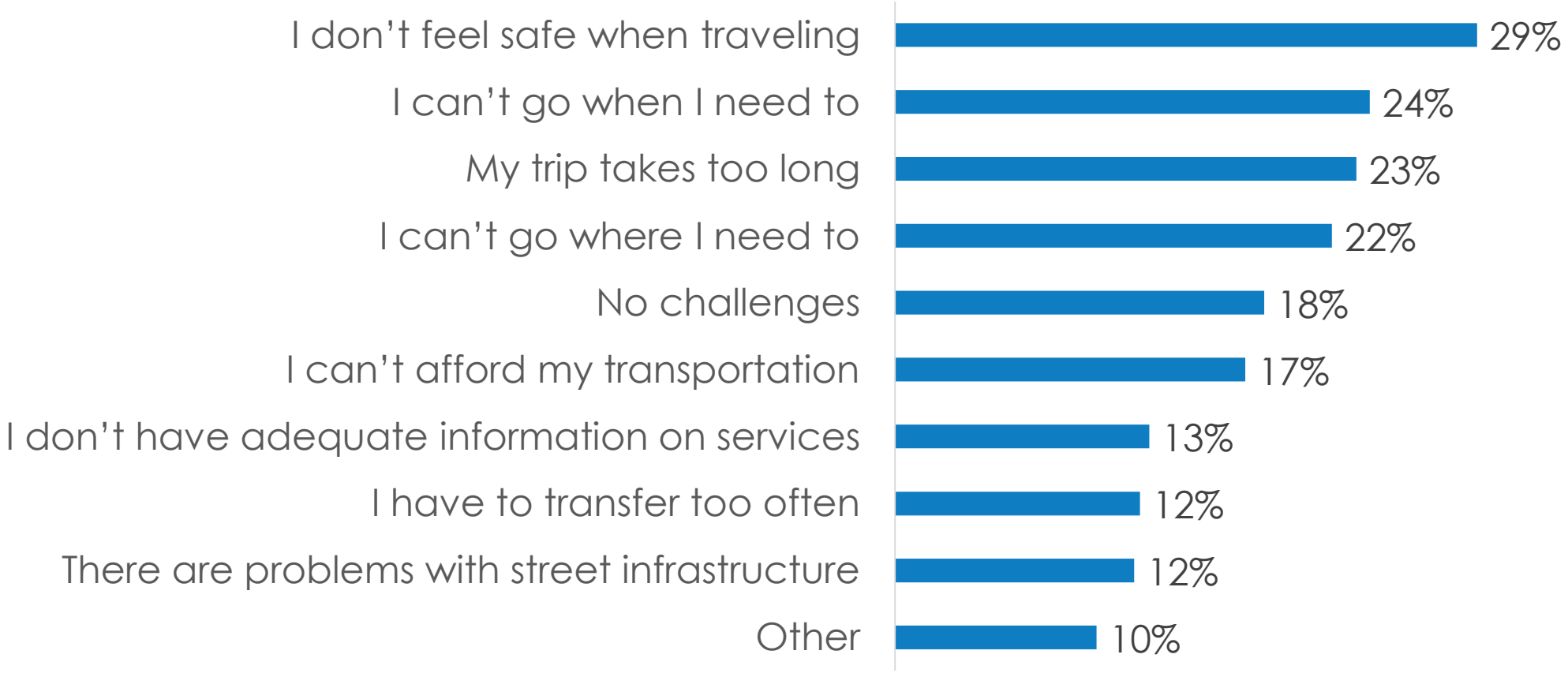
SURVEY RESPONSE: TRIP DIFFICULTY

Which Trips are Most Difficult to Make?

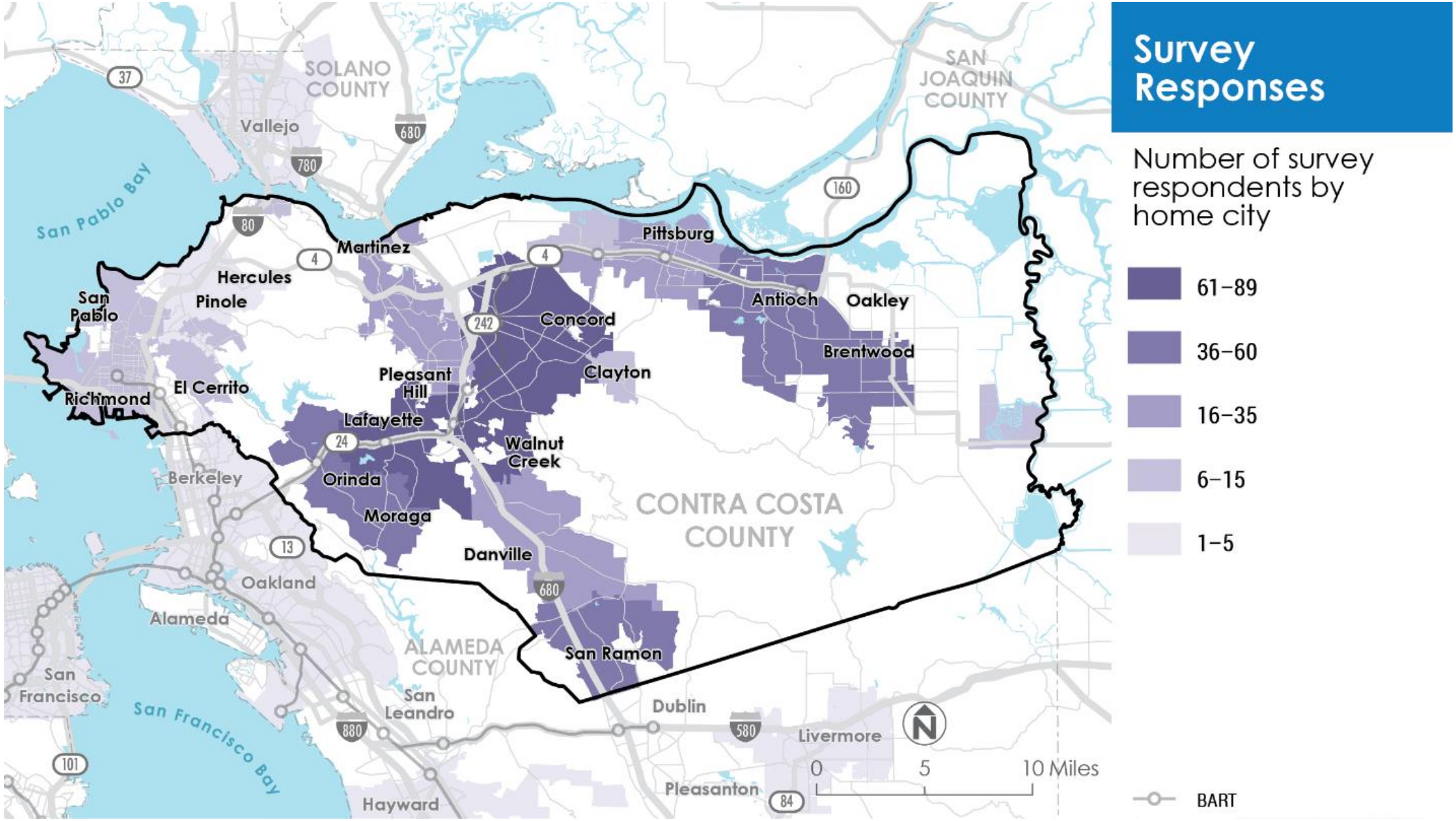


SURVEY RESPONSE: TRANSPORTATION CHALLENGES

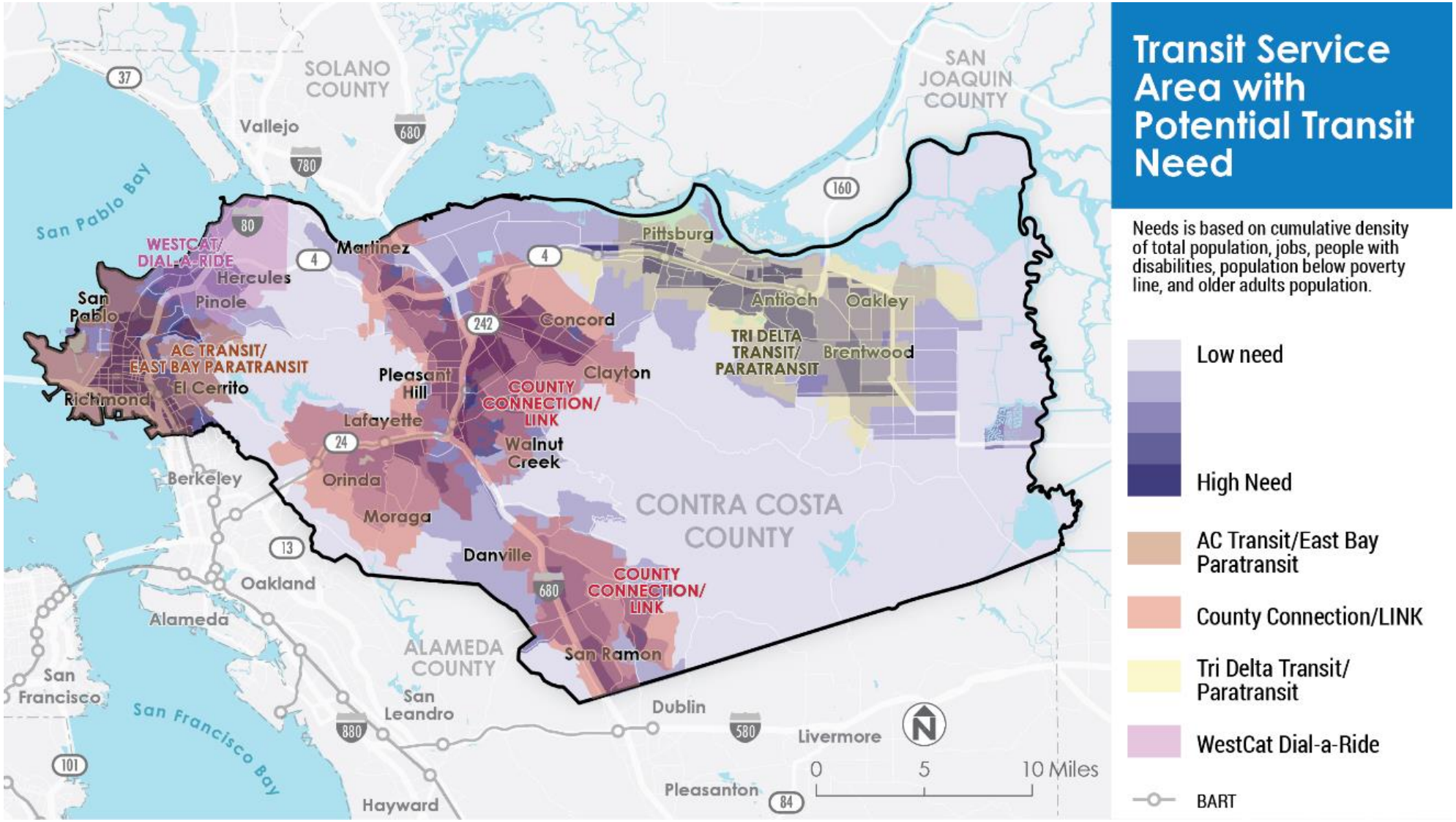
Respondent Transportation Challenges



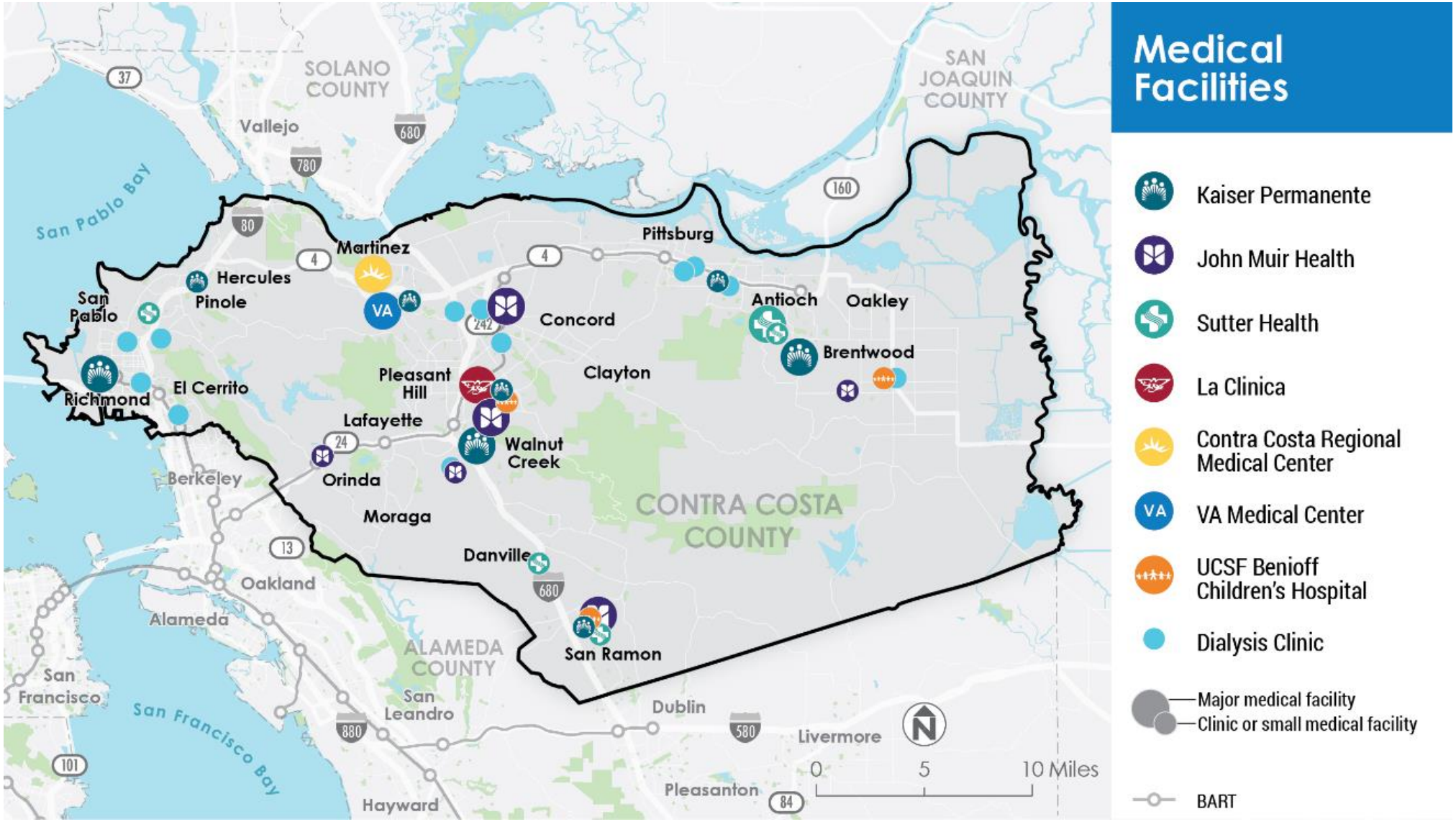
SURVEY RESPONSES



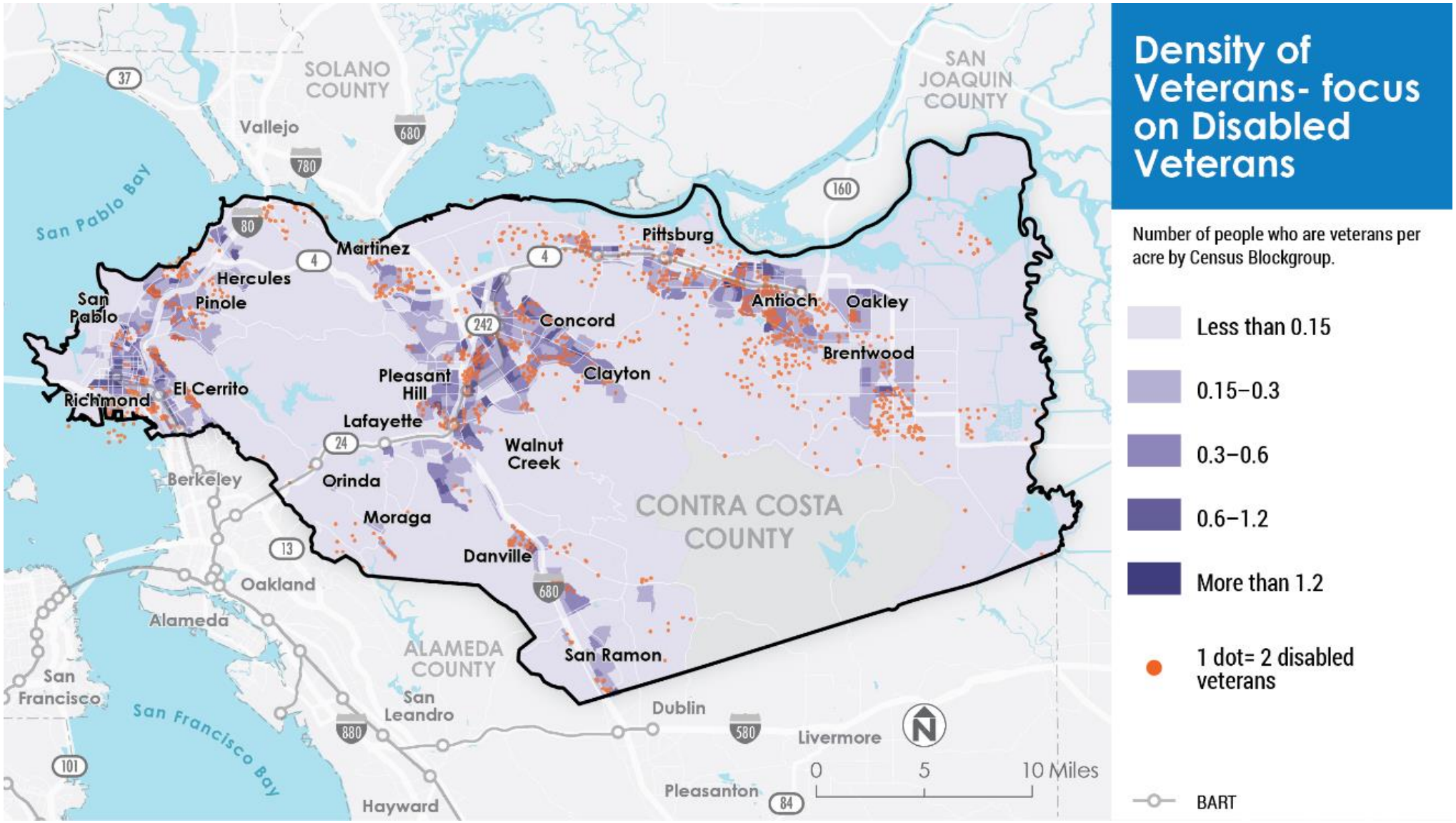
POTENTIAL TRANSIT NEED



MEDICAL FACILITIES



VETERANS – DISABLED VETERANS



OTHER FUNDING SOURCES

- **Contra Costa Transportation Authority:**
  - One-time seed funding
  - Ongoing Measure J (2004) Transportation Sales Tax

- **Other Funding (potential):**
  - **One Bay Area Grant (OBAG):** Metropolitan Transportation Commission:
  - **5310 Enhanced Mobility of Seniors & Individuals with Disabilities:** Federal Transit Administration

- **To Be Determined:** Developing a new funding stream will be taken up by the Task Force

OUTREACH EFFORTS

- **Presentations pre-COVID**
  - Developmental Disabilities Council of Contra Costa County
  - Pleasant Hill Commission on Aging
- **Surveys** – 1000+ responses received
- **Flyer/survey** emailed and on paper with meal delivery
- **Focus groups in underrepresented areas** – 5
- **Stakeholder interviews** – 11
- **Telephone Town Hall Meeting** – Oct 27, 2020
  - Call available in English, Spanish, and Mandarin
  - 1,149 participants
  - 4 simple polls; 17 audience questions answered by staff
- **Partner websites and Social media**
  - Public agencies, non-profit sector
  - Instagram, Facebook, Nextdoor, Twitter

CONTRA COSTA COUNTY, CALIFORNIA

CONTRA COSTA transportation authority

CONTRA COSTA ACCESSIBLE TRANSPORTATION STRATEGIC PLAN

EXECUTIVE SUMMARY

MARCH 2021

ACKNOWLEDGEMENTS

The Contra Costa Accessible Transportation Strategic Plan was funded by a Caltrans Sustainable Transportation Planning Grant.

Project Team

Peter Engel, Director of Programs, Contra Costa Transportation Authority

John Cunningham, Principal Transportation Planner, Contra Costa County Department of Conservation and Development

Corinne Dutra-Roberts, Innovative Mobility Programs, Advanced Mobility Group (AMG)

Nelson\Nygaard Consulting

Naomi Armenta, Project Manager

Richard Weiner, Principal in Charge

Marvin Ranaldson

Tanya Shah

Kevin Lucas

Emily Roach

Brian Manford

Kevin Ottem

NELSON NYGAARD

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Pinole Valley Rd
1 1/2 MILES
Hercules Exit
Pinole Valley Rd
Appian Way
EXIT 23
Hercules
1/2 MILE
EXIT 24
Willow Ave
Rodeo

Executive Summary

STUDY BACKGROUND

The Accessible Transportation Strategic (ATS) Plan provides a coordination structure with strategies to improve accessible transportation services, based on an examination of transportation challenges facing seniors, people with disabilities, and veterans in Contra Costa County.

Sponsored by a partnership between CCTA and the County, the ATS was funded by a Caltrans Sustainable Communities Transportation Planning grant.

Inclusive and equitable public engagement was a key focus of the Plan, with input from organizations, key stakeholders, and the broader Contra Costa community.

Project Oversight

The ATS process was overseen by Technical Advisory and Policy Advisory Committees. In March 2020, due to the COVID-19 outbreak, the project team started working "virtually" to allow people to participate safely.

- **Technical Advisory Committee (TAC)** Provided subject matter expertise and public policy implications on service concepts
- **Policy Advisory Committee (PAC)** Provided input on addressing policy barriers, communicating with stakeholders about the Study, liaising with elected or appointed Boards, and reviewing and prioritizing recommended strategies

STUDY CONTEXT

Contra Costa County has a diverse population spread across a relatively large area.

3rd
largest population and area in Bay Area

Population
1,160,000

804
Square Miles

17 Cities

Two Towns

Not including census-designated places and unincorporated areas

Related Planning Initiatives 2016-2020

2016 and 2020 Transportation Expenditure Plan

"CCTA will develop an Accessible Transportation Strategic Plan to implement a customer-focused, user-friendly, seamless coordinated system..."

2017 Countywide Comprehensive Transportation Plan

"Initiate the ATS Plan: Ensure services are delivered in a coordinated system..."

2019 Metropolitan Transportation Commission (MTC) Resolution 4321

"Each county must establish or enhance mobility management programs to help provide equitable and effective access to transportation."

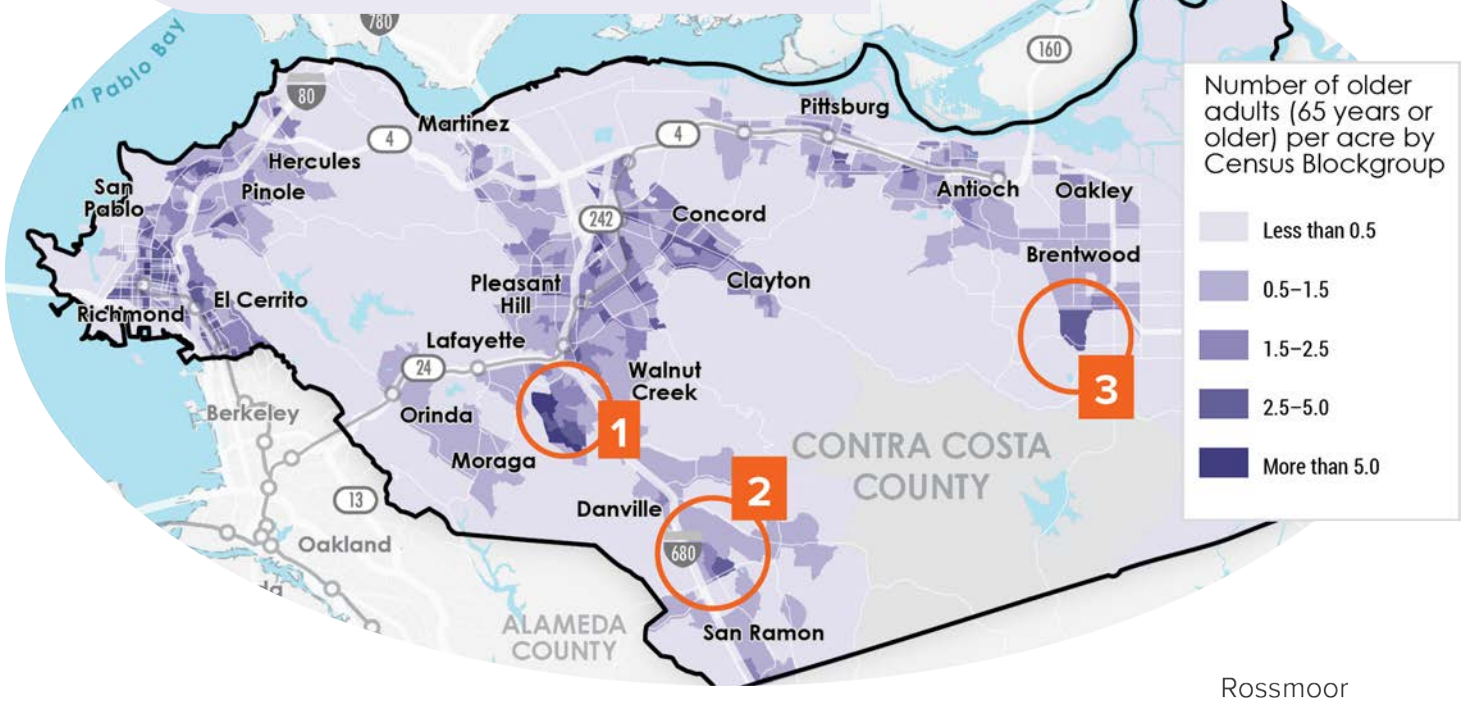
EXISTING CONDITIONS

Older Adults and Adults with Disabilities

The distribution of older adults and people with disabilities reflects the general population spread throughout the county, with a few areas of unusual concentration. Rossmoor has a higher population both of older adults and people with disabilities—countywide, those two groups constitute 23% of the population.

