

**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
December 8, 2009**

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

Present: 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

Attendees: David J. Twa

Closed Session Agenda:

A. CONFERENCE WITH LABOR NEGOTIATORS

1. Agency Negotiators: Ted Cwiek and Keith Fleming.

Employee Organizations: Contra Costa County Employees' Assn., Local No. 1; Am. Fed., State, County, & Mun. Empl., Locals 512 and 2700; Calif. Nurses Assn.; Service Empl. Int'l Union, Local 1021; District Attorney's Investigators Assn.; Deputy Sheriffs Assn.; United Prof. Firefighters, Local 1230; Physicians' & Dentists' Org. of Contra Costa; Western Council of Engineers; United Chief Officers Assn.; Service Empl. 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.

B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Gov. Code, § 54956.9(a))

1. Lugo, et. al., v. County of Contra Costa, et. al., C.C.C. Superior Court No. CIVMSN09-1117

C. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Gov. Code, § 54956.9(b): One potential case.

D. PUBLIC EMPLOYEE APPOINTMENT
Title: County Counsel

There were no announcements out of Closed Session.

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

Inspirational Thought - *"The dream begins with a teacher who believes in you, who tugs and pushes and leads you to the next plateau, sometimes poking you with a sharp stick called 'truth'."* ~ Dan Rather

CONSIDER CONSENT ITEMS (Items listed as C.1 through C.69 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 honoring Robert McCleary upon his retirement as Executive Director of the Contra Costa Transportation Authority. (Supervisor Bonilla) (See C.10)

Vote: 5 - 0

PR.2 PRESENTATION of the the Fiscal Year 2008/09 Annual Report of the Juvenile Justice/Delinquency Prevention Commission, as recommended by the County Probation Officer. (Lois Weyermann, Chair-Juvenile Justice/Delinquency Prevention Commission)

Vote: 5 - 0

SHORT DISCUSSIONS ITEMS

SD.1 PUBLIC COMMENT (3 Minutes/Speaker)

The following people spoke:

John Allen, Local 21, in regard to health care benefits for represented employees;

Teresa Notormaso, regarding Local 21 health care benefits for represented employees;

Ruth Atkin, resident of Martinez, Local 21 health care benefits for represented employees..

Tamara Attard, Bayside Spice Co., in support of construction of the Caldecott Tunnel 4th bore, and the disposition of a tree permit application (written material provided).

SD.2 CONSIDER Consent Items previously removed.

SD.3 HEARING on the itemized costs of abatement for property located at 1363 Madeline Rd., San Pablo, CA (Estate of Daniel Contreras, Owner), (Jason Crapo, Department of Conservation and Development).

Vote: 5 - 0

SD.4 HEARING on the itemized costs of abatement for property located at Silver Avenue, Richmond, CA (Assessor's Parcel No. 409-162-025; RR Finance, Inc, Owner). (Jason Crapo, Department of Conservation and Development)

Vote: 5 - 0

SD.5 HEARING on the itemized costs of abatement for property located at 349 Silver Ave., Richmond, CA (RR Finance, Inc, Owner), (Jason Crapo, Department of Conservation and Development).

Vote: 5 - 0

SD.6 HEARING on the itemized costs of abatement for property located at 53 Vernon Ave., Richmond, CA (Jim Mitchell, Owner), (Jason Crapo, Department of Conservation and Development).

Vote: 5 - 0

SD.7 HEARING on the itemized costs of abatement for property located at 1835-1841 Truman St., Richmond, CA (Zacara Rubin, Owner), (Jason Crapo, Department of Conservation and Development).

Vote: 5 - 0

SD.8 HEARING to consider adoption of Resolution No. 2009/560 of Necessity for acquisition by eminent domain the real properties required for the State Route 4 East Somersville to State Route 160 project – Segment 1, Pittsburg and Antioch areas. (Contra Costa Transportation Authority) (Carmen Pina-Sandavol, Public Works Department)

Vote: 5 - 0

SD.9 CONSIDER adoption of Resolution No. 2009/565 to amend Section 5 of the Memorandum of Understanding between Contra Costa County and Public Employees Union, Local One, adopted by the Board of Supervisors on July 21, 2009 (Resolution No. 2009/355) to increase the salary for the classification of Lead Fleet Technician from 5% to 6% and to change the effective date of this increase from January 1, 2010 to July 1, 2009. (Ted Cwiek, Director of Human Resources)

Vote: 5 - 0

SD.10 ADOPT Resolution No. 2009/558 in the matter of the Tentative Agreement between the East Contra Costa County Fire Protection District (ECCCFPD) and Local 1230, providing for wages, benefits and other terms and conditions of employment beginning December 1, 2008 and ending on November 30, 2010. (ECCCFPD funds)(Ted Cwiek, Human Resources Director)

Vote: 5 - 0

SD.11 CONSIDER approving and authorizing a one-time transfer of up to \$100,000 from the Livable Communities Trust to U.C. Cooperative Extension to provide adequate funding through June 30, 2010. (Supervisors Piepho and Glover)

Vote: 5 - 0

Closed Session

DELIBERATION ITEMS

1:00 p.m.

D.1 CONSIDER accepting report from First 5 Contra Costa on its five-year strategic plan to invest more than \$70 million in programs that service children ages 0-5 and their families. (Sean Casey, Executive Director, First 5 Contra Costa)

Vote: 5 - 0

D.2 CONSIDER accepting report on Review of the County's Housing Element by the California Department of Housing and Community Development, and adopting Resolution No. 2009/566 to make minor revisions to the County's adopted Housing Element and authorizing Conservation and Development Director to re-submit the revised Housing Element to the State for final determination and certification of compliance with State housing element law. (Patrick Roche, Conservation and Development Department)

1:45 p.m.

D.3 HEARING on the recommendation of the San Ramon Valley Regional Planning Commission to approve a request to rezone a 0.16-acre portion of the Diablo Country Club property located immediately east of 1897 Calle Arroyo in the Diablo area, from Forestry Recreation District (F-R) to Single Family Residential, R-20. (Assessor's Parcel No. 195-180-035) (Diablo Country Club– Owner and Humann Company-Applicant) (Catherine Kutsuris, Conservation and Development Director)

D.4 CONTINUED HEARING on an appeal of a decision by the San Ramon Valley Regional Planning Commission to deny a request to modify the Blackhawk Final Development Plan to allow the construction of a private residential deck within a common open space area to the rear of the residence at 101 Wild Oak Court in the Danville/Blackhawk area. (Surainder and Vinita Singh – Applicants, Appellants & Owners) (Aruna Bhat, Conservation and Development Department)

Speakers: Dan Muller, representing the Appellant; Sandy Singh, Appellant; Steven Weil, Blackhawk Homeowners Association; Mark Goldberg, Blackhawk Homeowners Association; Ron Banducci, Blackhawk Homeowners Association; Robert Lanzone, resident of Danville; Constance Wolfson, resident of Danville; Troy Bristol, Save Mt. Diablo.

Vote: 4 - 0

Other: District I Supervisor John Gioia (ABSENT)

D.5 CONSIDER reports of Board members.

*Adjourn in memory of
Arthur M. Kroeger*

CONSENT ITEMS

Engineering Services

C.1 ADOPT Resolution No. 2009/561 accepting completion of landscape improvements for Subdivision Agreement (Right-of-Way Landscaping), RA 00-01094 (cross-reference SD 95-07976), project developed by Windemere BLC Land Company, LLC, San Ramon (Dougherty Valley) area, as recommended by the Public Works Director. (No fiscal impact)

Vote: 5 - 0

C.2 ADOPT Resolution No. 2009/562 accepting completion of the Improvement Warranty Agreement and release of cash deposit for faithful performance, RA 99-01089 (cross-reference SD 98-08166 and SD 98-08167), for project being developed by Hofmann Land Development Company, Inc., as recommended by the Public Works Director, Discovery Bay area. (No Fiscal Impact)

Vote: 5 - 0

C.3 ADOPT Resolution No. 2009/563 accepting completion of the Improvement Warranty Agreement and release of cash deposit for faithful performance, RA 00-01099 (cross-reference Subdivision 98-08166), for project being developed by Hofmann Land Development Company, Inc., as recommended by the Public Works Director, Discovery Bay area. (No fiscal impact)

Vote: 5 - 0

C.4 ADOPT Resolution No. 2009/564 accepting completion of the Construction Road Maintenance Agreement for Point of Timber Road and portions of Byron Highway, State Route 4, Sellers Avenue, Marsh Creek Road and Camino Diablo (Haul Route) and release of cash deposit for faithful performance, SD 03-08710 project being developed by Western Pacific Housing, Inc., a Delaware Corporation, as recommended by the Public Works Director, Discovery Bay area. (No Fiscal Impact)

Vote: 5 - 0

Special Districts & County Airports

C.5 APPROVE and AUTHORIZE the Airports Director, or designee, to execute a month-to-month hangar rental agreement with Bonkowski & Associates, Inc., effective December 1, 2009, for a shade hangar at Buchanan Field Airport in the monthly amount of \$160, Pacheco area. (Annual revenue of \$1920 accrues to the Airport Enterprise Fund)

Vote: 5 - 0

C.6 APPROVE the proposed summary vacation of an excess road right of way along Feeder Trail No. 1, located between Dutra Road and Ferndale Road, and ADOPT related findings under the California Environmental Quality Act, as recommended by the Public Works Director, Martinez area. (No fiscal impact)

No action was taken on this item. The item was relisted to December 15, 2009.

Vote: 5 - 0

Claims, Collections & Litigation

C.7 DENY claims by Zadie L. Mark; Michael Stroda, Jr.; Helena N. Wimbish; Juan C. Mancheno; and amended claim for Juan C. Mancheno.

Vote: 5 - 0

Statutory Actions

C.8 APPROVE the minutes for November 2009 as on file with the Office of the Clerk of the Board.

Vote: 5 - 0

C.9 APPROVE Board Member reports for October and November 2009.

Vote: 5 - 0

Honors & Proclamations

C.10 ADOPT Resolution No. 2009/537 honoring Robert McCleary upon his retirement as Executive Director of the Contra Costa Transportation Authority, as recommended by Supervisor Bonilla. (See PR.1)

Vote: 5 - 0

C.11 Adopt Resolution No. 2009/570 honoring Betty Maffei upon her retirement as the Executive Director of the CCC History Center as recommended by Supervisor Uilkema.

Vote: 5 - 0

Ordinances

C.12 ADOPT Ordinance No. 2009-35, authorizing the Public Works Director to acquire real property where the purchase price does not exceed \$50,000, as authorized by Government Code Section 25350.60, Countywide, as recommended by the Public Works Director.

Vote: 5 - 0

C.13 ADOPT Ordinance No. 2009-33, designating certain Health Services Department vehicles as hazardous materials response team vehicles, as recommended by the Health Services Director.

Vote: 5 - 0

Appointments & Resignations

C.14 APPOINT Cecilia Valdez to the West County Representative Seat, Roberto Reyes to the At Large Seat, and Sean Blomquist to the Faith Community Representative Seat on the Contra Costa Inter-jurisdictional Council on Homelessness, for term a expiring March 31, 2010, as recommended by the County Administrator.

ADOPTED recommendations excluding appointment of Cecilia Valdez (to return at a later date).

Vote: 5 - 0

C.15 RE-APPOINT Kai Butler as the District V Youth Representative B seat on the Countywide Youth Commission, as recommended by Supervisor Glover.

Vote: 5 - 0

C.16 RE-APPOINT Mary Erbez to the Regular Member 2 seat and Larry Wirick to the Alternate Seat on the Eastern Contra Costa Transit Authority Board, as recommended by Supervisor Glover.

Vote: 5 - 0

C.17 ACCEPT resignation of Kathryn Williams, M.D., DECLARE a vacancy in the Local Orinda City seat on the Advisory Council on Aging, and DIRECT the Clerk of the Board to post the vacancy, as recommended by the Employment and Human Services Director.

Vote: 5 - 0

C.18 APPROVE the list of providers and privileges approved by the Medical Executive Committee at its November 16, 2009 meeting, and by the Health Services Director.

Vote: 5 - 0

C.19 APPOINT Brian Dawson and Kevin Graves as Directors on the Town of Discovery Bay Community Service District Board of Directors for a term of office beginning December 8, 2009 and ending December 3, 2010, as recommended by the County Administrator.

CORRECTED TO READ: APPOINT the following individuals as Directors on the Town of Discovery Bay Community Service District Board of Directors for a term of office beginning December 8, 2009 until the end of term.

Vote: 5 - 0

C.20 APPOINT the following individuals to the seats indicated on the Integrated Pest Management Advisory Committee, as recommended by the Health Services Director:

Seat	Appointee	Address	Term
Agriculture Commissioner	Vince Guise	2366 Stanwell Circle, Concord 94520	None
General Services Deputy Director	Terry Mann	1220 Morello, Suite 200 Martinez	None
Public Works Deputy Director or Designee	Pattie McNamee	255 Glacier Dr. Martinez, CA 94553	None
Health Services Department Representative	Michael Kent	597 Center, Suite 100 Martinez, CA 94553	None
Storm Water Program Representative	Elisa Wilfong	255 Glacier Drive, Martinez, CA 94553	January 1, 2010 - December 31, 2011
Public and Environmental Health Advisory Board Representative	Marjorie Leeds	10 Mococo Rd P. O. Box 7070 Martinez, CA 94553	January 1, 2010 - December 31, 2011
Public Member - Fish and Wildlife Committee	Jim Hael	2243 Gehringer Drive Concord, CA 94520	January 1, 2010 - December 31, 2011

Supervisor Gioia requested the Internal Operations Committee to observe the IPM Advisory Committee bylaws, which state that the committee makeup should be geographically and ethnically diverse, when reviewing nominations for At Large seats on the Committee.

Vote: 5 - 0

Appropriation Adjustments

C.21 District Attorney (0242): APPROVE Appropriations and Revenue Adjustment No. 5025 authorizing new revenue in the amount of \$80,000 from the Contra Costa County Housing Authority and appropriating it to the District Attorney budget for investigation of housing fraud in Section 8 and Public Housing Assistance.

Vote: 5 - 0

Intergovernmental Relations

C.22 ACCEPT report from the Transportation, Water and Infrastructure Committee on potential ballot measure to protect local funding from state diversion. (No fiscal impact)

Vote: 5 - 0

Personnel Actions

C.23 ADOPT Position Adjustment Resolution No. 20754, to decrease the hours of a Personnel Services Assistant III (unrepresented) position from part time (31/40) to part time (7/40) and add one part-time (24/40) Administrative Services Assistant III (represented) position in the Health Services Department. (Cost neutral)

Vote: 5 - 0

C.24 ADOPT Position Adjustment Resolution No. 20753 to add two Criminalist III positions (represented) in the Office of the Sheriff, Support Services Bureau- Forensics Services Division. (100% FY 2009 Solving Cold Cases with DNA Program Grant) (Consider with C.31)

Vote: 5 - 0

C.25 ADOPT Position Adjustment Resolution No. 20747 to add one Mental Health Community Support Worker II (represented) position and cancel one vacant Mental Health Community Support Worker I - Project (represented) position in the Health Services Department. (Cost offset by cancellation of vacant position; 100% Mental Health Services Act)

Vote: 5 - 0

C.26 ADOPT Position Adjustment Resolution No. 20750 to add one Health and Human Services Research and Evaluation Manager position in the Employment and Human Services Department, Children and Family Services Bureau. (Offset by the elimination of a contract for a net savings)

Vote: 5 - 0

C.27 ADOPT Position Adjustment Resolution No. 20757 adding one Deputy Probation Officer I position (represented) in the Probation Department-Adult Supervision unit. (75% Federal, 25% In-kind match)

Vote: 5 - 0

Leases

C.28 APPROVE and AUTHORIZE the General Services Director, or designee, to execute a Third Amendment to the agreement for operation and maintenance of the Pittsburgh Branch Library at 80 Power Avenue, Pittsburgh, with the Redevelopment Agency of the City of Pittsburgh, to extend the term for the five-year period December 19, 2009 through December 18, 2014, as requested by the Library; and ADOPT related California Environmental Quality Act findings. (Library funds)

Vote: 5 - 0

C.29 APPROVE and AUTHORIZE the General Services Director, or designee, to execute a First Amendment to the lease with the Rosie The Riveter Trust, to extend the lease term at 1014 Florida Avenue, Richmond, for an additional 25 years, effective December 1, 2009, as requested by the Trust; and ADOPT related California Environmental Quality Act findings. (Budgeted)

Vote: 5 - 0

C.30 APPROVE and AUTHORIZE the General Services Director, or designee, to execute a Second Lease Amendment with DVK Realty Ventures, Inc., to extend the lease term for the 13-year period January 31, 2012 through January 31, 2025, at a reduced rent, for 60,000 square feet of office space located at 1275A Hall Avenue, Richmond, as requested by the Employment and Human Services and Probation departments; and ADOPT related California Environmental Quality Act findings. (Cost savings)

Vote: 5 - 0

Grants & Contracts

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

C.31 APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to accept the U.S. Department of Justice, Office of Justice Programs, FY09 Solving Cold Cases with DNA Program grant in an amount not to exceed \$454,944 to identify, review, and investigate cold cases for the period October 1, 2009 through September 30, 2010. (100% Federal) (Consider with C.24)

Vote: 5 - 0

C.32 APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract with the City of Antioch to pay the County an amount not to exceed \$500,000 for operation of the Housing Rehabilitation Loan Program for the period July 1, 2009 through June 30, 2010. (City of Antioch funds)

Vote: 5 - 0

C.33 APPROVE and AUTHORIZE the Health Services Director, or designee, to accept a grant award from the California Integrated Waste Management Board, to pay County an amount not to exceed \$25,507, for the continuation of the Local Enforcement Agency assistance program for the Department's Environmental Health Division (Solid Waste Program), for the period July 1, 2009 through June 30, 2010. (No County match)

Vote: 5 - 0

C.34 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a grant agreement with San Diego State University Research Foundation, to pay the County an amount not to exceed \$66,000 for the California Kids Plate Streetwise II Program for the period July 1, 2009 through June 30, 2010. (No County match)

Vote: 5 - 0

C.35 APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, on behalf of the County's Zero Tolerance for Domestic Violence Initiative to accept the demonstration grant award funding in an amount not to exceed \$428,000 from the U. S. Department of Health and Human Services, Administration of Children and Families, Administration of Children, Youth and Families, Children's Bureau to fund The Families Thrive Collaborative Action Community and Public Awareness Campaign. (No County match)

Vote: 5 - 0

C.36 APPROVE and AUTHORIZE the Health Services Director, or designee, to accept an award from the State of California, Tuberculosis Control Branch, to pay the County an amount not to exceed \$331,949 to provide the Tuberculosis Control Program for the period July 1, 2009 through June 30, 2010. (No County match)

Vote: 5 - 0

C.37 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the California Department of Public Health, Network for a Healthy California, in an amount payable to the County not to exceed \$624,997, for the "California Nutrition Network" Project, for the period October 1, 2009 through September 30, 2010. (No County match)

Vote: 5 - 0

C.38 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with the State of California, Department of Health Care Services, effective July 1, 2009, to extend the term from December 31, 2009 through December 31, 2010 and make technical and administrative changes with regard to the Local Initiative, with no change in the original payment limit of \$317,472,000. (No County match)

Vote: 5 - 0

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

C.39 APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with First Baptist Church of Pittsburg in an amount not to exceed \$1,976,548 for Head Start Delegate Agency childcare services for the period January 1 through December 31, 2010. (100% Federal funds)

Vote: 5 - 0

C.40 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Marc Miyashiro in an amount not to exceed \$165,000, to provide technical writing services for the Department's Information Systems Unit, for the period December 1, 2009 through November 30, 2010. (100% Enterprise Fund I)

Vote: 5 - 0

C.41 APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract amendment with Sponamore Associates, a subsidiary of PRISM, LLC, effective January 1, 2010, to extend the term from December 31, 2009 to December 31, 2010 with no change in payment limit of \$166,280, to continue the preparation of an Environmental Impact Report for the Creekside Park Cemetery. (100% Applicant fees)

Vote: 5 - 0

C.42 APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract amendment with Entrix Incorporated, to extend the term from December 31, 2009 to June 30, 2010 with no change in payment limit of \$711,328, to continue preparing an Environmental Impact Report for the proposed Praxair 21.3-mile hydrogen pipeline. (100% Applicant fees)

Vote: 5 - 0

C.43 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Multi-Lingual Counseling, effective October 1, 2009, to increase the payment by \$620,000 to a new payment limit of \$720,000, to provide additional Medi-Cal specialty mental health services, with no change in the original term of July 1, 2009 through June 30, 2011. (35% State, 61% Federal FFP Medi-Cal Funds, and 4% Mental Health Realignment)

Vote: 5 - 0

C.44 APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract with Environmental Science Associates in an amount not to exceed \$532,948 to prepare an environmental impact report for the Tres Vaqueros Wind Farm Repowering Project for the period December 9, 2009 through December 31, 2010, Byron area. (100% Applicant fees)

Vote: 5 - 0

C.45 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Young Men's Christian Association of the East Bay in an amount not to exceed \$403,000, to provide on-site school counseling services for the period July 1, 2009 through June 30, 2010, with a six-month automatic extension through December 31, 2010 in an amount not to exceed \$201,500. (55% Federal Medi-Cal, 35% State Early and Periodic Screening, Diagnosis, and Treatment, 10% Mental Health Realignment)

Vote: 5 - 0

C.46 APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute, on behalf of the Workforce Development Board, a contract amendment with Oakland Private Industry Council, effective October 31, 2009, to extend the term from October 31, 2009 to June 30, 2010 and increase the payment limit by \$75,000 to a new payment limit of \$1,100,000, to continue to perform as the fiduciary partner to pay program trainers. (100% Federal)

Vote: 5 - 0

C.47 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Desarrollo Familiar, Inc., in an amount not to exceed \$1,060,735, to provide implementation of County's Mental Health Active Community Supports and Service Teams Project, for the period from July 1, 2009 through June 30, 2010, with a six-month automatic extension through December 31, 2010 in an amount not to exceed \$530,368. (1% Federal Medi-Cal, 1% State Early and Periodic Screening, Diagnosis, and Treatment, 98% Mental Health Services Act)

Vote: 5 - 0

C.48 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Adolescent Treatment Centers, Inc., effective November 1, 2009, to increase the payment limit by \$7,895, to a new payment limit of \$126,323 to provide additional residential treatment services, with no change in the original term of July 1, 2009 through June 30, 2010. (84% Adolescent Substance Abuse Prevention and Treatment, 16% Comprehensive Drug Court Implementation)

Vote: 5 - 0

C.49 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Seneca Residential and Day Treatment Center for Children, in an amount not to exceed \$110,000, to provide residential day treatment and mental health services for children, for the period July 1, 2009 through June 30, 2010, with a six-month automatic extension through December 31, 2010, in an amount not to exceed \$55,000. (31% Federal Medi-Cal, 19% State Early and Periodic Screening, Diagnosis and Treatment, 50% Individuals with Disabilities Education Act)

Vote: 5 - 0

C.50 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Seneca Residential and Day Treatment Center for Children, in an amount not to exceed \$166,135, to provide school-based mental health services in the West Contra Costa Unified School District, for the period July 1, 2009 through June 30, 2010, with a six-month automatic extension through December 31, 2010, in an amount not to exceed \$83,067. (44% Federal Medi-Cal, 28% State Early and Periodic Screening, Diagnosis and Treatment, 28% Individuals with Disabilities Education Act)

Vote: 5 - 0

C.51 APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a blanket Purchase Order with Johnson & Johnson, Inc., in the amount of \$120,000 for blood bank reagents and non-blood products for the Contra Costa Regional Medical Center Clinical Laboratory for period November 15, 2009 through November 14, 2010. (100% Enterprise I Fund)

Vote: 5 - 0

C.52 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with FamiliesFirst, Inc., in an amount not to exceed \$517,118, to provide day treatment and mental health services for seriously emotionally disturbed children, for the period July 1, 2009 through June 30, 2010, with a six-month automatic extension through December 31, 2010, in an amount not to exceed \$258,559. (25% Federal Med-Cal, 14% State Early and Periodic Screening, Diagnosis, and Treatment, 60% Individuals with Disabilities Education Act, 1% Mental Health Realignment)

Vote: 5 - 0

C.53 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Seneca Residential and Day Treatment Center for Children, in an amount not to exceed \$525,000, to provide intensive crisis stabilization services to youth through the Mobile Crisis Response Teams, for the period July 1, 2009 through June 30, 2010, with a six-month automatic extension through December 31, 2010, in an amount not to exceed \$262,500. (39% Federal Medi-Cal, 24% State Early and Periodic Screening, Diagnosis and Treatment, 23% Individuals with Disabilities Education Act, 14% Mental Health Realignment)

Vote: 5 - 0

C.54 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Seneca Residential and Day Treatment Center for Children, in an amount not to exceed \$4,429,440, to provide residential day treatment services for seriously emotional disturbed children for the period July 1, 2009 through June 30, 2010, with a six-month automatic extension through December 31, 2010, in an amount not to exceed \$2,214,720. (55% Federal Medi-Cal, 35% State Early and Periodic Screening, Diagnosis, and Treatment, 10% Individuals with Disabilities Education Act)

Vote: 5 - 0

C.55 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with La Cheim School, Inc., in an amount not to exceed \$600,000, to provide a school-based day treatment program and mental health services for the period July 1, 2009 through June 30, 2010. (39% Federal Medi-Cal, 22% State Early and Periodic Screening, Diagnosis, and Treatment, 37% Individuals with Disabilities Education Act, 2% Mental Health Realignment)

Vote: 5 - 0

C.56 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with L. Evan Custer, M.D., in an amount not to exceed \$577,500 to provide professional radiology services for patients at Contra Costa Regional Medical Center and Health Centers for the period December 1, 2009 through November 30, 2012. (100% Enterprise I Fund)

Vote: 5 - 0

C.57 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Youth Homes Incorporated, in an amount not to exceed \$1,710,000, to provide residential treatment services for County-referred youth in the Contra Costa Collaborative Continuum of Care (C5) Program, for the period July 1, 2009 through June 30, 2010, with a six-month automatic extension through December 31, 2010, in an amount not to exceed \$855,000. (44% Federal Medi-Cal, 41% State Early and Periodic Screening, Diagnosis, and Treatment, 10% Individuals with Disabilities Act, 5% Mental Health Realignment)

Vote: 5 - 0

C.58 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Young Men's Christian Association of the East Bay, effective October 1, 2009, to increase the payment limit by \$75,100 to a new payment limit of \$253,225, with no change in the original term of July 1, 2009 through June 30, 2010, and to increase the automatic extension payment limit by \$37,550 to a new payment limit of \$126,612, with no change in the term of the automatic extension through December 31, 2010. (100% Mental Health Services Act)

Vote: 5 - 0

C.59 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Advanced Medical Personnel Services, Inc., effective December 1, 2009, to increase the payment limit by \$89,000 to a new payment limit of \$229,000 to provide additional temporary therapists at Contra Costa Regional Medical and Health Centers, with no change in the original term of July 1, 2009 through June 30, 2010. (100% Enterprise Fund I)

Vote: 5 - 0

C.60 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Fred Finch Children's Home, Inc. (dba Fred Finch Youth Center), in an amount not to exceed \$300,000, to provide an intensive day treatment program and medication support services for seriously emotionally disturbed children for the period July 1, 2009 through June 30, 2010, with a six-month automatic extension through December 31, 2010 in an amount not to exceed \$150,000. (51% Federal Medi-Cal, 27% State Early and Periodic Screening, Diagnosis, and Treatment, 17% Individuals with Disabilities Education Act, 5% Mental Health Realignment)

Vote: 5 - 0

C.61 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Center for Human Development, effective November 1, 2009, to increase the payment limit by \$70,000, to a new payment limit of \$472,000 to provide additional prevention services, with no change in the original term of July 1, 2009 through June 30, 2010. (100% Federal Substance Abuse Prevention and Treatment)

Vote: 5 - 0

C.62 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with New Connections, effective November 1, 2009, to increase the payment limit by \$15,000 to a new payment limit of \$313,000 to provide HIV support services to additional Contra Costa County residents, with no change in the original term of March 1, 2009 through February 28, 2010. (100% Federal Funds)

Vote: 5 - 0

C.63 APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with the Housing Authority of Contra Costa County, effective October 31, 2009, to extend the term from October 31, 2009 to June 30, 2010 with no change in the payment limit of \$1,399,976 to continue to provide Employer of Record payroll services for youth 14 to 24 years of age. (99% Federal, 1% Private Donation)

Vote: 5 - 0

Other Actions

C.64 ACCEPT the November 2009 update on the operations of the Employment and Human Services Department, Community Services Bureau, as recommended by the Employment and Human Services Director.

Vote: 5 - 0

C.65 ADOPT Resolution No. 2009/554 modifying the Board's delegation to the County Counsel of authority to file petitions for commitment of mentally retarded persons under Welfare & Institutions Code section 6500, to exclude those petitions involving mentally incompetent persons as determined under Penal Code section 1367 and following, as recommended by County Counsel. (No fiscal impact)

Vote: 5 - 0

C.66 APPROVE and AUTHORIZE the allocation of \$197,461 from the Crockett Co-Generation Property Tax Allocation for four projects as recommended by the Crockett Community Foundation. (100% General Fund)

Vote: 5 - 0

C.67 RECEIVE 2009 Annual Report submitted by the Aviation Advisory Committee, as recommended by the Airports Director.

Vote: 5 - 0

C.68 ACCEPT the Treasurer's Quarterly Investment Report as of September 30, 2009, as recommended by the Treasurer-Tax Collector.

Vote: 5 - 0

C.69 RATIFY the action of the Health Services Director, or designee, in executing a Facility License Agreement and Special Event Application/Permit with the Sleep Train Pavilion, Concord, for use of its facility for the free seasonal and H1N1 flu vaccine walk-in and drive-thru clinic, held on November 21, 2009. (No fiscal impact)

Vote: 5 - 0

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.

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	January 4, 2009		See above
Family & Human Services Committee	December 21, 2009	Canceled	See above
Finance Committee	January 4, 2009		See above
Internal Operations Committee	December 14, 2009	Canceled	See above
Legislation Committee			See above
Public Protection Committee			See above
Transportation, Water & Infrastructure Committee	December 14, 2009		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

<p>PERSONS WHO WISH TO ADDRESS THE BOARD MAY BE LIMITED TO THREE (3) MINUTES</p>

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
CCCPFD (ConFire) Contra Costa County Fire Protection District
CCHP Contra Costa Health Plan
CCTA Contra Costa Transportation Authority
CCRMC Contra Costa Regional Medical Center
CCWD Contra Costa Water District
CDBG Community Development Block Grant
CFDA Catalog of Federal Domestic Assistance
CEQA California Environmental Quality Act
CIO Chief Information Officer
COLA Cost of living adjustment
ConFire (CCCPFD) 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
IHSS In-Home Supportive Services
Inc. Incorporated
IOC Internal Operations Committee
ISO Industrial Safety Ordinance
JPA Joint (exercise of) Powers Authority or Agreement
Lamorinda Lafayette-Moraga-Orinda Area
LAFCo Local Agency Formation Commission
LLC Limited Liability Company
LLP Limited Liability Partnership
Local 1 Public Employees Union Local 1
LVN Licensed Vocational Nurse
MAC Municipal Advisory Council
MBE Minority Business Enterprise
M.D. Medical Doctor
M.F.T. Marriage and Family Therapist
MIS Management Information System
MOE Maintenance of Effort
MOU Memorandum of Understanding
MTC Metropolitan Transportation Commission
NACo National Association of Counties
NEPA National Environmental Policy Act
OB-GYN Obstetrics and Gynecology
O.D. Doctor of Optometry
OES-EOC Office of Emergency Services-Emergency Operations Center
OPEB Other Post Employment Benefits
OSHA Occupational Safety and Health Administration
Psy.D. Doctor of Psychology
RDA Redevelopment Agency
RFI Request For Information
RFP Request For Proposal
RFQ Request For Qualifications
RN Registered Nurse
SB Senate Bill
SBE Small Business Enterprise
SEIU Service Employees International Union
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: Lois Weyermann, Chairperson, JJ/DPC
Date: December 8, 2009

Subject: 2008-2009 Annual Report from the Juvenile Justice/Delinquency Prevention Commission

RECOMMENDATION(S):

ACCEPT the Fiscal Year 2008/09 Annual Report of the Juvenile Justice/Delinquency Prevention Commission.

FISCAL IMPACT:

None.

BACKGROUND:

None.

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: 925-313-4188

cc:

ATTACHMENTS

2008-09 JJ-DPC Annual
Report

CONTRA COSTA COUNTY
JUVENILE JUSTICE COMMISSION
AND
DELINQUENCY PREVENTION COMMISSION
50 Douglas Drive, Suite 201
Martinez, California 94553-8500
(925) 313-4188

2008-2009 ANNUAL REPORT

DATE: October, 2009

TO: Honorable Mary Ann O'Malley, Presiding Superior Court Judge
Honorable Lois M. Haight, Presiding Juvenile Court Judge
Susan Bonilla, Chairperson, and Members of the CCC Board of Supervisors
Lionel D. Chatman, County Probation Officer
Joe Valentine, Director of Employment and Human Services Department
David Twa, County Administrator of Contra Costa County
Dr. William B. Walker, Director, Contra Costa County Health Services Department
Barbara Fenton, CSA Field Representative, Contra Costa County Probation Dept

FROM: Lois Weyermann, Chairperson, Contra Costa County Juvenile Justice and
Delinquency Prevention Commission

SUBJECT: Annual Report Fiscal Year 2008-2009

Section 229 of the Welfare and Institutions Code mandates that each County has a Juvenile Justice Commission to inquire into the administration of juvenile court law. The code also allows each county to have a Delinquency Prevention Commission at the discretion of the Board of Supervisors. Contra Costa County has such commissions with the latter established in 1966.

The Commission has access to all publicly administered institutions authorized by the county. It annually inspects jails, lockups, institutions and bi-annually county group home facilities. Following each inspection, reported findings and recommendations are submitted to the Presiding Juvenile Court Judge and others for review.

The Commission also visits Juvenile Court and may hold hearings on matters concerning juvenile custody care or facilities. The Juvenile Court Judge may issue subpoenas requiring attendance and testimony of witnesses and production of documents at the hearings.

The Commission is concerned with policy matters, advises the Juvenile Court, and is responsible for policy-making recommendations. It makes recommendations for administrative body changes, it determines beneficial to juvenile justice, and it ensures that the changes are appropriate, safe and include adequate services.

The Commission may conduct studies including: review of essential services and budgets to ensure relevant and effective Probation services; exploration of matters initiated by commissioners or referred by the Juvenile Court Judge, the Probation Department, the Board of Supervisors, or citizen inquiry.

The purpose of the Juvenile Justice Delinquency Prevention Commission is to be a public conscience in the best interest of justice for children and youth.

Membership

There are 15 member positions on the commission, all appointed by the Presiding Judge of the Juvenile Court. Each commissioner serves a four-year term unless filling the unexpired term of a resigned commissioner. At least two commissioners must be youth members. The Commission attempts to reflect the racial, ethnic diversity and geographic representations of the county. The geographic make up of the Commission for fiscal year 2008-2009 was:

Concord 1 Danville 1 Hercules 1 Martinez 1 Moraga 1 Brentwood 1
Pittsburg 1 Richmond 1 Antioch 1 San Ramon 1 Walnut Creek 3
San Pablo 1

The Commission began the fiscal year with 13 adult commissioners and one juvenile commissioner. The Commission was unable to fill the remaining juvenile commissioner position. Two commissioners were asked to resign. One was due to a conflict of interest. The second one was due to absenteeism. An additional commissioner resigned because of health reasons. The current Commission has discussed methods of widening the search for additional commissioners, including posting the positions in the Bar Association Newsletter, the Contra Costa Times, CASA, City Council Meetings and other county publications.

The Commission has an established list of five functioning sub-committees. Each member serves on several of these committees. The following committees report to the entire commission as needed: Executive, Inspections, Membership, Juvenile Justice Awards Program, and By-Laws. Training of new commissioners is in progress.

Meetings

The Commission meets regularly on the third Monday of every month at 5:30 pm. There is no monthly meeting scheduled in August. The January and February meetings are held on the fourth Monday, due to federal holidays. Meetings are normally held in the Second Floor conference room of the Probation Department at 50 Douglas Drive and are open to the public.

To conduct official business at these monthly meetings a quorum of members is required. At the meetings, reports are received from representatives of the Juvenile Court, Juvenile Probation, Employment and Human Services Department, Children's Mental Health and other

agencies as requested by the commission.

Immediately following the adjournment of the Juvenile Justice Commission meeting, the Delinquency Prevention Commission is called to order. This meeting focuses on reports from commissioners and ad hoc members of the public regarding ongoing programs or projects that highlight delinquency prevention throughout the county.

Some of the programs that are regularly reported on are: the Violence Prevention Coalition, Gang Information Network, DELTA Project, Contra Costa County Police Athletic League (CCPAL) and STAND!

Special Programs:

Once a year, the Commission endeavors to recognize individuals, groups and organizations that have contributed to juvenile justice or delinquency prevention in a significant way. The Commission hosts an awards ceremony in May to recognize those individuals and call attention to their fine work in helping the county's juvenile population. On May 16, 2009 the JJ/DPC held their annual awards ceremony at the Heald Conference Center in Concord. Refreshments were provided by the Commissioners and friends of the commission. This year's recipients for awards and recognition were the following:

Outstanding Service/Contribution by a Juvenile Probation Officer/Counselor

Marlene Martinez, Deputy Probation Officer, Central County Office
Lori Militar, Deputy Probation Officer, West County Office
Ron Pearson, Deputy Probation Officer, Central County Office
Theresa Petersen, Deputy Probation Officer, East County Office
Mike Schroer, Deputy Probation Officer, OAYRF

Outstanding Service/Contribution by a County Juv. Facility Employee

Donald Burgess, Probation Counselor, OAYRF
Carmel Williams Jones, Probation Counselor, Juvenile Hall
Sunny Smith, Probation Counselor, Juvenile Hall
Constancio (Tino) DeOcampo, Probation Counselor, Juvenile Hall
Rasaan Jackson, Probation Counselor, OAYRF

Outstanding Service/Contribution by a Law Enforcement Officer/Agency

Officer Lauren Caputo, School Resource Officer-El Cerrito High School, El Cerrito PD
Officer Edwin Jacala, School Resource Officer-El Cerrito High School, El Cerrito PD

Outstanding Service/Contribution by a Non-Law Enforcement Individual

James Mattson, Teacher, OAYRF

Outstanding Service/Contribution by a Community Volunteer

Barbara Brandt, Juvenile Hall Library

Suzanne Wise, Juvenile Hall Library

Stephanie Jacob, Diablo Community Day School

Lesley Stiles, Diablo Community Day School

Model Program of Excellence

Youthful Offender Treatment Program (YOTP)

Juvenile Offender Success Story

DeMario Marcus Mason

Outstanding Service/Contribution by a Facility or Institution Program

Juvenile Hall Transportation Unit

Juvenile Hall Library Staff

Outstanding Service/Contribution by a Business or Organization

Contra Costa County Bar Association - Criminal Section

Keith and Iris Archuleta, Antioch Youth Intervention Network (YIN)

Joint Commission Workshops

On January 7, 2009 a Joint Commission meeting was held at the John H. Davis Juvenile Hall in Martinez. The Contra Costa County Juvenile Justice Commission hosted the meeting with participation by Contra Costa County Probation staff and members of the Alameda County Juvenile Justice Commission and Probation staff. Also included were several guests representing school district staff and school district truancy boards. The meeting included a tour of Contra Costa's Juvenile Hall, followed by a discussion on truancy.

The meeting consensus was that truancy is a serious problem affecting both counties. Current truancy programs were discussed and concluded that they are not effective in correcting the truancy problem. Many school districts do not have a plan to deal with truant students. Although attendance and truancy staff can encourage students to come to school, even helping them get to school, they are unable to enforce attendance from students that do not want to be there.

Patterns of truancy begin in elementary school and worsen as the students enter middle and high school. A consensus was reached that much of the problem has to do with lack of effective parental control. Aggravated truancy leads to high school drop outs, substance abuse and criminal behavior.

Current statutes are minimally effective in dealing with habitual truants through the juvenile courts. The laws do not allow for the detention of students who are not attending school and the existing sanctions are not effective in changing behavior. Some school districts actually will pick

up minors from their homes or use the police to round up students from the streets and return them to school. This does not solve the problem but is a clear way to identify those students that have truancy issues. Exploration into the reasons why a student is truant needs to be examined along with ideas for solutions.

The joint commission meetings provide an opportunity for commissioners and probation staff to compare notes on their individual county operations and discuss successful programs directed at facing similar problems with their at-risk juvenile populations. Further joint commission meetings are anticipated to develop long-range programs and ideas to deal with delinquency, juvenile crimes, truancy and the funding of current and new programs.

In June, two Commissioners attended the Juvenile Justice and Delinquency Prevention Training Program sponsored by the Lake and Mendocino County JJDPCs. Presentations were made by CSA representative Barbara Fenton regarding commission roles and responsibilities; Yolanda McGary-Beitia San Francisco, provided information on institutional codes, statutes and regulations, investigation procedures, communications and collaborations and a Lake County representative outlined child welfare and the juvenile dependency system (from referral to dispositions). Information will be presented to the JJDPC at a future meeting.

Inspections

Part of the Commission's mandated purpose is to conduct annual inspections of the juvenile facilities within the county. These include lock up facilities as well as group homes and treatment programs. Following each inspection a report is written by the inspection team and submitted to the presiding judge of the juvenile court and others for review. During the fiscal year 2008-2009 ten inspections were completed. The remainder of inspections (including county group homes) will be assigned by the inspection committee.

Guests

The Commission always welcomes guests at their meetings. This past year CAO Public Protection analyst Tim Ewell presented a general overview of the county budget. Rhonda James, Executive Director of Community Violence Solutions presented a program on cyber safety. "Be a Mentor" Director, Bob Goetsch spoke to the commissioners regarding a volunteer training program which matches adult volunteers with youth. Karen Simoni presented an art project using recycled materials to occur at Juvenile Hall.

Facilities

The Dean and Margaret Leshner Foundation contributed \$70,000 to build a library on the campus of OAYRF. The library opened in September of 2008 with distinguished guests: Orin Allen, distinguished supporter; Presiding Juvenile Judge Lois Haight; County Probation Officer Lionel Chatman; CCCOE Superintendent Joseph Ovick; Leshner Foundation Vice President Steve Leshner; State Senator Mark DeSaulnier; Librarian, Susan Hildreth; and CCC Supervisor, Mary

Piepho. Friends of the Library and current residents of OAYRF were also in attendance. OAYRF residents are frequent patrons of the library which is a branch of the Contra Costa County Library. The young men leave with a library card and the location of their neighborhood library.

In December OAYRF was the recipient of a piano donated by the Rossmoor Ashmolean Singers. Music filled the air at the annual Holiday Luncheon for the Senior Tutors.

In April 2009, the CCC Grand Jury recommended that the Orin Allen Youth Rehabilitation Facility be closed (GJ Report #0905). The Commission sent a letter to the Board of Supervisors outlining the successful rehabilitation programs and the importance of continuing to support the facility. The Grand Jury requested that the Board look closely at the costs (not only financially) that would be incurred in following the Grand Jury's recommendation to close OAYRF. Currently, Contra Costa County is a leader in rehabilitating juveniles. To close OAYRF would be to return to archaic, discredited practices of the past. Youth would be punished but not rehabilitated.

Several commissioners attended the May 5, 2009 Board of Supervisors meeting presenting accurate information to be considered regarding the closing of this facility. The Board of Supervisors unanimously voted to keep the facility open.

Programs

With financial assistance from the Contra Costa Police Athletic Association and the Becklam Foundation in Alamo a program has been developed to focus on small engine repair and has given ten young men a year the opportunity, over eight weeks, to get a Briggs and Stratton Small Engine Repair Certificate and high school work experience credit. CCPAA also provides seminars in "Positive Mental Attitudes" in schools and youth facilities. The program has been provided to 1,800 youth.

OAYRF began a vocation orientation program through Delta Vista High School in May. Representatives of the Northern California Laborers Training Center came to Delta Vista High School to present information to the young men who are about to graduate from high school. The purpose of the orientation was to provide information regarding their Laborers Apprentice Training Program and encourage the youth to consider it as a viable vocation for employment.

In June, the Carpenters Training Committee of Northern California presented their apprenticeship program as another vocation alternative. Local 3 Operating Engineers are scheduled to be the next vocational presenters occurring in August 2009.

Events of Interest

During the fiscal year of 2008-2009, the following events are worthy of mentioning that involved Juvenile Probation Programs and their Facilities:

This year the Annual Latino Conference and Black History Celebrations were hosted by OAYRF. These celebrations included all aspects of culture: food, art, music, and role models. Orin Allen, Supervisor Federal Glover, Chief Lionel Chatman and Reverend Charles Tinsley were in attendance.

Omar Tyree, author of several books for young readers, spoke to residents at Juvenile Hall and OAYRF.

Residents of OAYRF participating in the Senior Tutor Program were guests of the San Francisco Conservatory of Flowers. Tour guides were provided by the conservatory and each resident was accompanied by a senior tutor.

Budget cuts have effected Employment and Human Services Department resulting in fewer social workers, who process child welfare referrals to the court. Case loads have tripled. This is affecting the number of juvenile and dependency court cases being heard. The courts are currently hearing cases four days a week.

The mental health staffing in Juvenile Hall has also been reduced, and as a result County Mental Health Services are only able to provide crisis counseling and the screening of new offenders coming into the facility.

The Mentally Ill Offender Crime Reduction (MIOCR) Grant from the California Department of Corrections was not funded by the State. The minors formerly in MIOCR will continue receiving intensive supervision under the auspices of Field Services. The MIOCR staff was incorporated into Youthful Offender Treatment Program (YOTP).

The target for the MIOCR grant was to treat probation-involved juveniles who are exhibiting a significant level of psychiatric and behavioral tendencies, without keeping them in custody or placing them in out of county group homes. As of July 2008 there were 55 minors in the program.

In January of 2008, the Contra Costa Probation Department, through grant funding, hired "New Connections" to restore minimal mental health services. Currently, one therapist is providing treatment to approximately 20 boys. This falls short of the needs by 80%. The contract will need to be renewed in order that services are not interrupted.

Chris Adams Girls Center administered by Contra Costa County Mental Health and the Probation Department received a group home Level 12 waiver in January 2009. It will not be effective until the State signs it into action.

East County and West County Juvenile Drug Courts, which are administered by judges and their commissioners, continue to be very successful at modifying substance abuse behavior and saving hundreds of youth from a life of chemical dependency. As of this date there exists a need

in Central County, however, there is still no funding available to start this type of service. Dependency Court is now being held evenings in East County.

In October 2008, Contra Costa County opened the Youth Offender Treatment Program (YOTP) housed at Juvenile Hall. The YOTP program is for minors who normally would have been sent to CYA/DJJ or when local resources have been exhausted. The population at the close of the 2008-2009 fiscal year was 26. The capacity of the program is thirty, with a minimum stay between nine and twelve months. Life skills, counseling and transitioning into the community are elements of the program. There is no set custody time in the YOTP. Minors must complete the program before being released.

Additional violence prevention programs the commission supports and commends are The DELTA Project which sends a message to county youth about "zero tolerance" for domestic violence in their homes and relationships and STAND that focuses on the education of our young men in the schools and support for the victims of domestic violence. Additionally, CCPAA has been a supporter of juvenile probation programs by funding the auto and engine repair programs for the past two summers at the Orin Allen Youth Rehabilitation Facility.

The staff at OAYRF continues to train probation counselors in a Cognitive Behavior approach to interacting with youth. Reportedly, the training has shown a significant improvement in identifying negative and positive behaviors and communication. Probation Field Services has recently applied for a grant to train "trainers" addressing gang memberships, gang exits, etc. This grant is available through the Juvenile Accountability Block Grant.

A grant from Youth Services Bureau of West County was received to provide services for minors returning to the community from OAYRF. A transitional program for these minors is still desperately needed.

The Commission continues to be grateful to the many community groups and organizations in the county that fund youth programs to empower youth, fight delinquency and assist in setting positive directions. The Contra Costa Police Athletic Association (CCPAA) administers: Kops for Kids Mentoring, Positive Mental Attitudes Seminars and Sports Clinics. The CCPAA also collaborates with the Violence Prevention Coalition in efforts to suppress teen violence through acceptable alternatives.

Conclusions

The Commission's mission is to reduce the delinquent population and keep youth out of the juvenile justice system by:

- 1) Sponsoring and participating in diversion and prevention activities that steer youth away from entering the juvenile justice system.
- 2) Supporting programs and systems that can assist youth with mental health and

substance abuse issues that may eventually lead to Involvement in the juvenile justice system.

- 3) Promoting education and training for the youth who are involved In the Juvenile Justice System that they might become responsible citizens. Leaving their delinquency behind and becoming successful in completion of their probation as they return and live in their communities.

The loss and reduction of mental health services due to budget cuts last year and again this year are especially troubling to the Commission. We believe that youth in custody are particularly vulnerable and in need of mental health services. Studies have shown that up to 70% of juveniles in custody are suffering from diagnosable mental disorders that effect their behavior, relationships and activities and require intervention. In addition, the loss of MIOCR funding resulted in the necessity to expand field services to include intense supervision to reduce the growing number of youth who demonstrate delinquency behavior.

Central County has been unable to fund a juvenile drug court. The Commission believes this is an important tool that is very necessary in making a difference in young people's lives. We urge the County Supervisors, the Superior Court judges and Health Services (Alcohol and other Drugs) Department to assist the Commission in exploring different funding mechanisms to make this priority.

Additionally, the Commission has expressed concern regarding the County's financial ability to sustain the ongoing efforts to care for and rehabilitate juveniles who are currently in the juvenile justice system. The Commission will continue to explore grant funding, private funding, county and federal funding to sustain those programs and to look into funding for mental health services and transitional programs that are desperately needed.

The Commission requests the Board of Supervisors to assist them in grant writing and future funding for programs which will assist the Contra Costa County youth in rehabilitation.

The Commission continues to work closely with the Probation staff, other youth serving agencies and county organizations to advance and promote innovative delinquency prevention programs. The Commission is fortunate to have a positive relationship with the Juvenile Court Judges and the dedicated Field and Institution staff of the Contra Costa County Probation Department.



Contra
Costa
County

To: Board of Supervisors
From: Jason Crapo, County Building Official
Date: December 8, 2009

Subject: Report of Abatement Costs for 1363 Madeline Rd., San Pablo

RECOMMENDATION(S):

OPEN the hearing on the attached itemized report on the costs of abating a public nuisance on the real property located at 1363 Madeline Rd., San Pablo, CA, Contra Costa County; APN 405-132-006; 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 \$2,582.46.

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: **12/08/2009** ☒ 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: December 8, 2009

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

By: June McHuen, Deputy

Contact: Jason Crapo 5-1108

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 to Comply was posted on the above-referenced property for a vacant unsecured structure, whose interior contains waste, rubbish or debris and whose premises contain waste, rubbish, debris or excessive vegetation and served on the property owner and all persons known to be in possession of the property by certified mail on July 18, 2009.

The property owner did not file an appeal. The County Abatement Officer abated the nuisance on August 26, 2009.

The property owner was billed for the actual cost of the abatement and all administrative costs. The bill was sent by certified and first-class mail to the property owner on September 8, 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 costs

CONTRA COSTA COUNTY

DATE: December 8, 2009
TO: Clerk of the Board
FROM: Building Inspection Department
By: Mark Alford, 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: Estate of Daniel Contreras
c/o David Contreras

POSSESSOR: N/A

MORTGAGE HOLDER: N/A

ABATEMENT ORDERED DATE: July 8, 2009

ABATEMENT COMPLETED DATE: August 26, 2009

SITE ADDRESS: 1363 Madeline Rd., San Pablo, CA
APN #:405-132-006

PROPERTY DESCRIPTION: Residential property

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

ITEM	EXPLANATION	COST
Notice to Comply		\$100.00
Site Visits (3 @ \$25 ea.)		\$ 75.00
Pirt (Title Search)		\$150.00
Postage	Certified/regular	\$ 11.96
Photos		\$ 28.50
Site Investigation (To view abatement compliance)		\$200.00
Expense Hearing		\$200.00
Abatement	Contractor	\$ 1,817.00

Total: \$ 2,582.46

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: December 8, 2009

Subject: Report of Abatement Costs for Silver Avenue, Richmond, CA

RECOMMENDATION(S):

OPEN the hearing on the attached itemized report on the costs of abating a public nuisance on the real property located at Silver Avenue, Richmond, CA, Contra Costa County; APN 409-162-025; 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 \$1,976.44.

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: 12/08/2009

☒ 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: December 8, 2009

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

By: June McHuen, Deputy

Contact: Jason Crapo 5-1108

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 for the accumulation of trash and weeds and served on the property owner and all persons known to be in possession of the property by certified mail on July 27, 2009.

The property owner did not file an appeal. The County Abatement Officer abated the nuisance on August 17, 2009.

The property owner was billed for the actual cost of the abatement and all administrative costs. The bill was sent by certified and first-class mail to the property owner on August 19, 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.

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

ATTACHMENTS

Itemized costs

CONTRA COSTA COUNTY

DATE: December 8, 2009
TO: Clerk of the Board
FROM: Building Inspection Department
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: RR Finance, Inc
Hillside Enterprises, Inc.

POSSESSOR: N/A

MORTGAGE HOLDER: N/A

ABATEMENT ORDERED DATE: July 27, 2009

ABATEMENT COMPLETED DATE: August 17, 2009

SITE ADDRESS: Silver Avenue, Richmond, CA
APN #:409-162-025

PROPERTY DESCRIPTION: Residential property

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

ITEM	EXPLANATION	COST
Notice to Comply		\$100.00
Site Visits (2 @ \$25 ea.)		\$ 50.00
Pirt (Title Search)		\$150.00
Postage	Certified/regular	\$ 17.94
Photos		\$ 7.50
Lock		\$ 15.00
Site Investigation (To view abatement compliance)		\$200.00
Expense Hearing		\$200.00
Abatement	Contractor	\$ 1,236.00

Total: \$ 1,976.44

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: December 8, 2009

Subject: Report of Abatement Costs for 349 Silver Ave., Richmond, CA

RECOMMENDATION(S):

OPEN the hearing on the attached itemized report on the costs of abating a public nuisance on the real property located at 349 Silver Ave., Richmond, CA, Contra Costa County; APN 409-162-024; 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 \$2,067.11.

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: **12/08/2009** ☒ 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: December 8, 2009

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

By: June McHuen, Deputy

Contact: Jason Crapo 5-1108

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 for the accumulation of trash and excessive overgrowth and served on the property owner and all persons known to be in possession of the property by certified mail on August 3, 2009.

The property owner did not file an appeal. The County Abatement Officer abated the nuisance on August 17, 2009.

The property owner was billed for the actual cost of the abatement and all administrative costs. The bill was sent by certified and first-class mail to the property owner on August 19, 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 costs

CONTRA COSTA COUNTY

DATE: December 8, 2009
TO: Clerk of the Board
FROM: Building Inspection Department
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: RR Finance, Inc
c/o Reginald Robinson

POSSESSOR: N/A

MORTGAGE HOLDER: N/A

ABATEMENT ORDERED DATE: August 3, 2009

ABATEMENT COMPLETED DATE: August 17, 2009

SITE ADDRESS: 349 Silver Avenue, Richmond, CA
APN #:409-162-024

PROPERTY DESCRIPTION: Residential property

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

ITEM	EXPLANATION	COST
Notice to Comply		\$100.00
Site Visits (14 @ \$25 ea.)		\$250.00
Pirt (Title Search 2 @ \$150.00 ea)		\$300.00
Postage	Certified/regular	\$ 63.11
Photos		\$ 15.00
Site Investigation (To view abatement compliance)		\$200.00
Expense Hearing		\$200.00
Abatement	Contractor	\$939.00

Total: \$ 2,067.11

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: December 8, 2009

Subject: Report of Abatement Costs for 53 Vernon Ave., 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 53 Vernon Ave., Richmond, CA, Contra Costa County; APN 409-021-027; 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 \$1,034.88.

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: 12/08/2009

☒ 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: December 8, 2009

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

By: June McHuen, Deputy

Contact: Jason Crapo 5-1108

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 to Order and Abate was posted on the above-referenced property for a vacant property whose premises contains waste, rubbish, debris and excessive vegetation and served on the property owner and all persons known to be in possession of the property by certified mail on July 27, 2009.

The property owner did not file an appeal. The County Abatement Officer abated the nuisance on August 12, 2009.

The property owner was billed for the actual cost of the abatement and all administrative costs. The bill was sent by certified and first-class mail to the property owner on August 17, 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 Costs

CONTRA COSTA COUNTY

DATE: December 8, 2009
TO: Clerk of the Board
FROM: Building Inspection Department
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: Jim Mitchell

POSSESSOR: N/A

MORTGAGE HOLDER: N/A

ABATEMENT ORDERED DATE: July 27, 2009

ABATEMENT COMPLETED DATE: August 12, 2009

SITE ADDRESS: 53 Vernon Ave., Richmond, CA
APN #:409-021-027

PROPERTY DESCRIPTION: Residential property

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

ITEM	EXPLANATION	COST
Notice to Comply		\$100.00
Site Visits (2 @ \$25 ea.)		\$ 50.00
Pirt		\$150.00
Postage	Certified/regular	\$ 18.38
Photos		\$ 7.50
Site Investigation (To view abatement compliance)		\$200.00
Expense Hearing		\$200.00
Abatement	Contractor	\$309.00

Total: \$ 1,034.88

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: December 8, 2009

Subject: Report of Abatement Costs for 1835-1841 Truman St., Richmond, CA

RECOMMENDATION(S):

OPEN the hearing on the attached itemized report on the costs of abating a public nuisance on the real property located at 1835-1841 Truman Street, Richmond, CA, Contra Costa County; APN 409-240-026; 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 \$1,662.42.

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: **12/08/2009** ☒ 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: December 8, 2009

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

By: June McHuen, Deputy

Contact: Jason Crapo 5-1108

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 to Comply was posted on the above-referenced property for a vacant structure whose premises contains waste, rubbish, debris or excessive vegetation and served on the property owner and all persons known to be in possession of the property by certified mail on May 21, 2009.

The property owner did not file an appeal. The County Abatement Officer abated the nuisance on July 31, 2009.

The property owner was billed for the actual cost of the abatement and all administrative costs. The bill was sent by certified and first-class mail to the property owner on August 17, 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 costs

CONTRA COSTA COUNTY

DATE: December 8, 2009
TO: Clerk of the Board
FROM: Building Inspection Department
By: Eduardo Franco, 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: Zacara Rubin

POSSESSOR: N/A

MORTGAGE HOLDER: N/A

ABATEMENT ORDERED DATE: May 21, 2009

ABATEMENT COMPLETED DATE: July 31, 2009

SITE ADDRESS: 1835-1841 Truman St., Richmond
APN #:409-240-026

PROPERTY DESCRIPTION: Residential property

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

ITEM	EXPLANATION	COST
Notice to Comply		\$100.00
Pirt (Title report)		\$150.00
Postage	Certified/regular	\$ 23.92
Photos		\$ 7.50
Site Investigation (To view abatement compliance)		\$200.00
Expense Hearing		\$200.00
Abatement	Contractor	\$981.00

Total: \$ 1,662.42

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: Julia R. Bueren, Public Works Director/Chief Engineer
Date: December 8, 2009

Subject: State Route 4 East Somersville Road to State Route 160 project - Segment 1, Antioch and Pittsburg areas. Project No.: 4660-6X4168 SCH No. 2004092135

RECOMMENDATION(S):

OPEN the public hearing and ask if any notified property owners wish to be heard as to the four items specified in Section B below; CLOSE Public Hearing.

Upon completion and closing of the hearing, MAKE the findings and determinations listed under Section B below and ADOPT the attached Resolution of Necessity to acquire the required properties by eminent domain.

FISCAL IMPACT:

In eminent domain actions the judgment will be the price paid for the property, and may include court costs which are regarded as a roughly calculable expense of property acquisition. Costs of acquisition in this case are 100% reimbursable from Contra Costa Transportation Authority (CCTA). There will be no impact to the County General Fund.

BACKGROUND:

A.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009 ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

Speaker: Angela Wang, Diamond Properties, Antioch.

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: December 8, 2009

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

Contact: Carmen Piña-Sandavol,
313-2012

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

Proposed Project - CCTA in cooperation with the State of California, acting by and through its Department of Transportation (Caltrans), propose to widen State Route 4 (SR4) East from its current four lanes to an eight-lane facility, reconstruct interchanges, perform work on affected local roadways, and relocate existing utilities from east of Somersville Road to west of Contra Loma Boulevard, in the Antioch and Pittsburg areas. The improved corridor will connect to the existing eight-lane freeway system comprised of three mixed-flow lanes and one high occupancy vehicle (HOV) lane in each direction west of Loveridge Road while preserving sufficient width in the SR4 median through the Loveridge Interchange to accommodate a possible future public transit improvement (by others). The proposed project will reduce existing traffic congestion, improve traffic operations, and encourage HOV use to accommodate travel demand anticipated through the year 2030.

On June 27, 2006, this Board APPROVED the proposed project and ADOPTED the Negative Declaration and Finding of No Significant Impact pertaining to this project that was published on August 2, 2005.

Under the agreement between the County, the State of California and CCTA for the exercise of the power of eminent domain for the SR4 (E) Widening – Somersville to SR160 Project dated January 18, 2008, the parties agreed and reaffirmed that the County is designated as the party to administer the portion of the Cooperative Agreement relating to the acquisition of real property, through eminent domain or otherwise, by and through its Board of Supervisors, County officials and departments, and County attorneys.

This phase of the project consists of acquiring various land rights from 23 parcels in the project area. The land rights include fee title, temporary construction easements, a slope easement, sanitary sewer easements, and permanent overhead and pole line easements along the southerly and northerly side of SR4 near Somersville Road in the Antioch and Pittsburg areas.

The County, through the Real Property Division of the Public Works Department, has made an offer of just compensation to the owners of the properties for the rights required for this Segment of the project. The offers were based on appraisals of the fair market value of said property rights.

Construction of the project is scheduled to begin in the summer of 2010. In order to proceed with the project, it is necessary for the County to exercise its power of eminent domain. Pursuant to Section 1245.235 of the Code of Civil Procedure, notice was given to the persons listed on the attached Exhibit "A" whose names and addresses appear on the last equalized County Assessment Roll.

This notice consisted of sending by first-class and certified mail on October 22, 2009, a Notice of Intention which notified the owners that a hearing on the Board's intent to adopt the attached Resolution is scheduled for December 8, 2009, at 9:30 a.m., in the Board's Chambers, at which time they may appear to be heard on the matters referred to in the notice.

B. Scope of Hearing Per C.C.P. Section 1245.235

1. Public Interest and Necessity require the proposed project.

SR4 is the only east-west transportation corridor in this area that provides direct access from Pittsburg, Antioch, and Brentwood to the greater Bay Area to the west and a link between Contra Costa County and San Joaquin County to the east. Traffic volume on the existing roadway is beyond system capacity, due to development in East County. This has resulted in severe congestion and increased travel times. Further increases in traffic volume will result in gridlock, not only in the freeway system, but also in the alternative local street network located near the congested freeway. The project will increase the use of HOV lanes while preserving sufficient width in the SR4 median to accommodate future mass transit services to and from East County.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

Through the planning phase of the project a number of interchange configuration, mainline highway alignment and Somersville Road alignment alternatives were studied. The interchange configuration, mainline highway alignment and Somersville Road alignment selected achieved the required operational traffic improvements with the least impact to adjacent properties. The alternative selected was designed to meet the operational traffic needs of the interchange and Somersville Road and was designed in conformance with Caltrans and City of Antioch design standards. The other alternative designs not selected would have resulted in greater impact to both residential and commercial properties and would have required more utility relocation.

3. The properties sought to be acquired are necessary for the project,

The properties sought for this Segment of the project are necessary for the widening of State Route 4, the reconfiguration of the Somersville Road Interchange and the widening along Somersville Road. All efforts have been made to reduce physical and operational impacts to adjacent properties both during and after construction. The project cannot be constructed as planned without the acquisition of these properties.

4. The offer of compensation required by Section 7267.2 of the Government Code has been made to owner or owners of record.

The County, through the Real Property Division of the Public Works Department, has made an offer of just compensation to the owners of record for the rights required for this project. The offers were based on appraisals of the fair market value of said property rights. In each case, efforts were made to acquire the required properties through negotiated purchase and sale instead of condemnation. Attempts to negotiate a settlement involved discussions and in some cases meetings with the owners of record and/or their representatives.

CONSEQUENCE OF NEGATIVE ACTION:

The County will be unable to acquire the property rights necessary for the project.

ATTACHMENTS

Resolution of Necessity

Exhibit A

Appendix A Legal Description

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

Re: Condemnation of Property)
 for Highway Purposes,)
 State Route 4 East,)
 Somersville Road to State)
 Route 160 Project, Segment 1)
 Antioch & Pittsburg Area)

**RESOLUTION OF NECESSITY
NO. 2009/560**

(C.C.P. Sec. 1245.230)

The Board of Supervisors of Contra Costa County, California, by vote of two-thirds or more of its members, **RESOLVES** that:

Pursuant to Government Code Section 25350.5 and Streets & Highways Code Section 760, Contra Costa Transportation Authority (CCTA) in cooperation with the State of California, acting by and through its Department of Transportation (Caltrans), intend to construct the highway reconstruction project, a public improvement consisting of widening and improving of State Route 4 from east of Somersville Road to west of Contra Loma Blvd., in the Antioch and Pittsburg areas and, in connection therewith, acquire interests in certain real property.

The properties to be acquired consist of twenty-three parcels and are located in the Antioch and Pittsburg areas. Said properties are more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

On October 22, 2009, notice of Contra Costa County's (County) intention to adopt a resolution of necessity for acquisition by eminent domain of the real property described in Exhibit "A" was sent to the persons whose names appear on the last equalized County Assessment Roll as owner(s) of said properties. The notice specified December 8, 2009, at 9:30 a.m., in the Board of Supervisors Chambers in the Administration Building, 651 Pine Street, Martinez, California, as the time and place for the hearing thereon.

The hearing was held at that time and place, and all interested parties were given an opportunity to be heard and based upon the evidence presented to it, this Board finds, determines and hereby declares the following:

1. The public interest and necessity require the proposed project; and
2. The proposed project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury; and
3. The properties described herein are necessary for the proposed project; and
4. The offer required by Section 7267.2 of the Government Code was made to the owner or owners of record; and
5. Insofar as any of the properties described in this resolution have heretofore been dedicated to a public use, the acquisition and use of such properties by the County for the purposes identified herein is for a more necessary public use than the use to which the properties have already been appropriated for a compatible public use. This determination and finding is made and this resolution is adopted pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610.

6. On June 27, 2006, this Board APPROVED the proposed Project and ADOPTED the Negative Declaration and Finding of No Significant Impact pertaining to this Project that was published on August 2, 2005.

The County Counsel of this County is hereby **AUTHORIZED** and **EMPOWERED**:

To acquire in the County's name, by condemnation, the titles, easements and rights of way hereinafter described in and to said real property or interest(s) therein, in accordance with the provisions for eminent domain in the Code of Civil Procedure and the Constitution of California:

Parcels 1, 2, 4, 6, 7, 9, 11, 13, 18, and 20 are to be acquired in fee title.

Parcels 3, 5, 8, 10, 12, 17, 19, and 23 are to be acquired as temporary construction easements for the following periods:

Parcels 3 and 19 – nine months between July 1, 2010 and October 31, 2013;

Parcels 5 and 8 – six months between October 1, 2010 and March 31, 2011;

Parcel 10 – six months between July 1, 2010 and December 31, 2012;

Parcel 12 - nine months between July 1, 2010 and December 31, 2012;

Parcel 17 - fifteen months between July 1, 2010 and December 31, 2012; and

Parcel 23 – thirty months from July 1, 2010 through December 31, 2012.

Parcels 14 and 21 are to be acquired as permanent overhead and pole line easements.

Parcel 15 and 22 are to be acquired as permanent sanitary sewer easements.

Parcel 16 is to be acquired as a permanent slope easement

To prepare and prosecute in the County's name such proceedings in the proper court as are necessary for such acquisition;

To deposit the probable amount of compensation based on an appraisal, and to apply to said court for an order permitting the County to take immediate possession and use said real property for said public uses and purposes.

PASSED and ADOPTED on _____, by the following vote:

AYES:

NOES:

ABSENT:

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of two thirds or more of the Board of Supervisors of Contra Costa County, California, at a meeting of said Board of Supervisors on the date indicated above.

Date: _____

Exhibit "A"

61097
Douglas W. Messner, President
Century Plaza Dev Corp.
1800 Willow Pass Court
Concord, CA 94520

61108
KC Propco, LLC
c/o Tax Department
650 NE Holladay St., #1400
Portland, OR 97232

61113
Michael C. and Paula A.
Richardson
123 Los Altos Avenue
Walnut Creek, CA 94598

61114
2009 Sommersville, LLC
1001 Marina Village Pkwy., #115
Alameda, CA 94501-1092

61115
Equilon Enterprises, LLC
c/o Tax Department Property
PO Box 4369
Houston, TX 77210

61116
Diamond Properties, Inc.
c/o Leo Wang, President
969G Edgewater Blvd., #350
Foster City, CA 94404

61118
Kenneth W. Melton, Jr., President
Metlon Recreation, Inc.
4745 Del Valley Pkwy.
Pleasanton, CA 94566

61119
Kaiser Foundation Health Plan
c/o Department of Taxation
1 Kaiser Plaza, 15th Fl.
Oakland, CA 94612

APPENDIX "A"

CENTURY PLAZA DEVELOPMENT CORPORATION (61097)

LAND DESCRIPTIONS OF THREE (3) PARCELS OF LAND IN THE CITY OF PITTSBURG, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "PARCEL ONE" IN THE GRANT DEED TO CENTURY PLAZA DEVELOPMENT CORPORATION, RECORDED JUNE 15, 1998 AS DOCUMENT NUMBER 98-0135031-00, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

PARCEL 1 (61097-1) FEE PARCEL

BEGINNING AT THE SOUTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND SHOWN AS "DESIGNATED REMAINDER" ON "PARCEL MAP MS 678-05", FILED NOVEMBER 29, 2005 IN BOOK 195 OF PARCEL MAPS, PAGE 17, SAID CORNER BEING COINCIDENT WITH THE NORTHERLY LINE OF THE LANDS OF THE STATE OF CALIFORNIA AS DESCRIBED IN THE GRANT DEED RECORDED SEPTEMBER 12, 1952 IN BOOK 1989 AT PAGE 579, BOTH OF OFFICIAL RECORDS OF SAID COUNTY;

1. THENCE NORTH 17°39'51" WEST 4.92 FEET ALONG THE EASTERLY LINE OF SAID DESIGNATED REMAINDER PARCEL;
2. THENCE, LEAVING LAST SAID LINE, SOUTH 70°48'34" EAST 184.77 FEET TO THE NORTHERLY LINE OF SAID THE LANDS OF THE STATE OF CALIFORNIA;
3. THENCE NORTH 72°20'09" WEST 184.71 FEET ALONG SAID NORTHERLY LINE TO **THE POINT OF BEGINNING.**

CONTAINING 455 SQUARE FEET (0.010 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

PARCEL 2 (61097-2) FEE PARCEL

BEGINNING AT THE MOST WESTERLY CORNER OF "LOT B" AS SAID LOT IS SHOWN ON SUBDIVISION MAP 8177, FILED JUNE 22, 2001 IN BOOK 431 OF MAPS, PAGE 49, OFFICIAL RECORDS OF SAID COUNTY, SAID CORNER BEING COINCIDENT WITH THE NORTHERLY LINE OF SAID LANDS OF THE STATE OF CALIFORNIA, SAID CORNER ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 384.76 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 08°02'25" WEST);

1. THENCE NORTHEASTERLY 207.65 FEET ALONG SAID CURVE, AND NORTHERLY LINE OF SAID "LOT B", THROUGH A CENTRAL ANGLE OF 30°55'18";
2. THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 66°13'36" EAST 11.17 FEET;
3. THENCE, LEAVING SAID NORTHERLY LINE, SOUTH 77°31'33" WEST 24.30 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 990.50 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 05°43'54" EAST);

4. THENCE SOUTHWESTERLY 323.87 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°44'04" TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1340.50 FEET;
5. THENCE SOUTHWESTERLY 75.05 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°12'28" TO SAID NORTHERLY LINE OF THE STATE OF CALIFORNIA;
6. THENCE SOUTH 72°20'09" EAST 214.60 FEET ALONG SAID NORTHERLY LINE TO THE **POINT OF BEGINNING**.

CONTAINING 5,685 SQUARE FEET (0.131 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

PARCEL 3 (61097-3) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 10-31-2013

A TEMPORARY EASEMENT, FOR A NINE (9) MONTH PERIOD BETWEEN JULY 1, 2010 AND OCTOBER 31, 2013, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID PARCEL OF LAND SHOWN AS "DESIGNATED REMAINDER", FROM WHICH THE SOUTHEASTERLY CORNER THEREOF BEARS SOUTH 17°39'51" WEST 4.92 FEET;

1. THENCE SOUTH 70°48'34" EAST 184.77 FEET TO THE NORTHERLY LINE OF SAID LANDS OF THE STATE OF CALIFORNIA;
2. THENCE SOUTH 72°20'09" EAST 68.06 FEET ALONG SAID NORTHERLY LINE TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1340.50 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 16°12'37" EAST);
3. THENCE, LEAVING SAID NORTHERLY LINE, NORTHEASTERLY 75.05 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°12'28", TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 990.50 FEET;
4. THENCE NORTHEASTERLY 323.87 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°44'04";
5. THENCE NORTH 77°31'33" EAST 24.30 FEET TO THE NORTHERLY LINE OF SAID "LOT B";
6. THENCE NORTH 66°13'36" EAST 48.03 FEET ALONG SAID NORTHERLY LINE;
7. THENCE, LEAVING LAST SAID LINE, NORTH 14°43'48" WEST 5.59 FEET;
8. THENCE SOUTH 77°31'33" WEST 70.29 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 975.50, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 05°40'48" EAST);
9. THENCE SOUTHWESTERLY 318.08 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°40'57" TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1325.50 FEET;

10. THENCE SOUTHWESTERLY 80.88 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°29'46";
11. THENCE SOUTH 16°29'55" WEST 2.52 FEET ALONG THE PROLONGATION OF A RADIAL LINE OF SAID CURVE;
12. THENCE SOUTH 72°14'25" WEST 245.77 FEET TO EASTERLY LINE OF SAID "DESIGNATED REMAINDER" PARCEL;
13. THENCE SOUTH 17°39'51" WEST 7.81 FEET ALONG SAID EASTERLY LINE TO THE **POINT OF BEGINNING.**

CONTAINING 9,503 SQUARE FEET (0.218 ACRES), MORE OR LESS.

MICHAEL AND PAULA RICHARDSON (61113)

LAND DESCRIPTIONS OF TWO (2) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT PARCEL OF LAND DESCRIBED AS PARCEL 3 IN THE GRANT DEED TO MICHAEL C. RICHARDSON AND PAULA A. RICHARDSON, HUSBAND AND WIFE, RECORDED JUNE 28, 1996 AS DOCUMENT NUMBER 96-122491, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

Parcel 4 (61113-1) FEE PARCEL

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL THREE;

1. THENCE NORTH 43°13'38" EAST 54.86 FEET ALONG THE WESTERLY LINE OF SAID PARCEL 3, TO THE MOST WESTERLY CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO THE STATE OF CALIFORNIA RECORDED JUNE 19, 1963 IN VOLUME 4390, PAGE 625, OFFICIAL RECORDS OF SAID COUNTY;
2. THENCE SOUTH 46°46'22" EAST 14.98 FEET ALONG THE GENERAL SOUTHERLY LINE OF LAST SAID PARCEL;
3. THENCE NORTH 64°00'06" EAST 53.92 FEET ALONG LAST SAID LINE;
4. THENCE LEAVING LAST SAID LINE SOUTH 52°26'42" WEST 95.45 FEET;
5. THENCE NORTH 69°58'15" WEST 4.32 FEET;
6. THENCE SOUTH 44°06'15" WEST 3.03 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 3;
7. THENCE NORTH 69°57'11" WEST 16.08 FEET ALONG SAID SOUTHERLY LINE TO THE **POINT OF BEGINNING.**

CONTAINING 1,375 SQUARE FEET (0.032 ACRES), MORE OR LESS.

Parcel 5 (61113-2) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 3-31-2011

A TEMPORARY EASEMENT, FOR A SIX (6) MONTH PERIOD BETWEEN OCTOBER 1, 2010 AND MARCH 31, 2011, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF SAID PARCEL THREE, SAID CORNER ALSO LYING ON THE SOUTHEASTERLY LINE OF THE LANDS OF THE STATE OF CALIFORNIA DESCRIBED IN THE GRANT DEED RECORDED JUNE 19, 1963 IN VOLUME 4390 AT PAGE 625, OFFICIAL RECORDS OF SAID COUNTY;

1. THENCE SOUTH 69°57'11" EAST 16.08 FEET ALONG THE SOUTHERLY LINE OF SAID PARCEL THREE TO THE **TRUE POINT OF BEGINNING**;
2. THENCE LEAVING SAID SOUTHERLY LINE NORTH 44°06'15" EAST 3.03 FEET;
3. THENCE SOUTH 69°58'15" EAST 4.32 FEET;
4. THENCE NORTH 52°26'42" EAST 80.35 FEET;
5. THENCE SOUTH 01°50'51" WEST 15.12 FEET;
6. THENCE SOUTH 45°51'25" WEST 62.48 FEET TO THE SOUTHERLY LINE OF SAID PARCEL THREE;
7. THENCE NORTH 69°57'11" WEST 26.13 FEET ALONG SAID SOUTHERLY LINE TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 1,128 SQUARE FEET (0.026 ACRES), MORE OR LESS.

2009 SOMERSVILLE, LLC (61114)

LAND DESCRIPTIONS OF THREE (3) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL ONE IN THE GRANT DEED TO 2009 SOMMERSVILLE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, RECORDED SEPTEMBER 29, 2008 AS DOCUMENT NUMBER 2008-0214367, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

Parcel 6 (61114-1) FEE PARCEL

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL ONE;

1. THENCE SOUTH 69°57'11" EAST 16.08 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL ONE;
2. THENCE LEAVING SAID NORTHERLY LINE SOUTH 44°06'15" WEST 7.51 FEET;
3. THENCE NORTH 46°46'22" WEST 14.67 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL ONE;

4. THENCE NORTH 43°13'38" EAST 1.18 FEET ALONG SAID NORTHWESTERLY LINE TO THE **POINT OF BEGINNING.**
CONTAINING 64 SQUARE FEET (0.001 ACRES), MORE OR LESS.

Parcel 7 (61114-2) FEE PARCEL

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL ONE, FROM WHICH THE MOST WESTERLY CORNER THEREOF BEARS NORTH 43°13'38" EAST 1.18 FEET;

1. THENCE SOUTH 46°46'22" EAST 14.67 FEET;
2. THENCE SOUTH 44°05'54" WEST 120.58 FEET;
3. THENCE NORTH 45°53'45" WEST 1.30 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 30.00 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING NORTH 45°53'45" WEST);
4. THENCE SOUTHERLY AND SOUTHEASTERLY 45.33 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°34'28" TO THE SOUTHWESTERLY LINE OF SAID PARCEL ONE;

THENCE ALONG SOUTHWESTERLY AND NORTHWESTERLY LINES OF SAID PARCEL ONE THE FOLLOWING THREE (3) COURSES:

5. NORTH 46°47'14" WEST 9.28 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 30.00 FEET;
6. WESTERLY AND NORTHWESTERLY 47.13 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'52";
7. NORTH 43°13'38" EAST 120.93 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 2,006 SQUARE FEET (0.046 ACRES), MORE OR LESS.

Parcel 8 (61114-3) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 3-31-2011

A TEMPORARY EASEMENT, FOR A SIX (6) MONTH PERIOD BETWEEN OCTOBER 1, 2010 AND MARCH 31, 2011, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL ONE, FROM WHICH THE MOST WESTERLY CORNER THEREOF BEARS NORTH 69°57'11" WEST 16.08 FEET;

1. THENCE CONTINUING ALONG SAID NORTHERLY LINE SOUTH 69°57'11" EAST 26.13 FEET;
2. THENCE LEAVING SAID NORTHERLY LINE SOUTH 45°51'24" WEST 46.85 FEET;
3. THENCE SOUTH 88°59'03" WEST 15.53 FEET
4. THENCE SOUTH 40°39'25" WEST 81.81 FEET;
5. THENCE SOUTH 46°30'25" EAST 20.74 FEET;

6. THENCE SOUTH 43°12'46" WEST 29.25 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL ONE;
7. THENCE NORTH 46°47'14" WEST 10.66 FEET ALONG SAID SOUTHWESTERLY LINE TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 30.00 FEET (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 47°31'47" WEST);
8. THENCE LEAVING SAID SOUTHWESTERLY LINE, WESTERLY AND NORTHWESTERLY 45.33 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°34'28";
9. THENCE SOUTH 45°53'45" EAST 1.30 FEET;
10. THENCE NORTH 44°05'54" EAST 120.58 FEET;
11. THENCE NORTH 44°06'15" EAST 7.51 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 3,218 SQUARE FEET (0.074 ACRES), MORE OR LESS.

EQUILON ENTERPRISES, LLC (61115)

LAND DESCRIPTIONS OF TWO (2) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT PARCEL OF LAND DESCRIBED AS PARCEL ONE UNDER TRACT 2 IN THE CORPORATE GRANT DEED TO EQUILON ENTERPRISES, LLC RECORDED JULY 13, 1998 UNDER DOCUMENT NUMBER 1998-0160747, OFFICIAL RECORDS OF SAID COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 9 (61115-1) FEE PARCEL

BEGINNING AT THE EASTERLY CORNER OF SAID LANDS PARCEL ONE;

THENCE ALONG THE SOUTHEASTERLY LINE AND SOUTHWESTERLY LINE OF SAID PARCEL ONE THE FOLLOWING THREE (3) COURSES:

1. THENCE SOUTH 43°13'38" WEST 144.99 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LANDS OF EQUILON ENTERPRISES LLC, ALSO BEING THE NORTHWESTERLY LINE OF SOMERSVILLE ROAD AS SHOWN ON THE PARCEL MAP FILED DECEMBER 23, 1975 IN BOOK 41 OF PARCEL MAPS, PAGE 38, CONTRA COSTA COUNTY RECORDS, TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 30.00 FEET;
2. THENCE WESTERLY AND SOUTHWESTERLY 47.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°59'35" TO THE NORTHEASTERLY LINE OF DELTA FAIR BOULEVARD, AS SHOWN ON SAID PARCEL MAP;
3. THENCE NORTH 46°46'47" WEST 18.92 FEET ALONG SAID NORTHEASTERLY LINE;
4. THENCE LEAVING SAID NORTHEASTERLY LINE NORTH 43°10'42" EAST 4.47 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 29.30 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 43°10'42" WEST);
5. THENCE SOUTHEASTERLY AND EASTERLY 47.26 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°27'38";

6. THENCE NORTH 42°43'03" EAST 140.96 FEET TO SAID NORTHEASTERLY LINE OF LANDS OF SAID PARCEL ONE;
7. THENCE SOUTH 46°46'22" EAST 20.90 FEET ALONG SAID NORTHEASTERLY LINE TO **THE POINT OF BEGINNING.**

CONTAINING 3, 648 SQUARE FEET (0.084 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR ROAD PURPOSES AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID ROAD.

PARCEL 10(61115-2) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 12-31-2012

A TEMPORARY EASEMENT, FOR A SIX (6) MONTH PERIOD BETWEEN JULY 1, 2010 AND DECEMBER 31, 2012, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF SAID PARCEL ONE, DISTANT THEREON NORTH 46°46'22" WEST 20.90 FEET FROM THE EASTERLY CORNER THEREOF;

1. THENCE SOUTH 42°43'03" WEST 140.96 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 29.30 FEET;
2. THENCE WESTERLY AND NORTHWESTERLY 47.26 FEET ALONG SAID CUVRVE THROUGH A CENTRAL ANGLE OF 92°24'44";
3. THENCE NORTH 43°10'21" EAST 9.39 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 20.00 FEET;
4. THENCE EASTERLY AND NORTHEASTERLY 31.57 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°27'18";
5. THENCE ALONG A RADIAL LINE OF SAID CURVE, SOUTH 47°16'57" EAST 1.00 FEET;
6. THENCE NORTH 42°43'03" EAST 103.13 FEET;
7. THENCE NORTH 31°26'19" EAST 38.61 FEET TO SAID NORTHEASTERLY LINE OF SAID PARCEL ONE;
8. THENCE SOUTH 46°46'22" EAST 16.85 FEET ALONG SAID NORTHEASTERLY LINE TO **THE POINT OF BEGINNING.**

CONTAINING 1, 848 SQUARE FEET (0.042 ACRES), MORE OR LESS.

DIAMOND PROPERTIES, LEO L. WANG (61116)

LAND DESCRIPTIONS OF TWO (2) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT PARCEL OF LAND DESCRIBED AS PARCEL ONE IN THE GRANT DEED TO DIAMOND PROPERTIES, A CALIFORNIA CORPORATION, RECORDED DECEMBER 30, 2008, UNDER DOCUMENT NUMBER 2008-0277545, OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 11 (61116-1) FEE PARCEL

BEGINNING AT THE MOST EASTERLY CORNER OF SAID PARCEL ONE;

1. THENCE SOUTH 43°13'38" WEST 224.72 FEET ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL ONE TO THE MOST SOUTHERLY CORNER THEREOF, SAID SOUTHEASTERLY LINE ALSO BEING THE NORTHWESTERLY LINE OF SOMERSVILLE ROAD AS SHOWN ON THE PARCEL MAP FILED DECEMBER 23, 1975 IN BOOK 41 OF PARCEL MAPS, PAGE 38, OFFICIAL RECORDS OF SAID COUNTY;
2. THENCE NORTH 46°46'22" WEST 11.56 FEET ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL ONE;
3. THENCE LEAVING SAID SOUTHWESTERLY LINE, NORTH 42°43'03" EAST 224.73 FEET TO THE NORTHEASTERLY LINE OF SAID PARCEL ONE;
4. THENCE SOUTH 46°46'22" EAST 13.55 FEET ALONG SAID NORTHEASTERLY LINE TO **THE POINT OF BEGINNING.**

CONTAINING 2,821 SQUARE FEET (0.065 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

PARCEL 12(61116-2) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 12-31-2012

A TEMPORARY EASEMENT, FOR A NINE (9) MONTH PERIOD BETWEEN JULY 1, 2010 AND DECEMBER 31, 2012, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF SAID PARCEL ONE, DISTANT THEREON NORTH 46°46'22" WEST 13.55 FEET FROM THE NORTHEASTERLY CORNER THEREOF;

1. THENCE SOUTH 42°43'03" WEST 224.73 FEET TO THE SOUTHEASTERLY LINE OF SAID PARCEL ONE;
2. THENCE NORTH 46°46'22" WEST 16.55 FEET ALONG SAID SOUTHWESTERLY LINE;
3. THENCE LEAVING SAID SOUTHWESTERLY LINE NORTH 31°26'19" EAST 21.44 FEET;
4. THENCE SOUTH 47°16'57" EAST 14.79 FEET;
5. THENCE NORTH 39°20'27" EAST 204.07 FEET TO SAID NORTHERLY LINE;
6. THENCE SOUTH 46°46'22" EAST 17.97 FEET ALONG SAID NORTHEASTERLY LINE TO **THE POINT OF BEGINNING.**

CONTAINING 2,829 SQUARE FEET (0.065 ACRES), MORE OR LESS.

KAISER FOUNDATION HEALTH PLAN (61119)

LAND DESCRIPTIONS OF FIVE (5) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING PORTIONS OF THAT PARCEL OF LANDS DESCRIBED IN THE FOLLOWING INSTRUMENTS RECORDED IN THE OFFICE OF THE RECORDER OF SAID COUNTY:

1. SOL'S TO KAISER FOUNDATION HEALTH PLAN, INC., GRANT DEED, RECORDED JANUARY 15, 1982 IN BOOK 10645 AT PAGE 5, OF OFFICIAL RECORDS.
2. DELTA FAIR, INC. TO KAISER FOUNDATION HEALTH PLAN, INC., GRANT DEED, RECORDED JANUARY 26, 1962 IN BOOK 4044 AT PAGE 19, OF OFFICIAL RECORDS.

ALL OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 13 (61119-1) FEE PARCEL

BEGINNING AT THE NORTHWESTERLY CORNER OF PARCEL ONE, AS DESCRIBED IN SAID GRANT DEED RECORDED IN BOOK 10645 AT PAGE 5;

1. THENCE SOUTH 08°56'43" WEST 3.10 FEET ALONG THE WESTERLY LINE OF SAID PARCEL ONE;
2. THENCE LEAVING SAID WESTERLY LINE, SOUTH 69°26'03" EAST 16.82 FEET;
3. THENCE SOUTH 69°16'59" EAST 301.26 FEET;
4. THENCE SOUTH 69°39'51" EAST 409.63 FEET;
5. THENCE SOUTH 20°20'09" WEST 5.10 FEET;
6. THENCE SOUTH 69°39'51" EAST 15.00 FEET;
7. THENCE NORTH 20°20'09" EAST 5.10 FEET;
8. THENCE SOUTH 69°39'51" EAST 37.43 FEET;
9. THENCE SOUTH 64°47'43" EAST 206.51 FEET TO THE EASTERLY LINE OF THE LANDS OF KAISER FOUNDATION HEALTH PLAN INC., AS DESCRIBED IN SAID GRANT DEED RECORDED IN BOOK 4044 AT PAGE 19;
10. THENCE NORTH 30°23'58" EAST 11.26 FEET ALONG SAID EASTERLY LINE TO THE SOUTHEASTERLY CORNER OF THE LANDS OF THE STATE OF CALIFORNIA AS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED OCTOBER 2, 1995 AS INSTRUMENT 95-166186, OFFICIAL RECORDS OF ALAMEDA COUNTY;
11. THENCE NORTH 67°06'20" WEST 335.49 FEET ALONG THE SOUTHERLY LINE OF SAID LANDS OF THE STATE OF CALIFORNIA TO THE NORTHERLY LINES OF SAID PARCEL ONE AND SAID LANDS OF KAISER FOUNDATION HEALTH PLAN INC.;
12. THENCE LEAVING SAID SOUTHERLY LINE, NORTH 69°57'52" EAST 653.34 FEET ALONG THE LAST SAID NORTHERLY LINES TO **THE POINT OF BEGINNING.**

CONTAINING 6,372 SQUARE FEET (0.146 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

PARCEL 14 (61119-2) PERMANENT OVERHEAD AND POLE LINE EASEMENT

A PERMANENT EASEMENT FOR OVERHEAD AND POLE LINE PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF THAT CERTAIN EASEMENT GRANTED TO PACIFIC GAS AND ELECTRIC COMPANY AND PACIFIC TELEPHONE AND TELEGRAPH COMPANY AS DESCRIBED IN THE DEED RECORDED MAY 19, 1960 IN BOOK 3623 AT PAGE 106 OFFICIAL RECORDS OF SAID COUNTY, WITH THE WESTERLY LINE OF SAID PARCEL ONE;

1. THENCE SOUTH 69°57'52" EAST 650.12 FEET ALONG SAID SOUTHERLY LINE TO THE SOUTHERLY LINE OF EASEMENTS GRANTED TO PACIFIC GAS & ELECTRIC COMPANY RECORDED OCTOBER 2, 1995 AS INSTRUMENT 95-166187 AND GRANTED TO CITY OF ANTIOCH RECORDED OCTOBER 2, 1995 AS INSTRUMENT 95-166188, BOTH OF OFFICIAL RECORDS OF SAID COUNTY;
2. THENCE SOUTH 67°06'17" EAST 333.04 FEET ALONG LAST SAID LINE TO THE EASTERLY LINE OF SAID LANDS OF KAISER FOUNDATION HEALTH PLAN INC.;
3. THENCE SOUTH 30°23'58" WEST 13.77 FEET ALONG SAID EASTERLY LINE;
4. THENCE LEAVING LAST SAID LINE, NORTH 67°01'32" WEST 282.76 FEET;
5. THENCE NORTH 69°18'13" WEST 298.76 FEET;
6. THENCE NORTH 68°15'48" WEST 249.87 FEET;
7. THENCE NORTH 69°16'59" WEST 135.04 FEET;
8. THENCE NORTH 69°26'03" WEST 13.75 FEET TO SAID WESTERLY LINE;
9. THENCE NORTH 08°56'43" WEST 3.13 FEET ALONG LAST SAID LINE TO THE **POINT OF BEGINNING**.

CONTAINING 10,639 SQUARE FEET (0.244 ACRES), MORE OR LESS.

PARCEL 15 (61119-3) PERMANENT SANITARY SEWER EASEMENT

A PERMANENT EASEMENT FOR SANITARY SEWER PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THAT CERTAIN PUBLIC SERVICE EASEMENT GRANTED TO THE CITY OF ANTIOCH AS DESCRIBED IN THE EASEMENT AGREEMENT RECORDED OCTOBER 24, 1984 IN BOOK 12033 AT PAGE 910 OFFICIAL RECORDS OF SAID COUNTY, WITH SAID WESTERLY LINE OF PARCEL ONE;

1. THENCE SOUTH 69°57'52" EAST 14.92 FEET ALONG THE SOUTHERLY LINE OF SAID EASEMENT;
2. THENCE LEAVING LAST SAID LINE, SOUTH 29°13'32" EAST 12.01 FEET;
3. THENCE SOUTH 70°25'13" EAST 144.08 FEET;
4. THENCE SOUTH 70°40'42" EAST 285.56 FEET;
5. THENCE SOUTH 70°19'54" EAST 294.09 FEET;
6. THENCE SOUTH 68°22'21" EAST 59.76 FEET TO THE SAID SOUTHERLY LINE OF EASEMENTS GRANTED TO PACIFIC GAS & ELECTRIC COMPANY AND CITY OF ANTIOCH;

7. THENCE SOUTH 67°06'17" EAST 174.53 FEET ALONG LAST SAID LINE TO THE EASTERLY LINE OF SAID LANDS OF KAISER FOUNDATION HEALTH PLAN, INC.;
8. THENCE SOUTH 30°23'58" WEST 13.77 FEET ALONG SAID EASTERLY LINE;
9. THENCE LEAVING SAID EASTERLY LINE, NORTH 67°01'32" WEST 105.15 FEET;
10. THENCE NORTH 68°22'21" WEST 126.74 FEET;
11. THENCE NORTH 70°19'54" WEST 293.82 FEET;
12. THENCE NORTH 70°40'42" WEST 285.55 FEET;
13. THENCE NORTH 70°25'13" WEST 149.75 FEET;
14. THENCE NORTH 29°13'32" WEST 22.26 FEET TO THE LAST SAID WESTERLY LINE;
15. THENCE NORTH 08°56'43" EAST 8.51 FEET ALONG SAID WESTERLY LINE TO THE **POINT OF BEGINNING.**

CONTAINING 14,511 SQUARE FEET (0.333 ACRES), MORE OR LESS.

PARCEL 16 (61119-4) PERMANENT SLOPE EASEMENT

A PERMANENT EASEMENT FOR MAINTENANCE PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF PARCEL ONE AS DESCRIBED IN THAT SAID GRANT DEED RECORDED IN BOOK 10645 AT PAGE 5, FROM WHICH THE NORTHWESTERLY CORNER THEREOF BEARS NORTH 08°56'43" EAST 3.10 FEET;

1. THENCE SOUTH 69°26'03" EAST 16.82 FEET;
2. THENCE SOUTH 69°16'59" EAST 301.26 FEET;
3. THENCE SOUTH 69°39'51" EAST 409.63 FEET;
4. THENCE SOUTH 20°20'09" WEST 5.10 FEET;
5. THENCE SOUTH 69°39'51" EAST 15.00 FEET;
6. THENCE NORTH 20°20'09" EAST 5.10 FEET;
7. THENCE SOUTH 69°39'51" EAST 22.53 FEET;
8. THENCE SOUTH 20°20'09" WEST 6.80 FEET;
9. THENCE NORTH 69°48'40" WEST 283.19 FEET;
10. THENCE NORTH 69°55'53" WEST 312.93 FEET;
11. THENCE NORTH 69°49'36" WEST 166.79 FEET TO SAID WESTERLY LINE;
12. THENCE NORTH 08°56'43" EAST 11.77 FEET ALONG SAID WESTERLY LINE TO THE **POINT OF BEGINNING.**

CONTAINING 6,423 SQUARE FEET (0.147 ACRES), MORE OR LESS.

PARCEL 17(61119-5) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 12-31-2012

A TEMPORARY EASEMENT, FOR A FIFTEEN (15) MONTH PERIOD BETWEEN JULY 1, 2010 AND DECEMBER 31, 2012, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF PARCEL ONE AS DESCRIBED IN THAT SAID GRANT DEED RECORDED IN BOOK 10645 AT PAGE 5, FROM WHICH THE NORTHWESTERLY CORNER THEREOF BEARS NORTH 08°56'43" EAST 3.10 FEET;

1. THENCE SOUTH 69°26'03" EAST 16.82 FEET;
2. THENCE SOUTH 69°16'59" EAST 301.26 FEET;
3. THENCE SOUTH 69°39'51" EAST 409.63 FEET;
4. THENCE SOUTH 20°20'09" WEST 5.10 FEET;
5. THENCE SOUTH 69°39'51" EAST 15.00 FEET;
6. THENCE NORTH 20°20'09" EAST 5.10 FEET;
7. THENCE SOUTH 69°39'51" EAST 37.43 FEET;
8. THENCE SOUTH 64°47'43" EAST 206.51 FEET TO THE EASTERLY LINE OF THE LANDS OF KAISER FOUNDATION HEALTH PLAN, INC., AS DESCRIBED IN THAT SAID GRANT DEED RECORDED IN BOOK 4044 AT PAGE 19;
9. THENCE SOUTH 30°23'58" WEST 8.64 FEET ALONG SAID EASTERLY LINE;
10. THENCE, LEAVING SAID EASTERLY LINE, NORTH 68°51'31" WEST 233.07 FEET;
11. THENCE NORTH 69°41'32" WEST 25.73 FEET;
12. THENCE NORTH 70°00'46" WEST 204.01 FEET;
13. THENCE NORTH 70°00'18" WEST 471.09 FEET;
14. THENCE NORTH 60°01'20" WEST 46.96 FEET TO SAID WESTERLY LINE;
15. THENCE NORTH 08°56'43" EAST 21.44 FEET ALONG LAST SAID LINE TO THE **POINT OF BEGINNING**.

CONTAINING 22,595 SQUARE FEET (0.519 ACRES), MORE OR LESS.

KC PROPCO, LLC (61108)

LAND DESCRIPTIONS OF TWO (2) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING A PORTION THAT PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO KC PROPCO, LLC, A DELAWARE LIMITED LIABILITY COMPANY, RECORDED JULY 7, 2003 UNDER DOCUMENT NUMBER 2003-0319979, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

Parcel 18 (61108-1) FEE PARCEL

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LANDS OF KC PROPCO, SAID POINT BEING COINCIDENT WITH THE NORTHERLY LINE OF THE LANDS OF THE STATE OF CALIFORNIA DESCRIBED IN THE GRANT DEED RECORDED SEPTEMBER 12, 1952 IN BOOK 1989 AT PAGE 579 OFFICIAL RECORDS OF SAID COUNTY;

1. THENCE NORTH 20°01'11" EAST 3.92 FEET ALONG THE WESTERLY LINE OF SAID LANDS OF KC PROPCO;

2. THENCE LEAVING SAID WESTERLY LINE, SOUTH 69°39'51" EAST 128.09 FEET TO THE EASTERLY LINE OF SAID LANDS OF KC PROPCO;
3. THENCE SOUTH 29°42'49" WEST 3.30 FEET ALONG LAST SAID LINE TO SAID NORTHERLY LINE;
4. THENCE NORTH 69°57'52" WEST 127.53 FEET ALONG LAST SAID LINE TO THE **POINT OF BEGINNING**;

CONTAINING 459 SQUARE FEET (0.011 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APPURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

Parcel 19 (61108-2) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 10-31-2013

A TEMPORARY EASEMENT, FOR A NINE (9) MONTH PERIOD BETWEEN JULY 1, 2010 AND OCTOBER 31, 2013, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF THE SAID LANDS OF KC PROPCO, FROM WHICH THE SOUTHWESTERLY CORNER THEREOF BEARS SOUTH 20°01'11" WEST 3.92 FEET

1. THENCE NORTH 20°01'11" EAST 5.50 FEET ALONG SAID WESTERLY LINE;
2. THENCE LEAVING LAST SAID LINE, SOUTH 69°39'51" EAST 129.03 FEET TO THE EASTERLY LINE OF SAID LANDS OF KC PROPCO;
3. THENCE SOUTH 29°42'49" WEST 5.57 FEET ALONG SAID EASTERLY LINE;
4. THENCE, LEAVING LAST SAID LINE, NORTH 69°39'51" WEST 128.09 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 707 SQUARE FEET (0.016 ACRES), MORE OR LESS.

MELTON & LYNCH RECREATION (61118)

LAND DESCRIPTIONS OF FOUR (4) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL ONE IN THE GRANT DEED TO MELTON RECREATION, INC., A CALIFORNIA CORPORATION RECORDED ON SEPTEMBER 28, 2007 AS DOCUMENT 2007-0272685, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

Parcel 20 (61118-1) FEE PARCEL

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID PARCEL ONE, SAID CORNER ALSO BEING THE SOUTHWESTERLY CORNER OF THE LANDS DESCRIBED IN THAT GRANT DEED TO THE STATE OF CALIFORNIA RECORDED ON JANUARY 30, 1995 AS DOCUMENT 95-014410, OFFICIAL RECORDS OF SAID COUNTY;

1. THENCE, ALONG THE SOUTHWESTERLY LINE OF SAID PAREL (95-014410), SOUTH 66°37'07" EAST 398.67 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL ONE;
2. THENCE, ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL ONE, SOUTH 30°23'58" WEST 29.66 FEET;
3. THENCE NORTH 58°39'09" WEST 44.10 FEET;
4. THENCE NORTH 64°47'43" WEST 143.77 FEET;
5. THENCE NORTH 25°12'17" EAST 0.31 FEET;
6. THENCE NORTH 59°05'05" WEST 20.18 FEET;
7. THENCE NORTH 64°47'43" WEST 188.97 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL ONE;
8. THENCE, ALONG SAID NORTHWESTERLY LINE, NORTH 30°23'58" EAST 9.85 FEET TO **THE POINT OF BEGINNING.**

CONTAINING 6,980 SQUARE FEET (0.160 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

Parcel 21 (61118-2) PERMANENT OVERHEAD AND POLE LINE EASEMENT

A PERMANENT EASEMENT FOR OVERHEAD AND POLE LINE PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

A 15.00 FOOT STRIP OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL ONE, FROM WHICH THE NORTHWESTERLY CORNER THEREOF BEARS NORTH 30°23'58" EAST 13.77 FEET;

1. THENCE SOUTH 66°15'43" EAST 99.34 FEET;
2. THENCE SOUTH 64°50'20" EAST 101.88 FEET;
3. THENCE SOUTH 56°18'05" EAST 195.89 FEET TO THE SOUTHEASTERLY LINE OF SAID PARCEL ONE;
4. THENCE, ALONG SAID SOUTHEASTERLY LINE, SOUTH 30°23'58" WEST 15.17 FEET;
5. THENCE NORTH 50°58'49" WEST 1.58 FEET;
6. THENCE NORTH 56°18'05" WEST 194.07 FEET;
7. THENCE NORTH 64°50'20" WEST 100.56 FEET;
8. THENCE NORTH 66°15'43" WEST 99.08 FEET;
9. THENCE NORTH 67°01'32" WEST 1.84 FEET TO SAID NORTHWESTERLY LINE;

10. THENCE, ALONG SAID NORTHWESTERLY LINE, NORTH 30°23'58" EAST 15.13 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 5,957 SQUARE FEET (0.137 ACRES), MORE OR LESS.

Parcel 22 (61118-3) PERMANENT SANITARY SEWER EASEMENT

A PERMANENT EASEMENT FOR SANITARY SEWER PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

A 15.00 FOOT STRIP OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL ONE, FROM WHICH THE NORTHWESTERLY CORNER THEREOF BEARS NORTH 30°23'58" EAST 13.77 FEET;

1. THENCE SOUTH 66°15'43" EAST 99.34 FEET;
2. THENCE SOUTH 64°50'20" EAST 101.88 FEET;
3. THENCE SOUTH 56°18'05" EAST 195.89 FEET TO THE SOUTHEASTERLY LINE OF SAID PARCEL ONE;
4. THENCE, ALONG SAID SOUTHEASTERLY LINE, SOUTH 30°23'58" WEST 15.17 FEET;
5. THENCE NORTH 50°58'49" WEST 1.58 FEET;
6. THENCE NORTH 56°18'05" WEST 194.07 FEET;
7. THENCE NORTH 64°50'20" WEST 100.56 FEET;
8. THENCE NORTH 66°15'43" WEST 99.08 FEET;
9. THENCE NORTH 67°01'32" WEST 1.84 FEET TO SAID NORTHWESTERLY LINE;
10. THENCE, ALONG SAID NORTHWESTERLY LINE, NORTH 30°23'58" EAST 15.13 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 5,957 SQUARE FEET (0.137 ACRES), MORE OR LESS.

Parcel 23 (61118-4) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 12-31-2012

A TEMPORARY EASEMENT, FOR A THIRTY (30) MONTH PERIOD BETWEEN JULY 1, 2010 AND DECEMBER 31, 2012, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL ONE, FROM WHICH THE NORTHWESTERLY CORNER THEREOF BEARS NORTH 30°23'58" EAST 9.85 FEET;

1. THENCE SOUTH 64°47'43" EAST 188.97 FEET;
2. THENCE SOUTH 59°05'05" EAST 20.18 FEET;

3. THENCE SOUTH 25°12'17" WEST 0.31 FEET;
4. THENCE SOUTH 64°47'43" EAST 143.77 FEET;
5. THENCE SOUTH 58°39'09" EAST 44.10 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID PARCEL ONE;
6. THENCE, ALONG SAID SOUTHEASTERLY LINE, SOUTH 30°23'58" WEST 13.99 FEET;
7. THENCE NORTH 58°39'09" WEST 43.58 FEET;
8. THENCE NORTH 64°47'43" WEST 143.02 FEET;
9. THENCE NORTH 61°11'19" WEST 20.86 FEET;
10. THENCE NORTH 64°47'43" WEST 189.59 FEET TO SAID NORTHWESTERLY LINE;
11. THENCE, ALONG SAID NORTHWESTERLY LINE, NORTH 30°23'58" EAST 15.06 FEET TO **THE POINT OF BEGINNING.**

CONTAINING 5,759 SQUARE FEET (0.132 ACRES), MORE OR LESS.



DAN S. SCOTT III, PLS 7840
LICENSE EXPIRES: 12/31/2010

Dec 1, 2009
DATE



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

Re: Condemnation of Property)
for Highway Purposes,)
State Route 4 East,)
Somersville Road to State)
Route 160 Project, Segment 1))
Antioch & Pittsburg Area)

**RESOLUTION OF NECESSITY
NO. 2009/560**

(C.C.P. Sec. 1245.230)

The Board of Supervisors of Contra Costa County, California, by vote of two-thirds or more of its members, **RESOLVES** that:

Pursuant to Government Code Section 25350.5 and Streets & Highways Code Section 760, Contra Costa Transportation Authority (CCTA) in cooperation with the State of California, acting by and through its Department of Transportation (Caltrans), intend to construct the highway reconstruction project, a public improvement consisting of widening and improving of State Route 4 from east of Somersville Road to west of Contra Loma Blvd., in the Antioch and Pittsburg areas and, in connection therewith, acquire interests in certain real property.

The properties to be acquired consist of twenty-three parcels and are located in the Antioch and Pittsburg areas. Said properties are more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

On October 22, 2009, notice of Contra Costa County's (County) intention to adopt a resolution of necessity for acquisition by eminent domain of the real property described in Exhibit "A" was sent to the persons whose names appear on the last equalized County Assessment Roll as owner(s) of said properties. The notice specified December 8, 2009, at 9:30 a.m., in the Board of Supervisors Chambers in the Administration Building, 651 Pine Street, Martinez, California, as the time and place for the hearing thereon.

The hearing was held at that time and place, and all interested parties were given an opportunity to be heard and based upon the evidence presented to it, this Board finds, determines and hereby declares the following:

1. The public interest and necessity require the proposed project; and
2. The proposed project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury; and
3. The properties described herein are necessary for the proposed project; and
4. The offer required by Section 7267.2 of the Government Code was made to the owner or owners of record; and
5. Insofar as any of the properties described in this resolution have heretofore been dedicated to a public use, the acquisition and use of such properties by the County for the purposes identified herein is for a more necessary public use than the use to which the properties have already been appropriated for a compatible public use. This determination and finding is made and this resolution is adopted pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610.

6. On June 27, 2006, this Board APPROVED the proposed Project and ADOPTED the Negative Declaration and Finding of No Significant Impact pertaining to this Project that was published on August 2, 2005.

The County Counsel of this County is hereby **AUTHORIZED** and **EMPOWERED**:

To acquire in the County's name, by condemnation, the titles, easements and rights of way hereinafter described in and to said real property or interest(s) therein, in accordance with the provisions for eminent domain in the Code of Civil Procedure and the Constitution of California:

Parcels 1, 2, 4, 6, 7, 9, 11, 13, 18, and 20 are to be acquired in fee title.

Parcels 3, 5, 8, 10, 12, 17, 19, and 23 are to be acquired as temporary construction easements for the following periods:

Parcels 3 and 19 – nine months between July 1, 2010 and October 31, 2013;
Parcels 5 and 8 – six months between October 1, 2010 and March 31, 2011;
Parcel 10 – six months between July 1, 2010 and December 31, 2012;
Parcel 12 – nine months between July 1, 2010 and December 31, 2012;
Parcel 17 – fifteen months between July 1, 2010 and December 31, 2012; and
Parcel 23 – thirty months from July 1, 2010 through December 31, 2012.

Parcels 14 and 21 are to be acquired as permanent overhead and pole line easements.

Parcel 15 and 22 are to be acquired as permanent sanitary sewer easements.

Parcel 16 is to be acquired as a permanent slope easement

To prepare and prosecute in the County's name such proceedings in the proper court as are necessary for such acquisition;

To deposit the probable amount of compensation based on an appraisal, and to apply to said court for an order permitting the County to take immediate possession and use said real property for said public uses and purposes.

PASSED and ADOPTED on December 8, 2009 by the following vote:

AYES: GIOIA, UILKEMA, PIEPHO, BONILLA & GLOVER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of two thirds or more of the Board of Supervisors of Contra Costa County, California, at a meeting of said Board of Supervisors on the date indicated above.

Date: June 27, 2006

Exhibit "A"

61097 Douglas W. Messner, President Century Plaza Dev Corp. 1800 Willow Pass Court Concord, CA 94520	61108 KC Propco, LLC c/o Tax Department 650 NE Holladay St., #1400 Portland, OR 97232	61113 Michael C. and Paula A. Richardson 123 Los Altos Avenue Walnut Creek, CA 94598
61114 2009 Sommersville, LLC 1001 Marina Village Pkwy., #115 Alameda, CA 94501-1092	61115 Equilon Enterprises, LLC c/o Tax Department Property PO Box 4369 Houston, TX 77210	61116 Diamond Properties, Inc. c/o Leo Wang, President 969G Edgewater Blvd., #350 Foster City, CA 94404
61118 Kenneth W. Melton, Jr., President Metlon Recreation, Inc. 4745 Del Valley Pkwy. Pleasanton, CA 94566	61119 Kaiser Foundation Health Plan c/o Department of Taxation 1 Kaiser Plaza, 15th Fl. Oakland, CA 94612	

APPENDIX "A"

CENTURY PLAZA DEVELOPMENT CORPORATION (61097)

LAND DESCRIPTIONS OF THREE (3) PARCELS OF LAND IN THE CITY OF PITTSBURG, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "PARCEL ONE" IN THE GRANT DEED TO CENTURY PLAZA DEVELOPMENT CORPORATION, RECORDED JUNE 15, 1998 AS DOCUMENT NUMBER 98-0135031-00, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

PARCEL 1 (61097-1) FEE PARCEL

BEGINNING AT THE SOUTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND SHOWN AS "DESIGNATED REMAINDER" ON "PARCEL MAP MS 678-05", FILED NOVEMBER 29, 2005 IN BOOK 195 OF PARCEL MAPS, PAGE 17, SAID CORNER BEING COINCIDENT WITH THE NORTHERLY LINE OF THE LANDS OF THE STATE OF CALIFORNIA AS DESCRIBED IN THE GRANT DEED RECORDED SEPTEMBER 12, 1952 IN BOOK 1989 AT PAGE 579, BOTH OF OFFICIAL RECORDS OF SAID COUNTY;

1. THENCE NORTH 17°39'51" WEST 4.92 FEET ALONG THE EASTERLY LINE OF SAID DESIGNATED REMAINDER PARCEL;
2. THENCE, LEAVING LAST SAID LINE, SOUTH 70°48'34" EAST 184.77 FEET TO THE NORTHERLY LINE OF SAID THE LANDS OF THE STATE OF CALIFORNIA;
3. THENCE NORTH 72°20'09" WEST 184.71 FEET ALONG SAID NORTHERLY LINE TO **THE POINT OF BEGINNING.**

CONTAINING 455 SQUARE FEET (0.010 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

PARCEL 2 (61097-2) FEE PARCEL

BEGINNING AT THE MOST WESTERLY CORNER OF "LOT B" AS SAID LOT IS SHOWN ON SUBDIVISION MAP 8177, FILED JUNE 22, 2001 IN BOOK 431 OF MAPS, PAGE 49, OFFICIAL RECORDS OF SAID COUNTY, SAID CORNER BEING COINCIDENT WITH THE NORTHERLY LINE OF SAID LANDS OF THE STATE OF CALIFORNIA, SAID CORNER ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 384.76 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 08°02'25" WEST);

1. THENCE NORTHEASTERLY 207.65 FEET ALONG SAID CURVE, AND NORTHERLY LINE OF SAID "LOT B", THROUGH A CENTRAL ANGLE OF 30°55'18";
2. THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 66°13'36" EAST 11.17 FEET;
3. THENCE, LEAVING SAID NORTHERLY LINE, SOUTH 77°31'33" WEST 24.30 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 990.50 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 05°43'54" EAST);

4. THENCE SOUTHWESTERLY 323.87 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°44'04" TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1340.50 FEET;
5. THENCE SOUTHWESTERLY 75.05 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°12'28" TO SAID NORTHERLY LINE OF THE STATE OF CALIFORNIA;
6. THENCE SOUTH 72°20'09" EAST 214.60 FEET ALONG SAID NORTHERLY LINE TO THE **POINT OF BEGINNING**.

CONTAINING 5,685 SQUARE FEET (0.131 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

PARCEL 3 (61097-3) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 10-31-2013

A TEMPORARY EASEMENT, FOR A NINE (9) MONTH PERIOD BETWEEN JULY 1, 2010 AND OCTOBER 31, 2013, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID PARCEL OF LAND SHOWN AS "DESIGNATED REMAINDER", FROM WHICH THE SOUTHEASTERLY CORNER THEREOF BEARS SOUTH 17°39'51" WEST 4.92 FEET;

1. THENCE SOUTH 70°48'34" EAST 184.77 FEET TO THE NORTHERLY LINE OF SAID LANDS OF THE STATE OF CALIFORNIA;
2. THENCE SOUTH 72°20'09" EAST 68.06 FEET ALONG SAID NORTHERLY LINE TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1340.50 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 16°12'37" EAST);
3. THENCE, LEAVING SAID NORTHERLY LINE, NORTHEASTERLY 75.05 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°12'28", TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 990.50 FEET;
4. THENCE NORTHEASTERLY 323.87 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°44'04";
5. THENCE NORTH 77°31'33" EAST 24.30 FEET TO THE NORTHERLY LINE OF SAID "LOT B";
6. THENCE NORTH 66°13'36" EAST 48.03 FEET ALONG SAID NORTHERLY LINE;
7. THENCE, LEAVING LAST SAID LINE, NORTH 14°43'48" WEST 5.59 FEET;
8. THENCE SOUTH 77°31'33" WEST 70.29 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 975.50, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 05°40'48" EAST);
9. THENCE SOUTHWESTERLY 318.08 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°40'57" TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1325.50 FEET;

10. THENCE SOUTHWESTERLY 80.88 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°29'46";
11. THENCE SOUTH 16°29'55" WEST 2.52 FEET ALONG THE PROLONGATION OF A RADIAL LINE OF SAID CURVE;
12. THENCE SOUTH 72°14'25" WEST 245.77 FEET TO EASTERLY LINE OF SAID "DESIGNATED REMAINDER" PARCEL;
13. THENCE SOUTH 17°39'51" WEST 7.81 FEET ALONG SAID EASTERLY LINE TO THE **POINT OF BEGINNING**.

CONTAINING 9,503 SQUARE FEET (0.218 ACRES), MORE OR LESS.

MICHAEL AND PAULA RICHARDSON (61113)

LAND DESCRIPTIONS OF TWO (2) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT PARCEL OF LAND DESCRIBED AS PARCEL 3 IN THE GRANT DEED TO MICHAEL C. RICHARDSON AND PAULA A. RICHARDSON, HUSBAND AND WIFE, RECORDED JUNE 28, 1996 AS DOCUMENT NUMBER 96-122491, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

Parcel 4 (61113-1) FEE PARCEL

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL THREE;

1. THENCE NORTH 43°13'38" EAST 54.86 FEET ALONG THE WESTERLY LINE OF SAID PARCEL 3, TO THE MOST WESTERLY CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO THE STATE OF CALIFORNIA RECORDED JUNE 19, 1963 IN VOLUME 4390, PAGE 625, OFFICIAL RECORDS OF SAID COUNTY;
2. THENCE SOUTH 46°46'22" EAST 14.98 FEET ALONG THE GENERAL SOUTHERLY LINE OF LAST SAID PARCEL;
3. THENCE NORTH 64°00'06" EAST 53.92 FEET ALONG LAST SAID LINE;
4. THENCE LEAVING LAST SAID LINE SOUTH 52°26'42" WEST 95.45 FEET;
5. THENCE NORTH 69°58'15" WEST 4.32 FEET;
6. THENCE SOUTH 44°06'15" WEST 3.03 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 3;
7. THENCE NORTH 69°57'11" WEST 16.08 FEET ALONG SAID SOUTHERLY LINE TO THE **POINT OF BEGINNING**.

CONTAINING 1,375 SQUARE FEET (0.032 ACRES), MORE OR LESS.

Parcel 5 (61113-2) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 3-31-2011

A TEMPORARY EASEMENT, FOR A SIX (6) MONTH PERIOD BETWEEN OCTOBER 1, 2010 AND MARCH 31, 2011, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF SAID PARCEL THREE, SAID CORNER ALSO LYING ON THE SOUTHEASTERLY LINE OF THE LANDS OF THE STATE OF CALIFORNIA DESCRIBED IN THE GRANT DEED RECORDED JUNE 19, 1963 IN VOLUME 4390 AT PAGE 625, OFFICIAL RECORDS OF SAID COUNTY;

1. THENCE SOUTH 69°57'11" EAST 16.08 FEET ALONG THE SOUTHERLY LINE OF SAID PARCEL THREE TO THE **TRUE POINT OF BEGINNING**;
2. THENCE LEAVING SAID SOUTHERLY LINE NORTH 44°06'15" EAST 3.03 FEET;
3. THENCE SOUTH 69°58'15" EAST 4.32 FEET;
4. THENCE NORTH 52°26'42" EAST 80.35 FEET;
5. THENCE SOUTH 01°50'51" WEST 15.12 FEET;
6. THENCE SOUTH 45°51'25" WEST 62.48 FEET TO THE SOUTHERLY LINE OF SAID PARCEL THREE;
7. THENCE NORTH 69°57'11" WEST 26.13 FEET ALONG SAID SOUTHERLY LINE TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 1,128 SQUARE FEET (0.026 ACRES), MORE OR LESS.

2009 SOMERSVILLE, LLC (61114)

LAND DESCRIPTIONS OF THREE (3) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL ONE IN THE GRANT DEED TO 2009 SOMMERSVILLE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, RECORDED SEPTEMBER 29, 2008 AS DOCUMENT NUMBER 2008-0214367, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

Parcel 6 (61114-1) FEE PARCEL

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL ONE;

1. THENCE SOUTH 69°57'11" EAST 16.08 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL ONE;
2. THENCE LEAVING SAID NORTHERLY LINE SOUTH 44°06'15" WEST 7.51 FEET;
3. THENCE NORTH 46°46'22" WEST 14.67 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL ONE;

4. THENCE NORTH 43°13'38" EAST 1.18 FEET ALONG SAID NORTHWESTERLY LINE TO THE **POINT OF BEGINNING.**
CONTAINING 64 SQUARE FEET (0.001 ACRES), MORE OR LESS.

