

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

SUSAN A. BONILLA, CHAIR, 4th DISTRICT
JOHN GIOIA, 1st DISTRICT
GAYLE B. UILKEMA, 2nd DISTRICT
MARY N. PIEPHO, 3rd DISTRICT
FEDERAL D. GLOVER, 5th DISTRICT

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

The Board of Supervisors respects your time, and every attempt is made to accurately estimate when an item may be heard by the Board. All times specified for items on the Board of Supervisors agenda are approximate. Items may be heard later than indicated depending on the business of the day. Your patience is appreciated.

AGENDA
and MINUTES
May 5, 2009

9:00 A.M. Convene and announcement adjournment to Closed Session in Room 101.

Present: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, District IV Supervisor
Federal D. Glover, District V Supervisor

Attendees: David J. Twa

Closed Session Agenda:

A. CONFERENCE WITH LABOR NEGOTIATORS

1. Agency Negotiators: Ted Cwiek and Keith Fleming.

Employees Organizations: Contra Costa County Employees' Assn., Local No. 1, Am. Fed. State County & Mun. Emp. Local 512 and 3700, Calif Nurses Assn., Service Emp. Int'l Union, Local 1031, District Attorney's Investigators Assn., Deputy Sheriffs Assn., United Prof. Firefighters Local 1220, Physicians' & Dentists' Assn. of Contra Costa, Western Council of Engineers, United Chief Officers Assn., Service Emp. Int'l Union, United Health Care Workers West-East County Firefighters Assn., Contra Costa County Defenders Assn., Probation Peace Officers Assn. of Contra Costa County; Contra Costa County Deputy District Attorneys' Assn.; and Prof. & Tech. Engineers, Local 21, AFL-CIO.

2. Agency Negotiators: David Twa and Keith Fleming.

Unrepresented Employees: All unrepresented agency management employees (Resolutions Nos. 2009/26 and 2008/359, including their respective exhibits), and all other unrepresented agency employees.

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

There were no announcements out of Closed Session.

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

Inspirational Thought - *"The history of every country begins in the heart of a man or woman."* ~ Willa Cather

CONSIDER CONSENT ITEMS (Items listed as C.1 through C.41 on the following agenda) – Items are subject to removal from Consent Calendar by request of any Supervisor or on request for discussion by a member of the public. Items removed from this section will be considered with the Short Discussion Items.

PRESENTATIONS

PR.1 PRESENTATION proclaiming May 2009 as "Mental Health Month in Contra Costa County".
(Supervisor Piepho)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

PR.2 PRESENTATION proclaiming May 2009 as "Foster Care Month in Contra Costa County."
(Supervisor Bonilla)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

SHORT DISCUSSIONS ITEMS

SD.1 PUBLIC COMMENT (3 Minutes/Speaker)

SD.2 CONSIDER any Consent Items previously removed.

The following people spoke:

Loran Watkins, Walnut Creek resident, of the difficulties she and her husband incurred obtaining County services;
Ralph Hernandez, Antioch resident and Chair of Citizens for Democracy, feels the Cities should contribute to absorb County costs;

Rollie Katz, Business Agent, PEIU Local 1, told the Board budget cuts have impaired services to the public; nonetheless, it is the County's obligation to provide retiree benefits;

Teresa Pasquini, El Sobrante resident, shared information about an upcoming PBS program on mental illness called "When Medicine Gets It Wrong";

George Bishop, Antioch resident, told the Board of numerous problems he is having with the Housing Authority.

SD. 3 CONSIDER accepting an oral update from the Health Services Director, William Walker, M.D., on Contra Costa County's preparations for Swine Flu and possible actions to be taken. (William Walker, M.D.)

Dr. Walker, Health Services Director, presented the staff report. He informed the Board that daily conferences are being held with Center for Disease Control (CDC) and the 13 Bay Area Health Departments. He said the five school closures in Contra Costa County (all elementary schools) were revised to seven days instead of fourteen, and that guidelines for school closures would continue to be evaluated. He said health authorities are cautiously optimistic because it appears at this time that the H1N1 virus is relatively mild, similar to the seasonal 'flu.

Dr. Brunner, Public Health Director, said health officials will remain vigilant in learning everything possible about this new virus. He said the virus is known to be susceptible to the drug Tamiflu™, of which the County's allocation from the federal stockpile has already been distributed for use, with more available should it be needed. He said he is confident the County supply is adequate to fill prescriptions.

Kate Fowlie, Contra Costa County Health Services Department, said in addition to the websites, agencies are making use of new social media outlets including podcasts, Facebook™ and Twitter™ with very positive results. She noted that www.cchealth.org is available in English and Spanish and is updated daily.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

SD. 4 HEARING on the itemized costs of abatement for property located at 1222 Rose St., Crockett (American Home Mortgage, Owner). (Michael Angelo Silva, Department of Conservation and Development)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

SD. 5 HEARING on the itemized costs of abatement for property located at 4896 North Point, Discovery Bay (Cook Realty Group, LLC, Owner). (Michael Angelo Silva, Department of Conservation and Development)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

SD. 6 HEARING on the itemized costs of abatement for property located at 1721 5th St., Richmond (Deutsche National Bank, Owner). (Michael Angelo Silva, Department of Conservation and Development)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

SD. 7 HEARING to ADOPT Resolution No. 2009/188 accepting tabulation of mail-in ballots, confirming the Engineer's Report and authorizing the levy of street light charges to operate and maintain facilities and services for Minor Subdivision 07-0006, as recommended by the Public Works Director, Alamo area. (Susan Cohen, Public Works) (100% County Service Area L-100 Funds)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

SD. 8 CONSIDER approving response to Civil Grand Jury Report No. 0907, entitled "Retiree Healthcare Benefits Leave County Taxpayers on the Hook – A New Approach is required to Deal with Unsustainable Retiree Healthcare Benefits Provided to Most Contra Costa Governmental Employees", and directing the Clerk of the Board to forward the response to the Superior Court no later than June 1, 2009. (David Twa, County Administrator)

David Twa, County Administrator, presented the staff report.

Supervisor Uilkema requested a more detailed response to the Grand Jury's finding No. 5 " Most larger County governmental employers provide their employees with extraordinarily generous retiree health benefits."

Supervisor Piepho said she would like to see more information to illustrate past actions and conditions that led to the County's current financial status in regard to retiree benefits, as well as a big-picture description of what the County is doing to move forward. She said the report could use more of a conclusion or wrap-up in its response.

Lisa Driscoll, Finance Director, said there is sufficient time to revise the response for the Board's review.

Chair Bonilla invited the public to comment. The following person spoke:

Rollie Katz, Public Employees' Union Local One; Ralph Hernandez, retired Contra Costa County employee.

SD. 9 CONSIDER approving response to Civil Grand Jury Report No. 0905, entitled "County Youth Rehabilitation Center is on Life Support, It's Time to Pull the Plug" and DIRECT the Clerk of the Board to forward the response to the Superior Court no later than June 9, 2009. (David Twa, County Administrator)

Julie Enea, County Administrator's Office, presented the staff report. She said the response includes a preface to provide better context for the County's responses.

Lionel Chatman, County Probation Officer, said he was taken aback by the Grand Jury's report. He said that our responsibility lies in the rehabilitation of youth and said a detention facility is not an appropriate place for children.

Chair Bonilla invited public comment. The following people spoke:

The Honorable Judge Lois Haight, Contra Costa County Superior Court;
Orin Allen, founder and youth advocate;
Dr. Micheal K. Grimes, Advocacy for Children;
William Doerlich, resident of San Ramon;
Rick Galvin, Cell to Cross;
Dennis Carter, resident of Oakley;
Skip Bergeron, Cell to Cross;
John Corgiet, resident of Walnut Creek;
Bob Viator, resident of Walnut Creek;
Harvey Samuels, Rossmoor Senior Tutors, Juvenile Justice System;
Paul Phillips, Rossmoor Senior Tutors;
Susan Grice, Late Show Readers at Juvenile Hall;
Sonora M. Napell;
Gregory Osoiro, resident of Pittsburg;
Marge Hergert, President Discovery Bay Gardening Club;
Rollie Katz, Public Employees' Union Local 1;
Kris Hunt, Contra Costa Taxpayers Association;
Rebecca Ferguson, Discovery Bay Garden Club.

The following people provided written comments:

Thomas G. Blomberg, Dean and Sheldon L. Messinger Professor of Criminology, Florida State University;
Aaron Baker, Chief, Pittsburg Police Department;
Orin T. Allen, Sr.

All the Supervisors expressed their support for the continued operation of the Orin Allan Youth Ranch Facility and dismay with the Grand Jury's approach, which they felt to be searching for monetary savings rather than the appropriate care of the children. The said the report sought to find problems without meaningful research or acknowledgment of the benefits and accomplishments of the program.

Supervisor Piepho requested that response to Item No. 7 (page 5) be clarified to read "partially agree" with the finding; that for Item No. 1 of the recommendations (page 8), the second sentence be clarified to note it is an annual reference versus a one-time expense; and that Item No. 4 should highlight what the actual cost of closing the facility would be,

with recognition of the human aspect as well as monetary.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

DELIBERATION ITEMS

- D. 1** CONSIDER accepting status report on Delta legislative activity; SUPPORTING the concepts of Delta Conservancy, Delta Stewardship, “Delta as a Place,” and “full mitigation of impacts”; and CONSIDER providing direction to staff to advocate on legislation consistent with the Board’s adopted Delta Water Platform, as recommended by the Transportation Water & Infrastructure Committee. (Supervisor Piepho; Roberta Goulart, County Water Agency)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- D. 2** RECIEVE update on East Contra Costa Fire Protection District regarding governance, operational, and fiscal issues. (No fiscal impact)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- D. 3** Board Member Reports of Activities.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

Closed Session

CONSENT ITEMS

Road and Transportation

- C. 1 APPROVE and AUTHORIZE the Public Works Director, or designee, to execute the Purchase and Sale Agreement and Rental Agreement with Sarda P. Ratanjee; ACCEPT the Grant Deed; and AUTHORIZE the Auditor-Controller to issue a check in the amount of \$9,750,000 payable to North American Title Company for 3210 Delta Fair Blvd., in connection with the State Route 4 East, Somersville Road to State Route 160 Project, Antioch area. (Contra Costa Transportation Authority Funds)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C. 2 APPROVE and AUTHORIZE the Public Works Director, or designee, to execute the Lease Termination and Relocation Agreement with Sprint Spectrum L.P. for the 3210 Delta Fair Blvd. property ; ACCEPT the Quitclaim Deeds; and AUTHORIZE the Auditor-Controller to issue warrants payable to Sprint Spectrum, L.P., in the amounts specified in the lease termination agreement, in connection with the State Route 4 East, Somersville Road to State Route 160 Project, Antioch area. (100% Contra Costa Transportation Authority Funds)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

Engineering Services

- C. 3 ADOPT Resolution No. 2009/191 accepting completion of warranty period and release of cash deposit under the Road Improvement Agreement for project being developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp., as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (No fiscal impact)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

Special Districts & County Airports

- C. 4 APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract with Post, Buckley, Schuh, and Jernigan, Inc., (dba PBS&J) in an amount not to exceed \$250,000 to provide on-call environmental consulting services for the period May 1, 2009 through May 1, 2012, Countywide. (48% Flood Control & Water Conservation District, 48% Local Road, 4% Airport Project Funds)

AYE: District I Supervisor John Gioia

District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C. 5** APPROVE the specifications for the 3210 Delta Fair Boulevard Abatement and Demolition Project, and AUTHORIZE the Public Works Director, or designee, to advertise the project, Antioch area. (100% Contra Costa Transportation Authority Funds)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C. 6** ADOPT Resolution No. 2009/192 rescinding previous Board Resolution No. 2009/53 and accepting as complete the contracted work performed by Asbestos Management Group of CA, Inc., for Phase 5 of the Orbisonia Heights Redevelopment Project, as recommended by the Public Works Director, Bay Point area. (Contra Costa County Redevelopment Agency) (No fiscal impact)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C. 7** APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute the License Agreement dated August 27, 2007 with Eunice Shinok Kim for the use of a portion of the District's Right of Way along Grayson Creek, behind 5844 Pacheco Boulevard, Pacheco area. (Approximately \$4,500 annual revenues go to the Flood Control Zone 3B)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

Claims, Collections & Litigation

- C. 8** RECEIVE report concerning the final settlement of Dale Morrison vs. Contra Costa County, and AUTHORIZE payment from the Workers' Compensation Internal Service Fund in an amount not to exceed \$65,000, less permanent disability payments, as recommended by the Risk Manager.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C. 9** RECEIVE this report concerning the final settlement of Richard Bobrosky vs. Contra Costa County and AUTHORIZE payment from the Workers' Compensation Internal Service Fund in an amount not to exceed 90,000, less permanent disability payments, as recommended by the Risk Manager.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.10** DENY claims by Miguel and Maria Cardenas; and Elvie N. Houston.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

Hearing Dates

- C.11** ADOPT Resolution No. 2009/193 accepting the Engineer's Report for County Service Area L-100, Minor Subdivision 05-0045; declaring the intent to levy and collect assessments and fixing a public hearing for June 23, 2009 to adopt the proposed annual assessments and complete public noticing, as recommended by the Public Works Director, Walnut Creek area. (100% County Service Area L-100 Funds)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

Honors & Proclamations

- C.12** ADOPT Resolution No. 2009/189 honoring Sandy Baldwin for her 40 years of service upon the occasion of her retirement, as recommended by the Employment and Human Services Director.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

Appointments & Resignations

- C.13** DECLARE vacant the Member At Large seat #14 and DIRECT the Clerk of the Board to post this vacancy; APPOINT Edward P. Schroth to the Advisory Council on Aging to Member At Large seat #11 for a term expiring September 30, 2009; APPOINT Betty Segura to the Advisory Council on Aging for the Local Pinole seat for a term expiring September 30, 2010; APPOINT Lori Hefner to the Advisory Council on Aging to Member At Large seat #9 for a term expiring September 30, 2009, as recommended by Employment and Human Services Director.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.14** APPOINT Floyd Overby M.D. to the District II Family Member seat and Anne Reed to the District II Member at Large seat of the Contra Costa County Mental Health Commission, expiring June 30, 2012 and June 30, 2010, respectively.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.15** APPOINT the following person to the Appointee 6 Seat of the County Service Area P-1 Citizens Advisory Committee for a two-year term with an expiration date of May 31, 2011:

Ms. Elena Gomez
125 Bridgeview Court, Crockett, CA 94525

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.16** ACCEPT the resignation of the following person from the District II-A Seat of the Alcohol and Other Drugs Advisory Board of Contra Costa County effective immediately:

Mr. Richard Christian
846 Center Avenue
Martinez, CA 94553

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

Intergovernmental Relations

- C.17** SUPPORT Senate Bill 114 (Liu), legislation that would require independent foster care adolescents to be enrolled in Medi-Cal without reapplication after April 1, 2010, as recommended by the Legislation Committee.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.18** AUTHORIZE the Chair of the Board of Supervisors to sign a letter to the Joint Policy Committee commenting on draft policies to implement Senate Bill 375 (Steinberg), as recommended by the Transportation Water and Infrastructure Committee. (No fiscal impact)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.19** APPROVE, and AUTHORIZE the Chair, Board of Supervisors to sign, a letter of support to Congressman George Miller III to increase the amount of funding available for the Child Nutrition and WIC (Special Supplemental Nutrition Program for Women, Infants, and Children) Reauthorization, as recommended by Supervisor Gioia.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

Personnel Actions

- C.20** ADOPT Position Adjustment Resolution No. 20594 to RECLASSIFY a Network Technician II (unrepresented) position and incumbent to Network Administrator I (unrepresented) in the Health Services Department. (100% Enterprise I Funds)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

Grants & Contracts

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

- C.21** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute an amendment to the contract with California Department of Community Services and Development to implement new requirements and guidelines for weatherization and low-income home energy assistance program services with no change to the payment limit of \$123,050 or term July 1, 2008 through June 30, 2009. (No County match)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.22** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute and transmit an application along with the necessary certification and assurances to the Department of Health and Human Services (SAMHSA) Center for Substance Abuse Treatment, Target Capacity Expansion grants for Local Recovery-Oriented Systems of Care funding to support Project Recovery; to accept, if awarded, up to \$400,000 each year in funding; and to enter into a contract with The Department of Health and Human Services to perform all responsibilities in relationship to receipt of the funding and contracted provisions for Fiscal Years 2009-2012. (No County match required)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.23** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Public Health Foundation Enterprises, Inc., to pay the County an amount not to exceed \$15,283 for the Centers for Disease Control and Prevention's Emerging Infections Program - Retail Foods Project for the period from December 30, 2008 through December 29, 2009. (No County match required)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

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

- C.24** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Planned Parenthood, in an amount not to exceed \$300,000, to provide primary medical care services to low income uninsured residents of Contra Costa County, for the period May 1, 2009 through April 30, 2010. (100% County General Fund Reserve)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla

District V Supervisor Federal D. Glover

- C.25** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with La Clinical de la Raza, Inc., in an amount not to exceed \$900,000, to provide primary medical care services to low income uninsured residents of Contra Costa County, for the period May 1, 2009 through April 30, 2010. (100% County General Fund Reserve)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.26** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Brookside Community Health Center, Inc., in an amount not to exceed \$300,000, to provide primary medical care services to low income uninsured residents of Contra Costa County, for the period May 1, 2009 through April 30, 2010. (100% County General Fund Reserve)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.27** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Blankinship and Associates, Inc., effective April 1, 2009 to extend the term from April 1, 2009 to March 1, 2010, and to increase the payment limit by \$125,000 from \$707,000 to a new payment limit of \$832,000 for the Aquatic Pesticide National Pollutant Discharge Elimination System Regional Monitoring Project, Countywide. (100% County Stormwater Utility Assessments)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.28** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with FamiliesFirst, a Non-Profit Corporation, in an amount not to exceed \$530,724 to provide Family Preservation and Differential Response Program services for the period July 1, 2009 through June 30, 2010. (51.8% State, 26% Federal, 22.2% County)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.29** APPROVE and AUTHORIZE the Contra Costa County Fire Chief, or designee, to execute a contract amendment/extension with Christopher C. Suter to increase the payment limit by \$95,000 to a new payment limit of \$170,200 for the provision of telecommunication services and extend the term from June 30 through December 31, 2009. (Budgeted -100% Contra Costa County Fire Protection District Operating Fund)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.30** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Greater Richmond Inter-faith Program to provide consultation and technical assistance for the Asthma Project-Community Advocate Stipends for the County's Community Wellness and Prevention Program for the period from March 1, 2009 through February 28, 2010. (65% Network for Healthy California, 1% California Endowment, 27% State Lead/Concord HUD and 7% Kaiser & Los Medanos New Kids grants)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.31** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a cancellation agreement with David H.C. Raphael, M.D., for his existing contract effective at close of business on May 31, 2009; and to execute a new contract with David H.C. Raphael, M.D., in an amount not to exceed \$748,000 to provide general surgery services for patients at Contra Costa Regional Medical and Health Centers for the period June 1, 2009 through May 31, 2011. (100% Enterprise I)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.32** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Steven A. Harrison, M.D., in an amount not to exceed \$277,000 to provide ophthalmology services at Contra Costa Regional Medical and Health Centers for the period May 1, 2009 through April 30, 2010. (100% Enterprise Fund I)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.33** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a cancellation agreement with Samir B. Shah, M.D, Inc., for his existing contract effective at close of business on May 31, 2009; and execute a new contract with Samir B. Shah, M.D., Inc., in an amount not to exceed \$453,000 to provide ophthalmology services for patients at Contra Costa Regional Medical and Health Centers for the period June 1, 2009 through May 31, 2010. (100% Enterprise I)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema

District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.34** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a cancellation agreement with Gupta Etwaru, M.D., for his existing contract effective at close of business on May 31, 2009; and execute a new contract with Gupta Etwaru, M.D., in an amount not to exceed \$416,000 to provide ophthalmology services for patients at Contra Costa Regional Medical and Health Centers for the period from June 1, 2009 through May 31, 2010. (100% Enterprise I)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.35** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County a contract with Garda CL West, Inc., in an amount not to exceed \$62,928 to provide armored transport services to Contra Costa Health Services Department for the period from February 1, 2009 through January 31, 2012. (100% Enterprise Fund I)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

Other Actions

- C.36** APPROVE and AUTHORIZE the Director of General Services, or designee, to EXECUTE a Temporary Permit to enter and use property Located at Turquoise Ridge, off Turquoise Drive, Hercules for the Department of Information Technology for the East Bay Regional Communication Systems project. (No fiscal impact)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.37** ACCEPT the 2008 Annual Report submitted by the County Service Area R-7A Advisory Committee, as recommended by the Public Works Director, Alamo area. (No fiscal impact)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.38** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute an Unpaid Student Training Agreement with Nightingale of Contra Costa, LLC to provide field instruction and clinical experience to Nightingale's health care students for the period June 1, 2009 through June 30, 2012. (No fiscal impact)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.39** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute an Unpaid Student Training Agreement with Health Career College to provide field instruction and clinical experience to College health care students for the period June 1, 2009 through June 30, 2012. (No fiscal impact)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.40** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute Application and Permit with the Mt. Diablo Unified School District (MDUSD) for the use of their Willow Creek Center facility on June 10, 2009 for the Public Health Division's Immunization Program Training. (No fiscal impact)

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

- C.41** CONTINUE the emergency action originally taken by the Board of Supervisors on November 16, 1999 regarding the issue of homelessness in Contra Costa County, as recommended by the Health Services Director.

AYE: District I Supervisor John Gioia
District II Supervisor Gayle B. Uilkema
District III Supervisor Mary N. Piepho
District IV Supervisor Susan A. Bonilla
District V Supervisor Federal D. Glover

GENERAL INFORMATION

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

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to a majority of the members of the Board of Supervisors less than 72 hours prior to that meeting

are available for public inspection at 651 Pine Street, First Floor, Room 106, Martinez, CA 94553, during normal business hours.

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

Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Chair calls for comments from those persons who are in support thereof or in opposition thereto. After persons have spoken, the hearing is closed and the matter is subject to discussion and action by the Board. Comments on matters listed on the agenda or otherwise within the purview of the Board of Supervisors can be submitted to the office of the Clerk of the Board via mail: Board of Supervisors, 651 Pine Street Room 106, Martinez, CA 94553; by fax: 925-335-1913; or via the County's web page: www.co.contra-costa.ca.us, by clicking "Submit Public Comment" (the last bullet point in the left column under the title "Board of Supervisors.")

Requests for reconsideration of a land use (planning) decision must be submitted in writing to the Clerk of the Board of Supervisors within 10 days of the Board's decision, and must identify the new information which was not before the Board of Supervisors when the decision was made.

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

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

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

Applications for personal subscriptions to the weekly Board Agenda may be obtained by calling the Office of the Clerk of the Board, (925) 335-1900. The weekly agenda may also be viewed on the County's Internet Web Page: www.co.contra-costa.ca.us

The Closed Session agenda is available each week upon request from the Office of the Clerk of the Board, 651 Pine Street, Room 106, Martinez, California, and may also be viewed on the County's Web Page.

STANDING COMMITTEES

The **Airport Committee** (Supervisors Mary N. Piepho and Susan A. Bonilla) meets on the first Monday of the month at 9:00 a.m. at Director of Airports Office, 550 Sally Ride Drive, Concord.

The **Family and Human Services Committee** (Supervisors Federal D. Glover and Gayle B. Uilkema) meets on the third Monday of the month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Finance Committee** (Supervisors John Gioia and Susan A. Bonilla) meets on the first Monday of the month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Internal Operations Committee** (Supervisors Gayle B. Uilkema and Mary N. Piepho) meets on the third Monday of the month at 9:00 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Legislation Committee** (Supervisors Susan A. Bonilla and Mary N. Piepho) meets on the first Monday of the month at 10:30 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Public Protection Committee** (Supervisors Federal D. Glover and John Gioia) meets on the first Monday of the month at 2:30 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Transportation, Water & Infrastructure Committee** (Supervisors Mary N. Piepho and Federal D. Glover) meets on the third Monday of the month at 10:30 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

Airport Committee			See above
Family & Human Services Committee	May 18, 2009	1:00 P.M.	See above
Finance Committee	May 11, 2009	12:00 P.M.	See above
Internal Operations Committee	May 18, 2009	9:00 A.M.	See above
Legislation Committee	June 10, 2009	10:30 A.M.	See above
Public Protection Committee	May 11, 2009	2:30 P.M.	See above
Transportation, Water & Infrastructure Committee	May 18, 2009	10:30 A.M.	See above

AD HOC COMMITTEE

Ad Hoc committees of the Board of Supervisors meet on an as-needed basis at the direction of the committee chair. Please contact the offices of the committee chairs for meeting times and information.

Municipal Advisory Council Review Committee

PERSONS WHO WISH TO ADDRESS THE BOARD MAY BE LIMITED TO THREE (3) MINUTES

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

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

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

- AB** Assembly Bill
- ABAG** Association of Bay Area Governments
- ACA** Assembly Constitutional Amendment
- ADA** Americans with Disabilities Act of 1990
- AFSCME** American Federation of State County and Municipal Employees
- AICP** American Institute of Certified Planners
- AIDS** Acquired Immunodeficiency Syndrome
- ALUC** Airport Land Use Commission
- AOD** Alcohol and Other Drugs
- BAAQMD** Bay Area Air Quality Management District
- BART** Bay Area Rapid Transit District
- BCDC** Bay Conservation & Development Commission
- BGO** Better Government Ordinance
- BOS** Board of Supervisors
- CALTRANS** California Department of Transportation
- CalWIN** California Works Information Network
- CalWORKS** California Work Opportunity and Responsibility to Kids
- CAER** Community Awareness Emergency Response
- CAO** County Administrative Officer or Office
- CCCPCD (ConFire)** Contra Costa County Fire Protection District
- CCHP** Contra Costa Health Plan

CCTA Contra Costa Transportation Authority
CDBG Community Development Block Grant
CFDA Catalog of Federal Domestic Assistance
CEQA California Environmental Quality Act
CIO Chief Information Officer
COLA Cost of living adjustment
ConFire (CCCPCD) Contra Costa County Fire Protection District
CPA Certified Public Accountant
CPI Consumer Price Index
CSA County Service Area
CSAC California State Association of Counties
CTC California Transportation Commission
dba doing business as
EBMUD East Bay Municipal Utility District
ECCFPD East Contra Costa Fire Protection District
ECCRPC East Contra Costa Regional Planning Commission
EIR Environmental Impact Report
EIS Environmental Impact Statement
EMCC Emergency Medical Care Committee
EMS Emergency Medical Services
EPSDT Early State Periodic Screening, Diagnosis and Treatment Program (Mental Health)
et al. et alii (and others)
FAA Federal Aviation Administration
FEMA Federal Emergency Management Agency
F&HS Family and Human Services Committee
First 5 First Five Children and Families Commission (Proposition 10)
FTE Full Time Equivalent
FY Fiscal Year
GHAD Geologic Hazard Abatement District
GIS Geographic Information System
HCD (State Dept of) Housing & Community Development
HHS Department of Health and Human Services
HIPAA Health Insurance Portability and Accountability Act
HIV Human Immunodeficiency Syndrome
HOV High Occupancy Vehicle
HR Human Resources
HUD United States Department of Housing and Urban Development
Inc. Incorporated
IOC Internal Operations Committee
ISO Industrial Safety Ordinance
JPA Joint (exercise of) Powers Authority or Agreement
Lamorinda Lafayette-Moraga-Orinda Area
LAFCo Local Agency Formation Commission
LLC Limited Liability Company
LLP Limited Liability Partnership
Local 1 Public Employees Union Local 1
LVN Licensed Vocational Nurse
MAC Municipal Advisory Council
MBE Minority Business Enterprise
M.D. Medical Doctor
M.F.T. Marriage and Family Therapist
MIS Management Information System
MOE Maintenance of Effort
MOU Memorandum of Understanding
MTC Metropolitan Transportation Commission

NACo National Association of Counties
OB-GYN Obstetrics and Gynecology
O.D. Doctor of Optometry
OES-EOC Office of Emergency Services-Emergency Operations Center
OPEB Other Post Employment Benefits
OSHA Occupational Safety and Health Administration
Psy.D. Doctor of Psychology
RDA Redevelopment Agency
RFI Request For Information
RFP Request For Proposal
RFQ Request For Qualifications
RN Registered Nurse
SB Senate Bill
SBE Small Business Enterprise
SRVRPC San Ramon Valley Regional Planning Commission
SWAT Southwest Area Transportation Committee
TRANSPAC Transportation Partnership & Cooperation (Central)
TRANSPLAN Transportation Planning Committee (East County)
TRE or TTE Trustee
TWIC Transportation, Water and Infrastructure Committee
VA Department of Veterans Affairs
vs. versus (against)
WAN Wide Area Network
WBE Women Business Enterprise
WCCTAC West Contra Costa Transportation Advisory Committee



Contra
Costa
County

To: Board of Supervisors
From: Mary N. Piepho, District III Supervisor
Date: May 5, 2009

Subject: PROCLAIMING MAY 2009 AS MENTAL HEALTH MONTH IN CONTRA COSTA COUNTY

RECOMMENDATION(S):

Adopt Resolution 2009/163 proclaiming May 2009 as Mental Health Month in Contra Costa County.

FISCAL IMPACT:

N/A

BACKGROUND:

N/A

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: Katherine Sinclair, Deputy

Contact: Amy Prentice,
925-820-8683

cc:

ATTACHMENTS

Resolution No.
2009/163

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 05/05/2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2009/163

IN THE MATTER OF PROCLAIMING MAY 2009 AS MENTAL HEALTH MONTH IN CONTRA COSTA COUNTY

WHEREAS, Mental illness affects millions of adults, adolescents, children and their families causing stress and suffering as well as costing our nation billions of dollars annually for lost productivity, economic dependence and health care; and

WHEREAS, Mental illness is a physical and emotional condition that is treatable, with possible recovery, through appropriate medical, social and support services; and

WHEREAS, People with mental disabilities share with all people a desire and need for interpersonal acceptance and support, educational opportunities, decent housing and an opportunity to be productive; and

WHEREAS, Through the effective prevention and relevant, responsive treatment of mental and emotional disorders we can return individuals to productive and successful lives; and

WHEREAS, The commitment must begin at the local community level to increase awareness and reduce stigma about mental illness and to promote the understanding that people with mental disorders can and do lead productive and satisfying lives; and

WHEREAS, The responsibility rests with all community members to help ensure mental health services are available to all who need them; and

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors hereby proclaims May 2009 as "Mental Health Month" in Contra Costa County

Contact: Amy Prentice, 925-820-8683

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

ATTESTED: May 5, 2009

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

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Susan A. Bonilla, District IV Supervisor
Date: May 5, 2009

Subject: Proclaiming May 2009 as Foster Care Month in Contra Costa County

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Katherine Sinclair, Deputy

Contact: Lauren Hole 521-7100

cc: Valerie Earley, Don Graves, Joe Valentine

ATTACHMENTS

Resolution No.

2009/190

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

In the matter of:

Resolution No. 2009/190

Proclaiming May 2009 as Foster Care Month in Contra Costa County

WHEREAS, the family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our communities in Contra Costa County; and

WHEREAS, in Contra Costa County there are approximately 1300 children and youth in foster care being provided with a safe, secure and stable home along with the compassion and nurture of a foster family; and

WHEREAS, all young people in foster care need a meaningful connection to a caring adult who becomes a supportive and lasting presence in their lives; and

WHEREAS, foster, kinship and adoptive families, who open their homes and hearts and support children whose families are in crisis, play a vital role in helping children and families heal and reconnect thereby launching young people into successful adulthood; and

WHEREAS, dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families; and

WHEREAS, there are numerous individuals, public and private organizations who work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster parents, and the foster care "system" is only as good as those who choose to be part of it; and

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors proclaim May 2009 as Foster Care Month in Contra Costa County and urge all citizens to come forward and do something positive that will help change a lifetime for children and youth in foster care.

SUSAN A. BONILLA

Chair,
District IV Supervisor

JOHN GIOIA

District I Supervisor

GAYLE B. UILKEMA

District II Supervisor

MARY N. PIEPHO

District III 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: May 5, 2009

David J. Twa,

By: _____, Deputy



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Swine Flu Preparation in Contra Costa County

RECOMMENDATION(S):

CONSIDER accepting oral update from William Walker, M.D., Health Services Director, on Contra Costa County's preparations for Swine Flu and possible actions to be taken.

FISCAL IMPACT:

None - informational only.

BACKGROUND:

On April 28, 2009 the Health Services Director, William Walker, M.D., provided a report to the Board and the public on the outbreak of swine flu, Contra Costa County's preparedness to handle the outbreak and possible pandemic, and recommended precautions to be taken by both the general public and County employees.

Dr. Walker will provide an update on the information previously provided and make recommendations on any additional actions the County should take to protect the residents.

Health Services is working with many partners to provide information and direction, including the County Office of Emergency Services, hospitals, community

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED

OTHER

Clerks Notes: See addendum for details

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

Contact: William Walker, M.D.,
957-5404

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

clinics, private providers, schools and others. Information is available on Health Services website cchealth.org , on the Health Emergency Information Line 888-959-9911, through 211 and from the Contra Costa Health Plan's Advice Nurses at 877-661-6230 option 1.

CLERK'S ADDENDUM

Dr. Walker, Health Services Director, presented the staff report. He informed the Board that daily conferences are being held with Center for Disease Control (CDC) and the 13 Bay Area Health Departments. He said the five school closures in Contra Costa County (all elementary schools) were revised to seven days instead of fourteen, and that guidelines for school closures would continue to be evaluated. He said health authorities are cautiously optimistic because it appears at this time that the H1N1 virus is relatively mild, similar to the seasonal 'flu.

Dr. Brunner, Public Health Director, said health officials will remain vigilant in learning everything possible about this new virus. He said the virus is known to be susceptible to the drug Tamiflu™, of which the County's allocation from the federal stockpile has already been distributed for use, with more available should it be needed. He said he is confident the County supply is adequate to fill prescriptions.

Kate Fowlie, Contra Costa County Health Services Department, said in addition to the websites, agencies are making use of new social media outlets including podcasts, Facebook™ and Twitter™ with very positive results. She noted that www.cchealth.org is available in English and Spanish and is updated daily.



Contra
Costa
County

To: Board of Supervisors
From: Jason Crapo, County Building Official
Date: May 5, 2009

Subject: Confirmation Hearing: Report of Abatement Costs for 1222 Rose St., Crockett

RECOMMENDATION(S):

OPEN the hearing on the attached itemized report on the costs of abating a public nuisance on the real property located at 1222 Rose St., Crockett, CA, Contra Costa County; APN 354-178-008; RECEIVE and CONSIDER the report and any objections from the property owner and other persons with a legal interest in the property; and CLOSE the hearing.

DETERMINE the costs of all abatement work and all administrative costs to be \$703.98.

ORDER the itemized report confirmed and DIRECT it to be filed with the Clerk of the Board of Supervisors.

ORDER the costs to be specially assessed against the above-referenced property and AUTHORIZE the recordation of a Notice Of Abatement Lien.

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

Contact: Michael Angelo Silva
925-335-1144

By: Katherine Sinclair, Deputy

cc:

FISCAL IMPACT:

The costs as determined above will be added to the tax roll as a special assessment and will be collected at the same time and in the same manner as ordinary county taxes are collected.

BACKGROUND:

Contra Costa County Ordinance Code Article 14-6.4 and Government Code Section 25845 authorize the recovery of abatement costs in public nuisance cases, the recordation of a Notice of Abatement Lien, and inclusion of abatement costs on the tax roll as a special assessment upon approval of the Board of Supervisors.

The Notice and Order to Abate was posted on the above-referenced property and served on the property owner and all persons known to be in possession of the property by certified mail on January 16, 2008.

The tenant of the property filed an appeal on January 31, 2008, of the Notice and Order to Abate. The Appeal was heard on March 11, 2008. Neither the property owner or tenant appeared. The contractor made several attempts to abate the nuisance. The abatement was completed on August 11, 2008.

The property owner(s) was billed for the actual cost of all administrative costs. The bill was sent by first-class mail to the property owner(s) on January 23, 2009. The property owner did not pay the bill within 45 days of the date of mailing.

Notice of this Cost Hearing was sent to the property owner by certified mail by the Clerk of the Board – see Clerk of the Board’s mailing confirmation.

ATTACHMENTS

Itemized Cost

CONTRA COSTA COUNTY

DATE: May 5, 2009
TO: Clerk of the Board
FROM: Building Inspection Division
By: Tyrone Ridgle, Building Inspector II
RE: Itemized Report of Abatement Costs

The following is an itemized report of the costs of abatement for the below described property pursuant to C.C.C. Ord. Code ' 14-6.428.

OWNER: American Home Mortgage
c/o Fidelity National

POSSESSOR: N/A

MORTGAGE HOLDER: N/A

ABATEMENT ORDERED DATE: January 16, 2008

ABATEMENT COMPLETED DATE: August 11, 2008

SITE ADDRESS: 1222 Rose St., Crockett, CA
APN #:354-178-008

PROPERTY DESCRIPTION: Residential property

AMOUNT OF ABATEMENT COSTS (CCC ORDINANCE CODE 14-6.428)

<u>ITEM</u>	<u>EXPLANATION</u>	<u>COST</u>
Notice to Comply		\$ 100.00
Site Inspections		\$ 175.00
Pirt (Title Search)		\$ 135.00
Postage Certified/regular		\$ 28.70
Photos		\$ 98.00
Abatement Contractor		\$ 144.00
Bid Packages		\$ 23.28
	Total:	<u>\$ 703.98</u>

Abatement costs can be paid at or mailed to Department of Conservation and Development, Building Inspection Division, Property Conservation, 651 Pine Street, 4th Floor, Martinez, CA 94553.



Contra
Costa
County

To: Board of Supervisors
From: Jason Crapo, County Building Official
Date: May 5, 2009

Subject: Confirmation Hearing: Report of Abatement Cost 4896 North Point, Discovery Bay

RECOMMENDATION(S):

OPEN the hearing on the attached itemized report on the costs of abating a public nuisance on the real property located at 4896 North Point, Discovery Bay, CA, Contra Costa County; APN 004-120-059; RECEIVE and CONSIDER the report and any objections from the property owner and other persons with a legal interest in the property; and CLOSE the hearing.

DETERMINE the costs of all abatement work and all administrative costs to be \$8,592.84.

ORDER the itemized report confirmed and DIRECT it to be filed with the Clerk of the Board of Supervisors.

ORDER the costs to be specially assessed against the above-referenced property and AUTHORIZE the recordation of a Notice Of Abatement Lien.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

Contact: Michael Angelo Silva
335-1144

cc:

FISCAL IMPACT:

The costs as determined above will be added to the tax roll as a special assessment and will be collected at the same time and in the same manner as ordinary county taxes are collected.

BACKGROUND:

Contra Costa County Ordinance Code Article 14-6.4 and Government Code Section 25845 authorize the recovery of abatement costs in public nuisance cases, the recordation of a Notice of Abatement Lien, and inclusion of abatement costs on the tax roll as a special assessment upon approval of the Board of Supervisors.

The Notice and Order to Abate was posted on the above-referenced property and served on the property owner and all persons known to be in possession of the property by certified mail on December 20, 2007.

The property owner did not file an appeal. The County Abatement Officer abated the nuisance on April 24, 2008.

The property owner was billed for the actual cost of the abatement and all administrative costs. The bill was sent by first-class mail to the property owner on April 24, 2008. The property owner did not pay the bill within 45 days of the date of mailing.

Notice of this Cost Hearing was sent to the property owner by certified mail by the Clerk of the Board – see Clerk of the Board’s mailing confirmation.

ATTACHMENTS

Itemized Cost

CONTRA COSTA COUNTY

DATE: May 5, 2009
TO: Clerk of the Board
FROM: Building Inspection Division
By: Joe Losado, Building Inspector I
RE: Itemized Report of Abatement Costs

The following is an itemized report of the costs of abatement for the below described property pursuant to C.C.C. Ord. Code ' 14-6.428.

OWNER: Cook Realty Group, LLC

POSSESSOR: N/A

MORTGAGE HOLDER: N/A

ABATEMENT ORDERED DATE: December 20, 2007

ABATEMENT COMPLETED DATE: April 24, 2008

SITE ADDRESS: 4896 North Point, Discovery Bay, CA
APN #:004-120-059

PROPERTY DESCRIPTION: Residential Property

AMOUNT OF ABATEMENT COSTS (CCC ORDINANCE CODE 14-6.428)

<u>ITEM</u>	<u>EXPLANATION</u>	<u>COST</u>
PIRT	Title Search	\$135.00
NTC	Notice to Comply	\$100.00
Site Inspection	2 @ \$25.00 ea	\$ 50.00
Postage	Certified/regular	\$ 41.34
Photos		\$ 16.50
Abatement	Contractor	\$ 8,250.00
	Total:	<u>\$ 8,592.84</u>

Abatement costs can be paid at or mailed to Department of Conservation and Development, Property Conservation, 651 Pine Street, 4th Floor, Martinez, CA 94553.



Contra
Costa
County

To: Board of Supervisors
From: Jason Crapo, County Building Official
Date: May 5, 2009

Subject: Confirmation Hearing: Report of Abatement Cost 1721 5th St., Richmond

RECOMMENDATION(S):

OPEN the hearing on the attached itemized report on the costs of abating a public nuisance on the real property located at 1721 5th St., Richmond, CA, Contra Costa County; APN 409-161-018; RECEIVE and CONSIDER the report and any objections from the property owner and other persons with a legal interest in the property; and CLOSE the hearing.

DETERMINE the costs of all abatement work and all administrative costs to be \$777.83.

ORDER the itemized report confirmed and DIRECT it to be filed with the Clerk of the Board of Supervisors.

ORDER the costs to be specially assessed against the above-referenced property and AUTHORIZE the recordation of a Notice Of Abatement Lien.

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 05/05/2009

APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: Katherine Sinclair, Deputy

Contact: Michael Angelo Silva
335-1144

cc:

FISCAL IMPACT:

The costs as determined above will be added to the tax roll as a special assessment and will be collected at the same time and in the same manner as ordinary county taxes are collected.

BACKGROUND:

Contra Costa County Ordinance Code Article 14-6.4 and Government Code Section 25845 authorize the recovery of abatement costs in public nuisance cases, the recordation of a Notice of Abatement Lien, and inclusion of abatement costs on the tax roll as a special assessment upon approval of the Board of Supervisors.

The Notice and Order to Abate was posted on the above-referenced property and served on the property owner and all persons known to be in possession of the property by certified mail on September 5, 2008.

The property owner did not file an appeal. The County Abatement Officer abated the nuisance on December 30, 2008.

The property owner was billed for the actual cost of the abatement and all administrative costs. The bill was sent by first-class mail to the property owner on January 26, 2009. The property owner did not pay the bill within 45 days of the date of mailing.

Notice of this Cost Hearing was sent to the property owner by certified mail by the Clerk of the Board – see Clerk of the Board’s mailing confirmation.

ATTACHMENTS

Itemized Cost

CONTRA COSTA COUNTY

DATE: May 5, 2009
TO: Clerk of the Board
FROM: Building Inspection Division
By: Conrad Fromme, Building Inspector II
RE: Itemized Report of Abatement Costs

The following is an itemized report of the costs of abatement for the below described property pursuant to C.C.C. Ord. Code ' 14-6.428.

OWNER: Deutsche National Bank
c/o AMC Mortgage Service

POSSESSOR: N/A

MORTGAGE HOLDER: N/A

ABATEMENT ORDERED DATE: September 5, 2008

ABATEMENT COMPLETED DATE: December 30, 2008

SITE ADDRESS: 1721 5th St., Richmond, CA
APN #:409-161-018

PROPERTY DESCRIPTION: Residential Property

AMOUNT OF ABATEMENT COSTS (CCC ORDINANCE CODE 14-6.428)

<u>ITEM</u>	<u>EXPLANATION</u>	<u>COST</u>
PIRT	Title Search 3 @ \$135.00	\$405.00
NTC	Notice to Comply	\$100.00
Site Inspections	7 @ \$25.00 ea	\$175.00
Postage	Certified/regular	\$ 13.58
Photos		\$ 60.00
Bid Packages		\$ 24.25
	Total:	<u>\$777.83</u>

Abatement costs can be paid at or mailed to Department of Conservation and Development, Property Conservation, 651 Pine Street, 4th Floor, Martinez, CA 94553.



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: May 5, 2009

Subject: HEARING to ADOPT Resolution No. 2009/188 accepting tabulation of mail-in ballots for MS 07-0006, Project No.:7394-6X5001

RECOMMENDATION(S):

HEARING to ADOPT Resolution No. 2009/188 accepting tabulation of mail-in ballots, confirming the Engineer’s Report and authorizing the levy of street light charges to operate and maintain facilities and services for Minor Subdivision 07-0006.

FISCAL IMPACT:

There is no impact to the County General Fund. All costs will be covered with revenue from County Service Area (CSA) L-100 (100%).

BACKGROUND:

CSA L-100 was formed pursuant to the County Service Area Law to ensure the proper flow of funds for the ongoing operation, maintenance and servicing of street lighting in the public right-of-way throughout unincorporated Contra Costa County. Each year thereafter an annual Engineer’s Report has been prepared and approved, an annual assessment has been levied on the parcels within CSA L-100, and as a condition of approval as properties develop, they have been required to annex into CSA L-100.

In order to annex property into CSA L-100, property owners must vote to approve the annexation. Article

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Katherine Sinclair, Deputy

Contact: Susan Cohen, 313-2160

cc:

BACKGROUND: (CONT'D)

XIIID of the California Constitution (Proposition 218) provides that any new assessment may not be approved if it is opposed by a majority of the property owners voting on the proposed assessment. The Board Order and Resolution comply with the requirements for new assessments under Proposition 218.

CONSEQUENCE OF NEGATIVE ACTION:

Without Board of Supervisors' approval, this project will not be in compliance with the Conditions of Approval for Minor Subdivision 07-0006 and an alternative means to finance street lighting within the public right of way would have to be found.

ATTACHMENTS

Resolution No. 2009/188

Proposed Annexation MS 07-0006

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 05/05/2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2009/188

IN THE MATTER OF

HEARING to ADOPT Resolution No. 2009/188 accepting tabulation of mail-in ballots, confirming the Engineer's Report, and authorizing the levy of street light charges to operate and maintain facilities and services for Minor Subdivision 07-0006, Alamo area. (County Service Area L-100 Funds) (District III) Project No.: 7394-6X5001

The Board of Supervisors of Contra Costa County RESOLVES:

1. In accordance with California Government Code 25210.82, on March 17, 2009, the Board of Supervisors adopted Resolution No. 2009/103 accepting an Engineer's Report for street light charges for County Service Area L-100 (CSA L-100), which included the exterior boundaries of the territory proposed for annexation.
2. Resolution No. 2009/103 also declared the Board's intention to levy and collect street light charges to operate and maintain facilities and services within CSA L-100 for Fiscal Year 2008/2009 and set a public hearing for May 5, 2009. Notice of the hearing was given in the time and manner required by law.
3. Notices and ballots have been mailed to the property owner of record as required by Section 4 of Article XIID of the California Constitution (Proposition 218), and the returned ballots are ready to be tabulated.

NOW, THEREFORE, the Board FINDS, DETERMINES and RESOLVES that:

Contact: Susan Cohen, 313-2160

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

ATTESTED: May 5, 2009

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

By: , Deputy

cc:

1. A public hearing was held before this Board on May 5, 2009, at 9:30 a.m. At the hearing, the Engineer of Work presented to the Board all ballots received from property owners within Minor Subdivision 07-0006. The Board heard and considered all protests against the proposed assessments and tabulated the returned ballots according to the proportional financial obligation of the affected properties. The Board also afforded to every interested person an opportunity to make a protest to the Engineer's Report, either in writing or orally, and the Board considered each protest.
2. A majority protest, as defined in Section 4 (e) of Article XIID of the California Constitution and Section 25210.84 of the Government Code, does not exist.
3. The Board hereby approves the proposed annexation of Minor Subdivision 07-0006, confirms the diagram and assessment as set forth in the Engineer's Report, and authorizes the levy of the street light charges for fiscal year 2008/2009 to be collected on the tax rolls.

Public Works Department
255 Glacier Drive, Martinez

DATE: May 5, 2009

TO: Board of Supervisors

FROM: Julia R. Bueren, Public Works Director

SUBJECT: Results of the Ballots Cast in the Proposed Annexation of in Minor Subdivision 07-0006 into CSA L-100

I, Julia R. Bueren, Public Works Director for the County of Contra Costa, State of California, having canvassed the return of all votes cast in the proposed annexation of Minor Subdivision 07-0006 into County Service Area L-100 Lighting District held on May 5, 2009 do hereby certify the following to be a full, true and correct Statement of Results of all votes cast on the following measure:

County Service Area L-100 Lighting District Annexation and Annual Assessment for

Minor Subdivision 07-0006

Yes _____ **No** _____

I further certify that the total number of ballots cast in the proposed annexation of Minor Subdivision 07-0006 into County Service Area L-100 Lighting District at said election was _____ and attached hereto are the total ballots received for and against annexation and assessment.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: May 5, 2009

Subject: RESPONSE TO GRAND JURY REPORT NO. 0907, ENTITLED "Retiree Healthcare Benefits Leave County Taxpayers on the Hook"

RECOMMENDATION(S):

RECEIVE Civil Grand Jury Report No. 0907, entitled "Retiree Healthcare Benefits Leave County Taxpayers on the Hook – A New Approach is required to Deal with Unsustainable Retiree Healthcare Benefits Provided to Most Contra Costa Governmental Employees", APPROVE response, and DIRECT the Clerk of the Board to forward the response to the Superior Court no later than June 1, 2009.

FISCAL IMPACT:

None.

BACKGROUND:

On April 2, 2009, the 2008/2009 Civil Grand Jury filed the above-referenced report, which was reviewed by the Board of Supervisors and subsequently referred to the County Administrator who prepared the attached response that clearly specifies:

- A. Whether a 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 by what definite target date;
- C.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: May 5, 2009

Contact: Lisa Driscoll, County Finance
Director 335-1023

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

By: June McHuen, Deputy

cc: Steve Ybarra, County Auditor-Controller, Bill Pollacek, Lisa Driscoll, County Finance Director

BACKGROUND: (CONT'D)

A delineation of the constraints if a recommendation is accepted but cannot be implemented within a six-month period; and

- The reason for not accepting or adopting a finding or recommendation.

BOARD OF SUPERVISORS RESPONSE TO CIVILGRAND JURY REPORT NO. 0907:

Retiree Healthcare Benefits Leave County Taxpayers on the Hook – A New Approach is required to Deal with Unsustainable Retiree Healthcare Benefits Provided to Most Contra Costa Governmental Employees

FINDINGS

1. Retiree health benefits have traditionally been a form of compensation earned by County and local government employees (e.g., pension income) over their working career, but paid to them over the years they spend in retirement. In prior years the cost of these benefits was usually recognized as an expense only when actual payments began following an employee's retirement (This method of recognizing an expense is commonly described as "pay-as-you-go" or "paygo".)

Response: Agree that retiree health benefits have traditionally been funded by pay-as-you-go accounting rather than as an expense each year, during the years that employees are providing service to the County and its constituents.

2. GASB 45 now requires that larger governmental entities commence accounting for (but not necessarily funding) these benefits on an Accrual basis – during the employees' period of active service when the benefits are actually earned.

Response: Agree that GASB 45 requires the County to provide more complete, reliable, and decision-useful financial reporting regarding the costs and financial obligations incurred when providing postemployment benefits other than pensions (OPEB) as part of compensation for services rendered by its employees.

3. GASB 45 requires the following expenses to be recognized:

- the current year's cost to fund that year's earned benefits, plus
- the amount necessary to fund the unfunded OPEB liability for benefits earned but not funded in prior years.

In most cases, these rules first became effective for public entities with revenues in excess of \$100 million for the fiscal year ended June 30, 2008. Smaller public entities will be required to comply during the following two fiscal years.

Response: Agree.

4. To date in Contra Costa County there has been little or no funding of the OPEB liabilities for most governmental entities offering retiree medical benefits, including County, school districts, cities, and special districts.

Response: Disagree. Entities governed by Contra Costa County Board of Supervisors will have funded \$20 million by June 30, 2009 and an additional \$20 million by the end of fiscal year 2009/10.

5. Most larger County governmental employers provide their employees with extraordinarily generous retiree health benefits.

Response: This appears to be a generalization rather than a finding.

6. Property taxes accounted for almost 93% of Contra Costa County tax revenues in the most recent fiscal year with sales and other taxes making up the balance of total tax revenues received. These locally derived taxes also

represented a significant portion of the revenue of school districts, cities and special districts located in the County.

Response: Agree that property related taxes account for more than 93% of Contra Costa County tax revenues and that sales and other taxes make up the balance of the total tax revenues received.

7. The Board of Supervisors of Contra Costa County has committed to a future OPEB liability funding schedule for the County, including a commitment to contribute \$20 million during the 2008-2009 fiscal year. Although no actual payments were made into the County's OPEB Irrevocable Trust as of January 31, 2009, \$10 million is held by the County Treasurer in a designated account.

Response: Partially disagree. The County's Post Retirement Benefit Trust Agreement became effective January 1, 2008 and all of the current year contributions are considered part of that Irrevocable Trust. The recent quarterly deposit of \$4,989,994 brought the total pre-funding for the year to \$14, 991,734.

8. As of January 1, 2008 the County's OPEB obligation was determined to be \$2.367 billion, or almost four times the County's covered payroll (annual payroll of active employees covered by the plan) of \$610 million. Its Annual Required Contribution for the fiscal year ended June 30, 2008 was \$195 million, or almost 32% of covered payroll.

Response: Agree.

9. The calculation to determine a liability for future payments is primarily dependent upon the interest rate assumption. If the interest rate assumption is higher then the liability is lower; if the interest rate assumption is lower, then the liability is higher. If no funding mechanism is in place, and there is no expectation of putting money aside, the rules under GASB 45 require that a lower interest rate assumption be used.

The interest rate assumption that was used for the calculation of the OPEB liability and ARC for the fiscal year 2007-2008 was 4.5%. The basis for allowing the use of a higher interest assumption rate is that the entity will earn a rate of return on investments that can be used to help pay for the future benefits. Because the funding commenced with the current fiscal year, the assumed interest rate was increased to 7.75% in 2008-2009.

The result of the assumed interest rate increase was the OPEB liability dropped from \$2.3 billion to 1.7 billion, almost solely due to the interest rate assumption change.

Response: Partially disagree. The primary calculation to determine a liability for future payments is primarily dependent upon the benefit level. A portion of the drop in liability was due to the elimination of subsidized medical inflation on premiums for all management employees. This change had an impact on the liability reduction as well as the discount rate. The discount rate increase from 4.5% to 6.32% in 2008-09 did have an overall greater impact in lowering the liability than the management benefit change alone.

Responses to Findings #10 and #11 not required from Contra Costa County

12. As the summary numbers shown in Finding 11 indicate, County local governments are currently only paying 34% (\$83,348,000 / \$245,324,000) of the Annual Required Contribution set forth in GASB 45. This means that the unpaid balance of the Annual Required Contribution, (\$245,324,000 - \$83,348,000) \$161,976,000, is being transferred to future taxpayers. This transfer to future taxpayers takes place every year.

Response: The County is unable to verify the accuracy of the data presented; however, agrees that any unpaid balance of the Annually Required Contribution has the potential of being transferred to future taxpayers given no change to benefits.

13. The 2007-2008 property tax revenue for the entire County was \$2.077 billion. Projections are that this amount will decline significantly during the next several fiscal years because of the current widespread decline in property values.

Response: Partially disagree. The County agrees that the total combined tax levy for the County was \$2.077 billion in

2007-08 and expects its own property tax revenue to decline; however, it is not expected that the total combined tax levy for the County will change significantly. This is because the total number includes general obligation bonds, fixed charges, and assessments for all taxing jurisdictions in Contra Costa. A significant portion of this tax levy is not based on assessed valuation growth. From fiscal year 1950-51 to current, in over sixty years of tracking property tax revenue, the total combined tax levy has only declined in tax year 1978-79, the year in which Proposition 13 was implemented (the roll declined 47.46%).

14. Larger Contra Costa County governmental entities with identified retiree healthcare plans are:

- County: Contra Costa County
- School Districts: Lafayette Elementary, Acalanes Union, John Swett Unified, Mt. Diablo Unified, Pittsburg Unified, San Ramon Valley Unified, West Contra Costa Unified and Contra Costa Community College.
- Cities: Antioch, Brentwood, Concord, Martinez, Pittsburg and Richmond.
- Special Districts: Central Contra Costa Sanitary, Delta Diablo Sanitary and East Bay Regional Parks.

Response: The County can neither confirm nor deny this finding.

15. Recent information provided to the Contra Costa County Board of Supervisors makes clear that tax revenues and state support to the County are likely to decline for at least the next several years. This reduction in projected revenue has been currently offset by County Departments reducing their budgeted 2009-2010 full-time equivalent headcount by 191 public safety, health care and social services positions. If the County were to commence fully funding its ARC, its only practical source of near term future funding would be to further lower its staffing levels.

Response: Agree that recent information provided to the Board of Supervisors indicated that 191 full-time equivalent (FTE) positions would need to be eliminated throughout the County in fiscal year 2009-10; however, since that time the number increased to 202.5 FTE. In fact, the County has cut from its 2008/09 and 2009/10 operating budgets over \$150 million, requiring the elimination of more than 600 staff positions.

16. On May 6, 2008, the Contra Costa County Administrator presented the following challenge to the Board of Supervisors:

“The ever growing health care expense demand on the general fund will consume our ability to provide public services. Given the size of our liability, we cannot responsibly eliminate enough programs to fund our current health care programs; we must contain and change the County’s cost of health care.”

Response: Agree.

RECOMMENDATIONS

The 2008/09 Contra Costa County Civil Grand Jury recognizes that Contra Costa County government entities in most cases do not have the financial ability to prudently pay for the current retiree healthcare benefits that have been, and are continuing to be, earned by their employees. The Civil Grand Jury recommends that: Governmental entities implement sustainable strategies to reduce retiree healthcare benefits.

Response: This appears to be a comment and not a specific recommendation. The County agrees.

CLERK'S ADDENDUM

David Twa, County Administrator, presented the staff report.

Supervisor Uilkema requested a more detailed response to the Grand Jury’s finding No. 5 “ Most larger County governmental employers provide their employees with extraordinarily generous retiree health benefits.”

Supervisor Piepho said she would like to see more information to illustrate past actions and conditions that led to the County’s current financial status in regard to retiree benefits, as well as a big-picture description of what the County is doing to move forward. She said the report could use more of a conclusion or wrap-up in its response.

Lisa Driscoll, Finance Director, said there is sufficient time to revise the response for the Board's review.

Chair Bonilla invited the public to comment. The following person spoke:

Rollie Katz, Public Employees' Union Local One; Ralph Hernandez, retired Contra Costa County employee.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: May 5, 2009

Subject: RESPONSE TO GRAND JURY REPORT NO. 0905 ENTITLED "COUNTY YOUTH REHABILITATION CENTER IS ON LIFE SUPPORT, IT'S TIME TO PULL THE PLUG"

RECOMMENDATION(S):

APPROVE response to Civil Grand Jury Report No. 0905, entitled "County Youth Rehabilitation Center is on Life Support, It's Time to Pull the Plug" and DIRECT the Clerk of the Board to forward the response to the Superior Court no later than June 9, 2009.

FISCAL IMPACT:

None. This is an informational report.

BACKGROUND:

On March 11, 2009, the 2008/2009 Civil Grand Jury filed the above-referenced report, which was reviewed by the Board of Supervisors and subsequently referred to the County Administrator, who with the County Probation Officer, Sheriff-Coroner, and Health Services Director, collaborated to prepare the attached response that clearly specifies:

- Whether a finding or recommendation is accepted or will be implemented;
- If a recommendation is accepted, a statement as to who will be responsible for implementation and by what definite target date'
-

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED OTHER

Clerks Notes: See Addendum for details

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: June McHuen, Deputy

Contact: JULIE ENEA (925)
335-1077

BACKGROUND: (CONT'D)

A delineation of the constraints if a recommendation is accepted but cannot be implemented within a six-month period; and

- The reason for not accepting or adopting a finding or recommendation.

CLERK'S ADDENDUM

Julie Enea, County Administrator's Office, presented the staff report. She said the response includes a preface to provide better context for the County's responses.

Lionel Chatman, County Probation Officer, said he was taken aback by the Grand Jury's report. He said that our responsibility lies in the rehabilitation of youth and said a detention facility is not an appropriate place for children.

Chair Bonilla invited public comment. The following people spoke:

The Honorable Judge Lois Haight, Contra Costa County Superior Court; Orin Allen, founder and youth advocate; Dr. Micheal K. Grimes, Advocacy for Children; William Doerlich, resident of San Ramon; Rick Galvin, Cell to Cross; Dennis Carter, resident of Oakley; Skip Bergeron, Cell to Cross; John Corgiet, resident of Walnut Creek; Bob Viator, resident of Walnut Creek; Harvey Samuels, Rossmoor Senior Tutors, Juvenile Justice System; Paul Phillips, Rossmoor Senior Tutors; Susan Grice, Late Show Readers at Juvenile Hall; Sonora M. Napell; Gregory Osoiro, resident of Pittsburg; Marge Hergert, President Discovery Bay Gardening Club; Rollie Katz, Public Employees' Union Local 1; Kris Hunt, Contra Costa Taxpayers Association; Rebecca Ferguson, Discovery Bay Garden Club.

The following people provided written comments:

Thomas G. Blomberg, Dean and Sheldon L. Messinger Professor of Criminology, Florida State University; Aaron Baker, Chief, Pittsburg Police Department; Orin T. Allen, Sr.

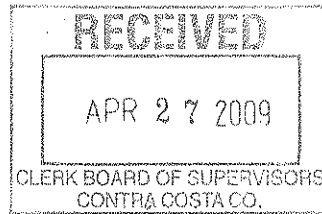
All the Supervisors expressed their support for the continued operation of the Orin Allan Youth Ranch Facility and dismay with the Grand Jury's approach, which they felt to be searching for monetary savings rather than the appropriate care of the children. They said the report sought to find problems without meaningful research or acknowledgment of the benefits and accomplishments of the program.

Supervisor Piepho requested that response to Item No. 7 (page 5) be clarified to read "partially agree" with the finding; that for Item No. 1 of the recommendations (page 8), the second sentence be clarified to note it is an annual reference versus a one-time expense; and that Item No. 4 should highlight what the actual cost of closing the facility would be, with recognition of the human aspect as well as monetary.

ATTACHMENTS

County Response to GJ Rpt 0905
Related GJ 0905 Correspondence

MARY PIEPHO, SUPERVISOR
CCC BOARD OF SUPERVISORS
DISTRICT III
651 PINE ST., 1ST FLOOR
MARTINEZ CA 94553



April 16, 2009

To the honorable Board of Supervisors of Contra Costa County:
Subject: Grand Jury report on closure of the O.A.Y.R.F. (Boys Ranch)

The calls and I have received over the April 13, 2009 write up in the Contra Costa Times are overwhelming to say the least. This tells me, that from as far back as 1960 to this day, the program is appreciated by many youngsters who were at-risk. Jim Hickok heard about it from his daughter. He is now is a grandfather (smile)

There are hundreds and hundreds of articles and letters written by newspapers, boys, and volunteers on O.A.Y.R.F. (Boys Ranch) ~~is~~ positive accomplishments both on site and in the community.

I have enclosed 4 graduate essays, 3 appreciation letters to a Senior Tutor, 1 letter to a sick Sr. Tutor and a article on Read to Live.

Sincerely,

12/15/2005

Graduation Essay

Did my actions that got me sent to OAYRF affect anyone? Yes, it affected many people. I felt ashamed, angry, and disappointed, because I put my family and the people who love me through this situation. Even though this is my second time here, I took advantage of it and also learned many new things.

The experience I will remember the most is probably my life in the ranch. How I worked hard to received my G.E.D, and on top of that, my High School Diploma. Also, I will never forget how Reverend Tinsley helped me get into college. I won't forget the staff that also motivated me with positive feedback. I think it's safe to say that I learned something from every counselor here. That was the most positive thing I learned in the ranch, to learn from other people. Even if certain staff did not show me personally, I still learned from just observing them and learning how to deal with people like them. I would like to thank the adults that took a small interest in me, to sit down and just speak to me about experiences they had.