Older Adults

Three areas have a higher density of older adults: **1) Rossmoor** (between Moraga and Walnut Creek), **2) Crow Canyon** (north of San Ramon), and the area **3) South of Brentwood**.



23%
over 65 or disabled

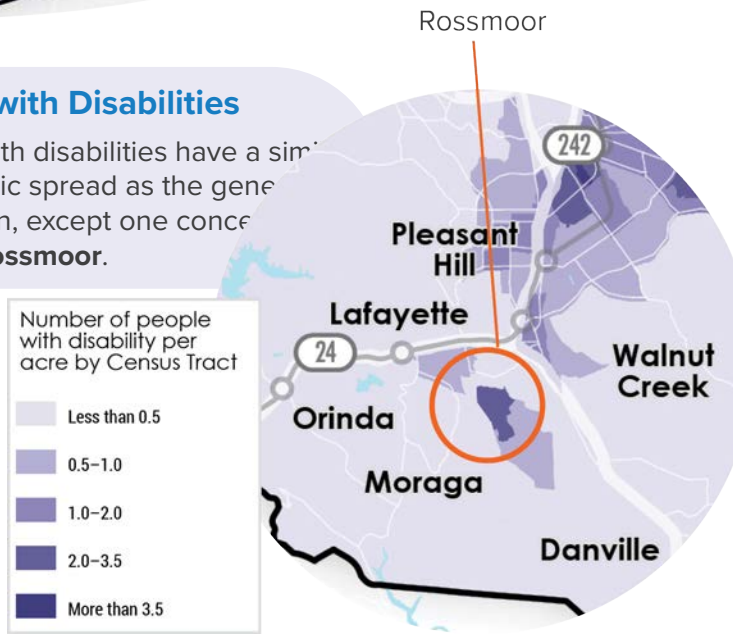
15%
over 65

8%
under 65, with disability

County Residents

People with Disabilities

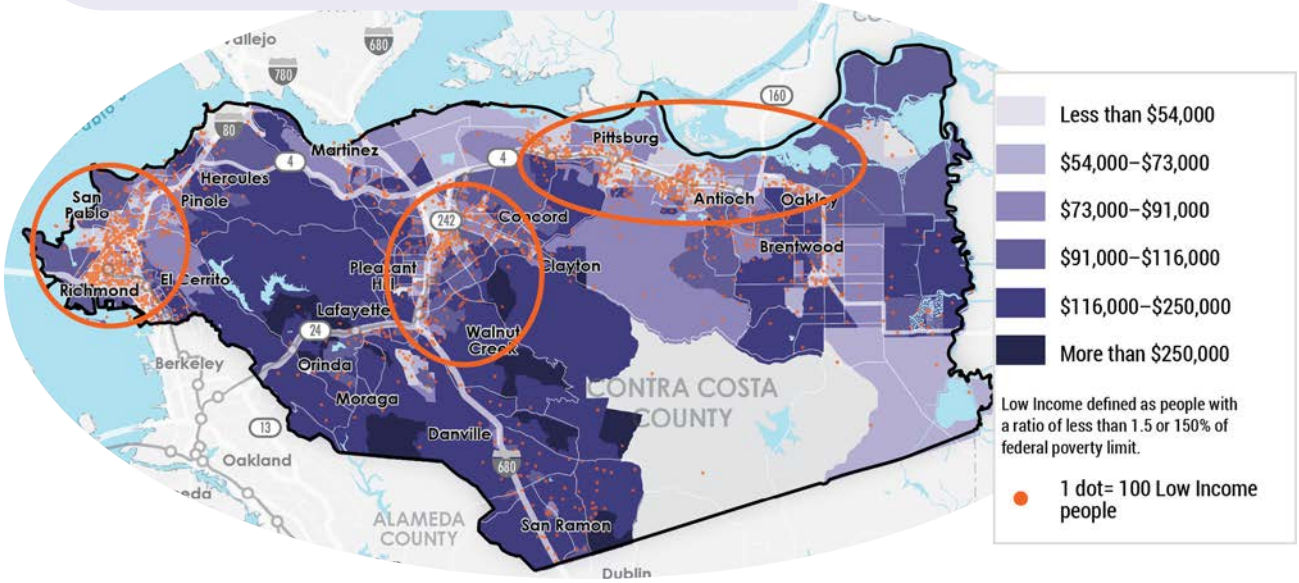
People with disabilities have a sim geographic spread as the gene population, except one conce area in **Rossmoor**.



Equity Considerations

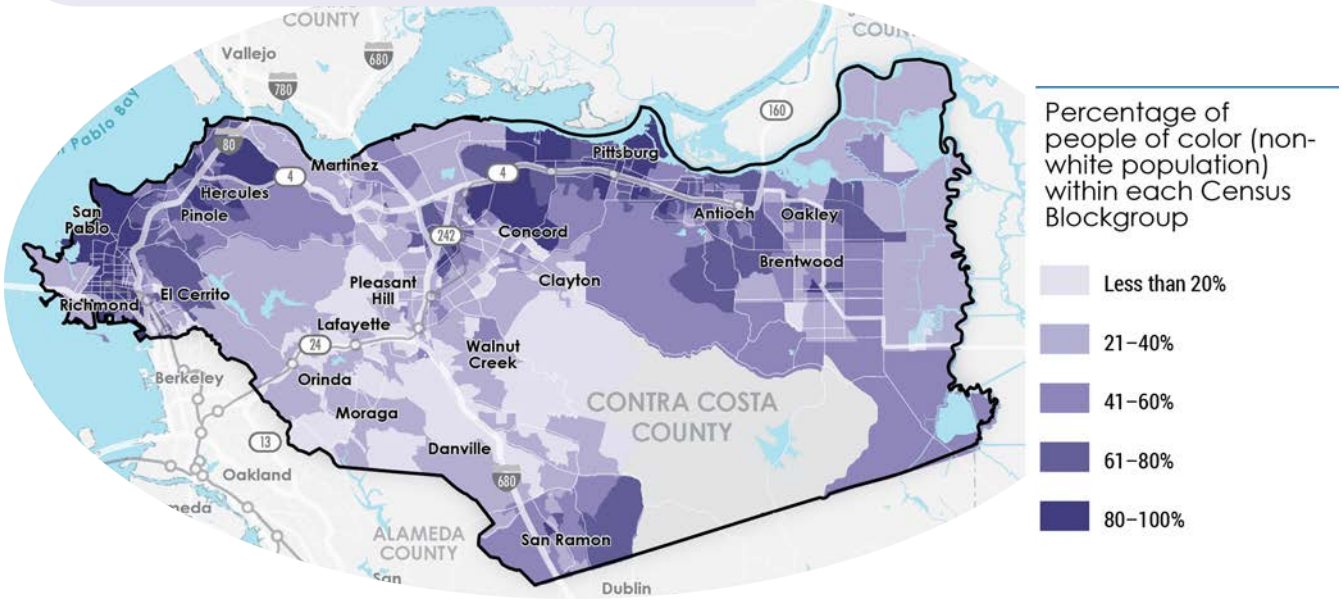
Household Income

Low income population concentrations include West County, mid-County, and North county locations.



People of Color

Nearly half of the county population identifies as people of color or other non-white ethnicity.



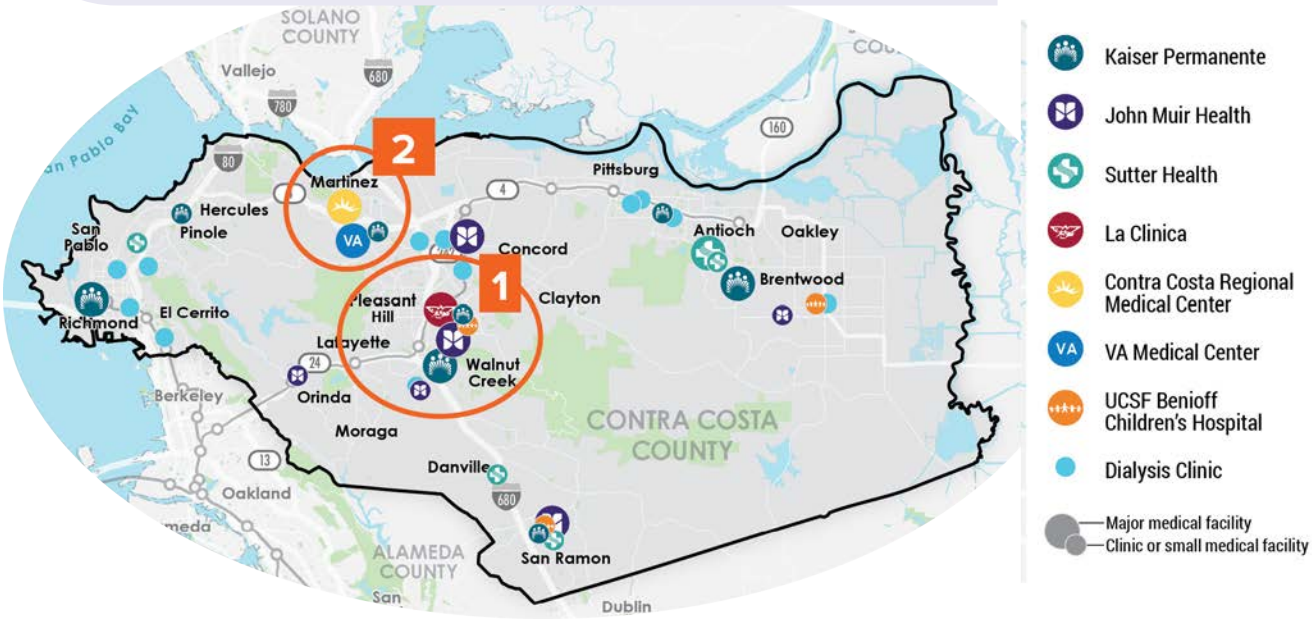
Countywide Ethnicity

52% White	48% People of Color/Other

Transportation Need and Services

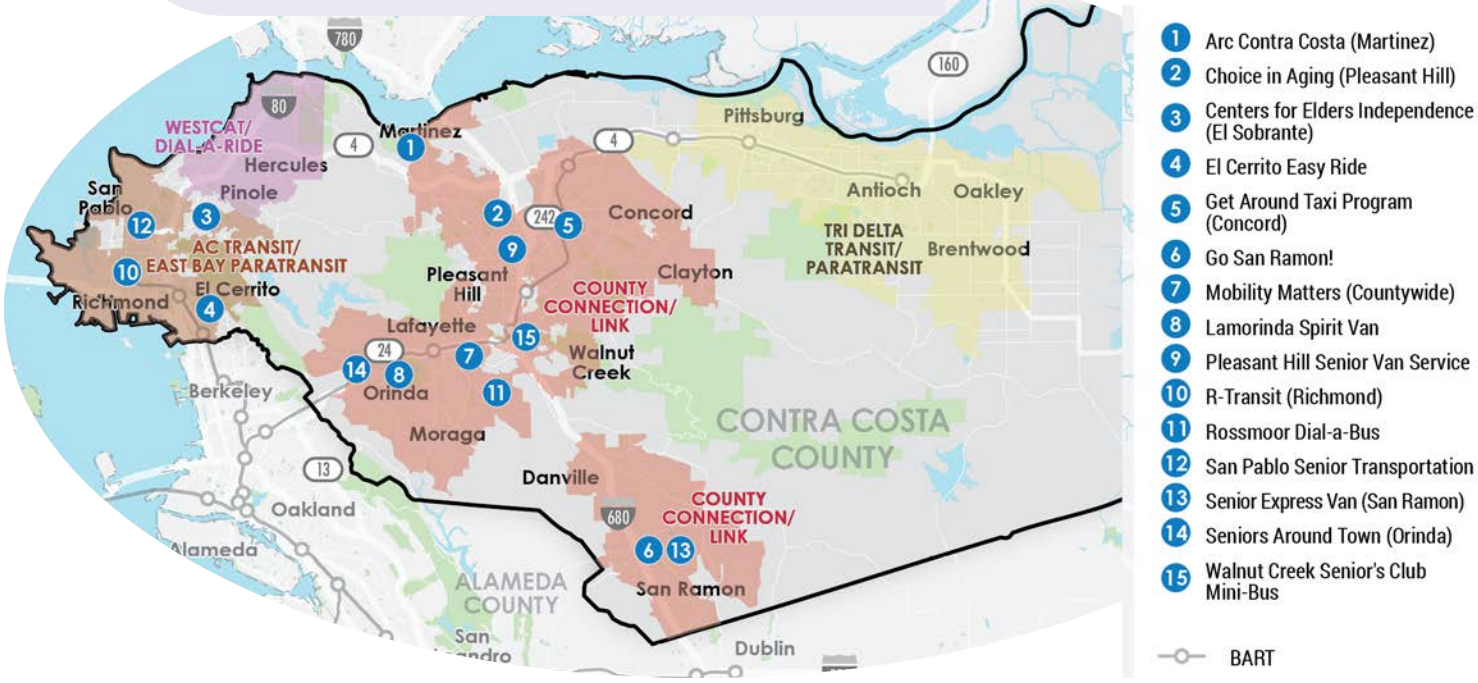
Access to Medical Facilities

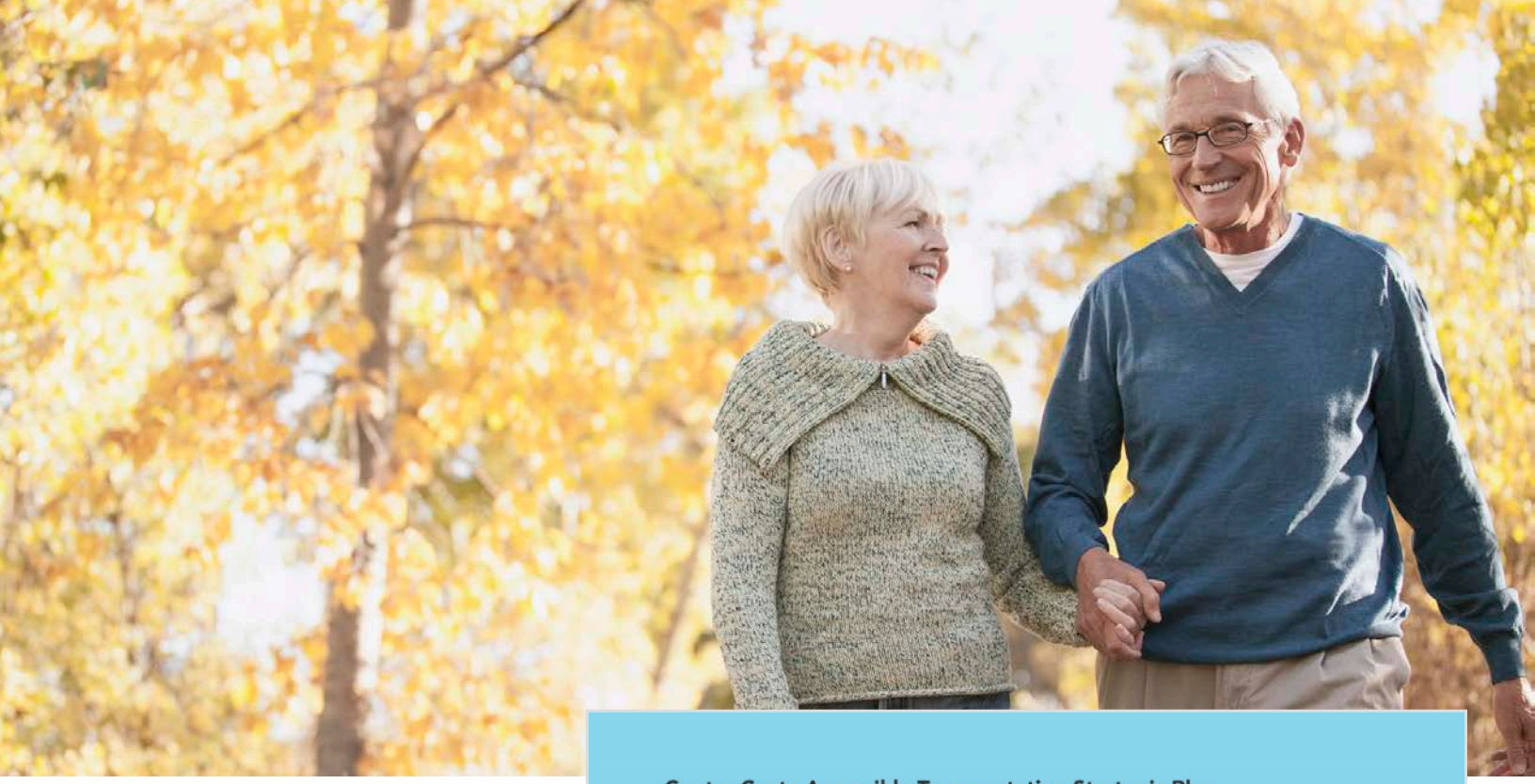
Most medical facilities are clustered in the center of the County between Pleasant Hill and Walnut Creek (1). Two facilities needed by residents throughout the County are the **Contra Costa County Medical Center** and the **VA Medical Center**, both in Martinez (2).



Community-Based Transportation

Services areas don't always overlap areas of greatest demand, increasing the need for transit and paratransit services provided by community-transportation programs from public sector services or non-profit organizations.





OUTREACH

Outreach Toolkit

A virtual and paper flyer, along with tweets and postings on provider websites were distributed via social media, encouraging people to provide input through the online survey.

Contra Costa Accessible Transportation Strategic Plan

Let's make transportation convenient for older adults and people with disabilities

If you're an older adult, have a disability, or are a veteran, transportation in Contra Costa County can be challenging. We want to identify ways to make it easier for you to get around the county—whether you're going to an appointment, getting groceries, visiting family, or anything else.

You can participate from home!

Due to the shelter-in-place we are asking individuals to complete the survey online or participate in a short phone interview. Participants will be entered in a drawing for a $25 gift card!

Take the survey on-line at www.surveymonkey.com/r/CCTA_Survey2 or in Spanish at www.surveymonkey.com/r/CCTA_SurveySPN

Call us at **857-305-8004**

Email us at info@atspcontracosta.com

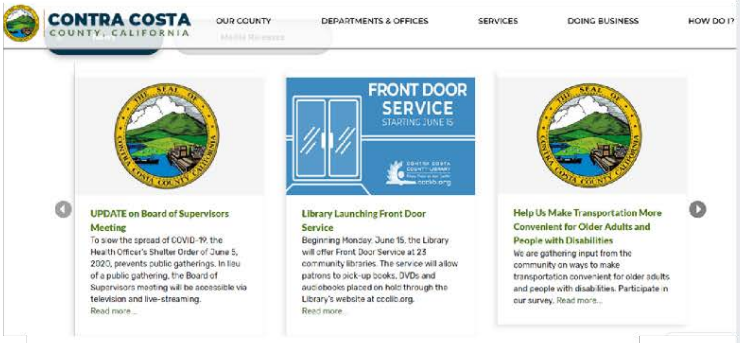
Visit us at **atspcontracosta.com**

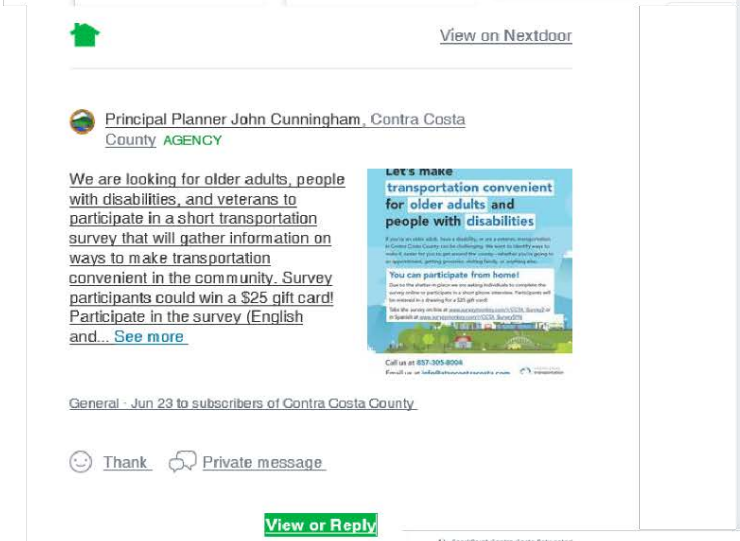
CONTRA COSTA transportation authority

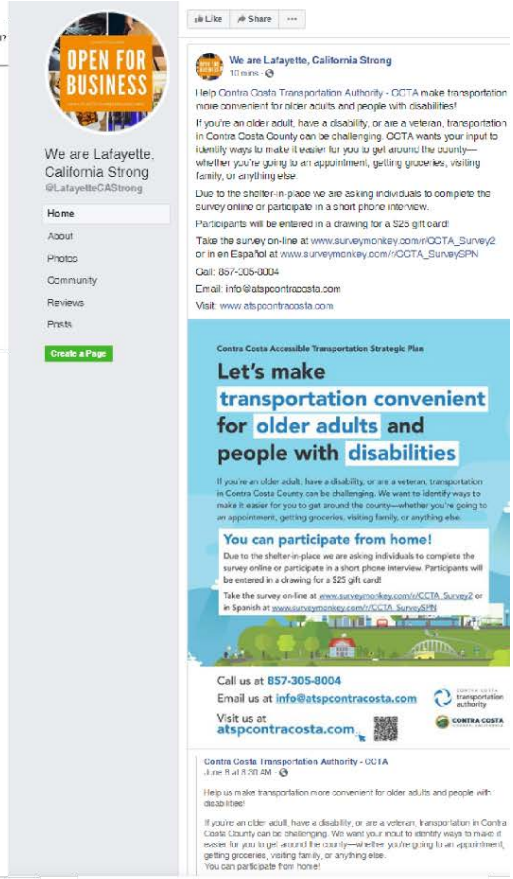
CONTRA COSTA COUNTY, CALIFORNIA

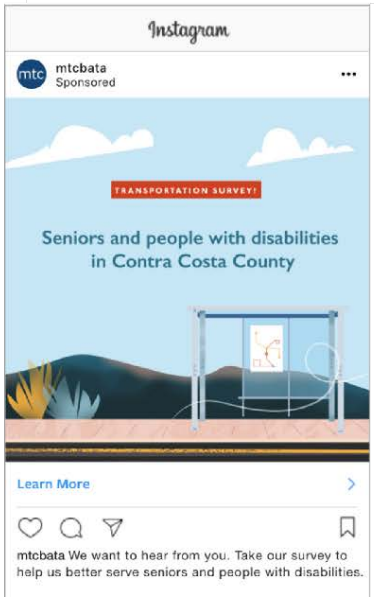
Virtual Outreach Flyer

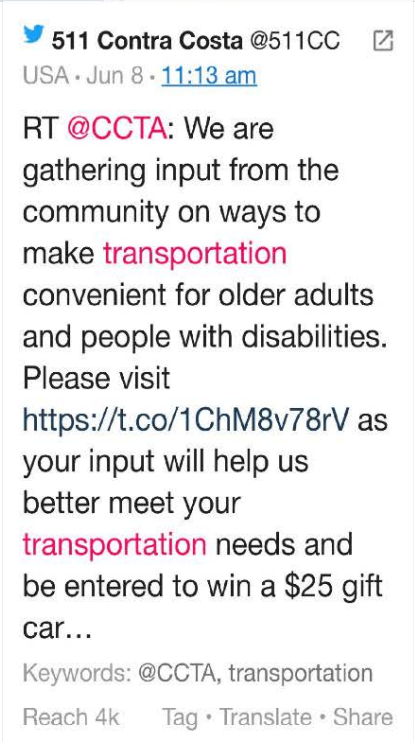
Public Engagement Collateral











Pre-COVID Outreach

Before the onset of the pandemic, surveys and engagement flyers were distributed and the project team made public presentations at the Developmental Disabilities Council of Contra Costa County and the Pleasant Hill Commission on Aging.

CONTRA COSTA transportation authority | CONTRA COSTA COUNTY, CALIFORNIA

SURVEY CONTRA COSTA ACCESSIBLE TRANSPORTATION STRATEGIC PLAN

The Contra Costa Transportation Authority (CCTA), in coordination with Contra Costa County, is conducting a study to find out how to improve transportation services for seniors, people with disabilities, and eligible veterans who live or travel in Contra Costa County.

Please take a few minutes to fill out this survey and return it to the person who gave it to you, or you can also take the survey on-line at: **https://www.surveymonkey.com/r/CCTA_Survey**.

If you have any questions or need assistance filling out this survey, please contact 510-506-7586 or info@atspcontracosta.com.

1. **Which modes of transportation do you usually use?** *(Check all that apply; answer any related follow-up questions for BUS, ADA PARATRANSIT and LYFT/UBER)*
   - ☐1 BART
   - ☐2 Bus ➔ *Answer follow-up Q 2-4*
   - ☐3 Bicycle
   - ☐4 Walk/Roll
   - ☐5 ADA Paratransit (East Bay Paratransit, WestCAT Dial-a-Ride, County Connection LINK, Tri Delta Paratransit) ➔ *Answer follow-up Q 5-7*
   - ☐6 Drive myself
   - ☐7 Lyft/Uber ➔ *Answer follow-up Q 8-9*
   - ☐8 Taxi
   - ☐9 Family, neighbor, or paid helper drives me
   - ☐10 Other *(example: R-Transit, Rossmoor Dial-a-Bus, Lamorinda Spirit Van, etc)*:_____

Q 2-4. BUS RIDER QUESTIONS

Skip questions 2-4 if you don't ride the bus.