Parcel 7 (61114-2) FEE PARCEL

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL ONE, FROM WHICH THE MOST WESTERLY CORNER THEREOF BEARS NORTH 43°13'38" EAST 1.18 FEET;

1. THENCE SOUTH 46°46'22" EAST 14.67 FEET;
2. THENCE SOUTH 44°05'54" WEST 120.58 FEET;
3. THENCE NORTH 45°53'45" WEST 1.30 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 30.00 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING NORTH 45°53'45" WEST);
4. THENCE SOUTHERLY AND SOUTHEASTERLY 45.33 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°34'28" TO THE SOUTHWESTERLY LINE OF SAID PARCEL ONE;

THENCE ALONG SOUTHWESTERLY AND NORTHWESTERLY LINES OF SAID PARCEL ONE THE FOLLOWING THREE (3) COURSES:

5. NORTH 46°47'14" WEST 9.28 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 30.00 FEET;
6. WESTERLY AND NORTHWESTERLY 47.13 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'52";
7. NORTH 43°13'38" EAST 120.93 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 2,006 SQUARE FEET (0.046 ACRES), MORE OR LESS.

Parcel 8 (61114-3) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 3-31-2011

A TEMPORARY EASEMENT, FOR A SIX (6) MONTH PERIOD BETWEEN OCTOBER 1, 2010 AND MARCH 31, 2011, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL ONE, FROM WHICH THE MOST WESTERLY CORNER THEREOF BEARS NORTH 69°57'11" WEST 16.08 FEET;

1. THENCE CONTINUING ALONG SAID NORTHERLY LINE SOUTH 69°57'11" EAST 26.13 FEET;
2. THENCE LEAVING SAID NORTHERLY LINE SOUTH 45°51'24" WEST 46.85 FEET;
3. THENCE SOUTH 88°59'03" WEST 15.53 FEET
4. THENCE SOUTH 40°39'25" WEST 81.81 FEET;
5. THENCE SOUTH 46°30'25" EAST 20.74 FEET;

6. THENCE SOUTH 43°12'46" WEST 29.25 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL ONE;
7. THENCE NORTH 46°47'14" WEST 10.66 FEET ALONG SAID SOUTHWESTERLY LINE TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 30.00 FEET (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 47°31'47" WEST);
8. THENCE LEAVING SAID SOUTHWESTERLY LINE, WESTERLY AND NORTHWESTERLY 45.33 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°34'28";
9. THENCE SOUTH 45°53'45" EAST 1.30 FEET;
10. THENCE NORTH 44°05'54" EAST 120.58 FEET;
11. THENCE NORTH 44°06'15" EAST 7.51 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 3,218 SQUARE FEET (0.074 ACRES), MORE OR LESS.

EQUILON ENTERPRISES, LLC (61115)

LAND DESCRIPTIONS OF TWO (2) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT PARCEL OF LAND DESCRIBED AS PARCEL ONE UNDER TRACT 2 IN THE CORPORATE GRANT DEED TO EQUILON ENTERPRISES, LLC RECORDED JULY 13, 1998 UNDER DOCUMENT NUMBER 1998-0160747, OFFICIAL RECORDS OF SAID COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 9 (61115-1) FEE PARCEL

BEGINNING AT THE EASTERLY CORNER OF SAID LANDS PARCEL ONE;

THENCE ALONG THE SOUTHEASTERLY LINE AND SOUTHWESTERLY LINE OF SAID PARCEL ONE THE FOLLOWING THREE (3) COURSES:

1. THENCE SOUTH 43°13'38" WEST 144.99 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LANDS OF EQUILON ENTERPRISES LLC, ALSO BEING THE NORTHWESTERLY LINE OF SOMERSVILLE ROAD AS SHOWN ON THE PARCEL MAP FILED DECEMBER 23, 1975 IN BOOK 41 OF PARCEL MAPS, PAGE 38, CONTRA COSTA COUNTY RECORDS, TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 30.00 FEET;
2. THENCE WESTERLY AND SOUTHWESTERLY 47.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°59'35" TO THE NORTHEASTERLY LINE OF DELTA FAIR BOULEVARD, AS SHOWN ON SAID PARCEL MAP;
3. THENCE NORTH 46°46'47" WEST 18.92 FEET ALONG SAID NORTHEASTERLY LINE;
4. THENCE LEAVING SAID NORTHEASTERLY LINE NORTH 43°10'42" EAST 4.47 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 29.30 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 43°10'42" WEST);
5. THENCE SOUTHEASTERLY AND EASTERLY 47.26 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°27'38";

6. THENCE NORTH 42°43'03" EAST 140.96 FEET TO SAID NORTHEASTERLY LINE OF LANDS OF SAID PARCEL ONE;
7. THENCE SOUTH 46°46'22" EAST 20.90 FEET ALONG SAID NORTHEASTERLY LINE TO **THE POINT OF BEGINNING.**

CONTAINING 3, 648 SQUARE FEET (0.084 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR ROAD PURPOSES AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID ROAD.

PARCEL 10(61115-2) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 12-31-2012

A TEMPORARY EASEMENT, FOR A SIX (6) MONTH PERIOD BETWEEN JULY 1, 2010 AND DECEMBER 31, 2012, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF SAID PARCEL ONE, DISTANT THEREON NORTH 46°46'22" WEST 20.90 FEET FROM THE EASTERLY CORNER THEREOF;

1. THENCE SOUTH 42°43'03" WEST 140.96 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 29.30 FEET;
2. THENCE WESTERLY AND NORTHWESTERLY 47.26 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 92°24'44";
3. THENCE NORTH 43°10'21" EAST 9.39 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 20.00 FEET;
4. THENCE EASTERLY AND NORTHEASTERLY 31.57 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°27'18";
5. THENCE ALONG A RADIAL LINE OF SAID CURVE, SOUTH 47°16'57" EAST 1.00 FEET;
6. THENCE NORTH 42°43'03" EAST 103.13 FEET;
7. THENCE NORTH 31°26'19" EAST 38.61 FEET TO SAID NORTHEASTERLY LINE OF SAID PARCEL ONE;
8. THENCE SOUTH 46°46'22" EAST 16.85 FEET ALONG SAID NORTHEASTERLY LINE TO **THE POINT OF BEGINNING.**

CONTAINING 1, 848 SQUARE FEET (0.042 ACRES), MORE OR LESS.

DIAMOND PROPERTIES, LEO L. WANG (61116)

LAND DESCRIPTIONS OF TWO (2) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT PARCEL OF LAND DESCRIBED AS PARCEL ONE IN THE GRANT DEED TO DIAMOND PROPERTIES, A CALIFORNIA CORPORATION, RECORDED DECEMBER 30, 2008, UNDER DOCUMENT NUMBER 2008-0277545, OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 11 (61116-1) FEE PARCEL

BEGINNING AT THE MOST EASTERLY CORNER OF SAID PARCEL ONE;

1. THENCE SOUTH 43°13'38" WEST 224.72 FEET ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL ONE TO THE MOST SOUTHERLY CORNER THEREOF, SAID SOUTHEASTERLY LINE ALSO BEING THE NORTHWESTERLY LINE OF SOMERSVILLE ROAD AS SHOWN ON THE PARCEL MAP FILED DECEMBER 23, 1975 IN BOOK 41 OF PARCEL MAPS, PAGE 38, OFFICIAL RECORDS OF SAID COUNTY;
2. THENCE NORTH 46°46'22" WEST 11.56 FEET ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL ONE;
3. THENCE LEAVING SAID SOUTHWESTERLY LINE, NORTH 42°43'03" EAST 224.73 FEET TO THE NORTHEASTERLY LINE OF SAID PARCEL ONE;
4. THENCE SOUTH 46°46'22" EAST 13.55 FEET ALONG SAID NORTHEASTERLY LINE TO **THE POINT OF BEGINNING.**

CONTAINING 2,821 SQUARE FEET (0.065 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

PARCEL 12(61116-2) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 12-31-2012

A TEMPORARY EASEMENT, FOR A NINE (9) MONTH PERIOD BETWEEN JULY 1, 2010 AND DECEMBER 31, 2012, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF SAID PARCEL ONE, DISTANT THEREON NORTH 46°46'22" WEST 13.55 FEET FROM THE NORTHEASTERLY CORNER THEREOF;

1. THENCE SOUTH 42°43'03" WEST 224.73 FEET TO THE SOUTHEASTERLY LINE OF SAID PARCEL ONE;
2. THENCE NORTH 46°46'22" WEST 16.55 FEET ALONG SAID SOUTHWESTERLY LINE;
3. THENCE LEAVING SAID SOUTHWESTERLY LINE NORTH 31°26'19" EAST 21.44 FEET;
4. THENCE SOUTH 47°16'57" EAST 14.79 FEET;
5. THENCE NORTH 39°20'27" EAST 204.07 FEET TO SAID NORTHERLY LINE;
6. THENCE SOUTH 46°46'22" EAST 17.97 FEET ALONG SAID NORTHEASTERLY LINE TO **THE POINT OF BEGINNING.**

CONTAINING 2,829 SQUARE FEET (0.065 ACRES), MORE OR LESS.

KAISER FOUNDATION HEALTH PLAN (61119)

LAND DESCRIPTIONS OF FIVE (5) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING PORTIONS OF THAT PARCEL OF LANDS DESCRIBED IN THE FOLLOWING INSTRUMENTS RECORDED IN THE OFFICE OF THE RECORDER OF SAID COUNTY:

1. SOL'S TO KAISER FOUNDATION HEALTH PLAN, INC., GRANT DEED, RECORDED JANURARY 15, 1982 IN BOOK 10645 AT PAGE 5, OF OFFICIAL RECORDS.
2. DELTA FAIR, INC. TO KAISER FOUNDATION HEALTH PLAN, INC., GRANT DEED, RECORDED JANURARY 26, 1962 IN BOOK 4044 AT PAGE 19, OF OFFICIAL RECORDS.

ALL OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 13 (61119-1) FEE PARCEL

BEGINNING AT THE NORTHWESTERLY CORNER OF PARCEL ONE, AS DESCRIBED IN SAID GRANT DEED RECORDED IN BOOK 10645 AT PAGE 5;

1. THENCE SOUTH 08°56'43" WEST 3.10 FEET ALONG THE WESTERLY LINE OF SAID PARCEL ONE;
2. THENCE LEAVING SAID WESTERLY LINE, SOUTH 69°26'03" EAST 16.82 FEET;
3. THENCE SOUTH 69°16'59" EAST 301.26 FEET;
4. THENCE SOUTH 69°39'51" EAST 409.63 FEET;
5. THENCE SOUTH 20°20'09" WEST 5.10 FEET;
6. THENCE SOUTH 69°39'51" EAST 15.00 FEET;
7. THENCE NORTH 20°20'09" EAST 5.10 FEET;
8. THENCE SOUTH 69°39'51" EAST 37.43 FEET;
9. THENCE SOUTH 64°47'43" EAST 206.51 FEET TO THE EASTERLY LINE OF THE LANDS OF KAISER FOUNDATION HEALTH PLAN INC., AS DESCRIBED IN SAID GRANT DEED RECORDED IN BOOK 4044 AT PAGE 19;
10. THENCE NORTH 30°23'58" EAST 11.26 FEET ALONG SAID EASTERLY LINE TO THE SOUTHEASTERLY CORNER OF THE LANDS OF THE STATE OF CALIFORNIA AS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED OCTOBER 2, 1995 AS INSTRUMENT 95-166186, OFFICIAL RECORDS OF ALAMEDA COUNTY;
11. THENCE NORTH 67°06'20" WEST 335.49 FEET ALONG THE SOUTHERLY LINE OF SAID LANDS OF THE STATE OF CALIFORNIA TO THE NORTHERLY LINES OF SAID PARCEL ONE AND SAID LANDS OF KAISER FOUNDATION HEALTH PLAN INC.;
12. THENCE LEAVING SAID SOUTHERLY LINE, NORTH 69°57'52" EAST 653.34 FEET ALONG THE LAST SAID NORTHERLY LINES TO **THE POINT OF BEGINNING.**

CONTAINING 6,372 SQUARE FEET (0.146 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

PARCEL 14 (61119-2) PERMANENT OVERHEAD AND POLE LINE EASEMENT

A PERMANENT EASEMENT FOR OVERHEAD AND POLE LINE PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF THAT CERTAIN EASEMENT GRANTED TO PACIFIC GAS AND ELECTRIC COMPANY AND PACIFIC TELEPHONE AND TELEGRAPH COMPANY AS DESCRIBED IN THE DEED RECORDED MAY 19, 1960 IN BOOK 3623 AT PAGE 106 OFFICIAL RECORDS OF SAID COUNTY, WITH THE WESTERLY LINE OF SAID PARCEL ONE;

1. THENCE SOUTH 69°57'52" EAST 650.12 FEET ALONG SAID SOUTHERLY LINE TO THE SOUTHERLY LINE OF EASEMENTS GRANTED TO PACIFIC GAS & ELECTRIC COMPANY RECORDED OCTOBER 2, 1995 AS INSTRUMENT 95-166187 AND GRANTED TO CITY OF ANTIOCH RECORDED OCTOBER 2, 1995 AS INSTRUMENT 95-166188, BOTH OF OFFICIAL RECORDS OF SAID COUNTY;
2. THENCE SOUTH 67°06'17" EAST 333.04 FEET ALONG LAST SAID LINE TO THE EASTERLY LINE OF SAID LANDS OF KAISER FOUNDATION HEALTH PLAN INC.;
3. THENCE SOUTH 30°23'58" WEST 13.77 FEET ALONG SAID EASTERLY LINE;
4. THENCE LEAVING LAST SAID LINE, NORTH 67°01'32" WEST 282.76 FEET;
5. THENCE NORTH 69°18'13" WEST 298.76 FEET;
6. THENCE NORTH 68°15'48" WEST 249.87 FEET;
7. THENCE NORTH 69°16'59" WEST 135.04 FEET;
8. THENCE NORTH 69°26'03" WEST 13.75 FEET TO SAID WESTERLY LINE;
9. THENCE NORTH 08°56'43" WEST 3.13 FEET ALONG LAST SAID LINE TO THE **POINT OF BEGINNING.**

CONTAINING 10,639 SQUARE FEET (0.244 ACRES), MORE OR LESS.

PARCEL 15 (61119-3) PERMANENT SANITARY SEWER EASEMENT

A PERMANENT EASEMENT FOR SANITARY SEWER PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THAT CERTAIN PUBLIC SERVICE EASEMENT GRANTED TO THE CITY OF ANTIOCH AS DESCRIBED IN THE EASEMENT AGREEMENT RECORDED OCTOBER 24, 1984 IN BOOK 12033 AT PAGE 910 OFFICIAL RECORDS OF SAID COUNTY, WITH SAID WESTERLY LINE OF PARCEL ONE;

1. THENCE SOUTH 69°57'52" EAST 14.92 FEET ALONG THE SOUTHERLY LINE OF SAID EASEMENT;
2. THENCE LEAVING LAST SAID LINE, SOUTH 29°13'32" EAST 12.01 FEET;
3. THENCE SOUTH 70°25'13" EAST 144.08 FEET;
4. THENCE SOUTH 70°40'42" EAST 285.56 FEET;
5. THENCE SOUTH 70°19'54" EAST 294.09 FEET;
6. THENCE SOUTH 68°22'21" EAST 59.76 FEET TO THE SAID SOUTHERLY LINE OF EASEMENTS GRANTED TO PACIFIC GAS & ELECTRIC COMPANY AND CITY OF ANTIOCH;

7. THENCE SOUTH 67°06'17" EAST 174.53 FEET ALONG LAST SAID LINE TO THE EASTERLY LINE OF SAID LANDS OF KAISER FOUNDATION HEALTH PLAN, INC.;
8. THENCE SOUTH 30°23'58" WEST 13.77 FEET ALONG SAID EASTERLY LINE;
9. THENCE LEAVING SAID EASTERLY LINE, NORTH 67°01'32" WEST 105.15 FEET;
10. THENCE NORTH 68°22'21" WEST 126.74 FEET;
11. THENCE NORTH 70°19'54" WEST 293.82 FEET;
12. THENCE NORTH 70°40'42" WEST 285.55 FEET;
13. THENCE NORTH 70°25'13" WEST 149.75 FEET;
14. THENCE NORTH 29°13'32" WEST 22.26 FEET TO THE LAST SAID WESTERLY LINE;
15. THENCE NORTH 08°56'43" EAST 8.51 FEET ALONG SAID WESTERLY LINE TO THE **POINT OF BEGINNING.**

CONTAINING 14,511 SQUARE FEET (0.333 ACRES), MORE OR LESS.

PARCEL 16 (61119-4) PERMANENT SLOPE EASEMENT

A PERMANENT EASEMENT FOR MAINTENANCE PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF PARCEL ONE AS DESCRIBED IN THAT SAID GRANT DEED RECORDED IN BOOK 10645 AT PAGE 5, FROM WHICH THE NORTHWESTERLY CORNER THEREOF BEARS NORTH 08°56'43" EAST 3.10 FEET;

1. THENCE SOUTH 69°26'03" EAST 16.82 FEET;
2. THENCE SOUTH 69°16'59" EAST 301.26 FEET;
3. THENCE SOUTH 69°39'51" EAST 409.63 FEET;
4. THENCE SOUTH 20°20'09" WEST 5.10 FEET;
5. THENCE SOUTH 69°39'51" EAST 15.00 FEET;
6. THENCE NORTH 20°20'09" EAST 5.10 FEET;
7. THENCE SOUTH 69°39'51" EAST 22.53 FEET;
8. THENCE SOUTH 20°20'09" WEST 6.80 FEET;
9. THENCE NORTH 69°48'40" WEST 283.19 FEET;
10. THENCE NORTH 69°55'53" WEST 312.93 FEET;
11. THENCE NORTH 69°49'36" WEST 166.79 FEET TO SAID WESTERLY LINE;
12. THENCE NORTH 08°56'43" EAST 11.77 FEET ALONG SAID WESTERLY LINE TO THE **POINT OF BEGINNING.**

CONTAINING 6,423 SQUARE FEET (0.147 ACRES), MORE OR LESS.

PARCEL 17(61119-5) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 12-31-2012

A TEMPORARY EASEMENT, FOR A FIFTEEN (15) MONTH PERIOD BETWEEN JULY 1, 2010 AND DECEMBER 31, 2012, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF PARCEL ONE AS DESCRIBED IN THAT SAID GRANT DEED RECORDED IN BOOK 10645 AT PAGE 5, FROM WHICH THE NORTHWESTERLY CORNER THEREOF BEARS NORTH 08°56'43" EAST 3.10 FEET;

1. THENCE SOUTH 69°26'03" EAST 16.82 FEET;
2. THENCE SOUTH 69°16'59" EAST 301.26 FEET;
3. THENCE SOUTH 69°39'51" EAST 409.63 FEET;
4. THENCE SOUTH 20°20'09" WEST 5.10 FEET;
5. THENCE SOUTH 69°39'51" EAST 15.00 FEET;
6. THENCE NORTH 20°20'09" EAST 5.10 FEET;
7. THENCE SOUTH 69°39'51" EAST 37.43 FEET;
8. THENCE SOUTH 64°47'43" EAST 206.51 FEET TO THE EASTERLY LINE OF THE LANDS OF KAISER FOUNDATION HEALTH PLAN, INC., AS DESCRIBED IN THAT SAID GRANT DEED RECORDED IN BOOK 4044 AT PAGE 19;
9. THENCE SOUTH 30°23'58" WEST 8.64 FEET ALONG SAID EASTERLY LINE;
10. THENCE, LEAVING SAID EASTERLY LINE, NORTH 68°51'31" WEST 233.07 FEET;
11. THENCE NORTH 69°41'32" WEST 25.73 FEET;
12. THENCE NORTH 70°00'46" WEST 204.01 FEET;
13. THENCE NORTH 70°00'18" WEST 471.09 FEET;
14. THENCE NORTH 60°01'20" WEST 46.96 FEET TO SAID WESTERLY LINE;
15. THENCE NORTH 08°56'43" EAST 21.44 FEET ALONG LAST SAID LINE TO THE **POINT OF BEGINNING**.

CONTAINING 22,595 SQUARE FEET (0.519 ACRES), MORE OR LESS.

KC PROPCO, LLC (61108)

LAND DESCRIPTIONS OF TWO (2) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING A PORTION THAT PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO KC PROPCO, LLC, A DELAWARE LIMITED LIABILITY COMPANY, RECORDED JULY 7, 2003 UNDER DOCUMENT NUMBER 2003-0319979, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

Parcel 18 (61108-1) FEE PARCEL

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LANDS OF KC PROPCO, SAID POINT BEING COINCIDENT WITH THE NORTHERLY LINE OF THE LANDS OF THE STATE OF CALIFORNIA DESCRIBED IN THE GRANT DEED RECORDED SEPTEMBER 12, 1952 IN BOOK 1989 AT PAGE 579 OFFICIAL RECORDS OF SAID COUNTY;

1. THENCE NORTH 20°01'11" EAST 3.92 FEET ALONG THE WESTERLY LINE OF SAID LANDS OF KC PROPCO;

2. THENCE LEAVING SAID WESTERLY LINE, SOUTH 69°39'51" EAST 128.09 FEET TO THE EASTERLY LINE OF SAID LANDS OF KC PROPCO;
3. THENCE SOUTH 29°42'49" WEST 3.30 FEET ALONG LAST SAID LINE TO SAID NORTHERLY LINE;
4. THENCE NORTH 69°57'52" WEST 127.53 FEET ALONG LAST SAID LINE TO THE **POINT OF BEGINNING**;

CONTAINING 459 SQUARE FEET (0.011 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APPURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

Parcel 19 (61108-2) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 10-31-2013

A TEMPORARY EASEMENT, FOR A NINE (9) MONTH PERIOD BETWEEN JULY 1, 2010 AND OCTOBER 31, 2013, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF THE SAID LANDS OF KC PROPCO, FROM WHICH THE SOUTHWESTERLY CORNER THEREOF BEARS SOUTH 20°01'11" WEST 3.92 FEET

1. THENCE NORTH 20°01'11" EAST 5.50 FEET ALONG SAID WESTERLY LINE;
2. THENCE LEAVING LAST SAID LINE, SOUTH 69°39'51" EAST 129.03 FEET TO THE EASTERLY LINE OF SAID LANDS OF KC PROPCO;
3. THENCE SOUTH 29°42'49" WEST 5.57 FEET ALONG SAID EASTERLY LINE;
4. THENCE, LEAVING LAST SAID LINE, NORTH 69°39'51" WEST 128.09 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 707 SQUARE FEET (0.016 ACRES), MORE OR LESS.

MELTON & LYNCH RECREATION (61118)

LAND DESCRIPTIONS OF FOUR (4) PARCELS OF LAND IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL ONE IN THE GRANT DEED TO MELTON RECREATION, INC., A CALIFORNIA CORPORATION RECORDED ON SEPTEMBER 28, 2007 AS DOCUMENT 2007-0272685, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

Parcel 20 (61118-1) FEE PARCEL

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID PARCEL ONE, SAID CORNER ALSO BEING THE SOUTHWESTERLY CORNER OF THE LANDS DESCRIBED IN THAT GRANT DEED TO THE STATE OF CALIFORNIA RECORDED ON JANUARY 30, 1995 AS DOCUMENT 95-014410, OFFICIAL RECORDS OF SAID COUNTY;

1. THENCE, ALONG THE SOUTHWESTERLY LINE OF SAID PAREL (95-014410), SOUTH 66°37'07" EAST 398.67 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL ONE;
2. THENCE, ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL ONE, SOUTH 30°23'58" WEST 29.66 FEET;
3. THENCE NORTH 58°39'09" WEST 44.10 FEET;
4. THENCE NORTH 64°47'43" WEST 143.77 FEET;
5. THENCE NORTH 25°12'17" EAST 0.31 FEET;
6. THENCE NORTH 59°05'05" WEST 20.18 FEET;
7. THENCE NORTH 64°47'43" WEST 188.97 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL ONE;
8. THENCE, ALONG SAID NORTHWESTERLY LINE, NORTH 30°23'58" EAST 9.85 FEET TO **THE POINT OF BEGINNING.**

CONTAINING 6,980 SQUARE FEET (0.160 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

Parcel 21 (61118-2) PERMANENT OVERHEAD AND POLE LINE EASEMENT

A PERMANENT EASEMENT FOR OVERHEAD AND POLE LINE PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

A 15.00 FOOT STRIP OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL ONE, FROM WHICH THE NORTHWESTERLY CORNER THEREOF BEARS NORTH 30°23'58" EAST 13.77 FEET;

1. THENCE SOUTH 66°15'43" EAST 99.34 FEET;
2. THENCE SOUTH 64°50'20" EAST 101.88 FEET;
3. THENCE SOUTH 56°18'05" EAST 195.89 FEET TO THE SOUTHEASTERLY LINE OF SAID PARCEL ONE;
4. THENCE, ALONG SAID SOUTHEASTERLY LINE, SOUTH 30°23'58" WEST 15.17 FEET;
5. THENCE NORTH 50°58'49" WEST 1.58 FEET;
6. THENCE NORTH 56°18'05" WEST 194.07 FEET;
7. THENCE NORTH 64°50'20" WEST 100.56 FEET;
8. THENCE NORTH 66°15'43" WEST 99.08 FEET;
9. THENCE NORTH 67°01'32" WEST 1.84 FEET TO SAID NORTHWESTERLY LINE;

10. THENCE, ALONG SAID NORTHWESTERLY LINE, NORTH 30°23'58" EAST 15.13 FEET
TO THE **POINT OF BEGINNING**.

CONTAINING 5,957 SQUARE FEET (0.137 ACRES), MORE OR LESS.

Parcel 22 (61118-3) PERMANENT SANITARY SEWER EASEMENT

A PERMANENT EASEMENT FOR SANITARY SEWER PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

A 15.00 FOOT STRIP OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL ONE, FROM WHICH THE NORTHWESTERLY CORNER THEREOF BEARS NORTH 30°23'58" EAST 13.77 FEET;

1. THENCE SOUTH 66°15'43" EAST 99.34 FEET;
2. THENCE SOUTH 64°50'20" EAST 101.88 FEET;
3. THENCE SOUTH 56°18'05" EAST 195.89 FEET TO THE SOUTHEASTERLY LINE OF SAID PARCEL ONE;
4. THENCE, ALONG SAID SOUTHEASTERLY LINE, SOUTH 30°23'58" WEST 15.17 FEET;
5. THENCE NORTH 50°58'49" WEST 1.58 FEET;
6. THENCE NORTH 56°18'05" WEST 194.07 FEET;
7. THENCE NORTH 64°50'20" WEST 100.56 FEET;
8. THENCE NORTH 66°15'43" WEST 99.08 FEET;
9. THENCE NORTH 67°01'32" WEST 1.84 FEET TO SAID NORTHWESTERLY LINE;
10. THENCE, ALONG SAID NORTHWESTERLY LINE, NORTH 30°23'58" EAST 15.13 FEET
TO THE **POINT OF BEGINNING**.

CONTAINING 5,957 SQUARE FEET (0.137 ACRES), MORE OR LESS.

Parcel 23 (61118-4) TEMPORARY CONSTRUCTION EASEMENT EXPIRES 12-31-2012

A TEMPORARY EASEMENT, FOR A THIRTY (30) MONTH PERIOD BETWEEN JULY 1, 2010 AND DECEMBER 31, 2012, FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON, IN, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL ONE, FROM WHICH THE NORTHWESTERLY CORNER THEREOF BEARS NORTH 30°23'58" EAST 9.85 FEET;

1. THENCE SOUTH 64°47'43" EAST 188.97 FEET;
2. THENCE SOUTH 59°05'05" EAST 20.18 FEET;



Contra
Costa
County

To: Board of Supervisors
From: Ted Cwiek, Human Resources Director
Date: December 8, 2009

Subject: Amend Public Employees Union, Local One Memorandum of Understanding - Section 5 Salaries

RECOMMENDATION(S):

Adopt Resolution No. 2009/565 to amend Section 5 of the Memorandum of Understanding between Contra Costa County and Public Employees Union, Local One, adopted by the Board of Supervisors on July 21, 2009 (Resolution No. 2009/355) to increase the salary for the classification of Lead Fleet Technician from 5% to 6% and to change the effective date of this increase from January 1, 2010 to July 1, 2009.

FISCAL IMPACT:

The General Fund impact of this adjustment is less than \$3,500 in the current fiscal year and less than \$1,000 annually thereafter. The cost is within the General Services Department Budget.

BACKGROUND:

The Local One Memorandum of Agreement approved by the Board of Supervisors on July 21, 2009 lists the salary increase for Lead Fleet Technician as five percent (5%) with an effective date for the increase as January 1, 2010. This amendment reflects the correct effective date and salary increase discussed during bargaining and correctly aligns the salary with the classifications that the Lead Fleet Technician supervises.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: June McHuen, Deputy

Contact: Charley Taylor,
335-1785

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

ATTACHMENTS

Resolution No. 2009/565

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

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2009/565

SUBJECT: In the Matter of Approving the Amendment to the Memorandum of Understanding between Contra Costa County and Public Employees Union, Local One, to Include the Corrected Language in Section 5

WHEREAS the Board of Supervisors adopted the Memorandum of Understanding between Contra Costa County and Public Employees Union, Local One on July 21, 2009.

WHEREAS since that adoption, it was noted that a change of language should have been included in Section 5.1.A - General Wages to change the Lead Fleet Technician salary increase from 5% to 6% and to change the effective date from January 1, 2010 to July 1, 2009.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County AMENDS Section 5 of the Memorandum of Understanding between Contra Costa County and Public Employees Union, Local One, to change the salary increase for the classification of Lead Fleet Technician from 5% to 6% and to change the effective date of that increase from January 1, 2010 to July 1, 2009.

Contact: Charley Taylor, 335-1785

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

ATTESTED: December 8, 2009

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

By: , Deputy

cc: County Administrator, County Counsel, Auditor-Controller, Human Resources Department, Human Resources Department

In lieu of a retroactive pay increase, the County will make a "lump sum payment" to each eligible employee including those who have retired or separated from County employment, without interest for the period of July 1, 2009 through and including November 30, 2009 computed as follows:

The employee's regular pay and hourly-based earnings, including overtime pay and other earnings computed as a percentage of base pay, will be added together for each applicable pay period to determine an appropriate pay base. This pay base then will be multiplied by six percent (6%).

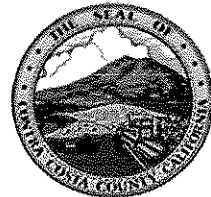
The product of that calculation will be added to the employee's January 10, 2010 paycheck, where it will be listed separately as "Lump Sum Pay." The "lump sum pay" amount will then be included in the calculation of the employee's required deductions such as taxes and retirement.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☒ 5
 NOES: ☐
 ABSENT: ☐
 ABSTAIN: ☐
 RECUSE: ☐



Resolution No. 2009/565

SUBJECT: In the Matter of Approving the Amendment to the Memorandum of Understanding between Contra Costa County and Public Employees Union, Local One, to Include the Corrected Language in Section 5

WHEREAS the Board of Supervisors adopted the Memorandum of Understanding between Contra Costa County and Public Employees Union, Local One on July 21, 2009.

WHEREAS since that adoption, it was noted that a change of language should have been included in Section 5.1.A - General Wages to change the Lead Fleet Technician salary increase from 5% to 6% and to change the effective date from January 1, 2010 to July 1, 2009.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County AMENDS Section 5 of the Memorandum of Understanding between Contra Costa County and Public Employees Union, Local One, to change the salary increase for the classification of Lead Fleet Technician from 5% to 6% and to change the effective date of that increase from January 1, 2010 to July 1, 2009.

Contact: Charley Taylor, 335-1785

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

ATTESTED: December 8, 2009

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

By: , Deputy

Human Resources Department

cc: County Administrator, County Counsel, Auditor-Controller, Human Resources Department, Human Resources Department



Contra
Costa
County

To: Board of Supervisors
From: Ted Cwiek, Human Resources Director
Date: December 8, 2009

Subject: Approval of Tentative Agreement between ECCFPD & IAFF, Local 1230

RECOMMENDATION(S):

Adopt Resolution No. 2009/558 approving the October 27, 2009, Tentative Agreement between East Contra Costa Fire District and IAFF, Local 1230, providing for wages, benefits and other terms and conditions of employment beginning December 1, 2008 and ending on November 30, 2010.

FISCAL IMPACT:

The District cost for the FLSA overtime is \$1,800 per year.

BACKGROUND:

Beginning January, 2009, East Contra Costa Fire Protection District began labor negotiations with IAFF, Local 1230 to replace the Memorandum of Understanding (MOU) that expired on November 30, 2008. The parties agreed to a tentative agreement that provides for overtime compensation which will sunset on November 29, 2010, and a side letter of agreement that provides for the reopening of the MOU if the Governing Board of the Fire District is not changed during the term of the agreement. Salary Rates and Health Plan Contributions remain in effect for the duration of the agreement.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes: Speaker: Vincent Wells, President Local 1230.

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: December 8, 2009

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

By: June McHuen, Deputy

Contact: Glynis Hughes, (925)
335-1780

cc:

ATTACHMENTS

Resolution No. 2009/558

G://Labor Relations/Negotiations

G\Negotiations\2008

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G:\Negotiations

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

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2009/558

In The Matter of Approving the Tentative Agreement between ECCCFPD and IAFF, Local 1230.

ECCCFPD and IAFF, Local 1230 have reached a tentative agreement extending the duration of the agreement to November 30, 2010. The salary rates and health plan contribution language will remain in effect and effective upon adoption of the tentative agreement, the FLSA overtime calculation will be based on hours paid, not hours worked. This provision will sunset on November 29, 2010. In addition, the parties have agreed to a side letter that provides for the reopening of the MOU between the parties if the Governing Board of the Fire District is not changed during the term of the agreement.

Now, Therefore, Be It Resolved that the Board of Supervisors of Contra Costa County ADOPT the Tentative Agreement dated October 27, 2009, between East Contra Costa County Fire Protection District and IAFF, Local 1230.

Contact: Glynis Hughes, (925) 335-1780

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

ATTESTED: December 8, 2009

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

By: , Deputy

cc:

SIDE LETTER
East Contra Costa Fire Protection District
And
IAFF, Local 1230

This side letter is by and between IAFF, Local 1230 and the East Contra Costa Fire Protection District (ECCFPD), and is effective upon Adoption by the Board of Supervisors.

The parties agree that Local 1230 may reopen the Memorandum of Understanding after March 1, 2010, only if the County Board of Supervisors is still the governing board of the East Contra Costa Fire Protection District after that date.

In the event of a re-opener, both parties may submit proposals to the other party for bargaining over a new Memorandum of Understanding.

Dated: Nov 3, 2009

For the ECCFPD:

Glenn Buckner

For IAFF, Local 1230 (ECCFPD):

Vincent Wells

COUNTY COUNTER PROPOSAL TO UNION #2
2008-2009 Negotiations – ECCFPD
Section 6 – FLSA Overtime
Presented: October 21, 2009

SECTION 6 – OVERTIME

6.3 – FLSA Overtime “Hours Worked” Calculation: For the purpose of determining when overtime pay is due to an employee pursuant to the Fair Labor Standards Act, the District will count paid leave time (vacation, sick leave, personal holiday, and compensatory time) as “hours worked.” This provision (Section 6.3) is effective on the first day of the month following adoption by the Board of Supervisors of the Agreement that includes this provision. This provision (Section 6.3) expires on November 29, 2010, regardless of the expiration date of the Agreement that includes this provision.

Date: Nov 2, 2009

For the County

Glenn Beckheimer

For Local 1230

Vincent Wells

SECTION 8 - VACATION

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8.1 Vacation Leave. Employees will accrue vacation credits based upon straight time hours of working time per calendar month. The accrual rate shall be twelve (12) hours per month.

Accruals will accumulate month to month to a maximum of 288 hours. Accruals for portions of a month shall be in minimum amounts of one (1) hour calculated on the same basis as for partial month compensation.

The District will increase vacation accruals for 56 hour work week employees by the following amounts effective April 1, 2008:

Length of Service Completed	Monthly Maximum (Hours)	Accrual Cumulative
Under 15 yrs of completed service	14 hours	336 hours
Beg. with 16-20 yrs of completed service	19 hours	456 hours
Beg. with 21-25 yrs of completed service	24 hours	576 hours
Beg. with 26-30 yrs of completed service	28 hours	672 hours
Beg. With 31 yrs of service	33 hours	792 hours

Vacation credits may be taken in one-half (1/2) hour increments but none shall be allowed in excess of actual accrual at the time vacation is taken. Vacation credits may be used only after completion of six (6) months service in a permanent position, but may be used to supplement exhausted sick leave in cases of absence during the first six (6) months.

Service Award Date: An employee's Service Award Date is used to determine when an employee begins to accrue the next higher number of vacation hours. The Service Award Date is the first date of a temporary, provisional, or permanent appointment to a position in the County. If an employee is first appointed to a temporary or provisional position and then later appointed to a permanent position, the Service Award Date for that employee is the date of the temporary or provisional appointment.

Increased Vacation Accruals Granted in Recognition of Long Service: Each employee is eligible to begin to accrue increased vacation hours on the first day of the month following the employee's Service Award Date.

SECTION 8 - VACATION

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Example One:

1. The employee's Service Award Date is January 1, 1988.
2. The employee reached 20 years of service on January 1, 2008.
3. February 1, 2008 is the date on which the employee is eligible to begin accruing 16.66 hours of vacation time each month.

Example Two:

1. An employee's Service Award Date is February 24, 1987.
2. The employee reached 20 years of service on February 24, 2007.
3. March 1, 2007 is the date on which the employee is eligible to begin accruing 16.66 hours of vacation time each month.

Date: Nov 2, 2009

For Contra Costa County:

Glenn Berkheim

For ECCCFPD:

Vincent Wells

Subject to change or withdrawal without prejudice.

TENTATIVE AGREEMENT

Between
EAST CONTRA COSTA FIRE PROTECTION DISTRICT
And
LOCAL 1230

October 27, 2009

- Section 25.3 – Duration of the Agreement – This Agreement will continue in full force and effect from **December 1, 2008** and end on November 30, 2010.
- Section 5.1 – Salary Rates – The salary rate in effect on August 1, 2007 will remain in effect for the duration of the agreement.
- Section 11 – Health Plan Contribution – Section 11 will remain in effect for the duration of the agreement.
- Section (new) – Overtime Compensation – Upon adoption of the Tentative Agreement by the Board of Supervisors, the FLSA overtime calculation will be based on hours paid, not on hours worked. This provision will sunset on November 29, 2010. (Language to follow)
- Side Letter of Agreement – The Parties have agreed to a side letter that provides for the reopening of the MOU between the parties if the Governing Board of the Fire District is not changed during the term of the agreement. (Language to follow)
- County Proposal No. M-4 (Service Award Date/Vacation Accruals) – Tentative Agreement.

Date: Nov 2, 2009

For ECCFPD:

Glenn Bulheimer

For IAFF, Local 1230 (East Contra
Costa Fire Protection District)

Vernon Wells

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

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☒ 5
 NOES: ☐
 ABSENT: ☐
 ABSTAIN: ☐
 RECUSE: ☐



Resolution No. 2009/558

In The Matter of Approving the Tentative Agreement between ECCCCPD and IAFF, Local 1230.

ECCCCPD and IAFF, Local 1230 have reached a tentative agreement extending the duration of the agreement to November 30, 2010. The salary rates and health plan contribution language will remain in effect and effective upon adoption of the tentative agreement, the FLSA overtime calculation will be based on hours paid, not hours worked. This provision will sunset on November 29, 2010. In addition, the parties have agreed to a side letter that provides for the reopening of the MOU between the parties if the Governing Board of the Fire District is not changed during the term of the agreement.

Now, Therefore, Be It Resolved that the Board of Supervisors of Contra Costa County ADOPT the Tentative Agreement dated October 27, 2009, between East Contra Costa County Fire Protection District and IAFF, Local 1230.

Contact: Glynis Hughes, (925) 335-1780

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

ATTESTED: December 8, 2009

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

By: , Deputy

cc:

In lieu of a retroactive pay increase, the County will make a "lump sum payment" to each eligible employee including those who have retired or separated from County employment, without interest for the period of July 1, 2009 through and including November 30, 2009 computed as follows:

The employee's regular pay and hourly-based earnings, including overtime pay and other earnings computed as a percentage of base pay, will be added together for each applicable pay period to determine an appropriate pay base. This pay base then will be multiplied by six percent (6%).

The product of that calculation will be added to the employee's January 10, 2010 paycheck, where it will be listed separately as "Lump Sum Pay." The "lump sum pay" amount will then be included in the calculation of the employee's required deductions such as taxes and retirement.



Contra
Costa
County

To: Board of Supervisors
From: Mary N. Piepho, District III Supervisor
Date: December 8, 2009

Subject: Allocation to U.C. Cooperative Extension – Contra Costa Programs

RECOMMENDATION(S):

APPROVE and AUTHORIZE a one-time transfer of up to \$100,000 from the Livable Communities Trust to U.C. Cooperative Extension to provide adequate funding through June 30, 2010, as recommended by Supervisors Piepho and Glover.

FISCAL IMPACT:

There will be no impact to the County General Fund. 100% of the funding for this allocation will be from the Livable Communities Trust. A separate request will be submitted to the Board for approval of increased expenditure and revenue appropriations should the Board approve this action.

BACKGROUND:

Funding to continue the Cooperative Extension programs is needed to extend through the end of the fiscal year. The community has responded by soliciting individual and corporate grants and the volunteer efforts to design and host a state fair booth for the County resulted in additional funding.

- Safe, healthy and accessible food
- Clean water and a healthy environment
- Good nutrition and well-nourished residents
- Healthy youth who contribute to healthy communities
- An improved local economy
- 4-H Program

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

Speakers: Harriett Burt, UCCE Master Gardeners; Shelley Murdock, Cooperative Ext.

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: December 8, 2009

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

Contact: Tomi Van de Brooke,
925-820-868

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

o 4-H is celebrating over 100 years of service offering an educational program to assist youth in their development.

- Agriculture
 - Master Gardener
 - o Master Gardener volunteers provide information, problem solving expertise and educational opportunities about home gardening to Contra Costa County residents.
- Nutrition
 - o Bringing University resources and research-based information to individuals, families and youth to enhance their well-being.
- Urban Horticulture
 - o Current information on integrated pest management, non-point pollution reduction, green waste, urban forestry and the selection and care of horticultural plants is provided by the Urban Horticulture Program.
- Wood Durability
 - o Improving the long-term performance of wood and wood-based construction materials, bringing the gap between wood resources and human needs.
- Youth Development
 - o With the use of research, extension of knowledge and public service, we aim to work collaboratively with community and statewide partners to provide young people with the opportunity to develop the relationships and competencies they will need to become productive and contributing members of our community/society.

The UC Cooperative Extension's programs benefit all cities and all citizens throughout the County. They pride themselves on delivering the most cost-effective programs in the most efficient manner by drawing upon experts from throughout the UC system, utilizing over 600 trained volunteers, and working cooperatively with over 150 diverse public and private agencies/organizations.

- More than 2/3 of Contra Costa County is in agriculture and open space. Agriculture brings in over \$71 million directly and over \$2.1 billion indirectly to our local economy. It assures county residents a safe and affordable local food supply. Our programs protect the County's food supply and the local economy.
- Contra Costa has 1,300 miles of waterways. Over one-half of our residents obtain their drinking water directly from the Sacramento-San Joaquin Delta bordering our county. Our programs protect the County's water supply.
- 253,468 Contra Costa residents are children ages 0-17 years who require leadership, citizenship and life skills in order to contribute to society as adults. Only 43.8% of Contra Costa youth that are old enough for college are college-ready. Our programs increase the number of youth ready for college and engaged as citizens.
- 59.5% of Contra Costa adults, especially those who are low-income, are overweight or obese with a disproportionate number from poverty. Overweight and obesity result in chronic disease and increased health costs passed on to governmental agencies and taxpayers. Our programs improve nutrition and reduce public health costs.
- 31% of county residents are food insecure; 33.4% of Contra Costa children are eligible for free or reduced lunch. Our programs improve food security for children and families.
- 60% of the pesticides that make their way into public waterways originate with Contra Costa homeowners and home gardeners. Our award winning programs reduce this pollution.

CONSEQUENCE OF NEGATIVE ACTION:

The U.C. Cooperative Extension - Contra Costa programs would not be funded beyond February 2010 and the county would lose approximately \$3 million in U.C. funding, with benefits derived to the County through improvements to pest management, water quality, healthy communities, youth development, etc.

ATTACHMENTS

Memo from Task Force

MEMORANDUM:

November 17, 2009

TO: Contra Costa County Board of Supervisors

FR: Sub-Committee on U.C. Cooperative Funding
Supervisors Mary Nejedly Piepho
Supervisor Federal Glover

RE: U.C. COOPERATIVE FUNDING

The Subcommittee (Supervisors Glover & Piepho) met three times with stakeholders from UC Cooperative and County Staff to discuss future funding for the U.C. Cooperative program. In addition there was outreach to the Mayor's Conference asking the cities and towns to consider funding the partnership.

We are pleased to report that short-term funding is being secured to carry the programs through the end of this fiscal year from the following sources:

\$100,000	Up to amount from Livable Communities Trust (one time only fund)
\$75,000	An Appropriation from the Agriculture Department
\$50,000	CC Futures Contract Funds
\$5,622	Individual and Corporate donations
\$4,414	California State Fair Booth Participation Award
\$4,216	Contract for Services with UC Davis

After careful review of the U.C. Cooperative Extension programs and benefits derived to Contra Costa County and its residents, we recommend that the Board of Supervisors direct the County Administrative Officer to reinstate funding to previous levels effective in the 2010-2011 budget.

The Cooperative Extension program leverages nearly \$3 million each year from its partner to the County's investment of less than 10% or \$305,000 in non-monetary staff support. Contra Costa County Supervisors and residents have expressed significant support for this program and, given its 90% match from other funding sources, it should be retained by the Contra Costa County.

The UC Cooperative Extension programs benefit all cities and all citizens throughout the County. They pride themselves on delivering the most cost-effective programs in the most efficient manner by drawing upon experts from throughout the UC system, utilizing over 600 trained volunteers, and working cooperatively with over 150 diverse public and private agencies/organizations.

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- Clean water and a healthy environment
- Good nutrition and well-nourished residents
- Healthy youth who contribute to healthy communities
- An improved local economy

- 4-H Program
 - 4-H is celebrating over 100 years of service offering an educational program to assist youth in their development.
- Agriculture
- Master Gardener
 - Master Gardener volunteers provide information, problem solving expertise and educational opportunities about home gardening to Contra Costa County residents.
- Nutrition
 - Bringing University resources and research-based information to individuals, families and youth to enhance their well-being.
- Urban Horticulture
 - Current information on integrated pest management, non-point pollution reduction, green waste, urban forestry and the selection and care of horticultural plants is provided by the Urban Horticulture Program.
- Wood Durability
 - Improving the long-term performance of wood and wood-based construction materials, bringing the gap between wood resources and human needs.
- Youth Development
 - With the use of research, extension of knowledge and public service, we aim to work collaboratively with community and statewide partners to provide young people with the opportunity to develop the relationships and competencies they will need to become productive and contributing members of our community/society.



Contra
Costa
County

To: Board of Supervisors
From: Dorothy Sansoe, County Administrator
Date: December 8, 2009

Subject: First Five Contra Costa Strategic Plan

RECOMMENDATION(S):

ACCEPT report from First 5 Contra Costa on their five year strategic plan to invest more than \$70 million in programs that service children ages 0-5 and their families.

FISCAL IMPACT:

No impact

BACKGROUND:

The First 5 Contra Costa Children and Families Commission has adopted a new five-year strategic plan to invest more than \$70 million in programs that serve children ages 0 to 5 and their families. This investment commitment guarantees consistent, stable funding for local children's programs at a time when county and state budget cuts have greatly reduced services for children. The Commission's approval of the plan titled, "Investing in Early Childhood," marked the culmination of an 18-month, public planning process that engaged community stakeholders, grantees, commissioners, and staff.

First 5 Contra Costa's strategic plan will fund initiatives focused in the following core

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: June McHuen, Deputy

Contact: Sean Cassidy,
925-771-7300

cc:

BACKGROUND: (CONT'D)

areas:

1. Early Childhood Education: Provide children with high-quality child care and preschool
2. Family Support: Help at-risk children birth to age three form healthy attachments with parents, which research shows is critical to healthy brain development
3. Early Intervention Services: Support children affected by abuse, neglect, trauma, development delays, special needs, social/emotional, or health problems
4. Community Information and Engagement: Ensure parents, providers, policymakers and the public understand the importance of the first five years and how they can best support children

Some of the programs funded under these initiatives will include improved treatment for children who have suffered child abuse, neglect or ongoing trauma; preschool scholarships for low-income children; support for children with serious disabilities or other special needs, including improved screening to identify delays in children earlier in their life; advanced training for child care teachers; nurse visits for new parents; and free parent education programs at family resource centers.

Prudent fiscal planning has made it possible for First 5 to make its \$70 million five-year funding commitment despite the fact that Proposition 10 revenues are declining. To avoid program funding reductions, First 5 will use the majority of its reserve funds account, which was established eight years ago to ensure stability in funding as Proposition 10 revenues decreased.

The Strategic Plan can be obtained online at www.firstfivecc.org.

ATTACHMENTS

Strategic Plan

Investing in Early Childhood



VISION

OUR VISION

Contra Costa's young children will be healthy, ready to learn and supported in safe, nurturing families and communities.



Investing in Early Childhood
First 5 Contra Costa Strategic Plan, 2010-2015
Approved October 2009



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DEAR FRIENDS AND COLLEAGUES,

We are pleased to present First 5 Contra Costa Children and Families Commission's third strategic plan, which is designed to guide our priorities and investments over the next five years, from 2010 through 2015.

Since our first strategic plan was approved nearly a decade ago, First 5 Contra Costa has invested over \$75 million to help local children grow up healthy, nurtured, and ready for school. Our investments and strategic partnerships have created a strong foundation on which to build over the next five years.

When First 5 was created ten years ago, few could have anticipated the current economic situation in Contra Costa and California. The last two years in particular have seen the collapse of core funding for child welfare, public health, health insurance, and other programs that support young children and their families.

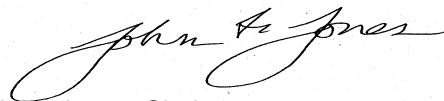
Within this environment, the role of First 5 Contra Costa as partner, funder, and leader of early childhood development is needed more than ever.

We know that the physical, mental, social, and emotional development of a child is critical during their first five years. Children whose development is impeded during this time can spend a lifetime trying to catch up, often at great expense and loss to society. Our response in these times is to do as much as possible, as effectively as possible, so families will not need the kind of crisis interventions for which funding has become increasingly scarce.

The Commission's approval of this strategic plan marks the culmination of a nearly 18-month-long public planning process that engaged community stakeholders, grantees, Commissioners, and staff. It reflects the impact, outcomes, and accomplishments of our currently funded programs, the growing needs of the community, and new knowledge about early childhood development and successful practices that have emerged in recent years.

We look forward to the next five years as a time of change and continued improvement for families in Contra Costa. We invite you to join us in our work to help Contra Costa's children grow up healthy, ready to learn, and supported in safe, nurturing families and communities.

Sincerely,



John Jones, Chair
First 5 Contra Costa
Children and Families Commission



Sean Casey, Executive Director
First 5 Contra Costa
Children and Families Commission

INTRODUCTION AND STRATEGIC PLAN DEVELOPMENT

Research shows that a child's brain develops most dramatically during the first five years of life. During this time, a window of opportunity exists to shape how a child's brain develops. A child's relationships with her parents and the kind of experiences she grows up with profoundly affect how her brain develops.

Based on this research, California voters passed Proposition 10 (the Children and Families First Act) in 1998, adding a 50 cents-per-pack tax on tobacco products to fund health, early childhood education, and parent education programs for expectant parents and children from birth to age five.

Numerous studies confirm that early childhood initiatives like Proposition 10 can reduce the need for more expensive taxpayer-funded services later such as special education, foster care, and welfare programs.

Proposition 10

Approximately \$600 million is collected statewide from Proposition 10 each year. Commissions at the state and in each of California's 58 counties were formed to distribute funds.

The State Commission receives 20 percent of the revenues for statewide programs, public education, and outreach. County Commissions receive the remaining 80 percent of revenues to fund local programs. Funds are allocated to counties based upon the number of births to residents in each county.

All county Commissions are required to submit strategic plans to the State Commission based on input from parents, child care providers, and service and advocacy groups to guide funding decisions and ensure that plans reflect local needs and priorities.

In 2002, the State and most County Commissions adopted the name "First 5" to reflect the program's focus on a child's first five years of life.

Proposition 10 in Contra Costa County

The Contra Costa County Board of Supervisors established the First 5 Contra Costa Children and Families Commission on June 15, 1999 (Ordinance 99-15). The Board appointed nine Commission members and nine Alternate members on September 1, 1999.

Members include one Supervisor from the County Board of Supervisors, the directors of the County departments of Health Services and Employment and Human Services, and a representative from the County Administrator's Office of Children's Services. The other five members of the Commission are appointed by the Board of Supervisors and represent each Supervisorial District.

Commissioners and Alternate Commission members represent various disciplines and backgrounds including pediatrics, early childhood education, child welfare, and schools. Alternate members, including second representatives from the Board of Supervisors, the county agencies mentioned above, and the five districts, hold all the powers of the appointed Commissioners except voting privileges.



"The best investment in economic development that government and the private sector can make is in the healthy development of children."

- Art Rolnick, Ph.D.
Vice President Federal
Reserve Bank, Minneapolis

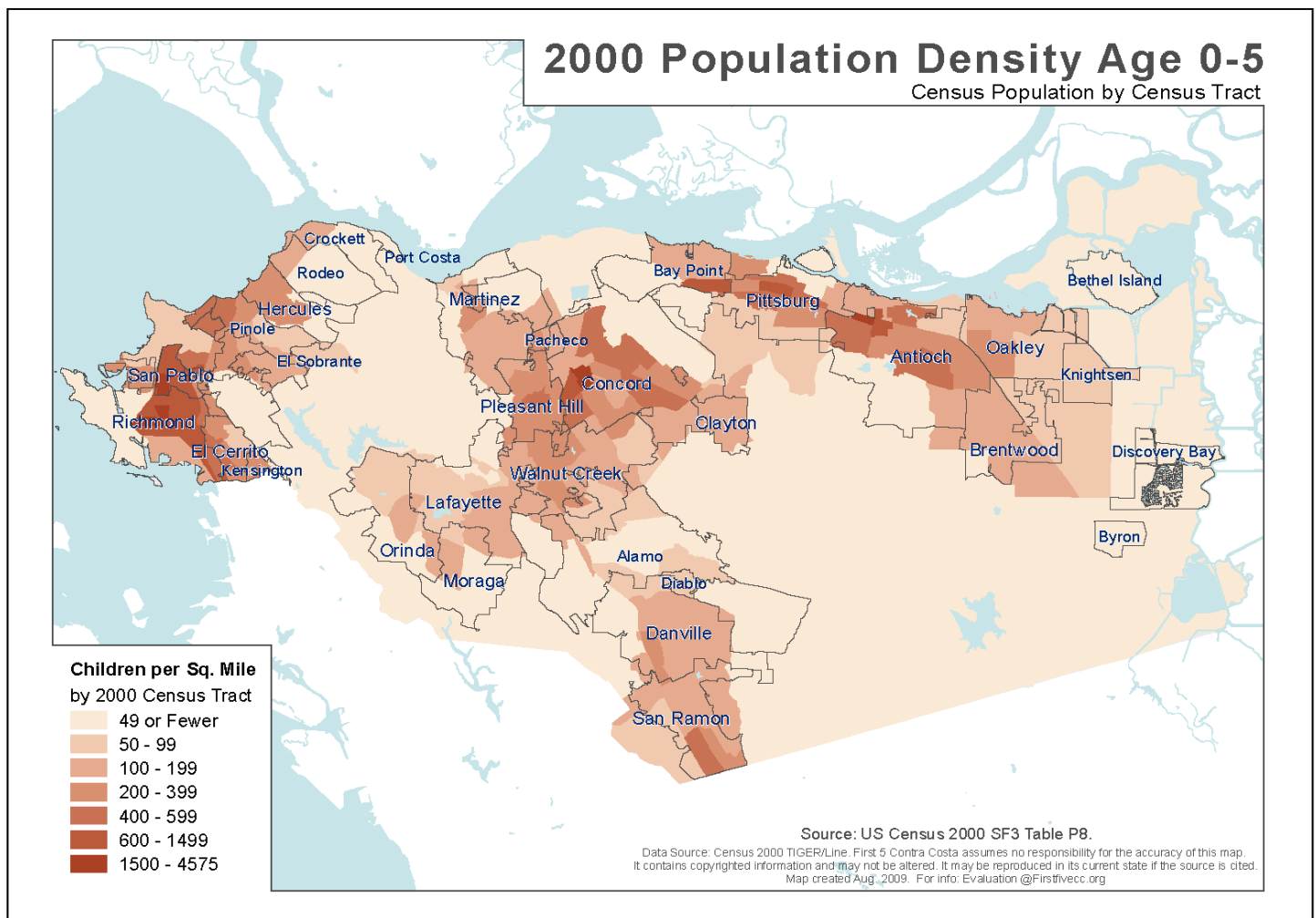
The Context: Children of Contra Costa

A Current Snapshot

More than one million people call Contra Costa County home, including approximately 80,000 children under six years old. Over 13,000 children are born in the county each year, accounting for approximately 2.25% of all California births (California Department of Finance 2007).

In recent years, foreign immigration, primarily from Latin America and Asia, has been a major influence on the County's population. Most immigrants arrive as young adults, get married, and have children, thereby not only increasing the population size but also changing the age structure and ethnic mix (Craft, 2003).

The California Department of Finance estimates that approximately one-third of children age birth to five years are Latino (35%), one-third are white (35%), 12% are Asian/Pacific Islander, 8% are African-American, and 5% are another ethnicity or multiple ethnicities.



Diversity extends to the County's wealth as well. Although Contra Costa's median household income is relatively high – \$75,483 compared to the state median of \$58,361 – income varies substantially across the county: the wealthiest Contra Costa zip code earns six times more than the poorest (U.S. Census, 2005-07). Pockets of deep and sustained poverty persist in large areas of the west, east, and to a lesser extent, central portions of the county.

The economic recession has deeply affected Contra Costa's residents. Home foreclosure rates are among the highest in the country. Unemployment rates climbed from 6.1% in June 2008, to 10.7% in the following June. In several areas, unemployment rates have spiked even higher, such as Bay Point at 21% and San Pablo at 20% (California Employment Development Department 2009).

For County government, the combined losses of property, income, and sales taxes locally and statewide have meant drastic cuts in health and social services, particularly in child welfare services. While recovery in the private sector is projected for 2010, public-sector recovery is expected to lag for several years. Ironically federal spending for early childhood is increasing as the new administration has made preschool and other child development programs a priority.

Why Invest in Children?

After more than two decades of research on early brain and child development, the results are in: investing in young children is good social policy. Furthermore, results from several long-term, well-respected evaluations of early childhood development programs support a growing consensus among leading economists, sociologists, and policymakers that high-quality programs for early childhood development are a sound *financial* investment as well.

Research has illuminated how brain development in the early years – particularly the first three to five years – sets the patterns and processes individuals will follow throughout their lives. Although the brain is not inflexible after the first five years, neural pathways have largely been set and the brain's ability to change – its plasticity – is markedly reduced. Therefore, the quality of life and the contributions each person makes to society *as an adult* may be traced back to early childhood.

When a young child is supported by her family and principal caretakers in her development of cognition (knowledge), language, motor skills, adaptive skills, as well as her social and emotional functioning, she is far more likely to succeed in school, the workplace, and in life generally. Children at risk because of family crisis such as violence, substance use, or parent mental illness can particularly benefit from well-designed child development programs.

The benefit to society can be equally great in the form of reduced cost for remedial or intervention programs later in life. As social investment, economists place early childhood favorably against conventional economic development projects: "Why invest in a new stadium (rate of return uncertain) when you can get a whopping 16% by investing in pre-kindergarten for poor kids?" (Rolnick and Grunewald 2008).

"Why invest in a new stadium (rate of return uncertain) when you can get a whopping 16% by investing in pre-kindergarten for poor kids?"

- Rolnick and Grunewald 2008

The first five years are a time of enormous potential for positively affecting lifelong development, health, and learning. Providing high-quality, enriching experiences to our young children can significantly impact later spending demands for education, healthcare, special education, child welfare and foster care, mental healthcare, substance use treatment, and incarceration. To make smart use of public funds in this way is to make an investment with a high likelihood of return many times over for years to come.

Our Accomplishments

To date, we have invested \$75 million in local programs and activities designed to help children grow up healthy, nurtured, and ready for school. Our investments have:

- Improved the quality of child care for young children by helping thousands of child care providers to advance their education and training.
- Doubled the number of licensed child care programs that meet national accreditation standards – the country's highest mark of quality.
- Established five First 5 Centers that provide free parenting classes and early learning programs to over 1,800 low-income families each year.
- Created school readiness preschools that have boosted developmental skills for low-income children who otherwise might start kindergarten behind.
- Provided high-quality home visiting programs to at-risk expectant and new parents to help them bond with their babies, enroll in health insurance, and locate needed services.
- Helped children with emotional, social, behavioral, or developmental problems to remain in their child care settings and/or locate services to improve their development.
- Ensured that parents are aware of resources in their community and know how to access them.
- Provided extensive trainings to local service providers to make sure that parents and children receive high-quality services.
- Formed strategic partnerships to address issues such as universal preschool, family economic security, child obesity, and the effects of domestic violence on young children.

Our strategic planning process allowed the opportunity for Commissioners, staff, partners, and the community to reflect on our accomplishments, evaluate lessons learned from nearly ten years implementing Proposition 10, and to strategize on how best to move forward with a focused set of priorities for improving the lives of children in Contra Costa County.

Strategic Plan Development

Our strategic planning process began in April 2008 with the formation of an ad-hoc committee made up of Commissioners, staff, and community representatives. This Committee subsequently designed the process the Commission used to solicit community input, consider the current landscape of services for children, and set future goals and priorities.

To engage the community, we held ten forums and focus groups in various regions of the county in which nearly 200 providers and parents with young children participated. We also conducted interviews with key stakeholders to obtain input from local policy makers and posted surveys in English and Spanish on our Web site.

The parent focus groups, which were held in English and in Spanish, provided information about the programs and supports parents rely on to help them raise their children, their ideas for programs and services that would be most helpful, and the best way to inform the community about the services we fund.

Providers offered impressions of changes affecting families over the past eight years, discussed which programs and services they believed to be most effective and important in meeting families' needs, and described the kind of training and education that would be of value to providers and the community.

In January 2009, the Commission held a strategic planning retreat to reaffirm our mission and vision and to review the current landscape of services for children, trends in the early childhood field, and funding scenarios based on new projections. The Commission also developed goals we want to achieve for families, and identified seven of these goals as "core goals" in which resources particularly should be applied. To help inform discussions at the retreat, First 5 staff prepared a Briefing Book for the Commission, which summarizes local data and key research findings, information from the community input process, and results from our currently funded programs. The Briefing Book can be accessed at www.firstfivecc.org.

Since the Commission's retreat, First 5 staff and the Commission's Program and Evaluation Committee (PEC) refined the goals developed at the retreat, confirmed core goals, and developed objectives and strategic directions to guide the development of implementation plans and future funding allocations. The Commission approved these elements of the strategic plan in July 2009. The Commission then reviewed the entire strategic plan in September 2009 and formally adopted the plan in October 2009.

Definitions

The following definitions explain the framework for the strategic plan:	
Strategic Result Area	The five major areas of life that significantly influence children's healthy development.
Goal	The long-range end result that will lead to the accomplishment of the mission.
Objective	The specific changes necessary to achieve the goal.
Strategic Direction	The direction that will guide our implementation plan.
Initiative	The organizational structure around which our funding will occur.
Outcome	A specific effect that is expected to result from a program's activity.



VISION, MISSION, AND STRATEGIC PRINCIPLES

Vision Statement

Contra Costa's young children will be healthy, ready to learn, and supported in safe, nurturing families and communities.

Mission Statement

The mission of First 5 Contra Costa is to foster the optimal development of our children, prenatal to five years of age.

In partnership with parents, caregivers, communities, public and private organizations, advocates, and county government, we support a comprehensive, integrated set of sustainable programs, services, and activities designed to:

- Improve the health and well-being of our young children
- Advance their potential to succeed in school
- Strengthen the ability of their families and caregivers to provide for their physical, mental, and emotional growth



"Any significant education reform effort must start with children before they enter their kindergarten classrooms. If we only start focusing on kids at kindergarten and on - it's five years too late."

- Rep. George Miller

Strategic Principles

First 5 Contra Costa adopts the following strategic principles to guide our work:

- **Honor and respect community voice and engage community members in respectful and meaningful ways.** First 5 Contra Costa provides multiple opportunities for community members to participate meaningfully in our work, including soliciting input on improving our funded programs and forming advisory groups that include parents to identify community needs and implement innovative solutions.
- **Respect the County's diverse communities and ensure appropriate practices.** First 5 Contra Costa wants to ensure that children from diverse backgrounds and with diverse abilities have access to high-quality, culturally competent services. We believe that programs should be delivered in a sensitive and competent manner that is respectful of race, ethnicity, language, and special needs. First 5 Contra Costa will work to ensure staff and Commission members reflect the diversity of our community, and continue to increase the cross-cultural awareness and engagement of our staff and Commission members.
- **Prioritize funding allocations to benefit families in greatest need.** First 5 Contra Costa allocates the majority of our funding to programs that serve families with the greatest needs in order to reduce the disparities and poor outcomes that families living in low-income communities typically experience.
- **Align and link our funded programs with other programs to enhance services, fill gaps, and share resources.** First 5 funds are best used when they are aligned with other programs and funding sources in complementary ways, such as professional development and training for providers, sharing data to track program effectiveness, and linking services to make them more accessible to families.

- **Sustain programs as revenues decline.** To ensure our programs have long-term impact in the community, First 5 Contra Costa has maintained a Sustainability Fund to shore up allocations affected by revenue decline. First 5 also seeks funding partners and companion funding streams, leverages funding from state and federal sources to promote sustainability, and advocates for policy changes that sustain the systems changes brought about by First 5.
- **Fund high-quality programs that use promising or evidence-based practices.** First 5 Contra Costa researches evidence-based curricula and provides training and expertise to children's service providers to ensure that children and families receive the highest quality programming.
- **Conduct regular evaluations to improve our funded programs.** First 5 uses a variety of evaluation methods to ensure that funded programs are achieving their intended results, and to determine how programs can be improved. Evaluations will rely on the opinions and experiences of program beneficiaries; focus on strengths; respect the confidentiality and dignity of program participants; and remain mindful of the diversity among participants. Our evaluation results will be shared with the Commission, contractors, and the community.


STRATEGIC RESULTS AREAS, GOALS, AND OBJECTIVES

The purpose of any strategic plan is to describe the steps by which the organization's vision will be achieved. First 5 Contra Costa believes that in order to achieve our vision, children need to grow up with five essential components.

These five components – called Strategic Results Areas – represent what we believe it takes for children to thrive. We recognize that without any one of these, a child may be at a disadvantage, and that without any two or three, a child most certainly will be.

The Strategic Results Areas set the foundation for our investments over the next five years, and include the following:

STRATEGIC RESULTS AREAS
Children are HEALTHY
Children are LEARNING
Children are in LOVING AND SUPPORTIVE FAMILIES
Children are in FINANCIALLY STABLE FAMILIES
Children live in SAFE AND SUPPORTIVE COMMUNITIES



"We have bailed out banks, propped up Detroit's automakers, and approved billions of dollars for highways and bridges. Now it is time to invest smartly in children."

- James Heckman

These Strategic Results Areas are nearly identical to those identified in our original strategic plan; however in the 2000 strategic plan, we had a Strategic Result called "Collaborative systems to sustain integrated, accessible, and culturally appropriate services". We moved this to our list of Strategic Principles because we believe establishing collaborative systems is essential to all that we do. The other modification we made was to add a result about growing up in financially stable families, which research shows can improve outcomes for children.

We have developed a set of corresponding goals and objectives for each of our five Strategic Results Areas. These goals and objectives are based on input from the community, community-wide data, research on early childhood initiatives, and our experience investing in local programs over the last eight years. The Commission identified seven of these goals as "core goals" in which resources particularly need to be applied.

Goals and Objectives

Children are HEALTHY


- Goal 1: Children in need receive early intervention services.**
A. Developmental screening is practiced universally.
B. A responsive system exists to serve children with identified needs.
C. Parents concerned about their child's development receive education and support.
- Goal 2: All pregnant women, including teens, receive early prenatal care.**
A. Women at-risk for late or no entry are enrolled into prenatal care.
- Goal 3: All children receive routine health and dental care.**
A. Families have access to information about children's health.
B. Families have access to health and oral health services for their children.
- Goal 4: Children receive good nutrition and develop habits for physical activity and healthy eating.**
A. Organizations that serve families with young children promote good nutrition and physical activity.

Children are LEARNING

- Goal 5: High-quality child care and early education are available, accessible, and affordable for all.**
A. Early care and education settings are high-quality.
B. Countywide plan for universal preschool (Preschool Makes a Difference) is implemented.
- Goal 6: Parents are actively engaged in their children's learning and development from birth.**
A. Parenting education and support promote parent engagement in children's learning.
B. Parents understand the importance of early literacy activities and play on children's success.
- Goal 7: Children make a successful transition into kindergarten.**
A. Schools, preschools, families, and community are linked through activities that support successful transitions to kindergarten.

Children are in LOVING AND SUPPORTIVE FAMILIES

- Goal 8: Children have relationships with caregivers that promote bonding and attachment.**
A. Services support healthy bonding and attachment between at-risk children and parents/caregivers.
B. Policies and practices of agencies serving families promote opportunities for attachment and bonding between children and caregivers.
- Goal 9: Children experiencing chronic stress receive support.**
A. Children in crisis are identified early.
B. Services reduce the effects of traumatic and chronic stress on children's development and relationships with caregivers.
- Goal 10: All parents have the knowledge, confidence, and skills to nurture and support their children.**
A. Information and resources are available to all parents.
B. Parenting education and support promote children's social and emotional development.

 **Note:** Goals displayed in blue have been identified as “core goals” by Commissioners and are an area where resources will particularly need to be applied.

Children are in FINANCIALLY STABLE FAMILIES

Goal 11: Families earn, keep, and grow financial assets.

- A. Family support providers offer a range of asset-building services.
- B. Agencies serving families provide low-income families with resources and referrals to address their financial needs.

Goal 12: Families receive supports to lift them out of poverty.

- A. The public and policymakers understand that sustained and deep poverty adversely affects children.

Children live in SAFE AND SUPPORTIVE COMMUNITIES

Goal 13: Families have strong and supportive connections in their community.

- A. Families engage with one another in neighborhood activities.

Goal 14: Families are engaged in improving their community.

- A. Families have the leadership skills to improve the lives of young children in their community.

Goal 15: Communities have assets and resources that support families.

- A. Policies and practices exist to promote safe and empowered communities.



INITIATIVES AND STRATEGIC DIRECTIONS

In reviewing our goals and objectives, it became clear that organizing our existing strategies and programs into four broad initiative areas would bring greater cohesion to our work and increase the likelihood that our investments will have lasting impact. The following initiatives are the structure by which we will fund programs and activities from 2010 through 2015:

Early Care and Education

Family Support

Early Intervention Services

Community Information and Engagement

Working from our goals and objectives, the Commission has developed strategic directions to guide the development of implementation plans for each initiative. While the strategic directions from the Commission call for the continuation of several of our funded programs, these programs may be modified as the plan is implemented.



"What my children have learned at the First 5 Center will stay with them for the rest of their lives."
- Antioch mother

Early Care and Education Initiative

Description:

The Early Care and Education Initiative is designed to help children enter kindergarten fully prepared. The Initiative builds on our existing programs and activities to improve child care quality, including professional development activities for child care providers and support to improve child care programs. It also includes the most effective elements of our School Readiness program, such as engaging parents in their children's early learning and providing children with high-quality preschool. Combined with statewide advocacy for universal preschool funding and our continued support of preschool scholarships, it is our hope that this Initiative will move us closer toward establishing universal preschool in Contra Costa County.

Addresses: **Goal 5- High-quality child care and early education are available, accessible, and affordable for all.**

Goal 6- Parents are actively engaged in their children's learning and development from birth.

Goal 7- Children make a successful transition into kindergarten.

Strategic Directions:

- Support activities that improve the quality of early care and education children receive, including **professional development** for child care providers, **quality improvement** for child care sites, and increased provider capacity to **serve children with special needs**.

Strategic Directions continued:

- Promote the ongoing implementation of the county's **universal preschool plan** (Preschool Makes a Difference), including advocating for high-quality universal preschool.
- Promote **parent involvement in their child's learning**, including teaching parents how to develop their child's language and literacy skills.
- Support **transition activities** among families, preschool teachers, and schools to ensure children experience a smooth transition to kindergarten.

Family Support Initiative

Description:

The Family Support Initiative primarily focuses on supporting families with children birth to age three, the time in a child's life when bonding and attachment with primary caregivers is most important. This Initiative builds on programs and activities developed through our First 5 Center and Home Visiting strategies, and supports programs that serve families living in communities with greatest need.

Addresses: Goal 4- Children receive good nutrition and develop habits for physical activity and healthy eating.

Goal 6- Parents are actively engaged in their children's learning and development from birth.

Goal 8- Children have relationships with caregivers that promote bonding and attachment.

Goal 9- Children experiencing chronic stress receive support.

Goal 10- All parents have knowledge, confidence, and skills to nurture and support their children.

Goal 11- Families earn, keep, and grow financial assets.

Goal 13- Families have strong and supportive connections in their community.

Strategic Directions:

- Focus on **families who would benefit most** from support and education.
- Assess existing **First 5 Center physical sites**; explore options for enhancement, expansion, satellite, or new sites.
- **Broaden the scope of activities** to include health and development screening, child nutrition and physical activities, economic stability, and leadership opportunities.
- Help First 5 Center families **transition their children to high-quality preschool programs**.
- Promote **active parent involvement in children's early development** (0-3), including teaching parents how to develop their child's language and literacy skills.
- Support **stronger relationships** between parents and children, particularly in 0-3 years.

Early Intervention Services Initiative

Description:

The Early Interventions Services Initiative is designed to help young children with existing risk factors or conditions that potentially hinder healthy development. Intervention, treatment, and support for developmental delays, special needs, social, emotional, or health problems, or the effects of trauma can be most effective and least costly in the early years.

While this Initiative builds on many of our existing programs, it also includes the ambitious task to establish more effective developmental screening for children at risk of delays or other problems. Existing services in this Initiative include consultation for child care providers caring for children with behavioral or emotional problems, one-on-one support to help children with special needs thrive in child care, support for teen parents and parents of children with special needs, and mental health services for children with severe problems.

Addresses: **Goal 1- Children in need receive early intervention services.**

Goal 2- All pregnant women, including teens, receive early prenatal care.

Goal 8- Children have relationships with caregivers that promote bonding and attachment.

Goal 9- Children experiencing chronic stress receive support.

Goal 10- All parents have knowledge, confidence, and skills to nurture and support their children.

Strategic Directions:

- Promote ongoing systems development to support **screening, assessment, referral, and treatment.**
- Develop capacity for **developmental screening** in a variety of settings.
- Expand access to **evidence-based mental health services** for children.
- Address the **needs of pregnant women** who are at risk for or experiencing substance use, maternal depression, domestic violence, or other family crises.
- Expand the ability of agencies serving families in crisis to **address the impact of trauma** on early childhood development.

Community Information and Engagement Initiative

Description:

The Community Information and Engagement Initiative employs various strategies to reduce disparities in child well-being and to educate parents, providers, policymakers, and the public at large about the many facets of a child's early years. This Initiative will provide all Contra Costa parents with information to help them raise their children, including help finding local programs. In addition, through media, advocacy, community organizing, policy development, and coalition participation, this Initiative will help First 5 build a constituency of community leaders who understand the value of investing in early childhood and take action on behalf of families.

- Addresses:** Goal 3- All children receive routine health and dental care.
- Goal 4- Children receive good nutrition and develop habits for physical activity and healthy eating.
- Goal 6- Parents are actively engaged in their children's learning and development from birth.**
- Goal 10- All parents have knowledge, confidence, and skills to nurture and support their children.**
- Goal 11- Families earn, keep, and grow financial assets.
- Goal 12- Families receive supports to lift them out of poverty.
- Goal 13- Families have strong and supportive connections in their community.
- Goal 14- Families are engaged in improving their community.
- Goal 15- Communities have assets and resources that support families.

Strategic Directions:

- **Provide public information** about the **importance of a child's early years** and the role of parents as their child's first teacher.
- **Promote common health messages** on topics such as immunizations, breastfeeding, oral health, environmental hazards and tobacco smoke, obesity prevention, nutrition and physical activities.
- **Promote efforts designed to reduce disparities** in child well-being, such as decreasing **poverty** (e.g., living wage, predatory lending practices), supporting healthy eating and physical activity for children, ensuring universal health and dental insurance, and other issues that promote optimal child development.
- **Form alliances with business and county leaders and other service providers** to support investments in early childhood, financially stable families, and strong communities.
- Continue to support activities that **build community leadership** and **improve local communities**.

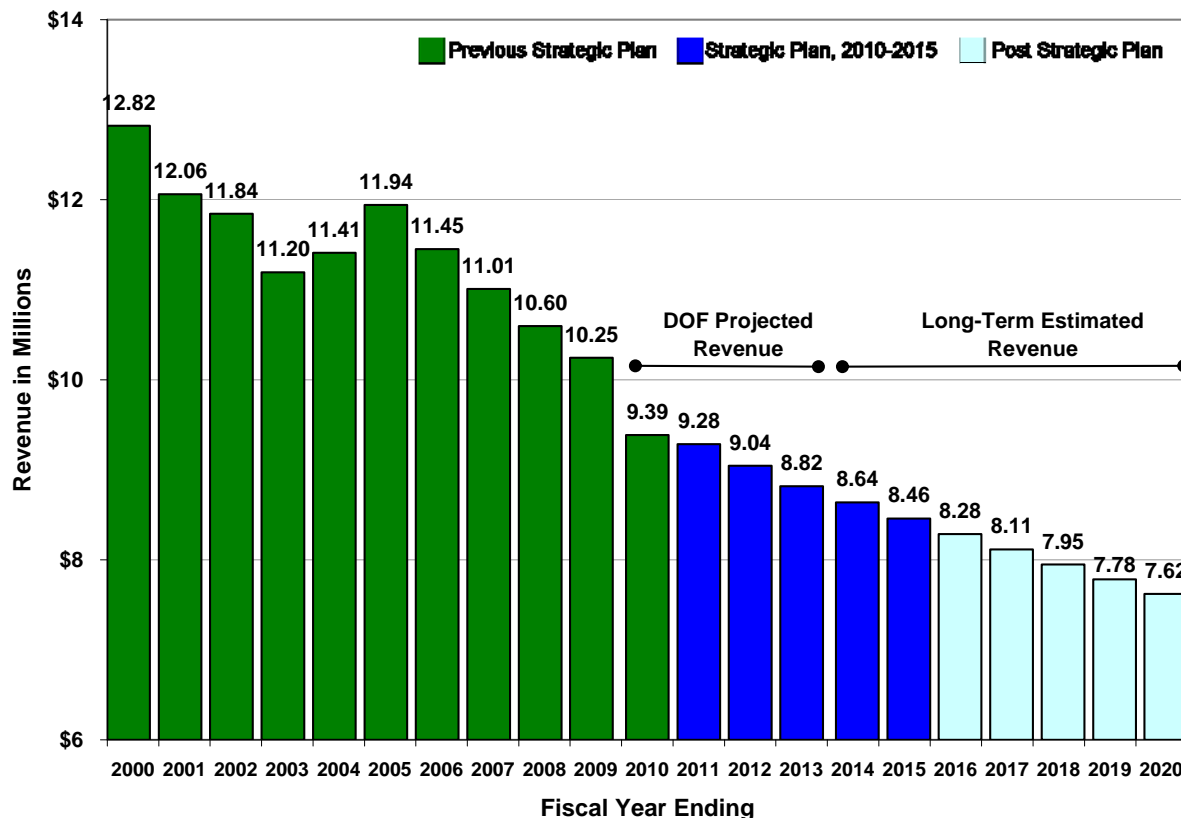
We will develop an implementation plan for each of these initiatives, which will include directions on program design, funding allocations, and our process for awarding funds.

FUNDING AND REVENUE PROJECTIONS

First 5 Contra Costa's 2010-2015 strategic plan marks our commitment to maintain a consistent level of funding for our effective programs over the next five years – despite that fact our revenues are declining. Given the state of the economy and the effects of budget reductions on state and county programs for children and families, we realize that this is not the time for First 5 to scale back.

Using estimates from the California Department of Finance (DOF), we project that Proposition 10 revenues over the next three years and through 2020 will decline by an average of 2% each year. As such, we estimate that in the year after the conclusion of this plan (2015-16), we will be receiving approximately \$8.2 million in tobacco tax revenue. A sudden drop in consumption, an additional tobacco tax, or a new ballot initiative could very quickly change the revenue outlook.

Proposition 10 Actual and Projected Revenues: Contra Costa County 2000-2020



Combined with our annual tobacco tax revenues, we plan to maintain our funded programs over the next five years by drawing heavily from the sustainability reserve our Commission first established in 2001.

Because tobacco taxes are a declining revenue source, our Commission recognized early on the need to set aside funds in order to sustain programs in later years. The “later years” are here. We drew from the sustainability fund last year as spending for programs exceeded revenue received. We will continue to draw from this fund each year over the next five years to ensure a consistent level of funding for our programs.

To determine the most appropriate level of funding to expend over the next five years, our Commission agreed to the following:

- **Maintain our current level of investment** over the next five years. The actual expenditure during each of the five years may vary, according to program activities.
- Use the next five years as an opportunity to **secure the Commission's legacy** for the future, which, despite significant shifts in public funding and structures, could form the basis for future services for young children in Contra Costa.
- **Manage the transition in 2015**, from our current funding level to what we anticipate will be a reduction in funding due to the decline in tobacco tax revenues and the use of our sustainability fund.
- **Allow for a small reserve** – no less than \$8 million or the amount of one year of tax revenue – in 2015 in anticipation of emergent needs, sudden drops in revenue, or even the consequences of another ballot initiative.

Given these factors, the Commission has targeted a **total expenditure of \$77.5 million** during the five years of this plan. This figure includes projected Proposition 10 revenue of \$44.2 million, interest and other income of \$3.3 million, and a drawdown on the sustainability fund of \$30 million.

This funding approach reflects our best effort to respond to the markedly different economic climate we now live in, and our intent to mitigate its effects on local children and families.

CONCLUSION

California voters had the foresight to approve Proposition 10 in 1998 and designate local funding for young children. Now, as public funding diminishes, Prop.10 revenue is one of the few funding sources left to support the prevention and early intervention services we know California's children need.

Our new strategic plan reflects the smart choices we will make using a relatively small and finite resource, and demonstrates our commitment to helping the growing number of families struggling in our county. But we can't do it alone.

It will take a shared effort among our partners, policymakers, other funders, and families to ensure that young children in Contra Costa get the foundation they need to succeed in school and life.

Fortunately we have a decade of experience to build on, solid partnerships with community partners, and relationships with elected officials who understand and support our work. And we are encouraged that a growing number of new advocates including economists, law enforcement personnel, and even President Obama, understand that investing in high-quality programs benefit children for a lifetime.

Despite the challenges the country and our community are facing, or perhaps because of them, there may be no better time to implement a new strategic plan for First 5 Contra Costa. We are proud to continue serving the children of Contra Costa – our next generation of students, workers, and parents – whose lives will improve because of our funded programs.



"Studies show that children in early childhood education programs are more likely to score higher in reading and math, more likely to graduate from high school and attend college, more likely to hold a job, and more likely to earn more in that job. For every dollar we invest in these programs, we get nearly \$10 back in reduced welfare rolls, fewer health care costs, and less crime."

- President Barack Obama's remarks to the Hispanic Chamber of Commerce, March 10, 2009



BACKGROUND SUPPORT FOR GOALS AND OBJECTIVES

CHILDREN ARE HEALTHY

GOAL 1: CHILDREN IN NEED RECEIVE EARLY INTERVENTION SERVICES.

- Objectives:**
- A. Developmental screening is practiced universally.
 - B. A responsive system exists to serve children with identified needs.
 - C. Parents concerned about their child's development receive education and support.

Rationale:

Children at-risk of or identified with special needs (e.g., children with social, emotional, behavioral, physical, and/or development difficulties, delays or disabilities) are among the most vulnerable children in our communities, and they require specialized services and supports:

- **Babies born at low birth weight** are more likely to have special needs later. Rates of low birth weights are on the rise, with African American mothers and mothers under age 15 or over age 40 at greatest risk of having babies with low birth weight. In Contra Costa, low birth weights are higher among African Americans than other ethnicities.
- **Teen mothers** are more likely to give birth to low weight babies and their children are more likely to have developmental delays and academic or behavioral problems. The number of teen births is high (over 100/year) in Richmond, San Pablo, Antioch, and Concord. Rates are highest among Latinos, followed by African Americans.
- **Lead poisoning** and other toxins in the home can harm a young child's nervous system and brain; exposure to even small amounts of lead causes damage in newborns and infants.
- **Prenatal exposure to alcohol and other drugs** can affect the development of cognitive functioning and behavioral regulation and cause learning disabilities and behavioral problems in young children.
- Nationally, an estimated 12.3% of children ages 5-17 years **have a disability** that makes it difficult to perform everyday activities. The proportion of children who have a disability is increasing nationwide.
- In Contra Costa, 14% - 16% of children in public schools in West County and Far East County are **in special education programs**. These rates are far lower in South County and Lamorinda. An estimated 19% of African American children in Contra Costa public schools are in special education programs.

Community Input:

- Focus on reducing barriers to access to services by taking services to families via home visiting or mobile services; when families are more stable assist them in getting transportation to services; co-locate multiple services in one easily accessible location.
- Enable more qualified providers to assess children's special needs.
- Increase awareness of and trainings about children with sensory integration problems.
- Advocate for durable medical equipment in health coverage (e.g., hearing aids).

- Children need more speech pathologists', speech therapy is prohibitively expensive.

Strategy Reviews/Evaluation:

Outcomes:

- Parents and child care providers served by the Mental Health Consultation, Inclusion Facilitation, and Special Needs programs are learning new skills to address social, emotional, behavioral, developmental, and/or physical difficulties, delays and disabilities displayed by young children.
- Home Visiting services have been used extensively to screen children for special needs; 78% of children whose families received a home visit were screened for child development; of these, 7% were at high/moderate risk for problems with development; and of these 74% received referrals to another agency.
- Nearly 85% of parents surveyed in a representative sample of those attending a First 5 Center stated that they know more about child development after having attended First 5 Center activities.
- All children of mothers in the residential treatment facility, Rosemary Corbin House, were screened for developmental issues; all tested at typical levels at intake and discharge.
- The number of children accessing early childhood mental health services is a small fraction of the projected need. Using the commonly accepted prevalence rate for serious emotional disorders of 5%, 4,400 children under the age of 6 have an emotional disorder in need of services.

Strategy Review Recommendations:

1. Maintain funding for Mental Health Consultation, Inclusion Facilitation, and Special Needs services, and consider some service expansions across racial/ethnic and linguistic groups and across geographic areas of the county. Support efforts to maintain service quality when faced with staff attrition, and/or to address its causes.
2. Increase education and training for parents and early childhood education/child care providers, and coordinate the new efforts. Providers and parents asked for more training and educational opportunities on a range of topics.
3. Create a forum for communication and coordination between the Mental Health Consultation and Inclusion Facilitation programs with the aim of clarifying processes and coordinating training and education to make sure that good practices are shared across agencies and that families benefit.
4. Address a broad range of family needs, including developmental screenings at First 5 Centers. Consider placing an early care professional at each of the Centers.
5. Ensure appropriate care for children with special needs and prevent them from "falling through the cracks" by convening a countywide multidisciplinary task force or committee with all relevant parties.
6. Coordinate the activities of early childhood mental health and home visiting programs.
7. Incrementally expand the current collaborative of agencies providing early childhood mental health services, and improve the coordination of funding and outreach.
8. Renew efforts to develop and implement a proactive, comprehensive, countywide outreach strategy for early identification and easy access to early childhood mental health services.

CHILDREN ARE HEALTHY

GOAL 2: ALL PREGNANT WOMEN, INCLUDING TEENS, RECEIVE EARLY PRENATAL CARE.

Objective: A. Women at-risk for late or no entry are enrolled into prenatal care.

Rationale:

Inadequate prenatal care is linked to nutritional deficiencies in the mother and baby, as well as to other adverse outcomes such as premature births, lower birth weight, and higher infant mortality. Approximately 1,500 women in the county receive no or late prenatal care.

- **Early prenatal care** can improve birth outcomes and reduce the likelihood of complications during pregnancy and child birth because it allows women and their health providers to identify and, when possible, treat health problems that can harm fetal development. While the percentage of mothers receiving early prenatal care increased statewide and in six Bay Area counties between 1995 and 2004, African American and Latina women are still less likely to get early care than Asian and white women in Contra Costa.
- **Low birth weight** babies face six to ten times the risk of infant mortality, and are at increased risk of long-term disabilities. African American mothers and mothers under age 15 and over age 40 are most at risk of having low birth weight babies.
- **Teenage mothers** are more likely to give birth to low birth weight children and have fewer parenting skills; their children are thus disadvantaged. The rate of births to teens in Contra Costa's Latina population is seven times that of whites and Asians; and rates among African Americans are more than five times that of whites and Asians.
- Screening for depression during prenatal visits can enable treatment. **Women with untreated depression** may have a hard time caring for themselves during pregnancy, and are at higher risk for having a premature or low birth weight baby. Untreated postpartum depression may cause the baby to have delays in language development, problems with mother-child bonding, behavior problems, and increased crying.

Community Input:

- Programs need and want to connect with families earlier, either prenatally or immediately after the child is born.
- The management and line staff of Child and Family Services, the courts, and Alcohol and Other Drug Services should coordinate more with each other. Further, it is critical that CSF staff and judges receive regular training about issues related to drugs and alcohol.
- Use incentives and voice-activated phone messages to remind women that they are due for their next perinatal appointment to encourage substance-using pregnant women to return for prenatal care.

Strategy Reviews/Evaluation:

- 98% of the 562 high-risk pregnant women who received comprehensive prenatal care services through the Best Beginning program in 2006/07 had healthy babies with normal birth weights.
- 83% of pregnant women interviewed for the Home Visiting program Strategy Review obtained prenatal care in the first trimester (83%).
- 85% of mothers who received home visits during pregnancy interviewed for the strategy review said that their home visitor provided support for them to get prenatal care.

CHILDREN ARE HEALTHY

GOAL 3: ALL CHILDREN RECEIVE ROUTINE HEALTH AND DENTAL CARE.

- Objectives:
- A. Families have access to information about children's health.
 - B. Families have access to health and oral health services for their children.

Rationale:

Children in good health attend school more often, get more out of their education and are much more likely to be healthy, productive adults. Children with health insurance are more likely to receive well-baby preventative medical care and less likely to rely on the emergency room for medical care. Poor oral health causes children pain and infection and is one of the most common reasons children miss school.

- At least 8% of Contra Costa children from birth to 17 years of age are **without insurance** for some or all of the year.
- African American children are much less likely to be **fully immunized** at age 24 months than their white and Latino counterparts (66% versus 77% and 78%, respectively).
- **Asthma rates are on the rise**, with children under age five experiencing the highest rates of increase. African American children are hospitalized for asthma four times more often than white children.
- In 2006, **only 15 of 785 private dental practices** in Contra Costa County accepted Medi-Cal patients age three years or younger. Most low-income families receive care at county health centers, community clinics, and the Ronald McDonald Care Mobile.
- Exposure to certain **chemical substances and environmental toxins** during conception through the early years of life can interfere with the normal function of genes, proteins, and other small molecules that influence brain development. This exposure also increases the likelihood of cancer, hypertension and stroke, and neurodegenerative diseases later in life. Many of these exposures for young children occur at home, in substandard housing:
 - There is an estimated **6 times more diesel pollution** released per square mile in inner West Contra Costa County than in the county as a whole.
 - The eastern portion of the county typically has **higher concentrations of ozone** than the rest of the county due to wind patterns.

Community Input:

- There was an overall consensus that families who are poor but do not qualify for Medi-Cal are in great need of health-related services.
- Advocacy efforts are needed to change Medi-Cal, expand reimbursement, increase mental health services, and increase providers who accept Medi-Cal.

- Parents are concerned about delayed speech in their children and the lack of speech pathologists available locally.
- Families want the connection between pediatricians and other providers (speech therapists, behavioral health experts, etc.) to improve. They think that pediatricians need better training to diagnose developmental delays earlier.

Strategy Reviews/Evaluation:

- 97% of families served by First 5 Contra Costa had health insurance in 2007/08. 92% had a regular doctor, and 97% had up to date immunizations.
- 81% of Home Visitors reported that they helped families to sign up for health insurance, and 56% parents recalled that they received this help from their Home Visitor; 99% of children served through the Home Visiting program had health insurance.
- 97% of children seen by a Home Visitor have a medical provider for well-child care, and 100% of children served by the Home Visiting program had up-to-date immunizations.
- Parents who used the Kit for New Parents and Baby Bag Project enrolled their infants in consistent medical care.
- The Online Information and Referral strategy has also increased opportunities for parents to learn how to access medical care.

CHILDREN ARE HEALTHY

GOAL 4 CHILDREN RECEIVE GOOD NUTRITION AND DEVELOP HABITS FOR PHYSICAL ACTIVITY AND HEALTHY EATING.

Objective: A. Organizations that serve families with young children promote good nutrition and physical activity.

Rationale:

Overweight youth are at a risk for a number of health problems throughout their lives. They are at increased risk for Type 2 diabetes and are more likely than other young people to have risk factors associated with cardiovascular disease. Social pressures related to being overweight can also contribute to low self-esteem, which can reduce overall quality of life.

Overweight young people are more likely to become obese adults than young people within the healthy Body Mass Index (BMI) range, and up to 80% of overweight children and adolescents are likely to be obese as adults. Physically fit children generally have better memory, concentration, and energy levels. They are likely to be healthier physically and emotionally and to carry their healthy lifestyle into adulthood.

- Children who were bottle fed may be more at risk of obesity later in childhood than those who were breastfed; **exclusively breastfed babies** had roughly a 34% reduced risk of being overweight during childhood. In Contra Costa, 64% of white newborns, 55% of Latino, and 43% of African American newborns were exclusively breastfed.
- Children living in areas with more **green space** gained about 13% less weight over a two-year period than children in equivalently dense areas, but with more concrete and fewer trees. The average square miles of city parks per 1,000 children varies across Contra Costa, and is not strongly correlated with income/poverty.
- Women who have **limited or no access to healthful food** are more likely to pass on diet-related diseases and conditions to their children. In West County, there are 1 1/2 times more liquor stores than supermarkets/grocery stores, compared to Lamorinda and East County where there are half as many liquor stores as supermarkets/grocery stores.
- **33% of low income children** ages 2-5 years in Contra Costa County were either **overweight or obese** in 2006. Further, in Contra Costa between 35% and 38% of Asian/Pacific Islanders, African Americans, and Latino 5th graders were overweight (2005-06), compared to 20% of white 5th graders.

Community Input:

There was wide agreement that childhood obesity should be addressed with a broad, multi-faceted and interdisciplinary approach to include healthy nutritional standards for child care settings, family education on nutrition, and the use of best practices in places families go to learn, such as First 5 Centers.

Strategy Reviews/Evaluation:

- The Community Engagement sports classes provided exercise opportunities to 700 children in 2008-09 who live in areas where few other low-cost or free organized athletic programs exist.
- 72% of Home Visitors reported that they provided support to breastfeeding mothers.

CHILDREN ARE LEARNING

GOAL 5 HIGH-QUALITY CHILD CARE AND EARLY EDUCATION ARE AVAILABLE, ACCESSIBLE, AND AFFORDABLE FOR ALL.

- Objectives:
- A. Early care and education settings are high-quality.
 - B. Countywide plan for universal preschool (Preschool Makes a Difference) is implemented.

Rationale:

Children who participate in effectively designed preschool programs achieve more in elementary school, are less likely to be held back a grade or need special education, and are more likely to graduate from high school. These benefits continue into adulthood, with higher rates of employment, greater earning, lower levels of criminal activity, and perhaps less use of welfare.

- **Quality of care** is related to skills and education level of teaching staff. Highly educated and fairly compensated preschool teachers are more likely to develop strong, responsive, interpersonal relationships with their students, which affect each child's motivation to learn, social competence, and school achievement. In Contra Costa, only 25% of early education teachers have a BA degree, compared to 34% in the Bay Area, overall.
- Young **children of immigrants** need experiences in child care that support their home- and second-language development, respect their families' culture and traditions, and offer meaningful opportunities for parents to be involved. This means having **staff who speak their language** and who are trained to work with culturally and linguistically diverse children. In Contra Costa, Spanish is spoken in 25% of homes; in 29% of child care centers, one or more providers speak Spanish.
- Many studies have shown that **the quality of available child care varies**. Center-based care is usually higher quality than care provided in family child care homes, which is typically higher quality than care provided by license-exempt providers or friends and relatives. Many children from **low and middle-income families** are often in child care programs whose quality is too low to prepare them for school.

Community Input:

- The quality of early care and education has increased and the field has become more professional, in part due to First 5-funded programs.
- Funding for subsidized child care for infants, toddlers, and preschool is insufficient, and the cost of child care has increased.
- The downturn in the economy will continue to have negative effects, as providers lay off staff and parents find child care too expensive.

Strategy Reviews/Evaluation:

Outcomes:

- 91% of Professional Development Program (PDP) participants who responded to a survey reported that they provide higher quality of care as a result of their participation, and 74% stated that the education stipend they received contributed to staying at their current job. Over one-half said they would not have gone back to school if it were not for the program.
- 44 of the 52 participating provider sites completed the Early Learning Demonstration Project (ELDP) program to improve their care facility and program. Sites initially rated as low in quality increased their quality rating by an average of 40% (child care centers) to 59% (family child care providers). All sites initially scored as high quality achieved accreditation or were awaiting the accreditation visit at time of report.
- Through the services of the mental health consultation and inclusion facilitation programs, early childhood education/child care providers are learning new skills to address social, emotional, behavioral, developmental, and/or physical difficulties, delays, and disabilities displayed by young children in their care settings.

Strategy Review Recommendations:

1. Create a forum for communication and coordination between the Mental Health Consultation and Inclusion Facilitation programs to clarify processes, and coordinate training and education to ensure that good practices are shared across agencies so that families benefit more.
2. Establish a centralized and/or standardized intake process to facilitate mental health consultation or inclusion facilitation services requested by either a family or child care provider.
3. Streamline the PDP Incentive system. Strengthen the College Advisor System. Create a coordinated mentoring/peer advising system.
4. Investigate cost-effective alternatives to accreditation for participants in the ELDP program.
5. Collaborate with regional and statewide colleagues to promote policies and resources that advance early childhood education professional development and quality improvement programs.

CHILDREN ARE LEARNING

GOAL 6

PARENTS ARE ACTIVELY ENGAGED IN THEIR CHILDREN'S LEARNING AND DEVELOPMENT FROM BIRTH.

- Objectives:
- A. Parenting education and support promote parent engagement in children's learning.
 - B. Parents understand the importance of early literacy activities and play on children's success.

Rationale:

In the first three years of life, most of the brain's architecture is formed, and with it, children's ability to learn and develop. Children in families that engage in early literacy activities, such as reading, tend to achieve at higher levels and have life-long success.

- The greatest predictor of child's **reading success** is vocabulary development which results from the ways parents interact with children. Children who are read to regularly by their parents typically have better vocabularies and enter kindergarten more prepared to learn to read.
- Effective **family literacy programs** support education for the whole family, provide families with necessary resources, connect parents to their children's schooling, and increase student achievement.
- Children with mothers who narrate the day and **talk about emotions** raise children who have a strong understanding of social interactions and emotional responses. An understanding of reasons for adult intentionality and emotionality make these children more ready to learn from those around them. Studies have found that **maternal depression** is a key reason why mothers do not talk about emotions with their children.

Community Input:

Increase the number of First 5 Centers, expand Center activities in unincorporated parts of county, make classes smaller, and increase bi-cultural/bi-lingual Asian staff at First 5 Centers.

Parents want to learn more about how to be their child's "first teacher". They appreciate receiving information about what to expect regarding child developmental stages.

Strategy Reviews/Evaluation:

Outcomes:

- Through the Inclusion Facilitation and Parents of Children with Special Needs programs, parents are learning new skills to address the special needs and delays displayed by their young children. These services decreased parental isolation, sadness, and desperation, and gave them hope.

- 86% of parents participating in First 5 Center's classes who responded to a survey reported knowing more about various aspects of child development after having attended Center classes. Families with a positive outlook on parenting and those with the greatest parenting challenges gained more knowledge from these classes than parents who already had an attentive and active approach to parenting.
- A review of school readiness programs found that parent behavior with their children at home, such as reading daily, is low and does not appear to be associated with First 5-funded school readiness services.

Strategy Review Recommendations:

1. Maintain the Mental Health Consultation, Inclusion Facilitation and Parents of Children with Special Needs program and consider service expansion. Increase availability of information about services for parents of children with special needs to parents in the community.
2. Deepen the First 5 Centers' impact by providing full-time, experienced, and degreed staff with expertise in early childhood development at each of the Centers, as well as consider social workers, counselors or mental health professionals to assist families with social and emotional challenges. Shift the major focus in First 5 Centers to activities focusing on families with children 0-3, while still supporting 4 and 5 year olds through high-quality preschool.
3. Tailor First 5 Center services to meet the needs of families with the greatest parenting challenges.
4. Consider more effective ways to use the Kit for New Parents as a teaching tool with our funded programs as well as determine which local information should be inserted into Contra Costa Kits, such as a 211 or the *Surviving Parenthood* resource directory.

CHILDREN ARE LEARNING

GOAL 7 CHILDREN MAKE A SUCCESSFUL TRANSITION INTO KINDERGARTEN.

Objective: A. Schools, preschools, families, and community are linked through activities that support successful transitions to kindergarten.

Rationale:

Children who transition smoothly into kindergarten with a solid foundation of skills in place are more likely to have school success and ultimately success in life.

- The transition from pre-kindergarten or home environment to kindergarten is a critical time in children's development. Unfortunately, many children do not experience a **smooth transition** or continuity as they enter public school because there is poor coordination between schools and early childhood programs.
- Transition to kindergarten has particular significance for **struggling preschool-age learners** given the increased cognitive, language, and social demands they will encounter in elementary school. In Contra Costa County, 17% of public school students are English-language learners (up from 11% in 1998).
- Decreasing the cognitive gap in children in poverty is key to achieving equitable **educational opportunities** for children.
- According to the National Educational Goals Panel "school readiness" requires children to have access to **high-quality preschool** programs; **parents act as children's first teachers** and devote time each day to helping their children learn; **children receive health care, nutrition, and physical activity** so they can arrive at school healthy; **schools become ready** for entering children.

Community Input:

Children who are five years of age need transition services from preschool into kindergarten.

Strategy Reviews/Evaluation:

Outcomes:

- Children who attended First 5-supported family literacy and cooperative preschools showed benefits in development prior to kindergarten, and children who were enrolled longer showed greater benefits.
- Since school readiness funding began, 32 schools (all except those in Antioch) developed kindergarten transition plans. Increasing percentages of parents report that they participated in some of these transition activities.
- Schools did not implement all the transition activities suggested by national research; for example, only 12% of kindergarten teachers met with early care providers in the neighborhood preschool programs.

- Children who attend preschool and schools that have many kindergarten transition practices in place scored higher on a school readiness assessment (MDRDP).
- Interviews with County school officials suggest that school principals with backgrounds in early childhood were more likely to be receptive to First 5's kindergarten transition and other services.
- The results suggest that Tigo and distributing books, by themselves, are not sufficiently intensive to generate a great deal of change in parents or in children's readiness for school. Possible changes could include altering the kindergarten backpack content to more closely dovetail with kindergarten requirements; and/or linking Tigo with subsequent, more intensive, parent education services such as ongoing home visiting programs or a center-based parent education program such as The Incredible Years.

Strategy Review Recommendations:

1. Provide more intensive services for longer periods of time; include direct intervention with children, rather than focusing on parents alone; use messages that are reinforced by other programs.
2. Expand preschool services, and/or couple parent education with preschool services.
3. Train school principals and kindergarten teachers about the importance of early childhood education and appropriate kindergarten transition activities.
4. Work closely with school districts, principals, and kindergarten teachers to make sure that services for parents and children are aligned with current kindergarten requirements.
5. Connect school readiness services with other First 5-funded activities.

CHILDREN ARE IN LOVING AND SUPPORTIVE FAMILIES

GOAL 8 CHILDREN HAVE RELATIONSHIPS WITH CAREGIVERS THAT PROMOTE BONDING AND ATTACHMENT.

- Objectives:
- A. Services support healthy bonding and attachment between at-risk children and parents/caregivers.
 - B. Policies and practices of agencies serving families promote opportunities for attachment and bonding between children and caregivers.

Rationale:

Strong parent-child relationships establish the foundation for healthy child development. Children who enjoy strong parent-child relationships have greater confidence, self esteem, and better academic achievement and relationships with others.

- Between birth and three years, the child's brain creates more **neural synapses** than at any other time. The number of synapses and the architecture of the "circuits" that are produced depend not only on genetics and the physical environment, but on the **quality of the bonding** between the child and those around her.
- **Bonding and attachment** enables development of emotional security, sense of well being, self worth, facilitates early learning, and develops social competence. It enables **healthy brain development** and the building of cognitive skills.
- New research shows that it is in the earliest years when nurturing is crucial for healthy emotional and social development. Children develop their **sense of trust** – or mistrust – very early in life. In fact, if bonding and attachment are secured early, they act as a buffer against later traumatic childhood experiences.

Community Input:

- Parents have increased access and support to help them raise their children and have greater recognition of the importance of the first five years. Providers have seen a shift in parents' capacity and interest in choosing quality services.
- Home visiting services have helped meet many family needs. Fathers have become more involved in the development of their children. Teen parents are becoming more skilled at parenting.
- Working parents need programming that occurs after regular working hours.
- Interacting with other parents helps parents feel less isolated, and many parents would like to be part of a mothers' or parenting group in their neighborhood.
- Spanish-speaking parents (especially in West County) are less familiar with where services are located. They feel isolated due to their husbands' expectations that women stay in the home and their fear of immigration problems.
- Many mothers want more parenting classes and programs for fathers.

- Parents need more respite child care, especially those who have children with special needs.
- Parents who attend the First 5 Centers appreciate its services and have specific suggestions for improvement, such as opening additional Centers, offering afternoon classes, or providing child care for children over five years of age.

Strategy Reviews/Evaluation:

Outcomes:

- 95% of parents interviewed about their First-5-funded Home Visiting services stated that they received information about child development from their home visitor; 97% said they better understand their child's behavior; 98% feel more connected with their child due to the home visits.
- Through the Inclusion Facilitation and Parents of Children with Special Needs programs, parents are learning new skills to address the special needs and delays displayed by their young children.
- 86% of parents participating in First 5 Center classes who responded to a survey reported knowing more about various aspects of child development after having attended Center classes. Families with a positive outlook on parenting and those with the greatest parenting challenges gained more knowledge from these classes than parents who already had an attentive and active approach to parenting.
- Focus group participants described the positive benefits of their involvement with the First 5 Centers, including bonding with their children and increased knowledge about parenting.

Strategy Review Recommendations:

1. Increase availability of information about parenting support services and parenting education for parents of children with special needs.
2. Increase Spanish-speaking home visiting workforce and expand services in West County with the intention of serving more Asian and African American families.
3. Fund First 5 Centers to address a broader range of family needs by forging agreements with community providers.
4. Place an early care professional at each of the First 5 Centers.
5. Tailor First 5 Center services to meet the needs of families with the greatest parenting challenges.

CHILDREN ARE IN LOVING AND SUPPORTIVE FAMILIES

GOAL 9 CHILDREN EXPERIENCING CHRONIC STRESS RECEIVE SUPPORT.

- Objectives:
- A. Children in crisis are identified early.
 - B. Services reduce the effect of traumatic and chronic stress on children's development and relationships with caregivers.

Rationale:

The negative effects of toxic stress can be lessened or even prevented with the support of caring adults. Intensive services provided early to young children experiencing toxic stress can prevent the disruption of brain architecture and promote better developmental outcomes. Child care providers, teachers, and other adults who interact frequently with children should have sufficient knowledge and skills to identify and care for children who have been exposed to traumatic childhood experiences.

- **Toxic stress** can result from recurrent child abuse or neglect, severe maternal depression, family violence, and parental substance abuse. Toxic stress can suppress the body's immune system, making individuals more vulnerable to a variety of health problems later on in life.
- Of mothers who **abuse their children**, 70% were abused as children. Fortunately the majority of parents who were abused as children do not abuse their own children. There can be a **generational cycle of abuse**, but intervention can break this cycle.
- Social isolation and **depression** are risk factors for child maltreatment, especially neglect. **Maternal mental health**, especially depression, is an important determinant of children's health.
- Witnessing **domestic violence** affects children's health and behavior.
- **Persons who were abused as children** are two to five times more likely to attempt suicide, become an alcoholic, marry an alcoholic, have 30+ sexual partners, and feel at risk for contracting AIDS.
- Research findings suggest that the most important factor for **family resiliency** is the capacity to empathize with oneself and with others through the medium of a safe, caring relationship.

Community Input:

- Families face more stressors now than before. Providers perceive an increase in depression, anxiety, domestic violence, and families in crisis due to the economic downturn. Many parents are working two jobs and children are spending more time with other caregivers.
- Cuts to Children and Family Services and mental health services will have a negative effect on families and children.

- Federal funding expansions for relatives who seek to foster or adopt children will mean increased support for those relatives and greater possibility that children will be able to remain with family members they know.
- Parents need more respite care. Some parents say they need more support with stress reduction.

Strategy Reviews/Evaluation:

Outcomes:

- 85% of mothers receiving First 5-funded home visiting services were screened for mental health; 8% had high/moderate risk ratings for mental health problems, and 72% of these were referred to other agencies.
- Women who received residential substance abuse treatment at the Corbin House suggested that parenting classes and individual therapy improved their parenting skills. The majority of these women felt closer to their child, were better able to communicate honestly, and saw their child was happier to be with them.

Strategy Review Recommendations:

1. Renew efforts to establish a countywide early childhood mental health collaborative that will direct and support program development and funding specific to the promotion of social-emotional development.
2. Expand the current collaborative with First 5, County Mental Health, and the Birth-to-Six providers in an incremental manner, involving a series of successive activities focusing on a portion of the overall need.
3. Renew efforts to develop a multiagency funding strategy that maximizes the use of federal and state claiming opportunities and local (county) dollars.
4. Improve coordination of funding between First 5, County Mental Health, and any new collaborative funding agency, such that combined contracts are developed, and/or multiple contracts are tightly coordinated. This will result in funding and accountability being maximized, and highly discretionary or flexible funding, like that contributed by First 5, being reserved for expenditures that are not eligible for reimbursement under any state or federal programs.
5. Renew efforts to develop and implement a proactive, comprehensive, countywide outreach strategy for early identification and easy access to early childhood mental health services.
6. Coordinate services between mental health system of care and the home visitation collaborative.
7. Employ a full-time, experienced, degreed social worker/counselor or mental health professional at the First 5 Centers to assist families with the myriad social and emotional issues that impair parents' ability to nurture their children.

CHILDREN ARE IN LOVING AND SUPPORTIVE FAMILIES

GOAL 10 **ALL PARENTS HAVE THE KNOWLEDGE, CONFIDENCE, AND SKILLS TO NURTURE AND SUPPORT THEIR CHILDREN.**

- Objectives:
- A. Information and resources are available to all parents.
 - B. Parenting education and support promote children's social and emotional development.

Rationale:

The task that caregivers face is not necessarily to teach infants to understand them, but to become skilled at understanding their infants. Caregivers who are affectively attuned to their infants' communicative bids have infants who are more capable of learning from social interactions.

Children develop in an environment of relationships that begin within the family, extend into the community, and are affected by broader social and economic resources. From early infancy, they naturally reach out for interaction through such behaviors as babbling, making facial expressions, and uttering words, and they develop best when caring adults respond in warm, individualized, and stimulating ways.

Community Input:

- The community needs more awareness of what First 5 offers. Increase advertising in schools, churches, library, etc.
- More training is needed for adoptive families.
- More training is needed on issues related to infant and early childhood development.
- Parents would benefit from parenting, nutrition, and health classes at family shelters.

Strategy Reviews/Evaluation:

Outcomes:

- 99% of families who received home visits for their newborns felt more connected with their child.
- Families getting home visits were better connected to their community. 96% learned where to get their family what they needed and felt more comfortable in working with public service agencies. They also indicated that the home visitor provided assistance enrolling in and finding health insurance.
- Teen parents receiving services in school settings agreed that as a result of their participation in the program, they learned where to go to get necessary help for their child, such as obtaining medical care, WIC, or food stamps.
- As a result of participation in First 5 Center activities, 90% of families reported that the program helped them to better understand their child, and 89% improved their parenting skills.

Strategy Review Recommendations:

1. Recognize that although the First 5 Centers have many similarities, the “feel” and functioning of each Center is unique as a result of the interests and expertise of the lead agency, level of community involvement, amount of funding, the composition of the parent-child population, and the community in which the Center is housed.
2. Coordinate trainings for parents and early childhood education providers on early childhood development.
3. Consider adopting a set of nationally-recognized family resource center principles and standards of practice.
4. Expand to provide more services and more forms of parental support.
5. Deliver some services that help parents develop competencies that will enable them to become more effective parents, i.e. English language skills, stress reduction classes, adult basic education.
6. Employ a full-time, experienced, degreed early childhood specialist at each First 5 Center to supervise the child care staff, deliver basic screening for developmental delays, serve as the liaison between the center and other early care and education services, and work with parents one-on-one as their early childhood resource and support.
7. Ensure that each Center has a minimum of 4,500 square feet.

CHILDREN ARE IN FINANCIALLY STABLE FAMILIES

GOAL 11 FAMILIES EARN, KEEP, AND GROW FINANCIAL ASSETS.

- Objectives:
- A. Family support providers offer a range of asset-building services.
 - B. Agencies serving families provide low-income families with resources and referrals to address their financial needs.

Rationale:

The well-being of children depends greatly on the financial circumstances and material well-being of their families. A higher income enables parents to provide better living conditions and learning materials, adequate food, and high-quality child care, which enables children to experience positive outcomes in the areas of cognitive ability, school achievement, and fewer behavioral problems.

- For each \$1,000 increase in family's **annual income**, the children's math scores went up by 2.1% and reading scores by 3.6%.
- When a **family's income increased**, the children were better able to identify colors, letters, and shapes, and knew more words.
- When a family of four living in poverty increased their income by \$13,400 over three years, **children scored as well** as those in families in the middle class.

Community Input:

- It is important to teach at-risk parents budgeting, how to manage a bank account, and other financial education topics.
- Prevention services are still important in the face of meeting basic needs.
- The high cost of child care makes it difficult to find affordable child care now that many stay-at-home mothers are returning to work.
- Parents need assistance with transportation to get to important appointments or programs.
- Parents need workplace support to allow parent flexibility, need for time off, unexpected absences, etc.

Strategy Reviews/Evaluation:

- The Family Economic Security Partnership's (FESP) Earn It! Keep It! Save It! campaign offered free tax assistance that resulted in refunds that helped thousands of families increase their income.

CHILDREN ARE IN FINANCIALLY STABLE FAMILIES

GOAL 12 FAMILIES RECEIVE SUPPORTS TO LIFT THEM OUT OF POVERTY.

Objective: A. The Public and policymakers understand that sustained and deep poverty adversely affects children.

Rationale:

Low-income families and families with incomes below the poverty level typically live paycheck to paycheck, with few assets or savings. These families are so poor that even federal government programs set eligibility criteria at 125% to 185% above the poverty guideline. A higher income enables parents to provide better living conditions to experience positive outcomes in the areas of cognitive ability, school achievement, and fewer behavioral problems.

- **Duration of poverty** is an important factor. Children who were never poor scored 6 to 9 points higher on assessment tests than those who were at or below the poverty threshold for four or more years. These differences in cognitive abilities held for three year olds and eight year olds, but not for adolescents.
- Children living in long-term poverty had somewhat **higher behavioral problems** than those never in poverty (even after controlling for maternal characteristics and nutrition).
- Economists estimate that child poverty costs the U.S. \$500 billion a year in lost productivity in the labor force and spending on health care and the **criminal justice system**. Each year, child poverty reduces productivity and economic output by about 1.3% of the GDP.

Community Input:

- In several focus groups, individuals requested increased services for families' basic needs.
- Too many children have been forced from their homes or apartments due to unemployment of their parents.
- People don't have enough money to pay for quality child care, to meet their children's health care needs, to buy nutritious food, to have the stability to focus on school, learning, family time, etc.
- Many parents are forced to work two or three jobs.
- Wages are not keeping pace with the increased cost of living.

Strategy Reviews/Evaluation:

Not applicable.

CHILDREN ARE IN SAFE AND SUPPORTIVE COMMUNITIES

GOAL 13 FAMILIES HAVE STRONG AND SUPPORTIVE CONNECTIONS IN THEIR COMMUNITY.

Objective: A. Families engage with one another in neighborhood activities.

Rationale:

Social networks are protective factors for children when they are positive, trusting, reciprocal, and flexible, and embody pro-social, child-friendly values. When parents benefit from their membership in social networks, their children are better off.

- In areas where **maltreatment rates** were high, community leaders described high levels of isolation and depression, in areas with lower maltreatment rates, there were more services available and subjects knew more about what was available and there were very strong formal and informal social support networks.
- Even if residents are part of **social networks** and the community has strong local institutions to aid them, poor communities will remain socially and economically isolated if they lack broader connections with person outside their community-especially persons in positions of authority.

Community Input:

- Transportation is needed to get to services. It is difficult to get strollers on and off the bus.
- Parents in the Antioch area seemed much further removed from services and programs, and less connected with their communities. They worry about gang violence.
- Spanish speaking parents reported fear of going out in public due to immigration raids.

Strategy Reviews/Evaluation:

Outcomes:

- 86% of parents participating in the First 5 Centers reported that they were connected to other parents through attending classes and other activities.
- Other parents at First 5 Centers cited reduced social isolation and connection with others as key benefits of the Centers. They made friendships that extended beyond Center walls. 81% made new friends, and of those parents, 64% met-up with their new friends elsewhere.

CHILDREN ARE IN SAFE AND SUPPORTIVE COMMUNITIES

GOAL 14 FAMILIES ARE ENGAGED IN IMPROVING THEIR COMMUNITY.

Objective: A. Families have the leadership skills to improve the lives of young children in their community.

Rationale:

Community organizations can create opportunities for families to build friendships, and when programs embed services to parents within networks of family and friends, the entire neighborhood reaps the benefits.

- Linking **social capital** is not just about getting by; it is also about getting ahead – gaining access to people and institutions that add information and decision-making clout.
- When residents form local **social ties**, they are more apt to recognize strangers and guard against victimization.

Community Input:

- New partnerships are needed with the faith and business communities.

Strategy Reviews/Evaluation:

Not applicable.

CHILDREN ARE IN SAFE AND SUPPORTIVE COMMUNITIES

GOAL 15 COMMUNITIES HAVE ASSETS AND RESOURCES THAT SUPPORT FAMILIES.

Objective: A. Policies and practices exist to promote safe and empowered communities.

Rationale:

Our community helps determine how healthy we are. The buildings, streets, and open space that make up our communities – the built environment – shape our lives, our health, our social relationships, and even influence our behavior.

- **Supportive communities** are those in which city planners, developers, supervisors, and other who plan, legislate, fund, and oversee the physical structure of neighborhoods bear in mind ways to best support young children.
- The need for "linking" **social capital** is greatest in poor areas.
- Children living where there is **more green space** gained about 13% less weight over a two-year period. Public green space contributes to lower crime rates.
- **There is limited access** to healthy foods in poorer neighborhoods.
- Parents in **safe** neighborhoods impose fewer restrictions on children, which may increase the child's cognitive stimulation and ability to establish a sense of autonomy.
- Several studies support the importance of the **physical environment** in influencing behavior (*i.e.*, litter, graffiti, blight).

Community Input:

- The population in the county has changed with more immigrant families and more households living with multiple generations.
- Libraries are primary places where families go to use computers to fill out applications for government programs and look for information about services.
- As families are more stressed financially, community and family violence have increased.