For example, my senior tutor, Jack Bell who thought me how to invest and make money, or Mrs.Rhodes who thought me how to sew, which you may never know when you might need it. Jeff L who showed me how to cook things that I thought were so complicated, but takes only a few minutes to prepare. Veronica who thought me how to get through matters the mature way, or Johnny Martin who inspired me to pursue my dreams and goals. Mitch who taught me the importance of books and helped me enhance my verbal repertoire. P.C. Jack who taught me some life skills I need to succeed, Karla who did not teach me directly but showed me not to get to comfortable or burn bridges. Mr.Fernandez who always encouraged me to learn of my history and culture, and now I can't get enough. Ms.Jones who believed in me from the start and taught me that education is the only way. Don, David, Jeff P, Jerry J, and Brooks who were always willing to answer any of my questions and kept faith in me. Last but not least my counselor Israel. Israel was probably the person that pushed me the most to have higher expectations for myself and taught me what work is really about. They were all helpful; especially school staffs like Mr.Mattson, Ms.Dinsdale, Mr.Lowy, Ms.Loydd, and the regular sub Jose M, Cherry, Lynette and Michael.

A Graduation Essay

By Robert ██████████

On July 11, After I got off work my Dad and I went to Antioch to cool off. That night we had a few people over to have a couple drinks. The girls we had been spending time with went on their way home, but ran out of gas. My Father, friend, and I hop into the car and start to head down the street, just then did I remember my friend had suspended license. We got pulled over and I had a bench warrant.

My arrest affected my Grandparents, my Father who was in the car and saw me get arrested. Finally, my work that depended on me to come in. I have let everyone down because I lost my job and got arrested while I was drinking.

I can't forget multiple things from Orin Allen Youth Rehab, some of which are the constant negativity floating around among peers. The setups that everyone walks into. How some staff act nieve, but really are not, and if someone were to really try, they would be able to earn a lot of knowledge and wisdom from conversing with some staff and taking in what they say. This place has taught me a grip of patience, self-control, and some self-discipline. If had never gotten locked here, I wouldn't have obtained my G.E.D. if I hadn't slowed down, and it didn't look like I was going to.

I can say that all staff has helped me in a way whether good or bad, but in the long run it is nothing but good. Everything that has ever happened to me turned for the best, and I didn't want to admit it until now. There are staff who in my opinion stand above most as people, and their names I will mention. Thomas Jewel has been the biggest influence because he is also a mentor to me. He gave me enlightening wisdom and courage so I can succeed. Kendra Ziller has been a big influence on me as well. She has helped me turn my program around fully. At first the road for me was rocky, but now that is all behind me. Now I will manifest anything I come in contact with because I have the will to succeed, and build my reputation as someone who works hard. Thank you Thomas, I'm on my way to the limitless top.

Those people have made my stay productive because they give me something to look forward to. Others are; Harold Mitchell, Chris Brooks, Jeff Leighton, Veronica Lamberson, Johnny Martin, Rasaan Jackson, Greg Quesada, Anthony Penso, Isreal Carrera in no particular order, and I'm sure there are too many to remember at this time, so basically any staff that came in contact with me who took the time to talk, and counsel me.

From being here I've learned that people need to keep their nose out of others business, and not to act a fool in public like most do.

MARCH, 2005

Graduation Essay

By Claude ~~_____~~

My action that sent me to the Boys Ranch affected my family and myself. I feel bad because of the drama I put my mother threw. I also feel bad about my family missing me for all the major holidays that has past. I think the thing that will stick with me most about the Ranch experience is the senior tutor program and my friend and senior tutor Jack Bell. Jack and I cover a large amount of material from how to set and complete goals, to being a good father and being a good role model for your child. I feel Jack has helped me in my program by setting up my mind to get out and to be successful. The most positive thing I have learned at the Ranch is self control and how to work with all kinds of people, and to have goals for when I get out so I can start my goals as soon as I get out and avoid any procrastinating. The senior tutor program had a large effect on me along with the rest of the program. When you ask me how can you make the program better nothing comes to mind, I feel the program is fine the way it is. When I leave the Ranch in order for me to be successful I need to get a good job and get back into college so I can further my education. My support group when I get out will be my mother and my son along with the rest of my family. My goals are to stay out of any correctional facility and to get a job and go to college. I will be successful by keeping my eyes on the prize and the prize is being successful and taking care of my family.

Dear Jack,

It has been a little over four month's since we first met. And in this short time I have acquired a gainful amount of information, on such subjects as money management/financial responsibility, building a job history, personal integrity, mental maturity, and many more skills that will be needed on my journey up "THE MOUNTAIN OF LIFE". You have shared with me the struggles and hardships that you and your family have gone through. From your parents emigrating from Scotland to you overcoming you're reading disability and becoming the very successful owner of a large chain of jewelry.

Jack you have truly been an inspiration to me. You have accomplished so many things and yet you remained a very humble man. You have taught me that no matter where you come from, what ethnicity you are, or what your economic status is, you still have an equal opportunity in becoming successful member of society. You have also taught me that there is no sense in reinventing the wheel, meaning I should follow those who have gone on and succeeded this climb before me.

You have taught me that there is no such thing as luck. Only with hard work and education will I summit my mountain. With the information you have provided me with, and a lot of perseverance I'll be well on my way. Thank you for taking your time out to guide and counsel me; I am truly honored to have you for my mentor.

Your Protégé,
DeMario [REDACTED]

5-24-04

Dear Jack,

I want to start off by saying thank you for all the knowledge that you have given me. I appreciate the time you've spent out of your life, coming here at DAY.P.F. to tutor not just me but everyone you've spoken to. You have given me lots of words of wisdom and I'm sure that was only the tip of the Iceberg. I know the time we've spent together was short and I was hoping to spend more time but the little time I had you as my Senior tutor you've told me a lot of things I've taken into my mind as a different way of looking at life. You've made me open my mind to different aspects of life and also helped me see that my own grandmother is a big source of information and knowledge. So I just wanted to thank you for everything you've taught me.

Sincerely,

Troy ~~R. [unclear]~~

Troy ~~R. [unclear]~~ Jr.

Dear Jack,

Well this is it. This is goodbye for now, hopefully not forever. Since the day I met you, I knew I was going to learn a great deal from you, and I plan to put the things I learned from you into affect. I have a great deal of respect for you and hope that someday, I can have at least half the success you have had. I will never forget certain conversations we've had; they are buried deep in my mind. I won't forget how you "play no games" and how you always told me to "ask questions of knowledgeable people". You've thought me to learn from the past, (both the correct way and false way to get things accomplished), and not to waste time trying to reinvent something when the solution is already available to me. In my opinion, "How to get wealthy" is probably the best advice you've given me. It's unforgettable, first you learn how to earn money, second you learn how to save it, third you learn how to invest, and last you learn where your money is going by keeping a budget. I would like to thank you for giving me some of your knowledge and helping me climb one more step of the mountain to reach the top. It was a pleasure to meet you and hope our paths cross once more in the future.

Sincerely,

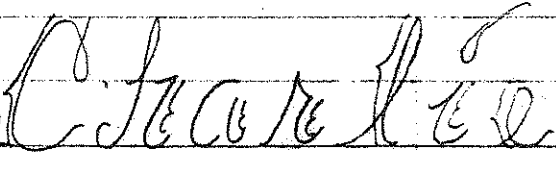
Juan ~~_____~~

Friday, 10-12-07 6:10pm

Dear Barbara Hughes

Hello, how are you doing.
Just Fine I am hoping. As for me
a little mad and upset about the news.
Wendy and Beth told me you were in
the hospital. Barbara you cant quit now
you have come to far to stop now.
Beth told me they might put you in a
nursing home and that made me even more
sad. I've known you since 2-13-07
and I think we have become the best of
Friends. You have always been there when
I wanted to talk to someone and no
matter what you always listened. Now I
dont want another senior tutor I want
you to be my senior tutor. Now I have to
get a new tutor but that person want
be a better tutor to me than you is.

I will write you more letters and I want
Forget you ever. Ms Barbara Hughes take
care of yourself lady and dont hurt yourself
nomore. ;)

World's Love Always
Best Tutor! ; Your Friend


Lead to Live service helps illiterate youth offer bridge out of dead-end lifestyle for juvenile offenders

by Rowena Coetsee

STAFF WRITER

at 17 has yet to read a book cover to cover.
But mastering these skills is part of his plan to return to the straight and narrow after landing for the third time in Byron's county-run residence for juvenile offenders.

"When I was younger, I wasn't taught proper," said Mark, a soft-spoken youth with a ready smile.
He signed up again for Read to Live, a service that pairs boys at

Orrin Allen Youth Rehabilitation Facility with tutors who meet with them daily for private lessons.

Established in January 2001, the outreach is under the auspices of the nonprofit Contra Costa Youth Council and began as the brainchild of a former Walnut Creek resident who was volunteering at the Byron ranch.

The first day Sandy Graham showed up, she was matched

See READ, Page 30



HERMAN BUSTAMANTE JR./STAFF

TUTOR KARYN ARONE gives a spelling test to inmate Peter on Nov. 14 at the Orrin Allen Youth Rehabilitation Center in Byron.

When Mark signed on in early September, he couldn't spell words such as "loose," "against," "popular" and "clothes."

Nor did he know how to sound out "bought," "knowledge," "investigation" and "thirst."

During the past 10 weeks, however, Mark has advanced nearly three grade levels and hopes to finish the sixth book in the series of eight by his Dec. 7 release date.

He also now recognizes the difference between his inner-city dialect and conventional English.

"I used to always say 'axed,' and now I say, 'asked,'" he said with a smile.

Mark even has started supplementing the vocabulary he's acquiring with a list of 5,000 college-level words such as "abnegate" and "abdicate."

"I want to know every word there is. I want to be a different person," he said.

That will mean putting as much distance as possible between the future and his past, which includes charges of grand theft auto, second-degree robbery and receiving stolen goods.

Others had parents who didn't value education enough to insist that their child attend school regularly, Graham said.

Whatever the reason for the boys' deficit, their mentors start at the beginning.

Teens first learn how to pronounce two-letter combinations of vowels and consonants.

They pick up Scrabble-size colored plastic tiles one by one as they make the sounds associated with that square, a tactic designed for youngsters who process information best by hearing or touching.

As students get better at distinguishing between sounds and pronouncing them, they start associating each with letters of the alphabet.

After that, they begin spelling and articulating words and then move on to writing phrases and sentences.

Simultaneously, they're learning how to use punctuation and to pause when they come across a comma or period.

If students attend the sessions faithfully, they typically advance one-half to one full grade level in reading and spelling each month, Graham said.

ROM PAGE 27

with an 18-year-old who couldn't read or write three-letter words.

"I was stunned," she said.

As Graham began calling around to find out what help was available for illiterate youth, another volunteer suggested she adopt the cause herself.

And so she did.

Graham wrote a proposal that the principal of the facility's on-site high school readily accepted and then pulled some strings to get a \$7,000 donation from the county for teaching materials.

These days, Read to Live has three paid, part-time tutors who spend one or one-and-a-half hours every day with each of the eight boys enrolled.

To take advantage of this help, teens must be reading at or below the fourth-grade level, Graham said.

Some adolescents arrive at the facility having never received adequate help overcoming learning disabilities such as dyslexia and attention deficit disorder, she said.

If he doesn't, Mark knows he could become a statistic, joining the ranks of young black men who are languishing in prison or dying prematurely.

It's not a remote possibility, either: Six of his friends and relatives have been killed or injured in street violence since he came to the facility in mid-March, he said.

But learning to read is a way out of that dead-end lifestyle, a stepping stone to a world in which Mark said he won't be living moment to moment but making long-range plans for the first time in his life.

He talks of moving to Sacramento and attending barber school — perhaps even selling real estate some day.

He fishes a copy of a favorite poem out of his folder and starts reading aloud.

Despite his nervousness, words he stumbled over not that long ago now come easily.

"The time that I've wasted is my biggest regret/Spent in these places I will never forget."

Mark finishes, then reflects on the progress he has made.

"It's happy times now," he said.

To: Chairperson Susan Bonilla and members of the
Contra Costa County Board of Supervisors


From: One of the sixteen Police Departments in Contra Costa County
Date: April 27, 2009

Now more than ever we must try to hang on to what little resources we have both in house and in the community. We are well aware that the at-risk-youth is totally a local problem and the State involved as little as possible. For the past 49 years the Orin Allen Youth Rehabilitation Facility (Bryon Boys Ranch) has done much to secure our communities once these minors are arrested and committed for treatment and retraining.

The most recent Grand Jury report recommends closing the facility. This program is needed now more than ever. We believe these young men need a chance to turn their lives around and become productive citizens.

Our County and Cities are under difficult financial times and choices are to be made, but closing the Orin Allen Youth Rehabilitation Facility should not be an option.

Sincerely,

 , AARON BAKER, CHIEF, PITTSBURGH PD

3924 Lighthouse Place
Discovery Bay, CA 94505
April 30, 2009

SD9

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

RE: Orin Allen Boys' Ranch in Byron

Honorable Board:

The Discovery Bay Garden Club (DBGC), of which I am the current President, strongly recommends against the closing of this facility. The DBGC has been actively working with the boys at the Ranch since the year 2000 donating many hours of time and funds in support of landscaping, maintenance, and a vegetable garden for training and for the benefit of the boys.

The boys located at this facility are not hardened criminals. Keeping these boys separate from the general youth prison population gives them a chance to experience a more normal atmosphere and allows for activities that benefit their ability to return to society with some job skills. Many of these boys have had a hard life on the outside—some never having had the experience of even decorating a Christmas tree or eating vegetables they have grown. The Ranch is a community wherein the boys are free and safe to experience the normal interactions of society and taking these experiences back to their communities.

While the Grand Jury did not see much activity during their visit, we daily see such activities as caring for animals, working in the garden, enjoying sports, participating in wood shop, and cooking—and these are just the areas that we see. We know there are many other activities supported by other volunteer groups. Hearing the boys laugh while experiencing these activities is music to our ears.

The positive aspects of the experiences at the Ranch can never be replaced. It is understood that fiscal responsibility is necessary with our present economy. However, what is provided to the boys at the Ranch cannot be measured in dollars. **If one boy is saved from being a career criminal, that is priceless.**

We spend approximately \$2,000 yearly at the Ranch, and feel this is money well spent. Our yearly budgeted money is spent on the landscaping projects and the vegetable garden at the Ranch. We started out with only dirt, weeds, and cement. The boys have provided the landscaping and presently work on its maintenance. This has been a very positive experience for both our members and the boys.

The DBGC's main goals in working with the boys are:

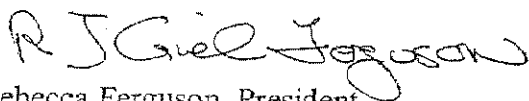
- to promote knowledge,
- to promote self esteem,
- to experience job satisfaction,
- to help them feel good about themselves
- to encourage their educational pursuits,
- and to give them a lot of praise, when earned.

Most of our members are senior citizens retired from careers in the community and industry. The boys interact with us as pseudo grandparents. They enjoy relating stories of their grandparents and gardening. We provide a letter of recommendation at the end of their term—to be used in procuring employment and continued education. Several of the boys have expressed interest in pursuing a career in agriculture. As an aside, none of our members have ever felt threatened or unsafe in our activities at the Ranch.

Please for all the youth and the citizens of Contra Costa County, do not close this facility. A youth rehabilitation center, as proven, is an asset to our communities and county. This facility is cost efficient compared to the alternative.

IF IT IS BROKEN, FIX IT—do not destroy it.

Cordially,



Rebecca Ferguson, President
Discovery Bay Garden Club

Thomas G. Blomberg
Dean and Sheldon L. Messinger Professor of Criminology
College of Criminology and Criminal Justice
Florida State University
Tallahassee, Florida
(850) 644-7380

May 4, 2009

Board Chairperson Susan Bonilla and
Contra Costa County Board of Supervisors
Clerk of the Court
651 Pine St., Room 107
Martinez, CA 94553-8500

Dear Chairperson Bonilla:

I am writing to express my strongest recommendation that the Orin Allen Boys Ranch at Byron not be closed. The basis for my recommendation is twofold namely professional and personal. First, it reflects my long career as a criminologist who has evaluated numerous delinquency prevention, treatment and control programs throughout the U.S. Second, I was among the first group of 20 boys to be admitted to the Boys Ranch in 1960 and I was the first ever to graduate from the Boys Ranch.

I am currently Dean and Sheldon L. Messinger Professor of Criminology in the College of Criminology and Criminal Justice at Florida State University where I have been affiliated for the past 36 years. I am an expert on delinquency research and policy and I have provided numerous consultations to federal, state and local units of government.

As a teenager, I spent approximately six months at the Boys Ranch in Byron. I was then, like many other teenagers, troubled and my life course trajectory was anything but positive. I came to the Boys Ranch with a huge "chip on my shoulder" but going through the program with its strong education and work components and its unique rural setting, I gained, like so many after me have gained, critical lessons regarding self-control, patience, respect for others and, very importantly, the realization that I never wanted to return to an institution as a resident. Please understand what is fundamental to the Boys Ranch and that is the work and education combination in a rural setting. Further, it is not fun to be at the Boys Ranch and when you leave you do not want to return. I can tell you from the heart that my experiences at the Boys Ranch led to my professional career and a desire to help other individuals who, like me, can positively change their lives with the programs the Boys Ranch offers.

As you all know, Contra Costa County includes geographic areas with some of the highest rates of violent crime in the country and young offenders are disproportionately involved in perpetrating violent crime. Over the past decade, I have been assessing the role of education achievement in the lives of delinquent youth. What I have found is that when delinquent youth experience educational achievement while incarcerated—their chances of post-release success are greatly increased. In March 2009, I shared these

findings with the U.S. House of Representatives to inform their legislative efforts to respond to the countless delinquent and at-risk youth who historically have been “lost educational opportunities.” The Boys Ranch clearly is an exception to this national trend because it provides excellent education services for the youth it serves and this is undoubtedly positively changing many youth’s lives that are fortunate enough to experience the Boys Ranch.

In December 2008, my wife and I visited the Boys Ranch and we were given a tour of the facilities and we were also given the opportunity to speak to the boys. My wife, Jeanine Blomberg, who is the former Commissioner of Education for Florida, and I were impressed and pleased by the new library and how popular it is with the boys—many of whom are just learning to read. We told the boys that if they took advantage of the education, work and counseling services that are available to them at the Boys Ranch—they could experience positive changes in their lives that would shape their futures. I know this program did just that for me and I truly hope you will allow it to continue to do just that for the County’s youth. Let me add that for every single youth who desists from crime, we save 2.2 million dollars over each youth’s life course. So, you can do the calculation. How many youth are released annually from the Boys Ranch in Byron and how many return because of further delinquent involvement? While the financial gains are substantial for every youth who does not return, the public safety impact is even more critical. Clearly, you—as the County Board of Supervisors—are facing tough economic times and your decisions are critical. In your considerations for closing the Boys Ranch, I must assume you are questioning whether the program is performing adequately in terms of public safety and economic efficiency. I urge you to not make a decision without compelling evidence that demonstrates that the Boys Ranch does not warrant continuation. I am confident, that if you seek and consider the evidence you will decide that Contra Costa County can ill afford to close the Boys Ranch at Byron.

For these reasons, I urge you to keep the Boys Ranch open. Moreover, because of my strong convictions and concern for the continuation of the Boys Ranch, I volunteer my professional experiences and expertise, at no cost, to conduct a rigorous evaluation of the youth and cost outcomes for the Boys Ranch. To state again, it is imperative that you not make any decision to close the Boys Ranch without such evidence.

Thank you for the opportunity to share my professional opinions and personal beliefs.

Sincerely,

Thomas G. Blomberg

Curriculum Vita
THOMAS G. BLOMBERG

UNIVERSITY AND RESEARCH OFFICE ADDRESSES

College of Criminology and Criminal Justice
Florida State University
The Hecht House, Room 202
634 W. Call Street
Tallahassee, Florida 32306-1127

E-mail: tblomberg@fsu.edu
Telephone: (850) 644-7365
Fax: (850) 644-9614

Center for Criminology and Public Policy Research
College of Criminology and Criminal Justice
Florida State University
325 John Knox Road, Bldg. L, Suite 102
Tallahassee, Florida 32303

Telephone: (850) 414-2995
Fax: (850) 414-8357

CURRENT POSITION

Dean and Sheldon L. Messinger Professor of Criminology, College of Criminology and Criminal Justice, Florida State University, Tallahassee, Florida.

POSITIONS HELD

Dean, College of Criminology and Criminal Justice, Florida State University, Tallahassee, Florida (2004-present).

Executive Director, Center for Criminology and Public Policy Research, College of Criminology and Criminal Justice, Florida State University, Tallahassee, Florida (2004-present).

Acting Dean, College of Criminology and Criminal Justice, Florida State University, Tallahassee, Florida (2003-2004).

Invited Professor, Department of Sociology, Lille University, Lille, France (Fall 2003).

Sheldon L. Messinger Professor of Criminology, College of Criminology and Criminal Justice, Florida State University, Tallahassee, Florida (2001-present).

Associate Dean, College of Criminology and Criminal Justice, Florida State University, Tallahassee, Florida (1988-1989 and 1999-2003).

Professor, College of Criminology and Criminal Justice, Florida State University, Tallahassee, Florida (1985-2001).

Associate Professor, College of Criminology and Criminal Justice, Florida State University, Tallahassee, Florida (1978-1985).

Assistant Professor, College of Criminology and Criminal Justice, Florida State University, Tallahassee, Florida (1973-1978).

Teaching Associate, School of Criminology, University of California, Berkeley, California (1972-1973).

EDUCATION

Doctor of Criminology, School of Criminology, University of California, Berkeley, California, 1973.

Master of Criminology, School of Criminology, University of California, Berkeley, California, 1970.

Bachelor of Arts, Department of Sociology, University of California, Berkeley, California, 1969.

UNIVERSITY TEACHING AWARDS AND HONORS

Julia Lathrop Award for Outstanding Contributions to Juvenile Justice, American Criminal Justice Association, Lambda Alpha Epsilon (2003).

University Teaching Incentive Award, Florida State University (1998).

University Teaching Award, Florida State University (1997).

University Teaching Incentive Award, Florida State University (1994).

University Teaching Award, Florida State University (1991).

College of Criminology and Criminal Justice Teaching Award, Florida State University (1990).

Outstanding Faculty Member Award, presented by the Florida State University Gold Key Honor Society (1988).

FUNDED RESEARCH

Principal Investigator, Violence Reduction Program - Phase II (a \$300,000 project funded by Palm Beach County) (2007-2009).

Principal Investigator, Safe and Drug-Free Schools (a \$1.5 million, 3-year project funded by the Florida Department of Education and U.S. Department of Education) (June 2005 - June 2008).

Co-Principal Investigator, *Assessing the Community Reintegration Effectiveness of Prison Drug Treatment: An Experimental Study* (a multi-year project with the Florida Department of Corrections) (2005-present).

Principal Investigator, *Juvenile Justice Educational Enhancement Program* (a \$17 million renewable project funded by the Florida Department of Education and U.S. Department of Education) (June 1998-present).

Principal Investigator, *The Juvenile Justice No Child Left Behind Collaboration Project* (a \$1 million project funded by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention) (2006-present).

Principal Investigator, *Consumer Fraud* (a \$250,000 renewable project funded by the Florida Attorney General's Office) (2004-2007).

Principal Investigator, *Violence Reduction Program - Phase I* (a \$75,000 project funded by Palm Beach County) (2005-2006).

Principal Investigator, *An Assessment of Palm Beach County Jail's Inmate Health Care System* (a \$130,000 project funded by the Palm Beach County Sheriff's Office) (1997-1998).

Principal Investigator, *An Evaluation of Palm Beach County's Pleasant City/Northwest Area Weed and Seed Program* (a \$38,000 project funded by Palm Beach County) (1997).

Principal Investigator, *An Evaluation Continuation of Palm Beach County's Northwest Riviera Beach Weed and Seed Program* (a \$38,000 project funded by Palm Beach County and the National Institute of Justice) (1996-1997).

Principal Investigator, *An Evaluation of Palm Beach County's Weed and Seed Program* (a \$30,000 project funded by the Palm Beach County and the National Institute of Justice) (1995).

Principal Investigator, *An Assessment of Florida's Elderly Prison Inmates* (a \$3,000 project funded by the State of Florida, Executive Office of the Governor) (1989).

Co-Principal Investigator, *An Examination of the Differences in Criminal Sentencing between Broward County and Dade County, Florida* (a \$5,000 project funded by the State of Florida, Executive Office of the Governor) (1989).

Co-Principal Investigator, *Population-At-Risk Profile Study* (a \$50,000 project funded by the Florida Legislature) (1988-1990).

Co-Principal Investigator, *Prison Capacity Program Study Phase 2* (a \$20,000 project funded by the State of Florida, Executive Office of the Governor) (1988-1989).

Co-Principal Investigator, *Development of Interactive Video/Computer Course on Youthful Offenders* (a \$74,000 project funded by the Florida Department of Corrections) (1988).

Co-Principal Investigator, Prison Capacity Study Phase I (a \$100,000 project funded by the State of Florida, Executive Office of the Governor) (1988).

Principal Investigator, Florida Gender Bias Study (a \$17,000 project funded by the Florida Supreme Court) (1988).

Co-Principal Investigator, Florida Juvenile Justice Evaluation Study (a \$23,000 project funded by the Bureau of Public Safety Management of the Florida Department of Community Affairs,) (1987).

Co-Principal Investigator, Development of Interactive Video/Computer Course for First Responder to Medical Emergencies (a \$52,000 project funded by the Florida Department of Corrections) (1987).

Co-Principal Investigator, Development of Interactive Video/Computer Course on Crisis Intervention (a \$52,000 project funded by the Florida Department of Corrections) (1986).

Co-Principal Investigator, Development of Interactive Video/Computer Course on Jail Suicide: Recognition and Intervention Strategies (a \$23,000 project funded by the Florida Department of Corrections) (1986).

Co-Principal Investigator, Development of an Interactive Video/Computer Course on Youthful Offender Discipline (an \$8,000 demonstration project for the Florida Department of Corrections) (1985).

Principal Investigator, Correctional Management Strategies for Florida Prisons (a \$24,000 project funded by the Florida Department of Corrections) (1984).

Principal Investigator, A Preliminary Assessment of Home Confinement in Florida (a \$22,000 study funded by the Florida Department of Corrections) (1984).

Principal Investigator, Study for a Crime Victim's Services Center (a \$50,000 project funded by the City Commission and the State Attorney's Office of Jacksonville, Florida) (1984).

Co-Principal Investigator, Delinquency Prevention and Treatment Strategies for Law Enforcement (a \$15,000 project funded by the Florida Bureau of Criminal Justice and administered by the Dundee Police Department, Dundee, Florida) (1984).

Principal Investigator, Juvenile Arbitration in Florida (a \$22,000 study funded by the Office of State Courts Administrator, Supreme Court of Florida) (1983-1984).

Co-Principal Investigator, National Court Services Evaluation (a \$500,000, 3-year study of the national replication of the Des Moines Community-Based Correction's Exemplary Project funded by the Law Enforcement Assistance Administration, U.S. Department of Justice) (1974-1977).

PUBLICATIONS

Books

Blomberg, Thomas G. and Karol Lucken. American Penology: Enlarged Second Edition. ~~Forthcoming.~~ *Tiscataway, New Jersey: Transaction Publishers, 2009*

Blomberg, Thomas G. and Stanley Cohen, eds. Punishment and Social Control: Enlarged Second Edition. Hawthorne, NY: Aldine de Gruyter, 2003.

Blomberg, Thomas G., Gordon P. Waldo and Mark R. Yeisley, eds. Data-Driven Juvenile Justice Education. Richmond, KY: National Juvenile Detention Association, 2001.

Blomberg, Thomas G. and Karol Lucken. American Penology: A History of Control. Hawthorne, NY: Aldine de Gruyter, 2000.

Blomberg, Thomas G. and Stanley Cohen, eds. Punishment and Social Control: Essays in Honor of Sheldon L. Messinger. Hawthorne, NY: Aldine de Gruyter, 1995.

Blomberg, Thomas G. Juvenile Court and Community Corrections. Lantham, MC: Rowman and Littlefield, 1985.

Brantingham, Patricia and Thomas G. Blomberg, eds. Courts and Diversion: Policy and Operations Studies. Beverly Hills, CA: Sage Publications, 1979.

Blomberg, Thomas G. Social Control and the Proliferation of Juvenile Court Services. Palo Alto, CA: R and E Publishers, 1978.

Articles and Chapters

Blomberg, Thomas G., George B. Pesta, William D. Bales, Kirsten Johnston, and Richard A. Berk. "Educational Achievement Among Incarcerated Youths and Community Reintegration." Under review.

Ciftci, Sabri, George B. Pesta, Catherine A. Oakley, and Thomas G. Blomberg. "Policymaking as Sequential: A Model and Test." Under review.

Blomberg, Thomas G with David Matza. "Becoming a Criminologist: Conversations with David Matza." Forthcoming.

Blomberg, Thomas G. "Why I Became a Criminologist." Exploring Criminal Justice: The Essentials. Robert Regoli and John Hewitt, eds. Jones and Bartlett Publishers. Forthcoming.

Blomberg, Thomas G., William D. Bales and Courtney Waid. "Educational Achievement Among Incarcerated Youth: Post Release Schooling, Employment and Crime Desistance." Forthcoming in The Development of Persistent Criminality. Joanne Savage, ed. New York: Oxford University Press.

Blomberg, Thomas G., William D. Bales and Courtney A. Waid. "Punishment and Culture." International Handbook of Penology and Criminal Justice. Shlomo Giora Shoham, Ori Beck, and Martin Kett, eds. Boca Raton, Florida: CRC Press, Taylor & Francis Group, 2007. 1-15.

Blomberg, Thomas G. and Carter Hay. "Visions of Social Control: Revisited." Sociology and Politics of Denial, Social Control and Human Rights - Essays in Honour of Stanley Cohen. Christine Chinkin, David Downes, Conor Gearty and Paul Rock, eds. UK: Willan Publishing, 2007. 166-186.

Bales, William D., Shanna Van Slyke and Thomas G. Blomberg. "Substance Abuse Treatment in Prison and Community Re-Entry: Breaking the Cycle of Drugs, Crime, Incarceration and Recidivism." *Georgetown Journal on Poverty Law and Policy*. 13.2 (2006): 383-401.

Holtfreter, Kristy, Michael D. Reisig and Thomas G. Blomberg. "Consumer Fraud Victimization in Florida: An Empirical Study." *The St. Thomas Law Review*. 2006: 761-789.

Blomberg, Thomas G., Jeanine Blomberg, Gordon Waldo, George Pesta, and Jon Bellows. "National Collaboration on No Child Left Behind in Juvenile Justice Education." *Corrections Today*. 68.2 (2006): 143-146.

Padgett, Kathy G., William D. Bales and Thomas G. Blomberg. "Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring." *Criminology and Public Policy*. 5.1(2006):61-92.

Holtfreter, Kristy, Shanna Van Slyke and Thomas G. Blomberg. "Sociolegal Change in Consumer Fraud: From Victim-Offender Interactions to Global Networks." *Crime, Law and Social Change*. 44.3 (2006): 251-275.

Wang, Xia, Thomas G. Blomberg and Spencer D. Li. "Comparison of the Educational Deficiencies of Delinquent and Nondelinquent Students." *Evaluation Review*. 29.4 (2005): 291-312.

Blomberg, Thomas G. "Quality Education as a Turning Point in the Delinquent Life Course." Quality Research and Development in Social Care. J.M. Dutrenit, ed. Paris, France: L'Harmattan, 2004. 31-44.

Blomberg, Thomas G. "Penal Reform and the Fate of Alternatives." Punishment and Social Control: Enlarged Second Edition. Thomas G. Blomberg and Stanley Cohen, eds. Hawthorne, NY: Aldine de Gruyter, 2003. 417-431.

Blomberg, Thomas G., Gordon P. Waldo and Deborah Stahly. "Assessment of the Program Implementation of Comprehensive Victim Services in a One-Stop Location." *International Review of Victimology*. 9.2 (2002): 149-174.

Blomberg, Thomas G. and Gordon P. Waldo. "Implementing An Evaluation Research and Accountability Driven System for Juvenile Justice Education in Florida." *Evaluation Review*. 26.3 (2002): 239-240.

Blomberg, Thomas G. and Gordon P. Waldo. "Integrating Research, Policy and Practice in Juvenile Justice Education." *Evaluation Review*. 26.3 (2002): 241-250.

Major, Aline K., Deborah R. Chester, Ranee McEntire, Gordon P. Waldo, and Thomas G. Blomberg. "Pre-, Post-, and Longitudinal Evaluation of Juvenile Justice Education." *Evaluation Review*. 26.3 (2002): 301-321.

Blomberg, Thomas G. and Gordon P. Waldo. "Evaluation Research, Policy and Politics." *Evaluation Review*. 26.3 (2002): 340-351.

Blomberg, Thomas G. and Gordon P. Waldo. "Implementing Research-Based Best Practices in Juvenile Justice Education." *Corrections Today*. 63.7 (2001): 144-147.

Stahly, Deborah R. and Thomas G. Blomberg. "Aftercare and Juvenile Justice Education." Data Driven Juvenile Justice Education. Thomas G. Blomberg, Gordon P. Waldo and Mark R. Yeisley, eds. Richmond, KY: National Juvenile Detention Association, 2001. 133-146.

Waldo, Gordon P., Mark R. Yeisley, Christopher P. Krebs, Ranee McEntire, and Thomas G. Blomberg. "Privatization in Florida Juvenile Justice Education." Data Driven Juvenile Justice Education. Thomas G. Blomberg, Gordon P. Waldo and Mark R. Yeisley, eds. Richmond, KY: National Juvenile Detention Association, 2001. 109-119.

Major, Aline K. and Thomas G. Blomberg. "The Role of Teacher Qualifications and Training in Juvenile Justice Education Best Practices." Data Driven Juvenile Justice Education. Thomas G. Blomberg, Gordon P. Waldo and Mark R. Yeisley, eds. Richmond, KY: National Juvenile Detention Association, 2001. 99-107.

Stahly, Deborah R., Aline K. Major, Christopher P. Krebs, Trinetia L. Respress, and Thomas G. Blomberg. "Case Studies of Eight Promising Practice Education Programs." Data Driven Juvenile Justice Education. Thomas G. Blomberg, Gordon P. Waldo and Mark R. Yeisley, eds. Richmond, KY: National Juvenile Detention Association, 2001. 65-80.

Major, Aline K., Deborah R. Stahly, Trinetia L. Respress, and Thomas G. Blomberg. "Comparison of Education Program Performance with Current Best Practices." Data Driven Juvenile Justice Education. Thomas G. Blomberg, Gordon P. Waldo and Mark R. Yeisley, eds. Richmond, KY: National Juvenile Detention Association, 2001. 57-64.

Respress, Trinetia L., Aline K. Major, Deborah R. Stahly, and Thomas G. Blomberg. "Promising Juvenile Justice Education Practices." Data Driven Juvenile Justice Education. Thomas G. Blomberg, Gordon P. Waldo and Mark R. Yeisley, eds. Richmond, KY: National Juvenile Detention Association, 2001. 47-57.

Yeisley, Mark R., Emily Earp, Gordon P. Waldo, and Thomas G. Blomberg. "Development and Utilization of a Comprehensive Juvenile Justice Education Database." Data Driven Juvenile Justice Education. Thomas G. Blomberg, Gordon P. Waldo and Mark R. Yeisley, eds. Richmond, KY: National Juvenile Detention Association, 2001. 37-46.

Blomberg, Thomas G. and Gordon P. Waldo. "Juvenile Justice Reform in Florida: Toward Accountability." Data Driven Juvenile Justice Education. Thomas G. Blomberg, Gordon P. Waldo and Mark R. Yeisley, eds. Richmond, KY: National Juvenile Detention Association, 2001. 13-17.

Blomberg, Thomas G., Mark R. Yeisley and Karol Lucken. "American Penology: Words, Deeds, and Consequences." *Crime, Law and Social Change*. 28.3-4 (1997-1998): 269-286.

Blomberg, Thomas G., Daniel Maier-Katkin and Mark Yeisley. "Democracy, Crime and Punishment in the Czech Republic." *Crime, Law, and Social Change*. 28. 3-4 (1997-1998): 189-193.

Blomberg, Thomas G. "Beyond Metaphors: Penal Reform as Net-Widening." Punishment and Social Control: Essays in Honor of Sheldon L. Messinger. Thomas G. Blomberg and Stanley Cohen, eds. Hawthorne, NY: Aldine de Gruyter, 1995. 45-61.

Blomberg, Thomas G. and Karol Lucken. "Stacking the Deck By Piling Up Sanctions: Is Intermediate Punishment Destined to Fail?" *Howard Journal of Criminal Justice*. 33.1 (1994): 62-80.

Blomberg, Thomas G., William D. Bales and Karen Reed. "Intermediate Punishment Through Home Confinement: Redistributing or Extending Social Control?" *Crime, Law and Social Change*. 19.2 (1993): 187-201.

Blomberg, Thomas G. and Karol Lucken. "Intermediate Punishment and the Piling Up of Sanctions." Criminal Justice: Law and Politics (6th Edition). George F. Cole, ed. Pacific Grove, CA: Brooks/Cole Publishing, 1992. 470-481.

Blomberg, Thomas G., Gordon P. Waldo and Carol Bullock. "An Assessment of Victim Service Needs." *Evaluation Review*. 13.6 (1989): 598-627.

Blomberg, Thomas G. "Victim Services and the 4th Dimension of the Criminal Justice System." *Crime Victims Digest*. 6.6(1988): 3-4.

Blomberg, Thomas G. "Criminal Justice Reform and Social Control: Are We Becoming a Minimum Security Society?" Transcarceration: Essays in the Society of Social Control. J. Lawman, R.J. Menzies, and T.S. Palys, eds. England: University of Cambridge Criminology Series, Gower Press, 1987. 218-226.

Blomberg, Thomas G., Gordon P. Waldo and Lisa Burcroff. "Home Confinement and Electronic Surveillance." Intermediate Punishments: Intensive Supervision, Home Confinement and Electronic Surveillance. B. McCarthy, ed. New York: Criminal Justice Press, 1987. 169-179.

Blomberg, Thomas G., Gary Heald and Mark Ezell. "Diversion and Net-Widening: A Cost Savings Assessment." *Evaluation Review*. 10. 1 (1986): 45-64.

Blomberg, Thomas G. "House Arrest in Florida: An Alternative to Prison," *The Key*. Vol. 11, No. 4, fall 1985, pp. 13-15.

Blomberg, Thomas G. and Gordon P. Waldo. "The Coming of the Fourth Dimension of the Criminal Justice System: Comprehensive Victim Services." Florida Network of Victim Witness Services. (1985): 3-4.

Blomberg, Thomas G. "Diversion's Disparate Results and Unresolved Questions: An Integrative Evaluation Perspective." *Journal of Research in Crime and Delinquency*. 20.1 (1983): 24-38.

Blomberg, Thomas G. "Net-Widening Effects of Juvenile Diversion." Delinquency Prevention. M. Brusten, N. Herriger, and P. Malinowski, eds (published in German). Munich, Germany: Westdeutscher Verlag, 1982. 66-78. (Reprinted in Handbook of Sociological Perspectives on Delinquency Prevention. Wuppertal, Germany: International Sociological Association and The Department of Social Sciences, University of Wuppertal, 1982.)

Blomberg, Thomas G. "Widening the Net: An Anomaly in the Evaluation of Diversion Programs." Handbook of Criminal Justice Evaluation. M. Klein and K. Tielman, eds. Beverly Hills, CA: Sage Publications, 1980. 571-592.

Blomberg, Thomas G. and Sherry Caraballo. "Accelerated Family Intervention in Juvenile Justice." *Crime and Delinquency*. 25.4 (1979): 497-502.

Blomberg, Thomas G. "Diversion from Juvenile Court: A Review of the Evidence." Juvenile Justice Philosophy (2nd Edition). F. Faust and P. Brantingham, eds. St. Paul, MN: West Publishing, 1978. 415-430. (Reprinted by Simon Fraser University, Department of Criminology, 1978. Also reprinted by U.S. Department of Justice, National Institute of Justice, National Criminal Justice Reference Services, 1981.)

Blomberg, Thomas G. "The Juvenile Court as an Organization and Decision Making System." *International Journal of Comparative and Applied Criminal Justice*. 1.2 (1977): 135-145.

Blomberg, Thomas G. "Diversion and Accelerated Social Control." *The Journal of Criminal Law and Criminology*. 68.2 (1977): 274-282. (Reprinted in Juvenile Diversion, Pretrial Services Resource Center, Washington, DC, 1978.)

Research Reports and Monographs

An Evaluation of the Youth Violence Prevention Program in Palm Beach County, April 2008 (co-author).

2007 Annual Report to the Florida Department of Education of the Juvenile Justice Educational Enhancement Program, February 2008 (co-author).

2006 Annual Report to the Florida Department of Education of the Juvenile Justice Educational Enhancement Program, February 2007 (co-author).

Proceedings of the 2006 National Conference on Juvenile Justice Education and No Child Left Behind: The Juvenile Justice No Child Left Behind Collaboration Project, December 2006 (co-author).

Youth Violence Prevention Project: Final Report to the Palm Beach County Criminal Justice Commission, March 2006 (co-author).

2005-2006 Annual report to the Florida Department of Education of the Florida Safe and Drug Free Schools Quality Management Project, September 2006 (co-author).

2005 Annual Report to the Florida Department of Education of the Juvenile Justice Educational Enhancement Program, February 2006 (co-author).

No Child Left Behind in Juvenile Justice Education: Report to the Florida Legislature, February 2005 (co-author).

2004 Annual Report to the Florida Department of Education of the Juvenile Justice Educational Enhancement Program, February 2005 (co-author).

Blomberg, Thomas G. "Delinquency, Incarceration, and the Role of Academic Attainment in the Life Course." The State of Corrections. Lanham, Maryland: American Correctional Association, 2003. 89-102.

2003 Annual Report to the Florida Department of Education of the Juvenile Justice Educational Enhancement Program, February 2004 (co-author).

2002 Annual Report to the Florida Department of Education of the Juvenile Justice Educational Enhancement Program, February 2003 (co-author).

2001 Annual Report to the Florida Department of Education of the Juvenile Justice Educational Enhancement Program, February 2002 (co-author).

2000 Annual Report to the Florida Department of Education of the Juvenile Justice Educational Enhancement Program, February 2001 (co-author).

1999 Annual Report to the Florida Department of Education of the Juvenile Justice Educational Enhancement Program, February 2000 (co-author).

1998 Annual Report to the Florida Department of Education of the Juvenile Justice Educational Enhancement Program, December 1998 (co-author).

Blomberg, Thomas G. and Mark Yeisley. Evaluation of West Palm Beach (Pleasant City/Northwest Area) Weed and Seed Program. Final Report to West Palm Beach, FL, and National Institute of Justice, 1998.

Blomberg, Thomas G. and Mark Yeisley. First Year Evaluation of the Northwest Riviera Beach Weed and Seed Program. Final Report to Palm Beach County, FL, and National Institute of Justice, 1997.

Blomberg, Thomas G. "Boot Camps and Other Myths" Viewpoint in the *Tallahassee Democrat*, January 8, 1994. (This article was placed on several national wire services and reprinted in newspapers throughout the United States.)

McElrath, Karen, Tamara Meredith Poulos and Thomas G. Blomberg. "The Role of Gender in Florida's Adult and Juvenile Justice Decision-making." Report of The Florida Supreme Court Gender Bias Study Commission, 1990.

Waldo, Gordon P., Thomas G. Blomberg, Theodore Chiricos, and William Bales. Who Succeeds on Probation and Community Control? A Follow-Up Assessment. Final Report to the State of Florida, Executive Office of the Governor, Tallahassee, FL, 1989.

Waldo, Gordon P., Thomas G. Blomberg, Theodore Chiricos, and William Bales. Analysis of Florida's Punishment Trends Over Time and in Relation to Other States. Final Report to the State of Florida, Executive Office of the Governor, 1989.

Waldo, Gordon P., Thomas G. Blomberg, Theodore Chiricos and William Bales. Who Succeeds After Release From Prison? A Follow-Up Assessment. Final Report to the State of Florida, Executive Office of the Governor, 1989.

Waldo, Gordon P., Thomas G. Blomberg, Theodore Chiricos and William Bales. Comparison of Sentencing Guidelines in Florida, Minnesota, Washington, and Pennsylvania. Final Report to the State of Florida, Executive Office of the Governor, 1989.

Waldo, Gordon P. and Thomas G. Blomberg. An Analysis of Florida Crime Rates. Final Report to the State of Florida, Executive Office of the Governor, 1989.

Waldo, Gordon P. and Thomas G. Blomberg. An Examination of the Differences in Prison Admissions Between Broward County and Dade County Florida. Final Report to the State of Florida, Executive Office of the Governor, 1989.

Blomberg, Thomas G. Task Force on Victims of Crime. Final Report to the American Correctional Association, College Park, MD, 1988.

McElrath, Karen, Tamara Meredith Poulos and Thomas G. Blomberg. Gender and Justice: Offense Patterns and Criminal/Juvenile Justice Decision Making. Final Report to the Florida Supreme Court, 1988.

Blomberg, Thomas G. and Gordon P. Waldo. The Youthful Offender Program. Final Report to the Florida Department of Corrections, 1988.

Waldo, Gordon P., Thomas G. Blomberg and Ronald Akers. Population-At-Risk Profile Study of Delinquency. Final Report to the Florida Department of Education, 1988.

Waldo, Gordon P., Thomas G. Blomberg, Theodore Chiricos, and William Bales. An Overview of Florida's Criminal Justice Data Systems. Final Report to the State of Florida, Executive Office of the Governor, 1988.

Waldo, Gordon P., Thomas G. Blomberg, Theodore Chiricos, and William Bales. A Comparison of Sentencing Outcomes in Florida Using Washington Guideline, Florida Guideline and Pre-Guideline Criteria. Final Report to the State of Florida, Executive Office of the Governor, 1988.

Waldo, Gordon P., Thomas G. Blomberg, Theodore Chiricos, and William Bales. An Examination of Precedents for the Development of Regional Jails. Final Report to the State of Florida, Executive Office of the Governor, 1988.

Waldo, Gordon P., Thomas G. Blomberg, Theodore Chiricos, and William Bales. Quantitative Assessment of Factors Impacting Prison Populations. Final Report to the State of Florida, Executive Office of the Governor, 1988.

Blomberg, Thomas G., Gordon P. Waldo and Carol Bullock. Prison Suicide: Recognition and Intervention Strategies. Final Report to the Florida Department of Corrections, 1987.

Blomberg, Thomas G., Gordon P. Waldo and Carol Bullock. Crisis Intervention. Final Report to the Florida Department of Corrections, 1986.

Blomberg, Thomas G., Gordon P. Waldo and Carol Bullock. Correctional Management Strategies in Florida Prisons. Final Report to the Florida Department of Corrections, 1985.

Blomberg, Thomas G., Gordon P. Waldo and Carol Bullock. Technical Aspects of Home Confinement. Final Report to the Florida Department of Corrections, 1985.

Waldo, Gordon P. and Thomas G. Blomberg. The Prevention of Delinquency and Juvenile Victimization. Final Report to the Dundee, Florida Police Department and the Florida Department of Law Enforcement, 1985.

Blomberg, Thomas G. Gordon P. Waldo and Carol Bullock. Discipline for the Youthful Offender: A Demonstration Interactive Video Training Program. Final Report to the Florida Department of Corrections, 1985.

Blomberg, Thomas G., Gordon P. Waldo and Carol Bullock. A Study for the Development of the Jacksonville Crime Victim's Service Center. State Attorney's Office, Jacksonville, FL, and the National Victim Resource Center, Office of Justice Assistance, Washington, DC, 1984. The Center's program model of on-site comprehensive services has become internationally recognized as a leading model for victim services programs. The Center was the 1998 recipient of the "Tadini Bacigalupi, Jr. Award" from the National Organization of Victim Assistance program (NOVA) for the "Distinguished Program of the Year." Further, the Center was found to be a "promising practice" program in *New Directors from the Field: Victim's Rights and Services for the 21st Century, Executive Summary, page xxiii, for "Comprehensive Victim Services Center."* U.S. Department of Justice, Office for Victims of Crime, November 1998.

Blomberg, Thomas G. and Gary Heald. Juvenile Arbitration Programs in Florida: An Evaluation of Cost Savings. Office of State Courts Administrator, Supreme Court of Florida, 1984.

Blomberg, Thomas G., Gary Heald and Mark Ezell. "A Cost Savings Assessment of Juvenile Arbitration Programs in Florida." Proceedings of the Southern Conference on Corrections. College of Criminology and Criminal Justice, Florida State University, 30 (1984): 34-52.

Blomberg, Thomas G. Past, Present and Future of Juvenile Justice. Report to the Florida House of Representatives, Criminal Justice Committee, 1984.

Blomberg, Thomas G., Gordon P. Waldo and Carol Bullock. Home Confinement Job Task Analysis. Final Report to the Florida Department of Corrections, 1984.

Blomberg, Thomas G. "Delinquents and Status Offenders: Areas of Consensus." Florida Juvenile Justice. Florida Task Force on Juvenile Justice and Delinquency Prevention, State of Florida, 1981. 44-60.

Rhodes, William, Steven Seitz, Thomas. G. Blomberg, and Charles Wellford. The Des Moines Exemplary Project. Final Report to the National Institute of Law Enforcement Assistance Administration, 1979.

Rhodes, William, Steven Seitz, Thomas. G. Blomberg, and Charles Wellford. Evaluation of the Des Moines Community-Based Corrections Replication Programs: Summary Report. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, October 1979.

Blomberg, Thomas G. Criminal Justice Evaluation Training Manual. Law Enforcement Assistance Administration, Training Division, 1978.

Rhodes, William, Steven Seitz, Thomas. G. Blomberg, and Charles Wellford. "Salt Lake City: Prototype Evaluation of Des Moines Replication." Evaluation of Des Moines Replication. National Institute of Law Enforcement and Criminal Justice, 1977.

Blomberg, Thomas G. "Organizational Analysis of the Des Moines Community-Based Corrections Replication Project." Proceedings of the Southern Conference on Corrections. College of Criminology and Criminal Justice, Florida State University, 21 (1975): 71-93.

Book Reviews

Blomberg, Thomas G. A review of Crime and Disrepute by John Hagan. Social Forces. 75.1 (September 1996): 389-391.

Blomberg, Thomas G. A review of The Anthropology of Violence, David Riches, ed. Criminal Justice Review. 14.1 (1989): 85-86.

Blomberg, Thomas G. A review of Girl Delinquents by Anne Campbell. Crime and Delinquency. 29.1 (January 1983): 179-181.

INVITED PRESENTATIONS AND PAPERS PRESENTED (1973-present)

Since joining the faculty of the College of Criminology and Criminal Justice in 1973, I have delivered several hundred invited presentations and papers. These presentations and papers have been given to international, national, state and local audiences. They include regular presentations at the annual meetings of the American Society of Criminology, American Sociological Association, the Society for the Study of Social Problems, Academy of Criminal Justice Sciences, American Correctional Association, Correctional Education Association, Southern Conference on Corrections and the Florida Juvenile Justice Education Institute. Other examples of invited presentations have been before the Florida Legislature, the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Office for Victims of Crimes, and the U.S. Department of Education.

PUBLIC RELATIONS (1973-present)

I am regularly interviewed on criminological issues of public interest by major newspapers including *The Wall Street Journal*, *The Washington Post*, *New York Times*, *Los Angeles Times*, *USA Today*, and such news magazines as *U.S. News and World Report*, *Newsweek* and *Time*. Additionally, I have appeared often on local and national television and radio including WCTV Perspective, Florida Public Television, NBC Today Show, NBC Nightly News, NBC Sunday Evening News, NBC Dateline, CBS Evening News, PBS Inside the Law Series, the BBC and NPR. These presentations reflect my professional commitment to advancing the role of criminological research in public policy through efforts aimed at building public awareness.

CONSULTANT (1973-present)

Throughout my career, I have provided numerous consultations to federal, state and local units of government on criminological related questions and evaluation of criminal and juvenile justice policies. This includes the U.S. Department of Justice and numerous state legislative committees as well as foreign governments. These presentations have been aimed at assisting different levels of government and policy makers in effectively employing research in their public policy related efforts and decisions.

PROFESSIONAL SERVICE (1973-present)

Editor, *Criminology and Public Policy* (2007-2010).

Editorial Board, *Youth Violence and Juvenile Justice: An Interdisciplinary Journal* (2002-present).

Advisory Board, Center on Terrorism and Public Health, Florida State University College of Medicine (2001-present).

Technical Advisory Board Member, Florida Network of Victim/Witness Services, Inc. (1991-present).

Associate Editorial Consultant, *Journal of Criminal Law and Criminology* (1990-present).

Expert witness in various prison- and jail-related cases (1980-present).

Editorial Consultant for *Law and Society Review*, *Crime and Social Justice*, *Social Problems*, *Criminology*, *Criminal Justice Review*, and *Justice Quarterly* (1975-present).

Editorial Consultant for Macmillan, Allyn Bacon, Prentice-Hall, Little Brown, Random House, and Wadsworth (1977-present).

Series Editor, *New Lines in Criminology*, Aldine de Gruyter (1998-2005).

Advisory Board, Keiser College, Tallahassee, Florida (2001-2004).

Member, Herbert Bloch Award Committee, American Society of Criminology (2001-2002).

Governor's Selection Committee for Domestic Violence Program and Service Awards, Tallahassee, Florida (2000).

Program Chair, Annual Meeting of the Southern Conference on Corrections, Palm Beach, Florida (September 1998).

Program Chair, Youth Crime Symposium, the Czech Republic, Prague (June 1998).

Program Chair, Annual Meeting of the Southern Conference on Corrections, Orlando, Florida (1997).

Program Chair, Penal Reform Symposium, the Czech Republic, Prague (May 1996).

Program Chair, Annual Meeting of the Southern Conference on Corrections, Orlando, Florida (1996).

Task Force Member, Juvenile Crime and Victims, American Correctional Association (1994).

Invited Guest Speaker for Virginia Union University's Sponsored Crime Prevention and Control Seminar, Richmond, Virginia (February/March 1994).

Program Chair, 46th Annual Meeting of the American Society of Criminology, Miami, Florida (November 1994).

Program Chair, Annual Meeting of the Southern Conference on Corrections, Orlando, Florida (1994).

Program Chair, Annual Meeting of the Southern Conference on Corrections, Orlando, Florida (1993).

Program Chair, Annual Meeting of the Southern Conference on Corrections, Orlando, Florida (1992).

Program Chair, Annual Meeting of the Southern Conference on Corrections, Orlando, Florida (1991).

Program Chair, Annual Meeting of the Southern Conference on Corrections, Tallahassee, Florida (1990).

Advisory Board Member on Crime Victims Rights, Florida Bar, Tallahassee, Florida (1990).

Program Chair, 12th Annual Meeting of the Florida Network of Victim Witness Services, Inc., Tallahassee, Florida (1989).

Task Force Member, Victims of Crime for the American Correctional Association (1988).

Chair, Search Committee for the Executive Director of the Florida Network of Victim Witness Services, Inc. (1988).

Vice President, Florida Network of Victim Witness Services, Inc., State of Florida (1986-1987).

Member of the Board of Directors, Florida Network of Victim Witness Services, Inc., State of Florida (1984-1989).

Membership Committee, American Society of Criminology (1978-1980).

Program Committee, 1978 Annual Meeting of the American Society of Criminology, Dallas, Texas (1978).

COLLEGE AND UNIVERSITY SERVICE (1973-present)

Chair, Council of Deans Budget Committee

Council of Deans Branding Committee

Chair, Subcommittee on Strategic Messaging and Tag Line, Council of Deans Branding Committee

Personnel Committee, College of Criminology and Criminal Justice

Division III Promotion and Tenure Committee

M.A. Examining Committee, College of Criminology and Criminal Justice

Faculty Advisor, Lambda Alpha Epsilon, Professional Criminal Justice Fraternity
University Grievance Committee

Chair, Law and Social Sciences Division Nominating Committee, College of Criminology and Criminal Justice

Statewide Chair, Assignment of Common Course Numbers in Criminology and Criminal Justice for Community Colleges and Universities in Florida

Academic Committee, College of Criminology and Criminal Justice

University Graduate Policy Committee

University Program Review Committee for the Adult Education Program

Ad Hoc Committee on Graduate Assistantship Awards, College of Criminology and Criminal Justice

Study Committee for the Annual Evaluation of Graduate Students, College of Criminology and Criminal Justice

University Promotion and Tenure Committee

University Coordinator for the State University System Criminal Justice Program Review

University Program Review Committee for the Master's Program in American Studies

Criminology and Criminal Justice Faculty Representative, Board of Regents' Program Review Study, College of Criminology and Criminal Justice

Search Committee, College of Criminology and Criminal Justice

Chair, Faculty Recruitment Committee, College of Criminology and Criminal Justice

Ph.D. Theory Examination Committee, College of Criminology and Criminal Justice

Ph.D. Methods and Statistics Examination Committee, College of Criminology and Criminal Justice

Academic Committee, College of Criminology and Criminal Justice

Ongoing Chair, Southern Conference on Corrections Program Committee, College of Criminology and Criminal Justice

University Undergraduate Policy Committee

University Advisor and Instructor, All American Foundation

University Teaching and Advising Awards Committee

University Freshman Student Mentor

Currently Major Professor for 6 Ph.D. students

**BOARD OF SUPERVISORS RESPONSE TO
GRAND JURY REPORT NO. 0905:
COUNTY YOUTH REHABILITATION CENTER IS ON LIFE SUPPORT,
IT'S TIME TO PULL THE PLUG**

PREFACE

The County appreciates the time and effort expended by the Grand Jury on its report. To facilitate a better understanding of the County's response to the report, we wish to preface our response with an explanation of the relationship between the Orin Allen Youth Rehabilitation Facility (OAYRF) and the Juvenile Hall, and also provide the budgetary context of our response.

The Juvenile Hall is generally not the final sentencing disposition for juvenile offenders, though it may be for a small number of offenders at any given time. Generally, the Juvenile Hall provides temporary detention for pre-adjudicated juveniles awaiting hearings or sentencing, and adjudicated juveniles who are sentenced to a treatment or rehabilitation program that has a waiting list. For example, on April 28, 2009, there were 178 youths in the Juvenile Hall, 108 of which are pre-adjudicated and 70 of which were adjudicated. Of the 70 adjudicated youths, 10 were awaiting placement in a group home or residential treatment facility, 24 were awaiting placement at the OAYRF, and 2 were awaiting placement at the California Department of Juvenile Justice. Only 34 of the 70 adjudicated youths were actually sentenced to the Juvenile Hall: 10 for just a brief stay and 24 in the newly created Youthful Offender Treatment Program (YOTP), which is funded by the State through 2009 Juvenile Justice Realignment to accommodate youths that previously would have been sentenced to the California Department of Juvenile Justice (DJJ).

Other than the YOTP, no treatment or rehabilitative programs are offered at the Juvenile Hall. The Juvenile Hall mainly provides temporary detention to youths awaiting placement in a treatment or rehabilitation program. Such programs include State-licensed group homes and residential treatment facilities, the OAYRF, out-of-County camp programs, and the DJJ (for violent offenders). The Superior Court also has the option of sentencing a youth to the Home Electronic Monitoring Program, which does not involve any of the County's facilities.

The County has cut from its 2008/09 and 2009/10 operating budgets over \$150 million, requiring the elimination of more than 600 staff positions. An additional State Budget deficit of \$8 to \$12 billion is looming and will likely have repercussions for counties and other local government agencies. In this environment, the County must look to providing services in the most economical way.

FINDINGS

Rehabilitation Youth Center's Mission

1. According to its mission statement, the primary objective of this facility is to rehabilitate, that is to "provide a safe, drug free program that helps youth meet their social and educational dreams. Its goal is to guide treatment that will help youth strengthen the community and build stronger families." This Youth Center was not meant to be simply a detention facility that houses youth offenders.

Response: *The County agrees with the finding.*

Financial

2. There were nine escapees from the facility during the calendar year 2008. According to the Sheriff's Office, the average cost relating to capturing escapees is over \$1500 per hour. The only fences on the property are intended to keep the animals from roaming. There are no security fences along the perimeter of the Youth Center to prevent youth offenders from simply walking away.

Response: *The County partially disagrees with the finding. We concur that there were nine absences without leave from the Orin Allen Youth Rehabilitation Facility (OAYRF) in 2008. However, not all were escapes from the OAYRF. Two youths failed to return from home visits and one failed to return from a medical appointment. The six youths who actually left the facility did so in three separate events, to which the Sheriff's Department responded. One of the youths was apprehended by the Sheriff's Department.*

Juvenile camps and ranches are non-secure facilities and are generally not fenced or enclosed. Some counties have added fencing around their camps, but more for the purpose of keeping trespassers off of the property than for locking residents in the facility.

As to the cost associated with capturing an escapee from the OAYRF, the Sheriff's response to an escape event will depend on the particulars of the event, the escapee, and the Sheriff's assessment of the potential risk to public safety. The Sheriff's estimated \$1,500 per hour cost is based upon a response requiring the helicopter, a deputy sheriff, a sergeant, a lieutenant, and a dispatcher. However, the Office of the Sheriff advises that, in general, a "walk away" from the ranch facility would normally require a one Deputy response because the facility typically houses less serious juvenile offenders. The Deputy would take a report and do limited follow up such as patrol the surrounding area and check in at the youth's home, subject to pending call volume and other factors such as the nature of the original offense.

Absent anything unusual or any information that would lead the Deputy or the Sergeant to believe there is a heightened level of concern for public safety, no further action would be taken. This level of response is dramatically different and obviously less expensive than a search for an escapee that poses a substantial risk to public safety. But, again, it is the particulars of an event that determines the level and cost of the response.

3. The maximum capacity of the Youth Center is 100 youths. The new state-of-the-art Juvenile Hall in Martinez has the capacity, with alterations, to absorb all of the youths now housed at the Youth Center at a cost savings to the County.

Response: *The County disagrees with the finding. The new Juvenile Hall only barely has the physical capacity to absorb the population of the OAYRF and such a consolidation could not be achieved at a cost savings. On the contrary, consolidation of the two populations within the Juvenile Hall could only be achieved at significant additional County cost (see response to Finding No. 4), would place the County in a crisis situation with regard to physical capacity, and would fail to comply with Court orders for the disposition of adjudicated minors.*

The maximum physical (state-rated) capacity of the Juvenile Hall is 290 beds, including 50 beds that do not meet minimum physical plant requirements for maximum security juvenile detention.

The Juvenile Hall population currently averages 190 youths. The OAYRF houses 100 youths. Ignoring all other considerations such as cost and compliance with court orders, if the two populations were combined in the Juvenile Hall and the OAYRF was closed, the combined average population of 290 at the Juvenile Hall would place the County in immediate jeopardy such as it was in the early 1990s, when the County's Juvenile Hall was overcrowded, placed under a Court-ordered population cap, and under threat of decertification by the State. Moreover, consistently operating at maximum capacity severely limits the department's ability to manage high-risk populations that should not be comingled such as gangs and sexual predators, and eliminates any emergency capacity to manage peaks in population. The new Juvenile Hall was constructed to increase juvenile detention capacity by co-existing with the OAYRF and was not meant to replace the OAYRF as a sentencing option.

The Grand Jury's finding assumes that the Juvenile Hall and OAYRF Programs are equivalent and interchangeable sentencing options in the view of the Superior Court. This is not so. The OAYRF provides the Superior Court with a cost-effective sentencing option to high-cost private placements. Youths who are ordered by the Superior Court to be placed at the OAYRF are typically also ordered to participate in rehabilitative and/or treatment programs. Since the Juvenile Hall offers no rehabilitative or therapeutic treatment programs, placing these youths in Juvenile Hall will not meet the requirements of the Court orders for cognitive behavioral or other treatment programs.

4. Based on its 2007-2008 Expenditure Ledger, the gross annual savings to the County resulting from the closure of the Youth Center would be about \$6.2 million dollars. The Grand Jury estimates there will be variable cost increases that should not exceed \$1.2 million dollars to house the reassigned youth in the Martinez Juvenile facility, leaving a projected net savings to the County of \$5.0 million dollars.

Response: *The County partially disagrees with the finding. We concur that the Expenditure Ledger shows the gross cost of the OAYRF Program of approximately \$6.2 million. However, to gain a complete understanding of the cost to operate the OAYRF Program, both the Expenditure and Revenue Ledgers must be consulted. The Revenue Ledger for OAYRF shows \$5.8 million of program revenue; the resulting net County cost to operate the OAYRF (gross cost less offsetting revenue) is approximately \$468,000. The Revenue Ledger does not identify restrictions that may exist for certain revenues. For example, approximately \$700,000 of the OAYRF revenue is categorical, meaning that the County qualifies for the revenue based on the number of juvenile camp beds it utilizes. Likewise, an additional \$3.6 million of the OAYRF revenue is restricted for prevention and early intervention services to at-risk youth and juvenile offenders and cannot be expended for incarceration costs.*

Although the State-rated bed capacity of the Juvenile Hall is 290 beds, the County cannot afford to staff the Hall at that capacity. The Juvenile Hall is currently funded at minimum staffing levels (1 counselor to 10 youths) to house 190 residents. The state-mandated minimum staffing requirement for a secure detention setting (1:10) versus the staffing requirement for a non-secure detention setting (1:15) virtually guarantees that a secure detention setting is more costly, disregarding any administrative and facility support costs, which are also likely to increase under a proposal that significantly increases Hall population. Additionally, as a non-secure camp program, the OAYRF qualifies for state revenue for which the Juvenile Hall is not eligible.