2. **If you use the BUS, what service(s) do you use?**
   - ☐1 AC Transit
   - ☐2 WestCAT
   - ☐3 County Connection
   - ☐4 Tri Delta
   - ☐5 Other (please specify): _____
3. **Please tell us about your BUS-riding experience and interactions with drivers:**
   - ☐1 Excellent
   - ☐2 Satisfactory
   - ☐3 Poor
   - ☐4 Additional comments: _____
4. **Please share any other comments about your BUS-riding experience, such as ease of use, maintenance issues, or vehicle cleanliness:**

Q 5-7. ADA PARATRANSIT RIDER QUESTIONS

Skip questions 5-7 if you don't ride paratransit.

5. **If you use ADA PARATRANSIT, what service(s) do you use?**
   - ☐1 East Bay Paratransit
   - ☐2 WestCAT Dial-a-Ride
   - ☐3 County Connection LINK
   - ☐4 Tri Delta Paratransit
   - ☐5 Other (please specify): _____
6. **Please tell us about your ADA PARATRANSIT-riding experience and interactions with drivers:**
   - ☐1 Excellent
   - ☐2 Satisfactory
   - ☐3 Poor
7. **Please share any ot PARATRANSIT-riding maintenance issues**

Q 8-9. LYFT/UBER RIDER

Skip questions 8-9 if you

8. **If you use LYFT/UBER experience and inte**
   - ☐1 Excellent
   - ☐2 Satisfactory
   - ☐3 Poor
9. **Please share any ot LYFT/UBER-riding experience, such as ease of use, maintenance issues, or vehicle cleanliness:**

Q 10-16 GENERAL RIDER QUESTIONS

10. **Where are you usually going?** *(Please select up to three)*

    I go to...
    - ☐1 Medical appointment
    - ☐2 Grocery shopping/drugstore
    - ☐3 Non-medical appointment
    - ☐4 See friends or family
    - ☐5 Attend a class
    - ☐6 The Senior Center
    - ☐7 Church
    - ☐8 Work or Volunteer position
    - ☐9 Other (please specify): _____

OVER▶

1,000+ Surveys

Distributed via e-mail and meal deliveries, available in English, Spanish, and Mandarin.

Photo by John Schnobrich on Unsplash

Post-COVID Outreach

Once the pandemic set in, the project team moved all outreach activities to safe platforms, utilizing virtual focus groups, stakeholder interviews, an online survey, and virtual town hall to safely interact with participants.

5 Focus Groups

Focus Groups

Five virtual focus groups with seniors and persons with disabilities involved in-depth conversations with the project team, with an emphasis on reaching populations often overlooked through other forms of public engagement, such as adults with disabilities, people with Limited English Proficiency, and West County residents.

11 Interviews

Stakeholder Interviews

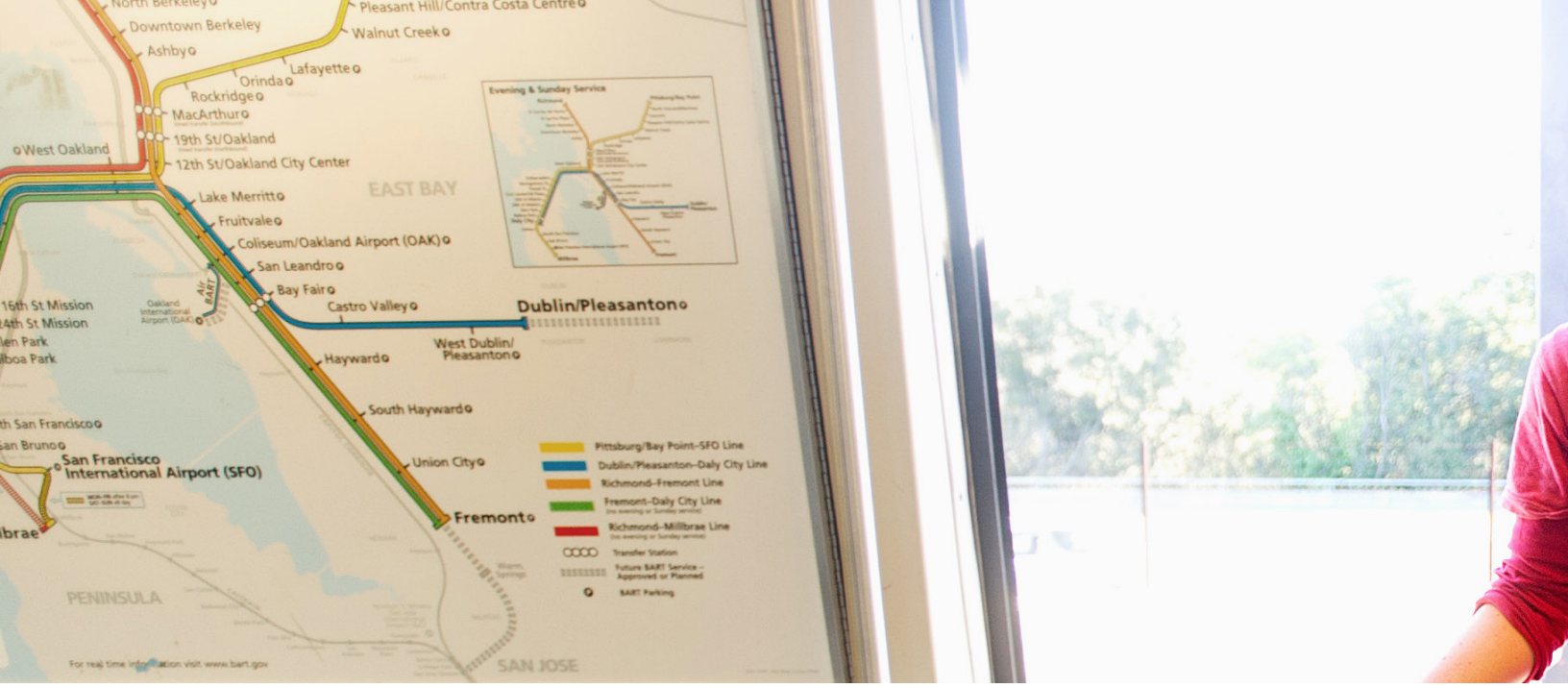
Interviews commencing in March of 2020 were put on hold in light of the onset of the COVID-19 pandemic. Interview questions were reevaluated to reflect the circumstances, and the interviews with public and nonprofit agencies, representing an array of stakeholder groups and interests, were completed between September and November.

1,149 participants
out of 23,000 invitations

3 languages
English, Spanish, Mandarin

Telephone Town Hall

Nelson\Nygaard hosted a live Telephone Town Hall on October 27, 2020 to outline the project and answer questions.



SURVEY RESULTS

Trip Destinations and Challenges

An online survey provided insight into how respondents get where they are going, where they go, and what factors complicate their trips.

Mode to Destination

Trips were most commonly made by solo drivers, followed by those driven by a family, neighbor or paid helper. BART was used by about a third of respondents, with ADA paratransit utilized by 10% of the entire survey sample.

40% Drive Myself

38% Family, neighbor, or paid driver

32% BART

10% ADA paratransit

* Respondents could choose as many modes as they used. Percentages reflect total respondents (1,063) selecting a particular mode they used.

Destinations

The top destination was medical appointments, with grocery/drugstore shopping in second place. Senior Center trips and non-medical appointments each accounted for an 8% share of destinations.

56% Medical Appointments

46% Grocery/ drugstore

8% Non-Medical Appointment

8% Senior Center

* Respondents could choose up to three trips that they take most often. Percentages reflect total respondents (1,063) identifying each trip type.

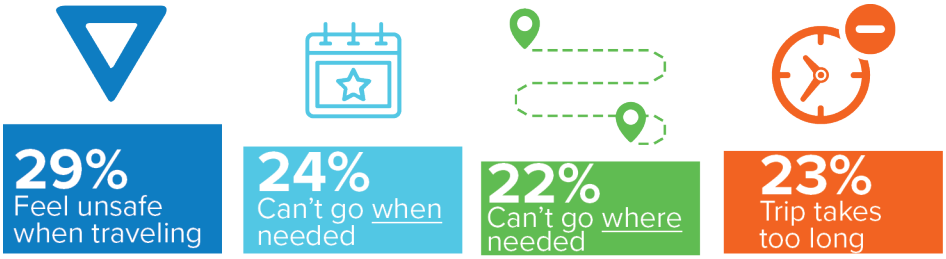
Trip Difficulty

Mirroring the top destinations, respondents had the most difficulty with medical appointments and making grocery/drugstore trips. Seeing friends/family and getting to the Senior Center rounded up the top four types of difficult trips.

* Respondents could choose up to three trips that they take most often. Percentages reflect total respondents (1,063) for each trip type.

Trip Challenges

Almost one-third of respondents feel unsafe while traveling, with about a quarter unable to go where or when they want, or feeling their trip takes too long.



* Respondents could choose up to three challenges that they faced most often. Percentages reflect total respondents (1,063) identifying each trip type.

TRANSPORTATION NEEDS AND GAPS

The project team's review of existing conditions and survey data identified key needs and gaps in accessible transportation in Contra Costa County. These include:

New Funding – Grants are sometimes available for planning and pilots, but all recommendations will require new sustainable funding

Safety – Many respondents feel unsafe while traveling

Volunteer Driving Programs – Additional volunteers are needed, with more reliable funding to increase capacity

Medical Access – The Regional Medical Center and VA Medical Center in Martinez need reliable access throughout the county

Quality of Life Visits – Consumers have difficulty making quality-of-life essential trips to visit friends and family, the senior center, and church

Service Coordination – Accessible services need improved coordination because they are siloed between agencies, cities, and non-profit organizations

RECOMMENDATIONS

The Accessible Transportation Plan identified an urgent need for a coordinated structure to address transportation needs and gaps in Contra Costa County accessible transportation. A crucial first step would be the creation of an Accessible Transportation Task Force.

Accessible Transportation Task Force

The Task Force would:

- **Oversee Strategic Planning**, identifying coordinated strategies to be implemented by existing agencies/non-profits
- **Create a Countywide Coordination Entity** responsible for countywide strategy implementation
- **Investigate** funding opportunities

Countywide Coordinated Entity (CE)

- **The countywide CE Organization** could be an existing non-profit or public agency–or an entirely new entity
- **Strategy implementation** would be a key function of the CE, prioritizing projects to improve and expand countywide accessible transportation

Strategies and Implementation

A five-year timeline for strategy development and implemetation was developed, with recommended strategies divided into tiered groups.

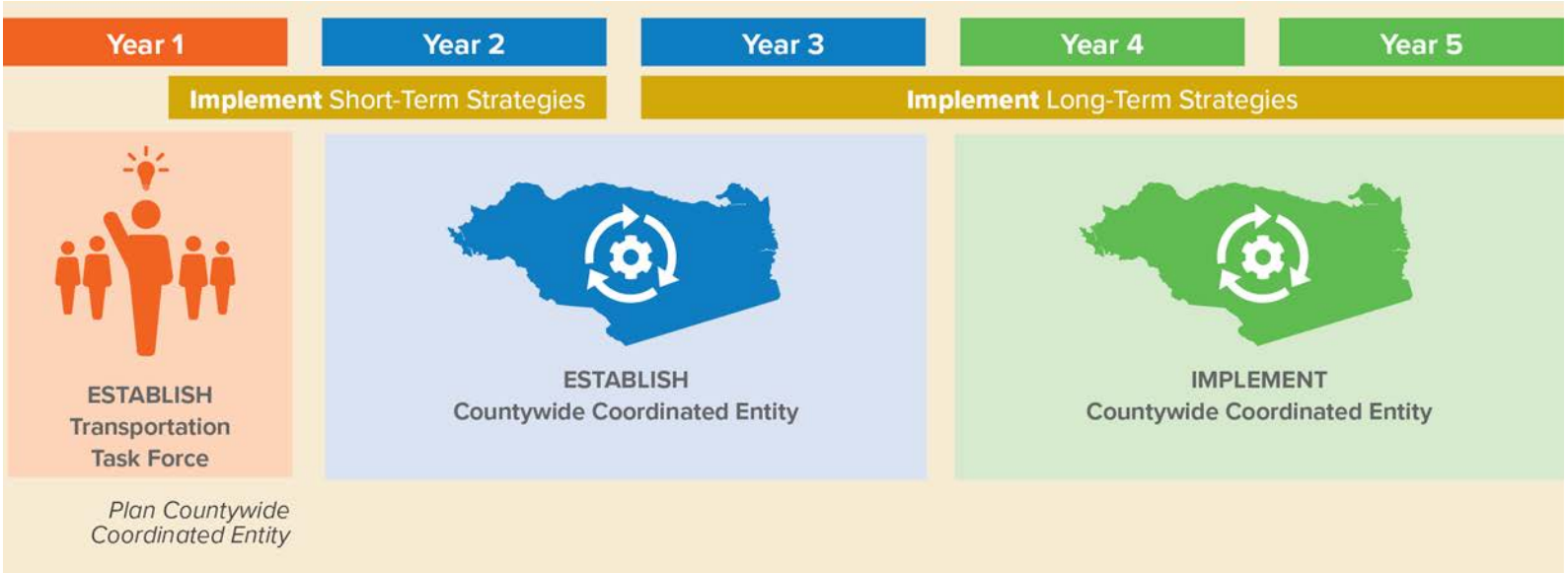
Tier I

- High transportation benefit
- Strong community support
- Leverages existing programs/resources
- Easy to implement (in stages or because of lower cost)

Tier II

High ranking strategies, sorted by:

- Service impact
- Cost
- Implementation challenges



Implementation Timeframes

Tiered Strategies will be implemented in phases, pending ATSP approval.

Immediate-Term
Within
1 Year

Short-Term
Within
2 Years

Long-Term
2 Years
or on-going implementation beyond five years

Implementation Agency

Recommended agencies for each strategy have been identified across three categories.

Public Agency

(e.g. Contra Costa Transportation Authority, County Administrator's Office, County Health Services)

Non-Profit

(e.g. Mobility Matters, Choice in Aging)

Transit Agency

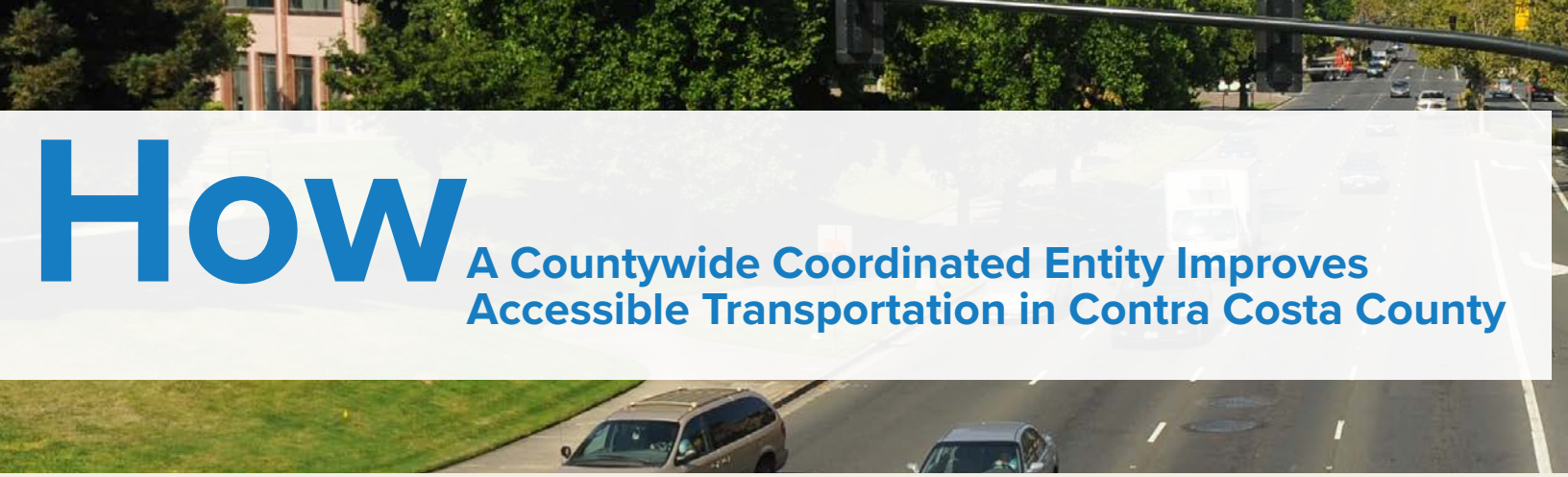
(e.g. County Connection, Tri Delta Transit, WestCAT)

Implementation Workplan

Tier I | Tier II | ● Short-Term | ■ Long Term

	Strategy Description	Implementation Term	Implementation Agency: Public Agency	Implementation Agency: Non-Profit	Implementation Agency: Transit Agency
Increase Local and Regional Mobility					
1	Improve connectivity between paratransit programs/eliminate transfer trips	●			✓
2	Same-day trip programs (including wheelchair-accessible service)	■	✓	✓	✓
3	Expand existing and add new Volunteer Driver programs	●	✓	✓	
4	Service beyond ADA service areas	■		✓	✓
5	Early morning and late-night service	■		✓	✓
6	On-demand subsidies	■	✓		✓
Improve Coordination Among Providers and Community Stakeholders					
7	Shopping trips with package assistance	●	✓	✓	
8	Hospital discharge service	●		✓	✓
9	Customized guaranteed ride home programs for people with disabilities	●	✓		✓
10	Means-based car-share including accessible option	■	✓	✓	
11	One-call / one-click; information & referral (I&R)	●	✓	✓	
12	Programs for disabled/senior veterans	●	✓		
13	Real-time transportation information (paratransit vehicle location, BART elevators, wheelchair spaces on buses)	■			✓
14	Travel training (including inter-operator trips)	●	✓	✓	✓
15	Mobility-as-a-Service (MaaS)	■		✓	✓
Develop Partnerships for Supportive Infrastructure					
16	Administer a uniform countywide ADA paratransit eligibility certification program	■	✓		✓
17	Fare integration	■			✓
18	Procure joint paratransit scheduling software	■			✓
19	Sidewalk improvements to enhance safety for older adults and wheelchair accessibility in high-priority locations	■	✓		
20	Means-based fare subsidy	●	✓	✓	✓
21	Wheelchair breakdown service	●	✓	✓	✓
22	Accessible bikeshare program	●	✓	✓	

Bus
Stop



How A Countywide Coordinated Entity Improves Accessible Transportation in Contra Costa County

Functions of the Coordinated Entity

Identifies/pursues new funding

Develops and administers uniform countywide ADA paratransit eligibility certification

Expands mobility management

Implements joint paratransit scheduling software

Oversees seamless rides for inter-jurisdictional trips inside and outside the county

Supports service beyond ADA service areas and regular service times

Expands Travel Training

Advocates for Safe Routes for Seniors/ Safe Routes for All

Helps establish means-based fare subsidy

CONTRA COSTA
COUNTY, CALIFORNIA

CONTRA COSTA
transportation
authority

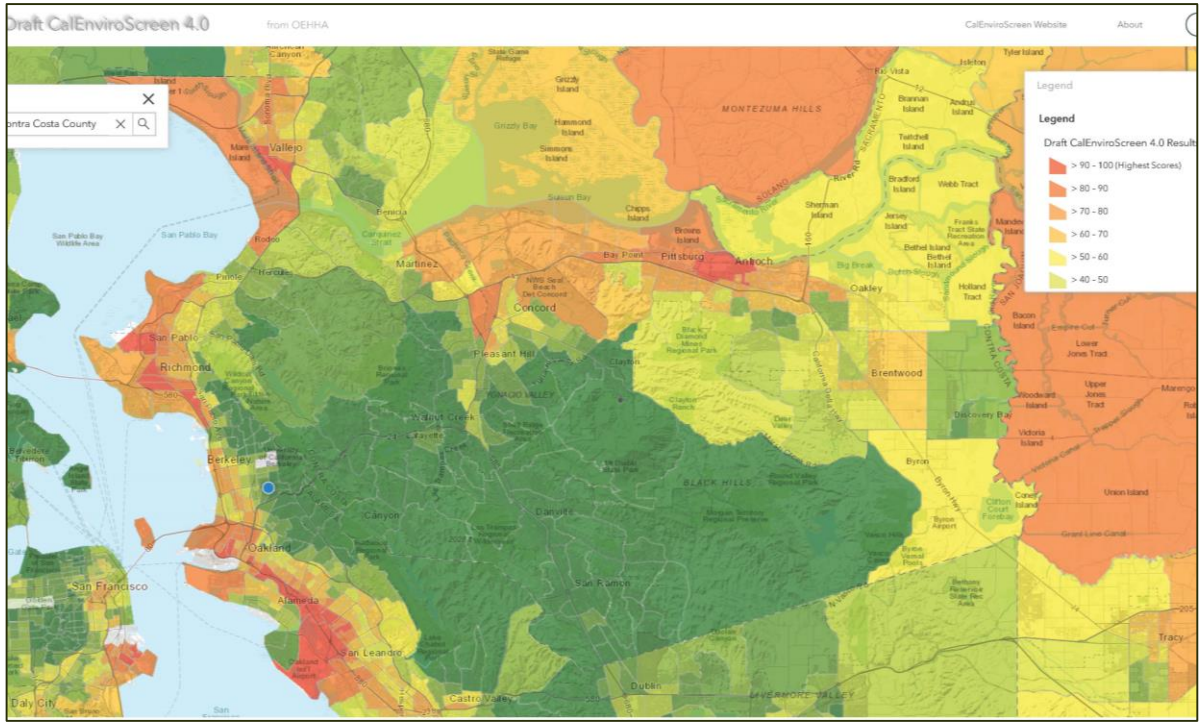
MEASURE X SUPPORT FOR CLIMATE EQUITY AND RESILIENCE

July 28, 2021

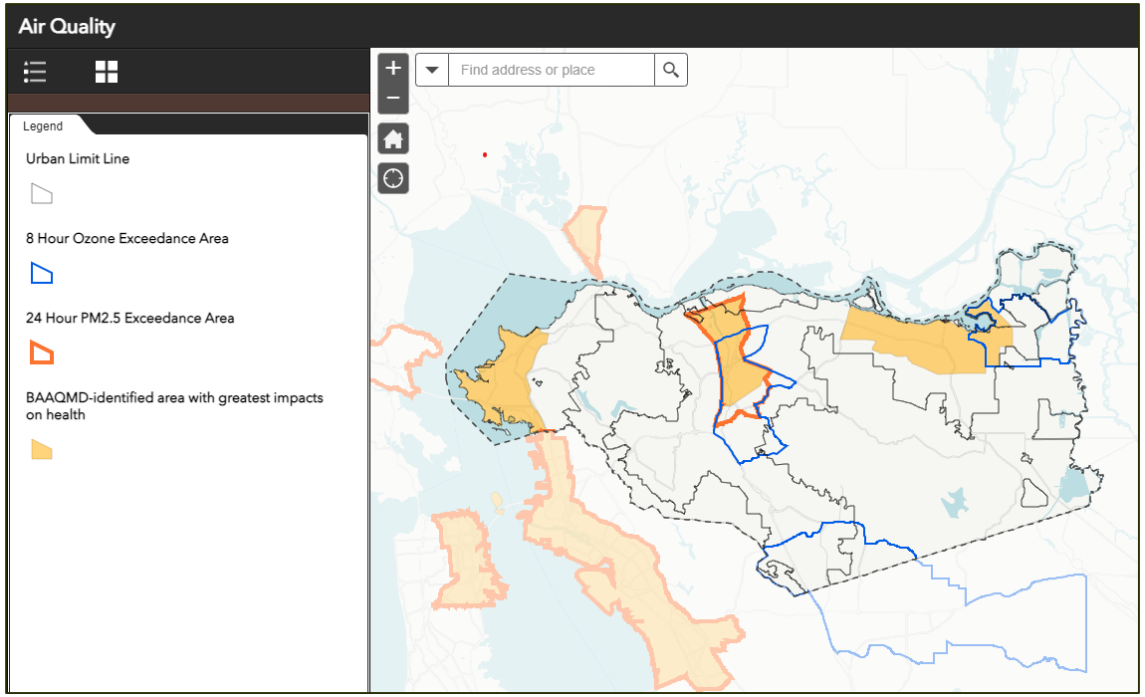
Jody London, Sustainability Coordinator, Contra Costa County