Strategy Reviews/Evaluation:

Not applicable.

REFERENCES

Percent of population by ethnicity:

California Department of Finance (2007). State of California, Department of Finance, Race/Ethnic Population with Age and Sex Detail, 2000–2050. Sacramento, CA, July 2007.

Unemployment Rates:

California Employment Development Department (2009). Monthly Labor Force Data for Cities and Census Designated Places. Sacramento, Labor Market Information Division.

Return on investment:

Rolnick, A. and R. Grunewald (2008). Achieving a High Return on Early Childhood Investment: Scholarships for Early Childhood Development. Big Ideas for Children: Investing in Our Nation's Future. B. Smedley. Washington DC, First Focus: 59-66.

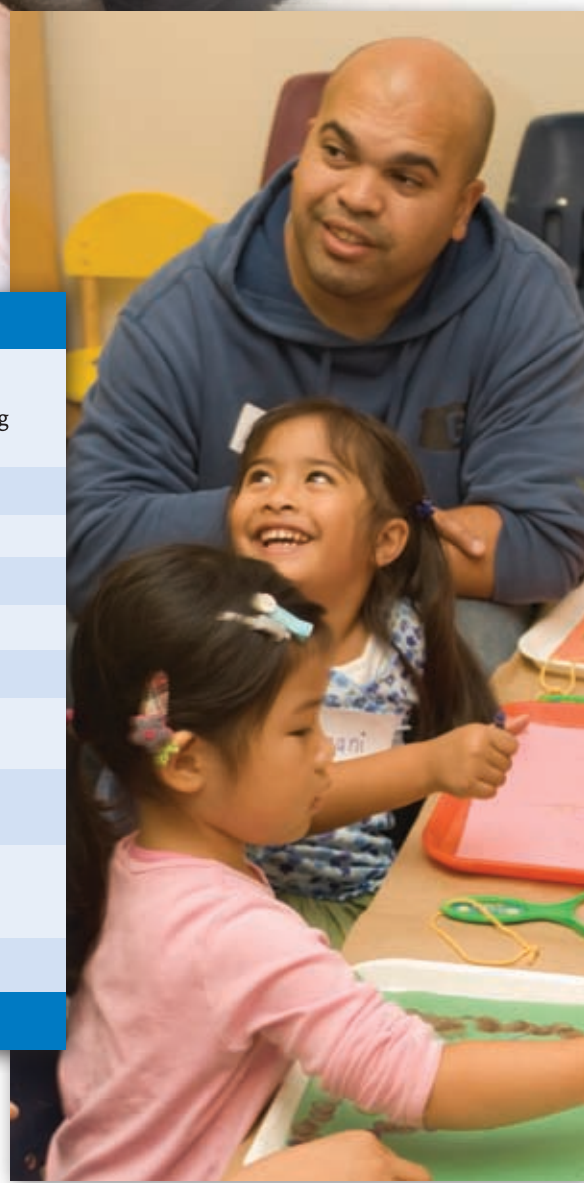
Citations for information about Goals' Rationale:

First 5 Contra Costa (2009). 2009 Strategic Planning Retreat Briefing Book. Concord, CA. Feb. 2009.



2009 COMMISSION ROSTER

	COMMISSIONER	ALTERNATE
District 1	Judith Ortiz <i>Secretary/Treasurer</i>	Susan J. Wittenberg
District 2	Dr. Michael Zwerdling	Belinda Lucey
District 3	PJ Shelton	John Mills
District 4	Joan Means	Kathy Lafferty
District 5	John Jones, <i>Chair</i>	Toni Robertson
Board of Supervisors	Susan Bonilla	Federal Glover
Health Services Department	Dr. William Walker <i>Vice Chair</i>	Cheri Pies
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Employment & Human Services Department	Joe Valentine	Ed Lerman
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(925) 771-7300 | 1485 Enea Court, Suite 1200, Concord, California 94520



**Contra
Costa
County**

To: Board of Supervisors

From: Catherine Kutsuris, Conservation & Development Director

Date: December 8, 2009

Subject: Report on Review of the County's Housing Element by the California Department of Housing and Community Development

RECOMMENDATION(S):

1. ACCEPT report on the second and final review of the County's adopted Housing Element by the California Department of Housing and Community Development (State HCD).
2. ADOPT Resolution No. 2009/566 to make minor revisions to the County's adopted Housing Element pursuant to the latest review comments by State HCD.
3. AUTHORIZE the Director, Department of Conservation and Development, to re-submit the revised Housing Element to State HCD for final determination and certification of compliance with State housing element law.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

Contact: Patrick Roche, DCD
(925-335-1242)

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

By: , Deputy

cc:

FISCAL IMPACT:

None.

BACKGROUND:

The purpose of this report is to update the Board of Supervisors on the status of the second and final review of the County's adopted 2009 Housing Element by the California Department of Housing and Community Development (State HCD). State HCD is charged with reviewing and certifying the compliance of a city or a county General Plan Housing Element pursuant to Government Code section 65585. State housing element law provides for two rounds of review by State HCD (60-day review for draft and 90-day review for final) before certification of compliance is determined. The certification of compliance by State HCD for the County's Housing Element will insure that Contra Costa County remains eligible for funding through state housing programs.

The Board of Supervisors conducted a public hearing for the 2009 Housing Element update on July 21, 2009, and under Resolution No. 2009/348 adopted the Housing Element, as recommended by the County Planning Commission. Following the Board's July action, the adopted Housing Element was submitted to State HCD for final review and certification of compliance with State housing element law. A copy of the Housing Element adopted by the Board of Supervisors is attached as Exhibit #1 to this report.

On October 30, 2009, the Department of Conservation and Development was informed by State HCD that the Housing Element, as adopted by the Board of Supervisors on July 21, 2009, would meet the statutory requirements of the State housing element law provided certain minor revisions are incorporated into the element. These revisions to the element were drafted in consultation between staff from the County and State HCD following the County's submittal to State HCD of the adopted Housing Element for final review. A copy of the October 30, 2009 letter from State HCD is attached and listed as Exhibit #2 to this report. As noted in their October 30, 2009 letter, State HCD has indicated that the element will comply with the State housing element law when the draft revisions are incorporated into the 2009 Housing Element and then re-submitted to State HCD.

STATE HCD REVIEW COMMENT - DRAFT REVISIONS TO COUNTY HOUSING ELEMENT

The draft revisions to the Housing Element involve adding new text and elaborating or adding to the housing programs listed in the element. State HCD believes these revisions are necessary for them to certify the County's Housing Element in compliance with State housing element law. The following is a summary of State HCD's latest review comments and proposed revisions to the adopted Housing Element prepared in response to the review:

- **At-Risk Units - HCD Review:** Housing Element's analysis of assisted housing at-risk of converting to market rate should elaborate on options for transfer of ownership to qualified entities.

Proposed Revision Per State HCD Review: Insert to Housing Element pages 6-33 to 6-34, under "E. Loss of Assisted Housing", adding new text that lists 3 qualified entities that might receive transfer of ownership for the at-risk units in the Rivershore Apartments.

- **Licensed Residential Care Facilities - HCD Review:** Housing Element needs to discuss and explain County's recent experience with approving licensed residential care facilities.

Proposed Revision Per State HCD Review: Insert to Housing Element at page 6-48, under "2. Provisions for a Variety of Housing", under subheading "Licensed Care Facilities:"; add text explaining recent experience in processing of land use permit applications for residential care facilities with more than six beds .

- **Water & Service Providers - HCD Review:** Housing Element needs to acknowledge that pursuant to State law water and sewer service providers must grant priority service to affordable housing projects.

Proposed Revision Per HCD Review: Insert to Housing Element at pages 6-62 to 6-63, under "2. Infrastructure and Public Service Constraints", add new paragraph in middle of page 63 on CA Govt. Code Sec. 65589.7, to note that water and sewer service providers must establish priority procedures and grant

priority water and sewer service to developments with affordable units and local jurisdiction must make Housing Element immediately available to them.

- **Emergency Shelters - HCD Review:** Housing Element program to establish zoning district where emergency shelters will be allowed without conditional use permit pursuant to S.B. 2 must clarify that development standards will be the same as those within the selected district.

Proposed Revision Per HCD Review: *Insert to Housing Element at page 6-108, under “Housing Programs, Review and Update of Zoning and Subdivision Ordinance”, add language to the description of the 5-year Program Objective to clarify that development standards for emergency shelter will be the same as those within the selected zone (C: Commercial District) where a shelter can be established without conditional use permit.*

- **Extremely Low Income Housing - HCD Review:** Housing Element should add new category to the Housing Program to address need for development of housing for extremely low income households and add Extremely Low Income as a category to the element’s quantified 5-year objectives.

Proposed Revision Per HCD Review: *Insert to Housing Element text at pages 6-103 to 6-104, “Housing Affordability”, to add new program entitled “Extremely Low Income Housing Development Assistance”; insert to Housing Element, at page 6-111, Table 6-41: Housing Implementation Programs Summary, new item 19.a “Extremely Low Income Housing”, under the subheading “Housing Affordability”; and, insert Extremely Low Income category into Table 6-42: Quantified Five-Year Objectives, at page 6-113.*

- **North Richmond Specific Plan - HCD Review:** The preparation of a Specific Plan to establish new residential neighborhood in North Richmond should be added as a new Housing Program to the Housing Element.

Proposed Revision Per HCD Review: *Insert to Housing Element at page 6-106, under “Provision of Adequate Residential Sites”, new program item entitled “NORTH RICHMOND SPECIFIC PLAN”. Insert to Housing Element, page 6-111, Table 6-41, Housing Implementation Programs Summary, new item 23.a, “North Richmond Specific Plan”, under the sub-heading “Provision of Adequate Housing Sites”.*

- **Accessible Housing - HCD Review:** Housing Element should elaborate on provisions for housing persons with special needs and procedures to provide reasonable accommodations and add reasonable accommodation as new housing program category.

Proposed Revision Per HCD Review: *Insert new paragraph to Housing Element at page 6-102 under heading “ACCESSIBLE HOUSING”, to indicate County will formalize procedures to facilitate housing for persons with special needs and remove constraints to such housing development and document these reasonable accommodations procedures; insert to Housing Element at page 6-110 under Table 6-41: Housing Implementation Programs Summary: Special Needs Housing, to add 15 (a) “Reasonable Housing Accommodation” as new program under sub-heading “Special Housing Needs”.*

Attached for the Board’s consideration are inserts to show where the revisions to the element would be made based on State HCD review comments as referenced in their October 30, 2009 letter (see inserts listed under Exhibit #3). A report was presented to the County Planning Commission on December 1, 2009 on these draft revisions to the adopted Housing Element.

The Department does not believe the draft revisions substantially modify or alter the goals, policies, programs, or implementation measures in the Housing Element adopted by the Board of Supervisors on July 21, 2009. The draft revisions proposed are minor in nature, and are intended to provide further clarification or elaboration; and, based on consultation with State HCD, should provide assurance that the element will be certified in compliance with State housing element law. The Department recommends the Board adopt the draft revisions to the adopted Housing Element as presented in this report and authorize the Director to re-submit the revised Housing Element to State HCD for their final determination and certification of compliance with State housing element law.

CONSEQUENCE OF NEGATIVE ACTION:

There are potential negative consequences for Contra Costa County if the Housing Element is not revised pursuant to State HCD's latest review and re-submitted for final determination and certification of compliance with State housing element law. These potential negative consequences include:

- The County could become ineligible or non-competitive for grant funding by the state for housing programs, and possibly future transportation program funding.
- The County could become vulnerable to lawsuits for failure to comply with State law mandating an update of the Housing Element. It is noted that several jurisdictions throughout the state have been successfully sued by housing advocates and/or the home building industry for either inadequacies with their Housing Element or failure to comply with timely submittal of their Housing Element to State HCD. The City of Pleasanton was recently sued by the State Attorney General for failure to adopt and implement its Housing Element.

CHILDREN'S IMPACT STATEMENT:

None.

ATTACHMENTS

Resolution No. 2009/566

Exhibit #1: Adopted Housing Element

Exhibit #2: Comment letter from State HCD, dated Oct. 30, 2009

Exhibit #3: Draft Revision to Housing Element, Inserts #1-7

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

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2009/566

**MINOR REVISIONS TO THE ADOPTED 2009 HOUSING
ELEMENT PURSUANT TO REVIEW COMMENTS FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT**

WHEREAS, there is filed with the Board of Supervisors ("Board") and its Clerk a copy of Resolution No. 17-2009 adopted by the Contra Costa County Planning Commission which discusses and recommends a General Plan Amendment (County File: GP#08-0005) relating to the state mandated five-year update of the Housing Element (2007-2014) within the Contra Costa County General Plan (2005-2020).

WHEREAS, on Tuesday, July 21, 2009, the Board held a public hearing on said General Plan Amendment discussed in County Planning Commission Resolution No. 17-2009. Notice of said hearing was duly given in the manner prescribed by law. The Board at hearing called for testimony of all persons interested in this matter.

WHEREAS, on Tuesday, July 21 2009, the Board ADOPTED a Negative Declaration of Environmental Significance (State Clearinghouse No. 2009032053) that the 2009 Housing Element Update will not result in any new significant environmental impacts, determined that this environmental review is adequate for consideration of the General Plan Amendment, and directed the Department of Conservation and Development to file the Notice of Determination for the Negative Declaration with the County Clerk.

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

Contact:

ATTESTED: December 8, 2009

, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

WHEREAS, on Tuesday, July 21, 2009, the Board ADOPTED Resolution No. 2009/348 to adopt the 2009 Housing Element Update as the second amendment to the Contra Costa County General Plan (2005-2020) in calendar year 2009 as allowed by State Planning Law, which will supersede and replace the text, figures, maps, and related appendices for the Chapter 6. Housing Element in the Contra Costa County General Plan (2005-2020).

WHEREAS, the California Department of Housing and Community Development is responsible for reviewing and certifying compliance of a city or a county General Plan Housing Element pursuant to California Government Code section 65585.

WHEREAS, the County's adopted 2009 Housing Element was submitted to the California Department of Housing and Community Development (State HCD) for its second and final review for certification of compliance with State housing element law.

WHEREAS, State HCD completed its second and final review of Contra Costa County's adopted 2009 Housing Element on October 30, 2009, and identified minor revisions to the element.

WHEREAS, the Department of Conservation and Development in consultation with staff from State HCD has prepared draft revisions to the County's adopted 2009 Housing Element in response to the State HCD's latest review.

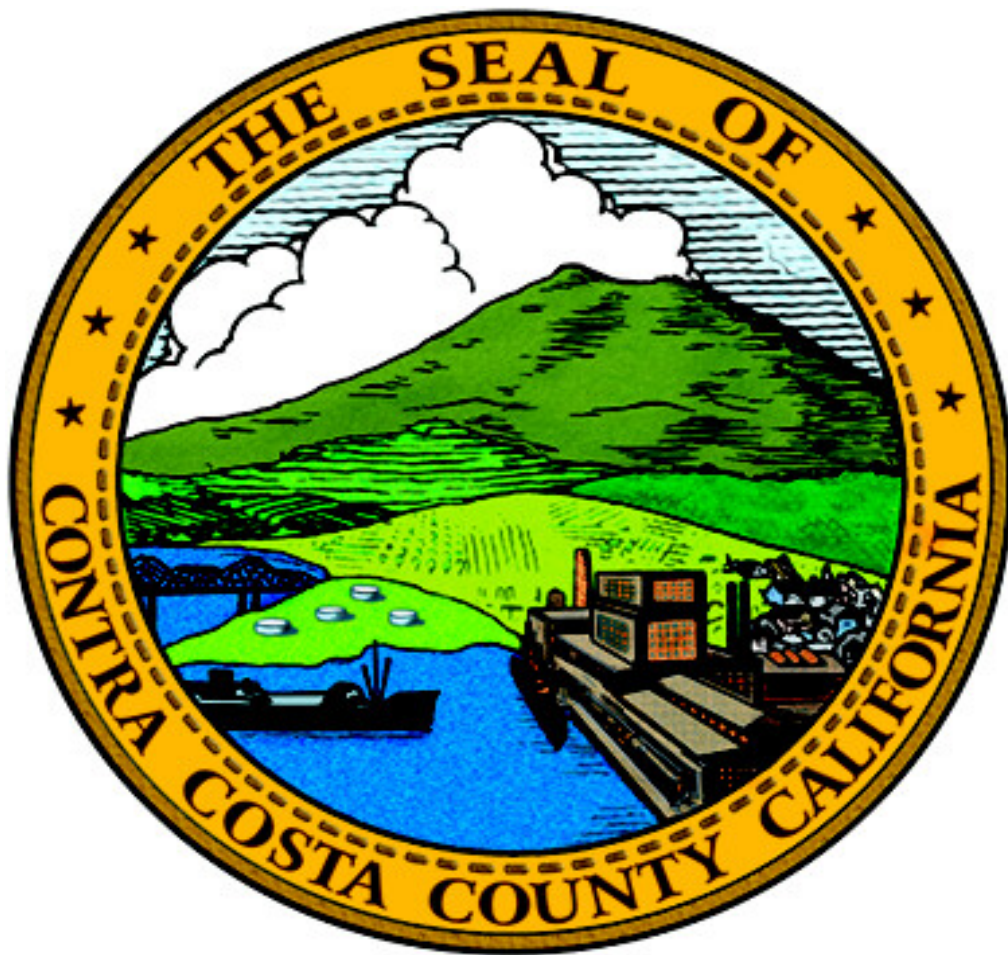
WHEREAS, draft revisions to the County's adopted 2009 Housing Element to address State HCD's latest review were presented to the Board of Supervisors on December 8, 2009.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:

FIND the draft revisions proposed for the 2009 Housing Element, as presented in Exhibit #3 to the Director, Department of Conservation and Development, December 8, 2009 report to the Board of Supervisors, are minor in nature and do not substantially modify or alter the goals, policies, program, or implementation measures in the Housing Element adopted on July 21, 2009, or conflicts with the Negative Declaration (State Clearinghouse No. 2009032053) that was prepared for the project in compliance with the California Environmental Quality Act; but, instead provide further clarification or elaboration to the element based on consultation with State HCD staff.

ADOPT the draft revisions to the 2009 Housing Element update, as presented in Exhibit #3 to the Director, Department of Conservation and Development, December 8, 2009 report to the Board of Supervisors on the State HCD's second and final review of the County's Housing Element.

AUTHORIZE the Director, Department of Conservation and Development, to re-submit the 2009 Housing Element, as revised by this resolution, to State HCD for a final determination and certification of compliance with the State housing element law.



6. HOUSING ELEMENT

6. CONTRA COSTA COUNTY HOUSING ELEMENT

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6. HOUSING ELEMENT

6.1 INTRODUCTION

The development and preservation of housing is important to all the people within Contra Costa County. To plan for the development of adequate housing for all income segments, a housing element is prepared as a part of the General Plan. This document constitutes the Housing Element, which specifically addresses housing needs and resources in the County unincorporated areas. Section 6.1, Introduction of this Element reviews the geographic areas covered by the Contra Costa County Housing Element, the purpose and content of the Element, the public participation process undertaken to assist in the development of the Element, and its relationship with the rest of the General Plan.

A. Community Context

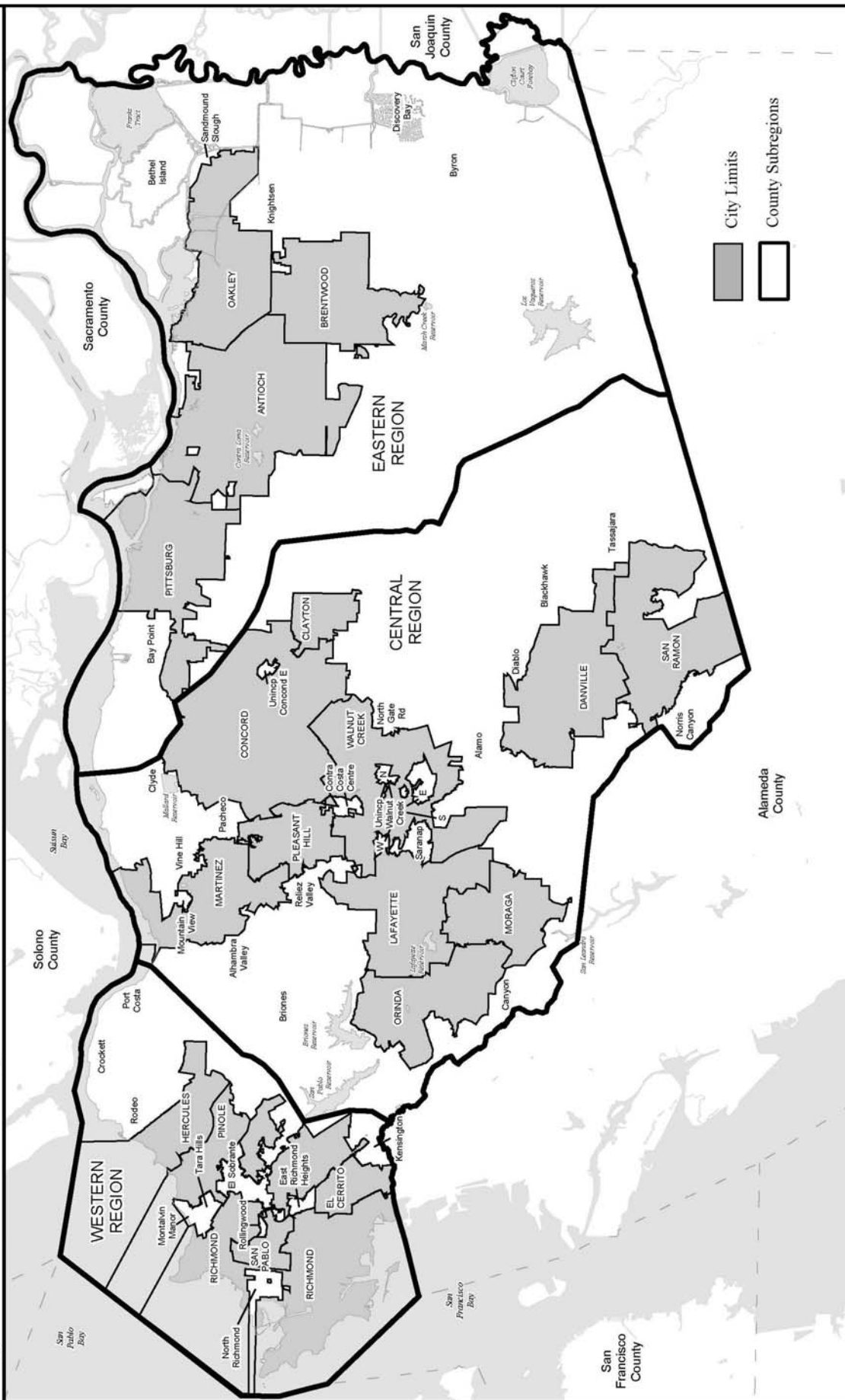
1. County Geography

Established in 1850, the County of Contra Costa is one of nine counties in the San Francisco Bay Area. The County covers 733 square miles and extends from the northeastern shore of San Francisco Bay easterly to San Joaquin County. The County is bordered on the south and west by Alameda County and on the north by Suisun and San Pablo Bays. The western and northern communities are highly industrialized, while the inland areas contain a variety of urban, suburban/residential, commercial, light industrial and agricultural uses.

Contra Costa County is comprised of large unincorporated areas and the cities and towns of Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek. The unincorporated areas include the following communities: Alamo, Bayview-Montalvin Manor, Bay Point, Bethel Island, Blackhawk, Briones, Byron, Canyon, Contra Costa Centre, Crockett, Diablo, Discovery Bay, East Richmond Heights, El Sobrante, Kensington, Knightsen, Mountain View, North Richmond, Pacheco, Rodeo, Rollingwood, Tara Hills, and Vine Hill. The incorporated cities and towns are separate political entities; the unincorporated areas are within the land use jurisdiction of the County government. The Housing Element covers unincorporated areas.

The County is large and diverse. It encompasses several housing sub-markets, which are determined by a combination of topography, historical development patterns, and social and economic phenomena. In general, the County can be divided into three primary subregions -- West, Central, and East. West County is urbanized with a developed industrial base. Central County is a developed urbanized area with extensive office and light industrial development. East County has historically been primarily agricultural but is now experiencing considerable residential development. Figure 6-1 illustrates the geographic relationship between the cities and towns and the unincorporated areas. This Housing Element is concerned with the housing needs, constraints, resources, and solutions for the unincorporated areas.

Figure 6-1 Housing Element Sub Areas



CONTRA COSTA COUNTY

Map Created on February 25, 2009
Contra Costa County Community Development
651 Pine Street, 4th Floor - N. Wing, Martinez, CA 94553-0095
37°59'48.455N 122°06'35.384W

ANTIOCH Incorporated Areas
Alamo Unincorporated Areas

1:300,000
0 2.5 5 10
Miles



2. County Residents

The 2007 population estimate by the U.S. Census Bureau indicates that Contra Costa County is home to approximately 1,019,640 residents, making it the ninth most populous county in California. Several cities experienced significant population growth during the last decade. In particular, the City of Brentwood's population doubled since 2000, experiencing a growth of 117 percent. Other communities with significant growth include San Ramon (32 percent), Oakley (29 percent, and Hercules (25 percent). The unincorporated areas of the County had a population of 173,573 in 2008, representing an increase of 14 percent since 2000 according to the California Department of Finance. Countywide growth was 11 percent during the same period. Residents have been attracted to Contra Costa County primarily due to the availability of rapid transit, close proximity to major employment centers in Oakland, San Francisco, and the Silicon Valley, as well as employment growth within the County along the I-680 corridor and Tri-Valley area. The relatively affordable housing prices in the County compared to other Bay Area counties also contribute to the population growth.

Like the rest of the Bay Area, the County has become more ethnically diverse in recent decades. The number and proportion of Hispanic and Asian residents have increased considerably, according to the 2000 Census.¹ The number of families is also growing in the County, indicating the continued need to provide adequate affordable housing, including first-time homebuyer and move-up housing opportunities.

Contra Costa County has one of the fastest growing work forces among Bay Area counties, with growth in its employment base driven primarily by the need to provide services to an increasing local population. Nevertheless, the number of white-collar jobs has increased in the County due to the decentralization of office-related employment to the County from other parts of the region, particularly San Francisco. However, the Association of Bay Area Governments (ABAG) expects that Contra Costa County will continue to provide "bedroom communities" for the workforce of other Bay Area counties. The County is expected to gain nearly 9,700 more employed residents than jobs between 2000 and 2030.

3. County Housing Market

Single-family homes are the predominant housing type in the County. This is especially true in the unincorporated areas, where single-family dwellings comprise 80 percent of the housing stock. Multi-family units account for 14 percent of the housing units, while the remaining 6 percent are mobile homes. Although home prices are more affordable in Contra Costa County than in most areas in the Bay Area, housing affordability is still an important issue affecting many residents in the County. A significant number of lower- and moderate-income households spend more than one-third of their incomes.² This level of housing payment is typically considered as burdensome to lower- and moderate-income households and suggests that income growth has not kept pace with the increase in housing costs.

¹ While the number of Black residents has increased, its proportion of the County population remains slightly over 9%.

² The State Department of Housing and Community Development (HCD) has established five income categories based on County median family income (MFI). Extremely low-income households are those earning income up to 30% of the County MFI. Very low-income households are those earning income up to 50% of the County MFI. Low-income households are those earning 51 to 80% of the County MFI. Combined, the very low- and low-income households are referred to as lower-income households. Moderate-income households are those earning 81 to 120% of the County MFI. Above moderate households are those earning more than 120% of the County MFI.

Neighborhood and housing quality is another issue in unincorporated County areas. About 60 percent of the housing stock in unincorporated areas is thirty years or older, the age when most homes begin to have major repair or updating needs. In particular, significant housing rehabilitation needs have been identified in the Bay Point, Montalvin Manor, North Richmond, and Rodeo redevelopment project areas.

The County has experienced a tenfold increase in foreclosure activity between 2006 and 2008, with foreclosures impacting nearly one out of every ten homes in some communities. In addition, foreclosed homes accounted for 50 percent of the homes sold in December 2008. The median price in December 2008 was 50 percent below its December 2007 level. However, some of the decline is a result of market mix – far fewer homes above the jumbo loan limit of \$417,000 sold in 2008 compared with 2007. Forecasts indicate that it could be as late as 2010 before this trend ends. Also, 2008 was the worst year in more than 50 years for new housing starts in Contra Costa County. Single family starts dropped 64 percent from the previous year, although multi-family starts held steady. Nevertheless, the County continues to plan for new construction and works to facilitate new development, including affordable housing.

Contra Costa County is faced with various important housing issues: preserving and enhancing the affordability of housing for all segments of the population; providing new types of housing in response to changing demographic trends; maintaining and improving the quality of the housing stock; and achieving a balance between employment and housing opportunities. This Housing Element provides policies and programs to address these and other related issues.

B. Role and Content of Housing Element

The Housing Element of the General Plan has two purposes:

- (1) to provide an assessment of both current and future housing needs and constraints in meeting these needs; and
- (2) to provide a strategy that establishes housing goals, policies, and programs.

The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian is a priority of the highest order.

-- California Government Code, Section 65580

This Housing Element represents Contra Costa County's long-term commitment to the development and improvement of housing with specific goals for the short term, 2009-2014. This Element identifies strategies and programs that focus on:

- (1) provide adequate housing sites;
- (2) encourage and facilitate a variety of housing types;
- (3) assist in the provision of affordable housing;
- (4) remove or mitigating governmental and other constraints to housing investment;
- (5) preserve and improving housing and neighborhoods;
- (6) promote fair and equal housing opportunities; and
- (7) encourage energy conservation

The Housing Element consists of the following major components:

- o An introduction reviewing the purpose and scope of the Element (Section 6.1);
- o An analysis of the County's demographic profile, housing characteristics, and existing and future housing needs (Section 6.2);
- o A review of potential market, governmental, and environmental constraints to meeting the County's identified housing needs (Section 6.3);
- o An evaluation of the land, financial, and organizational resources available to address the County's identified housing needs goals (Section 6.4);
- o A strategy to promote energy conservation (Section 6.5);
- o An evaluation of accomplishments under the adopted Housing Element (Section 6.5); and
- o A statement of the Housing Plan to address the County's identified housing needs, including housing goals, policies and programs (Section 6.6).

C. Data Sources

Various sources of information are used to prepare the Housing Element. Data from the 2000 Census on population and housing are used to a large extent in the Element. Although dated, the 2000 Census remains the most comprehensive and widely accepted source of information until the 2010 Census is available. Where possible, data from the 2006 American Communities Survey by the U.S Census Bureau has been incorporated in the Element. Several data sources are used to update the 2000 Census and supplement limited 2000 Census information:

- o Demographic and housing data provided by the Association of Bay Area Governments and the State Department of Finance;
- o Housing market information, such as home sales, rents, and vacancies, is updated by surveys and property tax assessor's files;
- o Public and nonprofit agencies are consulted for data on special needs groups, the services available to them, and gaps in the system.

D. Public Participation

The County encourages the participation of residents and local agencies in the process of identifying housing needs and formulating housing policies and programs. During the development of the Housing Needs Assessment (Section 6.2), the County consulted with and/or obtained information from a variety of organizations serving low- and moderate-income persons and those with special needs. These agencies are referenced throughout the document.

In preparation of the Housing Element, opportunities are provided for the public to help shape the County's housing goals, policies, and strategies. Two publicly noticed study sessions for the Planning Commission were held to discuss housing needs and community concerns and discuss programs and policies, respectively. Over 300 groups and individuals were notified of the study sessions, including representatives from the following general categories:

- o Board of Supervisors/County departments
- o County cities and towns

- o Other local, State, and federal government agencies and special districts, including water and sewer districts
- o Transportation committees
- o Municipal Advisory committees
- o School districts
- o Libraries
- o Housing developers/advocates
- o Real estate associations
- o Interfaith groups
- o Social service agencies
- o Interested individuals
- o News media

Specific agencies were contacted directly to encourage participation in the study sessions. Private citizens and representatives from for-profit and non-profit housing developers and service agencies attended the study sessions. A diverse outreach effort was carried out through electronic and conventional means. A web page was specifically created for the Housing Element update. A list of all scheduled focus group and public meetings was displayed on the website. Copies of presentations given at meetings were also provided on the website as well as a draft of the most current Housing Element. Public notices informing the public about the meetings were distributed in English and Spanish to at least 74 different Bay Area organizations and displayed at various public buildings. Public input received has been incorporated into the Draft Element for review by the State Department of Housing and Community Development (HCD).

In addition, County staff spoke on the Draft Housing Element at meetings of the following groups:

- o Mental Health Commission
- o Area Agency on Aging
- o Bay Point, Contra Costa Centre, El Sobrante, Pacheco, and Rodeo Municipal Advisory Committees
- o Mobile Home Advisory Committee
- o Contra Costa Interagency Council on Homelessness
- o Contra Costa for Every Generation

Comments included affirmation of the need for housing appropriate for different special needs populations. Specifically, the Contra Costa County Advisory Council on Aging provided their Best Practice Development Guidelines for Multi-family, Senior Housing Projects. In addition, the Contra Costa Interagency Council on Homelessness stressed the need for permanent supportive housing for homeless individuals and families.

To adopt the Housing Element, public hearings were held before the Planning Commission and will be held before the County Board of Supervisors. Notices were published in local newspapers in advance of each hearing and copies of the Draft Element were made available for public review at selected County government offices and on the County website at www.ccreach.org.

E. Relationship to the General Plan

The 2009-2014 Housing Element is a key component of the County's General Plan. The County of Contra Costa adopted its General Plan in 1991, which includes the following elements: Land Use; Growth Management; Transportation and Circulation; Housing; Public Facilities/Services; Conservation; Open Space; Safety; and Noise.

**Table 6-1
Housing Related Goals by Element**

Housing Element Goals	General Plan Goals by Element							
	LU	GM	T&C	PF/S	C	OS	S	N
Goal 1 Maintain and improve the quality of the existing housing stock and residential neighborhoods in Contra Costa County.	3-C 3-L							11-A
Goal 2 Preserve the existing affordable housing stock in Contra Costa County.	3-L					9-C		
Goal 3 Increase the supply of housing with a priority on the development of affordable housing.	3-B 3-E 3-K 3-L		5-H	7-D				
Goal 4 Increase the supply of appropriate and supportive housing for special needs populations.	3-D 3-K 3-L		5-K	7-A 7-cx 7-cy				
Goal 5 Improve housing affordability for both renters and homeowners.	3-L							
Goal 6 Provide adequate sites through appropriate land use and zoning designations to accommodate the County's share of regional housing needs.	3-A 3-D 3-E 3-F 3-K 3-L	4-A	5-H	7-B 7-D 7-AA	8-B 8-C 8-D 8-H 8-T	9-B 9-C	10-A 10-C 10-E 10-F 10-G 10-H 10-J	11-C
Goal 7 Mitigate potential governmental constraints to housing development and affordability.	3-L	4-B	5-E	7-B 7-J 7-K 7-T 7-U	8-B 8-C	9-B 9-C		
Goal 8 Promote equal opportunity for all residents to reside in the housing of their choice.	3-B 3-D 3-K 3-L		5-K					

LU = Land Use Element
T&C = Transportation and Circulation
C = Conservation Element
S = Safety Element

GM = Growth Management Element
PF/S = Public Facilities/Services Element
OS = Open Space Element
N = Noise Element

The Housing Element builds upon the other existing General Plan Elements and is consistent with the goals set forth in those elements. The Housing Element goals should be interpreted and implemented consistent with other General Plan goals. A consistency matrix identifying the related goals is provided above. For each housing

goal presented in this Housing Element, the related goals in each General Plan Element are identified by number. For example, Goal 3-D in the Land Use Element calls for “[the provision of] a range and distribution of land uses that serve all social and economic segments of the County and its subregion.” This Land Use Element goal is consistent with the intent of Housing Element Goals 4, 6, and 8 relating to the provision of a range of housing choices to all social and economic segments of the population

The County will ensure consistency between General Plan elements so that goals and policies introduced in one element are consistent with other elements. If it becomes apparent that over time, changes to any element are needed for internal consistency, such changes will be proposed for consideration by the Planning Commission and County Board of Supervisors.

6.2 HOUSING NEEDS ASSESSMENT

Section 6.2, Housing Needs Assessment presents and analyzes the demographic, socioeconomic, housing characteristics, and market data of unincorporated county to determine the nature and extent of housing needs for current and future residents.

The data sources used to compile the Housing Needs Assessment includes the 2000 Census, the 2006 American Community Survey (ACS) conducted by the U.S. Census Bureau, the California State Department of Finance, and supplemented with current market data and secondary sources of information. During the preparation of this Housing Element, the foreclosure and credit crisis have created some economic uncertainty that may have substantial impacts on the data presented, especially related to housing and job growth. Discussions on the potential impact are included whenever possible.

A. Population and Employment Trends

1. Population Trends

Contra Costa County is the ninth most populous county in California, with approximately 1,051,674 residents per the 2008 California Department of Finance. The availability of rapid transit; close proximity to Oakland and San Francisco; relatively affordable housing prices in the County; and development of new employment centers along the I-680 corridor and Tri-Valley, among other factors have attracted 102,858 new residents to the County (11 percent increase). The Association of Bay Area Governments (ABAG) projects that the County will have 1,061,900 residents by 2010 and 1,107,300 by 2015.

The California Department of Finance (DOF) estimated the population of the unincorporated area of Contra Costa County was 173,573, representing an increase of 14.4 percent since 2000. This level of growth is higher than that experienced by the County as a whole and by many of the incorporated cities and towns. There is a significant discrepancy between the DOF estimate and ABAG’s projections. For example, ABAG’s Projections 2007 estimated the unincorporated portion of Contra Costa County would have 165,550 people by 2010 and increase to 179,050 by 2020. This represents a difference in statistical modeling each agency uses and the differences are exacerbated due to the time gap since the last census count.

Regardless of the model used, it is clear that Contra Costa County has undergone significant growth since 2000 and is anticipated to continue attracting new population in the foreseeable future. In Table 6-2 on the following page, the population and population projections for unincorporated areas of the County is shown by sub-area.

The growth in East County is due to significant development within the Discovery Bay community since 2000 as well as recent and proposed development surrounding the Pittsburg/Bay Point BART station sub-area. Infill development and high density transit-orientated development (TOD) contribute to Central County's growth. West County's high growth areas include redeveloped land near the Richmond Parkway and infill development in existing communities. The current market conditions may slow the projected growth if developers and homebuyers are unable to secure financing.

**Table 6-2
Population Growth Trends**

Jurisdiction	2000	Projected 2010	Projected 2020	Projected Percent Change between 2000 and 2020
Unincorporated Sub-Areas				
East	41,891	47,896	57,465	+37.2%
Central	59,462	64,030	66,914	+12.5%
West	50,337	53,634	54,682	+8.6%
Total Unincorporated*	151,690	165,550	179,050	+18.0%
Cities and Towns	797,126	896,350	977,950	+22.7%
Total County	948,816	1,061,900	1,157,000	+21.9%

Sources: 2000 Census, Projected 2010 estimated provided by Association of Bay Area Governments refined by CCC Department of Conservations and Development.

When looking at the demographic profile of the unincorporated area as a whole, it is very similar to the entirety of Contra Costa County. However, the various unincorporated communities vary significantly in terms of key demographic characteristic such as racial/ethnic composition, age, and sex. Table 6-3 on the following page shows race and ethnicity for the County, the total unincorporated area, and the Census Designated Places (CDP) within the County.

The difference in racial/ethnic composition between Diablo (92 percent white) and Rollingwood (20 percent white) illustrates the differences between the various communities. Communities in the affluent areas (Alamo, Blackhawk, Diablo and Kensington) and communities in east County (Discovery Bay, Bethel Island, and Clyde) tend to have a higher percentage of white population. The communities of Rollingwood, Bay Point and Montalvin Manor have the highest percentage of Hispanic persons. Rollingwood also has a large Asian population along with the communities of Tara Hills and Contra Costa Centre. The communities with the largest number of Black/African American populations include Rodeo, Tara Hills, and East Richmond Heights.

Likewise, the median age and age composition varies significantly between the unincorporated areas and are somewhat correlated with race/ethnicity populations due to cultural differences. A community's current and future housing needs are determined in part by the age characteristics of residents. Typically, each age group

has distinct lifestyles, family type and size, incomes, and housing preferences. As people move through each stage of life, their housing need and preferences also change. As a result, evaluating the age characteristics of a community is important in determining the housing needs of residents.

Table 6-4 on page 11 provides the age characteristics of residents in unincorporated communities and the County as a whole in 2000. As shown, the age composition of the unincorporated area residents is very similar to Countywide, however there is significant differences in the unincorporated communities.

Table 6-3
Race and Ethnicity in Contra Costa County

Geography	Percent White	Percent Hispanic or Latino	Percent Asian	Percent Black or African American	Other*
Contra Costa County Total	57.9%	17.7%	10.8%	9.2%	4.4%
Unincorporated Total	63.1%	16.6%	9.0%	7.0%	4.3%
Alamo CDP	87.3%	3.9%	6.0%	0.5%	5.9%
Bay Point CDP	32.3%	38.6%	11.0%	12.2%	4.8%
Bayview-Montalvin Manor CDP	34.6%	35.2%	13.7%	11.7%	4.0%
Bethel Island CDP	84.9%	8.8%	1.0%	1.4%	2.9%
Blackhawk-Camino Tassajara CDP	74.3%	3.9%	16.7%	2.2%	3.3%
Byron CDP	64.3%	25.9%	2.2%	4.4%	5.6%
Clyde CDP	76.4%	11.4%	6.1%	0.6%	4.1%
Contra Costa Centre (Waldon CDP)	72.1%	6.2%	15.7%	2.0%	3.5%
Crockett CDP	79.2%	11.6%	2.6%	3.1%	0.9%
Diablo CDP	92.0%	3.5%	2.9%	0.6%	3.6%
Discovery Bay CDP	82.5%	10.4%	1.8%	1.7%	6.3%
East Richmond Heights CDP	58.7%	10.7%	10.7%	13.7%	6.2%
El Sobrante CDP	54.0%	15.6%	12.2%	12.0%	3.7%
Kensington CDP	79.9%	3.5%	10.5%	2.5%	6.2%
Knightsen CDP, California	67.1%	26.5%	0.2%	0.0%	5.0%
Mountain View CDP	76.9%	14.5%	1.7%	1.9%	3.1%
Pacheco CDP	75.9%	11.8%	7.0%	2.1%	4.7%
Port Costa CDP	87.1%	6.9%	1.3%	0.0%	6.0%
Rodeo CDP	45.2%	17.1%	15.9%	15.9%	5.0%
Rollingwood CDP	20.0%	42.2%	23.8%	9.0%	4.7%
Tara Hills CDP	43.1%	23.9%	14.1%	14.2%	6.4%
Vine Hill CDP	65.1%	24.1%	2.2%	2.1%	4.3%

* Include American Indian, Native Alaska, Native Hawaiian, other Pacific Islanders, 'other' race, and persons of two or more races

A high proportion of young adults generally indicates a need for rental units and first-time homebuyer or first move-up opportunities, including condominiums, town homes, or single-family homes. Middle age residents typically occupy larger homes and are usually at the peak of their earning power. Senior residents in Contra Costa County are mostly homeowners and typically occupy single-family homes.

Nationwide trends, however, indicate that as the baby boom generation ages, the demand for move-down housing or specialized residential developments, such as assisted living facilities or active adult communities will grow.

Table 6-4
Age Percentage in Contra Costa County

Geography	Median Age	Percent of < 5	Percent of School Aged	Percent of College Aged	Percent of Young Adult	Percent of Middle Aged	Percent of Seniors
Contra Costa County	36.4	6.97%	19.57%	7.72%	30.58%	23.86%	11.31%
Total Unincorporated	N/A	6.58%	19.53%	6.98%	29.34%	26.54%	11.02%
Unincorporated Communities							
Alamo CDP	43	6.26%	21.34%	3.94%	21.93%	34.37%	12.15%
Bay Point CDP	29.1	9.71%	23.52%	10.47%	32.97%	17.22%	6.12%
Bayview-Montalvin CDP	34.4	6.41%	22.48%	9.13%	28.40%	22.24%	11.33%
Bethel Island CDP	48.5	3.03%	12.89%	4.63%	24.13%	34.39%	20.93%
Blackhawk-Camino Tassajara CDP	41.4	5.69%	23.33%	4.76%	24.04%	35.77%	6.41%
Byron CDP	30.6	5.90%	29.15%	9.06%	28.17%	18.78%	8.95%
Clyde CDP	37.2	5.76%	21.04%	5.62%	37.61%	24.06%	5.91%
Contra Costa Centre (Waldon CDP)	34.8	3.64%	5.88%	8.71%	49.78%	18.86%	13.13%
Crockett CDP	42.4	4.20%	14.31%	5.92%	30.56%	30.06%	14.97%
Diablo CDP	45.8	4.76%	22.06%	3.85%	17.11%	38.56%	13.66%
Discovery Bay CDP	38.7	6.86%	17.64%	4.42%	33.05%	29.47%	8.56%
East Richmond Heights CDP	42.4	4.92%	14.09%	5.63%	29.79%	31.04%	14.54%
El Sobrante CDP	37.6	6.23%	18.48%	7.32%	31.04%	25.17%	11.75%
Kensington CDP	47.1	4.94%	12.72%	3.06%	25.41%	31.73%	22.14%
Knightesen CDP	38.6	5.57%	21.84%	7.08%	27.29%	26.60%	11.61%
Mountain View CDP	34.7	7.05%	19.21%	8.27%	36.95%	20.71%	7.82%
Pacheco CDP	40.5	5.56%	14.91%	6.54%	30.15%	26.70%	16.14%
Port Costa CDP	45.7	3.88%	11.64%	4.74%	28.02%	37.50%	14.22%
Rodeo CDP	34.9	7.36%	21.98%	8.83%	27.67%	23.94%	10.21%
Rollingwood CDP	29.9	8.55%	24.72%	10.55%	29.76%	17.38%	9.03%
Tara Hills CDP	35.5	6.55%	19.54%	8.59%	31.19%	23.18%	10.95%
Vine Hill CDP	33.8	6.87%	20.06%	9.17%	33.07%	22.94%	7.88%

2. Employment Trends

Employment has an important impact on housing needs. Different jobs and income levels determine the type and size of housing a household can afford. Employment growth in the region also typically results in an increase in housing demand, particularly in areas that function as a “bedroom community.”

Contra Costa County has one of the largest job growth rates among Bay Area counties, with growth in its employment base driven primarily by the need to provide services to an increasing local population. The number of white-collar jobs has also increased in the County due to the decentralization of office-related employment to the County from other parts of the region, particularly San Francisco. The job growth combined with the County's historic industrial, governmental, and agricultural employment base yields a total of 379,310 jobs in 2005, with 41,270 in the unincorporated County according to ABAG.

ABAG anticipates that Contra Costa County will add approximately 69,810 new jobs between 2010 and 2020, with the largest growth sectors in the service sector as a total of 35,860 new jobs (an increase of 19.1 percent) are added. Within this sector, the professional and managerial services and the health/education services will experience the largest growth with a 21.5 percent and 19.7 percent increase, respectively. The information sector will also experience a significant growth by adding about 4,000 new jobs (19.3 percent growth).

Geographically, the largest job growth will occur in Concord (11,960 new jobs), Richmond (9,090 new jobs), Pittsburg (7,800 new jobs), and San Ramon (7,770 new jobs) during 2010-2020 period. In all of these areas, the greatest job growth is projected to be in the finance and professional service sector.

Manufacturing, transportation and wholesale sector will continue to grow, especially in the Richmond area (1,870 new jobs, an increase of 14.3 percent). Both the Pittsburg (1,540 new jobs, an increase of 31.5 percent) and Concord (1,070 new jobs, an increase of 10.6 percent) areas will also experience growth in manufacturing, transportation, and wholesale. Retail job growth is anticipated to grow in the areas of Concord (1,490 new jobs, an increase of 16.2 percent), Antioch (1,230 new jobs, an increase of 29.0 percent), and Pittsburg (1,180 new jobs, an increase of 38.4 percent).

Tremendous job growth (in terms of percentage) is expected for East County – in particular the Oakley (56.4 percent), Brentwood (47.5 percent), and Rural East Contra Costa County (42.6 percent) areas because of the small job base that currently exist in these communities.³ By 2020, ABAG projects nearly 23,000 new jobs in the East County area with the most gain in the financial and professional services (44.6 percent increase) as well as the health/education and recreational service sector (39.1 percent increase).

Despite the anticipated increase in new employment, the County will remain a 'bedroom community' that supports the employment centers of other Bay Area counties. ABAG expects this situation to continue, indicating the County will add nearly 19,000 more employed residents than jobs between 2010 and 2030.

Table 6-5 on page 13 shows the types of occupations held by residents in unincorporated areas and the County as a whole. As of 2000, the two largest occupational categories were managerial/professional and sales/technical/administrative. These categories accounted for 39.6 percent and 28.4 percent of employed residents in the County's unincorporated areas, respectively. Relatively

³ Rural East Contra Costa County includes Discovery Bay, Bethel Island, Byron, Knightsen, and other small rural communities in the eastern part of the County.

higher paying jobs are in both categories, except for certain sales positions, translating into higher incomes for the residents engaged in these activities.

**Table 6-5
Employment Profile**

Occupations of Residents	Unincorporated County		Total County	
	Persons	Percent	Persons	Percent
Managerial/Professional	28,456	39.6%	149,156	39.3%
Sales, Technical, Admin.	20,400	28.4%	113,274	29.8%
Service Occupations	9,687	13.5%	50,612	13.3%
Production/Crafts/Repair	6,672	9.3%	33,669	8.9%
Operators, Fabricators, Labor	6,220	8.7%	32,277	8.5%
Farming, Forestry, Fishing	342	0.5%	595	0.2%
Total	71,774	100%	379,583	100%

Source: 2000 Census

Contra Costa County's major employers include finance, government, medical, and heavy industry as shown in Table 6-6. There are also significant service sector jobs. Wages range from the low end in food service (approximately \$18,000 to \$46,000 annually) to the high wages of managers and engineers (over \$145,000 annually⁴). Medical service jobs range from the low wages of health care support (\$22,000 to \$60,000 annually) to physicians (over \$145,000 annually).

**Table 6-6
Major Employers**

Employer Name	Location	Industry
Bank Of The West	Walnut Creek	Banks
BART	Richmond	Transit Lines
Chevron Corp	San Ramon	Oil Refiners (Manufacturers)
Chevron Global Downstream LLC	San Ramon	Petroleum Products (Wholesale)
Military Ocean Terminal Complex (CNWS)	Concord	Federal Government-National Security
Contra Costa County	Martinez	Government Offices-County
Diablo Valley College	Pleasant Hill	Schools-Universities & Colleges Academic
Doctor's Medical Center	San Pablo	Hospitals
John Muir Health	Walnut Creek	Hospitals
John Muir Health Foundation	Walnut Creek	Hospitals
John Muir Medical Center	Concord	Hospitals
John Muir Physical Rehab	Concord	Rehabilitation Services
Kaiser Permanente Medical Center	Martinez	Health Plans
Kaiser Permanente Medical Center	Walnut Creek	Hospitals
PMI Mortgage Insurance Co	Walnut Creek	Insurance-Mortgage
City of Richmond	Richmond	Government Offices-City, Village & Twp
San Ramon Regional Medical Center	San Ramon	Hospitals
Shell Oil Products Co	Martinez	Oil Refiners (Manufacturers)
Shell Oil Products Co	Martinez	Service Stations-Gasoline & Oil
St Mary's College-California	Moraga	Schools-Universities & Colleges Academic
Sutter Delta Medical Center	Antioch	Hospitals
Tesoro Petroleum	Pacheco	Oil Refiners (Manufacturers)
US Veterans Medical Center	Martinez	Hospitals
USS-POSCO Industries	Pittsburg	Steel Mills (Mfrs)

Source: California Employment Development Department

⁴ Wage information is from California Labor Market Information, Occupational Statistics Survey. This source provides wage information up to \$145,000 per year.

Based on the 2000 Census, a total of 567,384 Contra Costa County residents were in the labor force, with the unemployment rate estimated at 4 percent. According to the State Employment Development Department, the unemployment rate in the County was 5.8 percent in May of 2008 and 6.7 percent in September of 2008. This increase is due to recent market conditions and the economic downturn. Table 6-7 shows the estimated unemployment rate by census designated place. Some communities are experiencing significant unemployment rates exceeding 10 percent including Bay Point, Bayview/Montalvin Manor, Crockett, Knightsen, and Rollingwood.

**Table 6-7
Unemployment Rate**

Area Name	Labor Force	Number	Rate
Contra Costa County	532,400	35,500	6.7%
Alamo CDP	7,800	200	2.9%
Bay Point CDP	11,100	1,400	13.0%
Bayview/Montalvin Manor CDP	2,400	300	12.0%
Bethel Island CDP	1,300	200	11.7%
Blackhawk CDP	5,400	200	3.6%
Byron CDP	400	0	3.7%
Clyde CDP	400	0	3.9%
Crockett CDP	2,200	300	12.6%
Diablo CDP	500	0	1.7%
Discovery Bay CDP	5,200	200	4.1%
East Richmond Heights CDP	2,100	200	7.7%
El Sobrante CDP	6,700	300	5.0%
Kensington CDP	2,900	100	2.6%
Knightsen CDP	500	100	12.2%
Mountain View CDP	25,600	1,300	4.9%
Pacheco CDP	2,200	100	6.4%
Port Costa CDP	100	0	4.9%
Rodeo CDP	81,500	3,900	4.7%
Rollingwood CDP	1,300	200	14.6%
Tara Hills CDP	3,000	200	7.5%
Vine Hill CDP	1,900	200	8.9%
Walden CDP (Contra Costa Centre)	3,800	100	1.8%

Source: California Employment Development Department, September, 2008.⁵

B. Household Characteristics

Income level and cost burden are key factors in determining the type of housing needed by the residents of unincorporated Contra Costa County. This section details the various household characteristics affecting housing needs. The Census defines a "household" as any group of people occupying a housing unit, which may include single persons living alone, families related through marriage or blood, or unrelated persons that share living quarters. Persons living in retirement or convalescent homes, dormitories, or other group living situations are not considered households. Household characteristics are important indicators of the type and size of housing needed in a community.

The State Department of Housing and Community Development (HCD) publishes area median incomes on an annual basis. The goals of the Housing Element are

⁵ Monthly sub-county data are derived by multiplying current estimates of county-wide employment and unemployment by the respective employment and unemployment shares (percentages) in each sub-county area at the time of the 2000 Census.

specific to accommodate the needs of all households across all income groups. The median income for a Contra Costa household of four in 2008 is \$86,100. Table 6-8 shows income levels for extremely-low, very-low, low, and moderate incomes. Contra Costa County and cities have an estimated 67,814 households⁶ (20 percent of total households) with incomes less half of the median income. Of those, 35,274 have incomes less than 30 percent of the area median (extremely-low income). The State Department of Finance estimates that 67,177 households lived in the unincorporated areas of Contra Costa County in 2008. Generally, the unincorporated County reflects the income distribution of the County as a whole. Therefore, the unincorporated County is estimated to have 6,700 extremely low income households.

Table 6-8
2008 Income Levels

Household size	Extremely-low	Very-low	Low	Moderate
1	\$18,100	\$30,150	\$46,350	\$ 72,300
2	\$20,700	\$34,450	\$53,000	\$ 82,600
3	\$23,250	\$38,750	\$59,600	\$ 93,000
4	\$25,850	\$43,050	\$66,250	\$103,300
5	\$27,900	\$46,500	\$71,550	\$111,600

The distribution of the County's households by type can be inferred from the 2000 Census since it is the most contemporary Census data available. As shown in Table 6-9, the majority of households in the unincorporated areas are families (71.4 percent). Single persons comprise 21.8 percent of households, while 6.7 percent of households were unrelated persons living together ("Other").

Table 6-9
Median Household Income

Census Designated Place (CDP)	Median Household Income as % of County Median#
East	
Bay Point	70.6%
Bethel Island	70.0%
Discovery Bay	141.2%
West	
Bayview/Montalvin Manor	79.7%
Crockett	76.3%
East Richmond Heights	90.3%
El Sobrante	75.8%
Kensington	146.4%
Rodeo	95.0%
Tara Hills	88.5%
Central	
Alamo	215.3%
Blackhawk	242.8%
Pacheco	72.0%
Vine Hill	95.6%

Source: CCC Dept. of Conservation and Development

⁶ Data is from State of the Cities Data Systems: Comprehensive Housing Affordability Strategy (CHAS) Data, 2000.

1. Existing Households by Income and Tenure

Income level varies significantly by location in Contra Costa County. As shown in Table 6-9, Alamo and Blackhawk in Central County are very high-income areas, with their respective household incomes more than double the County median in 1999. Discovery Bay and Kensington also had higher median household incomes than the County as a whole. Lower-income unincorporated areas include Bay Point, Bethel Island, and Pacheco. All three communities had a median income of less than 80 percent of the County median. Not surprisingly, these communities also have a relatively high concentration of lower-income households based on HUD data. While not included in the CDP data, North Richmond is also known to have a high proportion of very low-income households. Income is the most important factor affecting the housing opportunities available to a household, determining the ability to balance housing costs with other basic necessities of life. Housing choices, such as tenure (owning versus renting) and location of residence are very much income-dependent.

In the unincorporated County, approximately 12.5 percent of the households are extremely low income as defined by HUD (households earning 30 percent or less of median family income (MFI). ABAG projects an increase in population of 7.5 percent between 2010 and 2020. Presuming extremely-low households continue to be 12.5 percent of the population, then by 2020 there will be 9,414 extremely-low income households in the unincorporated area. This represents an increase of 657 households. Approximately one-half (or 329 households) of this increase will be within this Housing Element planning period. The RHNA allocation sets the goal for the County of 815 very-low income units. The need for housing affordable to extremely-low income households is at least one-half (408) of these units. Table 6-10 shows the breakdown of households in the unincorporated county by income and tenure.

Table 6-10
Housing by Tenure and Income

Housing Type	Extremely Low Income	Very Low Income	All Incomes
Rental	2,984	5,155	14,702 (21%)
Ownership	5,773	13,083	55,181 (79%)
Total	8,757 (12.5%)	18,238 (26.1%)	69,883 (100%)

Source: US Census data compiled by HUD

2. Overpaying for Housing

Due to the high cost of housing in the Bay Area, many households overpay for housing. According to the U.S. Department of Housing and Urban Development (HUD), households should spend less than 30 percent of their income on housing, including utilities, taxes, and insurance. However, nearly a third of the households (31.6 percent) in Contra Costa County have a cost burden of more than 30 percent. Approximately 12 percent have a cost burden of 50 percent or more. On the following page, Table 6-11 on the following page outlines the cost burden of households by income and tenure.

C. Housing Stock Characteristics

This section of the Housing Element addresses various housing characteristics and conditions that affect the living environment of residents. Housing factors evaluated include housing stock and vacancy rates, tenure, age and condition, housing costs and affordability, and overcrowded households.

1. Housing Type and Tenure

In 2000, single-family homes and multi-family dwelling units comprised approximately 80 percent and 14 percent of the housing stock, respectively. Countywide, single-family homes and multi-family units accounted for 73 percent and 25 percent of the housing stock, respectively. According to the 2000 Census, the homeownership rate in unincorporated areas was 73 percent, which is higher than the Countywide rate of 69 percent. Table 6-12 summarizes various characteristics of the housing stock in unincorporated areas of Contra Costa County.

**Table 6-11
Cost Burden by Tenure**

	Cost Burden more than 30%			Cost Burden more than 50%		
	Renters	Owners	Total	Renters	Owners	Total
Total Households	38.4%	28.6%	31.6%	17.4%	9.7%	12.1%
Household income less than 30% MFI	75.7%	71.7%	74.2%	57.6%	56%	57%
Household income between 31% and 50% AMI	70.9%	58.8%	64.9%	24.8%	35.7%	30.1%
Household income between 51% and 80% AMI	43.5%	51.9%	48.3%	6.4%	19.3%	13.9%
Household income greater than 81% AMI	9.1%	19.8%	17.5%	1%	2.8%	2.4%

Data source: 2000 Census data compiled by HUD

**Table 6-12
Housing Stock in 2008**

Housing Type	Number of Units	% of Total
Single-Family	52,454	80%
Detached	49,686	76%
Attached	2,768	4%
Multi Family	11,329	14%
2-4 Units	2,640	4%
5+ Units	8,689	10%
Mobile Homes/Other	3,394	6%
Total Units	67,177	100%
Vacancy Rate	4.14% (2,781 units)	

Sources: State Department of Finance, 2008.

2. Vacancy Rates

Vacancy rates are a useful indicator of the housing market's overall health and ability to accommodate new residents within the existing housing stock. Table 6-13 on page 18 outlines vacancy rates by tenure according to the 2000 U.S. Census.

The actual vacancy rate is likely higher than either the Department of Finance or the U.S. Census estimates due to the increase of foreclosures and the credit crisis. A recent report on Housing Vacancies and Homeownership by the U.S. Census Bureau indicates a significant jump nationwide in vacancy rates. In the western region, the 2008 third quarter (Q3) vacancy rate for rentals is estimated at 7.6 percent (up from 6.8 percent in 2007 Q3) and the vacancy rate for ownership units is estimated at 2.8 percent (up from 2.5 percent in 2007 Q3). The 2006 American Community Survey indicates the countywide vacancy rate in 2007 was 7.6 percent with the rental vacancy rate at 8.1 percent and the homeowner vacancy rate at 2.7 percent. Based on the 2000 Census, the unincorporated County had a slightly higher vacancy rate than the overall County vacancy rate. The increase can mostly be attributed to a higher percentage of recreational/occasional use units located in unincorporated areas of the County such as Bethel Island and Discovery Bay.

Table 6-13
Vacancy Rates by Tenure

Housing Type	Total Units	% of Total
Total Vacant Units	2,376	4.15%
For rent only	415	0.72%
For sale only	427	0.75%
Rental/Sold – not occupied	374	0.65%
Seasonal/occasional use	971	1.70%
other	189	0.33%

Sources: 2000 U.S. Census

3. Housing Age and Condition

Housing age is an important indicator of housing condition within a community because like any other tangible asset, housing is subject to gradual physical or technological deterioration over time. If not properly and regularly maintained, housing can deteriorate and discourage reinvestment, depress neighboring property values, and eventually impact the quality of life in a neighborhood. Thus maintaining and improving housing quality is an important goal for the County.

A general rule in the housing industry is that structures older than 30 years begin to show signs of deterioration and require reinvestment to maintain their quality. Unless properly maintained, homes older than 50 years require major renovations to remain in good working order. Table 6-14 on the following page provides a breakdown of the housing stock in unincorporated areas of the County by the year built.

Table 6-14
Housing Age-Year Built by Tenure

Year Built	Number of Units	% of Total Units
Less than 30 years old	19,199	35.0%
Owner	14,192	25.9%
Rental	5,007	9.1%
Between 30 and 50 years old	16,375	29.8%
Owner	11,794	21.5%
Rental	4,581	8.3%
More than 50 years old	19,296	35.2%
Owner	14,325	26.1%
Rental	4,971	9.1%
Total Occupied Units	54,870	100.0%

Source: 2000 Census, data is provided by occupied units only. Note the percentage of total units does not include any units built since 2000.

Based on the data above, there is a strong likelihood that many homes will require reinvestment or renovations to ensure the housing stock is maintained in good working order. Both the County Redevelopment Agency and the Building Inspection Division have identified areas of the County that may be in need of rehabilitation assistance including Bay Point, Bethel Island, Byron, Clyde, Crockett, El Sobrante, Montalvin Manor, North Richmond, Rodeo and Vine Hill (near Martinez).

Redevelopment Agency funds may be used to rehabilitate housing stock within the redevelopment areas and the County Building Inspection Division (BID) currently offers the Neighborhood Preservation Program, which provides zero and low-interest loans for the rehabilitation of housing owned and occupied by lower-income households in the unincorporated areas. Additionally, the County Housing Authority offers the Rental Rehabilitation Program that provides low-interest loans for the rehabilitation of rental housing occupied by lower-income households.

4. Housing Costs & Affordability

The cost of housing is directly related to the extent of housing problems in a community. If housing costs are relatively high in comparison to household income, there will be a correspondingly higher prevalence of housing cost burden and overcrowding. This section summarizes the cost and affordability of the housing stock to County residents.

Sales and Rental Survey

Home sales prices vary significantly by location in Contra Costa County. For instance, the 2007 median price of a single-family ranged from a low of \$415,000 in Richmond to a high of \$1.8 million in Diablo. However, in September 2008, median prices ranged from a high of \$1.1 million in Alamo to a low of \$200,000 in Bay Point/Pittsburg. Home prices are generally higher in the Central sub-region than in the East and West sub-regions. As indicated in Table 6-15 on the following page, both cities and unincorporated communities in the Central sub-region had very high median home sales prices. In particular, the 2007 median single-family home sales prices in Alamo and Diablo were in excess of \$1.2 million. Homes are relatively more affordable in the East and West sub-regions, with the exception of selected communities. For example, the unincorporated community of Discovery Bay had median sales prices well above most of its neighbors in the East. Similarly, home prices in the City of El Cerrito were noticeably higher than that in nearby communities in the West.

Condominiums or townhomes are typically more affordable than single-family homes and represent alternative homeownership opportunities, especially for low- and moderate-income households.

According to data compiled by RealData, Inc. (June, 2008), apartment rental rates are relatively high and continuing to rise in Contra Costa County. The average gross monthly unfurnished rent (excluding utility costs) in the unincorporated County was \$1,430 in June 2008, representing an increase of 5 percent since June 2007. Like home sales prices, rental rates also vary by size and location of the units, as indicated in Table 6-16. Countywide, the average rent ranged from \$936 for a 1-bedroom to \$2,237 for a 2-bedroom in Central County. Geographically, the lowest average rent was recorded in unincorporated Bay Point (\$909), while the highest was in the Contra Costa Centre (\$2,480).

As of June 2008, the vacancy rate for apartment units in Contra Costa County was 4.4 percent, as compared to 4.1% for the Bay Area as a whole. This vacancy rate is anticipated to decrease as families leaving foreclosed homes create additional demand for rentals.

Table 6-15
2007 and 2008 Median Single-family Home Sales Prices

Jurisdiction	2008	2007
East		
Bay Point*	\$219,000	\$470,000
Bethel Island	N/A	\$575,000
Byron/Discovery Bay	\$170,000	\$562,000
Central		
Alamo	\$1,300,000	\$1,430,000
Blackhawk*	\$952,000	\$997,500
Diablo	\$2,056,250	\$1,800,500
Pacheco*	\$389,000	\$250,000
Contra Costa Centre*	\$500,000	\$569,000
West		
Crockett	N/A	\$450,000
El Sobrante	\$349,000	\$505,000
Kensington*	\$850,000	\$634,500
North Richmond*	\$135,000	\$430,000
Rodeo	\$273,000	\$457,000
Montalvin Manor/Tara Hills*	\$233,000	\$445,000

Source: Dataquick, 2008.

* These unincorporated Communities share a zip code with the adjacent city. Data is provided by zip code.

Table 6-16
Apartment Rents

Region	Type: Bedroom (BR)			Overall Average Rent
	1 BR	2 BR	3 BR	
East	\$936.00	\$1,074.00	\$1,313.00	\$1,108.00
Central	\$1,582.00	\$2,237.00	\$ -	\$1,910.00
West	\$1,148.00	\$1,395.00	\$ -	\$1,272.00
Countywide Average	\$1,222.00	\$1,569.00	\$1,313.00	\$1,430.00

5. Housing Affordability by Household Income

Housing affordability can be inferred by comparing the cost of renting or owning a home in the County with the maximum affordable housing costs to households at different income levels. Taken together, this information can generally show who can afford what size and type of housing and indicate the type of households most likely to experience overcrowding or a burden on housing cost.

The federal Department of Housing and Urban Development (HUD) conducts annual household income surveys nationwide, including Contra Costa County, to determine the maximum affordable housing payments of different households and their eligibility for federal housing assistance. In evaluating affordability, the maximum affordable price refers to the maximum amount that could be afforded by households in the upper range of their respective income category. Households in the lower end of each category can afford less in comparison. Table 6-17 shows the annual income for extremely-low, very-low, low, and moderate-income households by household size and the maximum affordable housing payment based on the State and federal standards of 30 percent of household income. Cost assumptions for utilities, taxes, and property insurance are also shown.

From the income and housing cost figures in Table 6-17, the maximum affordable home price and rent are determined. The affordable housing prices and rents can be compared to current market prices for single-family homes, condominiums, and apartments to determine what types of housing opportunities a household can afford.

Table 6-17
Housing Affordability Matrix (2008)

Income Group	Income Levels		Monthly Housing Costs		Maximum Affordable Price	
	Annual Income	Affordable Payment	Utilities Own/Rent	Taxes & Insurance	Ownership	Rental
Extremely Low						
One Person	\$18,100	\$452	\$169/\$ 62	\$78	\$37,480	\$390
Small Family	\$23,250	\$581	\$235/\$ 96	\$111	\$54,432	\$482
Large Family	\$27,900	\$698	\$319/\$124	\$141	\$67,835	\$574
Very Low						
One Person	\$30,150	\$754	\$169/\$ 62	\$184	\$74,804	\$692
Small Family	\$38,750	\$969	\$235/\$ 96	\$239	\$101,443	\$873
Large Family	\$46,500	\$1,162	\$319/\$124	\$284	\$125,448	\$1,038
Low						
One Person	\$46,350	\$1,159	\$169/\$ 62	\$266	\$127,706	\$1,097
Small Family	\$59,600	\$1,490	\$235/\$ 96	\$353	\$169,642	\$1,394
Large Family	\$71,550	\$1,789	\$319/\$124	\$432	\$207,464	\$1,665
Moderate						
One Person	\$72,360	\$1,809	\$169/\$ 62	\$467	\$224,124	\$1,747
Small Family	\$93,000	\$2,325	\$235/\$ 96	\$600	\$288,066	\$2,229
Large Family	\$111,600	\$2,790	\$319/\$124	\$720	\$345,680	\$2,666

Notations:

1. Small Family = 3 persons; Large Families = 5 or more persons
2. Monthly affordable rent based upon payments of no more than 30% of household income
3. Property taxes and insurance based on averages for the region.
4. Affordable home price is based on down payment of 10%, annual interest of 7%, a 30-year mortgage, and monthly payment of 30% of gross household income.

Note: Maximum affordable home prices are for illustrative purposes only, and not to be used for determining specific program eligibility.

Extremely Low-Income Households: Extremely low-income households earn 30 percent or less of the County median family income. Given housing costs in Contra Costa County, extremely low-income households cannot afford any homes or apartments at market rate. Affordable housing for such households is generally limited to housing offered by the Housing Authority of Contra Costa County and non-profit housing providers. The County Board of Supervisors adopted a policy requiring housing developed with County subsidy to target some units to be affordable to extremely-low income households. The County HOME and CDBG subsidized projects generally have 10 percent of the units at this level. However, some of the extremely-low income households are homeless or at risk of homelessness. These households are generally under-employed or living on social security income. Even apartment rents that are affordable to the top of the extremely-low income limit are out of reach for this group. Therefore, the County provides additional housing opportunities through public housing, housing choice vouchers, HUD Shelter + Care, and Mental Health Services Act (MHSA) rental subsidy programs.

Very Low-Income Households: Very low-income households earn 50 percent or less of the County median family income. Given the relatively high costs of single-family homes and condominiums in the County, the housing choice of very-low income households is generally limited to the rental housing market. Buyers in this income group have very limited options, but may be able to purchase mobile homes or small condominiums.

Average apartment rents in the County are as follows: \$1,222 for a one-bedroom unit, \$1,569 for a two-bedroom unit (with one bath), and \$1,313 for a three-bedroom apartment.⁷ After deductions for utilities, a very-low income household can only afford to pay between \$692 and \$1,038 in rent per month, depending on the household size. In practical terms, this means that a one-person household cannot afford an average priced one-bedroom without overpaying or doubling up. Based on the range of rental rates shown in Table 6-16 (page 20), a small number of one-bedroom units may be affordable to very low-income households. However, most rental units are out of reach for a small family (2 to 4 persons). The problem is exacerbated for larger families (5+ persons).

Low-Income Households: Low-income households earn 80 percent or less of the County's median family income. The maximum affordable home price for a low-income household ranges from \$127,706 for one-person to \$207,464 for a five-person family. Based on the sales data presented in Table 6-15 (page 20), low-income households cannot afford the median sales price for a home. However, some older homes and condominium units, especially in areas with a high rate of foreclosures may be affordable to this income group.

After deductions for utilities, a low-income household can afford to pay between \$1,097 and \$1,665 in rent each month, depending on household size. One-person and small family households can theoretically afford a one-bedroom unit in selected communities, although the supply of such units may be limited. Large families can afford some two-bedroom units. However, such families are likely to overpay

⁷ There were no three-bedroom apartments in the review of apartment buildings with 100+ units in the central or west area of the unincorporated County. Rents are significantly higher in Central County. Had there been three-bedroom units in the subject properties in Central County, the average three-bedroom rent would have likely been greater than the average two-bedroom rent.

and/or double up to afford housing. Central County remains largely unaffordable to low-income households.

Moderate-Income Households: Moderate-income households earn 81 percent to 120 percent of the County's median family income. The maximum affordable home price for a moderate-income household ranges from \$224,124 for a one-person household, to \$345,680 for a five-person family. Moderate income families may be able to afford nearly half of the homes on the market. With a maximum affordable rent payment of between \$1,747 and \$2,666 per month, moderate-income households can afford many of the apartment units listed for rent.

6. Overcrowded Households

In order to avoid extraordinary housing costs, many lower income households rent smaller apartments or live with friends or relatives to economize on housing costs. For the purposes of this report, overcrowding is defined as households with more than one occupant per room.

While the percentages of households that are overcrowded are not significantly different in the unincorporated portion of Contra Costa County compared to the County as a whole, there are some communities with a high percentage of overcrowding. These communities include unincorporated areas of San Pablo (Rollingwood and Montalvin Manor) and Bay Point. The SF3 census report indicates that for the entire County, 4.2 percent of owner households and 14.7 percent renter households are overcrowded in their homes. The unincorporated County demographics are generally fairly consistent with the countywide figures. Therefore, approximately 2,317 owner households and 2,162 renter households are overcrowded. County finance programs support the development of multi-family housing with three and four bedroom units.

Table 6-18
Overcrowded Households in Unincorporated Contra Costa County

Community	Number of Overcrowded Households	Percent Overcrowded
Total Contra Costa County	9,948	4.17%
Total Unincorporated	1,840	4.56%
Alamo	21	0.43%
Bay Point	606	14.41%
Bayview-Montalvin	203	16.79%
Bethel Island	7	0.80%
Blackhawk-Camino Tassajara	6	0.19%
Byron	11	4.91%
Clyde	7	3.37%
Contra Costa Centre	7	0.90%
Crockett	13	1.44%
Diablo	0	0.00%
Discovery Bay	33	1.11%
East Richmond Heights	33	2.94%
El Sobrante	82	2.85%
Kensington	8	0.43%
Knightsen	20	8.97%
Mountain View	0	0.00%
Pacheco	51	4.02%
Port Costa	0	0.00%
Rodeo	81	4.30%
Rollingwood	211	38.43%
Tara Hills	162	12.48%
Vine Hill	56	7.73%

Source: 2000 Census

D. Special Housing Needs Analysis

Certain groups have greater difficulty in finding decent, affordable housing due to their special needs and/or circumstances. Special circumstances may be related to one's employment and income, family characteristics, disability, and household characteristics, among others. As a result, certain segments of residents in Contra Costa County may experience a higher prevalence of lower income, housing cost burden, overcrowding, or other housing problems.

"Special needs" groups include the following: senior households, mentally and physically disabled persons, large households, single-parent households (female-headed households with children in particular), homeless persons, and agricultural workers. This section provides a detailed discussion of the housing needs facing each particular group as well as programs and services available to address their housing needs.

Determining the housing issues of special need groups is easier than defining the magnitude. The 2000 Census is the most current data available and the primary source used to estimate the size of a particular group. Recent information from service providers and government agencies is used to supplement the 2000 data. Table 6-19 summarizes the special needs groups residing in unincorporated areas of the County.

Table 6-19
Special Needs Groups

Special Needs Group	Persons	Households	% of Unincorporated County
Seniors (65 years and older)		11,130	18.9%
Owners		9,362	15.9%
Renters		1,768	3.0%
Disabled (16 years and older)	25,065		19.0% ⁽¹⁾
Single Parent Households		4,526	10.6%
Large Households		6,918	12.6%
Owners		4,782	8.7%
Renters		1,943	3.5%
Agricultural Workers	342		2% ⁽²⁾
Homeless Persons	4,800		0.04%

Source: 2000 Census

(1) Percent of total persons 16 years and older, employment estimates for persons 16-64 years old

(2) Percent of total employed persons

** May represents an undercount—please refer to discussion on the homeless on page 30.

1. Senior Households

Senior households have special housing needs primarily due to three major concerns –physical disabilities/limitations, income, and health care costs. According to the 2000 Census, 18.9 percent (11,130) of households in the unincorporated areas of Contra Costa County were headed by seniors, defined as persons 65 years and older. Countywide, there were 67,152 elderly households (20 percent). Some of the special needs of seniors are as follows:

- **Limited Income** - Many seniors have limited income available for health and other expenses. Because of their retired status, one out of three elderly

households (33 percent) in Contra Costa County earns extremely low or very low-income.⁸

- **Disabilities** - Of the senior population Countywide, 39.6 percent have a disability limitation. Over 80 percent of elderly households (9,362) in the unincorporated areas were homeowners in 2000. Because of physical and/or other limitations, senior homeowners may have difficulty in carrying out regular home maintenance or repair activities.
- **Cost Burden** - Because of the limited supply of affordable housing and their limited income, 31.9 percent of senior households in the County experience housing cost burden.⁹ The prevalence of housing cost burden varies significantly by tenure: 25.9 percent of homeowners and 57.5 percent of renters.

Various programs can address the special needs of seniors, including but not limited to congregate care, supportive services, rental subsidies, shared housing, and housing rehabilitation assistance. For the frail elderly, or those with disabilities, housing with architectural design features that accommodate disabilities can help ensure continued independent living. Elderly with mobility/self-care limitations also benefit from transportation alternatives. The Contra Costa County Advisory Council on Aging has adopted Best Practice Development Guidelines for Multi-Family Senior Housing projects. These guidelines provide a framework to help guide the planning, design, and review of new senior housing developments in the County. The guidelines are an information tool for local community groups, architects, planners, and developers. Senior housing with supportive services can be provided for those who require assistance with daily living.

Social and supportive services are available in Contra Costa County through various agencies and organizations, including (but not limited to): the County Area Agency on Aging, Older Adults Clinics, Alzheimer's Disease Research Center, Health Insurance Counseling and Advocacy Program, and John Muir Senior Services Program. The County Area Agency on Aging, in particular, offers information services for seniors on a variety of topics, including: health, housing, nutrition, activities, help in home, employment, legal matters, transportation, financial or personal problems, paralegal advice, day activities for the disabled, and health screening.

2. Disabled Persons

Physical, mental, and/or developmental disabilities may prevent a person from working, restrict one's mobility, or make it difficult to care for oneself. Thus, disabled persons often have special housing needs related to potentially limited earning capacity, the lack of accessible and affordable housing, and higher health costs associated with a disability. Some residents suffer from disabilities that require living in a supportive or institutional setting.

The 2000 Census defines four types of disabilities: sensory, physical, mental, and self-care limitations. Disabilities are defined as mental, physical or health conditions that last over six months.

⁸ Extremely low is defined as below 30% of area median family income. Very low is between 30% and 50% of area median family income.

⁹ Lower- and moderate-income households that spend more than 30% of their incomes on housing costs (including mortgage or rent, utilities, taxes, and insurance) are typically considered as overpaying for housing, experience a housing cost burden.

According to the Census, a total of 25,065 persons with disability resided in the unincorporated County areas, representing approximately 19 percent of the population 16 years of age or older. The unemployment rate of persons with disabilities is significantly higher than the total population with 46.6 percent of disabled residents over 16 years old not employed.

In 2000, an estimated 140,147 persons (16 years and above) Countywide had some form of disability related to work, mental, mobility, or self-care limitations. The Regional Center of the East Bay estimated in 2000 that there were over 3,000 individuals in the County with developmental disabilities. Persons with developmental disabilities may have communication and learning disorders and may lack basic life skills.

The living arrangement of disabled persons depends on the severity of the disability. Many live at home independently or with other family members. To maintain independent living, disabled persons may need assistance. This can include special housing design features for the disabled, income support for those who are unable to work, and in-home supportive services for persons with medical conditions among others. Services are typically provided by both public and private agencies.

As shown in Table 6-20, 38 licensed community care facilities are located in the unincorporated areas, including 1 small family home, 10 group homes, 26 elderly residential facilities and 1 adult day care. The majority of care facilities are for the elderly, reflecting the special needs of senior residents, especially those with disabilities.

Table 6-20
Licensed Community Care Facilities

Type of Facility	Facilities	Capacity (beds)
Small Family Home ¹	1	4
Group Home ²	10	56
Adult Day Care ³	1	15
Elderly Residential ⁴	26	163
Total	38	238

Notes:

1. Small family homes provide care to children in licensee's own homes.
2. Group homes provide specialized treatment for persons under age 18.
3. Adult day care facilities provide care for adults with various disabilities or disorders.
4. Elderly residential facilities provide care for persons age 60 and above.

Source: Contra Costa County Consolidated Plan

Independent Living Resource (ILR), an area non-profit organization, provides information and referral, attendant referral, advocacy, housing assistance, and peer counseling services for persons with disabilities. ILR also offers advocacy services, which aim to maintain or increase access to services, benefits, and other social services and advises clients regarding their rights under Section 504 of the federal Rehabilitation Act of 1972 for disabled individuals. ILR's housing referral services assist clients by maintaining a registry of accessible, adaptable, affordable apartments and houses, information on how to adapt a living environment to a

disabled individual's needs, and assistance in obtaining a low-income housing subsidy.

However, ILR reports that there is a scarcity of appropriate housing for persons with disabilities. They report that there is a need for more accessible, adaptable, and affordable housing. The County requires that all newly constructed housing using federal funds include five percent of the units to be accessible to the physically impaired and an additional two percent accessible to hearing and vision impaired. Federally funded rehabilitation projects must include accessibility improvements to the extent practicable. Due to the non-standard design and construction requirements, accessible units are more expensive to construct. In addition, the disabled tenants generally have incomes well below the extremely-low income limits. Therefore, they need extremely-low rents or rent subsidies. The combination of higher construction costs and lower rent revenues require greater subsidies to provide these units. Housing choice is further limited because to mitigate the higher construction costs and lower rents, developers typically want to provide only one-bedroom units. This makes it difficult for a disabled individual with a live-in care giver, or a family unit, to find suitable housing.

The managers of both new and rehabilitation projects affirmatively outreach to organizations such as ILR to advertise vacancies. Even with these efforts, there is still a shortage of housing affordable to those whose income is limited to state and federal assistance programs. The County's Neighborhood Preservation Program makes accessibility improvements to owner-occupied homes.

The County has provided HOME funds to several projects in the unincorporated County for disabled populations. The most recent project, ABC Apartments, was provided a significant reduction in the parking standard to help facilitate the development. The County Health Services Department, in cooperation with the Department of Conservation and Development (DCD), has provided Mental Health Services Act (MHSA) funds to three projects. All three happen to be located in cities, but still help to address a countywide need.

Transportation service for persons with disabilities is available through County Connection Link made available by the Central Contra Costa Transit Authority. Under this program, door-to-door, dial-a-ride paratransit services are offered to individuals with disabilities. Transportation services are also provided by WestCat and Tri-Delta Transit Services.

3. Single-Parent Households

Because of their relatively lower incomes and higher living expenses, single-parent households are more likely to have difficulty finding affordable, decent, and safe housing. These households often require special consideration and assistance as a result of their greater need for affordable housing, accessible day care/childcare, health care, and other supportive services necessary to balance the needs of their children with work responsibilities.

An estimated 4,526 single parent families lived in the unincorporated areas of the County in 1990, representing 10.6 percent of all families (2000 Census). Countywide, there were a total of 28,252 single parent families, comprising 11.6 percent of all families in the County. Single mother families still represent the majority (75 percent) of all single parent families countywide, with an increasing number of single fathers struggling to balance work and child care. Within

unincorporated areas, approximately 25.3 percent of single-female headed households and 15.4 percent of single-male headed households with children lived in poverty in 2000, compared to just 3.7 percent of married-couple families with children. Supportive services for single mothers are available through various non-profit organizations in the County, including Brighter Beginnings, Pregnancy Center of Contra Costa, and Mount Diablo Adult Education, among others.

Battered women with children comprise a sub-group of female-headed households that are especially in need. In Contra Costa County, the largest agency serving battered women is STAND! Against Domestic Violence. STAND! houses 300 battered women and 350 children in Contra Costa annually, and offers a variety of services to victims of domestic violence, including a crisis line, a 24-bed emergency shelter, a transitional housing center, legal advocacy, employment assistance, and a batterer's treatment program.

The County's "Zero Tolerance for Domestic Violence" Initiative (Zero Tolerance) is a multi-jurisdictional partnership designed to reduce domestic violence, family violence, and elder abuse in Contra Costa County. The Initiative objectives are implemented through a comprehensive, coordinated, and community-wide approach that interrupts the progressive cycle of violence. The Initiative develops and delivers direct services through its partners and advances policy change. Zero Tolerance is a collaborative effort among many disciplines:

- Superior Court of California, Contra Costa County
- Office of the Sheriff
- Office of the District Attorney
- Office of the Public Defender
- Employment and Human Services (including Children & Family Services, Workforce Services, and Adult Protective Services [APS])
- Probation Department
- Health Department (e.g., APS, and Alcohol and Other Drugs)

And the following community service providers:

- STAND! Against Domestic Violence
- Bay Area Legal Aid
- Community Violence Solutions

4. Large Households

Large households are defined as those consisting of five or more members. These households comprise a special need group, because of the often limited supply of adequately sized, affordable housing units in a community. In order to save for other basic necessities such as food, clothing and medical care, it is common for lower-income large households to reside in smaller units, which frequently results in overcrowding. An estimated 6,918 large households resided in the unincorporated areas in 2000, 28.1 percent (1,943) of which were renter households. Countywide, there were a total of 43,359 large households, of which 31.3 percent were renters.

The housing needs of large households are typically met through larger units. As of 2000, the unincorporated areas in the County had 30,405 owner-occupied and 3,893 renter-occupied large units (with three or more bedrooms) that could accommodate large households. However, many of these units are single-family homes and are expensive; they are not likely to be occupied by lower-income

renter households. Therefore, overcrowding is more prevalent among large renter households.

To address overcrowding, communities can provide incentives to facilitate the development of affordable apartments with three or more bedrooms to meet the needs of large households. Oftentimes, the shortage of large rental units can be alleviated through the provision of affordable ownership housing opportunities, such as condominiums coupled with homeownership assistance and self-help housing (through Habitat for Humanity and other similar organizations). Also, Section 8 rental assistance provided by the Housing Authority of Contra Costa County (HACCC) can enable large families to rent units they otherwise cannot afford.

The HACCC currently manages 447 public housing units for families in the unincorporated areas. With a total of 250 units for families, Bayo Vista in Rodeo is the largest public housing development in the unincorporated areas.

5. Agricultural Workers

Agriculture has been an important, but recently declining industry in Contra Costa County. In 2006, the total gross value of agricultural products and crops was \$86.9 million, a significant drop since 1997 when the gross value was estimated at \$95.2 million. Approximately 54 percent of land Countywide is allocated to farmlands and harvested cropland (County Department of Agriculture). According to the 2002 Census of Agriculture, 592 farms were operating in Contra Costa County, the majority of which were less than 50 acres in size.

Agricultural workers are traditionally defined as persons whose primary incomes are earned through permanent or seasonal agricultural labor. Permanent farm laborers work in the fields, processing plants, or support activities on a generally year-round basis. When workload increases during harvest periods, the labor force is supplemented by seasonal labor, often supplied by a labor contractor. For some crops, farms may employ migrant workers, defined as those whose travel distance to work prevents them from returning to their primary residence every evening. Determining the true size of the agricultural labor force is problematic because the government agencies that track farm labor do not consistently define farmworkers (e.g., field laborers versus workers in processing plants), length of employment (e.g., permanent or seasonal), or place of work (e.g., the location of the business or field).

According to the 2002 Agricultural Census, 2,604 workers were employed on farms in Contra Costa County. Of these persons, 1,529 or 29 percent were residents in the unincorporated areas. A Statewide study of migrant and seasonal farmworkers completed in 2000 estimated that 2,470 migrant and seasonal farmworkers were working in Contra Costa County, with an estimated 700 in unincorporated County. (*Migrant and Seasonal Farmworker Enumeration Profiles Study -- California*, U.S. Department of Health and Human Services, 2000). Based on discussions with various agencies, the County understands that the majority of the farmworker population in the unincorporated areas consists of resident-households requiring permanent affordable housing rather than migratory workers with seasonal housing needs.

Farmworkers are generally considered to have special housing needs because of their limited income and the often unstable nature of their employment (i.e., having

to move throughout the year from one harvest to the next). While no local survey is available which documents the specific housing needs of farm labor in Contra Costa County, Statewide surveys provide some insight into the demographic characteristics and housing needs of farmworkers. Among the major findings are:

- o Limited Income - Farmworkers typically earn very low incomes. According to the Rural Community Assistance Corporation, three-quarters of California's farmworkers earned less than \$10,000 a year in 2000. Only one out of seven earned more than \$12,500 annually.
- o Overcrowding - Because of their very low incomes, farmworkers have limited housing options and are often forced to double up to afford rents. A Statewide survey indicates that overcrowding is prevalent and a significant housing problem among farmworkers (*The Parlier Survey*, California Institute for Rural Studies, 1997).
- o Substandard Housing Conditions - Many farmworkers live in overcrowded conditions and substandard housing, including informal shacks, illegal garage units, and other structures generally unsuitable for occupancy (*The Parlier Survey*, 1997).

The provision of adequate housing for farmworkers and their families is a rising concern in the State. Under the County's Zoning Code, farm labor housing is permitted in the agricultural zoning districts (A-2, A-3, A-4, A-20, A-40, and A-80) subject to a land use permit.

To meet the housing needs of farmworkers, the County has provided CDBG and/or HOME funding for various developments in East County that provide affordable homeownership opportunities for extremely low and very low-income households, including many farmworker families. These projects include Via de Guadalupe, Najara Estates, Colonia Santa Maria, Marsh Creek Vista, Arroyo Seco, and Villa Amador totaling 339 units. The County recognizes the importance of providing affordable housing to the farmworker population.

6. Homeless Persons

The County Health Services Department (HSD) develops plans and programs to assist the homeless throughout Contra Costa County. In 2004, the County adopted the "Ending Homelessness in Ten Years: A County-Wide Plan for the Communities of Contra Costa County" (Ten Year Plan). Through the Ten Year Plan, the County has adopted a "housing first" strategy, which works to immediately house a homeless individual or family rather than force them through a sequence of temporary shelter solutions. The Ten Year Plan further deemphasizes emergency shelters by supporting "interim housing" as a preferred housing type. Interim housing is very short-term and focuses on helping people access permanent housing as quickly as possible. Services provided in interim housing include housing search assistance and case management to help address immediate needs and identify longer-term issues to be dealt with once in permanent housing.

The Contra Costa Inter-jurisdictional Council on Homelessness (CCICH) is charged with providing a forum for communication about the implementation of the Ten Year Plan and providing advice and input on the operations of homeless services, program operations, and program development efforts in Contra Costa County.

The Ten Year Plan estimated 15,000 people in Contra Costa County experience an episode of homelessness annually. It further estimated that on any given night, 4,800 people are homeless, i.e., living on the streets or in temporary accommodations, such as an emergency shelter. More than three-quarters of them are members of a family, including nearly 7,000 children. Additionally, many others are at risk of becoming homeless, especially very low-income households who are overpaying for housing and struggling to make ends meet. However, in January 2007, the County Homeless program staff in coordination with CCICH conducted a count of homeless people and families. This count identified 2,408 sheltered homeless individuals. An additional 1,749 individuals were without shelter. Only 93 of these individuals were counted in the unincorporated County. Due to the transient nature of homeless people and the sometimes difficult to determine borders between the cities and County, it is difficult to determine with any precision exactly how many of the homeless people are from, or sleeping in, the unincorporated County. It is likely that the number of unsheltered homeless in the unincorporated County is higher than the number reported in the count. A revised estimate that is proportional to the ratio of the unincorporated population to the total County population results in approximately 300 unsheltered homeless individuals in the unincorporated County on any given night.

Consistent with the Ten Year Plan, the County will prioritize the use of its limited housing development resources to support permanent housing affordable to those with extremely-low, very-low and low incomes. Table 6-21 is a listing of the major housing facilities for the homeless in Contra Costa County. These facilities serve a variety of homeless persons, including battered women and children, mentally and/or physically disabled persons, individuals recovering from substance abuse, and needy families.

Under the County's Zoning Code, emergency shelters and transitional housing designed to meet the needs of those who are homeless or formerly homeless are permitted in all residential zones subject to a land use permit. In addition, these facilities are allowed in most commercial and industrial districts with a land use permit. (See the discussion on programmed changes to the zoning code to accommodate emergency shelters and transitional housing 'by-right' in Section 6.3, Housing Constraints).

Table 6-21
Contra Costa Homeless Facility Inventory

Facility Name	Region	Target Population	Total Year-Round Beds
Interim Housing (Emergency Shelters)			
Bay Area Crisis Nursery	Richmond	Single men & women	20
Calli House Youth Shelter	Richmond	Transition-age youth	6
Concord & Brookside Adult Interim Housing	Concord and Richmond	Single men & women	175
East County Shelter	Antioch	Single men & women	20
Emergency Shelter	Richmond	Families with children	75
Family Emergency Shelter	Concord	Families with children	30
Rescue Mission	Richmond	Families with children	150

Table 6-21
Contra Costa Homeless Facility Inventory

Facility Name	Region	Target Population	Total Year-Round Beds
Rollie Mullen Center	Confidential	Domestic Violence	24
Shepherd's Gate		Mixed	30
Winter Nights Shelter	Various	Mixed	0
Transitional Housing			
Appian House: Youth	Richmond	Transition-age youth	6
Deliverance House		Families with children	12
East County Transitional Housing	Antioch	Families with children	70
MOVE	Confidential	Domestic Violence	28
Next Step	Central County	Mixed	7
Pittsburg Family Center	Pittsburg	Families with children	32
Pride and Purpose House	Richmond	Children	6
Project Independence	Richmond	Mixed	25
Prop 36 Housing	Scattered Site	Single men and women	
REACH Plus	Scattered Site	Mixed	128
San Joaquin II	Richmond	Families with children	20
Transitional Housing	Richmond	Mixed	44
Transitional Housing		Children	5
Permanent Housing			
ACCESS	Scattered Site	Single men and women	30
Aspen Court	Central County	HIV/AIDS	2
Casa Barrett	West County	Single men and women	6
Casa Lago	Antioch	Single men and women	13
Casa Verde		Single men and women	11
Garden Parks Apartments	Pleasant Hill	HIV/AIDs, Small families	28
Idaho Apartments	Richmond	Single men and women	28
Maple House	Concord	Single men and women	5
Mary McGovern House	Concord	Single men and women	6
Project Coming Home	Scattered Site	Single men and women	40
Shelter Plus Care	Scattered Site	Mixed	318
Sunset House	Pittsburg	Single men and women	8
Transitional Housing Partnership	Scattered Site	Mixed	37
Walter's Way House	Concord	Single men and women	12
West Richmond Apartments	Richmond	Single men and women	4

Source: Contra Costa County Interagency Council on Homelessness, 2008.

As a means to help meet the special needs of the homeless, the Contra Costa Crisis Center operates a 24-hour homeless hotline that connects homeless individuals and families to resources available in the County. Through the Center, homeless

persons are given emergency motel vouchers, provided free voice mail boxes, and referred to local programs that offer housing, job training, substance abuse treatment, mental health counseling, emergency food, health care, and other services.

HSD provides emergency and transitional shelter as well as supportive services designed to enable homeless persons to achieve greater economic independence and a stable living environment. HSD coordinates the activities of and provides staff support to CCICH, which consists of representatives from local jurisdictions, homeless service providers, advocacy and volunteer groups, the business and faith communities, residents at large, and previously or currently homeless persons.

E. Loss of Assisted Housing

Affordability covenants and deed restrictions are typically used to maintain the affordability of publicly assisted housing, ensuring that these units are available to lower and moderate-income households in the long term. Every year, the County faces the risk of losing some of its affordable units due to expiration of covenants and deed restrictions. As the tight housing market continues to put upward pressure on market rents, property owners are more inclined to discontinue public subsidies and convert the assisted units to market rate housing.

The previous Housing Element identified Byron Park as at-risk for conversion to market rate housing. The owners of this property refinanced using tax-exempt bonds thereby maintaining its affordability. The property is now in the Walnut Creek city limits and is no longer included on the list of projects in the unincorporated County. Rivershore Apartments are at-risk of converting to market rate within the next 10 years.

Rivershore Apartments is a 245 unit apartment complex in Bay Point. In exchange for assistance through the County tax-exempt bond program, the development allocates 49 affordable units for low income families. The affordability restriction on Rivershore Apartments is set to expire in 2017. The analysis below provides the options for preserving and/or replacing the affordable units in Rivershore.

Preservation and Replacement Options: To maintain the existing affordable housing stock, the County must either preserve the existing assisted units or replenish the affordable housing inventory with new units. Depending on the circumstances of at-risk projects, different options may be used to preserve or replace the units. Preservation options typically include: 1) transfer of project to non-profit ownership; 2) provision of rental assistance to tenants using non-federal funding sources; 3) tax-exempt bond refinancing; and 4) purchase of affordability covenants. With regard to replacement, the most direct option is the development of new assisted multi-family housing units. These options are described below, specifically in relation to the preservation/replacement of at-risk units in Rivershore.

1) *Transfer of Ownership:* Transferring ownership of an at-risk project to a non-profit housing provider is generally one of the least costly ways to ensure that the at-risk units remain affordable for the long term. By transferring property ownership to a non-profit organization, low-income restrictions can be secured for 55 years and the project would become potentially eligible for a greater range of governmental assistance. Because it is not possible to only acquire the 49

affordable units in Rivershore, the estimated market value is calculated for all 245 units in the project, as indicated in Table 6-22:

Table 6-22
Market Value of At-Risk Project

Project Information	Total
1- bedroom units	44
2- bedroom units	145
3- bedroom units	56
Total Units	245
Annual Operating Costs	\$ 1,513,365
Annual Gross Income	\$ 3,184,476
Net Annual Income	\$ 1,671,111
Estimated Market Value	\$23,395,554

Market value for project is estimated with the following assumptions:

1. Estimated market rents: 1-bdrm - ; 2-bdrm - ; 3-bdrm.
2. Vacancy rate is 5%.
3. Annual operating expenses is estimated to be \$ 6,177 based on information from Bay Area Local Initiatives Support Coalition Operating Cost Database. An estimate of expenses as 40% of revenue would yield an annual income of \$2 million.
4. Market value = Annual net project income x multiplication factor.
5. Industry standard multiplication factor for a building in moderate condition is 14.

Current market value for the units is estimated on the basis of the project's potential annual income, and operating and maintenance expenses. As indicated above, the estimated market value of the 245 units is \$23.4 million.¹⁰

2) Rental Assistance: Rental subsidies using non-federal (State, local or other) funding sources can be used to maintain affordability of the 49 at-risk units. These rent subsidies can be structured to mirror the federal Section 8 program. Under Section 8, HUD pays the difference between what tenants can pay (defined as 30 percent of household income) and what HUD estimates as the fair market rent on the unit.

The feasibility of this alternative is highly dependent on the availability of non-federal funding sources necessary to make rent subsidies available and the willingness of property owners to accept rental vouchers if they can be provided. Currently, the market rents at Rivershore are between 13 percent and 22 percent below the maximum restricted rents. Therefore, no rent subsidies are needed to maintain affordability.

3) Tax-Exempt Bond Refinancing: An effective way to preserve the affordability of the 49 low-income restricted units in Rivershore under the bond program is to refinance the remaining mortgage on the project. When refinanced, the project would be required by the 1986 Tax Reform Act to commit its 20 percent low-income units for the greater of 15 years or as long as the mortgages are outstanding. The costs to refinance the project would include the difference in interest rates on the remaining debt between the previous and renegotiated loan packages, an issuance cost to be paid up front by the County, and administrative costs. To provide the property owner with an incentive to refinance, the County could offer to refinance the project with a new tax-exempt bond issue at an interest rate lower than the rate on the initial bond. Other assistance, such as rehabilitation loans or grants, may also be available.

¹⁰ This market value is estimated using basic assumptions and is intended as an indicator of the magnitude of costs involved; in no way does it represent the actual market value of Rivershore Apartments.

4) Purchase of Affordability Covenants: Another option to preserve the affordability of the at-risk project is to provide an incentive package to the owner to maintain the project as affordable housing. Incentives could include writing down the interest rate on the remaining loan balance, and/or supplementing with a Section 8 subsidy received to market levels. The feasibility of this option depends on whether the complex is too highly leveraged. By providing lump sum financial incentives or on-going subsidies in rents or reduced mortgage interest rates to the owner, the County can ensure that some or all of the units remain affordable.

5) Construction of Replacement Units: The construction of new low-income housing units is a means of replacing the at-risk units should they be converted to market-rate units. The cost of developing housing depends upon a variety of factors, including density, size of the units (i.e. number of bedrooms), location, land costs, and type of construction. The average construction cost for a rental residential unit is approximately \$300,000 (including land costs), based on assessments from recent multi-family developments in the County. Based on this estimate, it would cost approximately \$14.7 million to develop 49 new assisted units should Rivershore convert to market rate.

Cost Comparisons: The transfer of ownership of Rivershore to non-profit housing providers is a means for preserving the at-risk units. However, the high costs of acquiring the property (approximately \$23.4 million due to the need to acquire all 245 units in the property) may prevent such a transfer. While there is not currently a need for rental subsidies required to preserve the 49 assisted units, long-term affordability of the units cannot be ensured. Other financial incentives may also be necessary to convince property owners to maintain the affordable units. The option of constructing 49 replacement units is relatively costly and potentially constrained by a variety of factors, including growing scarcity of multi-family residential land, rising land costs, and community opposition.

The County should continue to monitor the rents at Rivershore and be prepared to work with the owners to refinance the project with a new tax-exempt bond issue at a lower interest rate in exchange for extended affordability terms if market rents increase above the affordable rents. This is likely the best option to preserve the at-risk units in Rivershore. The County has past experience with this approach and considers it to be an effective means to preserve affordable housing units. A key program in this Housing Element is to monitor the status of and preserve the affordable units in Rivershore and other publicly assisted projects in the unincorporated areas.

Table 6-23
Inventory of Assisted Rental Housing

Project Name	Total Units	Assisted Units	Household Type	Funding Source(s)	Expiration of Affordability
ABC Apartments 462 Corte Arango, El Sobrante	9	9	Disabled	Section 811; HOME	2042
Alves Lane 300 Water Street, Bay Point	14	13	Family	LIHTC, RDA, HOME	2050
Aspen Court Apartments 121 Aspen Drive, Pacheco	12	11	Disabled with HIV/AIDS	Sections 8 and 811; HOPWA	2039
Bayo Vista 2 California Street, Rodeo	250	250	Family	HACCC (Public Housing)	N/A
Bella Monte Apartments	52	51	Family	LIHTC, tax-exempt	2060

**Table 6-23
Inventory of Assisted Rental Housing**

Project Name	Total Units	Assisted Units	Household Type	Funding Source(s)	Expiration of Affordability
2420 Willow Pass, Bay Point				bonds, RDA, HOME; CDBG	
Carquinez Vista Manor 1212 Wanda Street, Crockett	36	35	Seniors	HUD Section 202; HOME	2056
Coggins Square Apartments Contra Costa Centre 1316 Las Juntas Way, Walnut Creek	87	86	Family	RDA; HOME; CDBG; LIHTC	2055; 2060
Community Heritage Senior Apts. 1555 3 rd St., North Richmond	52	52	Senior	Section 202; RDA; HOME; CDBG	2040; 2060
Creekside Terrace 5038 San Pablo Dam Road El Sobrante	57	56	Family	Sections 8, 236, & 241	May 2013; October 2028
De Anza Gardens 205 Pueblo Avenue, Bay Point	180	178	Family	LIHTC	2058
El Sobrante Silvercrest 4630 Appian Way, El Sobrante	50	49	Senior (62+)	Sections 8 & 202; CDBG	January 2024
Elaine Null Court 112 Alves Lane, Bay Point	14	14	Disabled	RDA; HOME; LIHTC	September 2050; September 2055
Hidden Cove Apartments 2901 Mary Anne Lane, Bay Point	88	88	Family	County tax-exempts bonds	2058
Hilltop Commons 15690 Crestwood Dr., San Pablo	324	65	Family	County tax-exempt bonds	2056
Las Deltas 1601 N. Jade St., No. Richmond	76	71	Family	HACCC (Public Housing)	N/A
Las Deltas Annex #1 1601 N. Jade St., No. Richmond	90	75	Family	HACCC (Public Housing)	N/A
Las Deltas Annex #2 1601 N. Jade St., No. Richmond	60	51	Family	HACCC (Public Housing)	N/A
Mission Bay (Willow Pass) Apts. 1056 Weldon Lane, Bay Point	120	48	Family	County tax-exempt bonds	2039
Park Regency 3128 Oak Road, Walnut Creek	892	134	Family	County tax-exempt bonds; RDA	2033
Rivershore Apartments 1123 Shoreview, Bay Point	245	49	Family	County tax-exempt bonds	2017
Rodeo Gateway Apartments 710 Willow Avenue, Rodeo	49	48	Seniors	Section 202; RDA; HOME	2056
Villas at Monterasso 100 Casablanca Terrace, Danville	96	95	Family	County tax-exempt bonds	2060
Willowbrook Apartments 110 Bailey Road, Bay Point	72	72	Disable/ Senior (62+)	Sections 8 & 221; County tax-exempt bonds	2032

Sources: Department of Conservation and Development, Contra Costa County, 2008;
RDA: Redevelopment Agency
HOME: Home Investment Partnership Act funds
LIHTC: Low Income Housing Tax Credit
N/A: Not available as of this writing
HACCC: Housing Authority of Contra Costa County
HOPWA: Housing Opportunities for Persons with AIDS
CDBG: Community Development Block Grant

The remaining 19 projects in Table 6-23 have affordability covenants that will begin to expire in 2017. The County has a strong history of refinancing projects with

expiring use contracts and preserving the affordable units. Following is a general discussion of preservation or replacement options.

Preservation and Replacement Options: To maintain the existing affordable housing stock, the County must either preserve the existing assisted units or replenish the affordable housing inventory with new units. Depending on the circumstances of at-risk projects, different options may be used to preserve or replace the units. Preservation options typically include: 1) transfer of project to non-profit ownership; 2) provision of rental assistance to tenants using non-federal funding sources; 3) tax-exempt bond refinancing; and 4) purchase of affordability covenants. With regard to replacement, the most direct option is the development of new assisted multi-family housing units.

1) Tax-Exempt Bond Refinancing: An effective way to preserve the affordability of low-income use restricted units in the tax exempt bond program is to refinance the remaining mortgage on the project. When refinanced, the project would be required by the 1986 Tax Reform Act to commit its 20 percent low-income units for 55 years. The costs to refinance the project would include the difference in interest rates on the remaining debt between the previous and renegotiated loan packages, an issuance cost to be paid up front by the County, and administrative costs. To provide the property owner with an incentive to refinance, the County could offer to refinance the project with a new tax-exempt bond issue at an interest rate lower than the rate on the initial bond. Other assistance, such as rehabilitation loans or grants, may also be available.

2) Transfer of Ownership: Transferring ownership of an at-risk project to a non-profit housing provider is generally one of the least costly ways to ensure that the at-risk units remain affordable for the long term. By transferring property ownership to a non-profit organization, low-income restrictions can be secured indefinitely and the project would become potentially eligible for a greater range of governmental assistance. A transfer of this type would be based on the current market value for the units, which is estimated on the basis of the project's potential annual income, and operating and maintenance expenses.

3) Rental Assistance: Rental subsidies using non-federal (State, local or other) funding sources can be used to maintain affordability of at-risk units. These rent subsidies can be structured to mirror the federal Section 8 program. Under Section 8, HUD pays the difference between what tenants can pay (defined as 30 percent of household income) and what HUD estimates as the fair market rent on the unit.

The feasibility of this alternative is highly dependent on the availability of non-federal funding sources necessary to make rent subsidies available and the willingness of property owners to accept rental vouchers if they can be provided.

4) Purchase of Affordability Covenants: Another option to preserve the affordability of the at-risk project is to provide an incentive package to the owner to maintain the project as affordable housing. Incentives could include writing down the interest rate on the remaining loan balance, and/or supplementing the Section 8 subsidy received to market levels. The feasibility of this option depends on whether the complex is too highly leveraged. By providing lump sum financial incentives or on-going subsidies in rents or reduced mortgage interest rates to the owner, the County can ensure that some or all of the units remain affordable.

5) Construction of Replacement Units: The construction of new low-income housing units is a means of replacing the at-risk units should they be converted to market-rate units. The cost of developing housing depends upon a variety of factors, including density, size of the units (i.e. number of bedrooms), location, land costs, and type of construction. The average construction cost for a rental residential unit is approximately \$300,000 (including land costs), based on assessments from recent multi-family developments in the County.

A key program in this Housing Element is to monitor the status of and preserve the affordable units in publicly assisted projects in the unincorporated areas.

F. Future Housing Need

Future housing need refers to the share of the region's housing growth that has been allocated to a community. In brief, ABAG calculates future housing need based upon projected household growth, plus a certain amount of units needed to account for normal and appropriate level of vacancies and the replacement of units lost to conversion or demolition.

In allocating the region's future housing needs to jurisdictions, ABAG is required to take the following factors into consideration pursuant to Section 65584 of the State Government Code:

- Market demand for housing
- Employment opportunities
- Availability of suitable sites and public facilities
- Commuting patterns
- Type and tenure of housing
- Loss of units in assisted housing developments
- Over-concentration of lower-income households
- Geological and topographical constraints

In 2008, ABAG developed its regional housing needs allocation (RHNA) based on both existing need and projected need for housing. ABAG published the San Francisco Bay Area Housing Needs Plan 2007-2014 which explains in detail the process to allocate the Bay Area regional housing need of 214,500. This document provides regional demographic information as well as detailed information on the RHNA process. Between 2007 and 2014, the County's assigned RHNA assumes that the total number of households will increase steadily.

Table 6-24 on page 39 provides a breakdown of the County's share of future regional housing needs by four income categories: very low, low, moderate, and above moderate. As indicated, the share of regional housing needs allocated to the unincorporated areas is a total of 3,508 new units over the 2007-2014 planning period. Through this Housing Element, the County is required to demonstrate the availability of adequate sites to accommodate these projected new units.

Table 6-24
Share of Regional Housing Needs

Income Group	2001 Income Percentage	2009 Income Percentage	2009 RHNA Allocation
Very Low	20%	23%	815
Low	12%	17%	598
Moderate	26%	20%	687
Above Moderate	42%	40%	1,408
Total	100%	100%	3,508

Source: ABAG, 2008.

Table 6-25 shows the breakdown of future regional needs by income for all cities and unincorporated areas in Contra Costa County. Over the 2009-2014 period, the total housing need for the County is determined to be 27,072 new units. The housing needs allocation varies from a low of 151 new units in Clayton to a high of 3,508 new units in the unincorporated areas. Aside from the unincorporated areas, communities that will absorb much of the region's projected future housing growth are the cities of Brentwood (2,705), Concord (3,043), Richmond (2,826), and San Ramon (3,463).

Table 6-25
Total Housing Need by Income –
Contra Costa County and Cities

Jurisdiction	Very Low	Low	Moderate	Above Moderate	Total RHNA Allocation
Antioch	516	339	381	1,046	2,282
Brentwood	717	435	480	1,073	2,705
Clayton	49	35	33	34	151
Concord	639	426	498	1,480	3,043
Danville	196	130	146	111	583
El Cerrito	93	59	80	199	431
Hercules	143	74	73	163	453
Lafayette	113	77	80	91	361
Martinez	261	166	179	454	1,060
Moraga	73	47	52	62	234
Oakley	219	120	88	348	775
Orinda	70	48	55	45	218
Pinole	83	49	48	143	323
Pittsburg	322	223	296	931	1,772
Pleasant Hill	160	105	106	257	628
Richmond	391	339	540	1,556	2,826
San Pablo	22	38	60	178	298
San Ramon	1,174	715	740	834	3,463
Walnut Creek	456	302	374	826	1,958
Unincorporated	815	598	687	1,408	3,508
Total	6,512	4,325	4,996	11,239	27,072

Source: ABAG, 2008.

6.3 HOUSING CONSTRAINTS

The provision of adequate and affordable housing opportunities is an important goal of the County. However, a variety of factors can constrain the development, maintenance, and improvement of housing. These include development costs, government constraints, lack of infrastructure, and environmental issues. This section addresses these potential constraints that affect the supply of housing in the unincorporated areas of Contra Costa County.

In evaluating the residential growth potential based on development on vacant and underutilized sites in the unincorporated areas, the County has undertaken a parcel-by-parcel review of the available sites within the Urban Limit Line (ULL). Realistic development potential is assessed, taking into account the market trends, development standards, environmental constraints, and infrastructure and public facility/service constraints discussed in this section. The residential development potential is presented in Section 4 of this Housing Element.

A. Market Constraints

Land costs, construction costs, and market financing contribute to the cost of housing development, and can potentially hinder the production of new housing. Although many constraints are driven by market conditions, jurisdictions have some leverage in instituting policies and programs to address such constraints. The section below analyzes these market constraints as well as the activities that the County undertakes to mitigate their effects.

1. Development Costs

Construction costs vary widely according to the type of development, with multi-family housing generally less expensive to construct than single-family homes. However, wide variation within each construction type exists depending on the size of the unit and the number and quality of amenities provided.

In addition to construction, the price of land is also one of the largest components of housing development costs. Land costs may vary depending on where the site is in the County (Central County is significantly more expensive than portions of East and West County), whether the site is vacant or has an existing use that must be removed. Similarly, site constraints such as environmental issues (i.e. steep slopes, soil stability, seismic hazards or flooding) can also be a major factor in the cost of land.

Based on a development cost study dated April 30, 2008 by tbd consultants, the average cost to construct an apartment unit in the unincorporated areas is approximately \$280,000 (including the cost of land). The estimated average development cost of a single-family home is approximately \$170,000 per bedroom or \$550,000 for a 2,200 square foot home. The cost will vary significantly depending upon the quality of materials used, the size of the unit and lot, the location, as well as the number and quality of amenities provided.

A reduction in amenities and the quality of building materials (above a minimum acceptability for health, safety, and adequate performance) could result in lower prices. In addition, prefabricated factory-built housing may provide for lower priced housing by reducing construction and labor costs. Another factor related to

construction costs is the number of units built at one time. As the number increases, costs generally decrease as builders benefit from economies of scale.

Another key component is the price of raw land and any necessary improvements. The high demand for residential development keeps land cost relatively high throughout the Bay Area. In the unincorporated areas, residential land costs vary from \$12 to \$25 per square foot for raw land depending on the site and the area.¹¹ As it has done in the past, the County Redevelopment Agency can continue to support the development of affordable housing by writing-down the cost of land on Agency-owned property in exchange for affordability controls.

2. Home Financing

The availability of financing affects a person's ability to purchase or improve a home. In 2003, 2004, and especially 2005, lenders provided an increasing number of subprime loans. In 2006 and 2007, borrowers started to default on those loans. In 2008, lenders significantly tightened their lending standards. As of this writing, lending standards are extremely tight and it is difficult for all but the most credit worthy buyers to get mortgage loans.

Specific housing programs such as first-time homebuyer programs or other mortgage assistance programs can be a useful tool providing help with down payment and closing costs, which are often significant obstacles to home ownership for lower income and minority groups.

B. Governmental Constraints

Local policies and regulations can impact the price and availability of housing and, in particular, the provision of affordable housing. Land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other factors may constrain the maintenance, development and improvement of housing. This section discusses potential governmental constraints as well as policies that encourage housing development in the unincorporated areas of Contra Costa County.

1. Land Use Controls

The Land Use Element of the Contra Costa County General Plan sets forth the policies for guiding development. These policies, together with existing zoning regulations, establish the amount and distribution of land allocated for different uses within the unincorporated areas of the County. As described in Table 6-26 on page 42, the General Plan has four residential designations for single-family dwellings and seven designations for multi-family uses, permitting a varying level of density for rural and urban residential uses.

Residential Development Standards

The County regulates the type, location, density, and scale of residential development primarily through the Planning and Zoning Code. Zoning regulations are designed to protect and promote the health, safety, and general welfare of residents as well as implement the policies of the County General Plan. The Zoning Code also serves to preserve the character and integrity of existing neighborhoods.

¹¹ Land cost estimates based on the Contra Costa County Inclusionary Housing In Lieu Fee Study, dated October 16, 2007 by David Paul Rosen & Associates

Table 6-26
Residential Land Use Categories

General Plan Land Use Designation	Zoning District(s)		Density (du/ac)	Residential Type(s)
	Consistent	Possible ¹		
Single-Family Residential				
Very Low (SV)	R-40, R-65, R-100	P-1, A Districts	0.2 – 0.9	Detached single-family homes consistent with rural lifestyle
Low (SL)	R-15, R-20, R-40	P-1, A Districts	1.0 – 2.9	Detached single-family homes on large lots
Medium (SM)	R-10, R-12, R-15	P-1, A Districts	3.0 – 4.9	Detached single-family homes on moderate-sized lots
High (SH)	R-6, R-7, R-10, D-1	P-1, A Districts	5.0 – 7.2	Detached single-family homes and duplexes on smaller lots
Multiple-Family Residential				
Low (ML)	R-6, D-1, T-1, M-6, M-9	P-1	7.3 – 11.9	Single- or two-story duplexes, condos, town houses, and apts.
Medium (MM)	T-1, M-9, M-12, M-17	P-1	12.0 – 21.9	Larger-size condominiums and apartments, one- or two-stories
High (MH)	M-17, M-29	P-1	22.0 – 29.9	Multi-story condos and apts.
Very High (MV)	M-29	P-1	30.0 – 44.9	Multi-story apt. and condo complexes with smaller units
Very High-Special (MS)	P-1		45.0 – 99.9	Multi-story apartment complexes with smaller units
Congregate Care-Senior Housing (CC)	P-1		N/A	Senior housing with shared facilities
Mobile Home (MO)	T-1	P-1	1.0 – 12.0	Mobile homes

Note 1. The zoning districts listed in this column could be found consistent with the General Plan designation under certain circumstances depending upon the specific use that is proposed.

Source: Contra Costa County General Plan, Land Use Element, 2005-2020.

Table 6-27 summarizes the most pertinent residential standards for single-family, while Table 6-28 (page 43) summarizes residential multi-family housing standards including those for mobile homes and mobile home parks. In each table, zone districts are grouped by the General Plan land use category in which they are permitted (i.e. Very Low, Low, Medium, and High).

Table 6-27
Single-Family Residential Development Standards

Development Standard	General Plan Land Use Category & Zone District									
	Very Low			Low		Medium		High		
	R-100	R-65	R-40	R-20	R-15	R-12	R-10	R-7	R-6	D-1
Max. Density (du/ac)	0.4	0.67	1.1	2.2	2.9	3.6	4.4	6.2	7.2	10.9
Min. Lot Area (sq. ft.)	100,000	65,000	40,000	20,000	15,000	12,000	10,000	7,000	6,000	8,000
Min. Lot Size (ft.)	200 x 200	140 x 140	140 x 140	120 x 120	100 x 100	100 x 100	80 x 90	70 x 90	60 x 90	80 x 90
Front Yard (ft.)	30	25	25	25	20	20	20	20	20	20
Side Yard (ft.)	30	20	20	15	10	10	10	5	5	10
Aggregate Side Yard	60	40	40	35	20	20	20	15	15	20
Rear Yard (ft.)	30	15	15	15	15	15	15	15	15	15
Max. Bldg. Ht. (stories)	2.5 35 ft.	2.5 35 ft.	2.5 35 ft.	2.5 35 ft.	2.5 35 ft.	2.5 35 ft.	2.5 35 ft.	2.5 35 ft.	2.5 35 ft.	2.5 35 ft.
Parking Req. (space/unit)	2	2	2	2	2	2	2	2	2	2

Source: Contra Costa County Planning and Zoning Code, November 2008.

Single-Family Residential Development Standards

Given the diversity of residential areas in the County, the minimum lot size for single-family homes ranges from 6,000 to 100,000 square feet, translating to densities of seven dwelling units per acre (du/ac) down to less than one dwelling unit per acre. The maximum height limit for single-family homes is two and half stories (or 35 feet in height), while setbacks vary by lot size.