Consequently, the net County cost to house a youth at OAYRF is \$390/month as compared to the net County cost to house a youth at Juvenile Hall if filled to capacity of \$3,711/month.

Nor would it be more economical if one calculated only the key variable costs of adding 100 youths to the Juvenile Hall population with no commensurate increase to Hall Administration and Operations costs. Since approximately \$4.3 million of the revenue supporting the OAYRF is categorical (restricted to juvenile camp programs and prevention/early intervention services), closure of the OAYRF would not enable the County to apply the revenue against increased incarceration costs at the Juvenile Hall. Therefore, the incremental net County cost of closing the OAYRF and adding 100 youths to the Juvenile Hall – considering only supervision staff and food costs – can be calculated as follows:

<i>2.8 FTE* Counselors per 10 minors =</i>	<i>28.0 FTE Counselors</i>	<i>\$3,724,000</i>
	<i>2.0 FTE Institutional Supervisors</i>	<i>328,000</i>
<i>2.8 FTE Night Shift Counselors =</i>	<i>2.8 FTE Counselors</i>	<i>372,400</i>
<i>Additional Meals at \$11/day =</i>		<i>401,500</i>
		<i>4,825,900</i>
<i>Less Transferable Revenue =</i>		<i>-1,235,500</i>
		<i><u>\$3,590,400</u></i>

** 2.8 FTE Counselors would be required to meet the 1:10 staffing ratio in a 24-hours per day / 7 days per week institution utilizing two work shifts during daytime hours.*

Approximately \$3.6 million in Juvenile Probation and Camps Funds (fixed allocation) could theoretically be utilized to provide prevention and early intervention services to juvenile offenders, but could not be utilized to mitigate increased incarceration costs at the Juvenile Hall. Upon closure of the OAYRF, \$700,000 of revenue would be forfeited.

Likewise, other placement alternatives such as other counties' ranches or group home foster care would also incur approximately \$4 million in additional County cost for 100 new placements, as compared to the \$468,000 of net County funds spent at OAYRF.

Facility and Grounds

Kitchen:

5. After purportedly spending in excess of \$500,000 two years ago on kitchen renovations and other improvements, grand jurors found that the majority of the deficiencies outlined in Grand Jury Report 0503 still exist. In addition, this grand jury found other deficiencies such as rusty steam table containers, a dirty sock on a rusty food scale, and other inadequacies.

Response: *The County partially disagrees with the finding. Every finding from Report 0503 has been addressed and corrected, and the State's biennial inspections made no findings pertaining to the kitchen program. The base of the steam table is old and due for replacement, but does not come into contact with food. Naturally, the presence of a sock on the steam table would be unacceptable to facility administration, but staff did not witness this occurrence nor did staff observe "other inadequacies", which were not specifically identified by the Grand Jury. It should be noted that, in addition to biennial State inspections, the County's Environmental*

Health Program routinely conducts unannounced inspections of the kitchen program, providing ample external monitoring of conditions.

6. The only restroom in the cafeteria building has been out of service for several months. This restroom was used by both staff and youth offenders.

Response: *The County partially disagrees with the finding. The restroom was out of service intermittently over a period of several months and has since been repaired and is in working order. The restroom is only for staff, not residents. Resident restrooms are located in the dormitories.*

7. The staff could not provide evidence of training and/or medical clearance for youth workers in the kitchen.

Response: *The County agrees with the finding. Although the staff person on site during the Grand Jury's visit did not know where to locate the documentary clearance for youth workers to participate in the kitchen program, residents do receive Food Safety Training through the school and all residents are medically cleared by the on-site nurse prior to admittance to the OAYRF.*

Main Dormitory:

8. Our inspection found worn out mattresses in the dormitory for older youth.

Response: *The County agrees with the finding. Note, however, that all mattresses were replaced with new mattresses as of December 1, 2008.*

9. An air conditioning system was not in evidence in a building that frequently reaches temperatures in excess of 100 degrees.

Response: *The County disagrees with the finding. The kitchen, recreation room, and dormitories are air conditioned. All conditioning systems are in satisfactory working order. The thermostats on all of the systems are set at 73-74 degrees. Although the outdoor temperature often exceeds 100 degrees during the summer, we are unaware of internal building temperatures ever exceeding 100 degrees.*

10. The insect eradication program consists of fly strips hanging from the ceiling. A heavy infestation of insects, particularly flies, is due in large part to the close proximity of the living quarters to compost piles and animals.

Response: *The County partially disagrees with the finding. The OAYRF is a ranch program in a natural outdoor setting. Insects are inherent in such a setting. State standards prohibit the use of pesticides at the facility, so the Probation Department uses non-chemical eradication methods. Fly strips are a small part of the eradication program. The Probation Department also uses two air curtains in the kitchen that emit a blast of air when the door is opened to prevent the entrance of insects, as well as electrical bug lights. In the spring of 2008, the Probation Department also began utilizing fly predators, which are tiny stingless wasps that eat flies and are harmless to humans and animals. As part of the insect abatement program, the Probation Department also*

removes manure regularly, composts waste properly, and maintains water devices in good repair.

Compost piles exist on the ranch property, but are not in close proximity to the living units, ranging in distance of about 70 yards from the back door of the recreation room to about 125 yards from the back of the kitchen.

Nurses Office:

11. A nurse is available Monday-Friday from 9:00am-5:00pm. Youths needing medical treatment are transported to the Contra Costa Regional Medical Center in Martinez at all other times, including weekends, holidays, at night, or if there is a life-threatening emergency.

Response: *The County agrees with the finding.*

12. There were hypodermic needles in an unlocked cabinet and a dirty sink in the nurse's office.

Response: *The County partially disagrees with the finding. The nurse's office is a locked office. Only medical staff has access to the nursing office due to HIPAA (Health Insurance Portability and Accountability Act) requirements. When the nurse is not present, medical supplies including hypodermic needles are stored securely in the locked office.*

Grounds:

13. The rehabilitation complex is on approximately 50 acres of land, most of which is not being utilized. The property is strewn with old cars, an abandoned challenge course, incomplete projects, abandoned computer equipment, broken tools, debris, and junk.

Response: *The County agrees with the finding, with the clarification that surplus items are stored in confined and specific areas rather than strewn across the property.*

14. Commercial metal shipping containers, now being used for storage, contain dangerous electrical wiring and open gasoline containers.

Response: *The County partially disagrees with the finding. The electrical wiring exists in a storage container but the wires are not hooked to electrical current, so there is no danger. Moreover, the storage containers are locked.*

15. A dilapidated barn with parts of the roof and sides missing is located in the center of the property. A large abandoned plastic tank is stored near the horse corral along with debris.

Response: *The County agrees with the finding. Much of the ranch property cannot be improved as it comprises marsh and seasonal wetlands that provide a nesting habitat for waterfowl. Established in 1992, the pond is required to compensate for expansion at the Byron Airport. The barn sits on this land, and is home to many long-tailed swallows, which are also a protected species. Due to its remoteness to the living quarters, the barn presents no danger to staff or residents. The water tank (the large abandoned plastic tank) was installed by a local farmer who planned to grow some crops in the front pasture. However, the poor soil quality could not support the crops, the farmer abandoned the project, and the Probation Department determined*

that the cost associated with removing the tank is prohibitive. The tank, while unsightly, poses no public health or safety threat and does not interfere with ranch operations.

16. Abandoned electrical switch panels and water pumps, some of which may be hazardous, are present throughout the property.

Response: *The County partially disagrees with the finding. These items exist but, while unsightly, present no hazard to residents or staff. There are no live electrical panels or water pumps that are abandoned on the property.*

Livestock:

17. The animals at the Youth Center include a horse, a few goats, chickens, and llamas. None of the animals appeared to have shelter from the sun, rain or cold.

Response: *The County disagrees with the finding. All of the animals have shelter. A variety of mangers exist including commercially purchased metal sheds, wood shelters built by the residents, coops for chickens and ducks, and small private mangers for goats giving birth.*

Youth Programs

18. The Youth Center's staff supplied the Grand Jury with their Residential Handbook and also with a draft of a Youth Guide. The Guide is intended to supersede the handbook. However, as of January 2009 this guide has not been approved by senior management.

Response: *The County agrees with finding. The policies and procedures in the Residential Handbook are current. The purpose of the Youth Guide is to communicate the policies and procedures using more constructive terminology. At the time of the Grand Jury's visit, the Probation Department was still making aesthetic improvements to the draft Youth Guide. Since the Residential Handbook is still relevant, staff was at no disadvantage in continuing to rely on it pending the release of the Youth Guide. The Youth Guide has since been released.*

19. The following treatment/program options are listed in the Residential Handbook: Family Counseling, Therapeutic Community, Restitution Service, Alcoholics/Narcotics Anonymous, Drug and Alcohol Assessment, Drug and Alcohol Counseling, Transition Program, Anger Management, Life Skills, Gang Diversion, Residential Commissary, Teen Parenting, Senior Tutors, Religious Guidance, Work Crew, Athletic League and Field Trips. Many of these treatment programs and services are inadequate or unavailable. Only court ordered programs are mandatory.

Response: *The County partially disagrees with the finding. Of the programs listed above, only Family Counseling and Teen Parenting are currently unavailable. All other programs are available to all residents as determined by their individual treatment plans ordered by the Superior Court.*

20. The Youth Center's manual describes an Animal Husbandry Program. The Grand Jury could find no evidence of instructors, a formal curriculum, or any youth involved in such a program. Animal Husbandry, apparently once a viable program at the Youth Center, is no longer functioning.

Response: *The County partially disagrees with the finding. This innovative program is managed by a lead Probation Counselor with the assistance of three other Counselors, who provide instructional materials and hands-on training to small groups of residents. Most new residents are initially fearful of the animals but, through time and education, learn to develop an empathy for them. The program materials developed by staff cover the anatomy of a goat, brooding behavior of chickens, and caring for the coat of the llama, as well as providing routine and emergent medical attention for all of the animals.*

The program has not suffered any reduction in staff support or other resources and continues to be viable. At any time, from 8 – 15 youths participate in the program.

21. Delta Vista High School offers a program through which the youths can obtain their GED. This program is funded by the Contra Costa County Office of Education.

Response: *The County agrees with the finding.*

RECOMMENDATIONS

The 2008-2009 Contra Costa County Grand Jury recommends that:

1. With the goal of closing the Orin Allen Youth Rehabilitation Center, conduct a feasibility study and develop an exit strategy. Both objectives shall be accomplished within 6 months. The feasibility study will determine how the Youth Center population can be integrated into the Martinez Juvenile Hall, and what cost savings would be realized.

Response: *The recommendation will not be implemented as it is not warranted and not reasonable. Closing the OAYRF and transferring its population to the Juvenile Hall would increase net County costs by approximately \$3.6 million. Moreover, as a maximum security detention facility, the Juvenile Hall does not provide rehabilitative, therapeutic and behavioral treatment programs that are required by order of the Superior Court for ranch residents. The minimum security OAYRF provides cognitive programming to help youths make socially appropriate choices with the added benefit of remaining in the County, close to their families, rather than being placed in out-of-County foster care or group homes. Juvenile justice best practices indicate that youths benefit most from the least restrictive environment, in terms of rehabilitation. The OAYRF is a best practice model in the field of Juvenile Justice.*

2. Within 6 months, the County shall investigate all possible productive uses and revenue sources which might be realized from the closure of the Youth Center. Alternatively, the County shall consider the sale of the land and buildings.

Response: *The recommendation will not be implemented because it is not warranted and not reasonable. Since most of the revenue that supports the OAYRF cannot be transferred to offset the costs of increasing the population at the Juvenile Hall, the recommendation is not economical. Particularly during periods of tight budgets, the County must look to maximum use of low-cost sentencing options such as the OAYRF.*



Contra
Costa
County

To: East Contra Costa Fire Protection District Board of Directors
From: Hugh Henderson, Interim Chief, East Contra Costa Fire Protection District
Date: May 5, 2009

Subject: Update on East Contra Costa Fire Protection District

RECOMMENDATION(S):

1. RECEIVE update regarding governance, operational, and fiscal issues;
2. DIRECT the Acting Fire Chief to continue meeting with both Cities, Municipal Advisory Committees, Town Advisory Committee, and Discovery Bay Community Services District to provide District updates and seek community input.

FISCAL IMPACT:

Information item only. No fiscal impact.

BACKGROUND:

On July 8, 2008, the County Administrator and East Contra Costa Fire Protection District's Acting Fire Chief provided the Board of Supervisors, as the Board of Directors of the East Contra Costa Fire Protection District, an update regarding the proposed change in governance that was tentatively approved on February 12, 2008. The tentative approval was to move from the Board of Supervisors, acting as the Board of Directors, to a new board consisting of directors appointed by the cities of Brentwood and Oakley and the County of Contra Costa. However, the Board was advised that a change to an appointed Board was not approved by all parties. Therefore, the Board of Supervisors would continue to be the East Contra Costa Fire Protection District's Board of Directors (see Attachment #1). Currently, governance is still being discussed with the stakeholders. However, the stakeholders are not ready to

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE:
- John Gioia, District I Supervisor
 - Gayle B. Uilkema, District II Supervisor
 - Mary N. Piepho, District III Supervisor
 - Susan A. Bonilla, 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: May 5, 2009

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

By: June McHuen, Deputy

Contact: Hugh Henderson,
240-2131

cc:

aggressively move forward with a governance change.

On July 8, the Board also acknowledged the service level improvements achieved by the November 2002 consolidation of the Oakley, Bethel Island, and East Diablo Fire Protection Districts and further directed the District III and V Supervisors to continue working with the County Administrator, staff, and Acting Fire Chief to develop a plan for increasing service levels and improving community and fire suppression personnel safety.

Since July 8, the District III and District V Supervisors, along with the County Administrator's Office and the Acting Fire Chief, have met several times with the local communities and stakeholders to discuss service levels and the effect of the economy on the District. Discussions revolved around the following points:

1. Financial status;
2. Geographic concentration of calls;
3. Analysis of fire station locations and their first-due coverage area;
4. Safety concerns of staffing apparatus with two suppression personnel;
5. Cooperation with American Medical Response and Contra Costa County Emergency Medical Services in determining optimal placement of quick-response-vehicles (QRVs);
6. Merger with Contra Costa Fire Protection District ("CCCFPD");

BACKGROUND: (CONT'D)

Financial Status

Although Contra Costa County is suffering from the economic downturn, it is particularly shocking in far East Contra Costa County. The East Contra Costa Fire Protection District (“District”) incurred an approximate 7% assessed value tax hit in FY 2008/09, a \$1.3 million reduction in property tax. This decline is further exacerbated by an additional projected 8% decline in assessed value in FY 2009/10, which represents an additional \$1.7 million decline in District revenue. It is important to note that property tax represents approximately 90% of the District’s revenue stream.

Further intensifying the District’s revenue problem is that their percentage of the ad-valorem property tax is approximately 6-7%. In other words, for every \$1 received in property tax, the District receives 6-7 cents. As outlined in the attached presentation to an ad-hoc work group representing communities within the District, this is a direct result of State Proposition 13. By comparison, Contra Costa County Fire Protection District’s (“CCCFPD”) average tax rate increment is approximately 13-15% of the ad-valorem.

Attached in the Community Presentation (attachment #2) is a graphic representation of the fiscal status and projection for the District. Of particular note is that the District has been very fiscally prudent and careful to grow within its means, but is now suffering from the serious downward spiraling of the far East Contra Costa County and is facing challenges to remain fiscally responsible.

2008 Call Volumes By Station in First Due Areas

Attached is a table reflecting the 2008 Call Volumes by first due area (attachment #3).

Because the District serves approximately 250 square miles, it may be appropriate to study public needs by zones and the District is very aware and strives to maintain response integrity for the 250 square miles. If segregated by zones, there are three zones that could be analyzed. These zones are:

Zone	Stations	Total # of Calls
Brentwood	Stations #52 and 54	2,769
Discovery Bay	Stations #59, 58, and 57	773
Oakley	Stations 93, 94, and 95	2,008

Station Location/First Due Coverage Area

At the time of consolidation, the 8 stations and remnants of the previous Districts were in-place. Basically, station placement criteria involve: distance between stations (travel-time); call volume; population, and; types of structures in the area. Because the stations already existed, ECCFPD inherited station placement. No new stations have been built since the consolidation. In addition, the explosive growth in this area has created the need to reevaluate placement and staffing models. (See map attached to Community Presentation in Attachment #2).

As the attached map indicates, most areas are covered. However, there is an overlap in the two Discovery Bay stations. Comparing the call volumes with the station location it is important to note that certain stations are located in areas where the call volume would not, by itself, dictate station placement. For example, there are 3 stations that are located for reasons other than high call volume:

1. Bethel Island: due to its isolation and reliance on the Bethel Island Bridge, the District considers this a high-risk area;

2. Knightsen: although there are few first due calls emanating from this station, it is in an important geographic placement due to its ability to respond to the north Brentwood area; Oakley, and; Bethel Island;
3. Byron: an outlying station that is geographically isolated.

Staffing Safety Concerns

It is widely recognized that the National Fire Protection Association recommends 4 suppression personnel per engine. However, this is a recommendation, not a requirement. The Districts/Departments within Contra Costa County are currently staffed with 3 per engine. ECCFPD is currently staffed with 8 2-person basic life support engines. Unfortunately, ECCFPD is not in a financial position to staff 8 stations with 3 personnel in each of these stations. Another NFPA recommendation is to respond with 15 fire suppression personnel on scene of a working structure fire within ten minutes. CALOSHA Safety standards require a backup crew be in place prior to suppression personnel entering a burning structure, unless there is a known rescue (this is known as "2 in and 2 out standard").

Currently, the District, in concurrence with the District III and V Supervisor, has implemented a trial enhanced staffing model of three suppression personnel on an engine in the downtown Brentwood and Oakley stations because of their call volume, population density, and their geographic location to assist neighboring stations and ability to deploy more personnel to a scene. This is still only a trial and the third position is being filled on over-time. The District is monitoring the effect of this staffing pattern.

American Medical Response/Contra Costa County Emergency Medical Services

There are currently 3 Quick Response Vehicles (QRVs) within ECCFPD that provide paramedic services: Bethel Island; Brentwood (Station 52), and; Byron. The District has been in discussions with American Medical Response (AMR) and Emergency Medical Services (EMS) to ensure optimum placement of the 3 QRVs that are providing paramedic service in the District. AMR, with the concurrence of EMS, are recommending the movement of the Byron QRV to Discovery Bay due to call volume and response times. Also factoring in QRV placement is the recent opening of the Highway 4 By-Pass. Because of the By-Pass, Byron will have much faster access to the QRV stationed at Brentwood than before, thereby, liberating the need for the QRV to be stationed at Byron.

Bethel Island, due to its isolated nature, will continue to have a QRV stationed on the Island.

Merger with Contra Costa County Fire Protection District

It has long been a conversation that East Contra Costa FPD should merge with Contra Costa County FPD. While this would appear to be very logical, there are two primary issues complicating a merger, including:

- ECCFPD is a non-merit district and CCCFPD is a merit district. This creates potential personnel issues that Human Resources has been evaluating.
- There are currently 8 stations in ECCFPD staffed by two-person basic life support engines. In the event of a merger, CCCFPD may require, in accordance with the minimum staffing requirement outlined in their MOU, that staff would need to be increased in ECCFPD engine-companies to a 3-person minimum. In addition to the extra personnel, the salary differential between the Districts is substantial. In discussion with CCCFPD, additional revenue would be required to close the pay gap, add the additional personnel, and provide the additional overhead. In addition to the significant difference in the ad-valorem increment, it is even more problematic given the severe economic downturn that ECCFPD is experiencing coupled with CCCFPD is projected to experience property tax

loss in FY 2009-10.

Given the economic disparity between the Districts, an alternative to merging is to evaluate the most effective disposition of current ECCFPD resources. Attached is a breakdown, by station, of first-due calls in 2008, as provided by the CCCFPD Dispatch system: (note: does not include the contracted Cal-Fire "Sunshine" Station that is located on Marsh Creek Road) (Attachment #3).

Additional Issues

In addition to the 6 items that served as the framework for our discussions, the District is also evaluating the efficacy of the Paid On Call Program that are represented by the East County Firefighters Association.

Historically, when this area was rural, the individual fire districts were paid on call firefighting programs. Prior to the formation of ECCFPD, the Bethel Island and Oakley Fire Protection Districts were primarily paid on call Districts. Today, as envisioned at the time of consolidation, the District staffs all 8 stations with career firefighters. As a combination District, the paid on call program now provides supplemental service when they are available.

The role of the paid on call program has changed from its former primary function as first-line fire suppression personnel to a support services role. The support services role includes hydrant maintenance, hazard abatement, and special projects and the occasional emergency response.

The District is required to provide the same level of training, medical evaluations, and safety equipment as career personnel. According to the East County Firefighters Association MOU, members are to receive compensation for emergency responses, training hours, physicals, etc.

As anticipated at the time of consolidation, the far East County has grown from a more rural to an urban/suburban area. Because of this transition, it would have been problematic to expect to provide a 24 hour response capability solely with paid on call personnel. In addition, the profile of a paid on call firefighter has changed. The paid on call program has become more of a stepping stone to a career firefighter position in the fire industry.

Lastly, the District has also participated in the Contra Costa County Local Agency Formation Commission's "Municipal Service Review: Fire and Emergency Medical Service Providers."

ATTACHMENTS

July 8, 2008 Board Order

March 30 Community Presentaion

2008 Cal Volumes

3013



**Contra
Costa
County**

TO: BOARD OF SUPERVISORS
FROM: John Cullen, County Administrator
DATE: July 8, 2008

SUBJECT: UPDATE REGARDING EAST CONTRA COSTA FIRE PROTECTION DISTRICT

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATION:

1. RECEIVE update regarding governance structure changes;
2. ACKNOWLEDGE service level improvements as a result of consolidation;
3. ACKNOWLEDGE that aggressive growth in the far east County has resulted in a demand for additional service level improvements, and;
4. DIRECT District III and V Supervisors to continue working with the County Administrator, staff, and Acting Fire Chief to develop a plan for increasing service levels and improving community and fire suppression personnel safety and to report back to the Board of Supervisors.

FISCAL IMPACT:

There is no fiscal impact. This is a status report.

BACKGROUND:

Governance Structure

On February 12, 2008, the East Contra Costa Fire Protection District's Board of Directors, the City of Brentwood, and the City of Oakley approved resolutions proposing a change in the governing structure of the District from an appointed board of directors comprised of the Contra Costa Board of Supervisors to a board comprised of district resident directors appointed by the cities of Brentwood and Oakley, and the County of Contra Costa.

The County Board of Supervisors' Resolution 2008-89 (Attachment A), became effective

CONTINUED ON ATTACHMENT: YES NO SIGNATURE: *John Cullen*

RECOMMENDATION OF COUNTY ADMINISTRATOR APPROVE OTHER RECOMMENDATION OF BOARD COMMITTEE

SIGNATURE(S): _____

ACTION OF BOARD ON July 8 2008 APPROVED AS RECOMMENDED OTHER

VOTE OF SUPERVISORS

UNANIMOUS (ABSENT none)

AYES: _____ NOES: _____

ABSENT: _____ ABSTAIN: _____

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN.

Contact: Rich Seithel (335-1024)
cc: County Counsel
County Administration
East Contra Costa FPD

ATTESTED July 8 2008
JOHN CULLEN, CLERK OF THE BOARD OF SUPERVISORS

BY: *John Cullen*, DEPUTY

immediately and does not expire. However, the Board was unable to proceed with a final governance change because of an inconsistency between the resolutions that were adopted by Brentwood (Resolution 2008-31 Attachment B) and Oakley (Resolution 12-08 Attachment C) on February 12, 2008.

Under the Fire Protection District Law of 1987, the current District Board cannot adopt a resolution changing the governing structure until both cities have adopted resolutions consenting to the change. Section 3 of Brentwood's resolution provided that Brentwood's consent be effective immediately but expire 60 days from February 12. (The 60 day authorization limit was set by Brentwood as a means to quicken final actions). Section 4 of Oakley's resolution provided that Oakley's consent not be effective until 60 days after February 12. (The 60 day pause period was set by Oakley as a means to negotiate desired property transfers). In reality, Brentwood's consent to the new governing board would expire at the same time Oakley's consent to the new board would become effective. Unless both cities are in consent at the same time to the new governing board, the current District Board cannot consider adopting a resolution establishing the new governing board.

Subsequently, the following actions occurred:

1. The Brentwood City Council, on April 8, 2008, extended their timeline to May 27 (Resolution 2008-84 – Attachment D);
2. The Oakley City Council, on April 8, 2008, extended their timeline to May 15 (Resolution 30-08 Attachment E);
3. The Oakley City Council, on May 13, 2008, rescinded their resolution (Resolution 47-08 Attachment F), and;
4. The Brentwood City Council, on May 27, 2008, proclaimed that their resolution expired. Furthermore, the Council accepted an informational report on the procedure for detaching the City of Brentwood from East Contra Costa Fire Protection District and to annex into Contra Costa County Fire Protection District. The Council also received information regarding LAFCO's application procedure for reorganizations. The Council directed staff to move forward in applying to LAFCO for a reorganization (Attachment G pgs. 6-8).

At this point, given Oakley's opposition and Brentwood's direction, an appointed Board of Directors is not probable. However, other options are available under the Fire Protection District Law. In summary of the July 19, 2007 memo from County Counsel on this subject (Attachment H), our governance options are:

- Elected Board of Directors – Board of Directors may be elected by a majority of voters in the district. This option first requires a ballot measure seeking the approval of an Elected Board of Directors, followed by an actual election of candidates at the next regular general election. All current responsibilities of the Board of Supervisors as East Contra Costa Fire Protection District would transfer to the newly elected Board.
- Fire Commission – A Fire Commission may be appointed by the Board of Supervisors as East Contra Costa Fire Protection District. Any and all of the Boards' powers can be delegated to the Fire Commission. The powers of the Fire Commission can include the ability to acquire property, appoint employees, enter into contracts, establish and enforce rules, etc.
- Status Quo – The Board of Supervisors continues as the Board of Directors and does not delegate any authority or powers and the District continues as a separate legal entity.

Consolidation and Service Levels

Prior to consolidation in 2002, the far east County service level was best described as rural. There was a heavy reliance on paid-on-call firefighters and a mixture of paid and volunteer management staff. Geographical boundaries between the three former Districts were firm and a regional approach to emergency calls was problematic. In addition, this service configuration was becoming compromised due to the changing nature of far east County from rural to a suburban community. However, following the consolidation of the three districts into the East Contra Costa Fire Protection District, significant improvements in service delivery have been made over the past four years.

Following is a table outlining the pre- and post-consolidation staffing comparisons: or

Stations	# of Career Station Safety Personnel		Increase
	Pre-Consolidation	Post-Consolidation	
Bethel Island #95	0	6	6
Oakley #93	0	6	6
Brentwood #54	6	6	0
Brentwood #52	6	6	0
Discovery Bay #58	6	6	0
Discovery Bay #59	6	6	0
Byron #57	6	6	0
Knightsen #94	0	6	6
Marsh Creek Station #51 ¹	6	9	3
Total Station Personnel	36	57	21

¹ Marsh Creek Station reflects the "Amador Contract" between the District and Cal-Fire. During this time the District also received an additional 2 AMR quick-response vehicles for a total of 3; and saw a reduction in management staff from 3 Fire Chiefs to 1.

It was estimated in the "2001 Davis Report: Evaluation of Fire Services and Financing Far-East Contra Costa County Fire Protection Districts" that population in year 2000 for the subject area was 82,020. It was recently estimated that population is now approximately 97,400. This 15,380 increase in residents represent an approximate 19% growth in population.

It was also estimated in the 2001 Davis Report that the combined District call volume was approximately 4,103. Statistics provided by Contra Costa County Fire Protection District's Dispatch Center indicate that there were approximately 5,775 calls in year 2007. This represents an increase of 1,672 calls or approximately 41%.

The Fire District's 2008-09 budget estimates revenue at \$12,884,613 and expenditures at \$12,346,311 (which includes an assumed 6% assessed value and growth rate), forecasts a year end balance of approximately \$538,302. The District has experienced several years of exceptional revenue growth within Far East County and now has a 2007-08 reserve fund balance of approximately \$6 million. However, with the current housing market crisis, our near future revenue growth will decline.

The Fire District strives to provide increased services for our many communities, and improve safety for fire suppression personnel. We have developed paid two man crews versus volunteer staffing at all fire stations. In the past two years, the District has replaced three fire engines; however, there is still a need to replace, at minimum, two more engines in the near future. Additionally, the District has determined the necessity to remodel four of our current stations that were not originally built to house personnel for 24/7 operations. We are also actively developing options for evolving to three man crews in high call volume areas as revenue would allow.

The call volume increase is representative of the transformation of the Far East County. Moving from a rural to a suburban community has resulted in more senior housing, apartment complexes, retail establishments, traffic volume, as well as, the continuing seasonal recreational use of the Delta.

Next Steps

The District 3 and 5 Supervisors, the County Administrator, and the District have worked closely with the communities within the East Contra Costa Fire Protection District to identify needs and steps to provide improved service levels. Given that an appointed Board of Directors (that would have provided local decision making for service level improvements) is not probable, the Board of Supervisors as East Contra Costa Fire Protection District will continue to initiate service improvements. Therefore, it is recommended that the District III and V Supervisors continue working with the County Administrator, staff, and Acting Fire Chief to develop a plan and budget for increasing service levels and improving community and fire suppression personnel safety and return to the District Board with specific action recommendations.

RESOLUTION NO. 2008/89

A RESOLUTION OF THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS consenting to a change in the governing structure of the East Contra Costa Fire Protection District from an appointed board of directors comprised of the Contra Costa County Board of Supervisors to a board comprised of directors appointed by the cities of Brentwood and Oakley and the County of Contra Costa.

Recitals

- A. On June 4, 2002, pursuant to Resolution No. 2002/358, the Contra Costa County Board of Supervisors approved an application to the Local Area Formation Commission of Contra Costa County ("LAFCO") to consolidate the Oakley, Bethel Island, and East Diablo Fire Protection Districts into a single fire protection district called the "East Contra Costa Fire Protection District" and to dissolve the Oakley, Bethel Island, and East Diablo Fire Protection Districts, effective September 12, 2002.
- B. On August 14, 2002, pursuant to Resolution No. 02-24, LAFCO approved Contra Costa County's application to consolidate the Oakley, Bethel Island, and East Diablo Fire Protection Districts into the East Contra Costa Fire Protection District (the "District").
- C. The District is an independent public agency organized, existing, and exercising essential government functions pursuant to the Fire Protection District Law of 1987 (Health and Safety Code sections 13800 through 13970).
- D. The District consists of unincorporated Contra Costa County territory and the territory of the cities of Brentwood and Oakley.
- E. In a fire protection district that contains unincorporated county territory and the territory of one or more cities, the Fire Protection District Law of 1987 authorizes two types of appointed boards of directors.
- F. One type of appointed board of directors can be comprised of only a county board of supervisors. (Health and Saf. Code, § 13837(b).) Pursuant to LAFCO Resolution No. 02-24, the Contra Costa County Board of Supervisors is currently the appointed District Board of Directors.
- G. Alternatively, an appointed board of directors can be comprised of directors appointed by a county board of supervisors and directors appointed by each city council located within district boundaries. (Health and Saf. Code, § 13837(a).) Under this structure, each entity's governing board appoints directors according to each entity's proportionate share of population. This type of appointed board requires each entity to appoint at least one

director to the board. The governing board of each entity can appoint its own members as directors, as long as each appointed director lives within the boundaries of the fire protection district.

- H. A change in the District board governing structure to a board consisting of directors appointed by the City Councils of Brentwood and Oakley and the Contra Costa County Board of Supervisors will not occur unless both city councils and the board of supervisors consent to the change.
- I. The County currently provides substantial administrative support to the District. The County Board of Supervisors affirms that no later than six months following the first meeting of the new District governing board, all administrative services will be provided at the sole cost and expense of the District and will no longer be provided by the County. The County Board of Supervisors further affirms that the District will not be funded by the general fund of the County.
- J. The change in the District's governing structure that the County Board of Supervisors consents to will not change the legal status of the East Contra Costa Fire Protection District as an independent public agency organized, existing, and exercising essential government functions pursuant to the Fire Protection District Law of 1987. This change in the District's governing structure will have no effect on any conditions of employment of any District employee and will have no effect on any of the District's assets, rights or liabilities.

NOW, THEREFORE, the Contra Costa County Board of Supervisors resolves as follows:

- 1. The Board of Supervisors consents to the following changes in the structure and composition of the District Board of Directors:
 - a. The Board of Directors of the East Contra Costa Fire Protection District will be comprised of nine directors.
 - b. The members of the Board of Directors of the East Contra Costa Fire Protection District will henceforth be appointed by the City Council of the City of Brentwood, the City Council of the City of Oakley, and the Board of Supervisors of the County of Contra Costa.
 - c. The Brentwood City Council will appoint four directors. The Oakley City Council will appoint three directors. The Contra Costa County Board of Supervisors will appoint two directors.
 - d. The Brentwood City Council, the Oakley City Council, and the Contra Costa

D.3
2-12

County Board of Supervisors may appoint its own members as directors, provided the members are otherwise eligible to serve on the District Board of Directors.

- e. Each director must be a resident of the District.
 - f. The term of office of each director will be four years or until his or her successor qualifies and takes office. Appointed directors will serve at the pleasure of their respective appointing authority and may be removed with or without cause upon a majority vote of the members of the appointing authority or if the director is no longer eligible to serve on the District Board of Directors.
 - g. Within 60 days of their initial appointment, the new District Board of Directors will meet and elect its officers at its first meeting. The officers of the District board will be a president, a vice president and a secretary or clerk. The secretary or clerk may be a member of the District board, or the District board may employ a clerk to perform the duties of the secretary. The District board may create additional officers and elect directors to those positions, provided that no District director may hold more than one office.
 - h. Any subsequent vacancy on the District Board of Directors will be filled by the appointing authority within 90 days of the vacancy.
 - i. Because the number of directors is based on the number of people residing in each participating jurisdiction, the 2010 United States Census and each Census thereafter will be the basis for future population determinations. Within 180 days of the issuance of Census numbers, the District Board of Directors will consider the numbers and if necessary reconstitute director composition to account for proportional population changes.
 - j. The change in the District's governing structure is to become effective 60 days after the date of adoption of the resolution implementing the change. After that date, the Board of Supervisors will no longer be the District Board of Directors.
2. The Board of Supervisors urges the appointed District Board of Directors to consider adopting a resolution, pursuant to Health and Safety Code section 13848, that would allow voters to determine whether the Board of Directors should be comprised of members elected directly by the public.
 3. The Board of Supervisors urges the appointed District Board of Directors to ensure, to the extent practicable, that the level of service in each community located within the District

will continue to be equivalent to the level existing in that community at the time the District governing structure is changed, and to take steps to improve service levels throughout the District.

PASSED AND ADOPTED on February 12 2008 by the following vote:

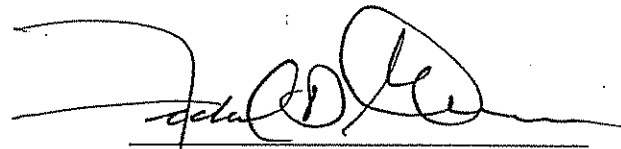
AYES: Gioia, Vilhena, Piepho, Borilla & Glover

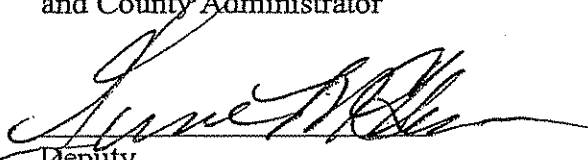
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

ATTEST: JOHN CULLEN
Clerk of the Board of Supervisors
and County Administrator


Board Chair

By: 
Deputy

[SEAL]

TLG:
H:\2008\ECCFPD\BOS consent resolution - final3.wpd

RESOLUTION NO. 2008-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD CONSENTING TO THE CREATION OF A NEW DISTRICT GOVERNING BOARD FOR THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT BASED ON PROPORTIONAL REPRESENTATION OF UNINCORPORATED PORTIONS OF THE COUNTY OF CONTRA COSTA, THE CITY OF BRENTWOOD AND THE CITY OF OAKLEY POPULATIONS; REQUESTING THAT THE EXISTING DISTRICT GOVERNING BOARD ADOPT THE NECESSARY RESOLUTIONS TO EFFECTUATE THE GOVERNING BOARD CHANGES TO PROVIDE FOR PROPORTIONAL POPULATION REPRESENTATION, METHOD OF APPOINTMENT, DIRECTOR QUALIFICATIONS VACANCIES AND ELECTION OF OFFICERS

WHEREAS, on June 4, 2002, the Contra Costa County ("County") Board of Supervisors by Resolution No. 2002/358 approved an application to the Local Area Formation Commission of Contra Costa County ("LAFCO") to consolidate the Oakley, Bethel Island, and East Diablo Fire Protection Districts into a single fire protection district called the "East Contra Costa Fire Protection District" (the "District") and to dissolve the Oakley, Bethel Island, and East Diablo Fire Protection Districts, effective September 12, 2002; and

WHEREAS, on August 14, 2002, by Resolution 02-24, LAFCO approved the County application to consolidate the Oakley, Bethel Island, and East Diablo Fire Protection Districts into the District; and

WHEREAS, the District is an independent public agency organized, existing and exercising essential government functions pursuant to the Fire Protection District Law of 1987 (Health and Safety Code sections 13800 through 13970) ("FPDL"); and

WHEREAS, the District consists of unincorporated Contra Costa County territory and the territory of the City of Brentwood ("Brentwood") and the City of Oakley ("Oakley"); and

WHEREAS, in a fire protection district that contains unincorporated county territory and the territory of one or more cities, the FPDL authorizes two types of appointed boards of directors; and

WHEREAS, one type of appointed board of directors can be comprised of only a county board of supervisors. (Health and Saf. Code, § 13837(b).) Pursuant to LAFCO Resolution No. 02-24, the County Board of Supervisors is currently the appointed District Board of Directors; and

WHEREAS, alternatively, an appointed board of directors can be comprised of directors appointed by a county board of supervisors and directors appointed by each city council located within district boundaries. (Health and Saf. Code, 13837(a).) Under this structure, each entity's governing board appoints directors according to each entity's proportionate share of population. This type of appointed board requires each entity to appoint at least one director to the board. The governing board of each entity can appoint its own members as directors, as long as each appointed director lives within the boundaries of the fire protection district; and

WHEREAS, the District, County, Brentwood and Oakley desire to change the District board governing structure and how District board members are appointed so as to provide

proportional population representation for the County, Brentwood and Oakley pursuant to State Health and Safety Code § 13800 et seq; and

WHEREAS, representatives of the City Councils of Brentwood and Oakley and the County Board of Supervisors have met and reached agreement on the structure and composition of the District Board of Directors from a board comprised of the County Board of Supervisors to a board comprised of directors appointed by Brentwood, Oakley, and the County; and

WHEREAS, Brentwood, Oakley and the County affirm that the District will not be funded by the general funds of the County, Brentwood or Oakley; and

WHEREAS, it is the intent of the three agencies that the new District governing board will be effective within sixty (60) days of the District governing board adopting the implementing resolution; and

WHEREAS, it is the intent of the three agencies to complete the transition, from the County providing District administrative support to the new District governing board providing District administrative support, within 6 (six) months of the first meeting of the new District governing board; and

WHEREAS, it is the intent of the three agencies to consider the option of a separately elected board of directors in the future; and

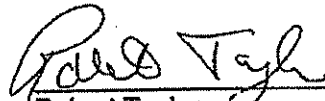
WHEREAS, the change in the District's governing structure will not change the legal status of the District as an independent public agency, organized, existing, and exercising essential government functions pursuant to the FFDL. This change in the District's governing structure will have no effect on any conditions of employment of any District employee and will have no effect on any of the District's assets, rights or liabilities.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Brentwood:

1. Consents to the creation of a new District governing board as set forth in the attached Exhibit "A" which is incorporated herein by this reference.
2. Requests that the District adopt the necessary resolutions to effectuate the changes set forth in Exhibit "A."
3. Determines that in the event that Oakley, the County or District does not, within sixty (60) days of the adoption of this Resolution, adopt resolutions amending the structure of the District governing board in the manner described herein, this Resolution will be automatically repealed with no further action of this Council.

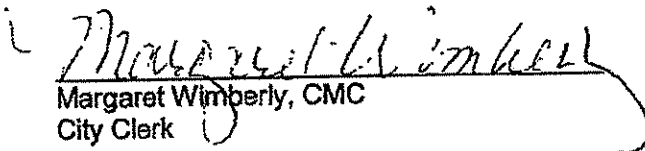
PASSED, APPROVED AND ADOPTED by the City Council of the City of Brentwood at a regular meeting held on the 12th day of February 2008 by the following vote:

AYES: Bechel, Brockman, Richey, Stonebarger, Taylor
NOES: None
ABSENT: None
ABSTAIN: None



Robert Taylor
Mayor

ATTEST:



Margaret Wimberly, CMC
City Clerk

EXHIBIT "A"
EAST CONTRA COSTA FIRE PROTECTION DISTRICT GOVERNING BOARD

(The following is based on Health and Safety Code Sections 13800 et. seq. Fire Protection District Law of 1987 and unless otherwise stated all citations are to the Health and Safety Code)

1. Total Number of District board members: 9 (§ 13842)
2. Director Composition:

City of Brentwood:	4
City of Oakley:	3
Contra Costa County:	2
3. Method of Appointment.
 District board members will be appointed by the City Council of Brentwood, the City Council of Oakley, and the Board of Supervisors of the County.
4. Method of Determining Populations of Member Cities and Unincorporated Areas of the County.
 The 2010 United States Census and each Census thereafter will be the basis for future population determinations. Within 180 days of the issuance of Census numbers, the District board will consider the numbers and if necessary reconstitute Director composition to account for proportional population changes.
5. Director Qualifications.
 Each director shall be a resident of the District (§ 13841)
6. Term of Office (§ 13843; Election Code § 10507).
 The term of office of each director will be four years or until his or her successor qualifies and takes office. Appointed directors will serve at the pleasure of their respective appointing authority and may be removed with or without cause upon a majority vote of the members of the appointing authority or if the director is no longer eligible to serve on the District board.
7. Vacancies.
 A vacancy on the District board shall be filled by the appointing authority within 90 days of the vacancy. (§ 13852; Election Code § 1779)
8. Election of Officers (§ 13853).
 Within 60 days after their initial appointment, the new District board will meet and elect its officers. The officers of the District board shall be a president, vice president and a secretary or clerk. The secretary or clerk may be a member of the District board, or the District board may employ a clerk to perform the duties of the secretary. The District board may create additional officers and elect directors to those positions, provided that no District director may hold more than one office.

RESOLUTION NO. 12-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY CONSENTING TO THE CREATION OF A NEW DISTRICT GOVERNING BOARD FOR THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT BASED ON PROPORTIONAL REPRESENTATION OF UNINCORPORATED PORTIONS OF THE COUNTY OF CONTRA COSTA, THE CITY OF OAKLEY AND THE CITY OF BRENTWOOD POPULATIONS; REQUESTING THAT THE EXISTING DISTRICT GOVERNING BOARD ADOPT THE NECESSARY RESOLUTIONS TO EFFECTUATE THE GOVERNING BOARD CHANGES TO PROVIDE FOR PROPORTIONAL POPULATION REPRESENTATION, METHOD OF APPOINTMENT, DIRECTOR QUALIFICATIONS VACANCIES AND ELECTION OF OFFICERS

WHEREAS, on June 4, 2002, the Contra Costa County ("County") Board of Supervisors by Resolution No. 2002/358 approved an application to the Local Area Formation Commission of Contra Costa County ("LAFCO") to consolidate the Oakley, Bethel Island, and East Diablo Fire Protection Districts into a single fire protection district called the "East Contra Costa Fire Protection District" (the "District") and to dissolve the Oakley, Bethel Island, and East Diablo Fire Protection Districts, effective September 12, 2002; and

WHEREAS, on August 14, 2002, by Resolution 02-24, LAFCO approved the County application to consolidate the Oakley, Bethel Island, and East Diablo Fire Protection Districts into the District; and

WHEREAS, the District is an independent public agency organized, existing and exercising essential government functions pursuant to the Fire Protection District Law of 1987 (Health and Safety Code sections 13800 through 13970) ("FPDL"); and

WHEREAS, the District consists of unincorporated Contra Costa County territory and the territory of the City of Oakley ("Oakley") and the City of Brentwood ("Brentwood"); and

WHEREAS, in a fire protection district that contains unincorporated county territory and the territory of one or more cities, the FPDL authorizes two types of appointed boards of directors; and

WHEREAS, one type of appointed board of directors can be comprised of only a county board of supervisors. (Health and Saf. Code, § 13837(b).) Pursuant to LAFCO Resolution No. 02-24, the County Board of Supervisors is currently the appointed District Board of Directors; and

WHEREAS, alternatively, an appointed board of directors can be comprised of directors appointed by a county board of supervisors and directors appointed by each city council located within district boundaries. (Health and Saf. Code, 13837(a).)

Under this structure, each entity's governing board appoints directors according to each entity's proportionate share of population. This type of appointed board requires each entity to appoint at least one director to the board. The governing board of each entity can appoint its own members as directors, as long as each appointed director lives within the boundaries of the fire protection district; and

WHEREAS, the District, County, Brentwood and Oakley desire to change the District board governing structure and how District board members are appointed so as to provide proportional population representation for the County, Brentwood and Oakley pursuant to State Health and Safety Code § 13800 et seq; and

WHEREAS, representatives of the City Councils of Brentwood and Oakley and the County Board of Supervisors have evaluated changing the structure and composition of the District Board of Directors from a board comprised of the County Board of Supervisors to a board comprised of directors appointed by Brentwood, Oakley, and the County; and

WHEREAS, Oakley, Brentwood and the County affirm that the District will not be funded by the general funds of the County, Oakley or Brentwood; and

WHEREAS, it is the intent of the three agencies that the new District governing board will be effective within sixty (60) days of the District governing board adopting the implementing resolution; and

WHEREAS, it is the intent of the three agencies to complete the transition, from the County providing District administrative support to the new District governing board providing District administrative support, within 6 (six) months of the first meeting of the new District governing board; and

WHEREAS, it is the intent of the three agencies to consider the option of a separately elected board of directors in the future; and

WHEREAS, the change in the District's governing structure will not change the legal status of the District as an independent public agency, organized, existing, and exercising essential government functions pursuant to the FPDL. This modification in the District's governing structure will not change the current collective bargaining agreement or any of the District's assets, rights or liabilities.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Oakley:

1. Consents to the creation of a new District governing board as set forth in the attached Exhibit "A" which is incorporated herein by this reference.
2. Requests that the District adopt the necessary resolutions to effectuate the changes set forth in Exhibit "A."

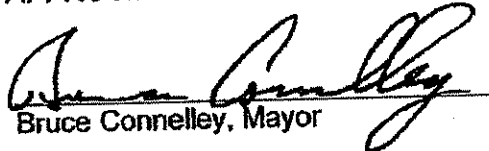
3. Determines that in the event that Brentwood, the County or District does not, within sixty (60) days of the adoption of this Resolution, adopt resolutions amending the structure of the District governing board in the manner described herein, this Resolution will be automatically repealed with no further action of this Council.

4. This resolution and the City's consent to the creation of the new District governing board shall not be effective until 60 days after the date of its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Oakley held on the 12th day of February 2008, by Councilmember Romick, who moved its adoption, which motion being duly seconded by Councilmember Anderson, was upon voice vote carried and the resolution adopted by the following vote:

AYES:	Anderson, Connelley, Romick
NOES:	Nix, Rios
ABSTENTIONS:	None
ABSENT:	None

APPROVED:


Bruce Connelley, Mayor

ATTEST:


Nancy Ortenblad, City Clerk

EXHIBIT "A"
EAST CONTRA COSTA FIRE PROTECTION DISTRICT GOVERNING BOARD

(The following is based on Health and Safety Code Sections 13800 et. seq. Fire Protection District Law of 1987 and unless otherwise stated all citations are to the Health and Safety Code)

1. **Total Number of District board members:** 9 (§ 13842)
2. **Director Composition:**

City of Brentwood:	4
City of Oakley:	3
Contra Costa County:	2
3. **Method of Appointment.**

District board members will be appointed by the City Council of Brentwood, the City Council of Oakley, and the Board of Supervisors of the County.
4. **Method of Determining Populations of Member Cities and Unincorporated Areas of the County.**

The 2010 United States Census and each Census thereafter will be the basis for future population determinations. Within 180 days of the issuance of Census numbers, the District board will consider the numbers and, if necessary, reconstitute Director composition to account for proportional population changes.
5. **Director Qualifications.**

Each director shall be a resident of the District (§ 13841)
6. **Term of Office (§ 13843; Election Code § 10507).**

The term of office of each director will be four years or until his or her successor qualifies and takes office. Appointed directors will serve at the pleasure of their respective appointing authority and may be removed with or without cause upon a majority vote of the members of the appointing authority or if the director is no longer eligible to serve on the District board.
7. **Vacancies.**

A vacancy on the District board shall be filled by the appointing authority within 90 days of the vacancy. (§ 13852; Election Code § 1779)
8. **Election of Officers (§ 13853).**

Within 60 days after their initial appointment, the new District board will meet and elect its officers. The officers of the District board shall be a president, vice president and a secretary or clerk. The secretary or clerk may be a member of the District board, or the District board may employ a clerk to perform the duties of the secretary. The District board may create additional officers and elect directors to those positions, provided that no District director may hold more than one office.

RESOLUTION NO. 2008-84

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD
EXTENDING THE TIME LIMIT FOR THE EAST CONTRA COSTA FIRE PROTECTION
DISTRICT TO ADOPT A RESOLUTION AMENDING THE STRUCTURE OF ITS
GOVERNING BOARD**

WHEREAS, the City of Brentwood ("Brentwood"), the City of Oakley ("Oakley"), the County of Contra Costa ("County") and the East Contra Costa Fire Protection District ("District") desire to change the District board governing structure and how District board members are appointed so as to provide proportional population representation for the County, Brentwood and Oakley pursuant to State Health and Safety Code § 13800 et seq; and

WHEREAS, representatives of the City Councils of Brentwood and Oakley and the County Board of Supervisors have met and reached agreement on the structure and composition of the District Board of Directors from a board comprised of the County Board of Supervisors to a board comprised of directors appointed by Brentwood, Oakley, and the County; and

WHEREAS, Resolution No. 2008-31, adopted by the Brentwood City Council on February 12, 2008, provided for a sixty (60) day time limit in which Oakley, the County and the District were required to adopt resolutions amending the structure of the District governing board or Resolution No. 2008-31 would be automatically repealed; and

WHEREAS, the sixty (60) day time limit is to expire on or about April 12, 2008; and

WHEREAS, continuing discussions between the County and Oakley have delayed the District's adoption of a resolution amending the structure of the District governing board in the manner described herein; and

WHEREAS, in the interest of intergovernmental cooperation and a desire to ensure the long term success of the District, the City Council has agreed to extend the time limit for the District to adopt a resolution amending the structure of its governing board in the manner described herein for a period of forty-five days from April 12, 2008.

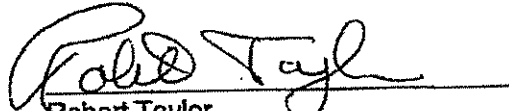
NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Brentwood hereby:

1. Amends Section 3 of Resolution 2008-31 in its entirety to read as follows:

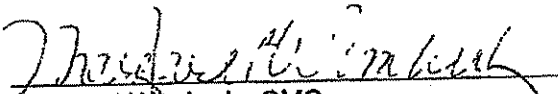
"3. Determines that in the event that Oakley, the County or District does not, within forty-five (45) days from April 12, 2008, adopt resolutions amending the structure of the District governing board in the manner described herein, this Resolution will be automatically repealed with no further action of this Council."

PASSED, APPROVED AND ADOPTED by the City Council of the City of Brentwood at a regular meeting held on the 8th day of April 2008 by the following vote:

AYES: Beanel, Brockman, Stonebarger, Taylor
NOES: Richey
ABSENT: None
ABSTAIN: None


Robert Taylor
Mayor

ATTEST:


Margaret Wimberly, CMC
City Clerk

RESOLUTION NO. 30-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY EXTENDING THE EFFECTIVE DATE OF RESOLUTION NO. 12-08 CONSENTING TO PROPOSED CHANGES TO THE GOVERNING BOARD FOR THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT

WHEREAS, the Oakley City Council adopted Resolution No. 12-08 on February 12, 2008 consenting to proposed changes to the governing board for the East Contra Costa Fire Protection District ("District"), a copy of which is attached hereto; and

WHEREAS, item #4 of Resolution No. 12-08 provided for an effective date 60 days from its adoption to allow time for discussions and resolution of various other pending matters involving Contra Costa County ("County"); and

WHEREAS, the County has yet to resolve these matters and has not accepted solutions proposed by the City; and

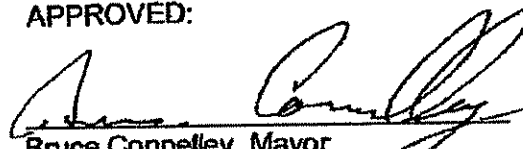
WHEREAS, the Oakley City Council remains hopeful that the County will resolve the pending matters in the near future.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the effective date of aforesaid Resolution No. 12-08, including the City Council's consent to the proposed changes to the governing board of the District, is hereby extended until May 15, 2008. The City Council further directs the City Manager to continue discussions with County and to present a proposed agreement on the pending matters at the May 13, 2008 City Council Meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Oakley held on the 8th day of April 2008, by Councilmember Romick, who moved its adoption, which motion being duly seconded by Mayor Connelley, was upon voice vote carried and the resolution adopted by the following vote:

AYES:	Anderson, Connelley, Romick
NOES:	Nix, Rios
ABSTENTIONS:	None
ABSENT:	None

APPROVED:


Bruce Connelley, Mayor

ATTEST:


Nancy Ortenblad, City Clerk

RESOLUTION NO. 47-08**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY RESCINDING RESOLUTIONS 12-08 AND 30-08 CONSENTING TO PROPOSED CHANGES TO THE GOVERNING BOARD FOR THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT**

WHEREAS, the Oakley City Council adopted Resolution No. 12-08 on February 12, 2008 consenting to proposed changes to the governing board for the East Contra Costa Fire Protection District ("District"), a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, Item #4 of Resolution No. 12-08 provided for an effective date 60 days from its adoption to allow time for discussions and resolution of various other pending matters involving Contra Costa County ("County"); and

WHEREAS, these pending matters were not resolved prior to the effective date of Resolution No. 12-08, the City Council further extended the effective date until May 15, 2008 by adopting Resolution 30-08, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, the Oakley City Council has determined that the pending matters with the County should be discussed separately from the Fire District matters addressed in Resolutions 12-08 and 30-08; and

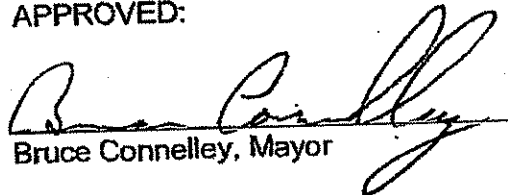
WHEREAS, the Oakley City Council has further determined that the governing board model for the Fire District proposed by Resolutions 12-08 and 30-08 is not in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the aforesaid Resolutions 12-08 and 30-08, including the City Council's consent to the proposed changes to the governing board of the District, are hereby rescinded.

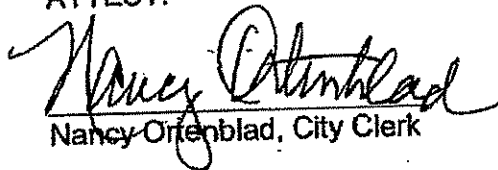
The foregoing resolution was introduced at a regular meeting of the Council of the City of Oakley held on the 13th day of May 2008, by Councilmember Nix, who moved its adoption, which motion being duly seconded by Councilmember Anderson, was upon voice vote carried and the resolution adopted by the following vote:

AYES:	Anderson, Nix, Rios, Romick
NOES:	Connelley
ABSTENTIONS:	None
ABSENT:	None

APPROVED:


Bruce Connelley, Mayor

ATTEST:


Nancy Ortenblad, City Clerk



**CITY OF BRENTWOOD
CITY COUNCIL AND
REDEVELOPMENT AGENCY
MEETING MINUTES
TUESDAY, 7:00 P.M.
MAY 27, 2008
COUNCIL CHAMBER**

Chris Becnel
Robert A. Brockman

Robert Taylor, Mayor

Brandon Richey
Erick Stonebarger

CALL TO ORDER CITY COUNCIL/REDEVELOPMENT AGENCY (07:02 PM)

Pledge of Allegiance (07:02 PM)

Roll Call (07:03 PM)

Present: Becnel; Brockman; Richey; Stonebarger; Taylor

PRESENTATIONS (07:03 PM)

- A. Recognize student winners of the City of Brentwood Youth Commission Scholarship. (C. Bronzan/B. Gary)

Park and Recreation Supervisor, Barbie Gary, introduced the following 2008 Youth Commission scholarship winners: Madison Trudell, Liberty High School, Jordan Dietrick, Liberty High School, and Matthew Brennaman, Liberty High School. Daniella Bay, Heritage High School, was not in attendance. Ms. Gary announced the Youth Commission fundraiser, Tour de Starbucks bike ride, May 31, 2008.

PUBLIC COMMENTS (07:06 PM)

Harry York, Chamber of Commerce, spoke about the Economic Summit and asked for Council support of AB 2168, which loosened standards for roadside farms and u-pick farms and stands.

Barbara Guise said Tri Delta Transit won Summit International Awards for creativity in the television and radio spot categories. The youth of the community could purchase a wrist band and travel all day on Tri Delta Transit for \$45 during the months of June through August.

Karen Kops, president of the Homeless Animals Response Program (H.A.R.P), honored Randy Bither and her staff at Doggie Depot. Randy had groomed many homeless animals and donated hours of service, which helped with adoptions. A certificate of appreciation was presented to Ms. Bither.

CONSENT CALENDAR (07:13 PM)

1. Approved minutes of the City Council/Redevelopment Agency meeting of May 13, 2008. (M. Wimberly)
2. Accepted a Proclamation recognizing June as National Safety Month. (K. Chew)
3. Adopted Resolution 2008-118 accepting the bid and approving the purchase of a 250-KW mobile power generator from California Diesel and Power; and authorizing the City Manager or her designee to execute a purchase order and necessary documents in an amount not to exceed \$92,492.33. (B. Grewal/ C. Ehlers/ E. Brennan)
4. Adopted Resolution 2008-119 authorizing the submittal of grant applications, for up to five years, to the California Integrated Waste Management Board for funding from the Targeted Rubberized Asphalt Concrete Incentive Grant Program and authorizing the City Manager or her designee to execute any and all documents necessary to secure grant funds for the Pavement Management

Program, CIP 336-30830. (B. Grewal/ C. Ehlers/ J. Gallegos)

5. Adopted Resolution 2008-120 approving and authorizing the City Manager or her designee to execute an amendment to the Professional Services Agreement and other related documents with Lone Tree Trucking for a total agreement amount not to exceed \$164,900 (\$72,000 for fiscal year 2007/08 and \$92,900 for fiscal year 2008/09). (B. Grewal/ C. Ehlers/ K. Vickers)
6. Adopted Resolution 2008-121 calling and giving notice of the holding of a general municipal election to be held on Tuesday, November 4, 2008, for the election of Mayor and two [2] Councilmember's; Adopted Resolution 2008-122 requesting the Board of Supervisors of the County of Contra Costa to consolidate the election and adopting regulations for candidates statements, and Adopted Resolution 2008-123 adopting Regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election (D. Landeros/M. Wimberly)
7. Adopted Resolution 2008-124 accepting the Sage Glen Estates Trail Improvements and the Lighting and Landscape District for Subdivision No. 8854, Castello Property, located at the northeast corner of Balfour Road and Fairview Avenue, by Western Pacific Housing, Inc. (C. Bronzan/R. Stromgren/L. Stadlbauer)
8. Adopted Resolution 2008-125 accepting the Siena Village Park Improvements for Subdivision No. 8953, Siena Village located at 301 Cortona Way by Siena Partners LLC. (C. Bronzan/R. Stromgren/L. Stadlbauer)
9. Adopted Resolution 2008-126 certifying that the City of Brentwood is in compliance with the Measure C Growth Management Program and authorizing the City Manager or designee to execute the Growth Management Checklist for calendar years 2006 and 2007 for allocation of Measure C Local Street Maintenance & Improvement funds. (B. Grewal/S. Kersevan)
10. Adopted Resolution 2008-127 approving the speed limits for sections of Walnut Boulevard and O'Hara Avenue within the City of Brentwood. (B. Grewal/S. Kersevan)
11. Adopted Resolution 2008-128 accepting public improvements for maintenance; accepting the Subdivision Maintenance Bond; and releasing the Subdivision Improvement Securities for Subdivision No. 8539, Casitas Del Sol, located at the northwest corner of Sycamore Avenue and Barbara Street developed by RHS Construction. (B. Grewal/D. Galey)
12. Adopted Resolution 2008-129 approving and authorizing the City Manager or designee to consent to an Assignment and Assumption Agreement between Suncrest Homes 25, LLC and Discovery Builders, Inc. to assign the Property Acquisition Agreement relating to Tentative Subdivision Map No. 8954, located south of Lone Tree Way and east of O'Hara Avenue. (B. Grewal/D. Galey)
13. Adopted Resolution 2008-130 approving the contract documents, awarding the bid and authorizing the City Manager or designee to execute a construction contract and necessary documents for the American Avenue Improvements, CIP Project No. 336-31681, with Granite Construction Company, in the Base Bid amount of \$110,995.00, plus Bid Alternate "A" in the amount of \$42,775.00, plus Bid Alternate "B" in the amount of \$53,708.00 for a bid total amount of \$207,478.00. (B. Grewal/P. Eldredge)
14. Adopted Resolution 2008-131 approving and authorizing the City Manager to sign the extension and revision to the 2003/2008 Memoranda of Understanding ("MOU") for the Brentwood Employee Associations - Public Works and Miscellaneous Office Divisions, as well as the Mid-Managers Group for one year with the option to extend by one additional year, and adopted Resolution 2008-132 to comply with the Internal Revenue Code Section 414(h)(2) regarding continued employer payment of the employee retirement contribution. (K. Chew/P. Standley)

15. Adopted Resolution 2008-133 accepting the O'Hara and Lone Tree landscape improvements in the common area for Steeplechase LLD, Subdivision No. 8674, located west of O'Hara Avenue between Neroly Road and Lone Tree Way by Richmond American Homes of California, Inc. (C. Bronzan/R. Stromgren/L. Stadlbauer)
16. Adopted Resolution 2008-134 accepting the work performed by Carrier Corporation Inc. for the Aquatic Complex Improvements Project, CIP Project No. 352-52403, and directing the City Clerk to file a Notice of Completion with County Recorder. (C. Bronzan/M. Azamey)
17. (1) Adopted Resolution 2008-135 adopting a Mitigated Negative Declaration; and (2) Adopted Resolution 2008-136 approving the appeal of and approving an amendment to the design review (DR 05-27) for the City Block retail center to allow for a left-in turn pocket for westbound traffic at the main Balfour Road entrance. The center is located at the southwest corner of the intersection of Griffith Lane and Balfour Road. (C. McCann/D. Hill)
18. Waived second reading and adopted Ordinance No. 859 for a Rezone (RZ 07-02) to add Chapter 17.740, Residential Condominium Conversions, to the Brentwood Municipal Code establishing criteria for condominium conversions of all multi-family residential projects with five (5) and more units within the City limits. (C. McCann/D. Hill)
19. Approved warrants from Warrant lists dated April 23, 2008; April 30, 2008 and May 07, 2008. (P. Ehler/L. Schelbert)

CONSENT CALENDAR ACTIONS (07:14 PM)

Motion: Approve Consent Calendar Items 1 - 19, with the modification to Item 13, as recommended.

Moved by Brockman, seconded by Stonebarger.

Vote: Motion carried 5-0.