Presentation to Measure X Community Advisory Board

State of California CalEnviroScreen Disadvantaged Communities

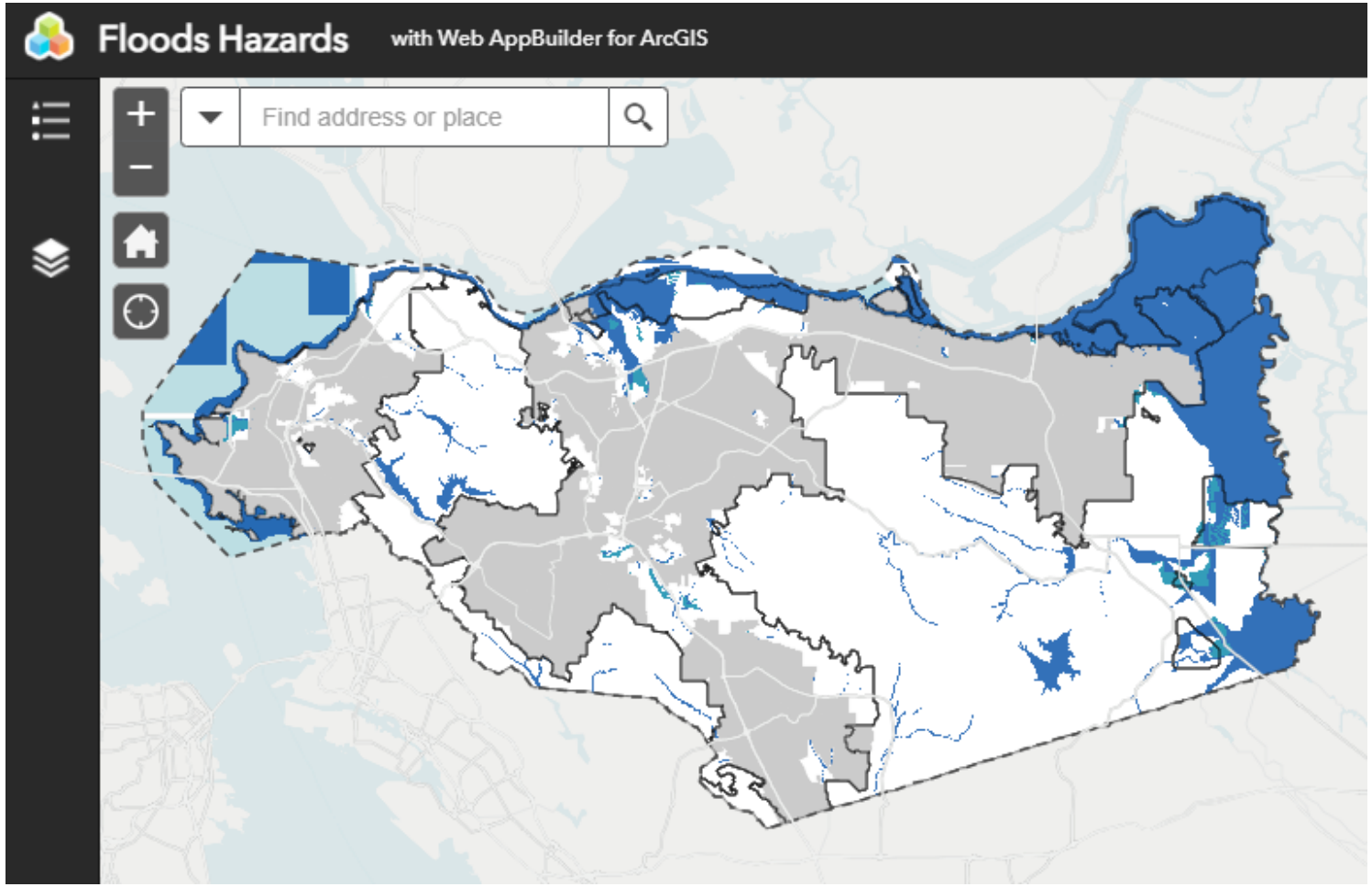


Bay Area Air Quality Management District Areas of Concern



COMMUNITIES DISPROPORTIONATELY IMPACTED BY ENVIRONMENTAL POLLUTION

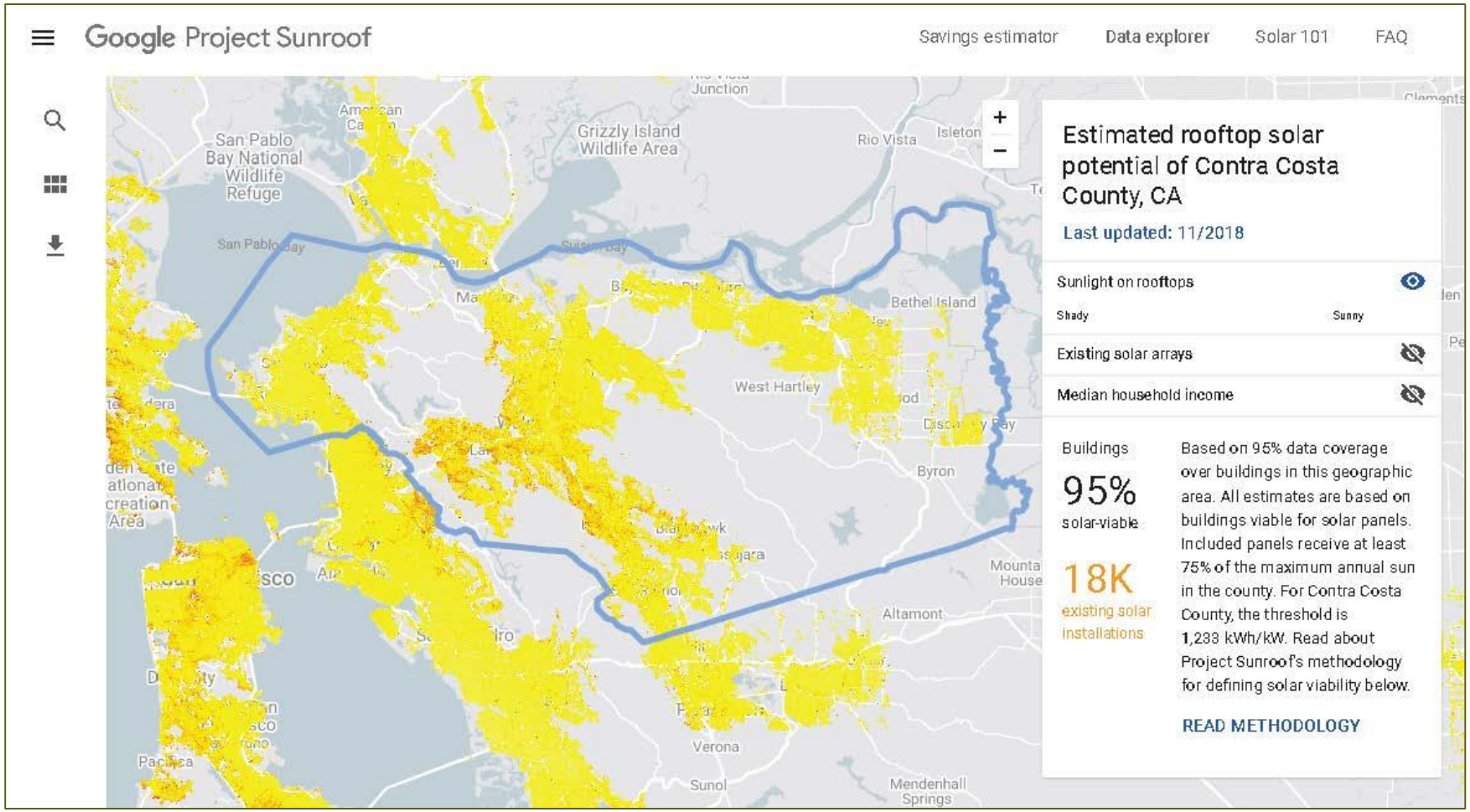
MEASURE X FUNDS WILL BOLSTER THE COUNTY'S CLIMATE EQUITY AND RESILIENCE CAPACITY



Current 100-year and 500-year flood hazard areas in Contra Costa County, as well as other areas that may face flood risks.
Source: EnvisionContraCosta2040, Vulnerability Assessment

TAKE ACTION TO ADDRESS SEA LEVEL RISE

Develop **Community Facing Clean Energy Projects And Programs**

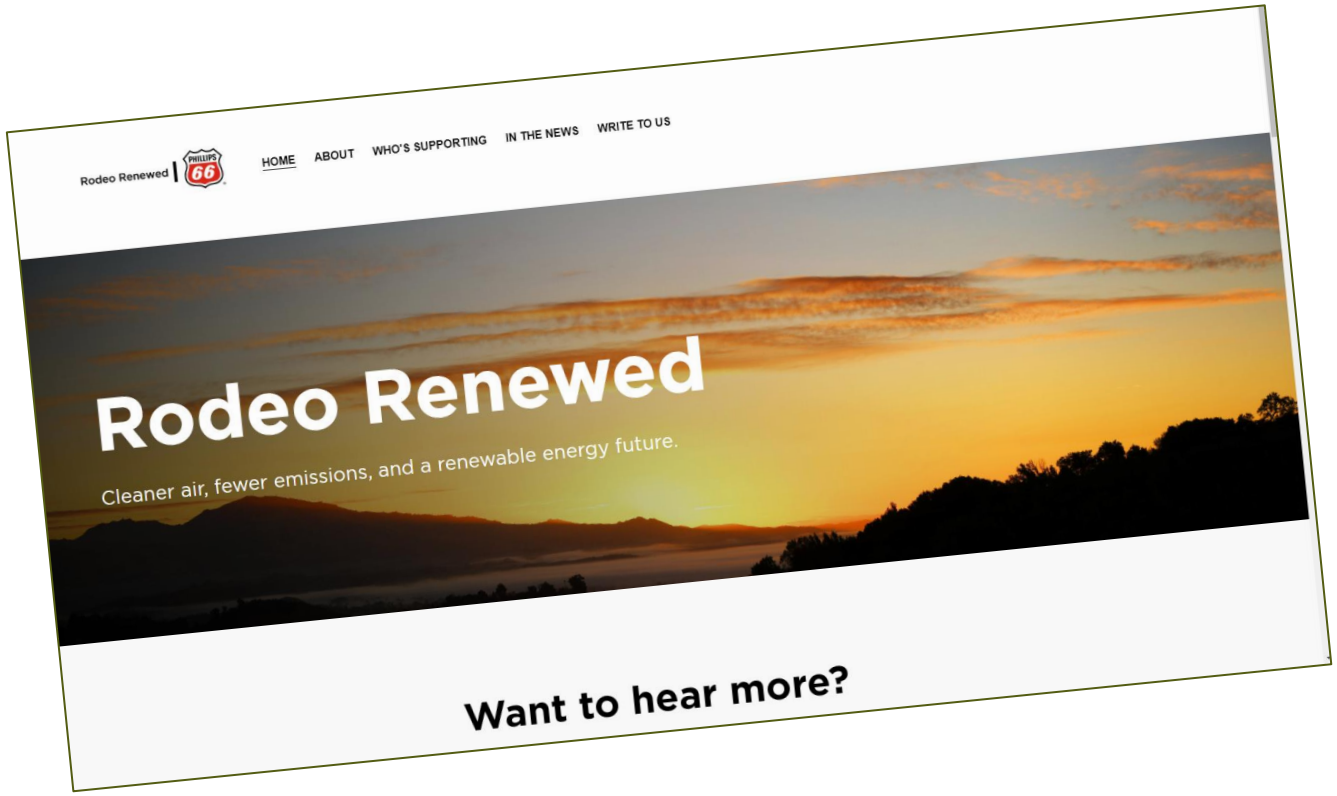


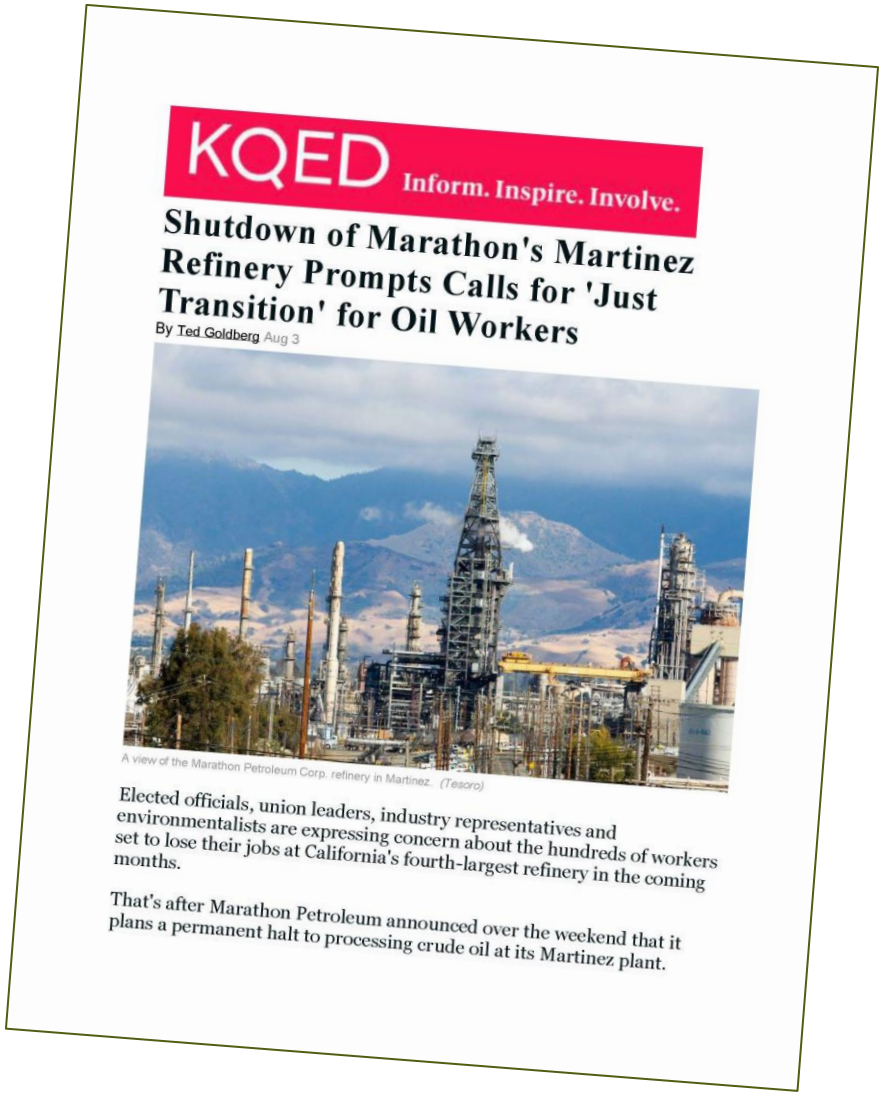
FINANCING PROGRAMS FOR CLEAN ENERGY AND ENERGY EFFICIENCY

DEVELOP STRATEGIES TO SEQUESTER CARBON

Rethinking Contra Costa's Economy

How do we move away from an economy based on fossil fuels?





KQED Inform. Inspire. Involve.

Shutdown of Marathon's Martinez Refinery Prompts Calls for 'Just Transition' for Oil Workers

By Ted Goldberg Aug 3

A view of the Marathon Petroleum Corp. refinery in Martinez. (Tesoro)

Elected officials, union leaders, industry representatives and environmentalists are expressing concern about the hundreds of workers set to lose their jobs at California's fourth-largest refinery in the coming months.

That's after Marathon Petroleum announced over the weekend that it plans a permanent halt to processing crude oil at its Martinez plant.

OUR ASK

$500,000/year from Measure X

(Less than 1% of available funds)

Returns on this investment

Sea Level Rise

- Provide leadership and coordination to help anticipate and respond to changing conditions

Community facing clean energy projects and programs

- Lead County work on developing and implementing community solar installations, community resilience centers, electric vehicle deployment, and related

Rethinking Contra Costa's Economy

- Support Board of Supervisors in facilitating public input and building consensus on how we transition to new economic opportunities

Financing programs

- Develop and/or facilitate programs that help low- and moderate-income property owners invest in clean energy and energy efficiency

Carbon Sequestration

- Implement ongoing carbon sequestration feasibility study
- Develop Countywide tree master plan
- Collaborate on urban agriculture projects

THANK YOU!

Jody London

Jody.London@dcd.cccounty.us

925-655-2815

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

Amalia Cunningham
Assistant Deputy Director

Measure X Climate Equity and Resilience Investment

July 2021

The Department of Conservation and Development has identified investments in community planning initiatives that would advance Contra Costa County's commitment to addressing climate change.

Climate Equity and Resilience Initiatives

What: Expand the County's impact on climate action and sustainability through an ongoing investment of $500,000/year in initiatives that support climate equity and resilience goals. This work will be managed through the Department of Conservation and Development.

Why: Funds will be used for new community planning initiatives managed by the Department of Conservation and Development to design and implement additional programs that will advance the County's progress and leadership on climate equity and resilience.

How: An investment in climate equity and resilience would allow the County to undertake the following.

- Take action to address Sea Level Rise. The County has data from the Adapting to Rising Tides studies of east and west Contra Costa County, the Vulnerability Assessment prepared for the ongoing update to the County's General Plan, and other planning documents, including the preparation of a Groundwater Sustainability Plan for the East Contra Costa Groundwater Subbasin. Concurrently, State and Federal agencies, potential partners, are preparing planning documents the County may leverage to help our communities, infrastructure, and ecosystems thrive in the face of climate change. There is ample data outlining the threats to health, safety, and community well-being from sea level rise from the Bay to the Delta. Potential measures to improve resiliency are also being identified but must be implemented across jurisdictional lines on a multi-partner basis. We need resources for the County to lead work to address these challenges.
- Develop community facing clean energy projects and programs, including community solar installations for Impacted Communities, community resilience centers that serve as gathering spaces during disasters and public safety power shutoffs, and opportunities

to advance the deployment of electric vehicles. This work is expected to occur in collaboration with MCE, PG&E, and other stakeholders.

- Support ongoing work by the Board of Supervisors on the climate-related aspects of planning for a Just Transition away from an economy based on fossil fuels, as identified in the September 2020 Climate Emergency Resolution adopted by the Board of Supervisors. As the work proceeds, there will be ongoing need to research the many issues involved, track similar efforts in other areas, provide logistical support for meetings, monitor legislation, and support the work of elected officials to develop plans and programs to implement the emerging vision. Currently there is no one on County staff tasked with supporting this work.
- Financing programs for clean energy and energy efficiency, with emphasis on low- and moderate-income homeowners. Retrofitting existing buildings to use resources more efficiently and lower utility bills is complicated and expensive. The County can help by facilitating programs that are accessible to low- and moderate-income homeowners.
- Developing strategies to sequester carbon in the many land use types in Contra Costa County. The County is launching a feasibility study right now through a Sustainable Agricultural Lands Conservation grant from the California Strategic Growth Council. That study will identify opportunities for different actions the County can support in every community. A next step after the feasibility study is complete will be to develop and implement a Countywide tree master plan, and to collaborate on urban agriculture projects with other County departments and community stakeholders.

Potential Funding Source: Because these are ongoing initiatives, they could be supported by funds from the Measure X sales tax approved in 2020, which extends for 20 years.

Prepared by: Jody London, Sustainability Coordinator, 925-655-2815

Economic Development, Northern Waterfront Initiative, and Just Transition Planning

Presentation to
Measure X Community Advisory Board
Presentation by
John Kopchik, Department of Conservation & Development
August 4, 2021

Why Communities Invest in Economic Development

Fostering a range of business types that diversify the local tax base, keep our local economy strong, and celebrate our unique community fabric.

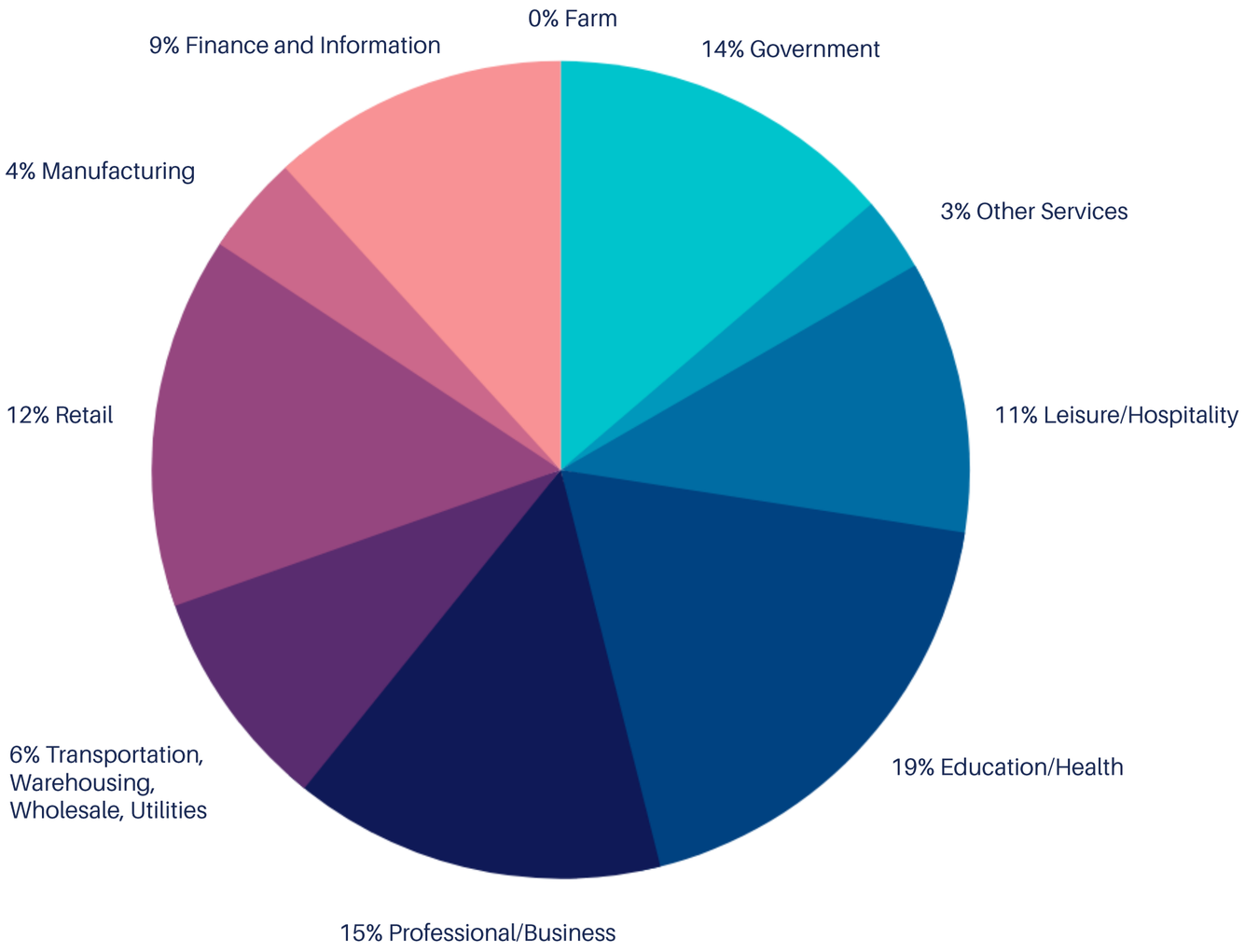
Graphic courtesy of the California Association of Local Economic Development (CALED)

Why do Economic Development?

Contra Costa County and its cities use economic development programs to:

1. Retain or attract industries that contribute to employment opportunities – a good fit for local demographics
2. Foster community quality of life (restaurants, retail, “Main Street” ambiance)
3. Facilitate more jobs at or above living wage to help meet policy goal of reversing jobs-housing imbalance and reduced - reversed commutes
4. Support other public services through increased tax-generating activity
5. Increasingly, play a big role in Just Transition sustainable revitalization strategies

Employment is a Key Indicator in CCC



- Total of about 375,000 jobs (2019)
- Largest employment sectors: Education, health care, professional services, and government
- About 57% of employed residents work in the county
- More than half of employed residents commute more than a half hour to work
- Contra Costa has higher share of super-commuters (one-way commute longer than 1 hour) than any other Bay Area county
- Two of the five worst freeway commutes are in Contra Costa (I-80 west AM and Hwy 4 east PM)
- The five Bay Area cities with the longest commute times for residents are Antioch, Brentwood, Hercules, Oakley, and Pittsburg
- **Need more jobs for residents**

Northern Waterfront Economic Development Initiative™

Seven cities and the County coming together, 2013 through today

What is the Northern Waterfront?

An economic development partnership and jobs strategy along the northern edge of Contra Costa County

At one time, this region was the industrial heart of the entire Bay Area – the Bay/Delta served as raw material, disposal system, and transportation corridor.

Many economic cycles later, we have some very strong legacy industrial businesses, some obsolete buildings or vacant sites, and a growing need to give our residents workplaces closer to home.

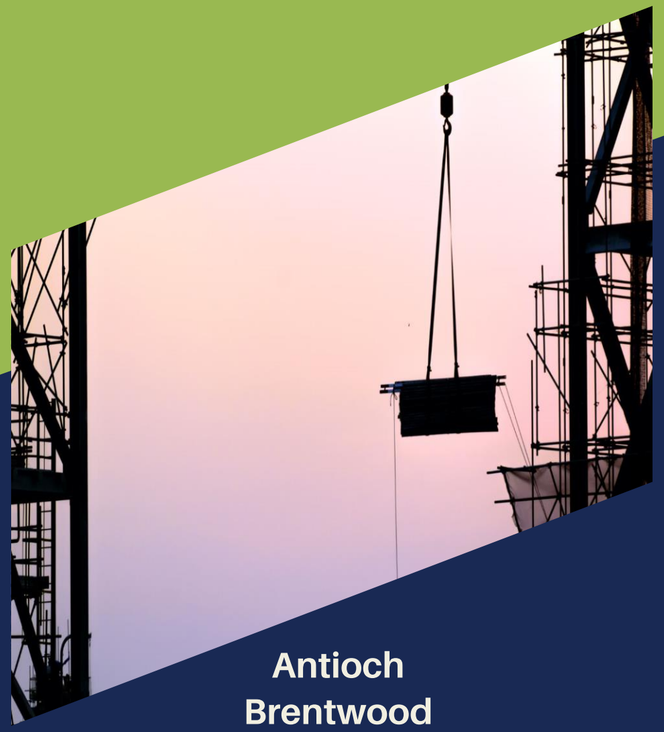
Strategic advantage: **LOCATION**
Capital of the Northern California Mega-Region ™

Northern Waterfront Target Industry Clusters

From Adopted Strategic Action Plan

ADVANCED MANUFACTURING	BIOMEDICAL/ BIOTECH	AGRISCIENCE AND FOOD	TRANSPORTATION TECHNOLOGY	CLEAN TECHNOLOGY
Henkel, Bishop Wisecarver, Pulse Systems, Telemtry Solutions, Pacific Instruments, Bazell Technologies	BioRad, Fresenius, Sigray, Biocare Medical, BioZone, BioMicroLab	Ramar Foods, Naia Gelato, Del Cielo Brewing, C&H, Dow/Corteva	Vehicle automation/GoMentum Station, Smart680, aviation innovations, unmanned aerial vehicle technology	Growth industry nationally and regionally; MCE and many installers operating in the region

Partnership in Action



Antioch
Brentwood
Concord
Hercules
Martinez
Oakley
Pittsburg
Contra Costa County

- 60-mile corridor between Highway 4 and the Delta, from Hercules to Brentwood
- All seven cities on Hwy 4 are partners via joint MOU based on goals in the Strategic Action Plan
- Long-term collaboration of partners working to retain and expand jobs in the region and address the jobs-housing imbalance – use counter-commute capacity
- County has been primary funder and staffer for Initiative, with mainly General Fund annual support
- Planning documents based on industry clusters – strategies include incubators, marketing, workforce connections and much more – partners select from “menu” to work on projects jointly
- Convene Q1-2021 with city partners to determine new priority projects given new realities
- Adjust strategies to reflect current economic opportunities – permitting guides, biz-friendly policies, etc.