The D-1 zone permits two-family or duplex units such as town homes to be located on an 8,000-square-foot parcel, while the R-6 zone permits more than one detached dwelling on a parcel so long as the lot size does not exceed 6,000 square feet per dwelling unit.

Multi-Family Residential Development Standards

Multi-family units are permitted in all M zones, providing densities ranging from 6 du/ac to 29 du/ac. Mobile homes and mobile home parks are permitted in T-1 zones. In addition, the lower density multi-family zones permit the development of single-family units. This often results in the development of detached single-family homes on small lots (3,000 – 4,000 sq. ft.). The P-1 or Planned Unit District provides flexible development standards to promote very high density development, while the General Plan Mixed-Use category enables the County to provide residential units in conjunction with commercial uses. Both of these are described in more detail later in this section.

Table 6-28
Multi-Family Residential Development Standards

Development Standard	General Plan Land Use Category & Zone District						
	Low/Medium				High	Very High	Very High - Special
	T-1 ^a	M-6	M-9	M-12	M-17	M-29	P-1
Max. Density (du/ac)	12	6	9	12	17	29	V ^b
Min. Lot Area (sq. ft.)	2,500 ^d	7,200	4,800	3,000	2,500	1,500	V
Min. Lot Size (ft.)	40 x 90	varies	varies	varies	varies	varies	V
Front Yard (ft.)	20	25	25	25	25	25	V
Side Yard (ft.)	5	20	20	20	20	20	V
Rear Yard (ft.)	15	20	20	20	20	20	V
Lot Coverage (%)	N/A	25	25	25	25	35	V
Max. Bldg. Height (stories or feet)	20	30	30	30	30	30	V
Parking Req. (space/unit)	2	c	c	c	c	c	V

Notes:

- a T-1 Zone District for mobile homes and mobile home parks.
- b V = Variable, dependant upon Planning Commission approval.
- c Dependent upon type of unit, refer to Table 6-29, Parking Requirements.
- d 2,500 sq. ft. for mobile home park lots (mobile park requires 3-acre minimum area).

Source: Contra Costa County Planning and Zoning Code, November 2008.

The Zoning Code uses maximum height, lot area, and lot coverage regulations to ensure the quality of multi-family development. The maximum height limit in most multi-family zones is 30 feet; however, in the P-1 zone the permitted height may be higher subject to Planning Commission approval. Lot coverage is typically limited

to 25 percent though this increases to 35 percent in the M-29 zone. The development standards in the T-1 zone are similar to those of the single-family zones; however, the lot size and lot area are smaller.

Parking Standards

The County's parking requirements for residential districts vary by housing type, the number of units, and parking needs. Table 6-29 outlines the County's parking requirements for different housing types. Single-family units are required to have two spaces per dwelling, which may be open or covered. Similar to single-family units, the requirement for mobile homes, duplexes, or town homes is two spaces per unit.

**Table 6-29
Parking Requirements**

Residential Type	Required Spaces
Single-family	2 covered or open spaces
Duplex or Town House	2 covered or open spaces
Multi-Family Unit (Apt. or Condo) ¹	
Studio	1 space + ¼ space for guests ²
One-bedroom	1 ½ spaces + ¼ space for guests ²
Two or more bedrooms	2 spaces + ¼ space for guests ²
Mobile Home	2 covered or open spaces
Second Unit	3 spaces for the entire lot ³

Notes:

- ¹ Half of the multi-family spaces shall be covered.
- ² Curb parking along the property's street frontage may be used to satisfy the guest parking requirements.
- ³ This includes the spaces that are already required for the principal residence. The exception under Ordinance Code Section 84.4-1202 shall not apply. Off-street parking may be permitted in a driveway.

Source: Contra Costa County Planning and Zoning Code, November 2008.

The number of parking spaces required for multi-family apartment units and condominiums ranges from one space for a studio to two spaces for units with two or more bedrooms. To accommodate guests, an additional one-quarter parking space must be provided per unit. Residential lots that contain second units are required to have three spaces in order to provide the required parking for the primary residence as well as parking for the second unit. In most cases the three-space requirement would include the two spaces already required for the single-family home on the lot. In the case of second units, the driveway may also be used for parking provided that the space is outside of the yard setback areas. Since the County does not require enclosed parking, cost reductions can be achieved by providing open spaces to fulfill the parking requirements. Furthermore, multi-family developments can utilize curbside parking along the property's street frontage to fulfill part of the parking requirements for guest parking.

In order to facilitate the development of housing projects at locations that encourage public transit use, the County has set forth a maximum amount of

parking permitted rather than a minimum. This has been done at the mixed-use development at the Contra Costa Centre and is also proposed at a transit-oriented development in Bay Point.

Flexibility in Development Standards

The County offers mechanisms that facilitate the provision of a diversity of housing types. These mechanisms provide greater flexibility with regard to residential development standards than in conventional residential zone districts. Such mechanisms include the planned unit district (P-1) and density bonuses, described in more detail below.

Planned Unit District: The Planned Unit District (P-1) provides the opportunity for more imaginative and flexible design for large-scale residential developments than would be permitted in the conventional residential districts. The use of the P-1 district is intended to promote the diversification of buildings, lot sizes, and open spaces to produce an environment in harmony with surrounding existing and potential uses. The flexibility associated with the P-1 District includes variation in structures, lot sizes, yards, and setbacks and enables the developer to address specific needs or environmental constraints in an area. The final plan for a planned development is subject to approval by the County Planning Commission. The P-1 designation is applicable to all residential districts.

Using the P-1 designation, increased residential densities can be achieved. Density of up to 44.9 du/ac can be achieved in the P-1 district if the underlying General Plan designation is Very High Density Residential. The density can be increased up to 99 du/ac if the underlying General Plan designation is Very High Density – Special Residential.

Between 2001 and 2007, the County P-1 District was applied to a variety of residential developments, including some affordable housing projects.

Currently, a few unincorporated communities in the County are entirely zoned P-1 as a means of facilitating residential and other types of development in these areas. The general direction of the County is to encourage P-1 zoning in unincorporated areas, where it is appropriate in relation to the community's setting.

Mixed-Use Developments: The County General Plan Land Use Element includes a category for mixed-use developments in the unincorporated areas. This category has enabled the County to create unique projects that combine residential uses such as apartments or condominiums with commercial and other uses. Such developments provide needed housing in close proximity to key services such as transportation. The development at the Contra Costa Centre is a prime example of this. Other instances of mixed-use in County unincorporated areas include the Bay Point Willow Pass Corridor and the Parker Avenue downtown area in Rodeo. The mixed-use category offers the County greater flexibility by providing needed housing in urban areas close to important services, where larger residential units are not appropriate.

Density Bonus: In accordance with State law and the County's Residential Density Bonus Ordinance, Contra Costa County provides density bonuses to qualified new housing projects. Specifically, the developer must have: (1) at least ten percent of the total units affordable to low-income households; (2) at least five percent of the total units affordable to very-low-income households; or (3) at least ten percent of

a planned development as moderate income housing or (4) as senior housing. Affordability must be maintained for at least 30 years. If these conditions are met, the developer is entitled to a density bonus of between 5 and 35 percent of the maximum density permitted in the underlying zone plus one to three incentives (e.g., modified standards, regulatory incentives, or concessions) of equal financial value based upon land costs per dwelling unit. The County has utilized density bonuses to facilitate the development of affordable housing.

Inclusionary Housing: Residential developments of five or more units must provide 15 percent of the development as affordable housing. Compliance options include on-site development, off-site development, land conveyance, payment of in-lieu fees, and use of transfers or credits between developers or developments. The Inclusionary Housing Ordinance includes a mitigation measure by providing developers a 15 percent density bonus in exchange for providing the affordable units.

In general, the requirements and standards of the County do not act as a constraint to the development of affordable housing. A wide array of affordable rental housing has been constructed in the County to address this need including several recent projects (e.g., Bella Monte Apartments, and Bella Flora Homes). The overriding constraint to affordable housing development is the high land costs, availability of financing, neighborhood opposition or NIMBYism, and other market factors. To mitigate this constraint, the County has been proactively pursuing affordable housing opportunities through the use of subsidies. Figure 6-2 on the following page illustrates the affordable housing projects financed by the County and located in the unincorporated County. As demonstrated later in Section 5, Housing Plan, the County will continue to work with both for-profit and non-profit developers to actively encourage affordable housing development.

2. Provisions for a Variety of Housing

Housing element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population. This includes single-family housing, multi-family housing, factory-built housing, mobile homes, emergency shelters, and transitional housing among others. Table 6-30 on page 48 summarizes the housing types permitted within the primary residential zones in the County unincorporated areas.

In addition to the residential districts identified in the Land Use Element, several other zone districts permit limited residential development. These include the less-intensive agricultural districts (A-2), which permit one single-family dwelling unit per lot. Residential development is also permitted in the Interchange Transitional District and in most commercial/business and industrial districts (N-B, CM, C-B, L-I, and H-I) subject to a land use permit. In the Residential Business District and the General Commercial District, single-family homes and duplexes are permitted by right; however, multi-family developments require a land use permit.

The County offers a diversity of housing types that are available for all economic segments of the community as well as more vulnerable members of the community, including those earning lower income, seniors, disabled households, farm workers, and the homeless, among others. These include multi-family units, second units, mobile homes, and other more affordable housing opportunities.

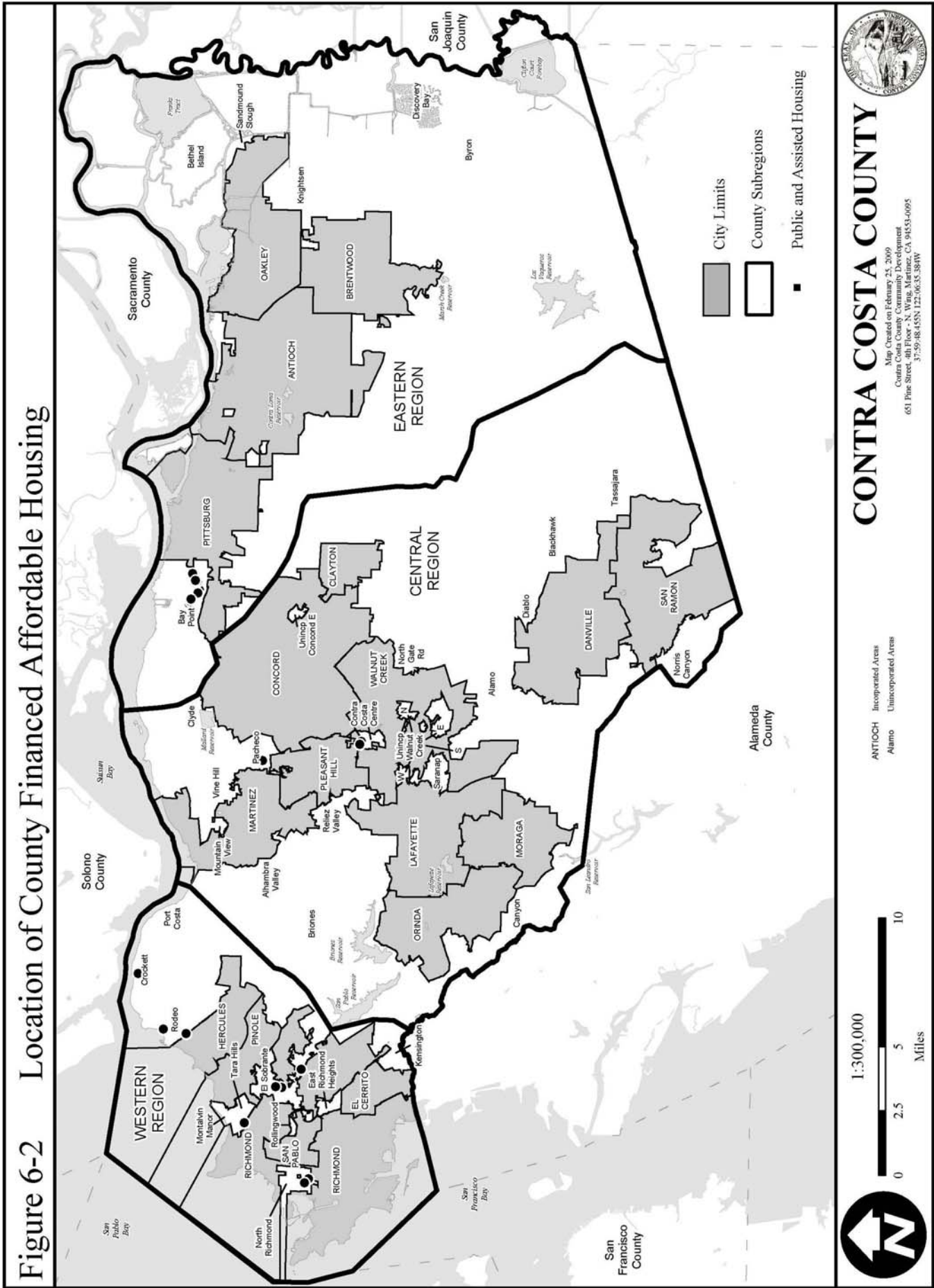


Table 6-30 Housing Types Permitted by Zone District										
Housing Types Permitted	Single Family Zone Districts									
	R-100	R-65	R-40	R-20	R-15	R-12	R-10	R-7	R-6	D-1
Residential Uses										
Single-family detached	P	P	P	P	P	P	P	P	P	P
Single-family attached										P
Second units	c	c	c	c	c	c	c	c	c	c
Mobile/Mfg. homes	P	P	P	P	P	P	P	P	P	
Special Needs Housing										
Transitional housing	c	c	c	c	c	c	c	c	c	c
Emergency shelter	c	c	c	c	c	c	c	c	c	c
Residential care (≤6 beds)	P	P	P	P	P	P	P	P	P	P
Residential care (>6 beds)	c	c	c	c	c	c	c	c	c	c
Multi-Family Zone Districts¹										
Residential Uses				M-29	M-17	M-12	M-9	M-6	P-1	T-1
Multi-family (3 or more)				P	P	P	P	P	P	
Duplex/Townhomes				P	P	P	P	P	P	
Mobile/Mfg. homes										P
Mobile home parks										P
Second Units				c	c	c	c	c	c	
Special Needs Housing										
Transitional housing				c	c	c	c	c	c	
Emergency shelter				c	c	c	c	c	c	
Residential care (≤6 beds)				P	P	P	P	P	P	
Residential care (>6 beds)				c	c	c	c	c	c	

Note: 1. Single family attached and detached units are also permitted in the lower density multi-family zones (M-6, M-9, and M-12)

Source: Contra Costa County Planning and Zoning Code, November 2008.

P = Permitted c = subject to a Land Use Permit

Multi-Family Units: The Zoning Code permits multi-family housing opportunities in the multi-family zones (M-29, M-17, M-12, M-9, and M-6) by right. Densities range from 6 units per acre to 29 units per acre. Densities of up to 99 units per acre are permitted in the Planned Unit District (P-1). Approximately 14 percent of the County housing stock consists of multi-family residences. Contra Costa County offers a wide variety of affordable multi-family units for lower income households and persons with special needs, such as seniors, the disabled, and those with HIV/AIDS.

Licensed Care Facilities: The Zoning Code permits licensed residential or community care facilities with six or fewer beds in all residential zones by right. Those facilities with more than six beds require a land use permit. A total of 38 licensed community care facilities with over 238 beds are located in the

unincorporated areas of Contra Costa County. In addition, several other residential projects provide housing for persons with disabilities as shown in Table 6-21.

Second Units: Second units are designed to provide an opportunity for the development of small rental units as one way of providing affordable housing for low- and moderate-income individuals and families as well as seniors and the disabled. Second units are permitted in all residential zone districts subject to a land use permit. The second unit must not exceed 1,000 square feet and must provide complete independent living facilities for one or more persons. Second units may be rented or leased, but they must conform to the standards that are applicable to residential construction in the zone in which the unit is located.

Mobile/Manufactured Homes: Mobile homes and manufactured housing offer an affordable housing option to many low- and moderate-income households and are permitted in all single-family residential zoning districts. In addition, mobile homes are permitted in several commercial and industrial districts subject to a land use permit. The Contra Costa County Planning and Zoning Code also permits mobile home parks in the T-1 district. Currently, approximately 2,659 mobile homes are located in mobile home parks in the unincorporated area of the County.

Farmworker Housing: The County is home to a variety of agricultural uses, many of which are located in the southern and eastern areas of the County. Based on a statewide study of migrant and seasonal farmworkers in 2000, an estimated 2,470 migrant and seasonal farmworkers work in Contra Costa County, of which approximately 700 are estimated to work in the unincorporated areas of the County. The Zoning Code permits farm labor housing for seasonal workers in the agricultural districts (A-2, A-3, and A-4) subject to a land use permit. Allow agricultural employee housing to be permitted by-right (without a conditional use permit) in single family zones for less than six persons and agricultural zones with no more than 12 units, or 36 beds, consistent with Health and Safety Code 17021.5 and 17021.6. Approximately 45,000 acres within the ULL are zoned for agricultural use and an additional 312,000 acres outside the ULL are designated for agriculture, open-space, wetlands, parks, and other non-urban uses. The majority of agricultural land is located in the eastern portion of the County and has a General Plan designation of Agricultural Lands (AL) or Agricultural Core (AC).

Emergency Shelters, Transitional and Permanent Supportive Housing: Emergency shelters and transitional housing designed to meet the needs of those who are homeless or formerly homeless are permitted in all residential zones subject to a land use permit. In addition, these facilities are permitted in most commercial and industrial districts with a land use permit. The purpose of the land use permit is to ensure compatibility with surrounding land uses, and not to constrain their development. The land use permit for an emergency shelter and a transitional housing facility requires only an administrative review unless the decision is appealed. If the administrative decision is appealed, a hearing on the permit may be held before the Zoning Administrator or the County Planning Commission, as necessary.

In 2009, the County will amend the zoning code to allow homeless shelters 'by-right' in at least one zoning district. The C: General Commercial District will be the zoning district to be amended consistent with the requirement of S.B. 2, and this zoning text amendment will be complete by June 30, 2010. The C: General Commercial District is appropriate because there is sufficient land designated within

this zoning district in all three regions of the County (West, Central, and East). There are 100 parcels totaling 181 acres zoned under the C: General Commercial District throughout the unincorporated area. Prospectively, emergency shelter facilities would be allowed 'by-right' in the C: General Commercial District, which as noted above is well distributed in the unincorporated area in all three regions of the County, and would serve the homeless population without creating an over concentration in any one area of the County. The areas zoned under the C: General Commercial District are generally well served by transit and are located near services and other amenities in order to serve the homeless population. The unincorporated County has approximately 300 persons without night time shelter. Shelters would likely be no larger than 75 beds. The County's existing 75 bed homeless emergency shelter in Concord is approximately 16,000 square feet and has a capacity for 100 beds. Assuming a 75 bed shelter needs to be 15,000 square feet, the County would potentially need 4 emergency shelters totaling 60,000 square feet to address the unmet need. The 181 acres in the unincorporated area of Contra Costa County zoned under the C: General Commercial District should be sufficient to address the potential need for emergency shelters to accommodate 300 homeless persons.

Any text amendment will likely include specific requirements in order to provide certainty to the applicant and maintain compatibility with the surrounding neighborhood. Following is an example of the requirements that may be incorporated:

- The maximum number of beds or persons permitted to be served nightly by the facility;
- Off-street parking based on demonstrated need, but not to exceed parking requirements for other residential or commercial uses in the same zone;
- The size and location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity of other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;
- The length of stay;
- Lighting;
- Security during hours that the emergency shelter is in operation.

In addition, the County will revise the zoning code to clarify that transitional housing and supportive housing are treated as residential uses.

The zoning code currently does not mention single room occupancy (SRO) developments. The zoning code will be revised to include SROs. Development standards and permit procedures will be developed to facilitate the development of SROs.

In general, emergency shelters and permanent supportive housing should be accessible to the population in need and near public transit, employment and job training opportunities, community facilities, and services. Concentrations of CalWORKS participants may be used as an indicator of where emergency and permanent supportive housing may be most needed. Typically, people on public assistance are most vulnerable to becoming homeless in the case of an economic recession or cuts in public assistance. Areas with concentrations of CalWORKS

participants and good access to transit, employment, and services would be appropriate for the siting of emergency and permanent supportive housing. In siting such facilities, the County will pay special attention to issues of neighborhood impactation.

Several emergency shelters and transitional housing facilities for the homeless are located in Contra Costa County. Table 6-21 in the previous section identifies the major temporary, transitional, and permanent housing facilities for the homeless and formerly homeless in the County.

(See discussions on the County's Housing First strategy contained in Section 6.2, Housing Needs.)

3. Growth Management Program

Growth management programs facilitate well-planned development and ensure that the necessary services and facilities for residents are provided. Furthermore, the planning and land use decisions associated with growth management intend to enhance housing opportunities by concentrating housing in urban areas close to jobs and services, rather than in sprawling developments that may threaten agricultural land and open space. However, a growth management program may act as a constraint if it prevents a jurisdiction from addressing its housing needs.

In 1988, Contra Costa County residents approved Measure C, which increased sales tax by one half cent to fund transportation projects. In response to growing concerns about traffic impacts of new development and the lack of necessary funding for infrastructure development and improvements, the measure also included a growth management component. Measure C-1988 requires each jurisdiction to adopt a Growth Management Element as part of its General Plan.

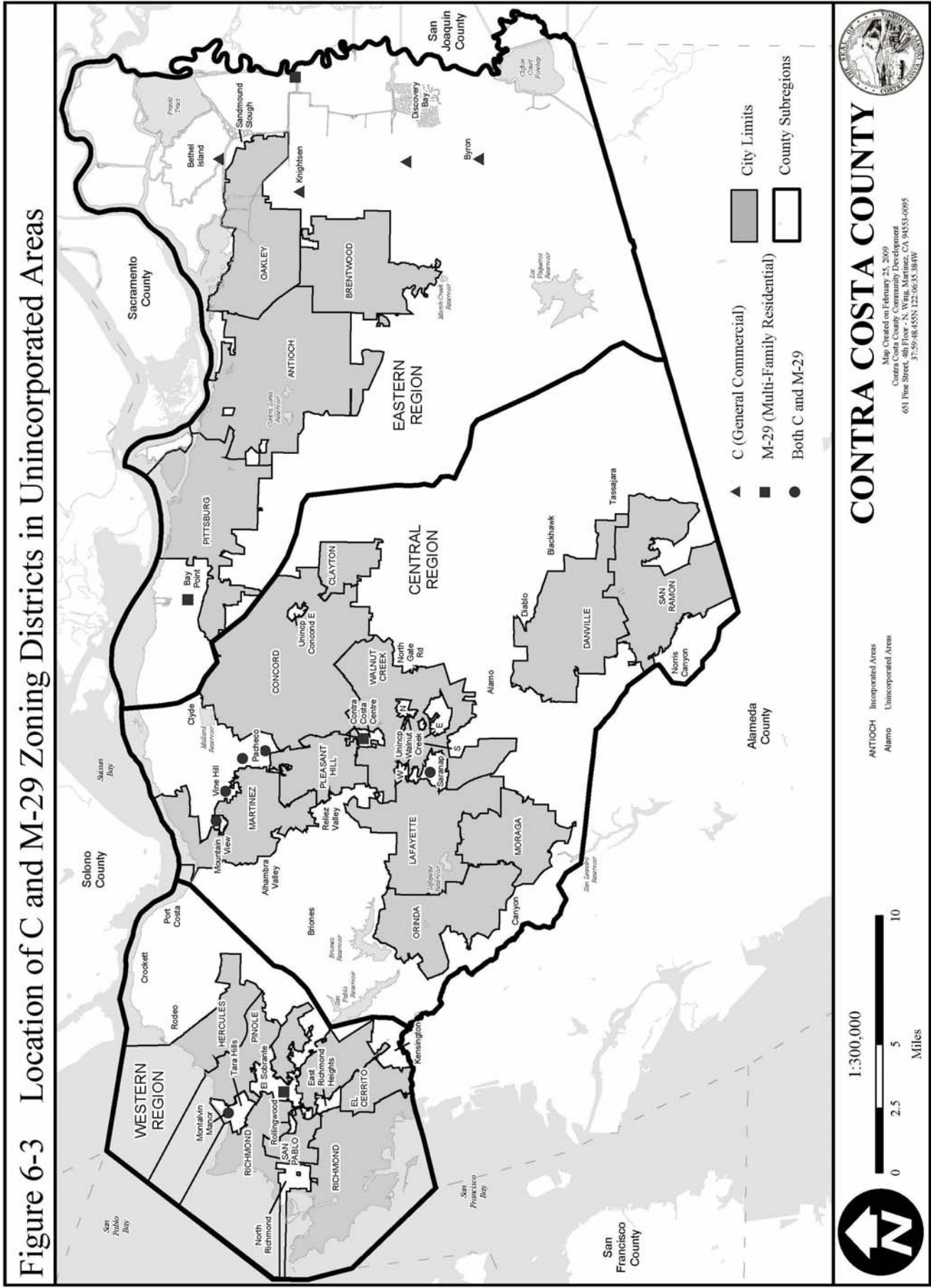
In 1990, Contra Costa residents expressed their concerns regarding new development threats to the environment by approving Measure C-1990. This measure applies to the unincorporated County and restricts urban development to 35 percent of the land in the County. The remaining 65 percent of the land is preserved for agriculture and open space.

Growth Management Element – Measure C 1988

As part of the 1990-2010 General Plan, the County developed the Growth Management Element to address the requirements of Measure C-1988. The Element includes adopted level of service (LOS) standards for traffic for particular types of land uses and performance standards to be maintained through capital projects for fire protection, police, parks, sanitary facilities, water, and flood control. These performance standards are designed to ensure that new developments provide their fair share of the cost of infrastructure, public facilities, and services. As a result, new developments must demonstrate that the level of service and performance standards identified in the Element will be met.

65/35 Land Preservation Plan & Urban Limit Line – Measure C 1990

The 65/35 Land Preservation Plan and the Urban Limit Line (ULL), adopted in 1990, was intended to concentrate development in areas most suitable for urban development. As mentioned above, urban uses are permitted on 35 percent of the land in the County. Certain types of land are identified in the Measure as not being



appropriate for urban development such as prime agricultural land, open space, wetlands, or other areas unsuitable for urban development because of environmental or other physical constraints.

The ULL established a boundary setting apart land that is suitable for urban development from that which is not. The purpose of the ULL is to limit potential urban encroachment by prohibiting the County from designating any land located outside the ULL for an urban land use. Voters in Contra Costa County approved Measure L in November 2006 establishing an updated Urban Limit Line, extending the term of the Urban Limit Line to 2026, and enacting new procedures requiring voter approval to expand the Urban Limit Line by greater than 30 acres.

Implementation of Measure C 1988 and 1990 has not prevented the County from meeting its housing obligations. Instead, the Growth Management Program has led to a coordinated planning effort that has provided a mechanism to support and enhance housing development throughout the County. This has been achieved through pro-rata fees and the concentration of development, which has enabled the County to provide the needed services, facilities, and infrastructure at a lower cost to residents and developers than could be achieved through unmanaged and sprawling development. Section 4 of this Housing Element demonstrates the County's ability to accommodate its share of regional housing growth on residentially designated land within the ULL.

4. Site Improvements & Development Fees

Site Improvements

Site improvements are an important component of new development and include water, sewer, circulation, and other infrastructure needed to serve the new development. Contra Costa County requires the construction of reasonable on-site and off-site public improvements as condition of approval for residential (major) subdivisions as permitted by the Subdivision Map Act. Typical improvements required include:

- o Grading and improvement of public and private streets serving the subdivision according to adopted design standards (see Table 6-31 on page 54 for a summary of roadway design standards);
- o Storm drainage and flood control facilities within and outside the subdivision (when necessary) to carry storm water runoff both tributary to and originating within the subdivision;
- o Public sewage system improvements according sewer service district standards and direct sewage system connection to each lot;
- o Public water supply system improvements according to water service district standards to provide adequate water supply and direct water system connection to each lot;
- o Fire hydrants and connection of the type and location as specified by the relevant fire service district;
- o Public utility distribution facilities including gas, electric, telephone and cable television necessary to serve each lot;

- o Local transit facilities, such as shelters, benches, bus turnouts, park-n-ride lots for larger residential subdivisions.

Specific standards for a residential subdivision's on-site and off-site improvements must be in accordance with the County's General Plan, Zoning Ordinance Code, Flood Control and Drainage Ordinance Code, and Subdivision Ordinance Code. Additionally, the County may require dedication of land for public use, such as roadways and parks. Dedicated rights-of-way for roadways must be designed, developed, and improved according to the County's Roadway Design Criteria as summarized in Table 6-31.

Table 6-31
Roadway Design Standards

Roadway Type	Right-of-Way	Curb to Curb	Median	Sidewalk Area
Parkways	136 ft.	106 ft.	14 ft.	n/a
Major Arterial	126 ft./136 ft.	106 ft.	14 ft.	8 ft.
Arterial / Industrial Collector	84 ft.	64 ft.	n/a	8 ft.
Industrial Collector	68 ft.	48 ft.	n/a	n/a
Minor Arterial / Major Collector	60 ft.	40 ft.	n/a	8 ft.
Minor Collector	56 ft.	36 ft.	n/a	n/a

Source: Contra Costa County Public Works Department, Standard Plans, 3/27/2009

It can be reasonably inferred that the costs for the construction of on-site and off-site improvements under the County's residential subdivision process does have an impact on housing supply and affordability.

Development Fees

The County requires the payment of fees for off-site extension of water, sewer and storm drain systems, and traffic signals. The developer is also required to construct all internal streets, sidewalks, curb, gutter, and affected portions of off-street arterials. New residential construction will either occur as infill, where infrastructure is already in place or in planned unit districts, where the provision of adequate public services and facilities may be required as conditions for project approval. Development impact fees such as capital facility fees (e.g. charges for schools and parks) and service connection fees (e.g. sewer and water connections) are identified in Table 6-32 on the following page. Appendix A provides detailed information on the County's development and planning/processing fees by housing type. Sub-area analysis is provided in the Appendix to illustrate the differential in fee amounts by area.

**Table 6-32
Development Impact Fees
Unincorporated Areas**

SINGLE FAMILY HOME FEES	WEST		CENTRAL		EAST	
	North Richmond	Rodeo	Pacheco	Alamo	Bay Point	Discovery Bay
Permit/Plan Processing Fees	\$4,153	\$4,073	\$4,175	\$5,131	\$4,073	\$5,279
Capital Facilities Fees	\$30,637	\$25,807	\$19,682	\$55,179	\$33,552	\$35,440
Service Connection Fees	\$7,129	\$9,703	\$16,761	\$5,014	\$9,509	\$1,100
TOTAL	\$41,919	\$39,583	\$40,618	\$65,324	\$47,134	\$41,819

Assumptions: Single family 2,000 sq. ft. home with 400 sq. ft. attached garage, wood frame.

Source: Contra Costa County- Dept. of Conservation and Development, Building Insp. Div. Fee Estimator
Program and information provided by Special Districts, December 2008.

MULTI-FAMILY APARTMENT FEES	WEST		CENTRAL		EAST	
	North Richmond	Rodeo	Pacheco	Alamo	Bay Point	Discovery Bay
Permits/Processing Fees	\$28,610	\$28,583	\$28,685	\$28,685	\$28,583	\$28,586
Capital Facilities Fees	\$380,375	\$351,300	\$415,675	\$780,725	\$505,500	\$560,650
Service Connection Fees	\$85,800	\$150,025	\$11,988	\$32,800	\$62	\$62
Fees on Carport	\$2,608	\$2,608	\$2,608	\$2,608	\$2,608	\$2,608
TOTAL	\$497,393	\$532,516	\$458,956	\$844,818	\$536,753	\$591,906
TOTAL PER UNIT FEES	\$19,896	\$21,301	\$18,358	\$33,793	\$21,470	\$23,676

Assumptions: Prototypical multi-family residence. Assume a 20,000 square foot apartment building with 25 units.

Five 3-bedroom units, 10 2-bedroom units, Ten 1-bedroom units. 46 off-street parking stalls in a carport.
One structure, 2-story, and wood frame.

Source: Contra Costa County- Dept. of Conservation and Development, Building Insp. Div. Fee Estimator
Program and information provided by Special Districts, December 2008.

The County also collects fees from developments to cover the costs of planning and processing permits. Processing fees and deposits are calculated based on average staff time and material costs required to process a particular type of case. The average cost of planning and processing fees is also summarized in Table 6-32.

Planning and processing fees, combined with costs for the required site improvements, add to the cost of housing. The average planning and processing fees for a typical single-family home and for a typical 25-unit multi-family complex have been calculated.¹² The typical overall cost of both development impact fees for site improvements and processing fees totals range from \$39,583 to \$65,324 for a single family home built in the unincorporated area of the County and from \$18,358 to \$33,793 per apartment unit. These costs vary by unincorporated region of the County as shown in Table 6-32.

¹² A typical single family residence consists of a 2,000 square foot wood frame residence with an attached 400 sq. ft. garage. A typical multi-family apartment complex consists of one 20,000 square foot apartment building with 25 units and includes 5 three-bedroom units, 10 two-bedroom units, and 10 one-bedroom units. The complex also includes a 46-space carport.

Requiring developers to construct site improvements and/or pay fees toward the provision of infrastructure, public facilities, services, and processing will increase the cost of housing.¹³ While these costs may impact housing affordability, these requirements are deemed necessary to maintain the quality of life desired by County residents, and are consistent with the goals of the County General Plan.

In certain circumstances the County can reduce development impact fees, processing fees, or modify development standards for projects that address specific needs in the community. The Redevelopment Agency has done this for high-priority public purpose projects, including affordable housing. For example, the County facilitated the development of the Bella Monte project, which is a 52-unit apartment affordable rental development in Bay Point, with reductions in processing fees and development standards (e.g. parking requirements). Such mechanisms ensure that the cost of site improvements do not unduly constrain the production of new affordable housing.

If a developer owns the property, then either the developer's profit and/or the price of the housing will be adjusted depending on the cost of fees and site improvements. In order to cover increasing costs, the developer might have to reduce its profit. Or, if the market supports higher prices, the developer might raise the rents or sales prices of the new housing. If the cost of fees and improvements are excessive, and the market does not support higher prices, then the development will not be feasible. If the developer is seeking to purchase land, then the purchase negotiations will be impacted by the total cost of development. The developer will try to pay less for the land to keep a higher profit and/or lower housing costs.

In recognition that the 2008-2009 economic recession has had a particularly severe impact on housing construction, the Board of Supervisors adopted Ordinance No. 2009-14 on June 9, 2009 to allow the deferral of certain development fee payments for new residential development through December 31, 2011 that are within the Board's control. As previously noted, there are development fees collected at building permit issuance by the County for other agencies or special districts, and these fees are not affected by the ordinance. The development fees that are affected by the ordinance include: area of benefit traffic impact fees, child care fees, inclusionary housing fees, park impact fees, and police service fees. Such fees have been collected at the time of building permit issuance. This ordinance enables the housing developer to defer the payment of these development fees to the final inspection for a dwelling unit, to when the certificate of occupancy for dwelling unit is issued, or, to close of escrow for a dwelling unit. It is believed the deferral of these development impact fees will ease the home builder's cash flow requirements and should make a difference between moving forward on construction on a housing project, rather than waiting until the market clearly turns around. To the extent that development fees constrain housing development, this ordinance will provide approximately two and half years on deferral fee payment during which time conditions in the economy, and in particular the housing market, should stabilize.

¹³ A substantial and growing portion of development fees assessed on new residential development is related to capital facilities and service connection fees collected at building permit stage by the County for Special Districts. Special District governing bodies establish and set these fees. The County is not involved in determining the fee amount; it only collects the fee for the Special District at issuance of building permits and then passes on the fee revenue to the Special District.

5. Development Permit Procedures

Development review and permit processing are necessary steps to ensure that residential construction proceeds in an orderly manner. However, the time and cost of permit processing and review can be a constraint to housing development if they place an undue burden on the developer.

The County can encourage needed investment in the housing stock by reducing the time and uncertainty involved in obtaining development permits. Pursuant to the State Permit Streamlining Act, governmental delays can be reduced by: (1) limiting processing time in most cases to one year, and (2) by requiring agencies to specify the information needed to complete an acceptable application.

Two levels of review are involved with residential development. The first level involves the review of conformance with the County General Plan and State environmental requirements. If the site is not designated for residential development under the General Plan, an amendment to the General Plan is required. The second level of review requires that the site have the appropriate zoning for the type and amount of residential development identified in the project; otherwise a zone change is needed. Changing a site to a Planned Unit District includes both rezoning and a preliminary development plan. Single-family developments often require subdivision map approval while multi-family developments require a development plan. Depending on the size, scope, and location, the application and processing times for a residential development project are as follows:

Table 6-33
Development Review Time Frames

Development Permit/Review Process	Time Frame
Rezoning	6 to 12 months
Use Permits	3 to 4 months
Development Plans	3 to 4 months
Minor Subdivisions	4 to 6 months
Major Subdivisions	6 to 12 months
Variances	2 months

Source: Contra Costa County Department of Conservation and Development.

It should be noted that it is the experience of Contra Costa County that larger residential subdivisions (100 units or more) often take up to 12 months or more to complete approvals and processing. This is because such applications for residential development proposals invariably require an Environmental Impact Report. The length of time to finalize the Environmental Impact Report depends greatly on the size, scope, and location of the residential development project, environmental issues under review, and the extent of public comment received on the Draft Environmental Impact Report.

Overall, the County has taken several steps to expedite processing, reduce costs, and clarify the process to developers and homeowners. The County has rezoned many of the parcels in its redevelopment project areas as P-1 or Planned Unit Development districts in order to facilitate a faster, more streamlined permit process. Furthermore, in August 1990, the County established the Application and Permit Center. The Center is designed to make permit processing quicker and

easier by enhancing coordination of permitting services. The County also offers a voluntary Pre-application Review. Developers and homeowners can meet with staff to determine the permits necessary and the cost and review time involved. More importantly, residential developments under 100 units that are allowed by zoning need not be reviewed by the Planning Commission or Board of Supervisors; rather they are reviewed by the Zoning Administrator. The County makes all efforts to process applications in an expedient manner.

6. Building Codes and Enforcement

Contra Costa County has adopted the Uniform Building Code and the Uniform Housing Code, which establish standards and require inspections at various stages of construction to ensure code compliance. The County's building code also requires new residential construction to comply with the Federal American with Disabilities Act, which specifies a minimum percentage of dwelling units in new developments that must be fully accessible to the physically disabled. Although these standards and the time required for inspections increase housing production costs and may impact the viability of rehabilitation of older properties that are required to be brought up to current code standards, the intent of the codes is to provide structurally sound, safe, and energy-efficient housing.

The County's Code Enforcement Section, which is part of the Building Inspection Division, is responsible for enforcing both State and County regulations governing the maintenance of all buildings and properties. The Section handles complaints and inspections in the unincorporated areas of the County and also provides services to several cities and towns, including Lafayette, Moraga, Orinda, Pittsburg, and Clayton, and a portion of the City of Richmond.

Code Enforcement staff handle approximately 100 cases per month. Most of the complaints deal with property maintenance, substandard housing issues, and abandoned vehicles. To facilitate the correction of code violations or deficiencies, Code Enforcement works closely with the Building Inspection Division and other County agencies. Code Enforcement staff routinely refer homeowners to the County's rehabilitation loan and grant programs including the Neighborhood Preservation Program. Apartment owners are referred to the County Housing Authority (HACCC) for information on their rental rehabilitation program. The Division also refers homeowners, mobile home owners, and apartment owners to the County's Weatherization Program. This program offers minor home repairs, water heaters, stoves, insulation and other improvements for housing units in the County.

7. Rental Inspection Program

On July 26, 2005, the Contra Costa County Board of Supervisors adopted Ordinance No. 2005-17 establishing the Residential Rental Inspection Program (RRIP). The ordinance was established to proactively identify blighted and deteriorated housing stock and ensure the rehabilitation or abatement of housing that does not comply with State and local building, electrical, fire and plumbing code standards. The ordinance also promotes the safety and preservation of all single and multiple-family residential rental units and enhances the quality of life for residents of the County. This program is mandatory.

The Ordinance mandates inspection of all rental units including Single Family homes, Residential Hotels and Section 8 housing. Under this new Ordinance, rental

units and their premises are to be inspected over a five-year cycle. If a unit is in full compliance with applicable codes and standards, it will not be inspected for the next five years. If on the other hand a unit is determined to pose a substantial threat to health and safety, it will be placed on a bi-annual inspection cycle.

C. Environmental, Infrastructure, and Public Service Constraints

Environmental factors and a lack of necessary infrastructure or public services can constrain residential development in a community by increasing costs and reducing the amount of land suitable for housing construction. This section summarizes and analyzes the most pertinent constraints to housing in Contra Costa County.

1. Environmental Constraints

Environmental Constraints related to seismic activity, geology/topographical, flooding potential, or other environmental issues can impact the cost associated with the maintenance, improvement, and development of housing. A more detailed discussion is contained in the Safety Element of the County General Plan. The discussion below summarizes the most pertinent environmental constraints.

Seismic Constraints

Contra Costa County is divided by several fault systems that divide the County into several large blocks of rock. These faults include the San Andreas, Hayward, Calaveras, Franklin, Concord, Antioch, and Greenville faults. Based on estimates from geologists, these faults have a probable earthquake magnitude of between 5.0 and 8.5 on the Richter Scale. The area has experienced a number of major earthquakes originating on faults both in the County and in the broader region, including most recently the Loma Prieta Earthquake in 1989.

Seismic activity associated with faults can also cause hazards such as liquefaction and soil settlement, slope failure, deformation of sidehill fills, ridgetop fissuring and shattering, and seiches¹⁴ among others. Typically, structures located on bedrock experience less groundshaking and earthquake-related impacts than structures on recent sedimentary deposits.

Since housing in the region will likely be subject to a damaging earthquake, it must be designed to withstand the event and protect its occupants. Without proper mitigation, earthquakes and other seismic-related activity can have a major impact on housing development. For development proposed in areas with potential earthquake-induced hazards, special mitigation measures must be included as conditions of development approval. As described in the Safety Element, these measures may include:

- o **Environmental review:** Through the environmental review process, the County requires geologic, seismic, and/or soils studies as necessary to evaluate proposed development in areas subject to groundshaking, fault displacement, or liquefaction.
- o **Improved construction design:** Staff review of applications may require modified seismic strengthening and detailing to meet the latest adopted seismic design criteria.

¹⁴ An earthquake generated wave in an enclosed body of water such as a lake, reservoir or bay.

- o **Setbacks:** Require that structures are adequately setback from active and potentially active fault traces.

Fire Hazard Constraints

Fire hazards, particularly wildland fires, can represent a considerable constraint to residential development without appropriate mitigation measures and the availability of fire fighting services. However, this constraint is primarily limited to development that is adjacent to the ULL where there is more open space and typically a greater amount of vegetation. Areas of the County outside the ULL that are covered with natural vegetation and dry-farmed grained areas are extremely flammable during the late summer and fall. These types of wildland or brush fires are a particular threat to home sites with large areas of non-irrigated vegetation.

Most of the County is identified as susceptible to moderate wildland fire hazards, while isolated areas in the western and central areas of the County have a high susceptibility. Another special hazard in the East County is peat fires. Once peat fires occur they are extremely difficult to extinguish. Any area located east of the high water line may have peaty soil conditions. However, most of these areas with a moderate to high susceptibility to fire hazards are located beyond the ULL boundary where development is limited and the areas are primarily used as open space and for agricultural operations.

The Safety Element and the Public Facilities and Services Element of the County General Plan contain policies and measures designed to protect the public and housing from these fire hazards, particularly beyond the ULL. Some of these policies are identified below.

- o Projects that encroach into areas that have a high or extreme fire hazard must be reviewed by the appropriate Fire Bureau to determine if special fire prevention measures are advisable.
- o Major developments will not be approved if fire-fighting services are not available or are not adequate for the area.
- o New development will pay for its fair share of costs for new fire protection facilities and services.
- o Needed upgrades to fire facilities and equipment will be identified as part of project environmental review and area planning activities in order to reduce fire risk and improve emergency response in the County.

Flood Hazard Constraints

Substantial areas within Contra Costa County are subject to flooding, with most of the County's creeks and shoreline areas lying in the 100-year flood plain. The land inventory for residential sites includes an analysis of flood hazard constraints, and sites lying in the 100 year flood plain. A substantial portion of East County located near the Sacramento-San Joaquin Delta is subject to flooding. The most serious flood hazards are associated with the system of levees that protect the islands and adjacent mainland in the Delta area. As with fire hazards, the majority of the area subject to flooding, particularly in the eastern part of the County, is located beyond the ULL boundary in areas where development is restricted.

General policies and specific measures in the Safety Element are designed to protect persons and structures from the hazards related to flooding. These include:

- o Intensive urban and suburban development is not permitted in reclaimed areas unless flood protection in such areas is constructed, at a minimum, to the standards of the Flood Disaster Protection Act of 1973.
- o The creek setback ordinance requires appropriate setbacks for residential and commercial structures in order to prevent property damage from bank failure along natural water courses.
- o The environmental review process ensures that potential flooding impacts are adequately addressed through appropriate mitigation measures such as flood-proofing, levee protection, and Delta reclamation.

Geologic/Topographical Constraints

The presence of steep hillsides and the risk of landslides and erosion can restrict housing development in certain areas of the County and may require specific mitigation measures to ensure the safety of structures and their inhabitants. Much of the topography of the County includes hilly terrain and it also has a high proportion of recent, poorly consolidated geologic formations that are prone to slope failure. As a result, many of these areas have been placed outside the ULL in order to restrict development in these areas and ensure public safety.

Apart from earthquakes, unstable hill slopes, reclaimed wetlands, and marsh fill areas, which may suffer landslides, slumping, soil slips, and rockslides are considered a major geologic hazard in these areas of Contra Costa County.

In order to protect persons and property from these types of geologic/topographical hazards, the County has recognized that major slope areas in excess of 26 percent may be unsuitable for development. In addition, the County has adopted a Hillside Preservation Ordinance to prevent development in areas that are hazardous for persons or structures. Additional measures and policies affecting housing development identified in the Safety Element include:

- o Slope stability is primary consideration in the ability of land to be developed or designated for urban uses.
- o Slope stability is given careful scrutiny in the design of developments and structures, and in the adoption of conditions of approval and required mitigation measures.
- o Residential density shall decrease as slope increases, especially above a 15 percent slope.
- o Subdivisions approved on hillsides that include individual lots to be resold at a later time will be large enough to provide flexibility in finding suitable building site and driveway location.

In general, the County has taken important measures to ensure that the areas designated for urban development (i.e. those areas lying within the ULL boundary) are safe and suitable for residential development. Major areas subject to flooding and fire hazards as well as areas with particularly steep hillsides have been placed outside the ULL in order to restrict inappropriate and unsafe development there. While earthquakes affect the entire region, adequate measures identified both in the Safety Element and contained in the Uniform Building and Housing Codes are incorporated into developments to ensure that structures are designed to withstand these events and protect their inhabitants.

2. Infrastructure and Public Service Constraints

A lack of adequate infrastructure or public services and facilities can be a substantial constraint to residential development if it is to avoid impacting existing residents. In fact, according to the National Association of Home Builders, ensuring that the construction of schools, roads and other infrastructure keeps pace with the anticipated growth in population and economic activity is one of the biggest challenges facing local and regional governments.¹⁵

As part of the Growth Management Program, the County conducts an evaluation of the remaining infrastructure capacity. This includes an analysis of areas not adequately served by infrastructure. This process enables the County to identify constraints to the provision of services and facilities in a given area and better plan for cost-effective and efficient growth.

The General Plan, as the principal document regulating growth and development in the County, contains service standards that establish a linkage between new development accommodated in the Plan and new facilities and/or services required to meet demands created by new development. The Growth Management Element contains the implementing programs and service standard requirements that facilitate the attainment of goals and objectives of the Land Use, Public Facilities and Services, and Housing Elements of the General Plan.

These standards ensure that the infrastructure and public services and facilities are in place to serve that development within the Urban Limit Line. The standards are implemented through payment of fees and exaction and site improvements discussed earlier in this section. However, it is important to note that intensive residential development on infill sites can create additional challenges to existing infrastructure and public services. This is particularly true in areas with aging infrastructure or public facilities that are already strained serving the needs of current residents.

Many of the County's affordable housing developments are located in infill locations in areas already served by existing infrastructure. While such infill sites are beneficial in that they don't require the extension of services, provide housing near public transit and jobs, encourage economic growth in urban areas, and thus promote "smart growth" development principles¹⁶, they may face other challenges to development. Infill sites in the older communities in the County may require upgrading of existing infrastructure systems to support more intense development, such as roadway improvements, and replacement of undersized sewer and water lines. Other constraints to development of infill sites include site assembly and clean-up; relocation; compatibility with surrounding land uses; and potential neighborhood opposition.

There are thirty (30) unincorporated communities in Contra Costa County, which are within the County's Urban Limit Line, that are provided water and sanitary sewer services from multiple providers, including single purpose agencies, special districts, community service districts, county service areas, and private companies. A complete listing of the water and sanitary service providers for the unincorporated communities is provided in Appendix C, Table C-1. Each of these

¹⁵ National Association of Home Builders, *Smart Growth: Building Better Places to Live, Work and Play*. May 2000.

¹⁶ Judy Corbett and Joe Velasquez. "The Ahwahnee Principles: Toward More Livable Communities," *Western City*. September 1994.

providers is responsible for determining the supply or capacity to their service area, and they are responsible for informing the County as to whether there is insufficient supply or capacity within their system for new residential development. To date, as noted in Table C-1, Appendix C, the water and sanitary sewer providers serving the unincorporated communities within the County's Urban Limit Line have adequate capacity or supply.

The adequacy of the public infrastructure to serve new residential development is central to the County's planning process. The Growth Management and Public Facilities/Services elements to the General Plan establish performance measures for infrastructure, including water and sewer, and new residential development must receive written verification for both water and sewer services prior to final subdivision map or issuance of a building permit. Additionally, under Senate Bill 610 and Senate Bill 211, both which took effect as of January 1, 2002, there is now a requirement that extensive, specific information about water availability be presented and considered by cities and counties in connection with residential subdivisions of a certain size. Cities and counties are required to contact the responsible water agency proposed to serve the residential subdivision to determine whether water supplies are sufficient to serve the project. Information from water and sewer agencies about supply and system capacity is also presented in a residential project's environmental review analysis prepared pursuant to the California Environmental Quality Act (CEQA).

If the drought affecting California persists, the adequacy of future water supplies for residential development could become a constraint in the coming years. The East Bay Municipal Utility District (EBMUD) and the Contra Costa Water District (CCWD) are two of the main suppliers of potable water to residents in both incorporated and unincorporated areas of Contra Costa County. Both of these water districts have prepared water supply management plans that project existing and future demand for water service within their respective districts and capital improvement plans for water delivery facilities within their respective districts. Each of these water providers has recently declared that a drought emergency exists. They have likewise indicated in their respective water supply management plans that there may not be adequate water supplies as a result of the drought and they project shortages for water delivery if the drought continues.

6.4 HOUSING RESOURCES

This section analyzes the resources available for the development, rehabilitation, and preservation of housing in the unincorporated areas of Contra Costa County. This analysis includes an evaluation of the availability of land resources for future housing development, the County's ability to satisfy its share of the region's future housing needs, the financial resources available to support housing activities and the administrative resources available to assist in implementing the County's housing programs. Additionally, this section examines opportunities for energy conservation.

A. Availability of Sites for Housing

The Association of Bay Area Governments (ABAG) is responsible for developing the Regional Housing Needs Allocation (RHNA), which assigns a share of the region's future housing need to each jurisdiction in the ABAG region. State law requires

communities to demonstrate that they have sufficient land to accommodate their share of the region's need for housing from January 1, 2007 through June 30, 2014. (See Table 6-24 for the County's RHNA share.) This section identifies the development potential on suitable land throughout the unincorporated areas of Contra Costa County.

1. Site Inventory

An important component of the Housing Element is the identification of sites for future housing development, and evaluation of the adequacy of these sites in fulfilling the County's share of regional housing needs as determined by ABAG. As part of the 2009-2014 Housing Element update, an analysis of the residential development potential in each of the unincorporated communities of Contra Costa County was conducted. Results of this analysis are summarized in Table 6-32. In addition, a parcel-specific vacant and underutilized site analysis was performed using the County's Geographic Information System (GIS) and up-to-date real estate information from the County Assessor's records.

AB 2428 [Government Code Section 65583.2(c)(3)(B)] provides jurisdictions with an alternative to preparing a site specific analysis to determine how many units at what affordability levels could be developed and allows local governments to utilize "default" density standards deemed adequate to meet the "appropriate zoning" test. The purpose is to provide a numerical density standard for local governments, resulting in greater certainty in the housing element review process. In Contra Costa, sites zoned at a minimum of 30 units to the acre that are large enough for a 20 unit development are considered adequate for affordable housing development and no further analysis is required to establish the adequacy of density standard.

To assess the realistic residential development potential in the unincorporated areas, the County performed a detailed parcel-by-parcel analysis (a detailed sites analysis will be provided in a CD ROM that will accompany this Housing Element).

The analysis takes into consideration a range of factors, including permitted density, parcel size, potential for lot consolidation, development constraints relating to topography and other physical and environmental issues, location and housing demand, as well as available development tools and incentives such as redevelopment and planned unit development.

**Table 6-34
Residential Sites Analysis**

Subregion	Total # of Parcels	Total Acres	Potential # of Units
West County			
Built:	148	17	148
Approved:	44	46	456
Under Consideration:	71	146	2,426
Vacant:	3	1	7
Underutilized:	5	2	66
Total:	271	212	3,103
Central County			
Built:	505	204	505
Approved:	265	608	1,351
Under Consideration:	30	57	106
Vacant:	1	1	9
Underutilized:	6	9	157
Total:	807	879	2,128
East County			
Built:	31	6	31
Approved:	667	112	836
Under Consideration:	84	197	983
Vacant:	8	14	119
Underutilized:	0	0	0
Total:	790	329	1,969
TOTAL COUNTY			
Built:	684	227	684
Approved:	976	766	2,643
Under Consideration:	185	400	3,515
Vacant:	12	16	135
Underutilized:	11	11	223
Total:	1,868	1,420	7,200

Source: Contra Costa County Department of Conservation and Development.

For example, low density residential sites in some areas of the County are considered feasible for affordable housing development for moderate income households based on market conditions in these areas. New single-family homes currently for sale in the West and Eastern portions of the County are selling in the mid-300,000s. Homes within this price range are affordable to moderate income families (see Table 6-17 for affordable housing prices by income group). Overall, the County does not rely on single-family sites to fulfill its low income housing needs. No very low income housing need of the RHNA is assumed to be fulfilled with single-family residential development.

It is noted that in the Table 6-34, Residential Site Analysis, in the category "Under Consideration" listed for West County up to 2100 of the potential units can be attributed to a Specific Plan that is now in preparation for an area in North Richmond currently designated for industrial use. The Specific Plan proposes to re-designate a 100(+) acre area from industrial use to a mix of residential, commercial, and public uses in order to establish a new residential neighborhood within North Richmond. As currently proposed, the Specific Plan would permit up to 2100 residential units of which 1860 would be considered affordable to moderate households and 240 affordable to low income households. It is expected that the Specific Plan will be considered for adoption by the Board of Supervisors in mid-2010 following the completion of an Environmental Impact Report and a public

hearing before the County Planning Commission. Once adopted, it is anticipated that the Specific Plan would be implemented in a phased manner according to market conditions and the completion of upgrades to public infrastructure necessary to support the new residential development. The affordable units would be built in proportionate share with the phasing of the market rate units consistent with the approach under similar Specific Plans adopted by the County, such as Dougherty Valley. In the event that the Specific Plan cannot be approved as proposed by mid-2010, the County would continue working toward Specific Plan approval and initiate plan implementation within the reporting period of this Housing Element. Regardless of the timing for Specific Plan approval, any plan considered for this area of North Richmond would include provisions to contribute a significant share of the County's affordable housing need. If it appears that the North Richmond Specific Plan cannot be approved within the reporting period of this Housing Element, the County would re-double its efforts to secure a comparable share of affordable housing units elsewhere in the County.

In considering the impact of utility constraints on the cost of development, the County assumes that development on residential parcels with utility or other site constraints will be limited to the development of moderate and above moderate income housing. In estimating the potential unit yield on such constrained sites, the low end of the residential density under the General Plan was assumed.

Based on the detailed residential sites analysis, vacant and underutilized sites in the unincorporated areas of the County can potentially accommodate a total of 7,200 new units (see Table 6-34). Many underutilized sites are located within County redevelopment project areas. With the availability of redevelopment tools and financing, these underutilized sites can be more readily available for development than vacant sites in other areas.

Table 6-35
RHNA Affordability Analysis

Affordability Level	Units Yield *
West County	
Above Moderate:	605
Moderate:	2,086
Lower:	412
Total:	3,103
Central County	
Above Moderate:	1,443
Moderate:	284
Lower:	401
Total:	2,128
East County	
Above Moderate:	1,162
Moderate:	181
Lower:	626
Total:	1,969
TOTAL COUNTY	
Above Moderate:	3,210
Moderate:	2,551
Lower:	1,439
Total:	7,200

Source: Contra Costa County Department of Conservation and Development

*Includes built, approved, under consideration, vacant and underutilized residential sites.

2. Progress Toward RHNA

The Regional Housing Needs Allocation (RHNA) was prepared by ABAG for the period of January 1, 2007 through June 30, 2014. As part of this process, ABAG requires each jurisdiction to plan for a certain number of housing units for this period. This requirement is satisfied by identifying adequate sites that could accommodate housing that is affordable to very low, low, moderate, and above moderate-income households. ABAG has determined that the unincorporated County's share of regional housing needs is a total of 3,508 new housing units.

Table 6-36
Remaining RHNA by Income Group

Income Group	RHNA	Permits Pulled	Units Approved	Units Under Consideration	Remaining RHNA	Potential Units on Vacant/ Underutilized Sites*
Lower	1,413	22	261	837	293	319
Moderate	687	301	189	2,057	0	4
Above Moderate	1,408	361	2,193	621	0	35
Total	3,508	684	2,643	3,515	293	358

Source: Contra Costa County Department of Conservation and Development.

* There are additional unvetted Vacant & Underutilized sites in the Moderate & Above Moderate category.

Housing Units Constructed or Approved

Building permits issued from January 1, 2007 onward can be credited towards meeting the adequate sites requirement for the RHNA. In 2007 building permits were pulled for 646 housing units in the unincorporated areas, including a total of 184 affordable housing units. These assisted units are provided primarily through the following residential developments:

- o Bella Flora: 69 units (An additional 104 units were constructed in the previous reporting period. Thirty-five units were affordable to very-low and lower income families.)
- o Alamo Creek developments: 58 units (An additional 69 units were constructed in the previous reporting period. All 127 units were affordable to moderate income families.)

In 2008 there were 568 permits pulled including the 422 unit Avalon Bay apartment project at Contra Costa Centre. In addition to the units built, over 2,070 new units have been approved and 693 applications have been submitted (shown in Table 6-37 on the following page). The County anticipates that many of these approved units will be completed within the 2007-2014 planning period.

Table 6-37
Major Residential Projects Approved or Under Consideration

Community	Density (units/acre)	Status	Potential Unit Yield	Affordability Level
Alamo Creek (Blackhawk-Camino Tassajara)*	Single Family High Density 5.6 Units/Ac. Single Family Low Density 2.4 Units/Ac. Multi-Family High Density 26.88 Units/Ac.	Approved	650 530 SF Units 120 Senior Units	Above Mod. 530 Low 120
Discovery Bay West (Discovery Bay)	5.0 - 7.2	Approved	623	Above Mod 626
Avalon Bay Transit Village (Contra Costa Centre)	@ 80 du/ac	Approved	522 437 For Sale Units 85 Rental Units	Mod. 437 Very Low 85
Nove (North Richmond)	12.0-20.9	Approved	370	Above Mod 315 Mod 16 Low 16 Very Low 23
Affinto (Bay Point)	12.0-20.9	Approved	140	Above Mod 118 Mod. 14 Low 8
Appian Way Sunrise (El Sobrante)	7.3-11.9	Approved	32	Mod 32
Baltimore Court (El Sobrante)	5.0-7.2	Approved	25	Above Mod 25
Rock Island Homes (Sandmound Slough)	7.3-11.9	Approved	21	Mod 21
Swim Club (Rodeo)	5.0-7.2	Approved	17	Mod 17
DP04-3021 (Bay Point)	7.3-11.9	Approved	15	Mod 15
Former School Site (Mt View)	5.0-7.2	Approved	13	Mod 13
Humphrey (Alamo)	1.0-2.9	Approved	12	Above Mod 12
SD08-09229 (Bay Point)	29.9	Approved	12	Mod 12
Discovery Builders (Vine Hill)	5.0-7.2	Approved	10	Mod 10
Habitat for Humanity (Bay Point)	5.0-7.2	Approved	9	Very Low 9
Discovery Builders (Bay Point)	5.0-7.2	Approved	8	Mod 8
Geoghegan (El Sobrante)	5.0-7.2	Approved	5	Above Mod 5
DP07-03008 (Bay Point)	5.0-7.2	Approved	5	Mod 5
Muir Ln Estates (Alamo)	1.0-2.9	Approved	3	Above Mod 3
Pantages (Discovery Bay)	3.0 - 4.9	Applied	290	Above Mod 290
SD06-09160 Senior Apts (Discovery Bay)	5.0 - 7.2	Applied	64	Mod 64
SD01-8533 (El Sobrante)	5.0 - 7.2	Applied	40	Above Mod 40
DP05-3095 (Mt View)	21.0 - 29.9	Applied	30	Low 30
SD03-8784 (Vine Hill)	5.0 - 7.2	Applied	27	Mod 27
SD05-9053 (El Sobrante)	3.0 - 4.9	Applied	19	Above Mod 19
DP07-03035 (Bay Point)	5.0 - 7.2	Applied	17	Mod 17
SD06-9130 (El Sobrante)	7.3 - 11.9	Applied	17	Mod 17
SD06-9066 (El Sobrante)	5.0 - 7.2	Applied	14	Above Mod 14
SD06-09063 (Bay Point)	5.0 - 7.2	Applied	14	Mod 14
DP05-03101 (Vine Hill)	5.0 - 7.2	Applied	11	Mod 11
SD05-09004 (Vine Hill)	5.0 - 7.2	Applied	11	Mod 11
SD05-8554 (El Sobrante)	5.0 - 7.2	Applied	10	Above Mod 10
SD05-8986 (El Sobrante)	7.3 - 11.9	Applied	10	Mod 10
SD07-9174 (Reliez Valley)	1.0 - 2.9	Applied	9	Above Mod 9
SD05-9064 (El Sobrante)	3.0 - 4.9	Applied	8	Above Mod 8
DP07-3007 (Crockett)	5.0 - 7.2	Applied	8	Mod 8
DP02-3009 (El Sobrante)	7.3 - 11.9	Applied	7	Above Mod 7
DP07-3061 (Alamo)	.02 - .09	Applied	5	Above Mod 5

Table 6-37
Major Residential Projects Approved or Under Consideration

Community	Density (units/acre)	Status	Potential Unit Yield	Affordability Level
MS07-0014 (Alamo)	1.0 - 2.9	Applied	4	Above Mod 4
MS08-00004 (Unincorporated Walnut Creek)	1.0 - 2.9	Applied	4	Above Mod 4
MS07-00022 (Pacheco)	12.0 - 20.9	Applied	4	Above Mod 4
MS05-00055 (El Sobrante)	3.0 - 4.9	Applied	4	Above Mod 4
MS07-0002 (El Sobrante)	5.0 - 7.2	Applied	4	Above Mod 4

Source: Contra Costa County Department of Conservation and Development, 2008.

* Affordability requirements included in proposed conditions of approval.

** Affordable units required by conditions of approval and/or existing development agreements.

B. Financial Resources

Contra Costa County has access to a variety of existing and potential funding sources available for affordable housing activities. These include programs from federal, state, local, and private resources. The following section describes the key housing funding sources currently used in the County – CDBG, HOME, ESG, HOPWA, and MHSA funds as well as redevelopment set-aside funds, bond financing, tax credits, and Section 8. Table 6-38 provides a complete inventory of the key financial resources available for housing in the unincorporated areas of the County.

Table 6-38
Financial Resources for Housing Activities

Program Name	Description	Eligible Activities
1. Federal Programs		
Community Development Block Grant (CDBG)	Annual grants awarded to the County on a formula basis for housing and community development activities in the Urban County.	<ul style="list-style-type: none"> • Acquisition • Rehabilitation • Home Buyer Assistance • Economic Development • Infrastructure Improvements • Homeless Assistance • Public Services
HOME Investment Partnership Act Funds	Flexible grant program awarded to County on a formula basis for affordable housing activities in the Contra Costa Consortium area.	<ul style="list-style-type: none"> • Acquisition • Rehabilitation • Home Buyer Assistance • New Construction
Emergency Shelter Grants (ESG)	Grants awarded to County to implement a broad range of activities that serve homeless persons in Urban County.	<ul style="list-style-type: none"> • Shelter Construction • Shelter Operation • Social Services • Homeless Prevention
Housing Opportunities for Persons with AIDS (HOPWA)	Funds for housing development and related support services for low-income persons with HIV/AIDS and their families.	<ul style="list-style-type: none"> • Acquisition • Rehabilitation • New Construction • Housing-related Services
Section 8 Rental Assistance Program	Rental assistance payments to owners of private market rate units on behalf of very low-income tenants.	<ul style="list-style-type: none"> • Rental Assistance
Section 202	Grants to non-profit developers of multi-family rental housing for the elderly.	<ul style="list-style-type: none"> • Acquisition • Rehabilitation • New Construction • Rental Assistance

Table 6-38
Financial Resources for Housing Activities

Program Name	Description	Eligible Activities
Section 811	Grants to non-profit developers of supportive rental housing for persons with mental, physical, and other disabilities, including group homes, independent living facilities and intermediate care facilities.	<ul style="list-style-type: none"> • Acquisition • Rehabilitation • New Construction • Rental Assistance
Section 108 Loan	Provides loan guarantee to CDBG entitlement jurisdictions for large-scale projects. Maximum loan amount can be up to five times the jurisdiction's recent annual allocation. Maximum loan term is 20 years.	<ul style="list-style-type: none"> • Acquisition • Rehabilitation • Home Buyer Assistance • Economic Development • Homeless Assistance • Public Services
Mortgage Credit Certificate Program	Income tax credits available to first-time homebuyers to buy new or existing single-family housing. Local agencies (County) make certificates available.	<ul style="list-style-type: none"> • Home Buyer Assistance
Low-income Housing Tax Credit (LIHTC)	Tax credits are available to persons and corporations that invest in rental housing for lower income households. Proceeds from the sale of the credits are typically used to create housing.	<ul style="list-style-type: none"> • New Construction • Acquisition • Rehabilitation • Historic Preservation
Capital Fund Program	Funds are available to public housing authority for public housing modernization and rehabilitation.	<ul style="list-style-type: none"> • Rehabilitation • Modernization
Shelter Plus Care Program	Rental assistance that is either tenant-based, project-based, or sponsor-based to maximize independence for disabled homeless persons. Funds to support the provision of permanent housing and supportive services for the homeless.	<ul style="list-style-type: none"> • Rental Assistance • New Construction • Support Services
Supportive Housing Program (SHP)	Grants for development of supportive housing and support services to assist homeless persons in the transition from homelessness.	<ul style="list-style-type: none"> • Transitional Housing • Housing for the Disabled • Supportive Housing • Support Services
2. State Programs		
School Facility Fee (SFF) Downpayment Assistance Program	SFF is designed to provide qualified homebuyers with assistance to purchase their newly constructed home. Eligible applicants receive a conditional grant based on either a partial or full rebate of the school facility fees paid by the builder. The assistance can be used for down payment, closing costs, or any costs associated with the buyer's first mortgage loan, subject to acceptance by the mortgage lender and the mortgage insurer.	<ul style="list-style-type: none"> • Homebuyer Assistance
Multi-Family Housing Program (MHP)	Deferred payment loans for new construction, rehabilitation, acquisition, and preservation of permanent and transitional rental housing. This program is expected to be out of funds by 2009.	<ul style="list-style-type: none"> • New Construction • Rehabilitation • Acquisition • Preservation
California Housing Finance Agency (CalHFA) Rental Housing Programs	Below market rate financing offered to builders and developers of multiple-family and elderly rental housing. Tax-exempt bonds provide below-market mortgages. Funds may also be used to acquire properties.	<ul style="list-style-type: none"> • New Construction • Rehabilitation • Acquisition
California Housing Finance Agency (CalHFA) Home Mortgage Purchase Program	CalHFA sells tax-exempt bonds to make below market loans to first-time homebuyers. Program operates through participating lenders who originate loans for CalHFA.	<ul style="list-style-type: none"> • Homebuyer Assistance

Table 6-38
Financial Resources for Housing Activities

Program Name	Description	Eligible Activities
California Farmworker Housing Grant Program	Provides matching grants to assist development of various types of housing (renter - and owner-occupied) projects for agricultural worker households.	<ul style="list-style-type: none"> • Land Acquisition • Site Development • Construction • Rehabilitation
Downtown Rebound	Finance the conversion of vacant or underutilized commercial and industrial structures into residential units; residential infill; and the development of high-density housing adjacent to existing or planned mass transit facilities.	<ul style="list-style-type: none"> • Rehabilitation • Conversion
3. Local Programs		
Redevelopment Housing Set-Aside Funds	State law requires that 20% of Redevelopment Agency funds be set aside for a wide range of affordable housing activities.	<ul style="list-style-type: none"> • Acquisition • Rehabilitation • New Construction
Single-Family Mortgage Revenue Bond	Issue mortgage revenue bonds to support the development and improvement of affordable single-family homes to qualified households.	<ul style="list-style-type: none"> • New Construction • Rehabilitation • Acquisition
Tax Exempt Housing Revenue Bond	Support low-income housing development by issuing housing tax-exempt bonds requiring the developer to lease a fixed percentage of the units to low-income families at specified rental rates.	<ul style="list-style-type: none"> • New Construction • Rehabilitation • Acquisition
4. Private Resources/Financing Programs		
Federal National Mortgage Association (Fannie Mae)	• Fixed rate mortgages issued by private mortgage insurers.	• Home Buyer Assistance
	• Mortgages which fund the purchase and rehabilitation of a home.	• Home Buyer Assistance • Rehabilitation
	• Low Down-Payment Mortgages for Single-Family Homes in under served low-income and minority cities.	• Home Buyer Assistance
Savings Assn. Mortgage Company Inc. (SAMCO)	Pooling process to fund loans for affordable ownership and rental housing projects. Non-profit and for profit developers contact member institutions.	• New construction of rentals, cooperatives, self help housing, homeless shelters, and group homes
California Community Reinvestment Corporation (CCRC)	Non-profit mortgage banking consortium designed to provide long term debt financing for affordable rental housing. Non-profit and for profit developers contact member banks.	<ul style="list-style-type: none"> • New Construction • Rehabilitation • Acquisition
Federal Home Loan Bank Affordable Housing Program	Direct subsidies to non-profit and for profit developers & public agencies for affordable low-income ownership and rental projects.	• New Construction
Freddie Mac	Home Works - Provides first and second mortgages that include rehabilitation loan. County provides gap financing for rehabilitation component. Households earning up to 80% MFI qualify.	• Home Buyer Assistance combined with Rehabilitation
Bay Area Local Initiatives Support Corporation (LISC)	Bay Area LISC provides recoverable grants and debt financing on favorable terms to support a variety of community development activities including affordable housing.	<ul style="list-style-type: none"> • Acquisition • New Construction • Rehabilitation
Northern California Community Loan Fund (NCCLF)	Offers low-interest loans for the revitalization of low-income communities and affordable housing development.	<ul style="list-style-type: none"> • Acquisition • Rehabilitation • New Construction
Low-Income Housing Fund (LIHF)	LIHF provides below-market loan financing for all phases of affordable housing development and/or rehabilitation.	<ul style="list-style-type: none"> • Acquisition • Rehabilitation • New Construction

1. Community Development Block Grant Program Funds

Through the CDBG program, the federal Department of Housing and Urban Development (HUD) provides funds to local governments for funding a wide range of housing and community development activities for low-income persons.

The County administers the CDBG Program for all Contra Costa jurisdictions except the cities of Antioch, Concord, Pittsburg, Richmond, and Walnut Creek. These five cities have populations over 50,000 and are entitled to receive funding from HUD directly. The remaining 14 cities and the unincorporated areas participate in the CDBG program through the County, and are collectively referred to as the Contra Costa Urban County.

Based on previous allocations, the County anticipates receiving an annual allocation of approximately \$3.5 million in CDBG funds during the 2009-2014 period.¹⁷ In accordance with policies established by the Board of Supervisors, 47 percent of the annual CDBG allocation (approximately \$1.8 million) is reserved for programs and projects to increase and maintain the supply of affordable housing in the Urban County. Program priorities include projects to:

- o increase the supply of multifamily rental housing affordable to and occupied by very low- and low-income households;
- o maintain the existing affordable housing stock through the rehabilitation of owner-occupied and rental housing;
- o increase the supply of appropriate and supportive housing for special needs populations;
- o assist the homeless and those at risk of becoming homeless by providing emergency and transitional housing; and
- o alleviate problems of housing discrimination.

CDBG funds are used for site acquisition, rehabilitation, first-time homebuyer assistance, development of emergency and transitional shelters, and fair housing/housing counseling activities. Additional activities in support of the new construction of affordable housing include site acquisition, site clearance, and the financing of related infrastructure and public facility improvements.

On July 30, 2008, President Bush signed into law the 2008 Housing and Economic Recovery Act (HERA). HERA included a special allocation of CDBG funds, known as Neighborhood Stabilization Program (NSP) funds. NSP provides targeted emergency assistance to state and local governments to acquire and redevelop abandoned and foreclosed residential properties that might otherwise become sources of abandonment and blight within our communities. Contra Costa County, as the Urban County¹⁸ lead agency, has been allocated \$6,019,051 in NSP funds to be used over five years. The County intends to use these funds to support acquisition and rehabilitation programs of vacant foreclosed homes in Bay Point, Oakley, Rodeo San Pablo, and North Richmond.

¹⁷ CDBG Funding to the County has decreased every year for the past 5 years. It is difficult to predict with any certainty at what level the Urban County will be funded in the future.

¹⁸ The Urban County includes the unincorporated County and all cities with the exception of Antioch, Concord, Pittsburg, Richmond, and Walnut Creek. Antioch and Richmond received direct allocations of NSP funds. If the State finds Concord, Pittsburg, and Walnut Creek to be high impact communities, they may apply to the State for NSP funds.

2. HOME Investment Partnership Act Program Funds

The purpose of the HOME Program is to improve and/or expand the supply of affordable housing opportunities for low-income households. Contra Costa as the Urban County and the cities of Antioch, Concord, Pittsburg and Walnut Creek formed the Contra Costa Consortium for purposes of participating in the HOME Program. The County administers the program on behalf of the Consortium.

Approximately \$2.9 million in HOME funds are allocated to the Consortium on an annual basis through HUD.

Consortium HOME Program priorities include the following:

- o acquisition, rehabilitation and new construction of affordable multifamily rental housing;
- o owner-occupied housing rehabilitation programs for low-income households;
- o first-time homebuyer's assistance for low-income households.

All projects funded with HOME funds must be targeted to very low and low-income households and must have permanent matching funds from non-federal resources equal to 25 percent of the requested funds. In addition, the Board of Supervisors has established a priority for the allocation of HOME and CDBG funds to projects that include a portion of the units affordable to extremely low-income households.

3. Emergency Shelter Grants (ESG) Funds

The Emergency Shelter Grants (ESG) Program was established as part of the federal Stewart B. McKinney Homeless Assistance Act. The program provides funds for homeless shelters, social services for the homeless, and for homeless prevention efforts. On behalf of the Urban County, Contra Costa receives approximately \$154,000 annually in ESG funds from HUD. These funds are awarded to local non-profit and public agencies to provide emergency shelter and services for the homeless. In the past, ESG funds have been used in combination with General Fund and other resources to support two emergency shelters for adults in West and Central County. Additional projects have included homeless prevention activities, the homeless hotline and shelter and services for battered women and families.

4. Housing Opportunities for Persons with AIDS (HOPWA)

The Housing Opportunities for Persons with AIDS (HOPWA) program provides funding for housing development and related support services for low-income persons with HIV/AIDS and their families. Funds are provided through HUD on an annual basis to the City of Oakland for the Alameda/Contra Costa eligible metropolitan area. Contra Costa County receives a formula share of HOPWA funds from the City of Oakland based on the number of reported AIDS cases. Contra Costa's share is approximately 25 percent of the total allocation, or \$430,000. Funds have been used primarily for acquisition/rehabilitation, and new construction of permanent housing. Additional funds have been used by the County AIDS Program for housing advocacy.

5. Mental Health Services Act

The Mental Health Services Act (MHSA) was established by the passage of Proposition 63 in November 2004 as is intended to “transform the public mental health system”. The population to be helped under MHSA is defined as adults and older adults who have been diagnosed with or who may have a serious and persistent mental illness, and children and youth who have been diagnosed with or who may have serious emotional disorders, and their families. In 2008, the County assigned its MHSA housing funds to the California Housing Finance Agency (CalHFA) to administer on behalf of the County. The County has approximately \$9 million over the next five years. Up to \$3 million may be used to support housing development operating costs.

6. Redevelopment Set-Aside Funds

In accordance with State law, the Contra Costa County Redevelopment Agency sets aside 20 percent of all tax increment revenue generated from its redevelopment project areas to fund projects that increase, improve, or preserve the supply of affordable housing. Housing developed with these set-aside funds must remain affordable to low- and moderate-income households for at least 55 years for rentals and 45 years for ownership housing. The Agency receives approximately \$3.4 million in set-aside funds annually and anticipates using these funds to support the following major programs/activities during the planning period: new construction of affordable housing, preservation of assisted housing, acquisition/rehabilitation, special needs housing, first-time homebuyer assistance, homeowner rehabilitation, and the residential displacement program. In recent years, the Agency has successfully used housing funds to assist with the financing of several affordable housing developments, including the award winning Bella Monte Apartments (Bay Point), Rodeo Gateway (Rodeo), and Avalon Walnut Creek (Contra Costa Centre). Funds have also been used to support the development of affordable homeownership opportunities, including the Bay Point Habitat Homes and a first-time homebuyer program. Redevelopment funds were a critical component of the Contra Costa Centre Transit Village development. These funds were the catalyst for significant private investment which will result in 422 units of rental (including 85 affordable units) and 100 units of ownership housing.

7. Bond Financing

The County has been very active in issuing tax-exempt mortgage revenue bonds to support the development of affordable housing. Under the Mortgage Revenue Bond (MRB) Program, the County provides mortgage financing for affordable housing projects through the sale of tax-exempt bonds. In particular, the Multi-family Residential Rental Housing Revenue Bond Program assists developers of multi-family rental housing in increasing the supply of affordable rental units available to qualified households. The proceeds from bond sales are used for new construction, acquisition, and/or rehabilitation of multi-family housing developments. A specified number of units are required to remain affordable to eligible, lower-income households for a specified number of years after the initial financing is provided. Numerous County affordable housing developments have been funded in part by proceeds from County-issued bonds, including Avalon Walnut Creek at Contra Costa Centre. Through the refinancing of bonds, the County has also extended the affordability terms on assisted housing projects.

8. Mortgage Credit Certificates

The Mortgage Credit Certificate Program, authorized by Congress in the Tax Reform Act of 1984, provides financial assistance to "First time homebuyers" for the purchase of new or existing single-family home. In 1985, the State adopted legislation authorizing local agencies, such as Contra Costa County, to make Mortgage Credit Certificates (MCCs) available in California. Contra Costa County MCC authority can be used in all cities as well as the unincorporated areas of the County.

9. Low Income Housing Tax Credits (LIHTC)

Created by the 1986 Tax Reform Act, the LIHTC program has been used in combination with County and other resources to encourage the construction and rehabilitation of rental housing for lower-income households. The program allows investors an annual tax credit over a ten-year period, provided that the housing meets minimum low-income occupancy requirements. The tax credit is typically sold to large investors at a syndication value. Several County affordable apartment projects have been funded in part by LIHTC proceeds, including Bella Monte apartments in the Bay Point area.

10. Section 8 Assistance

The Section 8 program is a federal program that provides rental assistance to very-low income persons in need of affordable housing. The Section 8 program offers a voucher that pays the difference between the current fair market rent and what a tenant can afford to pay (e.g., 30 percent of their income). The voucher allows a tenant to choose housing that may cost above the payment standard, but the tenant must pay the extra cost. The County currently has approximately 7,000 residents who receive Section 8 assistance.

C. County Administrative Resources

Non-profit agencies that are involved in housing development represent a substantial resource for the provision of affordable units in a community. Nonprofit ownership helps assure that these housing units will remain as low-income housing. Described below are major public and non-profit agencies that have been involved in affordable housing activities throughout Contra Costa County. These agencies/organizations play important roles in the production, improvement, preservation, and management of affordable housing.

1. Contra Costa County Department of Conservation and Development

The Department of Conservation and Development (DCD) maintains overall responsibility for the development of housing and community development plans, policies and strategies, including the County Housing Element and the Consolidated Plan. DCD, Redevelopment Division implements programs designed to increase and maintain affordable housing, expand economic and social opportunities for lower income, homeless and special needs populations, and revitalize declining neighborhoods. Specific programs administered through the Redevelopment Division include the Community Development Block Grant (CDBG), the HOME Investment Partnership Act Program, the Housing Opportunities for Persons with AIDS (HOPWA) Program, the Emergency Shelter Grant (ESG) Program, the tax-exempt and mortgage revenue bond, and Mortgage Credit Certificate (MCC)

programs. The Redevelopment Division is also responsible for the review of projects applying to HUD for funding to determine their consistency with the Consortium's Consolidated Plan.

The Building Inspection Division of DCD (BID) carries out building inspection and code enforcement activities that are designed to ensure the safety of the County's housing stock. BID operates the Neighborhood Preservation Program, a housing rehabilitation loan program for low-income homeowners in the Urban County. In addition, BID offers a weatherization and energy conservation program. This program helps lower income households to reduce monthly housing costs through the provision of resources for rehabilitation and other improvements designed to increase efficiency in energy use.

2. Redevelopment Agency of the County of Contra Costa

Also within the DCD, Redevelopment Division is the Contra Costa Redevelopment Agency (RDA). The RDA supports and provides resources for affordable housing development in the County's redevelopment areas located in Bay Point, Contra Costa Centre, Montalvin Manor, North Richmond, and Rodeo. In accordance with State law, the County Redevelopment Agency reserves a minimum of 20 percent of its annual tax increment revenues for the support of affordable housing projects. RDA resources are used to support the maintenance and expansion of affordable homeownership and multifamily rental opportunities within the redevelopment areas.

3. Housing Authority of the County of Contra Costa (HACCC)

The Housing Authority plays a major role in supporting and implementing the County's housing programs. The HACCC is responsible for the County's public housing and rental assistance programs (e.g. Section 8 certificates and vouchers), operates rental housing rehabilitation programs for several jurisdictions, and is the project sponsor for selected affordable housing projects.

4. Contra Costa County Health Services Department

The Health Services Department (HSD) is responsible for the development of plans and programs to assist homeless households and adults throughout the County by providing emergency and permanent supportive housing and supportive services designed to enable this population to achieve greater economic independence and a stable living environment. HSD coordinates the activities of and provides staff support to the Contra Costa Interagency Council on Homelessness (CCICH), appointed by the County Board of Supervisors and consisting of representatives of local jurisdictions, homeless service providers, advocacy and volunteer groups, the business and faith communities, citizens at large, and previously/currently homeless individuals. The CCICH works with the HSD to develop and refine the Ten Year Plan to End Homelessness, and to develop the County's annual McKinney Act application, educate the public with respect to homeless issues, and advocate for increased funding for homeless programs.

D. Local Affordable Housing Developer Capacity

Contra Costa County has several successful affordable housing developers with significant organizational capacity. Following is an example of the most active developers in the County.

1. BRIDGE Housing Corporation

Located in San Francisco, BRIDGE Housing Corporation develops and manages affordable housing for lower income households in the Bay Area and throughout California. Projects developed and managed by BRIDGE in Contra Costa County include affordable multifamily rental housing (e.g. Coggins Square Apartments, Grayson Creek) and rental housing for seniors (Pinole Grove, The Arbors).

2. Christian Church Homes

Christian Church Homes of Northern California (CCHNC), located in Oakland, was created to meet the housing needs of low-income seniors. The agency currently manages Sycamore Place I & II Apartments, Antioch Hillcrest Terrace and Carquinez Vista Manor.

3. Community Housing Development Corporation (CHDC)

CHDC is a non-profit housing developer located in North Richmond that has been active in the development of affordable homeownership opportunities and multifamily rental housing in the West County area. Successfully completed projects include Parkway Estates and the Community Heritage Apartments.

4. Eden Housing, Inc.

Based in Hayward, Eden Housing assists communities through an array of affordable housing development and management activities as well as social services that meet the needs of lower income households. The agency serves low- and moderate-income families, seniors, disabled households and the formerly homeless. Projects include Brentwood Senior Commons, Riverhouse, Rivertown Place, Samara Terrace, Victoria Family, Virginia Lane, and West Rivertown. Additional projects in Lafayette and Orinda are in predevelopment.

5. EAH

EAH is a non-profit housing developer active throughout California. EAH develops and manages affordable housing projects in order to expand the supply of high quality affordable housing and to enable families to attain financial stability. The agency has completed a number of affordable developments in the County including The Oaks, Golden Oak Manor, Silver Oak, Casa Adobe, and Rodeo Gateway Apartments.

6. Mercy Housing California

Mercy Housing California is a non-profit housing developer located in San Francisco and Sacramento that has been active in Contra Costa County developing homeownership and rental housing projects. Target populations include senior and farm worker families. Projects include Arroyo Seco, Marsh Creek Vista, Villa Amador, a multi-family rental housing project for low-income farmworker-households in East County. Mercy Housing, in partnership with Contra Costa Interfaith Housing, developed a permanent supportive housing project for homeless families called Garden Park.

7. Habitat for Humanity, East Bay

Habitat for Humanity is a non-profit agency dedicated to building affordable housing and rehabilitating homes to provide affordable homeownership opportunities for lower income families. Habitat builds and repairs homes with the help of public funds, private donations, volunteers and partner families. Habitat homes are sold to partner families at no profit with affordable, no-interest loans. Volunteers, churches, businesses, and other groups provide most of the labor for the homes. Habitat developed Ellis Street Townhomes, Herb White Way, Norcross, Montague and Rivertown homes.

8. Resources for Community Development (RCD)

Resources for Community Development (RCD) is a non-profit housing developer located in Berkley and active throughout Alameda and Contra Costa County. RCD develops housing for individuals, families, and special needs populations through acquisition/rehabilitation and new construction projects. Contra Costa projects include Terrace Glen, Aspen Court, Riley Court, Camara Circle, Pinecrest Apartments, Caldera Place, Alvarez Court, Lakeside, and East Leland Court. Additional projects are in predevelopment in El Cerrito and Martinez.

9. Rubicon Programs

Rubicon Programs is a non-profit community-based service organization and affordable housing provider located in Richmond. Rubicon serves the West County area by providing housing and services to homeless and special needs populations. Projects include The Idaho Apartments, Ohio Avenue, Virginia Avenue, and Church Lane Apartments.

10. SHELTER, Inc.

SHELTER, Inc. is a non-profit community-based service organization and affordable housing provider located in Martinez that is active in Central and East Contra Costa County. SHELTER, Inc. provides homeless prevention services as well as transitional and special needs housing. Projects and programs include REACH Plus, East County Family Transitional Housing (management), Mt. View House, The Landings, and Victoria Apartments.

E. Opportunities for Energy Conservation and Reducing Greenhouse Gas Emissions

Utility-related costs can directly impact the affordability of housing in Northern California, particularly in light of the recent energy crisis. Title 24 of the California Administrative Code sets forth mandatory energy standards for new development and requires adoption of an "energy budget." In turn, the home building industry must comply with these standards while localities are responsible for enforcing the energy conservation regulations.

There are many alternative ways to meet these energy standards including but not limited to:

- o use of passive solar,
- o high insulation levels,
- o active solar water heating,

- o locating the home on the northern portion of the sunniest location of the site,
- o designing the structure to admit the maximum amount of sunlight into the building and to reduce exposure to extreme weather condition,
- o locating indoor areas of maximum usage along the south face of the building and placing corridors, closets, laundry rooms, power core, and garages along the north face making the main entrance a small enclosed space that creates an air lock between the building and its exterior,
- o orienting the entrance away from winds, or
- o using a windbreak to reduce the wind velocity against the entrance.

1. Utility Incentive Programs

Utility companies serving Contra Costa County offer various programs to promote the efficient use of energy and other resources, and to assist lower income customers. These programs are discussed below.

Pacific Gas & Electric (PG&E) provides both natural gas and electricity to residential consumers in the County. PG&E provides a variety of energy efficiency rebates and energy conservation services for residents, including:

- o \$600 rebate for home duct sealing
- o \$300 rebate for the installation of an energy-efficient natural gas furnace
- o \$50 rebate for the installation of an energy-efficient variable speed motor air handler system
- o \$100 rebate for the installation of an energy-efficient whole house fan
- o automatic rebates for lighting products with the PG&E Rebate Sticker
- o \$100 rebate for the installation of a multi-speed swimming pool filtration pump and motor
- o \$75 rebate for the installation of a high-efficiency clothes washer
- o \$50 rebate for the installation of a high-efficiency dishwasher
- o \$50 rebate for the installation of an energy-efficient room air conditioner
- o \$30 rebate for the installation of an energy-efficient water heater
- o \$200 rebate per 1000 square feet for the installation of a cool roof
- o \$150 rebate per 1000 square feet for the installation of attic and wall insulation
- o \$35 rebate for the recycling of an old refrigerator or freezer
- o \$25 rebate for the recycling of an old room air conditioner
- o automatic rebates for energy efficient computers and electronics
- o tax credits up to \$2,000 available for home energy-efficiency improvements

PG&E also participates in several energy assistance programs for lower income households, which help qualified homeowners and renters conserve energy and control electricity costs. These include the California Alternate Rates for Energy (CARE) Program and the Relief for Energy Assistance through Community Help (REACH) Program.

The California Alternate Rates for Energy Program (CARE) provides a 20 percent monthly discount on gas and electric rates to income qualified households, certain non-profits, facilities housing agricultural employees, homeless shelters, hospices and other qualified non-profit group living facilities.

The REACH Program provides one-time energy assistance to customers who have no other way to pay their energy bill. The intent of REACH is to assist low-income customers, particularly the elderly, disabled, sick, working poor, and the unemployed, who experience severe hardships and are unable to pay for their necessary energy needs.

In addition, the State Department of Health and Human Services funds the Home Energy Assistance Program (HEAP). Under this program, eligible low-income persons, via local governmental and non-profit organizations, can receive financial assistance to offset the costs of heating and/or cooling dwellings.

As energy is used in the treatment and transportation of water, water use efficiency translates to energy efficiency. The Contra Costa Water District (CCWD) delivers treated and untreated water to residential consumers in central and eastern Contra Costa County. The CCWD offers rebates and incentives to its customers for efficiency in home water use.

The CCWD's residential High-Efficiency Washing Machine Rebate Program provides \$100 rebates to its residential customers for the purchase of qualified high-efficiency washing machines.

Residential High-Efficiency Toilet Rebates are provided in the amount of \$175 for the purchase of select high-efficiency toilets.

Residential Smart Sprinkler Timer Rebates are provided for the purchase of select smart sprinkler timers.

The East Bay Municipal Utility District (EBMUD), which also serves residents of Contra Costa County, offers many conservation services and incentives to its customers. To start, EBMUD offers complimentary on-site surveys of indoor and outdoor water use to its users, as well as conservation devices—including low-flow showerheads and faucet aerators.

In conjunction with PG&E, EBMUD offers a \$125 to \$200 rebate for the purchase of high-efficiency clothes washers. EBMUD also offers toilet performance testing and a \$150 rebate for the purchase of high-efficiency toilets.

EBMUD also offers rebates for water-efficient home landscaping and WaterSmart Garden Grants for public garden water conservation projects.

2. The County's Greenhouse Gas Emissions Inventory

Contra Costa County completed a greenhouse gas (GHG) emissions inventory in June 2008, and found that 13 percent of the County's GHG emissions in 2005 came from residential energy use. Focusing on the County's unincorporated area, residential energy use represents 6 percent of total GHG emissions. Fortunately, the County has already implemented energy efficiency and other GHG reduction programs. However, there are multiple opportunities to expand these programs and implement new programs.

3. The County's Efforts to Promote Energy Efficiency and Reduce GHG Emissions

The Contra Costa County Board of Supervisors formed the Climate Change Working Group in May 2005. The CCWG is comprised of the Agricultural Commissioner, the

Director of General Services, the Director of Health Services, the Director of Public Works, the Director of the Department of Conservation and Development and the Deputy Directory for Building Inspection.

Through a GHG emissions inventory conducted in the summer of 2007 and updated in June of 2008, the County was able to quantify existing emissions from municipal operations and community-wide sources. The County is now focusing on the next step in the climate protection process—the development of a Climate Action Plan. A Climate Action Plan represents the local blueprint for climate protection, which should include the set of programs and policies the jurisdiction will implement in order to achieve its chosen emissions reduction targets. The Climate Action Plan should include existing initiatives as well as potential policies and programs that, when implemented, will help meet the chosen emissions reduction targets.

The County has elected to develop the Climate Action Plan in two separate phases, the first focused on further reducing the County's municipal GHG emissions and the second focused on community-wide emissions. While community-wide reduction measures may result in greater overall GHG reductions, the County government has greater control over its municipal emissions, and the development of a Municipal Climate Action Plan provides an opportunity for the County to lead by example. The County is beginning to meet with other local jurisdictions to discuss collaboration in the creation of a community-wide Climate Action Plan.

The County has already implemented many measures that have reduced its municipal GHG emissions. Some of the most effective municipal GHG reduction measures include employee carpool and vanpool programs, compressed employee work weeks, building lighting retrofits, building heating-ventilating-air conditioning (HVAC) improvements, direct digital control devices for building HVAC systems, installation of cogeneration plants for buildings that operate 24 hours per day, purchase of energy efficient computers and copiers, building paper recycling, use of B20 biodiesel fuel for the County diesel fleet, purchase of hybrid vehicles for the County fleet, and the use of LEDs in traffic signals. The County's efforts to reduce municipal GHG emissions will continue to expand with the development and implementation of its Municipal Climate Action Plan.

The County has also implemented various community-wide measures that have targeted residential energy conservation or otherwise reduced GHG emissions. Some of the residential energy conservation measures include:

- o offer density bonuses for development projects that include a specified number of affordable housing units,
- o encourage mixed use development to limit travel distances,
- o conduct a weatherization program to assist low or fixed income households in making their homes more energy efficient,
- o adopt and encourage use of Green Building Guidelines for residential construction and remodeling projects
- o provide green building related information to the public (including custom-made green building materials display and free copies of above-mentioned Guidelines),
- o require developers to provide information on commute alternatives available to their residents,
- o require certain new developments to use drought-tolerant landscaping,

- o require certain development projects to construct bicycle and pedestrian amenities, and
- o require large development projects in designated transit areas to install features to support mass transit.

Other community-wide GHG reduction measures include efforts to adopt residential variable can rate structures to promote waste reduction and recycling, inform residents regarding the proper methods to manage their unwanted household chemicals and electronics, use methane from landfills to generate electricity, and recognize businesses that adopt green business practices.

4. Regional Opportunities to Further Reduce Energy Use and GHG Emissions

Many residential energy conservation opportunities are closely inter-related with other regulations/standards currently being developed and adopted at the regional and state levels.

The County is one of the local governments in the nine-county San Francisco Bay Area that is participating in the regional voluntary, incentive-based program known as FOCUS intended to encourage focused growth. FOCUS involves regional agencies, local governments, and communities collaborating to protect and improve the quality of life in the Bay Area. In the FOCUS process, local governments are partnering with regional agencies to create a development and conservation strategy for the San Francisco Bay Area. FOCUS is led by and unites the efforts of four regional agencies, Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), with support from the Bay Area Air Quality Management District (BAAQMD) and the Bay Conservation and Development Commission (BCDC), into a single program that encourages future growth in areas near transit and within the communities that surround the San Francisco Bay. Concentrating housing in these areas offers housing and transportation choices for all residents, while helping to reduce traffic, protect the environment, and enhance existing neighborhoods.

As part of FOCUS, local governments have identified Priority Development Areas (PDAs) and Priority Conservation Areas. Only willing jurisdictions receive priority area designations and PDAs have to be within an existing community, near existing or planned fixed transit or served by comparable bus service, and planned for more housing. Designation of PDAs in the Bay Area expresses the region's priorities for growth and informs regional agencies which jurisdictions want and need assistance. These areas have been identified based on criteria that are consistent with the Bay Area's regional goals. Regional agencies will support local governments' commitment to these goals by working to direct existing and future incentives to these priority areas. FOCUS is partially funded by a Blueprint Grant from the State of California Business, Transportation, and Housing Agency.

PDAs are infill development opportunities within existing communities that welcome more residents while being committed to creating more housing choices in locations easily accessible to transit, jobs, shopping and services. To achieve the region's housing objectives in a way that works for both new and existing residents and ensures complete, livable communities, PDAs will require help and resources. The regional agencies are working to develop a program of technical assistance, planning grants, and capital funding for local governments undertaking PDA

development. The Regional Transportation Plan being developed now for adoption in 2009 is one opportunity to identify supportive funds. Other opportunities will be pursued in partnership with the State of California and a variety of funding sources. Six of the adopted PDAs are within the County's jurisdiction. Pittsburg/Bay Point, Contra Costa Centre (Pleasant Hill BART), Montalvin Manor and Rodeo are the County's four "Planned" PDAs, while El Sobrante and North Richmond are the two "Proposed" PDAs. The primary difference between these two designations is that a planned PDA has both an adopted land use plan and a resolution of support from the jurisdictions' decision making body.

- o The County will monitor developments related to SB375¹⁹ and other anticipated AB32²⁰-related regulations, as well as the recent California Green Building Standards Code that can be adopted by local governments in July of 2009 (some subset thereof likely becoming mandatory in January of 2011) to identify most resource-efficient means of further reducing residential energy consumption.
- o The County will take an active role in the development of the Regional Transportation Plan & Sustainable Communities Strategy to ensure that it will result in GHG emissions reductions while still being feasible to implement locally. Following adoption of the regional Sustainable Communities Strategy (SCS), the County can then focus available resources at identifying to what extent our land use policies and regulations are consistent with the SCS.

5. Local Opportunities to Further Reduce Energy Use and GHG Emissions

The County also has many opportunities to expand its existing efforts toward community-wide GHG reduction, including further reductions in residential energy use. However, the County does not currently have resources and/or expertise adequate to conduct in-depth feasibility analysis or prioritization of the many potential new opportunities for energy conservation with respect to residential development.

As a starting point, the County will expand efforts to promote:

- o infill and transit-oriented development,
- o water- and energy-saving incentives/rebates offered to households,
- o use of water-efficient landscaping and energy efficient irrigation systems,
- o use of photovoltaic systems,
- o use of permeable paving materials for cooling and water conservation,
- o promote Location Efficient Mortgage and Energy Efficient Mortgage programs as available, and
- o seek or support applications for affordable housing funds from agencies that reward and offer incentives for affordable infill housing and affordable housing built close to jobs, transportation, and amenities (e.g., HCD's Multifamily Housing Program and California Tax Credit Allocation Committee).

¹⁹ SB 375 by Senator Steinberg, approved in 2008, builds on AB 32 by requiring the California Air Resources Board (CARB) to provide each Metropolitan Planning Organization with regional emissions-reduction targets and requiring that regional transportation plans include a Sustainable Communities Strategy designed to achieve the reduction targets. Furthermore, it exempts from CEQA those housing developments that are consistent with adopted Sustainable Communities Strategy.

²⁰ AB 32—Global Warming Solutions Act of 2006 requires that the state's global warming emissions be reduced to 1990 levels by 2020 through an enforceable statewide cap that will be phased in starting in 2012 and further directs the CARB to develop appropriate regulations and establish a mandatory reporting system to track and monitor global warming emissions levels.

As resources are available, the County will initiate process to review existing policies, standards or requirements in our County Code and General Plan to identify which:

- o help reduce energy use from residential buildings and assess potential for expanding or enhancing them, and
- o serve as potential barriers to incorporating residential energy efficiency incentives or requirements and assess feasibility of modifying or eliminating them.

For example, the County's parking standards could potentially be modified to allow for smaller parking spaces, establish maximum parking spaces per project type or facilitate use of permeable pavement surfaces and landscaping in parking lots without requiring variances.

6.5 HOUSING ACCOMPLISHMENTS

In order to craft an effective housing strategy for the 2009 to 2014 planning period, the County must assess the achievements of the existing housing programs. This assessment will allow the County to evaluate the effectiveness and continued appropriateness of the existing programs and make adjustments for the next five years.

A. Evaluation of Accomplishments under Adopted Housing Element

Contra Costa County's last Housing Element was adopted in 2001. The Element sets forth a series of housing programs with related objectives for the following seven areas:

- 1) Housing Production
- 2) Housing Affordability
- 3) Housing Conservation and Rehabilitation
- 4) Special Housing Needs
- 5) Redevelopment
- 6) Fair Housing
- 7) Housing Element Implementation

The following discussion summarizes the County's housing accomplishments in each of the seven areas from 2001 through 2007. Appendix B provides a more detailed assessment of each housing program established in the 2001 Housing Element. The County was generally successful in implementing its programs. Therefore, the programs will be continued in the 2007 Housing Element with only minor modifications.

Goal 1: Housing Production

Between 1999 and 2007, approximately 4,000 new housing units were constructed in the County unincorporated areas. Using CDBG, HOME, HOPWA, redevelopment set-aside funds, and bond financing, the County facilitates affordable housing development throughout the County. Between 2000 and 2007, the County assisted in the development of 1,249 new affordable housing units throughout Contra Costa County, including 1,233 rental units and 16 ownership units. Table 6-39

summarizes the amount of new housing built with County assistance by location (incorporated or unincorporated) and household income since 2001.

Table 6-39
County-wide Assisted New Construction
2000 – 2007

Income (% of County Median)	Unincorporated		Incorporated Cities		Total	
	Owner	Renter	Owner	Renter	Owner	Renter
30% or Less		43		101		144
31-50%	1	208		369	1	577
51-80%	15	133		379	15	512
Total	16	384		849	16	1,233

Source: Contra Costa County Department of Conservation and Development.

Geographically, 400 of the new units were developed in unincorporated areas of the County, including 384 rentals and 16 ownership units. County efforts facilitated the development of 849 rentals units in incorporated cities.

This level of affordable housing production exhibited above is largely the result of the County's partnership with housing developers in the area. The County has been active in meeting with local developers, community groups, and other jurisdictions to review housing needs and develop effective strategies to meet those needs. The County also participates in various regional and local organizations concerned with housing issues. County staff provides ongoing technical assistance to non-profit and for-profit developers in the development and financing of affordable housing.

Goal 2: Housing Affordability

Affordable Homeownership Opportunities

In addition to facilitating new construction of affordable housing (as described above), the County has also been active in promoting housing affordability by expanding homeownership opportunities. One homeownership assistance program is the Mortgage Credit Certificate (MCC) program administered by the County. The County receives an annual allocation of 30 to 50 MCCs.

Aside from the MCC, the County has implemented various programs to provide affordable homeownership opportunities to lower- and moderate-income households. The County's homebuyer assistance programs include the following:

- o RDA, HOME and CDBG funds have been used for new construction and rehabilitation of single-family homes. Following completion, these funds are rolled over into deferred equity share loans for low-income homebuyers.
- o Through agreements with developers, homes affordable to low- and moderate-income homebuyers have been constructed as a component of market-rate housing developments.
- o Through partnerships with adjacent counties, Contra Costa has used single-family mortgage revenue bonds to provide low-interest loans for low- and moderate-income homebuyers.

Preservation of Existing Affordable Housing

To preserve the affordability of low-income use restricted units, the County has refinanced various housing projects with new tax-exempt bond issues. Since 2001, the County has successfully applied this technique to extend the period of required affordability for three multi-family rental housing projects in the unincorporated area. These projects include 208 affordable units (total of 280 units including market rate.)

Goal 3: Housing Conservation and Rehabilitation

To maintain and improve the quality of the housing stock and residential neighborhoods, the County has been active in providing residential rehabilitation assistance through a variety of programs. These programs include County funded acquisition and/or rehabilitation of existing rental housing, the Neighborhood Preservation Program, and the Rental Rehabilitation Program.

Acquisition/Rehabilitation

The County funds the acquisition and/or rehabilitation of existing rental housing by affordable housing developers using CDBG, HOME, and HOPWA funds. These funds are offered countywide as low-interest deferred loans in exchange for long-term affordability. The rehabilitation of rental properties has been critical to preserving and increasing the supply of affordable housing in the County.

Between 2001 and 2007, the County assisted in the rehabilitation of 379 housing units throughout Contra Costa County, including 318 rental units and 62 ownership units. Geographically, 376 of the 379 units rehabilitated with County assistance are located in the incorporated cities, including 318 rentals and 59 ownership units. The remaining 3 units rehabilitated with County assistance are owner-occupied homes located in North Richmond.

All of these units are deed-restricted as affordable housing to households earning less than 80 percent of the County median income upon completion of the rehabilitation.

Rental Rehabilitation Program

The Rental Rehabilitation Program (RRP) is offered through the Housing Authority of Contra Costa County to improve the rental housing stock in the County. Since 2001, the Housing Authority has rehabilitated 28 rental units²¹ in the Urban County. Rent and occupancy restrictions recorded on the properties ensure these units remain affordable to and occupied by low income households for a minimum of 20 years. Many of these units are occupied by households who have a housing choice voucher.

Neighborhood Preservation Program²²

Under the Neighborhood Preservation Program (NPP), the County provides deferred, zero and low-interest home rehabilitation loans to lower-income homeowners in the Urban County. Between 2001 and 2007 the program assisted a

²¹ The 11 units rehabilitated through the Rental Rehabilitation programs are in addition to the units discussed in rehabilitation section and include units in both the incorporated and unincorporated areas of the County.

²² The 287 units rehabilitated through the Rental Rehabilitation programs are in addition to the units discussed in rehabilitation section and include units in both the incorporated and unincorporated areas of the County.

total of 287 lower-income households in the Urban County, the vast majority of whom earned less than 50 percent of the County median income.

Goal 4: Special Housing Needs

One of the major goals of the County is to meet the housing and supportive services needs of special needs groups, including the disabled, elderly, the homeless, and farmworkers. Since 2001, the County has made significant progress towards this goal.

Senior Housing

Recognizing the special needs of the elderly, the County has provided design flexibility in the development of senior housing. In addition, the County has provided financial assistance in the development of affordable housing for lower-income seniors. Since 2001, the County has provided financial assistance to complete the construction and rehabilitation of 456 senior rental housing units throughout the County, including 449 affordable units. Affordability of senior units targets households earning less than 80 percent of the County median income. The majority (359 units or 80 percent) are new construction units. In terms of geographic distribution, only 50 senior units are located in the unincorporated areas.

Housing for Persons with Disabilities

Among the 1,644 units constructed or acquired/rehabilitated with financial contributions from the County, 31 units are set aside for lower-income disabled residents, including 11 units are reserved for people with HIV/AIDS, 9 units are reserved for people with developmental disabilities, and 11 are reserved for people with severe mental disabilities. In addition, 323 beds were provided for homeless individuals and families, people recovering from drug and alcohol addiction, and three are group homes for individuals with special needs.

The County has also allocated CDBG and HOPWA funds to County agencies and non-profit organizations to support home sharing and roommate referral programs. Agencies that have received funding for housing referral programs include Independent Living Resources and the County HIV/AIDS Program.

Homeless Facilities

The County has also played an active role in providing housing to homeless individuals and families. During the past ten years, the County acquired, rehabilitated and supported the construction of several major homeless facilities including the purchase of the Central County Shelter with 75 beds, the construction of the GRIP shelter with 75 beds, and the renovation of the HOPE House with 30 beds. The County also maintains the West County Emergency Shelter, which has 100 beds. Rehabilitation and new construction assistance was also provided by the County to 71 units of permanent supportive housing projects: Garden Park in Pleasant Hill (28 units); Lakeside Apartments in Concord, and Giant Road Apartments in San Pablo.

Housing for Farmworkers

To meet the housing needs of farmworkers, the County has provided CDBG and/or HOME funding for various developments in East County that provide affordable

homeownership opportunities for extremely low and very low-income households, including many farmworker families. The County provided \$2 million in HOME funds for the Villa Amador project in Brentwood. This project involves the new construction of 91 townhome rental units.

Goal 5: Redevelopment

The Redevelopment Agency has made significant progress toward its goal of providing additional housing opportunities in the redevelopment project areas.

North Richmond Project Area

Since 2001, 176 new units have been built in the Project Area, all of which were Agency-assisted and are affordable to very low, low and moderate-income households, including 38 units with affordability restrictions. Major housing developments in the Project Area include the 173-unit Bella Flora single family home project. In addition, there is a 370 unit, mixed product development which has received its planning approvals.

Rodeo Project Area

Since 2001, the 50-unit Rodeo Gateway Apartments project was completed. All units are restricted to very-low income seniors. The majority of tenants have incomes of less than 30 percent AMI.

In addition, the community is seeking a developer for its town square project which will include market rate and affordable housing.

Bay Point Project Area

Since 2001, 51 multi-family units at Bella Monte have been built in the project area, which were Agency-assisted with recorded affordability controls. The HACCC demolished 90 units of public housing and rebuilt a 180-unit low income housing tax credit project on the same site. The County also participated in the acquisition and rehabilitation of 48 units at the Willow Pass Apartments, 88 affordable units at the Hidden Cove apartments, and 72 affordable units at the Willowbrook apartments through tax-exempt bond issuances.

The agency is currently rebuilding the Orbisonia Heights area, which will include the development of 325 new homes.

Contra Costa Centre Project Area

Since the Contra Costa Centre Project Area was adopted in 1984, a total of 1,354 units projects have been completed. These projects include the 892-unit Park Regency apartment development (which included 135 affordable units), the 150-unit Wayside Plaza condominium project, the 87-unit Coggins Square Apartments, and a 54-unit townhouse project. The County and Redevelopment Agency assisted in the financing of Coggins Square Apartments, which offers 87 units for extremely low, very-low, and low-income families.

The first residential component of the Contra Costa Centre Transit Village is under construction. When completed, it will include 422 rental units (including 85 affordable units) and 100 condominium units.

Goal 6: Fair Housing

The County has continued to allocate CDBG funds to support local non-profit organizations that offer fair housing counseling and legal services. Also, in allocating affordable housing funds, the County assigns priority to projects that do not involve permanent relocation (displacement). However, projects involving relocation may be funded if required to eliminate unsafe or hazardous housing conditions, reverse conditions of neighborhood decline, stimulate revitalization of a specific area, and/or accomplish high priority affordable housing projects. In such situations, the County monitors projects to ensure that relocation is carried out in a manner fully consistent with federal and State requirements. Wherever feasible, displaced households and organizations are offered the opportunity to relocate into the affordable housing project upon completion.

Goal 7: Housing Element Implementation

The County has successfully implemented many of its housing programs established under the previous Housing Element. As illustrated above, the County has made evident progress in meeting its goals in the areas of housing production, housing affordability, conservation and rehabilitation, special housing needs, redevelopment, and fair housing. The 2007-2014 Housing Element builds upon the success of the 2001 Element and establishes means to make further strides toward achieving the housing goals of the County.

B. Housing Production in Previous RHNA Period

ABAG's projected Regional Housing Needs Allocation (RHNA) for the unincorporated areas of Contra Costa County was 5,436 new units for the 2001-2006 planning period. This allocation included 1,101 very low, 642 low, 1,401 moderate and 2,292 above moderate-income units. Units developed or issued with certificates of occupancy after January 1, 2007 are applied to the County's future RHNA for the 2009-2014 period.

From 2001 through 2006, a total of 4,263 housing units were built in the unincorporated areas of Contra Costa County. Of the 4,263 housing units built, 252 units were for very low-income households, 148 units for low-income households, and 234 units for moderate-income households.

While the County facilitated the development of far more affordable housing throughout the County, for purposes of the RHNA, the County is only given credit for units located in the unincorporated areas.

Table 6-40 on the following page compares the County's assigned RHNA with actual levels of housing production between 2001 and 2007. The shortfalls in housing production for very low to moderate-income households do not reflect the substantial number of affordable housing units developed in incorporated communities with County assistance. The County has been active in expanding the supply of affordable housing and facilitating the development of a variety of housing types, including family and senior rentals and first-time homebuyer opportunities. Between 2001 and 2007, the County financed and/or completed over 1,200 affordable units for families, seniors, and special needs groups, including persons with HIV/AIDS and the disabled.

Table 6-40
2001 – 2007
RHNA versus Units Built

Income Group	RHNA	Units Built	Difference
Very Low	1,101	252	-849
Low	642	148	-494
Moderate	1,401	234	-1,167
Above Moderate	2,292	3,629	+1,377
Total	5,436	4,263	-1,173

Source: Contra Costa County Department of Conservation and Development

The 2001 Housing Element was found to be in compliance with State law with the condition that the County implemented Program 19 to rezone at least 10 acres to M29 to facilitate lower-income housing. The County completed the rezone through the adoption of the Pittsburg/Bay Point BART Station Area Specific Plan, which increased densities of up to 65 units per acre in 7.5 acres and 29 units per acre in 31 acres.

6.6 HOUSING PLAN

Sections 6.2 through 6.5 of the Housing Element present a housing needs assessment, an analysis of constraints to housing provision, an inventory of land, financial, and administrative resources, as well as an evaluation of past housing accomplishments. This section presents the County's five-year Housing Plan, which sets forth goals, policies, and programs to address the identified housing needs and other important housing issues.

The County's housing plan for addressing the identified housing needs is detailed according to the following seven areas:

- o Housing and Neighborhood Conservation
- o Housing Production
- o Special Needs Housing
- o Housing Affordability
- o Provision of Adequate Residential Sites
- o Removal of Governmental Constraints
- o Promotion of Equal Housing Opportunity

A. Housing Goals and Policies

The following are the goals and policies the County intends to implement to address the community's identified housing needs and issues.

Housing and Neighborhood Conservation

An important goal for the County is to maintain and enhance the quality of the housing stock and residential neighborhoods. Almost 46 percent of the housing stock in the unincorporated areas is thirty years or older, the age when most homes begin to have major home improvement/rehabilitation needs. Rehabilitation needs have specifically been identified in the redevelopment project areas and selected older neighborhoods. The County will continue to support neighborhood

preservation and upgrading through its offering of housing rehabilitation assistance, code enforcement efforts, and redevelopment activities.

Maintenance of the existing affordable housing is an important strategy in Contra Costa County. The County and affordable housing developers have invested substantial financial and administrative resources in creating the existing diverse inventory of affordable housing. Ensuring the long-term availability of such affordable housing is therefore the most cost-effective means of addressing affordable housing needs.

GOAL 1 Maintain and improve the quality of the existing housing stock and residential neighborhoods in Contra Costa County.

Policy 1.1 Assist owners of affordable rental properties and low-income homeowners in maintaining and improving residential properties through a variety of housing rehabilitation assistance programs.

Policy 1.2 Focus rehabilitation assistance and code enforcement efforts in redevelopment project areas and communities with a high concentration of older and/or substandard residential structures.

Policy 1.3 Assist non-profit housing providers in the acquisition and rehabilitation of older residential structures, and maintenance as long-term affordable housing.

Policy 1.4 Promote increased awareness among property owners and residents of the importance of property maintenance to neighborhood quality.

GOAL 2 Preserve the existing affordable housing stock in Contra Costa County.

Policy 2.1 Maintain a condominium conversion ordinance aimed at preserving the existing stock of rental housing and providing tenant protections for units approved for conversion.

Policy 2.2 Preserve existing affordable housing developments at risk of converting to market rate housing through bond refinancing and other mechanisms.

Housing Production

Contra Costa County implements various programs to increase the supply of housing and encourage a diversity of housing types. Part of this diversity is addressed through the Regional Housing Needs Allocation (RHNA), which encourages the provision of housing for all economic segments of the community. Housing diversity is important to ensure that all households, regardless of income level, age, and household type, have the opportunity to find housing suited to their needs and lifestyle.

GOAL 3 Increase the supply of housing with a priority on the development of affordable housing.

Policy 3.1 Support the development of additional affordable housing by non-profit and for-profit developers through financial assistance

and/or regulatory incentives such as density bonus or flexible development standards through planned unit development.

Policy 3.2 Encourage and provide incentives for the production of housing in close proximity to public transportation and services.

Policy 3.3 Increase the supply of affordable housing and encourage the development of mixed-income housing through the Inclusionary Housing Ordinance.

Policy 3.4 Facilitate the development of second units as an affordable housing alternative.

Special Needs Housing

Persons and households with special housing needs include the elderly, the disabled, large households, single parents, persons with HIV/AIDS, persons with mental illness, farmworkers, and the homeless. These groups typically have difficulty in finding suitable and affordable housing. The County, affordable housing developers and related interest groups have demonstrated great commitment toward expanding the supply of housing for special needs households. The County will continue to make efforts to increase the supply of housing for special needs populations.

GOAL 4 Increase the supply of appropriate and supportive housing for special needs populations.

Policy 4.1 Expand affordable housing opportunities for households with special needs, including seniors, disabled persons, large households, single parents, persons with HIV/AIDS, persons with mental illness, farmworkers, and the homeless.

Policy 4.2 Continue to support non-profit service providers that help meet the diverse housing and supportive service needs of the community.

Policy 4.3 Continue to require inclusion of accessible units in all new construction projects receiving County financing.

Housing Affordability

A household is considered to be overpaying for housing or "cost burdened" if it spends more than 30 percent of its gross income on housing. Problems of housing cost burden increase when housing costs rise faster than income. With relatively high housing prices, many households pay a significant portion of their income for housing; housing cost burden is common in Contra Costa County. The problem is particularly severe for renters and a significant number of very low-income residents receive Section 8 rental assistance in order to afford rental housing in the County.

To improve housing affordability, the County has been active in expanding the supply of affordable housing and providing various forms of assistance, including rental subsidies, homebuyer assistance, and other similar programs. The County will continue to offer such assistance to address housing affordability issues faced by many County residents.

- GOAL 5** Improve housing affordability for both renters and homeowners.
- Policy 5.1** Increase access to homeownership for lower- and moderate-income households.
 - Policy 5.2** Continue to support the provision of rental assistance to lower-income households.
 - Policy 5.3** Provide financial support to non-profit organizations assisting lower- and moderate-income seniors, disabled, and other residents in finding affordable housing through homesharing and other activities as appropriate.

Provision of Adequate Residential Sites

Meeting the housing needs of all segments of the community requires the provision of adequate sites suitable for the development of all types, sizes and prices of housing. The County General Plan and Planning and Zoning Code determine where housing may locate, thereby affecting the supply of land available for residential development in the unincorporated areas.

- GOAL 6** Provide adequate sites through appropriate land use and zoning designations to accommodate the County's share of regional housing needs.
- Policy 6.1** Maintain an up-to-date site inventory that details the amount, type, and size of vacant and underutilized parcels, and assist developers in identifying land suitable for residential development.
 - Policy 6.2** Provide adequate sites to meet the housing needs of special needs groups, including seniors, disabled persons, large households, single parents, persons with HIV/AIDS, persons with mental illness, farmworkers, and the homeless.
 - Policy 6.3** Promote mixed-use development where housing is located adjacent to jobs, services, shopping, schools, and public transportation.

Removal of Governmental Constraints

To achieve its housing goals, the County must address, and where legally possible, remove governmental constraints affecting the maintenance, improvement, and development of housing, particularly for lower and moderate income and special needs households.

- GOAL 7** Mitigate potential governmental constraints to housing development and affordability.
- Policy 7.1** Establish and maintain development standards that support housing development while protecting quality of life goals.
 - Policy 7.2** Provide financial and/or regulatory incentives where feasible and appropriate to offset or reduce the costs of affordable housing

development, including density bonuses and flexibility in site development standards.

Policy 7.3 Continue to provide planning and development fee reductions, deferrals and/or waivers for developments that meet the affordable and special housing needs of the community.

Policy 7.4 Continue to provide for timely and coordinated processing of residential development projects in order to minimize project holding costs and encourage housing production.

Promotion of Equal Housing Opportunity

Equal access to housing is fundamental to each person in meeting essential needs and pursuing personal, educational, employment, or other goals. In recognition of equal housing access as a fundamental right, the federal and State of California governments have both established fair housing as a right protected by law.

To promote equal housing opportunities, the housing plan must promote housing opportunities for all persons regardless of race, color, ancestry, national origin, religion, disability, sex, sexual orientation, familial status, marital status or other such arbitrary factors.

GOAL 8 Promote equal opportunity for all residents to reside in the housing of their choice.