Yes: Becnel; Brockman; Richey; Stonebarger; Taylor

PUBLIC HEARINGS (07:14 PM)

20. Adopted Resolution 2008-X 1) Adopting the Negative Declaration and 2) Adopting the 2008/09-2012/13 Capital Improvement Program. (P. Ehler/K. Breen)

Director of Finance and Information Systems, Pam Ehler, presented a staff report on the Capital Improvement Program (CIP) budget. The CIP budget had been taken to the Planning Commission on May 6, 2008, for compliance with the General Plan and review of the Negative Declaration. Staff was presenting for adoption the 2008/09 Fiscal year CIP budget and the remaining four years were placeholders for budgetary projections. All agreements and contracts over \$50,000 would come to Council for approval for each project.

Mayor Taylor opened the public hearing.

Motion: Close the public hearing.

Moved by Brockman, seconded by Richey.

Vote: Motion carried 5-0.

Yes: Becnel; Brockman; Richey; Stonebarger; Taylor

Council Member Richey encouraged staff to examine the CIP budget and remove unnecessary items due to budget cutbacks.

Council Member Stonebarger asked if the Community Facilities Districts (CFD's) were taxes that were currently being collected or was that something the City would bond for.

Director of Finance and Information Systems, Pam Ehler, said the CFD's were assessments the City was currently collecting every year.

Council Member Stonebarger expressed concerns about the use of the general fund for City Hall and redevelopment funds for the parking structure.

Council Member Richey agreed with Council Member Stonebarger.

Vice Mayor Brockman asked about San Jose Avenue and what would happen if the developer did not start developing there and if the City had funds available to pursue that item.

Director of Public Works/City Engineer, Bailey Grewal, said the westerly extension of San Jose Avenue would tie into Sand Creek Road and ten to twenty percent was reimbursable, otherwise it was the developer's responsibility. The City was working with the developer since there would be changes to their project on the timing and there was a development agreement with the City which would be brought to Council regarding timing, and when the improvements would be done.

Director of Finance and Information Systems, Pam Ehler, said with regard to the reimbursements, the credits given against the fees were given only at the time the permit was pulled.

Motion: Adopt Resolution 2008-137 1) Adopting the Negative Declaration and 2) Adopting the 2008/09-2012/13 Capital Improvement Program.

Moved by Brockman, seconded by Becnel.

Vote: Motion carried 4-1.

Yes: Becnel; Brockman; Richey; Taylor

No: Stonebarger

PUBLIC COMMENT (07:23 PM)

Michelle Myers, East Diablo Youth Soccer League (EDYSL), expressed concerns about Sunset field. She asked to have a turf, all-weather field installed that would bring tournaments to Sunset and visitors to the City.

The City Clerk read the title of Ordinance 859.

OLD BUSINESS (07:28 PM)

21. Accepted Management Partners Affordable Housing Obligations and Options Assessment Report; and authorize staff to begin pursuing Recommendations 1 through 7, or recommendations formulated by the Council, to promote financial sustainability of the City's Housing Administration Fund to continue its purpose to manage and oversee the programs and projects authorized by City's Affordable Housing Ordinance. (C. McCann/G. Rozenski)

Redevelopment Agency Manager, Gina Rozenski, presented a staff report regarding the management and operations of the City's housing programs, which were dependent on the collection of developer fees. In 2007, staff identified that the operational and administration costs to manage the Housing Program were financially unsustainable due to a slowdown in residential development. She introduced Andy Belknap, Management Partners.

Andy Belknap, Management Partners, presented an overview regarding sustainability and found the program was not financially sustainable at build out. He said initial recommendations included consolidation of the Housing Division and Redevelopment Agency. Objectives were to deliver housing that met the needs for all income levels, complied with State and local housing mandates and provided services in a cost effective manner. He spoke about the analysis, and said he felt there were more programs in the City than necessary. The City was above and beyond in implementing programs and a leader in the area of affordable housing. Development had paused and home values had declined, which resulted in a financial squeeze on the affordable housing programs and revenues which had been used to fund the program were not available. He offered recommendations that would align the City's Housing Program with current realities. He had looked at the affordable housing program in coordination with the Housing Element update. A detailed implementation action plan was in the staff report and he felt it was important to move forward to make the program as financially sustainable as possible.

Council Member Stonebarger asked if there was an element within the Affordable Housing Plan for certain careers and what type of priorities it provided.

Redevelopment Manager, Gina Rozenski, said there was an element in the Affordable Housing Plan. She continued with the staff report and said there were nine or twelve recommendations by Management Partners outlined in the staff report. Staff had prepared the seven point action plan, assisting with the City's Housing Administration Fund, while continuing to deliver customer service to implement the Ordinance to provide housing to all income levels of the community and comply with the City's Housing Element, which needed to address State and local housing mandates. The Land Use and Development Committee recommended the Council accept the seven point action plan and promote financial sustainability of the Affordable Housing Program. Staff requested the authority to begin pursuing the recommendations, some of which would return to Council as budget related items.

Mayor Taylor opened public comments.

Mayor Taylor closed public comments.

Council Member Richey said the Housing Program had too many subprograms to operate within its means and he asked staff to look at what the City could afford. The City was ahead of where it needed to be in both program and numbers in comparison to other cities. Affordable housing was good in appropriate numbers and too much would negatively impact the City in numerous ways. He felt the use of the general fund to support the program was a misuse of the funds and needed to be addressed immediately.

Vice Mayor Brockman said he felt the affordable housing programs had been excessive and he had asked for a change. The movement of the Housing Division to within Redevelopment was pro active and rentals were costing the City more than the City could rent them for. He was not in favor of using the general fund to subsidize the program.

Council Member Stonebarger asked about the effect on the general fund.

Redevelopment Manager, Gina Rozenski, said there was no effect on the general fund and staff proposed that there be a loan from the Affordable Housing in-lieu fee, which was 80 percent of the developer in-lieu fee, and shifting a portion of staff costs to the Redevelopment Agency. There still remained an unfunded balance that staff was not going to be able to administer because of the significant decrease in developer fees. She proposed a loan from the Affordable Housing Trust Fund and was not proposing a hit to the general fund. When the City was built out, and when the Redevelopment Agency sunsets, the program would be in existence since there were units the City had created and would need to maintain. In the future, the program would need to find a different funding source, rather than the Redevelopment Agency and developer fees.

Council Member Stonebarger was not in favor of using the general fund. He spoke about State mandates and said the City was a leader in affordable housing. He asked to make priorities to bring in the types of people in careers to build the community.

Vice Mayor Brockman said the City had programs that allowed opportunity, which placed the City as a leader, and programs would cost money to run and the City was being pro active.

Redevelopment Manager, Gina Rozenski, said the Housing Element must address how the City would meet the State and local mandates. When a Housing Element was not certified by the State lawsuits from housing advocates could happen. There was the risk of not meeting the Housing Element and not being certified.

Council Member Richey said there was plenty of affordable housing in the City.

Redevelopment Manager, Gina Rozenski, said the City Administration fund would be close to \$3,000 in its fund balance at the end of the fiscal year and there would be no other funds to operate the program as of July 1, 2008.

Director of Finance and Information Systems, Pam Ehler, said the amount of the loan was \$284,000 and the in-lieu fee fund would generate approximately \$300,000 to \$350,000 in interest next year.

The loan was less than what the fund would make in interest.

Council Member Becnel said the City needed to begin financial and legal analysis to on selling housing units and he was not interested in selling the units in a depressed housing market. He spoke about how the economic downturn made Council look at spending. He agreed the City had been above and beyond in the area of affordable housing and it needed to be trimmed back. The Land Use and Development Subcommittee did not want a hit to the general fund. He felt this was a step to trimming the program and there were programs that needed to be administered since some units had deed restrictions that went out for 40 years and the City was looking at the long term implications. The most serious problem was the Rental Housing Element.

Mayor Taylor asked to fast-track program changes and have that completed within the year due to the Housing budget.

Council Member Richey said he felt that recommendations 1 - 7 in the staff report would assist the City. He did not believe that by reallocating funds was the right way to go. If the program could not be run within its means, then staff needed to be reduced. Before taking the affordable housing in-lieu fund, via the low interest loan, the City needed to look at the program and make immediate cuts where necessary. There were opportunities for cutting back without coming close to violating State laws and exposure to litigation. He did not see a reference in the staff report as to when the program would be discontinued.

Council Member Stonebarger asked about an analysis.

Vice Mayor Brockman said the City could not increase the rental fee and staff was already limited, and the program had to be monitored. The program was starting to cost the City money and needed to be changed.

Council Member Becnel said that staff had already been cut.

Redevelopment Manager, Gina Rozenski, said there had been another Housing Manager that retired and was not replaced. That was when the Housing and Redevelopment Divisions merged and the existing staff was trying to absorb those functions. In the 2007/2008 budget, was \$970,000 which she had cut by \$500,000 from the program, in addition to a reduction in staff. Out of the remaining \$475,000 she was proposing \$225,000 for staff reallocation to the Agency. The remaining \$264,000 would be the loan amount from the 80 percent part of the in-lieu fee, which would not affect the general fund.

Council Member Richey said the report did not address reducing the program so it could be appropriately managed within its means.

Council Member Stonebarger said he hoped the item would return to Council before the year was out and felt it needed to be evaluated.

Vice Mayor Brockman said this had to be back before June 2009 for the Affordable Housing Ordinance review as part of the General Plan.

Motion: Accept Management Partners Affordable Housing Obligations and Options Assessment Report; and authorize staff to begin pursuing Recommendations 1 through 7, or recommendations formulated by the Council, to promote financial sustainability of the City's Housing Administration Fund to continue its purpose to manage and oversee the programs and projects authorized by City's Affordable Housing Ordinance.

Moved by Brockman, seconded by Becnel.

Vote: Motion carried 4-1.

Yes: Becnel; Brockman; Richey; Taylor

No: Stonebarger

22. Informational report on the process of detaching from Contra Costa Fire District and Annexing to Contra Costa Fire Protection District for providing service to the City of Brentwood. (D. Landeros)

City Manager, Donna Landeros, presented a staff report outlining the procedural steps that would be involved if the City were to apply to the Local Agency Formation Commission (LAFCO) to detach from East Contra Costa Fire District and be annexed to Contra Costa County Fire (ConFire). City Council and staff, along with the County and City of Oakley, had spent over the last three years involved in the master plan process to improve the level of fire service within East Contra Costa Fire Protection District. Last September, the City thought there was an agreement with all three agencies to participate in an Appointed Board and it would have been a governance model that would have allowed the City of Brentwood, City of Oakley and Contra Costa County to make decisions with weighted votes. The City of Oakley and the County did not reach agreement on the Appointed Board so the Council requested information on annexing to ConFire.

The concept of approaching LAFCO and applying for annexation to ConFire is not an easy course to take. The staff report identified the procedural steps and the City will not know if LAFCO will allow that and if it was allowed, what was the property tax level they would allow the incorporated area of the City to carry with it to ConFire and what would be the gap. If Council directed staff to return with a resolution to initiate the process, a fiscal analysis would be prepared that would need to go with the application to LAFCO. She said staff would use the City Gate consultants and she requested Council direction.

Council Member Richey asked about the consultants and their experience.

City Manager, Donna Landeros, said the consultants had experience with LAFCO. Additional resources may be needed and she was confident the consultants could give the City good advice.

Council Member Stonebarger asked if the City would have to go through the same LAFCO process if the City wanted to exit the current Fire District and create another and obtain funding.

City Manager, Donna Landeros, said the City would need to go through the same process even without funds.

Mayor Taylor said the City was still under County jurisdiction at this time.

City Manager, Donna Landeros, explained with the appointed board, the City would at least have had an opportunity to have a weighted vote to talk about next steps. The appointed board would have been a mechanism for taking the next steps and being at the table. The City was back to status quo, which had been unacceptable for the last few years.

Mayor Taylor said the City's coverage was still governed by the County.

City Manager, Donna Landeros, stated the City had no official say in the decision making.

Mayor Taylor opened public comments.

Stephen Smith expressed concern about what had happened between the County and the City of Oakley and said the regional approach had been very promising as well as important. The annexation consolidated was a second best choice and did nothing to resolve the local governance issue and damaged the regional approach. Local firefighters were under-paid, stations under-manned, and the citizens under-served. He was concerned about the delay, said response times did not even come close to national standards, and he urged Council and staff to push for a resolution.

Mayor Taylor closed public comments.

Vice Mayor Brockman said the City had looked at ConFire, which was expensive. The City had to follow the process to obtain local governance and bring the City to the level it deserved. LAFCO did not want to split districts and there was the issue of taxes and costs. The County had the resources with all of the tax dollars and the citizens in the area would need to pay a certain amount. There would be the necessity to increase or find revenue to pay for services. He believed it would be more expensive for the City to have its own department than going with ConFire. He felt it would be ideal if ConFire took in the City, even though the City would lose the governance issue. The

pay; resources and fire houses would be there and it came down to the taxes and he said he was in favor.

Council Member Richey said the best opportunity to consolidate or annex with Consolidated Fire was now and he wished to move forward.

Council Member Stonebarger said the City had given the regional approach its best and the goal was to get to the desired staffing for citizens. If ConFire was the quickest and best way to do that, he was in favor.

Council Member Becnel said he felt the City had experienced a total failure of leadership from the elected officials in the County and City of Oakley. The issues were that firefighters were paid half as much as others in the County, and staffed less and it was because the County would not come up with dollars for far East County. If the City could de-annex and go to Contra Costa Fire, the City would be giving money to an organization run by people who had demonstrated a fundamental incapacity to treat far East County fairly. Unless there was more money, it would still leave the firefighters under-paid and under-staffed. He felt the County had shown a disregard for the people in East County.

Mayor Taylor said he felt Council had done the right thing and it was with great regret that it was not accomplished and the City needed to move on.

Motion: Accept the informational report on the process of detaching from Contra Costa Fire District and Annexing to Contra Costa Fire Protection District for providing service to the City of Brentwood, and direct staff to pursue annexation to ConFire and return to Council with additional information.

Moved by Brockman, seconded by Richey.

Vote: Motion carried 4-1.

Yes: Brockman; Richey; Stonebarger; Taylor

No: Becnel

INFORMATIONAL REPORTS FROM COUNCIL MEMBERS (08:34 PM)

Mayor Taylor reported on his attendance at the Economic Summit with Congressman McNerney.

REQUESTS FOR FUTURE AGENDA ITEMS (08:35 PM)

Council Member Stonebarger spoke about the ordinance that addresses Police staffing levels at 1.5 officers per 1,000 residents and currently, the City was at 1.2 officers per 1,000 residents.

Mayor Taylor spoke about the soccer comment that was made earlier by East Diablo Youth Soccer League and asked if a staff report was needed.

Director of Parks and Recreation, Craig Bronzan, said the item could be done as part of the weekly update.

ADJOURNMENT (08:37 PM)

In honor of James A. Frank, former Police Chief. A moment of silence followed.

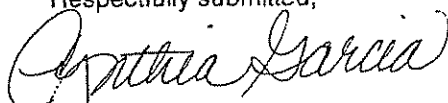
Motion: Adjourn

Moved by Richey, seconded by Stonebarger.

Vote: Motion carried 5-0.

Yes: Becnel; Brockman; Richey; Stonebarger; Taylor

Respectfully submitted,


Cynthia Garcia, CMC
Assistant City Clerk

Office of the County Counsel
651 Pine Street, 9th Floor
Martinez, CA 94553

Contra Costa County
Phone: (925) 335-1800
Fax: (925) 646-1078

Date: July 19, 2007

To: Supervisor Mary N. Piepho, District 3
Supervisor Federal D. Glover, District 5

From: Silvano B. Marchesi, County Counsel
By: Thomas L. Geiger, Deputy County Counsel **TG**

Re: **SUMMARY OF EAST CONTRA COSTA FIRE PROTECTION DISTRICT
GOVERNING BOARD STRUCTURES**

This memo summarizes the possible options for restructuring the East Contra Costa Fire Protection District ("ECCFPD") board of directors, which is currently governed by the Contra Costa County Board of Supervisors. This memo is prepared for your July 20, 2007 meeting with city officials.

Under one option, the ECCFPD board of directors could become an elected board if a majority of voters in the district approve the change. A second option would be for the current board to appoint a fire commission that would have the authority to act on behalf of the ECCFPD in certain matters. Another alternative would be for the membership of the board to be changed from a board consisting only of county supervisors to a board consisting of directors appointed by county supervisors and city council members. This type of board could be a board where the appointed directors are county supervisors and city council members themselves.

Existing Board Structure

In a fire district that contains unincorporated county territory and the territory of one or more cities, the fire district's board of directors can be comprised of all five members of a county board of supervisors. (Health and Saf. Code, § 13837(b).)¹ This type of board is considered an appointed board of directors. This is the governing structure that currently exists, with the Contra Costa County Board of Supervisors as the appointed ECCFPD board of directors.

Under the Fire District Law, a fire protection district is considered an independent district, regardless of whether a fire protection district is governed by a board of supervisors.

¹ The Fire Protection District Law of 1987 (Health & Saf. Code, §§ 13800-13970; the "Fire District Law") is the statute that governs the ECCFPD. All further statutory references are to the Health and Safety Code.

This means that the ECCFPD is a separate legal entity, even though all five members of the Contra Costa County Board of Supervisors sit as the ECCFPD's board of directors. Whether or not the governing structure of the ECCFPD changes, the ECCFPD will still be a separate legal entity.²

Other Board Structures

1. Elected Board of Directors

The current board can be changed to an elected board of directors. A majority of voters in the district must approve a change from an appointed board to an elected board. (§ 13848(a).) If a majority of voters voting on the question approves of changing from an appointed district board to an elected district board at a general election or a special election, the members of the district board will be elected at the next general district election. (§ 13848(d).)

An elected board of directors can be elected at large or by divisions. (§ 13846(a).) If a board is elected at large, each director must be a resident of the fire district. (§ 13841.) "Elected by division" means the election of each member of the district board by voters of only the respective election division. (§ 13846(b).) If an elected board is elected by division, each board member must live in the division that he or she represents. (§§ 13841, 13846(f).)

2. Fire Commission

In a fire district where a board of supervisors is the appointed district board, the board of supervisors may establish a fire commission and delegate any or all of its powers to that commission. (§ 13844.) A fire commission makes decisions and acts on behalf of the fire protection district, as to those powers delegated to it. It is not merely an advisory committee.

The powers of a fire district are listed in sections 13860 through 13879 of the Fire District Law. These powers include the power to acquire property, to sue and be sued, to appoint employees and determine their pay, to employ counsel, to enter into and perform contracts, and to establish and enforce rules and regulations. (§ 13861.)

Fire commissioners are appointed by the board of supervisors. (§ 13841.) A fire commission must have five or seven commissioners. Some or all of the fire commissioners may

² This summary assumes the boundaries of the ECCFPD would not change under any of the possible options discussed below. As long as the ECCFPD's boundaries do not change, the Local Agency Formation Commission would not be involved in any change to the ECCFPD's governing structure.

be councilmembers of cities that are located in the fire district. (§ 13844.) Each fire commissioner must be a resident of the fire protection district. (§ 13841.)

If a board of supervisors establishes a fire commission, the board must determine whether the commissioners will serve at the pleasure of the board of supervisors (that is, for an indefinite term subject to removal at any time), or will serve staggered terms of four years subject to removal only for cause. (§ 13844.)

The establishment of a fire commission, delegation of powers, and appointment of commissioners can be accomplished by resolution. (See § 13856(b).)

3. Appointed Board of Directors

The membership of the current board can be changed from a board consisting only of county supervisors to a board consisting of directors appointed by county supervisors and city council members. (§ 13837(a).)

For this type of appointed board, each entity's governing board (the board of supervisors and each city council) appoints directors according to each entity's proportionate share of population. This type of appointed board requires each entity to appoint at least one director to the board. (§ 13837(a).) The number of directors cannot exceed 11 members. (§ 13837(a); see also § 13842 [board of directors consists of 3, 5, 7, 9, or 11 members].) Each appointed director must be a resident of the fire protection district. (§ 13841.)

The governing board of each entity (the board and each council) can appoint its own members as directors. (§ 13837(a).) This type of appointed board requires each director to be a resident of the fire protection district. (§ 13841.) Under this type of board, any county supervisor who does not live within the boundaries of the fire protection district cannot serve on the governing board.

Restructuring the existing board to a board consisting of directors appointed by county supervisors and city council members, or to a board where the appointed directors are county supervisors and city council members themselves, can be accomplished by the adoption of resolutions by each city and the existing board, as follows. (See § 13856(b).)

First, each city could adopt a resolution consenting to the establishment of a board consisting of directors appointed by county supervisors and city council members, or a board where the appointed directors are county supervisors and city council members themselves. Second, if each city adopts such a resolution, the existing ECCFPD governing body (the board of supervisors) could then adopt a resolution establishing a board consisting of directors appointed

Supervisor Mary N. Piepho
Supervisor Federal D. Glover
July 19, 2007
Page 4

by county supervisors and city council members, or a board where the appointed directors are county supervisors and city council members themselves.

TLG:

cc:

Board of Supervisors
John Cullen, County Administrator
Rich Seithel, Special Districts Analyst
William Weisgerber, Interim Chief, East Contra Costa Fire Protection District

EAST CONTRA COSTA FPD

District Update

March 30, 2009

District Overview

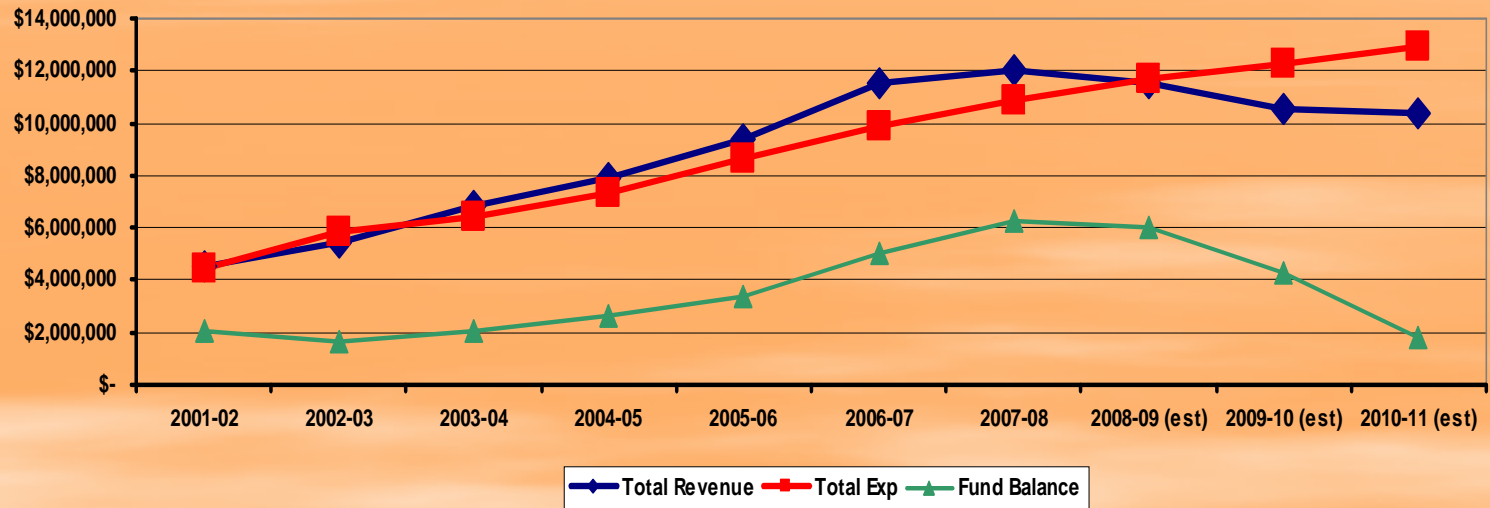
- Area Description
- Challenges:
 - Financial
 - Station Configuration
- Emergency Responses
- Trial Service Improvements

Area Description

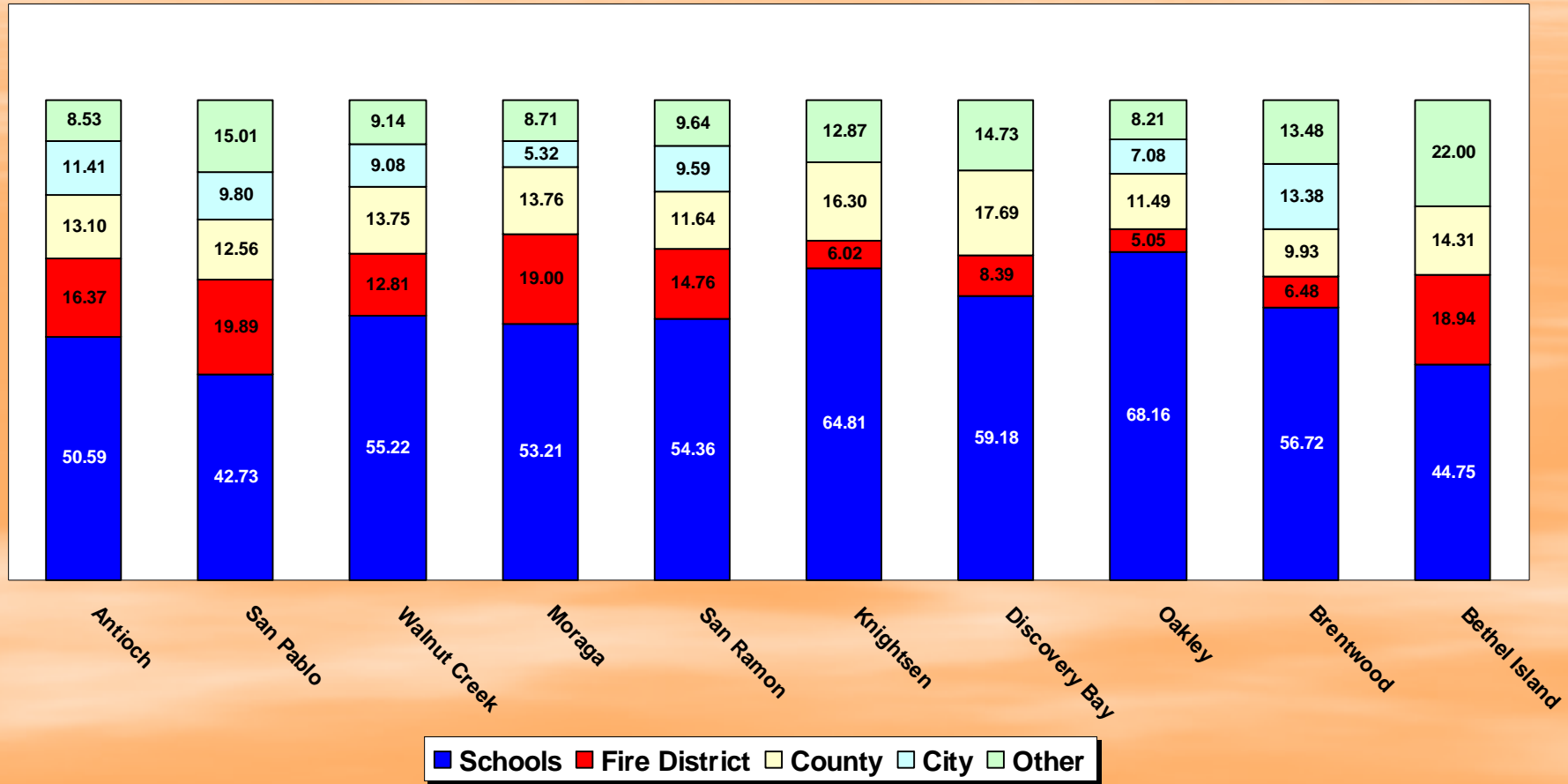
- The ECCFPD covers approximately 249 square miles.
- The Fire District serves approximately 105,000 residents and 7 primary communities.

Financial Update

Reflecting 7% AV reduction in 2008/09, a 8% AV reduction in FY 2009/10 and 0% FY 2010/11



Snapshot of Representative TRAs



Why TRAs Differ

The original model for allocation was dictated by the State in the Proposition 13 enabling legislation. Basically, each local jurisdiction was allocated a share of the post Prop-13 tax base, and guaranteed that amount, plus a share of the growth in property taxes, in each year thereafter. Tax rate areas were developed so that the growth within each jurisdiction can be calculated and the allocation of that growth can be accomplished as required by law.

Will ECCFPD “Outgrow” Problem?

ESTIMATED BREAKDOWN OF GROWTH REQUIREMENTS

Average assessed value per parcel	\$250,000	\$400,000	\$500,000	\$600,000
1% assessed value: prop tax	\$2,500	\$4,000	\$5,000	\$6,000
Average ECCFPD Tax rate increment	0.07	0.07	0.07	0.07
Average property tax received by ECCFPD/parcel	\$175	\$280	\$350	\$420

Assume additional \$\$ required to increase service levels:	\$13,000,000	\$13,000,000	\$13,000,000	\$13,000,000
---	--------------	--------------	--------------	--------------

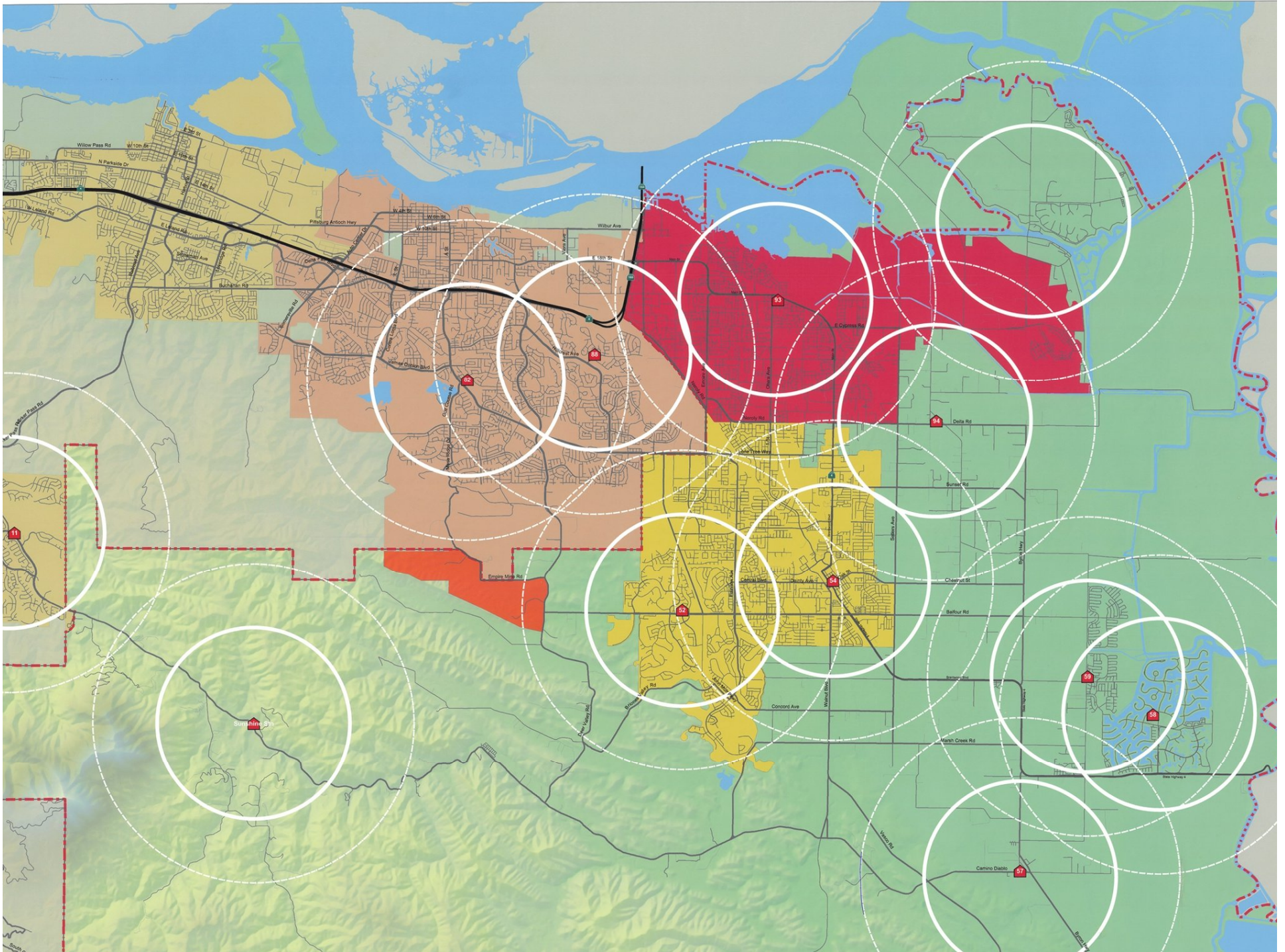
Estimated # of additional homes/parcels	74,286	46,429	37,143	30,952
--	--------	--------	--------	--------

2007 Call Volume By Station

Station Number	Community	Calls in First Due Areas in 2007
93	Oakley	1,542
54	Brentwood	1,302
52	Brentwood	1,227
58	Discovery Bay	340
95	Bethel Island	338
59	Discovery Bay	254
57	Byron	217
94	Knightesen	165
Totals		5,385

Station Placement Criteria

- Distance between stations (travel-time)
- Call Volume
- Population
- Structures



Station Number	Community	Calls in First Due Areas in 2007	Calls Per Zone	Average Response Time	Career Fire Suppression Personnel Stationed in the Zone Currently	Population	Average Population per Safety Personnel
52	Brentwood	1,227	2,529	7.24	2	50,614	12,654
54	Brentwood	1,302		6.37	2		
					4		
57	Byron	217	811	7.5	2	916	2,693
58	Discovery Bay	340		6.56	2	15,240	
59	Discovery Bay	254		7.2	2		
					6	16,156	
93	Oakley	1,542	2,045	6.22	2	33,210	6,069
94	Knightsen	165		8.13	2	861	
95	Bethel Island	338		7.13	2	2,343	
					6	36,414	
Totals		5,385		7.04	16	103,184	6,449

Current Personnel Allocation

	Brentwood	Oakley	Discovery Bay
# of Calls	2,529	1,542	594
Average Response Times (minutes)	6.79	6.22	6.83
Career Personnel Station Per Shift	4	2	4
Population	50,614	33,210	15,240
Sq Miles (land)	11.6	12.4	8.1
Average Population per Firefighter	12,654	16,605	3,810
Average Sq Miles per Firefighter	2.9	6.20	2.03
Average # of Calls per Firefighter	632	771	149

Recommended Trial Staffing

	Brentwood	Oakley	
# of Calls	2,529	1,542	
Average Response Times (minutes)	6.79	6.22	
Career Personnel Station Per Shift	5	3	
Population	50,614	33,210	
Sq Miles (land)	11.6	12.4	
Average Population per Firefighter	10,123	11,070	
Average Sq Miles per Firefighter	2.32	4.13	
Average # of Calls per Firefighter	506	514	

Other Features and Benefits

- The current Quick Response Vehicle housed at Station 57 would be redeployed to a Discovery Bay Station.
- The Highway 4 By-Pass improves travel-time between communities.
- More personnel arriving on scene on 2-engine responses.
- Building block to staffing 3 person crews.

Conclusion

- Questions
- Discussion



Contra
Costa
County

To: Board of Supervisors
From: COB
Date: May 5, 2009

Subject: Board Member Reports of Activities

RECOMMENDATION(S):
Board Member Reports of
Activities.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Katherine Sinclair, Deputy

Contact:

cc:



Contra
Costa
County

To: Board of Supervisors
From: Transportation Water & Infrastructure
Date: May 5, 2009

Subject: Delta Water Activities, Legislation, and Possible Board Direction

RECOMMENDATION(S):

ACCEPT the following status report on Delta legislative activity; and

SUPPORT the concepts of Delta Conservancy, Delta Stewardship, "Delta as a Place," and "full mitigation of impacts" outlined in the following report; and

CONSIDER providing direction to staff to advocate on legislation consistent with the Board's adopted Delta Water Platform as recommended by the Transportation Water & Infrastructure Committee.

FISCAL IMPACT:

There is no impact with this board action, but if the County's concerns are not expressed or addressed, there will be fiscal impacts from currently proposed legislation.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Jane Pennington, Deputy

Contact: L. DeLaney, 5-1097

cc:

BACKGROUND:

California is experiencing a looming water supply and environmental crisis, which has impacts for our entire nation. California's Sacramento - San Joaquin Delta is formed by the confluence of the state's two largest rivers and has long been at the center of competing environmental, agricultural and municipal demands. The Delta is both the hub of the state and federal water supply systems and the heart of the largest estuary on the Pacific Coast.

As the source of water for 25 million Californians, the Delta also fuels the nation's leading agricultural industry, and serves as important habitat to over 750 animal and plant species. The Delta is also valued as a unique place with an estuary that supports 80 percent of the state's commercial salmon fisheries and 1,100 miles of levees protecting farms, cities, schools and people. Truly, the Sacramento-San Joaquin Delta is of state and national importance.

Today, the Delta is in crisis. State and federal court decisions, closure of the salmon fisheries in 2008 and a succession of threatened or endangered species listings (winter-run Chinook salmon, Delta smelt, Central Valley spring-run Chinook salmon, and Longfin smelt) are evidence of this steady degradation. Additional drought-related reductions in the amount of water that can be diverted from the Delta are resulting in crop and job losses throughout California's San Joaquin Valley, a region with already some of the nation's highest unemployment rates.

To address this crisis, Governor Schwarzenegger appointed a Blue Ribbon Task Force in 2006 to make recommendations on restoring and sustaining the Delta. The task force released its strategic plan in late 2008, which reflects the input of state and federal agencies, as well as hundreds of stakeholders throughout California. This comprehensive report makes recommendations to address the co-equal goals of restoring the Delta ecosystem and creating a more reliable water supply for California.

On January 2, 2009, the Delta Vision Committee, composed of most of the Governor's Secretaries and the President of the CA Public Utilities Commission, submitted the Delta Vision Committee Implementation Report. The task of the Committee was to review the Delta Vision Strategic Plan developed by the Blue Ribbon Task Force and make recommendations to the Governor.

Federal agencies within the Department of Interior and the Obama Administration need to work with California, our state agencies, local government and stakeholders to implement this vision to restore and protect the Delta. Working together, we can better ensure sustainability for a vital ecosystem and provide reliability for the state and federal water projects in California. A lasting resolution to this serious challenge will require the strong involvement of the Department of Interior and the collaborative work of local government along with the Schwarzenegger and Obama Administrations.

Delta Conservancy, Stewardship and "Delta as a Place" Concepts

With respect to specific pieces of proposed legislation, staff of the Delta Counties Coalition have been debating whether to recommend our Boards take positions on bills before a recently-established bi-partisan, bi-cameral legislative water committee makes its determination on the large number of this year's Delta water bills. The bi-cameral committee is expected to conclude its work by June 1.

The County adopted its Water Platform on August 19, 2008. The Platform did not specifically include a discussion of the concepts of a Delta Conservancy, Delta Stewardship or the "Delta as a Place." However, these concepts have emerged as central points of discussion in proposed legislation, and they are generally aligned with the broad policy goals and objectives of the County's Water Platform. Therefore, Contra Costa County should be supportive of them and engage in the discussions about their development and implications.

Currently, there are several bills moving through the Legislature that relate to Delta Water issues. (See attached bill status report.) The bills that are garnering the most attention include SB 12 (Simitian), SB 457 (Wolk), SB 458 (Wolk), AB 39 and AB 1187 (Huffman)--which will be the Assembly vehicles for the Legislature's bi-cameral

working group, as well as SB 229 (Pavley). SB 229 (Pavley) is the "interim" governance bill. Staff has learned that there was a "gentlepersons' agreement" that all the water bills were to move out of the Senate and Assembly committees the week of April 13 as "works in progress".

There is a Senate Local Government hearing on April 30th for SB 12 (Simitian) and SB 457 (Wolk), both of which have substantial issues for local government. Contra Costa County staff and our lobbyist, Cathy Christian, have been actively engaged in the working groups that have been developing components of SB 12 (Simitian). However, staff has not as yet recommended a position on the bill.

Delta Stewardship

SB 457 (Wolk):Creates a Delta Stewardship Council (Council) to approve the Delta Stewardship Plan to guide and shape management of the Delta. Requires the Council to appoint a Delta Science and Engineering Board and create a Delta Science and Engineering Program. Requires the Delta Protection Commission Resource Management Plan, (including all general plans of cities and counties within the Delta), to be consistent with the Delta Stewardship Plan. Creates the Delta Stewardship Fund for regional economic development.

Staff has several concerns with SB 457; however, we would like to work with Senator Wolk to address our concerns, preferably in concert with the Delta Counties Coalition. The Delta Counties Coalition is working toward supporting the bill, understanding that major changes are required to make the bill work for our interests. Solano and Sacramento County have sent a letter supporting the bill in concept. Contra Costa sent in a letter thanking the author for her work on the bill but taking no formal position. (See attached letter.) The bill has since been amended, however, further work must be done.

Contra Costa Water Agency staff specific concerns with the bill include:

1. Structure of Stewardship Council: A 9-member council with only one member from the Delta Protection Commission (DPC) and the others appointed by the Governor is not acceptable for a number of reasons (only one local (DPC), no federal, only political appointments).
2. The bill focuses on cities/counties and the need for consistency with DPC and the Stewardship Council's plan. The counties and cities are the only ones specified, targeted for more regulation in this bill.
3. The bill gives DPC undefined authority to review consistency of any water conveyance or storage project proposal with the Stewardship Council's plan.
4. There is no discussion in the bill of revamping the DPC to an all-local governance board.
5. There is no language that speaks to restructuring any of the other authorities, such as the Department of Water Resources.
6. There does not appear to be real authority over the BDCP process or the water projects.
7. The bill does not emphasize the tri-equal goals of reliable water supply, ecosystem restoration, and maintaining the "Delta as a Place."
8. The Delta appears to be the only target for review of water rights and doctrines of reasonable use, rather than considering the state as a whole.
9. The bill seeks to revise boundaries of the Delta.
10. The bill potentially ties up the ability to sue, via dispute resolution scenarios.
11. The proposed Stewardship Council would appear to have no real authority over water (in particular) and ecosystem, as there is for land use. The bill states the stewardship plan is intended to shape management of the Delta to ensure revitalization and create statewide reliable water supply delivery but does not indicate how.

In general, with respect to the concept of a Delta Stewardship Council, as guided by the Board's adopted Delta Water Platform, the Contra Costa County Board of Supervisors supports new governance in the Delta, specifically in the areas of ecosystem and water management. The creation of a state-level Council which recognizes the importance of the Delta is long overdue. As one of the five Delta Counties, we are concerned that all bodies charged with planning and preserving the resources of the Delta have significant local representation.

Delta Conservancy

SB 458 (Wolk): Establishes the Sacramento-San Joaquin Delta Conservancy to undertake various activities related to the Delta including supporting efforts that advance both environmental protection and the economic well-being of Delta residents, and cooperating with other Delta governance entities. Creates the Delta Conservancy Fund for purposes of the conservancy.

In general, staff suggests that the Board be supportive of a bill that seeks to develop a Delta Conservancy with a clearly defined and limited mission and a governing body committed to that mission, institutionally separate from regulatory functions, capable of addressing multiple goals for Delta management, that incorporates a non-state entity to handle land management, and has reliable and adequate funding sources in perpetuity. The County provided a letter to the author to support the bill in concept, but again, much work is needed on the bill. (See attached letter.) Senator Wolk is interested in local input on the issues of the Delta Protection Commission and a Delta Conservancy. Local input could be influential since with these issues, members will tend to defer to local interests. Now is the time to provide this input.

The Sierra Nevada Conservancy seems to be a model for conservancy that the Delta counties could support. The following components of a Conservancy have been suggested and should be considered for support by the Contra Costa County Board of Supervisors:

1. Balance between state and local votes: The Conservancy Board should have an equal or near equal division between state and local representatives. This would provide for a balance of regional and state interests and concerns and allow for local input and authority. Local representatives should come from the Boards of Supervisors within the subregions.
2. Supermajority vote requirement for major projects: A supermajority vote should be required for large dollar figure projects (\$150,000 or greater). This would help to insure that large expenditures of state funds are approved with a greater level of consensus among the Board Members. Large projects should also include some evaluation of the impact on the local economy and local governments' revenue. This evaluation information should be included a report of the Conservancy's activities.
3. Notice of and endorsement by the local government agency with land use authority over the location of Conservancy projects.
4. Development of a Master or Strategic Plan: A Master or Strategic Plan for the Conservancy should be developed through a series of public hearings held throughout the subregions. The Conservancy should develop a local nomination process that would enable local communities to nominate projects for funding by the Conservancy. The Plan should contain criteria for projects, needs, priorities, and problems which might be addressed through the Conservancy.
5. Acquisition grant proposals should include a plan for long-term management of the property and an identified funding source. Grant proposals for easements should include a plan for the monitoring of the easements and adequate funding to monitor.
6. Coordination among state agencies and the Conservancy: The activities of state agencies undertaking efforts within the Sierra Nevada need to be coordinated. The Resources Agency should act in this coordination role to insure resources are well-spent and potential negative impacts to local communities or other state agencies are avoided.
7. Prior approval should be obtained from the entity that is ultimately going to hold title to a property either through fee title or easement acquisition.
8. No Regulatory Authority: Language should be included which clarifies that the Conservancy does not have the authority to act as a regulatory agency.
9. Assessment of Conservancy: A provision requiring the periodic assessment of the Conservancy should be included to provide for an evaluation of the Conservancy's efficacy and compliance with statutory requirements.

Delta As a Place

Current legislative proposals have carried forward the concept of the co-equal goals of ecosystem restoration and reliable water supply, with which we agree, but have failed to recognize the third fundamental component of the Delta – the people who live here. The Delta community is comprised of many towns, businesses, farms, schools, and homes, has its own history and culture, and an economy based on the health of those farms and communities. The Delta Counties Coalition does not believe that the co-equal goals of ecosystem health and water supply can be successfully achieved without including the Delta itself – also a resource of statewide significance - as an equal component.

Solutions for the Delta will only be successful if the Delta is understood and recognized for the values it contains, and that recognition must come early - not as a result of the law of unintended consequences. The Delta Counties Coalition offers to engage in substantive discussion with the Legislature and asks that this offer be met with the commitment to include sustaining the Delta community as an equal goal with ecosystem health and reliable water supply.

Proposed solutions for Delta problems are on a large scale and will result in a significant degree of change to the Delta. These proposals must include a sustainable Delta as a necessary outcome. The proposed solutions must also factor in the great number of other characteristics that define the Delta - its economy, agricultural industry and culture, communities, recreation, critical infrastructure, and the people that live and work in the Delta.

Contra Costa County staff has recommended developing a promotional piece on “Delta as a Place”. It would be something we can hand out to promote and articulate our vision for Delta as a Place. And developing such a promotional piece could help bring us all together on our vision

Full Mitigation of Impacts Concept

Full mitigation of the broad range of impacts is required. The County should be provided the full mitigation of negative impacts to the county and special districts from changes in Delta management, including, but not limited to: lost business and income, taxes, assessments, and other revenues; increased costs of regulatory compliance; public and emergency services; transportation; flood control; water supplies; land conversion; loss of agriculture; and socio-economic impacts.

Delta Counties Coalition Activity

Regarding next steps by the Delta Counties Coalition (DCC), the Technical Advisory Committee (TAC) has discussed the feasibility/effectiveness of crafting a list of short-term and long-term Delta actions that the DCC can collectively support. The TAC has discussed a variety of approaches on how a shared set of actions could be presented. Each County has prepared initial Delta “Platforms,” and it has been generally agreed that these documents should provide the starting point to create such a list. There are several audiences to be reached with this list and, in particular, the Legislature could use it as a tool to focus decision-making and support on “short-term” Delta actions that do not require immediate investment on a larger proposed approach (i.e. Peripheral Canal). The TAC has agreed that “short-term” actions are items that should be in place now and that can help the Department of Water Resources and US Bureau of Reclamation meet their water delivery responsibilities / standards.

In addition, the Delta Counties Coalition Supervisors have recognized the need to form a common legislative message from the Delta Counties Coalition. There are some pressing items that require joint opinions, or at least a determination of clear areas of agreement/disagreement. These include the following:

- A Delta Conservancy: Structure (significant local representation), responsibilities, funding
- A Delta (Stewardship) Council: structure (some local representation), responsibilities, funding

- The Delta Protection Commission: Under the assumption that some kind of Delta Council is formed, the Delta Counties Coalition may want to offer a model of what the DPC should be (would most likely include an all-local structure)
- What should be in a Delta Plan and how should our land use authorities, local water rights, and water quality requirements interact with it? How can we make that plan include protection of our communities and address other concerns?
- How to make BDCP consistent with adjacent HCP/NCCP's in our counties

The Delta Counties Coalition has several areas of agreement already identified. Below are policies that each Board of Supervisors has adopted. Our lobbyists and legislative coordinators will adhere to this common platform when speaking for the Delta Counties Coalition. However, we need to keep our individual concerns up front, as well. In order to keep our individual concerns clear, lobbyists should not be speaking for more than the county they represent unless they are speaking from the list below.

? Protect local governance and county prerogatives, including land use, revenues, public health and safety, economic development and agriculture stability;

? No redirected adverse environmental, economic or social impacts to counties;

? Provide full mitigation of negative impacts to the counties from changes in Delta management, including lost business and income, taxes, assessments, and other revenues, increased costs of compliance with ESA/CESA, public and emergency services, transportation, flood control, water supplies, land conversion, loss of agriculture, and socio-economic impacts;

? Governance for the Delta must include voting membership for local elected officials;

? Protect agricultural stability;

? Provide farmers with safe harbor agreements, fish screens, and buffers related to habitat areas or conveyance facilities;

? Protect water quality in the Delta and ensure water supplies for agriculture;

? Protect Delta infrastructure;

? Protect area of origin and existing water rights;

? Secure public and private financial support for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat;

? Provide permanent funding independent of the state budget to pay in-lieu property taxes and fees on land used for habitat restoration or water conveyance.

Federal Stimulus Funds for Water

Of the \$1 billion that the Department of Interior's Bureau of Reclamation is investing in water projects across the country, \$260 million will go to projects in California that will expand water supplies, repair aging water infrastructure, and mitigate the effects of a devastating drought the state is currently experiencing. An additional \$135 million is available for grants for water reuse and recycling projects; California is emerging as a leader in the development of these projects and is expected to also significantly benefit from this funding.

Secretary of the Interior Salazar, who toured the Sacramento Delta with Governor Schwarzenegger on April 15, announced that more than 30 Bureau of Reclamation water infrastructure projects will be funded in California under the American Recovery and Reinvestment Act of 2009 (ARRA), including:

- \$40 million for immediate emergency drought relief in the West, focused on California. These investments will allow for the installation of groundwater wells to boost water supplies to agricultural and urban contractors, the facilitation of the delivery of Federal water to Reclamation contractors through water transfers and exchanges, and the installation of rock barriers in the Sacramento Delta to meet water quality standards during low flows;
- \$109.8 million to build a screened pumping plant at the Red Bluff Diversion Dam to protect fish populations while delivering water to agricultural users irrigating approximately 150,000 acres;
- \$22.3 million to address dam safety concerns at the Folsom Dam near Sacramento, which is currently among the highest risk dams in the country for public safety;
- \$8.5 million to repair water-related infrastructure at Folsom Dam;
- \$20 million for the Contra Costa Canal to protect water supplies for 500,000 Californians and to build fish screens to restore winter-run Chinook salmon and the endangered Delta smelt;
- \$4.5 million to restore the Trinity River and honor the Federal government's responsibility to the Native American Tribes;
- \$26 million for Battle Creek Salmon/Steelhead Restoration project, which will help restore fisheries that support thousands of jobs in northern California.
- \$4 million to the Bay Delta Conservation Plan for conveyance systems to move Central Valley Project and State Water Project water, habitat restoration and adaptive management;
- \$4 million to broaden scientific knowledge of Klamath River sedimentation for future management decision-making;
- \$20.7 million in smaller water infrastructure and related projects across California.

With an array of projects identified by stakeholders as critical, the Bureau of Reclamation worked through a rigorous merit-based process to identify investments that met the criteria put forth in the ARRA: namely, that the project addresses the Department's highest priority mission needs; generates the largest number of jobs in the shortest period of time; and creates lasting value for the American public.

The \$1 billion announced by Secretary Salazar will go to programs including:

- Meeting Future Water Supply Needs (including Title XVI water recycling projects and rural water projects) – \$450 million
- Improving Infrastructure Reliability and Safety – \$165 million
- Environmental and Ecosystem Restoration – \$235 million
- Water Conservation Initiative (Challenge Grants) – \$40 million
- Green Buildings – \$14 million
- Delivering water from the Colorado River to users in central Utah under the Central Utah Project Completion Act - \$50 million
- Emergency drought relief in the West, primarily in California - \$40 million

ATTACHMENTS

Water Bills Report

SB 458 Letter

SB 457 letter

CONTRA COSTA COUNTY

**DELTA WATER BILLS
STATUS REPORT**

CA AB 13	AUTHOR: TITLE: LAST AMEND: DISPOSITION: LOCATION: SUMMARY:	Salas [D] Sacramento-San Joaquin Delta Conservancy 04/01/2009 Pending Assembly Natural Resources Committee Establishes the Sacramento-San Joaquin Delta Conservancy to provide policy oversight, foster implementation of, and manage funds to implement the restoration and management of habitat and lands in the Sacramento-San Joaquin Delta and Suisan Marsh, and to develop and implement projects to address the economic viability of the Delta region consistent with a comprehensive Delta sustainability program.
	STATUS: 04/14/2009	From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on NATURAL RESOURCES.
CA AB 25	AUTHOR: TITLE: LAST AMEND: DISPOSITION: COMMITTEE: HEARING: SUMMARY:	Gilmore [R] Water Quality: Minimum Civil Penalties 04/02/2009 Pending Assembly Environmental Safety and Toxic Materials Committee 04/21/2009 2:00 pm Prohibits the State Water Resources Control Board or a regional board from imposing a mandatory minimum penalty for a violation of the federal Clean Water Act or the Porter-Cologne Water Quality Control Act for which an action to impose liability is not requested or imposed by those boards within a certain time from notice of the violation. Authorizes those boards, in lieu of assessing penalties on a small publicly owned treatment works (POTW), to require the POTW to spend that amount on compliance.
	STATUS: 04/02/2009	To ASSEMBLY Committees on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS and JUDICIARY.
	04/02/2009	From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.
	04/02/2009	In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
CA AB 39	AUTHOR: TITLE: LAST AMEND: DISPOSITION: LOCATION: SUMMARY:	Huffman [D] Sacramento-San Joaquin Delta 04/02/2009 Pending Assembly Appropriations Committee Require the State Delta and Ecosystem Water Council to prepare a plan to implement the Delta Vision Strategic Plan issued by the Delta Vision Blue Ribbon Task Force in October 2008, and to submit that plan to the Legislature prior to a specified date.

STATUS:
04/14/2009 From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.

CA AB 49

AUTHOR: Feuer [D]
TITLE: Agricultural Water Management Planning
LAST AMEND: 04/13/2009
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Relates to water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies. Requires the state to achieve a specified reduction in urban per capita water use in the state by a specified date. Requires incremental progress towards this goal by specified dates. Requires agricultural water suppliers to implement water use efficiency best management practices. Imposes related reporting requirements on such users.

STATUS:
04/14/2009 From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.

CA AB 55

AUTHOR: Jeffries [R]
TITLE: Water Supply Planning
DISPOSITION: Pending
LOCATION: Assembly Water, Parks and Wildlife Committee
SUMMARY:

Revises the definition of "project" under the California Environmental Quality Act to provide that specified business, commercial, hotel or motel, industrial, manufacturing, and mixed-use developments are within the scope of that definition only if the projected water demand of the development would be equivalent to, or greater than, the amount of water required by a 500 dwelling unit project, as determined by the public water system.

STATUS:
02/05/2009 To ASSEMBLY Committees on WATER, PARKS AND WILDLIFE and LOCAL GOVERNMENT.

CA AB 262

AUTHOR: Bass [D]
TITLE: American Recovery and Reinvestment Plan: Energy
LAST AMEND: 04/14/2009
DISPOSITION: Pending
LOCATION: Assembly Utilities and Commerce Committee
SUMMARY:

Requires that any moneys received by the state pursuant to the federal American Recovery and Reinvestment Plan that are directed for energy related activities, programs, or projects, be administered by the state's energy and water agencies, and adhere to the principle of accountability while also adhering to existing state policies to promote energy efficiency and promote water conservation, renewable energy and green job training.

STATUS:
04/14/2009 From ASSEMBLY Committee on UTILITIES AND COMMERCE with author's amendments.
04/14/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on UTILITIES AND COMMERCE.

CA AB 300

AUTHOR: Caballero [D]
TITLE: Subdivisions: Water Supply
LAST AMEND: 04/02/2009

DISPOSITION: Pending
COMMITTEE: Assembly Local Government Committee
HEARING: 04/15/2009 1:30 pm
SUMMARY:

Requires a public water system, or, if none exists, a local agency, to review and verify for accuracy a housing subdivider's water savings projections attributable to voluntary demand management measures. Authorizes the public water agency to collect fees necessary to provide the additional analysis. Requires any city, county, or system preparing a water supply assessment to reduce projected water demand for the project to an amount below the current statutory, regulatory, and local-ordinance requirements.

STATUS:

04/02/2009 From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.

04/02/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.

CA AB 301

AUTHOR: Fuentes [D]
TITLE: Vended Water
LAST AMEND: 04/01/2009
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Relates to quality, reporting and labeling standards for bottled water and private water sources and limits the levels of certain contaminants that may be contained in such products. Requires each applicant for a license as a water-bottling plant or private water source to provide to the Department of Public Health specified information. Requires the department to annually compile a listing of such information and make it available to the public.

STATUS:

04/01/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

CA AB 410

AUTHOR: De La Torre [D]
TITLE: Recycled Water
LAST AMEND: 03/23/2009
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Relates to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 that provides funds to certain hydrologic regions for preparation of salt and nutrient management plans consistent with the recycled water policy of the State Water Resource Control Board. Sets a target to recycle a total of a specified amount of acre feet of water per year by the year 2020, and by another total amount of acre feet by the year 2030.

STATUS:

04/14/2009 From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.

CA AB 450

AUTHOR: De La Torre [D]
TITLE: Recycled Water
LAST AMEND: 04/13/2009
DISPOSITION: Pending
LOCATION: Assembly Water, Parks and Wildlife Committee
SUMMARY:

Relates to uses of recycled water including cemeteries, golf courses, parks,

highway landscaped areas and industrial and irrigation uses, if suitable recycled water is available. Includes oil refineries among those nonpotable purposes.

STATUS:

04/13/2009 To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
04/13/2009 From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.
04/13/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.

CA AB 474

AUTHOR: Blumenfield [D]
TITLE: Water Efficiency Improvements
LAST AMEND: 04/14/2009
DISPOSITION: Pending
COMMITTEE: Assembly Local Government Committee
HEARING: 04/22/2009 1:30 pm
SUMMARY:

Authorizes the legislative body of any public agency to determine that it would be in the public interest to designate an area within which authorized city officials and free and willing property owners may enter into contractual assessments to finance the installation of water efficiency improvements that are permanently fixed to real property.

STATUS:

04/14/2009 From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.
04/14/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.

CA AB 687

AUTHOR: Salas [D]
TITLE: Sacramento-San Joaquin Delta
DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:

States findings and declarations of the Legislature with respect to the development of the Bay Delta Conservation Plan and the activities of the Delta Vision Blue Ribbon Task Force and the Delta Vision Committee and the need to balance the demands of both the environment and water supplies.

STATUS:

02/26/2009 INTRODUCED.

CA AB 752

AUTHOR: Arambula [D]
TITLE: State Water Pollution Control Revolving Fund
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Applies the same definition of severely disadvantaged communities contained in the State Drinking Water, Water Quality And Supply, Flood Control, River and Coastal Protection Bond Act of 2006 to the provisions governing expenditure of moneys in the State Water Pollution Control Revolving Fund Small Community Grant Fund.

STATUS:

04/14/2009 From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.

CA AB 900

AUTHOR: De Leon [D]
TITLE: Statements of Water Diversion and Use
DISPOSITION: Pending

LOCATION: Assembly Appropriations Committee

SUMMARY:

Relates to a requirement that each person who diverts water file with the State Water Resources Control Board a prescribed statement of diversion and use. Deletes and exception to the statement requirement for diversions included in the consumptive use data for the delta lowlands. Imposes certain requirements on any surface water diversion within the Sacramento-San Joaquin Delta.

STATUS:

04/14/2009

From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.

CA AB 934

AUTHOR:

Gilmore [R]

TITLE:

San Joaquin Valley: Water Supply

DISPOSITION:

Pending

LOCATION:

Assembly Appropriations Committee

SUMMARY:

Requires the Department of Water Resources to study the economic impacts of water supply reduction in specified counties in the San Joaquin Valley, and to report its findings to the Legislature.

STATUS:

04/14/2009

From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.

CA AB 969

AUTHOR:

Calderon C [D]

TITLE:

Recycled Water

DISPOSITION:

Pending

COMMITTEE:

Assembly Water, Parks and Wildlife Committee

HEARING:

04/28/2009 9:00 am

SUMMARY:

Changes the statewide goal for recycled water to an unspecified number of acre-feet of water per year by the year 2020. Makes changes to findings and declarations under the act.

STATUS:

03/26/2009

To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

CA AB 1061

AUTHOR:

Lieu [D]

TITLE:

Common Interest Developments: Water-Efficient Landscape

LAST AMEND:

04/13/2009

DISPOSITION:

Pending

FILE:

20

LOCATION:

Assembly Second Reading File

SUMMARY:

Provides that a provision of any of the governing documents of a common interest development shall be void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting, the use of low water-using plants as a group, or has the effect of prohibiting or restricting compliance with a local water efficient landscape ordinance or water conservation measure.

STATUS:

04/14/2009

From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass as amended.

NOTES:

Supervisor Gioia testified in support

CA AB 1165

AUTHOR:

Berryhill T [R]

TITLE:

Water: Delta Levee Maintenance

DISPOSITION:

Pending

LOCATION:

Assembly Water, Parks and Wildlife Committee

SUMMARY:

Amends existing law that establishes a delta levee maintenance program pursuant to which a local agency may request reimbursement for costs incurred in connection with the maintenance or improvement of project or nonproject levees in the Sacramento-San Joaquin Delta.

STATUS:

03/26/2009 To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

CA AB 1187

AUTHOR:

Huffman [D]

TITLE:

Safe, Clean, Reliable Drinking Water Supply Act of 2010

DISPOSITION:

Pending

LOCATION:

Assembly Water, Parks and Wildlife Committee

SUMMARY:

Enacts the Safe, Clean, Reliable Drinking Water Supply Act of 2010 which would authorize, for the purposes of financing specified water supply reliability and water source protection programs, the issuance of bonds in a specified amount pursuant to the State General Obligation Bond Law. Provides the act, if approved by the voters, requires establishing and imposing a fee on users of water to be used for the purposes of the act.

STATUS:

03/26/2009 To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

CA AB 1221

AUTHOR:

Nielsen [R]

TITLE:

Water

DISPOSITION:

Pending

LOCATION:

ASSEMBLY

SUMMARY:

States the intent of the Legislature to enact legislation that would modify existing laws relating to water in the state.

STATUS:

02/27/2009 INTRODUCED.

CA AB 1242

AUTHOR:

Ruskin [D]

TITLE:

State Water Policy

LAST AMEND:

04/02/2009

DISPOSITION:

Pending

COMMITTEE:

Assembly Water, Parks and Wildlife Committee

HEARING:

04/28/2009 9:00 am

SUMMARY:

Declares that it is the established policy of the state that every resident shall have access to safe, affordable water for basic human needs and that no one shall be deprived of that access or quality of water due to individual economic circumstances. Requires all relevant state agencies to revise, adopt or establish policies, regulations and grant criteria to further this state policy.

STATUS:

04/02/2009 To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

04/02/2009 From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.

04/02/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.

CA AB 1294

AUTHOR:

Monning [D]

TITLE:

State Water Resources Development System

DISPOSITION:

Pending

LOCATION:

ASSEMBLY

SUMMARY:

Makes technical, nonsubstantive changes to existing law which authorizes the issuance of bond funds for the purposes of the Water Resources Development Bond Act.

STATUS:

02/27/2009 INTRODUCED.

CA AB 1365

AUTHOR: Berryhill T [R]
TITLE: Sacramento-San Joaquin Delta
LAST AMEND: 04/13/2009
DISPOSITION: Pending
LOCATION: Assembly Water, Parks and Wildlife Committee
SUMMARY:

Amends existing law allowing a private party to agree to convey an interest in real property to the state to mitigate adverse impacts to the environment resulting from development or other permitted activities. Makes an appropriation to the Department of Water Resources for the purposes of acquiring land in the Sacramento-San Joaquin Delta in order to implement improvements relating to flood control, habitat enhancement, reduction of greenhouse gas emissions, recreation, and sustainability.