Selected Examples of

Wins by Northern Waterfront Initiative Partners

- Vortex Marine move to Antioch; Bombardier move to Pittsburg
- FutureBuild $200,000 EPA training grant in Pittsburg; additional EPA cleanup grants
- Electrical vehicle readiness workforce training grant
- EDA grant for short-line rail feasibility study in Antioch-CCC-Oakley
- Northern Waterfront's Conceptual Framework report by Emerald HPC led to nonprofit job/life skills organizations seeking more space in East County to start operations
- Four areas designated as Priority Production Areas by ABAG-MTC in pilot program
- Strategic Action Plan received award from California Planning Association for economic development planning
- 2019 Forum brought together stakeholders from the entire corridor

Looking Ahead: Economic Development Considerations

1. Pandemic short-term impact on business mix and resident employee mix in County and the Bay Area
2. 6.3% unemployment (May 2021 – up from 3.1% in February 2021 but down from 13% over the summer and 6.8% in November 2020)
3. Pandemic long-term impact on remote work options – potential to decentralize traditional employment centers like “Silicon Valley”. Even pre-COVID, retail evolution underway – more experiences, more last-mile/delivery options, more online shopping
4. Ongoing pandemic affecting business conditions locally and nationally – changes still unfolding, including evaluating temporary relief programs
5. Opportunities at County’s airports to grow emerging industries
6. Pressures on General Fund (only source of funding for economic development and Northern Waterfront activities)
7. Major transitions at two of the largest employers in unincorporated Contra Costa County related to the petroleum industry’s global transition

Just Transition Economic Implications

1. Responsibly implementing planning federal grant to develop appropriate framework for overall CCC Just Transition work
2. Need to update existing Northern Waterfront research and analysis to respond to post-pandemic economics, Just Transition needs, and **22nd century jobs**
3. Close coordination with sustainability goals and meeting County's Climate Action Plan targets
4. Better understanding of very emergent industries such as carbon-capture technology and hydrogen, and new versions of "old" products like biofuels and electric vehicles
5. Need for ever-increasing partnerships

These efforts could and should include work done in the cities of Contra Costa

For Measure X Advisory Committee Consideration: Annual support of $500,000 to fund continuous sustainable economic development oriented to retaining and attracting industries aligned with Just Transition goals

Environmental studies • Innovative workforce-education partnerships • Marketing and branding to promote targeted uses • Infrastructure needs assessment

Thank You

Measure X Committee
Department of Conservation & Development
August 4, 2021

Contra Costa County
Illegal Dumping Initiative
Educate - Prevent - Clean-Up - Enforce

July 2021 Presentation to Measure X Community Advisory Board

Presented by John Kopchik, Director of Conservation and Development

Contra Costa County Illegal Dumping Initiative – Interdepartmental Think Tank

At the request of the Board in 2018, an interdepartmental "Think Tank" team of experienced professionals from five different County departments was formed to discuss the issue of illegal dumping and develop preliminary recommendations on how to improve efforts to reduce illegal dumping.

TEAM MEMBER DEPARTMENTS

DEPARTMENT OF CONSERVATION AND DEVELOPMENT

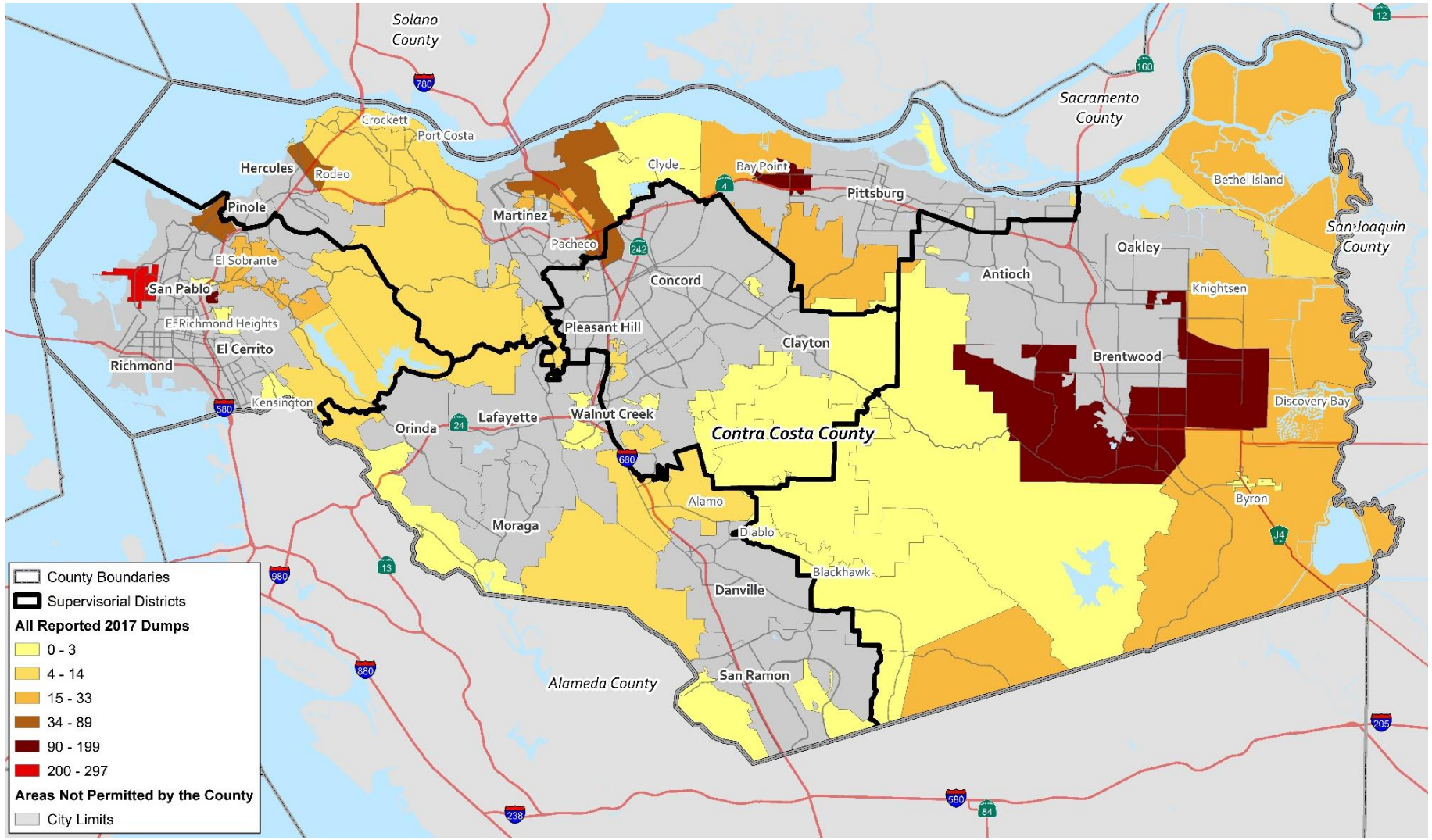
DISTRICT ATTORNEY'S OFFICE

ENVIRONMENTAL HEALTH DIVISION OF THE HEALTH SERVICES DEPARTMENT

DEPARTMENT OF PUBLIC WORKS

SHERIFF'S OFFICE

Illegal Dumping Hot Spots are widespread throughout the Contra Costa County

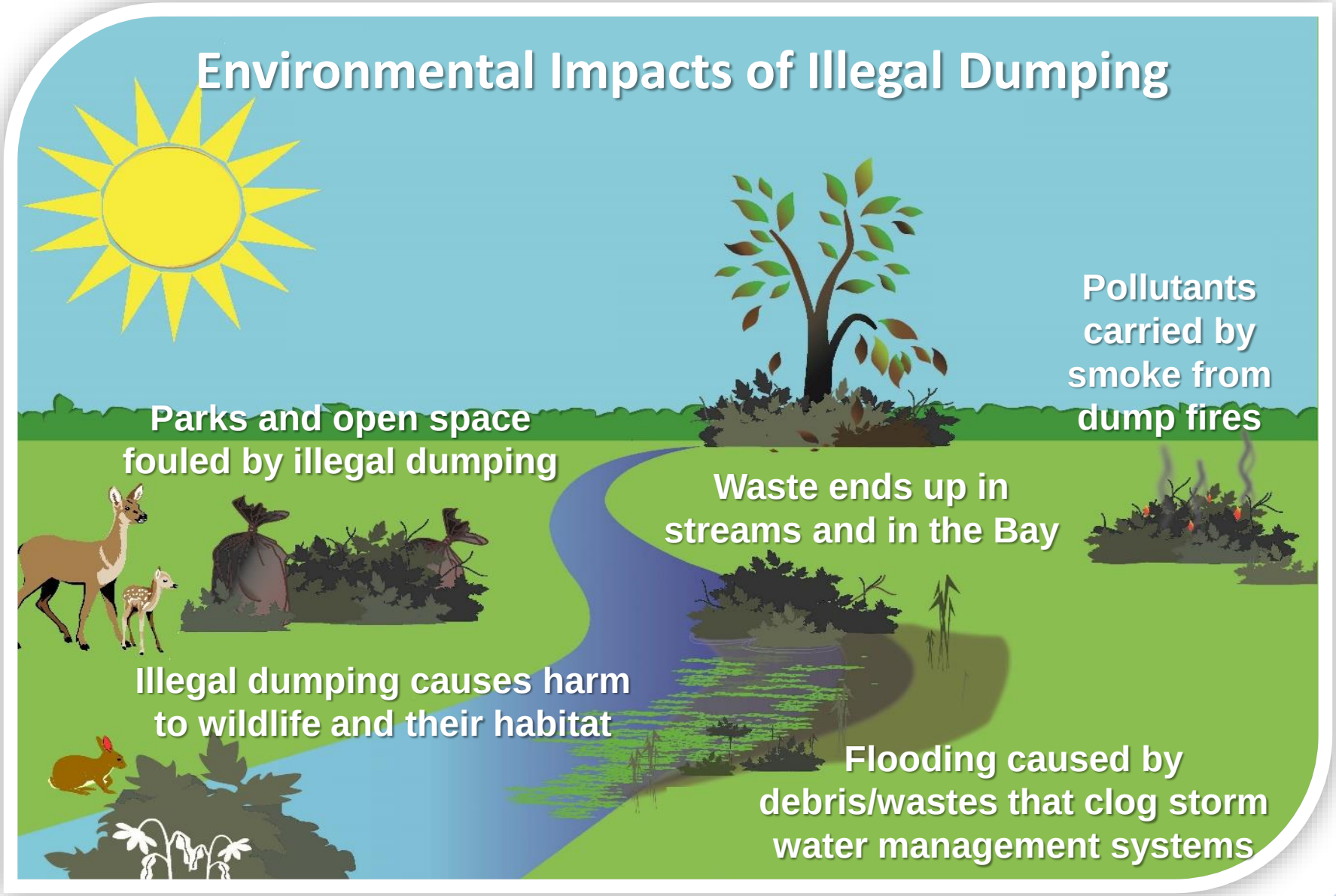


- The communities of Bay Point, North Richmond and unincorporated Brentwood receive the highest number of reports of illegal dumping.
- Illegal dumping in Contra Costa County occurs in rural (roads and ag land), suburban, and urban environments.

Community Blight – A Downward Spiral

http://infohouse.p2ric.org/ref/01/text/0076910.htm (Illegal Dumping Prevention Guidebook US EPA Region 5)

Illegal Dumping in Contra Costa County – Environmental Impacts



Illegal Dumping in Contra Costa County - Why is This Happening?

Save Money
Cost Avoidance

Convenience
Few or no
local alternatives

"I Hired The Wrong People."
Use of Unpermitted haulers
(lack of public awareness of the issue,
Lack of awareness of risk and consequences (impacts caused)

"I didn't know about free and easy alternatives."
Lack of public awareness of proper disposal options available

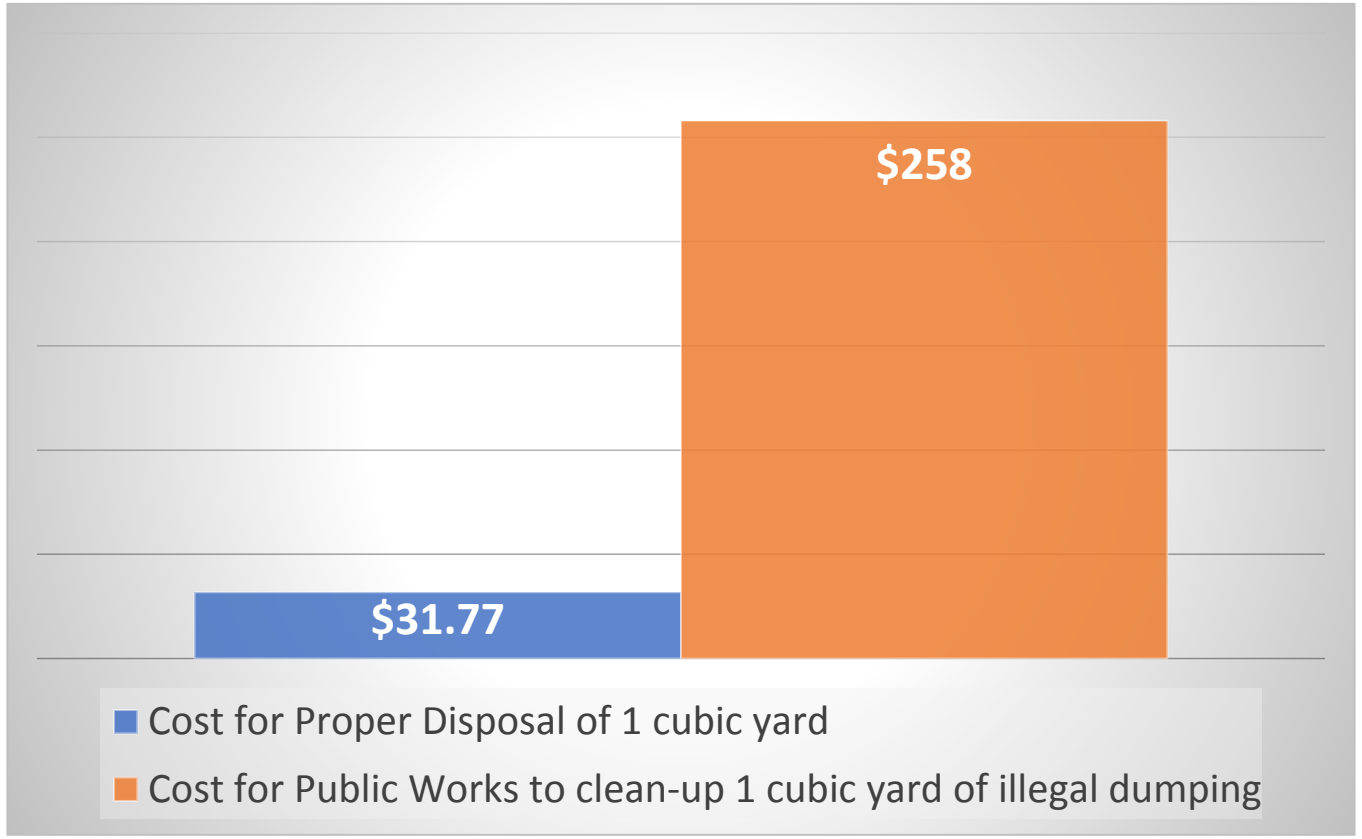
"I Won't Get Caught"

-Low risk of getting penalized.

-If you do get caught then Low fines, minimal penalties

-Still better off paying a few fines, then paying to dispose properly every time.

Illegal Dumping in Contra Costa County – Key Observation



Costs taxpayers **8x** more to clean-up and dispose of materials ***after*** they are illegally dumped than it would be if those items were disposed of through proper channels.

Contra Costa County Illegal Dumping Initiative – A Four Prong Approach

Contra Costa County Illegal Dumping Initiative – Strategy Highlights

Educate
Prevent
Clean-up
Enforce

- **#5 PUBLIC OUTREACH CAMPAIGN** - Create public outreach campaign(s) with different messaging: (1) How to Do the Right Thing – Proper Disposal, (2) How to Report Illegal Dumping. (Educate Strategy)
- **#26 SIGNAGE** -Install street signs with information about How To Report posted at key entry ways or at/near dumping Hot Spots. (Prevent Strategy)
- **#27 CAPITAL IMPROVEMENTS - LIGHTING** – Identify capital improvements that may be needed, such as street lighting or barricades. (Prevent Strategy)
- **#34 & #35 ON-CALL RIGHT-OF-WAY DEBRIS REMOVAL** –
  - **Removal by Franchise Waste Haulers:** Increase service area and potential scope/frequency.
  - **Removal by Public Works:** Increase frequency of clean up in creeks, roadways outside County Franchise Waste Hauler Areas. (Clean Up Strategy)

For full list of strategies, see CCCIDI Strategy Table

Contra Costa County Illegal Dumping Initiative – Strategy Highlights

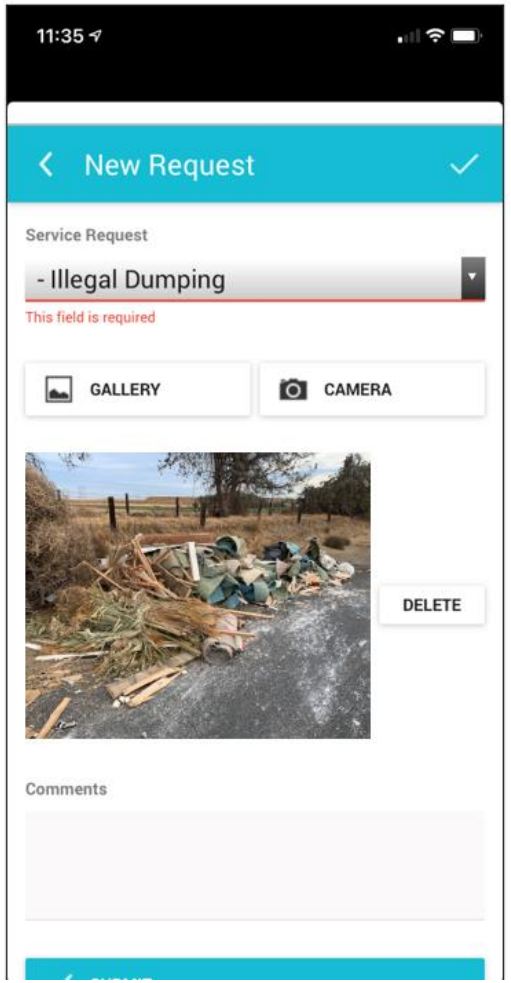
Educate
Prevent
Clean-up
Enforce

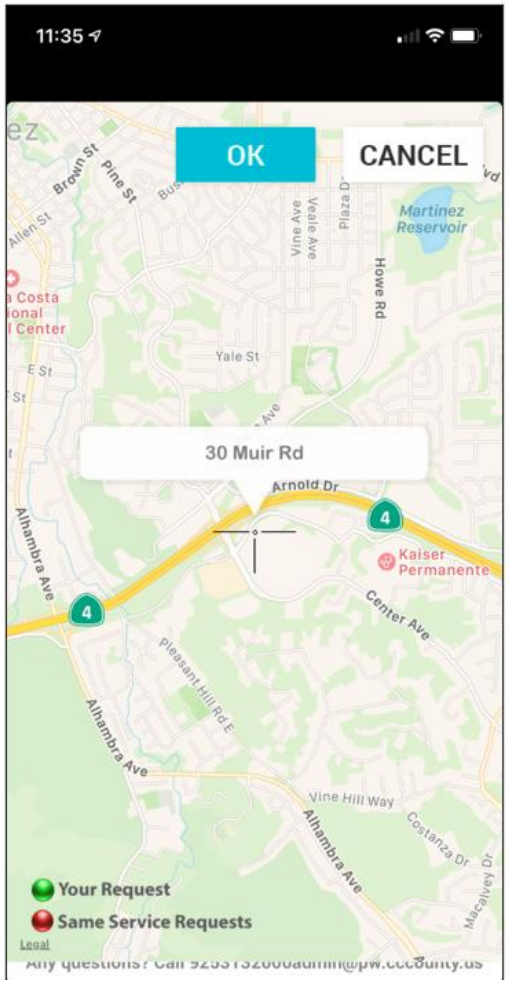
- **#45 LAW ENFORCEMENT INVESTIGATORS** - Dedicate two per diem law enforcement deputies to investigating dumping crimes. (Enforce Strategy)
- **#46 SURVEILLANCE CAMERAS** - Wireless high definition, license plate reader surveillance cameras with night vision, infrared & solar powered. Remote-controlled to zoom and capture evidence – Place at key entry ways and hot spots. (Enforce Strategy)
- **#56 INTERAGENCY COLLABORATION** - On-going coordination with cities to facilitate information sharing and collaboration opportunities such as:
  - Maintain/utilize countywide e-mail listserv
  - Convene collaboration meetings
  - Discuss best practices
  - Identify opportunities for coordinated implementation of strategies

For full list of strategies, see CCCIDI Strategy Table

Contra Costa County Illegal Dumping Initiative – Strategy Highlights

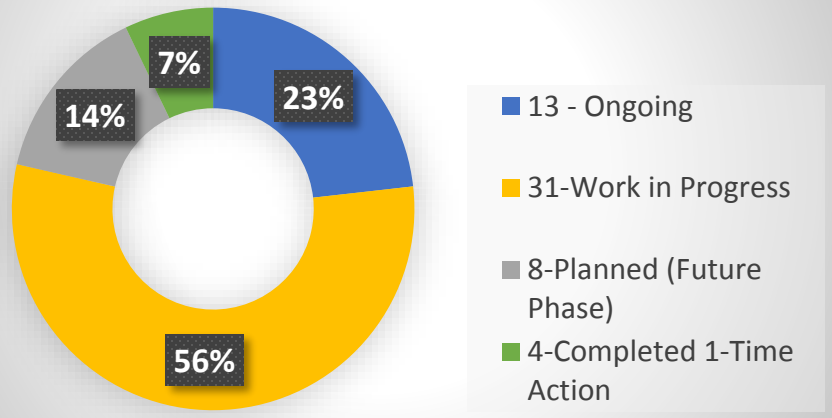
#36 Reporting/New Mobile Citizen App - With Mobile Citizen, residents can simply report non-emergency concerns including illegal dumping, take a photo, provide comments, details about location and then submit. The submitted request is sent to the appropriate division of Public Works for follow up. (Clean Up Strategy)



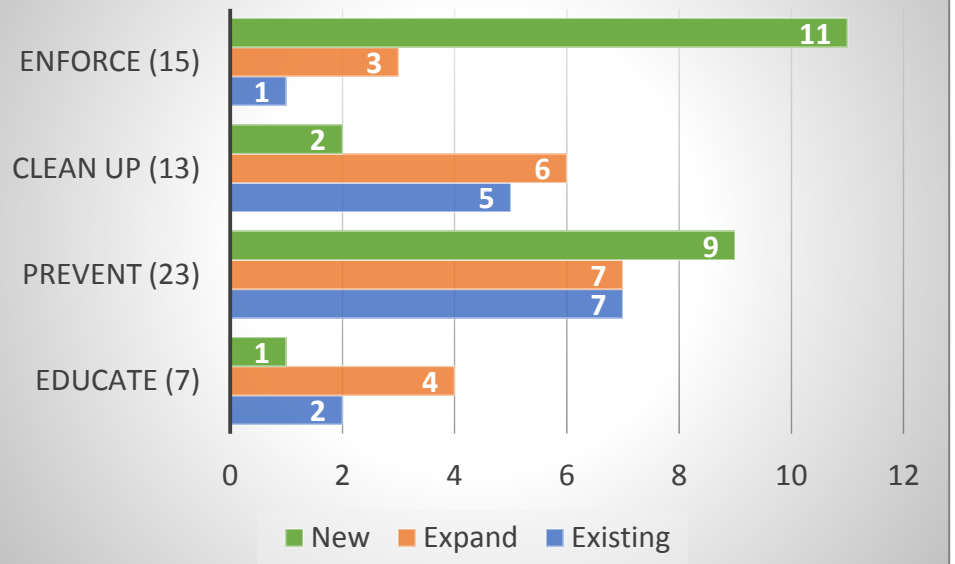


Contra Costa County Illegal Dumping Initiative Dashboard – (Year 2) Implementation Updates - February 2021

Strategies by Status



56 Approved Strategies by Category



Strategy #3:

8

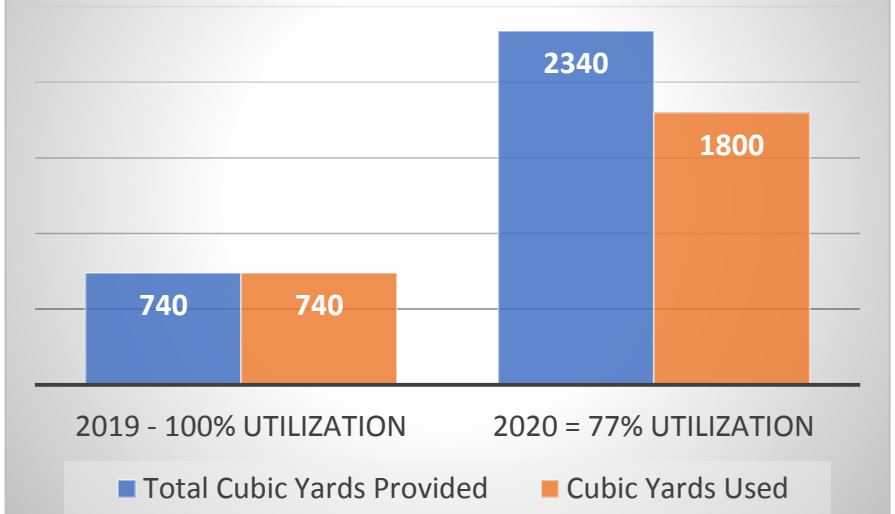
Fully Permitted Haulers

Strategy #9 & 34: Complete

On-call Right-of-Way Debris Removal & Bulky Item Pick Up Established in All 4 County Franchise Haulers

Strategy #16 - Community Clean-up Bins

By Total Cubic Yards Provided by Franchise Haulers



For Full Implementation Updates, See CCCIDI Strategy Table

Strategy #33:

2/3/2021 Wildcat Creek Clean-up Event removed:

550 Tons of Garbage

170 Waste Tires

Strategy # 36 & 47:

57

Mobile Citizen Reports of Illegal Dumping

Strategy #40: Derelict RV/Boat Abatement

78 towed

Strategy #46: Surveillance Cameras

Service Contract finalized and submitted. Implementation expected soon.