Policy 8.1 Prohibit discrimination in the sale or rental of housing to anyone on the basis of race, color, ancestry, national origin, religion, disability, sex, sexual orientation, familial status, marital status or other such arbitrary factors.

Policy 8.2 Provide financial support to non-profit organizations providing fair housing services.

Policy 8.3 Enhance the opportunity for seniors, persons with disabilities, large households, single parents, persons with HIV/AIDS, persons with mental illness, and farmworkers to have access to housing of their choice.

B. Related Plans

In addition to the Housing Element, the goals and policies presented earlier are implemented through a series of housing programs offered primarily through the County Department of Conservation and Development (DCD), Redevelopment Agency, and the Housing Authority of Contra Costa County. The following plans prepared by these agencies help define the County's overall housing strategy presented in this housing Plan.

Contra Costa Consortium Consolidated Plan

The Consolidated Planning process for the Contra Costa Consortium is managed by DCD. The Consolidated Plan (CP) outlines the Consortium's objectives and strategy for meeting its housing and community development needs using CDBG, HOME, ESG, and HOPWA funds.

For CDBG and ESG funds, programs are available to the Urban County, including the unincorporated areas, and the cities and towns of Brentwood, Clayton, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pleasant Hill, San Pablo, and San Ramon. HOME-funded programs are available to the Contra Costa Consortium, including the Urban County and the cities of Antioch, Concord, Pittsburg, and Walnut Creek. HOPWA-funded activities are available to all jurisdictions in the County.

Contra Costa Interagency Council on Homelessness/Continuum of Care Strategy

The Contra Costa Interagency Council on Homelessness (CCICH), a new working group which is the result of a merger of the Homeless Interdepartmental Interagency Working Group and the Continuum of Care Board, as well as non-profit community and advocacy groups, the interfaith community, business organizations and other relevant community groups to implement key strategies identified in the five-year Continuum of Care Plan and the Ten Year Plan to End Homelessness. Contra Costa Continuum of Care Plan identifies priorities and strategies for meeting the housing and service needs of homeless and at-risk populations throughout the County. The Plan addresses gaps in existing facilities and services for homeless households and includes strategies with priorities to expand capacity in the following areas: homeless prevention, outreach and assessment activities; emergency shelter, transitional housing, and permanent housing affordable to extremely low income and homeless households; and supportive service needs. The County's Ten Year Plan to End Homelessness includes priorities to address three types of homeless populations: the chronically homeless, those discharged into homelessness, and the transitionally (or episodic) homeless people. This will include programs and projects to increase income and employment opportunities for homeless households, expand needed support services and programs to prevent homelessness, and increase the availability of housing affordable to extremely-low income households and homeless persons.

Redevelopment and Housing Implementation Plan

The Redevelopment and Housing Implementation Plan describes the County Redevelopment Agency's strategy for use of Agency tax increment funds, including the 20 percent housing set-aside funds. The Plan details the Agency's strategy in meeting the affordable housing obligations (inclusionary and replacement) in the County redevelopment project areas of Bay Point, Montalvin Manor, North Richmond, Contra Costa Centre, and Rodeo.

Public Housing Agency Plan

The Housing Authority of Contra Costa County (HACCC) owns and operates the County's public housing projects and administers the Section 8 Rental Assistance program for County residents. HACCC prepares a five-year Public Housing Agency Plan (PHAP) and an annual Action Plan, which identify strategies and actions to maintain and improve the public housing stock, expand the availability and use of Section 8 assistance throughout the County, and improve overall program administration.

C. Housing Programs

The housing programs presented in this Housing Plan define the specific actions the County will undertake to achieve its stated goals and policies. The housing

programs presented on the following pages include existing programs as well as a few new programs that have been added to address the identified housing needs. The program summary (Table 6-39) included at the end of this section specifies for each program the following: goal, key five-year objective(s) for the unincorporated areas, time frame for implementation, funding source(s), and agency responsible for program implementation. Table 6-40 summarizes the quantified objectives for the unincorporated areas relating to new construction, rehabilitation, conservation and housing assistance.

As described earlier, the County administers a variety of programs. Depending on the funding sources, the programs are available to different geographic areas. Where a program is applicable to a geographic area larger than the County unincorporated areas, the overall five-year objectives for the program and specific quantified objectives for the unincorporated areas are presented where possible.

Housing and Neighborhood Conservation

NEIGHBORHOOD PRESERVATION PROGRAM

Through the Neighborhood Preservation Program, the County provides home rehabilitation loans to extremely-low, very-low, and low-income persons to make necessary home repairs and improve their homes. DCD, through the Building Inspection Division, administers this program which is available to income-qualified households throughout the Urban County.

Eligible residents may receive assistance for a variety of home improvement activities including but not limited to: re-roofing, plumbing/heating/electrical repairs, termite and dry rot repair, modifications for disabled accessibility, security, exterior painting, and energy conservation. Specific loan terms are based on financial need and may be zero or three percent, deferred or amortizing after five years.

DCD has identified the following unincorporated areas for focused rehabilitation assistance: Bay Point, Bethel Island, Byron, Clyde, Crockett, El Sobrante, Montalvin Manor, North Richmond, Sandhill, Rodeo, Rollingwood, and the Vine Hill area near Martinez.

Program	Five-Year Program Objectives
Rehabilitation Loans	<ul style="list-style-type: none"> Disseminate information on housing rehabilitation assistance through notices in the press, public service announcements on television and radio, presentations and distribution of brochures to public service agencies and community groups, and mailings to County residents. Rehabilitate 8 units annually for a total of 40 units over 5 years.

HACCC RENTAL REHABILITATION ASSISTANCE

The Housing Authority of Contra Costa County (HACCC) offers a Rental Rehabilitation Program (RRP) to improve the County's rental housing stock. The rehabilitation of rental properties has been critical to preserving and increasing the supply of affordable housing in the County. The HACCC provides low-interest rehabilitation loans to rental property owners who agree to rent a minimum of 50 percent of the units rehabilitated to extremely-low, very-low, and low income households at affordable rents.

Program	Five-Year Program Objectives
HACCC Rehabilitation Loans	<ul style="list-style-type: none"> Disseminate information on housing rehabilitation assistance through notices in the press, public service announcements on television and radio, presentations and distribution of brochures to apartment owners and property management associations. Rehabilitate 3 units annually for a total of 15 units over 5 years.

PUBLIC HOUSING IMPROVEMENT

The 1,272 public housing units currently managed by the Housing Authority of Contra Costa County (HACCC) are an important component of the County's affordable housing stock especially for the housing of extremely-low households. The maintenance and improvement of these housing units thus represents an important goal of the County.

Some of the public housing developments have exceeded their useful life. Therefore, the HACCC is evaluating the feasibility of demolishing and reconstructing some of the public housing units. Included in their review is the Bayo Vista project in Rodeo and Las Deltas in North Richmond.

Program	Five-Year Program Objectives
Public Housing Improvement	<ul style="list-style-type: none"> Continue to maintain and improve public housing projects in the County, totaling 608 units for very low-income households. Determine feasibility of demolishing and rebuilding public housing in Rodeo and North Richmond that has exceeded its useful life.

WEATHERIZATION PROGRAM

The County DCD offers a free weatherization program for extremely-low, very-low, and low income homeowners and renters. The program provides resources for minor home repairs and energy improvements including: attic insulation, weather stripping, pipe wrapping, furnace filters, shower heads, heaters/ovens, ceiling fans, door bottoms, etc. In addition, the program provides assistance to lower utility bills for lower income households.

Program	Five-Year Program Objectives
Weatherization and Utility Payment Assistance	<ul style="list-style-type: none"> Assist 50 households annually for a total of 250 households over 5 years. Provide education on energy conservation.

CODE ENFORCEMENT

The County Building Inspection Division Code Enforcement Section is responsible for enforcing both State and County regulations governing the maintenance of all buildings and properties in the unincorporated areas. Code enforcement handles complaints and inspections in the unincorporated areas of the County and also provides services to several cities and towns, including Clayton, Lafayette, Moraga, and Orinda.

Code Enforcement staff handle approximately 100 cases per month. Most of the complaints deal with property maintenance, substandard housing issues, junk and debris, and abandoned vehicles. To facilitate the correction of code violations or

deficiencies, Code Enforcement works closely with the County Building Inspectors, the HACCC, and other County agencies. Code Enforcement staff routinely refer homeowners to the County's rehabilitation loan and grants programs including the Neighborhood Preservation Program and the HACCC Rental Rehabilitation Program. The Division also refers homeowners, mobile home owners, and apartment owners to the County's Weatherization Program.

Program	Five-Year Program Objectives
Code Enforcement	<ul style="list-style-type: none"> Continue to carry out code enforcement activities as a means to maintain the quality of the housing stock and residential neighborhoods. Continue to refer eligible homeowners, mobile home owners, and apartment owners to various County programs for assistance.

RENTAL INSPECTION PROGRAM

In 2005, the Board of Supervisors adopted the Residential Rental Inspection Program (RRIP). The program was established to proactively identify blighted and deteriorated housing stock and ensure the rehabilitation or abatement of housing that does not comply with State and local building electrical, fire, and plumbing code standards. RRIP also promotes the safety and preservation of all single and multiple-family residential rental units. RRIP mandates inspection of all rental units including single family homes, residential hotels and Section 8 housing.

Program	Five-Year Program Objectives
Residential Rental Inspection	<ul style="list-style-type: none"> Continue to identify property that does meet building code. Continue to promote safety.

REDEVELOPMENT REPLACEMENT HOUSING

In compliance with State law, the Contra Costa County Redevelopment Agency will continue to facilitate the provision of replacement housing within four years of removing housing units occupied by lower- and moderate-income households in the redevelopment project areas. To date, the Agency has met or exceeded its replacement housing obligation in the North Richmond, Rodeo, Contra Costa Centre, and Bay Point redevelopment project areas.

Program	Five-Year Program Objectives
Replacement Housing	<ul style="list-style-type: none"> Continue to facilitate the development of replacement housing in the redevelopment project areas as required. Update and conduct mid-term review of the AB 1290 Redevelopment and Housing Implementation Plan to assess the Agency's replacement obligations.

CONDOMINIUM CONVERSION ORDINANCE

The County's apartment housing stock represents an important source of affordable housing to lower and moderate income households. Loss of apartment housing due to conversion to common interest developments (such as condominiums) compromises further the County's ability to address rental housing needs. However, condominiums also provide affordable homeownership opportunities. An ordinance has been adopted to regulate condominium conversion. This ordinance requires a permit for conversion, and compliance with current zoning requirements for newly

created condominiums, including parking requirements. The Ordinance further makes provisions for protecting the rights of tenants currently residing in the units that are approved for conversion. These provisions include specific purchasing rights for the tenants as well as eviction clauses to which owners must adhere.

Program	Five-Year Program Objectives
Condominium Conversion	<ul style="list-style-type: none"> Continue to enforce the condominium conversion ordinance.

PRESERVATION OF ASSISTED HOUSING

As of 2009, a total of 1,171 publicly assisted housing units in multi-family developments are located in the unincorporated areas of the County. Of these units, 49 units in Rivershore Apartments are at risk of conversion to market rate housing in 2017.

Program	Five-Year Program Objectives
Monitor At-Risk Units	<ul style="list-style-type: none"> Monitor the at-risk units by continuing to maintain close contact with the property owner(s) regarding their long-term plan for the project.
Conduct Tenant Education	<ul style="list-style-type: none"> Notify tenants at least one year prior to potential conversion to market rate housing. Provide information regarding tenant rights and conversion procedures should the property owner be uninterested in refinancing. Offer tenants information regarding Section 8 rental subsidies and other available assistance through County agencies and non-profit organizations.

Housing Production

NEW CONSTRUCTION OF AFFORDABLE HOUSING

Non-profit and for-profit housing developers play an important role in providing affordable housing in Contra Costa County. Over the years, the County has provided direct financial assistance, regulatory incentives, and land write-downs to numerous developers to provide both ownership and rental housing to extremely-low, very-low, low-income, and special needs households. Major sources of County financing include HOME, HOPWA, RDA housing set-aside funds, and tax-exempt bond financing. In addition, the County reserves 45 percent of each year's CDBG allocation for projects to increase and maintain affordable housing in the Urban County. Projects have been completed with County resources in both unincorporated areas and the cities.

In general, funding is provided on a competitive application basis to developers of multi-family rental housing and homeownership developments. Funding criteria include proposed target population and alleviation of affordable housing needs, cost-effectiveness, developer experience, and term of affordability. The County Board of Supervisors has adopted a funding priority for projects that reserve a portion of the units for extremely low income households.

County maintains continuous contact with numerous affordable housing developers. County staff offers formal technical assistance and guidance as well as frequent consultations with interested developers.

Program	Five-Year Program Objectives
Financial and Regulatory Incentives for New Construction of Affordable Housing Development	<ul style="list-style-type: none"> ▪ Continue to support Affordable Housing Development through direct financial assistance, regulatory incentives, and land write-downs. Sources of financial assistance available through the County include HOME, CDBG, HOPWA, MHSA, RDA housing set-aside funds, and bond financing. ▪ Meet with the local development community, key leaders and local civic and community groups to promote the County's interest in working cooperatively to increase housing development activity. ▪ Promote the utilization of the County's pre-development application meeting. ▪ Allow techniques such as smaller unit sizes, parking reduction, common dining facilities and fewer required amenities for senior projects. ▪ Provide predevelopment and/or secondary financing for non-profit organizations to develop housing affordable to extremely low- and very low-income households. ▪ Support applications by nonprofit organizations for affordable housing funds, including federal, State, and local public and private funds. ▪ Collaborate with HACCC to explore the use of project-based Section 8 assistance as leverage to obtain additional private sector funds for affordable housing development. ▪ Assist in the financing and development of 650 affordable units over 5 years.

INCLUSIONARY HOUSING ORDINANCE

In October, 2006, the County adopted an Inclusionary Housing Ordinance (IHO). All new residential developments of five or more units, as well as condominium conversions, are subject to the IHO. Fifteen percent of all the residential units are required to be affordable.

- o Rental Projects: 12 percent to lower income households and 3 percent to very low income households.
- o For-sale Projects: 12 percent to moderate income households and 3 percent to low income households.

Developers may comply with the IHO through several alternative approaches:

- o On-site development
- o Off-site development
- o Land conveyance
- o Payment of a fee in lieu of development
- o Other – developers may propose another method of compliance that would have at least the same benefit as on-site construction.

Program	Five-Year Program Objectives
Inclusionary Housing Ordinance	<ul style="list-style-type: none"> ▪ Continue to implement the IHO and encourage developers to provide affordable units on site. ▪ Provide in-lieu fees to support the development of affordable housing projects

ACQUISITION/REHABILITATION

The County offers financial assistance, including CDBG, HOME, HOPWA, and MHSA funds to affordable housing developers for the acquisition and rehabilitation of existing rental housing. These funds are offered Countywide as low-interest deferred loans in exchange for long-term affordability restrictions on the rental units. Priority is assigned to projects that reserve a portion of the units for extremely low-income households.

Program	Five-Year Program Objectives
Acquisition/Rehabilitation	<ul style="list-style-type: none"> Disseminate information on housing rehabilitation assistance through notices in the press, public service announcements on television and radio, presentations and distribution of brochures to apartment owners and property management associations. Provide financing and assist in the acquisition and rehabilitation of 50 rental units over 5 years.

SECOND UNITS

Second units are attached or detached dwelling units that provide complete, independent living facilities for one or more persons which are located on the same lot as the primary structure and include permanent provisions for living, sleeping, cooking and sanitation. Integrating second units in existing residential neighborhoods is a means of increasing the supply of needed rental housing. The development of second units is also effective in dispersing affordable housing throughout the unincorporated areas and can provide housing to lower- and moderate-income individuals and families, as well as seniors and disabled persons. Since 2003, when the County adopted a Residential Second Unit Ordinance consistent with State law, there have been 153 second units.

Program	Five-Year Program Objectives
Second Units	<ul style="list-style-type: none"> Publicize the Secondary Unit Program to increase public awareness. Consider an amnesty program to legalize illegal second units if these units meet the requirements specified in the Planning and Zoning Code and the property owners agree to deed-restrict second units as housing affordable to lower income households for a period of 10 years.

SPECIAL NEEDS HOUSING

In addition to the development of affordable housing in general, the County will work with housing developers to provide housing appropriate to the County's special needs populations, including mentally and physically disabled persons, seniors, large households, persons with HIV/AIDS and farmworkers.

Program	Five-Year Program Objectives
Special Needs Housing	<ul style="list-style-type: none"> ▪ Revise the zoning code with the following changes: <ul style="list-style-type: none"> ○ Identify zone where emergency shelters are allowed by right pursuant to Chapter 633, Statutes of 2007 (SB2) ○ Permit transitional and supportive housing as a residential use subject to only those restrictions that apply to other residential use of the same type in the same zone. ○ Allow agriculture employee housing to be permitted by-right (without a conditional use permit) in single family zones for less than six person and in agricultural zones with no more than 12 units or 36 beds consistent with Health and Safety Code 17021.5 and 17021.6 ▪ Provide financial incentives for the development of housing targeted to special needs populations (HOME, CDBG, HOPWA, MHSA, RDA set-aside funds). ▪ Work with developers to obtain additional required financing. ▪ Allow techniques such as smaller unit sizes, parking reduction, common dining facilities and fewer required amenities for senior projects.

ACCESSIBLE HOUSING

Persons with disabilities represent a major special needs group in Contra Costa County. To maintain independent living, disabled persons are likely to require assistance, which may include special housing design features, income support for those who are unable to work, and in-home supportive services for persons with mobility limitations. To provide additional housing opportunities for the disabled, the County will continue to require inclusion of accessible units in all new construction projects receiving County financing (e.g. CDBG, HOME, redevelopment set-aside). Current regulations require that five percent of the units must be accessible to the physically impaired and an additional two percent of the units must be accessible to the hearing/vision impaired.

Program	Five-Year Program Objectives
Accessible Housing	<ul style="list-style-type: none"> ▪ Continue to require inclusion of accessible units in all new construction projects receiving County financing. ▪ Loan funds are available through the Neighborhood Preservation Program and the Housing Authority Rental Rehabilitation Program for accessibility improvements in existing affordable housing.

CONTRA COSTA INTERAGENCY COUNCIL ON HOMELESSNESS

The Contra Costa County Continuum of Care and the Homeless Inter-agency Inter-departmental Working Group joined to form the CCICH, which implements programs and strategies contained in the Continuum of Care Plan and Ten-Year Plan to End Homelessness. These plans are designed to address the needs of the homeless. The goal of these programs is to ensure that homeless individuals and families can obtain decent, suitable, and affordable housing in the County. Through the Ten Year Plan, the County has adopted a "housing first" strategy, which works to immediately house a homeless individual or family rather than force them through a sequence of temporary shelter solutions. The Ten Year Plan further deemphasizes emergency shelters by supporting "interim housing" as a preferred

housing type. Interim housing is very short-term and focuses on helping people access permanent housing as quickly as possible. Services provided in interim housing include housing search assistance and case management to help address immediate needs and identify longer-term issues to be dealt with once in permanent housing.

Program	Five-Year Program Objectives
Contra Costa Interagency Council on Homelessness	<ul style="list-style-type: none"> Continue to work with local non-profit organizations and relevant public agencies to obtain required funding to expand the number of permanent supportive housing units. Continue to support existing transitional housing programs, operated by the County and non-profit agencies. Continue to support the operations of existing emergency shelters. Continue to support licensed residential care facilities in all residential zones through the land use permit process.

Housing Affordability

FIRST-TIME HOMEBUYER OPPORTUNITIES

The County implements a number of programs to provide affordable homeownership opportunities for lower- and moderate-income households as well as special needs groups, including farmworkers. These programs include the following:

Mortgage Credit Certificate (MCC): The MCC is a federal program designed to assist low- and moderate-income first-time homebuyers. A mortgage credit certificate is issued to qualified homebuyers, allowing for a federal income tax credit of up to 20 percent of the annual mortgage interest paid.

New Construction: Redevelopment set-aside (RDA), HOME and CDBG funds are used for new construction and rehabilitation of single-family homes. Following completion, these funds are rolled over into subsidized loans for lower- and moderate-income homebuyers.

Inclusionary Housing: Through the Inclusionary Housing Ordinance, homes affordable to lower- and moderate-income homebuyers are constructed as a component of market-rate housing developments (see Program 11 above).

Neighborhood Stabilization Program: NSP provides targeted emergency assistance to state and local governments to acquire and redevelop abandoned and foreclosed residential properties that might otherwise become sources of abandonment and blight within our communities. The County will use its funds to support affordable homeownership opportunities in the target communities. These include North Richmond, Montalvin Manor, San Pablo, Bay Point, Oakley, Brentwood, and Discovery Bay.

Program	Five-Year Program Objectives
First-Time Homebuyer Opportunities	<ul style="list-style-type: none"> Continue to expand homeownership opportunities through a combination of homebuyer assistance programs, financial support of new construction, and development agreements. Assist 50 first-time homebuyers over 5 years.

SECTION 8 RENTAL ASSISTANCE

The Section 8 program is a federal program that provides rental assistance to extremely-low and very low-income persons in need of affordable housing. The Section 8 program offers a voucher that pays the difference between the current fair market rent (FMR) and the amount a tenant can afford to pay (e.g. 30 percent of household income). The voucher allows a tenant to choose housing that may cost above the payment standard, provided the tenant pays the extra cost. Countywide, approximately 7,000 residents receive Section 8 assistance through HACCC.

Program	Five-Year Program Objectives
Section 8 Rental Assistance	<ul style="list-style-type: none"> Continue to provide Section 8 Rental Assistance to very low-income residents. Prepare Annual Public Housing Agency Action Plan to identify and adjust strategies for expanding the use of Section 8 assistance. Apply for new Section 8 certificates as available through HUD.

HOME SHARING PROGRAM

The County will continue to encourage and support the provision of shared housing opportunities in Contra Costa County. Under a shared housing program, a home provider, a person who has a home to share, is matched with a home seeker, a person in search of a home to share. Typically, providers are senior residents with living space (a bedroom) to share, while seekers are lower-income adults in need of an inexpensive place to stay.

The County allocates resources to County agencies and community-based organizations to support programs that help residents find affordable housing opportunities, including shared housing or roommate referrals. Organizations that have received funding for shared housing/referral programs include Independent Living Resources, and the County HIV/AIDS Program.

Program	Five-Year Program Objectives
Shared Housing	<ul style="list-style-type: none"> Continue to support the provision of shared housing opportunities in Contra Costa County by contributing funds to appropriate County agencies and community-based organizations.

Provision of Adequate Residential Sites

SITES INVENTORY

As part of the 2009-2014 Housing Element update, an analysis of the residential development potential in each of the unincorporated communities of the County was conducted. This analysis was performed using the County's Geographic Information System (GIS) and data from the County Assessor's records. Based on this assessment, the unincorporated areas can potentially accommodate over 8,030 new units on vacant and underutilized properties. Combined with housing units built and projects approved since July 2008, the County has sufficient sites to meet the 3,508-unit RHNA (815 very-low income, 598 low-income, 687 moderate-income, and 1,408 above moderate-income).

Program	Five-Year Program Objectives
Residential Sites Inventory	<ul style="list-style-type: none"> Continue to provide adequate sites to accommodate the County's RHNA of 3,508 units. Maintain an up-to-date inventory of vacant/underutilized residential sites as funding permits and make inventory available to potential developers (both for profit and non-profit developers)

MIXED-USE DEVELOPMENTS

County General Plan Land Use Element includes a category for mixed-use developments in the unincorporated areas. This category has enabled the County to create unique projects that combine residential uses such as apartments or condominiums with commercial and other uses. Such developments provide needed housing in close proximity to key services such as transportation. The development at the Contra Costa Centre is an example of mixed-use development. Other instances of mixed-use in County unincorporated areas include the Bay Point Willow Pass Corridor and the Parker Avenue downtown area in Rodeo. The mixed-use category offers the County greater flexibility by providing needed housing in urban areas close to important services.

Program	Five-Year Program Objectives
Mixed-Use Development	<ul style="list-style-type: none"> Continue to encourage mixed-use development where appropriate by offering flexible development standards. Pursue the establishment of mixed use designation under the General Plan along San Pablo Dam Road and Appian Way in El Sobrante pursuant to recommendations of the El Sobrante Municipal Advisory Council.

DENSITY BONUS AND OTHER DEVELOPMENT INCENTIVES

In accordance with State law and the County's Residential Density Bonus Ordinance, the County provides density bonuses to qualified new housing projects consistent with State law. The County will continue to update its ordinance as State law changes. Currently, the housing development must have: (1) at least 5 percent of the total units affordable to very-low income households; (2) at least 10 percent of the total units affordable to lower income households; or (3) at least at least 10 percent ownership in a planned development for moderate income, or (4) 100 percent senior housing development. If one of these conditions is met, a developer is entitled to a density bonus of 20 percent (5 percent for ownership) of the maximum density permitted in the underlying zone plus other development concessions or incentives (e.g. modified standards, regulatory incentives, or concessions). Affordability must be maintained for a minimum of 30 years. The County has utilized density bonuses to facilitate the development of affordable housing.

Program	Five-Year Program Objectives
Density Bonus	<ul style="list-style-type: none"> Continue to offer density bonuses and other development incentives to facilitate affordable housing development. Continue to provide information regarding the Density Bonus Ordinance to developers at the application and permit center in DCD as well as during pre-application meetings.

INFILL DEVELOPMENT

Throughout the unincorporated areas, many single-family lots were legally created but do not meet the current minimum lot size standard specified in the Planning and Zoning Code. To acknowledge the development right on these parcels, the County DCD uses a Small Lot Review process to assist applicants in determining the massing and bulk of the units to ensure compatibility with adjacent properties.

Similarly, many multi-family residential lots in the unincorporated areas do not meet current minimum lot size standards. Consolidation of a number of undersized lots would likely be necessary to provide an adequate land area to develop an economically feasible multi-family project. As a means to facilitate the infill development of multi-family housing, the County has identified small vacant multi-family residential sites that have the potential for lot consolidation with adjacent properties.

Program	Five-Year Program Objectives
Single-Family Infill Development	<ul style="list-style-type: none">• Continue to use the Small Lot Review process to assist applicants in developing infill single-family homes on small lots.
Multi-Family Infill Development	<ul style="list-style-type: none">• Identify small vacant multi-family lots with the potential for lot consolidation and make this information available to developers.• Consider offering a tiered density bonus program based on lot size to encourage consolidation of small lots for multi-family development.

Removal of Governmental Constraints

PLANNED UNIT DISTRICT

The Planned Unit District (P-1) provides the opportunity for more creative and flexible design for large-scale residential developments than would be permitted in the conventional residential districts. The use of the P-1 district is intended to promote the diversification of buildings, lot sizes, and open spaces to produce an environment in harmony with surrounding existing and potential uses. The flexibility associated with the P-1 district includes variation in structures, lot sizes, yards, and setbacks and enables the developer to address specific needs or environmental constraints in an area. The final plan for a P-1 development is subject to approval by the County Planning Commission. The P-1 District is applicable to all residential districts.

Through the P-1 District, increased residential densities can be achieved. Density of up to 44.9 units per acre can be achieved in the P-1 district if the underlying General Plan designation is Multiple-Family Residential Very High Density (MV). The density can be increased to 99 units per acre if the underlying General Plan designation is Multiple-Family Residential Very High Density Special (MS).

In older, developed areas where the objective is to revitalize neighborhoods through redevelopment, the P-1 process can also be used to define allowable land uses, and minimum development and design guidelines that are appropriate for the specific community. In this situation, the P-1 designation streamlines the development process for projects consistent with the specified guidelines.

Program	Five-Year Program Objectives
Planned Unit District	<ul style="list-style-type: none"> Encourage rezoning to P-1 District in the unincorporated areas, where appropriate, particularly in areas where the underlying General Plan designation is Multiple-Family Residential Very High Density and Multiple-Family Residential Very High Density Special. Consider eliminating the 5-acre minimum parcel size currently required for P-1 zoning to permit flexibility for small sites and infill development.

PLANNING FEES

Planning and processing fees, combined with costs for required site improvements, add to the cost of housing. Earlier analysis indicates that in comparison with other communities in the Bay Area, fees levied by Contra Costa County are comparable to, and in many cases, lower than those of other jurisdictions. Nevertheless, to facilitate affordable housing development, the County can defer, reduce, or waive a portion of the planning fees for non-profit housing developers.

Program	Five-Year Program Objectives
Planning Fees	<ul style="list-style-type: none"> Continue to offer fee deferrals, reductions, or waivers to developers of housing projects with long-term affordability restrictions.

STREAMLINING OF PERMIT PROCESSING

To expedite the review of residential projects, the County has implemented a number of policies and actions:

- The County Zoning Administrator reviews development applications for projects with fewer than 100 units.
- The Application and Permit Center makes permit processing quicker and easier by enhancing coordination of permitting services. Over 70 percent of permit applications submitted to the Building Inspection Division are approved the same day.
- The County offers a voluntary pre-application review to determine the permits necessary and the cost and review time involved.

The P-1 designation can also be used to streamline the development process for projects in older, existing communities that are consistent with the specified development and design guidelines.

Program	Five-Year Program Objectives
Streamlining of Permit Processing	<ul style="list-style-type: none"> Continue to require only the Zoning Administrator's review of projects with fewer than 100 units. Continue to expedite the permit processing procedures through the Application and Permit Center and pre-application review process.

REVIEW AND UPDATE OF ZONING AND SUBDIVISION ORDINANCE

The County regulates the type, location, density, and scale of residential development in the unincorporated areas primarily through the Planning and Zoning Code. Zoning regulations are designed to protect and promote the health, safety, and general welfare of residents as well as implement the policies of the County General Plan. The County is engaged in an ongoing process of reviewing the Planning and Zoning Code for consistency with State laws. The main purpose of this review is to ensure that the County's requirements and standards do not act as a constraint to the development of affordable housing.

Program	Five-Year Program Objectives
Zoning and Subdivision Ordinance Review and Update	<ul style="list-style-type: none"> Periodically review the Planning and Zoning Code and other regulations to ensure that County policies and regulations do not constrain housing development and affordability. Pursuant to S.B. 2, within one (1) year of the adoption of this Housing Element amend the Zoning Code to allow an emergency shelter facility without a conditional use permit or other discretionary action subject to permit procedures and certain development standards. The development standards would include but not limited to the maximum number of beds or persons served nightly by the facility, length of stay at the facility, size and location of the facility's exterior and interior on-site waiting and client intake area, proximity of the facility to other emergency shelters, facility off-street parking that is not greater than other residential or commercial uses, facility lighting and security, and the provision for on-site management at the facility. Amend the C: General Commercial District zone. Permit transitional and supportive housing as a residential use subject to only those restrictions that apply to other residential use of the same type in the same zone. Allow agriculture employee housing to be permitted by-right (without a conditional use permit) in single family zones for less than six person and in agricultural zones with no more than 12 units or 36 beds consistent with Health and Safety Code 17021.5 and 17021.6. Amend the zoning ordinance to include development standards and permit procedures to encourage and facilitate the development of SROs. Public Works Department in coordination with DCD to undertake review of standards under the subdivision ordinance.

Promotion of Equal Housing Opportunity

ANTI-DISCRIMINATION PROGRAM

To promote fair housing, the County allocates CDBG funds to local non-profit organizations for fair housing counseling and legal services. Services offered typically include advocacy and collaboration in support of fair housing opportunities for all; public outreach and education regarding fair housing rights; specialized property owner, management, and lender training; rental home seeking and relocation services; and discrimination complaint processing and investigation.

All housing developers receiving financial assistance from the County are required to submit a marketing plan detailing the developer's equal opportunity outreach program and demonstrating efforts to reach those people who are least likely to hear about affordable housing opportunities.

The Contra Costa Consortium has adopted the HUD-mandated Analysis of Impediments (AI) to Fair Housing Choice. The AI includes: a comprehensive review of the County's laws, regulations, and administrative policies; an assessment of how those laws affect the location, availability, and accessibility of housing; and an assessment of conditions, both public and private, affecting fair housing choice.

Program	Five-Year Program Objectives
Anti-Discrimination	<ul style="list-style-type: none"> Continue to support local non-profit organizations for fair housing counseling and legal services. Carry out necessary actions to address the impediments to fair housing choice identified in the AI.

RESIDENTIAL DISPLACEMENT PROGRAM

In allocating affordable housing funds, the County assigns priority to projects that do not involve permanent relocation (displacement). However, projects involving relocation may be funded if required to eliminate unsafe or hazardous housing conditions, reverse conditions of neighborhood decline, stimulate revitalization of a specific area, and/or accomplish high priority affordable housing projects. In such situations, the County monitors projects to ensure that relocation consistent with federal and state requirements is provided. Wherever feasible, displaced households and organizations are offered the opportunity to relocate into the affordable housing project upon completion.

Program	Five-Year Program Objectives
Residential Displacement Program	<ul style="list-style-type: none"> Continue to implement the Residential Displacement Program.

TABLE 6-41
Housing Implementation Programs Summary

Housing Program	Program Goal	Key Five-year Objective(s)	Funding Source	Responsible Agency/ Dept.	Timeframe
Housing and Neighborhood Conservation					
1. Neighborhood Preservation Program	Improve the quality of existing housing & neighborhoods.	Disseminate information. Rehabilitate 40 units.	CDBG	Conservation and Development	Ongoing
2. HACCC Rental Rehabilitation Assistance	Improve the quality of the rental housing stock.	Disseminate information. Rehabilitate 15 units.	CDBG	HACCC	Ongoing
3. Public Housing Improvement	Maintain and improve the quality of the public housing stock.	Maintain and improve 608 public housing units.	HUD	HACCC	Ongoing
4. Weatherization Program	Assist homeowners and renters with minor home repairs.	Assist 250 households.	Low Income Housing Energy Assistance Program	Conservation & Development	Ongoing

TABLE 6-41
Housing Implementation Programs Summary

Housing Program	Program Goal	Key Five-year Objective(s)	Funding Source	Responsible Agency/ Dept.	Timeframe
5. Code Enforcement	Maintain & improve the quality of existing housing & neighborhoods.	Continue to implement program.	General Fund	Conservation & Development	Ongoing
6. Rental Inspection	Identify blighted and deteriorated housing stock and ensure the rehabilitation of abatement of housing that does not comply with State and local building code.	Continue to implement program.	Inspection fees	Conservation & Development	Ongoing
7. Redevelopment Replacement Housing	Provide replacement housing to lower- & moderate-income households.	Continue to facilitate the development of replacement housing as required.	RDA Set-Aside	Redevelopment Agency	Assess replacement obligations every 2-3 years
8. Condominium Conversion Ordinance	Preserve the rental stock & protect apartment tenants.	Continue to enforce ordinance.	None Required	Conservation & Development	Ongoing
9. Preservation of Assisted Housing	Preserve the existing stock of affordable housing.	Monitor at-risk units. Participate in preservation of units. Conduct tenant education.	Tax Exempt Bonds, CDBG, HOME, RDA Set-Aside	Conservation & Development	On-going
Housing Production					
10. New Construction of Affordable Housing	Increase the supply of affordable housing.	Assist in the financing and development of 650 affordable units.	CDBG, HOME, HOPWA, MHSA, RDA Set-Aside, Bond-financing	Conservation and Development; Redevelopment Agency	Ongoing
11. Inclusionary Housing	Integrate affordable housing within market-rate developments.	Continue to implement ordinance.	None Required	Conservation and Development	Ongoing
12. Acquisition/ Rehabilitation	Improve existing housing and increase supply of affordable housing.	Assist in the acquisition and rehabilitation of 50 affordable units.	CDBG, HOME, HOPWA, MHSA, RDA Set-Aside, Bond Financing	Conservation and Development	Ongoing
13. Second Units	Facilitate the development of second units.	Continue program implementation.	None Required	Conservation and Development	Ongoing
Special Needs Housing					
14. Special Needs Housing	Increase the supply of special needs housing.	Provide financial and other incentives for the development of housing for special needs populations.	CDBG, HOME, HOPWA, RDA Set-Aside	Conservation and Development	Ongoing
15. Accessible Housing	Increase the supply of accessible housing.	Require inclusion of accessible units in all new County-funded construction projects.	None Required	Conservation and Development	Ongoing

TABLE 6-41
Housing Implementation Programs Summary

Housing Program	Program Goal	Key Five-year Objective(s)	Funding Source	Responsible Agency/ Dept.	Timeframe
16. Contra Costa Interagency Council on Homelessness	Meet the housing & supportive services needs of the homeless	Support development of permanent supportive housing.	CDBG, HOPWA, HOME	Health Services; Conservation and Development; HACCC	Ongoing
Housing Affordability					
17. First-Time Homebuyer Opportunities	Provide additional homeownership opportunities.	Assist 50 low and moderate income first-time homebuyers.	MCC, HOME, CDBG, RDA Set-Aside, Mortgage Revenue Bonds	Conservation and Development; Redevelopment Agency	Ongoing
18. Section 8 Rental Assistance	Assist very low-income households with rental payments.	Continue to provide Section 8 assistance. Apply for additional vouchers.	HUD Section 8	HACCC	Prepare PHAP – Action Plan annually.
19. Home Sharing Program	Provide for home sharing opportunities.	Support appropriate agencies offering shared housing opportunities.	CDBG, HOPWA	Conservation and Development	Ongoing
Provision of Adequate Housing Sites					
20. Sites Inventory	Provide for adequate housing sites, including 'as-right development' sites for homeless facilities	Adopt revised zoning text. Maintain sites inventory.	Funding source to be determined for maintenance of site inventory	Conservation and Development	June 2010 for zoning changes. Ongoing maintenance of site inventory.
21. Mixed-Use Developments	Encourage mixed-use developments.	Pursuant to El Sobrante MAC's recommendations, establish mixed use designations under the General Plan for sections San Pablo Dam Road and Appian Way in El Sobrante.	Conservation and Development /no new funds required	Conservation and Development	Ongoing
22. Density Bonus & Other Development Incentives	Support affordable housing development.	Offer density bonuses and other incentives for affordable housing.	Conservation and Development /no new funds required	Conservation and Development	Ongoing
23. Infill Development	Facilitate infill development.	Identify small vacant multi-family lots with potential for lot consolidation.	Conservation and Development /no new funds required	Conservation and Development	Ongoing

TABLE 6-41
Housing Implementation Programs Summary

Housing Program	Program Goal	Key Five-year Objective(s)	Funding Source	Responsible Agency/ Dept.	Timeframe
Removal of Governmental Constraints					
24. Planned Unit District	Provide flexibility in design for residential projects.	Encourage rezoning to P-1 District in unincorporated areas, where appropriate. Consider elimination of 5-acre minimum parcel size.	RDA, Conservation and Development (planning fees)	Conservation and Development, RDA	
25. Planning Fees	Reduce the cost of development.	Offer fee deferrals, reduction, or waivers to developers of affordable housing.	RDA Set-Aside	Conservation and Development	Ongoing
26. Streamlining of Permit Processing	Expedite review of residential projects.	Consider only Zoning Administrator's review of projects with <100 units. Expedite permit processing.	Conservation and Development /no new funds required	Conservation and Development	Ongoing
27. Review of Zoning & Subdivision Ordinance	Ensure County regulations do not unnecessarily constrain housing development.	Revise Zoning Code to allow emergency homeless shelters by right, define transitional and supportive housing as residential uses, allow agricultural worker housing, and provide SRO development standards. Periodically review Planning and Zoning Code.	General Fund as directed by Board of Supervisors	Conservation and Development	a) June 2010 b) Ongoing
Equal Housing Opportunity					
28. Anti-Discrimination Program	Promote fair housing.	Support local non-profits offering fair housing counseling and legal services. Carry out AI recommendations.	CDBG	Conservation and Development	Complete update to the AI by 2010 and ongoing provision of services.
29. Residential Displacement Program	Limit number of households being displaced or relocated.	Continue to implement program.	Set-Aside, HOME, CDBG	Conservation and Development	Ongoing

Table 6-42
Quantified Five-Year Objectives

Activity	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
New Construction					
Provision of Adequate Sites	815	598	687	1,408	3,508
Assistance in Construction	160	320	165		650
Homeowner Rehabilitation	30	10			40
Weatherization	250				250
Acquisition/Rehabilitation	35	10	5		50
Preservation of At-Risk Units					N/A
First-Time Homebuyers Assistance	5	35	10		50

APPENDIX A DEVELOPMENT AND PLANNING/PROCESSING FEES BY HOUSING TYPE

The following presents detailed calculations of the total development and planning/processing fees for a typical single-family development (Table A-1) and a typical multi-family development (Table A-2) in Contra Costa County. As shown, depending on the availability and adequacy of infrastructure, the development fees charged by the County can vary significantly by subarea.

Table A-1
Development and Planning/Processing Fees
Single Family Home

SINGLE FAMILY HOME - FEE DESCRIPTION	WEST		CENTRAL		EAST	
	North Richmond	Rodeo	Pacheco	Alamo	Bay Point	Discovery Bay
Permit/Plan Processing Fees						
Building Permit	\$ 1,227.25	\$ 1,227.00	\$ 1,227.00	\$ 1,517.00	\$ 1,227.00	\$ 1,517.00
BID Plan Check	\$ 797.00	\$ 797.00	\$ 797.00	\$ 986.00	\$ 797.00	\$ 986.00
Energy Report (Title 24)	\$ 506.00	\$ 506.00	\$ 506.00	\$ 625.00	\$ 506.00	\$ 625.00
BID New Residence Electrical Insp.	\$ 184.00	\$ 184.00	\$ 184.00	\$ 227.00	\$ 184.00	\$ 227.00
BID New Residence Plumbing Insp.	\$ 184.00	\$ 184.00	\$ 184.00	\$ 227.00	\$ 184.00	\$ 227.00
BID New Residence Mechanical Insp.	\$ 122.00	\$ 122.00	\$ 122.00	\$ 151.00	\$ 122.73	\$ 151.00
Sewer Plan Check/Inspection	\$ 80.00	n/a	\$ 102.00	\$ 102.00	n/a	\$ 250.00
CDD/Planning Dept. Fees	\$ 1,006.00	\$ 1,006.00	\$ 1,006.00	\$ 1,244.00	\$ 1,006.00	\$ 1,244.00
Earthquake	\$ 16.74	\$ 16.74	\$ 16.74	\$ 22.00	\$ 16.74	\$ 22.00
Flood Zone	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00
<i>Subtotal</i>	\$ 4,152.99	\$ 4,072.74	\$ 4,174.74	\$ 5,131.00	\$ 4,073.47	\$ 5,279.00
Capital Facilities Fees						
Sub Regional Traffic Impact Fee	\$ 2,871.00	\$ 2,871.00	n/a	\$ 3,180.00	\$ 16,800.00	\$ 16,800.00
Traffic AOB (Roadway Improvements)	\$ 2,947.00	\$ 1,648.00	\$ 990.00	\$ 8,906.00	\$ 2,875.00	\$ 2,273.00
Flood Control/Drainage Area Fee (s.f. of land per unit)	n/a	n/a	n/a	n/a	\$ 1,455.00	n/a
Park Dedication Fee (Quimby Act)	\$ 7,238.00	\$ 7,238.00	\$ 7,238.00	\$ 7,238.00	\$ 5,891.00	\$ 5,891.00
School Facilities Fee (fee per s.f. collected by school dist.)	\$ 8,880.00	\$ 5,940.00	\$ 5,940.00	\$ 5,940.00	\$ 5,940.00	\$ 6,940.00
Sewer District Capital Facilities Fee	n/a	n/a	\$ 4,923.00	\$ 4,923.00	n/a	\$ 2,789.00
Water District Capital Facilities Fee	\$ 8,110.00	\$ 8,110.00	\$ 16,405.00	\$ 24,990.00	n/a	\$ 297.00
Fire District Capital Facilities Fee	\$ 591.00	n/a	\$ 591.00	n/a	\$ 591.00	\$ 450.00
<i>Subtotal</i>	\$ 30,637.00	\$ 25,807.00	\$ 36,087.00	\$ 55,177.00	\$ 33,552.00	\$ 35,440.00
Service Connection Fees						
Water Meter/Connection Fee	\$ 4,673.00	\$ 4,673.00	n/a	\$ 4,673.00	\$ 9,509.00	\$ 550.00
Water Account Establishment Fee	\$ 30.00	\$ 30.00	n/a	\$ 30.00	n/a	n/a
Sewer Connection Fee	\$ 2,431.00	\$ 5,000.00	\$ 311.00	\$ 311.00	n/a	\$ 550.00
Power Pole (Electrical Connection)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<i>Subtotal</i>	\$ 7,134.00	\$ 9,703.00	\$ -	\$ 5,014.00	\$ 9,509.00	\$ 1,100.00
TOTAL	\$ 41,923.99	\$ 39,582.74	\$ 40,261.74	\$ 65,322.00	\$ 47,134.47	\$ 41,819.00

Assumptions: Single family 2,000 sq. ft. home with 400 sq. ft. attached garage.

N/A = Not Applicable

Source: Contra Costa County- Dept. of Conservation and Development, Building Insp. Div. Fee Estimator Program and information provided by Special Districts.

Table A-2
Development and Planning/Processing Fees
Multi-Family Apartment

MULTI-FAMILY APARTMENT - FEE DESCRIPTION	WEST		CENTRAL		EAST	
	North Richmond	Rodeo	Pacheco	Alamo	Bay Point	Discovery Bay
Permits/Processing Fees						
Building Permit	\$ 7,674.00	\$ 7,674.25	\$ 7,674.00	\$ 7,674.00	\$ 7,674.00	\$ 7,674.00
BID Plan Check	\$ 4,988.26	\$ 4,988.26	\$ 4,988.00	\$ 4,988.00	\$ 4,988.00	\$ 4,988.00
Access/S.C	\$ 3,165.00	\$ 3,165.63	\$ 3,165.00	\$ 3,165.00	\$ 3,165.00	\$ 3,165.00
Energy Report (Title 24)	\$ 3,165.00	\$ 3,165.63	\$ 3,165.00	\$ 3,165.00	\$ 3,165.00	\$ 3,165.00
BID New Residence Electrical Insp.	\$ 1,151.00	\$ 1,151.00	\$ 1,151.00	\$ 1,151.00	\$ 1,151.00	\$ 1,151.00
BID New Residence Plumbing Insp.	\$ 1,151.00	\$ 1,151.00	\$ 1,151.00	\$ 1,151.00	\$ 1,151.00	\$ 1,151.00
BID New Residence Mechanical Insp.	\$ 767.00	\$ 767.43	\$ 767.00	\$ 767.00	\$ 767.00	\$ 767.00
CDD/Planning Dept. Fees	\$ 6,292.93	\$ 6,292.89	\$ 6,292.89	\$ 6,293.00	\$ 6,293.00	\$ 6,293.00
Sewer Plan Check/Inspection	\$ 30.00	N/A	\$ 102.00	\$ 102.00	N/A	N/A
Earthquake	\$ 196.74	\$ 196.74	\$ 196.74	\$ 196.74	\$ 196.74	\$ 196.74
Flood Zone	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00
<i>Subtotal</i>	\$ 28,610.93	\$ 28,582.83	\$ 28,682.63	\$ 28,682.74	\$ 28,580.74	\$ 28,580.74
Capital Facilities Fees						
Sub Regional Traffic Impact Fee	\$ 14,350.00	\$ 14,350.00	N/A	\$ 60,375.00	\$ 257,825.00	\$ 257,825.00
Traffic AOB (Local Area Roadway Improvements)	\$ 59,125.00	\$ 32,975.00	\$ 24,750.00	\$ 206,300.00	\$ 45,325.00	\$ 42,950.00
Flood Control/Drainage Area Fee (s.f. of land per unit)	N/A	N/A	N/A	N/A	\$ 29,750.00	N/A
Park Fee Dedication (Quimby Act)	\$ 130,325.00	\$ 130,325.00	\$ 130,325.00	\$ 130,325.00	\$ 106,075.00	\$ 106,075.00
School Facilities Fee (fee per s.f. collected by school dist.)	\$ 55,200.00	\$ 59,400.00	\$ 59,400.00	\$ 59,400.00	\$ 59,400.00	\$ 69,400.00
Sewer District Capital Facilities Fee	\$ -	\$ -	\$ 123,075.00	\$ 123,075.00	\$ -	\$ 69,725.00
Water District Capital Facilities Fee	\$ 114,250.00	\$ 114,250.00	\$ 71,000.00	\$ 201,250.00	unavail.	\$ 7,425.00
Fire District Capital Facilities Fee	\$ 7,145.00	N/A	\$ 7,145.00	N/A	\$ 7,125.00	\$ 7,250.00
<i>Subtotal</i>	\$ 380,395.00	\$ 351,300.00	\$ 415,695.00	\$ 780,725.00	\$ 505,500.00	\$ 560,650.00
Service Connection Fees						
Water Account Establishment Fee	\$ 25.00	\$ 25.00	N/A	\$ 25.00	N/A	N/A
Water Meter/Connection Fee	\$ 25,000.00	\$ 25,000.00	\$ 4,213.00	\$ 7,750.00	unavail.	N/A
Sewer Connection	\$ 60,775.00	\$ 125,000.00	\$ 7,775.00			
Power Pole (Electrical Connection)	\$ -	\$ -				
<i>Subtotal</i>	\$ 85,800.00	\$ 150,025.00	\$ 11,988.00	\$ 7,775.00	\$ -	\$ -
<i>Fees on Carport</i>	\$ 2,607.64	\$ 2,607.64	\$ 2,607.64	\$ 2,607.64	\$ 2,607.64	\$ 2,607.64
TOTAL	\$ 497,413.57	\$ 532,515.47	\$ 458,973.27	\$ 819,790.38	\$ 536,688.38	\$ 591,838.38
TOTAL PER UNIT FEES	\$ 19,896.54	\$ 21,300.62	\$ 18,358.93	\$ 32,791.62	\$ 21,467.54	\$ 23,673.54

Assumptions: Prototypical multi-family residence. Assume a 20,000 square foot apartment building with 25 units.
Five 3-bedroom units, 10 2-bedroom units, Ten 1-bedroom units. 46 off-street parking stalls in a carport.
One structure, 2-story, and wood frame.

N/A = Not Applicable

Source: Contra Costa County-Dept. of Conservation and Development, Building Insp. Div. Fee Estimator Program and information provided by Special Districts.

APPENDIX B

**Table B-1
Program Implementation Status**

Name of Program	Program Goal	Objective	Deadline in H. E.	Status
1. Neighborhood Preservation Program	Improve the quality of existing housing & neighborhoods.	Disseminate information. Rehabilitate 125 units.	Ongoing	287 homes rehabilitated
2. HACCC Rental Rehabilitation Assistance	Improve the quality of the rental housing stock.	Disseminate information. Rehabilitate 120 units.	Ongoing	28 rental unit rehabilitated
3. Public Housing Improvement	Maintain and improve the quality of the public housing stock.	Maintain and improve 608 public housing units.	Ongoing	Public housing units are routinely maintained.
4. Weatherization Program	Assist homeowners and renters with minor home repairs.	Assist 250 households.	Ongoing	Approximately 2,500 households were assisted.
5. Code Enforcement	Maintain & improve the quality of existing housing & neighborhoods.	Continue to implement program.	Ongoing	750 – 1,000 residential cases processed each year County adopted a rental inspection ordinance. Approximately 200 units are inspected annually.
6. Redevelopment Replacement Housing	Provide replacement housing to lower- & moderate-income households.	Continue to facilitate the development of replacement housing as required.	Assess replacement obligations every 2-3 years	The RDA has met all current replacement housing obligations. The Orbisonia Heights project in Bay Point will meet its replacement obligation.
7. Condominium Conversion Ordinance	Preserve the rental stock & protect apartment tenants.	Continue to enforce ordinance.	Ongoing	44 unit apartment building in El Sobrante converted to condos in 2005
8. Preservation of Assisted Housing	Preserve the existing stock of affordable housing.	Monitor at-risk units. Participate in preservation of units. Conduct tenant education.	Work to extend term of affordability for Byron Park units by 2008.	Byron Park, El Cerrito Del Norte and Riverstone (formerly Meadows) Apartments were refinanced and affordability continued.
9. New Construction of Affordable Housing	Increase the supply of affordable housing.	Assist in the financing and development of 200 affordable units.	Ongoing	Assisted in financing of 400 affordable units in the unincorporated County, and an additional 849 units in the cities.
10. Development Agreements	Integrate affordable housing within market-rate developments.	Continue to implement program.	Ongoing	Willow development integrated into Alamo Creek development in Danville Dougherty Valley affordable and market-rate units under development Inclusionary Ordinance adopted in 2006

Table B-1
Program Implementation Status

Name of Program	Program Goal	Objective	Deadline in H. E.	Status
11. Acquisition/ Rehabilitation	Improve existing housing and increase supply of affordable housing.	Assist in the acquisition and rehabilitation of 50 affordable units.	Ongoing	No rehabilitation projects other than the Housing Authority rental rehabilitation program undertaken in the unincorporated County during the reporting period.
12. Second Units	Facilitate the development of second units.	Facilitate the development of 100 units.	Ongoing	2 nd unit ordinance revised to be consistent with AB 1866
13. Special Needs Housing	Increase the supply of special needs housing.	Provide financial and other incentives for the development of housing for special needs populations. Through the County Agriculture Advisory Task Force, develop recommendations to address farmworker housing issues.	Ongoing	ABC Apartments, El Sobrante – 9 apartments for developmentally disabled adults Villa Amador, City of Brentwood – County provided HOME funds to support 92 unit family apartment building also funded with J. Serna Farmworker grant and loan funds CDBG funds used to purchase the 75 bed Concord homeless shelter for single adults.
14. Accessible Housing	Increase the supply of accessible housing.	Require inclusion of accessible units in all new County-funded construction projects.	Ongoing	ABC Apartments, El Sobrante – 9 apartments for developmentally disabled adults All new construction funded with HOME/CDBG require 5% of units accessible to those with mobility impairments and an additional 2% accessible to those with vision and/or hearing impairments
15. Homeless Continuum of Care	Meet the housing & supportive services needs of the homeless	Pursue development of two transitional housing facilities with 48 apartments.	Develop two new transitional housing facilities by 2003.	Garden Park, City of Pleasant Hill includes 28 units of transitional housing for families – supported with McKinney Act funds. McKinney Act also used for Lakeside Apts, Concord; Giant Rd., San Pablo; and Villa Vasconcellos, Walnut Creek
16. First-Time Homebuyer Opportunities	Provide additional homeownership opportunities.	Assist 80 low and moderate income first-time homebuyers.	Ongoing	Bella Flora, North Richmond – 35 single-family homes for lower income families sold Willow, Danville – 127 townhomes for moderate income families sold Mortgage Credit Certificates – approximately 300 issued throughout the County.
17. Section 8 Rental Assistance	Assist very low-income households with rental payments.	Continue to provide Section 8 assistance. Apply for additional vouchers.	Prepare PHAP – Action Plan annually.	HA prepares annual action plan, supports 6,504 vouchers, maintains waiting list of 3,595 families

Table B-1
Program Implementation Status

Name of Program	Program Goal	Objective	Deadline in H. E.	Status
18. Home Sharing Program	Provide for home sharing opportunities.	Support appropriate agencies offering shared housing opportunities.	Ongoing	No requests for support; generally not a preferred housing option
19. Sites Inventory	Provide for adequate housing sites.	In 2002, review and evaluate densities for vacant and underutilized sites, provide adequate sites for the development of housing for very low, low, and moderate income households. Initiate program in 2003 to increase underlying densities on at least 10 acres of residential land to Multi-Family High Density Residential (M-29) to provide affordable housing opportunities. Maintain sites inventory.	Ongoing	Department updating the sites inventory using County's GIS information. 7.5 acres in Bay Point increased to up to 65 units per acre 31 acres in Bay Point increased to 29 units per acre Nove GPA (2/13/07) rezoned 30 acres from industry to MF allowing up to 370 residential units
20. Mixed-Use Developments	Encourage mixed-use developments.	Offer flexible development standards for affordable and special needs housing.	Ongoing	Evaluating new mixed-use land designation in El Sobrante to enable commercial/residential mix Seeking community consensus
21. Density Bonus & Other Development Incentives	Support affordable housing development.	Offer density bonuses and other incentives for affordable housing.	Ongoing	Bella Flora, North Richmond Proposed – Signature/Nove, North Richmond
22. Infill Development	Facilitate infill development.	Identify small vacant multi-family lots with potential for lot consolidation.	Ongoing	Through update of sites inventory, DCD intends to have website list of vacant land w/residential zoning and available public services. Unsuccessfully sought legislative change to CEQA to provide the unincorporated County the same infill CEQA exemption provided to cities
23. Planned Unit District	Provide flexibility in design for residential projects.	Pursue P-1 zoning of Rodeo and Bay Point Redevelopment Project Areas. Promote P-1 zoning in unincorporated areas. Consider elimination of 5-acre minimum parcel size.	Rezone Rodeo and Bay Point Redev. Areas by 2002.	Rodeo and Bay Point P-1 plans are adopted. Montalvin Manor P-1 is pending. Parcels smaller than 5 acres may be re-zoned to P-1 under certain conditions
24. Planning Fees	Reduce the cost of development.	Offer fee deferrals, reduction, or waivers to developers of affordable housing.	Ongoing	Will implement State law to provide fee deferrals to affordable housing development
25. Streamlining of Permit Processing	Expedite review of residential projects.	Require only Zoning Administrator's review of projects with <100 units. Expedite permit processing.	Ongoing	If no GPA or re-zone required, project only needs ZA approval

Table B-1
Program Implementation Status

Name of Program	Program Goal	Objective	Deadline in H. E.	Status
26. Review of Zoning & Subdivision Ordinance	Ensure County regulations do not unnecessarily constrain housing development.	Periodically review Planning and Zoning Code.	Ongoing	Amended Second Unit and Density Bonus ordinances. Adopted Inclusionary Housing Ordinance. Reviewing Condominium Conversion Ordinance
27. Anti-Discrimination Program	Promote fair housing.	Support local non-profits offering fair housing counseling and legal services. Carry out AI recommendations.	Complete AI by 2001 and ongoing provision of services.	AI completed and re-adopted with 2005/09 Consolidated Plan. On-going support of local non-profits offering fair housing counseling and legal services.
28. Residential Displacement Program	Protect households being displaced or relocated.	Continue to implement program.	Ongoing	Displaced households in Orbisonia Heights, Bay Point being relocated in conformance with State law.

APPENDIX C

Table C-1 Water and Sewer Service Providers Unincorporated Communities (Inside ULL)				
Unincorporated Community (inside ULL)	Water Service Provider	Adequate Capacity or Supply	Sanitary Sewer Service Provider	Adequate Capacity or Supply
Alamo	East Bay Municipal Utility District	Yes	Central Contra Costa Sanitary District	Yes
Alhambra Valley	City of Martinez	Yes	County Sanitary District 6 / Central Contra Costa Sanitary District	Yes
Bay Point	Golden State Water Co. (wholesale water through Contra Costa Water District)	Yes	Delta Diablo Sanitation District	Yes
Bethel Island	Diablo Water District / County Service Area M-28 / Mutual Water Cos.	Yes	Ironhouse Sanitary District	Yes
Blackhawk	East Bay Municipal Utility District	Yes	Central Contra Costa Sanitary District	Yes
Byron	Potable water provided through individual wells	Yes	Byron Sanitary District	Constrained ²³
Clyde	Contra Costa Water District	Yes	Central Contra Costa Sanitary District	Yes
Contra Costa Centre	East Bay Municipal Utility District	Yes	Central Contra Costa Sanitary District	Yes
Crockett	East Bay Municipal Utility District	Yes	Crockett Community Services District	Yes
Diablo	East Bay Municipal Utility District	Yes	Central Contra Costa Sanitary District	Yes
Discovery Bay	Discovery Bay Community Services District	Yes	Discovery Bay Community Services District	Yes
East Richmond Heights	East Bay Municipal Utility District	Yes	West County Wastewater District	Yes
El Sobrante	East Bay Municipal Utility District	Yes	West County Wastewater District	Yes
Kensington	East Bay Municipal Utility District	Yes	Stege Sanitary District – collection East Bay Municipal Utility District - treatment	Yes
Knightesen	Diablo Water District	Yes	Septic systems for individual lots	Yes
Montalvin Manor	East Bay Municipal Utility District	Yes	West County Wastewater District	Yes

²³ Wastewater collection and treatment system operated by the Byron Sanitary District needs significant upgrades to accommodate additional growth. (Source: California Regional Water Quality Control Board)

Table C-1 Water and Sewer Service Providers Unincorporated Communities (Inside ULL)				
Unincorporated Community (inside ULL)	Water Service Provider	Adequate Capacity or Supply	Sanitary Sewer Service Provider	Adequate Capacity or Supply
Mountain View	Contra Costa Water District	Yes	Mountain View Sanitary District	Yes
Norris Canyon	East Bay Municipal Utility District	Yes	Central Contra Costa Sanitary District	Yes
North Gate	East Bay Municipal Utility District	Yes	Central Contra Costa Sanitary District	Yes
North Richmond	East Bay Municipal Utility District	Yes	West County Wastewater District	Yes
Pacheco	Contra Costa Water District	Yes	Central Contra Costa Sanitary District	Yes
Port Costa	Contra Costa Water District	Yes	Crockett Community Services District	Yes
Reliez Valley	Contra Costa Water District	Yes	Central Contra Costa Sanitary District	Yes
Rodeo	East Bay Municipal Utility District	Yes	Rodeo Sanitary District	Yes
Rollingwood	East Bay Municipal Utility District	Yes	West County Wastewater District	Yes
Sandmound Slough	Diablo Water District (SOI)	Yes	Ironhouse Sanitary District	Yes
Saranap	East Bay Municipal Utility District	Yes	Central Contra Costa Sanitary District	Yes
Tara Hills	East Bay Municipal Utility District	Yes	West County Wastewater District	Yes
Tassajara	East Bay Municipal Utility District	Yes	Central Contra Costa Sanitation District	Yes
Unincorp. Walnut Creek	East Bay Municipal Utility District	Yes	Central Contra Costa Sanitary District	Yes
Vine Hill	Contra Costa Water District	Yes	Mountain View Sanitary District	Yes

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



October 30, 2009

Ms. Catherine O. Kutsuris, Director
Department of Conservation and Development
County of Contra Costa
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553

DEPARTMENT OF CONSERVATION
AND DEVELOPMENT

2009 NOV -2 P 2:31

CONTRA COSTA

Dear Ms. Kutsuris:

RE: Review of the County of Contra Costa's Adopted Housing Element and Draft Revisions

Thank you for submitting Contra Costa's adopted housing element adopted on July 21, 2009 and received for review on August 3, 2009, along with additional revisions received on October 27, 28 and 29, 2009. The Department is required to review adopted and draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b) and (h). Communications with Ms. Kara Douglas, Affordable Housing Program Manager, and Mr. Patrick Roche, Principal Planner, facilitated the review.

The adopted element along with draft revisions address the statutory requirements described in the Department's May 1, 2009 review. For example, the element, as proposed for revision, includes Program 15a to adopt a reasonable accommodation procedure. As a result, the element will comply with State housing element law (Article 10.6 of the Government Code) when the draft revisions are adopted and submitted to the Department, pursuant to Government Code Section 65585(g).

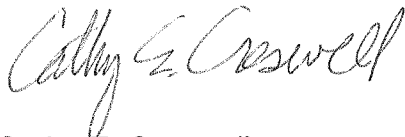
The inventory identifies a capacity of 1,154 units at appropriate densities to accommodate the remaining housing need of 1,130 units affordable to lower-income households. The inventory leaves little capacity to account for changes in or for developments which vary in capacity from what is planned. Please be aware, maintaining adequate sites at appropriate densities to accommodate Contra Costa County's regional housing need, including for lower-income households, throughout the planning period is required pursuant to Government Code Section 65863. In addition, this Section specifies no local government action shall reduce, require or permit the reduction of, the residential density or allow development at a "lower residential density" for any parcel identified in the sites inventory unless the local government makes written findings, the reduction is consistent with the adopted general plan, and the remaining sites identified in the element are adequate to accommodate the jurisdiction's share of the regional housing need. As defined by statute, "A lower residential density" refers to allowing fewer units on the site than were projected within the sites inventory of the housing element.

Ms. Catherine O. Kutsuris, Director
Page 2

The Department recommends the County consider adopting a program to monitor approved development relative to capacity estimates in the housing element (see sample program -- enclosed). The County may also use the annual progress report, required pursuant to Government Code Section 65400, to monitor and report on the remaining capacity of sites in the inventory.

The Department appreciates the effort and cooperation provided by Ms. Douglas and Mr. Roche, and looks forward to receipt of Contra Costa County's adopted revisions. If you have any questions, please contact Ken Holder, of our staff, at (916) 323-3180.

Sincerely,

A handwritten signature in cursive script, reading "Cathy E. Creswell". The signature is written in dark ink and is positioned above the printed name and title.

Cathy E. Creswell
Deputy Director

Enclosure

Insert to "E. Loss of Assisted Housing", pages 6-33 to 6-34, add text listing 3 qualified entities that might receive transfer of ownership for the at-risk Rivershore Apartments (see new text underlined and highlighted in yellow in the paragraph below):

Rivershore Apartments are at-risk of converting to market rate within the next 10 years. Rivershore Apartments is a 245 unit apartment complex in Bay Point. In exchange for assistance through the County tax-exempt bond program, the development allocates 49 affordable units for low income families. The affordability restriction on Rivershore Apartments is set to expire in 2017. The analysis below provides the options for preserving and/or replacing the affordable units in Rivershore.

Preservation and Replacement Options: To maintain the existing affordable housing stock, the County must either preserve the existing assisted units or replenish the affordable housing inventory with new units. Depending on the circumstances of at-risk projects, different options may be used to preserve or replace the units. Preservation options typically include: 1) transfer of project to non-profit ownership; 2) provision of rental assistance to tenants using non-federal funding sources; 3) tax-exempt bond refinancing; and 4) purchase of affordability covenants. With regard to replacement, the most direct option is the development of new assisted multi-family housing units. These options are described below, specifically in relation to the preservation/replacement of at-risk units in Rivershore.

1) *Transfer of Ownership:* Transferring ownership of an at-risk project to a non-profit housing provider is generally one of the least costly ways to ensure that the at-risk units remain affordable for the long term. By transferring property ownership to a non-profit organization, low-income restrictions can be secured for 55 years and the project would become potentially eligible for a greater range of governmental assistance. According to a list of qualified entities maintained by the California Department of Housing and Community Development (HCD), there are a number of non-profit housing providers that would be suitable candidates to receive the transfer ownership of the at-risk units in the Rivershore Apartments. There are three qualified entities on the HCD list that are well established non-profit housing providers active in Contra Costa County, including BRIDGE Housing Corporation (San Francisco), Resources for Community Development (Berkeley), and Eden Housing, Inc. (Hayward), which could be suitable candidates for the transfer of ownership. The HCD list does not include a number of housing developers who have the capacity to own and manage this type of property. The entities named above are representative of the active developers in the County.

State HCD Review Comment #1: At Risk Units
Draft Revision Insert
County Housing Element
Nov. 2009

Because it is not possible to only acquire the 49 affordable units in Rivershore, the estimated market value is calculated for all 245 units in the project, as indicated in Table 6-22:

Table 6-22
Market Value of At-Risk Project

Project Information	Total
1- bedroom units	44
2- bedroom units	145
3- bedroom units	56
Total Units	245
Annual Operating Costs	\$ 1,513,365
Annual Gross Income	\$ 3,184,476
Net Annual Income	\$ 1,671,111
Estimated Market Value	\$23,395,554

Market value for project is estimated with the following assumptions:

1. Estimated market rents: 1-bdrm - ; 2-bdrm - ; 3-bdrm.
2. Vacancy rate is 5%.
3. Annual operating expenses is estimated to be \$ 6,177 based on information from Bay Area Local Initiatives Support Coalition Operating Cost Database. An estimate of expenses as 40% of revenue would yield an annual income of \$2 million.
4. Market value = Annual net project income x multiplication factor.
5. Industry standard multiplication factor for a building in moderate condition is 14.

Current market value for the units is estimated on the basis of the project's potential annual income, and operating and maintenance expenses. As indicated above, the estimated market value of the 245 units is \$23.4 million.¹

¹ This market value is estimated using basic assumptions and is intended as an indicator of the magnitude of costs involved; in no way does it represent the actual market value of Rivershore Apartments.

*Insert to Housing Element page 6-48, under "2. **Provisions for a Variety of Housing**", under subheading "**Licensed Care Facilities**"; add further information about the processing of land use permit applications for residential care facilities with more than six beds; see new text in underlined and yellow highlighted that elaborates and provides examples for the land use permit process related to a residential care facility within a residential district involving more than six beds:*

"Licensed Care Facilities: The Zoning Code permits licensed residential or community care facilities with six or fewer beds in all residential zones by right. Those facilities with more than six beds require a land use permit. Since land use permits for residential care facilities with more than six beds are not very common, the County has not formally adopted a procedure for processing such land use permits. However, in reviewing the records from the last Housing Element cycle (2001 to 2006), there were two applications that involved land use permits for residential care facilities with more than six beds. These two land use permit applications both involved the expansion of an existing 6-bed residential care facility for the elderly, increasing their size from 6 beds to 8 beds and 6 beds to 12 beds, respectively. Each facility was located in an established residential neighborhood in the unincorporated area, and the applications for each were heard before the County Zoning Administrator. The processing time for each application was approximately 6-7 months, including the period from the initial application in-take to the hearing before the Zoning Administrator. Each application was determined to be categorically exempt under the California Environmental Quality Act (CEQA)(CEQA Guidelines section 15301. Existing Facilities). While there was neighborhood opposition to each application to increase the number of beds for the respective residential care facility, the County Zoning Administrator was able to sustain the staff recommendation to approve the land use permit subject to conditions of approval and the findings necessary to approve a land use permit under the County Ordinance Code. In each case, the conditions of approval for the land use permit required verification that the residential care facility was licensed by an appropriate state or local agency, and that public services (police and fire protection) and utilities (water, sewer, etc.) were adequate to serve the location and size of the facility; and, in each case, there were certain conditions relating to the approval of a site plan for the facility and maximum number of employees working in the facility at one time. Significantly, the County Zoning Administrator's decision to approve each application was never

appealed. The recent experience with these residential care facility applications indicates that land use permit approval process is reasonable and does not unduly limit or bar such uses within residential zoned districts in the unincorporated area. A total of 38 licensed community care facilities with over 238 beds are located in the unincorporated areas of Contra Costa County. In addition, several other residential projects provide housing for persons with disabilities as shown in Table 6-21."

Insert to Housing Element page 6-62 to 6-63, under “2. Infrastructure and Public Service Constraints”, add new paragraph in middle of page 63 on CA Govt. Code Sec. 65589.7, to note that water and sewer service providers must establish priority procedures and grant priority water and sewer service to developments with affordable units and local jurisdiction must make Housing Element immediately available to them (see new paragraph underlined and highlighted in yellow):

2. Infrastructure and Public Service Constraints

A lack of adequate infrastructure or public services and facilities can be a substantial constraint to residential development if it is to avoid impacting existing residents. In fact, according to the National Association of Home Builders, ensuring that the construction of schools, roads and other infrastructure keeps pace with the anticipated growth in population and economic activity is one of the biggest challenges facing local and regional governments.¹

As part of the Growth Management Program, the County conducts an evaluation of the remaining infrastructure capacity. This includes an analysis of areas not adequately served by infrastructure. This process enables the County to identify constraints to the provision of services and facilities in a given area and better plan for cost-effective and efficient growth.

The General Plan, as the principal document regulating growth and development in the County, contains service standards that establish a linkage between new development accommodated in the Plan and new facilities and/or services required to meet demands created by new development. The Growth Management Element contains the implementing programs and service standard requirements that facilitate the attainment of goals and objectives of the Land Use, Public Facilities and Services, and Housing Elements of the General Plan.

These standards ensure that the infrastructure and public services and facilities are in place to serve that development within the Urban Limit Line. The standards are implemented through payment of fees and exaction and site improvements discussed earlier in this section. However, it is important to note that intensive residential development on infill sites can create additional challenges to existing infrastructure and public services. This is particularly true in areas with aging infrastructure or public facilities that are already strained serving the needs of current residents.

¹ National Association of Home Builders, *Smart Growth: Building Better Places to Live, Work and Play*. May 2000.

State HCD Review Comment #3: Water & Sewer Providers
Draft Revision Insert
County Housing Element
Nov. 2009

Many of the County's affordable housing developments are located in infill locations in areas already served by existing infrastructure. While such infill sites are beneficial in that they don't require the extension of services, provide housing near public transit and jobs, encourage economic growth in urban areas, and thus promote "smart growth" development principles², they may face other challenges to development. Infill sites in the older communities in the County may require upgrading of existing infrastructure systems to support more intense development, such as roadway improvements, and replacement of undersized sewer and water lines. Other constraints to development of infill sites include site assembly and clean-up; relocation; compatibility with surrounding land uses; and potential neighborhood opposition.

There are thirty (30) unincorporated communities in Contra Costa County, which are within the County's Urban Limit Line, that are provided water and sanitary sewer services from multiple providers, including single purpose agencies, special districts, community service districts, county service areas, and private companies. A complete listing of the water and sanitary service providers for the unincorporated communities is provided in Appendix C, Table C-1. Each of these providers is responsible for determining the supply or capacity to their service area, and they are responsible for informing the County as to whether there is insufficient supply or capacity within their system for new residential development. To date, as noted in Table C-1, Appendix C, the water and sanitary sewer providers serving the unincorporated communities within the County's Urban Limit Line have adequate capacity or supply.

Government Code Section 65589.7 requires water and sewer providers to establish specific procedures and grant priority water and sewer service to residential developments with units affordable to lower-income households. The statute also requires local governments to immediately deliver the Housing Element to water and sewer providers (note: following the Board of Supervisors adoption, the 2009 Housing Element was sent to each of the water and sewer providers serving the unincorporated areas of Contra Costa County).

The adequacy of the public infrastructure to serve new residential development is central to the County's planning process. The Growth Management and Public Facilities/Services elements to the General Plan establish performance measures for infrastructure, including water and sewer, and new residential development must receive written verification for both water and sewer services prior to final subdivision map or issuance of a building permit. Additionally, under

² Judy Corbett and Joe Velasquez. "The Ahwahnee Principles: Toward More Livable Communities," *Western City*. September 1994.

State HCD Review Comment #3: Water & Sewer Providers
Draft Revision Insert
County Housing Element
Nov. 2009

Senate Bill 610 and Senate Bill 211, both which took effect as of January 1, 2002, there is now a requirement that extensive, specific information about water availability be presented and considered by cities and counties in connection with residential subdivisions of a certain size. Cities and counties are required to contact the responsible water agency proposed to serve the residential subdivision to determine whether water supplies are sufficient to serve the project. Information from water and sewer agencies about supply and system capacity is also presented in a residential project's environmental review analysis prepared pursuant to the California Environmental Quality Act (CEQA).

If the drought affecting California persists, the adequacy of future water supplies for residential development could become a constraint in the coming years. The East Bay Municipal Utility District (EBMUD) and the Contra Costa Water District (CCWD) are two of the main suppliers of potable water to residents in both incorporated and unincorporated areas of Contra Costa County. Both of these water districts have prepared water supply management plans that project existing and future demand for water service within their respective districts and capital improvement plans for water delivery facilities within their respective districts. Each of these water providers has recently declared that a drought emergency exists. They have likewise indicated in their respective water supply management plans that there may not be adequate water supplies as a result of the drought and they project shortages for water delivery if the drought continues.

State HCD Review Comment #4: Emergency Shelters
Draft Revision Insert
County Housing Element
Nov. 2009

Insert to page 6-108, Housing Programs, Review and Update of Zoning and Subdivision Ordinance, add language to the description of the 5-year Program Objective to clarify that development standards for emergency shelter will be the same as those within the selected zone (C: Commercial District) where shelter can be established without conditional use permit (see new text in underlined and yellow highlighted).

REVIEW AND UPDATE OF ZONING AND SUBDIVISION ORDINANCE

The County regulates the type, location, density, and scale of residential development in the unincorporated areas primarily through the Planning and Zoning Code. Zoning regulations are designed to protect and promote the health, safety, and general welfare of residents as well as implement the policies of the County General Plan. The County is engaged in an ongoing process of reviewing the Planning and Zoning Code for consistency with State laws. The main purpose of this review is to ensure that the County's requirements and standards do not act as a constraint to the development of affordable housing.

Program	Five-Year Program Objectives
Zoning and Subdivision Ordinance Review and Update	<ul style="list-style-type: none">Periodically review the Planning and Zoning Code and other regulations to ensure that County policies and regulations do not constrain housing development and affordability.Pursuant to S.B. 2, within one (1) year of the adoption of this Housing Element amend the Zoning Code to allow an emergency shelter facility without a conditional use permit or other discretionary action subject to permit procedures and certain development standards. <u>Emergency shelters will only be subject to those development standards that apply to residential and commercial use within the same zone.</u> The development standards would include but not limited to the maximum number of beds or persons served nightly by the facility, length of stay at the facility, size and location of the facility's exterior and interior on-site waiting and client intake area, proximity of the facility to other emergency shelters, facility off-street parking that is not greater than other residential or commercial uses, facility lighting and security, and the provision for on-site management at the facility. Amend the C: General Commercial District zone.Permit transitional and supportive housing as a residential use subject to only those restrictions that apply to other residential use of the same type in the same zone.Allow agriculture employee housing to be permitted by-right (without a conditional use permit) in single family zones for less than six person and in agricultural zones with no more than 12 units or 36 beds consistent with Health and Safety Code 17021.5 and 17021.6.Amend the zoning ordinance to include development standards and permit procedures to encourage and facilitate the development of SROs.Public Works Department in coordination with DCD to undertake review of standards under the subdivision ordinance.

**State HCD Review Comment #4: Emergency Shelters
Draft Revision Insert
County Housing Element
Nov. 2009**

**State HCD Review Comment #5: Extremely Low Income Housing
Draft Revision Insert
County Housing Element
Nov. 2009**

Insert to Housing Programs, pages 6-103 to 6-104, "Housing Affordability", add new program entitled "Extremely Low Income Housing Development Assistance", see below proposed new program to be inserted at the end of this section on page 6-104 after "Home Sharing Program":

EXTREMELY LOW INCOME (ELI) HOUSING DEVELOPMENT ASSISTANCE

The County is an entitlement jurisdiction for the CDBG, HOME, and ESG programs. It is a sub-grantee for the HOPWA program. In addition, the County applies for and receives approximately \$7 million in McKinney-Vento Act funds on an annual basis. The County administers each of these grants for either most or all of the County (incorporated cities and towns, and the unincorporated areas). Existing Board of Supervisor policy gives priority to projects that provide housing affordable to and occupied by extremely low income households.

The County shall continue to seek state and federal funding to support the construction and rehabilitation of low-income housing, particularly for housing that is affordable to extremely low income households. The Redevelopment Agency shall continue to assess potential funding sources to support construction and rehabilitation of low-income housing, such as, but not limited to Community Development Block Grant (CDBG) and HOME programs. The County shall also seek state and federal funding specifically targeted for the development of housing affordable to extremely low income households, such as local Housing Trust funds and Proposition 1-C funds. The County shall promote the benefits of this assistance program to develop housing for extremely low income households on its web page and create handout material to be distributed with residential development applications.

<u>Program</u>	<u>Five-Year Program Objectives</u>
<u>Extremely Low Income (ELI) Housing Development Assistance</u>	<ul style="list-style-type: none">▪ Redevelopment Agency will assess and pursue all available state and federal funding programs to support the construction and rehabilitation of low-income housing for extremely low income households.▪ Department of Conservation and Development (Planning Dept.) will promote the ELI development assistance program to developers (for profit and non-profit) by placing program information on County website and providing handout material on the program at the Application & Permit Counter.

State HCD Review Comment #5: Extremely Low Income Housing
Draft Revision Insert
County Housing Element
Nov. 2009

*Insert to Housing Element, at page 6-111, **Table 6-41: Housing Implementation Programs Summary**, new item 19.a "Extremely Low Income Housing", under the subheading "Housing Affordability", see new text underlined and yellow highlighted.*

Housing Affordability					
17. First-Time Homebuyer Opportunities	Provide additional homeownership opportunities.	Assist 50 low and moderate income first-time homebuyers.	MCC, HOME, CDBG, RDA Set-Aside, Mortgage Revenue Bonds	Conservation and Development; Redevelopment Agency	Ongoing
18. Section 8 Rental Assistance	Assist very low-income households with rental payments.	Continue to provide Section 8 assistance. Apply for additional vouchers.	HUD Section 8	HACCC	Prepare PHAP – Action Plan annually.
19. Home Sharing Program	Provide for home sharing opportunities.	Support appropriate agencies offering shared housing opportunities.	CDBG, HOPWA	Conservation and Development	Ongoing
<u>19.a. Extremely Low Income Housing</u>	<u>Promote development of housing affordable to extremely low income households.</u>	<u>Continue applying for funding that supports housing for extremely low income households. Promote funding assistance to profit and non-profit builders develop for extremely low income housing projects.</u>	<u>HOME CDBG State (as funding is available)</u>	<u>Conservation and Development</u>	<u>Ongoing</u>

State HCD Review Comment #5: Extremely Low Income Housing
Draft Revision Insert
County Housing Element
Nov. 2009

*Insert Extremely Low Income category into **Table 6-42: Quantified Five-Year Objectives**, at page 6-113. See change underlined and yellow highlighted.*

**Table 6-42
Quantified Five-Year Objectives**

Activity	<u>Extremely Low Income</u>	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
New Construction						
Provision of Adequate Sites	<u>65</u>	<u>750</u>	598	687	1,408	3,508
Assistance in Construction	<u>65</u>	<u>95</u>	320	165		650
Homeowner Rehabilitation	<u>15</u>	<u>15</u>	10			40
Weatherization	<u>100</u>	<u>150</u>				250
Acquisition/Rehabilitation	<u>5</u>	<u>30</u>	10	5		50
Preservation of At-Risk Units			<u>49</u>	<u>196</u>		<u>245</u>
First-Time Homebuyers Assistance		5	35	10		50

Insert to Housing Element page 6-106, under "Provision of Adequate Residential Sites", new program item entitled "NORTH RICHMOND SPECIFIC PLAN", see next text in underlined and highlighted in yellow.

NORTH RICHMOND SPECIFIC PLAN

Contra Costa County has initiated a Specific Plan process to re-designate a 100(+) acre area from an industrial General Plan Land Use designation to a mix of residential, commercial, and public uses in order to establish a new residential neighborhood within the unincorporated community of North Richmond. The North Richmond Specific Plan area covers an area bounded by Wildcat Creek on the south, San Pablo Creek on the north, the Richmond Parkway on the west, and the Union Pacific Railroad tracks to the east. This is 100 (+/-) acre area is designated for industrial uses but is comprised of largely vacant or underutilized lands once used for nurseries for the cut flower industry. As currently proposed, the Specific Plan would permit up to 2100 residential units of which 1860 would be considered affordable to moderate households, with an estimate of at least 315 to very low, low and moderate income households. The Specific Plan area is within a County Redevelopment Project Area, which will require that a minimum of 15% of the units developed would be subject to deed restrictions or regulatory restrictions that would assure affordability for the long term; however, it is possible that there could be more affordable units than the minimum as a result of the Specific Plan process. It is expected that the Specific Plan will be considered for adoption by the Board of Supervisors in 2010 following the completion of a community outreach program, an Environmental Impact Report and public hearings before the County Planning Commission and eventually the Board of Supervisors. Once adopted, it is anticipated that the Specific Plan would be implemented in a phased manner according to market conditions and the completion of upgrades to public infrastructure necessary to support the new residential development. The affordable units would be built generally in proportionate share with the phasing of the market rate units consistent with the approach under similar Specific Plans adopted by the County, such as the Dougherty Valley Specific Plan. The County will work toward Specific Plan adoption and initiate plan implementation within the reporting period of this Housing Element. Regardless of the timing for Specific Plan approval, any plan considered for this area of North Richmond would include provisions to contribute a significant share of the County's affordable housing need. If it appears that the North Richmond Specific Plan cannot be approved within the reporting period of this Housing Element, the County would evaluate its General Plan to secure a

State HCD Review Comment #6: North Richmond Specific Plan
Draft Revision Insert
County Housing Element
Nov. 2009

comparable share of affordable housing units elsewhere in the County.

Program	Five-Year Program Objectives
North Richmond Specific Plan	<ul style="list-style-type: none">▪ Continue the preparation and processing of the Specific Plan.▪ Meet with the North Richmond Municipal Advisory Council, and other community stakeholder, including key leaders and local civic and community groups, to cooperatively to complete the Specific Plan.▪ Coordinate with local, state, and federal agencies in the Specific Plan process.▪ Complete an Environmental Impact Report (EIR) for the Specific Plan in compliance with the California Environmental Quality Act (CEQA).▪ Conduct public hearings before the County Planning Commission and Board of Supervisors.▪ Following Specific Plan adoption, initiate plan implementation activities.

**State HCD Review Comment #6: North Richmond Specific Plan
Draft Revision Insert
County Housing Element
Nov. 2009**

Insert to Housing Element, page 6-111, Table 6-41, Housing Implementation Programs Summary, new item 23.a, North Richmond Specific Plan, under the "Provision of Adequate Housing Sites"; new text underlined and yellow highlighted

Provision of Adequate Housing Sites						
20.	Sites Inventory	Provide for adequate housing sites, including 'as-right development' sites for homeless facilities	Adopt revised zoning text. Maintain sites inventory.	Funding source to be determined for maintenance of site inventory	Conservation and Development	June 2010 for zoning changes. Ongoing maintenance of site inventory.
21.	Mixed-Use Developments	Encourage mixed-use developments.	Pursuant to El Sobrante MAC's recommendations, establish mixed use designations under the General Plan for sections San Pablo Dam Road and Appian Way in El Sobrante.	Conservation and Development /no new funds required	Conservation and Development	Ongoing
22.	Density Bonus & Other Development Incentives	Support affordable housing development.	Offer density bonuses and other incentives for affordable housing.	Conservation and Development /no new funds required	Conservation and Development	Ongoing
23.	Infill Development	Facilitate infill development.	Identify small vacant multi-family lots with potential for lot consolidation.	Conservation and Development /no new funds required	Conservation and Development	Ongoing
23. a. North Richmond Specific Plan		<u>Prepare and process Specific Plan to convert a 100 (+/-) acre industrial area in North Richmond to new residential neighborhood with potentially 2100 new dwelling units.</u>	<u>Meet and coordinate plan preparation with stakeholders.</u> <u>Complete EIR under CEQA.</u> <u>Conduct public hearings.</u> <u>Board adoption.</u>	<u>Redevelopment Agency funding Specific Plan effort</u>	<u>County Redevelopment Agency</u> <u>Conservation and Development</u>	<u>December 2010</u>

*Insert new paragraph to County Housing Element at page 6-102 under heading "**ACCESSIBLE HOUSING**", to indicate County will formalize procedures to facilitate housing for persons with special needs and remove constraints to such housing development and document these reasonable accommodations procedures. New paragraph and text underlined and highlighted in yellow.*

ACCESSIBLE HOUSING

Persons with disabilities represent a major special needs group in Contra Costa County. To maintain independent living, disabled persons are likely to require assistance, which may include special housing design features, income support for those who are unable to work, and in-home supportive services for persons with mobility limitations. To provide additional housing opportunities for the disabled, the County will continue to require inclusion of accessible units in all new construction projects receiving County financing (e.g. CDBG, HOME, redevelopment set-aside). Current regulations require that five percent of the units must be accessible to the physically impaired and an additional two percent of the units must be accessible to the hearing/vision impaired.

In order to facilitate the development of appropriate housing for persons with special needs, the County works to remove development constraints and provide reasonable accommodations in the development of such housing as requests are made. The County will formalize this practice as written reasonable accommodation procedures.

Program	Five-Year Program Objectives
Accessible Housing	<ul style="list-style-type: none">Continue to require inclusion of accessible units in all new construction projects receiving County financing.Loan funds are available through the Neighborhood Preservation Program and the Housing Authority Rental Rehabilitation Program for accessibility improvements in existing affordable housing.<u>Document reasonable accommodation procedures</u>

State HCD Review Comment #7: Accessible Housing
Draft Revision Insert
County Housing Element
Nov. 2009

*Insert to County Housing Element at page 6-110 under **Table 6-41: Housing Implementation Programs Summary: Special Needs Housing**, add 15 (a) "Reasonable Housing Accommodation" as new program under sub-heading "Special Housing Needs".
New text underlined and highlighted in yellow.*

Table 6-41 modification

Special Needs Housing					
14. Special Needs Housing	Increase the supply of special needs housing.	Provide financial and other incentives for the development of housing for special needs populations.	CDBG, HOME, HOPWA, RDA Set-Aside	Conservation and Development	Ongoing
15. Accessible Housing	Increase the supply of accessible housing.	Require inclusion of accessible units in all new County-funded construction projects.	None Required	Conservation and Development	Ongoing
<u>15(a). Reasonable Accommodation</u>	<u>Increase the supply of special needs and accessible housing.</u>	<u>Document County's reasonable accommodation activities as written procedures</u>	<u>Conservation and Development planning and CDBG</u>	<u>Conservation and Development</u>	<u>June 2011</u>

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☒ 4
NOES: ☐
ABSENT: ☒ 1
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2009/566

**MINOR REVISIONS TO THE ADOPTED 2009 HOUSING
ELEMENT PURSUANT TO REVIEW COMMENTS FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT**

WHEREAS, there is filed with the Board of Supervisors ("Board") and its Clerk a copy of Resolution No. 17-2009 adopted by the Contra Costa County Planning Commission which discusses and recommends a General Plan Amendment (County File: GP#08-0005) relating to the state mandated five-year update of the Housing Element (2007-2014) within the Contra Costa County General Plan (2005-2020).

WHEREAS, on Tuesday, July 21, 2009, the Board held a public hearing on said General Plan Amendment discussed in County Planning Commission Resolution No. 17-2009. Notice of said hearing was duly given in the manner prescribed by law. The Board at hearing called for testimony of all persons interested in this matter.

WHEREAS, on Tuesday, July 21 2009, the Board ADOPTED a Negative Declaration of Environmental Significance (State Clearinghouse No. 2009032053) that the 2009 Housing Element Update will not result in any new significant environmental impacts, determined that this environmental review is adequate for consideration of the General Plan Amendment, and directed the Department of Conservation and Development to file the Notice of Determination for the Negative Declaration with the County Clerk.

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

Contact:

ATTESTED: December 8, 2009

, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

WHEREAS, on Tuesday, July 21, 2009, the Board ADOPTED Resolution No. 2009/348 to adopt the 2009 Housing Element Update as the second amendment to the Contra Costa County General Plan (2005-2020) in calendar year 2009 as allowed by State Planning Law, which will supersede and replace the text, figures, maps, and related appendices for the Chapter 6. Housing Element in the Contra Costa County General Plan (2005-2020).

WHEREAS, the California Department of Housing and Community Development is responsible for reviewing and certifying compliance of a city or a county General Plan Housing Element pursuant to California Government Code section 65585.

WHEREAS, the County's adopted 2009 Housing Element was submitted to the California Department of Housing and Community Development (State HCD) for its second and final review for certification of compliance with State housing element law.

WHEREAS, State HCD completed its second and final review of Contra Costa County's adopted 2009 Housing Element on October 30, 2009, and identified minor revisions to the element.

WHEREAS, the Department of Conservation and Development in consultation with staff from State HCD has prepared draft revisions to the County's adopted 2009 Housing Element in response to the State HCD's latest review.

WHEREAS, draft revisions to the County's adopted 2009 Housing Element to address State HCD's latest review were presented to the Board of Supervisors on December 8, 2009.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:

FIND the draft revisions proposed for the 2009 Housing Element, as presented in Exhibit #3 to the Director, Department of Conservation and Development, December 8, 2009 report to the Board of Supervisors, are minor in nature and do not substantially modify or alter the goals, policies, program, or implementation measures in the Housing Element adopted on July 21, 2009, or conflicts with the Negative Declaration (State Clearinghouse No. 2009032053) that was prepared for the project in compliance with the California Environmental Quality Act; but, instead provide further clarification or elaboration to the element based on consultation with State HCD staff.

ADOPT the draft revisions to the 2009 Housing Element update, as presented in Exhibit #3 to the Director, Department of Conservation and Development, December 8, 2009 report to the Board of Supervisors on the State HCD's second and final review of the County's Housing Element.

AUTHORIZE the Director, Department of Conservation and Development, to re-submit the 2009 Housing Element, as revised by this resolution, to State HCD for a final determination and certification of compliance with the State housing element law.



Deliberation 18.

AIR-2906

BOS Agenda**Meeting Date:** 12/08/2009**Time (Duration):** 5 Minutes

Hearing on a Recommendation of the San Ramon Valley Regional Planning Commission to Rezone 0.16-Acres of the Diablo Country Club from F-R to R-20

Submitted For: Catherine Kutsuris, Conservation & Development Director**Department:** Conservation & Development**Division:** CD - Senior Planning**Noticed Public Hearing:** Yes**Official Body:** Board of Supervisors**Presenter/Phone, if applicable:****Audio-Visual Needs:****Handling Instructions:****District:** District III**Contact, Phone:** Ruben Hernandez, 5-1339**Recommendation(s):**

After accepting any testimony and closing the hearing, ADOPT a motion to:

A. APPROVE rezoning of a 0.16-acre portion of Assessor Parcel Number 195-180-019 from Forestry Recreation District (F-R) to Single-Family Residential (R-20), as recommended by the San Ramon Valley Regional Planning Commission;

B. ACCEPT the recommendations of the San Ramon Valley Regional Planning Commission on the proposed rezoning, as contained in Resolution No. 19-2009.

C. FIND that the proposed rezoning is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA State Guidelines;

D. INTRODUCE Ordinance No. 2009-32 giving effect to the aforesaid rezoning, waive reading and adopt the ordinance.

E. DIRECT staff to file a Notice of Exemption with the County Clerk.

Fiscal Impact:

None. The applicant is responsible for the cost of processing the rezoning request.

Background:

On July 15, 2009, the San Ramon Valley Regional Planning Commission voted unanimously to recommend that the Board of Supervisors approve the proposed rezoning of a 0.16-acre portion of the Diablo Country Club from Forestry Recreation (F-R) to Single-Family Residential (R-20). No members of the public were present at the meeting with the exception of the applicant.

The property to be rezoned is a 7,154-square-foot (0.16-acre) triangular piece of the Diablo Country Club, located in the southeast area of the club property, wedged between 1897 Calle Arroyo and a service driveway that provides access to the back of the clubhouse. The 0.16-acre portion of the Country Club property to be rezoned does not appear to be used or regularly maintained by the Country Club. Green Valley Creek runs adjacent to Calle Arroyo along the foot of the property and the property slopes upward from Calle Arroyo toward the clubhouse. The subject property and 1897 Calle Arroyo are covered with riparian vegetation including numerous oak trees. Currently, a single-family residence and detached garage are located on 1897 Calle Arroyo. The surrounding uses include single-family residential properties and the Diablo Country Club.

Prior to submitting the application to rezone the subject property, on January 16, 2009, the Humann Company, representing the Diablo Country Club, filed a lot line adjustment application to merge the subject 0.16-acre portion of the Country Club to the adjacent property, 1897 Calle Arroyo. The residential property is zoned Single-Family Residential (R-20). The Humann Company is also the applicant for the rezoning application. Approval of the lot-line adjustment would allow the County to make the necessary finding that the proposed lot-line adjustment conforms with the zoning.

After reviewing the application, staff determined that the lot-line adjustment could not be approved because the reconfigured lot would have both R-20 and F-R zoning, and the Forestry Recreational (F-R) zoning district is not consistent with the Single-Family Low-Density (SL) General Plan designation in which it is located. Table 3-5 in the Land Use Element (Chapter 3) of the County General Plan also identified the F-R zoning district as an antiquated zoning district to be deleted from the zoning ordinance. Additionally, many of the uses permitted in the F-R zoning district are not consistent with the surrounding single-family uses or the recreational use of the Country Club.

Staff informed the applicant that in order to obtain approval of the lot-line adjustment to merge the portion of the Country Club with 1897 Calle Arroyo, the Country Club property would first have to be rezoned to R-20 to match the existing zoning of 1897 Calle Arroyo. On April 14, 2009, the Humann Company submitted an application to rezone the 0.16-acre portion of the Diablo Country Club from F-R to the R-20 zoning district to the Department of Conservation and Development.

General Plan Compliance

Rezoning the 7,154-square-foot (0.16-acre) portion of the Diablo Country Club from F-R to the R-20 residential zoning district will bring the property into compliance with the Single-Family Residential Low-Density General Plan Designation in which it is located. Upon approval of the rezoning, a lot-line adjustment application to combine the area with 1897 Calle Arroyo can be approved, resulting in the creation of a 41,332 square foot conforming parcel with R-20 zoning and within the Single-Family Residential Low-Density (SL) General Plan designation.

Table 3-5 in the Land Use Element (Chapter 3) of the County General Plan includes language identifying the F-R zoning district as one of the four “antiquated” zoning districts to be deleted from the Zoning Ordinance. Therefore, rezoning the 0.16-acre portion of the Diablo Country Club from F-R to R-20 will further another goal of the County General Plan.

Other Considerations

Based on the anticipated lot size (41,332 square feet) of 1897 Calle Arroyo after the lot-line adjustment, and based on the lot size requirements of the R-20 Zoning District and the SL General Plan designation, 1897 Calle Arroyo would have enough gross land area to be potentially subdivided into two lots. But, due to the presence of Green Valley Creek along the foot of the property, policies within the Conservation Element of the County General Plan (Policy 8-89) and the creek structure setback requirements within the County Subdivision Ordinance (Title 9), would place significant constraints on the property which would limit the ability to further subdivide.

Consequence of Negative Action:

None.

Children's Impact Statement:

None.

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

RZ093211 SRVRPC Resolution

RZ093211 Maps

RZ093211 DMAC Approval

RZ09-3211 SRVRPC Staff

RZ09-3211 Application

Minutes Attachments

No file(s) attached.

ORDINANCE NO. 2009 - 32
(Re-Zoning Land in the

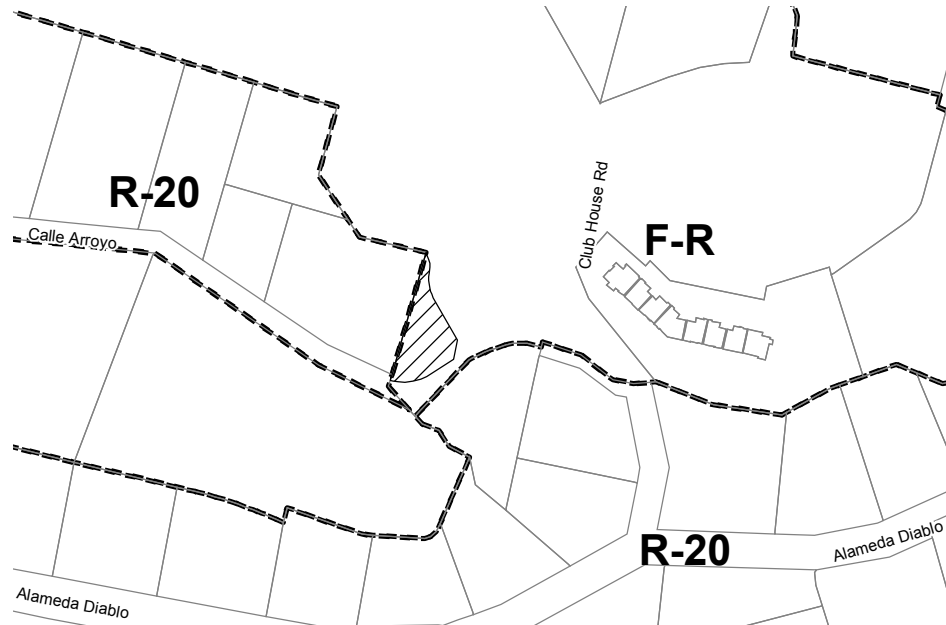
Diablo Area)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I: Page S-17 of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Department of Conservation and Development File No. RZ09-3211 .)

FROM: Land Use District F-R (Forestry Recreation)

TO: Land Use District R-20 (Single Family Residential)
and the Department of Conservation and Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



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

PASSED on _____ by the following vote:

<u>Supervisor</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
1. J. Gioia	()	()	()	()
2. G.B. Uilkema	()	()	()	()
3. M.N. Piepho	()	()	()	()
4. S. Bonilla	()	()	()	()
5. F.D. Glover	()	()	()	()

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

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

ORDINANCE NO. 2009 - 32

RESOLUTION NO. 19-2009

RESOLUTION OF THE SAN RAMON VALLEY REGIONAL PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING FINDINGS AND RECOMMENDATIONS FOR THE REQUESTED CHANGE IN ZONING BY HUMANN COMPANY (APPLICANT) AND THE DIABLO COUNTRY CLUB (OWNER) (FILE #RZ093211) IN THE ORDINANCE CODE SECTION PERTAINING TO THE PRECISE ZONING FOR THE DIABLO AREA OF SAID COUNTY.

WHEREAS, a request by Humann Company (Applicant) and the Diablo Country Club (Owner) to rezone a 0.16-acre (7,154 square feet) portion of the Diablo Country Club property from Forestry Recreation (F-R) to Single Family Residential (R-20), for which an application was received by the Department of Conservation and Development on April 14, 2009; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, it has been determined that per section 15061(b) (3) of CEQA, the proposed rezoning is exempt from the requirements of CEQA; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the San Ramon Valley Regional Planning Commission on Wednesday, July 15, 2009 where all persons interested therein might appear and be heard; and

WHEREAS, on Wednesday, July 15, 2009, the San Ramon Valley Regional Planning Commission having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter;

NOW, THEREFORE, BE IT RESOLVED, that the San Ramon Valley Regional Planning Commission finds that the proposed rezoning will not have a significant effect on the environment, therefore, per section 15061 (b) (3) of the California Environmental Quality Act, the rezoning is exempt from the requirements of CEQA; and

RECOMMENDS that the Board of Supervisors APPROVE the rezoning of the 0.16-acre portion of the Diablo Country Club to Single-Family Residential (R-20) from Forestry Recreation (F-R) as identified on the attached findings map.

BE IT FURTHER RESOLVED that the reasons for this recommendation are based on the following findings:

A. GROWTH MANAGEMENT PERFORMANCE STANDARDS

1. Traffic: Rezoning of the property will not result in any additional traffic impacts.

2. Water: Rezoning of the 0.16-acre property will not result in any significant additional water demand. The property is currently within East Bay Municipal Utility District's service area.
3. Sewage Disposal: The site is within the Contra Costa Central Sanitary service area, and rezoning the property to R-20 will not result in the need for additional facilities.
4. Fire Protection: Rezoning of the vacant 0.16-acre portion of the Diablo Country Club will not result in the need for additional fire protection from the San Ramon Valley Fire Protection District.
5. Public Protection: The Growth Management Element standard is 155 square feet of Sheriff Facility station area per 1,000 population increase. This project will not result in any increase in population.
6. Parks and Recreation: The rezoning of the 0.16-acre property to R-20 from F-R will not result in an increase in demand for park or recreational services.
7. Flood Control and Drainage: The site lies within the Flood Zone A and C, panel #0475B. No new structures are proposed within the flood zone.

B. REZONING FINDINGS

Section 26-2.1806 of the County Ordinance Code requires that the following findings be made prior to approval of a rezoning request.

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

Project Finding: Rezoning the subject property to Single Family (R-20) from Forestry-Recreational (F-R) will make the zoning consistent with the Single-Family Low-Density (SL) General Plan Designation in which it is located. The R-20 Zoning District is consistent with the SL General Plan Designation.

2. Required Rezoning Finding: The uses authorized or proposed in the land use district are compatible within the district to uses in adjacent district.

Project Finding: The portion of the Country Club to be rezoned to R-20 is surrounded by residential and recreational uses. The area to be rezoned will be combined with the adjacent residential property and will result in the creation a larger property with consistent zoning and with zoning that will conform to the Single-Family Residential Low-Density (SL) General Plan Designation in which it is located. The F-R zoning district permitted all of the uses in the residential and agricultural zoning districts which could have resulted in the establishment of uses that are not compatible with the surrounding uses.

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

Project Finding: The 0.16-acre portion of the Diablo Country Club is located at the fringe of the Club property and is not used or maintained by the Club. Rezoning the property to R-20 from F-R will enable it to be merged with the adjacent single family residential property and will ensure that the property will be used in a manner that is consistent with the character of the other surrounding residential properties located within the Single Family, Low Density (SL) General Plan Designation.

BE IT FURTHER RESOLVED that the Secretary of this Planning Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors, all in accordance with the Government Code of the State of California.

The instructions by the Planning Commission to prepare this resolution were given by motion of the San Ramon Valley Regional Planning Commission on Wednesday, July 15, 2009 by the following vote:

AYES: Matsunaga, Gibson, McPherson, Neely, Cuningham

NOES: None

ABSENT: Couture

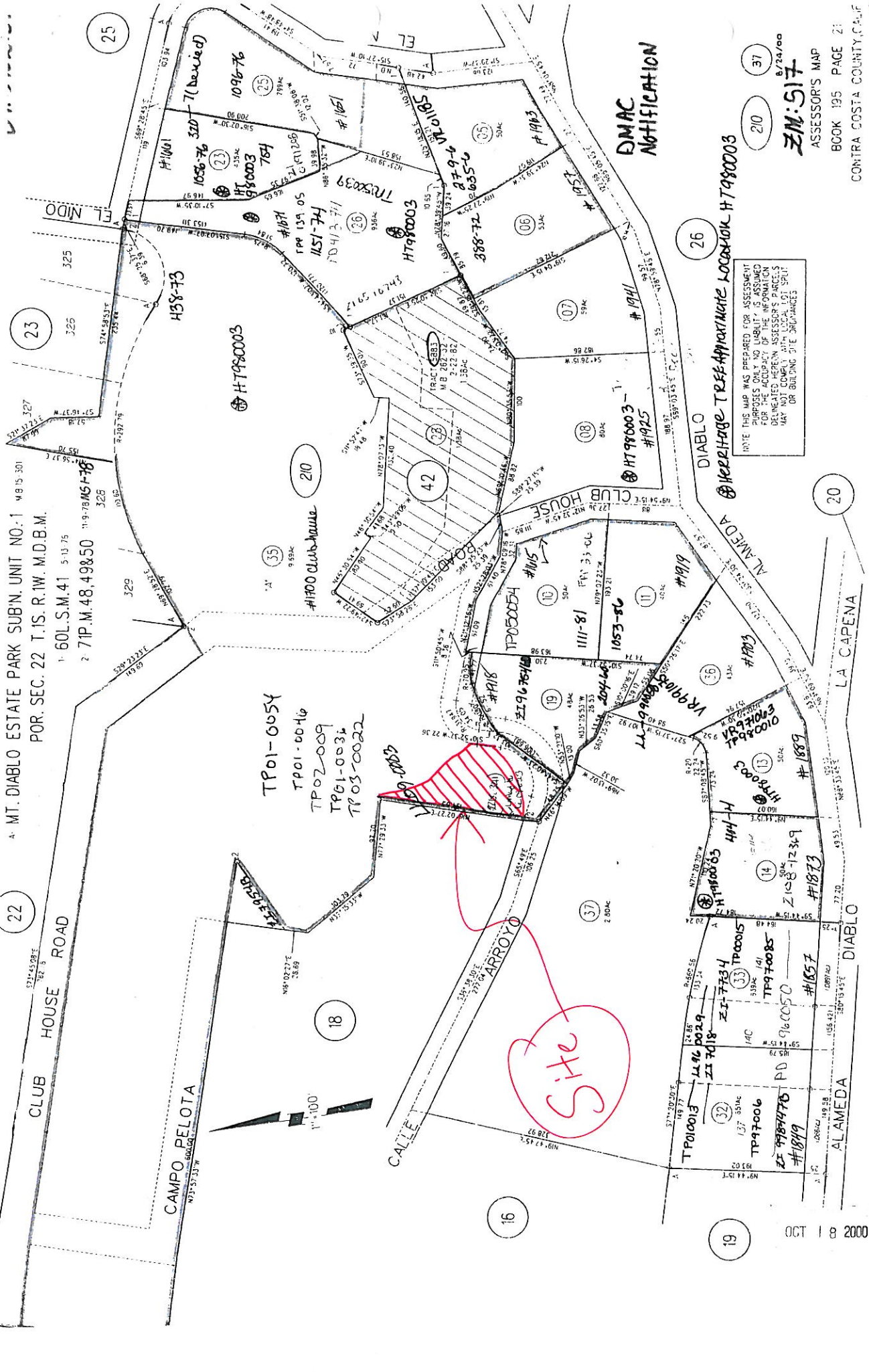
ABSTAIN: None

Neil Matsunaga, Chair
San Ramon Valley Regional Planning Commission
County of Contra Costa
State of California

ATTEST:



Catherine O. Kutsuris, Secretary
San Ramon Valley Regional Planning Commission
County of Contra Costa
State of California



DMAC
NOTIFICATION

DIABLO
HERITAGE TREE APPROXIMATE LOCATION H7980003

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREIN. ASSESSORS' PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT MAY OR BUILDING SITE REQUIREMENTS

8/24/00
ZM:517

ASSESSOR'S MAP

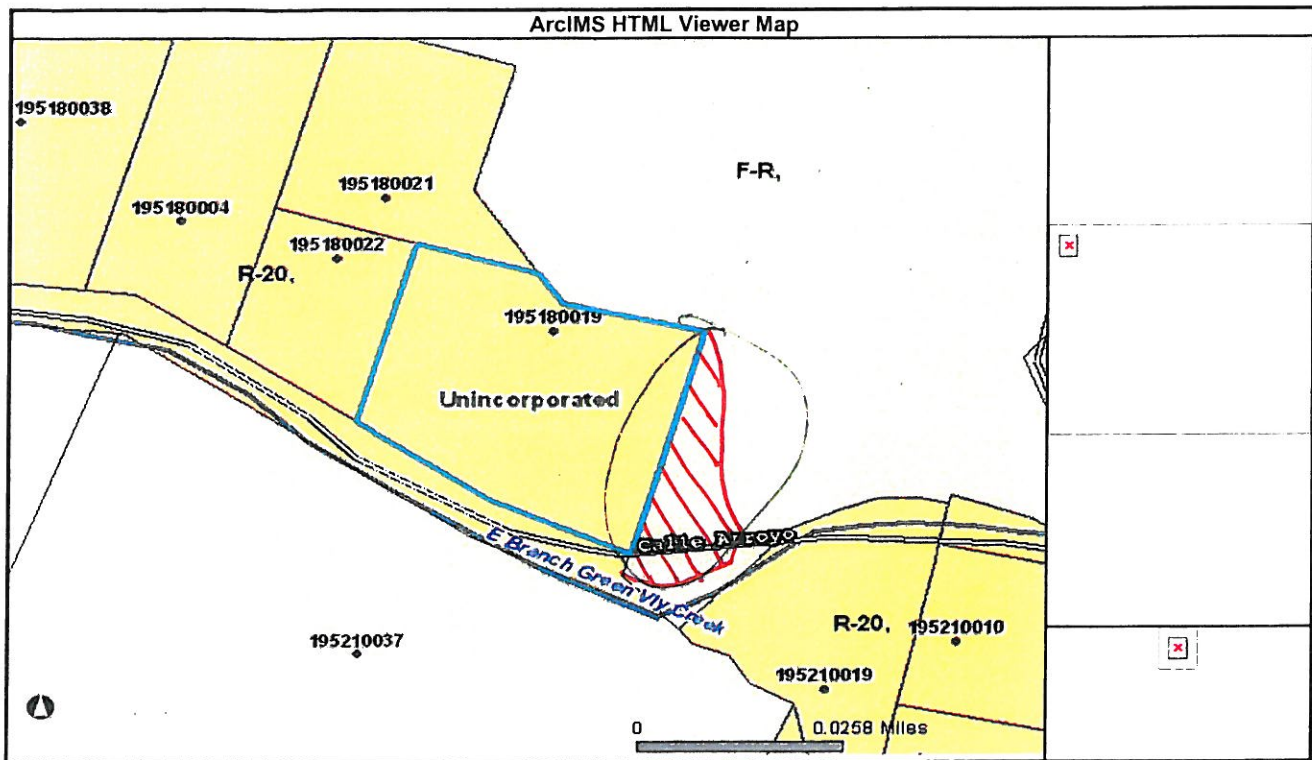
BOOK 195 PAGE 21
CONTRA COSTA COUNTY, CALIF

OCT 18 2000

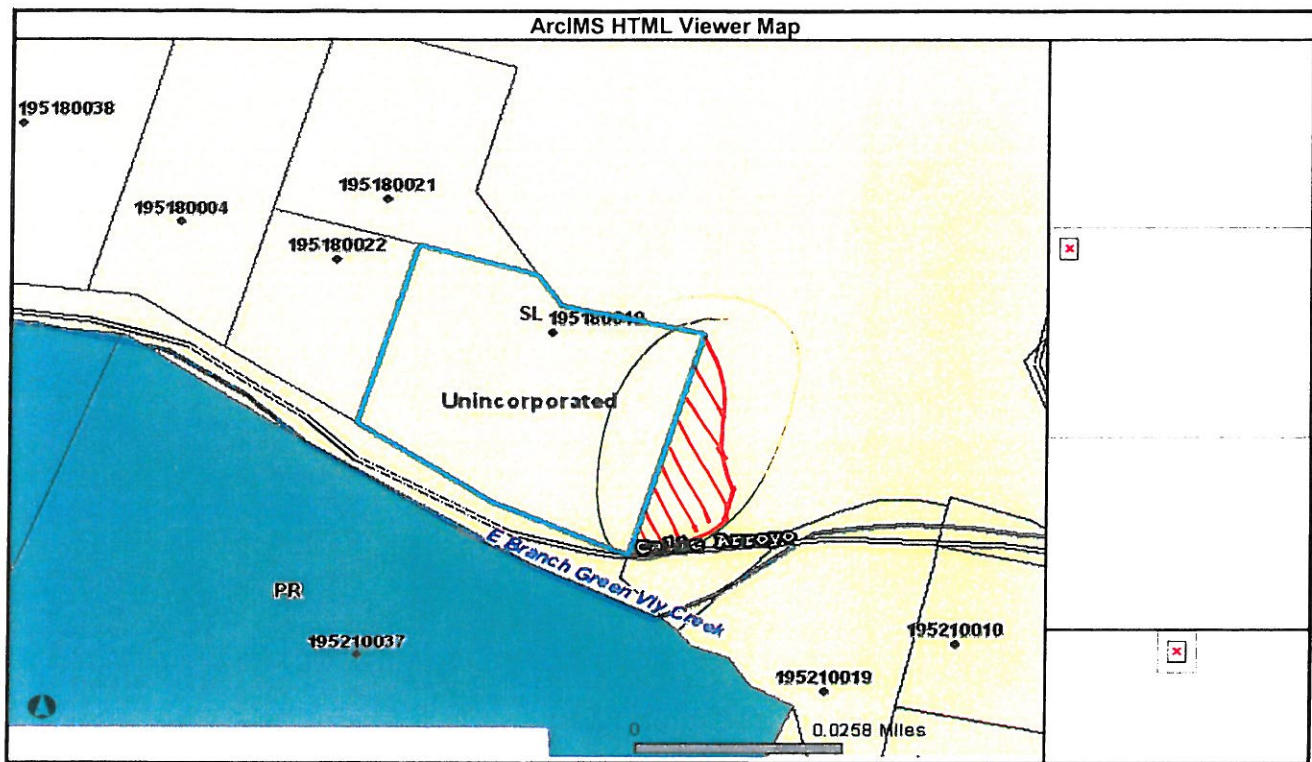
180



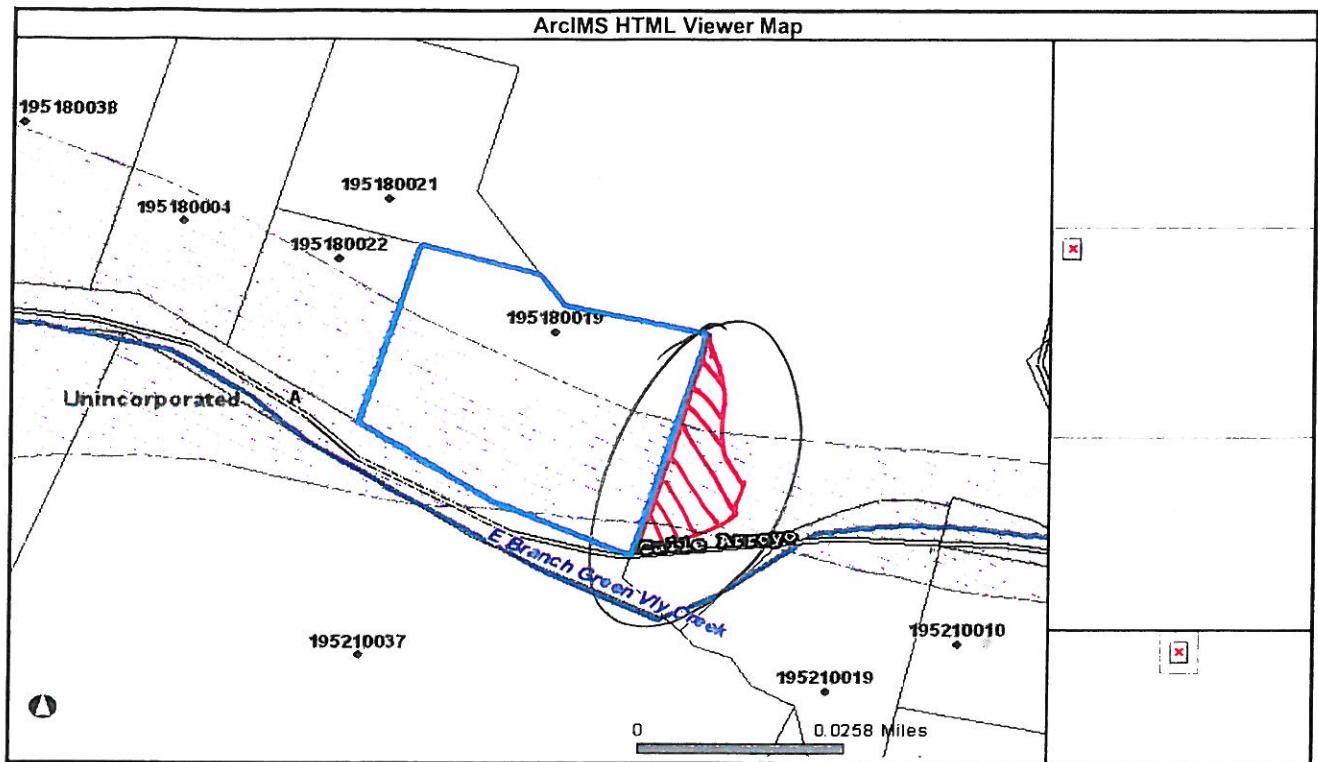
Color Ortho



Zoning



General Plan



Flood Map

FORM 600
DIABLO MUNICIPAL ADVISORY COUNSEL
REPORT TO
CONTRA COSTA COUNTY PLANNING COMMISSION

Community Development File Number 09-3211 RZ
Community Development Contact Person
DMAC Application NO 2009-03
Applicant: Name: Robert Tiernan
Address: 1897 Calle Arroyo
Diablo CA
Tel: 503 860 1833 Fax: Email
Contact Person
Owner Name Same as Applicant
Address:

Address
Tel: Fax: Email
Property Address 1897 Alameda Diablo
Diablo CA 94528
Type of Permit requested or reason for seeking DMAC review:
☐ Variance ☐ Small Lot Permit ☐ Tree Permit ☒ Other

Recommendation of Diablo Municipal Advisory Council

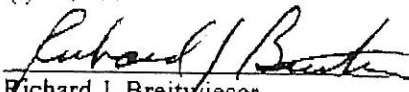
Diablo Municipal Advisory Council recommends that the Application be:
☒ Approved as submitted
☐ Approved with the following conditions

☐ Rejected
☐ Comments on attachment

Vote of Diablo Community Service District sitting as the Diablo Municipal Advisory Counsel

Haug	(x)yes () no () absent () abstain
Wander	(x)yes () no () absent () abstain
Nilssen	(x)yes () no () absent () abstain
Headen	(x)yes () no () absent () abstain
Murray	(x)yes () no () absent () abstain

Date: 5/19/09


Richard J. Breitywieser
General Manager
Diablo Community Service District

FILE COPY

Agenda Item # 3

Conservation and Development

Contra Costa County

SAN RAMON VALLEY REGIONAL PLANNING COMMISSION WEDNESDAY, JULY 15, 2009, 7:00 P.M.

I. INTRODUCTION

HUMANN COMPANY (Applicant) & DIABLO COUNTRY CLUB (Owner), County File #RZ09-3211: A request to rezone a 7,154 square foot (0.16-acre) portion of the Diablo Country Club property to Single-Family Residential (R-20) District from the Forestry Recreation (F-R) District. The area of land to be rezoned is located on Calle Arroyo, adjacent to the eastern property line of 1897 Calle Arroyo, behind the golf course club house building in the Diablo area. (Zoning: F-R) (ZA: S-17) (CT: 3462.01) (GP:SL) (APN: 195-180-019)

II. RECOMMENDATION

Adopt a motion recommending that the Board of Supervisors approve the rezoning of the 7,154 square foot (0.16-acre) portion of the Diablo Country Club property to Single-Family Residential (R-20) from Forestry Recreational (F-R).