STATUS:

04/13/2009 To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
04/13/2009 From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.
04/13/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.

CA AB 1371

AUTHOR: Smyth [R]
TITLE: Recycled Water
DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:

Amends the Porter-Cologne Water Quality Control Act. Authorizes a public agency to require the use of recycled water in floor trap priming, cooling towers, and air conditioning devices if certain requirements are met.

STATUS:

02/27/2009 INTRODUCED.

CA AB 1408

AUTHOR: Krekorian [D]
TITLE: Subdivisions: Water Conservation Mitigation Fund
DISPOSITION: Pending
COMMITTEE: Assembly Local Government Committee
HEARING: 04/22/2009 1:30 pm
SUMMARY:

Amends the Subdivision Map Act. Establishes a Water Conservation Mitigation Fund. Requires a city or county to include as a condition in any tentative map a requirement that the subdivision have a sufficient water supply be available or that sufficient water supplies will be made available through a Water Conservation Mitigation Fund held by the public water system. Requires the water system to expend moneys in the fund on water conservation measures that will offset at least 100% of the projected demand.

STATUS:

03/31/2009 To ASSEMBLY Committees on LOCAL GOVERNMENT and WATER, PARKS AND WILDLIFE.

CA AB 1426

AUTHOR: Fuller [R]
TITLE: Flood Control: Bonds
DISPOSITION: Pending

COMMITTEE: Assembly Water, Parks and Wildlife Committee

HEARING: 04/28/2009 9:00 am

SUMMARY:

Relates to bonds of the Sacramento and San Joaquin Drainage District; provides that if an assessment is not paid by specified dates, the parcel of land that is the subject of the delinquency may be sold not less than 45 days nor more than 90 days from the date of delinquency.

STATUS:

04/02/2009 To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

CA AB 1438

AUTHOR:

Conway [R]

TITLE:

Safe Drinking Water State Revolving Fund

LAST AMEND:

04/13/2009

DISPOSITION:

Pending

COMMITTEE:

Assembly Environmental Safety and Toxic Materials Committee

HEARING:

04/21/2009 2:00 pm

SUMMARY:

Relates to the safe drinking water state revolving fund. Allows the establishment of a wellhead protection account within the fund. Requires the Department of Public Health to set and publish the maximum grant amounts for the planning, engineering studies, environmental documentation, design, and construction of a single project. Includes fire flow as part of the water demand in the definition of reasonable amount of growth to serve the water demand.

STATUS:

04/13/2009 From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.

04/13/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

CA ACA 12

AUTHOR:

Logue [R]

TITLE:

Water: Area of Origin Statutes

DISPOSITION:

Pending

LOCATION:

ASSEMBLY

SUMMARY:

Prohibits the Legislature from amending, repealing, or changing the scope or effect of any provisions designating areas within which water originates, unless the bill is passed in each house by a 2/3 vote of the membership of each house.

STATUS:

02/27/2009 INTRODUCED.

CA SB 12

AUTHOR:

Simitian [D]

TITLE:

Clean Drinking Water and Water Supply Security

LAST AMEND:

02/26/2009

DISPOSITION:

Pending

LOCATION:

Senate Local Government Committee

SUMMARY:

Enacts the Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009. Establishes a related council to prepare and adopt a Delta Ecosystem and Water Plan to advance the goals of restoring the Delta ecosystem and creating a more reliable water supply in the state. Authorizes the council to impose a water diversion fee. Establishes a Delta Conservancy to implement the ecosystem restoration elements of the plan.

STATUS:

04/14/2009 From SENATE Committee on NATURAL RESOURCES AND

WATER: Do pass to Committee on LOCAL GOVERNMENT.

CA SB 229	AUTHOR: TITLE: LAST AMEND: DISPOSITION: LOCATION: SUMMARY:	Pavley [D] California Water Commission 04/13/2009 Pending Senate Appropriations Committee Relates to the California Water Commission. Revises membership and functions of the commission. Authorizes the commission to serve as lead agency to implement specified projects of the Bay-Delta Conservation Plan. Enacts the Bay-Delta Interim Governance Act. Provides governance measures for the Bay-Delta to enhance the reliability of water supplies. Provides for funding of the Bay-Delta Conservation Plan.
	STATUS: 04/14/2009	From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on APPROPRIATIONS.
CA SB 261	AUTHOR: TITLE: LAST AMEND: DISPOSITION: COMMITTEE: HEARING: SUMMARY:	Dutton [R] Water Use 04/02/2009 Pending Senate Natural Resources and Water Committee 04/28/2009 9:00 am Requires an urban water supplier to develop and implement a plan that will reduce residential potable water use in a specified manner or achieve extraordinary water use efficiency. Requires an urban water supplier, or a regional water management group acting on its behalf, to develop and implement a plan to achieve a sustainable level of water use by a certain date. Enacts the Comprehensive Urban Water Efficiency Act. Requires development of a water use information system.
	STATUS: 04/14/2009 04/14/2009	Withdrawn from SENATE Committee on RULES. To SENATE Committee on NATURAL RESOURCES AND WATER.
CA SB 283	AUTHOR: TITLE: LAST AMEND: DISPOSITION: LOCATION: SUMMARY:	DeSaulnier [D] Recycled Water Systems 03/31/2009 Pending Senate Rules Committee Repeals the Water Recycling Act of 2006. Requires the State Building Standards Commission to adopt building standards governing recycled water systems. Requires the standards be based upon a specified plumbing code requirement. Requires these building standards to apply to specified occupancies and be consistent with certain requirements of existing law.
	STATUS: 04/14/2009	From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on RULES.
CA SB 301	AUTHOR: TITLE: DISPOSITION: LOCATION: SUMMARY:	Florez [D] Water Supply Reliability and Ecosystem Recovery Pending Senate Natural Resources and Water Committee

Enacts the Water Supply Reliability and Ecosystem Recovery Restoration Act. Authorizes, for the purpose of financing specified water supply reliability and ecosystem recovery and restoration programs, the issuance of bonds pursuant to the State General Obligation Bond Law. Provides for submission of the bond act to the votes.

STATUS:

03/05/2009 To SENATE Committee on NATURAL RESOURCES AND WATER and ENVIRONMENTAL QUALITY.

CA SB 371

AUTHOR:

Cogdill [R]

TITLE:

Safe, Clean, Reliable Drinking Water Supply Act of 2009

DISPOSITION:

Pending

LOCATION:

Senate Natural Resources and Water Committee

SUMMARY:

Enacts the Safe, Clean, Reliable Drinking Water Supply Act of 2009 which would authorize, for the purposes of financing specified water supply reliability and water source protection programs, the issuance of bonds pursuant to the State General Obligation Bond Law.

STATUS:

03/05/2009 To SENATE Committees on NATURAL RESOURCES AND WATER and ENVIRONMENTAL QUALITY.

CA SB 456

AUTHOR:

Wolk [D]

TITLE:

Safe, Clean, Reliable Drinking Water Supply Act

DISPOSITION:

Pending

LOCATION:

Senate Natural Resources and Water Committee

SUMMARY:

Enacts the Safe, Clean, Reliable Drinking Water Supply Act of 2010. Authorizes for the purposes of financing specified water supply reliability and water source protection programs, the issuance of bonds pursuant to the State General Obligation Bond Law.

STATUS:

03/12/2009 To SENATE Committees on NATURAL RESOURCES AND WATER and ENVIRONMENTAL QUALITY.

CA SB 457

AUTHOR:

Wolk [D]

TITLE:

Sacramento-San Joaquin Delta

LAST AMEND:

04/13/2009

DISPOSITION:

Pending

LOCATION:

Senate Local Government Committee

SUMMARY:

Creates a Delta Stewardship Council to approve the Delta Stewardship Plan to guide and shape management of the Delta. Requires the Council to appoint a Delta Science and Engineering Board and create a Delta Science and Engineering Program. Requires the commission to require all general plans of cities and counties within the Delta, and the resource management plan, to be consistent with the Delta Stewardship Plan. Creates the Delta Stewardship Fund.

STATUS:

04/14/2009 From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on LOCAL GOVERNMENT.

NOTES:

Sent a letter on 4/8/09 to Wolk

CA SB 458

AUTHOR:

Wolk [D]

TITLE:

Sacramento-San Joaquin Delta Conservancy

LAST AMEND:

04/02/2009

	DISPOSITION:	Pending
	LOCATION:	Senate Appropriations Committee
	SUMMARY:	Establishes the Sacramento-San Joaquin Delta Conservancy to undertake various activities related to the Delta including supporting efforts that advance both environmental protection and the economic well-being of Delta residents, and cooperating with other Delta governance entities. Creates the Delta Conservancy Fund for purposes of the conservancy.
	STATUS:	
	04/14/2009	From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on APPROPRIATIONS.
	NOTES:	<i>Sent a letter on 4/8/09 to Wolk, supporting in concept</i>
CA SB 460	AUTHOR:	Wolk [D]
	TITLE:	Water Conservation: Urban Water Use
	LAST AMEND:	04/14/2009
	DISPOSITION:	Pending
	LOCATION:	Senate Rules Committee
	SUMMARY:	States the intention of the Legislature to enact legislation that would achieve a reduction in urban per capita water use by a specified date.
	STATUS:	
	04/14/2009	From SENATE Committee on RULES with author's amendments.
	04/14/2009	In SENATE. Read second time and amended. Re-referred to Committee on RULES.
CA SB 493	AUTHOR:	Maldonado [R]
	TITLE:	Water Conservation
	DISPOSITION:	Pending
	LOCATION:	Senate Rules Committee
	SUMMARY:	Declares legislative intent to enact legislation to promote water conservation.
	STATUS:	
	03/12/2009	To SENATE Committee on RULES.
CA SB 498	AUTHOR:	Cogdill [R]
	TITLE:	The State Water Resources Law
	DISPOSITION:	Pending
	LOCATION:	Senate Rules Committee
	SUMMARY:	Makes technical, nonsubstantive changes to the State Water Resources Law relating to flood waters and the control, storage, and use of the state's water resources.
	STATUS:	
	03/12/2009	To SENATE Committee on RULES.
CA SB 561	AUTHOR:	Cogdill [R]
	TITLE:	Urban Water Suppliers: Water Management Plans
	DISPOSITION:	Pending
	LOCATION:	Senate Rules Committee
	SUMMARY:	Makes technical, nonsubstantive changes to existing law which requires every urban water supplier to prepare and adopt an urban water management plan.
	STATUS:	
	03/12/2009	To SENATE Committee on RULES.

CA SB 565 **AUTHOR:** **Pavley [D]**
TITLE: **Water Recycling**
LAST AMEND: 04/13/2009
DISPOSITION: Pending
LOCATION: Senate Environmental Quality Committee
SUMMARY:
Requires the State Water Resources Control Board to develop a plan to ensure that a percentage of wastewater that is annually discharged in to the ocean is recycled and put to beneficial use. Imposes a fee on each person discharging wastewater in the ocean, to be deposited into the Ocean Discharge Recycling Fund.
STATUS:
04/14/2009 From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on ENVIRONMENTAL QUALITY.

CA SB 681 **AUTHOR:** **Pavley [D]**
TITLE: **Statutory Adjudication**
DISPOSITION: Pending
COMMITTEE: Senate Natural Resources and Water Committee
HEARING: 04/28/2009 9:00 am
SUMMARY:
Authorizes the State Water Resources Control Board, on its own motion, to proceed with a determination of the water rights of a stream system.
STATUS:
03/19/2009 To SENATE Committee on NATURAL RESOURCES AND WATER.

CA SB 735 **AUTHOR:** **Steinberg [D]**
TITLE: **Safe, Clean, Reliable Drinking Water Supply Act of 2010**
DISPOSITION: Pending
LOCATION: Senate Natural Resources and Water Committee
SUMMARY:
Enacts the Safe, Clean, and Reliable Drinking Water Supply Act of 2010. Authorizes the issuance of bonds to finance a water supply reliability and water source protection program. Authorizes the Department of Water Resources to impose fees on water users.
STATUS:
03/19/2009 To SENATE Committees on NATURAL RESOURCES AND WATER and ENVIRONMENTAL QUALITY.

CA SB 736 **AUTHOR:** **Pavley [D]**
TITLE: **Water Consumption Fee**
DISPOSITION: Pending
COMMITTEE: Senate Natural Resources and Water Committee
HEARING: 04/28/2009 9:00 am
SUMMARY:
Imposes on a person diverting or extracting more than an unspecified amount of water, a water resource consumption fee and deposits the proceeds in the Water Resources Consumption Fund.
STATUS:
03/19/2009 To SENATE Committee on NATURAL RESOURCES AND WATER.

CA SB 808 **AUTHOR:** **Wolk [D]**

TITLE: **San Francisco Bay/Sacramento-San Joaquin Delta Estuary**

DISPOSITION: Pending

LOCATION: Senate Natural Resources and Water Committee

SUMMARY:

Requires the State Water Resources Control Board to implement its resolution entitled the Strategic Workplan for Actions to Protect Beneficial Uses of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary by commencing an investigation of the reasonableness of the methods of diversions from the Sacramento-San Joaquin Delta used by the State Water Project and the federal Central Valley Project.

STATUS:

03/19/2009 To SENATE Committee on NATURAL RESOURCES AND WATER.

Copyright (c) 2009 State Net. All rights reserved.

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553

John Gioia, 1st District
Gayle B. Uilkema, 2nd District
Mary N. Piepho, 3rd District
Susan A. Bonilla, 4th District
Federal D. Glover, 5th District

Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

April 8, 2009

Honorable Senator Lois Wolk
State Capitol, Room 4032
Sacramento, CA 95814

Re: SB 458 (Wolk) (Sacramento-San Joaquin Delta Conservancy) – Hearing in Senate Natural Resources Committee (April 14, 2009) – SUPPORT IN CONCEPT

Dear Senator Wolk:

On behalf of the Contra Costa County Board of Supervisors, I am writing to express our conceptual support for your bill, SB 458, which would establish a Sacramento-San Joaquin Delta Conservancy. As one of the five Delta Counties, Contra Costa County is keenly interested in the concept of a Delta Conservancy, as a Conservancy would foster many components of a healthy Delta that we feel are important.

The Conservancy, much like the successful Sierra Nevada Conservancy model, should be constituted with significant local representation on its governing board. Only with such representation can local government address the significant environmental and economic challenges the Delta faces now and in the future. These challenges are especially acute in the communities that are located in the Delta, so consideration of economic development, agriculture, infrastructure, and recreation in addition to environmental stewardship is particularly important.

We appreciate your leadership and commitment to restoring the Delta and to protecting its communities. The creation of a Delta Conservancy with substantial local representation could help achieve these goals and would make more likely the preservation of this precious and endangered resource for all of California.

The Contra Costa County Board of Supervisors looks forward to working with you and your staff on this bill as it moves forward. In particular, we would like to discuss Conservancy board membership composition, responsibilities of a Conservancy, its jurisdiction and funding aspects.

Our Board is also monitoring the outcome of the bicameral meetings on Delta legislation before taking more specific action on proposed legislation.

Please contact our legislative advocate in Sacramento, Cathy Christian, at 916-446-6752 if you have any questions. We will make our County staff available to you for

future discussion. We thank you again for your advocacy for the Delta and its communities.

Sincerely,

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

Susan A. Bonilla, Chair
Board of Supervisors

cc: Senator Fran Pavely, Chair, Senate Natural Resources Committee
Members, Senate Natural Resources Committee
Contra Costa County Board of Supervisors
Senator Mark Desaulnier
Senator Loni Hancock
Assembly Member Tom Torlakson
Assembly Member Joan Buchanan
Assembly Member Nancy Skinner
L. DeLaney, CAO's Office
C. Christian, Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP
R. Goulart, CC Water Agency

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553

John Gioia, 1st District
Gayle B. Uilkema, 2nd District
Mary N. Piepho, 3rd District
Susan A. Bonilla, 4th District
Federal D. Glover, 5th District

Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

April 8, 2009

Honorable Senator Lois Wolk
State Capitol, Room 4032
Sacramento, CA 95814

Re: SB 457 (Wolk) (Sacramento-San Joaquin Delta) – Hearing in Senate Natural Resources Committee (April 14, 2009)

Dear Senator Wolk:

On behalf of the Contra Costa County Board of Supervisors, we are very appreciative of your work in SB 457 to create a Delta Stewardship Council and implement a Delta Stewardship Plan as well as a Delta Science and Engineering Program.

The Board of Supervisors has not yet met to take a position on SB 457, but we look forward to working with you in developing a necessary governance structure for the Delta. The Contra Costa County Board of Supervisors supports new governance in the Delta, specifically in the areas of ecosystem and water management. As you know, we also strongly support protecting “the Delta as a Place” as a tri-equal goal (along with ecosystem restoration and reliable water supply) in any plans and legislation related to the Delta, as we embark on significant changes to the Delta that will be necessary to restore it.

We appreciate your leadership and commitment to restoring the Delta and to protecting its communities. The creation of a state-level Council which recognizes the importance of the Delta is long overdue. As one of the five Delta Counties, we are concerned that all bodies charged with planning and preserving the resources of the Delta have significant local representation. Such representation is critical to achieving statewide goals for the Delta and will make more likely the preservation of this precious and endangered resource for all of California.

We assume the conservancy components of this bill will be removed or made consistent with the provisions contained in SB 458, your Delta Conservancy bill. We look forward to working with you and your staff on both bills as they move forward.

Please contact our legislative advocate in Sacramento, Cathy Christian, at 916-446-6752 if you have any questions. We will make our County staff available to you for

future discussion. We thank you again for your advocacy for the Delta and its communities.

Sincerely,

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

Susan A. Bonilla, Chair
Board of Supervisors

cc: Senator Fran Pavely, Chair, Senate Natural Resources Committee
Members, Senate Natural Resources Committee
Contra Costa County Board of Supervisors
Senator Mark Desaulnier
Senator Loni Hancock
Assembly Member Tom Torlakson
Assembly Member Joan Buchanan
Assembly Member Nancy Skinner
L. DeLaney, CAO's Office
C. Christian, Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP
R. Goulart, CC Water Agency



AIR-992

Consent

BOS Agenda

Road & Transportation

Meeting Date: 05/05/2009

Time (Duration):

3210 Delta Fair Blvd, Antioch area. Project No. 4660-6X4168 SCH No. 2004092135

Submitted For: Julia R. Bueren, Public Works Director/Chief Engineer

Department: Public Works **Division:** Public Works - Real Estate

Noticed Public Hearing: No **Official Body:** Board of Supervisors

Presenter/Phone, if applicable: **Audio-Visual Needs:**

Handling Instructions: Please send 4 **District:** District V

embossed
copies to
Sherri Reed in
Public Works

Contact, Phone: Carmen
Pina-Sandavol
313-2012

Recommendation(s):

APPROVE the Purchase and Sale Agreement and ACCEPT the Grant Deed from Sarda P. Ratanjee for the purchase of 3210 Delta Fair Blvd., Antioch, identified as Assessor's Parcel Number 074-122-039.

APPROVE the Rental Agreement with Howe Investments, LLC.

AUTHORIZE the Public Works Director, or designee, to execute said Purchase and Sale Agreement and Rental Agreement on behalf of Contra Costa County (County).

APPROVE payment of \$9,750,000.00 for said property rights and AUTHORIZE the Auditor-Controller to issue a check in said amount payable to North American Title Company, 645 San Ramon Valley Blvd., Danville, CA 94526, Escrow No. 826013-08 to be forwarded to the Real Property Division for delivery.

DIRECT the Real Property Division to have the above referenced Grant Deed delivered to the Title Company for recording in the Office of the County Recorder.

Fiscal Impact:

There is no impact to the County General Fund. The activity is funded by Contra Costa Transportation Authority (100%)

Background:

These property rights are required for the State Route 4 East, Somersville Road to State Route 160 project in accordance with the approved plans and specifications.

Consequence of Negative Action:

The project will not have sufficient land rights to allow construction in accordance with the approved plans and specifications.

Budget Information

Information about available funds

Budgeted:

Funds Available:

Adjustment:

Amount Available:

Unbudgeted:

Funds NOT Available:

Amendment:

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

No file(s) attached.

Minutes Attachments

No file(s) attached.



AIR-993

BOS Agenda

Meeting Date:

05/05/2009

Time (Duration):

Lease Termination and Relocation Agreement of 3210 Delta Fair Blvd, Antioch area. Project No. 4660-6X4168 SCH No. 2004092135

Submitted For:

Julia R. Bueren, Public Works Director/Chief Engineer

Department:

Public Works

Division:

Public Works - Real Estate

Noticed Public Hearing:

No

Official Body:

Board of Supervisors

Presenter/Phone, if applicable:

Audio-Visual Needs:

Handling Instructions:

Please send 4 embossed copies to Sherri Reed in Public Works

District:

District V

Contact, Phone:

Carmen Pina-Sandavol
313-2012

Recommendation(s):

APPROVE the Lease Termination and Relocation Agreement.

ACCEPT the Quitclaim Deeds from Sprint Spectrum L.P., a Delaware limited partnership (SSLP) for 3210 Delta Fair Blvd., Antioch, identified as Assessor's Parcel Number 074-122-039.

AUTHORIZE the Public Works Director, or designee, to execute said Lease Termination and Relocation Agreement on behalf of Contra Costa County (County).

APPROVE payments upon satisfaction of said conditions specified in Section 3.c. and 4.c. of the Lease Termination and Relocation Agreement for said property rights.

AUTHORIZE the Auditor-Controller to issue warrants in the amounts specified in the Lease Termination and Relocation Agreement payable to SSLP, 12657 Alcosta Blvd., Building CC, Suite 300, San Ramon, CA 94583, to be forwarded to the Real Property Division for delivery.

DIRECT the Real Property Division to have the above referenced Quitclaim Deeds delivered to the Title Company for recording in the Office of the County Recorder.

Fiscal Impact:

There is no impact to the County General Fund. The activity is funded by Contra Costa Transportation Authority (100%)

Background:

SSLP has a cellular tower located on the property and is being displaced because of the highway widening project. Under State and Federal regulations, displacements are entitled to compensation for their moves and loss of goodwill. The agreement is the result of negotiations between Contra Costa County and SSLP.

Consequence of Negative Action:

The County will not be in compliance with State and Federal law.

Budget Information

Information about available funds

Budgeted:

Funds Available:

Adjustment:

Amount Available:

Unbudgeted:

Funds NOT Available:

Amendment:

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

No file(s) attached.

Minutes Attachments

No file(s) attached.



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: May 5, 2009

Subject: Accepting completion of warranty period for RA 04-01168, San Ramon (Dougherty Valley) area. (District III)

RECOMMENDATION(S):

ADOPT Resolution No. 2009/191 accepting completion of warranty period and release of cash deposit for Road Improvement Agreement, for Road Acceptance 04-01168 (cross-reference Subdivision 04-08856), for project being developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp., as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District III)

FISCAL IMPACT:

None.

BACKGROUND:

The road improvements have met the guarantee performance standards for the warranty period following completion and acceptance of the improvements.

CONSEQUENCE OF NEGATIVE ACTION:

The developer will not receive a refund of their cash deposit, the Road Improvement Agreement and performance/maintenance surety bond will not be exonerated, and the billing account will not be liquidated and closed.

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: EMY L. SHARP, Deputy

Contact: J. LaRocque 313-2315

ATTACHMENTS

Resolution No.

2009/191

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 05/05/2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2009/191

Accepting completion of warranty period and release of cash deposit under the Road Improvement Agreement for RA 04-01168 (cross-reference SD 04-08856), for project being developed by Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp., as recommended by the Public Works Director, San Ramon (Dougherty Valley) area. (District III)

On April 15, 2008, this Board resolved that the improvements for RA 04-01168 were completed as provided in the Road Improvement Agreement with Shapell Homes, a Division of Shapell Industries, Inc., a Delaware Corp., and now on the recommendation of the Public Works Director;

The Board hereby FINDS that the improvements have satisfactorily met the guaranteed performance standards for the period following completion and acceptance.

NOW THEREFORE BE IT RESOLVED that upon acceptance of the warranty period by the Board of Supervisors, the San Ramon City Council shall accept the improvements for maintenance and ownership in accordance with the Dougherty Valley Memorandum of Understanding.

BE IT FURTHER RESOLVED that the Public Works Director is AUTHORIZED to

- REFUND the \$90,900.00 cash deposit (Auditor's Deposit Permit No. 468372, dated August 3, 2006) plus interest in accordance with Government Code Section 53079, if appropriate, to Shapell Homes, pursuant to the Road Improvement Agreement and Ordinance Code Section 94 4.406.

BE IT FURTHER RESOLVED that the warranty period has been completed and the Road Improvement Agreement and performance/maintenance surety bond issued by National Fire Insurance Company of Hartford, Bond No. 929 390 932, dated July 24, 2006, are EXONERATED.

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

ATTESTED: May 5, 2009

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

Contact: J. LaRocque 313-2315

By: , Deputy

cc: J. Carlson, Engineering Services, K. Guruwaya, Construction, S. Francis, Finance, P. Edwards, Engineering Services, C. Sumpter Current Planning, Department of Conservation and Development, C. Low, City of San Ramon, L. Stritt, Shapell Homes,



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: May 5, 2009

Subject: APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract with Post, Buckley, Schuh & Jernigan, Inc. Project No.: Various

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract with Post, Buckley, Schuh, and Jernigan, Inc. (PBS&J) not to exceed an amount of \$250,000 to provide "On-Call" environmental consulting services, for the period May 1, 2009 through May, 2012. Project No.: Various

FISCAL IMPACT:

There is no impact to the County General Fund. This project is funded by 48% Flood Control & Water Conservation District, 48% Local Road, 4% Airport Project.

BACKGROUND:

The "on-call" contract is needed to assist Public Works Department staff by providing "on-call" environmental assessment including acoustics, arboriculture, cultural, biological(botanical, fisheries, wildlife), mitigation and restoration design, and wetland delineation assessments and environmental clearances associated with Flood Control, Road, and Airport projects.

On March

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: EMY L. SHARP, Deputy

Contact: Leigh Chavez, 313-2366

cc:

BACKGROUND: (CONT'D)

30, 2009, Contra Costa County Risk Management confirmed that the certificate of liability insurance and insurance requirements was met for this contract.

CONSEQUENCE OF NEGATIVE ACTION:

If the "on-call" contract is not approved, various flood control, road, and airport projects will not obtain environmental clearances, which may cause delays in their construction or repair.

ATTACHMENTS

PBS&J contract

1. Contract Identification.

Department: Public Works Department

Subject: On-Call Environmental Assessment services (Variety of Specialties)

2. Parties. The County of Contra Costa, California (County), for its Department named above, and the following named Contractor mutually agree and promise as follows:

Contractor: Post, Buckley, Schuh & Jernigan, Inc. dba PBS&J

Capacity: Corporation

Address: 1200 Second Street
 Sacramento, CA 95814

3. Term. The effective date of this Contract is May 1, 2009. It terminates on May 1, 2012 unless sooner terminated as provided herein.

4. Payment Limit. County's total payments to Contractor under this Contract shall not exceed
\$ 250,000.00.

5. County's Obligations. County shall make to the Contractor those payments described in the Payment Provisions attached hereto which are incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

6. Contractor's Obligations. Contractor shall provide those services and carry out that work described in the Service Plan attached hereto which is incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

7. General and Special Conditions. This Contract is subject to the General Conditions and Special Conditions (if any) attached hereto, which are incorporated herein by reference.

8. Project. This Contract implements in whole or in part the following described Project, the application and approval documents of which are incorporated herein by reference:

To provide on-call services regarding environmental compliance for a variety of public works, airport, and flood control projects. The contract is between Post, Buckley, Schuh & Jernigan, Inc. DBA PBS&J and Contra Costa County Public Works Department (PWD), to provide Acoustics, Arboriculture, Biological, Mitigation/Restoration design and wetland delineation services, as necessary. Countywide.

9. Legal Authority. This Contract is entered into under and subject to the following legal authorities:

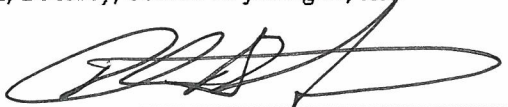
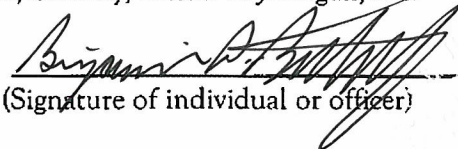
Government Code section 31000

10. Signatures. These signatures attest the parties' agreement hereto:

COUNTY OF CONTRA COSTA, CALIFORNIA

BOARD OF SUPERVISORS By _____ Chair/Designee	ATTEST: Clerk of the Board of Supervisors By _____ Deputy
--	---

CONTRACTOR

Name of business entity: Post, Buckley, Schuh & Jernigan, Inc. By  (Signature of individual or officer) <u>CHARLES I. ROMAN, PRESIDENT</u> (Print name and title A, if applicable)	Name of business entity: Post, Buckley, Schuh & Jernigan, Inc. By  (Signature of individual or officer) <u>Benjamin P. Butterfield, Secretary</u> (Print name and title B, if applicable)
--	--

Note to Contractor: For Corporations (profit or nonprofit), the contract must be signed by two officers. Signature A must be that of the president or vice-president and Signature B must be that of the secretary or assistant secretary (Civil Code Section 1190 and Corporations Code Section 313). All signatures must be acknowledged as set forth on Form L-2.

I. OVERVIEW

Contra Costa County Public Works Department (Department) is involved in the planning, design, and construction of a variety of Contra Costa County Public Works and Contra Costa County Flood Control and Water Conservation District (District) projects. Projects range from simple road maintenance projects to more complex capital road, airport, and flood control channel improvement projects. In support of these projects, environmental compliance is needed. Therefore, assistance from specially trained Contractors is necessary for executing environmental compliance.

This Agreement is to provide on call services regarding environmental compliance for a variety of public works, airport, and flood control projects. The Agreement is between **Post, Bruckley, Schuh & Jernigan, Inc.** (Contractor) and **Contra Costa County Public Works Department (PWD)** to provide acoustics, arboriculture, cultural, biological (botanical, fisheries, wildlife), mitigation and restoration design, and wetland delineation assessment services, as necessary.

The Department has determined that Contractor is qualified to conduct on call acoustics, arboriculture, cultural, biological (botanical, fisheries, wildlife), mitigation and restoration design, and wetland delineation assessment services, as necessary. Department staff will contact the Contractor, as necessary, to identify the task, determine the cost and schedule, prior to implementing work for each on call task.

II. DEPARTMENT CONTACT INFORMATION

All reports shall be submitted to:

Leigh Chavez, Environmental Section Manager
Contra Costa County Public Works Department
255 Glacier Dr.
Martinez, CA 94553

III. COUNTY TASK ORDER AUTHORIZATION PROCEDURES

A. STANDARD TASK ORDER REQUESTS

During the term of this Agreement, when County has a need for Contractor to provide environmental compliance services, County will deliver a written Task Order Request to Contractor, in the form included hereto as **Attachment 1**. Within **seven (7)** days following delivery of the Task Order Request, Contractor shall provide a written Task Order Response, in the form attached hereto as **Attachment 2**, including a proposed scope of services for the particular Task Order Request, a proposed cost breakdown for these services and a schedule that meets County's deadlines as stated in the Task Order Request. Once County and Contractor agree to a final scope of services, cost breakdown (with a Payment Limit that does not cause the total payments under this Agreement to exceed the Payment Limit set forth in Form L-1, Section 4 Payment Limit of this Agreement) and schedule, County will deliver 2 unsigned originals of a Task Order Authorization, in the form attached hereto as **Attachment**

Initials:  _____
Contractor
 _____
County Dept.

3, to Contractor for execution by Contractor.

Contractor shall execute and deliver the 2 originals of the Task Order Authorization to County. Upon receipt of both signed originals of the Task Order Authorization, County shall execute both originals of the Task Order Authorization and return 1 signed original to Contractor. Contractor may not proceed with, and will not be compensated for, any services provided without a Task Order Authorization executed by County.

Following the County's delivery of a fully executed Task Order Authorization, the Contractor shall begin work as agreed to in the Task Order Authorization.

B. URGENT TASK ORDER REQUESTS

Under certain limited circumstances, County may require Contractor to provide services immediately, without following the Task Order Request and Task Order Response procedures set forth above. In such cases, upon verbal agreement as to the scope of services, the Payment Limit and the schedule for the particular task, County will deliver to Contractor, by personal delivery, facsimile or e-mail, 2 unsigned originals of a Task Order Authorization. Within 24 hours following delivery of the Task Order Authorization, Contractor shall execute and deliver the 2 originals of the Task Order Authorization to County. Upon receipt of both signed originals of the Task Order Authorization, County shall execute both originals of the Task Order Authorization and return 1 signed original to Contractor. County may require Contractor to provide services **immediately** for the following tasks:

- The discovery of human remains and/or cultural artifacts during any task.
- The discovery of a state or federally listed threatened or endangered species.
- Hazardous, or potentially hazardous, situations that pose an immediate danger to the proper functioning of a public works facility, its users and adjoining private improvements, such as a landslide or creek bank erosion, that require immediate assessment and preparation of interim and/or permanent repair design work.

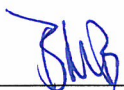
C. AUTHORIZED REPRESENTATIVES

During the term of this Agreement, the Department Head, on behalf of County, and the following individuals, on behalf of Contractor, are authorized to execute Task Order Requests, Task Order Responses and Task Order Authorizations for services under this Agreement:

For the Contractor: The following personnel with the classified positions are authorized to sign:

- Group Manager
- Sr. Group Manager
- Division Manager

Initials: 
Contractor


County Dept.

Notwithstanding anything to the contrary, the Department Head is not authorized to execute a Task Order Authorization that causes the total payments under this Agreement to exceed the Payment Limit set forth in Form L-1, Section 4, Payment Limit of this Agreement.

IV. COUNTY OR DISTRICT PROJECTS

During the term of this Agreement, Contractor shall perform, at County's request, environmental compliance services for a variety of public works, airport, and flood control projects.

V. CONTRACTOR TASKS (SCOPE OF WORK)

During the term of this Agreement, Contractor shall perform, at County's request, one or more of the following tasks for acoustics, arboriculture, biological, mitigation and restoration design and wetland delineation assessment:

A. SCOPE OF SERVICES: ACOUSTIC STUDIES

The Contractor shall provide professional services that will include conducting studies regarding the ambient sound environment, sensitive noise receptors, potential acoustical impacts from construction and operation of Public Works Department (PWD) facilities and will also include writing reports to PWD staff. The Contractor may need to be able to perform any or all of the following services:


1. Conduct acoustical studies and prepare acoustical studies reports.

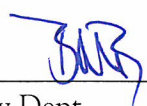
The Contractor will:

- a. Determine which noise criteria are applicable to the project; this includes County, State, and Federal guidelines, including the County and City Noise Elements, the State Building Code, and the California Environmental Quality Act (CEQA).
- b. Noise criteria shall be identified both for construction noise and operational noise.
- c. Visit the project site and identify the potential noise sources and noise-sensitive receivers.
- d. Measure existing noise levels at the appropriate locations.
 - i. This could be the project property line, nearby noise-sensitive receivers, and/or other locations specified by the applicable noise criteria.
 - ii. The measurements shall use the metric(s) required by the applicable noise criteria (e.g., L_{eq1} , DNL, L_{max2}).
 - iii. Access to the site shall be provided by the PWD. If access is not provided, by the PWD, to a location (e.g., private property), then that location shall not be included in the analysis.

1 L_{eq} - The equivalent steady-state A-weighted sound level that, in a stated period of time, would contain the same acoustic energy as the time-varying sound level during the same time period.

2 L_{max} - The maximum A-weighted sound level measured during a period of time.

Initials: 
Contractor


County Dept.

- e. Calculate the expected noise levels at the locations of interest (e.g., property line, nearby receiver).
 - i. The calculations shall be for noise both during construction and after completion (i.e., under operation).
 - ii. The calculations shall either use an accepted industry model, such as the Traffic Noise Model (TNM3) or standard acoustical calculation methods (e.g., decibel drop-off based on distance).
 - iii. Compare the predicted noise levels with the applicable project criteria.
- f. Where the project-generated noise is expected to exceed the criteria, develop noise mitigation schemes to meet the criteria.
 - i. This mitigation can include general procedures (e.g., limits to construction hours, use of vibratory tools instead of impact tools) and specific recommendations (e.g., sound walls of a certain height).
 - ii. If the mitigation is not feasible (e.g., a 20-foot sound wall), provide the expected noise levels that would result with lesser mitigation.
- g. Prepare a draft and final written report and submit findings and recommendations to the PWD. Draft reports shall be submitted within two weeks of completing field work. Final reports shall be completed within one week of receiving comments from PWD staff.
 - i. For projects requiring compliance with the National Environmental Policy Act (NEPA) the Contractor shall conduct all necessary acoustic and noise studies in accordance to California Department of Transportation (CalTrans) protocols as outlined in the Standard Environmental Reference (SER) manuals.
 - ii. The necessary reports must incorporate the appropriate content and format required by the Caltrans guidance document. The Contractor shall be responsible for determining which reports (listed below) will be necessary to satisfy NEPA requirements and may include the following reports, format/outlines, or protocols:
 - *Annotated Noise Study Report (NSR)*
 - *Noise Abatement Decision Report (NADR)*
 - *Traffic Noise Model (Version 2.5)*
- h. Draft reports shall be submitted within two weeks of completing all field work. Final reports shall be submitted within one week of receiving comments from PWD staff.

2. Noise Monitoring.

The Contractor will:

- a. During construction, at to-be-agreed-upon intervals, the Contractor will measure construction noise at the locations of interest.
 - i. The duration of the measurements will be as long as required to show compliance with the project criteria (e.g., 24 hours for Daily Noise Level (DNL) criteria). If spectral data are needed, recordings of the noise shall be made; if needed, the measurements shall be attended.

Initials: 
Contractor

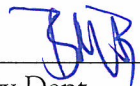

County Dept.

- ii. The data shall be compared to project criteria to determine whether construction noise is exceeding the criteria. PWD shall be informed whether the criteria are being exceeded.
 - a) This determination shall be made within three (3) business days after the completion of the measurements (e.g., if measurements are completed on a Thursday afternoon, typically, the deadline would be at the end of the following Tuesday).
 - b) The results of the measurements shall be reported to the PWD on the third day.
 - c) If there are no criteria exceedances an email summary is sufficient.
 - d) If there are exceedances, that fact can be reported via email to PWD staff. An official report will be due within one week after the completion of the measurements. This report shall include suspected reasons why the criteria are being exceeded and potential additional mitigation.
- iii. The final written report shall be submitted to the PWD within one week of receiving comments from PWD staff.
- b. During operation of the project (i.e. after construction has been completed), at to-be-agreed-upon intervals, measure project-generated noise at the locations of interest.
 - i. The duration of the measurements will be as long as required to show compliance with the project criteria (e.g., 24 hours for DNL criteria). If spectral data are needed, recordings of the noise shall be made; if needed, the measurements shall be attended.
 - ii. The data shall be compared to project criteria to determine whether construction noise is exceeding the criteria. PWD staff shall be informed whether the criteria are being exceeded.
 - a) This determination shall be made within three (3) business days after the completion of the measurements (e.g., if measurements are completed on a Thursday afternoon, typically, the deadline would be at the end of the following Tuesday).
 - b) The results of the measurements shall be reported to the PWD on the third day.
 - c) If there are no criteria exceedances, an email summary is sufficient and should be sent to PWD staff.
 - d) If there are exceedances that can be reported via email, an official report shall be submitted to the PWD within one week of completing field measurements. This report shall include suspected reasons why the criteria are being exceeded and potential additional mitigation.

B. SCOPE OF SERVICES: ARBORICULTURE

The Contractor shall provide the following professional services; assessing the impacts of proposed projects upon tree resources; making recommendations on ways to avoid and minimize potential impacts from the proposed project; assist County staff and contractors in properly trimming trees as part of a project; and assessing the hazard potential of trees on public and private resources. The Contractor may need to be able to perform any or all of the following services:

Initials: 
Contractor


County Dept.

1. Contractor will assess potential impacts of a proposed project upon tree resources.

The Contractor will:

- a. Conduct project site visit;
 - i. Meet with PWD representatives to discuss the proposed project, likely construction techniques, and other issues associated with the proposed project. PWD to determine the meeting date.
 - ii. Mark trees with non-harmful technique like tree tags
 - a) Determine species
 - b) Classify health and/or condition of each tree based upon standard protocols
- b. Determine risk to tree resources based upon proposed project description.
 - i. Use an established and appropriate methodology or develop methodology based upon the following specifics; species of tree, health/condition/vigor of the trees, type of proposed impacts, and distance of proposed impacts to tree;
- c. Prepare and submit a report within 30 days of the completion of field work that includes
 - i. Map of proposed project site, identifying trees that could be impacted;
 - a) Map shall be in both paper and Arc-GIS compatible shape file formats
 - b) Map shall identify all trees by an identification number
 - ii. Define and discuss the methodology used;
 - iii. Table of identified trees indicating
 - a) Tree identification number
 - b) Species
 - c) Vigor/health/condition
 - d) Resistance to potential impact
 - e) Distance from potential impact
 - iv. Analysis of potential impacts to trees based upon;
 - a) Type of activity proposed
 - b) Distance of tree from proposed activity
 - c) Health/Condition/Vigor of trees
 - d) Species of trees
 - e) Resistance of trees to proposed activity
 - v. Estimates of mortality from proposed project, with and without, avoidance and minimization efforts
 - vi. Recommendations on avoidance and minimization measures to reduce potential tree impacts

2. Contractor will coordinate with PWD staff during construction of the project.

- a. Attend preconstruction meeting with PWD's Construction Division representatives, Environmental unit representatives, and construction contractor

Initials

Contractor

County Dept.

- i. Provide information regarding measures to be used to avoid and minimize impacts to tree resources as specified within the construction contract
- b. Provide education session on site with key members of the PWD's Construction Division, Environmental Unit, and construction contractor to discuss;
 - i. Value of tree resources within and adjacent to project area,
 - ii. Best management practices (BMPs) to implement during construction to avoid and minimize potential impacts,
 - iii. Construction contractor's obligation, under the construction contract, to protect and minimize tree resources
- c. Work with the PWD's Construction representative to inspect installation and maintenance of tree protection and/or pre-construction pruning.

3. Contractor will conduct appraisal of tree value.

- a. Conduct a site visit with PWD staff to determine;
 - i. Species of tree,
 - ii. Condition/health/vigor of tree,
 - iii. Nature and severity of impact,
 - iv. Beneficial uses the affected tree provides to owner.
- b. Coordinate with PWD staff to develop an appraisal of fair market value of the potentially affected tree resources.
- c. Prepare a brief appraisal which includes the basis for valuation. This report shall be submitted to the PWD for review and approval within two (2) weeks from the date of the appraisal field work.

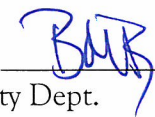
4. Assess potential hazard of trees within or adjacent to Public Right of Way.

- a. Upon request from County staff the Contractor will conduct site visit of tree resources suspected of posing risk to public right of way, adjacent facilities, or the public.
- b. Prepare a report within two weeks of completing field work that includes
 - i. Methodology used
 - ii. Assessment of the risk the subject tree poses
 - iii. Recommendations on how to minimize potential hazards of the subject tree
 - iv. Explanation of why tree must be trimmed or removed (if applicable)
- c. Attend meeting with County and private property owners, if necessary, to explain assessment of risk and recommendations

C. SCOPE OF SERVICES: CULTURAL RESOURCES

The Contractor shall provide professional services including assessing archaeological and/or historical resources, conducting test excavations of a proposed project site for sub-surface cultural resources, preparing archaeological and/or historical data recovery plans. Conduct preconstruction training for

Initials: 
Contractor


County Dept.

PWD Environmental and Construction staff, coordinate and conduct construction monitoring, analyze and prepare for the curation of historical and/or archaeological materials discovered as a result of the project. The Contractor may need to be able to perform any or all of the following services:

1. Contractor will provide Archaeological/Historical Assessment.

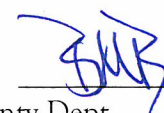
- a. Conduct research, as necessary and appropriate, at the Northwest Information Center (NWIC) at Sonoma State University. Review historical archives at local universities, County historical files, the National Register, the California Register, the California Historical Landmarks, and other pertinent sources.
- b. Conduct surface field reconnaissance of the project area to determine the potential for and/or presence of cultural resources.
- c. Conduct subsurface reconnaissance of the project area using ground penetrating radar (if available and warranted).
- d. Write a report summarizing the results of the assessment and provide recommendations for further examinations of the project site. This report must be submitted to the PWD within two (2) weeks of completing research field work, unless otherwise requested by County staff. The report shall include:
 - i. Map of the proposed project area showing location and tentative identification of potential cultural resources.
 - a) Map shall be in both paper and Arc-GIS shape file formats
 - ii. Methods used to conduct the cultural resources assessment.
 - iii. Analysis of the nature of the cultural resources assessed including estimates of the age of the resource, the function and general condition. Analysis shall be based upon the field work conducted to date and the research from professional sourced literature.
 - iv. Assessment of the potential impacts of the proposed project on the cultural resources found at the site. The analysis of the potential impacts shall specify the level of the potential impacts "potentially significant" under the California Environmental Quality Act (CEQA) guidelines.
 - v. Recommend measures to avoid, minimize, and mitigate any potential impacts to cultural resources. Recommended measures shall include the feasibility of any and all measures including, but not limited to, timing restrictions, need for coordination with local Native American tribe representatives or local historical society representatives, and any and all special permits that may be required.

2. Contractor will prepare Archaeological and Historic Resources Reports.

For projects that receive federal funding the Contractor shall conduct all archaeological and cultural studies in accordance with Caltrans protocols pursuant to the National Historical Preservation Act (NHPA) Section 106 Guidance Document for National Environmental Policy Act (NEPA).

- a. The necessary reports must incorporate the appropriate content and format required by the

Initials 
Contractor


County Dept.

- Caltrans guidance document. The Contractor shall be responsible for determining which reports (listed below) will be necessary to satisfy NEPA requirements.
- i. Archaeological Survey Report (ASR)
 - ii. Historical Resources Evaluation Report (HRER)
 - iii. Historic Property Survey Report (HPSR)
 - iv. Bridge Evaluation Report (BER)
- b. The Contractor shall include all pertinent supporting documents which serve to describe the results of the survey, as required under Caltrans guidelines.
 - c. **Two copies** of the draft report(s), including any supporting studies (e.g., ASR, HRER), shall be submitted no later than 15 days following completion of field work.
 - d. Within 15 days of receipt of the edits by the Public Works Department (PWD), **seven copies** of the revised report(s) and supporting studies will be forwarded to the PWD.
 - i. PWD staff shall be responsible for submittal of the reports to Caltrans Local Assistance staff
 - e. Within 15 days of receipt of Caltrans' edits, **two copies** of the revised final report(s) shall be submitted to the PWD.
 - f. Within 10 days of receipt of any remaining PWD edits, **seven copies** of the final report(s) shall be submitted to PWD staff.
 - i. PWD staff shall be responsible for submitting the final reports to Caltrans Local Assistance staff
 - g. **One copy** of Caltrans accepted Final Report(s) will be provided to the California Historical Resources Information System's Northwest Information Center at Sonoma State University within 30 days of Caltrans' acceptance of the final reports, as required by NHPA

3. Conduct Test Excavations for Cultural Resources.

When the results of an archaeological assessment suggest the need for testing of the proposed project site for potential cultural resources, the Contractor will:

- a. Work with PWD staff and construction equipment provided by the County, to conduct small scale excavations to determine the presence of potential cultural resources.
- b. Monitor the removal of soil by heavy equipment (backhoe, excavator, grade-all, etc.) for potential cultural resources removal.
- c. Excavate as appropriate any potential cultural resources by hand.
- d. Sieve samples of excavated soil through 1/8" to 1/4" mesh screens.
- e. Work with PWD staff to implement sediment control systems to ensure no contaminated runoff enters storm drains inlets or waterways.
- f. Provide a verbal report via telephone within 24 hours of discovery of potentially significant cultural resources (as defined by CEQA and/or NEPA) or the conclusion of the test excavation process, whichever comes first. Verbal reports shall be made to Leigh Chavez, Environmental Unit Manager at 925-313-2366.
- g. Provide a written report of the results of the test excavation process. This report is due within 30 days of the completion of field work and should be submitted to the PWD.

Initials: 
Contractor


County Dept.

The report shall include:

- i. Map of the proposed project area showing location and tentative identification of potential cultural resources discovered through the test excavation process.
 - a) Map shall be in both paper and Arc-GIS shape files formats
- ii. Description of the methods used to conduct the cultural resource test excavations.
- iii. Analysis of the nature of the cultural resources excavated including estimates of the age of the resource, the function, and general condition.
- iv. Assessment of the potential impacts of the proposed project upon the cultural resources excavated at the site. The analysis of the potential impacts shall specify if the potential impacts may be determined to be "potentially significant" under the California Environmental Quality Act (CEQA) guidelines and (if the project has federal funding) the National Environmental Policy Act (NEPA).
- v. Recommend measures to use to avoid, minimize, and mitigate any potential impacts to the cultural resources. Recommended measures shall include a discussion of feasibility issues associated with any measures including timing restrictions, need for coordination with local Native American tribe representatives or local historical society representatives, and any and all special permits that may be required.
- vi. The report can be a revision of the report submitted previously based upon surface and ground penetrating radar observations, and/or an addendum to the previous report, or a stand alone report.

4. Prepare Archaeological Monitoring and Data Recovery Plans.

When the results of test excavations warrant further excavation and analysis of the project site, the Contractor will prepare an archaeological monitoring/data recovery plan in accordance with California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA). The plan will, at a minimum, describe the following:

- a. The characteristics and physical location of the known cultural resources in the project area (based upon existing information);
- b. The required archeological and historic resources mitigation measures;
- c. The minimum training and experience required for onsite archeological monitors;
- d. The construction activities and locations likely to warrant onsite monitoring;
- e. The methods to be used during construction monitoring, including criteria for artifact collection, situations necessitating work stoppage or redirection, evaluation of resources discovered during construction, and daily record keeping;
- f. The approach and methods to be used during required archeological data recovery for burial remains and non-burial deposits (subject to *Most Likely Decendent (MLD)* approval for burials).
- g. Occupational Safety & Health Administration (OSHA) protective measures to be followed when working in excavations and around heavy equipment;

Initials 
Contractor


County Dept.

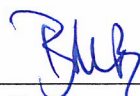
- h. The protocol to be followed in the event significant archeological resources are discovered during construction;
- i. The protocol to be followed in the event unexpected archeological remains are found at a time when archeological monitors are not present;
- j. Protective or security measures to protect the site during off-work hours;
- k. Methods of cataloging, analyzing, preparing for curation, and curation of artifacts recovered during monitoring, testing, or data recovery (subject to MLD approval for burials and grave-goods); and
- l. Reporting requirements for data recovery and monitoring.
- m. The report shall be submitted to the PWD within 15 days of the notice to proceed on work in this task.

5. Under direction of PWD staff, the Contractor will coordinate with the The Native American Heritage Commission (NAHC) and Most Likely Descendent (MLD) representative as needed.

As directed by PWD staff, the Contractor will:

- a. Contact the Native American Heritage Commission (NAHC) in Sacramento by letter with a description of the proposed project and a request to review their Sacred Lands file for information on traditional or cultural lands within the project area and vicinity. Contractor will ask the NAHC to provide a list of interested local Native American representatives.
- b. Contact the MLD on behalf of the PWD.
 - i. Contact the individual representatives by letter with a request for comments and information they may have regarding cultural resources or sacred sites concerns and/or questions within the immediate project area.
 - ii. The Contractor will follow-up with a maximum of two telephone calls to each representative if no written response is received from the representative within two weeks of the initial contact letter.
 - iii. The Contractor shall compile the results of the consultation in a report and submit it to PWD within 30 days of the consultation.
 - iv. With approval from PWD staff, the Contractor will share the cultural reports prepared to date with the MLD and any other matters concerning the project.
- c. Attend an initial site visit with the MLD and PWD staff to discuss the proposed project, potential impacts to Native American remains and artifacts, and the proposed measures to protect and/or remove the remains and artifacts.
- d. Under the direction of PWD staff, the Contractor will coordinate with the MLD as needed throughout the construction of the project.

Initials 
Contractor


County Dept.

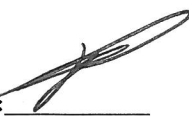
6. The Contractor will conduct pre-construction training.

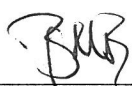
- a. Attend preconstruction meeting with PWD staff and Construction Contractor to discuss cultural issues and requirements with the construction contractor and PWD staff. The PWD staff will provide inspection and/or construction management for the project.
- b. Conduct an on-site training session for PWD and the construction contractor's staff. Training shall include a discussion of:
 - i. The location, nature, and significance of the cultural resources known or anticipated to be found on site.
 - ii. Visual or other modes of identification (smell, texture, etc.) that would help the construction contractor or PWD inspectors/ construction managers to identify cultural resources.
 - iii. Discussion of protocols to be followed in event of discovery of cultural resources, including:
 - a) Requirements to stop work
 - b) Notification requirements
 - c) Radius of protection for encountered cultural resources
 - d) Requirements to receive authorization to return to work
 - iv. Obtain attendance records at site of all contractor and PWD staff through the use of a sign in sheet. The Contractor will submit a copy of the sign in sheet to Leigh Chavez, Environmental Unit Manager via facsimile (925-313-2333) within 24 hours of completion of the on-site training session.

7. Construction Monitoring.

The Contractor will:

- a. Coordinate with PWD and construction contractor staff to establish a site screening station to be located in a convenient area that will not affect construction of the project.
- b. Monitor excavation to avoid and minimize impacts to culturally significant artifacts or human remains.
 - i. Coordinate with the PWD inspector or construction manager to ensure ability to stop work if needed to protect cultural resources.
 - ii. Excavate by hand using appropriate archaeological techniques any significant artifacts or human remains.
 - iii. Clean, catalog, analyze, prepare and submit for curation or reburial (as required) any significant artifact or human remains recovered during the project.
- c. Coordinate with the Most Likely Descendent (MLD) representative as needed and under the direction and prior approval of PWD staff.

Initials: 
Contractor


County Dept.

8. Analysis and Curation of Recovered Artifacts.

Culturally significant artifacts and human remains collected shall be analyzed (*with permission of the MLD as required*) and curated as appropriate. The Contractor will:

- a. Take inventory, preserve (as appropriate) and catalogue all culturally significant artifacts and/or human remains
- b. Analyze artifacts and/or remains utilizing the following techniques
 - i. Compare collections of artifacts and plant/animal remains with local universities and other collections
 - ii. Use available technical services including obsidian hydration analysis, x-ray fluorescence, ethnobotanical studies, C-14 analysis
- c. Coordinate with the MLD as needed and under the direction of PWD staff

9. Provide Regulatory Guidance on an as-needed basis.

The Contractor will provide guidance regarding regulatory requirements for archaeological resources (Section 106 of the NHPA, CEQA, etc.) and regulating agencies (e.g. US Army Corps of Engineers).

D. SCOPE OF SERVICES: WILDLIFE AND BOTANICAL SERVICES

The Contractor shall assess the potential impacts of a proposed project upon botanical and wildlife resources, determine the presence or absence of listed plant and animal species within a project site, and monitor the project construction to protect plant and animal resources. The Contractor may need to be able to perform any or all of the following services, studies and actions:


1. Conduct Plant Community and Wildlife Habitat Assessments.

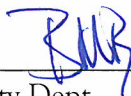
- a. For all projects, regardless of location within the County or source of funding, review relevant databases;
 - i. Review California Natural Diversity Database (CNDDDB) and other databases for listed species,
 - ii. Contact local biologist and/or biologist from the California Department of Fish & Game (DFG) and/or US Fish & Wildlife Services (FWS) regarding known occurrences of listed species, if warranted,
 - iii. Contact species experts, if warranted.
- b. For projects requiring a general analysis under the California Environmental Quality Act (CEQA), the Contractor will conduct site visit to characterize habitats and wildlife/vegetation present;
 - i. Conduct survey to characterize plant communities including special physical and habitat features and identify botanical species potentially present and characterize wildlife

Initials: 
Contractor


County Dept.

- habitats including special habitat features and identify wildlife species potentially present at the proposed project site and adjacent areas
- ii. Identify adjacent land uses and photograph relevant features of the adjacent site.
 - iii. Prepare a report in a format requested by the PWD. Report must be submitted to PWD Environmental staff within 15 days of completing the site visit. The report shall include;
 - a) Methods used in analyzing the project site,
 - b) Assessment of the habitat,
 - c) Map of proposed project site showing different wildlife habitats, plant communities and important environmental features,
 - Using Arc-GIS compatible shape files
 - d) Discussion and recommendations based on findings at the site,
 - e) List of species (flora and fauna) with a potential to inhabit the project site, including both their state and federal status
 - c. For projects within the permit area of the East Contra Costa County Habitat Conservation Plan (HCP) use protocols established by the HCP (as found on the website www.cocohcp.org) to determine the;
 - Land cover type
 - Presence of uncommon vegetation types
 - Presence of uncommon landscape types
 - i. For those areas with specific land cover types outlined in the Final HCP, determine if target species habitat elements exist on the project site.
 - ii. Prepare a Project Survey Report according to the HCP template (as found on the website www.cocohcp.org) and submit it within two (2) weeks of the visit to the project site and submit it to PWD staff.
 - iii. For federally funded projects that must comply with the National Environmental Policy Act (NEPA), the Contractor will conduct wildlife studies in conformance with the standard California Department of Transportation (CalTrans) Federal Highways Administration (FHWA), Natural Environment Study (NES), and Biological Assessment (BA) guidelines and incorporate the wetland delineation.
 - iv. If the project lies within the permit area of the East County HCP, incorporate HCP avoidance, minimization, and mitigation strategies to meet the NEPA requirements for impacts to federally listed species and the habitats upon which they depend.
 - v. Determine the potential use of the site by state and federally listed species. Species will be ranked as either "Not Present", "Unlikely", "Moderate", or "High" depending upon the suitability of the habitat or proximity of any known records uncovered in the database search.
 - vi. Prepare a Natural Environment Study (NES), Biological Assessment (BA), Wetland
 - vii. Delineation within two (2) weeks of field work. The BA and Wetland Delineation will be appendices to the NES.
 - a) For federally funded projects within the permit area of the East Contra Costa County HCP, incorporate HCP avoidance and minimization measures and HCP Fees into the NES/BA documents as mitigation elements.

Initials: 
Contractor


County Dept.

2. Listed Species Botanical and Wildlife Surveys.


The Contractor shall conduct surveys for listed wildlife species according to approved County, FWS or DFG protocols to determine presence or absence of the listed species at or near the proposed project site, if determined necessary by FWS or DFG staff.

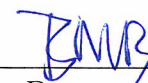
- a. Conduct a wildlife survey per the FWS or DFG guidance documents or survey protocols in the proposed project site plus any additional areas required by the survey protocol
- b. Conduct botanical surveys at appropriate times of the year per any FWS or DFG guidance documents or survey protocols in the proposed project site, plus any additional areas required by the survey protocol
- c. If the project area lies within the permit area of the East County HCP and habitat elements for specific species are present, then conduct preconstruction surveys conforming to the requirements in the Final HCP (as found on the website www.cocohcp.org) for any species.
- d. Prepare a report of the findings (per the FWS or DFG protocol) and submit the report to the PWD Environmental staff within 15 days of completing the site visit (or as mutually agreed upon by the PWD and the Contractor), to include;
 - i. Copies of field notes and data sheets used to record data.
 - ii. Copies of photographs of the project site and any individuals observed of a listed species.
 - iii. Summary of survey dates, times (begin and end times), names of surveyors and relevant environmental conditions.
 - iv. A description of the methods used.
 - v. A description of the numbers and size of all individuals observed.
 - vi. A description of the potential threats to the listed species at the site and recommendations for mitigation.
 - vii. A map of the area showing the survey locations, habitat and sightings.
 - a) Using Arc-GIS compatible shape files

3. Pre-construction wildlife surveys.

The Contractor will conduct pre-construction surveys for a listed species shortly before the beginning of construction to determine presence or absence of the target species at the proposed construction site.

- a. Within 7 to 14 days prior to the commencement of construction, Contractor will conduct a pre-construction survey to identify state or federally listed species at the proposed project site and in the immediate vicinity of the project site. PWD staff will notify the Contractor of the start date as soon as the Notice to Proceed is issued.
- b. Contact PWD staff within 24 hours, upon finding any listed species at the project site or in the immediate vicinity.
- c. Prepare a short report documenting the methods used and findings. The Contractor will submit this report to the PWD within two (2) days of conducting the survey.

Initials: 
Contractor


County Dept.

4. Pre-construction botanical salvage.

Some regulatory permits may require the County to salvage individuals of a listed plant species before the commencement of construction to mitigate the effects of the proposed project. The salvage may occur at any time of the year in advance of the project and may involve a variety of life stages. Salvage operations would only occur under the appropriate "take" permits authorized by either FWS or DFG. Salvage of common species (e.g. willow or cottonwood) may also occur without consultation with FWS or DFG. The Contractor will:

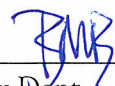
- a. Conduct a survey within 7 to 14 days prior to commencement of construction for specifically identify state or federally listed species in the proposed project site and in the immediate vicinity of the project site to determine the exact location of individuals.
- b. Prepare a map showing the locations of the individuals of the listed species with notes indicating which individuals are most suitable for salvage.
- c. Using existing FWS and DFG protocols and guideline documents, the Contractor will coordinate with the appropriate FWS or DFG staff to remove portions or all of individual plants and/or collect seed from the proposed project site. The Contractor will store plant materials under their specific and most appropriate conditions to maximize survival.
- d. Using either internal nursery resources or contracting with another native plant nursery, grow seeds or individuals to a size specified by PWD to maximize successful replanting at the project site (once construction is complete) or at another mitigation site approved by either DFG or FWS.
- e. Prepare a short report documenting the methods used and results of efforts. The report is due to the PWD within 30 days after salvage has occurred or as negotiated with the PWD.

5. Construction monitoring for potential botanical and wildlife impacts.

Contractor will monitor construction activities, move individuals of listed species, (under appropriate permit conditions), and create and deliver education programs to PWD staff and construction contractor employees. Contractor will do the following:

- a. **Daily monitoring during construction:** The Contractor will provide one FWS or DFG approved biologist to remain on site at all times during construction. The biologist will arrive early enough each day to do a sweep of the work area prior to start of construction. The Contractor will complete a daily monitoring report which documents dates, times, activities, listed species found and their disposition, and any non-compliance issues. The daily monitoring report will be submitted to PWD staff, within 14 days of the biologist's completion of work.
- b. **Training session for construction personnel:** The Contractor will conduct a training session prior to the start of construction. The purpose of the training will be to teach construction personnel how to identify listed species, the areas they are likely to inhabit, why they are protected, and what to do if one is found. The Contractor will also train someone

Initials: 
Contractor


County Dept.

from the construction contractor's team to handle the duties (referenced in the above section V-A of this scope) of sweeping the work area and preparing a daily monitoring report.

- c. **Final Report for monitoring results:** Within 30 days after the completion the construction project, the Contractor will submit a final report summarizing all monitoring activities. The report will include copies of completed daily monitoring reports and a brief summary of the monitoring results (paragraph form), and submit it to PWD Environmental staff.
- d. **Project management:** The Contractor will manage, coordinate and oversee the biologists and maintain ongoing communications with PWD personnel, the construction contractor, FWS, DFG (as necessary), and the Contractor staff.

E. SCOPE OF SERVICES - FISHERY SERVICES

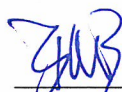
The Contractor shall provide professional services to assess the potential impacts of a proposed project upon fishery resources (both anadromous and non-anadromous species), determine the presence/absence and relative counts of listed fish species within a project site or adjacent stream resources, and write reports detailing the issues and making recommendations. The Contractor may need to be able to perform any or all of the following services:

1. Fishery habitat assessment.

The Contractor will:

- a. Review relevant databases
 - i. Review California National Diversity Database (CNDDDB) and other databases
 - ii. Results from recent, local studies
 - iii. Contact local or agency biologists re: known occurrences of listed species, if warranted
 - iv. Contact species experts, if warranted
- b. Prepare data collection plan
 - i. Meet with PWD staff to clarify County goals and potential impacts of proposed project on fishery resources.
 - ii. Develop detailed methodology for each indicator to be evaluated including but not limited to
 - a) Impediments to fish migration
 - b) Habitat mapping
 - c) Water quality assessment
 - iii. Obtain review from the County and appropriate regulatory agency staff
 - iv. Finalize data collection plan
- c. Conduct site visit to assess quality of fish resource habitat
 - i. Assess and map fish habitat within project area and in mutually agreed upon areas upstream/downstream of project area, including;
 - a) Shaded riverine aquatic habitat

Initials: 
Contractor



County Dept.