Strategy #53:

Number of Illegal Dumping Cases Filed

1

Contra Costa County Illegal Dumping Initiative – Funding History

Pre-2018

- County has spent approximately 1.8 million a year on various baseline, ongoing actions to try to address illegal dumping for many years with little improvement.

2018

- Think Tank recommended an additional $944,000 investment above the baseline to implement new or augmented program strategies

2019

- Ultimately the Board approved $528,000 as a first investment of augmented funding
- This has been paid for out of County reserves and a one-time state grant

2021

- Board made an additional investment of $350,000 from reserves to continue the augmented work (which had slowed due to the pandemic)

Contra Costa County Illegal Dumping Initiative – Program Funding

The Illegal Dumping Initiative needs $600,000 a year for continued implementation of new and augmented strategies such as:

Educate Prevent ***Clean-up*** Enforce	Derelict Boat and RV Abatement
Educate ***Prevent*** Clean-up Enforce	Capital Improvements – Street Lighting, Barricades etc.
Educate Prevent Clean-up ***Enforce***	Wireless High-definition Surveillance Cameras For Illegal Dumping Hot Spot Monitoring And Evidence Collection
Educate Prevent Clean-up ***Enforce***	Investigating and Prosecuting Illegal Dumping Crimes

Thank you!

Before and After Photos:
North Richmond – Castro Street Clean Up on January 20, 2021

Additional Resources

Contra Costa County Illegal Dumping Initiative – Program Timeline

- April 2018 - Supervisor Diane Burgis hosted an Illegal Dumping Forum
- May 2018 - Interdepartmental Think Tank Team formed
- October 2018 – Think Tank presented fifty-six (56) preliminary illegal dumping strategies to combat illegal dumping to Board of Supervisors
- February 2019 – Think Tank hosted Collaborative Strategies Meeting with cities within County.
- June 2019 - The Board of Supervisors approved a total of fifty-six (56) illegal dumping strategies recommended by the interdepartmental Illegal Dumping Think Tank.
  - The total cost to implement the strategies for the first year was $378,000.
  - State granted one-time funding of $375,000, and the County appropriated the remaining $3,000.
- September 2019 – First Illegal Dumping Ad Hoc Committee Meeting chaired by Supervisor Burgis and Supervisor Glover. Committee continues to meet periodically.
- 2020 commenced implementation of the program.

Contra Costa County Illegal Dumping Initiative –Key Observations

1) Dumping is driven by the perception that it is much cheaper to dump illegally than legally.

- Lack of awareness about bulky waste pick-up
- Lack of fear about being caught
- Lack of fear about cost to be paid if one is caught

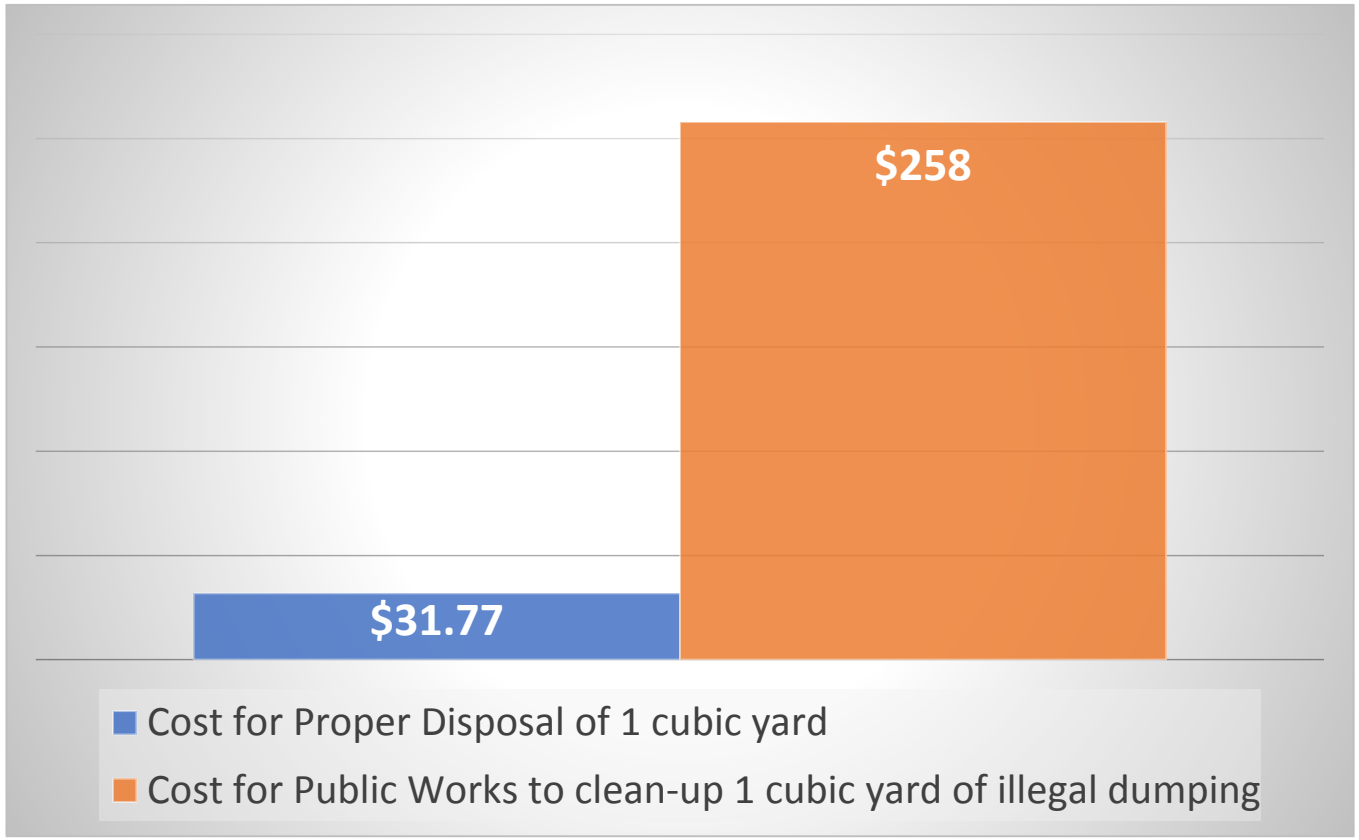
2) Broken window theory applies to Illegal Dumping

- Piles of illegally dumped waste sometimes act as magnets for more dumping
- Suggests alternative course of action to would-be dumpers rather than proper disposal
- Perception that it's a safe place to dump (can get away with it)

3) Enabling theory also applies to illegal dumping

- Hot Spot Crew patrols North Richmond EVERY WEEKDAY removing illegally dumped waste from roadways, **chronic localized dumping continues with no end in sight**.
  - More is then dumped overnight, often found in spots that were cleaned up earlier that day
  - Of the nearly 1,300 addresses found in waste illegally dumped in North Richmond over a five year period, about 84% were local addresses, *meaning close enough to see how quickly dumping gets removed.*
- **Break the Enabling Cycle -** Clean-up programs need to be complimented by education and enforcement, such as gathering and tracking identifying evidence to counter this perception and enforce consequences.

4) The True Cost of Illegal Dumping



Costs taxpayers **8x** more to clean-up and dispose of materials ***after*** they are illegally dumped than it would be if those items were disposed of through proper channels.

Contra Costa County Illegal Dumping Initiative –Key Observations

5) Identifying, charging and prosecuting perpetrators of illegal dumping is complicated and time-consuming and, under current conditions, can sometimes provide a low-return on investment.

- Difficult for public to report
- Difficult to positively ID without dedicated investigation
- Existing penalties do not provide adequate deterrent

6) Dumping problem tends to pop-up somewhere else rather than ceasing all together

- Cameras in one area push dumping to another
- Problem often resurfaces in cleaned-up areas
- One agency's success can push the problem elsewhere

7) Broad, consistently implemented, multi-pronged strategy is key to long-term progress

- For individual mechanisms to be successful, strategies must be consistently implemented as part of a joint interdepartmental approach; no weak links.

Contra Costa County Illegal Dumping Initiative

Sheriff Leads Effort in Bay Point

- Illegal dumping is so severe that at times it spills out onto the sidewalks and streets.
- Rodents take up homestead in abandoned mattresses, box springs, couches, household appliances etc. **Sitting piles cause the infestation spread to local residences.**
- More importantly, many **Bay Point youths walk to school and must walk around the trash piles or cross the street to avoid harm.**
- Recognizing the health hazards, the trash piles presents to the residents, and the blight it brings to the community, the **Office of the Sheriff** entered into an agreement with **Republic Services** that allows us to dispose of illegal dumping at the **Martinez Transfer Station** at **no cost.**
- In less than a year Bay Point Blight Program picked up over **13 tons of trash.**

Illegal Dumping Initiative – Strategy Table Excerpt

Groups strategies by approach type(educate, prevent, clean-up, enforce), categorizes each strategy as existing, expanded, or new, identifies funding mechanism, budget, lead department, and tracks implementation updates. Full table is attached.

Educate Prevent Clean-up Enforce	#	**CCC Illegal Dumping Initiative Strategies** (Yellow highlighting used to denote where strategy wording is proposed to be changed and such changes are shown in red text)	Only if #	**Dept.** (Bold = Lead)	**February 2021 Think Tank Updates** *(Italicized blue text carried over from past updates)* Yellow highlighting denotes new updates	**Proposed Funding for FY 21/22***	**Remaining Initial Funding** (to be carried over to FY 21/22)	**Initial Funding** (Approved for FY 19/20 and carried over to FY 20/21)*
CLEAN-UP	32	Sheriff's Office: Building community trust & pride in Bay Point by assisting with removal of illegal dumping (free disposal at Transfer Station outside Martinez)		SO	*(Existing)*	existing budgets		existing budgets
	EXPAND - PROPOSED CHANGE TO EXISTING							
	33	Assist with hauling and removal of waste tire piles illegally dumped in the public right-of-way on an as needed basis. CCEH staff will haul away piles of up to 35 waste tires, however they can partner with the local conservation corps to clean-up large waste tire piles (36 waste tires or more) illegally dumped on public lands.		CCEH	PWD/ Flood Control, City of Richmond Public Works, Fish and Game, San Pablo PD, AMTRAK and BNSF Railroad Police, Service Master, Civicorps, Sheriff's Office, Richmond Fire, and CCEH worked together to coordinate cleanup of the Wildcat Creek encampments on February 3, 2021, resulting in the removal and disposal of approximately 550 tons of garbage and 170 waste tires. K-rails barriers placed on the east side of Pick-N-Pull by BNSF Railroad Police to help prevent illegal dumping. A follow up clean day scheduled for February 17, 2021 to cleanup the remaining miscellaneous garbage and debris.	grant funded		grant funded
	34	Franchise Hauler provided On-call Right-of-Way Debris Removal: Establish service in the one County Franchise area not currently implemented -and- Increase area (currently in place for three of the County's four Franchises) and potential scope/frequency		DCD	**Complete**	**Garbage Rates**		**Garbage Rates**
	35	Public Works: Dumping in creeks, roadways outside County Franchise Areas where hauler provides on-call removal service and hazardous waste or oversized items not serviced by the Franchisees. Potential for increasing removal frequency within the existing budget ($400K) is dependent upon reducing the area Public Works is responsible for (limit to areas outside County Franchise authority).	34	PWD	Some franchise haulers have started to refuse to provide right-of-way pickups in certain locations and circumstances, e.g. higher speed, higher volume roadways, picking up items away from the road shoulders or in ditches. Explore potential options to work together with franchise haulers to address these areas. PWD spending on debris pickup has increased in the last four years. This may be related to an increase in illegal dumping activities overall. Though franchise haulers have helped , costs continue to rise due to increased need for service.	existing budget *(only if 34)*		existing budget *(only if 34)*

Table 1 - Illegal Dumping Initiative Strategy Table—February 2021 Updates

Educate Prevent Clean-up Enforce	#	**CCC Illegal Dumping Initiative Strategies** (Yellow highlighting used to denote where strategy wording is proposed to be changed and such changes are shown in red text)	Only if #	**Dept.** (Bold = Lead)	**February 2021 Think Tank Updates** *(Italicized blue text carried over from past updates)* Yellow highlighting denotes new updates	**Proposed Funding for FY 21/22***	**Remaining Initial Funding** (to be carried over to FY 21/22)	**Initial Funding** (Approved for FY 19/20 and carried over to FY 20/21)*
EDUCATE	**EXISTING - NO PROPOSED CHANGES**							
	1	Countywide Recycling Hotline & Website - Legal options to discard unwanted items/trash		DCD	*(Existing)*	existing budgets		existing budgets
	2	Printed Outreach Materials by Franchise Haulers - Annual Mailer/Newsletters, Bill Inserts & Bill Messages.		DCD	*(Existing)*	**Existing Garbage Rates**		**Existing Garbage Rates**
	EXPAND - PROPOSED CHANGE TO EXISTING							
	3	Educate persons living or working in the unincorporated area that only hauling companies approved by the County (permitted or franchised) can legally be hired to pick-up trash.		CCEH, DCD	*CCEH provides content for JPA Newsletters (Recycle Smart and Recycle More) to promote & educate hauler program & reasoning for using permitted haulers.* *To date, eight haulers have been fully permitted. Please visit CCEH's website to find the latest Permitted Haulers: https://cchealth.org/eh/solid-waste/non-franchise-permit.php .*	existing budgets		existing budgets
	4	Seek additional opportunities to raise awareness about and increase utilization of the Bulky Item Pick-up services and/or extra waste pick-ups offered upon request at no additional charge for residential customers within the County's unincorporated franchise areas.		DCD	*DCD has compiled data regarding utilization of residential on-call Bulky Item Pick-up services and Extra Bagged Waste Pick-ups to inform and prioritize future outreach efforts. Based on this data, DCD will determine if participation is increasing vs. decreasing, as well as whether participation rates differ significantly from one community to the next within individual Franchise areas. This is one of the services intended to be promoted as part of the "How to do the right thing" outreach campaign effort (Strategy 5).*	**Existing Garbage Rates**		**Existing Garbage Rates**

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EDUCATE	**NEW**							
	5	Create public outreach campaign(s) with messaging that is effective for applicable target populations (may need carrot & stick since some respond better to one vs. the other) that can be deployed using these various methods: * Curbside haulers – Mail/Robo-calls/E-Blasts/Direct Face-to-Face or Phone contact * Supervisors' offices – Newsletters/E-Blasts/Direct Face-to-Face or Phone contact * On-line – Social Media (posts & ads) and Digital (internet ads) * Web/Mobile App - Curbside and local reuse & recycling services/facilities * News Media – Print, Radio & TV * Word-of-Mouth (most effective) – Engage community leaders/members/groups to raise awareness (including Youth – e.g. boy/girl scouts, Seniors, Community based non-profit organizations and Religious & philanthropic groups)		**CCEH**, PWD, DCD, SO	*The public outreach campaign that staff is planning to implement will serve two complimentary purposes each with a call to action focus targeting different audiences.* ***1. How to Do the Right Thing*** *Target Audience : Residents with items to dispose (household garbage, mattresses, tires, etc.)* ***2. How to Report Illegal Dumping*** *Target Audience : Persons who witness illegal dumping in progress and want to report.* *DCD staff expects that initial efforts will focus on #1 by promoting existing options to "Do the right thing" including promoting permitted haulers (Strategy 3). Flyers identifying names of the County's franchise haulers as well as current list of fully permitted haulers is being created which is will be posted and available at the County's Application and Permit Center.*		**$10,000** *(production costs, not staff)*	**$10,000** *(production costs, not staff)*
PREVENT	**EXISTING - NO PROPOSED CHANGES**							
	6	Fencing off road right-of-way dumping hot spot if/when deemed necessary		PWD	*(Existing)* *PWD is evaluating locations that would benefit most from fencing to act as successful deterrent*	existing budgets		existing budgets
	7	Franchise Hauler provided Community Clean-up Boxes		DCD	*(Existing)*	**Existing Garbage Rates**		**Existing Garbage Rates**
	8	Franchise Hauler provided On-call Extra Bagged/Bundled Pick-ups for residential customers (not available to multi-family)		DCD	*(Existing)*	**Existing Garbage Rates**		**Existing Garbage Rates**
	9	Franchise Hauler provided On-call Bulky Item Pick-ups for residential customers in three of the four County Franchise areas (not available to multi-family)		DCD	**COMPLETE** *(Existing)* *County's Franchise Agreement with Garaventa Enterprises was recently amended to among other things expand on-call services, and require the company to start offering all residential customers one Bulky Item Pick-up per year upon request, at no additional charge.*	**Existing Garbage Rates**		**Existing Garbage Rates**

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PREVENT	**10**	CalGreen Mandatory Waste/Recycling Tracking & Reporting for covered projects		DCD	*(Existing)*	existing budgets		existing budgets
	11	Coordinate with Resource Conservation District about grant awarded for rural illegal dumping site abatement (for agricultural lands)		DCD	*(Existing)*	unknown		unknown
	EXPAND - PROPOSED CHANGE TO EXISTING							
	12	Mandatory Subscription Ordinance - Expand current complaint based enforcement to proactive enforcement using franchise hauler provided lists		CCEH	Currently working with county counsel to stream line our lien process. The lien payments will fund future enforcement and create a revolving fund to replenish the $58,000 needed to fund this strategy. No new budget request.			**$58,000**
	13	Implement lien process provided for under the County's Mandatory Subscription Ordinance to provide for recovery of costs resulting from forced starts.		CCEH	Currently working with county counsel to stream line lien process.	existing budgets		existing budgets
	14	Seek ~~allowance to use portion of future waste tire enforcement~~ grant funding when offered through CalRecycle's waste tire grant program to subsidize Waste Tire Amnesty Day events.		CCEH	The following link provides information on how to apply for the Waste Tire Amnesty Grant: https://www.calrecycle.ca.gov/tires/grants/cleanup. CalRecycle will begin accepting applications March 2, 2021. In order to have a successful Waste Tire Amnesty Day, CCEH will need the assistance from other agencies.	grant funded		grant funded
	15	Establish and enforce extended producer responsibility ordinances - Require businesses that make/sell items that are commonly dumped or costly and challenging to dispose of properly to accept old items at the end of product life.		CCEH, DCD	*Safe Drug Disposal Ordinance requires medication manufacturers to establish and pay for a system to collect and dispose of unwanted pharmaceutical drugs by offering convenient drop-off locations throughout unincorporated areas for safe disposal of unwanted, expired, and unused medications. Convenient locations include pharmacies and hospitals.* *Implementing additional producer responsibility requirements in plan process for new applicants.*	existing budget		existing budget

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PREVENT	**16**	Maximize existing creek clean-up and/or community clean-up opportunities - Evaluate existing and past usage of clean-up boxes provided for in the County's Franchises to target usage where need is the greatest for maximum effectiveness.		DCD, PWD	Utilization of community clean up boxes is down 33% in 2020 due to COVID-19 restrictions. -The Crockett Franchise includes five 20-cubic yard boxes per year. In 2020, only two of the five were used. -The RSS Franchise includes sixteen 20-cubicyard boxes per year. None of these boxes were used in 2020. Two boxes have been used so far in 2021. -All forty 40-cubic yard debris boxes were used in the Garaventa/MDRR franchise. -Eight out of the sixteen 20-cubic yard debris boxes were used in the Republic/Allied franchise.	**Existing Garbage Rates**		**Existing Garbage Rates**
	17	Implement additional community clean-ups - Identify where additional clean-ups may be needed/warranted and seek to arrange clean-up box services through the applicable County franchise hauler or seek assistance through applicable agency where the County does not control the Franchise. ***(Future Phase)***		DCD	*(Future Phase)* *The recently approved Amendment to the County's Franchise Agreement with Garaventa Enterprises, among other things expands on-call services, including increasing the number and size of community clean-up boxes that the company must provide and service annually, upon request, at no charge to the County.*	**Existing Garbage Rates**		**Existing Garbage Rates**
	18	Seek additional free e-waste pick-up options (Curbside Haulers or Free Recyclers) ***(Future Phase)***		DCD	*(Future Phase)* *Minimal e-waste dumping therefore no immediate need warranting action at this time.*	**Existing Garbage Rates**		**Existing Garbage Rates**

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PREVENT	**NEW**							
	19	Explore amending the County's Mandatory Subscription Ordinance to streamline process for forcing service starts and facilitating lien as means of reimbursing hauler for mandated services without County having to incur cost first.		CCEH	*CCEH and DCD staff met with County Counsel to discuss potential changes that the County can legally make by amending the existing Mandatory Subscription Ordinance. The County will not be able to amend the existing ordinance in County Code to allow the County to institute a process that mirrors the City of Richmond's. However, the County could potentially amend County Code to allow liens to be placed on property tax bills for delinquent garbage accounts to avoid service stops. This approach would require that the County's Franchise Haulers agree to continue to providing uninterrupted service knowing it will take a year or more to receive payment (or maybe never in rare cases when property tax bills remain unpaid).*	existing budget		existing budget
	20	Offer option of disposal vouchers in lieu of on-call pick-ups for those who prefer. ***(Future Phase)***		DCD	*(Future Phase)* *Can only be pursued during rate setting time.*			
	21	Subsidize free disposal vouchers or free disposal day at landfill/transfer station. ***(Future Phase)***		DCD	*(Future Phase)* *Can only be pursued during rate setting time.*			
	22	Explore switching some on-call pick-ups for extra bagged waste to scheduled clean-up days to increase participation. ***(Future Phase)***		DCD	Can only be pursued during rate setting time. Staff did not have sufficient data to justify recommending rate increases for this service change during our most recent rate reviews for three of the County's four Franchises. **Therefore, this is now being proposed to be addressed in the Future Phase**.			