III. GENERAL INFORMATION

- A. General Plan: The 0.16-acre portion of the Diablo Country Club to be rezoned is within the Single-Family Low (SL) General Plan Designation. Rezoning the property to the R-20 Single Family Residential District will bring the 0.16-acre portion of the Diablo Country Club into conformance with the Single-Family Low (SL) General Plan designation.
- B. Zoning: The 0.16-acre area of the Country Club property to be rezoned is currently zoned Forestry-Recreational (FR). The FR zoning district allows all the uses in the single family residential districts and agricultural districts. The Land Use Element (Chapter 3) of the County General Plan includes language identifying the F-R zoning district as one of the four "antiquated" zoning districts to be deleted from the Zoning Ordinance.
- C. CEQA Status: Community Development staff has determined that the proposal to rezone a 0.16-acre portion of the Diablo Country Club property to R-20 from F-R has no possibility of having a significant impact on the environment. Therefore, per Section 15061 (b)(3) of CEQA, the project is exempt.

D. Regulatory Programs

1. Flood Hazard Area: The southern half of the area to be rezoned is located within Flood Zone 'A'. No development is proposed for the area to be rezoned so the project will not be impacted by the flood zone designation.

IV. SITE/AREA DESCRIPTION

The property to be rezoned is a 7,154 square foot (0.16-acre) portion of the Diablo Country Club property, located in the southeast area of the Country Club, directly behind the clubhouse. The property is a triangular piece of land wedged between 1897 Calle Arroyo and a driveway providing access to the back of the country club. Green Valley Creek runs along the south end of the property adjacent to Calle Arroyo and the property slopes upward from Calle Arroyo towards the clubhouse. The creek channel runs very deep along the foot (south) of the property. The site and adjacent property are covered with riparian vegetation and numerous oak trees. The surrounding uses include single family residential properties and the Diablo Country Club.

The area to be rezoned abuts 1897 Calle Arroyo to the east and appears to be part of that property since there is no fencing between the two. There is a detached single story garage located on the property line between 1897 Calle Arroyo and the county club property.

V. BACKGROUND

The property to be rezoned is part of the Country Club property, but is not used by the Country Club for any purpose and does not appear to be regularly maintained by the Country Club.

On January 16, 2009 a lot line adjustment application was submitted to the Department of Conservation and Development for approval of a lot line adjustment between the subject country club property and 1897 Calle Arroyo. The lot line adjustment would have increased 1897 Calle Arroyo to 41,332 square feet from 34,178 square feet. The reconfigured lot would have been consistent with the lot size and average width requirements of the R-20 zoning district in which it is located.

After reviewing the lot line adjustment application, staff determined that the lot line adjustment could not be approved due to the Forestry Recreational (F-R) zoning of the Country Club property which is not consistent with the Single Family-Low Density (SL) General Plan designation in which the property is located. Additionally, many of the permitted uses in the F-R zoning district are not consistent with the surrounding single family uses or the recreational use of the country club.

In the Land Use Chapter of the County General Plan (Chapter 3) the F-R zoning district is identified as an antiquated zoning district to be deleted from the County Ordinance. The Diablo Country Club is one of the last properties in the County with F-R zoning. The Department of Conservation and Development is currently in the process of deleting the F-

Department of Conservation and Development is currently in the process of deleting the F-R district from the zoning ordinance. The future zoning district for the Diablo Country Club property is currently under review.

VI. PROPOSED PROJECT

The application is for approval of a rezoning of a 7,154 square foot (0.16-acre) portion of the Diablo Country Club property from Forestry-Recreational (F-R) to Single-Family Residential (R-20). The area of the Country Club to be rezoned is located on the north side of Calle Arroyo near the southern end of the Country Club property and abuts the eastern property line of 1897 Calle Arroyo.

VII. AGENCY COMMENTS

Diablo Municipal Advisory Council (DMAC): In a fax dated May 19, 2009, the Diablo Municipal Advisory Committee recommended approval of the proposed rezoning.

VIII. STAFF ANALYSIS/DISCUSSION

Rezoning the 7,154 square foot (0.16-acre) portion of the Diablo Country Club to the R-20 residential zoning district from F-R will bring the property into compliance with the Single-Family, Low Density General Plan Designation in which it is located. Upon approval of the rezoning, a lot line adjustment application to combine the area with 1897 Calle Arroyo can be approved, resulting in the creation of a single 41,332 square foot parcel with R-20 zoning and within the Single Family Low (SL) General Plan Designation.

A. General Plan Compliance

The property to be rezoned has a General Plan Designation of Single Family, Low-Density (SL), as do all of the surrounding residential properties and the portion of the Country Club property to be rezoned. The County General Plan identifies the R-20 zoning as being compatible with the Single Family, Low Density General Plan Designation.

The Land Use Element (Chapter 3) of the County General Plan includes language identifying the F-R zoning district as one of the four “antiquated” zoning districts to be deleted from the Zoning Ordinance. Therefore, rezoning of the 0.16-acre portion of the Diablo Country Club to R-20 from F-R will further a goal of the County General Plan.

Upon approval of the rezoning, a lot line adjustment to combine the subject property with 1897 Calle Arroyo can be approved, resulting in a new 41,332 square foot parcel. Based on the anticipated lot size of 1897 Calle Arroyo after the lot line adjustment, and based on the minimum lot size requirements of the R-20 Zoning District and SL General Plan Designation, 1897 Calle Arroyo would have enough gross area to possibly subdivide the new lot. But, based on the lot constraints, specifically the presence of the creek, the channel depth of the creek and the site topography, subdivision of the

property would be difficult if not impossible due to provisions within the County Subdivision Ordinance (Title 9) such as creek structure setback requirements.

X. CONCLUSIONS

Staff has determined that rezoning the 0.16-acre property to R-20 from F-R will result in a land use that is more consistent with the surrounding uses and bring the subject property into conformance with the Single-Family Low (SL) General Plan Designation.

Application for a Rezoning

Contra Costa County



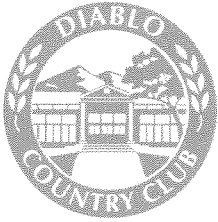
No. 09-3211 RZ

Department of Conservation & Development
Community Development Division
651 Pine Street, North Wing - 2nd Floor
Martinez, CA 94553-0095

1. Legal Property Owner: Name: Robert Tiernan
Street: 1897 Calle Arroyo
City: Diablo CA 94525
Phone: 503-860-1833
2. Applicant other than legal property owner:
Name: Humann Co. - Rick Humann
Street: 1021 Brown Avenue
City: Lafayette CA 94509
Phone: 283 5000 #103
3. Applicant must indicate permission of legal property owner to file this application for rezoning by having the legal property owner sign this application on Line 13.
4. Legal written description of property (attach to this application).
5. Property map (attach to this application): This map must be drawn to scale and must also indicate the adjoining property owners as well as the geographical vicinity of the property.
6. Acreage of property: 0.95 (Proposed)
7. Existing land use district: R-20 & F.R.
8. Request change to: R-20
9. Existing use of property: Residential & Recreation (Golf)
10. Proposed use of property: Residential
11. Reasons why a change of land use district is requested: To eliminate F.R. Zone when LLA 09-0003 is approved so that all of 1897 Calle Arroyo will be R-20

Continued on Reverse Side

12. Date of application: April 13, 2009
13. Signature of owner: [Signature]
- Firm: _____
- Title: Owner
14. Signature of applicant: [Signature]
- Firm: Humann Co.
- Title: Surveyor
15. Assessor's No.: 195-180-019 Date filed: April 13 2009
- Zoning District: R-20 Filing Fee: \$2,577⁰⁰
- Census Tract: 3462.01 Receipt No: 16773
- Atlas Page: S17 By: H. Trent



Diablo Country Club

August 21, 2009

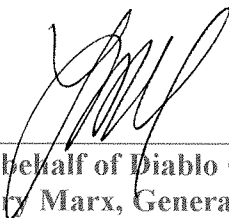
TO: Contra Costa County

FROM: Diablo Country Club

SUBJECT: Consent to zoning change

DATE: 8/21/09

On behalf of Diablo Country Club, we do hereby consent to the zoning change for the parcel of land that we are in the process of selling to Robert R. Tiernan of 1897 Calle Arroyo, Diablo, California. I appreciate your assistance in this matter.



On behalf of Diablo Country Club
Larry Marx, General Manager

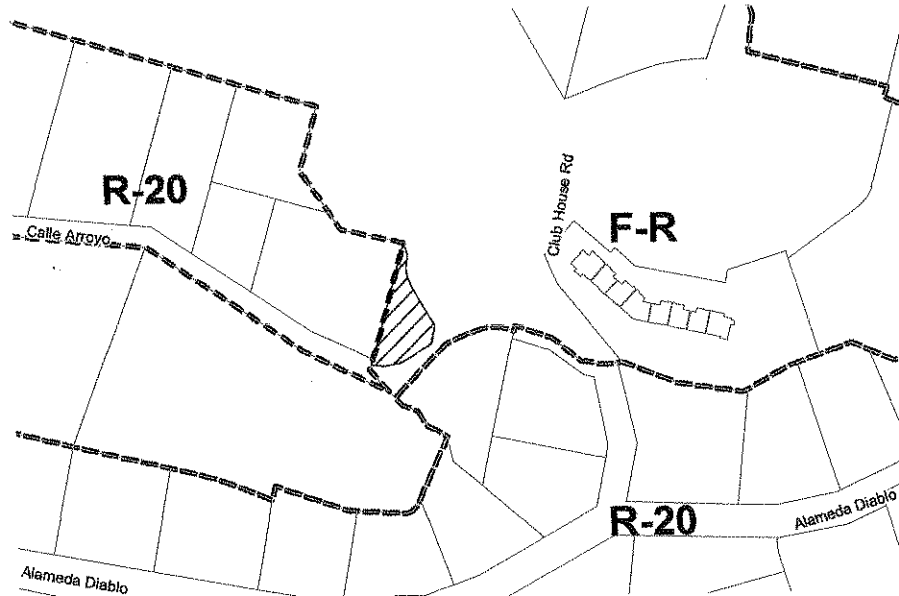
Diablo Area)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I: Page S-17 of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Department of Conservation and Development File No. RZ09-3211.)

FROM: Land Use District F-R (Forestry Recreation)

TO: Land Use District R-20 (Single Family Residential)
and the Department of Conservation and Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



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

PASSED on 12-08-09 by the following vote:

<u>Supervisor</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
1. J. Gioia	()	()	(X)	()
2. G.B. Uilkema	(X)	()	()	()
3. M.N. Piepho	(X)	()	()	()
4. S. Bonilla	(X)	()	()	()
5. F.D. Glover	(X)	()	()	()

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

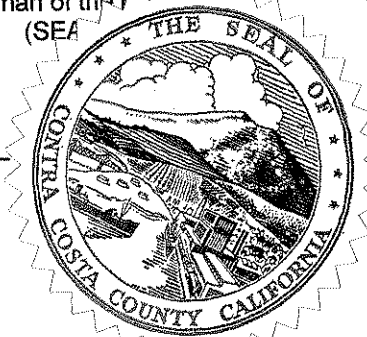
By [Signature] Dep.

[Signature]
Chairman of the Board

(SEA

ORDINANCE NO. 2009 - 32

RZ09-3211 - Humann Company/Diablo Country Club





Contra
Costa
County

To: Board of Supervisors
From: Catherine Kutsuris, Conservation & Development Director
Date: December 8, 2009

Subject: Continued Hearing on an Appeal filed by the Singhs of the SRVRPC's denial of a Final Development Plan modification request for a deck. File #DP08-3051

RECOMMENDATION(S):

After accepting any public testimony, and closing the public hearing:

A. ACCEPT the San Ramon Valley Regional Planning Commission Resolution No. 20-2009 reporting on the Commission's review and actions on this project.

B. SUSTAIN the San Ramon Valley Regional Planning Commission's decision to deny the application to modify the Blackhawk Final Development Plan, File #DP08-3051.

C. DENY the appeal of Surinder & Vinita Singh.

D. ADOPT Board Resolution #2009/555 containing findings as the basis for denying the project.

E. DIRECT staff to post a Notice of Exemption with the County Clerk.

☐ APPROVE

☐ OTHER



RECOMMENDATION OF CNTY ADMINISTRATOR



RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 12/08/2009 ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: John Gioia, District I
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: December 8, 2009

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

By: June McHuen, Deputy

Contact: Francisco Avila, (925) 335-1266

cc: Jason Crapo, Kevin Dumford

F. DIRECT the Conservation and Development Director to resume actions to effect compliance with

RECOMMENDATION(S): (CONT'D)

zoning and building codes with regards to the violations at this site.

FISCAL IMPACT:

None. The applicant has paid the necessary application processing fees, and is obligated to pay supplemental fees to recover any and all additional staff time and material costs associated with the application processing.

BACKGROUND:

Based on a request by the owner, this application was continued from November 10, 2009 to December 8, 2009 to allow the owner's new counsel sufficient time to become familiar with the details of the project. Staff also understands that the owner's counsel has contacted the Blackhawk Homeowner's Association seeking arbitration. The owner's counsel has requested that the Board continue this item until such time as the arbitration is resolved. The Blackhawk Homeowner's Association has indicated that they do not support the request to continue the matter as the issues between the Homeowner's Association and the Singhs are unrelated to those of the County.

This is an appeal of the San Ramon Valley Regional Planning Commission's (SRVRPC) decision to deny a proposal to modify the Blackhawk Final Development Plan to allow a deck that has been built beyond the subject property's boundaries within an area designated as open space. The proposal concerns an elevated deck that has been constructed adjacent to a rear yard swimming pool. The resident of the adjoining lot, 101 Wild Oak Court, obtained a building permit for this improvement from the County. After a survey was prepared, it was determined that the deck had not been built in the location that had been represented in the application for the building permit. It had been built in an area where no structural improvements are permitted by the zoning and deed restrictions.

The owner of the residence filed this application to allow the existing deck improvements to remain, and is presently seeking to have the Commission decision overturned. Unless the Board takes that action, the owner will be required to remove the deck improvements.

Environs and Site Description

The Blackhawk residential community largely consists of graded estate lots on rolling terrain that are separated by common open space belts. These belts create separation of private residential activity and rear yard open space views.

The site is located to the rear of the residence at #101 Wild Oak Court. The subject private residential lot has an area of 18,787 square feet with a residence with a floor area of 6,774 square feet. The site has a graded pad that extends near the rear property line. The rear of the lot contains a pool and large patio area.

Beyond the edge of the pad and rear boundary of the lot, the terrain slopes downward. The sloping terrain constitutes the common open space and spans the entire length of the rear boundary. The fee title to this area is held by the Blackhawk Homeowners Association (HOA). This hilly open space abuts the other residential properties in the area. This is the area where the deck has been constructed.

Background

The Blackhawk project was created under the Planned Unit (P-1) zoning district with the County's approval of a Final Development Plan. That project established residential lots and open space areas. Title to the open space areas is divided between the Blackhawk HOA and the Blackhawk Country Club.

At the time of the establishment of the subdivision in 1981, the subdivider conveyed to the County a Grant Deed of Development Rights (GDDR, or so-called "scenic easement") for the common open space areas. That instrument prohibits any development without the approval of the County. Moreover, in recognition of the purpose of the common open space areas, the General Plan designates them with an open space land use category, Parks and Recreation (PR).

Concern that Residential Development Outside Lot Boundaries May Compromise Original Blackhawk Design Concept

From the beginning of the Blackhawk project, some residents have sought to expand the area of their private lots by extending private improvements into the common open space areas to the rear of their properties.

The continuation of private residential development incursions into the project open space area (e.g., decks such as this one, extension of padded yards supported by retaining walls), if left unchecked, would compromise the original intent of the Blackhawk Final Development Plan. To address this concern, over the last twenty years, staff has successfully worked with both the Blackhawk Homeowners Association (HOA) and the Blackhawk Country Club to stem these incursions into the common open space areas of the project.

1999 Amendment to the Blackhawk Final Development Plan to Allow “Expanded Residential Use” of Several Residential Lots

In 1998, with the support of the HOA, several homeowners applied to the County to amend the Final Development Plan (File #DP98-3022) to allow both lot line adjustments and landscape easements within the common open space area adjoining the respective rear yards of their properties. In making this request, the HOA indicated that it would be working with the County to otherwise maintain the integrity of the Blackhawk FDP, and to curtail further residential lot incursions into the open space area.

Changes to 101 Wild Oak Court Property

The property at 101 Wild Oak Court was one of the residential lots that had been proposed to be altered by both:

- A sliver transfer of real property from the adjoining common open space as an addition to the residential lot to facilitate construction of a proposed rear yard swimming pool; and
- A private landscape easement for a much larger, semi-circular area within the common open space.

At that time, 101 Wild Oak Court was owned by another party (Jensen).

After providing for public notice and reviewing the matter, on October 21, 1999, the Zoning Administrator approved the proposed uses, subject to conditions. Subsequently, the Board of Supervisors authorized the alterations to the restrictions of the scenic easement that had been approved by the Zoning Administrator.

Subsequently, the HOA conveyed both the sliver real property as an addition to the residential lot and a landscape easement to the owner of 101 Wild Oak Court as authorized by the Zoning Administrator and by the Board of Supervisors. The landscape easement instrument specified that no permanent structures were permitted in the landscape easement, and no improvements could be constructed without the approval of the HOA’s Architectural Review Committee.

2006 Building Permit for On-Site Rear Yard Deck, and Discovery of Misrepresentation in Permit Application

In 2006, the current property owner, Mr. Singh, obtained a building permit to construct a deck to the rear of the residence (Permit #393301). Prior to issuing the permit and obtaining planning clearance, the applicant for the owner, Mr. Garrison, certified to the County on the building permit site plan that “the plans accurately reflect the physical constraints and/or characteristics of the site, e.g. showing all ... easements.” The building permit site plan showed the whole of the proposed deck to be located within the boundaries of the private residential lot, and setback a minimum 15 feet from the rear property line.

After construction of the deck had commenced, the County required a survey to verify the location of the deck with respect to the property line and other applicable title interests. That survey showed that the deck had not been constructed in the location indicated on the building permit site plans. It had been constructed outside the boundary of the residential lot within the common open space parcel owned by the HOA. Staff also discovered that the building permit site plan had not shown the location of the landscape easement where the deck had been

built. These errors constitute a misrepresentation in the application for a building permit. The building code authorizes the County Building Official to revoke or suspend a building permit at any time for fraud, misrepresentation or false statement contained in the application for a permit. (CCC Ord. Code, § 72-6.006)

After discovering the misrepresentation in the permit plans, the building inspector advised the owner that to correct the violation, the owner would need to either:

- Remove the deck improvements;
- Obtain zoning clearance from planning staff for the proposed deck based on a revised and corrected plot plan; or
- If existing zoning regulations do not allow the deck, and if allowed by planning staff, apply for and obtain approval of a development permit that might allow the proposed deck to remain.

In the latter course, pending a final decision on the development permit application, the building inspector advised the owner that he would allow the deck to remain in place during the processing of an application only if improvements were made to the deck to eliminate any hazard associated with its uncompleted condition. The building inspector indicated that he would allow the floor boards on the deck to be installed to mitigate the risk but that the entirety of the deck would have to be removed if the development permit were not granted.

Resident's Development Permit Application Seeking to Allow Existing Deck to Remain

After planning staff advised Mr. Singh that the existing deck does not comply with the Blackhawk Final Development Plan, on July 22, 2008, Mr. Singh filed an application to modify the Blackhawk Final Development Plan to try to allow it to remain. The proposed deck has an area of approximately 1000 square feet and is up to 11-feet in height (measured to the top of the hand railing). The portion of the property that the deck is constructed on is at a higher elevation than many of the surrounding properties.

The current site plan shows that most of the existing deck is contained within the boundaries of the 2000 landscape easement, but portions of the deck extend beyond the easement boundary. It should be noted that the owner has no access (property) rights outside of the easement boundary. Moreover, the HOA remains the underlying fee owner of this real property.

On the application form, Mr. Singh identified himself as the owner of the property. The application was not signed by a representative of the HOA.

2008 San Ramon Valley Regional Planning Commission Hearings and Decision on Proposal

This application was initially scheduled for hearing before the San Ramon Valley Regional Planning Commission on October 22, 2008. Staff reported that the HOA had informed staff that the construction plans the HOA had reviewed for the building permit application had misrepresented the location and size of the deck.

Staff also identified for the Commission the ordinance findings that must be made before the County may grant a modification to the final development plan. Staff indicated that the applicant had not provided sufficient evidence to permit staff to recommend that the Commission make those ordinance findings. Consequently, staff recommended that the Commission deny the application.

After receiving the staff report, the Commission began the hearing on the application. The Commission received testimony from the applicant, and from the legal counsel for the HOA who oppose the granting of the application. After completing the testimony, the Commission continued the hearing to December 3, 2008:

- To allow the applicant's contractor and several neighbors an opportunity to testify who were not able to testify at the first hearing; and
- To have staff provide more information about the restrictions of the Grant Deed of Development Rights.

At the continued hearing, staff informed the Commission that the 1981 Grant Deed of Development Rights conveyed the development rights in the common open space areas of the Blackhawk project to the County. The

instrument also defines “development rights” as “the right to approve or disapprove any proposed construction, development, or improvement which would substantially and materially change the nature of the current proposed use of said real property.” Staff also found nothing in that deed instrument that permits the construction of any private residential deck, including the one that has been built by the Singhs.

After completing the public testimony and closing the hearing, on December 3, 2008, the Commission concurred with the staff recommendation, and unanimously voted to deny the application.

Applicant’s Appeal of Planning Commission Denial Decision

In a letter dated received December 11, 2008, Sandy and Vinita Singh filed an appeal of the decision of the Planning Commission.

Review of Points Raised in Applicants’ Appeal Letter

The reasons given by the applicants for granting their appeal are similar to the ones they made to the Planning Commission when it heard their application.

A summary of those appeal points follows with a staff response:

1. **Summary Of Appeal Point:** *The appellants contend the majority of the deck is constructed within the landscape easement granted to them by the Association and not the area designated as open space.*

Staff Response: The majority of the deck is located within the landscape easement. However, the landscape easement is located entirely within the HOA’s open space area in which the County continues to retain development rights for approving or denying development within the area of the landscape easement.

In addition to the restrictions of the Grant Deed of Development Rights, the Planned Unit district ordinance provides that no person shall erect any structure on any land except when in compliance with an approved final development plan and/or this chapter. (CCC Ord. Code, § 84-66.404)

2. **Summary of Appeal Point:** *The appellants contend that the easement stipulates that no structure can be built within the easement unless the Association approves the development, and that the appellants received authorization from the Association prior to constructing the deck.*

Staff Response: The County does not administer the deed instruments executed by the HOA, and cannot base its decision on this appeal on how the private easement has been administered by the HOA.

However, the applicant does not appear to have accurately cited the provisions of that private instrument. The 2000 Grant of Easement instrument stipulates that “no permanent structure ... may be installed, constructed or maintained” in this area. It also provides that “no improvements may be constructed” in this area unless they have been approved by the HOA Architectural Review Committee. Staff assumes that this wording was intended to circumscribe the types of improvements that could be allowed in this area to landscape/irrigation improvements.

Staff has found no provision in the Grant of Easement instrument that allows a deck or other permanent structures to be built in that area. In any case, the deck is not permissible unless:

- The County were to find it consistent with the Final Development Plan, and
- The Board of Supervisors approved a request from the property owner (HOA, not the Singhs who only possess an easement to allow landscape improvements in this area) to construct a deck in this County deed-restricted area.

3. **Summary of Appeal Point:** *The appellants contend that the County building inspector/code enforcement officer verbally authorized the deck contractor to complete the walking surface of the deck after all the facts about the location of the deck were well known.*

Staff Response: When staff discovers a code violation, to the extent that it may be possible to correct the violation within the terms of the code, the County will normally provide a property owner the opportunity to pursue that administrative remedy, including pursuit of a development permit. The County will also try to avoid requiring the violation to be removed until a final decision on an application is rendered. However, while an application is in process, the County may require/allow continued improvement on a structure to eliminate a hazard.

In this case, after the code violations were discovered, the Building Inspector determined that the open framing of the deck constituted an unacceptable risk to public health and safety, and allowed the installation of the walking surface of the deck. However, that authorization does not obviate the need to obtain other required County approvals, and if those approvals are not approved, the deck would continue to be in violation, and must be removed.

4. **Summary of Appeal Point:** *The appellants contend that they were not aware of the location of the property line, and that they assumed that their rear property line coincided with the location of the fence. They only learned about the easement at a later date.*

Staff Response: It is the owner's responsibility to accurately depict the property on which development activity is proposed. It was their responsibility to investigate the boundaries and limitations in their real property title before proposing improvements to the County.

DISCUSSION

The proposed deck:

- Is not consistent with General Plan open space designation for the site;
- Does not comply with the Blackhawk Final Development Plan as amended (zoning regulations), including the 1999 FDP Amendment that authorized the conveyance of a landscape easement for this property; and
- Is not a use that is permitted by the existing 1981 Grant Deed of Development Rights that continues to apply as an encumbrance to this site. It would only be permitted if the Board of Supervisors were to authorize a request by the property owner, the HOA, to place it in this area.

A. Review of Required Findings for Granting a Modification to the Final Development Plan

The 2006 application for the building permit for the deck misrepresented the boundaries of the property and failed to disclose the existing landscape easement. Had the information about site boundaries and easements been accurately depicted at the time of the application, County staff would have been able to determine that the proposal did not comply with the Blackhawk Final Development Plan, and no building permit would have been issued.

The P-1 ordinance stipulates that before a final development plan may be modified, the hearing body must find that (1) the proposal is consistent with the intent and purpose of the P-1 district, and (2) the proposal is compatible with other uses in the vicinity of the district. [CCC Ord. Code, § 84-66.1804 (b)].

The appeal letter from the applicant still does not show sufficient evidence that would support making either of the required findings for this project. To the contrary, approval of this project would conflict with the concept of the Final Development Plan to leave open, undeveloped area separating the graded residential building sites. Approval of this project may encourage other residents to pursue similar private residential development within the common open space area, with the result that the undeveloped area separating private lots would be significantly reduced. By allowing substantial improvements to the rear of the property, the County may also encourage larger residences to be built with smaller on-site yards than was intended by the original Final Development Plan.

The elevated deck also reduces the privacy and rear yard open space views of nearby residential properties. Consequently, it would not be appropriate for the Board to find that the project is compatible with nearby

residential development.

In consideration of these concerns, the Board should sustain the Planning Commission denial of this application, and deny the applicants' appeal.

B. The Board Should Direct Staff to Initiate Code Enforcement Action

Should the Board deny the appeal, the Board should also direct staff to initiate appropriate code enforcement action that would require the applicant to remove the deck improvements.

CONCLUSION

The appeal points are similar to the ones presented to the San Ramon Valley Regional Planning Commission and offer little new information. The project as proposed does not conform to the development standards as required by the Planned Unit/SL General Plan/Parks and Recreation designations. Therefore, staff recommends that the Board of Supervisors deny the appeal of Surinder & Vinita Singh and sustain the San Ramon Valley Regional Planning Commission's decision.

CLERK'S ADDENDUM

Speakers: Dan Muller, representing the Appellant; Sandy Singh, Appellant; Steven Weil, Blackhawk Homeowners Association; Mark Goldberg, Blackhawk Homeowners Association; Ron Banducci, Blackhawk Homeowners Association; Robert Lanzone, resident of Danville; Constance Wolfson, resident of Danville; Troy Bristol, Save Mt. Diablo.

ATTACHMENTS

Resolution No. 2009/555

SRVRPC RESOLUTION 20-2009

APPEAL LETTER

SRVRPC STAFF REPORT #2

SRVRPC STAFF REPORT #1

SITE SURVEY

BLACKHAWK HOA DENIAL

COUNTY APPROVED DECK PLANS

HOA APPROVED DECK PLANS

GRANT DEED LANDSCAPE

GRANT DEED TO COUNTY

1999 BLACKHAWK AMENDMENT

BUILDING PERMIT #393301

MAPS & PHOTOS

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

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2009/555

RESOLUTION OF THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, REGARDING THE APPEAL BY SURINDER & VINITA SINGH (APPLICANTS/APPELLANTS/OWNERS), OF THE SAN RAMON VALLEY REGIONAL PLANNING COMMISSION DENIAL OF A REQUEST TO MODIFY THE BLACKHAWK FINAL DEVELOPMENT PLAN TO ALLOW APPROVAL OF AN EXISTING 11-FOOT TALL, APPROXIMATELY 1,000-SQUARE-FOOT DECK BUILT OUTSIDE OF THE PROPERTY BOUNDARIES WITHIN DESIGNATED OPEN SPACE; (COUNTY FILE #DP08-3051) AT 101 WILD OAK COURT IN THE BLACKHAWK AREA.

WHEREAS, after obtaining a building permit to construct a deck in the rear of the property at 101 Wild Oak Court, in the Danville/Blackhawk area (Permit #393301), County staff discovered that the permitted deck was not being built in the location represented on the permit plot plan; and that the location where the deck was sited does not comply with the Blackhawk Final Development Plan; and

WHEREAS, County staff advised the owner that he might be able to apply for and obtain approval of an application to modify the Blackhawk Final Development Plan to allow the deck to remain in the area where it has been built; and

WHEREAS, on July 22, 2008, the owners of 101 Wild Oak Court, Surinder & Vinita Singh, filed an application with the County to modify the Blackhawk Final Development Plan to allow the deck to be placed where it has been built, County File #DP08-3051; and

Contact: Francisco Avila, (925) 335-1266

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

ATTESTED: December 8, 2009

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

By: , Deputy

cc: Jason Crapo, Kevin Dumford

WHEREAS, on Tuesday, December 3, 2008, after conducting a noticed public hearing beginning on October 22, 2008 and continued to December 3, 2008, the San Ramon Valley Regional Planning Commission determined that the applicant had not submitted sufficient evidence to support the required findings for granting a modification to the Blackhawk Final Development Plan, and denied the application; and

WHEREAS, on December 11, 2008, Surinder & Vinita Singh filed an appeal of the San Ramon Valley Regional Planning Commission's denial of this Development Plan application; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the Board of Supervisors on Tuesday, November 10, 2009, where at all persons interested therein might appear and be heard; and

After fully considering all evidence submitted and testimony offered, the Board of Supervisors of Contra Costa County finds that the applicant has not provided sufficient evidence to show that either of the required Planned Unit District findings necessary to grant a modification to the Blackhawk Final Development Plan can be made for this project. Those required ordinance findings are the following:

- a.) The proposed amendment is consistent with the intent and purpose of the Planned Unit District; and
- b.) The proposed amendment is compatible with other uses in the vicinity, both inside and outside of the Planned Unit District.

BE IT FURTHER RESOLVED, that this Board finds that the proposed deck has been built in an area which is not intended to be used for private residential structures, such as a residential deck, insofar as this portion of the Blackhawk project is located in a common open space area where such improvements are not authorized and not intended by the Blackhawk Planned Unit district.

BE IT FURTHER RESOLVED, that this Board of Supervisors DENIES the applicants' appeal; and SUSTAINS the San Ramon Valley Regional Planning Commission's decision to deny the development application (County File #DP08-3051).

RESOLUTION NO. 20-2009

RESOLUTION OF THE SAN RAMON VALLEY REGIONAL PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, OF A FINAL DEVELOPMENT PLAN MODIFICATION REQUEST, FOR AN EXISTING 11-FOOT TALL, APPROXIMATELY 1,000-SQUARE-FOOT DECK BUILT WITHIN DESIGNATED OPEN SPACE. SURINDER & VINITA SINGH (APPELLANTS & OWNERS), (County File #DP08-3051) AT 101 WILD OAK COURT IN THE DANVILLE/BLACKHAWK AREA.

WHEREAS, on July 22, 2008, Surinder & Vinita Singh submitted a Final Development Plan Modification request to permit the construction of an 11-foot tall, approximately 1,000-square-foot existing deck built within designated Open Space in the Danville/Blackhawk area of Contra Costa County; and

WHEREAS, after a notice having been lawfully given, a public hearing on the request for a Final Development Plan approval was scheduled before the San Ramon Valley Regional Planning Commission on Wednesday, October 22, 2008, public testimony was taken from the property owners, as well as all interested parties then continued to Wednesday, December 3, 2008; and

WHEREAS, on Wednesday, December 3, 2008, the San Ramon Valley Regional Planning Commission having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter;

NOW, THEREFORE BE IT RESOLVED that the San Ramon Valley Regional Planning Commission:

1. Denies the Final Development Plan Modification request filed by Surinder & Vinita Singh (Appellants & Owners).

BE IT FURTHER RESOLVED, the San Ramon Valley Regional Planning Commission of Contra Costa County determines that sufficient evidence has not been produced to show that any of the ordinance findings required for granting the modification request under the zoning district that applies to this site could be made for this project; such required ordinance findings are as follows:

BE IT FURTHER RESOLVED that the reasons for this recommendation are as follows:

DEVELOPMENT PLAN FINDINGS

1. Required Finding: The proposed amendment is consistent with the intent and purpose of the Planned Unit District.

Project Finding: The applicant is requesting to legalize an 11-foot tall, approximately 1,000-square-foot deck constructed within an area designated as Open Space. The Blackhawk subdivision was approved to allow for a community that incorporated significant amounts of land dedicated to open space. The legalization of a deck for private use within that open space land is inconsistent with the Planned Unit District. Further, the approval of the project would lead to similar requests, resulting in a further loss of that open space.

2. Required Finding: The proposed amendment is compatible with other uses in the vicinity, both inside and outside of the Planned Unit District.

Project Finding: The applicant proposes to legalize an existing deck constructed within land designated as Open Space. When a large scale development such as Blackhawk is approved, open space is dedicated for the community's benefit. The boundary lines for this open space were not established for the benefit of a private property owner. Approval of the proposed modification to the Final Development Plan could have a significant effect on other uses in the vicinity due to the precedent setting impact and loss of privacy for surrounding property owners.

BE IT FURTHER RESOLVED that the Secretary of the San Ramon Valley Regional Planning Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors, all in accordance with the Government Code of the State of California.

The instructions by the San Ramon Valley Regional Planning Commission to prepare this resolution were given by motion of the San Ramon Valley Regional Planning Commission on Wednesday, December 3, 2008, by the following vote:

AYES: Commissioners - None

NOES: Commissioners - Matsunaga, Couture, Gibson, McPherson, Neely, Cunningham

ABSENT: Commissioners - Mulvihill

ABSTAIN: Commissioners - None

Whereas, following the December 3, 2008 decision of the San Ramon Valley Regional Planning Commission to deny the requested Final Development Plan Modification application, on December 11, 2008, Surainder & Vinita Singh filed an appeal of the San Ramon Valley Planning Commission's decision to the Board of Supervisors.

NEAL MATSUNAGA,
Chairman of the San Ramon Valley Regional
Planning Commission,
County of Contra Costa, State of California

I, Catherine O. Kutsuris, Secretary of the San Ramon Valley Regional Planning Commission, certify that the foregoing was duly called and denied on December 3, 2008.

ATTEST:



Catherine Kutsuris, Secretary
San Ramon Valley Regional Planning Commission
County of Contra Costa
State of California

APPEAL LETTER

December 11, 2008

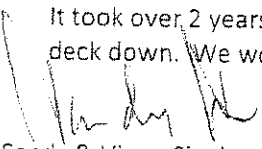
Board Of Supervisors, Contra costa county
Appeals
Applications and Permit Center
651 Pine Street, 2nd Floor
Martinez.

Re: Filing an Appeal against the decision of Planning committee for Deck at 101 Wild Oak ct

We would like to file an appeal against the decision taken by the Planning committee for our Deck at 101 Wild oak ct, Danville, CA. The Planning commission has passed a decision to deny the approval of deck because the initial drawing submitted to the planning depart incorrectly showed the deck inside our lot line but actually the deck is sitting on an easement granted to us by Blackhawk HOA.

Although the initial drawing submitted by the contractor to the planning department was wrong because he did not have proper means to identify the lot line from the grant deed, he did submit the detail survey to the planning department thru the Building /Code enforcement officers indicating the location of the Deck. This information was conveyed to the Planning department by the building Inspection/Code enforcement staff. The denial of our petition for the deck will very adversely effect us financially since we have invested considerable amount of money and time building the deck. We would request the Board of supervisors to reconsider the decision in light of the following facts

- The deck as it stands now, is build on an easement granted to us by Blackhawk HOA. A small part of the deck is overhanging in the open Space but 99% of the deck is on the Easement that was granted buy HOA to us.
- The easement had a Clause that ..No structure can be build on it unless the Blackhawk HOA approved it.
- The Blackhawk HOA had approved construction of deck in that area
- We were unaware that the land on which the deck is build is an easement because it was inside our fence line. Blackhawk HOA had the original document of easement. We got to know about it only after the survey
- The building inspector/Code enforcement Staff who was incharge of monitoring /inceptions of the construction of Deck actual authorized the contractor to complete the deck after all the facts about the location of deck/survey were given to him. He checked with the planning department and gave the contractor an OK to build the deck
- Although there were mistakes made in the paperwork submitted to planning , it was done because of lack of knowledge of the Lotline etc. Both the county and HOA had that information and gave their nod to complete the deck
- We are willing to pay fines/filing fee to keep our deck because we have invested over \$100,000 in building the Deck. It took over 2 years to build it . It would cause us considerable financial/emotional harm if we are ordered to take the deck down. We would humbly request the board of Supervisors to re-consider it.


Sandy & Vinny Singh
101 wild oak Ct
Danville
(925)719-2883/(925)648-7275

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WILSON

SUPPLEMENTAL STAFF REPORT
San Ramon Valley Regional Planning Commission

December 3, 2008

SAN RAMON VAL LEY REGIONAL PLANNING COMMISSION
WEDNESDAY, DECEMBER 3, 2008

- I. SURINDER & VINITA SINGH (Applicant / Owners), COUNTY FILE #DP08-3051 - The applicant is requesting a Final Development Plan Modification approval to permit the construction of an 11 ft. tall, 300 sq.ft. existing deck built within designated open space. The subject property is located at 101 Wild Oak Ct., in the Danville area of Contra Costa County. (Zoning, P-1) (General Plan, SL & PR) (Census Tract 3551.04) (APN #'s, 203-722-014 & 203-740-012).

II. RECOMMENDATION

Staff recommends that the San Ramon Valley Regional Planning Commission deny County File #DP08-3051, based on the fact the project does not meet the intent and purpose of the P-1, Zoning District, and General Plan designation of PR, Parks and Recreation.

III. OCTOBER 22, 2008, SRVRPC MEETING

- This project was originally heard at the Oct. 22, 2008 Public Hearing.
- The Commission took testimony from the following people:
 - Mr. Richard Beckman, Applicant's Representing Attorney,
 - Mr. Surinder Singh, Applicant,
 - Mrs. Cathy Wilson, who is a neighbor of the Singh's and opposed the deck. Mrs. Wilson's primary concerns were the size, lack of vegetative screening and the legality of building within areas designated as "open space".
 - Mrs. Andrea O'Toole, Representing Attorney for the Blackhawk Homeowners Association (Opposed the project). To supplement Mrs. O'Toole's testimony, the Blackhawk Homeowners Association has submitted a written statement dated November 17, 2008. The letter outlines the HOA's historical and current position regarding their granting of easements and Lot Line Adjustments within the Blackhawk Country Club. In short, the letter indicates "Since 2003, the Blackhawk Homeowners Association has received many requests for Lot Line Adjustments. None have been granted and doing so would be a major change of policy" (See Exhibit A1). To reaffirm staff's response, which was made during the public hearing, neither the County nor the Blackhawk Homeowners Association is supporting approval of these types of applications.

- At the request of the applicant, the Commission continued the Public Hearing to allow Mr. Matt Anderson & Mrs. Mindy Garrison (the applicant's contractors) an opportunity to testify. Mr. Anderson and Mrs. Garrison were present at the Public Hearing; however, both individuals had to leave to address a family related medical emergency.

IV. GRANT DEED OF DEVELOPMENT RIGHTS TO PARCEL 'C' OF SUBDIVISION 5443 – "OPEN SPACE"

During the Hearing, the Commission members discussed the current status of Development Rights to the subject Open Space area (Parcel C of Subdivision 5443). As staff mentioned during the Public Hearing, the Development Rights to this portion of Parcel C have been Grant Deeded to Contra Costa County by the Developer and was recorded on February 17, 1981 (See Exhibit B1). The Grant Deed relinquishes development rights to the County and defines "Development Rights" as: *"the right to approve or disapprove any proposed construction, development or improvement which would substantially and materially change the nature of the "current proposed use" of said real property"*. The Grant Deed goes on to provide examples of developments the County would have authority to approve or disapprove; which in part include, trails, landscaped areas, fencing, and walls.

IV. CONCLUSION

Staff recommends that the San Ramon Valley Regional Planning Commission deny County File #DP08-3051, as the project does not meet the intent and purpose of either the P-1 Zoning District or PR/SL General Plan designations in which it is located.

STAFF REPORT
San Ramon Valley Regional Planning Commission

October 22, 2008

FILE COPY

Conservation and Development

Agenda Item # _____
Contra Costa County

SAN RAMON VALLEY REGIONAL PLANNING COMMISSION WEDNESDAY, OCTOBER 22, 2008

- I. SURINDER & VINITA SINGH (Applicant / Owners), COUNTY FILE #DP08-3051 - The applicant is requesting a Final Development Plan Modification approval to permit the construction of an 11 ft. tall, 300 sq.ft. existing deck built within designated open space. Subject property is located at 101 Wild Oak Ct., in the Danville area of Contra Costa County. (Zoning, P-1) (General Plan, SL & PR) (Census Tract 3551.04) (APN #'s, 203-722-014 & 203-740-012).

II. RECOMMENDATION

Staff recommends that the San Ramon Valley Regional Planning Commission deny County File #DP08-3051, based on the fact the project does not meet the intent and purpose of the P-1, Zoning District, and General Plan designation of PR, Parks and Recreation.

III. BACKGROUND

- The previous owners of the subject property purchased a landscape easement from the Blackhawk Homeowners Association and recorded it on February 2, 2000 (See Exhibit A). As described in the Grant Deed, it was intended for landscape purposes only. The Grant Deed further states "*(i)no permanent structure (including, but not by way of limitation, swimming pools, ponds, spas or tennis courts), and (ii) no grading or earthwork may be constructed, installed or maintained on any portion of the real property*".
- In 2006, the applicant submitted proposed deck plans to the Blackhawk Homeowners Association - Architectural Committee (Association), for review. According to the plans submitted to the Association, the landscape easement was not depicted on the site plan (See Exhibit B) and the proposed deck was within the property boundaries. Consequently, on July 5, 2006, the Association approved this site plan. Shortly thereafter, Mr. Singh contacted Decks Plus to construct the subject deck. According to Mr. Singh, he was unaware the County Community Development Division's approval was also necessary in addition to the Association's approval for construction of the deck.
- On January 24, 2007, the County's Property Conservation Division opened a Code Enforcement case for the construction of the subject deck's foundation without permits. In a timely manner, Mr. Singh submitted similar plans (See Exhibit C) to those given to the Association, to the County and received Community Development approval on January 24, 2007. The County approved this site plan and clearly indicated the

Y900 2117

minimum setback requirements for the parcel. The County also stated that survey stakes were required to certify that the structure is placed according to the approved plans.

- The Site Survey dated February 28, 2007, confirmed that the deck was built outside of the boundaries of the subject property. In addition, it was built 2'4" outside of the easement's boundaries on the southern edge and 9" on the western portion of the easement (Further encroaching the "Open Space" area). (See Exhibit D)
- On October 10, 2007, the Property Conservation Division opened another Code Enforcement case, for the construction of the subject deck built over the rear property line, and outside of the approved location.
- As an attempt to resolve this situation, on July 22, 2008, Mr. Singh submitted this Development Plan application requesting approval of the construction of the subject deck within the area designated as open space.

IV. GENERAL INFORMATION

- A. Environmental Setting: The subject site is located in the foothills of the Blackhawk County Club residential community. This area is primarily comprised of single-family residences located on medium to large sized lots. Due to the neighborhood's location in a foothill region of the County, winding roads, and restricted development areas are common in the area.
- B. Site Description: The subject property is a 18,787 sq.ft. parcel located at the northwestern corner of Wild Oak Ct. The property is relatively flat with a single 6,774 sq.ft. residence near the center of the lot; however, the property has a steep down slope on the western edge where the subject deck is located. The property has mature trees that are mainly located in the immediate area surrounding the existing home. The rear of the property is occupied by a pool and large patio area. The Association's "Open Space" is immediately adjacent to the western property line and traverses the entire length of the rear property boundary.
- C. General Plan: The General Plan designations for the site are Single-Family, Low-Density (SL) and Public Recreation (PR).
- D. Zoning: The subject site is zoned Planned Unit District (P-1).
- E. California Environmental Quality Act (CEQA): This project is exempt under CEQA guidelines section 15303(e).
- F. Previous Applications:
 - DP78-3035: This Development Plan was approved by the Board of Supervisors on June 6, 1978 and approved the development of the Blackhawk County Club Community which included 985 Single

Family residences, an 18-hole golf course and clubhouse, a neighborhood commercial center, elementary and intermediate school sites, and private open space on 1154 acres, generally located northeast of the intersection of Blackhawk Road and Tassajara Road in the Danville area.

- Lot Line Adjustment (LL97-00029): This Lot Line Adjustment application was for an addition of 99 sq.ft. to the rear of the subject property and was approved by the County on November 5, 1999.
- DP98-3022: This Development Plan approved a lot line adjustment between three parcels and the adjacent "Open Space" area.

V. PROJECT DESCRIPTION

The applicant is requesting approval of a Final Development Plan Modification application for the legalization of an 11 ft. tall, 300 sq.ft. deck, constructed outside of the property boundaries at 101 Wild Oak Ct. According to the site survey dated February 28, 2007, the deck has been constructed in an area designated as open space and within the boundaries of a recorded landscape easement. The project does not require the removal of any code protected trees, nor is the project anticipated to negatively impact surrounding trees in the vicinity.

VI. AGENCY COMMENTS

- A. Contra Costa County Building Inspection Division: According to the Building Inspection Division, a building permit legally can not be issued to Mr. Singh for construction of the subject deck within the landscape easement without the written consent of the property owners (Blackhawk Homeowners Association).
- B. San Ramon Valley Fire Protection District: In letter dated September 9, 2008, the San Ramon Valley Fire Protection District advised that they have reviewed the proposed project, and have no comments.
- C. Central Contra Costa Sanitary District: No comments were received from the Central Contra Costa Sanitary District prior to the preparation of this report.
- D. East Bay Municipal Utility District: In correspondence dated August 19, 2008, the East Bay Municipal Utility District stated that the property currently has water service, and should contact the East Bay Municipal Utility's New Business Office in the event that additional water service is needed.
- E. Black Hawk Homeowner's Association: In a letter dated August 21, 2008, the Blackhawk Homeowner's Association (See Exhibit E) stated the following:

1. Prior to construction, Applicants submitted to the Association a plan to construct a deck on the referenced property.
2. As constructed, the deck failed to conform to the plan in that it was larger than depicted, located outside the boundaries of the owners' lot and was not constructed of approved materials.
3. The Association's architectural committee did not approve either the construction or location of the deck.
4. The applicants appealed this decision to the Association's Board of Directors. The Association has deferred further consideration of the deck installation appeal "pending the County's determination as to whether decks will be permitted on easements located on Association "Open Space" or "Common Space".

VII. STAFF ANALYSIS & DISCUSSION

- A. General Plan: The General Plan designation of the deck site is Public Recreation (PR) and the residential portion of the project is Single Family-Low Density (SL). The Public Recreation designation of the General Plan includes privately owned properties for which future development rights have been deeded to a public or private agency. For example, significant open space areas within planned unit developments identified as being owned and maintained by a homeowners association fall under this designation. These areas are considered "Common Areas" where the open space is maintained by the homeowners association with very strict limitations on proposed developments. Thus, the private deck would be inconsistent with development patterns in areas designated as Public Recreation. This use would be deemed appropriate in residential land designations.
- B. Zoning: The subject site is zoned Planned Unit Development (P-1), which allows a range of uses, buildings, structures, and lot sizes while ensuring compliance with the General Plan. Additionally, the guidelines of the R-20 Zoning District are used as a guide for dimensional and land use development in this area. According to County Code Section 84.66.1804, which states: "*In approving the modification application, the Zoning Administrator shall find that it is consistent with the intent and purpose of the P-1 district and compatible with other uses in the vicinity, both inside and outside of the district*". No other decks appear to have been approved or constructed in the subject "Open Space" area. As the deck is elevated and at the rear of the property, the privacy of several homes will be affected (See Photos 1-4). Therefore, the private deck structure is inconsistent with the P-1 Zoning District standards and PR General Plan designation of the site.

VIII. SUMMARY

Mr. Singh's request to modify the Final Development Plan for the Blackhawk County Club Community is an attempt to legalize the construction of an 11 ft. tall, 300 sq.ft. deck built within an area designated as "Open Space". The site is zoned Planned Unit District (P-1), and has a General Plan Designation of Public Recreation (PR) and Single Family-Low Density (SL), all of which have clear development standards that the deck does not meet. The subject landscape easement where the deck is currently constructed does not allow "permanent structures" and was intended for landscape purposes only.

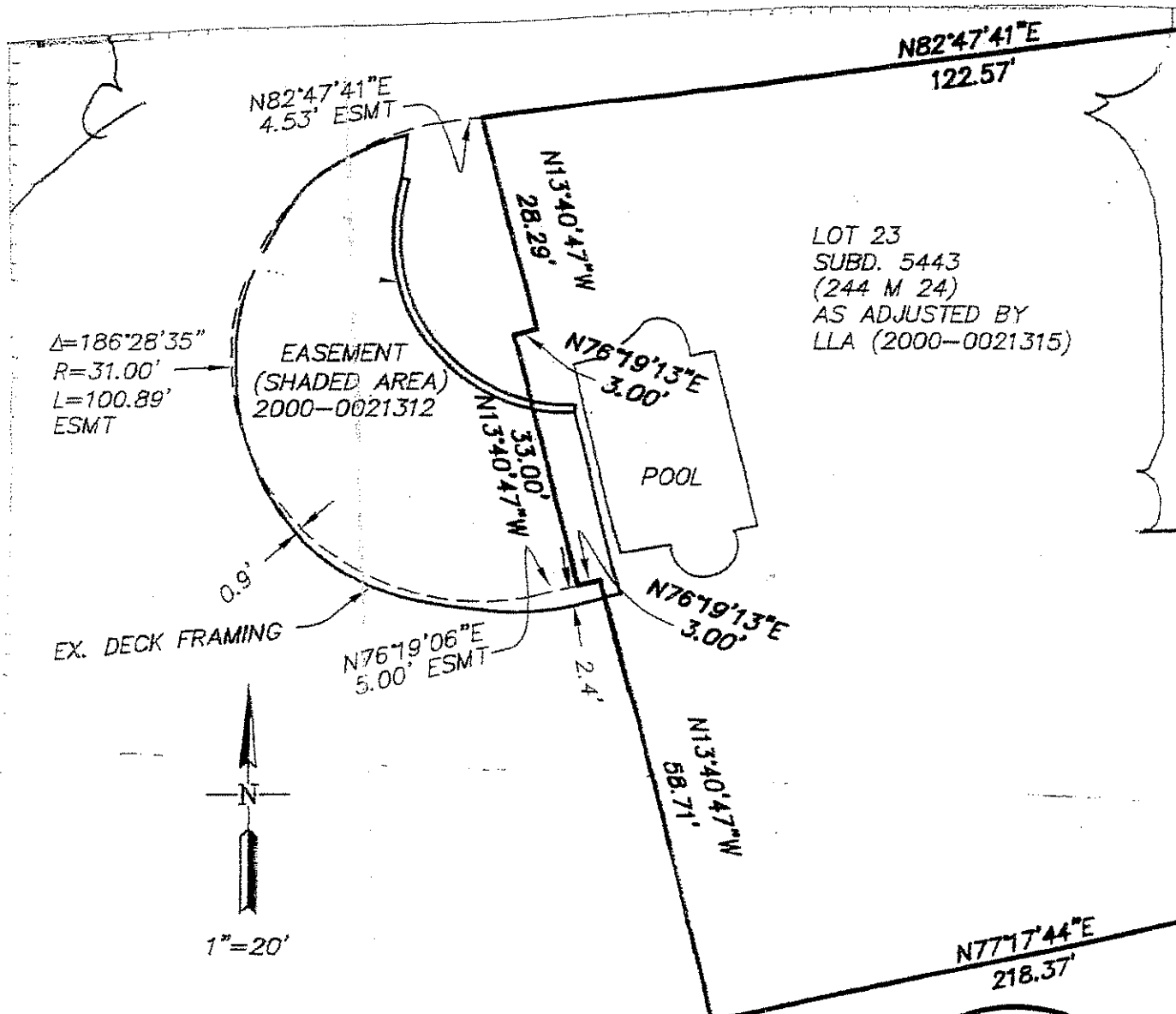
The Plans submitted to the Community Development Division (See Exhibit C) clearly showed the deck setback being 15' from the rear property line. Please note that the property dimensions identified on the approved plot plan are the same shown on the Parcel Book (See Exhibit F). It appears the proposed location of the deck on the site plan submitted to the County was misrepresented.

IX. CONCLUSION

Staff recommends that the San Ramon Valley Regional Planning Commission deny County File #DP08-3051, as the project does not meet the intent and purpose of either the P-1 Zoning District or PR/SL General Plan designations in which it is located.

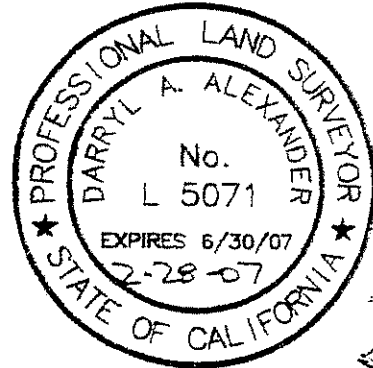
SITE SURVEY

February 28, 2008



SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR
 UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS
 OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST
 OF MINDY GARRISON IN FEBRUARY OF 2007.



Darryl Alexander 2-28-07
 DARRYL ALEXANDER DATE
 L.S. NO. 5071
 LICENSE EXPIRES JUNE 30, 2007

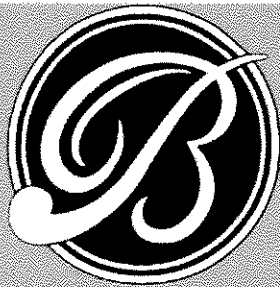
**ALEXANDER &
 ASSOCIATES INC.**
 SURVEYORS - PLANNERS - ENGINEERS
 147 OLD BERNAL AVENUE, SUITE 10
 PLEASANTON, CALIFORNIA
 (925) 462-2255 (925) 462-8082 FAX

101 WILDOAK COURT
 DANVILLE CALIFORNIA

JOB NO.:	07037
FILE NO.:	8X11
DATE:	FEB 2007
SHEET NUMBER:	TOTAL SHEETS:
1	1

BLACKHAWK HOA DENIAL

May 12, 2009



Board of Directors
Michael Marchi
President

George L. Triano
Vice President

Linda Kralik
Vice President,
Community Relations

Ron Banducci
Treasurer

Tom Stumpf
Secretary

Management

Mark A. Goldberg
GPM® PCAM® CCAM® MCM®
Community Manager

Natasha Feigenson
CCAM®
Assistant Community Manager

Michael R. Cousineau
AMS®, CMCA®, CCAM®
Community Services Director

Blackhawk Homeowners Association

4125 Blackhawk Plaza Circle, Suite 230, Danville, California 94506

Telephone: (925) 736-6440; Fax (925) 736-0428

Website: www.blackhawk-hoa.com

E-mail Address: blackhawk@blackhawk-hoa.com

May 12, 2009

Mr. and Mrs. Singh
101 Wild Oak Ct
Danville, Ca. 94506

Re: Appeal of ARC Decision
Deck Installation at 101 Wild Oak Court

Dear Mr. and Mrs. Singh:

On February 18, 2009, we wrote you to advise that the Association's Architectural Review Committee (ARC) considered your most recent pending architectural application and for the reasons stated in that letter, denied your application. You appealed that decision to the Board of Directors and it considered your appeal at its meeting of April 28, 2009. The Board of Directors concluded that the reasoning and decision reached by the ARC was correct and, in particular, that no part of the deck should be constructed on areas (including those subject to an easement) designated as "open space".

We know this decision is not what you hoped and regret that in this case, your application could not be approved. Nevertheless, we request that you immediately remove the deck from the easement and open space area.

We understand that you may continue to pursue your appeal to the Board of Supervisors of the denial of your deck issued by the San Ramon Valley Regional Planning Commission (a process separate from the association's process), but that no appeal date has been set. If you wish, we are willing to extend the time for you to remove the deck until 14 days after the Supervisor's final decision provided that you agree this does not prejudice any of the Association's existing enforcement rights. We presume you do agree to this, but if not, please let us know in writing within seven (7) days of the above date.

Best regards,

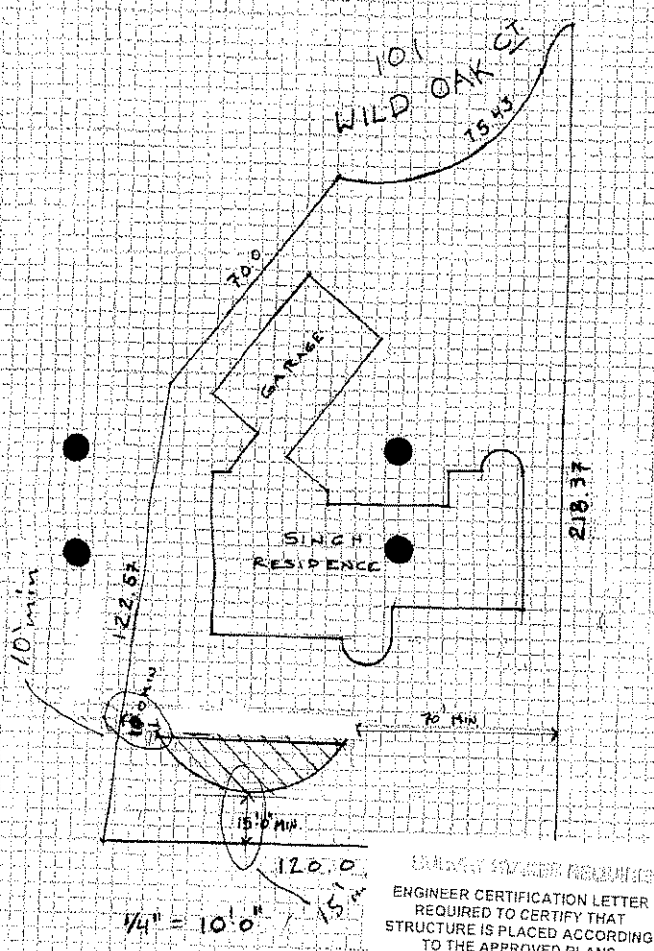
Natasha Feigenson, CCAM®
Assistant Community Manager

Cc: Architectural Review Committee
Board of Directors

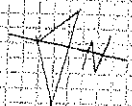
First Class Mail & Email

DECK PLANS APPROVED BY THE COUNTY

January 1, 2007

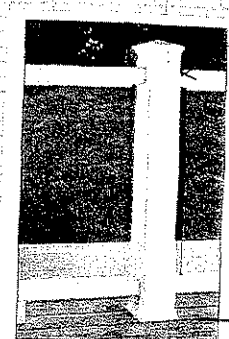
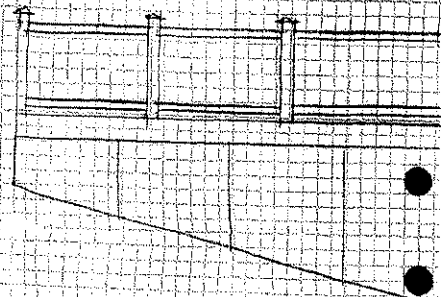


SITE / PLOT PLAN



101 WILD OAK CT
300' DE TREX DECK

PROPERTY OWNER'S NOTICE: The undersigned hereby certifies that the following information is true and correct to the best of their knowledge and belief. This information is provided for the use of the City of Chicago and is not to be used for any other purpose. The undersigned hereby certifies that the following information is true and correct to the best of their knowledge and belief. This information is provided for the use of the City of Chicago and is not to be used for any other purpose.



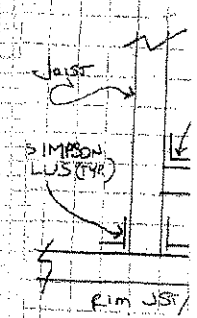
6" x 6" POST SL
C-MAX 6'0" x 6'0"
1/4" TEMPERED
POLISHED-EDGE

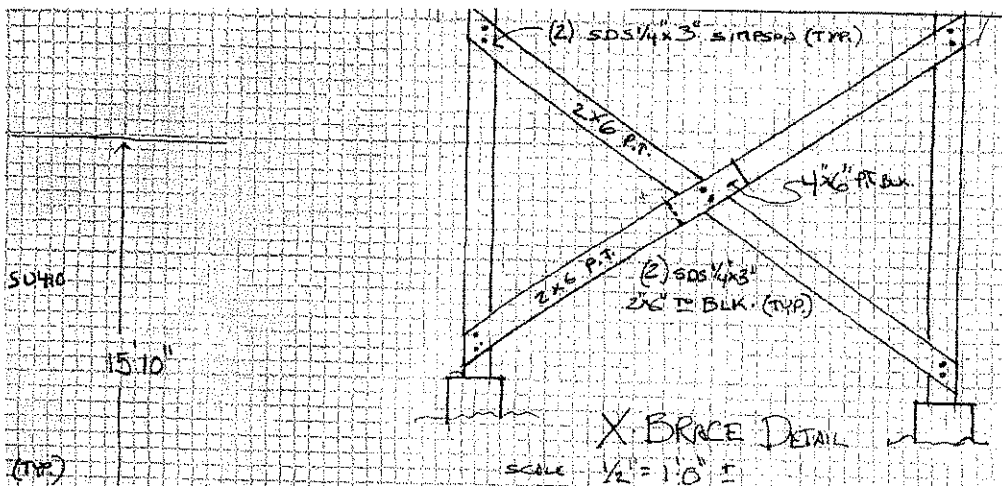
TREX ARTISAN GLASS RAIL Product Information TREX ARTISAN SERIES RAILING™

Setting a New Standard for Quality & Performance. The clean look of painted wood is one of the hottest trends in deck design. Choose traditional balusters or contemporary glass paneling to create a deck that combines beauty and performance. Unlike wood, Trex® Railing won't rot, splinter, warp or deteriorate, so there's no need for sanding, staining or painting. And, it offers more workability than vinyl.

In a Class by Itself. Trex is the only manufacturer to offer the TrexExpress™ Railing Assembly System. This system provides the measurements to secure support brackets and sets the rail height for an easily constructed, elegant deck. The result: a fast railing assembly system that saves time and money, making Trex Artisan Series Railings the perfect choice.

- » Low maintenance - durable, weatherproof composite is easy to care for.
- » Easy to install - assemblies quickly with the TrexExpress™ Railing Assembly System.
- » Sturdy railing system - Crafted with Fibrex®, a patented technology licenses from Andersen Corporation, it eliminates vibrations, squeaks and rattles.
- » Finished quality - innovative design and fit create a premier look.
- » Backed by a 25-year limited residential warranty.





PLAN CERTIFICATION

I certify that these plans accurately reflect the physical constraints and/or characteristics of this site, e.g., showing all existing and proposed improvements, creeks, drainage ditches, existing trees (including size, species, drip line), and easements.

MSJ/Amann
Signature
1/24/07
Date

- ☐ Owner
- ☒ Applicant
- ☐ Contractor
- ☐ Other

ARTISAN TREX GLASS RAIL SYSTEM

393301

SAFETY TREX FASCIA
4" x 6" x 1/2" BOARD
SIGNED & EQUA

VIEW
SCHEDULE WITH CON
FACILITY, PARTIALS
1/2" x 1/2" x 1/2" x 1/2"

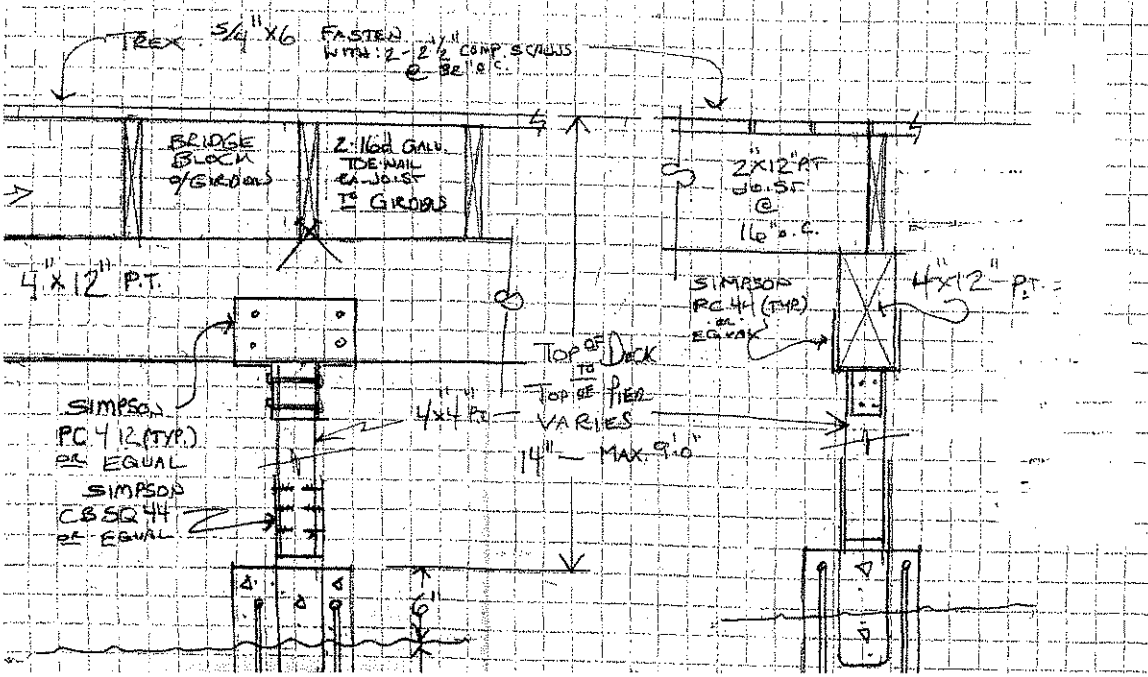
1/2" x 1/2" x 1/2" x 1/2"

CONTRA COSTA COUNTY
SECTION OF
800 CROWN PAPER

NEED PLANS MUST BE REAPPROVED AND ACCESS
JAN 30 2007

CONTRA COSTA COUNTY COMMUNITY DEVELOPMENT	
ASSESSOR'S PARCEL NO.	203-722-019
PERMIT TYPE CODE	MI AN# 393301
COMMENTS	ZONING P-1
PARK DEDICATION #	FEES \$ NOT REQUIRED
FLOOD ZONE	FEES \$ NOT REQUIRED
CHILD CARE #	FEES \$ NOT REQUIRED
OTHER	FEES \$ NOT REQUIRED
DATE	1-29-07

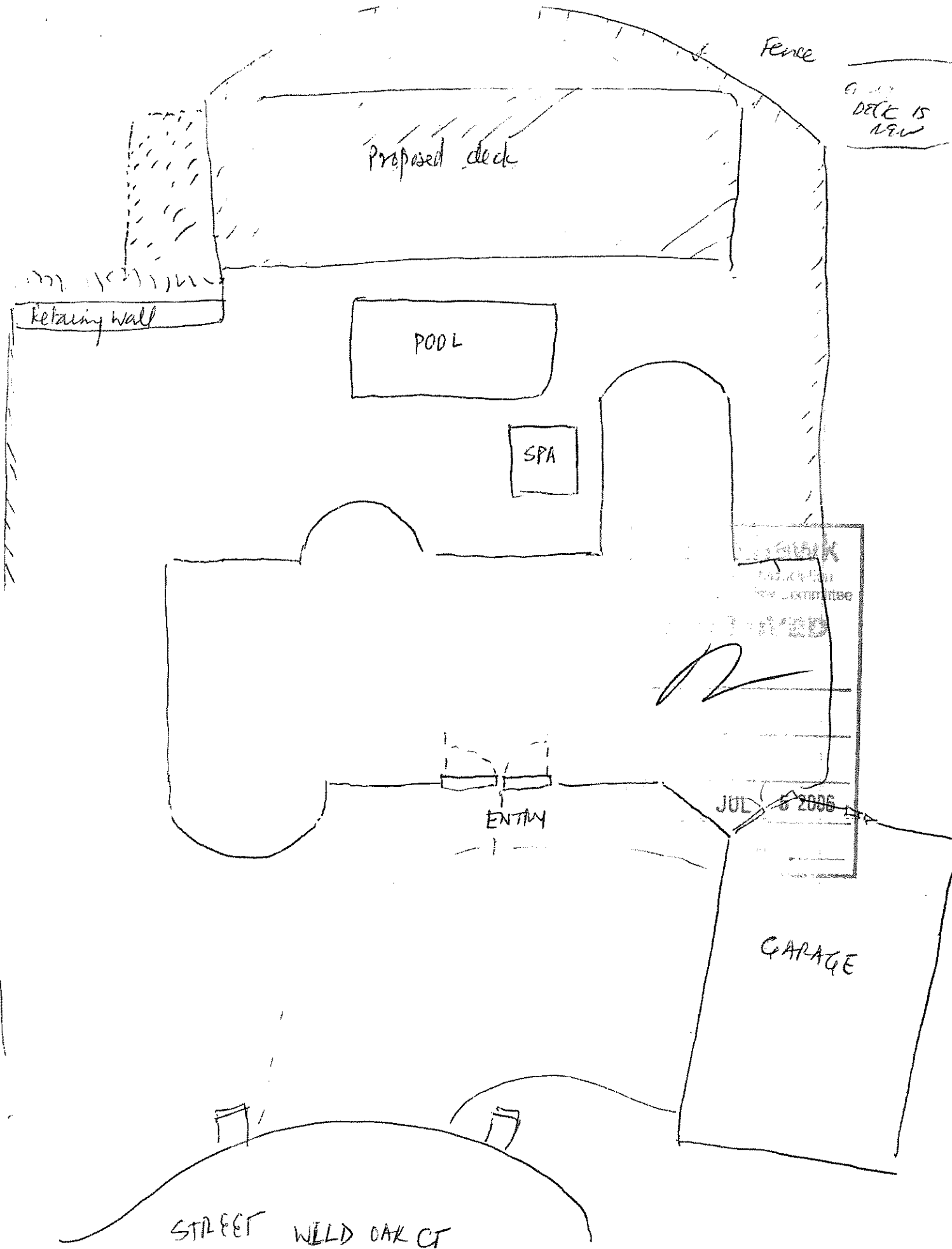
For Detached Deck only
HOA Approval Letter Attached
to plans



PROJECT: TREC AND

DECK PLANS APPROVED BY
THE BLACKHAWK HOA

July 5, 2006



GRANT DEED OF LANDSCAPE EASEMENT TO
PREVIOUS OWNER

February 1, 2000



CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder

RECORDED AT THE REQUEST OF:

DOC- 2000-0021314-00

WHEN RECORDED, RETURN TO:
Blackhawk Homeowners Association
4125 Blackhawk Plaza Circle, #230
Danville, CA 94506

Check Number

T, FEB 01, 2000 15:03:18

MIC \$1.00 MOD \$5.00 REC \$12.00

TCF \$7.00 NCP \$24.00

Ttl Pd \$52.00

Nbr-0000798335

ros/R7/1-8

No Transfer Tax
Landscape Easement Only

GRANT OF EASEMENT ON CONDITION SUBSEQUENT

THIS GRANT OF EASEMENT (the "Grant") is made from Blackhawk Homeowners Association, a California non-profit corporation, ("Grantor") to **C. JAMES JENSEN and GERALDINE L. JENSEN, husband and wife** ("Grantee").

FOR GOOD AND VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Grantor grants to Grantee an easement (the "Easement") described in Exhibit "A" hereto over, under, across, upon and through that certain parcel of land described in Exhibit "B" hereto (the "Servient Tenement") which easement shall be appurtenant to the parcel of land described in Exhibit "C" hereto (the "Dominant Tenement").

This Grant is conditioned upon the limitations in use as hereinafter provided and is subject to the reservation to Grantor of the rights of entry, occupancy and use.

Except as otherwise provided herein, Grantee shall enjoy the exclusive use and occupancy of the Easement area; provided, however, Grantee, for itself, its successors and assigns, hereby agree that (i) no permanent structure (including, but not by way of limitation, swimming pools, ponds, spas or tennis courts), and (ii) no grading or earthwork may be constructed, installed or maintained on any portion of the real property described in Exhibit "A". This covenant is intended for the benefit of Grantor and may be enforced by Grantor.

This Grant is made upon the condition that, and Grantee for itself, its successors and assigns covenants and agrees with Grantor, its successors and assigns that, Grantee shall use and maintain Easement area only in a manner consistent with the requirements and limitations permitted for "Private Areas" under that certain Declaration of Covenants, Conditions and Restrictions for Country Club at Blackhawk Improvement Association, as amended (the "Declaration") originally recorded on October 10, 1979, in Book 9570 at Pages 42 et seq. of the Contra Costa County Records. Grantor hereby reserves the same rights of entry, occupancy and use as provided to the Grantor for Lots and Private Area under the Declaration.

No improvements may be constructed on the Easement area unless the improvements are approved by the Architectural Review Committee referred to in the Supplemental Declaration of Covenants, Conditions and Restrictions for **Subdivision 5443 recorded on February 2, 1981 in Book 10188 of Maps, page 439 in the Official Records of the County of Contra Costa** or by an Association Committee appointed by the Board of Directors of Grantor in accordance with Article XV of the Declaration.

21314

If Grantee, its successors or assigns fails to use and maintain the Easement area in accordance with the standards established in the Declaration or in accordance with standards established by any homeowners association or other governing body acting pursuant to any powers vested in such body under the Declaration, then, provided that Grantee has not had less than thirty (30) days prior written notice of the deficiency and has failed to cure such deficiency during the period, Grantor, its successors and assigns, at its election may either (a) bring a suit for specific performance of Grantee's covenants hereunder or an action for damages arising from Grantee's breach thereof or (b) reenter and repossess the Easement area whereupon the Easement and all rights and interest therein shall be terminated. In connection with Grantor's election to exercise its rights under clause (b) above, Grantor, its successors, and assigns shall be entitled to receive a reconveyance of the Easement in accordance with Section 1109 of the California Civil Code and Grantee, for itself, its successors and assigns covenants to execute a quitclaim deed or other instrument of reconveyance immediately upon Grantor's, its successors' or assigns' re-entry upon and repossession of the Easement area.

Grantee for itself, its successors and assigns hereby agrees to indemnify and hold harmless Grantor, its successors and assigns from any liabilities, claims, demands, damages and costs arising out of (i) the natural condition of the lands the use of which is transferred to Grantee by this instrument, and (ii) the maintenance or use of such lands by Grantee, its successors and assigns.

GRANTOR:

Blackhawk Homeowners Association,
A California non-profit corporation

by:


Linda Appleton
President

GRANTEE:


C. James Jensen

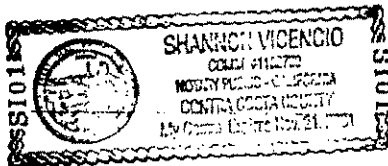

Geraldine L. Jensen

State of California)
) ss.
County of Contra Costa)

21314

On November 29, 1999, before me, Shannon Vicencio, personally appeared Charm Kiser — 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.

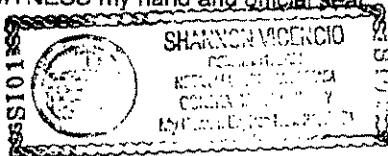


Shannon Vicencio
Notary Public

State of California)
) ss.
County of Contra Costa)

On November 29, 1999, before me, Shannon Vicencio, personally appeared Geraldine L. Jensen — 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.

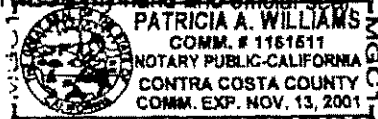


Shannon Vicencio
Notary Public

State of California)
) ss.
County of Contra Costa)

On December 13, 1999, before me, Patricia A. Williams, personally appeared Linda Appleton President — 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.



Patricia A. Williams
Notary Public

21314

DAVID EVANS AND ASSOCIATES, INC.

2000 Executive Plaza

Suite 105

San Ramon,

California 94583

TEL: 925.837.4080

FAX: 925.837.4085

PROPERTY DESCRIPTION

REAL PROPERTY IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

A PORTION OF PARCEL C AS SHOWN ON THE MAP OF SUBDIVISION 5443 FILED AUGUST 13, 1980, IN BOOK 244 OF MAPS AT PAGE 24, CONTRA COSTA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 32 AS SHOWN ON SAID MAP OF SUBDIVISION 5443; THENCE SOUTH $82^{\circ}47'41''$ WEST, 4.53 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 31.00 FEET THROUGH A CENTRAL ANGLE OF $186^{\circ}28'35''$ AN ARC DISTANCE OF 100.89 FEET; THENCE NORTH $76^{\circ}19'06''$ EAST, 8.00 FEET TO THE WEST LINE OF SAID LOT 32; THENCE ALONG SAID WEST LINE OF LOT 32, NORTH $13^{\circ}40'47''$ WEST, 61.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,003 SQUARE FEET MORE OR LESS.

END OF DESCRIPTION.



DAVID F. YARRINGTON, P.L.S. 5996
EXP.: 12-31-2000





21314

WILD OAK COURT

SCALE: 1"=30'

APPROVED BY:

[Handwritten signatures]

11/29/99

31

SUBD. 5443

LOT 32

244 M 24

101 WILD OAK COURT

33

FND. 1/2" IRON PIPE
LS 5342PROPOSED
LOT LINE
ADJUSTMENT
99 Sq/FtPOOL
EXCAVATIONRETAINING WALL
W/IRON FENCESET 5/8" IRON PIPE
P.L.S. NO. 5996

36

PROPOSED
EASEMENT
1,104 Sq/Ft

PARCEL C

LEGEND:

- FOUND STANDARD CONTRA COSTA COUNTY STREET MONUMENT
- FOUND IRON PIPE (SIZE & TAG NO. AS SHOWN)
- SET IRON PIPE (SIZE & TAGE NO. AS SHOWN)

DAVID EVANS & ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
5000 EXECUTIVE PARKWAY - SUITE 125
SAN RAMON CALIFORNIA 94583
(510) 867-3380 FAX (510) 867-3388

NO.	BY	DATE	REVISIONS

JAMES JENSEN

PROPOSED LOT LINE
ADJUSTMENT AND EASEMENT
101 WILD WOOD COURT

BLACKHAWK

CONTRA COSTA CO.

CALIFORNIA

DRAWN BY: DFE	DATE: 10/8/97
CHECKED BY:	SCALE: 1"=30'
JOB NO. GVAS0001	REF.
DWG. LOC. D:\P\GVAS0001\PLAT04.DWG	
SHEET 1	OF 1
A.P.N. 203-722-008	

EXHIBIT "B"
DESCRIPTION OF SERVIENT TENEMENT

Parcel C as shown on the Map of Subdivision 5443 recorded on February 2, 1981 in Book 10188 of Maps, page 439, Contra Costa County Records.

21314

EXHIBIT "C"
DESCRIPTION OF DOMINANT TENEMENT

Lot 32, as shown on the map of Subdivision 5443 recorded on February 2, 1981 in Book 10188 of Maps, page 439, Contra Costa County Records.

EXHIBIT "D"

Grantor hereby reserves with respect to the grant of Easement the same rights of entry, occupancy and use as provided to the Grantor for Lots and Private Area under that certain Declaration of Covenants, Conditions and Restrictions of Country Club at Blackhawk Improvement Association, as amended, originally recorded on October 10, 1979, in Book 9570 at Pages 42 et seq. of the Contra Costa County Records.

The Grantor hereby further reserves with respect to the grant of Easement the right to *grant to others any additional easements over the Easement area.*

END OF DOCUMENT

GRANT DEED OF DEVELOPMENT RIGHTS
TO COUNTY

February 18, 1981

A-8256

CONTRA COSTA COUNTY
PLANNING DEPARTMENT
FEB 19 4 28 PM '81

In the Board of Supervisors
of
Contra Costa County, State of California

February 17, 19 81

In the Matter of
Authorizing Acceptance
of Instrument(s).

IT IS BY THE BOARD ORDERED that the following Instrument(s) (is/are)
ACCEPTED:

<u>INSTRUMENT</u>	<u>REFERENCE</u>	<u>GRANTOR</u>	<u>AREA</u>
Drainage Release	SUB 5042	Orinda Union School Dist.	Orinda
✓ Grant Deed of Development Rights	SUB 5443	Blackhawk Corp.	Blackhawk

PASSED by the Board on February 17, 1981 by the following vote:

AYES: Supervisors Fahden, Schroder, McPeak, Torlakson, Powers.
NOES: None.
ABSENT: None.

I hereby certify that the foregoing is a true and correct copy of an order entered on the minutes of said Board of Supervisors on the date aforesaid.

Originator: Public Works (LD)

cc: Recorder (via PW LD)
✓ Director of Planning

Witness my hand and the Seal of the Board of
Supervisors

affixed this 17th day of February, 19 81

J. R. OLSSON, Clerk
By Diana M. Herman, Deputy Clerk
Diana M. Herman

Public Works Department

6th Floor, Administration Building
Martinez, California 94553
(415) 372-2102

J. Michael Walford
Acting Public Works Director

Contra
Costa
County



Barton J. Gilbert
Deputy-Administrative
Services
(415) 372-2105

Mark L. Kermit
Deputy-Transportation
(415) 372-2102

R.M. Rygh
Deputy-Buildings and Grounds
(415) 372-2222

J.E. Taylor
Deputy-Operations
& Flood Control
255 Glacier Drive
(415) 372-4470

To: Planning Department

Attention:

Re: Sub 5443 Blackhawk

Date: 3/31/81

Gentlemen:

We are sending you, ☒ attached, ☐ under separate cover via _____,
the following items:

Copies	Description
<u>1</u>	<u>Grant Book of Development Rights</u>

These are transmitted as checked below:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Reviewed, no additional comments |
| <input type="checkbox"/> As requested | <input type="checkbox"/> _____ copies retained for | <input type="checkbox"/> Reviewed, see additional comments |
| <input type="checkbox"/> For review and comment | our files | <input type="checkbox"/> Return _____ corrected prints |
| | <input type="checkbox"/> Sign and return _____ copies | <input type="checkbox"/> _____ |

Remarks: FOR Your Files

Please direct any questions/information to B. Allen

Very truly yours,

J. Michael Walford
Acting Public Works Director

By William R. Gray
William R. Gray
Assistant Public Works Director
Land Development Division

At the Request of:
CONTRA COSTA COUNTY
Data to: PROG. PLAN. & SPEC. PROJ.
PUBLIC WORKS DEPT.

21-24530

FEB 27 1981

In the Board of Supervisors
of

COPY 1219 PAGE 730

RECORDS SECTION

Contra Costa County, State of California

February 17, 19 81

In the Matter of
Authorizing Acceptance
of Instrument(s).

RECORDED AT REQUEST OF
CONTRA COSTA COUNTY

FEB 27 1981

AT 3 O'CLOCK P.M.
CONTRA COSTA COUNTY RECORDS
J. R. OLSSON
COUNTY RECORDER
FEE: OFF L

IT IS BY THE BOARD ORDERED that the following Instrument(s) (is/are)
ACCEPTED:

<u>INSTRUMENT</u>	<u>REFERENCE</u>	<u>GRANTOR</u>	<u>AREA</u>
Drainage Release	SUB 5042	Orinda Union School Dist.	Orinda
Grant Deed of Development Rights	SUB 5443	Blackhawk Corp.	Blackhawk

PASSED by the Board on February 17, 1981 by the following vote:

AYES: Supervisors Fahden, Schroder, McPeak, Torlakson, Powers.
NOES: None.
ABSENT: None.

I hereby certify that the foregoing is a true and correct copy of an order entered on the minutes of said Board of Supervisors on the date aforesaid.

Originator: Public Works (LD)

cc: ✓Recorder (via PW LD)
Director of Planning

Witness my hand and the Seal of the Board of Supervisors

affixed this 17th day of February, 19 81

J. R. OLSSON, Clerk
By Diana M. Herman, Deputy Clerk
Diana M. Herman

Seal Affixed

RECORDED AT THE REQUEST OF
FOUNDERS TITLE INSURANCE COMPANY

WHEN RECORDED RETURN TO:

RECORDED AT REQUEST OF
FOUNDERS TITLE COMPANY
AT 8:00 A.M.
COUNTY CLERK'S OFFICE
FEE \$ OFF'L J. R. OLSSON
COUNTY RECORDER

GRANT DEED

For valuable consideration, receipt of which is hereby acknowledged, BLACKHAWK CORPORATION, a Delaware corporation qualified to do business in California as BLACKHAWK DEVELOPMENT CO. hereby grants to the COUNTY OF CONTRA COSTA, a political subdivision of the State of California (hereinafter "County") and its governmental successor or successors, the future "Development Rights", as defined hereinbelow, in that certain parcel of real property situate in the County of Contra Costa, State of California, more particularly described as follows:

Parcels A, B, and C as shown upon the Map of Subdivision 5443 filed in the Office of the Recorder of Contra Costa County on August 13, 1980, in Book 244 of Maps at Pages 24 et seq.; excepting therefrom those certain parcels of land described in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

DOCUMENTARY TRANSFER TAX \$
☐ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
☐ COMPUTED ON FULL VALUE LESS LIENS & ENCUM-
BRANCES REMAINING THEREON AT TIME OF SALE

Signature of declarant or agent determining tax - firm name

"Development Rights" are defined as the right to approve or disapprove any proposed construction, development or improvement which would substantially and materially change the nature of the "current proposed use" of said real property. The "current proposed use" of said real property is shown, in part, on said maps and is described, in part, in the Final Development Plan in County File 3035-78 approved by the San Ramon Valley Area Planning Commission of the County of Contra Costa on July 12, 1978, and includes the following:

- a. trails, walkways and paths and associated improvements;
- b. private roads and driveways;
- c. landscaped areas including irrigation facilities;
- d. entrance gate and gatehouse;
- e. fencing and walls;
- f. street lights;
- g. utilities and utility facilities and installations including, but not limited to, sanitary sewers; natural gas mains, laterals and services; water mains, laterals and services;

- water tanks, pumps, and associated equipment, facilities and improvements; and telephone and cable television facilities;
- h. storm drains; culverts; pipes; drainage facilities; systems and patterns; and retention ponds for the collection, control, discharge or storage of storm and surface waters;
 - i. all reasonable and necessary incidents to any of the foregoing including improvements necessary to provide access thereto;
 - j. golf courses, including, but not limited to, greens, fairways, rough, ponds, and associated landscaping, and clubhouses, including, but not limited to, restaurants, bars, pro shops and parking;
 - k. such other facilities as may be deemed desirable by the owner of said real property, from time to time, exclusively for the maintenance and preservation of said real property and/or the recreation and leisure activities of the owners, members, residents and users of the real property shown on said maps and owned

by Blackhawk Corporation and any and all planning, design and landscaping incident thereto.

The "Development Rights" are, and shall be a form of negative easement (but not a reciprocal negative easement) over all of the real property particularly described above, which shall run with such particularly described real property and shall bind the current owner and any future owner or owners of all or any portion of the real property particularly described above. In the event of County's (or its successor's) disapproval of proposed construction covered by the conveyance of "Development Rights" herein, said proposed construction shall not be performed. County, or its successor, may condition its approval of any proposed construction upon the prior or subsequent performance of such conditions as County, or its successor, may deem appropriate.

Any owner or owners of all or any portion of the real property particularly described above desiring to develop any improvement requiring the approval of County, or its successor, shall submit to the County Board of Supervisors, or the governing body of its successor, a written proposal describing the nature, extent and location of such improvement. County, or its

successor, shall have sixty (60) days from receipt of such proposal in which to approve or disapprove the proposal. Failure by County or its successor, to approve or disapprove within said time shall be conclusively deemed to be approval of such proposal.

Dated this 14 day of October, 1980.

BLACKHAWK CORPORATION, a
Delaware corporation qualified
to do business in California as
BLACKHAWK DEVELOPMENT CO.


By [Signature]
Its President

Attest [Signature]
Its Secretary

STATE OF CALIFORNIA)
) SS
COUNTY OF CONTRA COSTA)

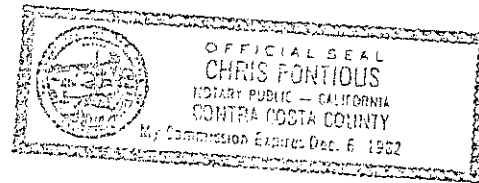
On 10/14, 1980, before me, the undersigned, a Notary Public in and for said state, personally appeared OWEN C. SCHWADERER and STEPHEN P. BEINKE, known to me to be the President and Secretary, respectively, of BLACKHAWK CORPORATION, a Delaware corporation qualified to do business in California as BLACKHAWK DEVELOPMENT CO., the corporation that executed the within instrument, known to me to be the persons who executed the within instrument, on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.



NOTARY PUBLIC

SMS/csm-16
CP.CCB-1



REAL PROPERTY IN THE COUNTY OF CONTRA COSTA, STATE
OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL "C", AS SHOWN ON THE MAP
OF SUBDIVISION 5443 RECORDED IN BOOK 244 OF MAPS AT
PAGE 24 DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 49 AS
SHOWN ON THE AFOREMENTIONED MAP OF SUBDIVISION 5443
(244 M 24); THENCE NORTH $56^{\circ} 23' 30''$ WEST, 88.00 FEET;
THENCE NORTH $40^{\circ} 06' 15''$ WEST, 281.50 FEET; THENCE NORTH
 $35^{\circ} 09' 23''$ WEST, 66.88 FEET; THENCE SOUTH $44^{\circ} 20' 35''$
EAST, 187.75 FEET; THENCE SOUTH $62^{\circ} 21' 14''$ EAST, 165.95
FEET; SOUTH $07^{\circ} 53' 59''$ EAST, 108.46 FEET TO THE POINT
OF BEGINNING.

CONTAINING 13,906 SQUARE FEET, MORE OR LESS.

EXHIBIT A

REAL PROPERTY IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA
DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL "C" AS SHOWN ON THE MAP OF SUBDIVISION
5443, RECORDED IN BOOK 244 OF MAPS AT PAGE 24 CONTRA COSTA
COUNTY RECORDS.

BEGINNING AT A POINT ON THE NORTHERLY LINE OF CONIFER TERRACE AS
SHOWN ON THE MAP OF SUBDIVISION 5441 RECORDED IN BOOK 240 OF
MAPS AT PAGE 7, CONTRA COSTA COUNTY RECORDS DISTANT THEREON NORTH
72° 26' 15" WEST, 37.11 FEET FROM ITS INTERSECTION WITH SEQUOIA
TERRACE; THENCE ALONG SAID NORTHERLY LINE NORTH 72° 26' 15" WEST,
20.68 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT HAVING A
RADIUS OF 437.00 FEET THROUGH A CENTRAL ANGLE OF 35° 12' 18",
AN ARC DISTANCE OF 268.51 FEET; THENCE ALONG A REVERSING CURVE
TO THE LEFT HAVING A RADIUS OF 588.00 FEET THROUGH A CENTRAL ANGLE
OF 19° 29' 27", AN ARC DISTANCE OF 200.00 FEET; THENCE LEAVING
SAID NORTHERLY LINE ALONG A NON-TANGENT CURVE CONCAVE TO THE
SOUTHWEST HAVING A RADIUS OF 878.00 FEET, THE CENTER OF WHICH
BEARS SOUTH 33° 16' 36" WEST THROUGH A CENTRAL ANGLE OF 16° 21' 02",
AN ARC DISTANCE OF 250.56 FEET; THENCE ALONG A REVERSING CURVE TO
THE LEFT HAVING A RADIUS OF 422.00 FEET THROUGH A CENTRAL ANGLE
OF 32° 03' 53", AN ARC DISTANCE OF 236.17 FEET TO THE POINT OF
BEGINNING.

CONTAINING 2,750 SQUARE FEET, MORE OR LESS.

EXHIBIT B

PAGE 1 OF 1

END OF DOCUMENT

1999 AMENDMENT TO THE BLACKHAWK
FINAL DEVELOPMENT PLAN


County File #DP98-3022

**CONTRA COSTA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
APPROVED PERMIT**

APPLICANTS:	Kenneth L. Hanson 4102 Sugar Maple Drive Danville, CA 94506	APPLICATION NO.	DP983022
	Blackhawk Homeowners Association 4125 Blackhawk Plaza Circle, #230 Danville, CA 94506	ASSESSOR'S PARCEL NO.	220-140-009, 203-722-008, 220-140-028, 220-320-005 & -006, 220-190-013, 203-610-006, 220-320-004, 220-260-044
OWNER:	Blackhawk HOA, et al 4125 Blackhawk Plaza Circle, #230 Danville, CA 94506	ZONING DISTRICT:	Planned Unit (P-1) District
		APPROVED DATE:	10/21/99
		EFFECTIVE DATE:	11/1/99

If the conditions of approval are not appealed by the effective date, then this becomes an effective permit for approval of an amendment to the Blackhawk Final Development Plan for specified (1) lot line adjustments to transfer sections of open space parcels to residential lots and related improvements, and (2) provision of private landscape improvements within open space parcels that benefit private residential lots associated with landscape easements which is hereby granted, subject to the attached conditions.

DENNIS M. BARRY, AICP
Community Development Director

By: 
ROBERT H. DRAKE
Deputy Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE YEAR from the effective date if the use allowed by this permit is not established within that time.

PLEASE NOTE THE EFFECTIVE DATE, as no further notification will be sent by this office.

**FINDINGS AND CONDITIONS OF APPROVAL FOR MODIFICATION
TO THE BLACKHAWK FINAL DEVELOPMENT PLAN AUTHORIZING
SPECIFIED EXPANSION OF RESIDENTIAL LOTS INTO OPEN SPACE
PARCELS, COUNTY FILE #DP983022 (Hanson/Chan/Blackhawk HOA)**

FINDINGS

- A. Required Finding - The proposed modification is consistent with the intent and purpose of the P-1 district.

Project Finding - The proposed modifications allow relatively small reductions in the common open space area that are not disruptive to a cohesive development including the relationship between open space and residential area, provided that future open space encroachment proposals consider the broader implications of the cumulative effect of the erosion of the open space areas within the project.

- B. Required Finding - The proposed modification is compatible with uses in the vicinity, both inside and outside the district.

Project Finding - Each of the lot line adjustments authorized by this approval involve relatively small adjustments in the exterior boundaries of these projects. Prior to this approval, notices of the proposed changes were distributed to the owners of nearby property, none of which resulted in a request for hearing.

[Ref. § 84-66.1804(b) of the Ordinance Code]

CONDITIONS OF APPROVAL

1. Development (including proposed transfer of land within the open space parcels) is approved based on the site plans accompanying which accompanied the application for the following sites.
 - A. #101 Wild Oak Court (APN 203-722-008; Jensen)
 - B. #4080 Eagle Nest Lane (APN 220-140-009; Chan)
 - C. #3291 Blackhawk Meadow Drive (APN 220-140-028; Freed)
 - D. #3461 Country Club Place (APN 220-320-005; Woo/George)
 - E. #3451 Country Club Place (APN 220-320-006; Lee and Cheng)
 - F. #4254 Golden Oak Court (APN 220-190-013; Scott)
 - G. #23 Birchwood Place (APN 203-610-006; Straface)

- H. #3471 Country Club Place (APN 220-320-004; Lenches)¹
- I. #4126 Quail Run Drive (APN 220-260-044; Wolfson)

Authorization is also granted to allow the following landscape easements and related landscape improvements which do not involve the deeding of land between parties.

- #30 Pheasant Run Place (APN 220-700-002; Aeshbach)
- #4275 Quail Run Place (APN 220-270-009; Kappos)

2. Board of Supervisors Authorization Required - The properties which are proposed to be transferred and developed are subject to an encumbrance held by the County. At the time of the approval of the subdivision, the development rights over the open space parcels were conveyed to the County.

This approval is contingent on Board of Supervisors authorization to allow the proposed transfer of open space property to private residential lots.

3. Required Approval of Individual Lot Line Adjustments - Subject to Board of Supervisors authorization of the approved transfer of lands, before the transfers of lands can be implemented, applications for individual Lot Line Adjustments by the respective property owners must be filed with, and approved by the Community Development Department.
4. Acknowledgement Statement to Accompany Future Proposed Transfer of Open Space Lands - If there are any future proposals to the County for the transfer of land from, or private improvement of, open space parcels, the proposals shall be accompanied by the attached acknowledgement form which shall have been properly filled out by both the Blackhawk Homeowners Association and by the respective owner of the affected residential lot.

By accepting this permit, the Blackhawk HOA agrees to be bound by and to comply with the above conditions of approval.

¹The transfer of a 4000-square foot section of open space area is authorized for the rear (east side) of the Lenches property at #3471 Country Club Place.

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90 day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Community Development Department within 90 days of the approval date of this permit.

c:\wpdoc\dp983022.coa
RD\

COUNTY

**ACKNOWLEDGEMENT TO ACCOMPANY PROPOSALS
TO THE COUNTY
TO EXPAND PRIVATE LOTS INTO COMMON OPEN AREA
WITHIN THE BLACKHAWK RESIDENTIAL PROJECT**

**Community Development Department
Contra Costa County**

This document is to be used where the Blackhawk Homeowners Association (HOA) and the owner of a private residential lot within Blackhawk are proposing to transfer a portion of a common open space parcel within Blackhawk to the residential lot. When such a lot line adjustment (LLA) is proposed to the County, it shall be accompanied by this statement after it has been filled out by both a duly authorized representative of the HOA and the affected residential lot owner.

When parties initially inquire to the HOA on a proposed LLA, the Association will provide this document to them. If the HOA agrees to the LLA, then a representative of the HOA shall complete this form and provide it to the affected lot owner to fill out and submit to the County with the appropriate development permit application.

Blackhawk Planning Background

- A. In the mid-1970's, the County approved the Blackhawk residential project Final Development Plan under the Planned Unit (P-1) District. Prior to its approval, the County undertook an extensive analysis of various environmental impacts of the proposed project in an Environmental Impact Report which assessed such factors as geotechnical, biologic, land use, aesthetic, and archaeological impacts.
- B. As a result of that environmental review and review of the project, the approved Final Development Plan provided that a major portion of the Blackhawk project would be retained in open space parcels. To further assure appropriate protection of the project open space in an undeveloped condition, the County approval provided that the development rights for the open space parcels would be grant deeded to the County.
- C. Unless otherwise authorized, proposed improvements to, or transfer of land from, the open space parcels requires that the interested parties file with and obtain from the County:
 - 1) an application to amend the Final Development Plan; and
 - 2) Board of Supervisors authorization for the proposed changes within the deed restricted open space parcels.

Where a transfer of land is involved, an application for a lot line adjustment must also be approved by the Community Development Department, and properly executed.

Moreover, pursuant to the requirements of the California Environmental Quality Act, it is the County responsibility to fully assess potential environmental impacts of any such proposal including cumulative as well as project-level, indirect as well as direct.

County Planning Agency Position on Lot Line Adjustment Proposals

- A. Approach Preferred by the County - It is the County Planning Agency position that no new LLA's should be authorized until the HOA has processed an amendment to the Final Development Plan that provides for an overall plan that considers potential expansion of *all* private lots adjoining open space areas. Such a plan would consider soil stability conditions, grading restrictions, drainage, structure placement, privacy considerations, fence design, and appropriate protection of wildlife and mature trees. Before hearing such a proposal, the County would conduct appropriate environmental review and provide notice to all residents within Blackhawk, and other potentially interested parties.
- B. Processing of Individual LLA's in Absence of an Overall Approved Plan - In the absence of an overall plan proposal from the HOA for accommodating LLA's throughout the project that has been approved by the County, the County Community Development Department will discourage but still accept individual LLA proposals. Due to the cumulative effect of such proposals, they will be treated as a substantial modification to the Final Development Plan which will require a noticed public hearing. The full cost of processing an application with the County must be borne by the applicant, even if the application is denied.

Any proposal will initially require application to amend the Final Development Plan. The submittal shall include the following:

- 1) Completion and submittal of this acknowledgement form.
- 2) A written statement from the HOA on why it would not be reasonable for the County to require processing of an overall plan proposal before considering the current application.
- 3) Other standard application submittals (site plans, application forms, fees, notification materials, etc.) which the applicant can secure after consulting with the Community Development Department.

In signing the below form, the interested parties are acknowledging that they have read and understand the above information.

Blackhawk HOA Representative	Private Residential Lot Owner
Print Name:	Print Name:
Signed	Signed

c:\wpdoc\dp983022.doc
RD\

10/21/99

Office Use Only

CDD File No.

BUILDING PERMIT #393301

CONTRA COSTA COUNTY BUILDING INSPECTION INSPECTION RECORD CARD

(See reverse side of this card for permit-specific information)

NOTICE AND WARNING: Do not cover any work until it has been inspected and approved. This card must be posted on the job site, and in a manner as to be visible from the street. The card and the approved plans must be available for each inspection, or the inspection will not be made.

Inspections may be scheduled by phone 6:30

a.m. to midnight, Monday through Saturday. Call **646-4108** and follow instructions. Requests for same-day inspections are not accepted.

Permit fees are set to provide for a limited number of inspections. A reinspection fee will be charged when a return trip is necessary due to the following: 1) Work not ready for the inspection called for; 2) Deficiencies found in the previous inspection still not corrected, or new deficiencies were created; 3) Lack of access to the work to be inspected; 4) Lack of approved plans or this card on the job site.

Insp Codes	Inspector's Initials	Date	Insp Codes	Inspector's Initials	Date
FOUNDATION			INSULATION		
<input type="checkbox"/> Survey Cert. Rec'd			107 <input type="checkbox"/> Underfloor Insul		
100 <input type="checkbox"/> Set Backs			110 <input type="checkbox"/> Framing Insul		
406 <input type="checkbox"/> Ufer Ground			117 <input type="checkbox"/> Ceiling Insul		
101 <input checked="" type="checkbox"/> Piers	<i>THG</i>	<i>7/23/07</i>	PLUMBING		
102 <input type="checkbox"/> Forms			301 <input type="checkbox"/> Ground Plumbing		
103 <input type="checkbox"/> Slab Foundation			302 <input type="checkbox"/> Water Service		
125 <input type="checkbox"/> Slab Garage			303 <input type="checkbox"/> Shower Pan Test		
604 <input type="checkbox"/> Driveway			304 <input type="checkbox"/> Rough Plumbing		
GRADING PERMIT INSP.			305 <input type="checkbox"/> Undfl. Plumbing		
600 <input type="checkbox"/> Pre-Const. Insp			306 <input type="checkbox"/> Water Heater		
601 <input type="checkbox"/> Rough Grading			309 <input type="checkbox"/> Gas Test		
602 <input type="checkbox"/> SUB/MS in Prog			310 <input type="checkbox"/> T-Bar Plumbing		
608 <input type="checkbox"/> Gen Bldg Site / in Prog			312 <input type="checkbox"/> Gas Meter Release		
MOBILE HOMES			BLOCK / CONCRETE		
701 <input type="checkbox"/> MH Set-Up			113 <input type="checkbox"/> Fireplace/Rebar/ Foundation		
703 <input type="checkbox"/> MH Accessory Insp			POOLS / SPA		
707 <input type="checkbox"/> MH Permanent FD			201 <input type="checkbox"/> Site Check / Pregunite		
720 <input type="checkbox"/> MH Final			202 <input type="checkbox"/> Bonding-Cavity / Deck		
STRUCTURAL			203 <input type="checkbox"/> Pre - Final		
104 <input type="checkbox"/> Shear Nailing - Int			204 <input type="checkbox"/> Final - Pool		
126 <input type="checkbox"/> Shear Nailing - Ext			MECHANICAL		
106 <input type="checkbox"/> Underfloor			501 <input type="checkbox"/> Furnace Compt		
108 <input type="checkbox"/> Roof Deck Nail			502 <input type="checkbox"/> Combustion Air		
109 <input type="checkbox"/> Framing			503 <input type="checkbox"/> Rough Sheet Metal		
111 <input type="checkbox"/> Firewall			504 <input type="checkbox"/> Fire Damper		
127 <input type="checkbox"/> Drywall			506 <input type="checkbox"/> Commercial Hood		
114 <input type="checkbox"/> Ext Lath / Int Lath			507 <input type="checkbox"/> Condenser (A/C)		
115 <input type="checkbox"/> Structural-Misc / T-Bar			508 <input type="checkbox"/> T-Bar - Mech		
118 <input type="checkbox"/> Wet Wall			AGENCY APPROVALS		
123 <input type="checkbox"/> Roof / in Progress			<input type="checkbox"/> Fire Dist	UTL	Final
124 <input type="checkbox"/> Window Replacement			<input type="checkbox"/> Pub Works	UTL	Final
128 <input type="checkbox"/> Fire Penetration			<input type="checkbox"/> Planning / CDD	UTL	Final
ELECTRICAL			<input type="checkbox"/> San Dist	UTL	Final
401 <input type="checkbox"/> Power Pole			<input type="checkbox"/> Env Health	UTL	Final
402 <input type="checkbox"/> Conduit / Underground			<input type="checkbox"/> Haz Mat	UTL	Final
403 <input type="checkbox"/> Service Entrance			FINAL INSPECTIONS		
404 <input type="checkbox"/> Rough Elect			120 <input type="checkbox"/> BUILDING		
405 <input type="checkbox"/> Bonding			320 <input type="checkbox"/> Plumbing		
407 <input type="checkbox"/> Restore Svce / 90-Day			420 <input type="checkbox"/> Electrical		
408 <input type="checkbox"/> T-Bar Elect			520 <input type="checkbox"/> Mechanical		
409 <input type="checkbox"/> Electric Meter Release			620 <input type="checkbox"/> Grading / Drainage		
			820 <input type="checkbox"/> Disabled Access		

Other: *FRAME OK PENDING (ENGINEER'S LETTER FOR PIER) AND SET BACK REDUCTION APPROVALS*

Comments: _____

EXPIRATION: This permit will expire if work is not started within 180 days, or 180 days lapse between approved inspections. If the permit expires before the work is completed and/or inspected, no additional work shall be performed until a new permit is obtained. Under California Law, uninspected work is a property defect and must be disclosed to the next owner prior to transfer of title.

EXTENSION: Prior to permit expiration and upon written request, a one-time extension, not to exceed 180 days, may be granted.

REIMBURSEMENT: SB1815 states that a permittee is entitled to reimbursement of permit fees if the local enforcement agency fails to conduct an inspection of the permitted work within 60 days of receiving notice that the work is completed.

This card will serve as Certificate of Occupancy / Completion upon authorized signature.

Carlos Ballodano, Director
Contra Costa County

Authorized Signature _____

Date _____

109 Frame

CONTRA COSTA COUNTY - Building Inspection Department
651 Pine Street, 3rd Floor, North Wing • Martinez, CA 94553 (925) 646-2300

PERMIT NO. 393301
DATE: 2/13/07

OWNER/CONT. Singh
INSPECTOR Conrad Tim

- ☐ Plans not on job/available
☐ Not following approved plans
☐ Previous deficiencies not completed

- ☒ Survey stakes not in place
☐ Building not ready for inspection

Permit No. To Accompany All Correspondence

NOTES:

① Survey later required

* Must start structure placed
according to approved plans per
permit

② ~~16' x 16' Girders~~ Girders required, provide
with beam on girder.
no cross bracing.

③ Lead Engineer later to verify
plans provided per approved plans

④ Install X Brace as per plan
as noted by lead engineer

- ☐ \$60.00 reinspection fee required prior to next
inspection (for building permits with total
total valuations of more than \$5,000 or for electrical,
mechanical and plumbing permits on
non-residential buildings).

- ☐ \$25.00 reinspection fee required prior to
next inspection (for building permits with
valuations not exceeding \$5,000 or for
mechanical and plumbing permits
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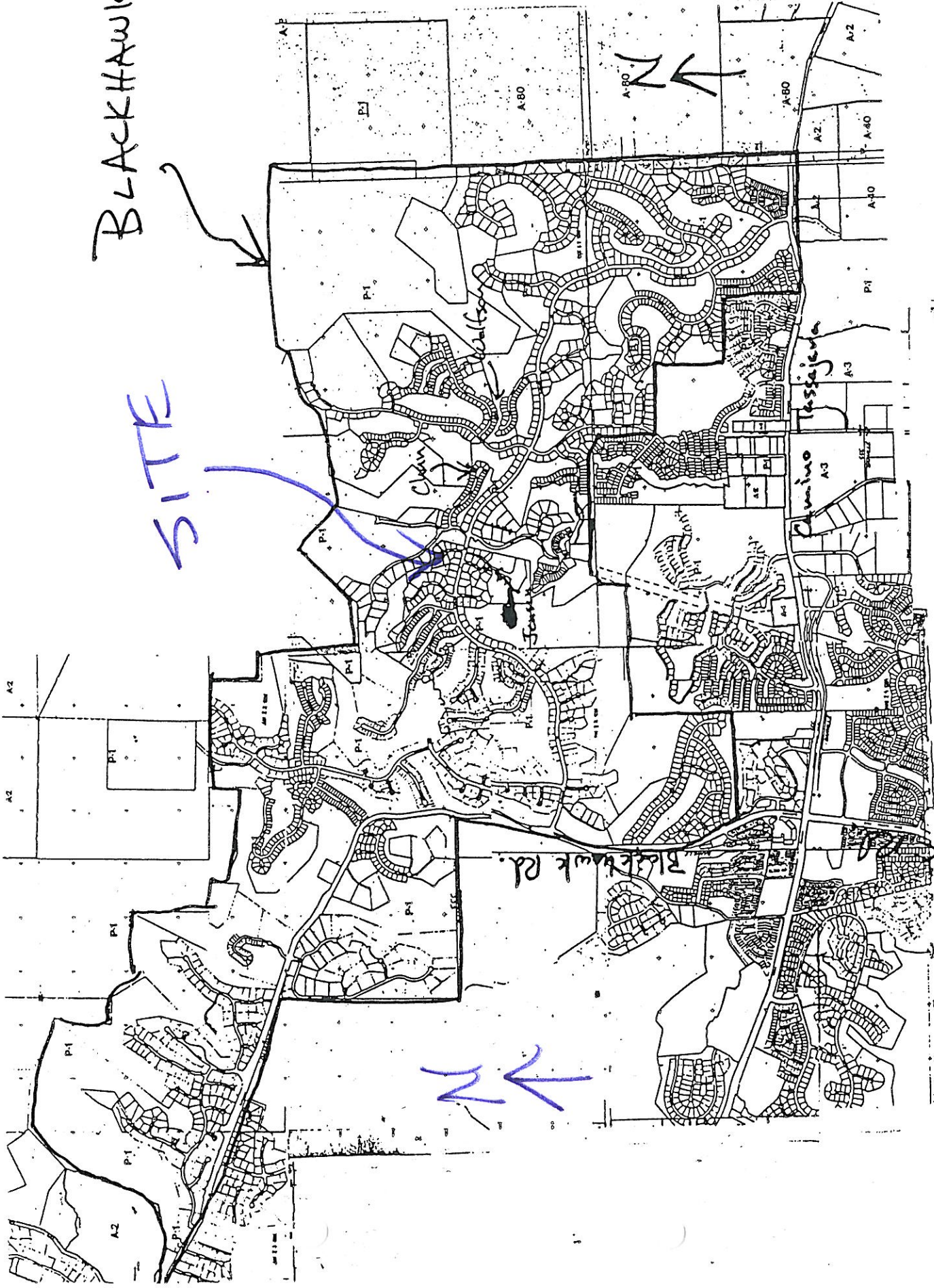
— NOTICE —

This Note To Be On Jobsite At Next Inspection

MAPS & PHOTOS

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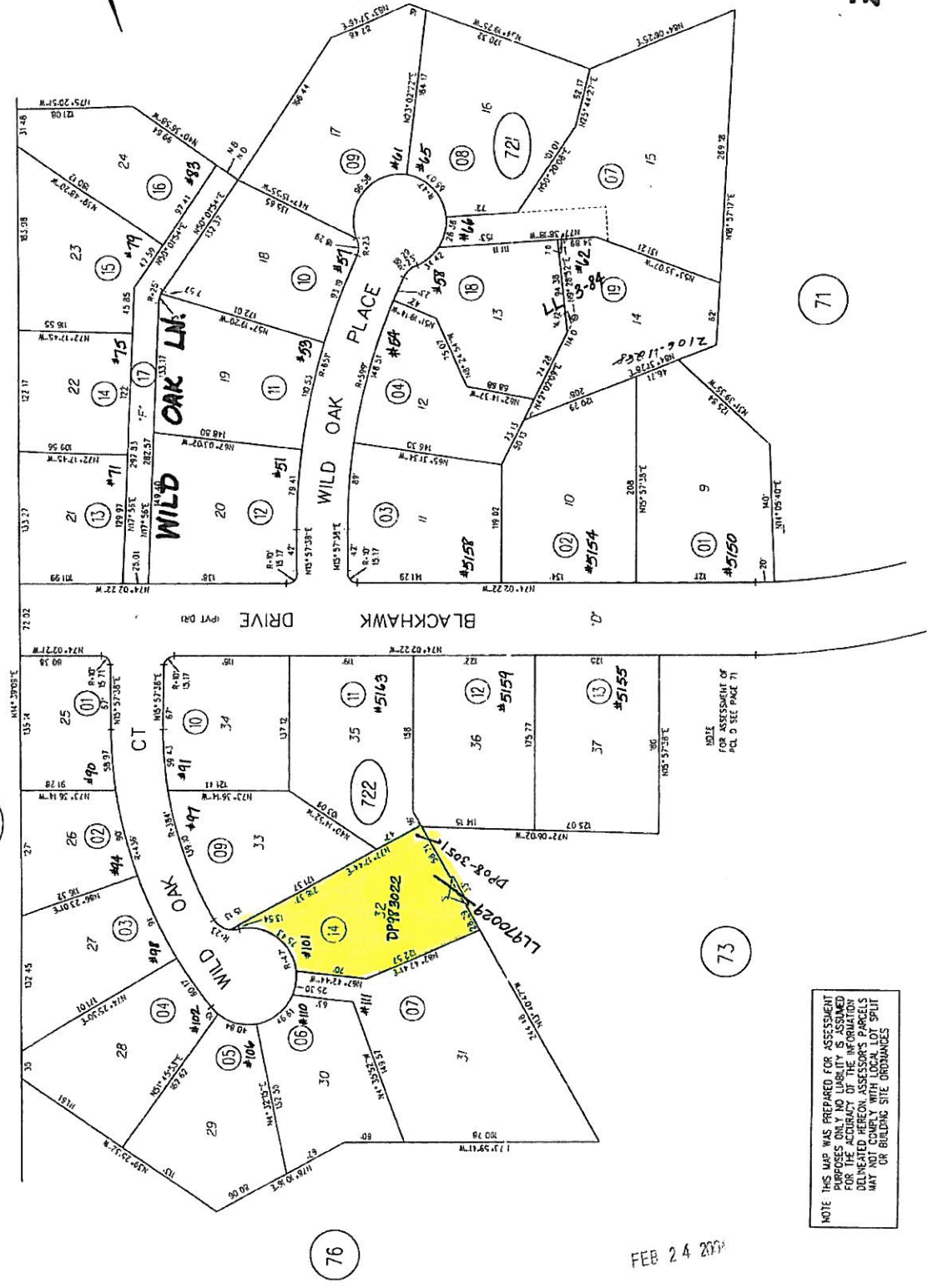
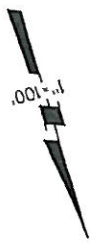
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NOTE THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELIVERED HEREON ASSESSOR'S PARCELS ARE SHOWN WITH BUILDING FOOTPRINTS AND BUILDING SITE OBSTACLES

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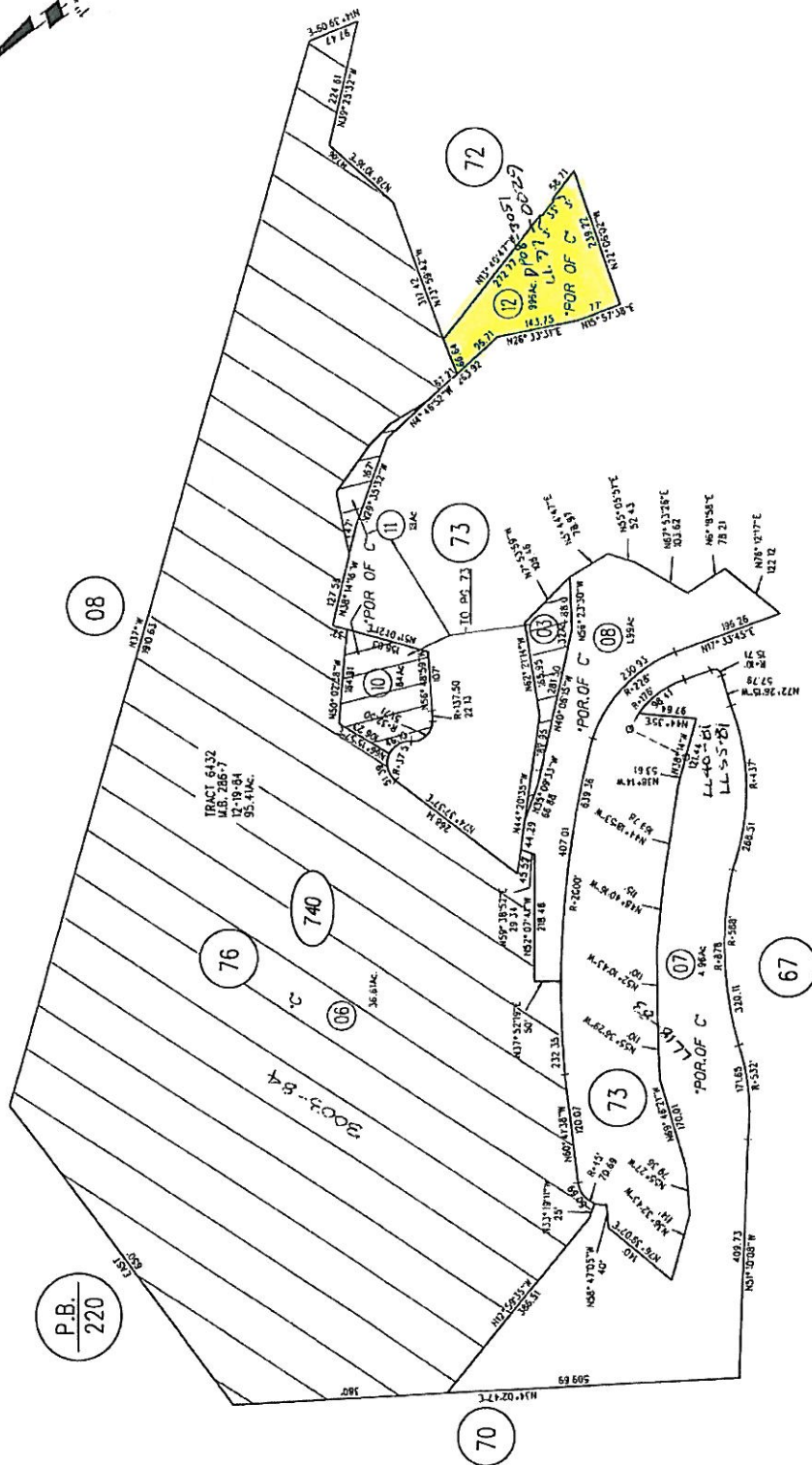
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ASSESSOR'S MAP

BOOK 203 PAGE 72

CONTRA COSTA COUNTY, CA



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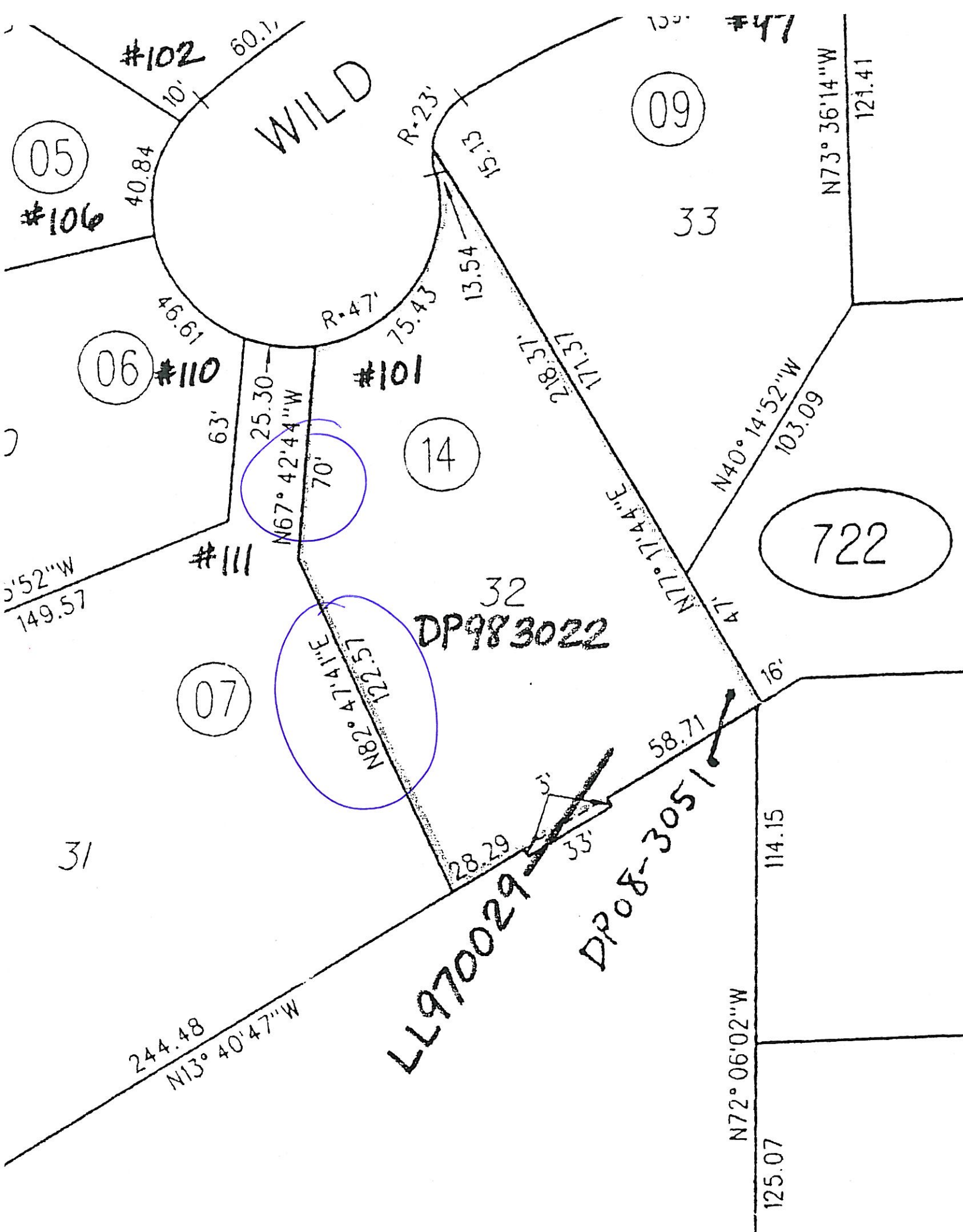
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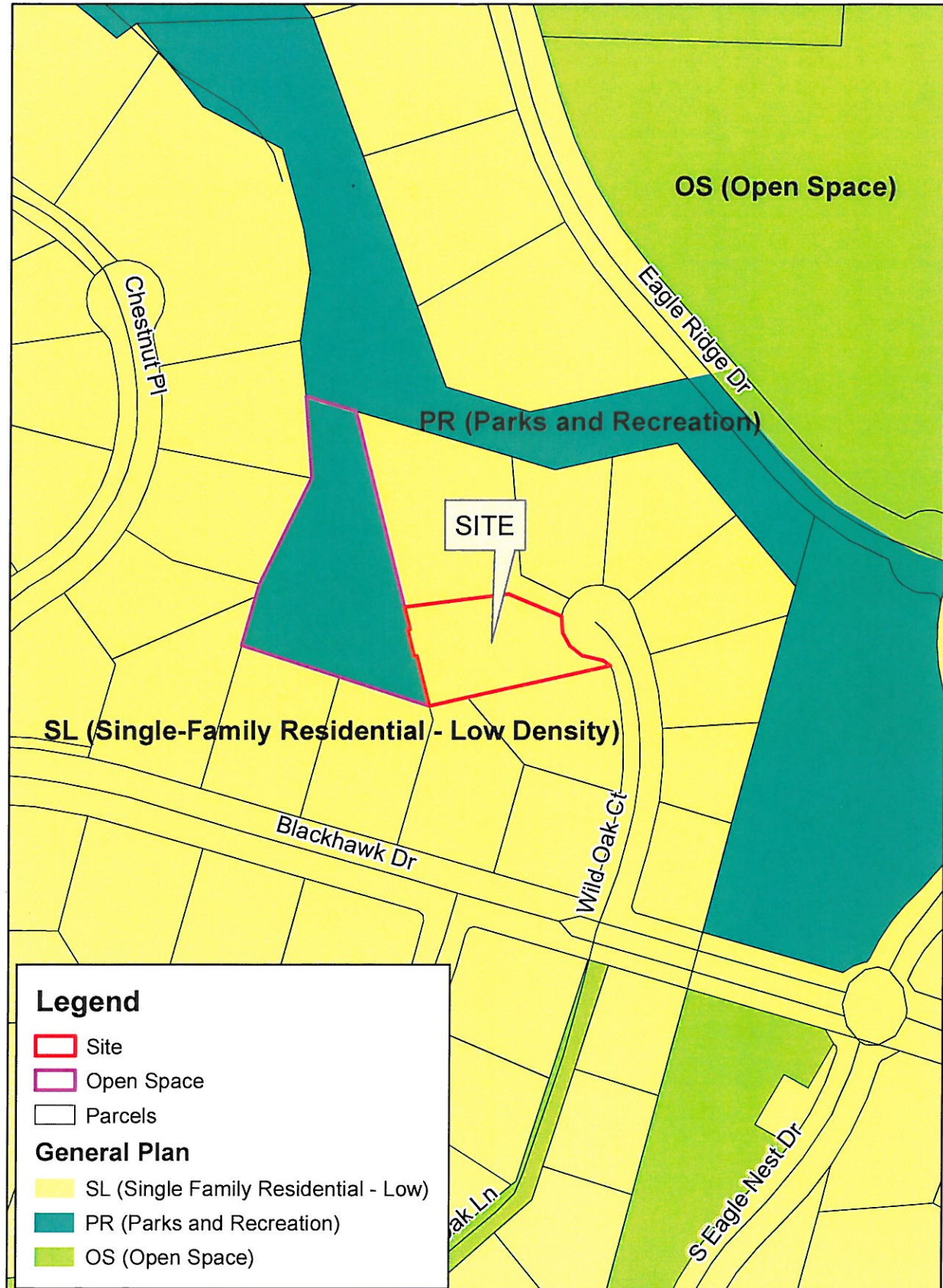
BOOK 203 PAGE 74

CONTRA COSTA COUNTY, CALIF.