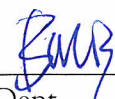
- b) Essential Fish Habitat
- c) Physical features of the stream (e.g. undercut banks, pools, riffles, runs, man-made structures)
- d) Spawning gravels
- e) Impediments to fish passage or threats to fish habitat
- ii. Assess and map potential barriers to fish passage using criteria from scientific literature and regulatory protocols (if applicable)
- iii. Install water temperature monitoring devices at representative locations to obtain hourly temperature data over period of several months
- d. Analyze data and prepare a report (using the format for the Caltrans Biological Assessment, when applicable). This report is due within two (2) weeks of completing field studies. The report shall include;
 - i. Methodology
 - ii. Results of site visit
 - iii. Assessment of the fish habitat
 - iv. Arc-GIS compatible shape file and map showing
 - a) Habitat types
 - b) Essential Fish Habitat
 - c) Physical structure of stream
 - d) Location of spawning gravels
 - e) Location of occupied redds
 - f) Impediments to fish passage
 - g) Threats to fish habitat
 - v. Discussion and recommendations

2. Fish population studies.

Depending upon the results of the fish habitat assessment, focused studies on fish populations may be desired. The Contractor may be required to conduct/prepare the following:

- a. Conduct fish counts of anadromous fish during spawning season
 - i. For each seasonal run and species sample random reaches of a creek and conduct counts of living and dead fish.
 - ii. Using statistical analysis extrapolate data to determine spawning population for specific segments of stream
- b. Conduct fish counts during non-spawning season
 - i. Using electroshock devices, nets, and/or seines sample random reaches of a stream and conduct counts of fish by species and age group.
- c. Conduct redd survivorship studies
 - i. With appropriate permits from National Marine Fisheries Service monitor progress of random redds
 - ii. Upon emergence of fry, excavate subsections of each redd to count number of failed egg masses within each sample.

Initials: 
Contractor


County Dept.

- iii. Using statistical analysis extrapolate data to determine percent survivorship of eggs
- d. Analyze data and prepare a report which should be submitted within two (2) weeks of completing field work (using the format for the Caltrans Biological Assessment). The report shall include:
 - i. Methodology
 - ii. Results
 - iii. Arc-GIS compatible shape file and map showing
 - a) Sample locations
 - b) Essential Fish Habitat
 - c) Physical structure of stream
 - d) Location of spawning gravels (if applicable)
 - e) Location of occupied redds (if applicable)
 - f) Impediments to fish passage (if applicable)
 - iv. Discussion and recommendation

F. SCOPE OF SERVICES - MITIGATION DESIGN


Contra Costa County Public Works Department (PWD) strives to avoid and minimize the impacts of potential projects wherever possible. However, in some instances unavoidable impacts to sensitive resources (wetlands, riparian areas, and listed species habitat) may occur. In these situations the Contractor will work with PWD staff to design mitigation and restoration of the affected habitat which meet regulatory requirements outlined by California Environmental Quality Act (CEQA) and/or regulatory permits issued by various other resource agencies. The Contractor may need to be able to perform any or all of the following services:

1. The Contractor will assess conditions at the proposed mitigation site.

- a. Review applicable California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documents and/or regulatory permits to determine mitigation needs
- b. Conduct a field review of the proposed mitigation site with PWD staff
- c. Conduct surveys and tests of field conditions including, but not limited to;
 - i. Fluvial geomorphology
 - ii. Groundwater levels
 - iii. Soil nutrients and toxins

2. The Contractor will develop a conceptual plan by:

- a. Preparing a conceptual design map of proposed project site showing;
 - i. Areas of inundation, realigned channels, or other pertinent hydrology,
 - ii. Vegetation planting location, including species,
 - iii. Irrigation facilities location,
 - iv. Maintenance access,

Initials: 
Contractor


County Dept.

- v. Areas in need of erosion control.
- b. Develop a preliminary budget to reflect installation and maintenance of proposed project
- c. Prepare a report and submit it to PWD staff within two (2) weeks of completion of the field work. The report should discuss;
 - i. How proposed project meets mitigation needs,
 - ii. Methods used to develop the conceptual design,
 - iii. Constraints and opportunities associated with the conceptual design,
 - iv. Subsequent steps required to complete the design process.

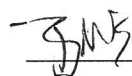
3. The Contractor will develop plans, specifications, and cost estimate.

- a. Using the California Department of Transportation (Caltrans) and/or Contra Costa County Public Works Department (PWD) standard plans and specifications the Contractor will develop the following;
 - i. Plan views of the proposed project site (including control lines and elevation contours provided by the PWD) showing
 - a) Planting locations including species,
 - b) Irrigation system layout,
 - c) Grading plans,
 - d) Location of erosion and sediment controls.
 - ii. Specific details of project elements including;
 - a) Planting details,
 - b) Irrigation details,
 - c) Erosion and sediment control installation detail.
 - iii. Specifications to support all elements shown in the plans;
 - a) Irrigation flow rates and application schedules,
 - b) Maintenance regime,
 - c) Monitoring requirements,
 - d) Success criteria to be met within specific timelines as determined, reviewed, and approved by the PWD.
 - iv. If requested by the PWD, the Contractor will prepare a contingency plan for review and approval in case of irrigation system failure.
- b. The Contractor will develop specifications to support mitigation elements not shown on plans, including:
 - i. Storage of plant materials
 - ii. Description of backfill soil mixtures, as negotiated with the PWD.
 - iii. Description of mulch, as negotiated with the PWD.
 - iv. Plant maintenance description

4. The Contractor will monitor mitigation success.

- a. Review mitigation requirements to determine monitoring strategy
- b. Check mitigation site and assess plantings, wetland creation, and/or listed species habitat to

Initials: 
Contractor



County Dept.

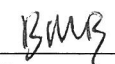
- determine if success criteria have been met
- c. Make recommendations as needed to ensure success criteria are met
- d. Develop a short report summarizing the success of the mitigation site and submit it to PWD staff within 30 days after plantings have been installed or as negotiated with the PWD.

G. SCOPE OF SERVICES – WETLAND DELINEATION

To assess potential impacts of a proposed project upon wetland resources and waters of the US the Contractor will need to be able to conduct wetland delineations according to the 1987 US Army Corps of Engineers (USACE) manual and Arid West manual. The Contractor may need to be able to perform any or all of the following services:

1. Review the National Wetland Inventory Map compiled by the US Fish and Wildlife Service (USFWS)
2. Determine the boundaries of any pools, wetlands, streams including ordinary high water (OHW)
 - a. Follow 1987 USACE and Arid West protocol for determining the hydraulic, soils and vegetation parameters for wetlands.
3. Prepare a map of Waters of the United States, including any wetlands and special aquatic habitats using digital and/or hard copy maps provided by the PWD.
 - a. Submit the draft map and copies of data sheets to the PWD (the wetland map should include data points and photo points) within two (2) weeks of completion of field work.
 - b. Using Arc-GIS compatible shape files
 - c. Revise the wetland delineation map based upon comments made by the PWD staff.
4. Prepare a report of the wetland delineation and submit it to PWD staff within 2 weeks of completion of field work. The report should outline the following;
 - a. Proposed project description,
 - b. Delineation methods including use of atypical criteria,
 - c. Results and conclusions,
 - d. Copies of data sheets.
5. Conduct a field verification with USACE, if requested;
 - a. The Contractor will notify PWD staff of the date and time of the field verification meeting.
6. Revise map and report based on USACE comments within two weeks of field verification meeting. Send copy of final report and any approved maps received by the USACE, to the PWD within one (1) week of completion/receipt.


Initials: _____
Contractor


County Dept.

VI. PERFORMANCE STANDARDS

Contractor shall perform environmental compliance services in compliance with California Department of Transportation (Caltrans), or any other industry standard technical specifications, calculations, and cost estimates referenced in the Section V. Contractor Tasks (Scope of Work), or as required by each Task Order Authorization.

VII. PAYMENT DEMANDS

Contractor shall submit a written demand or invoice for the services provided under each Task Order Authorization either (i) upon completion of the services described in the Task Order Authorization if the services take less than one month to complete; or (ii) monthly, if the services under a Task Order Authorization take more than one month to complete.

In each case, Contractor shall describe the work performed and list, for each item of services, the employee categories, hours and rates (as set forth Form (P-1) Payment Provisions, and Appendices A and B).

A. Rate Schedule

See **Appendix A** (Professional Services Payment Rates) and **Appendix B** (Project Personnel) for rates that will be authorized for payment.

1. Rates shall remain in effect for the **duration** of the contract.
2. Monthly invoices shall be submitted for payment, based on work completed.
3. Monthly invoices shall reference on each invoice;
 - a. Invoice number
 - b. Month that work was performed
 - c. Task Order Number
 - d. Project Name and Project Number
 - e. Dept. Project Manager
4. Allowable reimbursable items must have;
 - a. Mileage;
 - i. Date of travel
 - ii. List amount of miles multiplied by the approved contract mileage rate
 - b. Receipts or documentation for back up for reimbursable items


Initials: 
Contractor



County Dept.

All payment demands and payments hereunder are subject to Form P-1, Payment Provisions of this Agreement, except that County shall release funds withheld with respect to any particular Task Order Authorization after Contractor has completed all work under that Task Order Authorization, submitted final billing for such work, and the Department Head has approved the work.

VIII. NON-EXCLUSIVE AGREEMENT

Contractor acknowledges that this Agreement is not exclusive and that County may, at any and all times during the term of this Agreement, obtain environmental compliance and other types of services from any appropriate source.


Initials: _____
Contractor


County Dept.

APPENDIX A

Professional Services Payment/Rates

In order to be compensated, please provide the following information:

<u>Job Title/Classification</u>	<u>Rate-per hour</u> (Range)
Sr Division Manager/ Principal Technical Professional	\$190–\$320/hour
Sr Group Manager/Project Director/ Sr Planner IV/ Sr Scientist IV/ Sr Engineer IV	\$175–\$320/hour
Group Manager/ Sr Project Manager III/ Sr Planner III/ Sr Scientist III/Sr Engineer III	\$140–\$220/hour
Project Manager/ Sr Planner II/ Sr Scientist II/Sr Engineer II/ Sr GIS Analyst II	\$120–\$190/hour
Associate Project Manager /Sr Planner I/Sr Scientist I/ Sr Engineer I/Sr GIS Analyst I	\$95–\$155/hour
Planner II/ Scientist II/Engineer II	\$85–\$140/hour
Planner I/ Scientist I/Engineer I	\$65–\$120/hour
Sr Administrator/Operations Coordinator/Administrative Coordinator	\$90–\$150/hour
Sr Word Processor/Regional Graphics Specialist/Sr Program Assistant	\$75–\$120/hour
Word Processor	\$65–\$120/hour
Field Technician II	\$55–\$110/hour
Planner Intern/Scientist Intern/Technician I/Administrative	\$45–\$95/hour

Note: Rates shall remain in effect for the **duration** of the contract. Monthly invoices shall be submitted for payment, based on work completed.

Reimbursables: In order to be compensated, please provide the following information:

Mileage:	\$0.55/mile or Current allowable IRS rate
Meals, Parking, and Toll, if applicable:	at cost (<i>attach documentation/receipts</i>)
Direct Expenses:	
Photo Copy Charge:	at cost (<i>attach documentation/receipts</i>)
Incidental Direct Charge <i>List:</i>	at cost (<i>attach documentation/receipts</i>)
Film developing:	at cost (<i>attach documentation/receipts</i>)
Postage/Express Mail:	at cost (<i>attach documentation/receipts</i>)
Administration charges:	Not to exceed 10% (<i>For subcontracting only</i>)

APPENDIX B

Project Personnel

NOTE: Please provide project personnel and titles. Any personnel that are not listed for this contract, will not be compensated for payment.

<u>Name</u>	<u>Job Title/Classification</u>
Carlos Alvarado	Scientist I
Sam Bacchini	Sr Scientist I
Emily Keller	Project Manager
May Lau	Scientist II
John Spranza	Group Manager
Ronald Walker	Sr Scientist II
Todd Wong	Scientist II
Leif Goude	Scientist Intern
George Leidy	Principal Technical Professional
Kristine Olsen	Sr Word Processor II
Emma Gill	Sr Administrative Coordinator I
Christopher Mundhenk	Project Manager
Thomas McGill	Sr Group Manager

ATTACHMENT 1
Task Order Request
On Call Services

Contract Number: _____

Pursuant to Section III of the Scope of Services for the environmental services agreement entered into as of _____, **20**_____, between County and Consultant, County issues this request for services as described below:

CONSULTANT'S NAME: _____

TASK ORDER No.: _____

PROJECT NAME: _____

PROJECT NUMBER: _____

LOCATION: _____

TASK DESCRIPTION:

1. _____
 a) _____
2. _____

Consultant shall begin work promptly (but no later than _____ **hours/days**) following County's delivery of a fully executed Task Order Authorization.

DEADLINE FOR COMPLETION OF TASK SERVICES AND DELIVERABLES: _____

COUNTY

By: _____
 Department Head

ATTACHMENT 2
Task Order Response
On Call Services

Contract Number: _____

Pursuant to Section III of the Scope of Services for the environmental services agreement entered into as of _____, **20**_____, between County and Consultant, County issues this request for services as described below:

CONSULTANT'S NAME: _____

TASK ORDER No.: _____

PROJECT NAME: _____

PROJECT NUMBER: _____

LOCATION: _____

TASK DESCRIPTION:

1. _____
 a) _____
2. _____

Consultant shall begin work promptly (but no later than _____ **hours/days**) following County's delivery of a fully executed Task Order Authorization.

PROPOSED SCHEDULE FOR DELIVERY OF SERVICES:

DEADLINE FOR COMPLETION OF TASK SERVICES AND DELIVERABLES: _____

PROPOSED SCOPE OF SERVICES FOR **TASK ORDER No.** _____:

COST ESTIMATE FOR **TASK ORDER No.** _____:

CONSULTANT

By: _____
 Authorized Representative

G:\engsvc\ENVIRO\CSA's & Contracts\FORMS-Task Orders\Attachment 2) Task Order Response.doc

ATTACHMENT 3
Task Order Authorization
On Call Services

Contract Number: _____

Pursuant to Section III of the Scope of Services for the environmental services agreement entered into as of _____, **20**_____, between County and Consultant, County issues this request for services as described below:

CONSULTANT'S NAME: _____

TASK ORDER No.: _____

PROJECT NAME: _____

PROJECT NUMBER: _____

LOCATION: _____

TASK DESCRIPTION:

1. _____
 a) _____
2. _____

Consultant shall begin work promptly (but no later than _____ **hours/days**) following County's delivery of a fully executed Task Order Authorization.

DEADLINE FOR COMPLETION OF TASK SERVICES AND DELIVERABLES: _____

SCOPE OF SERVICES FOR TASK ORDER No. _____.

SCHEDULE FOR DELIVERY OF SERVICES:

COST ESTIMATE FOR TASK ORDER No. _____

PAYMENT LIMIT FOR TASK ORDER No. _____ : \$ _____.

COUNTY By: _____ Department Head	CONSULTANT By: _____ Authorized Representative
---	---

GENERAL CONDITIONS
(Purchase of Services - Long Form)

1. **Compliance with Law.** Contractor is subject to and must comply with all applicable federal, state, and local laws and regulations with respect to its performance under this Contract, including but not limited to, licensing, employment, and purchasing practices; and wages, hours, and conditions of employment, including nondiscrimination.
2. **Inspection.** Contractor's performance, place of business, and records pertaining to this Contract are subject to monitoring, inspection, review and audit by authorized representatives of the County, the State of California, and the United States Government.
3. **Records.** Contractor must keep and make available for inspection and copying by authorized representatives of the County, the State of California, and the United States Government, the Contractor's regular business records and such additional records pertaining to this Contract as may be required by the County.
 - a. **Retention of Records.** Contractor must retain all documents pertaining to this Contract for five years from the date of submission of Contractor's final payment demand or final Cost Report; for any further period that is required by law; and until all federal/state audits are complete and exceptions resolved for this Contract's funding period. Upon request, Contractor must make these records available to authorized representatives of the County, the State of California, and the United States Government.
 - b. **Access to Books and Records of Contractor, Subcontractor.** Pursuant to Section 1861(v)(1) of the Social Security Act, and any regulations promulgated thereunder, Contractor must, upon written request and until the expiration of five years after the furnishing of services pursuant to this Contract, make available to the County, the Secretary of Health and Human Services, or the Comptroller General, or any of their duly authorized representatives, this Contract and books, documents, and records of Contractor necessary to certify the nature and extent of all costs and charges hereunder.

Further, if Contractor carries out any of the duties of this Contract through a subcontract with a value or cost of \$10,000 or more over a twelve-month period, such subcontract must contain a clause to the effect that upon written request and until the expiration of four years after the furnishing of services pursuant to such subcontract, the subcontractor must make available to the County, the Secretary, the Comptroller General, or any of their duly authorized representatives, the subcontract and books, documents, and records of the subcontractor necessary to verify the nature and extent of all costs and charges thereunder.

This provision is in addition to any and all other terms regarding the maintenance or retention of records under this Contract and is binding on the heirs, successors, assigns and representatives of Contractor.

4. **Reporting Requirements.** Pursuant to Government Code Section 7550, Contractor must include in all documents and written reports completed and submitted to County in accordance with this Contract, a separate section listing the numbers and dollar amounts of all contracts and subcontracts relating to the preparation of each such document or written report. This section applies only if the Payment Limit of this Contract exceeds \$5,000.



Contractor



County Dept.

GENERAL CONDITIONS
(Purchase of Services - Long Form)

5. **Termination and Cancellation.**

a. **Written Notice.** This Contract may be terminated by either party, in its sole discretion, upon thirty-day advance written notice thereof to the other, and may be cancelled immediately by written mutual consent.

b. **Failure to Perform.** County, upon written notice to Contractor, may immediately terminate this Contract should Contractor fail to perform properly any of its obligations hereunder. In the event of such termination, County may proceed with the work in any reasonable manner it chooses. The cost to County of completing Contractor's performance will be deducted from any sum due Contractor under this Contract, without prejudice to County's rights to recover damages.

c. **Cessation of Funding.** Notwithstanding any contrary language in Paragraphs 5 and 11, in the event that federal, state, or other non-County funding for this Contract ceases, this Contract is terminated without notice.

6. **Entire Agreement.** This Contract contains all the terms and conditions agreed upon by the parties. Except as expressly provided herein, no other understanding, oral or otherwise, regarding the subject matter of this Contract will be deemed to exist or to bind any of the parties hereto.

7. **Further Specifications for Operating Procedures.** Detailed specifications of operating procedures and budgets required by this Contract, including but not limited to, monitoring, evaluating, auditing, billing, or regulatory changes, may be clarified in a written letter signed by Contractor and the department head, or designee, of the county department on whose behalf this Contract is made. No written clarification prepared pursuant to this Section will operate as an amendment to, or be considered to be a part of, this Contract.

8. **Modifications and Amendments.**

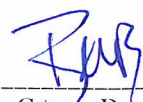
a. **General Amendments.** In the event that the Payment Limit of this Contract is \$100,000 or less, this Contract may be modified or amended only by a written document executed by Contractor and the County's Purchasing Agent or the Contra Costa County Board of Supervisors, subject to any required state or federal approval. In the event that the Payment Limit of this Contract exceeds \$100,000, this Contract may be modified or amended only by a written document executed by Contractor and the Contra Costa County Board of Supervisors or, after Board approval, by its designee, subject to any required state or federal approval.

b. **Minor Amendments.** The Payment Provisions and the Service Plan may be amended by a written administrative amendment executed by Contractor and the County Administrator (or designee), subject to any required state or federal approval, provided that such administrative amendment may not increase the Payment Limit of this Contract or reduce the services Contractor is obligated to provide pursuant to this Contract.

9. **Disputes.** Disagreements between County and Contractor concerning the meaning, requirements, or performance of this Contract shall be subject to final written determination by the head of the county department for which this Contract is made, or his designee, or in accordance with the applicable procedures (if any) required by the state or federal government.



Contractor



County Dept.

GENERAL CONDITIONS
(Purchase of Services - Long Form)

10. **Choice of Law and Personal Jurisdiction.**

- a. This Contract is made in Contra Costa County and is governed by, and must be construed in accordance with, the laws of the State of California.
- b. Any action relating to this Contract must be instituted and prosecuted in the courts of Contra Costa County, State of California.

11. **Conformance with Federal and State Regulations and Laws.** Should federal or state regulations or laws touching upon the subject of this Contract be adopted or revised during the term hereof, this Contract will be deemed amended to assure conformance with such federal or state requirements.

12. **No Waiver by County.** Subject to Paragraph 9. (Disputes) of these General Conditions, inspections or approvals, or statements by any officer, agent or employee of County indicating Contractor's performance or any part thereof complies with the requirements of this Contract, or acceptance of the whole or any part of said performance, or payments therefor, or any combination of these acts, do not relieve Contractor's obligation to fulfill this Contract as prescribed; nor is the County thereby prevented from bringing any action for damages or enforcement arising from any failure to comply with any of the terms and conditions of this Contract.

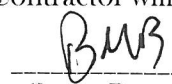
13. **Subcontract and Assignment.** This Contract binds the heirs, successors, assigns and representatives of Contractor. Prior written consent of the County Administrator or his designee, subject to any required state or federal approval, is required before the Contractor may enter into subcontracts for any work contemplated under this Contract, or before the Contractor may assign this Contract or monies due or to become due, by operation of law or otherwise.

14. **Independent Contractor Status.** The parties intend that Contractor, in performing the services specified herein, is acting as an independent contractor and that Contractor will control the work and the manner in which it is performed. This Contract is not to be construed to create the relationship between the parties of agent, servant, employee, partnership, joint venture, or association. Additionally, Contractor is not entitled to participate in any pension plan, workers' compensation plan, insurance, bonus, or similar benefits County provides to its employees. In the event that County exercises its right to terminate the Contract, Contractor expressly agrees that it will have no recourse or right of appeal under any rules, regulations, ordinances, or laws applicable to employees.

15. **Conflicts of Interest.** Contractor covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Contractor further covenants that in the performance of this Contract, no person having any such interests will be employed by Contractor. If requested to do so by County, Contractor will complete a "Statement of Economic Interest" form and file it with County and will require any other person doing work under this Contract to complete a "Statement of Economic Interest" form and file it with County. Contractor covenants that Contractor, its employees and officials, are not now employed by County and have not been so employed by County within twelve months immediately preceding this Contract; or, if so employed, did not then and do not now occupy a position that would create a conflict of interest under Government Code section 1090. In addition to any indemnity provided by Contractor in this Contract, Contractor will indemnify,



Contractor



County Dept.

GENERAL CONDITIONS
(Purchase of Services - Long Form)

defend, and hold the County harmless from any and all claims, investigations, liabilities, or damages resulting from or related to any and all alleged conflicts of interest.

16. **Confidentiality.** Contractor agrees to comply and to require its officers, partners, associates, agents and employees to comply with all applicable state or federal statutes or regulations respecting confidentiality, including but not limited to, the identity of persons served under this Contract, their records, or services provided them, and assures that:


- a. All applications and records concerning any individual made or kept by Contractor or any public officer or agency in connection with the administration of or relating to services provided under this Contract will be confidential, and will not be open to examination for any purpose not directly connected with the administration of such service.
- b. No person will publish or disclose or permit or cause to be published or disclosed, any list of persons receiving services, except as may be required in the administration of such service. Contractor agrees to inform all employees, agents and partners of the above provisions, and that any person knowingly and intentionally disclosing such information other than as authorized by law may be guilty of a misdemeanor.

17. **Nondiscriminatory Services.** Contractor agrees that all goods and services under this Contract will be available to all qualified persons regardless of age, gender, race, religion, color, national origin, ethnic background, disability, or sexual orientation, and that none shall be used, in whole or in part, for religious worship.

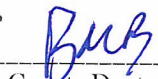
18. **Indemnification.** Contractor will defend, indemnify, save, and hold harmless County and its officers and employees from any and all claims, demands, losses, costs, expenses, and liabilities for any damages, fines, sickness, death, or injury to person(s) or property, including any and all administrative fines, penalties or costs imposed as a result of an administrative or quasi-judicial proceeding, arising directly or indirectly from or connected with the services provided hereunder that are caused, or claimed or alleged to be caused, in whole or in part, by the negligence or willful misconduct of Contractor, its officers, employees, agents, contractors, subcontractors, or any persons under its direction or control. If requested by County, Contractor will defend any such suits at its sole cost and expense. If County elects to provide its own defense, Contractor will reimburse County for any expenditures, including reasonable attorney's fees and costs. Contractor's obligations under this section exist regardless of concurrent negligence or willful misconduct on the part of the County or any other person; provided, however, that Contractor is not required to indemnify County for the proportion of liability a court determines is attributable to the sole negligence or willful misconduct of the County, its officers and employees. This provision will survive the expiration or termination of this Contract.

19. **Insurance.** During the entire term of this Contract and any extension or modification thereof, Contractor shall keep in effect insurance policies meeting the following insurance requirements unless otherwise expressed in the Special Conditions:

- a. **Commercial General Liability Insurance.** For all contracts where the total payment limit of the contract is \$500,000 or less, Contractor will provide commercial general liability insurance, including coverage for business



Contractor



County Dept.

GENERAL CONDITIONS
(Purchase of Services - Long Form)

losses and for owned and non-owned automobiles, with a minimum combined single limit coverage of \$500,000 for all damages, including consequential damages, due to bodily injury, sickness or disease, or death to any person or damage to or destruction of property, including the loss of use thereof, arising from each occurrence. Such insurance must be endorsed to include County and its officers and employees as additional insureds as to all services performed by Contractor under this Contract. Said policies must constitute primary insurance as to County, the state and federal governments, and their officers, agents, and employees, so that other insurance policies held by them or their self-insurance program(s) will not be required to contribute to any loss covered under Contractor's insurance policy or policies. For all contracts where the total payment limit is greater than \$500,000, the aforementioned insurance coverage to be provided by Contractor must have a minimum combined single limit coverage of \$1,000,000, and Contractor must provide County with a copy of the endorsement making the County an additional insured on all commercial general liability, worker's compensation, and, if applicable, all professional liability insurance policies as required herein no later than the effective date of this Contract.

b. **Workers' Compensation.** Contractor must provide workers' compensation insurance coverage for its employees.

c. **Certificate of Insurance.** The Contractor must provide County with (a) certificate(s) of insurance evidencing liability and worker's compensation insurance as required herein no later than the effective date of this Contract. If Contractor should renew the insurance policy(ies) or acquire either a new insurance policy(ies) or amend the coverage afforded through an endorsement to the policy at any time during the term of this Contract, then Contractor must provide (a) current certificate(s) of insurance.

d. **Additional Insurance Provisions.** The insurance policies provided by Contractor must include a provision for thirty (30) days written notice to County before cancellation or material change of the above specified coverage.

20. **Notices.** All notices provided for by this Contract must be in writing and may be delivered by deposit in the United States mail, postage prepaid. Notices to County must be addressed to the head of the county department for which this Contract is made. Notices to Contractor must be addressed to the Contractor's address designated herein. The effective date of notice is the date of deposit in the mails or of other delivery, except that the effective date of notice to County is the date of receipt by the head of the county department for which this Contract is made.

21. **Primacy of General Conditions.** In the event of a conflict between the General Conditions and the Special Conditions, the General Conditions govern unless the Special Conditions or Service Plan expressly provide otherwise.

22. **Nonrenewal.** Contractor understands and agrees that there is no representation, implication, or understanding that the services provided by Contractor under this Contract will be purchased by County under a new contract following expiration or termination of this Contract, and Contractor waives all rights or claims to notice or hearing respecting any failure to continue purchasing all or any such services from Contractor.

23. **Possessory Interest.** If this Contract results in Contractor having possession of, claim or right to the possession of land or improvements, but does not vest ownership of the land or improvements in the same person, or if this



Contractor



County Dept.

GENERAL CONDITIONS
(Purchase of Services - Long Form)

Contract results in the placement of taxable improvements on tax exempt land (Revenue & Taxation Code Section 107), such interest or improvements may represent a possessory interest subject to property tax, and Contractor may be subject to the payment of property taxes levied on such interest. Contractor agrees that this provision complies with the notice requirements of Revenue & Taxation Code Section 107.6, and waives all rights to further notice or to damages under that or any comparable statute.

24. **No Third-Party Beneficiaries.** Nothing in this Contract may be construed to create, and the parties do not intend to create, any rights in third parties.

25. **Copyrights and Rights in Data.** Contractor will not publish or transfer any materials produced or resulting from activities supported by this Contract without the express written consent of the County Administrator. If any material is subject to copyright, County reserves the right to copyright, and Contractor agrees not to copyright such material. If the material is copyrighted, County reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use such materials, in whole or in part, and to authorize others to do so.

26. **Endorsements.** In its capacity as a contractor with Contra Costa County, Contractor will not publicly endorse or oppose the use of any particular brand name or commercial product without the prior written approval of the Board of Supervisors. In its County-contractor capacity, Contractor will not publicly attribute qualities or lack of qualities to a particular brand name or commercial product in the absence of a well-established and widely accepted scientific basis for such claims or without the prior written approval of the Board of Supervisors. In its County-contractor capacity, Contractor will not participate or appear in any commercially produced advertisements designed to promote a particular brand name or commercial product, even if Contractor is not publicly endorsing a product, as long as the Contractor's presence in the advertisement can reasonably be interpreted as an endorsement of the product by or on behalf of Contra Costa County. Notwithstanding the foregoing, Contractor may express its views on products to other contractors, the Board of Supervisors, County officers, or others who may be authorized by the Board of Supervisors or by law to receive such views.

27. **Required Audit.** (A) If Contractor is funded by \$500,000 or more in federal grant funds in any fiscal year from any source, Contractor must provide to County, at Contractor's expense, an audit conforming to the requirements set forth in the most current version of Office of Management and Budget Circular A-133. (B) If Contractor is funded by less than \$500,000 in federal grant funds in any fiscal year from any source, but such grant imposes specific audit requirements, Contractor must provide County with an audit conforming to those requirements. (C) If Contractor is funded by less than \$500,000 in federal grant funds in any fiscal year from any source, Contractor is exempt from federal audit requirements for that year; however, Contractor's records must be available for and an audit may be required by, appropriate officials of the federal awarding agency, the General Accounting Office (GAO), the pass-through entity and/or the County. If any such audit is required, Contractor must provide County with such audit. With respect to the audits specified in (A), (B) and (C) above, Contractor is solely responsible for arranging for the conduct of the audit, and for its cost. County may withhold the estimated cost of the audit or 10 percent of the contract amount, whichever is greater, or the final payment, from Contractor until County receives the audit from Contractor.



Contractor



County Dept.

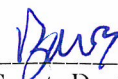
GENERAL CONDITIONS
(Purchase of Services - Long Form)

28. **Authorization.** Contractor, or the representative(s) signing this Contract on behalf of Contractor, represents and warrants that it has full power and authority to enter into this Contract and to perform the obligations set forth herein.

29. **No Implied Waiver.** The waiver by County of any breach of any term or provision of this Contract will not be deemed to be a waiver of such term or provision or of any subsequent breach of the same or any other term or provision contained herein.



Contractor



County Dept.

1. **Payment Amounts.** Subject to the Payment Limit of this Contract and subject to the following Payment Provisions, County will pay Contractor the following fee as full compensation for all services, work, expenses or costs provided or incurred by Contractor:

[Check one alternative only.]

- a. \$ monthly, or
- b. \$ per unit, as defined in the Service Plan, or
- c. \$ after completion of all obligations and conditions herein.
- d. Other: Consultant shall submit monthly invoices for payment of Task Work completed.

2. **Payment Demands.** Contractor shall submit written demands for payment on County Demand Form D-15 in the manner and form prescribed by County. Contractor shall submit said demands for payment no later than 30 days from the end of the month in which the contract services upon which such demand is based were actually rendered. Upon approval of payment demands by the head of the County Department for which this Contract is made, or his designee, County will make payments as specified in Paragraph 1. (Payment Amounts) above.

3. **Penalty for Late Submission.** If County is unable to obtain reimbursement from the State of California as a result of Contractor's failure to submit to County a timely demand for payment as specified in Paragraph 2. (Payment Demands) above, County shall not pay Contractor for such services to the extent County's recovery of funding is prejudiced by the delay even though such services were fully provided.

4. **Right to Withhold.** County has the right to withhold payment to Contractor when, in the opinion of County expressed in writing to Contractor, (a) Contractor's performance, in whole or in part, either has not been carried out or is insufficiently documented, (b) Contractor has neglected, failed or refused to furnish information or to cooperate with any inspection, review or audit of its program, work or records, or (c) Contractor has failed to sufficiently itemize or document its demand(s) for payment.

5. **Audit Exceptions.** Contractor agrees to accept responsibility for receiving, replying to, and/or complying with any audit exceptions by appropriate county, state or federal audit agencies resulting from its performance of this Contract. Within 30 days of demand, Contractor shall pay County the full amount of County's obligation, if any, to the state and/or federal government resulting from any audit exceptions, to the extent such are attributable to Contractor's failure to perform properly any of its obligations under this Contract.

Initials:  _____
Contractor

 _____
County Dept.



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: May 5, 2009

Subject: 3210 Delta Fair Boulevard Abatement and Demolition Project, Antioch area. Project No. 4660-6X4168

RECOMMENDATION(S):

APPROVE the specifications for the 3210 Delta Fair Boulevard Abatement and Demolition Project, and AUTHORIZE the Public Works Director, or designee, to advertise the project.

FISCAL IMPACT:

The estimated project cost is \$300,000 and will be funded with Contra Costa Transportation Authority (CCTA) funds.

BACKGROUND:

The County is in escrow to acquire the one (1.16) acre site at 3210 Delta Fair Boulevard in the City of Antioch, more commonly known as the Best Western – Heritage Inn Hotel. This site is being acquired for the future widening of State Route 4.

The project consists of the abatement of asbestos and lead based paint and demolition of a three story structure with approximately 75 rooms on this parcel. The abatement and demolition project is needed for the widening of State Route 4 and will eliminate any security and vandalism problems at the site.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: EMY L. SHARP, Deputy

Contact: Jann Edmunds,
313-2250

cc:

BACKGROUND: (CONT'D)

The Board of Supervisors adopted a Mitigated Negative Declaration and Mitigation Monitoring Program in compliance with the California Environmental Quality Act on June 27, 2006. A Notice of Determination was filed with the County Clerk on June 30, 2006.

CONSEQUENCE OF NEGATIVE ACTION:

Demolition of the site would not occur, which would increase the cost of maintenance, increase the risk of public safety and vandalism to the area, and the State Route 4 widening project could not be constructed.



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: May 5, 2009

Subject: Notice of Completion of Contract for Demolition of properties, Bay Point area. Project No. 4500-6X5489

RECOMMENDATION(S):

ADOPT Resolution No. 2009/192 rescinding previous Board Resolution No. 2009/53 and accepting as complete the contracted work performed by Asbestos Management Group of CA, Inc., for Phase 5 of the Orbisonia Heights Redevelopment Project, as recommended by the Public Works Director, Bay Point area.

FISCAL IMPACT:

There is no impact to the County General Fund. This project is fully funded by the Contra Costa County Redevelopment Agency.

BACKGROUND:

The Public Works Director reports that said work has been inspected and complies with the special provisions and standard specifications and recommends its acceptance as complete as of January 7, 2009, for 651 South Broadway Avenue and 681 Bailey Road in Bay Point. On February 3, 2009, the Board of Supervisors approved Resolution No. 2009/53, which referenced the incorrect property as 661 South Broadway Avenue. The correct address is 651 South Broadway Avenue and should be accepted as complete.

CONSEQUENCE OF NEGATIVE ACTION:

Contractor will not be paid and acceptance notification will not be recorded.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: EMY L. SHARP, Deputy

Contact: Lisa Dalziel, 313-2223

cc:

ATTACHMENTS

Resolution No.

2009/192

ATTACHMENT
ITEM NO. C.6
DATE: May 05, 2009



CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder
DOC- 2009-0101484-00

Wednesday, MAY 06, 2009 09:40:18
FRE \$0.0011

Ttl Pd \$0.00

Nbr-0000119783
rrc/R9/1-4

Recorded at the request of: Real Property Division
Return To: Lisa Dalziel

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 05/05/2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

Resolution No. 2009/192

In the Matter of Accepting and Giving Notice of Completion of Contract for Phase 5 of the Orbisonia Heights Redevelopment Project, Bay Point area, and Rescinding Resolution No. 2009/53 adopted on February 3, 2009.

Now, therefore be it resolved that:

The County of Contra Costa on December 29, 2008 issued a Notice to Proceed with Asbestos Management Group of CA, Inc., for the Orbisonia Heights Redevelopment Project for Phase 5 abatement, 651 South Broadway Avenue and 681 Bailey Road in Bay Point, with a performance and payment bond as surety, for work to be performed on the grounds of the Contra Costa County Redevelopment Agency;

Resolution No. 2009/53 adopted on February 3, 2009, which referenced the incorrect property address, is being rescinded;

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

ATTESTED: May 5, 2009

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

By: , Deputy

Contact: Lisa Dalziel, 313-2223

cc:

The Public Works Director reports that said work has been inspected and complies with the approved special provisions and specifications and recommends its acceptance as complete as of January 7, 2009.

Therefore, said work is ACCEPTED as complete on said date, and the Clerk shall file with the County Recorder a copy of this Resolution and Notice as a Notice of Completion for said contract.

Recorded at the request of: Real Property Division

Return To: Lisa Dalziel

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 05/05/2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Resolution No. 2009/192

In the Matter of Accepting and Giving Notice of Completion of Contract for Phase 5 of the Orbisonia Heights Redevelopment Project, Bay Point area, and Rescinding Resolution No. 2009/53 adopted on February 3, 2009.

Now, therefore be it resolved that:

The County of Contra Costa on December 29, 2008 issued a Notice to Proceed with Asbestos Management Group of CA, Inc., for the Orbisonia Heights Redevelopment Project for Phase 5 abatement, 651 South Broadway Avenue and 681 Bailey Road in Bay Point, with a performance and payment bond as surety, for work to be performed on the grounds of the Contra Costa County Redevelopment Agency;

Resolution No. 2009/53 adopted on February 3, 2009, which referenced the incorrect property address, is being rescinded;

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

ATTESTED: May 5, 2009

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

By: , Deputy

Contact: Lisa Dalziel, 313-2223

cc:

The Public Works Director reports that said work has been inspected and complies with the approved special provisions and specifications and recommends its acceptance as complete as of January 7, 2009.

Therefore, said work is ACCEPTED as complete on said date, and the Clerk shall file with the County Recorder a copy of this Resolution and Notice as a Notice of Completion for said contract.



Contra
Costa
County

To: Contra Costa County Flood Control District Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: May 5, 2009

Subject: License Agreement with Eunice Shinok Kim, Pacheco area. FCZ 3B Fund #252000 / Org #7520

RECOMMENDATION(S):

APPROVE the License Agreement (Agreement) dated August 27, 2007 between Eunice Shinok Kim and Contra Costa County Flood Control and Water Conservation District (District) for the use of a portion of the District's Right of Way along Grayson Creek and behind 5844 Pacheco Boulevard, Pacheco (Property).

AUTHORIZE the Chief Engineer, or designee, to execute said Agreement.

DIRECT the Real Property Division to cause said Agreement to be delivered to Eunice Shinok Kim.

FISCAL IMPACT:

The District will continue to receive a minimum fee of \$4,500 annually from Eunice Shinok Kim for the use of the District's property. The District can increase the annual fee by giving Eunice Shinok Kim a thirty day written notice of the increase in fee.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: EMY L. SHARP, Deputy

Contact: Carla Peccianti,
313-2222

cc:

BACKGROUND:

The size, shape, location and topography of the Property does not provide enough land for Eunice Shinok Kim, property owner to comply with all the terms and conditions of Land Use Permit LP97-2031. In order to comply with the terms and conditions of LP97-2031, Eunice Shinok Kim agreed to enter into an Agreement with the District for use of a portion of the District's property, commonly known as Grayson Creek that is directly behind the Property. The Agreement does not have a specific termination date, but the District has the right to terminate or revoked the Agreement anytime upon thirty days written notice to Eunice Shinok Kim.

Under the terms and conditions of the LP97-2031 and the Agreement Eunice Shinok Kim is to eliminate all day parking behind the Property, use a portion of the District's property for ingress and egress of delivery vehicles and removal of garbage, and post "No Parking" and "No Trespassing" signs. The placement of garbage dumpsters are not allowed on the District's property. She will have to pave a portion of the District's driveway with asphalt to prevent gravel on the District's property, extend her concrete driveway, and to construct a gate at the southwest corner to prevent vehicular traffic on the District's maintenance road south of the agreement area.

The Agreement was originally entered into on August 27, 2007 and signed by Eunice Shinok Kim on August 30, 2007 and by the District on October 2, 2007. The Agreement required approval of the County Board of Supervisors.

A Notice of Exemption was filed on August 26, 1997 under LP 97-2031.

CONSEQUENCE OF NEGATIVE ACTION:

Eunice Shinok Kim will not be in compliance with Contra Costa County's Land Use Permit 97-2031.

ATTACHMENTS

License Agreement

**LICENSE AGREEMENT BETWEEN
CONTRA COSTA COUNTY FLOOD CONTROL DISTRICT
AND
EUNICE SHINOK KIM**

THIS LICENSE AGREEMENT, hereinafter called "License" is made and entered into this 27th day of August, 2007, by and between Contra Costa County Flood Control and Water Conservation District, a body corporate and politic of the State of California, hereinafter called "District" and Eunice Shinok Kim, hereinafter called "Licensee". Now therefore the parties hereby agree as follows:

1. EFFECTIVE DATE

This License is subject to approval of, and becomes effective (the "Effective Date") on the date it is approved by the County Board of Supervisors, in its capacity as Board of Commissioners of the District.

2. PURPOSE

District owns fee title to land that includes Grayson Creek in the unincorporated community of Pacheco, California, situated immediately west of Licensee's property commonly known as 5844 Pacheco Boulevard. The purpose of this License is to allow refuse pick-up trucks and trucks delivering goods to Licensee's tenants to use of the Licensed Premises for ingress and egress to 5844 Pacheco Boulevard.

3. GRANT OF LICENSE

Pursuant to the terms and conditions of this License, District hereby grants to Licensee, a nonexclusive license to use that portion of the District's property designated as Licensed Premises on Exhibit "A" attached hereto and incorporated herein and made a part hereof by this reference ("Licensed Premises"), for ingress and egress by refuse pick-up trucks and trucks delivering goods and merchandise to Licensee's tenants at 5844 Pacheco Boulevard, Pacheco. Except as necessary to accomplish the improvements required by Section 8, parking, garbage dumpsters and tallow bins are not allowed on the Licensed Premises. No other activity or use of the Licensed Premises is allowed except as defined in Sections 9 and 10.

This License is subject to any and all existing and future rights-of-way, reservations, franchises, easements and permits to use the Licensed Premises, regardless of who holds and same.

4. DISTRICT'S TITLE

Licensee hereby acknowledges District's fee title in and to the Licensed Premises and agrees never to assail or to resist said title. Licensee agrees that she has not acquired any rights or interest in the Licensed Premises, nor will she claim any right to the use of the Licensed Premises beyond those specifically granted in this License.

5. TERMINATION, REVOCABLE USE

It is understood and agreed that the rights granted to Licensee are temporary and revocable and shall under no circumstances become irrevocable. This License may be terminated or revoked by District for any reason or for no reason, with or without cause, upon thirty (30) days prior written notice to Licensee.

Licensee may terminate this License any time upon thirty (30) days prior written notice to District.

6. FEE

As consideration for this License, Licensee shall pay to District an annual fee of Four Thousand Five Hundred AND No/100 Dollars (\$4,500.00) upon execution of this License and annually thereafter, and continuing until this License is revoked or terminated. The License fee may be increased or decreased by District by providing thirty (30) days' written notice to Licensee.

All checks shall be made payable to Contra Costa County Flood Control and Water Conservation District, and shall be mailed to: Contra Costa County Flood Control and Water Conservation District, 255 Glacier Drive, Martinez, CA 94553, or as otherwise specified in writing by District. If this License is revoked or terminated prior to the end of the year in which the fee has been paid, a pro rata refund shall be paid to Licensee.

7. SUSPENSION OR LIMITATION OF USE

District shall have the right, in District's sole discretion, to suspend or to limit the use of the Licensed Premises without compensation to Licensee, for a reasonable period of time, as solely determined by District, for the protection of public safety or for the construction, installation, operation, maintenance, or repair of District's facilities on or near the Licensed Premises. Should such suspension or limitation be necessary, District shall endeavor to provide prior written notice to Licensee.

8. CONSTRUCTION OF IMPROVEMENTS

In order to prevent gravel on the District's property from entering the roadway (Center Avenue), Licensee shall pave the area of the street, and the area of the Licensed Premises immediately east of the sidewalk (which areas are designated "Area to be Asphalted " on Exhibit "A"), and extend the concrete driveway (area

designated "Driveway Conform" on Exhibit "A"). Licensee shall also install "No Parking" and "No Trespassing" signs along the north side of the Licensed Premises.

The asphalt paving, concrete extension, and signs are hereinafter collectively referred to as "Improvements". All Improvements shall be subject to the prior written approval by District. All costs for these Improvements shall be Licensee's sole responsibility unless otherwise agreed to in writing by District and Licensee.

Before commencing work on the Improvements, Licensee shall obtain an Encroachment Permit from Contra Costa County Public Works Department. Licensee shall be responsible for obtaining any other approval from any agency having jurisdiction. This License does not constitute governmental approval by Contra Costa County or District of any of Licensee's activities in connection with this License.

Licensee shall defend, indemnify, save, protect and hold harmless District, its officers, agents and employees, from all costs, claims, demands and liability arising out of any work performed, materials furnished or obligations incurred by Licensee upon the Licensed Premises.

9. MAINTENANCE AND LITTER

At all times during the term of this License, Licensee shall maintain the Licensed Premises, including the storm drain inlet in a clean, safe condition, free from waste, litter, and other items. As used in this section, the term "litter" shall include, but not be limited to, paper, garbage, animal waste, refuse, and trimmings. Licensee agrees to keep the Licensed Premises free from weeds and other vegetation, and to abate weeds to local fire district standards.

10. ROUTINE MAINTENANCE AND EMERGENCY REPAIRS OF IMPROVEMENTS

Licensee shall not be required to obtain Licensor's prior written approval for the performance of routine maintenance or emergency repairs on the Improvements. As used in this section, the term "routine maintenance" refers to work that does not alter the original condition of the Improvements as approved in writing by District, which work is required to prevent deterioration of said Improvements or are necessary to protect the safety of the public and others. Except in the case of emergency or routine maintenance, Licensee shall obtain District's prior written consent for any other maintenance or other operations on the Licensed Premises.

11. ENTRY AND INSPECTION

Licensee understands that District, its agents, and employees may enter and conduct activities on the Licensed Premises at any time.

12. INDEMNIFICATION

Licensee shall defend, save, protect and hold harmless District and its officers, agents and employees from any and all claims, costs, and liability for any damages, injury or death arising directly or indirectly from or connected with Licensee's use or occupancy of the Licensed Premises and shall reimburse District for any expenditures, including costs and attorneys' fees, District may make by reason of such matters and, if requested by District, will defend any such suits at the sole cost and expense of Licensee. Licensee's obligations under this section shall survive the termination or revocation of this License.

13. INSURANCE

Licensee shall, at no cost to the District, obtain and maintain during the entire duration of this License, the following insurance coverages:

- A. General Liability: Comprehensive General Liability insurance or Commercial General Liability insurance with minimum combined single-limit coverage of One Million and No/One Hundredths Dollars (\$1,000,000.00) for all claims and losses due to bodily injury or death to any person, or damage to property, including loss of use thereof arising out of each accident or occurrence. Such insurance shall name the District and its officers, agents and employees as additional insured. Such insurance for additional insureds shall apply as primary insurance and any other insurance maintained by District, its officers, agents and employees, shall be excess only and not contributing with the insurance required under this paragraph.
- B. Worker's Compensation: Worker's Compensation insurance as required by law.
- C. Evidence of Coverage: All coverage shall provide for thirty (30) days written notice to the District of cancellation or lapse. A Certificate of Insurance for each of the policies hereunder required, indicating the name and telephone number of the insurance agent most responsible for the insurance policy and evidencing such coverage, shall be furnished to the District prior to the Effective Date of this License.

14. NOTICE

All notices given hereunder shall be in writing and shall be deemed to have been given if personally delivered, or

- A. Deposited in the mail, first class mail, postage prepaid;
- B. Deposited in the mail, certified mail, postage prepaid, return receipt requested;

C. Delivered to a nationally recognized courier service for delivery,
addressed as follows or to such other addresses as the parties may designate:

District: Contra Costa County Flood Control
and Water Conservation District
255 Glacier Drive
Attn: Deputy Director, Flood Control
Martinez, CA 94553
(925) 313-2270

Licensee: Eunice Shinok Kim
8183 Hyannisport Drive
Cupertino, CA 95014
(408) 996-0918

Courtesy Copy to Licensee's Agent:
Shalen Sandhu
Vice President-Property Management
Stephens Property Management
SPM Properties, Inc.
1655 North Main Street, Suite 250
Walnut Creek, CA 94596
(925)930-7760

15. COMPLAINE WITH LAWS, WASTE, HAZARDOUS MATERIALS

Licensee, at her sole cost and expense, shall comply with all applicable laws, regulations, rules, and other requirements, with respect to the use of the Licensed Premises, regardless of when they become or became effective, including, without limitation, those relating to health, safety, noise, environmental protection, waste disposal, and water and air quality, and shall furnish satisfactory evidence of such compliance upon request of District.

Licensee shall not, and shall ensure that no other persons are allowed to store or dispose of any Hazardous Materials on the Licensed Premises. The term "Hazardous Materials" shall mean any hazardous or toxic substance, hazardous or radioactive material, hazardous waste, pollutant or contaminant at any concentration that is, or during the term of this License becomes, regulated by any local or regional government authority having jurisdiction over the Licensed Premises, by the State of California, or by the United States.

16. DEFAULT

In the event of Licensee's breach of any of the covenants or conditions herein, District may revoke the License upon five (5) days written notice to Licensee. Licensee defaults shall include, but shall not be limited to, failure to pay all fees

when due, failure to carry proper insurance, failure to properly maintain the Licensed Premises, or to comply with any other term or condition of this License.

17. ASSIGNMENT AND SUBLETTING

Licensee not shall have any right to assign or sublicense her rights hereunder.

18. SUCCESSORS AND ASSIGNS

Subject to Section 21, this License and each and all of the covenants contained herein shall inure to the benefit of and be binding upon the successors and assigns of the respective parties hereto.

19. ENTIRE LICENSE

It is understood that this document contains the entire agreement between the parties hereto and all prior understandings or agreements, oral or written, of any nature regarding the rights hereby granted are superseded by this License and are hereby abrogated and nullified.

20. NON-WAIVER OF BREACHES

District's failure to insist, in any one or more instances, upon strict performance of any of the terms or conditions of this License shall not be considered as a waiver of any subsequent breach as to the same or any other term or condition, but the same shall continue and remain in full force and effect. No waiver of any of the provisions of this License shall be effective unless in writing expressly acknowledging the waiver and signed by District.

21. NO MODIFICATION

This License may be modified or amended only by writing signed by both parties.

22. No Third-Party Beneficiaries

Nothing in this License, express or implied, is intended to confer on any person, other than District and Licensee any rights under or by reason of this License.


Remainder of Page Intentionally Left Blank

23. NO WARRANTIES

District makes no warranties to Licensee regarding the Licensed Premises.

DISTRICT:
CONTRA COSTA COUNTY
FLOOD CONTROL AND WATER
CONSERVATION DISTRICT

LICENSEE:
Eunice Shinok Kim

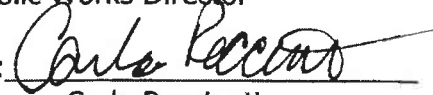
By: 
Maurice Shiu
Chief Engineer


By: 
Eunice Shinok Kim

Date: 10/2/07


Date: 8/30/2007

RECOMMENDED FOR APPROVAL:
MAURICE SHIU
Public Works Director

By: 
Carla Peccianti
Senior Real Property Agent

By: 
Karen Laws
Principal Real Property Agent

APPROVED AS TO FORM:
Silvano B. Marchesi
County Counsel

By: 
Lillian T. Fujii
Deputy County Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Clara

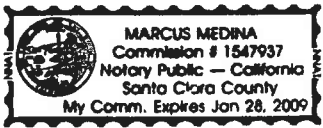
On 8th September 2007 before me, Marcus Medina, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Eunice Shinok Kim
Name(s) of Signer(s)

personally known to me

(or proved to me on the basis of satisfactory evidence)

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



WITNESS my hand and official seal.

Place Notary Seal Above

Marcus Medina
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: License Agreement Between Contra Costa County Flood Control District and Eunice Shinok Kim

Document Date: August 27 2007 Number of Pages: 7

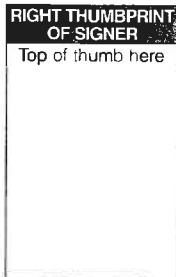
Signer(s) Other Than Named Above: Maurice Shiu, Carla Pecciant, Karen Laws, Lillian T. Fujii

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

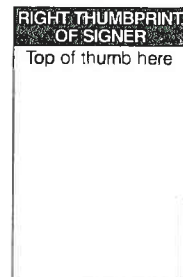


EXHIBIT "A"

CENTER AVE

Areas to be
Asphalted

Driveway
Conform

District
Property

Licensee
Property

Licensed
Premises

25075803

25077008

25077007

25076002

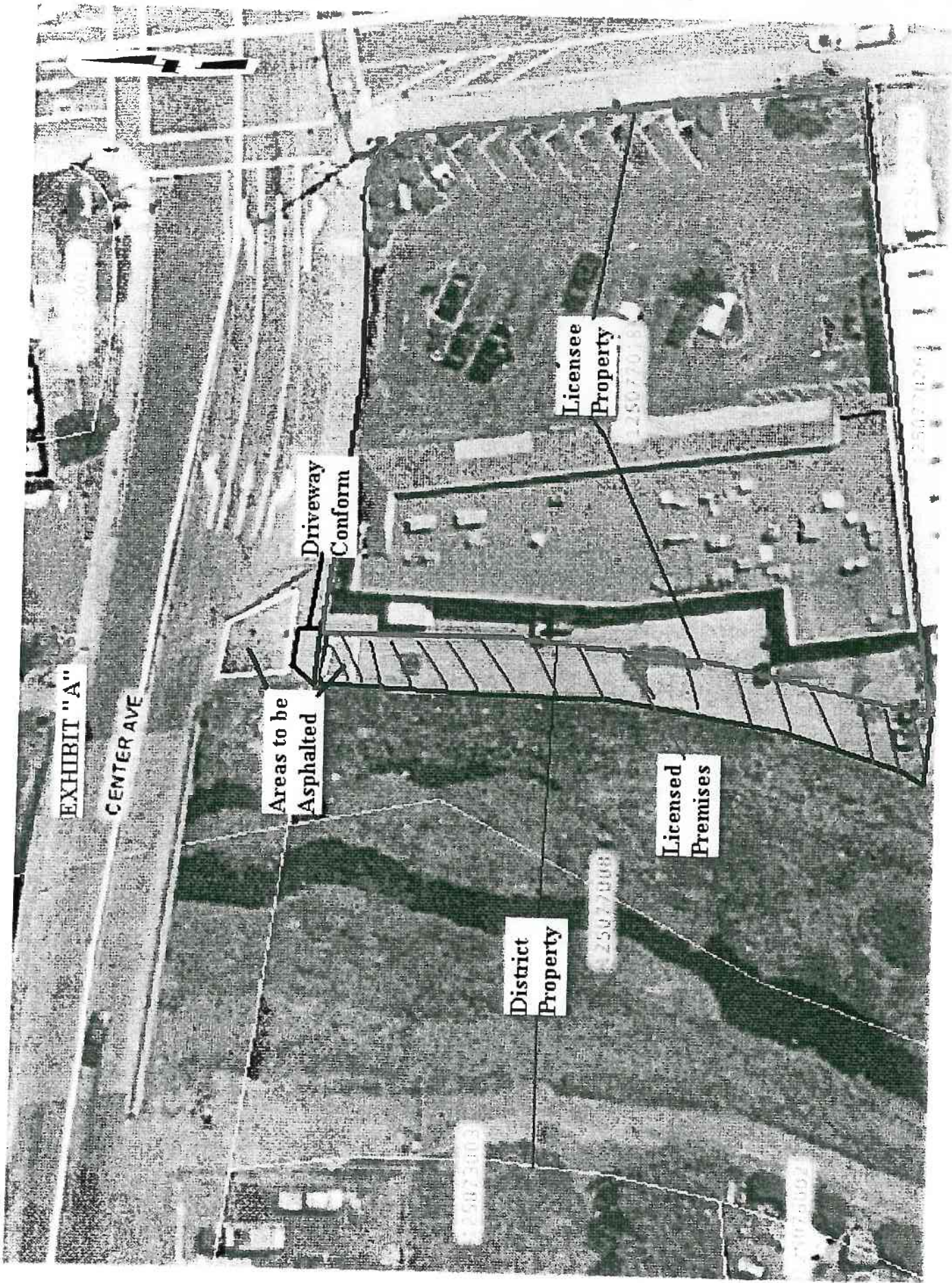


EXHIBIT "A"

CENTER AVE

Areas to be
Asphalted

Driveway
Conform

District
Property

Licensee
Property

Licensed
Premises

25130020

25073003

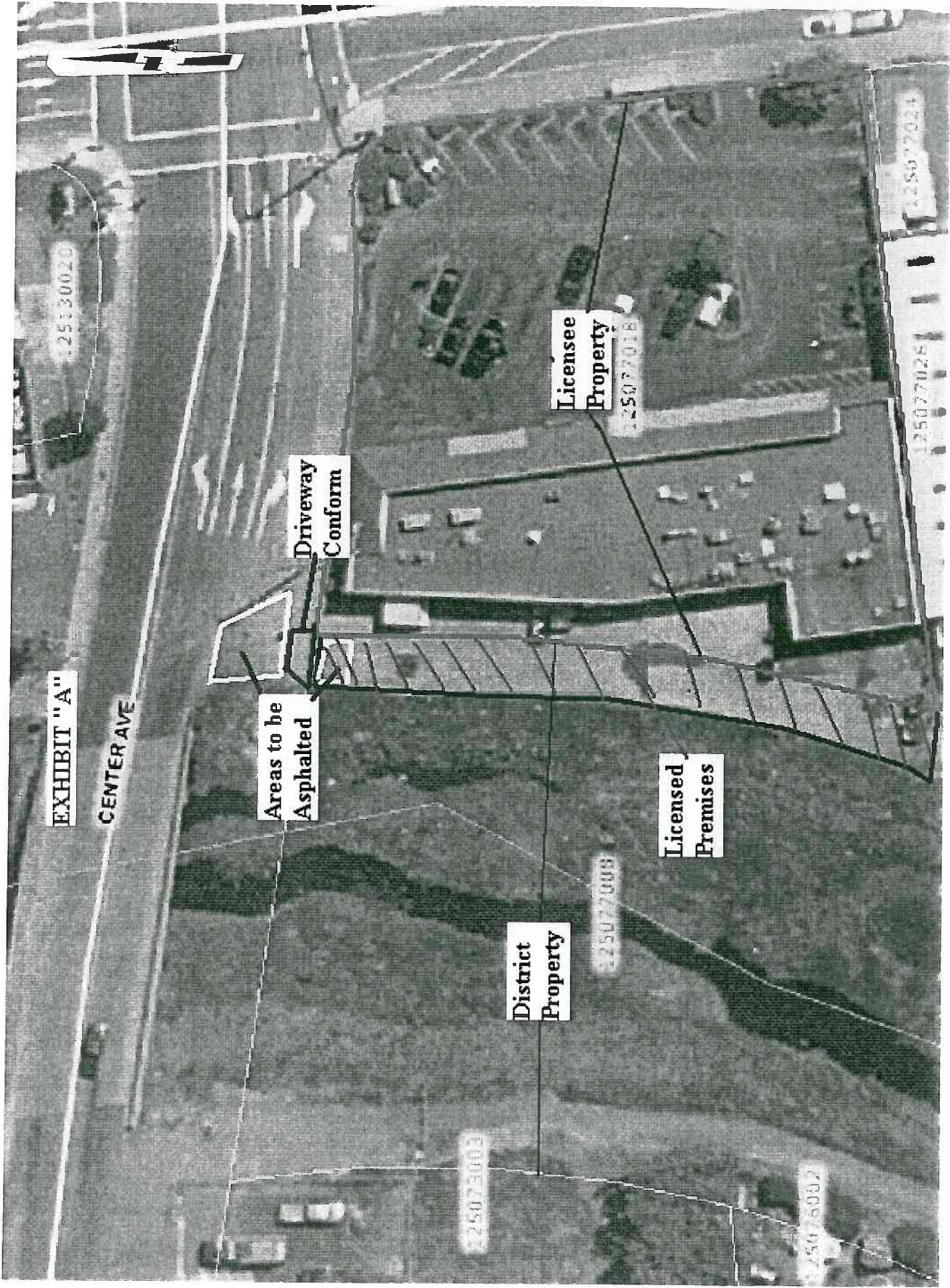
25077008

25077018

25075002

25077026

25077024





**Contra
Costa
County**

To: Board of Supervisors
From: Ronald Harvey, Risk Manager
Date: May 5, 2009

Subject: Final Settlement of Claim, Dale Morrison v. County of Contra Costa, WCAB No: ADJ3621064

RECOMMENDATION(S):

RECEIVE this report concerning the final settlement of Dale Morrison and AUTHORIZE payment from the Workers' Compensation Internal Service Fund in an amount not to exceed \$65,000, less permanent disability payments.

FISCAL IMPACT:

Workers' Compensation Internal Service Fund payment of \$65,000.

BACKGROUND:

Mary Jo Castruccio, Assistant Risk Manager/Workers' Compensation, has advised the County Administrator that within authorization, an agreement has been reached settling the workers' compensation claim of Dale Morrison v. Contra Costa County. The Board's April 21, 2009 closed session vote was Supervisors Gioia, Uilkema, Piepho, Bonilla - Yes, and Supervisor Glover - Absent. This action is taken so that terms of this final settlement and the earlier April 21, 2009 closed session vote of this Board authorizing its negotiated settlement are known publicly.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: EMY L. SHARP, Deputy

Contact: Ron Harvey, Risk
Manager, (335-1443)

cc:



**Contra
Costa
County**

To: Board of Supervisors
From: Ronald Harvey, Risk Manager
Date: May 5, 2009

Subject: Final Settlement of Claim - Richard Bobrosky v County of Contra Costa, WCAB #ADJ3594199

RECOMMENDATION(S):

RECEIVE this report concerning the final settlement of Richard Bobrosky and AUTHORIZE payment from the Workers' Compensation Internal Service Fund in an amount not to exceed 90,000, less permanent disability payments.

FISCAL IMPACT:

Workers' Compensation Internal Service Fund payment of \$90,000.

BACKGROUND:

Mary Jo Castruccio, Assistant Risk Manager/Workers' Compensation, has advised the County Administrator that within authorization, an agreement has been reached settling the workers' compensation claim of Richard Bobrosky v. Contra Costa County.

The Board's April 21, 2009 closed session vote was Supervisors Gioia, Uilkema, Piepho, Bonilla - Yes, and Supervisor Glover - Absent.

This action is taken so that terms of this final settlement and the earlier April 21, 2009 closed session vote of this Board authorizing its negotiated settlement are known publicly.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: EMY L. SHARP, Deputy

Contact: Ron Harvey, Risk Manager
(335-1443)

cc:



Contra
Costa
County

To: Board of Supervisors

From: COB

Date: May 5, 2009

Subject: CLAIMS FOR MAY 5, 2009

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: EMY L. SHARP, Deputy

Contact:

cc:



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: May 5, 2009

Subject: ADOPT Resolution No. 2009/193 accepting the Engineer's Report for County Service Area L-100, Minor Subdivision 05-0045 Project No.: 7394-6X5001

RECOMMENDATION(S):

ADOPT Resolution No. 2009/193 accepting the attached Engineer's Report for a lighting assessment on the parcels in Minor Subdivision 05-0045 to be annexed into County Service Area (CSA) L-100.

FIX a Public Hearing for June 23, 2009 at 9:30 a.m. in Room 107 of the Board of Supervisors' Chambers, 651 Pine Street, Martinez, California to certify the tabulation of the ballots submitted for the proposed assessment, and levy the proposed assessment.

DIRECT the Public Works Director, or designee, to mail by first class mail, a written notice and ballot to each parcel owner within the development in compliance with Proposition 218.