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PREVENT	**23**	Seek to identify local disposal option for treated wood self-hauled by the general public; more being dumped since in-County Transfer Stations don't accept it. Closest option for public self-haul is in Livermore.		DCD, CCEH	The Department of Toxic Substances Control (DTSC) has developed standardized variances as a short-term solution for treated wood waste management. Variances will be valid for 6 months and will impose conditions similar to the alternative management standard that existed previously. DTSC will start accepting variance applications on February 16 and start issuing variances on March 1. The long term solution is proposed in AB 332 which will require a regulation that was adopted before January 1, 2008, exempting a hazardous waste management activity from one or more of the requirements of the hazardous waste control laws to remain valid unless repealed.	existing budget		existing budget
	24	Seek to identify feasible options for proper disposal of unwanted Recreational Vehicles, Trailers & Boats.		DCD, SO	*Negotiating with towing companies to get the lowest price for service to prolong one-time funding until a more ongoing funding option is secured. Will advocate for a state funding solution consistent with Abandoned Vehicle Abatement Program (AVAP)*	existing budget		existing budget

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PREVENT	**25**	Secure commitment(s) to establish free local recycling drop-off sites for mattresses and box springs through participation in the statewide Bye Bye Mattress program - Work with transfer stations and/or other appropriate sites/operators, consistent with neighboring counties.		DCD, PWD	*Established in West County at HHW IRRF for residents living in the Recycle More service area (5 cities and County/RSS Franchise Area).* *Transfer stations have not been receptive to becoming one of the permanent free drop-off sites as such would require that they incur unrecoverable costs for staff time required to screen incoming mattresses and box springs for eligibility (e.g. no bed bugs, not wet or heavily soiled) prior to acceptance. Staff is working with the Mattress Recycling Council to find out what resources/assistance they would provide vs. what is required of local entity wishing to hold free mattress drop off events. Staff will then seek potential sites, which would most ideally include the Transfer Stations serving East County (Pittsburg) and central county (Martinez). If transfers stations are not willing to host, then explore hosting event on county property*			
	26	Install street signs with info about How To Report posted at key entry ways or at/near dumping Hot Spots so people are reminded how to take the desired action. ***(Initial Phase** - 50 signs @ $200/each)*	45	PWD	Keep as is, carry over $10,000 for actual installation - no signs have been installed yet. Will work with Clean Water Program to coordinate changes to 1-800-No Dumping call prompts to redirect to updated contact numbers. Change to non-emergency Sheriff dispatch line and contact cities for correct numbers. Sign Installation and coordination - work with SO to finalize locations		**$10,000** *(Initial phase)*	**$10,000** *(Initial phase)*

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PREVENT	**27**	Identify capital improvements that may be needed, such as street lighting or barricades. ***Initial Phase -*** *Currently developing initial phase targeting Bay Point, involves 10 street lights in two specific areas.*		PWD	In Construction. To be complete by end of February. Final cost was closer to $190,000, PWD will cover difference. Would like to renew pilot with new locations (TBD). New ask $200,000. Can consider doing multiple locations, but cost will depend on site conditions, i.e. power availablility	**$200,000**		**$100,000** *(Initial phase)*
CLEAN-UP	**EXISTING - NO PROPOSED CHANGES**							
	28	Blow & Flow Litter Removal (Roads & Creeks)		PWD	*(Existing)*	existing budgets		existing budgets
	29	Street Sweeping		PWD	*(Existing)*	existing budgets		existing budgets
	30	Volunteer driven litter removal/consolidation through the Adopt-a-Road Program		PWD	*(Existing)*	existing budgets		existing budgets
	31	Solid Waste Facility Operator Off-site Litter/Debris Removal: North Richmond Hot Spot Crew Weekday Route & Routine Litter Policing by Transfer Stations & Landfill		DCD	*(Existing)*	**Gate Rates**		**Gate Rates**
	32	Sheriff's Office: Building community trust & pride in Bay Point by assisting with removal of illegal dumping (free disposal at Transfer Station outside Martinez)		SO	*(Existing)*	existing budgets		existing budgets
CLI	**EXPAND - PROPOSED CHANGE TO EXISTING**							
	33	Assist with hauling and removal of waste tire piles illegally dumped in the public right-of-way on an as needed basis. CCEH staff will haul away piles of up to 35 waste tires, however they can partner with the local conservation corps to clean-up large waste tire piles (36 waste tires or more) illegally dumped on public lands.		CCEH	PWD/ Flood Control, City of Richmond Public Works, Fish and Game, San Pablo PD, AMTRAK and BNSF Railroad Police, Service Master, Civicorps, Sheriff's Office, Richmond Fire, and CCEH worked together to coordinate cleanup of the Wildcat Creek encampments on February 3, 2021, resulting in the removal and disposal of approximately 550 tons of garbage and 170 waste tires. K-rails barriers placed on the east side of Pick-N-Pull by BNSF Railroad Police to help prevent illegal dumping. A follow up clean day scheduled for February 17, 2021 to cleanup the remaining miscellaneous garbage and debris.	grant funded		grant funded

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CLEAN-UP	**34**	Franchise Hauler provided On-call Right-of-Way Debris Removal**:** Establish service in the one County Franchise area not currently implemented -and- Increase area (currently in place for three of the County's four Franchises) and potential scope/frequency		DCD	**Complete**	**Garbage Rates**		**Garbage Rates**
	35	Public Works: Dumping in creeks, roadways outside County Franchise Areas where hauler provides on-call removal service and hazardous waste or oversized items not serviced by the Franchisees. Potential for increasing removal frequency within the existing budget ($400K) is dependent upon reducing the area Public Works is responsible for (limit to areas outside County Franchise authority).	34	PWD	Some franchise haulers have started to refuse to provide right-of-way pickups in certain locations and circumstances, e.g. higher speed, higher volume roadways, picking up items away from the road shoulders or in ditches. Explore potential options to work together with franchise haulers to address these areas. PWD spending on debris pickup has increased in the last four years. This may be related to an increase in illegal dumping activities overall. Though franchise haulers have helped , costs continue to rise due to increased need for service.	existing budget *(only if 34)*		existing budget *(only if 34)*
	36	Utilize and make available on-line reporting tool to supplement 1-800-No-Dumping tip line to make it easy for people to report illegally dumped waste in the right-of-way, including ability to upload photos and location coordinates. ***(Currently pilot testing)***		PWD	**Complete** *PWD has launched "Mobile Citizen", a user-friendly smart phone (Android, iOS) mobile application to help residents "on the go" report non-emergency concerns including illegal dumping in unincorporated communities. With Mobile Citizen, residents can simply select illegal dumping, take a photo, provide comments, details about location and then submit. The submitted request is automatically assigned a unique Work Request number and then sent to the appropriate division of Public Works for follow up. A new "Mobile Citizen" web page has been added to the County's website:* *https://www.contracosta.ca.gov/7875/Mobile-Citizen*	existing budget		existing budget
	37	Coordinate/support more volunteer creek clean-ups if needed. ***(Future Phase)***		PWD, DCD	*(Future Phase)*			

Table 1 - Illegal Dumping Initiative Strategy Table—February 2021 Updates

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	38	Expand the volunteer Adopt-a-Road program to include adopting spots/blocks. ***(Future Phase)***		PWD	*(Future Phase)* *PWD will continue to explore expanding the program to include adopting spots/blocks. We have already done some of this as we have been flexible with adopters who want to adopt a defined area smaller than the program's 2 mile segment minimum. We will continue to meet with MACs and subcommittees as interest dictates.*	existing budget		existing budget
CLEAN-UP	**NEW**							
	39	Explore how Franchise Haulers might assist with cleaning up illegal dumping in areas beyond the road right-of-way. ***(Future Phase)***		PWD, DCD	*(Future Phase)*			
	40	Make arrangements with abatement contractors/towing companies for removal of the approximate 48-50 derelict boats/RVs that have been identified by Sherriff's Office.		CCEH, DCD, PWD, SO	*Removal of the derelict boats/RVs were initially projected to cost $3,000 each. DCD and SO have made arrangements with several local towing companies and negotiated the cost down to ~$1,500.* As of January 2020, 78 RVs have been abated at the total cost of $118,187.34. Renew ask - $150,000 to continue strategy implentation	**$150,000**		$150,000 *(previously approved one-time allocation)*
ENFORCE	**EXISTING - NO PROPOSED CHANGES**							
	41	Regulate Solid Waste Haulers & Facilities: Oversee Non-Franchise Waste Hauler Permitting (County Code Chapter 418-2) and Enforce State Minimum Standards for Solid Waste Facilities: Illegal Transfer Stations. Continue working with potentially interested cities and encourage remaining cities to pursue adoption of model ordinance designating the CCEH as City's enforcement agency. ~~Advocate for statewide law requiring all waste hauling services to be regulated by permit.~~		CCEH	*(Existing)* Staff is recommending removal of the following sentence that staff had previously suggested to add to this Strategy in order to address this separately as new replacement Strategy # 49: "Advocate for statewide law requiring all waste hauling services to be regulated by permit." The city of San Pablo reached out to CCEH and is interested in adopting the Solid Waste Collection and Transportation Ordinance and designating the CCEH as City's enforcement agency. City San Pablo will follow up with CCEH in early 2021.	**Disposal Fee**		**Disposal Fee**

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ENFORCE	**EXPAND - PROPOSED CHANGE TO EXISTING**							
	42	Proactively go after uncovered loads on the road and parked on street.	45	SO, CHP	*Strategy implementation pending the hiring of per diem deputies under Strategy #47*	existing budget *(if 45 funded)*		
	43	Establish process for identifying and using any address containing evidence located in illegally dumped waste to contact the potentially responsible party in order to find out if there is cause for further investigation, encourage them to remove the material to avoid further follow-up regarding the matter and/or simply inform them that enforcement resources are dedicated to this issue and will be aware of and follow-up if found to recur.	45	DCD, PWD, CCEH, SO, DA	*Strategy implementation pending the hiring of per diem deputies under Strategy #45* *Persons involved in removing illegal dumping from the right of way in North Richmond are already gathering address containing evidence when found which is then tracked in centralized database and provided to the Resident Deputy assigned to act as the North Richmond Illegal Dumping Officer for further investigation. While the per diem deputy hiring process is underway, staff intends to seek similar address evidence gathering assistance from the various entities involved with the removal of illegally dumped debris from the right of way in the remainder of the County (includes Franchise Haulers, PWD crews and Adopt-a-Road volunteers).*	existing budget *(if 45 funded)*		
	44	Establish process and parameters for pursuing misdemeanor conviction/penalty provided for under County Code Chapter 418-7 for persons hauling waste routinely generated from unincorporated residences & commercial establishments.	45	DCD, SO, DA	*Strategy implementation pending the hiring of per diem deputies under Strategy #45.*	existing budget *(if 45 funded)*		

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ENFORCE	**NEW**							
	45	Dedicate four per-diem deputies (combined total of 3,600 hours per year; equivalent to approx. 1.73 FTE) to investigating dumping crimes.		SO	*SO has not been able to locate anyone to hire as a per diem deputy. Due to COVID-19, several per diem deputies have stopped working. SO continues it's efforts to actively recruit per diems.* *SO currently developing Illegal Dumping Enforcement Workplan addressing deputy response process and order of operations including list of key contacts with DA, Franchise haulers, and city enforcement. Once hired, the deputies will be based out of the Field Operation Building in Martinez and will be managed by the Muir Station Commander.* SO is pursuing several hiring leads. One currently retired officer that could possibly be hired on in a month and 2-3 officers that are scheduled to retire in March. $150,000 will be carried over into FY 2021/2022.		**$150,000**	**$150,000**
	46	Wireless high definition, license plate reader surveillance cameras with night vision, infrared & solar powered. Remote-controlled to zoom and capture evidence – Place at key entry ways or at/near hot spots. ***PILOT:*** *Initial ~~six month~~ pilot of surveillance monitoring service for five rental cameras.*	45	CCEH, DA, **PWD,** SO	Contract is with surveillance camera contractor for signature. Delay in contract execution is due to the company being bought out by another. Contract execution is expected soon. First camera installation is planned to occur on Suisun Avenue, Bay Point following completion of streetlight installation. Propose to carry over $50,000 for pilot program and consider increased funding should the cameras prove successful.		**$50,000** *(6 month pilot)*	**$50,000** *(6 month pilot)*
	47	Establish a well-publicized tip line, mobile app and/or other user-friendly alternative to make it easy for witnesses to report illegal dumping/dumpers and share photographic evidence when applicable. (could be linked to # 36)	45	PWD, SO	To date, 57 illegal dumping requests were received and approved through the Mobile Citizen app. Note: Approved requests are only those located in unincorporated county. There are other illegal dumping requests that were received that were denied having been located within city limits. Those complainants are informed to contact their respective city to address those complaints.	existing budget		existing budget

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ENFORCE	**48**	Utilize centralized database to capture details related to illegal dumping found to contain address containing evidence as a means of identifying patterns and recurrences (unpermitted hauler hired by different persons at different times, same one-time excuse used in the past, etc.) for subsequent/future investigations, stings, camera installation, etc.	45	CCEH, DA, DCD, PWD, SO	*Strategy implementation pending the hiring of per diem deputies under Strategy #45*	existing budget		existing budget
	49	Work through the Board of Supervisors legislative platform process and/or explore partnering with coalition of other governmental agencies in the region to propose/pursue legislation to establish statewide permitting requirements for waste haulers. ~~Explore options to seek legal authority to charge persons responsible for illegally dumping non-commercial quantities guilty of a misdemeanor rather than simply an infraction~~.	~~45~~	BoS, ~~SO, DA~~	The original strategy wording overlapped with Strategy #51, so staff is proposing to reword and combine them. Rather than deleting this Strategy altogether, staff is suggesting replacement wording pertaining to statewide permit requirements for waste haulers to address proposed legislative change that staff had previously proposed to include at the end of Strategy # 41. In the interest of facilitating ongoing regional collaboration, the Illegal Dumping Think Tank team met with Alameda County's Illegal Dumping Task Force to discuss enforcement and legislative matters of mutual interest, including advocating for statewide hauler permitting requirements.			
	50	~~Explore potential for obtaining legal authority to allow for impoundment and/or seizure of vehicles used to illegally dump.~~	45	SO, DCD, DA	Strategy implementation pending the hiring of per diem deputies under Strategy #45 **Recommend removal of strategy due to potential implications associated with individual rights and protections afforded under the Constitution.**			

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ENFORCE	**51**	Work through the Board of Supervisors legislative platform process and/or explore partnering with coalition of other governmental agencies in the region to propose/pursue legislation to change illegal dumping of non-commercial quantities (less than 1 cubic yard) from an infraction to a misdemeanor ~~allow for~~ and increase~~d~~ the allowable penalties, including higher fines, mandatory community service time, and/or jail time.	45	BoS	*County-sponsored legislation addressing illegal dumping included in the 2019 State Legislative platform was carried over into 2020.* *Staff worked with the County's legislative advocate in the hopes of finding a path forward for SB 409 which would allow for increased illegal dumping fines. SB 409 was introduced and passed by the Senate (unanimously) in 2019, but was stuck in the Assembly's Public Safety Committee until the bill was amended in 2020 to remove increased fine amounts. The bill was never passed by the full Assembly and is now in suspense.* *In the interest of facilitating ongoing regional collaboration, the Illegal Dumping Think Tank team met with Alameda County's Illegal Dumping Task Force to discuss enforcement and legislative matters of mutual interest, including advocating for increased fines.* *The 2021 State Legislative platform is currently being developed. See strategy # 23 for additional details about new County sponsored legislation proposal.*			
	52	Request courts to impose appropriate sentences (fines and community service to clean up illegal dumping elsewhere) of people convicted of illegal dumping.	45	DA	*Strategy implementation pending the hiring of per diem deputies under Strategy #45* *The City of Richmond has a team of enforcement staff exploring potential process for illegal dumping infractions to go directly to traffic court. Staff intends to keep apprised as this City effort moves forward in case there are any lessons learned may be helpful for the County*	existing budget		existing budget

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ENFORCE	**53**	Dedicate prosecutor resources to prosecuting dumping crimes.	45	DA	*Strategy implementation pending the hiring of per diem deputies under Strategy #45* *The DA's Office has and will continue to expend resources to prosecute dumping crimes. The DA's Office has filed a misdemeanor illegal dumping case for an incident involving dumping of a large (commercial) quantity of concrete in the North Richmond area in November 2019. The investigation involved witnesses and photographic evidence which led to identification of a general contractor as the responsible party (defendant). The case is now in the courts.*	existing budget		existing budget
	54	Use mapping (GIS) to track dumping hot spots to target use of enforcement tools/investigative resources.	45	PWD, DCD	*Right-of-way dumping locations in North Richmond are already being identified and tracked in a way that is more readily mapped using GIS. Staff is hopeful that illegal dumping locations that will be reported using the Mobile Citizen App discussed under Strategy # 36 will be more readily useful for GIS mapping of hot spots than the current method that PWD staff uses to identify right-of-way dumping locations to be serviced by Franchise Haulers or County crews.*	existing budget		existing budget
	55	Use sting operations targeting specific types of dumping crimes/violations or locations/days & times of day.	45	SO	*Strategy implementation pending the hiring of per diem deputies under Strategy #47*	existing budget *(if 45 funded)*		
OTHER	**56**	Continue holding interdepartmental "Think Tank" team coordination meetings quarterly, as needed~~, in 2019~~. On-going coordination with cities to facilitate information sharing and collaboration opportunities (e.g. maintain/utilize countywide e-mail list, convene meetings as needed, etc.)		CCEH, DA, DCD, PWD, SO	The second countywide "Collaborative Strategies for Reducing Illegal Dumping" meeting will be scheduled in April. Date to be confirmed. On January 21, 2021 Illegal Dumping Initiative Team gave a full program overview and progress update to the Alameda County Regional Illegal Dumping Taskforce. Alameda County has also announced the Inaugural Statewide Illegal Dumping Conference virtually on the mornings of April 21st, 22nd, and 23rd.	existing budget		existing budget
		Remaining Funding to be carried over to FY 21/22					**$220,000**	
		New Funding Needed to Implement New and Expanding Strategies				**$350,000**		**$378,000**

*As of 2018, existing budget investment was estimated to be $1,827,000 and is proposed to continue.

A Measure X Opportunity To Protect the Present and Invest in the Future We All Want.

Enacting climate solutions is essential for our County to protect and lift up the most vulnerable and improve life for everyone in our County.

350ContraCosta

2021: **Contra Costa BOS: We Have a Climate Emergency**.

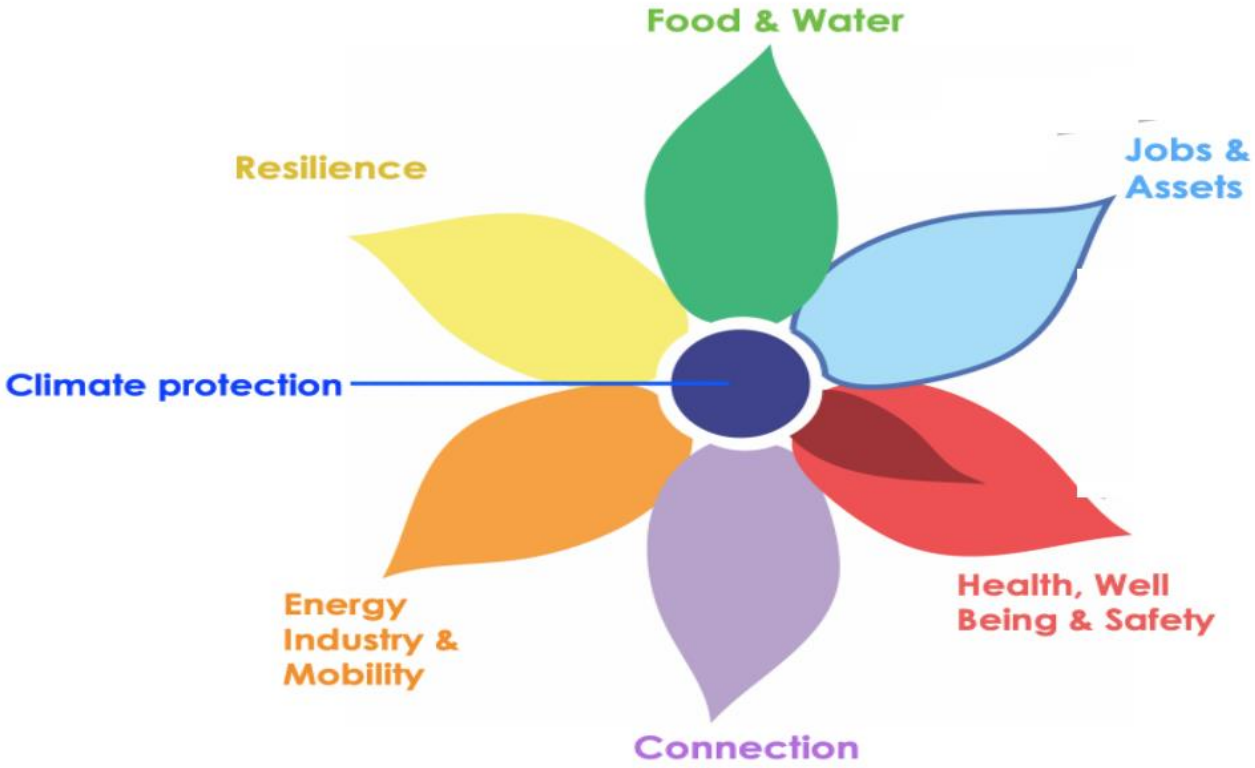
It's Real
- Science irrefutable
- We're living the Beginning

It's Bad
- Public Health Emergency
- Disproportionate Harms

It's Solvable
- Ticking clock to 2030
- Local action critical

We pay either way!

We multi-solve so many problems when we tackle climate



The Opportunity: County Elevates Climate Action

- We need more staff and capacity to execute our climate action plans.
- We can multi-solve. Climate action brings other benefits that we may miss if we wait.
- The time is NOW.

“Climate inaction is wildly more expensive than climate action. It’s like if you needed to fix your roof but you decided to 'save money' by letting the water flood your house.”
— Brian Schatz, U.S. Senator from Hawaii

Be Bold, Be a Game Changer

$2.5 Million

A small share of Measure X to move on the biggest challenge we face

350ContraCosta

Lisa Driscoll

From: Shoshana Wechsler <swechs@sonic.net>
Sent: Wednesday, July 28, 2021 9:36 PM
To: Lisa Driscoll
Subject: Measure X for Sustainability Projects

Dear Ms. Driscoll and Measure X Advisory Board Members,

There's just no denying it anymore: we're in a global climate emergency. The crisis has been rapidly accelerating since Contra Costa County passed its Climate Emergency Resolution in September of 2020.

Our planet is experiencing more frequent and intense wildfires, rising sea temperatures, melting sea ice, ocean acidification, habitat and biodiversity loss, drought, extreme flooding, and natural disasters. Countless lives have been lost in the last few months alone due to record-breaking heat, massive flooding, and monstrous climate-related wildfires. We are all experiencing fear and anxiety as we face the intensification of the California fire season.

Climate change is deadly, and its impacts are especially ruinous for vulnerable, low-income communities.

Our Department of Conservation and Development (DCD) recognizes the many climate-related challenges we're facing, and identifies several crucial areas for community planning initiatives which merit Measure X investment.

I strongly support DCD's proposal, but I also urge you to consider dedicating far *more* Measure X funding to climate equity and resilience than the extremely modest amount DCD is requesting ($500,000/year). I offer just two examples in support. First, there's adaptation to sea level rise, which leads DCD's list of critical areas. This is clearly a matter of great urgency in a county with as much shoreline as Contra Costa. The Adapting to Rising Tides study of Contra County from Richmond to Bay Point (ART Study West) indicates that sea levels in the county may rise anywhere from 2 to 12 inches by 2030; from 5 to 24 inches by 2050, and anywhere from 17 to 66 inches by 2100 (1). And it shows us quite how extensive the impacts could be. At risk in the western sector alone are 277 commercial sites, 482 industrial facilities, 1,287 hazardous material sites, and 62 brownfields (2). Temporary and permanent flooding will be dangerous and costly. But as a study by the National Institute of Building Sciences has found,
"each $1 spent on mitigation saves an average of $6 in future disaster costs" (3). In the long run, every dollar we invest in climate resilience will save both money and lives.

The impending threat of sea level rise is just one powerful reason why Contra Costa needs to seriously invest in climate resilience. But we face equally steep challenges when it comes to promoting climate equity. Our already heavily pollution-burdened, low-income communities of color could face even greater health and financial risks as the climate emergency intensifies. It is imperative that the county develop and implement a full range of community-facing projects that promote equal access to clean energy (and energy efficiency) and ensure disaster readiness. And as a major center of fossil fuel refining and distribution, our county also needs to begin preparing for a just and equitable transition away from its legacy industry. Fossil fuel workers will lose jobs and communities their tax revenue and other income unless we diligently plan ahead for what is coming—and in fact has already arrived.

The County would benefit greatly from contracting with the U.C. Berkeley Labor Center to develop a county-specific Just Transition Roadmap. The cost of such a study could easily absorb the entire annual amount DCD is requesting, but the overall benefit would be invaluable. Developing a just and equitable transition in Contra Costa County needs to be a real priority, but it cannot be unless we are willing to fully invest in the technical resources we need. It is my sincere belief that dedicating at least 1.5% of the $80 million Measure X fund to Climate Equity and Resilience could enable rapid progress in this direction.

Thank you for this opportunity to share my thoughts.

Sincerely yours,

Shoshana Wechsler
District 1 Alternate, Contra Costa County Sustainability Commission

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1. "Climate Resilience in Contra Costa County: Implementing the ART Study." https://www.contracosta.ca.gov/DocumentCenter/View/61064/Climate-Resilience-in-Contra-Costa-County---Implementing-the-ART-Study-PDF, p.6.
2. "Climate Resilience in Contra Costa County: Implementing the ART Study." https://www.contracosta.ca.gov/DocumentCenter/View/61064/Climate-Resilience-in-Contra-Costa-County---Implementing-the-ART-Study-PDF, p.6.
3. "Resilient San Mateo." San Mateo Flood and Sea Level Rise Resiliency Agency. https://resilientsanmateo.org . Quoted in "Implementing the ART Study," p.8.

Lisa Driscoll

From: Mike Moore <mikemoore315@yahoo.com>
Sent: Saturday, July 24, 2021 4:25 PM
To: Lisa Driscoll
Subject: Measure X Climate Equity and Resilience Investment

Dear Ms. Driscoll,

I strongly support using Measure X Funds in the amount of $500,000.00 for Climate Equity and Resilience Investment. As a resident of Oakley and a member of the Contra Costa County Sustainability Commission from District 3, I see the need for additional funding for new community planning initiatives to advance the County's progress and leadership on climate equity and resilience.

There are many worthy investments that the Department of Conservation and Development has proposed and should make. There is an urgent need for staff to research and coordinate efforts to implement the County Climate Emergency Resolution that was passed in September 2020. Another one would be financing programs for clean energy and energy efficiency, with emphasis on low- and moderate-income homeowners. Still another investment would be developing strategies to sequester carbon in the many land use types in Contra Costa County that would entail such things as developing and implementing a Countywide tree master plan along with collaborating on urban agriculture projects with other County departments and community stakeholders.

These and other worthy projects would justify allocating Measure X Funds for Climate Equity and resilience. I urge you to allocate $500,000 per year for the next 20 years to fund climate equity and resilience projects in the Department of Conservation and Development.

Best Regards,

Mike Moore
Oakley, CA

July 27, 2021

Measure X Community Advisory Board
1025 Escobar Street
Martinez, CA 94553

RE: Measure X Climate Equity and Resilience Investment

Dear Members of the Measure X Community Advisory Board,

I write on behalf of Greenbelt Alliance in support of the recommendation to allocate $500,000 of Measure X funds towards climate equity and resilience initiatives on an ongoing annual basis. Contra Costa County communities are at risk of flood impacts, wildfire, and extreme heat - all of which will threaten lives, ecosystems, and property in the upcoming decades and further exacerbate existing public health and affordable housing challenges. **The time to act is now.** The County needs greater staff capacity dedicated to bolstering climate resilience. Without this capacity, the County will remain limited in its ability to receive outside funding, assess climate adaptation needs, and partner with cities, public agencies, and NGOs that are motivated to support this crucial work.