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DP083051 General Plan Map



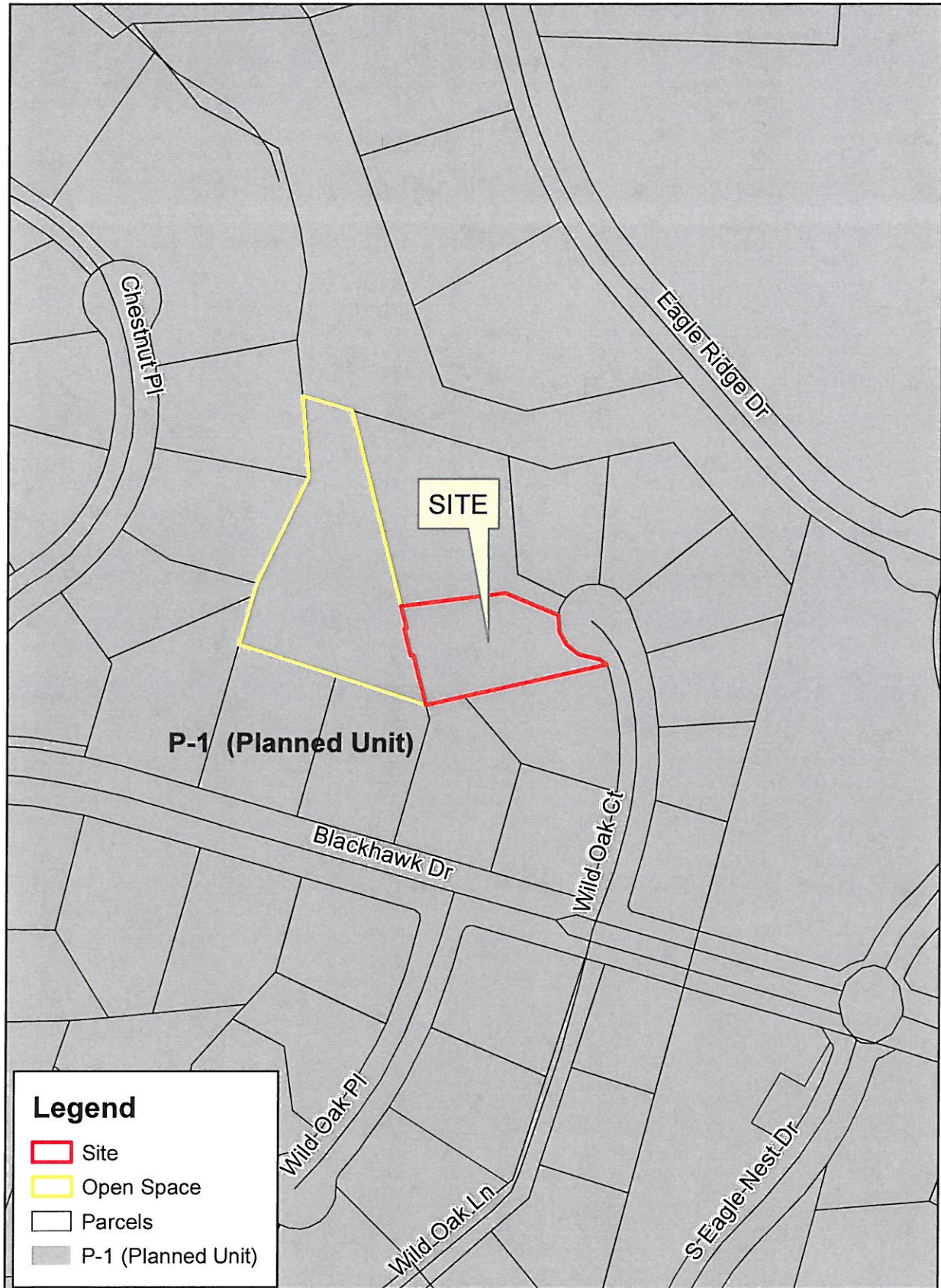
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Map created 9/12/2008
by Contra Costa Conservation and Development Department
Community Development Division--GIS Group
651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
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DP083051 Zoning Map



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DP083051 Aerial Photograph



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PHOTO #1,
County File # DP08-3051.

Western view of subject deck.



PHOTO #2
County File # DP08-3051

Western view from existing deck.



PHOTO #3
County File # DP08-3051.

Western elevation of subject deck.



PHOTO #4
County File # DP08-3051.

Northern view of subject Open Space area.





**MILLER STARR
REGALIA**

1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

T 925 935 9400
F 925 933 4126
www.msrlgal.com

Daniel A. Muller
daniel.muller@msrlgal.com
925 942 3257

Speaker Dan Muller

*D. 4
12-8-09*

December 7, 2009

VIA E-MAIL

Susan A. Bonilla, Chair of the County Board of Supervisors, and
Members of the County Board of Supervisors
651 Pine Street
Room 107
Martinez, CA 94553

Re: Board of Supervisors Meeting of Tuesday, December 8, 2009
Agenda Item D.4 - Appeal of SRVRPC Decision Regarding Deck at
Singh Residence, 101 Wild Oak Court, Danville
(Our File # SISV 48409)

Dear Chair Bonilla and Members of the Board of Supervisors:

This office represents appellants Mr. and Mrs. Singh regarding the above-referenced matter. First, this letter respectfully reiterates our ongoing requests to continue the December 8th hearing. As explained herein, we believe the continuance is warranted by (1) my recent retention on November 17th, (2) the Singh's recent modifications to the deck which keep it inside their easement, (3) our ongoing efforts and commitment to engage in binding arbitration or other settlement dialogue with the Blackhawk HOA ("HOA"), and (4) the fact that after County staff informed the Singh's that their application must proceed as a request for a Final Development Plan ("FDP") modification, we have learned that the County's policy and practice has been to resolve these matters via Lot Line Adjustments, which do not necessarily seem to include FDP modifications.

Second, if the Board were to deny the continuance request and conduct a public hearing, this letter explains why the Appeal (and the underlying application) should be granted (preferably as a Lot Line Adjustment, as per past practice and policy), subject to certain conditions and/or modifications intended to address the County's and HOA's legitimate concerns.

In sum, we are willing to be very reasonable and flexible in making modifications to the deck – to meet the parties' concerns, and would much prefer opportunities to fully analyze the issues and seek an amicable resolution, and avoid further delays and/or adversarial proceedings.

I. A Continuance Is Warranted By The Singh's Recent Retention Of New Counsel, Their Recent Modification Of The Deck, Their Ongoing Requests To Arbitrate With The HOA, And The Ability To Resolve This Matter Via A Lot Line Adjustment Consistent With What We Understand To Be The County's Policies, Practices, And Procedures

A. The Singh's Recent Involvement Of New Counsel

As noted in my communications to Mr. Avila on November 9th (see **Attachment 1**), I only became aware of this matter on Friday November 6th. I continue to believe this matter presents complex issues (involving three parties) that warrant ample consideration, analysis, and dialogue prior to any final County decision.

While my clients and I greatly appreciated the continuance from November 10th to December 8th, the new date continues to involve challenges which prevent meaningful dialogue and analysis. For reasons beyond the Singh's control, our office could not be retained until Tuesday November 17th, and I was out of the office every day the following week (Thanksgiving week). Thus, while I have been diligently working on this matter, under the circumstances it seems manifestly reasonable to allow the Singh's (and the County staff and HOA) more time prior to a final Board decision for the Singh's new land use counsel to assist them.

In particular, whether or not the HOA agrees to join us in binding arbitration (discussed below), I would like to be allowed a reasonable period of time to collect information and review documents at the HOA and at the County, relating to the County's policies and practices of approving "incursions" into open space via Lot Line Adjustments. To date, my incomplete and preliminary research into the issue suggests that – contrary to the letter of the HOA's counsel dated November 17, 2008 – the County has traditionally, including in the recent past, approved Lot Line Adjustments in situations like this without always requiring or approving FDP modifications. It has not seem to have adopted any formal policy that disallows Lot Line Adjustments, or that only allows them in tandem with or via a FDP modification. I have recently made inquiries of Mr. Avila to obtain such information from the County, and he has kindly sent some documents, including up to the time of this letter's drafting. I hope to review that material, and ascertain if, as I suspect, there is more needing review.

B. The Singh's Recent Modification Of The Deck

Within the last ten days, the Singh's removed a few feet of the deck's perimeter, so that it no longer extends outside the easement. This recent development resulted from reviewing portions of the Staff Report (dated October 21, 2009) relevant to this issue, including: "The (Singh's) current site plan shows that most of the existing deck is contained within the boundaries of the 2000 landscape easement, but portions of the deck extend beyond the easement boundary." As shown in **Attachment 2**, the Singh's have had a surveyor confirm the deck no longer extends outside the easement. Thus, we hope this demonstrates my office's and the Singh's "good faith" willingness to remove impediments and do whatever we reasonably can to resolve this unfortunate situation.

This also seems to render moot one of the Appeal's more fundamental or problematic issues, which the Staff Report seems to call out as one of the main reasons for recommending denial. The Singh's are no longer seeking to retain their deck as it was originally constructed, but only as recently modified - entirely within the easement. As noted above, this change occurred relatively soon after I was retained, and about ten days or two weeks after Mr. Avila contacted me on November 18th when he was about to finalize his draft of the "supplemental" Staff Report for this hearing. This change is so "new" that it is not addressed in the supplemental Staff Report, but it could well affect Staff's recommendations to the Board. In any case, it seems clear that both Staff and the Board should be allowed reasonable time to evaluate such recent, key changes made to try to reduce the scope of this dispute.

C. The Benefits of Seeking A Singh/HOA Resolution Before Spending More County Time And Resources

The main reason for letting (or perhaps demanding or highly encouraging) the Singh's and HOA engage in binding arbitration prior to any County final decision is that in some respects they seem to have the most stake in the outcome, and should be allowed to work out a resolution.

When Mr. Avila called me on November 18th regarding the supplemental Staff Report, I informed him that the Singh's were pursuing binding arbitration with the HOA; and that we hoped the arbitration process could be conducted *prior to* and *warranted a continuance of* any further County hearings on the Appeal. Although Mr. Avila and I did not get into much detail, I said I thought there were logical reasons to try to have the Singh's and HOA resolve their dispute first, and only bring the result to the County thereafter, if necessary. I was thankful Mr. Avila had given me the opportunity to provide input, and that he was agreeable that the supplemental Staff Report would note our efforts to pursue binding arbitration with the HOA. He was unsure if he would mention our belief that it warrants a continuance. After my telephone discussions with Mr. Avila on November 18th, I sent him an e-mail confirming my comments and thoughts, and specifically requesting a continuance of the December 8th hearing. (See **Attachment 3.**)

The most important reasons for seeking to have the HOA and Singh's resolve their quarrel *before* the County spends more time or resources on the Appeal is that (1) this is a dispute mainly involving their interests, and (2) it has a better chance of ending all three parties' disputes forever, or at least truncating and limiting what the County is asked to decide. In arbitration, an outcome requiring removal of the deck would moot the Appeal and end the dispute since arbitrations generally cannot be appealed. If before or during the arbitration the Singh's and the HOA reached a settlement, it would presumably change the posture or substance of the current Appeal (e.g., it would likely reduce the size of the deck, and presumably reduce or eliminate any public opposition since the main protagonist will have settled). The only arbitration outcome which seems to preserve the relevance of the current Appeal is a Singh "win".

By contrast, an ostensibly "final" County decision rendered now seems to have very little chance of "finally resolving" the disputes. The HOA has stated it intends to sue

the Singh's if the County grants the Appeal, and the Singh's will be in a similar position if the Appeal is denied. Even if the Singh's prevailed in court, they'd end up facing litigation filed by the HOA.

(Frankly, it appears that the HOA is seeking to have the County take the laboring oar in achieving an outcome in which the HOA has the most interest.)

Another peculiar aspect of this dispute that could be resolved by a Singh-HOA arbitration is that - according to the Staff Report - the HOA must sign onto the Singh's FDP modification application - perhaps because it is the fee title owner of the land under the Singh's easement. The Staff Report does not contain any citations to supporting authority, and we seriously question the accuracy of this interpretation of "who must be included as an applicant". As noted above, we think this interpretation incorrectly assumes the Singh's *only recourse* was to file an application for an FDP modification (as they were led to believe by staff). But, as discussed further below in the "equal protection" discussion, we think the County must allow the Singh's to rectify this matter via a Lot Line Adjustment, as has been done in dozens of very similar situations. This issue of "who needs to sign an application" would presumably "go away" if the Singh's and HOA reached a binding settlement or arbitration.

While the above is intended to show the wisdom of letting the Singh's and HOA work out their differences first, whether it will happen remains a work in progress. On November 21st, I sent the HOA's counsel, Mr. Weil, an e-mail (copied to Mr. Avila) reiterating our prior requests and/or demands that the HOA arbitrate this dispute. (**Attachment 4.**) To date, the HOA has resisted our invitations and/or demands. Among other things, the HOA's counsel seems to contend the underlying HOA documents and the law do not require the HOA to engage in arbitration. They also claim - somewhat surprisingly - that the HOA's and the County's concerns are completely unrelated.

However, we are still pursuing arbitration and believe it has both legal and practical merit. As to whether the HOA must participate in arbitration, at least one of the CC&R documents governing the parties' conduct contains mandatory arbitration procedures. (Noted in **Attachment 4.**)

Additionally, California Civil Code § 1369.510 et seq. strongly encourages parties in HOA-related disputes to pursue ADR and penalizes those who unreasonably refuse. In part, the law states: "An association or an owner or a member of a common interest development *may not file an enforcement action in the superior court unless the parties have endeavored to submit their dispute to alternative dispute resolution pursuant to this article.*" (Emphasis added; Civ. Code § 1369.520(a)) The provision applies to situations like this, involving enforcement actions solely for *declaratory, injunctive, or writ relief*, or for that relief in conjunction with a claim for monetary damages not exceeding the limits in small claims court actions (\$7,500.00). (Civ. Code § 1369.520(b).) Any party to a dispute may initiate the process required by serving on all other parties to the dispute a Request for Resolution, containing a brief description of the dispute, a request for alternative dispute resolution, and a notice that the party receiving the Request for Resolution is required to respond

within 30 days of receipt or the request will be deemed rejected. A party on whom a Request is served has 30 days following service to accept or reject it. If a party does not accept the Request within that period, it is deemed rejected by the party. (Civ. Code § 1369.530.) If the party accepts the Request, the parties shall complete the ADR procedure within 90 days after the acceptance, unless the period is extended by both parties. (Civ. Code § 1369.540.) Finally, in an enforcement action in which fees and costs may be awarded, the court, in determining the amount of the award, may consider whether a party's refusal to participate in ADR prior to the lawsuit was reasonable. (Civ. Code § 1369.580.) Thus, we feel that either the governing documents require the HOA to engage in ADR with us, or that it is their duty to do so, in order to comport with the strong policies encouraging ADR, and avoid exposure to attorneys fees in any subsequent litigation. We sent the HOA a "demand" for arbitration several weeks ago, and can and will supplement it, if allowed by a continuance, to include whatever else is warranted to satisfy the statutory contents of a Request for Resolution.

From a practical standpoint, as noted above, we believe the County's process would be positively impacted by most of the outcomes arising from a Singh-HOA arbitration or settlement, and a near-term County decision is only likely to perpetuate the disputes. It could avoid potentially unnecessary additional expenditures of the County's valuable time and limited resources. Thus, in addition to the other reasons for a continuance noted above, we believe even the plausible prospect of arbitration is another justification.

D. Consistent With The County's Past Practices And Policies, This Matter Should Be Resolved Via A Lot Line Adjustment

We have obtained numerous examples from the County's records showing that in situations like this, involving incursions into "open space" or "landscape easements" at Blackhawk, the County has historically resolved them via Lot Line Adjustments. While many of the examples date back to the 1980's when Blackhawk was originally approved, others occurred in the 1990's, and some have occurred even as recently as in 2001 and 2002 (see **Attachments 5 and 6**). As noted above, we are still seeking information regarding further examples during the past several years, and wish to have that information for analysis, and inclusion "in the record" prior to any final County decision on this matter. For example, while the Blackhawk County Club letter from March 2001 suggests that the subject Lot Line Adjustment would require an FDP modification, the County's letter from June 2002 (approving what may be the same Lot Line Adjustment mentioned in the March 2001 letter) does not mention any FDP modification having been made or required by the County. To date, there appears to be little or no substantial evidence to the contrary, i.e., no evidence supporting the Staff Report's contention that only a FDP, and not a Lot Line Adjustment, can be used to rectify the situation of the Singh's deck being located in a landscape easement. Again, although our records may be incomplete, and we are interested in having "full information" on this important issue, the example from 2002 (**Attachment 6**) does not appear to involve any FDP modification. Additionally, the letter of November 17, 2008 from the HOA's counsel seems to readily admit that – as of the date of that letter - Lot Line Adjustments were still

being processed and approved by the County. In sum, there does not seem to be any formal "policy" requiring any and all such situations to be processed as a FDP modification, standing alone, nor that in this case a Lot Line Adjustment is contrary to what appears to be the historic County policy and practice.

In conclusion, as to the continuance, we believe there are numerous sound reasons for granting further time to allow the above issues to be resolved as expeditiously as possible before any final County determination. However, if the matter is to be decided at the hearing tomorrow, the following is intended to explain why the Singh's Appeal should be granted, with certain conditions or caveats designed to protect the parties' interests – to implement sound land use planning while also protecting landowners' legitimate, constitutional rights regarding property, due process, and equal protection.

II. If The Board Elects To Consider The Appeal "On The Merits", It Should Grant It With Conditions That Provide A Compromise Between – And Meet - The Parties' Legitimate Interests

For the reasons noted below, we believe that if the Board decides to hear and decide this matter at its scheduled hearing, it cannot legally deny the Appeal or require an FDP modification that is not in conformity with prior custom and practice, but rather the Board should approve the Appeal *with conditions* that are crafted to resolve most of the parties' important concerns. Notably, the HOA seems to be claiming – or has at least told us during our various talks - that even if the deck was *not* in an easement area, and was instead entirely on the Singh's own parcel, the HOA would *not have approved it in the size and shape it was built*. While the Singh's drawings provided as part of the ARC application apparently showed a deck that was slightly different in shape than what they ultimately built, the two were very similar in terms of overall size, square footage, and height. The HOA's claims are thus contradicted by the fact that when the Singh's presented their application to the ARC, not knowing the deck was in a controversial easement area, the ARC approved the deck *without imposing any "conditions" whatsoever*.

Nevertheless, the Singh's have continually told the HOA they are ready and willing to make reasonable changes to the deck, such as installing plantings to screen its façade and/or its railings, lowering its height or otherwise reducing its size, and related design changes. They have presented drawings to the HOA to that effect (see reduced height of deck and reduced footprint or square footage, in **Attachment 7**). These are the types of conditions the HOA seems to now seek (while admittedly also preferring the deck removed *in toto*), but did not even suggest during the ARC's approval in mid-2006. These types of accommodations could be proposed or requested by the County as part of this process – would presumably go far toward addressing the County's and HOA's legitimate concerns, without causing the Singh's additional undue hardship or prejudice. It is such conditional approval that should be considered, rather than a black or white decision that only perpetuates the parties' dissatisfaction.

**A. The County Is Estopped From Requiring Removal Of The Deck,
Because The County Issued Permits For Its Construction And
Authorized The Deck's Final Completion After The Issue Regarding
The Easement Was Discovered**

Pursuant to the legal doctrine of "estoppel", public agencies cannot later seek to "take back" land use entitlements they have granted. Estoppel may be validly asserted as a defense to code enforcement and related actions. (See *San Diego County v. Cal. Water & Telephone Co.* (1947) 30 Cal.2d 817, 826.) For a court to apply estoppel, the following elements apply: (1) the municipality must have knowledge of the facts; (2) the municipality must intend or create reasonable belief that its actions will be relied upon, (3) the party asserting estoppel must not have knowledge of the true facts; (4) the party asserting estoppel detrimentally relies on the municipality's actions; and (5) the injury to the party asserting estoppel is greater than the injury to the public if the municipality is estopped. (*La Canada Flintridge Development Corp. v. Dept. of Transportation* (1985) 166 Cal.App.3d 206, 219.)

Here, it seems that all agree the Singh's applied for and received a County building permit for the deck's construction in January 2007. This occurred after the approval in July 2006 of the HOA's architectural review committee (ARC"). No one disputes that during both the ARC and County approval processes, *the Singh's innocently did not know* they were proposing construction in an "easement" area. They reasonably believed — due to the fence that surrounded their entire "backyard" — that the proposed deck was located within their own "parcel" that they owned "in fee".

As I noted in my letter to Mr. Avila of November 9th, this is one of the key reasons we believe this matter warrants careful, deliberate, and fair resolution. My clients continue to agonize over what appears to be a series of unfortunate errors each step along the path to obtaining approval for the deck's construction, e.g., at the ARC, the County, their own contractor (who apparently couldn't obtain a parcel map as he usually does at the County's offices, and prepared drawings that seem to have perpetuated the confusion), as well as the Singh's own misunderstanding as to their property lines.

It was only after the permit was issued, and the construction was well under way and the work had passed several building inspections, that all were able to review a survey commissioned by the Singh's. As they had during the whole process, the Singh's had dutifully complied with the permitting requests by arranging and paying for the survey. Upon seeing the survey, when the deck was nearly finished, it became apparent the construction was in an easement.

Somewhat surprisingly, the Staff Report claims that at this juncture (allegedly upon discovering the "misrepresentation" in the permit plans), the County building inspectors told the Singh's that they must either remove the deck, obtain zoning clearance based on corrected plot plans, or (if the deck was disallowed) seek

approval via a development permit, if allowed by planning staff. The Staff Report states that if the Singh's sought approvals, "pending a final decision... the inspector advised the owner that he would allow the deck to remain in place during the ... application only if improvements were made to eliminate any hazard associated with its uncompleted condition... [and] he would allow the floor boards on the deck to be installed to mitigate the risk but that the entirety of the deck would have to be removed if the ... permit were not granted."

However, we contend such is not accurate, and is implausible. Rather, both the Singh's and their contractor (Mr. Anderson, of Decks Plus) distinctly recall that the inspector *did not* mention any health and safety concerns arising from the unfinished status of the deck. They specifically recall that the inspector explicitly authorized them – without any commentary or description of concerns about safety – to finish the deck by installing the horizontal planks. Nor did the inspector say anything regarding the further work being subject to subsequent decisions or removal. Rather, the inspector's conduct and statements demonstrated he felt it was "too late" and/or the construction warranted completion. (Also, it bears noting that as to rear-yard set backs, the inspector had expressly told the Singh's none applied in this situation.)

The Staff Report's explanation about "why or how" the deck was authorized to be completed also seems implausible because it does not appear logical that hazards would likely arise from leaving a deck unfinished (e.g., there were no floor boards affixed creating any risk of stepping off them). And, if safety concerns were indeed relevant (and none were mentioned to the Singh's or their contractor), it stands to reason, if anything, the inspector would have most likely required a temporary fence erected to prevent access, rather than allowing completion at a cost to the owners of several tens of thousands of dollars – and supposedly subject to potential demolition. Finally, if it were true that any of these alleged statements or conditions regarding completing the deck were related to the Singh's, they clearly would not have completed the deck, and would have waited to see the outcome of the further processes they were allegedly told to pursue.

Given these circumstances, where the Singh's did not know the deck was being constructed in a controversial area, and the County allowed the construction and completion of the deck, the County should be estopped from demanding its removal. The agency action in question is the County's issuance of a building permit to build a deck on land zoned as open space, with development rights deeded to the County, and also encumbered by a landscape easement in the Singh's favor. Courts have held that estoppel applies when a municipality issues a building permit and the landowner completes substantial work in reliance of that permit, and the municipality subsequently attempts to revoke the permit. (*Congregation Etz Chaim v. City of Los Angeles* (9th Cir. 2004) 371 F.3d 1122, 1124-1125.)

The County had knowledge of the facts throughout; it had access to recorded documents showing the boundaries between the Singh's property, the easement, and the open space. Additionally, the County building inspectors demonstrated that

they knew the deck was on the easement after construction was nearly complete. The municipality intended for the Singh's to build their deck, or else it would not have issued a building permit. (See *ibid.*) The Singh's did not have knowledge that their deck was going to occupy an easement or open space. The County's permit caused the Singh's to reasonably rely on the permit and thus to expend money on constructing the deck. (See *Penn-Co v. Board of Supervisors* (1984) 158 Cal.App.3d 1072, 1081.) Finally, while there is generally a valid public interest in enforcing zoning laws, courts have held that there is no substantial injury to the public when the zoning laws have been interpreted as allowing the improvements in question. (Cf. *Pettitt v. Fresno* (1973) 34 Cal.App.3d 813, 822.) Here, the County has a long history of granting Lot Line Adjustments for residents in the Blackhawk community who end up using previously designated open space areas for their own enjoyment, sometimes later obtaining after-the-fact approvals which the County administratively granted. If there was a substantial injury to the public caused by the County's practice or interpretations of its ordinances, the practices and interpretations would not have been implemented in the first place.

At the very least, the above estoppel principles and facts seem to present many issues of law and fact, which are best considered and resolved by further discussions between the parties, rather than by otherwise unnecessary formal proceedings.

B. To The Extent The Deck Is Deemed To Require Some Form Of County Approval, Constitutional Equal Protection And Substantial Evidence Principles Require The County To Allow The Singh's To Pursue A Lot Line Adjustment, As It Has Previously Allowed In Similar Situations

Land use and building permit decision-making can create an equal protection violation when a class is "intentionally treated differently from others similarly situated and there is no rational basis for the difference in treatment." (*Village of Willowbrook v. Olech* (2000) 528 U.S. 562, 564.) There is no less protection when the class is only a class of one. (*Ibid.*) The critical factor is whether the government's treatment of the class is rationally related to a legitimate government interest. (*State Route 4 Bypass Authority v. Superior Court* (2007) 153 Cal.App.4th 1546, 1565.)

As the Singh's were apparently led to believe (after completing the deck and faced with the HOA's concerns), the Staff Report perpetuates the assumption that the *only* mechanism available is a FDP modification (and seems to downplay or ignore the County's past practices that do not involve such measures). As noted above, there are many examples, including some that are relatively recent, in which the County (and presumably the HOA) has allowed open space incursions to be addressed by Lot Line Adjustments, which were "administratively approved" and do not seem to involve FDP modifications. Under constitutional equal protection principles, and related principles that require decisions to be based on "substantial evidence" and prohibit "arbitrary and capricious" results, the County should allow the Singh's

adequate time to obtain and analyze the evidence of the County's current policies, rather than impose an apparently unsupported decision that seems to require the deck's removal without any opportunity to pursue a Lot Line Adjustment. To deny the Singh's such an opportunity, especially given the County's lack of evidence of any wrongdoing on the Singh's part, would be intentionally treating them differently than all of the other Blackhawk homeowners who were granted such opportunity in the past, violating the Singh's constitutional right to equal protection under the law.

III. Conclusion

For the foregoing reasons, we respectfully request that the Board continue the hearing on this matter, to allow the HOA and the Singh's to expeditiously work on a solution, via either settlement or binding arbitration, and to allow further discussion among the parties regarding the above-referenced legitimate concerns.

Alternatively, the admittedly complex nature of this matter seems to warrant a "conditional approval" along the lines noted above, involving reasonable design changes to address "normal" land use and aesthetic concerns.

Very truly yours,

MILLER STARR REGALIA



Daniel Muller

cc: Mr. and Mrs. Singh
Francisco Avila
Ryan Hernandez
Catherine Kutsuris
Steven Weil, Berding & Weil

ATTACHMENT 1

Daniel Muller

From: Daniel Muller
Sent: Monday, November 09, 2009 2:05 PM
To: Catherine Kutsuris (Catherine.Kutsuris@dcd.cccounty.us); 'francisco.avila@dcd.cccounty.us'
Cc: 'sweil@berding-weil.com'; Richard L. Beckman (rbeckman@bmdllp.com); Mary N. Piepho (dist3@bos.cccounty.us)
Subject: FW: Contra Costa County Board of Supervisors Tuesday, November 10, 2009 Meeting
Attachments: 110909 Letter to Francisco Avila.pdf

Mr. Avila and Ms. Kutsuris:

I wanted to correct a factual mistake in the attached letter I sent earlier today, regarding the Board hearing tomorrow on the Singhs' appeal. Specifically, my statement regarding when the Singhs received the County's Staff Report is incorrect. Instead of receiving it "two or three weeks ago...", they first saw it only two or three days ago - i.e., last Friday, November 6th. The County apparently sent it to an attorney (Mr. Richard Beckman) who had previously helped the Singhs' in this matter. Mr. Beckman received it last Thursday, but was court most of that day. He forwarded it to the Singhs at his earliest opportunity last Friday morning, after which they initiated contact with me. Thus, the Singhs have only had one or two business days to review and try to react to the Staff Report. Under these short timelines, it seems that asking for a continuance is the only plausible thing for the Singhs to do, as it's virtually impossible to seek to analyze and address the merits of these issues.

Thank you,
Dan

Daniel A. Muller | Miller Starr Regalia

1331 North California Boulevard, Fifth Floor, Walnut Creek, CA 94596
t: 925.935.9400 | d: 925.941.3257 | c: 925.818.9248 | f: 925.933.4126 | daniel.muller@msrlegal.com | www.msrlegal.com

From: Michelle Johnson
Sent: Monday, November 09, 2009 11:46 AM
To: 'Sandy Singh (sandy@tekforcecorp.com)'; 'catherine.kutsuris@dcd.cccounty.us'; 'sweil@berding-weil.com'
Cc: Daniel Muller
Subject: Contra Costa County Board of Supervisors Tuesday, November 10, 2009 Meeting

Dear All:

Please see the attached correspondence from Mr. Muller with respect to the above-referenced matter.

Please feel free to contact me should you require any additional assistance or information. Thank you.

Michelle L. Johnson | Miller Starr Regalia

Legal Assistant to George B. Speir, Ethan K. Friedman and Daniel A. Muller
1331 North California Boulevard, Fifth Floor, Walnut Creek, CA 94596
t: 925.935.9400 | d: 925.942-4550 | f: 925.933.4126 | michelle.johnson@msrlegal.com | www.msrlegal.com

12/3/2009



**MILLER STARR
REGALIA**

1331 N. California Blvd. T 925 935 9400
Fifth Floor F 925 933 4126
Walnut Creek, CA 94596 www.msrlgal.com

Daniel A. Muller
daniel.muller@msrlgal.com
925 942 3257

November 9, 2009

VIA FACSIMILE

Mr. Francisco Avila
Contra Costa County Department of Conservation & Development
651 Pine Street
4th Floor, North Wing
Martinez, CA 94553

Re: **Contra Costa County Board of Supervisors Meeting of
Tuesday, November 10, 2009**
**Agenda Item D.1 - Hearing on an Appeal Filed by Mr. and Mrs. Singh of
the SRVRPC's Denial of a Blackhawk FDP Modification Request for a
Deck at 101 Wild Oak Court (County File #DP08-3051)**

Dear Mr. Avila:

This letter is a follow-up to Mr. Singh's recent communications requesting a short continuance of the above-referenced Board hearing. The Singhs recently contacted our office for assistance in this matter. While we do not yet represent them - and I cannot attend the Board hearing tomorrow afternoon due to a conflicting deposition in Oakland - we remain hopeful that we may be able to assist them in this matter after reviewing the voluminous Staff Report dated October 21st, which we only received last Friday.

I have only briefly discussed this matter with the Singhs and have only been able to skim portions of the Staff Report. However, it strikes me that a short continuance is warranted under the circumstances as I understand them.

First, while this matter has been wending its way through the process somewhat slowly and I have heard the Blackhawk HOA (and perhaps the County) wants this matter resolved now, it is admittedly difficult for lay people to fully understand the complex issues and jargon sometimes contained in staff reports involving land use matters. Here, the Singhs received the fairly lengthy Staff Report only two or three weeks ago, do not currently have land use counsel, and have had insufficient time to review the Staff Report and retain counsel. The complex issues seem to warrant thoughtful review, which cannot be conducted prior to tomorrow's Board meeting. I tend to believe the involvement of land use counsel on behalf of the Singhs could facilitate resolution of this unfortunate matter, which involves several concerned parties besides the County. My preliminary sense is that the Singhs appreciate the gravity of this situation - both for them and the other parties - and are reasonably motivated to discuss ways to resolve this matter as amicably as possible.

Second, although the "intent" of the landowners is but one factor, I strongly sense the events leading up to the Singhs' construction of the deck were fairly unusual, and moreover that the Singhs were not intending to do anything illegal or impermissible. I think at time of purchase, the pre-existing wrought iron fence around the backyard enclosed the entire area where the deck was built. I think the Singhs reasonably believed everything enclosed by the fence was part of their own residential lot, owned in fee title. It is unclear if they were given sufficient information (or were misinformed) about the existence of the easement or open space limitations.

Third, it appears the deck construction was done pursuant to a County-issued permit and the HOA's approval. While the Staff Report suggests the deck was not built in conformity with the application materials - or there were other "irregularities" contaminating the permitting - the facts on such points warrant further analysis and clarification, which only can be conducted under a continuance of the hearing.

In sum, the facts I've briefly reviewed demonstrate this was not one of the more troubling situations where a landowner purposefully decided to "game the system" by "asking forgiveness, rather than permission". The Singhs sought to obtain the requisite permission in advance, and did not know the HOA or County would later contend the deck was not allowed. They also sought to rectify things in a responsible manner as soon as problems surfaced.

Finally, while the deck is not insubstantial, it does not necessarily follow that the best solution is its destruction and removal. Building it cost many tens of thousands of dollars, and my understanding is that - in other cases where improvements were built into the adjoining open spaces - the encroached-upon areas have been purchased by the adjacent owner and incorporated into the lot by recording "boundary adjustments" or "lot line adjustments". While I suspect the HOA and County may not want to set a precedent of allowing such intrusions into open spaces, it seems some intrusions have been handled without requiring a Blackhawk FDP modification. Whether such a modification is truly necessary - as compared to what's been done in the past - warrants further analysis and discussion between the parties. This is true especially given that the Singhs bought the property with a fence enclosing the space in question, and were not trying to "sneak one by" anyone in building the deck within their fence.

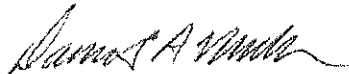
In conclusion, the above merely offers various initial thoughts providing support for a continuance, and is intended to respectfully reiterate the Singhs' prior requests to allow them (and their anticipated counsel) reasonable time to analyze the issues and afford the parties a short period to work toward resolution. From my preliminary review, it seems at least some of the "equities" weigh in favor of granting a short postponement prior to any final County decision.

Francisco Avila
November 9, 2009
Page 3

Thank you for your anticipated courtesy, and please feel free to contact me with any questions or comments regarding the above.

Very truly yours,

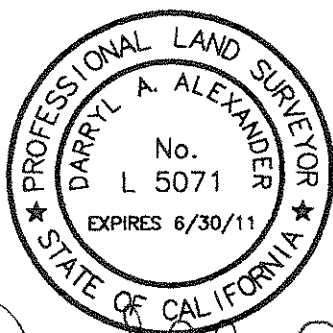
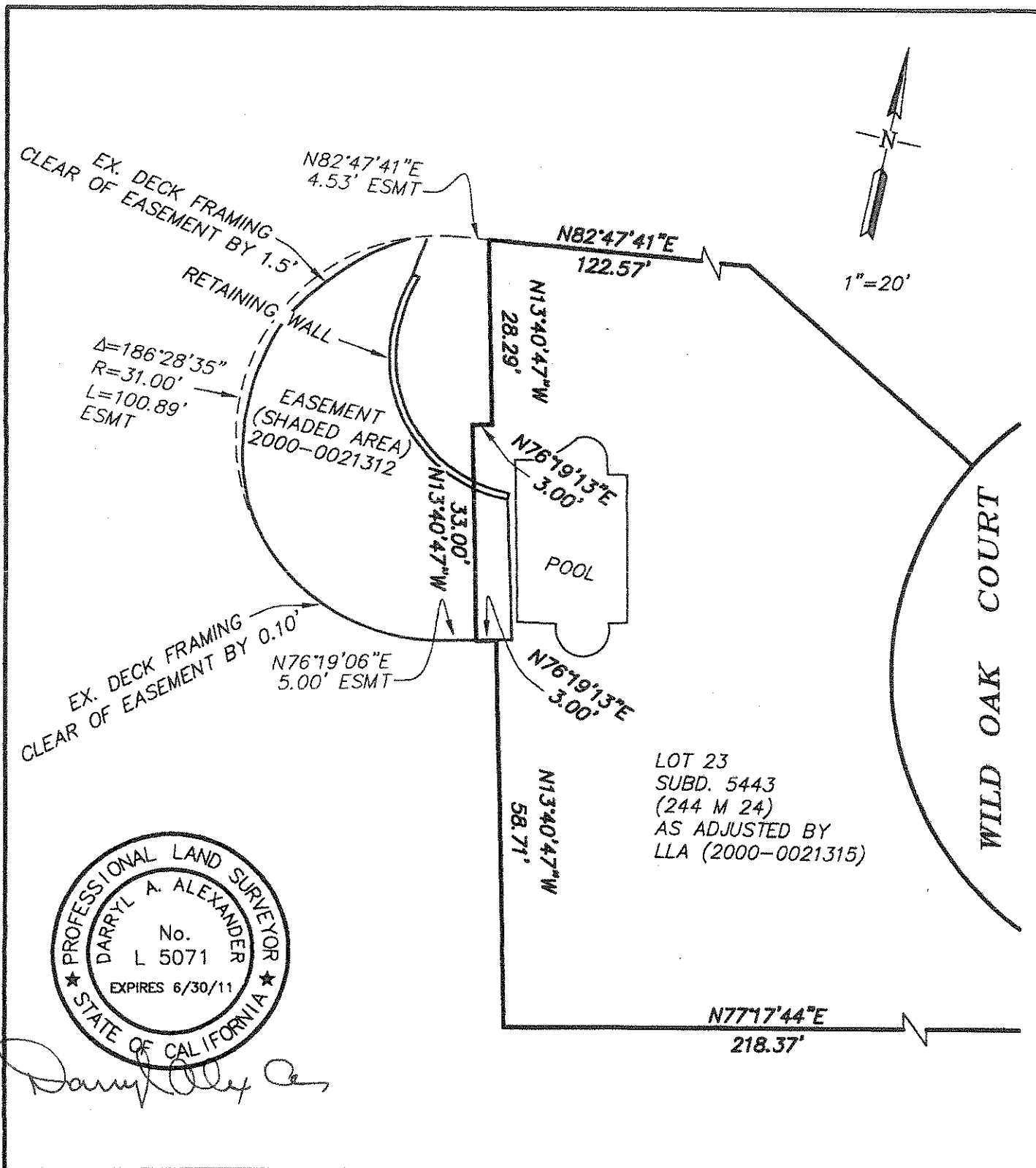
MILLER STARR REGALIA

A handwritten signature in cursive script, appearing to read "Daniel A. Muller".

Daniel Muller

cc: Mr. and Mrs. Singh
Mary Piepho (County Supervisor, District III)
Catherine Kutsuris (Director, Department of Conservation & Development)
Steve Weil (Berding & Weil)

ATTACHMENT 2



Darryl Alexander

ALEXANDER & ASSOCIATES INC.
SURVEYORS - PLANNERS - ENGINEERS
147 OLD BERNAL AVENUE, SUITE 10
PLEASANTON, CALIFORNIA
(925) 462-2255 (925) 462-8092 FAX

**ASBUILT DECK
SINGH RESIDENCE
101 WILD OAK COURT
BLACKHAWK**

JOB NO.:	09151
FILE NO.:	09151CAD
DATE:	DEC 2009
SHEET NUMBER:	TOTAL SHEETS:
1	1

ATTACHMENT 3

Daniel Muller

From: Daniel Muller
Sent: Wednesday, November 18, 2009 4:03 PM
To: 'Francisco Avila'
Subject: RE: Singh Deck Appeal, File #DP08-3051, Continued to the Tuesday, December 8, 2009 Meeting at 1:45 pm Board of Supervisor's Hearing...

Mr. Avila,

This is a follow-up to our phone discussions today regarding the above-referenced matter. Thank you for confirming that our last phone discussion a few minutes ago (in which I said basically what is stated herein) and presumably this e-mail, have arrived prior to your submittal of your (draft) updated or supplemental staff report on this matter.

This also confirms that - due to the inability of the parties (the Singhs and the HOA) to agree to informal resolution through meetings or mediation - the Singh's have authorized me, on their behalf, to demand that the dispute with the HOA be arbitrated, and to pursue the arbitration process toward final conclusion as soon as reasonably possible. I have asked the HOA to agree to arbitration, and if we cannot reach such agreement, we will be unilaterally demanding arbitration.

As we discussed, I would respectfully request that the above information - that arbitration will be happening - be reflected in any updated or supplemental staff report. Further, as I mentioned, I would respectfully request that the staff report also reflect or include our belief that the anticipated arbitration process should provide a reasonable basis or ground for continuing the Board of Supervisors hearing set for December 8th. In the interests of time I won't go into the reasoning or details in this message (but remain open to discussing it further), but basically we strongly feel that the arbitration outcome may well render moot - or at least materially affect - the Board's further or ultimate handling of this matter.

Thus, to be clear, we are hereby requesting that the Dec 8th Board hearing be continued due to the impending arbitration, and I would ask that you notify me if there is a form, process, or fee, for making such "continuance" requests.

Feel free to call me with any comments or questions regarding the above.

Thank you for your continuing courtesy.

-Dan

Daniel A. Muller | Miller Starr Regalia

1331 North California Boulevard, Fifth Floor, Walnut Creek, CA 94596

t: 925.935.9400 | d: 925.941.3257 | c: 925.818.9248 | f: 925.933.4126 | daniel.muller@msrlegal.com | www.msrlegal.com

From: Francisco Avila [<mailto:Francisco.Avila@dcd.cccounty.us>]

Sent: Thursday, November 12, 2009 10:39 AM

To: Daniel Muller

Cc: Richard L. Beckman (rbeckman@bmdllp.com); 'swell@berding-weil.com'; Aruna Bhat; Ryan A Hernandez; sandy@tekforcecorp.com; tbristol@savemountdiablo.org; natashaf@blackhawk-hoa.com; markg@blackhawk-hoa.com

Subject: Re: Singh Deck Appeal, File #DP08-3051, Continued to the Tuesday, December 8, 2009 Meeting at 1:45 pm Board of Supervisor's Hearing...

12/3/2009

Good Morning,

This message is to confirm that the Singh Deck Appeal, County File #DP08-3051, was continued to the December 8, 2009, Board of Supervisor's hearing at 1:45 pm.

Please call me directly if you have any questions or concerns, 925-335-1266.

Francisco Avila

Francisco Avila, Project Planner
DCD, Department of Conservation and Development,
651 Pine Street, NW4F
Martinez, CA 94553
925-335-1266
925-335-1222-fax

12/3/2009

ATTACHMENT 4

Daniel Muller

From: Daniel Muller
Sent: Saturday, November 21, 2009 8:10 PM
To: Steve Weil (sweil@berding-weil.com)
Cc: Francisco Avila (Francisco.Avila@dcd.cccounty.us)
Subject: Blackhawk HOA - Dispute re Singh Property

Steve,

As a follow up to our prior e-mails, and my e-mails and discussions a few days ago with Mr. Avila (who I've copied), this communication is intended to serve as the Singhs formal "demand" for arbitration - to resolve the decisions of the HOA and/or its Architectural Committee pertaining to the "deck issues" at the Singhs' property at 101 Wild Oak Ct. This demand is made pursuant to any and all arbitration rights of the Singhs under any governing documents, rules or laws, including but not limited to, Section 2.06 of the Supplemental Declaration of Covenants, Conditions and Restrictions for Portions of Subdivisions No. 5441 and 5443 Country Club at Blackhawk, recorded February 2, 1981, which states:

"Should there be any dispute over the jurisdiction or powers of the Architectural Committee or concerning any requirement, rule, regulation or decision of the Architectural Committee, such dispute shall be determined by arbitration upon the filing with the Architectural Committee, or with the American Arbitration Association, of a Demand for Arbitration by any Owner. [] The arbitration shall be conducted in Contra Costa County pursuant to Title 9 of the Code of Civil Procedure of the State of California, sections 1280, et seq., as amended from time to time, or pursuant to such successor statutes as are adopted by the Legislature of the State of California."

Let me know if this e-mail "demand" to you, as the HOA's counsel, can be deemed as having "filed" the demand with the Architectural Committee, and if it otherwise suffices to begin the requested arbitration proceedings.

Thank you,
Dan

Daniel A. Muller | Miller Starr Regalia

1331 North California Boulevard, Fifth Floor, Walnut Creek, CA 94596

t: 925.935.9400 | d: 925.941.3257 | c: 925.818.9248 | f: 925.933.4126 | daniel.muller@msrlegal.com | www.msrlegal.com

12/3/2009

ATTACHMENT 5



March 15, 2001

NOT 15
SUBSECTION 5440

Mr. Doug Brown
626 Blue Spruce
Danville, CA 94506

Re: Request for Lot Line Adjustment

Dear Mr. Brown:

You have requested the cooperation and assistance of Blackhawk Country Club (BHCC) in processing an application for a lot line adjustment where the Club would convey to you a certain amount of property to expand your backyard. Your request has been presented to the Board of Directors for consideration and was approved.

As you know, the County of Contra Costa Planning Department has changed their policies and procedures for handling these requests. In the past, they were handled in a purely administrative fashion. Now, in addition to requiring applications from you, they now require BHCC to apply for an Amendment of the Final Development Plan, a more formal procedure which includes formal notice to adjacent property owners, the right of the neighbors to object and a review of existing zoning restrictions. The County's position is that because the zoning for your home (residential) and the BHCC (PUD) are different, the more complicated procedure is required. This more involved process will also likely result in greater expense.

In consideration for getting the approval, you agree to the following conditions:

1. You agree to pay the price of \$10.00 (ten) per square foot of the land to be conveyed;
2. You agree to pay, at the time of presentment of your application to the County, any and all fees which BHCC will be obligated to pay to the County of Contra Costa in connection with the submission of the Club's application for an Amendment of the BHCC Final Development Plan. Please note that the form(s) must be filled out in the name of the BHCC and that the forms indicate the Club is obligated to pay the fees. BHCC will assist you in filling out the form(s) required to be submitted by BHCC, but it will be your obligation to complete and file them along with any other required documents (eg. diagrams, maps with dimensions, names of all neighbors within 300 feet, etc.) with the County Planning Department;

3. You agree to pay any and all fees required of you by Contra Costa County in connection with any application(s) you must submit in your name(s) in connection with this matter;

4. You agree to pay any and all expenses incurred by BHCC in connection with processing your application including, but not limited to, attorney's fees, recording fees, engineering fees, survey fees, transfer taxes, and any other fees or expenses related to or arising out of this transaction.

In order for the Club to move forward on this matter, please date, sign and return to me this letter indicating your agreement to be bound to the commitments set forth in paragraphs 1-4, above.

Please call if you have any questions.

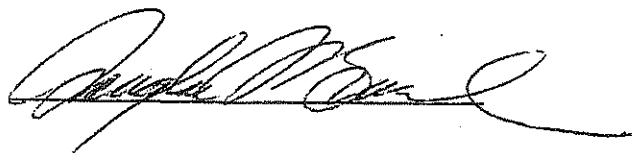
Very truly yours,



Jurgen Gross, CCM
General Manager

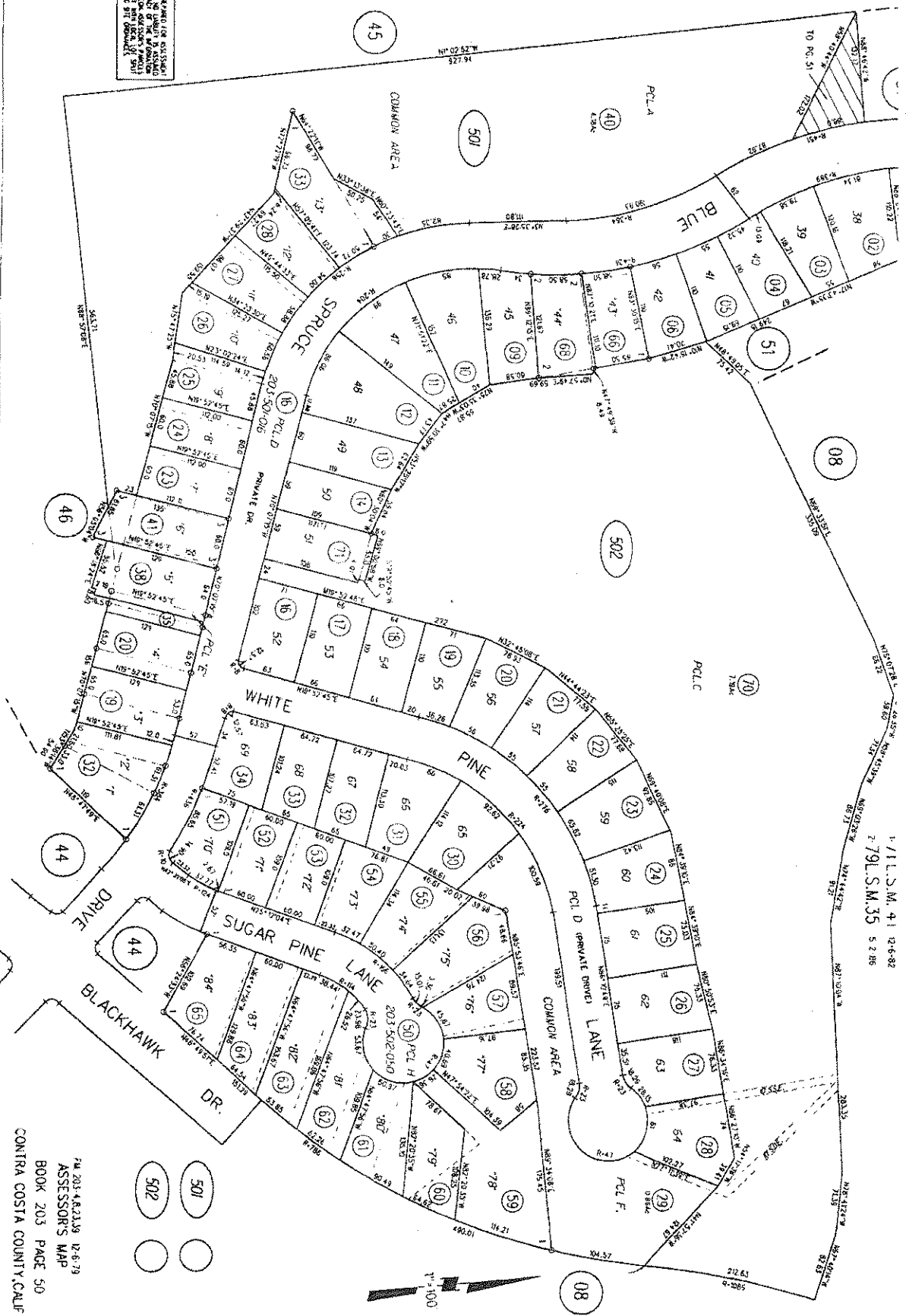
I/We have read and understand the obligations set forth above, and by signing below, I/We agree to these terms.

Date: 6-20-01



Date: _____

NOTE: THIS MAP WAS PREPARED FOR THE ASSessor's OFFICE BY THE COUNTY OF CONTRA COSTA, CALIF. AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE COUNTY OF CONTRA COSTA, CALIF. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE COUNTY OF CONTRA COSTA, CALIF. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.



1/11 S.M. 41 12-6-82
7 79L S.M. 35 5 2 886

ATTACHMENT 6

Community
Development
Department

County Administration Building
651 Pine Street
4th Floor, North Wing
Martinez, California 94553-0095

Phone: (925) 335-1360

Contra
Costa
County



Dennis M. Barry, AICP
Community Development Director

June 13, 2002

Douglas & Sandra Brown
626 Blue Spruce Dr.
Danville, CA 94506

Dear Douglas & Sandra Brown:

We have reviewed your request of May 6, 2002, regarding tax parcels 203-502-015 & 069.

Your requested lot line adjustment does not constitute a subdivision of land, and is consistent with the zoning and building ordinances. Therefore, this is to advise you that the request is administratively approved subject to the following requirements:

1. This approval is valid for a period of six months from the date of this letter.
2. Grant deeds must be recorded to implement the property exchange.
3. Concurrent with the grant deed record the attached deed restriction.
4. The property being transferred shall be combined with the receiving parcel to form one parcel for tax assessment purposes.
5. Provide the Community Development Department with a copy of the recorded documents.

If you have any further questions regarding this matter, please contact me at 925-335-1360.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna Allen".

Donna Allen
Senior Planner

DA/dls

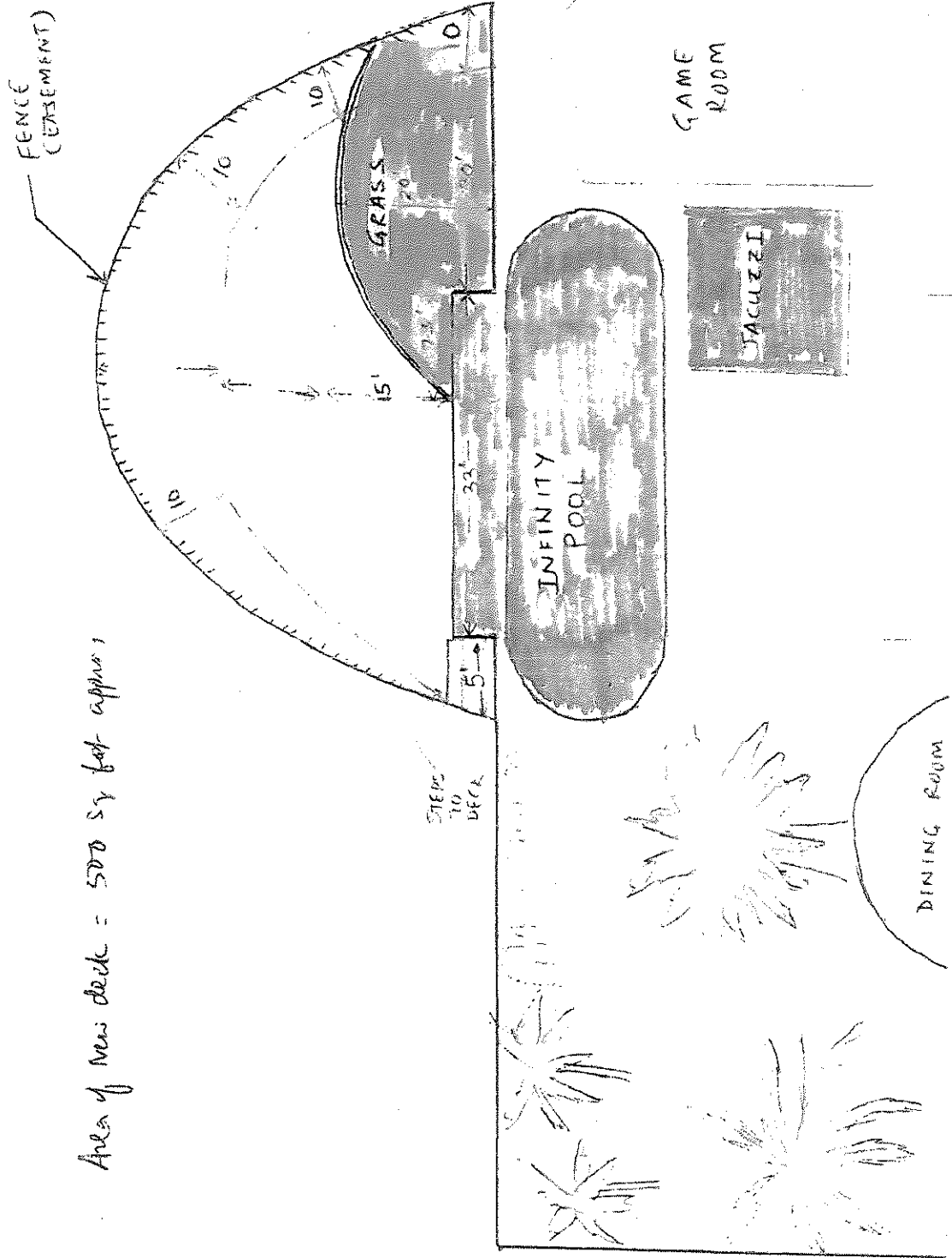
cc: LL 02-0030

Office Hours Monday - Friday: 8:00 a.m. - 5:00 p.m.
Office is closed the 1st, 3rd & 5th Fridays of each month.

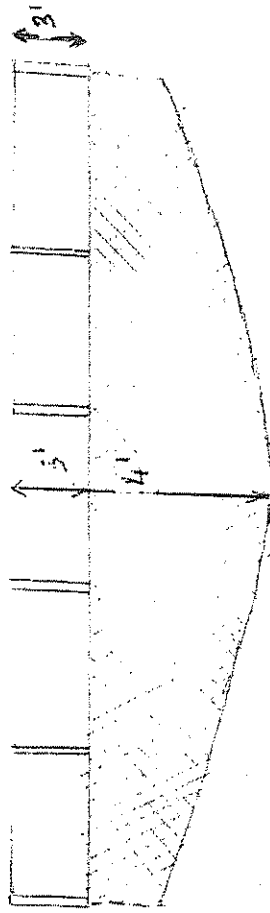
ATTACHMENT 7

NEW PROPOSED DECK

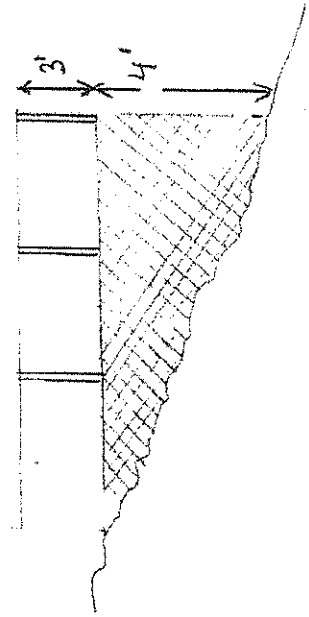
Area of new deck = 500 sq foot approx.



NEW ELEVATION



HILLSIDE
ELEVATION
VIEW



SIDE VIEW
ELEVATION

Please keep
signed approval
with property files
for disclosure
purpose when
selling house

4125 Blackhawk Plaza Circle, Suite 230 • Danville, California 94506
Telephone: (925) 736-6440 • Fax: (925) 736-0428

DO NOT START
PROJECT BEFORE
RECEIVING THIS
FORM WITH SIGNED
APPROVAL

Architectural Review Committee

ARCHITECTURAL REVIEW APPLICATION TO BE ATTACHED TO PLANS

Date submitted: _____ by: Contractor/Owner: _____ Tract/Lot # _____

Address of Project Site: 101 Wild Oak Ct, Danville, CA 94506

Type of Work (please be BRIEF AND SPECIFIC AND check off appropriate items on backpage):

Build a wooden deck in the backyard

Attach a separate sheet if further explanation is needed.

Project Start Date: 6/20/06 within 90 days of Date of Approval

Homeowner: SANDY & VINNY SINGH Homeowner Phone: 648-7275

Address (if different from location of work): _____

Contractor (if known): _____ Contractor Phone: _____

For Office Use: Date Plans Submitted: 6/26/06 Sub-Association ARC Approval (if applicable) Attached: _____

Number of Copies of Plans Received: 1 by ? Scheduled for Review at meeting on: 7/5/06

Time of Appointment (if necessary): _____ Construction Deposit if required: _____

NOTIFICATION OF ARCHITECTURAL COMMITTEE DECISION

The application and/or submittal made to the Architectural Committee on _____, 20____, by the above-named applicant for permission to carry out the type of work as described above under *Type of Work*, as shown on the plans and specifications approved and signed by the Architectural Review Committee, and as checked off on the back of this application, is hereby:

☒ APPROVED. This approval is valid for ninety (90) days from the date indicated below.

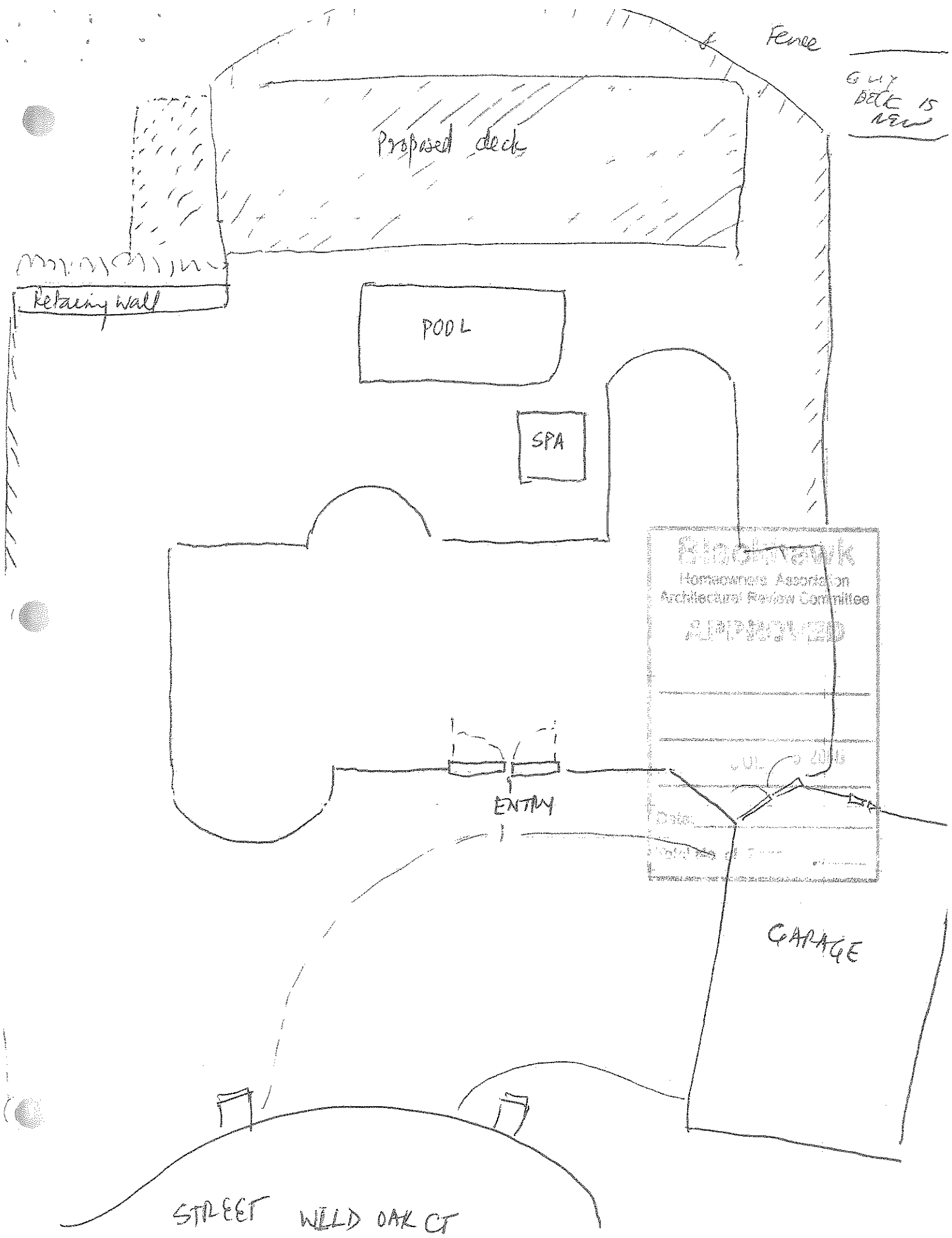
CONDITIONS, IF ANY: _____

☐ NOT APPROVED: _____

☐ ADDITIONAL INFORMATION NEEDED: _____

Date: _____

By: [Signature]
Architectural Review Committee



Fence

GUY
DECK IS
NEW

Proposed deck

POOL

SPA

Retaining wall

ENTRY

Blackhawk	
Homeowners Association	
Architectural Review Committee	
APPROVED	
Date: JUL 20 2016	
Project No. of 7-111	

GARAGE

STREET WILD OAK CT

CONTRA COSTA Co Recorder Office
 STEPHEN L. WEIR, Clerk-Recorder
 DOC- 2000-0021314-00

RECORDED AT THE REQUEST OF:

WHEN RECORDED, RETURN TO:
 Blackhawk Homeowners Association
 4125 Blackhawk Plaza Circle, #230
 Danville, CA 94506

Check Number

T, FEB 01, 2000 15:03:16

RIC \$1.00 MOD \$6.00 REC \$12.00

TCF \$7.00 NCP \$24.00

TLL Pd \$52.00

Nbr-0000705338

Fee/R7/1-8

GRANT OF EASEMENT
 ON CONDITION SUBSEQUENT

No Transfer Tax
 Landscape Easement Only

THIS GRANT OF EASEMENT (the "Grant") is made from Blackhawk Homeowners Association, a California non-profit corporation, ("Grantor") to C. JAMES JENSEN and GERALDINE L. JENSEN, husband and wife ("Grantee").

FOR GOOD AND VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Grantor grants to Grantee an easement (the "Easement") described in Exhibit "A" hereto over, under, across, upon and through that certain parcel of land described in Exhibit "B" hereto (the "Servient Tenement") which easement shall be appurtenant to the parcel of land described in Exhibit "C" hereto (the "Dominant Tenement").

This Grant is conditioned upon the limitations in use as hereinafter provided and is subject to the reservation to Grantor of the rights of entry, occupancy and use.

Except as otherwise provided herein, Grantee shall enjoy the exclusive use and occupancy of the Easement area; provided, however, Grantee, for itself, its successors and assigns, hereby agree that (i) no permanent structure (including, but not by way of limitation, swimming pools, ponds, spas or tennis courts), and (ii) no grading or earthwork may be constructed, installed or maintained on any portion of the real property described in Exhibit "A". This covenant is intended for the benefit of Grantor and may be enforced by Grantor.

This Grant is made upon the condition that, and Grantee for itself, its successors and assigns covenants and agrees with Grantor, its successors and assigns that, Grantee shall use and maintain Easement area only in a manner consistent with the requirements and limitations permitted for "Private Areas" under that certain Declaration of Covenants, Conditions and Restrictions for Country Club at Blackhawk Improvement Association, as amended (the "Declaration") originally recorded on October 10, 1979, in Book 9570 at Pages 42 et seq. of the Contra Costa County Records. Grantor hereby reserves the same rights of entry, occupancy and use as provided to the Grantor for Lots and Private Area under the Declaration.

No improvements may be constructed on the Easement area unless the improvements are approved by the Architectural Review Committee referred to in the Supplemental Declaration of Covenants, Conditions and Restrictions for Subdivision 5443 recorded on February 2, 1981 in Book 10188 of Maps, page 439 in the Official Records of the County of Contra Costa or by an Association Committee appointed by the Board of Directors of Grantor in accordance with Article XV of the Declaration.

21314

If Grantee, its successors or assigns fails to use and maintain the Easement area in accordance with the standards established in the Declaration or in accordance with standards established by any homeowners association or other governing body acting pursuant to any powers vested in such body under the Declaration, then, provided that Grantee has not had less than thirty (30) days prior written notice of the deficiency and has failed to cure such deficiency during the period, Grantor, its successors and assigns, at its election may either (a) bring a suit for specific performance of Grantee's covenants hereunder or an action for damages arising from Grantee's breach thereof or (b) reenter and repossess the Easement area whereupon the Easement and all rights and interest therein shall be terminated. In connection with Grantor's election to exercise its rights under clause (b) above, Grantor, its successors, and assigns shall be entitled to receive a reconveyance of the Easement in accordance with Section 1109 of the California Civil Code and Grantee, for itself, its successors and assigns covenants to execute a quitclaim deed or other instrument of reconveyance immediately upon Grantor's, its successors' or assigns' re-entry upon and repossession of the Easement area.

Grantee for itself, its successors and assigns hereby agrees to indemnify and hold harmless Grantor, its successors and assigns from any liabilities, claims, demands, damages and costs arising out of (i) the natural condition of the lands the use of which is transferred to Grantee by this Instrument, and (ii) the maintenance or use of such lands by Grantee, its successors and assigns.

GRANTOR:

Blackhawk Homeowners Association,
A California non-profit corporation

by: 

Linda Appleton
President

GRANTEE:
C. James Jensen
Geraldine L. Jensen

RECORDED AT THE REQUEST OF:

CONTRA COSTA Co Recorder Office
 STEPHEN L. WEIR, Clerk-Recorder
DOC- 2000-0021315-00

WHEN RECORDED, RETURN TO:

Blackhawk Homeowners Association
 4125 Blackhawk Plaza Circle, #230
 Danville, CA 94506

Check Number

T, FEB 01, 2000 15:03:16

SUR \$10.00 MIC \$1.00 MOD \$4.00

REC \$8.00 TCF \$3.00 NCP \$12.00

Ttl Pd \$38.00

NBR-0000796338

res/R7/1-4

GRANT DEEDThe undersigned grantor(s) declare(s): **DOCUMENTARY TRANSFER TAX is \$ 0.**

- () computed on full value of property conveyed
- () computed on full value less value of encumbrances
- () no consideration:

LOTLINE ADJUSTMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Blackhawk Homeowners Association, Inc. a California non-profit corporation, ("Grantor") hereby GRANTS to **C. JAMES JENSEN and GERALDINE L. JENSEN, husband and wife**, ("Grantee") that certain real property situated in Contra Costa County, California, described in Exhibit "A" attached hereto.

Said property is conveyed by Grantor subject to the Declaration of Covenants, Conditions and Restrictions executed on October 5, 1979, and recorded on October 10, 1979, in Book 9570, at Page 472 et seq. in the Official Records of the Contra Costa County Recorder, as amended from time-to-time ("Declaration"). Said property is conveyed as Private Area, as that term is defined in the Declaration.

No improvements may be constructed on said property unless the improvements are approved by the Architectural Committee referred to in the Supplemental Declaration of Covenants, Conditions and Restrictions for Subdivision 5443 recorded on February 2, 1981 in Book 10188 of Maps, page 439, in the Contra Costa County Records or by an Association Committee appointed by the Board of Directors of Grantor in accordance with Article XV of the Declaration.

Grantee for itself, its successors and assigns hereby agrees to indemnify and hold harmless Grantor, its successors and assigns from any liabilities, claims, demands, damages and costs arising out of (i) the natural condition of the lands the use of which is transferred to Grantee by this instrument, and (ii) the maintenance or use of such lands by Grantee, its successors and assigns.

Grantor is the owner of the parcel described in Exhibit "A", excepting therefrom the portion thereof conveyed to Grantee pursuant to this Grant Deed. All of the covenants set forth in this Grant Deed shall run with and reciprocally benefit and burden the interests and estates in real property of the Grantor and Grantee.

Dated: NOVEMBER 29 1999**GRANTOR:**

Blackhawk Homeowners Association, Inc.,
 A California non-profit corporation

by: Linda Appleton

Name:

Linda Appleton

Title:

President

GRANTEE:C. James JensenGeraldine L. Jensen

N82°47'41"E
122.57'

N82°47'41"E
4.53' ESMT

$\Delta=186^{\circ}28'35"$
 $R=31.00'$
 $L=100.89'$
ESMT

EASEMENT
(SHADED AREA)
2000-0021312

N13°40'47"W
28.29'

N76°19'13"E
3.00'

POOL

N13°40'47"W
33.00'

N76°19'13"E
3.00'

EX. DECK FRAMING

N76°19'06"E
5.00' ESMT

2.4'

N13°40'47"W
58.71'

N77°17'44"E
218.37'



1"=20'

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF MINDY GARRISON IN FEBRUARY OF 2007.



Darryl Alexander 2-28-07
DARRYL ALEXANDER DATE
L.S. NO. 5071
LICENSE EXPIRES JUNE 30, 2007

**ALEXANDER &
ASSOCIATES INC.**

SURVEYORS - PLANNERS - ENGINEERS
147 OLD BERNAL AVENUE, SUITE 10
PLEASANTON, CALIFORNIA
(925) 462-2255 (925) 462-8092 FAX

101 WILDOAK COURT
DANVILLE CALIFORNIA

JOB NO.:	07037
FILE NO.:	8X11
DATE:	FEB 2007
SHEET NUMBER:	TOTAL SHEETS:
1	1

CONTRA COSTA COUNTY BUILDING INSPECTION INSPECTION RECORD CARD

(See reverse side of this card for permit-specific information)

NOTICE AND WARNING: Do not cover any work until it has been inspected and approved. This card must be posted on the job site, and in a manner as to be visible from the street. The card and the approved plans must be available for each inspection, or the inspection will not be made.

Inspections may be scheduled by phone 6:30 a.m. to midnight, Monday through Saturday. Call **646-4108** and follow instructions. Requests for same-day inspections are not accepted.

Permit fees are set to provide for a limited number of inspections. A reinspection fee will be charged when a return trip is necessary due to the following: 1) Work not ready for the inspection called for; 2) Deficiencies found in the previous inspection still not corrected, or new deficiencies were created; 3) Lack of access to the work to be inspected; 4) Lack of approved plans on the job site.

Insp Codes	Inspector's Initials	Date	Insp Codes	Inspector's Initials	Date
FOUNDATION			INSULATION		
300 <input type="checkbox"/> Survey Cert. Rec'd			107 <input type="checkbox"/> Underfloor Insul		
406 <input type="checkbox"/> Set Backs			110 <input type="checkbox"/> Framing Insul		
101 <input type="checkbox"/> Uter Ground			117 <input type="checkbox"/> Ceiling Insul		
102 <input type="checkbox"/> Piers			PLUMBING		
103 <input type="checkbox"/> Forms			301 <input type="checkbox"/> Ground Plumbing		
104 <input type="checkbox"/> Slab Foundation			302 <input type="checkbox"/> Water Service		
125 <input type="checkbox"/> Slab Garage			303 <input type="checkbox"/> Shower Pan Test		
604 <input type="checkbox"/> Driveway			304 <input type="checkbox"/> Rough Plumbing		
GRADING PERMIT INSP.			305 <input type="checkbox"/> Unfill Plumbing		
600 <input type="checkbox"/> Pre-Const. Insp			306 <input type="checkbox"/> Water Heater		
601 <input type="checkbox"/> Rough Grading			309 <input type="checkbox"/> Gas Test		
602 <input type="checkbox"/> SUB/MS in Prog			310 <input type="checkbox"/> T-Bar Plumbing		
608 <input type="checkbox"/> Gen Bldg Site / In Prog			312 <input type="checkbox"/> Gas Meter Release		
MOBILE HOMES			BLOCK / CONCRETE		
701 <input type="checkbox"/> MH Set-Up			113 <input type="checkbox"/> Fireplace/Peban/ Foundation		
703 <input type="checkbox"/> MH Accessory Insp			POOLS / SPA		
707 <input type="checkbox"/> MH Permanent FD			201 <input type="checkbox"/> Site Check / Pregunite		
720 <input type="checkbox"/> MH Final			202 <input type="checkbox"/> Bonding Cavity / Deck		
STRUCTURAL			203 <input type="checkbox"/> Pre & Final		
104 <input type="checkbox"/> Shear Nailing - Int			204 <input type="checkbox"/> Final - Pool		
126 <input type="checkbox"/> Shear Nailing - Ext			MECHANICAL		
106 <input type="checkbox"/> Underfloor			501 <input type="checkbox"/> Furnace Comp		
108 <input type="checkbox"/> Roof Deck Nail			502 <input type="checkbox"/> Combustion Air		
109 <input type="checkbox"/> Framing			503 <input type="checkbox"/> Rough Sheet Metal		
111 <input type="checkbox"/> Firewall			504 <input type="checkbox"/> Fire Damper		
127 <input type="checkbox"/> Drywall			506 <input type="checkbox"/> Commercial Hood		
114 <input type="checkbox"/> Ext Lath / Int Lath			507 <input type="checkbox"/> Condenser (A/C)		
115 <input type="checkbox"/> Structural-Misc / T-Bar			508 <input type="checkbox"/> T-Bar - Mech		
118 <input type="checkbox"/> Wet Wall			AGENCY APPROVALS		
123 <input type="checkbox"/> Roof / In Progress			<input type="checkbox"/> Fire Dist	UTL	Final
124 <input type="checkbox"/> Window Replacement			<input type="checkbox"/> Pub Works	UTL	Final
128 <input type="checkbox"/> Fire Penetration			<input type="checkbox"/> Planning / CDD	UTL	Final
ELECTRICAL			<input type="checkbox"/> San Dist	UTL	Final
401 <input type="checkbox"/> Power Pole			<input type="checkbox"/> Env Health	UTL	Final
402 <input type="checkbox"/> Conduit / Underground			<input type="checkbox"/> Haz Mat	UTL	Final
403 <input type="checkbox"/> Service Entrance			FINAL INSPECTIONS		
404 <input type="checkbox"/> Rough Elec			120 <input type="checkbox"/> BUILDING		
405 <input type="checkbox"/> Bonding			320 <input type="checkbox"/> Plumbing		
407 <input type="checkbox"/> Restore Svce / 90-Day			420 <input type="checkbox"/> Electrical		
408 <input type="checkbox"/> T-Bar Elec			520 <input type="checkbox"/> Mechanical		
409 <input type="checkbox"/> Electric Meter Release			620 <input type="checkbox"/> Grading / Drainage		
			820 <input type="checkbox"/> Disabled Access		

Other: Handwritten notes and signatures

Comments:

EXPIRATION: This permit will expire if work is not started within 180 days, or 180 days lapse between approved inspections. If the permit expires before the work is completed and/or inspected, no additional work shall be performed until a new permit is obtained. Under California Law, uninspected work is a property defect and must be disclosed to the next owner prior to transfer of title.

EXTENSION: Prior to permit expiration and upon written request, a one-time extension, not to exceed 180 days, may be granted.

REIMBURSEMENT: SB1815 states that a permittee is entitled to reimbursement of permit fees if the local enforcement agency fails to conduct an inspection of the permitted work within 60 days of receiving notice that the work is completed.

This card will serve as Certificate of Occupancy / Completion upon authorized signature.

Celine Balfodana, Director
9-16-2010 Permit Card 09-05

Authorized Signature

Date

109 Frame

CONTRA COSTA COUNTY - Building Inspection Department
651 Pine Street, 3rd Floor, North Wing • Martinez, CA 94553 (925) 646-2300

PERMIT NO. 393301
DATE: 2/13/07

OWNER/CONT. Singh
INSPECTOR Conrad & Jim

- ☐ Plans not on job/available
☐ Not following approved plans
☐ Previous deficiencies not completed

- ☒ Survey stakes not in place
☐ Building not ready for inspection

Permit No. To Accompany All Correspondence

NOTES:

① Survey letter required

* Must state structure placed according to approved plans per permit

② ~~1/2" x 1/2"~~ Girders over-cut, provide full-bearing on girders, ~~no~~ no-overhanging.

③ Need Engineer letter to verify piers poured per approved plans.

④ ~~Install~~ X Brace as per plan as noted by County engineer

- ☐ \$60.00 reinspection fee required prior to next inspection (for building permits with total valuations of more than \$5,000 or for electrical, mechanical and plumbing permits on non-residential buildings).

- ☐ \$25.00 reinspection fee required prior to next inspection (for building permits with valuations not exceeding \$5,000 or for mechanical and plumbing permits on residential buildings).

— NOTICE —

This Note To Be On Jobsite At Next Inspection

CONTRA COSTA COUNTY - Building Inspection Department
651 Pine Street, 3rd Floor, North Wing • Martinez, CA 94553 (925) 646-2300

PERMIT NO. 393301

OWNER/CONT. DECKS PLUS

DATE: 4/23/07

INSPECTOR T. GRIFFITH

- | | |
|--|--|
| <input type="checkbox"/> Plans not on job/available | <input type="checkbox"/> Survey stakes not in place |
| <input type="checkbox"/> Not following approved plans | <input type="checkbox"/> Building not ready for inspection |
| <input type="checkbox"/> Previous deficiencies not completed | <input type="checkbox"/> Stop work/Clean water violation |
| <input type="checkbox"/> SWPPP plans not on job/available | <input type="checkbox"/> Notice to comply/Erosion control |
| <input type="checkbox"/> Not following approved SWPPP plans | |

Permit No. To Accompany All Correspondence

NOTES: FRAME AND PIERS AS BUILT OF DECK

FRAME OK PENDING RECEIPT OF ENGINEERS
LETTER REGARDING CONFORMANCE OF PIERS
TO PLANS POURED INTO INSPECTION.

SURVEY LETTER RECEIVED BUT MUST BE
APPROVED BY PLANNING DEPT. DUE TO
SET BACKS NOT MATCHING APPROVED
PLANS.

OK TH

☐ \$60.00 reinspection fee required prior to next inspection (for building permits with total valuations of more than \$5,000 or for electrical, mechanical and plumbing permits on non-residential buildings).

☐ \$25.00 reinspection fee required prior to next inspection (for building permits with valuations not exceeding \$5,000 or for mechanical and plumbing permits on residential buildings).

— NOTICE —

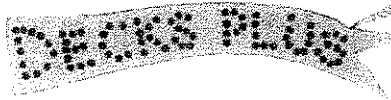
This Note To Be On Jobsite At Next Inspection

TIM Griffin

243 Murdell Lane
Livermore, CA 94550
(925) 449-1641 Ph & Fax
www.dickspius.net



License No. 476136



April 24, 2007 9:30 AM

I, Mindy Garrison, place a call to Tim Griffith with the Contra Costa County Building Department regarding the deck project at the Singh Residence at 101 Wild Oak Ct., Danville. I spoke with Mr. Griffith and asked him if it was okay to lay the decking, his response was, "Yes, it is". I asked again, "Are you sure it's okay to lay the decking now?" He again replied, "Yes, go ahead".

property may be annexed only with the assent (by vote or written consent) of two-thirds of the total votes residing in members other than Declarant; provided, however, that so long as there are two classes of membership no such annexation shall occur without the assent (by vote or written consent) of two-thirds of the voting power of each class of membership.

ARTICLE III

LAND CLASSIFICATIONS

All land within Country Club at Blackhawk is classified into the following categories:

1. Private Area.
2. Common Area.
3. Common Open Space.
4. Private Recreational Area.

ARTICLE IV

PRIVATE AREA - RESTRICTIONS

The private area consists of the Lots shown on recorded subdivision maps of Country Club. Subject to the provisions of Section 14.09, each such lot of the private area shall be for the exclusive use and benefit of the Owner thereof, subject to the following limitations and restrictions:

Section 1.02. "Bylaws" shall mean the Bylaws of the Improvement Association which are or shall be adopted by the Board as such Bylaws may from time to time be amended.

Section 1.03. "Common Area" shall mean all of the real property designated as "Private Drive and PUE", or "Common Area" on the recorded subdivision maps of Country Club at Blackhawk, or any portion thereof, and which will be conveyed in fee to The Improvement Association together with all improvements from time to time constructed thereon including, but not limited to, private roads and private rights-of-way, community facility and the entrance gatehouses. "Common Area" shall include the areas described in Exhibit "C-1" attached hereto as well as other property conveyed to The Improvement Association from time to time for such purposes.

Section 1.04. "Common Open Space" shall mean all of the real property to be maintained in its natural state for the benefit of the owners of lots in Country Club at Blackhawk or any portion thereof, and which will be conveyed in fee to The Improvement Association together with all improvements from time to time constructed thereon. The Common Open Space associated with the property described in Exhibit "A" is more particularly described in Exhibit "C" attached hereto. "Common Open Space" shall also mean portions of the property described in said Exhibit "B" which may be conveyed for such purposes by deed to The Improvement Association, from time to time, by the Declarant.

8570 494

ARTICLE VII
PRIVATE RECREATIONAL AREA

Section 7.01. Definition. Private recreational area is defined as all that property within Country Club which is not included within the Common Area, Common Open Space or private area as hereinabove defined.

Section 7.02. Restrictions. The private recreational area may be used only for the construction, operation, repair, maintenance and use of privately owned golf courses, tennis courts, pools, courts, gymnasiums and other recreational facilities and associated clubhouses and other facilities (including bars, restaurants, pro shops, etc.) as allowed under the laws, ordinances and regulations of the County of Contra Costa including the final development plan for said property as amended from time to time.

Section 7.03. Applicability of Covenants, Conditions, and Restrictions. Except for this Article, and except for the provisions of Sections 14.01, 14.03, 14.05, 14.09, 14.12 and 14.13, the terms and provisions of this Declaration shall have no applicability to the private recreational area, or to the person or entity which owns it; provided, however, that the provisions of Article I shall be applicable as necessary for purposes of construction and interpretation of this Article.

D.4

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☒ 4
NOES: ☐
ABSENT: ☒ 1
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2009/555

RESOLUTION OF THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, REGARDING THE APPEAL BY SURINDER & VINITA SINGH (APPLICANTS/APPELLANTS/OWNERS), OF THE SAN RAMON VALLEY REGIONAL PLANNING COMMISSION DENIAL OF A REQUEST TO MODIFY THE BLACKHAWK FINAL DEVELOPMENT PLAN TO ALLOW APPROVAL OF AN EXISTING 11-FOOT TALL, APPROXIMATELY 1,000-SQUARE-FOOT DECK BUILT OUTSIDE OF THE PROPERTY BOUNDARIES WITHIN DESIGNATED OPEN SPACE; (COUNTY FILE #DP08-3051) AT 101 WILD OAK COURT IN THE BLACKHAWK AREA.

WHEREAS, after obtaining a building permit to construct a deck in the rear of the property at 101 Wild Oak Court, in the Danville/Blackhawk area (Permit #393301), County staff discovered that the permitted deck was not being built in the location represented on the permit plot plan; and that the location where the deck was sited does not comply with the Blackhawk Final Development Plan; and

WHEREAS, County staff advised the owner that he might be able to apply for and obtain approval of an application to modify the Blackhawk Final Development Plan to allow the deck to remain in the area where it has been built; and

WHEREAS, on July 22, 2008, the owners of 101 Wild Oak Court, Surinder & Vinita Singh, filed an application with the County to modify the Blackhawk Final Development Plan to allow the deck to be placed where it has been built, County File #DP08-3051; and

Contact: Francisco Avila, (925) 335-1266

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

ATTESTED: December 8, 2009

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

By: , Deputy

A handwritten signature in black ink, appearing to read "David J. Twa", written over a horizontal line.

cc: Jason Crapo, Kevin Dumford

WHEREAS, on Tuesday, December 3, 2008, after conducting a noticed public hearing beginning on October 22, 2008 and continued to December 3, 2008, the San Ramon Valley Regional Planning Commission determined that the applicant had not submitted sufficient evidence to support the required findings for granting a modification to the Blackhawk Final Development Plan, and denied the application; and

WHEREAS, on December 11, 2008, Surainder & Vinita Singh filed an appeal of the San Ramon Valley Regional Planning Commission's denial of this Development Plan application; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the Board of Supervisors on Tuesday, November 10, 2009, where at all persons interested therein might appear and be heard; and

After fully considering all evidence submitted and testimony offered, the Board of Supervisors of Contra Costa County finds that the applicant has not provided sufficient evidence to show that either of the required Planned Unit District findings necessary to grant a modification to the Blackhawk Final Development Plan can be made for this project. Those required ordinance findings are the following:

- a.) The proposed amendment is consistent with the intent and purpose of the Planned Unit District; and
- b.) The proposed amendment is compatible with other uses in the vicinity, both inside and outside of the Planned Unit District.

BE IT FURTHER RESOLVED, that this Board finds that the proposed deck has been built in an area which is not intended to be used for private residential structures, such as a residential deck, insofar as this portion of the Blackhawk project is located in a common open space area where such improvements are not authorized and not intended by the Blackhawk Planned Unit district.

BE IT FURTHER RESOLVED, that this Board of Supervisors DENIES the applicants' appeal; and SUSTAINS the San Ramon Valley Regional Planning Commission's decision to deny the development application (County File #DP08-3051).

2009/555



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: December 8, 2009

Subject: Accepting completion of landscape improvements for Subdivision Agreement (Right-of-Way Landscaping) RA 00-01094.

RECOMMENDATION(S):

ADOPT Resolution No. 2009/561 accepting completion of landscape improvements for Subdivision Agreement (Right-of-Way Landscaping), RA 00-01094 (cross-reference SD 95-07976), project developed by Windemere BLC Land Company, LLC, San Ramon (Dougherty Valley) area, as recommended by the Public Works Director.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The developer, Windemere BLC Land Company, LLC, has completed the landscape improvements per the Subdivision Agreement (Right of Way Landscaping), and in accordance with the Title 9 of the County Ordinance Code.

CONSEQUENCE OF NEGATIVE ACTION:

The developer, Windemere BLC Land Company, LLC will not receive a refund of their cash deposit, and the Subdivision Agreement (Right of Way Landscaping) and performance/maintenance surety bond will not be exonerated.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: EMY L. SJARP, Deputy

Contact: J. LaRocque - 3-2315

ATTACHMENTS

Resolution No.

2009/561

Recorded at the request of: Contra Costa Board of Supervisors

Return To: Public Works, Engineering Services

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

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2009/561

Accepting completion of landscape improvements for Subdivision Agreement (Right-of-Way Landscaping) for RA 00-01094 (cross-reference SD 95-07976), project developed by Windemere BLC Land Company, LLC, San Ramon (Dougherty Valley) area.

NOW THEREFORE BE IT RESOLVED that the landscape improvements have been COMPLETED as of December 8, 2009 thereby establishing the six month terminal period for the filing of liens in case of action under said Subdivision Agreement (Right-of-Way Landscaping):

DATE OF AGREEMENT NAME OF BANK/SURETY May 7, 2002 The American Insurance Company

Contact: J. LaRocque - 3-2315

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

ATTESTED: December 8, 2009

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

By: , Deputy

cc: D. Favero, Engineering Services, A.Bell, Construction , P. Tehaney, M & T Lab, I. Bergeron, Mapping , P. Edwards, Engineering Services,, Chris Low, City of San Ramon, , C. Taylor, Windemere BLC Land Company, LLC,

BE IT FURTHER RESOLVED the payment (labor and materials) surety for \$826,000.00, Bond No. 111 3359 9396 issued by the above surety be RETAINED for the six month lien guarantee period until June 8, 2010, at which time the Clerk of the Board is AUTHORIZED to release the surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that upon completion of work 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 there is no warranty period required, and the Public Works Director is AUTHORIZED to refund the \$16,500.00 cash security for performance (Auditor's Deposit Permit No. 380515, dated January 23, 2002) plus interest in accordance with Government Code Section 53079, if appropriate, to Windemere BLC Land Company, LLC, pursuant to the requirements of the Ordinance Code; and the Subdivision Agreement (Right of Way Landscaping) and performance/maintenance surety bond, Bond No. 111 3359 9396, dated December 18, 2001, are exonerated.

Item No. C. 1Date: Dec. 08, 2009CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder

DOC- 2009-0291310-00

Friday, DEC 11, 2009 11:49:58

FRE \$0.00!!!

Ttl Pd \$0.00

Nbr-0000340404

rrc/R9/1-4

Recorded at the request of: Contra Costa Board of Supervisors

Return To: Public Works, Engineering Services

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/08/2009 by the following vote:

AYES:

☒

NOES:

☐

ABSENT:

☐

ABSTAIN:

☐

RECUSE:

☐

Resolution No. 2009/561

Accepting completion of landscape improvements for Subdivision Agreement (Right-of-Way Landscaping) for RA 00-01094 (cross-reference SD 95-07976), project developed by Windemere BLC Land Company, LLC, San Ramon (Dougherty Valley) area.

NOW THEREFORE BE IT RESOLVED that the landscape improvements have been COMPLETED as of December 8, 2009 thereby establishing the six month terminal period for the filing of liens in case of action under said Subdivision Agreement (Right-of-Way Landscaping):

DATE OF AGREEMENT NAME OF BANK/SURETY May 7, 2002 The American Insurance Company

Contact: J. LaRocque - 3-2315

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

ATTESTED: December 8, 2009

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

By: , Deputy

cc: D. Favero, Engineering Services, A.Bell, Construction, P. Tehaney, M & T Lab, I. Bergeron, Mapping, P. Edwards, Engineering Services,, Chris Low, City of San Ramon, C. Taylor, Windemere BLC Land Company, LLC,

RESOLUTION NO. 2009/56/

BE IT FURTHER RESOLVED the payment (labor and materials) surety for \$826,000.00, Bond No. 111 3359 9396 issued by the above surety be RETAINED for the six month lien guarantee period until June 8, 2010, at which time the Clerk of the Board is AUTHORIZED to release the surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that upon completion of work 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 there is no warranty period required, and the Public Works Director is AUTHORIZED to refund the \$16,500.00 cash security for performance (Auditor's Deposit Permit No. 380515, dated January 23, 2002) plus interest in accordance with Government Code Section 53079, if appropriate, to Windemere BLC Land Company, LLC, pursuant to the requirements of the Ordinance Code; and the Subdivision Agreement (Right of Way Landscaping) and performance/maintenance surety bond, Bond No. 111 3359 9396, dated December 18, 2001, are exonerated.



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: December 8, 2009

Subject: Accepting completion of Improvement Warranty Agreement and release of cash deposit for RA 99-01089.

RECOMMENDATION(S):

ADOPT Resolution No. 2009/562 accepting completion of the Improvement Warranty Agreement and release of cash deposit for faithful performance, RA 99-01089 (cross-reference SD 98-08166 and SD 98-08167), for project being developed by Hofmann Land Development Company, Inc., as recommended by the Public Works Director, Discovery Bay area.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The development improvements and five-year improvement warranty period have been completed.

CONSEQUENCE OF NEGATIVE ACTION:

The developer will not receive a refund of their cash deposit, and the Improvement Warranty Agreement and surety bond will not be exonerated.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009**

☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: J. LaRocque - 3-2315

ATTACHMENTS

Resolution No.
2009/562

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

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2009/562

Accepting completion of the Improvement Warranty Agreement and release of cash deposit for faithful performance, RA 99-01089 (cross-reference SD 98-08166 and SD 98-08167), for project being developed by Hofmann Land Development Company, Inc., as recommended by the Public Works Director, Discovery Bay area.

On November 30, 2004, this Board resolved that the improvements for RA 99-01089 (cross-reference SD 98-08166 and SD 98-08167) were completed as provided in the Road Improvement Agreement with Hofmann Land Development Company, Inc.

On November 30, 2004, upon recommendation of the Public Works Director, this Board approved an Improvement Warranty Agreement to warranty and maintain the curbs, along with adjacent pavement and sidewalks, installed on profile slopes less than 1% for five years, and now on the recommendation of the Public Works Director;

The Board hereby FINDS that the improvements have satisfactorily met the guaranteed performance standards and extended maintenance period following completion and acceptance of the road improvements. NOW THEREFORE BE IT RESOLVED that the Public Works Director is AUTHORIZED to:

- REFUND the \$1,000.00 cash deposit (Auditor's Deposit Permit No.430541, dated August 31, 2004) plus interest to Hofmann Land Development Company, Inc. in accordance with Government Code Section 53079 (if appropriate), Ordinance Code Section 94-4.406, and the Improvement Warranty Agreement.

Contact: J. LaRocque - 3-2315

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

ATTESTED: December 8, 2009

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

By: , Deputy

cc: D. Favero, Engineering Services,, - E. Sanders, M&T Lab, , A. Bell, Construction, , H. Finch, Maintenance, , - P. Edwards, Engineering Services,

BE IT FURTHER RESOLVED that the warranty and maintenance period has been completed and the Improvement Warranty Agreement and surety bond, Bond No.070000624, dated August 23, 2003, issued by Liberty Mutual Insurance Company, are exonerated.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☒ 5
NOES: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2009/562

Accepting completion of the Improvement Warranty Agreement and release of cash deposit for faithful performance, RA 99-01089 (cross-reference SD 98-08166 and SD 98-08167), for project being developed by Hofmann Land Development Company, Inc., as recommended by the Public Works Director, Discovery Bay area.

On November 30, 2004, this Board resolved that the improvements for RA 99-01089 (cross-reference SD 98-08166 and SD 98-08167) were completed as provided in the Road Improvement Agreement with Hofmann Land Development Company, Inc.

On November 30, 2004, upon recommendation of the Public Works Director, this Board approved an Improvement Warranty Agreement to warranty and maintain the curbs, along with adjacent pavement and sidewalks, installed on profile slopes less than 1% for five years, and now on the recommendation of the Public Works Director;

The Board hereby FINDS that the improvements have satisfactorily met the guaranteed performance standards and extended maintenance period following completion and acceptance of the road improvements. NOW THEREFORE BE IT RESOLVED that the Public Works Director is AUTHORIZED to:

- REFUND the \$1,000.00 cash deposit (Auditor's Deposit Permit No.430541, dated August 31, 2004) plus interest to Hofmann Land Development Company, Inc. in accordance with Government Code Section 53079 (if appropriate), Ordinance Code Section 94-4.406, and the Improvement Warranty Agreement.

Contact: J. LaRocque - 3-2315

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

ATTESTED: December 8, 2009

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

By: , Deputy

cc: D. Favero, Engineering Services,, - E. Sanders, M&T Lab, , A. Bell, Construction, , H. Finch, Maintenance, , - P. Edwards, Engineering Services,

RESOLUTION NO. 2009/562

BE IT FURTHER RESOLVED that the warranty and maintenance period has been completed and the Improvement Warranty Agreement and surety bond, Bond No.070000624, dated August 23, 2003, issued by Liberty Mutual Insurance Company, are exonerated.



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: December 8, 2009

Subject: Accepting completion of the Improvement Warranty Agreement and release of cash deposit for RA 00-01099.

RECOMMENDATION(S):

ADOPT Resolution No. 2009/563 accepting completion of the Improvement Warranty Agreement and release of cash deposit for faithful performance, RA 00-01099 (cross-reference SD 98-08166), for project being developed by Hofmann Land Development Company, Inc., as recommended by the Public Works Director, Discovery Bay area.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The development improvements and five-year improvement maintenance period have been completed.

CONSEQUENCE OF NEGATIVE ACTION:

The developer will not receive a refund of their cash deposit, and the Improvement Warranty Agreement and surety bond will not be exonerated.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: J. LaRocque - 3-2315

ATTACHMENTS

Resolution No.
2009/563

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

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2009/563

Accepting completion of the Improvement Warranty Agreement and release of cash deposit for faithful performance for faithful performance for RA 00-01099 (cross-reference SD 98-08166), for project being developed by Hofmann Land Development Company, Inc., as recommended by the Public Works Director, Discovery Bay area.

On November 30, 2004, this Board resolved that the improvements for RA 00-01099 (cross-reference SD 98-08166) were completed as provided in the Road Improvement Agreement with Hofmann Land Development Company, Inc.

On November 30, 2004, upon recommendation of the Public Works Director, this Board approved an Improvement Warranty Agreement to warrant and maintain curbs, along with adjacent pavement and sidewalks, installed on profile slopes less than the standard 1% for five years, and now on the recommendation of the Public Works Director;

The Board hereby FINDS that the improvements have satisfactorily met the guaranteed performance standards and extended maintenance period following completion and acceptance of the road improvements. NOW THEREFORE BE IT RESOLVED that the Public Works Director is AUTHORIZED to:

- REFUND the \$1,000.00 cash deposit (Auditor's Deposit Permit No.434094, dated November 4, 2004) plus interest to Hofmann Land Development Company, Inc. in accordance with Government Code Section 53079 (if appropriate), Ordinance Code Section 94-4.406, and the Improvement Warranty Agreement.

Contact: J. LaRocque - 3-2315

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

ATTESTED: December 8, 2009

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

By: , Deputy

cc: D. Favero, Engineering Services,, E. Sanders, M & T Lab,, A. Bell, Construction,, H. Finch, Maintenance,, P. Edwards, Engineering Services

BE IT FURTHER RESOLVED that the maintenance and warranty period has been completed and the Improvement Warranty Agreement and surety bond, Bond No.070000623, dated October 22, 2004, issued by Liberty Mutual Insurance Company, are exonerated.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☒ 5
NOES: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2009/563

Accepting completion of the Improvement Warranty Agreement and release of cash deposit for faithful performance for faithful performance for RA 00-01099 (cross-reference SD 98-08166), for project being developed by Hofmann Land Development Company, Inc., as recommended by the Public Works Director, Discovery Bay area.

On November 30, 2004, this Board resolved that the improvements for RA 00-01099 (cross-reference SD 98-08166) were completed as provided in the Road Improvement Agreement with Hofmann Land Development Company, Inc.

On November 30, 2004, upon recommendation of the Public Works Director, this Board approved an Improvement Warranty Agreement to warrant and maintain curbs, along with adjacent pavement and sidewalks, installed on profile slopes less than the standard 1% for five years, and now on the recommendation of the Public Works Director;

The Board hereby FINDS that the improvements have satisfactorily met the guaranteed performance standards and extended maintenance period following completion and acceptance of the road improvements. NOW THEREFORE BE IT RESOLVED that the Public Works Director is AUTHORIZED to:

- REFUND the \$1,000.00 cash deposit (Auditor's Deposit Permit No.434094, dated November 4, 2004) plus interest to Hofmann Land Development Company, Inc. in accordance with Government Code Section 53079 (if appropriate), Ordinance Code Section 94-4.406, and the Improvement Warranty Agreement.

Contact: J. LaRocque - 3-2315

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

ATTESTED: December 8, 2009

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

By: , Deputy

cc: D. Favero, Engineering Services,, E. Sanders, M & T Lab,, A. Bell, Construction,, H. Finch, Maintenance,, P. Edwards, Engineering Services

RESOLUTION NO. 2009/563

BE IT FURTHER RESOLVED that the maintenance and warranty period has been completed and the Improvement Warranty Agreement and surety bond, Bond No.070000623, dated October 22, 2004, issued by Liberty Mutual Insurance Company, are exonerated.



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: December 8, 2009

Subject: Accepting completion of the Construction Road Maintenance Agreement for Point of Timber Road, SD 03-08710

RECOMMENDATION(S):

ADOPT Resolution No. 2009/564 accepting completion of the Construction Road Maintenance Agreement for Point of Timber Road and portions of Byron Highway, State Route 4, Sellers Avenue, Marsh Creek Road and Camino Diablo (Haul Route) and release of cash deposit for faithful performance, SD 03-08710 project being developed by Western Pacific Housing, Inc., a Delaware Corporation, as recommended by the Public Works Director, Discovery Bay area.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The Haul Route has been maintained during the construction period and all repairs have been completed.

CONSEQUENCE OF NEGATIVE ACTION:

The developer will not receive a refund of their cash deposit, and the Construction Road Maintenance Agreement and surety bond will not be exonerated.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: J. LaRocque - 3-2315

ATTACHMENTS

Resolution No.
2009/564



CONTRA COSTA Co Recorder Office

STEPHEN L. WEIR, Clerk-Recorder

DOC- 2009-0291311-00

Friday, DEC 11, 2009 11:50:05

FRE \$0.0011

Ttl Pd \$0.00

Nbr-0000340406

rrc/R9/1-3

WHEN RECORDED, PLEASE RETURN
TO PUBLIC WORKS DEPARTMENT
ENGINEERING SERVICES
255 GLACIER DRIVE,
MARTINEZ, CA. 94553

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

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☒ 5
John Gioia
Gayle B. Uilkema
Mary N. Piepho
Susan A. Bonilla
Federal D. Glover

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2009/564

Accepting completion of the Construction Road Maintenance Agreement for Point of Timber Road and portions of Byron Highway, State Route 4, Sellers Avenue, Marsh Creek Road and Camino Diablo (Haul Route) and release of cash deposit for faithful performance, SD 03-08710 project being developed by Western Pacific Housing, Inc., a Delaware Corporation, as recommended by the Public Works Director, Discovery Bay area.

Accepting completion of the Construction Road Maintenance Agreement for Point of Timber Road and portions of Byron Highway, State Route 4, Sellers Avenue, Marsh Creek Road and Camino Diablo (Haul Route) and release of cash deposit for faithful performance, SD 03-08710 project being developed by Western Pacific Housing, Inc., a Delaware Corporation, as recommended by the Public Works Director, Discovery Bay area.

NOW THEREFORE BE IT RESOLVED that the Public Works Director is AUTHORIZED to REFUND the 15,000.00 cash deposit (Auditor's Deposit Permit No. 436762, dated December 28, 2004) plus interest to Western Pacific Housing, Inc., a D.R. Horton Company, in accordance with Government Code Section 53079 (if appropriate), Ordinance Code Section 94-4.406, and the Construction Road Maintenance Agreement and performance/maintenance surety bond, Bond No. 6301789, dated February 3, 2005, issued by Safeco Insurance Company of America, 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: December 8, 2009

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

By EMY L. SHARP, Deputy

Contact: J. LaRocque - 3-2315

cc: D. Favero, Engineering Services,, E. Sanders, M & T Lab,, A. Bell, Construction,, P. Edwards, Engineering Services, H. Finch, Maintenance, : Tom Morrison



Contra
Costa
County

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: December 8, 2009

Subject: APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a hangar rental agreement with Buchanan Field Airport Hangar tenant.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a hangar rental agreement for a Shade Hangar at Buchanan Field Airport with Bonkowski & Associates, Inc. effective December 1, 2009 in the monthly amount of \$160.89, Pacheco area.

FISCAL IMPACT:

The Airport Enterprise Fund will realize \$1,930.68 annually.

BACKGROUND:

On September 1, 1970, Buchanan Airport Hangar Company entered into a 30-year lease with Contra Costa County for the construction of seventy-five (75) hangars and eighteen (18) aircraft shelters at Buchanan Field Airport. Buchanan Airport Hangar Company was responsible for the maintenance and property management of the property during that 30-year period.

On September 1, 2000, the County obtained ownership of the aircraft hangars and shelters, pursuant to the terms of the above lease. Several of the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: Beth Lee (925) 646-5722

cc:

BACKGROUND: (CONT'D)

hangars are now vacant. Approval of this aircraft rental agreement will fill one empty hangar.

On November 14, 2006, Contra Costa County Board of Supervisors approved the new T-Hangar Lease Agreement for use with the East Ramp Hangars. The Board approved aircraft rental agreement form entitled "Contra Costa County Buchanan Field Airport T-Hangar and Shade Hangar Rental Agreement.

On February 3, 2008, Contra Costa County Board of Supervisors approved the amended T-Hangar Lease Agreement which removed the Aircraft Physical Damage Insurance requirement. The new amended T-hangar Lease Agreement will be used to enter into this aircraft rental agreement.

CONSEQUENCE OF NEGATIVE ACTION:

This will cause a loss of revenue to the Airport Enterprise Fund.

ATTACHMENTS

Bonkowski & Associates Rental Agreement

CONTRA COSTA COUNTY - BUCHANAN FIELD AIRPORT

T-HANGAR AND SHADE HANGAR RENTAL AGREEMENT

1. **PARTIES:** Effective December 1, 2009 ("**Effective Date**"), the COUNTY OF CONTRA COSTA, a political subdivision of the State of California ("**Airport**"), and Bonkowski & Associates, Inc. ("**Renter**"), hereby mutually agree and promise as follows:
 2. **RENTER AND AIRCRAFT INFORMATION:** Simultaneous with the execution of this T-Hangar and Shade Hangar Rental Agreement ("**Rental Agreement**") by Renter, Renter shall complete the Renter and Aircraft Information Form. A completed copy of the Renter and Aircraft Information Form is attached hereto as Exhibit "A" and incorporated herein. Renter must also provide to Airport at that time, for inspection and copying, (1) the original current Aircraft Registration or, if the aircraft described in Exhibit A is under construction, the plans for and proof of ownership of such aircraft; and (2) the insurance information required by Section 16 below.
 3. **PURPOSE:** The purpose of this Rental Agreement is to provide for the rental of a T-Hangar or Shade Hangar space at the Contra Costa County - Buchanan Field Airport for the storage of the aircraft described in the Renter and Aircraft Information Form ("**Renter's Aircraft**").
 4. **PREMISES:** For and in consideration of the rents and faithful performance by Renter of the terms and conditions set forth herein, Airport hereby rents to Renter and Renter hereby rents from Airport that T-Hangar or Shade Hangar shown as #B-7 on the T-Hangar and Shade Hangar Site Plan, attached hereto as Exhibit B and incorporated herein. This T-Hangar or Shade Hangar is part of the T-Hangar and Shade Hangar Site ("**T-Hangar Site**") and shall hereinafter be described as the "**T-Hangar**."
- Renter has inspected the T-Hangar and hereby accepts the T-Hangar in its present condition, as is, without any obligation on the part of Airport to make any alterations, improvements, or repairs in or about the T-Hangar.
5. **USE:** The T-Hangar shall be exclusively by Renter for the storage of Renter's Aircraft. In addition to the storage of Renter's Aircraft, Renter may use the T-Hangar for (1) the homebuilding, restoration and/or maintenance of Renter's Aircraft, provided that such homebuilding, restoration and/or maintenance is performed by Renter only and in conformance with all applicable statutes, ordinances, resolutions, regulations, orders, circulars (including but not limited to FAA Advisory Circular 20-27) and policies now in existence or adopted from time to time by the United States,

the State of California, the County of Contra Costa and other government agencies with jurisdiction over Buchanan Field Airport; (2) the storage of and materials directly related to the storage, construction of homebuilt planes homebuilding, restoration, and/or maintenance of Renter's Aircraft; (3) the storage of one boat, or one recreational vehicle, or one motorcycle, or one automobile, provided that Renter first provides to Airport proof of Renter's ownership and original registration of any stored boat or vehicle, for inspection and copying; and/or (4) the storage of comfort items (such as a couch, small refrigerator, etc.) that the Director of Airports, in his sole discretion, determines will not impede the use of the hangar for the storage of Renter's Aircraft, and are not prohibited by applicable building and fire codes. The T-Hangar shall not be used for any purpose not expressly set forth in this Section 5. Use.

The use of all or a portion of the T-Hangar for the storage of aircraft not owned or leased by Renter is prohibited. ("Aircraft not owned or leased by Renter" means any aircraft in which Renter does not have an ownership interest or which is not directly leased to Renter). Renter shall present proof of said ownership interest or lease to Airport upon request in addition to that information provided in Exhibit A.

If Renter's Aircraft is or becomes non-operational, it may be stored in the T-Hangar only if it is being homebuilt or restored by Renter. Prior to the commencement of any such homebuilding or restoration, Renter shall provide to Airport (1) a copy of the purchase agreement or (2) a valid federal registration number. If Renter's Aircraft is not registered as of the Effective Date, upon completion of construction, Renter shall register and apply for an airworthiness certificate for Renter's Aircraft in accordance with all applicable federal statutes and regulations and provide the original registration and certification to Airport, for inspection and copying, immediately upon receipt by Renter. On or before January 1 of each year, if the homebuilding or restoration has not been completed, Renter shall provide a written annual report to the Director of Airports that details the homebuilding or restoration activity performed, work still required to be completed and an estimate of time of completion.

6. **TERM:** This Rental Agreement shall be from month to month commencing December 1, 2009, and shall continue until terminated. This Rental Agreement may be terminated by any party upon thirty (30) days written notice to the other party.

7. **RENT:**

- A. **Monthly Rent and Additional Rent.** Renter shall pay \$160.89 in rent per month ("**Monthly Rent**") due and payable in advance on the first day of each calendar month, beginning on the commencement date of this Rental Agreement. Unless directed to do otherwise by Airport, Renter shall pay rent only in cash or by personal check, certified check, or money order. If the term of this Rental Agreement begins on a day other than the first day of the



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: December 8, 2009

Subject: Summary vacation of an excess county road right of way interest. Project No. 0676-6P1600 (CP#09-60)

RECOMMENDATION(S):

DETERMINE that this summary vacation of an excess right of way of a street or highway is no longer required for street or highway purposes, is made pursuant to Division 9, Part 3, Chapter 4 of the Streets and Highways Code, commencing with Section 8330, et. seq. A description of the area to be vacated is attached hereto as Exhibit "A" and incorporated herein by reference located in the Martinez area.

DETERMINE that this vacation request is for an excess right of way of a street or highway not required for street or highway purposes. (S&H Code Section 8334(a))

DETERMINE that the proposed vacation will not have a significant effect on the environment, and that it has been determined to be exempt from the California Environmental Quality Act (CEQA) under State CEQA guidelines pursuant to Article 5, Section 15061 (b)(3), and DIRECT the Director of Department of Conservation and Development (DCD) to file a Notice of Exemption with the County Clerk, and DIRECT the Public Works Director to arrange for payment of a \$50.00 fee to the County Clerk for filing and \$25.00 fee to DCD for processing the Notice of Exemption.

DECLARE that the hereinabove

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes: PULLED AND RELISTED ON DECEMBER 15, 2009

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: December 8, 2009

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

By: EMY L., SHARP, Deputy

Contact: Please provide 4 embossed copies
to Sherri Reed at PW

cc:

RECOMMENDATION(S): (CONT'D)

described proposed vacation area is HEREBY ORDERED VACATED subject to any reservation and exception described in attached Exhibit "A". From and after the date this Board Order is recorded, the area vacated no longer constitutes a public highway.

DIRECT the Real Property Division to record a certified copy of this Board Order in the office of the County Recorder.

FISCAL IMPACT:

There is no impact to the County General Fund.

BACKGROUND:

A portion of Feeder Trail No. 1 is no longer required for road purposes.

CONSEQUENCE OF NEGATIVE ACTION:

The County would be responsible for the maintenance and repairs to a portion of right of way along Feeder Trail No. 1 located in the Martinez area.

CLERK'S ADDENDUM

No action was taken on this item. The item was relisted to December 15, 2009.

ATTACHMENTS

CEQA

Exhibit A

**DETERMINATION THAT AN ACTIVITY
IS EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

FILE NO.: **WO 1600**

CP NO.: **09-60**

ACTIVITY NAME: **Feeder Trail No. 1 - Convey an easement and Vacate road right of way interest to East Bay Regional Park District, unincorporated Martinez area**

DATE: **August 25, 2009**

PREPARED BY: **Trina Torres**

This activity is not subject to the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061 (b) (3) of the CEQA Guidelines.

It can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

DESCRIPTION OF THE ACTIVITY:


Contra Costa County (County) has roadway interests within a segment of Feeder Trail No. 1, between Dutra Road and Ferndale Road, in the unincorporated Martinez area. The purpose of this activity is for the County to convey its trail use easement and vacate its road right of way interest to EBRPD.

The activity consists of conveying the County's interest of an easement (*approximately 40 ft. wide by 17,709 ft. long*) to East Bay Regional Park District (EBRPD) for vehicular and non-vehicular trail use by the public, within a segment of Feeder Trail No. 1, between Dutra Road and Ferndale Road, unincorporated Martinez area.