FISCAL IMPACT:

There is no impact to the County General Fund. All costs will be covered with revenue from CSA L-100 (100%).

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
- Gayle B. Uilkema, District II Supervisor
- Mary N. Piepho, District III Supervisor
- Susan A. Bonilla, 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: May 5, 2009

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

By: EMY L. SHARP, Deputy

Contact: Susan Cohen, 313-2160

cc:

BACKGROUND:

The developer is required by Condition of Approval to annex to the County's street light program, CSA L-100, for continued maintenance and operation of streetlights. Proposition 218 provides that any new assessment may not be approved if it is opposed by a majority of the property owners voting on the proposed assessment. The Board Order and Resolution complies with the requirements for new assessments under Proposition 218.

CONSEQUENCE OF NEGATIVE ACTION:

This project will not be in compliance with the Conditions of Approval for Minor Subdivision 05-0045 and an alternative means to finance public right-of-way street lighting would have to be found.

ATTACHMENTS

Resolution No. 2009/193

MS 05-0045 Exhibits

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 05/05/2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2009/193

IN THE MATTER OF ADOPT Resolution No. 2009/193 accepting the Engineer's Report for County Service Area L-100, Minor Subdivision 05-0045; declaring the intent to levy and collect assessments and fixing a public hearing for June 23, 2009 to adopt the proposed annual assessments and complete public noticing as recommended by the Public Works Director, Walnut Creek area. (County Service Area L-100 Funds) (District III) Project No.: 7394-6X5001

The Board of Supervisors of Contra Costa County FINDS THAT:

1. The County is currently processing Minor Subdivision 05-0045 (the "Development") consisting of one (1) parcel that is 2.246 acres and will be divided into two (2) lots.
2. On December 15, 2008, the applicant for the Development submitted a request to the Department of Public Works for inclusion of the Development into County Service Area (CSA) L-100. The County intends to initiate proceedings to annex the Development into CSA L-100 pursuant to that request.
3. Once the Development is annexed into CSA L-100, the parcel(s) within it will receive a special benefit over and above that received by the general public in the form of lighting services. This service is a miscellaneous extended service (the "Extended Service") as defined in Section 1012-2.406 of the Contra Costa County Code.

Contact: Susan Cohen, 313-2160

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

ATTESTED: May 5, 2009

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

By: , Deputy

cc:

4. In order to fund the Extended Service that will be provided to the parcel(s) within the Development, it will be necessary to levy a service charge (the "Assessment"). The service charge meets the requirements of an "Assessment" under Article XIID of the California Constitution because it is conferred to provide the special benefit, defined above, on the parcel(s) within the development. 5. A copy of the Addendum to the Final Engineer's Report to the Board of Supervisors for establishing a street light service charge for Fiscal Year 2008/2009 (the "Engineer's Report") is attached as Exhibit B. The Engineer's Report meets the requirements of a tentative report under Section 1012-2.602 of the Contra Costa County Code. The Engineer's Report includes: a description of each parcel of real property receiving the Extended Service, the Assessment Diagram, the total Assessment chargeable to the entire service area; the estimated Assessment chargeable to each parcel, the calculations supporting the Assessment, and the duration of the Assessment. I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown. 6. The Board has adopted the Engineer's Report for the Countywide Street Light Program on July 8, 2008. Based on its review of the Engineer's Report, the Board finds that:

(a) The Extended Service financed by the Assessment will directly benefit the parcel(s) within the development. (b) The cost of the Assessment on each parcel within the Development is proportional to the benefits that the Extended Service will confer on each parcel.

NOW, THEREFORE THE BOARD OF SUPERVISORS ORDERS AND RESOLVES AS FOLLOWS:

1. The Board will conduct a public hearing (the "Hearing") on June 23, 2009 at 9:30 a.m. in Room 107 of the Board of Supervisors' Chambers, 651 Pine Street, Martinez, California 94553.

2. The Board directs the Clerk of the Board to immediately provide the Public Works Department of Contra Costa County with a copy of this resolution. The Board directs the Public Works Director, or designee mail the written notice of the Hearing (the "Ballot Notice") attached as Exhibit B to the record owners of each parcel within the development. The ballot attached as Exhibit C shall be attached to the Ballot Notice. A copy of the Engineer's Report is on file with the Public Works Department.

3. At the Hearing, the Board shall consider any objections or protests to the Assessment. Immediately after the Hearing, the Public Works Department shall tabulate the ballots and certify the tabulation of the ballots. The Board shall not impose the Assessment if there is a majority protest. A majority protest exists if, upon conclusion of the Hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

4. If there is no Majority Protest, the Board may adopt a resolution which: confirms the Engineer's Report; levies the assessment in the Engineer's Report; finds that the Director of the Contra Costa County Public Works Department, acting as the designated director, has concluded that the Engineer's Report conforms to the official assessment roll for the year in which the assessment will be collected and, therefore, constitutes the Annexation Report for the Assessment; confirms the Annexation Report; and levies the Assessment for the Fiscal Year referred to in the Engineer's Report.

EXHIBIT A

CSA L-100 ENGINEER'S REPORT

ENGINEER'S REPORT FOR Minor Subdivision 05-0045

**CONTRA COSTA COUNTY
STREET LIGHTING SERVICE CHARGE
COUNTY SERVICE AREA L-100**

FISCAL YEAR 2008/2009

The undersigned, acting on behalf of Contra Costa County, respectfully submits the enclosed Engineer's Report as directed by the Contra Costa County Board of Supervisors, pursuant to the provisions of Article XIIID, Section 4, of the California Constitution, the County Service Area Law (Gov. Code, 25210.1 et. seq.) and Division 1012 of the Contra Costa County Ordinance Code. The undersigned certifies that he is a professional engineer, registered in the State of California.

This Engineer's Report is for the annexation of territory. The Annual Engineer's Report was approved on July 8, 2008 by County Board of Supervisor's Resolution No. 2008/452.

Dated: 4/21/09

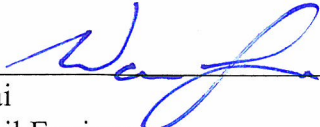
By: 
Warren Lai
Senior Civil Engineer
RCE No. C61737, Expiration June 30, 2009

EXHIBIT A

CSA L-100 ENGINEER'S REPORT

**PROPERTY OWNER LIST & METHOD OF ASSEMENT FOR
Minor Subdivision 05-0045**

Parcels	Assessor's Parcel Number	Owner's Name/Address
One (1)	138-230-028*	MACDONALD ALEXANDER & DARLENE 570 PINE CREEK ROAD WALNUT CREEK, CA 94598

* The new Assessor's Parcel Numbers are not available at this time. New Assessor's parcel numbers will be sent to the Contra Costa County Public Works Department, as they are available.

Parcels	Assessor's Parcel Number	Description	Factor Unit	Proposed Assessment FY 08/09
One (1)	138-230-028*	2 single family units	1.0 * 2.00	\$29.88

Fund	Tax Bill Literal	Basic Street Lighting Charge	Total Dollars	Factor Units
2401	CSA L-100	\$14.94	\$593,835.12	39,748.00
Proposed Annexation	CSA L-100	\$14.94	\$29.88	2.00
New Totals	CSA L-100		\$593,909.00	39,750.00

Notes:

¹ Total Dollars and Factor Units taken from CSA L-100 Final Engineer's Report for the 2008/2009 Tax Roll and approved by the Board of Supervisors on July 8, 2008.

² Factor Units at \$14.94 each (2 Factor Units x \$14.94 = \$29.88).

EXHIBIT A

CSA L-100 ENGINEER'S REPORT

ASSESSMENT DIAGRAM FOR ANNEXATION OF

Minor Subdivision 05-0045



EXHIBIT B

CSA L-100 ANNEXATION BALLOT NOTICE CONTRA COSTA COUNTY COUNTY SERVICE AREA L-100 (Countywide Street Lighting District)

NOTICE OF PROPOSED ANNEXATION

BACKGROUND OF CSA L-100

On March 27, 1979 the Contra Costa Board of Supervisors approved County Ordinance 79-42 which formed County Service Area L-100 (Countywide Street Lighting District). CSA L-100 was formed pursuant to the County Service Area Law to ensure the proper flow of funds for the ongoing operation, maintenance and servicing of street lighting in the public right-of-way throughout unincorporated Contra Costa county. Each year thereafter an annual Engineer's Report has been approved and as properties develop, they have been annexed into CSA L-100.

When your development was approved, there was a requirement (condition of approval) to annex the parcel(s) into the County Service Area (CSA) L-100 Lighting District and for an annual assessment to be imposed on every parcel in your development to pay for the cost of maintaining the street lighting within the public right of way.

DESCRIPTION OF SERVICES

CSA L-100 provides for the ongoing operation, maintenance and servicing of the street lighting within the public right of way in the unincorporated portions of Contra Costa County.

BASIS FOR CALCULATING ASSESSMENT

Each fiscal year the County Public Works staff will determine how much it will cost to operate and maintain the above described Public Improvements within CSA L-100. These costs will be distributed proportionally to all of the benefiting parcels within CSA L-100. The "benefit received" is based on a sliding scale of 1 basic unit charge for a single family dwelling unit to as much as 8 basic unit charges for a large apartment complex. The service charge for each CSA is based upon several factors such as (1) cost required to pay the Pacific Gas & Electric Company's current monthly electrical bill; (2) the number and types of parcels within each Service Area; (3) a reserve fund for Administrative and Accounting services provided by the County and; (4) unforeseen expenses such as electrical rate increases. An Engineer's Report detailing the method of assessment, budgets and assessments for each parcel is available for review at the Contra Costa County Department of Public Works, 255 Glacier Drive, Martinez, CA, 94553-4897.

DURATION OF ASSESSMENT

In order to operate and maintain the Public Improvements within the CSA L-100, the County plans to levy assessments each fiscal year in perpetuity.

EXHIBIT B

CSA L-100 ANNEXATION BALLOT NOTICE

AMOUNT OF PROPOSED ASSESSMENT

A. Total CSA L-100 Assessment

The total Fiscal Year 2008/2009 annual charge for CSA L-100 is \$593,835.12.

B. Individual Assessment

The total Fiscal Year 2008/2009 annual assessment for your parcel described above will be 2 single family homes * \$14.94 = \$29.88.

C. Maximum Assessment Rate

The maximum annual assessment that could be levied for CSA L-100 is \$14.94 per basic unit for Fiscal Year 2008/2009.

PROCEDURES FOR COMPLETING THE BALLOT

Accompanying this notice is a ballot, along with a pre-addressed, postage paid return envelope. The ballot may be completed by the property owner(s) or their authorized representative and returned to Contra Costa County to indicate the property owner's support for or opposition to the proposed increase in the maximum annual charge. For your ballot to be counted, you must clearly mark the appropriate box, sign the ballot and return it sealed in the enclosed envelope by the conclusion of the public input portion of the public hearing on **June 23, 2009**. Ballots may be returned either by mail or delivered to 255 Glacier Drive, Martinez, CA 94553 by the close of the public input portion of the public hearing. If returning your ballot by mail, please allow sufficient time for delivery, so that the County receives your ballot by **June 23, 2009**.

INFORMATION REGARDING PUBLIC HEARING AND PROTEST PROCEDURE

The County Board of Supervisors will hold a public hearing on **June 23, 2009**, to hear testimony regarding the proposed assessment, to accept ballots, and to determine whether there is a majority protest for or against the assessment annexation. The public hearing, which will begin at 9:30 a.m., will be held at the Board of Supervisors Chambers, located at 651 Pine Street, Martinez, California.

All ballots, which are returned to Contra Costa County by the conclusion of the public hearing, will be tabulated and weighted according to the proportional financial obligation of the affected property. If upon completion of the public hearing and tabulation of the ballots, the County Board of Supervisors determines that a majority of the ballots cast, weighted by financial obligation, opposes the increase in the annual charge, the annexation will not be imposed.

Respecting the constitutional right to privacy, Contra Costa County will strive to keep the ballot information confidential, and ballots will not be opened until after the close of the public input portion of the Public Hearing on **June 23, 2009**.

QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual charge or this process, please contact Michelle Parella at (925) 313-2286.

**OFFICIAL PROPERTY OWNER BALLOT
CONTRA COSTA COUNTY CSA L-100
(Countywide Street Lighting District)**

Yes, I SUPPORT the proposed annual assessment of \$14.94 per benefit unit on each of the parcel(s) identified in this ballot.

No, I OPPOSE the proposed annual assessment of \$14.94 per benefit unit on each of the parcel(s) identified in this ballot.

Property Owner Name(s): MACDONALD ALEXANDER & DARLENE

Annexation of: Minor Subdivision 05-0045

Property Address or Description: 570 Pine Creek Road, Walnut Creek, CA

Assessor Parcel Number(s): 138-230-028-1

I hereby certify under penalty of perjury that I am the legal property owner and/or person entitled to execute this ballot for the property shown above in these proceedings.

Dated: _____

Signature

Printed Name of Property Owner/Representative

Once you have voted and signed this ballot, please place the ballot in the enclosed pre-paid, self-addressed return envelope. Your ballot will not be counted if you have not voted, signed the ballot, sealed the envelope and mailed or delivered it to Contra Costa County Public Works Department, Attention: Michelle Parella, located at 255 Glacier Drive, Martinez, CA 94553. All ballots must be received prior to the conclusion of the public input portion of the Public Hearing, which will be held on June 23, 2009, starting at 9:30 a.m., at the Contra Costa County Board of Supervisors Chambers, 651 Pine Street, Martinez, CA.

HEARING CONFIRMATION FORM

Hearing Date: June 23, 2009 at 9:30 a.m.

Name of Person Phoning to Request Hearing: Angela Bell

Phone No.: 313-2170

Hearing Date Confirmed with: **EMAILED to Emy Sharp at 335-1913** of Clerk of the Board
Staff on: Tuesday, April 22, 2009.

Agenda Language (how it will read on the calendar):

ADOPT Resolution No. 2009/*** accepting the Engineer's Report for County Service Area L-100, Minor Subdivision 05-0045; declaring the intent to levy and collect assessments and fixing a public hearing for June 23, 2009 to adopt the proposed annual assessments and complete public noticing as recommended by the Public Works Director, Walnut Creek area. (County Service Area L-100 Funds) (District III) Project No.: 7394-6X5001

Anticipated length of the hearing: 5 minutes or less or more

Is it controversial? Yes No

Noticing Requirements: N/A
Code Section: _____

Publication Requirements: # of times N/A # of days before hearing N/A

Who is to Publish the Notice? COB N/A PWD N/A

It is the responsibility of the department to provide the appropriate notice. Some notices are adopted by Board Resolution; the publication cannot be ordered until the Resolution is adopted by the Board of Supervisors.

If posting of notice is required, who will post? N/A

If mailing the notice is required, who will provide the clerk with the correct mailing list and labels? N/A

When will this "fix hearing item" be listed on the Board agenda as a consent item?
May 5, 2009



Contra
Costa
County

To: Board of Supervisors
From: Joe Valentine, Employment & Human Services Director
Date: May 5, 2009

Subject: In the Matter of the Retirement of Sandy Baldwin with 40 Years of Service to the Employment and Human Services Department

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Katherine Sinclair, Deputy

Contact: Susan Brown, 3-1580

cc: Susan Brown, Earl Maciel, John Cottrell

ATTACHMENTS

Resolution No.

2009/189

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

In the matter of:

Resolution No. 2009/189

The retirement of Sandy Baldwin with 40 years of service to the Employment and Human Services Department

WHEREAS, Sandy Baldwin has maintained exceptional customer service standards for herself and expects the same of others; and Whereas, Sandy Baldwin has been a mentor and role model to many new program analysts, providing outstanding leadership, and Whereas, Sandy Baldwin has profound concern for the clients of Contra Costa County and responds immediately to questions from all, and Whereas, Sandy Baldwin has been a tremendous source of program knowledge where many at the state and local level reach out for her opinion prior to taking action on implementing program changes, and Whereas, Sandy Baldwin continues to share her knowledge with community based organizations ensuring the residents of Contra Costa County receive the benefits for which they are eligible.
that the Board of Supervisors hereby congratulates Sandy Baldwin for her outstanding years of service and much deserved retirement.

SUSAN A. BONILLA

Chair,
District IV Supervisor

JOHN GIOIA

District I Supervisor

GAYLE B. UILKEMA

District II Supervisor

MARY N. PIEPHO

District III 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: May 5, 2009

David J. Twa,

By: _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Joe Valentine, Employment & Human Services Director
Date: May 5, 2009

Subject: Appointments to the Advisory Council on Aging

RECOMMENDATION(S):

On behalf of the Advisory Council on Aging, it is recommended that the Board of Supervisors take the following actions:

1. Declare vacant the member-at-large seat number 14 held by Ms. Elaine Welch and direct the Clerk of the Board to post this vacancy. Ms. Welch's term of office expires September 30, 2009.
2. Appoint Mr. Edward P. Schroth to the Advisory Council on Aging to member-at-large seat number 11 for a term expiring September 30, 2009.
3. Appoint Ms. Betty Segura Pierce to the Advisory Council on Aging for the Local Pinole seat for a term expiring September 30, 2010.
4. Appoint Ms. Lori Hefner to the Advisory Council on Aging to member-at-large seat number nine for a term expiring September 30, 2009.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE:
- John Gioia, District I Supervisor
 - Gayle B. Uilkema, District II Supervisor
 - Mary N. Piepho, District III Supervisor
 - Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Katherine Sinclair, Deputy

Contact: 3-1648

FISCAL IMPACT:

No financial impact.

BACKGROUND:

Ms. Welch has resigned from the Advisory Council effective May 1, 2009. The Advisory Council formally accepted her resignation on April 15, 2009. It is necessary to fill this vacancy in an effort to bring the Advisory Council to its required number of active members.

The Advisory Council on Aging recommends appointment of the above person to fill this vacancy on the council in an effort to bring the Advisory Council to its required number of active members.

The Advisory Council on Aging recommends appointment of the above person to fill this vacancy on the council. Ms. Pierce was approved by the Pinole for this appointment on January 20, 2009.

The Advisory Council on Aging recommends appointment of the above person to fill this vacancy on the council. The seat was previously held by Mr. John Cambus and was vacated for excessive absenteeism in February 2009. It is necessary to fill this vacancy in an effort to bring the Advisory Council to its require number of active members.

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:



Contra
Costa
County

To: Board of Supervisors
From: Gayle B. Uilkema, District II Supervisor
Date: May 5, 2009

Subject: APPOINTMENT TO THE CONTRA COSTA COUNTY MENTAL HEALTH COMMISSION

RECOMMENDATION(S):

APPOINT the following people to the following seats of the Contra Costa County Mental Health Commission with the following term expiration dates:

District II Family Member
Floyd Overby, M.D.
1225 Upper Happy Valley Road, Lafayette, CA 94549
Term Expiration: June 30, 2009 and reappoint to a term ending June 30, 2012

District II Member at Large
Ms. Anne Reed
1229 Boulevard Way, #12, Walnut Creek, CA 94595
Term Expiration: June 30, 2010

FISCAL IMPACT:

NONE

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Katherine Sinclair, Deputy

Contact: Jill Ray, 5-1046

BACKGROUND:

NONE



Contra
Costa
County

To: Board of Supervisors
From: Gayle B. Uilkema, District II Supervisor
Date: May 5, 2009

Subject: APPOINTMENT TO THE COUNTY SERVICE AREA P-1 CITIZENS ADVISORY COMMITTEE

RECOMMENDATION(S):

APPOINT the following person to the Appointee 6 Seat of the County Service Area P-1 Citizens Advisory Committee for a two-year term with an expiration date of May 31, 2011:

Ms. Elena Gomez
125 Bridgeview Court, Crockett, CA 94525

FISCAL IMPACT:

NONE

BACKGROUND:

NONE

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Katherine Sinclair, Deputy

Contact: Jill Ray, 5-1046



Contra
Costa
County

To: Board of Supervisors
From: Gayle B. Uilkema, District II Supervisor
Date: May 5, 2009

Subject: RESIGNATION FROM THE ALCOHOL AND OTHER DRUGS ADVISORY BOARD OF CONTRA COSTA COUNTY

RECOMMENDATION(S):

ACCEPT the resignation of the following person from the District II-A Seat of the Alcohol and Other Drugs Advisory Board of Contra Costa County effective immediately:

Mr. Richard Christian
846 Center Avenue
Martinez, CA 94553

DECLARE a vacancy on the Alcohol and Other Drugs Advisory Board of Contra Costa County and direct the Clerk of the Board to apply the Board's policy for filling the vacancy.

FISCAL IMPACT:

NONE

BACKGROUND:

NONE

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Katherine Sinclair, Deputy

Contact: Jill Ray, 5-1046



Contra
Costa
County

To: Board of Supervisors
From: Legislation Committee
Date: May 5, 2009

Subject: SUPPORT POSITION for SB 114 (Liu): Medi-Cal: independent foster care

RECOMMENDATION(S):

SUPPORT Senate Bill 114 (Liu), legislation that would require independent foster care adolescents to be enrolled in Medi-Cal without reapplication after April 1, 2010, as recommended by the Legislation Committee.

FISCAL IMPACT:

Unknown. However, the author argues that it does not make moral or fiscal sense for the state to spend scarce dollars and staff hours making these former foster youth fill out Medi-Cal paperwork since they cannot, by law, be refused eligibility.

BACKGROUND:

SB 114, by Senator Carol Liu, will automatically deem an independent foster care adolescent eligible for Medi-Cal benefits on his or her 18th birthday without any interruption to coverage and without requiring a new application for benefits.

In 2000, California exercised its option to provide Medi-Cal to former foster youth and children transitioning out of foster care at age 18 up until they turn 21. SB 114 seeks to help former foster youth maintain

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009**

APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: June McHuen, Deputy

Contact: L. DeLaney, 5-1097

cc:

BACKGROUND: (CONT'D)

their Medi-Cal benefits under this option despite this population's often transitory and varied living arrangements.

Under SB 114, annual redetermination forms still will be sent to former foster youth, but a failure to return the form would not result in a change in eligibility, as long as other eligibility requirements are met. In addition, the state may terminate the foster youth's Medi-Cal benefits only if it is determined that a former foster youth is no longer eligible. This process would meet federal redetermination requirements and eliminate unnecessary paperwork, while ensuring that eligible youth do not lose their Medi-Cal benefits before the age of 21.

Former foster youth face an uphill battle when they are released from foster care at 18 and expected to take on significant adult responsibilities. The state of California has recognized since 2000 that access to medical care for this vulnerable population is a necessary component of success in employment and education. SB 114 will help former foster youth remain healthy and more able to compete in the adult world.

For these reasons, CSAC supports SB 114. SB 114 was sent to Senate Appropriations Committee on 4/20.

Prior legislation SB 1132 (Migden) of 2008 contained substantially similar language to this bill and was vetoed by the Governor, who stated: "federal law currently requires states to conduct annual eligibility determinations for Medi-Cal beneficiaries." According to the author, SB 114 has been drafted with assistance from DHCS to address the Governor's concerns.

SB 147 (Alper,2000) would have required eliminated income and asset tests when determining Medi-Cal eligibility of independent foster care adolescents. This bill was vetoed.

AB 2877 (Thompson), Chapter 93, Statutes of 2000, extended Medi-Cal eligibility to foster youth up to age 21, in accordance with a new federal option.

Supporters argue that SB 114 would clarify current law and procedures to ensure that youth who have left foster care are able to receive services with minimal action on their part, which will ensure ongoing health care coverage for these young adults, who often face tremendous odds against their success.

ATTACHMENTS

Bill Text SB 114

CSAC Support SB 114

AMENDED IN SENATE MARCH 16, 2009

SENATE BILL

No. 114

Introduced by ~~Senator Liu~~ *Senators Liu and Pavley*
(Principal coauthor: Assembly Member Jones)

January 29, 2009

An act to amend Section 14005.28 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 114, as amended, Liu. Medi-Cal: independent foster care adolescents.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. Existing law requires the department, if, and to the extent that, all necessary federal approvals are obtained for federal financial participation, to implement a federal option to extend Medi-Cal benefits to independent foster care adolescents, as defined in federal law.

This bill would specify that, if the department has exercised this option, commencing April 1, 2010, specified independent foster care adolescents would be deemed eligible for the benefits and would be automatically enrolled without requiring a new application and without an interruption in coverage.

This bill would require the department to develop and implement a simplified form for the annual redetermination of benefits. An independent foster care adolescent would only be required to fill out and return the form if previously provided information was no longer accurate.

This bill would specify that the bill would be implemented only if, and to the extent that, federal financial participation is available and any necessary federal approvals are obtained.

This bill would also prescribe a process for terminating the eligibility of an independent foster care adolescent.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14005.28 of the Welfare and Institutions
2 Code is amended to read:

3 14005.28. (a) To the extent federal financial participation is
4 available pursuant to an approved state plan amendment, the
5 department shall exercise its option under Section
6 1902(a)(10)(A)(ii)(XVII) of the federal Social Security Act (42
7 U.S.C. Sec. 1396a(a)(10)(A)(ii)(XVII)) to extend Medi-Cal benefits
8 to independent foster care adolescents, as defined in Section
9 1905(w)(1) of the federal Social Security Act (42 U.S.C. Sec.
10 1396d(w)(1)).

11 (b) An independent foster care adolescent who is in foster care
12 on his or her 18th birthday shall be deemed eligible for the benefits
13 extended pursuant to this section and shall be enrolled to receive
14 these benefits without any interruption in coverage and without
15 requiring a new application. The department may terminate
16 eligibility if it determines that an independent foster care adolescent
17 is no longer eligible only after ineligibility is established and all
18 due process requirements are met in accordance with state and
19 federal law.

20 (c) The department shall develop and implement a simplified
21 form for redetermination. An independent foster care adolescent
22 shall fill out and return this form only if information previously
23 reported to the department is no longer accurate. Failure to return
24 the form alone will not constitute a basis for termination of
25 Medi-Cal *benefits* so long as all other eligibility requirements have
26 been met. The department may terminate eligibility if it determines
27 that an independent foster care adolescent is no longer eligible
28 only after ineligibility is established and all due process
29 requirements are met in accordance with state and federal law.

1 (d) Subdivisions (b) and (c) shall be implemented on April 1,
2 2010, and shall be implemented only to the extent that federal
3 financial participation is available, and any necessary federal
4 approvals are obtained.

5 (e) Notwithstanding Chapter 3.5 (commencing with Section
6 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
7 and if the state plan amendment described in subdivision (a) is
8 approved by the federal Centers for Medicare and Medicaid
9 Services, the department may implement this section without taking
10 any regulatory action and by means of all-county letters or similar
11 instructions. Thereafter, the department shall adopt regulations in
12 accordance with the requirements of Chapter 3.5 (commencing
13 with Section 11340) of Part 1 of Division 3 of Title 2 of the
14 Government Code.

15 (f) The department shall implement subdivision (a) on October
16 1, 2000, but only if, and to the extent that, the department has
17 obtained all necessary federal approvals.

O



March 17, 2009

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327.7500
Facsimile
916.441.5507

The Honorable Elaine Alquist
Chair, Senate Health Committee
State Capitol, Room 5080
Sacramento, CA 95814

**Re: SB 114 (Liu) – Medi-Cal: Independent Foster Care Adolescents
As Introduced January 29, 2009 – SUPPORT
Set for Hearing on April 1, 2009 in Senate Health Committee**

Dear Senator Alquist:

The California State Association of Counties (CSAC) is pleased to support SB 114, a bill by Senator Carol Liu that would create a simplified process for former foster youth to maintain their Medi-Cal eligibility.

In 2000, California exercised its option to provide Medi-Cal to former foster youth and children transitioning out of foster care at age 18 up until they turn 21. SB 114 seeks to help former foster youth maintain their Medi-Cal benefits under this option despite this population's often transitory and varied living arrangements.

Under SB 114, annual redetermination forms still will be sent to former foster youth, but a failure to return the form would not result in a change in eligibility, as long as other eligibility requirements are met. In addition, the state may terminate the foster youth's Medi-Cal benefits only if it is determined that a former foster youth is no longer eligible. This process would meet federal redetermination requirements and eliminate unnecessary paperwork while ensuring that eligible youth do not lose their Medi-Cal benefits before the age of 21.

Former foster youth face an uphill battle when they are released from foster care at 18 and expected to take on significant adult responsibilities. The state of California has recognized since 2000 that access to medical care for this vulnerable population is a necessary component of success in employment and education. SB 114 will help former foster youth remain healthy and more able to compete in the adult world.

For these reasons, CSAC supports SB 114. Please don't hesitate to contact me at 327-7500 Ext. 531 or kbrooks@counties.org if you require additional information about our position. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Kelly Brooks".

Kelly Brooks
Legislative Representative

cc: The Honorable Carol Liu, Member, California State Senate
Members, Senate Health Committee
Roger Dunstan, Consultant, Senate Health Committee
Joe Parra, Senate Republican Caucus Consultant
County Welfare Directors Association



**Contra
Costa
County**

To: Board of Supervisors
From: Transportation Water Infrastructure Committee
Date: May 5, 2009

Subject: Joint Policy Committee Policies on Implementation of Senate Bill 375

RECOMMENDATION(S):

AUTHORIZE the Chair of the Board of Supervisors to sign a letter to the Joint Policy Committee commenting on draft policies to implement Senate Bill 375 (see Exhibit B) as recommended by the Transportation Water and Infrastructure Committee.

FISCAL IMPACT:

None to the General Fund.

BACKGROUND:

Senate Bill 375 became law on January 1. It describes the requirements for local and regional agencies that will help achieve goals for reductions in greenhouse gas emissions from cars and light duty trucks. The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) are the regional agencies responsible for implementing the provisions of Senate Bill 375 in the Bay Area. The Joint Policy Committee (JPC) was established by MTC, ABAG, the Bay Area Air Quality Management District and the Bay Conservation & Development Commission to coordinate regional planning policies.

In January, JPC staff recommended that the JPC adopt policies to guide implementation of Senate Bill 375 and proposed draft policies for the JPCs consideration. On March 20, the JPC deferred action on the draft policies due to the extensive comments that were received by various stakeholders. Exhibit A includes the draft JPC policies and comment letters from the West Contra Costa Transportation Advisory Committee and the Contra Costa Transportation Authority. The JPC is scheduled to take action on the policies on May 15. No changes to the policies have been made available to the public.

<input type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input checked="" type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: 335-1240

cc:

On March 30, the Transportation Water and Infrastructure Committee discussed the draft policies to be considered by the JPC and requested staff prepare a comment letter. On April 29, the Committee heard comments from Bob McCleary, Executive Director of the Contra Costa Transportation Authority and reviewed the comment letter prepared by County staff. The Committee recommends the Board send the letter included in Exhibit B to the JPC. This letter recommends the JPC include policies that accomplish the following:

-

BACKGROUND: (CONT'D)

Expand the JPC partnership for Senate Bill 375 implementation to include Congestion Management Agencies;

- Provide a meaningful process for review and input by local governments and the public;
- Establish realistic and achievable targets for greenhouse gas reductions;
- Incorporate local initiatives such as Measure J in the Sustainable Communities Strategy; and
- Establish policies to guide development of a rural sustainability strategy.

ATTACHMENTS

Exhibit A

Exhibit B



JOINT POLICY COMMITTEE

Policies for the Bay Area's Implementation of Senate Bill 375

Introduction

SB 375¹ (Steinberg) was passed by the California State Assembly on August 25th, 2008, and by the State Senate on August 30th. The Governor signed it into law on September 30th, 2008.

The bill mandates an integrated regional land-use-and-transportation-planning approach to reducing greenhouse-gas (GHG) emissions from automobiles and light trucks, principally by reducing vehicle miles traveled (VMT). Within the Bay Area, automobiles and light trucks account for about 26 percent of our 2007 GHG inventory² and about 64 percent of emissions from the transportation sector.

SB 375 explicitly assigns responsibilities to the Association of Bay Area Governments (ABAG) and to the Metropolitan Transportation Commission (MTC) to implement the bill's provisions for the Bay Area. Both agencies are members of the Joint Policy Committee³ (JPC). The policies in this document were approved by the JPC and provide guidance to the two lead regional agencies in fulfilling their responsibilities in collaboration with their JPC partners, the Bay Area Air Quality Management District (Air District) and the San Francisco Bay Conservation and Development Commission (BCDC).

Bay Area Climate-Protection Context

On July 20th, 2007, the JPC approved a *Bay Area Regional Agency Climate Protection Program*⁴. This program has as a key goal: "To be a model for California, the nation and the world." Following from this key goal is a supporting goal: "Prevention: To employ all feasible, cost-effective strategies to meet and surpass the State's targets of reducing greenhouse-gas emissions to 1990 levels by 2020 and to 80% below 1990 levels by 2050." In pursuit of these goals, MTC's current Regional Transportation Plan (RTP) update, *Transportation 2035*⁵, has evaluated transportation strategies and investment programs relative to a target of reducing GHG emissions from on-road vehicles in the year 2035 by 40 percent compared to 1990 levels. ABAG has established the same target for assessing alternative land-use scenarios in the

¹ http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0351-0400/sb_375_bill_20080930_chaptered.html

² Bay Area Air Quality Management District, *Source Inventory of Bay Area Greenhouse Gas Emissions*, December 2008 (http://www.baaqmd.gov/pln/documents/regionalinventory2007_003_000.pdf)

³ The Joint Policy Committee (JPC) is a regional planning consortium of the Association of Bay Area Governments (ABAG), the Bay Area Air Quality Management District (BAAQMD or the "Air District"), the San Francisco Bay Conservation and Development Commission (BCDC), and the Metropolitan Transportation Commission (MTC)

⁴ <http://www.abag.ca.gov/jointpolicy/JPC%20Action%20on%20Climate%20Protection.pdf>

⁵ http://www.mtc.ca.gov/planning/2035_plan/index.htm

development of the latest iteration of the region's policy-based forecast of population and employment: *Projections 2009*⁶.

The Bay Area's regional agencies have clearly recognized the primacy of the climate-change challenge as a driver of public transportation and land-use policy, and we have embraced the urgency of GHG reduction. The momentum established by our policies and actions to date will carry over into our implementation of SB 375. We do not regard SB 375 as a vexatious new requirement, but rather as an instrument to assist us in continuing and accelerating the climate-protection journey upon which we have already embarked. We are genuinely concerned with making real and measurable progress in reducing the impact which motor-vehicle travel has on the global warming problem. That concern will be paramount in our approach to SB 375 and is reflected in the policies which follow.

Policy Subject 1: Setting Targets

SB 375 requires that the California Air Resources Board (CARB) set GHG-reduction targets for cars and light trucks in each California region for the years 2020 and 2035. CARB must release draft targets by June 30, 2010 and adopt targets by September 30, 2010.

To assist in establishing these targets, CARB is required to appoint a Regional Targets Advisory Committee (RTAC) composed of representatives of Metropolitan Planning Organizations⁷ (MPOs), affected air districts⁸, the League of California Cities (the League), the California State Association of Counties (CSAC), local transportation agencies⁹, and members of the public—including homebuilders, environmental organizations, environmental-justice organizations, affordable housing organizations, and others. The Advisory Committee is tasked with recommending factors to be considered and methodologies to be used in establishing the targets, not recommending the targets themselves—though MPOs are explicitly permitted to recommend targets for CARB's consideration.

In recommending factors to be considered and methodologies to be used, the Advisory Committee may consider any relevant issues, including, but not limited to, data needs, modeling techniques, growth forecasts, the impacts of regional jobs-housing balance on interregional travel and GHG emissions, economic and demographic trends, the magnitude of GHG-reduction benefits from a variety of land use and transportation strategies, and appropriate methods to describe regional targets and to monitor performance in attaining those targets. The advisory committee shall provide a report with its recommendations to CARB no later than September 30, 2009, and CARB must consider the report before setting the targets. After the publication of the Advisory Committee Report, MPOs are required to hold at least one public workshop in their region. In establishing the targets, CARB is also required to exchange technical information with MPOs and associated air districts.

The prescribed target-setting process, including the multi-sector RTAC, creates a dynamic between *need* (i.e., the reduction required to contribute to the state's overall greenhouse-gas-reduction targets) and *feasibility* (i.e., the perceived probability of satisfying that need through

⁶ <http://www.abag.ca.gov/planning/currentfcst/news.html>

⁷ In the Bay Area, the Metropolitan Planning Organization is MTC.

⁸ In the Bay Area, the Bay Area Air Quality Management District.

⁹ In the Bay Area, this might include Congestion Management Agencies (CMAs), transit providers, and the transportation planning/streets-and-roads arms of local governments.

available regional planning and implementation mechanisms.) That dynamic may be premature and limiting. Until one goes through the actual process of producing and evaluating a target-based plan, the feasibility of that plan, and the target to which it responds, is mostly just conjecture. The necessity to limit the target based on an *a priori* judgment of feasibility is also obviated by the legislation's provision of an escape valve, the Alternative Planning Strategy (APS), which provides a mechanism to identify additional measures if target achievement proves not to be feasible in the initial plan, the Sustainable Communities Strategy (SCS).

In the 2009 RTP update and in the *Projections 2009* process, ABAG and MTC have established very aggressive GHG-reduction targets, based on the transportation sector's large contribution to the region's GHG inventory and on the science-based need to reduce GHGs to 80 percent below 1990 levels by the year 2050. The Bay Area's regional agencies are committed to achieving a significant reduction in transportation-related GHGs and are opposed to constraining that reduction by setting targets that are too low and that do not provide sufficient challenge to business as usual. We also want to ensure our efforts are rewarded with observable progress, not just with well-intentioned but unimplemented plans.

Policy 1:

The Bay Area regional agencies will fully participate in CARB's regional target-setting process. This participation will occur, to the extent possible, through the RTAC process, through the exchange of data and information with CARB, and through the authority given MPOs to independently recommend targets for their regions.

In their participation, the Bay Area regional agencies will seek factors, methodologies, and targets that *do not* limit this region's ability to achieve significant GHG reductions and that *do* provide significant challenges to current trends and habits.

The regional agencies will also seek unambiguous and accurate metrics of target achievement, so that performance relative to the targets can be confidently and unarguably assessed.

Policy Subject 2: Modeling the Relationship between Transportation and Land Use

Travel models (mathematical simulations of travel behavior relative to the regional transportation system and the distribution of land uses) are used to compare the impact of alternative transportation strategies, alternative investment packages and alternative land-use patterns. The land-use patterns that are fed into the travel models are also, in part, generated by mathematical models of economic and demographic trends.

SB 375 requires that the California Transportation Commission (CTC), in consultation with the California Department of Transportation (Caltrans) and CARB, maintain guidelines for travel models. The guidelines must, to the extent practicable within resource constraints, account for:

- The empirical relationship among land-use density, automobile ownership, and vehicle miles traveled (VMT);
- The impact of enhanced transit service on vehicle ownership and VMT;
- Induced travel behavior and land development likely to result from highway or rail expansion;

- Mode splits between automobile, transit, carpool, bicycle, and pedestrian trips;
- Speed and frequency, days, and hours of operation of transit service.

SB 375 also requires that MPOs disseminate the methodology, results, and key assumptions of their travel models in a way that would be usable by and understandable to the public.

Models will be key tools in developing and assessing the alternative transportation and land-use strategies required to implement SB 375. MTC is currently replacing its travel model with a new instrument more attuned to the CTC guidelines. ABAG is about to update its land-use forecasting models.

This is an opportune time to ensure that the region's models are integrated and can be used in an iterative manner, with not only the land-use models feeding into the travel model but with the travel model also feeding back into the land-use models so that the development impacts and requirements of various transportation measures and investments can be more confidently evaluated and so that a mutually reinforcing land-use *and* transportation strategy can be constructed. At present, the relationship is very linear and one-way, with the land-use forecast informing the travel model but the travel model only indirectly influencing how we forecast land use. Achieving two-way integration will require a much closer working relationship between ABAG and MTC staff engaged in modeling and forecasting than has heretofore been the case.

While the models are very technical and complex, it is also a worthy and responsible objective to aim for more public transparency of model methodologies, assumptions and particularly limitations.

Policy 2:

The Bay Area regional agencies will work together to construct an integrated and transparent modeling system which facilitates technical, decision-maker and public understanding of how land-use and transportation decisions can be coordinated so as to reduce GHG emissions.

Policy Subject 3: Preparing a Sustainable Communities Strategy and an Alternative Planning Strategy

SB 375 requires that each MPO (MTC and ABAG in the Bay Area) prepare a sustainable communities strategy (SCS). This strategy is to, among other things, constitute the land-use forecast for the Regional Transportation Plan (RTP) and must comply with federal requirements for that forecast, including most importantly that it be judged to be realistically attainable during the twenty-five-year period of the RTP. One criterion for judging realistic attainability is congruence with local-government general plans, specific plans and zoning.

The SCS shall be adopted as part of the RTP¹⁰ and shall:

- Identify the general location of uses, residential densities, and building intensities within the region;
- Identify areas within the region sufficient to house *all* the population of the region, including all economic segments of the population, over the course of the planning period of the RTP

¹⁰ The next RTP update, and the first to which SB 375 will apply, is scheduled to be adopted in March 2013.

(i.e., 25 years), taking into account net migration into the region, population growth (presumably referring to natural increase), household formation, and employment growth;

- Identify areas within the region sufficient to house an eight-year projection of the regional housing need;
- Identify a transportation network to service the transportation needs of the region;
- Gather and consider the best practically available scientific information regarding resource areas and farmland in the region;
- Consider state housing goals;
- Forecast a development pattern for the region, which when integrated with the transportation network and other transportation measures and policies, will achieve, to the extent practicable, the targeted greenhouse-gas emission reduction from automobiles and light trucks, while also permitting the RTP to comply with the Clean Air Act;
- In doing all of the above, consider spheres of influence that have been adopted by LAFCOs.

Some believe that the SCS is just ABAG's *Projections* under another name and with slightly different prescriptions and constraints. It is much more than that. While the SCS will, in part, play a role similar to *Projections* in the RTP, it is not just a land-use forecast, but a preferred development pattern *integrated* with the transportation network and with transportation measures and policies. It approaches in intent and content a comprehensive land-use and transportation plan for the region. As such, it should play a more fundamental guiding role for the RTP than does *Projections*, which is mostly used now for the Environmental Impact Report (EIR) and for air quality conformity analysis accompanying the RTP.

Before adopting the SCS, we will be required to quantify the reduction in greenhouse gas emissions projected to be achieved by the SCS and identify the difference (if any) between that reduction and the CARB targets for the region.

If the SCS is unable to reduce greenhouse gas emissions to the targeted levels, then we must prepare an Alternative Planning Strategy (APS) showing how the greenhouse-gas targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. The APS is a separate document from the RTP but may be adopted at the same time as the RTP. In preparing the APS, we are required to:

- Identify the principal impediments to achieving the targets through the SCS;
- Describe how the GHG targets would be achieved by the alternative strategy and why the development pattern, transportation measures and transportation policies in the APS are the most practicable choices for the achievement of those targets;
- Ensure that the APS complies with all the federal requirements for an RTP "except to the extent that compliance with those requirements would prevent achievement of the GHG targets" (i.e., the APS is essentially exempted from the criterion of realistic attainability);
- Develop the APS in the same manner and consider the same factors as we would to develop an SCS.

The APS is essentially a more aggressive GHG-reduction strategy than would be permissible under the federal requirements for an RTP—i.e., financially constrained and with a realistic land-use forecast.

As the SCS is an official part of the RTP, it is required by federal law to be internally consistent with the other parts of the RTP, including the financially constrained transportation investment package. This is what gives the SCS its power: transportation projects identified for funding in the RTP investment package must be consistent with the SCS¹¹.

As the APS is not included in the RTP and therefore does not influence transportation investment, its potential impact is much more limited. It serves essentially two purposes, the first explicit in the legislation, the second implicit: (1) to provide access to some California Environmental Quality Act (CEQA) concessions for qualifying development projects¹², and (2) to provide a means through which the state can be informed of additional powers, authorities or resources required to meet regional GHG-reduction targets.

The Bay Area's regional agencies are committed to making a real difference in reducing GHGs. Therefore, it is in our interest to achieve as much progress toward this region's targets in the SCS as possible. Those land-use changes, transportation measures and transportation policies which can only be identified in the APS are essentially those that we have conceded cannot be implemented; that is, we cannot provide the required assurances to the federal government that those changes, measures, and policies meet the realism test—at least not within the current distribution of authorities. If the changes, measures and policies are not real, then the GHG reductions are also not real. We will not attain the on-the-ground improvement we desire and need.

Meeting the realism test for the SCS requires two preconditions: (1) alignment of local land-use policy with the preferred land-use pattern in the SCS¹³ and (2) authority and resources to undertake the required transportation policies and measures. To maximize our probability of success, we need to be acquiring those preconditions now, building upon the momentum that we have established with the target driven RTP, *Transportation 2035*, with the performance-based

¹¹ The legislation specifically excludes a subset of investment projects from this requirement, including those contained in the 2007 or 2009 Federal Statewide Transportation Program (STP), those specifically listed in a sales tax ballot measure approved before the end of the 2008, and arguably those funded through Proposition 1-B (2006). Further the legislation does not require a sales tax authority to change the funding allocations approved by voters for categories in a sales tax measure adopted before the end of 2010.

¹² CEQA concessions are extended to two potentially overlapping types of development projects: (1) a residential or mixed-use project consistent with an SCS or APS; and (2) specifically defined "transit priority projects" (TPPs). Subject to incorporating mitigation measures from previous reviews, the EIRs for SCS- or APS-consistent projects will not be required to address growth-inducing impacts, global warming impacts, or regional transportation network impacts. Further SCS- or APS-consistent development projects will not have to prepare a reduced-density alternative to address local traffic impacts. TPPs will be exempt from CEQA review if they are consistent with an SCS or APS and comply with a long list of other mandatory and optional criteria.

¹³ SB 375 explicitly provides that neither the SCS nor the APS will regulate the use of land or supersede the exercise of the land-use authority of cities and counties. It further stipulates that there is no requirement that a city's or county's land-use polices and regulations, including its general plan, be consistent with the RTP (including the SCS) or with the APS. Therefore, alignment of local land-use policy with the SCS will have to be voluntary.

Projections 2009 and with the Bay Area's voluntary development and conservation strategy, *FOCUS*¹⁴.

Transportation 2035 has been instrumental in introducing climate protection as a core regional transportation planning objective to the CMAs and to other transportation planning and operating agencies. The *Projections 2009* process has initiated a productive discussion with local-government officials on the impact that land-use and development has on transportation GHGs. *FOCUS* has provided mechanisms, priority development areas (PDAs) and priority conservation areas (PCAs), through which the regional agencies and local governments can partner on achieving a land-use pattern that contributes to lower VMT and hence fewer GHG emissions.

To enable the region to prepare a genuinely effective SCS in association with the 2013 RTP, the cooperative policy discussions begun with the 2009 RTP and with *Projections 2009* need to continue and accelerate over the next few years and into the formal beginning of the SCS process. A successful SCS will not be proposed and imposed by the regional agencies, but will be built and owned cooperatively at all levels by all the transportation and land-use authorities in the Bay Area.

We also need to make substantial progress on the implementation of the PDAs and PCAs, so that local governments have concrete examples upon which to draw when constructing local plans that are consistent with the SCS. And we need to establish trust among local governments that substantial regional and state assistance to PDAs and PCAs is truly forthcoming. Full local-government participation in the *FOCUS* PDA and PCA initiatives is conditioned on the provision of incentive funding. In *Transportation 2035* MTC established a \$2.2-billion¹⁵ Transportation for Livable Communities (TLC) account to, in part, assist PDAs and transit-oriented development. Early programming of dollars in the TLC account can set a positive stage for an SCS that enjoys local-government support and, therefore, is more likely to be realistically attainable.

Policy 3

The Bay Area regional agencies are committed to achieving the region's GHG-reduction targets through the SCS and will prepare an APS only as a last resort.

To assist in the preparation of a realistic and attainable SCS, the regional agencies will:

- Form a partnership with local transportation and land-use authorities and with other relevant stakeholders to cooperatively prepare an SCS, beginning no later than the end of 2009;
- Begin programming and allocating funds from the \$2.2 billion TLC account no later than fiscal year 2010-11 so as to demonstrate a tangible commitment to priority development areas that assist in reducing GHGs;
- Initiate joint programming of regional-agency funding (e.g., MTC and BAAQMD grants) to achieve synergies and maximize combined impact;

¹⁴ <http://www.bayareavision.org/initiatives/index.html>

¹⁵ As a federal requirement, enumerated in escalated dollars of the day.

Policy 3 continued

- Give priority consideration to SCS-supportive incentives in the allocation and programming of new funding (e.g., the federal stimulus package) as it becomes available to the regional agencies;
- Advocate for early and appropriately directed incentives for PDAs and PCAs from existing state programs and for the creation of additional incentive mechanisms through new state legislation in advance of the SCS;
- Work with federal agencies to ensure that fiscal constraints and realism tests account for reasonable and probable changes in policy and financial capacity between plan initiation and the RTP horizon year;
- Advocate for road pricing and other transportation measures and authorities that can contribute to reducing VMT and hence GHGs.

Policy Subject 4: Achieving Consistency with Adjacent Regions

As referenced under Policy Subject 3, the SCS will be required to identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, taking into account net migration into the region, natural increase, household formation, and employment growth.

This is a substantial departure from present regional-planning practice, which has assumed some spillover of Bay-Area-generated housing and transportation demand into adjacent regions, particularly into the Central Valley. We can plan to accommodate all our population growth, but our plans are unlikely to be realized if they are not consistent with those of our neighboring regions, who may continue to plan on the basis of accommodating exogenous demand from the Bay Area. Early and frequent discussions with surrounding regions to coordinate assumptions and policies is, therefore, required.

Policy 4:

The Bay Area regional agencies will initiate discussions and consult with our neighboring regions throughout the model-development and SCS planning processes to facilitate consistency in assumptions and policies.

Policy Subject 5: Synchronizing and Conforming the SCS and the RTP with the Regional Housing Needs Allocation (RHNA)

SB 375 requires that the RHNA/housing element cycle will be synchronized and coordinated with the preparation of every other RTP update, starting with the first update after 2010 (i.e., 2013). RTP updates occur every four years, and housing elements must be adopted by local governments eighteen months after the adoption of the RTP. With a few exceptions, the region will now be on an eight-year RHNA cycle and local governments will be on eight-year housing-element cycles. In addition to synchronizing with the preparation of the RTP and the SCS contained therein, the RHNA allocation must be consistent with the development pattern included in the SCS, and the resolution approving the RHNA shall demonstrate that it is

consistent with the SCS. Housing elements and associated local zoning adopted pursuant to the RHNA may be among the most important means for making the SCS real.

The 2008 ABAG RHNA process was the first in the state to explicitly connect the regional housing allocation to the sort of focused-growth and transit-oriented development principles which are likely to be central to the SCS. We, therefore, have a head start on the consistency requirements of SB 375. However, many of jurisdictions that received higher RHNA numbers as the result of the newly applied principles also persuasively argued that they required additional resources to respond to the infrastructure and service requirements of more housing and population. A more intimate connection with the RTP will be required to assist resources to flow in the same direction as housing requirements.

Existing law makes MTC responsible for the RTP and ABAG responsible for the RHNA. SB 375 makes both agencies jointly responsible for the SCS, though the SCS will also be adopted as part of the RTP. To ensure coordination and complementariness and to ensure that both agencies are fully cognizant of their commitments to each other and of their joint commitments to other partners and the region, all three instruments—the RTP, the RHNA and the SCS—should be developed and adopted together as a regional-agency partnership.

Policy 5:

The SCS, RTP and RHNA will be developed together through a single and integrated cross-agency work program.

Progress and interim products in the cross-agency work program will be reported *first* to the JPC, and through the JPC to the committees, boards, and commission charged with making draft and final decisions on each of three policy instruments: MTC for the RTP, ABAG for the RHNA, and both for the SCS.

The JPC may, from time to time, form subcommittees, including additional representatives from each of the agencies, to facilitate broadened vetting of significant draft documents.

To the extent feasible, policy reports and adopting resolutions for each of policy instruments will reference implications for the other instruments so that all decisions are cognizant of interdependencies.

Policy Subject 6: Providing CEQA Assistance

SB 375 provides various levels of CEQA assistance to housing and mixed-use development projects based on their conformity with a number of criteria, including consistency with an SCS or APS. However, the legislation only vaguely defines “consistency” and then in manner which may not be compatible with current Bay Area regional land-use planning practice. One approach to clarifying “consistency” is the preparation of a programmatic environmental impact review (EIR) for the SCS (and for the APS, if required). Development projects, as well as infrastructure projects, might also be able to “tier off” this EIR, and thus become eligible for additional CEQA assistance in addition to that provided through SB 375. The feasibility of this approach, and of alternatives, requires the resolution of a number of technical and legal issues, including the relationship to the EIR presently prepared for the RTP. Work to resolve these issues needs to occur as soon as possible as it will clearly affect the manner in which we prepare the SCS/APS.

Policy 6:

In consultation with appropriate CEQA authorities, the regional agencies will develop and finalize, no later than June 2010, a functional design for the structure and content of the SCS, the APS and associated environmental impact review documents sufficient for these to be confidently employed as the basis for determining eligibility for CEQA assistance as contemplated in SB 375 and, if feasible, to provide additional CEQA assistance for projects which contribute positively to environmental objectives for the region.

Policy Subject 7: Aligning Regional Policies

While ABAG and MTC develop the region's first SCS, the Air District and BCDC will also be putting together policies and regulations that will affect the region's distribution of land uses and the placement of public infrastructure. Both agencies may, as well, propose projects which could be included in the RTP.

In its effort to control criteria pollutants (e.g. ozone precursors and particulate matter), the Air District may, under existing authority, consider an indirect source rule (ISR) that regulates the construction and long-term transportation impacts of land development and requires mitigation or payments in lieu for development which does not meet established standards. Of particular concern is development which is deemed to increase automobile travel and hence vehicle emissions. The Air District may also seek to limit development in certain areas so as to reduce exposure to noxious particulate matter and other localized air toxins.

BCDC will be preparing an adaptation plan to prepare for inevitable sea-level rise and storm surges affecting areas on and near the Bay shoreline. This will have implications for the location of future development and perhaps for the relocation of present development and infrastructure.

It is essential that both the Air District's work and BCDC's be aligned with the SCS so that the regional agencies complement and do not contradict one another. Confusion will not contribute to the multi-level collaboration required to achieve a sustainable communities strategy that works.

Policy 7:

Starting immediately, all regional-agency policies affecting the location and intensity of development or the location and capacity of transportation infrastructure will be vetted through the JPC and evaluated against the filter of the emerging SCS.

WCCTAC

West Contra Costa Transportation Advisory Committee

El Cerrito

February 27, 2009

Hercules

Mr. Ted Droettboom,
Regional Planning Program Director
Joint Policy Committee – Regional Planning Program
101 Eighth Street
Oakland CA 94607

Pinole

RE: Comments on Draft Policies for Bay Area's Implementation of Senate Bill 375

Dear Mr. Droettboom:

Richmond

Thank you for the opportunity to provide comments on the Joint Policy Committee's (JPC's) Draft *Policies for the Bay Area's Implementation of Senate Bill 375* dated January 23, 2009. The West Contra Costa Transportation Advisory Committee (WCCTAC) is a Joint Exercise of Powers Agreement among the cities of El Cerrito, Hercules, Pinole, Richmond, and San Pablo, Contra Costa County, and west Contra Costa transit providers AC Transit, BART, and WestCAT. WCCTAC generally looks after the transportation interests of west Contra Costa County, and specifically advises the Contra Costa Transportation Authority (CCTA) on transportation issues and policies. At our January 30 meeting, the WCCTAC Board affirmed our strong support of the JPC's statement of policy. We are concerned about the environmental impacts of transportation, and appreciate the JPC's position of taking the lead in climate protection. The following outlines our specific comments.

San Pablo

Contra Costa
County

Comments on Policy 1, Setting Targets. WCCTAC supports the Bay Area's full participation in the target-setting process. We are interested in serving on the Regional Targets Advisory Committee (RTAC) as a member of CCTA. Four out of the five cities on WCCTAC and Contra Costa County are members of ICLEI – Local Governments for Sustainability, as are a majority of the cities and towns in Contra Costa County.

AC Transit

We support setting targets that will challenge the current practice, and understand that this approach is necessary to achieve success. We are committed to supporting the targets recommended by the JPC through MTC.

BART

WestCAT

Comment on Policy 2, Modeling the Relationship between Transportation and Land Use. WCCTAC supports an integrated and transparent land use and transportation model, but believe that this may present a significant challenge to complete within the timeframe for meeting the targets. The policy should include a provision to ensure that development of the model does not compromise the Bay Area's SB 375 implementation schedule.

Comments on Policy 3, Preparing a Sustainable Communities Strategy (SCS) and an Alternative Planning Strategy (APS). In general, WCCTAC supports a regional strategy that at the same time encourages individual achievement and accountability. To this end, the

policy should add provisions for setting county-level targets and strategies to address failure to make progress towards achieving those targets.

The following comments correspond one-to-one with the bulleted list of proposed policies intended to assist in the preparation of a realistic and attainable SCS:

- We strongly support partnership with local transportation and land use authorities, not just to prepare the SCS, but all throughout the process. The SCS should be consensus-based, with the regional agencies engaging local authorities in a spirit of true partnership, i.e. in a cooperative and collaborative manner.
- We support the use of Transportation for Livable Communities funds as an incentive, a reward, and to create models for others, especially in terms of enhanced accessibility to transit. We have eight priority development areas in west Contra Costa County – evidence of our commitment to transit-oriented developments and its supporting amenities.
- WCCTAC supports a cooperative funding arrangement between the regional agencies to advance the cross-cutting objectives of the program. We believe that this will lead to more robustly defined projects.
- WCCTAC supports priority consideration for projects that advance the SCS strategies in the programming and allocations of new funding. We believe that this will enhance the region's ability to meet the targets and provide an incentive to agencies to make the necessary paradigm shift. However, the policy should be clarified to indicate that this would apply only to new funding sources that have a clear nexus to the goals and objectives of SB 375.
- WCCTAC supports advocacy for early incentives and enabling legislation at the state level.
- The proposed policy, "Work with federal agencies to ensure that fiscal constraints and realism tests account for reasonable and probable changes in policy and financial capacity between plan initiation and the [Regional Transportation Plan] RTP horizon year," needs clarification. Who will decide what changes are reasonable and probable? What will be the criteria for making these decisions?
- The policy should not specify advocacy for a particular strategy, in this case road pricing, that may contribute to reducing vehicle miles of travel (VMT) and hence green house gases. There are specific applications of those strategies, such as high occupancy toll (HOT) lanes, which we do not believe contribute to an overall reduction in VMT and which may be associated with undesirable consequences in other significant policy areas such as transportation equity. The policy should be stated to be more general.

Comment on Policy 4, Achieving Consistency with Adjacent Regions. WCCTAC supports consultation and coordination with neighboring regions to facilitate consistency.

Comment on Policy 5, Synchronizing and Conforming the SCS and the RTP with the Regional Housing Needs Allocation (RHNA). WCCTAC supports efforts to integrate the SCS, RTP, and RHNA processes. In developing the proposed single and integrated cross-agency work program between MTC and ABAG, initiatives that go beyond the requirements of SB 375 should be widely vetted, especially if those initiatives could ultimately affect local authority and processes.

Comment on Policy 6, Providing CEQA [California Environmental Quality Act] Relief.
WCCTAC supports the proposed policies for clarifying eligibility for CEQA concessions and seeking additional CEQA relief for projects that advance the environmental objectives of the region. The JPC should also pursue additional statutory provisions that would reduce the probability of litigation against transit-oriented developments and supporting projects.

Comment on Policy 7, Aligning Regional Policies. WCCTAC supports review by the JPC of all regional agency policies affecting the location and intensity of development or the location and capacity of transportation infrastructure in the context of alignment with the emerging SCS. The policy should clarify that the JPC may provide comments on how to better align those policies with the SCS, but that the final decisions on those policies would lie with the regional agency that proposed the policy. The policy should also clarify that the JPC's purview in this context will extend only to policies and not individual projects.

Conclusion

We appreciate the JPC's efforts to craft a statement of policy for the implementation of SB 375 that is detailed, transparent, and inclusive. In summary, WCCTAC strongly supports the JPC's proposal to take the lead on climate protection through this effort. We look forward to the opportunity to partner with the JPC to develop the region's Sustainable Communities Strategy and ultimately deliver the promise of SB 375.

Please feel free to contact me or Christina Atienza of our staff at 510.215.3044 if you have any questions.

Sincerely,



Maria T. Viramontes
WCCTAC Chair

cc: Hon. Gayle Uilkema
Hon. Mark Ross
Hon. Amy Worth
Hon. Federal Glover
WCCTAC Board
CCTA Board



CONTRA COSTA
transportation
authority

March 18, 2009

COMMISSIONERS:

Maria Viramontes,
Chair

Robert Taylor,
Vice Chair

Janet Abelson

Newell Americh

Ed Balico

Susan Bonilla

David Durant

Federal Glover

Michael Kee

Mike Metcalf

Julie Pierce

Robert K. McCleary
Executive Director

3478 Buskirk Ave.
Suite 100

Pleasant Hill
CA 94523

PHONE:
925/256-4700

FAX:
925/256-4701

<http://www.ccta.net>

Ted Droettboom
Joint Policy Committee
P.O. Box 2050
101 Eighth Street
Oakland, CA 94604-2050

RE: Proposed Joint Policy Committee (JPC) Policies for Implementation of SB 375

Dear Mr. Droettboom:

Thank you for the opportunity to comment on the draft proposed JPC policies. The Authority supports cost-effective approaches to reducing greenhouse gas (GHG) emissions, consistent with the overall goal of SB 375. We are interested in working closely with MTC, ABAG and the JPC to identify and implement meaningful steps towards that goal.

Expanding the JPC Partnership

The Authority supports expanding the JPC's partnership to include the Bay Area's nine congestion management agencies (CMAs) and their constituent local jurisdictions in the preparation of the "sustainable communities strategy" (SCS) required under SB 375, and the regional transportation plan (RTP). The CMAs are best-positioned to effectively and realistically link transportation investment decisions with the land use decisions of their constituent cities and counties, particularly as the latter have sole authority over land use.

Proposed Changes to Specific Draft Policies

- **Policy 1, Seeking GHG emissions reduction targets that "provide significant challenges to current trends and habits", and may go beyond those set by the CARB.**

Revised Recommended Policy: The Bay Area regional agencies will seek factors, methodologies, and GHG emissions reductions targets from the Air Resources Board (ARB) that are feasible, reasonable and realistic.¹ MTC and ABAG will

¹ Having the ARB set a reasonable and realistic target for GHG emissions is critical to minimize the exposure to litigation against the SCS and the RTP. As revised by SB 375, Section 65080 (b)(2)(B)(vii) of the Government Code now requires each metropolitan planning organization (MPO; in the Bay Area, MTC

Ted Droettboom

March 18, 2009

Page 2

work in partnership with the CMAs and the cities, towns and counties of the Bay Area to seek the most effective approaches that could achieve reductions in GHG emissions well beyond ARB targets.²

Concerns with the JPC Draft Policy: We believe that the draft policy raises litigation and equity issues. If the region obtains aggressive targets from ARB that prove unattainable, litigation against MTC's RTP might well occur which could freeze project delivery for essential infrastructure, and could also lead to the redirection of funding away from projects and programs beneficial to and desired in a particular county. Specifically, in Contra Costa we believe that litigation could place Measure J projects at risk, once the "exemption period" in the statute ends.³

If, for example, our sales tax projects need federal funds, but (a) the GHG emission target is not met, and (b) the projects are deemed to be inconsistent with achieving the ARB target, then state and/or federal matching funds for accomplishing them could be prohibited by policy or litigation.⁴ Such an outcome would then block the Authority's ability to implement the vision approved by its voters as set forth in Measure J.

and ABAG have split responsibilities) to prepare an SCS that shall "set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks **to achieve, if there is a feasible way to do so**, the greenhouse gas emission reduction targets approved by the state board;" (*emphasis added*). This section is the primary potential source of future litigation, in our view, and why it is important to keep the formal targets reasonable and realistic.

² Such "expanded" targets should be explored through the evaluation of alternative land use and transportation investment strategies similar to the fully collaborative approach taken in the Sacramento region.

³ Footnote 11 in the JPC document (p. 6) is incorrect and needs to be revised. The exemption from the provisions of SB 375 only applies to projects programmed for funding on or before December 31, 2011. For local sales tax measures, only those projects specifically listed in a ballot measure prior to December 31, 2008 are exempt, and any state or federal funds necessary to complete them not programmed by that date would not be exempt. Proposition 1B bond projects and those contained in the 2007 or 2009 Federal Statewide Transportation Improvement Program are also exempt from the requirements of SB 375 if programmed for funding on or before December 31, 2011. Govt. Code Section 65080(b)(2)(K).