The need for support for climate equity and resilience is especially important when considering sea level rise. Adapting to Rising Tides (ART Bay Area) data indicates that at 48" Total Water Level (TWL) (equivalent to 6" of SLR and a 100-year storm surge, or 24" of SLR and a 5-year storm surge) in the Bay Area, there would be 80,040 acres flooded, 7,800 buildings destroyed, and 12,780 existing residential units impacted, which doesn't include any units constructed in flood prone areas in the future (ART Bay Area). **This level of permanent sea level rise will likely occur in the time frame from 2060 to 2100, and the most recent data indicates that it is not a question of if, but when.** The impacts of sea level rise will be far reaching and will drastically shape the ways our society functions in the County and the wider Bay Area if no action is taken. At 48" TWL, 104,000 existing job spaces will be lost, over 5 million daily highway trips will need to be diverted, and over 20,000 acres of the Bay's habitat will be severely damaged and no longer able to function as habitats, recreational areas, and shoreline protection. We must protect Contra Costa County's unique environmental resources, economic assets, and vibrant communities from these impending threats.

Rising water levels will severely impact many communities that already experience environmental injustices due to their location next to power plants, landfills, water treatment sites, and other industrial users that are associated with high contamination potential as a result of SLR. **Immediate action is needed to avoid environmental disaster that could severely impact our County's most vulnerable populations.**

For over 60 years, Greenbelt Alliance has worked towards a vision of a Bay Area made up of healthy, thriving, resilient communities where all members are given equal protection from climate risks and equal

opportunities to enjoy the benefits of the environment and other nature-based infrastructure. We urge the Measure X Community Advisory Committee to recommend annual allocations of $500,000 to climate equity and resilience as a powerful step towards investing in a healthy and equitable future for all to enjoy.

Sincerely,

Sadie Wilson
Resilience Fellow
Greenbelt Alliance
San Francisco Office
312 Sutter Suite 402
San Francisco, CA 94108
(415) 543-6771

Contra Costa County Board of Supervisors

Subcommittee Report

MEASURE X COMMUNITY ADVISORY BOARD

Meeting Date:	08/04/2021
Subject:	Review and Discuss Process for Finalizing Priorities and Recommendations to Submit to the Board of Supervisors
Submitted For:	MEASURE X Com Advisory Board,
Department:	County Administrator
Referral No.:	2/2/21 D.4
Referral Name:	Measure X Community Advisory Committee
Presenter:	Mariana Moore **Contact:**

Referral History:

REVIEW and DISCUSS process for finalizing priorities and recommendations to submit to the Board of Supervisors (Mariana Moore, Chair)

Referral Update:

Please see attached materials from Jim Cervantes, District II Appointee, Cathy Hanville, District I Alternate, and Vice-Chair BK Williams. Also attached are updated flyers in English and Spanish with the addition of the newly added meeting dates.

Recommendation(s)/Next Step(s):

Accept attached updated tracking spreadsheets and list of potential funding buckets.

Attachments

Cervantes Tracking Spreadsheet
Hanville Tracking Spreadsheet
Williams Needs Matrix
Updated Measure X flyer (English)
Updated Measure X flyer (Spanish)

Measure X Community Advisory Board
Evaluation Summary

Rank Order	Date/Topic /Program	Program	Addresses Racial Equity?	Gaps Addressed?	Preventative?
	5/12/2021				
	Seniors/Disabled People/Vetrans				
	CC Aging & Adult Svcs.				
	-Master Plan on Aging	2 FTE for outreach			
	CC Veterans Services				
	-Additional Outreach	1 FTE			
	5/19/2021				
	Community Safety: Fire Protection				
	-Reopen/staff closed fire stations	5 stations			
	(Con Fire-1/East CC-3/Pinole-1)				
	-Richmond 4th firefighter on truck	1 FTE			
	-Veg. management & response				
	-Wildfire mitigation: fuel reduction				
	-Seasonal Fire Engine upstaffing				
	-Emergency Communications				
	--Con Fire				
	--SRV				
	--EB Reg. Comm. Sys. Athy				
	-Replace facilities: seismic/EOS				
	-Risk reduction: Regional inspectors	8 positions			
	-Emergency Preparedness/Planning	1 position			
	-Training: So. County Training Facility				
	-Regional Paramedic				

-Helicopter for fire season

5/26/2021

Early Childhood

-Children & Families
--Immediate family support (37%)
--Funding for childcare spots (36%)
--Childhood mental health services (12%)
--Children with disabilities (15%)
-Service Providers
--Network supports to connect providers
--Family partners/resource navigators
--Early care/education supports
-Integrated Systems
--Children's Leadership Council
--Children's well being index

6/9/2021

Youth & Young Adults

-CC County Employment/Human Services
--Whole family living: case managers
--Family visitation center home
--Respite programs for children
--Permanent housing subsidies/Child care

-CC County Office of Education
--School based mental health
--Communty schools/expanded learning
--Summer programing

-CC County Health Services

-RYSE Youth Center

6/16/2021

Healthcare

-New County Health Lab

-CC County Health Services-Reg. Hospital

--Ambulatory services

--Physical & behaviorial health integration

--Ambulatory surgery center

--Gastrointestinal/pulmonary suite

--Clinical space

--Cancer center

--Residency center

--MRI

--Geriatric services

--Hospital services

--Labor & delivery/perinatal

--PES expansion

--Cardiac/pulmonary

--Rehabilitation (PT/OT)

--Level 3 stroke center

--Inpatient dialysis

--Radiology suite

--Infrastructure

--Seismic

--HVAC/Seismic

--Modernization & care upgrades

--Isolation rooms/parking

-CC County Cares

6/23/2021

Mental & Behaviorial Health/Disabled

-Community Crisis Response Initiative

--Miles Hall Community Crisis Hub

-Deaf Hope

--Deaf leadership program

-CC Council on Disabilities

--East County multi-agency center

-Putnam Clubhouse

-Rainbow Center

- SRV Fire Pilot Program

--Medical response to mental health emergencies

6/30/2021

Housing & Homelessness

-CC Hsg. Authority/Dept. Conservation & Dev.

--Local Housing Trust Fund $ for varied hsg. Needs

-Monument Impact

-Richmond Land Trust

-SOS

7/7/2021

Community Safety: Justice Systems

-District Attorney's Office
--Young Adult Diversion
--Combating Human Trafficing
--Independent Investigations Bureau

-County Probation Office
--Office of Reentry & Justice (ORJ)

-Office of Public Defender
--Front End Advocacy Teams (FEATS) 3 teams in County
--Investigator/Soc. Wkr/Atty/Assts. 5 per team

-Sheriff's Office
--Additional Neighborhood Patrols
--Mental Health Evaluation Teams
--Quality of Life Crimes-Detectives
--GPS enabled Dispatching System
--Body & Car Cameras
--Body & Car Cameras

-Rubicon Programs
--Employment & Placement Services
--Reentry Success Center

Safe Return Project

Equity Center- East County

Reimagine Public Safety Campaign shift public funding

Richmond Reimaging Public Safety

Collective Healing and Transformation Proj. (CHaT)

--Comm. Based restorative justice

7/14/2021

Safety Net (Employment, Cash Aid, Food Security, etc.)

-Alliance to End Abuse	legal assistance, advocates
-Family Justice Center	childcare, housing assistance
-EHSD Workforce Services Bureau	Navigator, Cal Fresh Housing Assistance
-Child Support	3 positions/Navigators
-Equitable Econ. Recovery Task Force	Guaranteed income pilot
-Rubicon	Workforce Collaborative Cal Fresh Fresh Success
-Opportunity Junction	No ask
-Food Bank of CC and Solano	Mobile food pharmacy

7/21/2021

Immigration/Racial Equity Across Systems

-Office of Racial Equity & Social Justice (ORESj)
--Set up an office

-Stand Together Contra Costa
--Soc. services for immigrants 12 staff for soc. svc
--Legal representation/social svc. and legal support

-Oasis Legal Services
--LGBTQ representation asylum support

-CC Immigrants Rights Alliance
--Legal support for immigrants
--Rental assistance to avoid evictions
--Public defenders/social workers

-Nepali Health Advocates
--Multicultural Welllness Center

7/28/2021

Library, Arts & Culture, Agriculture, Enviroment, Transportation

-County Library
--Expand to 56 hrs./wk for all branches
--Rehab 6 libraries

-Arts & Culture Commision
--Enhance programs
--About Face, Art of the African Disapora, etc.
--Arts Training Pathway

-Naina Shasti
--Heritage Festival
--Grants for local artists

-East Bay Performing Arts Center
--Title 2 Schools Performing Arts
--Arts Training Pathway
--Student support/wrap around

-Ryse Center

-CC Dept. of Agriculture
--Additional inspectors 2 FTE's ($100k to start)

Score on a 1-5 Scale				Funding Ask	
Inter-sectional?	Transformational?	Leverages Other Funds	Success Prospect?	One-Time	Annual
					300,000
					200,000
					9,000,000
					785,000
					2,500,000
					2,000,000
					2,500,000
					1,986,000
					1,150,000
					1,000,000
					3,000,000
					1,600,000
					500,000
					700,000
					600,000

1,500,000

10,500,000

5,950,000

200,000

32,500,000

1,500,000

250,000

200,000

740,200

12,000,000

	1,000,000
	1,000,000
	3,000,000
	2,000,000
	11,390,000
1,800,000	
	1,440,000
20,000,000	2,000,000

	750,000
	4,000,000
	2,800,000
	360,000
	2,000,000
	1,700,000
	750,000
800,000	400,000

	1,500,000
	2,000,000
	2,150,000
	2,000,000
	22,000,000
8,100,000	
	625,000

		500,000
		500,000
		500,000
		200,000
	64,700,000	125,726,200

Notes

"with consolidation" less $7M

Con Fire Crew 12

Staffing-wildfire risk periods

7 fire stations/districts
new center/back up for County
mobile units/replace radios

Con Fire-3/Other agencies-5
Em. Prep. Manager/training/EWS
No So. County facility
Richmond/scholarship/training

One time for 2021/evaluate after

break-out not clear
break-out not clear
break-out not clear

break-out not clear
break-out not clear

Range provided: $25-$40 million

"it's very big"

not presented/ supplemental

"collective ask" - funds to be
allocated on an annual basis
Local match leverages State, federal
and tax credit based housing programs

$2 Million per team? Verify

combines staffing cost items

one time cost
ongoing cost

federal match

state match

Gigi's Estimate-amount uncertain.

Potential State fnding match if local funding

Increase monitoring/free up other inspectors

Total Amount Requested

Measure X Community Advisory Board
Evaulation Summary

Topic Area	Addresses Racial Equity	Gaps Addressed?	Preventative?	Inter-sectional?	Transformational?	Success Prospect?	Funding Ask
Seniors/Disabled People/Vetrans							
-Topic							
-Topic							
-Topic							

Measure X Community Advisory Board
Evaluation Summary

Rank Order	Date/Topic /Program	Funding Ask One-Time	Funding Ask Annual	Notes
	Seniors/Disabled People/Vetrans			
	CC Aging & Adult Svcs.		300,000	2 FTE's for outreach-Master Plan on Aging
	CC Veterans Services		200,000	1 FTE for Additional Outreach
	Community Safety: Fire Protection			
	-Reopen/staff closed fire stations		9,000,000	5 Addl stations: "with consolidation" less $7M
	-Richmond 4th firefighter on truck		785,000	1 FTE
	-Veg. management & response		2,500,000	Con Fire Crew 12
	-Wildfire mitigation: fuel reduction		2,000,000	
	-Seasonal Fire Engine upstaffing		2,500,000	Staffing-wildfire risk periods
	-Emergency Communications			
	--Con Fire		1,986,000	7 fire stations/districts
	--SRV		1,150,000	new center/back up for County
	--EB Reg. Comm. Sys. Athy		1,000,000	mobile units/replace radios
	-Replace facilities: seismic/EOS		3,000,000	
	-Risk reduction: Regional inspectors		1,600,000	8 FTE's: positions: Con Fire-3/Other agencies-5
	-Emergency Preparedness/Planning		500,000	1 FTE--Em. Prep. Manager/training/EWS
	-Training: So. County Training Facility		700,000	No So. County facility
	-Regional Paramedic		600,000	Richmond/scholarship/training
	-Helicopter for fire season	1,500,000		One time for 2021/evaluate after
	Early Childhood			
	-Children & Families		10,500,000	
	-Service Providers		5,950,000	
	-Integrated Systems		200,000	

Youth & Young Adults

-CC County Employment/Human Services
--Whole family living: case managers
--Family visitation center home
--Respite programs for children
--Permanent housing subsidies/Child care

-CC County Office of Education
--School based mental health
--Communty schools/expanded learning
--Summer programing

-CC County Health Services

-RYSE Youth Center

Healthcare

-New County Health Lab	32,500,000	Range provided: $25-$40 million

-CC County Health Services-Reg. Hospital
--Ambulatory services
--Physical & behaviorial health integration
--Ambulatory surgery center
--Gastrointestinal/pulmonary suite
--Clinical space
--Cancer center
--Residency center
--MRI
--Geriatric services
--Hospital services
--Labor & delivery/perinatal
--PES expansion
--Cardiac/pulmonary
--Rehabilitation (PT/OT)

--Level 3 stroke center		
--Inpatient dialysis		
--Radiology suite		
--Infrastructure		
--Seismic		
--HVAC/Seismic		
--Modernization & care upgrades		
--Isolation rooms/parking		
-CC County Cares	1,500,000	
Mental & Behaviorial Health/Disabled		
-Community Crisis Response Initiative		"it's very big"
--Miles Hall Community Crisis Hub		
-Deaf Hope		
--Deaf leadership program	250,000	
-CC Council on Disabilities		
--East County multi-agency center	200,000	
-Putnam Clubhouse		
-Rainbow Center		
- SRV Fire Pilot Program	740,200	not presented/ supplemental
--Medical response to mental health emergencies		
Housing & Homelessness		
-CC Hsg. Authority/Dept. Conservation & Dev.		
--Local Housing Trust Fund	12,000,000	"collective ask" - funds to be allocated on an annual basis
-Monument Impact		Local match leverages State, federal

			and tax credit based housing programs
-Richmond Land Trust			
-SOS			
Community Safety: Justice Systems			
-District Attorney's Office			
--Young Adult Diversion		1,000,000	
--Combating Human Trafficing		1,000,000	
--Independent Investigations Bureau		3,000,000	
-County Probation Office			
--Office of Reentry & Justice (ORJ)			
-Office of Public Defender			
--Front End Advocacy Teams (FEATS)		2,000,000	3 teams of 5: $2 Million per team? Verify
--Investigator/Soc. Wkr/Atty/Assts.			
-Sheriff's Office		11,390,000	combines staffing cost items
--Body & Car Cameras	1,800,000		one time cost
--Body & Car Cameras		1,440,000	ongoing cost
-Rubicon Programs			
--Employment & Placement Services			
--Reentry Success Center			
Safe Return Project			
Equity Center- East County	20,000,000	2,000,000	
Reimagine Public Safety Campaign			
Richmond Reimaging Public Safety			

Collective Healing and Transformation Proj. (CHaT)			
--Comm. Based restorative justice		750,000	
Safety Net (Employment, Cash Aid, Food Security, etc.)			
-Alliance to End Abuse		4,000,000	
-Family Justice Center			
-EHSD Workforce Services Bureau		2,800,000	
-Child Support		360,000	federal match
-Equitable Econ. Recovery Task Force		2,000,000	state match
-Rubicon		2,450,000	Workforce Collaborative/Fresh Success
-Opportunity Junction			
-Food Bank of CC and Solano	800,000	400,000	
Immigration/Racial Equity Across Systems			
-Office of Racial Equity & Social Justice (ORESj)			
--Set up an office		1,500,000	Gigi's Estimate-amount uncertain.
-Stand Together Contra Costa			
--Soc. services for immigrants		2,000,000	
--Legal representation/social svc.			

-Oasis Legal Services		
--LGBTQ representation		
-CC Immigrants Rights Alliance		2,150,000
--Legal support for immigrants		
--Rental assistance to avoid evictions		
--Public defenders/social workers		
-Nepali Health Advocates		2,000,000
--Multicultural Welllness Center		
Library, Arts & Culture, Agriculture, Enviroment, Transportation		
-County Library		
--Expand to 56 hrs./wk for all branches		22,000,000
--Rehab 6 libraries	8,100,000	
-Arts & Culture Commision		
--Enhance programs		625,000
-Naina Shasti		
--Heritage Festival		
--Grants for local artists		
-East Bay Performing Arts Center		
--Title 2 Schools Performing Arts		500,000
--Arts Training Pathway		500,000
--Student support/wrap around		500,000
-Art of the African Diaspora		
-Rise Center		
-About Face (African American Vets)		

-CC Dept. of Agriculture			
--Additional inspectors		200,000	Increase monitoring/free up other inspectors
	64,700,000	125,726,200	Total Amount Requested

AGENCY/GROUP

COUNTY VETERANS OFFICE

OLDER ADULTS

Contra Costa Fire

Early Childhood

Youth

Health Care

Mental Health

Housing/Homelessness

Criminal Justice

Safety Net/Violence

Immigration/Racial Justice

Library/Arts

Public Comment Asks

THE ASK

OUTREACH POSITION-$200K only one position requested

CASE MANAGEMENT SERVICES ROUGH estimate 150-200 per employee
Discretionary Funds no specific ask Alameda county has 750K-could be used for transport also
Nurse behavioral health clinician APS/IHSS

28.85 million
San Ramon Valley fire response mental health-740,2000 -pilot project

16.725 MILLION EARLY CHILDHOOD SUPPORTS PROVIDERS SYSTEMS

discretionary fund for CPS social workers no amount given
transformational ideas family visitation center, respite programs whole family living resources no amour
suggestions made east county RYSE like program-no amount given

Lab 25-40 million
More money for clinics no specific ask dollar amount
Support County Hospital- no money specific ask
More money for Contra Costa Cares program no specific ask

Miles Hall community center and mobile crisis-no dollar amount given
Deaf Hope-money to support their services unsure of amount
Money to increase CBO budget to keep qualified workers

Land trust money-12 million a year
Eviction Defense funding-not specific amount

DA-human trafficking dept 1 million
DA-investigation unit-sheriff 3 million
Young adult diversion-DA 1 million
CC racial justice coalition-youth training and equity center east county-estimate 22 million 1 time fundin
Rubicon-Probation-Support for reentry services no dollar amount
Sheriff 12.8 million mostly for staff 1.3 million body worn cams
Restorative Justice Programs-no specific dollar ask
Public Defender office 2 million for social worker lawyer teams from time of arrest

Alliance for Violence prevention plan 4 million 1 million discretionary-1 million DPH civil legal 1 million
500k community advocates-500k community connectedness
Guaranteed Income trial 2 million
Rubicon-Cal Fresh Plan employment and training-750,000
Food Bank-Mobile Food Pharmacy-400K one time FOR TRUCKS 400K a year

Increase EHSD navigator program-1.3 million
subsidized employee for call fresh EHD-500,000
workforce increase baseline funding for workforce development EHD-no specific amount 1 million
employee navigators for child support program-3 positions-360,000
CCWC -money to increase services/operations-700,000
CCWC -Training Support Fund for stipends 1 million
Market Analysis- for outreach strategies 250,000-EHD
Safety Net Partnership Group-200,000-EHD

Immigrants rights alliance 2 million eviction defense
Immigrants rights alliance -150K for tenants right lawyer during UD 150K
Immigrants rights alliance-attorneys and social workers for court self help no amount give
Immigrants rights alliance -fund holistic eviction defense no amount given
Nepali Health advocates Multicultural wellness center-2 million
Stand together 2 million free removal defense + holistic assistance via navigation and social
Oasis-Contra Costa cares make it easier esp mental health-support asylum seekers
monument impact-eviction defense-rental assistance-PD social workers-deportation legal teams
Office of Racial and Social Justice-asked-sole support-will come back with numbers

Library 22 million to expand hours to 56 at all locations
library 8 million in one time funding for library facilties
East Bay Center for Performing arts 1.5 million total-500k eqch initiqtive, college pathways, and wrp arou
arts commission 625k -district public art-community art fund-Artist in residencdde
weights and measures 2 FTE 100-160 k each

Bi-Bett Addiction treatment ask for $ to substance abuse tretatment
Addiction counselor workforce-10k each person
dedicated addiction psychiatrists-400k each
sobering centers 1.5 million a year
monies for providers centers-upsecificed
recovery housing-450K for 6 months for 100 clients

DATE OF PRESENTATION	Buckets
5/12/2021	
5/12/2021	
5/12/2021	
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not presented supplemental	
5/26/2021	
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letter 7/27
handout 7/28
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handout 7/28

NOTES	Amounts
	200,000
	400,000
	750,000
	400,000
	28, 250,000
	740,200
	16,725,000
	300,000
	1,000,000
	5,000,000
	30,000,000
	15,000,000
	5,000,000
	2,000,000
	15,000,000
	500,000
money here could be leveraged for matches	250,000
money here opens many projects	12,000,000
SEE 2 million requests under immigration	
	1,000,000
	3,000,000
	1,000,000
One time-different orgs supported	22,000,000
	500,000
	12,800,000
	500,000
publicly supported by others	2,000,000
	4,000,000
possible state match for program for pregnant women and former foster kids	2,000,000
	750,000
	800,000

	1,300,000
match	500,000
	1,000,000
possible 2/3 federal match would lower amount to $120	360,000
	700,000
	1,000,000
	250,000
	200,000
this has been asked for before by other groups and public comment	2,000,000
	150,000
	2,000,000
	2,000,000
	1,500,000
	22,000,000
	8,000,000
	1,500,000
	625,000
	200,000
	800,000
	1,500,000
	450,000

203,650,200

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BUCKETS (POTENTIAL)

Measure X

Matching funds available	Most vulnerable population	BEST INVESTMENT!	Black people-equity lens	Marginalized community
Can be merged with others	Most compelling	Least compelling	Center for service	Trans-formative
Innovative	Fills gap	**Decision making**	Prevention	Eliminates problem
What's missing	One time funding	Under 500,000	Under 1M	1-5 M
Over 10 M	Farthest reach	Strategic Plan	Partnership Faith community and volunteers	Life altering

Your Voice Matters!

Measure X Community Advisory Board seeks public input

Measure X, Contra Costa's new countywide, half-cent sales tax, is expected to raise $112 million for the new fiscal year that begins July 1. The Measure X Community Advisory Board was formed to identify unmet community needs and recommend spending priorities to the county Board of Supervisors. The Advisory Board meets at 5:00 pm every Wednesday via Zoom: **https://cccounty-us.zoom.us/j/81176769191**. Each meeting features a panel of presenters who have expertise in the need or issue being discussed. Panel members include county staff, community-based organizations, and residents.

Community members are welcome to provide public comment verbally after each panel presentation. Comments can also be submitted in writing to Lisa.Driscoll@cao.cccounty.us. If you submit written testimony by noon on the Friday prior to the following week's meeting, it will be included in the agenda packet that is published for Advisory Board members and the public.

Schedule* of issues and needs to be discussed:

May 12	Seniors, disabled people, veterans
May 19	Community safety: Fire protection
May 26	Early childhood
June 9	School-aged youth & young adults
June 16	Healthcare
June 23	Mental health and behavioral health
June 30	Housing & homelessness
July 7	Community safety: Justice systems

July 14	Safety net (jobs, public benefits, economic security)
July 21	Immigration, racial equity across systems
July 28	Library, arts & culture, agriculture
August 4	Environment, transportation, public works, conservation & development
August 11, 13, 18	Develop draft priorities & recommendations
August 20	Finalize recommendations to submit to Board of Supervisors

*Revised 7-30-2021

¡Tu Voz es Importante!

La Junta Asesora Comunitaria de la Medida X busca la opinión del público

Se espera que la Medida X, el nuevo impuesto a las ventas de medio centavo en todo el condado de Contra Costa, recaude $ 112 millones para el nuevo año fiscal que comienza el 1 de julio. La Junta Asesora Comunitaria de la Medida X se formó para identificar las necesidades de la comunidad no satisfechas y recomendar prioridades de gasto a la Junta de Supervisores del condado. La Junta Asesora se reúne a las 5:00 pm todos los miércoles a través de Zoom: **https://cccounty-us.zoom.us/j/81176769191**. Cada reunión presenta un panel de presentadores que tienen experiencia en la necesidad o el tema que se está discutiendo. Los miembros del panel incluyen personal del condado, organizaciones comunitarias y residentes.

Los miembros de la comunidad son bienvenidos a proporcionar comentarios públicos verbalmente después de cada presentación del panel. Los comentarios también pueden enviarse por escrito a Lisa.Driscoll@cao.cccounty.us. Si presenta un testimonio escrito antes del mediodía del viernes anterior a la reunión de la semana siguiente, se incluirá en el paquete de la agenda que se publica para los miembros de la Junta Asesora y el público.

Calendario* de temas y necesidades que serán discutidas:

12 de mayo	Personas mayores, personas discapacitadas, veteranos
19 de mayo	Seguridad comunitaria: Protección contra incendios
26 de mayo	Educación temprana
9 de junio	Jóvenes en edad escolar y adultos jóvenes
16 de junio	Cuidado de la salud
23 de junio	Salud mental y salud conductual
30 de junio	Vivienda y desamparo
7 de julio	Seguridad comunitaria: sistemas de justicia
14 de julio	Red de seguridad (empleos, beneficios públicos, seguridad económica)
21 de julio	Inmigración, equidad racial en todos los sistemas
28 de julio	Biblioteca, arte y cultura, agricultura
4 de agosto	medio ambiente, transporte
11, 13 , 18 de agosto	Desarrollar una lista de prioridades y recomendaciones
20 de agosto	Finalizar las recomendaciones para presentar a la Junta de Supervisores

*Revisado el 30 de julio de 2021