⁴ It would not be beneficial to repeat the region's experience with transportation control measure 2 (TCM 2), a forecast that Bay Area transit ridership would increase 15% from 1982 to 1987 – when in fact that 15% ridership increase had not been achieved even by 2007, 25 years later.

- **Policy 2, Modeling the Relationship between Transportation and Land Use.**

We support the policy as stated with three caveats: (1) the “integrated and transparent modeling system” for assessing transportation and land use policy choices could be accomplished without necessarily linking the two models mechanically; (2) development of model enhancements or an “integrated” model should not compromise the Bay Area’s implementation schedule and working relationship with the CMAs and local jurisdictions; and (3) the policy should be further framed as follows:

- At the end of the day, models are simply a tool to assist in our understanding of complex human choices, and their outcomes should be carefully assessed and tested against our knowledge and understanding of human behavior and the plans, expectations and constraints of local jurisdictions.⁵
- It is critically important for the modeling and analytical techniques to be applied in a way that conveys the assumptions made, the range of outcomes likely to result from varying those assumptions, and the sensitivity of the model to those variations.
- Models and analytical procedures must not only assess the prospective impact of varying transportation capacity on land use, but also consider other factors influencing the decisions that individuals and families make regarding where to live, work, shop and socialize, and how to get there. Such factors include the quality of schools, housing affordability, proximity to youth, sports or recreational activities, public safety, and other quality of life considerations that often may trump transportation considerations.

- **Policy 3, Preparing a Sustainable Communities Strategy (SCS) and an Alternative Planning Strategy (APS).**

Revised Recommended Policy: “The Bay Area regional agencies are committed to achieving the region’s GHG-reduction targets through the SCS and will prepare an APS only as a last resort. To assist in the preparation of a realistic and attainable SCS, the regional agencies will:”

- *Form a partnership with the CMAs and local land use jurisdictions to cooperatively prepare an SCS, beginning no later than the end of 2009;*
- *Work collaboratively through the CMAs to identify capital investments that are necessary for achieving or facilitating transit-oriented and*

⁵ For example, modeling and analysis suggested that the BART SFO/Milbrae extension would not require an operating subsidy. When those forecasts were not achieved, a major dispute resulted in whether BART or SAMTRANS would be responsible for defraying the several million dollars in operating subsidies required to sustain the services. In another example that was a precursor to today’s financial challenges, in the late 1990s the hedge fund Long Term Capital nearly brought down the banking system when its sophisticated mathematical trading models failed to anticipate the impact of defaults in Russian bonds.

“smart growth” developments where supported by local jurisdictions, identify funding needed to accomplish those projects, and support CMA development of funding packages for them.

- *Recognize that investments in transit-oriented and smart growth projects must be viewed in the context of other existing commitments and policies, including the provision of sufficient funding to address the most critical capital shortfall needs of local streets and roads and transit, and implementation of voter-approved state bond measures and local sales tax programs.*

Concerns with the JPC Draft Policy: We believe that the draft JPC proposal, with its emphasis on starting a new funding program oriented towards “incentivizing” “priority development areas”, could result in: (a) reducing funding available to accomplish the “Fix It First” policy, an existing regional commitment necessary to help address the unmet rehabilitation needs of local streets and roads and transit systems; (b) diverting funds away from accomplishing voter-approved initiatives to the new and, as yet, untested PDA program; (c) benefiting areas that “plan” to absorb new housing and transit-oriented development, as reflected in a desired growth scenario, while reducing the funding to those areas that have absorbed significant growth in the last 30 to 50 years. In that regard, Contra Costa has absorbed a much higher share of housing growth in the Bay Area over the past three decades than many areas in the urban core, and continues to need investment to meet the needs of its residents and employers. For example, increased job growth in east and west Contra Costa could be beneficial to reducing GHG emissions by reducing trip lengths of current residents.

We believe that working in partnership to develop funding packages that support beneficial growth would be more productive. Contra Costa has relatively dense, transit-oriented and/or mixed use developments emerging or planned in Antioch, Concord, El Cerrito, Hercules, Pittsburg, Pleasant Hill, Richmond, San Ramon, and Walnut Creek. The Authority has already invested millions of dollars to support some of these efforts, and plans further investments under our Measure J and STIP programs.

Finally, we believe that the JPC should not advocate for a specific policy such as road pricing without further analysis and collaboration. For example, it is not clear that HOT lanes are beneficial for reducing GHG emissions; they may, in fact, divert people out of carpools and vanpools, and have other negative impacts. Pricing can have a significant role to play in reducing GHG emissions, but issues of social equity and providing alternatives to the single occupant vehicle to sustain mobility in the face of increased pricing all need to be considered.

- **Policies 4 through 6.** The Authority has no concerns with these policies.
- **Policy 7, Vetting and evaluating all regional agency policies affecting the location and intensity of development or transportation infrastructure through the JPC.** We are concerned that this proposed policy could complicate

Ted Droettboom

March 18, 2009

Page 5

the preparation of both the SCS and the RTP. The policy implies that the JPC has a role in regional governance. In reality, the JPC has limited accountability to the local governments that appoint individuals to the JPC's constituent agencies. This policy should be revised to either (a) include representatives from each CMA or the JPC in order to broaden the policy discussions, or (b) focus the JPC's efforts on a discussion of key regional policies as a way to inform the individual agencies, or (c) be eliminated.

Conclusion

We appreciate the opportunity to comment on the JPC's proposed policies. If you have any questions, please contact Bob McCleary (925.256.4724) or Martin Engelmann (925.256.4729) of our staff.

Sincerely,



Maria T. Viramontes
Chair

c.c. Authority members; MTC Commissioners
Hon. Mark DeSaulnier
Hon. Tom Torlakson
Hon. Joan Buchanan
Hon. Nancy Skinner
Steve Heminger, MTC
Henry Gardner, ABAG

DRAFT

May 5, 2009

Mr. Ted Droettboom
Joint Policy Committee
P.O. Box 2050
101 Eight Street
Oakland, CA 94604-2050

Subject: *Proposed Joint Policy Committee (JPC) Policies for the Implementation of S.B. 375*

Dear Mr. Droettboom:

Contra Costa County appreciates the opportunity to review and comment on the proposed policies for implementation of Senate Bill (S.B.) 375 that were discussed at the March 20, 2009 meeting of the Joint Policy Committee. It is our understanding that this matter was held over and continued for further deliberation by the Joint Policy Committee (JPC) at their May 15, 2009 meeting.

While Contra Costa County supports the overall intent and purpose of the proposed S.B. 375 implementation policies, we also acknowledge that it will require the cooperation and good will of both local governments and regional agencies to successfully implement a program aimed at reducing greenhouse gases in the Bay Area. Therefore, Contra Costa County believes it is crucial that the greenhouse gas reduction targets be realistic and achievable, and that the process to determine the targets and goals be inclusive of those who will ultimately be responsible for their implementation, namely the counties, cities, and congestion management agencies from throughout the nine-county Bay Area region. With this perspective, please accept the following comments from Contra Costa County on the proposed S.B. 375 implementation policies:

1. Expand JPC Partnership to Include CMAs: It is noted that a number of the congestion management agencies (CMAs) from several counties, including our own Contra Costa Transportation Authority, have in earlier comments advocated expanding the JPC to specifically include the nine CMAs. Contra Costa County supports this request because in order to successfully implement S.B. 375, cities, towns, and counties will need the direct representation of their CMAs in the

DRAFT

- process. The CMAs are in a good position to effectively and realistically link transportation investment decisions of their constituent cities and counties to the actions being considered by the JPC in response to S.B. 375. The JPC would benefit by expanding its membership to include the direct participation of the CMAs.
2. Identify A Meaningful Process for Review and Input by Local Governments and the Public: It is noted that S.B. 375 spells out minimum requirements for local governments and the general public to provide input throughout the process of developing a Sustainable Communities Strategy (SCS). It would be our expectation that the JPC will be soon initiating preparation of a public participation plan for outreach to local governments and the public in the nine-county Bay Area region. The public participation plan should exceed the minimum requirements of S.B. 375 and should be presented to cities and counties for review and suggestions to ensure those individuals and organizations that have been involved in local land use issues are involved in the SCS process. It is particularly important that the draft SCS be presented in a manner that fully discloses potential conflicts with adopted general plans.
 3. Setting Realistic and Achievable Targets: Contra Costa County supports the vigorous implementation of S.B. 375 with the goal of achieving measurable and significant greenhouse gas reductions; however, we believe that setting realistic targets that are achievable is vital to the successful implementation of S.B. 375. The Contra Costa Transportation Authority, and several other CMAs, has earlier commented that setting unrealistic targets can potentially increase the risk of litigation if the Regional Transportation Plan goals are not achieved. We share the concern stated by the Contra Costa Transportation Authority (and for that matter other CMAs) that such litigation would negatively affect the ability to implement county-based transportation plans, many of which are based voter-approved transportation funding measures. It would be very unfortunate if the regional efforts aimed at reducing greenhouse gas emissions disregarded the plans and priorities already set by the CMAs, which represent years of consensus building at the local level.
 4. Development of the Sustainable Communities Strategy: It is our understanding that the SCS is intended as an enhanced land use element that will be developed within the Regional Transportation Plan, which will set forth a growth strategy for the region that strives towards achieving greenhouse gas emissions reductions, if it is feasible to do so, and help meet California's climate change goals. The SCS is not in any way intended to supersede a local general plan, local specific plan, or local zoning, nor is a local general plan, local specific plan, or local zoning required to be consistent with the SCS. With this understanding of what an SCS is intended to be, or not to be, we urge the JPC to consider the wide range policies and implementation programs that are already in place at the local level which when taken together will contribute to an overall reduction in greenhouse gas emissions for the Bay Area region. For example, here in Contra Costa County by

DRAFT

voter approval we have enacted an Urban Limit Line, to contain urban development within certain areas of the county; agricultural preservation measures, to preserve and protect valuable and resource rich agricultural lands; and, a transportation sales tax measure, to fund transportation investments that support and/or reinforce the growth patterns under approved General Plans. The point is that significant measures, many of which were approved by the voters, are already being implemented with goals and objectives that are parallel to, or supportive of, S.B. 375's goal of reducing the region's greenhouse emissions. The local measures and initiatives that already exist need to be recognized in the development of the SCS.

5. Rural Sustainability: S.B. 375 includes a rural sustainability provision that recognizes the rural contribution towards reducing greenhouse gas emissions. More specifically, it requires that financial incentives in the Regional Transportation Plan be considered for counties that have resource areas or farmland, for the purposes of, for example, transportation investments of the preservation and safety of a county road system, farm to market, and interconnectivity between regions. S.B. 375 also requires consideration of financial assistance to counties that discourage growth in rural areas. It is our hope and expectation that the JPC will prepare policies that will provide guidance to the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) in fulfilling this statute's provisions for rural sustainability.

In closing, thank you again for the opportunity to provide comment on the implementation of S.B. 375. Contra Costa County stands ready to cooperate and provide assistance we can in the implementation of S.B. 375 to the JPC and ABAG/MTC.

Sincerely,

Susan Bonilla
Chair, Board of Supervisors

CC: M. Viramontes, Chair, CCTA
R. McCleary, Executive Director, CCTA

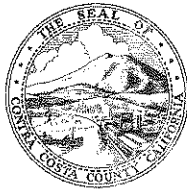
F:\Climate Change and Greehouse Emissions\BOS\tr\JPCSB375Implementation.doc

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553-1293

John Gioia, 1st District
Gayle B. Uilkema, 2nd District
Mary N. Piepho, 3rd District
Susan A. Bonilla, 4th District
Federal D. Glover, 5th District

Contra Costa County



John Cullen
Clerk of the Board
and
County Administrator
(925) 335-1900

May 5, 2009

Mr. Ted Droettboom
Joint Policy Committee
P.O. Box 2050
101 Eight Street
Oakland, CA 94604-2050

Subject: *Proposed Joint Policy Committee (JPC) Policies for the Implementation of S.B. 375*

Dear Mr. Droettboom:

Contra Costa County appreciates the opportunity to review and comment on the proposed policies for implementation of Senate Bill (S.B.) 375 that were discussed at the March 20, 2009 meeting of the Joint Policy Committee. It is our understanding that this matter was held over and continued for further deliberation by the Joint Policy Committee at their May 15, 2009 meeting.

While Contra Costa County supports the overall intent and purpose of the proposed S.B. 375 implementation policies, we also acknowledge that it will require the cooperation and good will of both local governments and regional agencies to successfully implement a program aimed at reducing greenhouse gases in the Bay Area. Therefore, Contra Costa County believes it is crucial that the greenhouse gas reduction targets be realistic and achievable, and that the process to determine the targets and goals be inclusive of those who will ultimately be responsible for their implementation, namely the counties, cities, and congestion management agencies from throughout the nine-county Bay Area region. With this perspective, please accept the following comments from Contra Costa County on the proposed S.B. 375 implementation policies:

1. Expand JPC Partnership to Include CMAs: It is noted that a number of the congestion management agencies (CMAs) from several counties, including our own Contra Costa Transportation Authority, have in earlier comments advocated expanding the JPC to specifically include the nine CMAs. Contra Costa County supports this request because in order to successfully implement S.B. 375, cities, towns, and counties will need the direct representation of their CMAs in the

process. The CMAs are in a good position to effectively and realistically link transportation investment decisions of their constituent cities and counties to the actions being considered by the JPC in response to S.B. 375. The JPC would benefit by expanding its membership to include the direct participation of the CMAs.

2. Identify A Meaningful Process for Review and Input by Local Governments and the Public: The JPC needs to spell out the process for how input from cities, towns, and counties, and transportation agencies, and the general public, will be obtained. It is noted that S.B. 375 spells out a significant role for local governments and the general public in providing input throughout the process. It would be our expectation that the JPC will be soon initiating a comprehensive program for outreach to the local governments in the nine-county Bay Area region. Here again, the CMAs can be most helpful in providing a forum for receiving meaningful input from local governments and the general public. Our own Contra Costa Transportation Authority would be ideally suited as the clearinghouse for information and forum for input from residents and elected officials in Contra Costa County.
3. Setting Realistic and Achievable Targets: Contra Costa County supports the vigorous implementation of S.B. 375 with the goal of achieving measurable and significant greenhouse gas reductions; however, we believe that setting realistic targets that are achievable is vital to the successful implementation of S.B. 375. The Contra Costa Transportation Authority, and several other CMAs, has earlier commented that setting unrealistic targets can potentially increase the risk of litigation if the Regional Transportation Plan goals are not achieved. We share the concern stated by the Contra Costa Transportation Authority (and for that matter other CMAs) that such litigation would negatively affect the ability to implement county-based transportation plans, many of which are based on voter-approved transportation funding measures. It would be very unfortunate if the regional efforts aimed at reducing greenhouse gas emissions disregarded the plans and priorities already set by the CMAs, which represent years of consensus building at the local level.
4. Development of the Sustainable Communities Strategy: It is our understanding that the Sustainable Communities Strategy (SCS) is intended as an enhanced land use element that will be developed within the Regional Transportation Plan which will set forth a growth strategy for the region that strives towards achieving greenhouse gas emissions reductions, if it is feasible to do so, and help meet California's climate change goals. The SCS is not in any way intended to supersede a local general plan, local specific plan, or local zoning, nor is a local general plan, local specific plan, or local zoning required to be consistent with the SCS. With this understanding of what an SCS is intended to be, or not to be, we urge the JPC to consider the wide range policies and implementation programs that are already in place at the local level which when taken together will contribute to an overall reduction in greenhouse gas emissions for the Bay Area

Mr. Droettboom

May 5, 2009

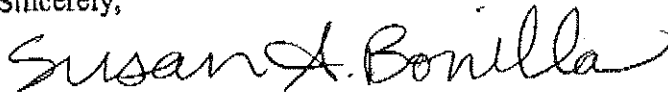
Page 3

region. For example, here in Contra Costa County by voter approval we have enacted an Urban Limit Line, to contain urban development within certain areas of the county; agricultural preservation measures, to preserve and protect valuable and resource rich agricultural lands; and, transportation sales tax measure to fund transportation investments that support and/or reinforce the growth patterns under approved General Plans. The point is that significant measures, many of which were approved by the voters, are already being implemented with goals and objectives that are parallel to, or supportive of, S.B. 375's goal of reducing the region's greenhouse emissions. The local measures and initiatives that already exist need to be recognized in the development of the SCS.

5. Rural Sustainability: S.B. 375 includes a rural sustainability provision that recognizes the rural contribution towards reducing greenhouse gas emissions. More specifically, it requires that financial incentives in the Regional Transportation Plan be considered for counties that have resource areas or farmland, for the purposes of, for example, transportation investments of the preservation and safety of a county road system, farm to market, and interconnectivity between regions. It is our hope and expectation that the JPC will include specific provisions for rural sustainability in the implementation of S.B. 375.

In closing, thank you again for the opportunity to provide comment on the implementation of S.B. 375. Contra Costa County stands ready to cooperate and provide any assistance we can in the implementation of S.B. 375 to the JPC and ABAG/MTC.

Sincerely,



Susan Bonilla
Chair, Board of Supervisors

CC: M. Viramontes, Chair, CCTA
R. McCleary, Executive Director, CCTA



Contra
Costa
County

To: Board of Supervisors
From: John Gioia, District I Supervisor
Date: May 5, 2009

Subject: Letter of support to Congressman George Miller, III to increase the amount of funding available for the Child Nutrition and WIC Reauthorization

RECOMMENDATION(S):

1. Accept the letter of support to Congressman George Miller, III to increase significantly the amount of funding available for the Child Nutrition and WIC (Special Supplemental Nutrition Program for Women, Infants, and Children)Reauthorization.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: 510-374-3231

cc:

RECOMMENDATION(S): (CONT'D)

- Authorize the Board Chair to sign the letter of support on behalf of the Contra Costa County Board of Supervisors.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The child nutrition programs are good public policy and have the potential to serve more low-income children in Contra Costa County. The program provides low-income children access to quality, nutritious meals and snacks while they are at school, at afterschool and summer programs, and at child care centers and homes.

The additional funding would improve the delivery of food to children, improve the adequacy of the reimbursements, and help to modernize technology and simplify program administration and operation.

ATTACHMENTS

Letter of Support to Miller

Dear Chairman Miller:

As your constituents, we want to thank you for your strong leadership on the child nutrition programs. We ask you to again champion these vital programs by working with others in Congress to increase significantly the amount of funding available for the Child Nutrition and WIC Reauthorization.

The child nutrition programs are miracles of good public policy, but they serve too few of the low-income children in your district and the nutrition quality of the food can be improved. Additional funding is needed: to ensure that more low-income children in your district and nationwide receive nutritious meals and snacks while they are at school, at afterschool and summer programs, and at child care centers and homes; to enhance the nutrition quality of the food and improve the adequacy of the reimbursements; and to modernize technology and simplify program administration and operation.

The Budget Resolution provides the opportunity to more adequately fund the child nutrition programs, even moving above President Obama's proposed \$1 billion per year increase to the programs. A large investment in these programs is required so that all low-income children, including those in your district, can access adequate, healthy food at every age and in every setting and puts us on a path toward the President's goal of ending childhood hunger by 2015.

We urge you to work with the House Leadership, the House Ways and Means Committee, and other key legislators to identify and secure additional funding for the reauthorization. And we will work with other local, state, and national organizations on securing additional funding for these important programs.

We appreciate your long commitment and leadership on the child nutrition programs, and we look forward to working with you and the Education and Labor Committee staff on a successful reauthorization.

Sincerely,

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553-4068

John Gola, District I
Gayle B. Ulkema, District II
Mary N. Piepho, District III
Susan A. Bonilla, District IV
Federal D. Glover, District V

Contra Costa County

David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900



May 5, 2009

Dear Chairman Miller:

As your constituents, we want to thank you for your strong leadership on the child nutrition programs. We ask you to again champion these vital programs by working with others in Congress to increase significantly the amount of funding available for the Child Nutrition and WIC Reauthorization.

The child nutrition programs are miracles of good public policy, but they serve too few of the low-income children in your district and the nutrition quality of the food can be improved. Additional funding is needed: to ensure that more low-income children in your district and nationwide receive nutritious meals and snacks while they are at school, at afterschool and summer programs, and at child care centers and homes; to enhance the nutrition quality of the food and improve the adequacy of the reimbursements; and to modernize technology and simplify program administration and operation.

The Budget Resolution provides the opportunity to more adequately fund the child nutrition programs, even moving above President Obama's proposed \$1 billion per year increase to the programs. A large investment in these programs is required so that all low-income children, including those in your district, can access adequate, healthy food at every age and in every setting and puts us on a path toward the President's goal of ending childhood hunger by 2015.

We urge you to work with the House Leadership, the House Ways and Means Committee, and other key legislators to identify and secure additional funding for the reauthorization. And we will work with other local, state, and national organizations on securing additional funding for these important programs.

We appreciate your long commitment and leadership on the child nutrition programs, and we look forward to working with you and the Education and Labor Committee staff on a successful reauthorization.

Sincerely,

A handwritten signature in cursive script that reads "Susan A. Bonilla".

Susan Bonilla
Chair, Board of Supervisors



Contra
Costa
County

To: Board of Supervisors
From: Ted Cwiek, Human Resources Director
Date: May 5, 2009

Subject: Reclass Network Technician II to Network Administrator I

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 20594 to reclassify a Network Technician II (LNVA), Position #9907 at salary level B85 1592 (\$5,168.21-\$6,281.99) and it's incumbent to Network Administrator I (LNSA) at salary level B85 1694 (\$5717.43 - \$6949.58).

FISCAL IMPACT:

Upon approval, this action will result in an annual cost of \$11,589 which is 100% funded by Enterprise Fund I.

BACKGROUND:

The Health Services Department requested to reclassify Position #9907 and its incumbent from Network Technician II to Network Administrator I. A classification study conducted by Human Resources concluded that the majority of the incumbent's job duties are at the higher level associated with the Network Administrator I classification. This action is pursuant to Personnel Management Regulations, Section 503 Promotion by Reclassification without Examination.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: T. Manor HS Personnel
957-5248

By: Celicia Nelson, Deputy

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If this request is not approved, the incumbent will continue to perform higher duties outside his current classification and will not be appropriately compensated.

ATTACHMENTS

P300 #20594

AUG 04 2008

POSITION ADJUSTMENT REQUEST



NO. 20594
DATE 8-4-08

Department Health Services/Finance

Department No./ Budget Unit No. 0540 Org No. 6555 Agency No. A-18

Action Requested
Reclassify Network Technician II position #9907 and incumbent

Med Svcs Info System
to Network Administrator I.

Proposed Effective Date: 10/1/2007

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No
Total One-Time Costs (non-salary) associated with request: \$ 0.00

Estimated total cost adjustment (salary / benefits / one time):
Total annual cost \$ 11,588.58 Net County Cost \$ 0.00
Total this FY \$ 8,691.14 N.C.C. this FY \$ 0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Budgeted for 07/08 - Enterprise Fund I

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Jerrina C. Manor
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Desk audit only. Approved
[Signature]
Deputy County Administrator

7/28/08
~~7/28/08~~
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS DATE Nov. 26, 2008

RECLASSIFY Network Technician II, ^(LNVA) Position #9907 and incumbent from salary level B85 1592 to Network Administrator I ^(LNSA) at salary level B85 1694.

NOV 26 4 15 PM '08
HUMAN RESOURCES DEPT

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____ (e)

(for) Director of Human Resources

COUNTY ADMINISTRATOR RECOMMENDATION

DATE _____

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:
Adjustment APPROVED DISAPPROVED

John Cullen, Clerk of the Board of Supervisors and County Administrator

DATE _____ BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:

RECEIVED
AUG 04 2008
OFFICE OF
COUNTY ADMINISTRATOR

POSITION ADJUSTMENT REQUEST



NO. 20594
DATE 8-4-08

Department Health Administration

Department No./
Budget Unit No. 0540

Org No. 6555

Agency No. A-18

Action Requested
Reclassify Network Technician II position #9907 and incumbent

to Network Administrator I.
Med Svcs Info System

Proposed Effective Date: 10/1/2007

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$ 0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost	\$	<u>11,588.58</u>	Net County Cost	\$	<u>0.00</u>
Total this FY	\$	<u>8,691.14</u>	N.C.C. this FY	\$	<u>0.00</u>

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Budgeted for 07/08 - Enterprise Fund I

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Jerrina L. Manor
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Desk audit only. Approved
[Signature]
Deputy County Administrator

7/28/08
~~7/28/08~~
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE Nov. 26, 2008

(LNVA)
RECLASSIFY Network Technician II, Position #9907 and incumbent from salary level B85 1592 to Network Administrator I (LNSA) at salary level B85 1694.

NO. 20594 COUNTY HUMAN RESOURCES DEPT
7/28/08 PM 4:15

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____ (e)

(for) Director of Human Resources

COUNTY ADMINISTRATOR RECOMMENDATION

DATE _____

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:
Adjustment APPROVED DISAPPROVED

John Cullen, Clerk of the Board of Supervisors and County Administrator

DATE May 5, 2009

BY *[Signature]*

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:



Contra
Costa
County

To: Board of Supervisors
From: Joe Valentine, Employment & Human Services Director
Date: May 5, 2009

Subject: 2008-09 Weatherization Contract Amendment One

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute an amendment to the contract with California Department of Community Services and Development to implement new requirements and guidelines for weatherization and low-income home energy assistance program services with no change to the payment limit of \$123,050 or term July 1, 2008 through June 30, 2009.

FISCAL IMPACT:

None / No County match
100% State funds

BACKGROUND:

On October 7, 2008, the Board approved receipt of funds from State of California Department of Community Services and Development for County operation of Weatherization and Low-Income Home Energy Assistance Program (LIHEAP).

The purpose of this amendment is to reconcile labor and measure rate reimbursement and increase income eligibility guidelines

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: Celicia Nelson, Deputy

Contact: C. Youngblood,
313-1712

BACKGROUND: (CONT'D)

to be consistent with the 2009 LIHEAP program as well as to implement new requirements for client education and information security as mandated by federal or state law. The effective date of this amendment is retroactive to January 1, 2009. The Department received notification of this amendment on April 21, 2009.

08C-1706 / 39-805-3

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Application #28-803 with Department of Health and Human Services (DHHS), SAMHSA

RECOMMENDATION(S):

Approve and Authorize the Health Services Director, or his designee (Wendel Brunner, M.D.), to execute and transmit as follows:

1. An application #28-803, along with the necessary certification and assurances to the Department of Health and Human Services (SAMHSA) Center for Substance Abuse Treatment, Target Capacity Expansion grants for Local Recovery-Oriented systems of Care funding to support Project Recovery; and
2. Authorize the Health Services Director, or his designee (Wendel Brunner, M.D.), to accept, if awarded, up to \$400,000 each year in SAMHSA funding, and if awarded, enter into a contract with (DHHS) SAMHSA to perform all responsibilities in relationship to receipt of the funding and contracted provisions for fiscal years 2009-2012.

FISCAL IMPACT:

Approval of this application will allow funding in an amount not to exceed up to \$400,000 per year from the DHHS. No matching funds required and no County funds required.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

A YE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Wendel Brunner, M.D. 313-6712
By: Celicia Nelson, Deputy

BACKGROUND:

Project Recovery is designed to expand Contra Costa County's capacity to address the co-occurring substance abuse and mental health treatment needs of its homeless. Focused in Central County, Project Recovery will significantly increase access to substance abuse programs and mental health treatment and services for individuals and families accessing the Concord Interim Housing Program that will be collocated with the respite interim housing and health clinic, and multi-service center. Additionally, individuals will be provided expanded intensive case management, peer support, and housing search assistance.

Three sealed and certified copies of the Board should be returned to the Contracts and Grants Unit.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Contract with Public Health Foundation Enterprises, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Wendel Brunner, M.D.), to execute, on behalf of the County, Contract #28-706-6 with Public Health Foundation Enterprises, Inc. to pay the County an amount not to exceed \$15,283, for the Centers for Disease Control and Prevention's (CDC) Emerging Infections Program - Retail Foods Project, for the period from December 30, 2008 through December 29, 2009. In accordance with the terms of the Agreement, County agrees to indemnify and hold harmless Contractor from and against any and all liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Agreement.

FISCAL IMPACT:

This Contract is funded 100% by a CDC cooperative agreement for the Emerging Infections Program through the Public Health Foundation Enterprises, Inc. No County cost is included.

BACKGROUND:

The national Antimicrobial Resistance Monitoring System (NARMS) for Enteric

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

A YE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Wendel Brunner, M.D. 313-6712
By: Celicia Nelson, Deputy

BACKGROUND: (CONT'D)

Bacteria was established in 1996 to monitor resistance, specifically, Salmonella and other enteric bacteria. The 17 participating state health departments forward every tenth human Salmonella isolate to CDC for antimicrobial susceptibility testing. CDC is requesting that additional Emerging Infections Program (EIP) sites participate in the study of foodborne bacteria this is not uncommon and often is associated with the use of antimicrobial agents in food animals, especially in retail food. This study will assist in generating a database that may be utilized to augment the development of intervention programs to stem the high prevalence of antimicrobial resistance in the meal and poultry food supply. The goal of the study is to determine the prevalence of antimicrobial resistance among Salmonella and Campylobacter, E.coli and enterococci isolated from a convenience sample of chicken, ground turkey, ground beef and pork chops purchased from selected grocery stores in the catchment area of the California EIP FoodNet site. This will include samples collected from Contra Costa, Alameda and San Francisco County retail grocery stores.

Approval of Contract #28-706-6 will allow Public Health Foundation Enterprises, Inc. to pay the County on a fee for service basis for laboratory microbiological testing services, including, but not limited to, personnel time, supplies, and food samples utilized in the testing, through December 29, 2009.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Contract #23-453 with Planned Parenthood

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (William Walker, MD) to execute on behalf of the County, Contract #23-453 with Planned Parenthood, a non-profit corporation, in an amount not to exceed \$300,000, to provide primary medical care services for low income uninsured residents of Contra Costa County, for the period from May 1, 2009 through April 30, 2010.

FISCAL IMPACT:

This Contract is funded 100% County's General Fund Reserves.

BACKGROUND:

On April 21, 2009, the Board of Supervisors approved modifications to the County's Basic Health Care (BHC) program. The Board also approved \$1.5 million in County reserve funds to be used for a contract with the community clinics including Brookside Community Health Center, La Clinica de la Raza, and Planned Parenthood. This will allow the community clinics to provide these primary medical care services to residents affected by the change in the County's

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

Contact: William Walker, M.D.,
957-5403

By: Celicia Nelson, Deputy

BACKGROUND: (CONT'D)

BHC Program.

Under this Contract #23-453, Planned Parenthood will provide primary medical care services to low income uninsured residents of Contra Costa County, through April 30, 2010.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Contract #23-312-5 with La Clinica de la Raza, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (William Walker, MD) to execute on behalf of the County, Contract #23-312-5 with La Clinica de la Raza, Inc., a non-profit corporation, in an amount not to exceed \$900,000, to provide primary medical care services for low income uninsured residents of Contra Costa County, for the period from May 1, 2009 through April 30, 2010.

FISCAL IMPACT:

This Contract is funded 100% County's General Fund Reserves.

BACKGROUND:

On April 21, 2009, the Board of Supervisors approved modifications to the County's Basic Health Care (BHC) program. The Board also approved \$1.5 million in County reserve funds to be used for a contract with the community clinics including Brookside Community Health Center, La Clinica de la Raza, and Planned Parenthood. This will allow the community clinics to provide these primary medical care services to residents affected by the change in the County's

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: William Walker, M.D., 957-5403
By: Celicia Nelson, Deputy

BACKGROUND: (CONT'D)

BHC Program.

Under this Contract #23-312-5, La Clinica de la Raza, Inc. will provide primary medical care services to low income uninsured residents of Contra Costa County, through April 30, 2010.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Contract #23-313-5 with Brookside Community Health Center, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (William Walker, MD) to execute on behalf of the County, Contract #23-313-5 with Brookside Community Health Center, Inc., a non-profit corporation, in an amount not to exceed \$300,000, to provide primary medical care services for low income uninsured residents of Contra Costa County, for the period from May 1, 2009 through April 30, 2010.

FISCAL IMPACT:

This Contract is funded 100% County's General Fund Reserves.

BACKGROUND:

On April 21, 2009, the Board of Supervisors approved modifications to the County's Basic Health Care (BHC) program. The Board also approved \$1.5 million in County reserve funds to be used for a contract with the community clinics including Brookside Community Health Center, La Clinica de la Raza, and Planned Parenthood. This will allow the community clinics to provide these primary medical care services to residents affected by the change in the County's

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

Contact: William Walker, M.D.,
957-5403

By: Celicia Nelson, Deputy

BACKGROUND: (CONT'D)

BHC Program.

Under this Contract #23-313-5, Brookside Community Health Center, Inc. will provide primary medical care services to low income uninsured residents of Contra Costa County, through April 30, 2010.



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: May 5, 2009

Subject: Approve Contract Amendment with Blankinship and Associates, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Blankinship and Associates, Inc. (Blankinship), effective April 1, 2009, to extend the term from April 1, 2009, to March 1, 2010, and to increase the payment limit by \$125,000 from \$707,000 to a new payment limit of \$832,000 for the Aquatic Pesticide National Pollutant Discharge Elimination System Regional Monitoring Project, Countywide.

FISCAL IMPACT:

All 5 JEPA partners equally share in the costs. County's share comes from Stormwater Utility Assessment funds.

BACKGROUND:

On March 12, 2001, the Ninth Circuit court issued an opinion in the so called Talent case (Headwaters, Inc. v. Talent Irrigation District 99th Cir. 2001 243 F 3d 526) establishing a requirement for an NPDES permit to apply pesticides to waters of the United States. Prior to this decision, many agencies including the County and the Contra Costa County Flood Control and Water Conservation District (District) applied chemical herbicides to control vegetation in drainage

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Greg Connaughton, (925) 313-2271
By: Celicia Nelson, Deputy

cc:

BACKGROUND: (CONT'D)

channels in accordance with the registration and labeling requirements pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) of 1947.

Subsequent to the Talent decision, the State Water Resources Control Board (SWRCB) approved an emergency General NPDES Permit #CAG990003, to allow the application of aquatic herbicides by public agencies. The emergency permit required the development of a draft water quality monitoring, testing and reporting plan (Plan), to be submitted to the SWRCB for approval by March 1, 2002, and implementation of the Plan in conjunction with herbicide applications by July 1, 2002. In response, the County executed a contract with Blankinship & Associates, Inc. in the amount of \$44,000, effective May 20, 2002, to assist with development of a suitable Plan. Amendment #1 to the Blankinship contract was approved on December 10, 2002, at an increased cost of \$13,000, adding the preparation of an annual report for submittal to the SWRCB.

Concurrently with these developments, the County was in discussion with Alameda County, Alameda County Flood Control and Water Conservation District—Zone 7, and the cities of Antioch and Concord regarding the creation of a Joint Exercise Powers of Agreement (JEPA) to implement a regional monitoring, testing and reporting plan—an option allowed in Permit #CAG90003. Amendment #2 to the Blankinship agreement was approved, effective March 4, 2003, to implement a regional Plan—the East Bay Regional Pesticide Monitoring Program, to extend testing, monitoring and reporting services to the prospective JEPA partners. In accordance the understanding with the JEPA partners, Contra Costa County Public Works Department (Contra Costa County), Contra Costa Flood Control and Water Conservation District, Alameda County Public Works Agency, Alameda County Flood Control District, Zone 7, City of Antioch and the City of Concord, amendment #2 increased the payment limit to \$120,000. A JEPA was executed by the five agencies and approved by the County Board of Supervisors on June 3, 2003 and provided for costs to be shared equally by the JEPA partners. Amendment #3 to the Blankinship agreement was approved, effective February 1, 2004 to extend the term to January 31, 2005; and Amendment #4, effective March 23, 2004 increased the payment limit to \$216,000.

On May 20, 2004, the SWRCB approved Statewide General NPDES Permit #CAG990005 formalizing the requirements for the application of aquatic herbicides for a five year period, and replacing the former emergency permit. Permit #CAG990005 made a fundamental change in requiring specific testing, monitoring and reporting programs for each public agency. Amendment #5 was approved, effective November 30, 2004, with an increase in the payment limit of \$49,000 to prepare individual plans for each JEPA partner. A new JEPA among the five public agencies was approved by the County Board on December 14, 2004.

The Blankinship agreement was amended at the request of the JEPA partners, effective February 1, 2005, to extend services for a two year period (Amendment #6, total payment limit: \$487,000); and again, effective April 1, 2007, for another two year extension (Amendment #7, total payment limit: \$707,000).

The JEPA partners met on March 17, 2009 to discuss the upcoming vegetation management season and the development of a new NPDES permit by the SWRCB (a new permit is developed every five years). It is clear that the testing and reporting this season will occur while the new NPDES permit is under development. Therefore, the JEPA partners have again requested the County extend its contract with Blankinship & Associates, Inc. through March 1, 2010 to provide consistent services in this interim period. The NPDES permit requires testing before, during and after herbicide applications and submittal of a report regarding those applications is due by March 15th of the following year. The cost of the extended services is expected to be \$125,000 which will be shared equally by all JEPA partners.

The JEPA partners requested the County secure consulting services to support aquatic herbicide applications under the new NPDES permit. The partners also recognize the County's need to conduct a new solicitation and selection process for these consulting services and have expressed a desire to assist with the selection process to have the next consulting services contract in place before March 2010.

CONSEQUENCE OF NEGATIVE ACTION:

If the contract amendment is not approved with Blankinship, the County Public Works Department, the Contra Costa County Flood Control and Water Conservation District, and the JEPA partners will not be in compliance with the General NPDES Permit for Discharge of Aquatic Pesticides in Waters of the United States. This could result in enforcement action and fines of up to \$15,000 per day per violation.

ATTACHMENTS

Blankinship CSA Amendment # 8

**CONSULTING SERVICES AGREEMENT
AMENDMENT AGREEMENT# 8**

Number 4810600 Fund/Org# 7517 Account # 6W7241 Other # _____

1. **Identification of Contract to be Amended.**
Vendor Number: 02788
 Consulting Services Agreement with Blankinship & Associates, Inc.
Effective Date: May 20, 2002
Department: Public Works Department
Subject: Aquatic Pesticide NPDES/JEPA Monitoring Project
Payment Limit (s): \$ 707,000
2. **Parties.** The County of Contra Costa, California (County), for its Department named above, and the following named Consultant mutually agree and promise as follows:
Consultant Name: Blankinship & Associates, Inc.
Capacity: Corporation
Address: 322 C Street
Davis, CA 95616
3. **Amendment Date.** The effective date of this Contract Amendment/Extension Agreement is April 1, 2009
4. **Amendment Specifications.** The Contract identified above is hereby amended as follows:
 1. Extension of Term
 2. Payment limit Increase
 All other terms in the Consulting Services Agreement entered into on May 20, 2002 between the County and the Consultant shall remain in full force and effect.
5. **Extension of Term.** The term of the above-described Contract between the parties hereto is hereby extended from April 1, 2009 to March 1, 2010, unless sooner terminated as provided in said contract.
6. **Amendment Payment Limit.** Increase the payment limit by \$ 125,000 from \$ 707,000 to the new total payment limit of \$ 832,000.
7. **Signatures.** These signatures attest the parties' agreement hereto:

COUNTY OF CONTRA COSTA, CALIFORNIA

<p align="center"><u>BOARD OF SUPERVISORS</u></p> By: _____ Chairman / Designee	ATTEST: Clerk of the Board of Supervisors By: _____ Deputy
<u>CONSULTANT</u>	
Name of Business entity: _____ (A) By _____ (Signature of individual or officer) _____ (print name and title)	Name of Business entity: _____ (B) By _____ (Signature of individual or officer) _____ (print name and title , if applicable)

Note to Contractor: For corporations (profit or nonprofit), the contract must be signed by two officers. Signature A must be that of the president or vice president and Signature B must be that of the secretary or assistant secretary (Civil Code Section 1190 and Corporations Code Section 313).



Contra
Costa
County

To: Board of Supervisors
From: Joe Valentine, Employment & Human Services Director
Date: May 5, 2009

Subject: Intensive Family Preservation

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with FamiliesFirst in an amount not to exceed \$530,724 to provide Family Preservation and Differential Response Program services for the period July 1, 2009 through June 30, 2010.

FISCAL IMPACT:

\$530,724: 26% Federal Promoting Safe and Stable Families (93.556); 74% State Family Preservation (30% County: 70% State)

BACKGROUND:

FamiliesFirst, Inc. was selected from a competitive procurement, Request for Proposal (RFP) #1076, to operate an Intensive Family Preservation Program designed to provide intensive, individualized, in-home family preservation intervention with a potential for individualized time limited aftercare to assist families who are at risk of entering the Child Welfare System. This contract also has a Differential Response service component. Through this contract, supportive and preventive services are provided to at risk families to ensure that children are safe, and prevents,

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Celicia Nelson, Deputy

Contact: 925.313.1648

cc: Rhonda Smith, Earl Maciel

BACKGROUND: (CONT'D)

when possible, out-of-home placements.

21-388-17

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

This contract supports All of the community outcomes established in the Children's Report Card: 1) "Children Ready for and Succeeding in School"; 2) "Children and Youth Healthy and Preparing for Productive Adulthood"; 3) "Families that are Economically Self Sufficient"; 4) "Families that are Safe, Stable and Nurturing"; and 5) "Communities that are Safe and Provide a High Quality of Life for Children and Families," by providing services to help families in danger of entering the child welfare system.



Contra
Costa
County

To: Contra Costa County Fire Protection District Board of Directors
From: Keith Richter, Chief, Contra Costa County Fire Protection District
Date: May 5, 2009

Subject: Contract Amendment/Extension Agreement

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Fire Chief or designee, Contra Costa County Fire Protection District, to execute a Contract Amendment/Extension Agreement with Christopher C. Suter to continue to provide services as the District's Telecommunications Manager. The payment limit is increased by \$95,000 from \$75,200 to a new total of \$170,200 and the term is extended from June 30 to December 31, 2009.

FISCAL IMPACT:

The payment limit is increased \$95,000 from \$75,200 to a total of \$170,200 and is incorporated in the Contra Costa County Fire Protection District's FY 2008-09 and FY 2009-10 budgets.

BACKGROUND:

Due to a resignation in the Summer of 2008, Mr. Suter has been serving as the Contra Costa County Fire Protection District's contractual Telecommunications Manager since July 21, 2008. This is a key management position as the Telecommunications Manager oversees and manages the operation of our Communications Center and provides other radio/communications technical expertise.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: Celicia Nelson, Deputy

Contact: Mike George, 941-3311

cc:

BACKGROUND: (CONT'D)

Our Communications Center represents a critical component in our ability to provide around-the clock emergency services as it dispatches our crews and those of five (5) other fire agencies on contract to fires, medical calls, rescues and other emergencies.

We have submitted a request to the County Human Resources Department to open a recruitment to fill our vacant Telecommunications Manager position. Once the administration of this examination is completed and a person has been hired off the resulting employment list, Mr. Suter's services will no longer be needed.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Contract #22-852-6 with Greater Richmond Inter-faith Program

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Wendel Brunner, M.D.), to execute on behalf of the County, Contract #22-852-6 with Greater Richmond Inter-faith Program, a non-profit corporation, in an amount not to exceed \$187,885, to provide consultation and technical assistance for the Asthma Project-Community Advocate Stipends, for the period from March 1, 2009 through February 28, 2010.

FISCAL IMPACT:

This Contract is funded by 65% Network for Healthy California, 1% California Endowment, 27% State Lead/Concord HUD and 7% Kaiser & Los Medanos New Kids grants.

BACKGROUND:

On November 1, 2005, the Board of Supervisors approved Contract #22-852-3 (as amended by Contract Amendment Agreement #22-852-4 and Contract Amendment Extension Agreement #22-852-5) with Greater Richmond Inter-faith Program, for the period from September 1, 2005 through February 28, 2009, to act as the fiscal agent for the Asthma Project-Community Advocate Stipends. Approval of Contract #22-852-6 will allow the Contractor to continue providing services through February 28, 2010.

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

Contact: Wendel Brunner, M.D.
313-6712

By: Celia Nelson, Deputy



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Cancellation Agreement #26-938-10 and Contract #26-938-11 with David H.C. Raphael, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee Jeff Smith, M.D., to execute on behalf of the County as follows:

1. Cancellation Agreement #26 938-10 with David H.C. Raphael, M.D., (Specialty: General Surgery), a self-employed individual, effective on the close of business on May 31, 2009; and
2. Contract #26-938-11 with David H.C. Raphael, M.D., (Specialty: General Surgery), a self-employed individual, in an amount not to exceed \$748,000, for the provision of professional general surgery services for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from June 1, 2009 through May 31, 2011.

FISCAL IMPACT:

This Contract is funded by Enterprise I Budget. Cost to the County depends upon utilization. As appropriate, patients and/or third party payors will be billed for services.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE:
- John Gioia, District I Supervisor
 - Gayle B. Uilkema, District II Supervisor
 - Mary N. Piepho, District III Supervisor
 - Susan A. Bonilla, 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: May 5, 2009

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

By: Celicia Nelson, Deputy

Contact: Jeff Smith, M.D.,
370-5113

BACKGROUND:

On September 16, 2008, the Board of Supervisors approved Contract #26-938-9 with David H.C. Raphael, M.D., to provide General Surgery services including consultation, training, on-call, medical and/or surgical procedures, and clinic coverage, for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from September 1, 2008 through August 31, 2011.

In consideration of Contractor's agreement to continue providing services, both parties have agreed to re-negotiate payment terms. This will allow the Contractor continue to be paid at the current rate and remove any previously negotiated increases for fiscal years 2009/2010 and 2010/2011. The Department and the Contractor have mutually agreed to renegotiate the Contract Payment Provisions and the term to reflect the intent of the parties. Therefore, in accordance with Special Conditions, Paragraph 2. (Modification to Termination and Cancellation) of the Contract, the Department and Contractor have agreed to a mutual cancellation of Contract #26-938-9. Approval of Cancellation Agreement #26-938-10 will accomplish this termination.

Under Contract #26-938-11, Contractor will provide professional General Surgery services, including, consultation, clinic coverage, training, on-call services, and medical and/or surgical procedures, through May 31, 2011.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Contract #76-519-2 with Steven A. Harrison, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, (Jeff Smith, M.D.), to execute on behalf of the County, Contract #76 519-2 with Steven A. Harrison, M.D., (Medical Specialty: Ophthalmology), a professional corporation, in an amount not to exceed \$277,000, for the provision of professional Ophthalmology services to patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from May 1, 2009 through April 30, 2010.

FISCAL IMPACT:

This Contract is funded by Enterprise Fund I. Cost to the County depends upon utilization. As appropriate, patients and/or third party payors will be billed for services.

BACKGROUND:

For a number of years the County has contracted with Medical and Dental Specialists to provide specialized professional services which are not otherwise available in its hospital and clinics.

On April 6,

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: Celicia Nelson, Deputy

Contact: Jeff Smith, M.D.,
370-5113

BACKGROUND: (CONT'D)

2006, the Board of Supervisors approved Contract #76-519-1 with Steven A. Harrison, M.D., for the period May 1, 2006 through April 30, 2009, to provide ophthalmology services for patients at Contra Costa Regional Medical Center including, but not limited to, consultation, medical procedures, on-call and clinical coverage.

Approval of Contract #76-519-2 will allow the Contractor to continue to provide ophthalmology services to patients at Contra Costa Regional Medical Center and Contra Costa Health Centers including, but not limited to, consultation, medical procedures, on-call and clinical coverage, through April 30, 2010.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Cancellation Agreement #76-524-5 and Contract #76-524-6 with Samir B. Shah, M.D., Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee Jeff Smith, M.D., to execute on behalf of the County as follows:

1. Cancellation Agreement #76 524-5 with Samir B. Shah, M.D., Inc. (Specialty: Ophthalmology), a self-employed individual, effective on the close of business on May 31, 2009; and
2. Contract #76-524-6 with Samir B. Shah, M.D., Inc. (Specialty: Ophthalmology), a self-employed individual, in an amount not to exceed \$453,000, for the provision of professional Ophthalmology services for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from June 1, 2009 through May 31, 2010.

FISCAL IMPACT:

This Contract is funded by Enterprise I Budget. Cost to the County depends upon utilization. As appropriate, patients and/or third party payors will be billed for services.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: Celicia Nelson, Deputy

Contact: Jeff Smith, M.D.,
370-5113

BACKGROUND:

On August 19, 2008, the Board of Supervisors approved Contract #76-524-4 with Samir B. Shah, M.D., Inc., to provide Ophthalmology services including consultation, clinic coverage, training, on-call services, medical and/or surgical procedures, for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from August 1, 2008 through July 31, 2011.

In consideration of Contractor's agreement to continue providing services, both parties have agreed to re-negotiate payment terms. This will allow the Contractor continue to be paid at the current rate and remove any previously negotiated increases for fiscal years 2009/2010 and 2010/2011. The Department and the Contractor have mutually agreed to renegotiate the Contract Payment Provisions and the term to reflect the intent of the parties. Therefore, in accordance with Special Conditions, Paragraph 2. (Modification to Termination and Cancellation) of the Contract, the Department and Contractor have agreed to a mutual cancellation of Contract #76-524-4. Approval of Cancellation Agreement #76-524-5 will accomplish this termination.

Under Contract #76-524-6, Contractor will provide professional Ophthalmology services, including, consultation, clinic coverage, training, on-call services, and medical and/or surgical procedures, through May 31, 2010.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Cancellation Agreement #26-969-7 and Contract #26-969-8 with Gupta Etwaru, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee Jeff Smith, M.D., to execute on behalf of the County as follows:

1. Cancellation Agreement #26 969-7 with Gupta Etwaru, M.D., (Specialty: Ophthalmology), a self-employed individual, effective on the close of business on May 31, 2009; and
2. Contract #26-969-8 with Gupta Etwaru, M.D., (Specialty: Ophthalmology), a self-employed individual, in an amount not to exceed \$416,000, for the provision of professional Ophthalmology services for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from June 1, 2009 through May 31, 2010.

FISCAL IMPACT:

This Contract is funded by Enterprise I Budget. Cost to the County depends upon utilization. As appropriate, patients and/or third party payors will be billed for services.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE:
- John Gioia, District I Supervisor
 - Gayle B. Uilkema, District II Supervisor
 - Mary N. Piepho, District III Supervisor
 - Susan A. Bonilla, 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: May 5, 2009

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

By: Celicia Nelson, Deputy

Contact: Jeff Smith, M.D.,
370-5113

BACKGROUND:

On September 18, 2007, the Board of Supervisors approved Contract #26-969-6 with Gupta Etwaru, M.D., to provide Ophthalmology services including consultation, training, on-call, medical and/or surgical procedures, and clinic coverage, for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from June 1, 2007 through May 31, 2010.

In consideration of Contractor's agreement to continue providing services, both parties have agreed to re-negotiate payment terms. This will allow the Contractor continue to be paid at the current rate and remove any previously negotiated increases for fiscal year 2009/2010. The Department and the Contractor have mutually agreed to renegotiate the Contract Payment Provisions and the term to reflect the intent of the parties. Therefore, in accordance with Special Conditions, Paragraph 2. (Modification to Termination and Cancellation) of the Contract, the Department and Contractor have agreed to a mutual cancellation of Contract #26-969-6. Approval of Cancellation Agreement #26-969-7 will accomplish this termination.

Under Contract #26-969-8, Contractor will provide professional Ophthalmology services, including, consultation, clinic coverage, training, on-call services, and medical and/or surgical procedures, through May 31, 2010.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Contract #23-448 with Garda CL West, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Pat Godley) to execute on behalf of the County, Contract #23-448 with Garda CL West, Inc., a corporation, in an amount not to exceed \$62,928, to provide armored transport services to Contra Costa Health Services Department, for the period from February 1, 2009 through January 31, 2012.

FISCAL IMPACT:

This Contract is funded 100% by Enterprise Fund I.

BACKGROUND:

These armored services were formerly provided by Loomis Fargo & Company under a countywide blanket purchase order until January 31, 2009. Through a lengthy bid process, the County Purchasing Services Manager was able to execute a successful bid #0710-003 with Garda CL West, Inc.

Under Contract #23-448, Garda CL West, Inc will provide armored transport services to the County's Health Services

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Celicia Nelson, Deputy

Contact: Pat Godley 957-5410

BACKGROUND: (CONT'D)

Department including services to cover transporting cash, currencies, and other valuables to the designated depository, through January 31, 2012.

During Contract negotiations, as one of the conditions, the Contractor and the Purchasing Services Manager, on behalf of the County has modified the standard indemnification clause language. "To the extent" has been added in regards to the Contractor's liability for negligence or willful misconduct, which is significant. The County would have to prove, in court, the percentage of liability attributed to the Contractor. The Contractor and the Purchasing Services Manager has also agreed to modify several General Conditions paragraphs, such as: 1) The "Termination and Cancellation" paragraph 5, subparagraph a. "Written Notice", and subparagraph b., "Failure to Perform" with deletion the thirty-day advance written notice, including subparagraph c. " Cessation of Funding; 2) The "Modification Notice Requirement" paragraph 20, "Notices" to include a ninety (90) day written notice in the event of a loss after a loss is discovered and the County shall report to Contractor within thirty (30) calendar days after giving written notice of claim of loss or damage: and 3) The addition of two (2) new paragraphs e, "Unforeseen Warlike Events" and f. the provision of Contractor to provide the Department site liability coverage up to \$100,000 per shipment at no charge.

This board order is to inform the Board of Supervisors that this service contract #23-448 requires the Board's approval because of a deviation from the standard County Indemnification Clause and the General Conditions.



To: Board of Supervisors
From: Michael J. Lango, General Services Director
Date: May 5, 2009

Subject: Approve and Authorize a Temporary Permit with the City of Hercules to Access and Use Property at Turquoise Ridge to Install Communications Equipment

RECOMMENDATION(S):

1. APPROVE a no fee Temporary Permit to Enter and Use Property, commencing May 5, 2009, with the City of Hercules to access the communications site and vault at Turquoise Ridge, Hercules, for the Department of Information Technology, under the terms and conditions set forth in the Temporary Permit.
- 2.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: Celicia Nelson, Deputy

Contact: Mike Lango (925)
313-7100

RECOMMENDATION(S): (CONT'D)

AUTHORIZE the Director of General Services, or designee, to EXECUTE the Temporary Permit.

- DETERMINE that the project is a Class 1, Section 15061(b)(3) Categorical Exemption under the California Environmental Quality Act (CEQA). CP # 09-24
- DIRECT the Department of Conservation and Development Director, or designee, to file a Notice of Exemption with the County Clerk, and DIRECT the Director of General Services, or designee, to arrange for the payment for the handling fees to the Department of Conservation and Development and County Clerk for filing of the Notice of Exemption.

FISCAL IMPACT:

The Temporary Permit will allow access to the communications site and vault at no cost to the County.

BACKGROUND:

The Temporary Permit will allow access to the City of Hercules' communications site and vault by the Department of Information Technology to install new radio communications equipment, antennas, and microwave dishes that are part of the East Bay Regional Communications System (EBRCS). An agreement for long term use of the communications site and vault will be negotiated separately with the City of Hercules.

CONSEQUENCE OF NEGATIVE ACTION:

The County will have to search for another suitable location for this EBRCS communications equipment at a considerable loss of time and additional expense.



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: May 5, 2009

Subject: 2008 ANNUAL REPORT FROM BOARD ADVISORY BODY

RECOMMENDATION(S):

ACCEPT 2008 Annual Report submitted by the County Service Area R-7A Advisory Committee.

FISCAL IMPACT:

None.

BACKGROUND:

On June 18, 2002, the Board of Supervisors adopted Resolution No. 2002/377, which requires that each regular and ongoing board, commission, or committee shall annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year, on the second Tuesday in December.

The attached report fulfills this requirement for the County Service Area R-7A Advisory Committee.

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: Katherine Sinclair, Deputy

Contact: Hillary Heard, 313-2022

cc:

ATTACHMENTS

2008 Committee Report

R-7A



Alamo Parks and Recreation County Service Area R-7A

Annual Report

to

Contra Costa County Board of Supervisors

Advisory Body Name: CSA R-7A, Alamo Parks and Recreation Committee
Meeting Time: Third Wednesday, 4:30pm
Meeting Location: Hap Magee Ranch Park, 1026 La Gonda Way, Danville
Chairs: Marie Jeanne Parsons (Jan-Apr), Nancy Dommies (May-Nov)
Staff Persons: Gina Ferretti, South County Representative to District III
Hillary Heard, Special Districts Liaison, CCC Public Works Department
Reporting Period: January 2008 through November, 2008

ACTIVITIES

1. Annual Tree Lighting - 2007. Committee contributed \$1,000 to community's Annual Tree Lighting Event held in Andrew H. Young Park. The event is sponsored by the Alamo Merchants and Business Association with community sponsorships and attendance is estimated at over 1,000. R-7A receives publicity for its involvement.
2. Recreational Programming. Continued through Spring. Due to low participation and high costs to administer, committee recommended canceling the program. There will be more emphasis on special events, e.g., Dog Day in the Park, Veteran's Day Celebration, , etc.
3. Summer Concert Series. Livorna Park's Concert Series was well received with attendance growing to over 200 attendees per concert (6/29, 7/13, 7/27, 8/10).
4. Alamo Music & Wine Festival- Sept, 8th. Sponsored booth to distributed Fall Recreational Programming information as well as a jump house for children.

ACCOMPLISHMENTS

1. Andrew H. Young Park. Maintenance schedules continue.
2. Livorna Park. The stolen copper entry plaque was replaced with a faux copper plaque.
3. Hap Magee Ranch Park. Joint Planning and Operations Committee (JPOC) finalized parking lot renovations, including designated parking for horse trailers. Renovations were made to the walkway ramp to the Cottage, additional building renovations are being discussed. Shade structures over the picnic area have been approved, installation pending.
4. Recreation Program. Continued through Spring. Due to low participation and high costs, committee recommended canceling the program. There will be more emphasis on special events, e.g., Dog Day in the Park, Veteran's Day Celebration, Daffodil Days Festival, Alamo Music & Wine Festival, Emergency Preparedness Training, etc.

5. Monte Vista Pool. Alamo residents' attendance is low. Advertising availability should be increased. Future Town of Danville Activity Guides will highlight pool availability. The Monte Vista Pool Committee has recommended installing a shade structure at the east end of the pool at an estimated cost of \$102,000, one-half to be borne each by the Town and R-7A.
6. Community Involvement. Participated in the Alamo Music Festival sponsoring a booth and a jump house. Contributed to the Annual Tree Lighting at Andrew H. Young Park.
7. Financial Updates. Public Works provided monthly financial statements which often contained many errors and omissions. The committee has limited input into the development of the budget and monitoring the accuracy of the statements continues as a problem.
8. County Staff. Overall the staff has been responsive to the committee's queries. The execution of renovations at Livorna Park was excellent, however, there have been challenges associated with the project completed at Andrew H. Young Park. Staff provided excellent service at the Concert Series. Staff, while admitting they were not designed to run recreational programming, tried their best because a contracted recreation provider could not be found. Recreational programming finally ceased. There is concern that the R-7A budget bears the cost of retraining of PW staff because of their high turnover rate. It also causes a fair amount of wasted time for new staff to become oriented to committee issues.
9. Sheriff Department. With volunteers provided exceptional support at the Livorna Park Concert Series. On behalf of R-7A, the Supervisor's office will forward Certificates of Appreciation.
10. Land Acquisition. Committee began investigating acquisition of parcel located at 1193 Danville Boulevard. The parcel is owned by the SRV Fire Department and R-7A would like to explore developing the property as a South Danville Blvd. pocket park.

ATTENDANCE/REPRESENTATION

1. Monthly Meetings. Held on the 3rd Wed. Added a meeting in October. A quorum was always met.
2. Committee Members. The committee is comprised of 5 regular members and 1 alternate. Marianne Sasso resigned in January. In April, Joyce Kinton joined as a regular member.

TRAINING/CERTIFICATION

Committee members are encouraged to attend Annual Training for Advisory Bodies to the Board of Supervisors. The remaining R-7A member who needs to complete the Brown Act certification will do so.

PROPOSED WORK PLAN/OBJECTIVES FOR NEXT YEAR

1. Monthly Secretary Rotations. Members and staff agreed to rotate monthly meeting minutes taking in lieu of having a designated secretary.
2. Activities. Increase number of community activities offered for residents of all ages. Continue and possibly increase number of Livorna Park Summer Concerts.
3. Communication. Continue providing open communication with community. Maintain dialog with County offices overseeing activities of CSA R-7A.

4. New Development. Continue to explore possible projects within the purview of the committee and establish joint ventures where possible.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Unpaid Student Training Agreement #26-570-1 with Nightingale of Contra Costa, LLC

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Jeff Smith, M.D.), to execute on behalf of the County, Unpaid Student Training Agreement #26-570-1 with Nightingale of Contra Costa, LLC, for the provision of clinical experience for Health Care students, for the period from June 1, 2009 through June 30, 2012.

FISCAL IMPACT:

None

BACKGROUND:

The purpose of this agreement is to provide Contractor's students with the opportunity to integrate academic knowledge with application skills and attitudes at progressively higher levels of performance requirements and responsibility. Supervised fieldwork experience for students is considered to be an integral part of both the educational and professional preparation. The Health Services Department can provide the requisite field education, while at the same time, taking advantage of the students' services to patients. On July 25, 2006, the Board of Supervisors approved Unpaid Student Training Agreement #26-570 with Nightingale of Contra Costa, LLC,

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Celicia Nelson, Deputy

Contact: Jeff Smith, M.D.,
370-5113

BACKGROUND: (CONT'D)

for the period from June 1, 2006 through May 31, 2009.

Approval of Unpaid Student Training Agreement #26-570-1 will allow students enrolled at Nightingale of Contra Costa, LLC to receive supervised clinical experience, through June 30, 2012.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Unpaid Student Training Agreement #26-575-1 with Health Career College

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Jeff Smith, M.D.), to execute on behalf of the County, Unpaid Student Training Agreement #26-575-1 with Health Career College, for the provision of clinical experience for Health Care students, for the period from June 1, 2009 through June 30, 2012.

FISCAL IMPACT:

None

BACKGROUND:

The purpose of this agreement is to provide Contractor's students with the opportunity to integrate academic knowledge with application skills and attitudes at progressively higher levels of performance requirements and responsibility. Supervised fieldwork experience for students is considered to be an integral part of both the educational and professional preparation. The Health Services Department can provide the requisite field education, while at the same time, taking advantage of the students' services to patients.

On July 25, 2006, the Board of Supervisors approved Unpaid Student Training Agreement #26-575 with

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 05/05/2009

APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: Celicia Nelson, Deputy

Contact: Jeff Smith, M.D.,
370-5113

BACKGROUND: (CONT'D)

Health Career College, for the period from June 1, 2006 through May 31, 2009.

Approval of Unpaid Student Training Agreement #26-575-1 will allow students enrolled at Health Career College to receive supervised clinical experience through June 30, 2012.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: May 5, 2009

Subject: Use of Mt Diablo Unified School District's Willow Creek Center

RECOMMENDATION(S):

Approve and authorize the Health Services Director or his designee (Wendel Brunner, M.D.) to execute Application and Permit with the Mt. Diablo Unified School District (MDUSD) for the use of their Willow Creek Center facility on June 10, 2009 for the Public Health Division's Immunization Program Training including agreeing to defend and hold harmless MDUSD for any liability arising out of County's use of the facility.

FISCAL IMPACT:

None.

BACKGROUND:

On June 10, 2009, the Health Services Department's Public Health Division Immunization Program along with the State of California Immunization Branch will hold a training to inform County staff of the 2009 Immunization updates.

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009** APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

Contact: Wendel Brunner, M.D.,
313-6712

By: Celicia Nelson, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Dorothy Sansoe, County Administrator
Date: May 5, 2009

Subject: Extension of Emergency Declaration Regarding Homelessness

RECOMMENDATION(S):

CONTINUE the emergency action originally taken by the Board of Supervisors on November 16, 1999 regarding the issue of homelessness in Contra Costa County.

FISCAL IMPACT:

None

BACKGROUND:

Government Code Section 8630 required that, for a body that meets weekly, the need to continue the emergency declaration be reviewed at least every 14 days until the local emergency is terminated. In no event is the review to take place more than 21 days after the previous review.

On November 16, 1999, the Board of Supervisors declared a local emergency, pursuant to the provisions of Government Code Section 8630 on homelessness in Contra Costa County.

With the continuing high number of homeless individuals and insufficient funding available to assist in sheltering all homeless individuals and families, it is appropriate for the

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/05/2009**

APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Susan A. Bonilla, 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: May 5, 2009

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

By: Katherine Sinclair, Deputy

Contact: Cynthia Belon,
925-313-6736

cc:

BACKGROUND: (CONT'D)

Board to continue the declaration of a local emergency regarding homelessness.