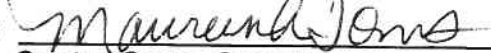
The County has also determined that the road right of way is no longer needed and wishes to vacate its interest. EBRPD will then be responsible for the maintenance of this segment of Feeder Trail No. 1, between Dutra Road and Ferndale Road, Martinez area.

LOCATION:

The activity is located in central Contra Costa County, in the unincorporated portion of Martinez (Figs. 1-3).

REVIEWED BY: 
Leigh Chavez, Environmental Analyst III
Contra Costa County Public Works Dept.

DATE: 08/26/09

APPROVED BY: 
Contra Costa County
Dept. of Conservation and Development Representative

DATE: 8/28/09

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Notice of Exemption

CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION AND DEVELOPMENT
651 PINE STREET 2ND FLOOR NORTH WING MARTINEZ, CALIFORNIA 94553

Telephone: (925) 313-2176

Contact Person: Trina Torres - Public Works Dept.

Project Description, Common Name (if any) and Location: Feeder Trail No. 1 -Convey an easement and Vacate road right of way interest to East Bay Regional Park District, WO 1600, unincorporated Martinez area, County File: **CP# 09-60**

Description: Contra Costa County (County) has roadway interests within a segment of Feeder Trail No. 1, between Dutra Road and Ferndale Road, in the unincorporated Martinez area. The purpose of this activity is for the County to convey its trail use easement and vacate its road right of way interest to EBRPD.

The activity consists of conveying the County's interest of an easement (*approximately 40 ft. wide by 17,709 ft. long*) to East Bay Regional Park District (EBRPD) for vehicular and non-vehicular trail use by the public, within a segment of Feeder Trail No. 1, between Dutra Road and Ferndale Road, unincorporated Martinez area.

The County has also determined that the road right of way is no longer needed and wishes to vacate its interest. EBRPD will then be responsible for the maintenance of this segment of Feeder Trail No. 1, between Dutra Road and Ferndale Road, Martinez area.

Location: The activity is located in central Contra Costa County, in the unincorporated portion of Martinez

This project is exempt from **CEQA** as a:

- ☐ Ministerial Project (Sec. 15268)
 ☐ Categorical Exemption, *Class* _____
 ☐ Declared Emergency (Sec. 15269(a))
 ☐ Other Statutory Exemption, Section _____
 ☐ Emergency Project (Sec. 15269(b) or (c))
 ☒ **General Rule of Applicability [Section 15061 (b) (3)]**

for the following reason(s): It can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

Date: _____ By: _____
Dept. of Conservation and Development Representative

AFFIDAVIT OF FILING AND POSTING

I declare that on _____ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature

Title

Applicant:	Department of Fish and Game Fees Due	
Public Works Department 255 Glacier Drive Martinez, CA 94553 Attn: <u>Trina Torres</u> Environmental Section	<input type="checkbox"/> EIR - \$2,768. ²⁵ <input type="checkbox"/> Neg. Dec. - \$1,993. ⁰⁰ <input checked="" type="checkbox"/> County Clerk - \$50 <input checked="" type="checkbox"/> Department of Conservation and Development -\$25	Total Due: \$ 75.00 Total Paid \$ _____ Receipt #: _____

Notice of Exemption

CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION AND DEVELOPMENT
651 PINE STREET 2ND FLOOR NORTH WING MARTINEZ, CALIFORNIA 94553

Telephone: (925) 313-2176

Contact Person: Trina Torres - Public Works Dept.

Project Description, Common Name (if any) and Location: Feeder Trail No. 1 -Convey an easement and Vacate road right of way interest to East Bay Regional Park District, WO 1600, unincorporated Martinez area, County File: **CP# 09-60**

Description: Contra Costa County (County) has roadway interests within a segment of Feeder Trail No. 1, between Dutra Road and Ferndale Road, in the unincorporated Martinez area. The purpose of this activity is for the County to convey its trail use easement and vacate its road right of way interest to EBRPD.

The activity consists of conveying the County's interest of an easement (*approximately 40 ft. wide by 17,709 ft. long*) to East Bay Regional Park District (EBRPD) for vehicular and non-vehicular trail use by the public, within a segment of Feeder Trail No. 1, between Dutra Road and Ferndale Road, unincorporated Martinez area.

The County has also determined that the road right of way is no longer needed and wishes to vacate its interest. EBRPD will then be responsible for the maintenance of this segment of Feeder Trail No. 1, between Dutra Road and Ferndale Road, Martinez area.

Location: The activity is located in central Contra Costa County, in the unincorporated portion of Martinez

This project is exempt from **CEQA** as a:

- ☐ Ministerial Project (Sec. 15268)
 ☐ Categorical Exemption, *Class* _____
- ☐ Declared Emergency (Sec. 15269(a))
 ☐ Other Statutory Exemption, Section _____
- ☐ Emergency Project (Sec. 15269(b) or (c))
 ☒ **General Rule of Applicability [Section 15061 (b) (3)]**

for the following reason(s): It can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

Date: _____

By: _____
Dept. of Conservation and Development Representative

AFFIDAVIT OF FILING AND POSTING

I declare that on _____ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature

Title

Applicant:	Department of Fish and Game Fees Due	
Public Works Department 255 Glacier Drive Martinez, CA 94553 Attn: <u>Trina Torres</u> Environmental Section	<input type="checkbox"/> EIR - \$2,768. ²⁵ <input type="checkbox"/> Neg. Dec. - \$1,993. ⁰⁰ <input checked="" type="checkbox"/> County Clerk - \$50 <input checked="" type="checkbox"/> Department of Conservation and Development -\$25	Total Due: \$ 75.00 Total Paid \$ _____ Receipt #: _____

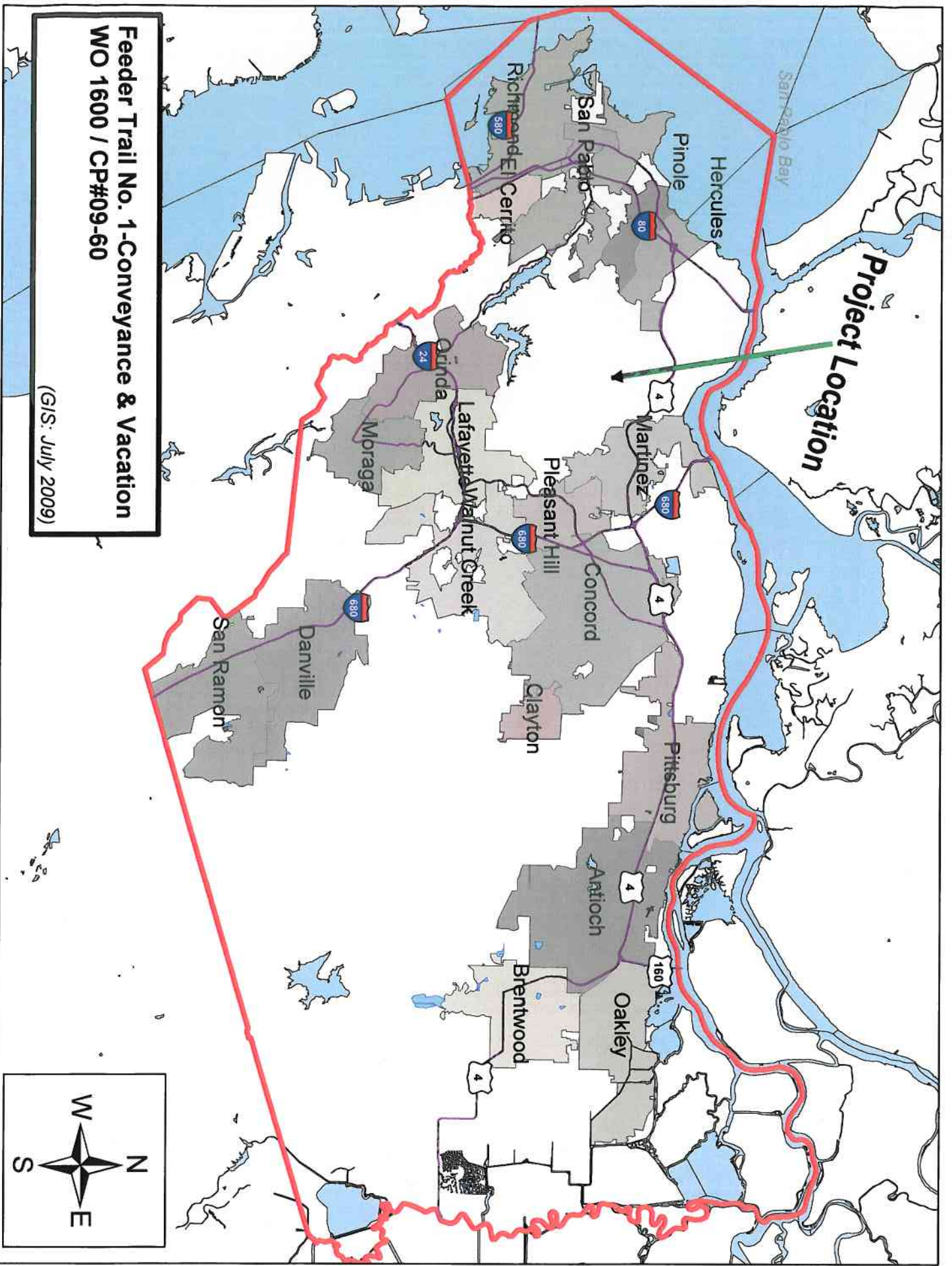


Figure 1

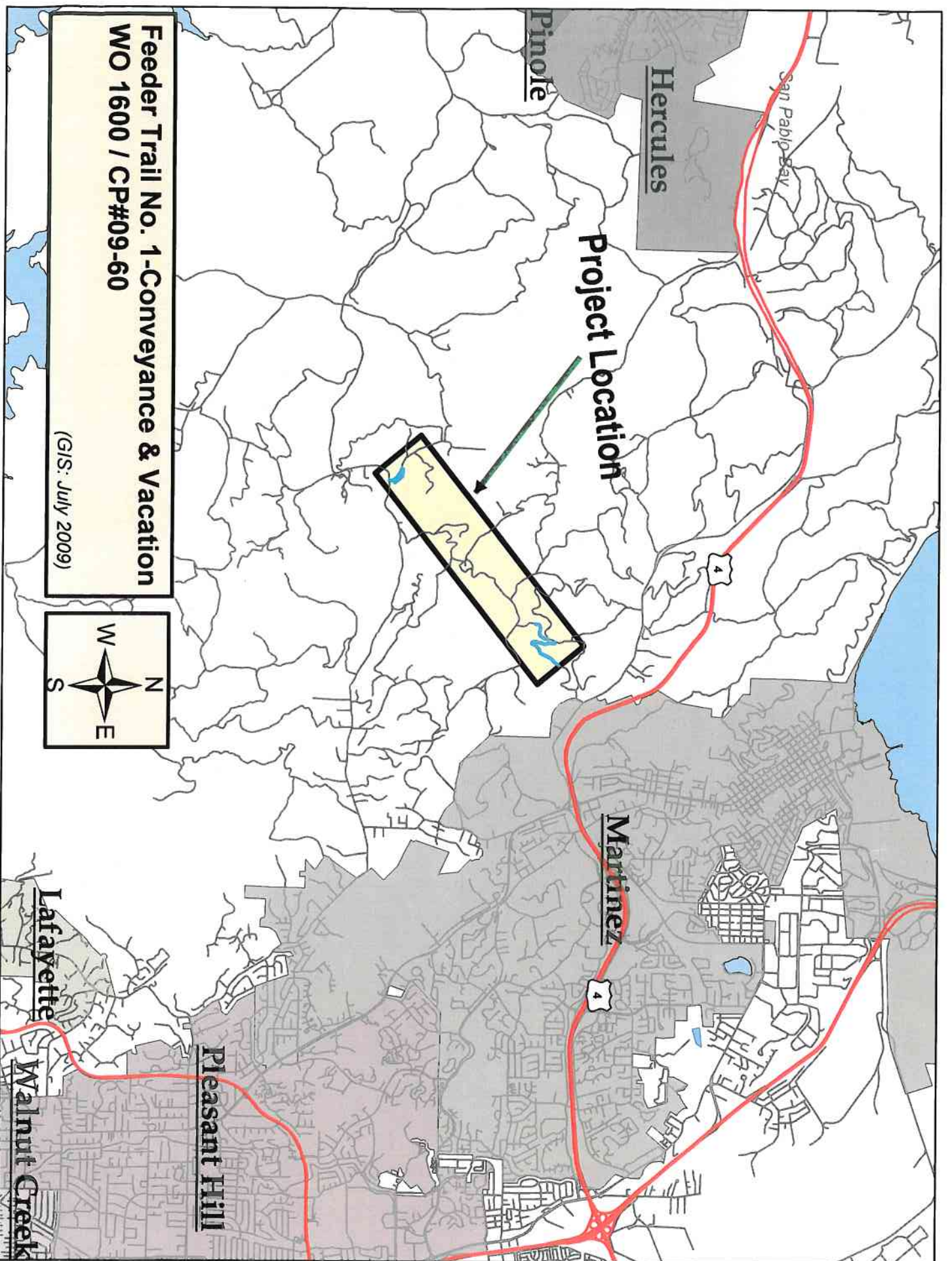
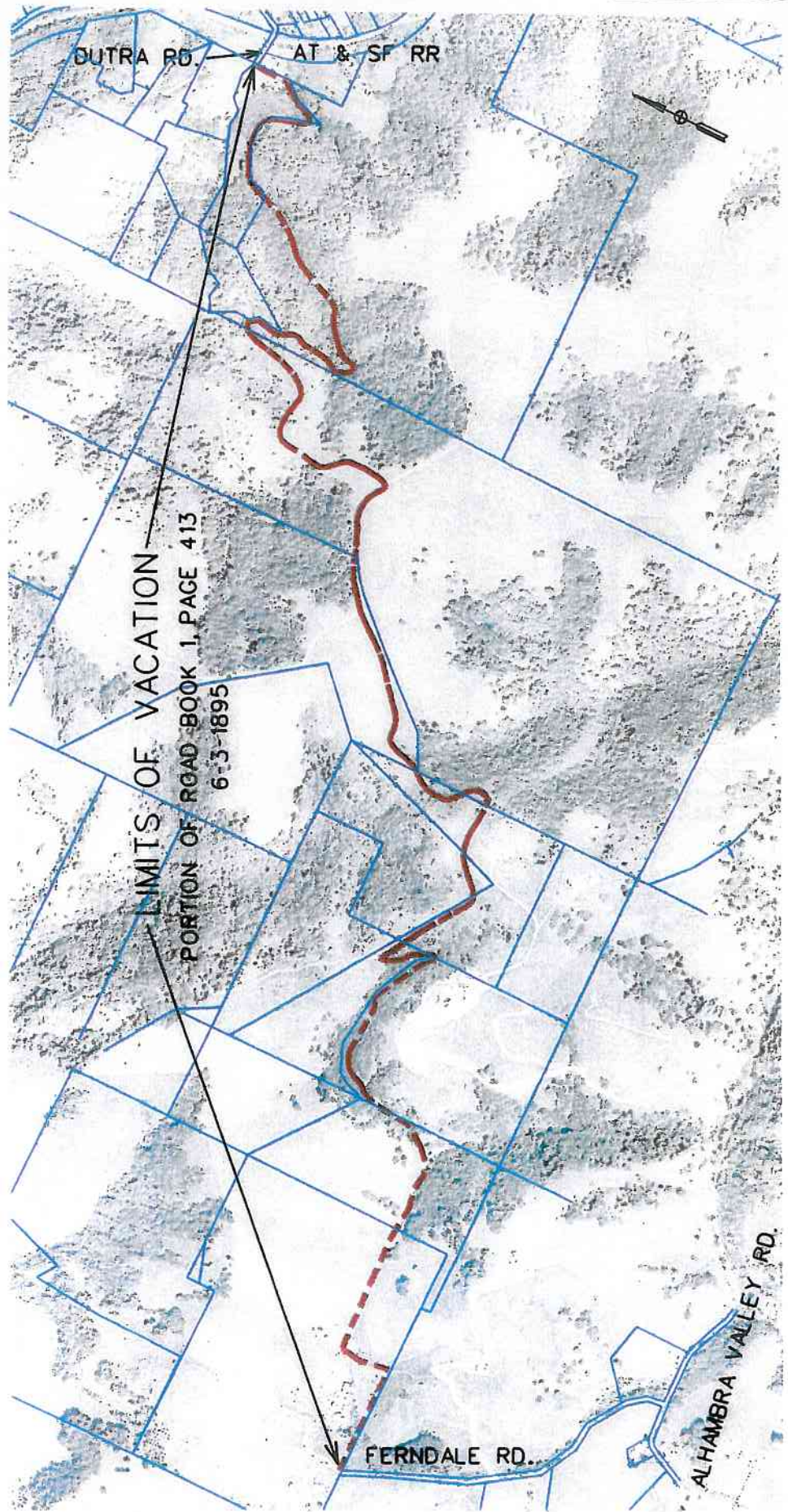


Figure 2



- Figure 3 -

NOTE: --- DENOTES THE APPROXIMATE LOCATION OF FEEDER TRAIL No.1 AS IT IS CURRENTLY USED.

INSTRUMENT: _____
 RECORDED: _____ SERIES No. _____

VACATION OF PORTION OF FEEDER TRAIL No.1

CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT 255 GLACIER DRIVE MARTINEZ, CALIFORNIA 94553	Scale: 1" = 1000'	File No. MB 1291-2009
	Drawn By: TL	Plot Date: 2-5-2008
	Checked By: JS	Drawing: Feeder Trail No. 1 Vacation.dgn

Exhibit "A"

All that certain real property situate in the Rancho El Pinole and Sections 25, 26, 34, and 35, Township 2 North, Range 3 West, Mount Diablo Meridian, County of Contra Costa, State of California, described as follows:

All of the 40' foot in width Right of Way, declared and described a Public Highway on June 3, 1895 by the Board of Supervisors of Contra Costa County in Road Book 1 at Page 413, and that portion relocated by the Grant Deed recorded, August 14, 1953 in Book 2175 of Official Records at Page 595, said Public Highway being re-named Contra Costa County Feeder Trail Number One by order of the Board of Supervisors of Contra Costa County, April 15, 1952 in Road Book 11 at Page 82, all records of Contra Costa County.

EXCEPTING THEREFROM

All of the above described Contra Costa County Right of Way lying South of the historic South line of the Rancho El Pinole as it abuts the north line of Lots 4 and 6 of Section 34, Township 2 North, Range 3 West, Mount Diablo Meridian. Said Contra Costa County Right of Way lying South of the South Line of the Rancho El Pinole is now named Ferndale Road.

ALSO EXCEPTING THEREFROM

All of the above described Contra Costa County Right of Way lying East of the Easterly line of Subdivision MS 164-78 filed February 22, 1979 in Book 74 of Parcel Maps at Page 22, now named Dutra Road


Brian L. Stockinger PLS 6995



DATED: FEBRUARY 24, 2009



Contra
Costa
County

To: Board of Supervisors

From: Clerk of the Board

Date: December 8, 2009

Subject: Claims for December 8, 2009

RECOMMENDATION(S):

DENY claims by Zadie L. Mark; Michael Stroda, Jr.; Helena N. Wimbish; Juan C. Mancheno; and amended claim for Juan C. Mancheno.

FISCAL IMPACT:

.

BACKGROUND:

.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: Janet Gricius,
(335-1907)

cc:



Contra
Costa
County

To: Board of Supervisors

From: Clerk of the Board

Date: December 8, 2009

Subject: Minutes for November 2009

RECOMMENDATION(S):

APPROVE the minutes for November 2009 as on file with the Office of the Clerk of the Board.

FISCAL IMPACT:

.

BACKGROUND:

.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: Janet Gricius, 335-1900

cc:

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

Adopted this Order December 08, 2009 by the following vote:

**AYES: SUPERVISORS GIOIA, UILKEMA, PIEPHO,
GLOVER, AND BONILLA.**

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

SUBJECT: Board Proceedings during the Month November, 2009.

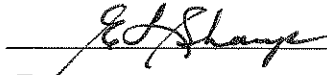
IT IS BY THE BOARD ORDERED that the reading of the minutes of the proceedings of this Board for the month of November, 2009 are WAIVED, and said minutes are APPROVED as written.

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

ATTESTED: December 08, 2009

David Twa

Clerk of the Board of Supervisors and County -
Administrator

BY: , Deputy
Deputy



Contra
Costa
County

To: Board of Supervisors
From: Clerk of the Board
Date: December 8, 2009

Subject:

RECOMMENDATION(S):

APPROVE Board Member reports for October and November 2009.

FISCAL IMPACT:

None.

BACKGROUND:

Government Code Section 53232.3(d) requires that members of legislative bodies report on meetings attended for which there has been expense reimbursement (mileage, meals, lodging, etc). The attached reports were submitted by Board of Supervisors members in satisfaction of this requirement.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: Janet Gricius, 335-1900

cc:

ATTACHMENTS

Oct 2009 Gioia

Nov 2009

Uilkema

Nov 2009 Piepho

Nov 2009 Bonilla

Nov 2009 Glover

Supervisor John Gioia

October - 2009 Monthly Meeting Report

<u>Date</u>	<u>Meeting Name</u>	<u>Location</u>	<u>Purpose</u>
6	Board of Supervisors	Martinez	Regular Meeting
7	Kensington Elementary School International Walk	Kensington	Annual Event
7	S.F. Restoration Authority	San Francisco	Member
13	Board of Supervisors	Martinez	Regular Meeting
19	Rollingwood Town Hall Meeting	San Pablo	Community Meeting
23	Regional Airport Planning Committee	Oakland	Member
24	BBK Community Engagement Town Hall	Richmond	Community Event
26	Corrections Reform Panel Discussion	San Pablo	Invitational
27	Board of Supervisors	Martinez	Regular Meeting
28	S.F. Bay Restoration Authority	Oakland	Member

County Administration Building
651 Pine Street, Room 108A
Martinez, CA 94553

Voice: 925-335-1046
Fax: 925-335-1076
Email: gayle@bos.cccounty.us

Supervisor Gayle B. Uilkema

Contra Costa County Board of Supervisors District Two



November 2009 Monthly Meeting Report

DATE	DESTINATION	AGENCY	PURPOSE
2	San Francisco	BAAQMD	Budget & Finance
2	Lafayette	LAFCO	Policies & Procedures
2	Lafayette	SWAT	Board meeting
3	Martinez	Board of Supervisors	Regular meeting
4	San Francisco	BAAQMD	Board of Directors
5	Lafayette	CCCTA	Operations & Scheduling
5	Pinole	Fall Prevention	Outreach program
5	Moraga	Mayors' Conference	Monthly meeting
6	Oakland	Joint Policy Committee	Board meeting
6	Lafayette	County issues	Meet w/ E. Bay Coalition against urban casino's
7	Lafayette	District 2	Library opening
9	Martinez	County Administrator	Monthly meeting
9	Martinez	District 2	Pinole homeowners re Praxair meeting
9	Martinez	District 2	Interview applicant
9	Lafayette	District 2	Retirement event
10	Martinez	Board of Supervisors	Regular meeting
11	Lafayette	District 2	Veterans day event
12	Lafayette	Rotary	Speaking event
12	Lafayette	Friends of Joaquin Adobe	Future development
12	Lafayette	CCCTA	Update General Manager
14	Lafayette	District 2	Library opening
15	Lafayette	District 2	Marine corp. birthday event, Vets Bldg
16	San Francisco	BAAQMD	Stationary Source
16	Martinez	Board of Supervisors	Family and Human services Committee
16	Martinez	Public Works	R-10 fees
16	Martinez	Steve Weir	Proposed fee increase
17	Rossmoor	Health Event	Evac pac info
17	Pleasant Hill	CCCTA	Groundbreaking DVC transit Center
18	San Francisco	BAAQMD	Board of Directors
18	Martinez	LAFCO	Regular meeting
18	Pleasant Hill	CCTA	Alternate, for Supv. Bonilla
19	Pleasant Hill	CCCTA	Board of Directors Meeting
19	Martinez	CCCSWA	Deidre Dingman, update
19	Martinez	LAFCO	Chair update
19	Oakland	ABAG	Exec Board Meeting
20	Lafayette	District 2	Constituent & Community development

Supervisor Mary Nejedly Piepho - November 2009 AB1234 Report

[illegible]

Supervisor Susan Bonilla
November, 2009

DATE	MEETING NAME	LOCATION	PURPOSE
11/2/2009	Airport Subcommittee	Concord	Review of county policy
11/2/2009	Legislation Committee	Martinez	Review of county policy
11/2/2009	Finance Committee	Martinez	Review of county policy
11/2/2009	First Five	Concord	Regional children's issues
11/3/2009	Board of Supervisors	Martinez	Decisions on agenda items
11/4/2009	Industrial Safety Assoc.	Pleasant Hill	Community outreach
11/4/2009	Contra Costa Transit Authority	Pleasant Hill	Regional transportation issues
11/5/2009	Members of Women's Comm.	Concord	Community outreach
11/9/2009	Director of Shelter Inc	Concord	Discussion on homelessness
11/10/2009	Board of Supervisors	Martinez	Decisions on agenda items
11/12/2009	TRANSPAC	Pleasant Hill	Regional transportation issues
11/12/2009	Ca. Redevelopment Assoc.	Walnut Creek	Community outreach
11/13/2009	Cal State East Bay	Concord	Community outreach
11/17/2009	Ca. State Assoc. of Counties	Monterey	discuss regional issues
11/19/2009	Chavez Center Grand Opening	Concord	Community outreach

Meeting Attendance Report

Government Code Section 53232.3(d) requires that members of legislative bodies report on meetings attended for which there has been expense reimbursement (mileage, meals, lodging, etc).

The following report on meetings attended by Supervisor Federal D. Glover during the month of November, 2009 is submitted in compliance with the requirement.

<u>Date</u>	<u>Meeting Name</u>	<u>Location</u>	<u>Purpose</u>
<u>11/03/09</u>	Board of Supervisors	Martinez	Weekly
<u>11/04/09</u>	Delta Diablo Sant. Dist	Antioch	Monthly
<u>11/05/09</u>	Special CCTA Mtg	Walnut Creek	As Needed
<u>11/10/09</u>	Board of Supervisors	Martinez	Weekly
<u>11/16/09</u>	TWIC Comm. Mtg	Martinez	Monthly
<u>11/16/09</u>	Family & Human Comm	Martinez	Monthly
<u>11/16/09</u>	CSAC Annual Mtg	Monterey	Yearly
<u>11/17/09</u>	Re-Entry Mtg	Oakland	As Needed



Contra
Costa
County

To: Board of Supervisors
From: Susan A. Bonilla, District IV Supervisor
Date: December 8, 2009

Subject: Honoring Robert McCleary upon his retirement from the Contra Costa Transportation Authority

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Laura Case 521-7100

cc:

ATTACHMENTS

Resolution No.
2009/537

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

In the matter of:

Resolution No. 2009/537

honoring Robert McCleary upon his retirement from the Contra Costa Transportation Authority.

WHEREAS, Robert McCleary was appointed in 1989 as the first Executive Director of the Contra Costa Transportation Authority, charged with the duty to implement Contra Costa County's first transportation sales tax – Measure C - passed by the voters in 1988; and

WHEREAS, in that capacity he has faithfully served the citizens of Contra Costa, working diligently to ensure that the transportation sales tax program has been executed in an efficient, effective and equitable manner – consistent with the voters' intent; and

WHEREAS, the BART extension to Pittsburg/Bay Point, the widening of Routes 4, 242 and 680, the Richmond Parkway, the intermodal stations at Richmond and Martinez, along with numerous other local transportation improvements have all been constructed "on his watch", through the judicious appropriation of Measure C funds; and

WHEREAS, he has been a tireless advocate for the needs of Contra Costa when seeking additional regional state and federal transportation funds; and

WHEREAS, as Executive Director he took a lead role in drafting and implementing the innovative – and sometime controversial – Growth Management Program required as part of Measure C as well as the new funding programs for transit, school bus service and the transportation needs of seniors and people with disabilities; and

WHEREAS, Robert McCleary was integral to the consensus building which lead to the successful passage in 2004, of Measure J, the successor transportation sales tax to Measure C. Such a passage demonstrated the voters' endorsement of the transparent, efficient and effective approach to project and program implementation spearheaded by Mr. McCleary.

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors does hereby thank Robert McCleary for his long and dedicated service to the citizens of Contra Costa, and extends its congratulations and best wishes for a long and happy 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: December 8, 2009

David J. Twa,

By: _____, Deputy

The Board of Supervisors of Contra Costa County, California

PR.1
or
C.10

In the matter of honoring Robert McCleary
upon his retirement from the Contra Costa
Transportation Authority

RESOLUTION NO. 2009/537

WHEREAS, Robert McCleary was appointed in 1989 as the first Executive Director of the Contra Costa Transportation Authority, charged with the duty to implement Contra Costa County's first transportation sales tax – Measure C – passed by the voters in 1988; and

WHEREAS in that capacity, he has faithfully served the citizens of Contra Costa, working diligently to ensure that the transportation sales tax program has been executed in an efficient, effective, and equitable manner – consistent with the voters' intent; and

WHEREAS, the BART extension to Pittsburg/Bay Point, the widening of Routes 4, 242 and 680, the Richmond Parkway, the intermodal stations at Richmond and Martinez, along with numerous other local transportation improvements have all been constructed "on his watch", through the judicious appropriation of Measure C funds; and

WHEREAS, he has been a tireless advocate for the needs of Contra Costa when seeking additional regional state and federal transportation funds; and

WHEREAS as Executive Director, he took a lead role in drafting and implementing the innovative – and sometime controversial – Growth Management Program required as part of Measure C, as well as the new funding programs for transit, school bus service, and the transportation needs of seniors and people with disabilities; and

WHEREAS, Robert McCleary was integral to the consensus building that lead to the successful passage in 2004 of Measure J, the successor transportation sales tax to Measure C. Such a passage demonstrated the voters' endorsement of the transparent, efficient, and effective approach to project and program implementation spearheaded by Mr. McCleary.

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors does hereby thank Robert McCleary for his long and dedicated service to the citizens of Contra Costa, and extends its congratulations and best wishes for a long and happy retirement.

PASSED by a unanimous vote of the Board of Supervisors members
present this 8th day of December 2009.



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: December 8, 2009

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

By  Deputy



Contra
Costa
County

To: Board of Supervisors
From: Gayle B. Uilkema, District II Supervisor
Date: December 8, 2009

Subject: Resolution honoring Betty Maffei upon her retirement as Exec Dir of the CCC History Center

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Lauri 5-1046

cc:

Board of Supervisors

Contra Costa County, State of California

C. 11

RESOLUTION HONORING
BETTY MAFFEI UPON HER
RETIREMENT AS THE EXECUTIVE
DIRECTOR OF THE CONTRA COSTA
COUNTY HISTORY CENTER

RESOLUTION NO. 2009/570

WHEREAS, Betty Maffei served as the Executive Director of the History Center and has been the guiding light for knowledge of Contra Costa County's history; and

WHEREAS, Betty served as the President of the Historical Society from 1987-1988 and facilitated the County's Resolution 79/932 which designated the Contra Costa County Historical Society as the official Society of the County; and

WHEREAS, Betty accepted and catalogued major collections from Louis L. Stein, A. F. Bray, Dorothy A. Mutnick, Sheriff R. R. Veale, Nancy Fahden, Les Sipes as well as precious Superior Court documents; and

WHEREAS, Betty brought the Society archives into the 21st Century by initiating a computer program to document the archives of the Center; and

WHEREAS, Betty Maffei has served as the Executive Director of the Center, assisting researchers, managing the office, training the volunteers and nurturing the Society for 25 years; and

WHEREAS, Betty and her husband Rick set up today's History Center on Main Street in Martinez.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County hereby honors and recognizes the hard work and dedication of

Betty Maffei

PASSED by a vote of the Board of Supervisors this 8th day of December, 2009.

John Gioia

JOHN GIOIA
District I Supervisor

Mary N. Piepho

MARY N. PIEPHO
District III Supervisor

Susan A. Bonilla

SUSAN A. BONILLA, Chair
District IV Supervisor

Federal D. Glover

FEDERAL D. GLOVER
District V Supervisor

Gayle B. Uilkema

GAYLE B. UILKEMA
District II Supervisor

I hereby certify that the foregoing is a true and correct copy of an Order entered into the minutes of the Board of Supervisors on the date aforesaid.

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

By *Katherine Sinclair*
Deputy Clerk





**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: December 8, 2009

Subject: ADOPT Ordinance No. 2009-35, authorizing certain real property purchases by Public Works Director, Countywide.

RECOMMENDATION(S):

ADOPT Ordinance No. 2009-35, authorizing the Public Works Director to acquire real property where the purchase price does not exceed \$50,000, as authorized by Government Code Section 25350.60.

FISCAL IMPACT:

There is no impact to the County General Fund.

BACKGROUND:

On December 1, 2009, Ordinance No. 2009-35 was introduced to the Board of Supervisors.

On March 15, 1994, the Board of Supervisors, pursuant to Government Code section 25350.60, adopted Ordinance Number 94-25, which added Section 1108-8.002 to the County Ordinance Code. Section 1108-8.002 authorizes the Public Works Director to acquire for Contra Costa County (County) any interest in real property where the purchase price does not exceed twenty-five thousand dollars (\$25,000).

In 2003, Government Code Section 25350.60 was amended to authorize designated county officers, upon adoption of an ordinance by the Board of Supervisors,

☐ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: Karen A. Laws,
313-2228

cc:

BACKGROUND: (CONT'D)

to purchase property where the purchase price does not exceed fifty thousand dollars (\$50,000). The attached Ordinance No. 2009-35 amends Ordinance Code section 1108-8.002 to authorize the Public Works Director, or designee, to acquire any interest in real property where the purchase price does not exceed \$50,000. The attached ordinance requires funding for any purchase to be appropriated and available, and requires the Public Works Director to report semi-annually to the Board of Supervisors on all purchases done under the ordinance. Pursuant to Government Code section 25350.60(c), the ordinance expires January 1, 2015 unless renewed by the Board. The attached Ordinance No. 2009-35 was introduced on December 1, 2009.

CONSEQUENCE OF NEGATIVE ACTION:

Ordinance Code section 1108-8.002 will continue to authorize the Public Works Director to acquire real property where the purchase price does not exceed \$25,000.

ATTACHMENTS

Ordinance 2009-35

ORDINANCE NO. 2009-35

(Acquisition of Real Property)

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

SECTION I. SUMMARY. Pursuant to the authority granted the County by California Government Code section 25350.60, this ordinance amends Ordinance Code section 1108-8.002 to authorize the Public Works Director to acquire any interest in real property where the purchase price of the property does not exceed \$50,000.

SECTION II. Section 1108-8.002 of the County Ordinance Code is amended to read:

1108-8.002 Authority of Public Works Director.

- (a) The board of supervisors authorizes the public works director or his or her designated deputy to perform all acts necessary to approve and accept for the county the acquisition of any interest in real property where the purchase price for the real property interest does not exceed \$50,000.
- (b) The acquisition of any interest in real property pursuant to subsection (a) of this section will be in accordance with the following procedures and requirements:
 - (1) The public works director shall comply with all applicable laws and regulations pertaining to the property acquisition, including purchase offer and environmental assessment requirements.
 - (2) Funding for the real property acquisition is appropriated and available.
 - (3) The public works director shall report semi-annually to the board of supervisors on each acquisition done pursuant to this section, including the interest acquired, its price, and the necessity for the purchase.
- (c) The authority granted by this section expires January 1, 2015 unless renewed by the board of supervisors. (Ords. 2009-35 § 2, 94-25 § 2: Gov. Code, § 25350.60.)

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

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Board Chair

By: _____
Deputy

[SEAL]

TLG:
H:\2009\Public Works\property acquisition ord -- final1.wpd

ORDINANCE NO. 2009-35

ORDINANCE NO. 2009-35

(Acquisition of Real Property)

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

SECTION I. SUMMARY. Pursuant to the authority granted the County by California Government Code section 25350.60, this ordinance amends Ordinance Code section 1108-8.002 to authorize the Public Works Director to acquire any interest in real property where the purchase price of the property does not exceed \$50,000.

SECTION II. Section 1108-8.002 of the County Ordinance Code is amended to read:

1108-8.002 Authority of Public Works Director.

- (a) The board of supervisors authorizes the public works director or his or her designated deputy to perform all acts necessary to approve and accept for the county the acquisition of any interest in real property where the purchase price for the real property interest does not exceed \$50,000.
- (b) The acquisition of any interest in real property pursuant to subsection (a) of this section will be in accordance with the following procedures and requirements:
 - (1) The public works director shall comply with all applicable laws and regulations pertaining to the property acquisition, including purchase offer and environmental assessment requirements.
 - (2) Funding for the real property acquisition is appropriated and available.
 - (3) The public works director shall report semi-annually to the board of supervisors on each acquisition done pursuant to this section, including the interest acquired, its price, and the necessity for the purchase.
- (c) The authority granted by this section expires January 1, 2015 unless renewed by the board of supervisors. (Ords. 2009-35 § 2, 94-25 § 2: Gov. Code, § 25350.60.)

SECTION III. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage,

and within 15 days after passage shall be published once with the names of supervisors voting for and against it in the Contra Costa Times, a newspaper published in this County.

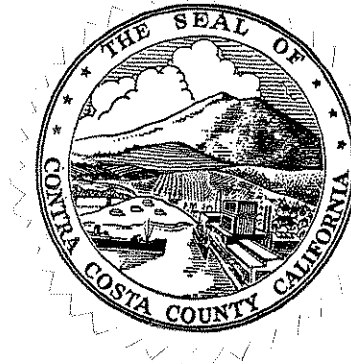
PASSED on DECEMBER 08, 2009, by the following vote:

AYES: SUPERVISOR GIOIA, UILKEMA, PIEPHO, GLOVER AND BONILLA
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

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


SUPERVISOR SUSAN BONILLA
Board Chair

By: 
EMY L. SHARP
Deputy



ORDINANCE NO. 2009-35



"CCT Legals"
<cctlegals@bayareanewsgroup.com>

12/08/2009 03:17 PM

To "Emelda Sharp" <EShar@cob.cccounty.us>

cc

bcc

Subject RE: Adoption of Ordinance No. 2009-35

ad#3339749

Aris Garcia
Legal Advertising Coordinator
Bay Area News Group
925-943-8019
925-943-8359-Fax

From: Emelda Sharp [mailto:EShar@cob.cccounty.us]

Sent: Tuesday, December 08, 2009 2:35 PM

To: CCT Legals

Subject: Adoption of Ordinance No. 2009-35

Dear Aris,

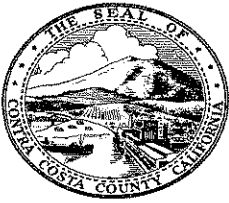
Please publish the above Adoption of Ordinance No. 2009-35,
in your Contra Costa Times, on December 14, 2009, under or Ref. No.
2289.

Thank you for your attention.

(See attached file: ADOPTION OF ORDINANCE NO. 2009-35.doc)

Clerk of the Board Of Supervisors
651 Pine Street, Rm 106
Martinez, CA 94553
Phone No. 925-335-1900
925-335-1903
Fax No. 9625-335-1913

Emelda L. Sharp
Clerk of the Board



LEGAL PUBLICATION REQUISITION

Contra Costa County

C.12
12/08/09

FROM: Clerk of the Board
651 Pine St., Room 106
Pine Street, Martinez 94553

TO: Contra Costa Times
P.O. Box 4718
Walnut Creek, CA 94596
E-MAIL: cctlegals@cctimes.com
FAX No. 925-943-8359

Requested by: EMY L. SHARP

Date: DECEMBER 08, 2009

Phone No.: 925-335-1903

Reference No.: 2289

Org.: Sub Object: 2190

Task: SAS **Activity:**

Publication Date (s) DECEMBER 14, 2009

No. of Pages: (3)

LEGAL PUBLICATION DOPTION OF ORDINANCE NO. 2009-35

e-mail

*** Immediately upon expiration of publication, ***
send in one affidavit for each publication in
order that the auditor may be authorized to pay you bill.

Authorized Signature:

Please confirm date of publication and receipt of this fax.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Adopt Ordinance Designating Hazardous Materials Emergency Vehicles

RECOMMENDATION(S):

ADOPT Ordinance No. 2009-33 designating 2004 Freightliner FL60, 1996 Freightliner FL60, 1992 Ford F-E350 Flatbed Truck, and 2006 Ford F650 as Hazardous Materials Emergency Response Team Vehicles, as recommended by the Health Services Director.

FISCAL IMPACT:

None.

BACKGROUND:

Since 1981, the Health Services Department Emergency Response Team has been responding to spills, chemical releases and other hazardous materials incidents throughout the County. The need often arises to go through or around slow or stalled traffic.

In 1990 the Vehicle Code was amended to allow the California Highway Patrol to issue Authorized Emergency Vehicle Permits to counties for vehicles designated for response during hazardous materials emergencies. In 1991, the Board designated two Health Services

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: Randy Sawyer,
646-2286

cc: Tasha Scott, Barbara Borbon, Randy Sawyer

BACKGROUND: (CONT'D)

Department vehicles as hazardous materials response vehicles; these original vehicles have been replaced. In 2005, the Board Adopted Ordinance No. 2005-31 that designated three vehicles as hazardous materials response team vehicles.

The County is updating the vehicle permits to include an additional vehicle, which was purchased since 2005, for use during hazardous material emergencies. The attached ordinance designates four vehicles as hazardous materials response team vehicles for response to hazardous material emergencies. Adoption of this ordinance will allow Health Services to apply to the California Highway Patrol for Authorized Emergency Vehicles Permit for this vehicle.

The ordinance was introduced at the Board of Supervisor's meeting on December 1, 2009.

ATTACHMENTS

Ordinance 2009-33

ORDINANCE NO. 2009-33

(Uncodified)

**(Designating Certain Health Services Department Vehicles as
Hazardous Materials Response Team Vehicles)**

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I. SUMMARY. This ordinance repeals Ordinance No. 2005-31 and designates a total of four Health Services Department vehicles as hazardous materials response team vehicles.

SECTION II. AUTHORITY. This ordinance is adopted pursuant to Vehicle Code section 2416, subdivision (a)(10).

SECTION III. REPEAL. Ordinance No. 2005-31 is repealed in its entirety.

SECTION IV. DESIGNATION. The following vehicles owned and operated by the County Health Services Department are hereby designated as hazardous materials response team vehicles for response to hazardous materials emergencies:

- | | |
|---|--|
| A. 2004 Freightliner FL60
County Vehicle No. 6824
License No. 1201175
VIN: 1FVACWDDX5HN93858 | B. 1996 Freightliner FL60
County Vehicle No. 6814
License No. 048373
VIN: 1FV3GF3D6VH708472 |
| C. 1992 Ford F-350 Flatbed Truck
County Vehicle No. 6131
License No. 342231
VIN: 2FDKF38MXNCA73548 | D. 2006 Ford F650
County Vehicle No. 6868
License No. 1232779
VIN: 3FRNX65N66V297707 |

SECTION V. PERMIT. The Director of Health Services is authorized to apply to the Commissioner of the California Highway Patrol for authorized emergency vehicle permits for the above vehicles.

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

PASSED on DECEMBER 08, 2009, by the following vote:

AYES: SUPERVISORS GIOIA, UILKEMA, PIEPHO, GLOVER, AND BONILLA
NOES: NONE
ABSENT: NONE
ABSTAIN NONE:

SUPERVISOR SUSAN BONILLA
Board Chair

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

By: EMY L. SHARP
Deputy

Ordinance No. 2009-33

ORDINANCE NO. 2009-33
(Uncodified)

(Designating Certain Health Services Department Vehicles as
Hazardous Materials Response Team Vehicles)

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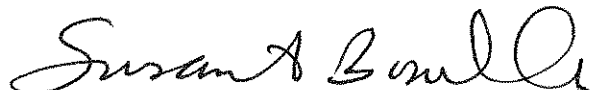
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AYES: SUPERVISORS GIOIA, UILKEMA, PIEPHO, GLOVER, AND BONILLA
NOES: NONE
ABSENT: NONE
ABSTAIN NONE:

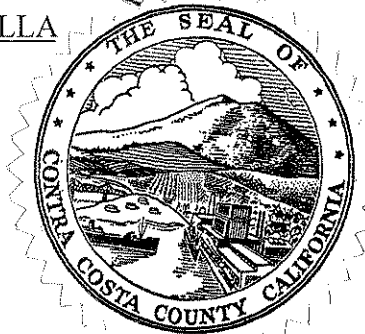


SUPERVISOR SUSAN BONILLA
Board Chair

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

By: 
EMY L. SHARP
Deputy

Ordinance No. 2009-33





"CCT Legals"
<cctllegals@bayareanewsgroup.com>

12/08/2009 03:24 PM

To "Emelda Sharp" <EShar@cob.cccounty.us>

cc

bcc

Subject RE: Adoption of Ordinance No. 2009-33

ad#3339779

g

Aris Garcia
Legal Advertising Coordinator
Bay Area News Group
925-943-8019
925-943-8359-Fax

From: Emelda Sharp [mailto:EShar@cob.cccounty.us]
Sent: Tuesday, December 08, 2009 2:29 PM
To: CCT Legals
Subject: Adoption of Ordinance No. 2009-33

Dear Aris,

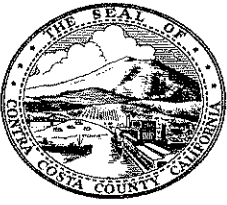
Please publish the above Adoption of Ordinance No. 2009-33, Certain Health Services Department Vehicles as Hazardous Materials Response Team Vehicles, on your Contra Costa Times, on December 14, 2009, under our Ref. No. 2288.

Thanks your for your attention.

(See attached file: ADOPTION OF ORDINANCE NO. 2009-33.doc)

Clerk of the Board Of Supervisors
651 Pine Street, Rm. 106
Martinez, CA 94553
Phone No.. 925-335-1900
925-335-1903
Fax No. 925-335-1913

Emelda L. Sharp
Clerk of the Board



LEGAL PUBLICATION REQUISITION
Contra Costa County *C*

C.13
12/08/09

**FROM: Clerk of the Board
651 Pine St., Room 106
Pine Street, Martinez 94553**

TO: Contra Costa Times
P.O. Box 4718
Walnut Creek, CA 94596

E-MAIL: cctllegals@cctimes.com

FAX No. 925-943-8359

Requested by: EMY L. SHARP

Date: DECEMBER 08, 2009

Phone No.: 925-335-1903

Reference No.: 2288

Org.: _____ Sub Object: 2190

Task: SAS **Activity:** _____

Publication Date (s) DECEMBER 14, 2009

No. of Pages: (2)

LEGAL PUBLICATION ADOPTION OF ORDINANCE NO. 2009-33

e-mail

***** Immediately upon expiration of publication, ***
send in one affidavit for each publication in
order that the auditor may be authorized to pay you bill.**

Authorized Signature: _____

Please confirm date of publication and receipt of this fax.



AIR-3149

BOS Agenda

Meeting Date: 12/08/2009

Time (Duration):

Appointments to the Contra Costa Inter-jurisdictional Council on Homelessness

Submitted For: David Twa, County Administrator

Department: County Administrator

Noticed Public Hearing: No

Presenter/Phone, if applicable:

Handling Instructions:

Contact, Phone: Dorothy Sansoe, 925-335-1009

Consent 35.

Appointments & Resignations

Division: Health & Human Services

Official Body: Board of Supervisors

Audio-Visual Needs:

District: All Districts

Recommendation(s):

Appoint Cecilia Valdez to the West County Representative Seat, Roberto Reyes to the At Large Seat, and Sean Blomquist to the Faith Community Representative Seat on the Contra Costa Inter-jurisdictional Council on Homelessness, to term a expiring March 31, 2010:

Cecilia Valdez
110 Santa Rita Court
San Pablo, CA 94806

Roberto Reyes
1673 Santa Clara St.
Richmond, CA 94804

Sean Bloomquist
216 Patrick Drive
Pacheco, CA 94553

Fiscal Impact:

None

Background:

The Contra Costa Inter-jurisdictional Council on Homelessness (CCICH) was established on March 11, 2008, combining the efforts of the Contra Costa County Homeless Continuum of Care Board and the Homeless Inter-Jurisdictional Inter-Departmental Work Group. CCICH is charged with providing a forum for communication and coordination about the overall implementation of the Ten Year Plan to End Homelessness and providing advice and input on the operations of homeless services. CCICH meets on a regular basis to discuss issues surrounding homelessness throughout the County and is made up of representatives from city and county government, health care, law enforcement, service providers and consumers.

Consequence of Negative Action:

Children's Impact Statement:

Budget Information			
<i>Information about available funds</i>			
Budgeted: <input type="radio"/>	Funds Available: <input type="radio"/>	Adjustment: <input type="checkbox"/>	Amount Available:
Unbudgeted: <input type="radio"/>	Funds NOT Available: <input type="radio"/>	Amendment: <input type="checkbox"/>	
Account Code(s) for Available Funds			
1:			
Fund Transfers			
Attachments			
<i>No file(s) attached.</i>			
Minutes Attachments			
<i>No file(s) attached.</i>			



Contra
Costa
County

To: Board of Supervisors
From: Federal D. Glover, District V Supervisor
Date: December 8, 2009

Subject: REAPPOINT KAI BUTLER TO DISTRICT V REPRESENTATIVE SEAT B ON THE COUNTYWIDE YOUTH COMMISSION

RECOMMENDATION(S):

Reappoint the following individual as a Youth Representative for district V Seat B to the Countywide Youth Commission with a term expiring August 31, 2011.

Kai Butler
4534 Wagon Trail Way
Antioch, California 94531

FISCAL IMPACT:

None

BACKGROUND:

None



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 12/08/2009



APPROVED AS



OTHER

RECOMMENDED

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: December 8, 2009

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

By: Janet Gricius, Deputy

Contact: Lynn Reichard -
427-8138

cc: Joan Tomasini

ATTACHMENTS

Kia Butler
Application



Membership Application

(please type or print clearly)

Name: Kai Butler Date: November 11, 2009
 Address: 4534 Waqun Trail Way Phone: (925) 639-3744
 City & Zip: Antioch, 94531 E-mail: kaijb30@gmail.com
 School: Deer Valley High School Grade /Age: 9th / 14

Why do you want to be a member of the Countywide Youth Commission?

I want to be a member of the Countywide Youth Commission to help make change and progress in the community.

List three issues that are your most important concerns for youth in your area or what needs to be improved in your community:

I think the main issue in the community that really needs to be improved is college admission. I feel there should be more programs and organizations in the community to teach the youth what they need to do to qualify for college and also show them all the scholarships available to them.

How could you, as a CYC Commissioner, help to address these issues:

As a CYC commissioner I could help come up with and plan organizations and programs that would do exactly that.

Current community and school activities:

Some current community and school activities that I am apart of are Deer Valley volleyball and basketball. Also I participated as a team leader in an organization called Challenge Day at my high school.

How did you hear about CYC? A former member

NOTE: A Commissioner serves a two-year term. He/she is expected to attend an evening meeting once a month. A Commissioner also serves on two subcommittees (estimate one additional meeting plus task assignments per month) during the term. This is about a 6-8 hour total commitment per month.

Can you fulfill this commitment if you are selected? ☒ Yes ☐ No

Mail completed application to:

Supervisor Federal D. Glover
 ATTN: Lynn Reichard
 315 East Leland Road
 Pittsburg, CA 94565
 PHONE: 925-427-8138
 FAX: 925-427-8142



Contra
Costa
County

To: Board of Supervisors
From: Federal D. Glover, District V Supervisor
Date: December 8, 2009

Subject: RE-APPOINT MARY ERBEZ TO THE REGULAR SEAT AND LARRY WIRICK TO THE ALTERNATE SEAT
ON THE EASTERN CONTRA COSTA TRANSIT AUTHORITY BOARD

RECOMMENDATION(S):

1. Reappoint the following individual to the regular Member 2 seat on the Eastern Contra Costa Transit Authority Board, for a term to expire on December 31, 2011:

Mary Erbez
163 Redondo
Pittsburg, California 94565

2. Reappoint the following individual to the alternate seat on the Eastern Contra Costa Transit Authority Board, for a term to expire on December 31, 2011:

Larry Wirick
2265 Bayberry Circle
Pittsburg, CA 94565

FISCAL IMPACT:

None

BACKGROUND:

None



APPROVE



OTHER



RECOMMENDATION OF CNTY
ADMINISTRATOR



RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: Janet Gricius, Deputy

Contact: Lynn Reichard -
427-8138

cc: Jeanne Krieg



**Contra
Costa
County**

To: Board of Supervisors
From: Joe Valentine, Employment & Human Services Director
Date: December 8, 2009

Subject: Advisory Council on Aging

RECOMMENDATION(S):

ACCEPT resignation of Kathryn Williams, M.D., DECLARE a vacancy in the Local Orinda City Seat on the Advisory Council on Aging, and DIRECT the Clerk of the Board to post the vacancy, as recommended by Joe Valentine, Director, Employment and Human Services Department, on behalf of the Advisory Council on Aging.

FISCAL IMPACT:

None

BACKGROUND:

Doctor Williams has submitted her resignation from the Advisory Council on Aging effective December 1, 2009. It is necessary to fill this vacancy in an effort to bring the Advisory Council to its required number of active members.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: Janet Gricius, Deputy

Contact: 925.313.1648

cc: John Cottrell, Susan Brown, Earl Maciel



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Medical Staff Appointments and Reappointments – November 2009

RECOMMENDATION(S):

Approve the list of providers and privileges approved by the Medical Executive Committee at their November 16, 2009 meeting, and by the Health Services Director.

FISCAL IMPACT:

None.

BACKGROUND:

The Joint Commission on Accreditation of Healthcare Organizations has requested that evidence of Board Approval for each Medical Staff member will be placed in his or her Credentials File. The above recommendations for appointment/reappointment were reviewed by the Credentials Committee and approved by the Medical Executive Committee.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: Janet Gricius, Deputy

Contact: Anna Roth, 370-5101

cc: Tasha Scott, Barbara Borbon, Juanna Fon

ATTACHMENTS

G:\C&G DIRECTORY\NON CONTRACTS\BO November, Page 1.doc

A. New Medical Staff Members

Leif Meyers, MD	Emergency Medicine
Gabriel Patino, MD	Emergency Medicine
Jenny Riley, MD	Family Medicine
Deborah Simon-Weisberg, MD	Family Medicine
Stuart Zeman, MD	Surgery - Ortho

B. Advance to Non-Provisional

Jamie Navel, MD	Family Medicine	A
Jacob Meyer, MD	Family Medicine	A

C. Request for Additional Privileges

Cathy Kissinger, NP	Ob/Gyn	Aff
---------------------	--------	-----

D. Biennial Reappointments

Margarita Berrios, MD	Pediatrics	C
Anna Budayr, MD	Psychiatry/Psychology	C
Alina Faramazyan, MD	Psychiatry/Psychology	A
Kimberly Haglund, MD	Surgery	A
Steven Harrison, MD	Surgery	A
David Hearst, MD	Family Medicine	A
Thomas McCoy, DO	Emergency Medicine	A
David Pepper, MD	Family Medicine	A
Lisa Quinones, MD	Family Medicine	A
Denice Tai, MD	Family Medicine	A
John Witczak, DO	Surgery	P/C
Grant Wyborny, PhD	Psychiatry/Psychology	C

E. Biennial Renewal of Privileges

Kenneth Hanson, OD	Surgery	Aff
Cathy Steirn, NP	Family Medicine	Aff
Janet Wasko, NP	Family Medicine	Aff
Jennifer Westerman, NP	Family Medicine	Aff

F. Voluntary Resignation

Samih Boutros, MD	Psychiatry/Psychology
Sridhar Prathikanti, MD	Psychiatry/Psychology
Sam Sayani, MD	Emergency Medicine
Yamini Shah, MD	Psychiatry/Psychology

G. Voluntary Application withdrawal

Kenneth Jones, MD	Emergency Medicine
-------------------	--------------------



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: December 8, 2009

Subject: Appointments to the Town of Discovery Bay Community Services District Board of Directors

RECOMMENDATION(S):

APPOINT the following individuals as Directors on the Town of Discovery Bay Community Service District Board of Directors for a term of office beginning December 8, 2009 and ending December 3, 2010:

Brian Dawson

2059 Sand Point Road
Discovery Bay, CA 94505

Kevin Graves

5779 Cutter Loop
Discovery Bay, CA 94505

FISCAL IMPACT:

The cost of a Special



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/08/2009**



APPROVED AS



OTHER

RECOMMENDED

Clerks Notes:

Speaker: Don Flint, resident of Discovery Bay

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: December 8, 2009

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

By: Janet Gricius, Deputy

Contact: L. DeLaney, 5-1097

cc:

FISCAL IMPACT: (CONTD)

Election to the Town of Discovery Bay Community Services District (CSD) to fill two vacant seats on its Board of Directors, the terms of which would begin on December 8, 2009 and expire on December 3, 2010, is estimated by the Contra Costa County Elections Division to be between \$32,463 and \$43,063 (depending on when the election is held and whether it is an all-mail ballot or special poll election).

This action by the Board of Supervisors to fill the vacancies by appointment of CSD Board-nominated candidates avoids that financial impact on the Town of Discovery Bay CSD, which would be required to reimburse the County in full for any Special Election costs.

BACKGROUND:

The Town of Discovery Bay Community Services District (TDB CSD) was recently notified of two resignations from its Board of Directors. The first resignation by former Director Shannon Murphy-Teixeira was received by the TDB CSD on September 18, 2009 and was effective immediately. Ms. Murphy-Teixeira was re-elected to the District Board on November 7, 2006 to a four-year term ending December 3, 2010.

The second resignation by former Director Dave Dove was received by the TDB CSD on September 26, 2009. His resignation was effective September 23, 2009. Mr. Dove was also elected on November 7, 2006 to a four-year term ending December 3, 2010.

As a result of the resignations, the Discovery Bay CSD currently has two of its five Board of Directors seats vacant. According to Government Code section 61045 (e), with a five-member Board of Directors, the Board may only take action by a majority vote of the membership of the Board (5)--not by a majority vote of the quorum (which is 3). Therefore, with three Board of Directors seats currently filled and any action requiring three votes, a unanimous vote is needed on any action.

Government Code section 1780 allows the Board of Supervisors to appoint or "order the district to call an election to fill a vacancy" if the Town of Discovery Bay Community Services District fails to act within 60 days of a vacancy. The sixty (60) day period for action by the District Board on the seat formerly occupied by Ms. Shannon Murphy-Teixeira expired on November 17, 2009. The sixty day period for action by the Board on the seat formerly occupied by Mr. Dave Dove expired on November 25, 2009.

On October 1, 2009, the Town of Discovery Bay CSD posted the notice of open seats inviting applications to fill the vacancies with an application deadline of October 28, 2009. Nine (9) qualified residents submitted paperwork to be considered to fill the two vacant seats. One of the nine applicants withdrew the day after submitting his application, leaving eight candidates. The TDB CSD Board of Directors interviewed the remaining eight candidates at its regularly scheduled meeting of November 4, 2009. After the interviews were complete, the Board of Directors accepted nominations from the three TDB CSD Directors.

Three of the eight (8) applicants that were interviewed were nominated to fill the two vacant positions: Mr. Kevin Graves (nominated by Vice President Simon), Mr. Brian Dawson (nominated by Director Piepho), and Mr. Mike McCleery (nominated by President Tetrault).

Because unanimity on votes for the nominees could not be reached, the Board of Directors voted to continue this item to a Special Meeting of the Town of Discovery Bay CSD on Wednesday, November 11, 2009.

After the meeting of November 4, 2009, one of the three nominated candidates, Mr. McCleery, withdrew his application for the Board of Directors citing the other two nominees as more qualified to serve at this time, leaving only two nominated candidates for the two open seats.

The Town of Discovery Bay CSD held a special meeting on November 11, 2009 to continue the effort to select two directors to fill the two vacancies. A motion to reopen nominations failed (2 ayes-1 no). A motion to appoint Mr. Graves failed (2-1). A motion to appoint Mr. Dawson failed (0-3). A motion to call a Special Election also failed (2-1). A motion to appoint Mr. Graves and Mr. Dawson at the same time failed to achieve a second.

Consequently, the TDB CSD Board of Directors was unable to come to a unanimous vote on the two nominees to fill the two open seats. As a result, the item was continued to the regularly scheduled November 18, 2009 meeting.

The next regularly scheduled meeting of the Town of Discovery Bay CSD was held on Wednesday, November 18, 2009. At this meeting, the TDB CSD Board of Directors unanimously voted to submit two separate letters to the Contra Costa County Board of Supervisors notifying them of the vacancies and the fact that the District Board had neither appointed a replacement nor called for a Special Election within the sixty day period specified in Government Code Section 1780.

On November 30, 2009 the Contra Costa County Clerk of the Board received a letter from the Discovery Bay Town Manager, Mr. Virgil Koehne, indicating that the Discovery Bay CSD Board of Directors had neither appointed a replacement nor called for a special election within the 60 day period specified in California Government Code Section 1780 to replace Ms. Shannon Murphy-Teixeira. (See Attachment A.)

On December 1, 2009 the Contra Costa County Clerk of the Board received a letter from the Discovery Bay Town Manager, Mr. Virgil Koehne, indicating that the Discovery Bay CSD Board of Directors had neither appointed a replacement nor called for a special election within the 60 day period specified in California Government Code Section 1780 to replace Mr. Dave Dove. (See Attachment B.)

Government Code Section 1780 (f) provides that when the District Board has a quorum of members but does not fill a vacancy, the Board of Supervisors may make an appointment or may call an election to fill a vacancy. (This is different from the situation where the District Board lacks a quorum of members and the Board of Supervisors is required to act on the vacancy. Gov. Code, § 1780 (h).)

Under Government Code section 1780, the Board of Supervisors has a limited period of time in which to act on the vacancies. The final date for action on the seat formerly occupied by Ms. Shannon Murphy-Teixeira is December 17, 2009. The final date for action on the seat formerly occupied by Mr. Dave Dove is December 28, 2009 (the next business day after December 25, 2009).

Should the Board of Supervisors determine not to make appointments to the vacancies or not make them by the above dates, the Town of Discovery Bay CSD will be required to hold a Special Election and will not have a full slate of directors until March 2, 2010 (All Mail Ballot Election) or April 13, 2010 (Special Poll Election). A Special Election, estimated to cost between \$32,463 and \$43,063, will only serve to fill the two director vacancies for the March/April 2010 to December 3, 2010 period of time.

CONSEQUENCE OF NEGATIVE ACTION:

Should the Board of Supervisors determine not to make appointments to the vacancies or not make them by the above dates, the Town of Discovery Bay CSD will be required to hold a Special Election and will not have a full slate of directors until March 2, 2010 (All Mail Ballot Election) or April 13, 2010 (Special Poll Election). A Special Election, estimated to cost between \$32,463 and \$43,063, will only serve to fill the two director vacancies for the March/April 2010 to December 3, 2010 period of time.

CHILDREN'S IMPACT STATEMENT:

CLERK'S ADDENDUM

CORRECTED TO READ: APPOINT the following individuals as Directors on the Town of Discovery Bay Community Service District Board of Directors for a term of office beginning December 8, 2009 until the end of term.

ATTACHMENTS

Attachment B

Attachment A



TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376

Telephone: (925) 634-1131 Fax: (925) 513-2705

Board Members

President-Ray Tetreault
Vice President-Mark Simon
Director-David Piepho

raytetreault@comcast.net
mars11950@yahoo.com
dp1800todb@sbcglobal.net

November 18, 2009

Contra Costa County Board of Supervisors
Attn: Supervisor Susan Bonilla, Chairperson
651 Pine Street, Room 106
Martinez, CA 94553-1293

RE: A Vacancy of the Board of Directors of the Town of Discovery Bay Community Services District ("CSD") Due to the Resignation of Shannon Murphy-Teixeira

Honorable Supervisor Susan Bonilla:

A vacancy due to the resignation of Shannon Murphy-Teixeira from the Board of Directors of the Town of Discovery CSD occurred on September 18, 2009. The Board of Directors has neither appointed a replacement nor called for a special election within the sixty (60) day period specified in California Government Code Section 1780.

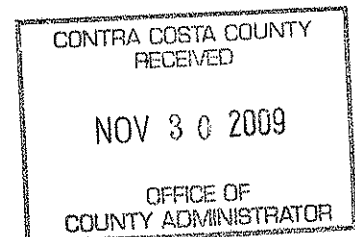
If you have any questions regarding this matter, please do not hesitate to contact me at (925) 634-1131.

Sincerely,

Virgil Koehne, General Manager/Board Secretary
Town of Discovery Bay CSD

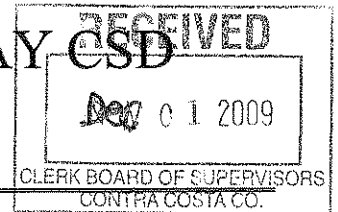
JS/ca

Cc: David Twa, Clerk of the Board of Supervisors
Supervisor Mary N. Piepho, CCC Board of Supervisor, District III
Stephen Weir, Contra Costa County Elections Department





TOWN OF DISCOVERY BAY CSD



1800 Willow Lake Road, Discovery Bay, CA 94505-9376

Telephone: (925) 634-1131 Fax: (925) 513-2705

Board Members

President-Ray Tetreault
Vice President-Mark Simon
Director-David Piepho

raytetreault@comcast.net
marsil950@yahoo.com
dp1800todb@sbcglobal.net

November 25, 2009

Contra Costa County Board of Supervisors
Attn: Supervisor Susan Bonilla, Chairperson
651 Pine Street, Room 106
Martinez, CA 94553-1293

RE: A Vacancy of the Board of Directors of the Town of Discovery Bay Community Services District ("CSD") Due to the Resignation of David Dove

Honorable Supervisor Susan Bonilla:

A vacancy due to the resignation of David Dove from the Board of Directors of the Town of Discovery CSD occurred on September 26, 2009. The Board of Directors has neither appointed a replacement nor called for a special election within the sixty (60) day period specified in California Government Code Section 1780.

If you have any questions regarding this matter, please do not hesitate to contact me at (925) 634-1131.

Sincerely,

Virgil Koehne, General Manager/Board Secretary
Town of Discovery Bay CSD

JS/ca

Cc: David Twa, Clerk of the Board of Supervisors
Supervisor Mary N. Piepho, CCC Board of Supervisor, District III
Stephen Weir, Contra Costa County Elections Department

CC: BBS, B60

~~SECRET~~

C.19
12-8-09

Mary Piepho/BOS/CCC

12/07/2009 09:32 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan
Bonilla/BOS/CCC@CCC, Tomi Van de
Brooke/BOS/CCC@CCC, Lea Castleberry/BOS/CCC@CCC,
bcc

Subject For Tuesday 12-8 Fw: Discovery Bay CSD Selection

FYI for tomorrow's meeting and the public record. Please share with board members at the dais. M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 09:31 PM -----



Michael McCleery
<mmccleery@sbcglobal.net>

12/07/2009 02:38 PM

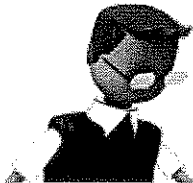
To MPiep@bos.cccounty.us

cc

Subject Discovery Bay CSD Selection

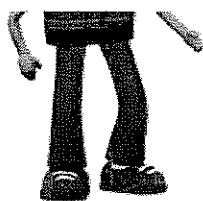
Supervisor Piepho: I have received several emails today from people who think I have been misquoted and do not support the two remaining candidates for the open CSD positions. I want you to know that I DO SUPPORT both Brian Dawson and Kevin Graves. In fact, one of the reasons I withdrew my name was I felt both of the other two candidates were more experienced at Discovery Bay governance than I was.

I am amazed at the internet blogs that dig up dirt about CSD, especially about Brian Dawson. People here in "Drama Bay" seem to feel he is not qualified because he is a smoker, a renter, and a comic book artist. I think he could reach out to a younger portion of our population and maybe help get the community center started. OK....he needs to quit smoking! This is only for a one year time frame before elections. Right now, the Board is paralyzed with a requirement for a unanimous vote.



Thank you,

Mike McCleery



Mary Piepho/BOS/CCC

12/07/2009 10:44 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan
Bonilla/BOS/CCC@CCC, Lea Castleberry/BOS/CCC@CCC,
Tomi Van de Brooke/BOS/CCC@CCC, Karyn
bcc

Subject Fw: No Special Election!

David, For the public record and Supervisor's for tomorrow's meeting. Thank you, M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 10:44 PM -----



Jannine Becker
<janninebecker@yahoo.com>

11/26/2009 07:27 PM

To Dist4@bos.cccounty.us, dist5@bos.cccounty.us,
Dist1@bos.cccounty.us, gayle@bos.cccounty.us,
MPiep@bos.cccounty.us

cc

Subject No Special Election!

Dear County Supervisors,

I am writing in regard to the attempt by two members of the DBCSD, rather than accepting the two nominees in front of them (to fill two vacancies!), to push the appointments to a .Special Election., and why it is so unnecessary. I pray you see how ridiculous the whole idea is.

I have been a Discovery Bay resident for nine years and this is the first time I can say I am ashamed of the town leaders. Here we have two very intelligent men that actually care about the community they live in. One of the nominees, Brian Dawson, not only cares but he is passionate about making Discovery Bay the best it can be. He's not trying to bring crime in (we have that already), he's not trying to bring division into the community (we already have that also). In fact he recently went in front of the board on behalf of the young men (my son included) who live in the Centex Development - and encouraged them to speak to the board themselves - in his attempt to move forward the Regatta Park basketball court. Already he is thinking improvement of the quality of life here. That's the kind of person we need on the board, the kind of person that thinks of good change. He is trying to change the bad and work on making it better a better place to "live where you play" as Discovery bay is known for.

I wonder if the residents who sport that famous expression on their license plates have any idea how shameful their city leaders act on Wednesday evenings. I wonder if they read all the inaccuracies plastered all over the local newspaper blog that completely degrade his

character, as well as the character of other leaders and community members. I am sure if all the residents in DB knew what was going on here they would be outraged – especially at the fact that some of our town leaders were pushing for a .Special Election. because they apparently don't like one of the nominees personally. Shouldn't they be more concerned with his abilities than what he drives, or what he does for a living....these have all been part of the slander they write about him. Never once have they been able to say that he cannot do the job!

So they want to spend who knows how many thousands of dollars for a special election? Are you kidding me? We have two seats available and two candidates eager to take part in making this town better. Am I the only one who sees that this is a no brainer? Why spend money in an economy such as this when the problem is already solved? Let's stop this nonsense talk of a .Special Election. and move on to more important issues. This is obviously the goal of the two candidates the board nominated. I hope you make it yours as well.

Thank you in advance for your consideration of this matter.

Sincerely,

Jannine Becker

Mary Piepho/BOS/CCC

12/07/2009 10:43 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan Bonilla/BOS/CCC@CCC, Tomi Van de Brooke/BOS/CCC@CCC, Lea Castleberry/BOS/CCC@CCC,
bcc

Subject Fw: Discovery Bay CSD Appointments

David, FYI for tomorrow's meeting and the public record. Please make sure Supervisors have copies of the dais in the morning. M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 10:42 PM -----



"Jennifer Finetti"
<jen@niacreative.com>

11/18/2009 02:21 PM

To <MPiep@bos.cccounty.us>

cc

Subject Discovery Bay CSD Appointments

Dear Supervisor Piepho,

I am writing to you regarding the 2 open seats on the Discovery Bay Community Services District (CSD) Board.

As you may know, the appointment process has not gone well and now the decision will be made by the Board of Supervisors. Given this is the situation, as a resident of Discovery Bay, I feel compelled to share with you a few thoughts:

- We have 2 open seats, and 2 nominees. Both nominees (Kevin Graves and Brian Dawson) are well-qualified for the position, and it would seem that the CSD should have appointed both nominees to the available seats. There had been a 3rd nominee, but he dropped out so that would leave just Graves and Dawson.
- All 3 CSD Directors (President Ray Tetreault, Vice President Mark Simon and Director David Piepho) supported the appointment of Mr. Graves.
- Initially President Tetreault and Director Piepho supported the appointment of Mr. Dawson, while Vice President Mark Simon voted "no" on his appointment. Then in a follow-up meeting, President Tetreault voted "no" along with Vice President Mark Simon.
 - When asked why he voted "no" on Mr. Dawson, Vice President Mark Simon indicated he was concerned that Dawson had not lived in Discovery Bay for a long time and felt that he didn't have strong enough ties to the community. He did not indicate any other reason for not supporting Dawson's appointment.
 - President Tetreault did not comment on why he changed his vote.

I reviewed the flyer calling for applicants when the seats were first vacated, and the flyer listed no requirements regarding length of residency or a specific need for certain ties to the community. In fact, right now the CSD is searching for a new General Manager for the Town, and Discovery Bay residency isn't even required for that position.

Additionally, it should be noted that I was a candidate for the CSD in the 2008 election. When I ran for the Board, I had only lived in Discovery Bay since August of 2006, and I moved here with my husband and children simply because we wanted to live in Discovery Bay. We had no other friends or relatives who lived anywhere in East County. There were no stipulations that I must have resided in the Town for a certain number of years, nor were there any stipulations that I must have been a regular attendee of CSD meetings. And in fact, I received endorsements for my candidacy from Supervisor Mary Piepho, 3 CSD Directors, Byron Union School District Superintendent Eric Prater and ALL members of the Byron Union School District School Board. Clearly my shorter residency was not a deterrent to our local elected officials who felt that I was well-qualified to be a CSD Director.

Here are the facts:

- Brian Dawson DOES live in Discovery Bay.
- Mr. Dawson is married and he and his wife have 2 children. One of their children is school-aged and attends Discovery Bay Elementary.
- Mr. Dawson was born and raised in the Bay Area. He moved out of state for a few years and then moved to Discovery Bay where his parents and siblings have lived for many years. He chose Discovery Bay specifically because of those family ties, and because he wanted to raise his children in a safe town near his extended family.
- Mr. Dawson has attended nearly every CSD meeting since moving to Discovery Bay. He is well-aware of the issues facing our community, and has participated actively in meetings as well as made valuable contributions to the community via that participation. I feel confident that I can state that Dawson has attended more CSD meetings since he has lived in Discovery Bay than most lifelong-Discovery Bay residents have attended in all the years they have lived here.
- Mr. Dawson has been active politically prior to living in Discovery Bay, and has had a long-standing interest in public service.

Based on these facts, I do feel that Vice President Mark Simon's perspective was not based on Brian Dawson's actual situation, but instead was based on rumor and innuendo. As I think the Board of Supervisors is aware, there is a small group of individuals who have continually badgered our CSD Board in an attempt to take control over our town's governance. This may sound bizarre, and it truly is.

- These individuals have pretty much crippled our Town staff by endless PRA requests as well as lawsuits and threats of litigation. These individuals - led by Bill Richardson, Don Flint and Jeff Barber - wreak havoc at CSD meetings and have harassed the Directors in our local newspaper and in blogs etc. This has been going on for the last few years, but has gotten steadily worse over the last 2 years with no end in sight. In fact, it is well-known in our community that these issues were the cause of the resignations of Shannon Murphy-Teixeira and Dave Dove, which then left us with the 2 open seats that we now need to fill.
- As you might expect, this small group of individuals objects to Brian Dawson's appointment to the Board, yet the individuals do not have anything factual or credible that supports their perspective. They simply don't want him on the CSD Board.

Those who support Mr. Dawson appreciate his qualifications, and also appreciate the fact that he represents a broader Discovery Bay:

- Currently there are no CSD Directors who live in Discovery Bay West, an expansive section of

our community with thousands of residents whose views are not currently represented by the present makeup of the CSD.

- Mr. Dawson also represents young families, an ever-growing contingent in our community.
- Mr. Dawson is not a wealthy homeowner living on deep water, nor does he own a boat. Again, he represents thousands in our community who feel their voices are not heard due to their working-class/middle income status.

One could infer that the reason that a small handful of folks don't want Mr. Dawson on the Board is simply BECAUSE he represents a broader Discovery Bay. But our community needs to be INCLUSIVE rather than exclusive.

I encourage the Board of Supervisors to appoint both of our current nominees, Kevin Graves and Brian Dawson, to fill the 2 open seats on our CSD Board. Both nominees will do a fine job of representing our community and getting the Town's business done.

Thank you for taking the time to view my email - feel free to contact me if you have questions or would like further clarification on my perspective.

Sincerely,

Jennifer Finetti
6454 Green Castle Circle
Discovery Bay, CA 94505
Home: 925-634-8099
Cell: 408-838-7704

Mary Piepho/BOS/CCC

12/07/2009 10:42 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan Bonilla/BOS/CCC@CCC, Tomi Van de Brooke/BOS/CCC@CCC, Lea Castleberry/BOS/CCC@CCC,
bcc

Subject Fw: CSD Board appointments for Town of Discovery Bay

David, for tomorrow's meeting and the public record. Please make sure Supervisor's have copies at the dais in the morning. M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 10:41 PM -----



"Chris Finetti"
<chris@niacreative.com>

12/01/2009 12:01 AM

To <MPiep@bos.cccounty.us>

cc

Subject CSD Board appointments for Town of Discovery Bay

Dear Supervisor Piepho,

I am writing to you and the entire BOS in regards to the 2 open seats here on the Discovery Bay Community Services District (CSD) Board.

The fact that the decision is now in your hands is due to a culmination of events that, as a resident of Discovery Bay, I am not proud to mention but inclined to offer input, as I believe that I can add perspective to the unfortunate situation we find ourselves in. Basically, it comes down to a little disagreement, as well as a little ego flexing between the 3 remaining CSD directors regarding the final 2 nominees.

Originally, this decision was understandably more challenging, as there were 3 nominees - Kevin Graves, Mike McCleery and Brian Dawson - chosen from amongst the applicants. But once Mike McCleery dropped out a day after being nominated, the appointments of Kevin Graves and Brian Dawson should have been a CSD board slam-dunk. Unfortunately, the CSD Board has NOT been able to complete the task of appointing these 2 nominees to the 2 open seats due to disagreements regarding the process as well as disagreements over Candidate Dawson. These issues created a cascade of events that has placed the appointment decision in your hands.

I am writing this letter to respectfully urge the board to simply appoint the final 2 candidates (Brian Dawson and Kevin Graves) to the Discovery Bay CSD. I believe not doing so would represent a measurable injustice to the democratic process as well as indirect support of prejudicial behavior, which I believe occurred here in our little town - albeit unintentional, acceptable does it not make.

Before I state facts supporting my belief I want to state for the record that I think the three existing CSD directors are not only qualified for the honorable positions they serve but that

they have done an outstanding job communicating with each other and the people of Discovery Bay in the absence of the 2 resigned directors. In spite of some formidable barriers they have agreed unanimously on almost every vote for months and did so before the vacancies occurred. I say this to illustrate that I hold no allegiance to any particular CSD director. I have had ongoing communications with all of them since at least the last election and I enjoy their capacity to talk about the issues that face us locally and statewide.

With that said, here are the facts as I see them:

- Two seats became available due to resignations of existing board members.
- The CSD posted a request for applicants for the position, and 9 people applied. All met the minimum qualifications as stated in the posting.
- On 11/04/09, the applicants were to present their statements and respond to questions at a public CSD meeting, 1 applicant withdrew his application and 1 was a no-show. As a result, there were then 7 applicants remaining.
- From those 7, three were nominated by the CSD Board based on the applicants' presentations and responses to questions. The Board voted to close nominations after they selected those 3 candidates. Presumably they closed nominations because they felt that the remaining 4 applicants were not as qualified.
- The Board attempted to appoint 2 of the 3 nominees; however, they could not agree on a process for nominations and could not agree on which 2 candidates should be appointed.
- A follow-up meeting was scheduled for 11/11 so that the CSD Directors could have another shot at coming to consensus, but on 11/05 – the very next morning, Candidate Mike McCleery formally withdrew his application:

"After being conflicted all night, I have come to the conclusion that I am too new to Discovery Bay and lack the experience to be an effective director," said McCleery. "There were nuances in last night's meeting that literally went over my head ... I would like to apologize profusely for dropping out at this late moment. I feel I was naïve and really didn't do my homework. I believe I need several years of working in the community before I would consider myself eligible for the position. I feel the other two candidates you have nominated to fill the vacancies understand the community better than I do. I would like to thank the directors for the honor of being nominated for the position."

Due to McCleery's withdrawal and outward support of the remaining 2 candidates, it seemed an easy decision for the Board to simply appoint the remaining candidates.

- Unfortunately, this did not occur and in fact, President Tetreault and Vice President Simon preferred to hold a special election. Director Piepho voted "no" to the special election and stated that he wanted to seat the remaining 2 candidates for the 2 open seats.

I am not certain why Director Simon did not want to seat Brian Dawson. He was unwilling to go on the record explaining the reason behind any of his votes for or against a nominee. From where I sit, Dawson is as qualified as the other nominees if not more so as he has attended nearly every CSD meeting since moving to Discovery Bay and has also contributed to the community through his participation in meetings as well as encouraging the Board to support a new basketball court in a park that is lacking in facilities for older youth. Based on what I have seen when in CSD meetings, Mr. Dawson has strong opinions, and perhaps

that bothers some members of the community. But those opinions are nearly always in SUPPORT of the current CSD Board and their accomplishments. As such, I am confused as to why Vice President Simon is reluctant to appoint him to the Board. I am even more confused as to why he and President Tetreault preferred to hold a special election rather than appointing Dawson and Graves to the Board. Considering the fact that Dawson and Graves would only be serving a few months before having to mount a re-election campaign to hold on to their seats, it seems to me it would be incredibly wasteful to hold a special election. This is even MORE wasteful when one considers that the election wouldn't be held until April, which is just 7 months before the November election. Appointing them both now would enable the community to gauge how well they might perform for the next term, and would also save the community the cost of a special election.

Even if you DO appoint these candidates to the Board and they turn out to be disastrous Directors, the 3 existing CSD Board members would have a majority vote ANYWAY so the likelihood of our community being run into the ground is extremely slim. And considering the fact that we have 2 open seats and only 2 remaining nominees, it seems like this decision is pretty straightforward and can be easily resolved. Therefore, I highly encourage the Board of Supervisors to appoint candidates Kevin Graves and Brian Dawson.

Sincerely,

Chris Finetti
Discovery Bay, CA

Mary Piepho/BOS/CCC

12/07/2009 10:39 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan
Bonilla/BOS/CCC@CCC, Tomi Van de
Brooke/BOS/CCC@CCC, Karyn Cornell/BOS/CCC@CCC

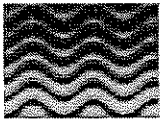
bcc

Subject Fw: Agenda item C-19 BOS meeting December 8, 2009

David, FYI for tomorrow's meeting. Please have copies available for Supervisors at the dais. M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 10:38 PM -----



Lea Castleberry/BOS/CCC

12/07/2009 01:30 PM

To mpiep@bos.cccounty.us

cc tvdb@bos.cccounty.us, kcorn@bos.cccounty.us

Subject Fw: Agenda item C-19 BOS meeting December 8, 2009

FYI - From Mark Simon

Lea Castleberry
Deputy Chief of Staff
Supervisor Mary N. Piepho
Contra Costa County District III
309 Diablo Road
Danville, CA 94526
Ph: (925) 820-8683
Fax: (925) 820-6627

----- Forwarded by Lea Castleberry/BOS/CCC on 12/07/2009 01:28 PM -----

BOS District3/BOS/CCC

12/07/2009 01:29 PM

To Lea Castleberry/BOS/CCC@CCC

cc

Subject Fw: Agenda item C-19 BOS meeting December 8, 2009

Office of Supervisor Mary N. Piepho
Contra Costa County, District III

309 Diablo Road
Danville, California 94526
Ph: (925) 820-8683
Fax: (925) 820-6627

181 Sand Creek Road, Suite L
Brentwood, California 94513
Ph: (925) 240-7260
Fax: (925) 240-7261

email: dist3@bos.cccounty.us

SUPERVISORIAL STAFF:

Tomi Van de Brooke, Chief of Staff
Lea Castleberry, Deputy Chief of Staff
Marion Murphy, Scheduler/Office Operations
Karyn Cornell, East County Field Representative
Jennifer Quallick, South County Field Representative

----- Forwarded by BOS District3/BOS/CCC on 12/07/2009 01:24 PM -----

"Mark Simon (Hotmail)" <marsi1950@hotmail.com>

12/07/2009 08:12 AM

To <dist3@bos.cccounty.us>

cc

Subject Agenda item C-19 BOS meeting December 8, 2009

Dear Supervisor Piepho,

My intention was to attend the BOS meeting scheduled for December 8, 2009 and to speak against the appointment of Brian Dawson to the CSD board. Unfortunately, I will not be able to attend the meeting and in lieu of that, I would like to make several points that will address my concerns with Mr. Dawson's consideration for our board vacancy.

First of all, as I'm sure you are unaware, Mr. Dawson addressed the full CSD Board last year and at that time, advised the board and the residents who were attending the meeting, that he could hack into the computer of any board member or resident in less than half an hour. That statement was recorded along with the minutes and is available upon request. Furthermore, Mr. Dawson has on local blogs, (allthewaytodiscoverybay) invited those who disagree with his comments to settle the disagreement with a fistfight. I would also like to point out, that Mr. Dawson was in the Discovery Bay Town Offices parking lot with his shirt off, at the conclusion of our November 11, 2009 meeting, waiting to fistfight a resident who had insulted him during that meeting. I believe the Board of Supervisors should also be made aware, that Mr. Dawson has had contact with a local resident, which resulted in that resident feeling afraid for his and his families safety and finding it necessary to file a report with our local Sheriffs office. Over the past two years, Mr. Dawson has owned and operated a vehicle that per his own admission, was illegal in the State of California. The vehicle was operated on Florida license plates, even though Mr. Dawson claimed his residence is here in California. Since applying for the CSD Board opening, Mr. Dawson has now registered his vehicle. I believe the State of California is owed registration, smog and penalties for the two years the car was not legally registered in this state. Does Brian Dawson really sound like the type of candidate, you would feel comfortable appointing to an important position such as CSD Director for a growing town.

During the nomination process for CSD director, Mr. Dawson was rejected by the majority of the board. The only support he received was from your husband Director David Piepho. To say the least Supervisor Piepho, I am deeply concerned that will play a major role in Mr. Dawson's appointment and that appointment will go against the wishes of the board majority. I believe that appointing Brian Dawson to the CSD Board by our county supervisors, will be a direct slap in the face to the CSD Board and to the residents of Discovery Bay. I have received numerous emails and phone calls from concerned residents who do not want Brian Dawson appointed to the CSD Board.

I would like to suggest, that if it is possible, the board should consider appointing one candidate and then extending the time limit to appoint the second candidate by thirty days. By doing this, the CSD board will now have four voting members making the voting process much easier to conclude. Mr. Graves is a candidate that the entire CSD board was in agreement on and I feel that by seating him first, the CSD board would be able to nominate and elect a fifth board member without the Board of Supervisors having to make the final appointment. Appointing Brian Dawson to the CSD Board will serve no purpose, other than to divide the existing members and the community.

In the event that extending the nomination process is not possible, I would suggest, that the Board of Supervisors appoint Kevin Graves to the CSD Board and then request that the CSD Board hold one more special meeting before December 28, 2009 to fill the last vacancy. In conclusion Supervisor Piepho, I urge you to not support the appointment of Brian Dawson to the Discovery Bay Community Services Board.

Sincerely,
Mark Simon
Vice President
Town of Discovery Bay
Community Service District

Mary Piepho/BOS/CCC

12/07/2009 09:42 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan Bonilla/BOS/CCC@CCC, Tomi Van de Brooke/BOS/CCC@CCC, Lea Castleberry/BOS/CCC@CCC,
bcc

Subject Fw: Agenda Item C.19 from 12/8/2009 Agenda - Discovery Bay CSD Appointments

FYI for tomorrow's meeting and Supervisor's reference at the dais. Please make copies available for board members. M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 09:41 PM -----



"Don Flint"
<dflint@klsglobal.com>

12/07/2009 12:25 PM

Please respond to
<dflint@klsglobal.com>

To <jgioi@bos.cccounty.us>, <gayle@bos.cccounty.us>, <fglov@bos.cccounty.us>, <sboni@bos.cccounty.us>, <MPiep@bos.cccounty.us>

cc

Subject Agenda Item C.19 from 12/8/2009 Agenda - Discovery Bay CSD Appointments

Honorable Supervisors,

Agenda Item C.19 from tomorrow's Consent Calendar references the appointment of the replacement directors for the DB-CSD. I have attached a copy. I ask that this item be removed from the Consent Calendar and be placed on the agenda for discussion.

I have previously expressed my suggestion that Supervisor Piepho publicly recuse herself from any decision making process at the County level regarding the Discovery Bay Community Services District (DB-CSD) director appointments prior to the meeting of November 6th. In failing to take action while the local district board was deliberating the issue Mary Piepho allowed the process to be corrupted by the conflict and incompatibility of office issues that results from her marriage to DB-CSD Director David Piepho and the boards upon which they serve.

The actions of the Piephos have made it essential that you give the utmost deference to the recommendations of DB-CSD President Ray Tetreault and Vice President Mark Simon.

The Piephos' conflict/incompatibility of office has unfortunately become central to the process. As I have demonstrated in my prior communication to you, Director David Piepho, with any lack of unanimity, would have the ability to bring the issue to his wife at the CCC-BOS. That being the case, Director Peipho simply became disagreeable and now the issue is coming before his wife and the CCC-BOS.

In this case, Director David Piepho insisted that the candidates be voted on in pairs rather than one at a time. I think it is clear that he did this so that he could ensure his candidate (Brian Dawson) was elected to the DB-CSD by the remaining directors or would be appointed by his wife at the CCC-BOS. The other directors did not want to vote for pairs of candidates, but Director Piepho insisted. He claimed that in his experience on other boards this was how it had been handled. He also claimed that that this was preferable under Roberts Rules of Order, but did not provide any specifics on these two claims of he

made.

After the stalemate he orchestrated was determined, Director Piepho stubbornly refused to reopen nomination despite the wishes of the Board majority. Now the situation appears clear, that with two nominations and two openings it is a fait accompli as the imbalance of power has led Director David Piepho to initiate these bazaar maneuvers to ensure his political will is followed. I hope when you review the situation you will see it for what it is and ensure that Mary and David Piepho are not allowed to force their candidate onto the board as a result of these orchestrated moves. Because of his wife's position, Director Piepho has certainly imposed his will on this issue – to a greater degree than his singular elected office is entitled. At this time it is essential that you give great credence to the opinions and wishes of the majority of the CSD which consists of President Ray Tetreault and Vice President Mark Simon.

Also, since your decision is indeed a political one, I will point out that Director David Piepho and Supervisor Mary Piepho supported the two candidates who were defeated by Directors Tetreault and Simon in last fall's election. This demonstrated a frustration and lack of confidence with the existing political atmosphere on the CSD board on which David Piepho has served since its inception. I believe these election results justify greater consideration to Tetreault and Simons' recommendations.

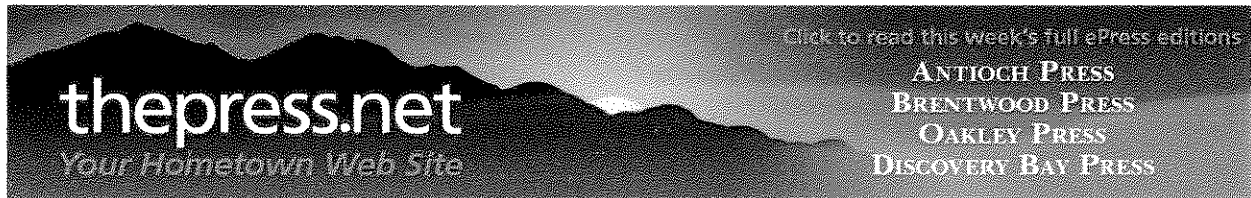
Supervisor Piepho could have helped alleviate this problem by publicly recusing herself from the process, but she did not. Given the situation that was caused by their marriage and Director Piepho's failure to take the appropriate steps to mitigate these concerns, it is necessary for you, the Board of Supervisors, to consider this issue very carefully.

Thank you,
Don Flint
2345 Wayfarer Drive
Discovery Bay, CA 94505



ag_memo_pdf_popup.pdf

~~SECRET~~
C.19
12-8-09



Editorial: Politics of destruction crippling Discovery Bay

Nov 27, 2009 |

Rick Lemyre, Editor

The dictionary defines the expression "collateral damage" as "damage unintended or incidental to the intended outcome." It originated with the United States military, but one need look no farther than the Town of Discovery Bay for an example that has resulted in the loss of some the town's autonomy.

The local example seems to have its roots about two years ago in a dispute over the Town's landscaping, what should be done to improve it, and who should be consulted in making the decisions. Resident Bill Richardson, whose offer to help was not accepted by the CSD Board of Directors, continued pressing his case that the issue was being poorly handled, sending increasingly voluminous and strident letters bemoaning the board's performance. As time went by, the focus of his effort increasingly became one director in particular: David Piepho.

Richardson's lament resulted in a lawsuit against the district alleging that CSD board violated the law by not recording meeting minutes properly, not conducting its business in public and acting without properly voting. After the town spent some \$100,000 to defend the suit, Richardson dropped it last November in return for the board's simple acknowledgement that there were laws governing its conduct. **No findings were made that the town had broken any of those laws.**

A Press editorial at the time said, "The entire episode was rife with personal attacks, name calling and disrupted meetings, and cost nearly \$200,000 in legal expenses on both sides. The reputation of the town as a whole suffered, as mean-spirited invective replaced reasonable discussion as a way to get things done. The case was likely a major reason residents elected a pair of new directors, **Mark Simon and Ray Tetreault, who ran together on a slate for change.** ... **"We hope that the change ... will signal the beginning of a genuine effort to change the way differences are settled in Discovery Bay."**

But that didn't happen. A number of other constituents, for various reasons, were drawn to the fray, their intense disapproval spreading to virtually every issue Piepho addressed, as well as to those who agreed with him, voted with or for him, or, in the case of County Supervisor Mary Piepho, lived with him.

The group, nominally perhaps as many as three dozen but whose core is half that, has met from time to time to discuss strategy. **Minutes from those meetings note some participants' primary objective: the destruction of the Piephos' political future.** They have hammered at the Piephos over public records, ZIP Code boundaries, a no-tow zone ordinance, open meeting laws, meeting stipends, residential growth, advisory council (AC) duties, AC funding, AC boundaries, the community center, the response to sewage spills, the posting of meeting announcement signs, availability of meeting agendas, expenditure of P6 law enforcement funds, commission

appointments, boat storage zoning, the town's Web site, fiscal policy, representation on the county Local Agency Formation Commission, security cameras, water discharge quality, Byron's sewer system, conflicts of interest and responsibility concerning the Piephos' offices, safety improvements to Highway 4, eBART station sites and highway right-of-ways. There are probably more.

While a few of these topics remain hotly debated – including the ongoing effort to solve the vexing problem of copper-contaminated discharge that has resulted in steep fines – official findings of fault on the CSD board's part have thus far been few, including the failure to publicly notice a subcommittee meeting and the order in which business is conducted at the beginning of some CSD meetings. Both of those items have since been addressed.

The ceaseless attacks, accompanied by a torrent of public-records requests, vitriolic Internet postings and confrontations at board meetings and in public, caused heightened resistance and deeper entrenchment on Piepho's part and brought his equally fervent supporters to the surface. The result has been a no-holds-barred battle between the two factions. Lines were drawn in concrete as the missiles flew both ways. Finally, the melee resulted in an atmosphere so toxic that two directors – including the group's one ally – resigned from the board.

The effort to replace the directors then became the latest frontline in the battle of wills. Forced by their reduction in numbers to vote unanimously in order to appoint new directors, the board was unable to do so. The matter of choosing the town's new representatives will now be decided by the County Board of Supervisors, including Mary Piepho, instead of the people of Discovery Bay or the town's elected board.

All government bodies have their shortcomings, especially those with part-time officials. Dissatisfaction is bound to arise and flaws are sure to be found regarding policy, procedure, performance and – a big one in Discovery Bay – attitude. This is what elections are for. But even the election of directors Simon and Tetreault failed to quell the disturbance, and the "slate for change" is now also under attack.

It is certainly within the rights of the Piephos' antagonists to pursue their agenda through any legal means available to them, just as it is within the rights of the Piephos and their supporters to defend themselves through the means at their disposal. But it should be clear by now that the tactic of all-out assault against all things Piepho has proven ineffective, and the collateral damage to the town's reputation and ability to govern itself is inexcusable.

We believe it's high time for the hostile politics in Discovery Bay to end. The Piephos and their backers must re-learn compromise and strive to conduct the town's business from the middle ground instead of from the ramparts of self defense. For that to happen, though, their opponents must change their approach, and use the laws of governance to improve the town, not encumber or tear it apart.

They should find and put forth candidates they truly believe in and who have positive ideas on how to address the town's problems. **For their current course, seeking the destruction of one or two individuals regardless the collateral damage, now echoes too strongly a ludicrous argument from the Vietnam War: that it's OK to destroy a village in order to save it.**

It's not. If they believe the village needs to be saved, they must find another way to do it.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Appointments to the Integrated Pest Management Advisory Committee

RECOMMENDATION(S):

APPOINT the following individuals to the seats indicated on the Integrated Pest Management Advisory Committee, as recommended by the Health Services Director:

Seat	Appointee	Address	Term
Agriculture Commissioner	Vince Guise	2366 Stanwell Circle, Concord 94520	

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009**

☒ 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: December 8, 2009

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

By: Julie Enea, Deputy

Contact: Michael Kent, 313-6587

cc:

RECOMMENDATION(S): (CONT'D)

None

General Services Deputy Director	Terry Mann	1220 Morello, Suite 200 Martinez	None
Public Works Deputy Director or Designee	Pattie McNamee	255 Glacier Dr. Martinez, CA 94553	None
Health Services Department Representative	Michael Kent	597 Center, Suite 100 Martinez, CA 94553	None
Storm Water Program Representative	Elisa Wilfong	255 Glacier Drive, Martinez, CA 94553	January 1, 2010 - December 31, 2011
Public and Environmental Health Advisory Board Representative	Marjorie Leeds	10 Mococo Rd P. O. Box 7070 Martinez, CA 94553	January 1, 2010 - December 31, 2011
Public Member - Fish and Wildlife Committee	Jim Hael	2243 Gehringer Drive Concord, CA 94520	January 1, 2010 - December 31, 2011

FISCAL IMPACT: None BACKGROUND: On November 10, 2009 the Board of Supervisors approved the establishment and the by-laws for the Integrated Pest Management Advisory Committee. The Advisory Committee includes eleven members including three at-large public members, and one non-voting Pest Management Contractor non-voting member. This action will appoint seven of the eleven members - those that serve based on the department they work for or the position they hold. Public members are being recruited and recommendations will be subsequently forwarded to the Board for approval. The proposals for a new pest management contractor are being evaluated and, once the contractor is selected and the contract awarded, this non-voting position will be filled. CONSEQUENCE OF NEGATIVE ACTION: CHILDREN'S IMPACT STATEMENT: CLERK'S ADDENDUM

Supervisor Gioia requested the Internal Operations Committee to observe the IPM Advisory Committee bylaws, which state that the committee makeup should be geographically and ethnically diverse, when reviewing nominations for At Large seats on the Committee.



Contra
Costa
County

To: Board of Supervisors
From: Robert J. Kochly, District Attorney
Date: December 8, 2009

Subject: Approve Appropriation & Revenue Adjustment for Investigations of Public Housing Fraud

RECOMMENDATION(S):

APPROVE Appropriations and Revenue Adjustment No. 5025 authorizing new revenue in the amount of \$80,000 from the Contra Costa County Housing Authority and appropriating it to the District Attorney (0242) budget for investigation of housing fraud in Section 8 and Public Housing Assistance.

FISCAL IMPACT:

\$80,000; 100% Revenue. This appropriation adjustment will fund the implementation of District Attorney investigations into Housing Fraud in public programs.

BACKGROUND:

The funding from the Contra Costa County Housing Authority will ensure the investigation of suspected housing assistance fraud that may be committed by either the tenant or the owner of the property.

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: Gene Walwald,
957-8749

cc:

ATTACHMENTS

Expenditure Adj
5025

Revenue Adj 5025

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT/
ALLOCATION ADJUSTMENT
T/C-27

AUDITOR-CONTROLLER USE ONLY:

FINAL APPROVAL NEEDED BY:

- ☐ BOARD OF SUPERVISORS
☐ COUNTY ADMINISTRATOR
☐ AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: District Attorney (0242)		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
2820	1011	Permanent Salaries		50,000.00
2820	1044	Retirement Expense		20,000.00
2820	1060	Employee Group Insurance		10,000.00
0990	6301	Appropriable New Revenue	80,000.00	
0990	6301	Reserve for Contingencies		80,000.00
			80,000.00	160,000.00

<p style="text-align: center;">APPROVED</p> <p>AUDITOR – CONTROLLER</p> <p>By: _____ Date _____</p> <p>COUNTY ADMINISTRATOR</p> <p>By: <u>/s/ Julie Enea</u> Date <u>11/16/2009</u></p> <p>BOARD OF SUPERVISORS</p> <p>YES:</p> <p>NO:</p> <p>By: _____ Date _____</p>	<p>EXPLANATION OF REQUEST</p> <p>To budget expenditures for the implementation of investigations into housing fraud activities for the Housing Authority of Contra Costa County.</p> <p>PREPARED BY: <u>Jennifer Martinen</u> TITLE: <u>Chief of Admin</u> DATE: <u>11/2/2009</u></p> <p style="text-align: right;">APPROPRIATION <u>APOO 5025</u> ADJ. JOURNAL NO. _____</p>
--	--

CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT/
ALLOCATION ADJUSTMENT
TC/24

AUDITOR-CONTROLLER USE ONLY:
FINAL APPROVAL NEEDED BY:
<input checked="" type="checkbox"/> BOARD OF SUPERVISORS
<input type="checkbox"/> COUNTY ADMINISTRATOR
<input type="checkbox"/> AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: District Attorney (0242)		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
2820	9595		80,000.00	
TOTALS			80,000.00	0.00

APPROVED

AUDITOR – CONTROLLER

By: _____ Date _____

COUNTY ADMINISTRATOR

By: /s/ Julie Enea Date 11/16/2009

BOARD OF SUPERVISORS

YES:

NO:

By: _____ Date _____

EXPLANATION OF REQUEST

To appropriate revenue from the Housing Authority of Contra Costa County for implementation of investigations into housing fraud activities,.

PREPARED BY: Jennifer Marttinen
TITLE: Chief of Admin
DATE: 11/2/2009

REVENUE ADJ.
JOURNAL NO.

RAOO 5025

DATE: Dec. 08, 2009

**CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT/
ALLOCATION ADJUSTMENT
T/C-27**

AUDITOR-CONTROLLER USE ONLY:
FINAL APPROVAL NEEDED BY:

- ☐ BOARD OF SUPERVISORS
☐ COUNTY ADMINISTRATOR
☐ AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: District Attorney (0242)		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
2820	1011	Permanent Salaries		50,000.00
2820	1044	Retirement Expense		20,000.00
2820	1060	Employee Group Insurance		10,000.00
0990	6301	Appropriable New Revenue	80,000.00	
0990	6301	Reserve for Contingencies		80,000.00
			80,000.00	160,000.00

APPROVED

AUDITOR – CONTROLLER

By: _____ Date _____

COUNTY ADMINISTRATOR

By: /s/ Julie Enea Date 11/16/2009

BOARD OF SUPERVISORS

YES: **SUPERVISORS GIOIA, UILKEMA,
PIEPHO, GLOVER AND BONILLA**

NO:

NoneBy: *J. L. Hayes* Date Dec. 08, 2009

EXPLANATION OF REQUEST

To budget expenditures for the implementation of investigations into housing fraud activities for the Housing Authority of Contra Costa County.

PREPARED BY: Jennifer Martinen
TITLE: Chief of Admin
DATE: 11/2/2009

APPROPRIATION APOO 5025
ADJ. JOURNAL NO.

**CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT/
ALLOCATION ADJUSTMENT
TC/24**

AUDITOR-CONTROLLER USE ONLY:	
FINAL APPROVAL NEEDED BY:	
<input checked="" type="checkbox"/>	BOARD OF SUPERVISORS
<input type="checkbox"/>	COUNTY ADMINISTRATOR
<input type="checkbox"/>	AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: District Attorney (0242)		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
2820	9595		80,000.00	
TOTALS			80,000.00	0.00

APPROVED

AUDITOR – CONTROLLER

By: _____ Date _____

COUNTY ADMINISTRATOR

By: /s/ Julie Enea Date 11/16/2009

BOARD OF SUPERVISORS

SUPERVISORS GIOIA, UILKEMA,
YES: PIEPHO, GLOVER AND BONILLA

NO: None

EXPLANATION OF REQUEST

To appropriate revenue from the Housing Authority of Contra Costa County for implementation of investigations into housing fraud activities.

PREPARED BY: Jennifer Marttinen

TITLE: Chief of Admin

DATE: 11/2/2009

By: [Signature] Date Dec. 08, 2009

REVENUE ADJ. JOURNAL NO. RAOO 5025



Contra
Costa
County

To: Board of Supervisors
From: Transportation, Water and Infrastructure Comm
Date: December 8, 2009

Subject: Potential Ballot Measure to Protect Local Funding From State Diversion

RECOMMENDATION(S):

ACCEPT report from the Transportation, Water and Infrastructure Committee on potential ballot measure to protect local funding from state diversion.

FISCAL IMPACT:

NONE from the recommended action. If the proposed ballot measure makes it to the November 2010 ballot and voters approve it, the County's local property tax revenue, redevelopment funds and transportation funds will be secure from diversion by the state.

BACKGROUND:

A coalition of local government, transportation and industry officials is working on a ballot measure they believe would provide complete protection for local government revenue, redevelopment agency revenue and transportation funding from being diverted or "raided" by the state for budget reasons.

The coalition includes the League of California Cities, the California Transit Association and the California Alliance for Jobs. They have submitted the proposed ballot measure to the California

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☒ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: John Greitzer 335-1201

cc:

BACKGROUND: (CONT'D)

Attorney General's Office for review and hope to have the measure on the November, 2010 ballot.

The Transportation, Water and Infrastructure Committee received a report on the proposed ballot measure on November 15 and determined to provide the report to the full Board of Supervisors.

The proposed ballot measure is entitled the "Local Taxpayer, Public Safety and Transportation Protection Act." The coalition has submitted two versions of the measure, one showing all the proposed changes to state code (attached) and a briefer version showing the new language without all the changes. The briefer version was not available at the time this report was written.

There have been ballot measures and legislation in the past that provided protection to transportation funds that the state has diverted in recent years to help cover the state budget shortfall. The most recent was 2006's Proposition 1A, which limited state diversions to no more than twice in a ten-year period, and required that one diversion be "paid back" to the transportation fund before another diversion could occur.

However, the state has continued to attempt to defer or discontinue its transportation funding distributions to cities, counties and transit agencies. Recently the California Transit Association won a court case which overturns the state's diversion of transit funding to other purposes. The California Supreme Court ruled the state's actions were illegal and the funds should be returned.

The proposed ballot measure would provide what its sponsors believe is ironclad protection from further state diversions. The measure applies to local tax revenues, local redevelopment revenues, state gas tax distributions (known as the Highway Users Tax Account or HUTA funds), state sales tax on gasoline (known as Proposition 42 funds), and public transit funds from the state Public Transportation Account and Transportation Development Act (TDA) funds, which are distributed by formula and grants to public transit agencies throughout California.

The ballot measure would specify that the state may not take, borrow or change the status of any of the funds mentioned above.

The California State Association of Counties (CSAC) has not yet taken a position on the proposal. CSAC expects there will be numerous ballot measures covering the same issue on the ballot, some of them specific to the funding issue and some of them larger ballot measures dealing with the entire structure of state government, including funding. CSAC staff indicated CSAC likely will wait until it is known which measures are on the ballot before deciding whether to endorse any measure.

If the proposed measure is approved by the Attorney General's Office, the sponsors will seek widespread support in advance of the 2010 election. It is likely the Board of Supervisors will be asked for its support. Staff will report back to the Transportation, Water and Infrastructure Committee if and when such a request is received.

Attached are a summary of the measure published by the coalition of sponsors, along with the full text of the proposed ballot measure which is still under review by the Attorney General's Office.

ATTACHMENTS

ballot measure summary



[Home](#) [Get the Facts](#) [Our Coalition](#) [Cuts in Your Community](#) [Newsroom](#) [Contact Us](#) [Help Now](#)

Ballot Measure Filed to Protect Local Funding for Public Safety, Emergency Response, Road Improvements and Public Transit

Groups Considering November 2010 Statewide Initiative to Stop State Raids and Borrowing of Local Government, Transit and Transportation Funding

For Immediate Release: October 20, 2009

Sacramento, CA – Today, a coalition of local government, transportation and public transit leaders filed a ballot measure, called the Local Taxpayer, Public Safety and Transportation Protection Act with the California Attorney General's office. The measure would close loopholes and prevent the State from borrowing, raiding or otherwise redirecting local government, transportation and public transit funds. Two similar versions of the measure have been filed. If the group decides to proceed to qualify one of the two initiatives via signature gathering, it would appear on California's November 2010 statewide ballot.

"California voters have overwhelmingly passed ballot measures to protect funding for public safety, emergency 911 response and other local government services," said Chris McKenzie, Executive Director of the League of California Cities and co-chair of Californians to Protect Local Taxpayers and Vital Services. "Despite this, State elected officials have exploited possible loopholes in the law and used legally questionable tactics to borrow and raid more than \$5 billion in local government, transit and redevelopment funds this year alone, and billions more in ongoing raids from years' past.

"These raids are having a significant and negative impact on the vital services that all Californians rely upon, including layoffs of local police and firefighters, delayed 911 emergency response times, and cuts to healthcare, parks, libraries, public transit and road safety maintenance and community improvements. We're looking into qualifying a measure for November 2010 that would close these loopholes in current law and protect funding for these vital services once and for all," continued McKenzie.

"On several occasions, the voters of California have mandated that the gas taxes we pay at the pump be used to fund transportation improvements," said Jim Earp, Executive Director of the California Alliance for Jobs and co-chair of Californians to Protect Local Taxpayers and Vital Services. "Despite this, year after year the Legislature exploits every loophole it can find to borrow or outright raid these critical funds. This measure will once and for all protect gas taxes from future raids and insure they are used to improve our roads, highways and transit systems – just like the voters intended."

Josh Shaw, Executive Director of the California Transit Association and co-chair of the coalition said: "For eight years in a row, State politicians have redirected funding that's supposed to go to local public transportation services, like buses, commuter rail and shuttles. Even though we've warned these raids are illegal and the courts have ruled that such raids are illegal, there's no recourse, so the politicians continue to ignore the law and the will of the voters. In these trying times, it's vital that we protect public transit services for working families who have no other mode of transportation to and from work, school, health care facilities and other life responsibilities."

The coalition filed two similar ballot measures. If the group decides to proceed with signature gathering, it would move forward with qualifying only one of the two. Named the Local Taxpayer, Public Safety and Transportation Protection Act Versions I and II, the measures would:

- **Prohibit the State from taking, borrowing or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local government services.** The measure would close loopholes to prevent the taking of local taxpayer funds currently dedicated to cities, counties and special districts. It would also revoke the state's authority to borrow local government property tax funds or divert local redevelopment funds.
- **Protect vital, dedicated transportation and public transit funds from state raids.** The measure would prevent State borrowing, taking or redirecting of the state sales tax on gasoline (Prop 42 funds) and Highway User Tax on gasoline (HUTA) funds that are dedicated to transportation maintenance and improvements. It would also prevent the State from redirecting or taking public transit funds.

- **Protect Local Taxpayers by keeping more of our local tax dollars local where there's more accountability to voters, and by ensuring once and for all that our gas taxes go to fund road improvements.** The measure also reduces pressure for local tax and fee increases that become necessary when the state redirects local funds.
- **Reform state government and enhance fiscal accountability.** This measure is a key step in reforming California's broken budget system by restoring more local control and accountability. This measure also stops the irresponsible practice of the State borrowing special funds that have to be repaid with interest, which only puts our State further in debt.

"Restoring more local control over our tax dollars is a central piece to broader reforms of our state's broken fiscal system," continued McKenzie. "The fiscally irresponsible practice of borrowing local taxpayer funds makes our state budget problems worse down the line because local government and transportation funds have to be repaid, with interest. Additionally, several raids of local and transit funds have been rejected by the courts, creating even larger state budget deficits down the line. This measure will help prevent these irresponsible and dishonest raids and help force fiscal discipline in Sacramento."

Jim Earp concluded: "We're confident that Californians will vote resoundingly to protect funding for public safety and transportation services from continued State raids."

Paid for by Californians to Protect Local Taxpayers and Vital Services, a coalition of
taxpayers, public safety, local government, transportation, business and labor, with major funding from the League of California Cities (non-public funds)
1121 L Street, #803 | Sacramento, CA 95814

Section One. Title.

This act shall be known and may be cited as the "Local Taxpayer, Public Safety, and Transportation Protection Act of 2010."

Section Two. Findings and Declarations.

The people of the State of California find and declare that:

(a) In order to maintain local control over local taxpayer funds and protect vital services like local fire protection and 9-1-1 emergency response, law enforcement, emergency room care, public transit, and transportation improvements, California voters have repeatedly and overwhelmingly voted to restrict state politicians in Sacramento from taking revenues dedicated to funding local government services and dedicated to funding transportation improvement projects and services.

(b) By taking these actions, voters have acknowledged the critical importance of preventing State raids of revenues dedicated to funding vital local government services and transportation improvement projects and services.

(c) Despite the fact that voters have repeatedly passed measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects and services, state politicians in Sacramento have seized and borrowed billions of dollars in local government and transportation funds.

(d) In recent years, state politicians in Sacramento have specifically:

(1) Borrowed billions of dollars in local property tax revenues that would otherwise be used to fund local police, fire and paramedic response and other vital local services;

(2) Sought to take and borrow billions of dollars in gas tax revenues that voters have dedicated to on-going transportation projects and tried to use them for non-transportation purposes;

(3) Taken local community redevelopment funds on numerous occasions and used them for unrelated purposes;

(4) Taken billions of dollars from local public transit like bus, shuttle, light-rail and regional commuter rail, and used these funds for unrelated state purposes.

(e) The continued raiding and borrowing of revenues dedicated to funding local government services and dedicated to funding transportation improvement projects can cause

severe consequences, such as layoffs of police, fire and paramedic first responders, fire station closures, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services.

(f) State politicians in Sacramento have continued to ignore the will of the voters, and current law provides no penalties when state politicians take or borrow these dedicated funds.

(g) It is hereby resolved, that with approval of this ballot initiative, state politicians in Sacramento shall be prohibited from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services or dedicated to transportation improvement projects and services.

Section Two. Statement of Purpose.

The purpose of this measure is to conclusively and completely prohibit state politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with revenues that are dedicated to funding services provided by local government or funds dedicated to transportation improvement projects and services.

Section Three. Section 24 of Article XIII of the California Constitution is hereby amended to read as follows:

(a) The Legislature may not impose taxes for local purposes but may authorize local governments to impose them.

(b) The Legislature may not reallocate, transfer, borrow, appropriate, restrict the use of, or otherwise use the proceeds of any tax imposed or levied by a local government solely for the local government's purposes.

(c) Money appropriated from state funds to a local government for its local purposes may be used as provided by law.

(d) Money subvented to a local government under Section 25 may be used for state or local purposes.

Section Four. Section 25.5 of Article XIII of the California Constitution is hereby amended to read as follows:

SEC. 25.5. (a) On or after November 3, 2004, the Legislature shall not enact a statute to do any of the following:

(1) (A) Except as otherwise provided in subparagraph (B), modify the manner in which ad valorem property tax revenues are allocated in accordance with subdivision (a) of Section 1 of Article XIII A so as to reduce for any fiscal year the percentage of the total amount of ad valorem property tax revenues in a county that is allocated among all of the local agencies in that county below the percentage of the total amount of those revenues that would be allocated among those agencies for the same fiscal year under the statutes in effect on November 3, 2004. For purposes of this subparagraph, "percentage" does not include any property tax revenues referenced in paragraph (2).

(B) ~~Beginning with the 2008-09~~ In the 2009-10 fiscal year only, and except as otherwise provided in subparagraph (C), subparagraph (A) may be suspended for a that fiscal year if all of the following conditions are met:

(i) The Governor issues a proclamation that declares that, due to a severe state fiscal hardship, the suspension of subparagraph (A) is necessary.

(ii) The Legislature enacts an urgency statute, pursuant to a bill passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, that contains a suspension of subparagraph (A) for that fiscal year and does not contain any other provision.

(iii) No later than the effective date of the statute described in clause (ii), a statute is enacted that provides for the full repayment to local agencies of the total amount of revenue losses, including interest as provided by law, resulting from the modification of ad valorem property tax revenue allocations to local agencies. This full repayment shall be made not later than the end of the third fiscal year immediately following the fiscal year to which the modification applies.

~~(C)(i) Subparagraph (A) shall not be suspended for more than two fiscal years during any period of 10 consecutive fiscal years, which period begins with the first fiscal year for which subparagraph (A) is suspended.~~

~~(ii) Subparagraph (A) shall not be suspended during any fiscal year if the full repayment required by a statute enacted in accordance with clause (iii) of subparagraph (B) has not yet been completed.~~

~~(iii) Subparagraph (A) shall not be suspended during any fiscal year if the amount that was required to be paid to cities, counties, and cities and counties under Section 10754.11 of the Revenue and Taxation Code, as that section read on November 3, 2004, has not been paid in full prior to the effective date of the statute providing for that suspension as described in clause (ii) of subparagraph (B).~~

~~(iv)~~ (C) A suspension of subparagraph (A) shall not result in a total ad valorem property tax revenue loss to all local agencies within a county that exceeds 8 percent of the total amount of ad valorem property tax revenues that were allocated among all local agencies within that county for the fiscal year immediately preceding the fiscal year for which subparagraph (A) is suspended.

(2)(A) Except as otherwise provided in subparagraphs (B) and (C), restrict the authority of a city, county, or city and county to impose a tax rate under, or change the method of distributing revenues derived under, the Bradley-Burns Uniform Local Sales and Use Tax Law set forth in Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code, as that law read on November 3, 2004. The restriction imposed by this subparagraph also applies to the entitlement of a city, county, or city and county to the change in tax rate resulting from the end of the revenue exchange period, as defined in Section 7203.1 of the Revenue and Taxation Code as that section read on November 3, 2004.

(B) The Legislature may change by statute the method of distributing the revenues derived under a use tax imposed pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law to allow the State to participate in an interstate compact or to comply with federal law.

(C) The Legislature may authorize by statute two or more specifically identified local agencies within a county, with the approval of the governing body of each of those agencies, to enter into a contract to exchange allocations of ad valorem property tax revenues for revenues derived from a tax rate imposed under the Bradley-Burns Uniform Local Sales and Use Tax Law. The exchange under this subparagraph of revenues derived from a tax rate imposed under that law shall not require voter approval for the continued imposition of any portion of an existing tax rate from which those revenues are derived.

(3) Except as otherwise provided in subparagraph (C) of paragraph (2), change for any fiscal year the pro rata shares in which ad valorem property tax revenues are allocated among local agencies in a county other than pursuant to a bill passed in each house of the Legislature by roll call vote entered in the journal, two-thirds of the membership concurring. The Legislature shall not change the pro rata shares of ad valorem property tax pursuant to this paragraph, nor change the allocation of the revenues described in Section 15 of Article XI, to reimburse a local government when the Legislature or any state agency mandates a new program or higher level of service on that local government.

(4) Extend beyond the revenue exchange period, as defined in Section 7203.1 of the Revenue and Taxation Code as that section read on November 3, 2004, the suspension of the authority, set forth in that section on that date, of a city, county, or city and county to impose a sales and use tax rate under the Bradley-Burns Uniform Local Sales and Use Tax Law.

(5) Reduce, during any period in which the rate authority suspension described in paragraph (4) is operative, the payments to a city, county, or city and county that are required by Section 97.68 of the Revenue and Taxation Code, as that section read on November 3, 2004.

(6) Restrict the authority of a local entity to impose a transactions and use tax rate in accordance with the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code), or change the method for distributing revenues derived under a transaction and use tax rate imposed under that law, as it read on November 3, 2004.

(7) Require a community redevelopment agency (A) to pay, remit, loan or otherwise transfer, directly or indirectly, taxes on ad valorem real property and tangible personal property allocated to the agency pursuant to Section 16 of Article XVI to or for the benefit of the State, any agency of the State, or any jurisdiction; or (B) to use, restrict, or assign a particular purpose for such taxes for the benefit of the State, any agency of the State, or any jurisdiction, other than (i) for making payments to affected taxing agencies pursuant to Sections 33607.5 and 33607.7 of Health and Safety Code or similar statutes requiring such payments, as those statutes read on January 1, 2008; or (ii) for the purpose of increasing, improving, and preserving the supply of low and moderate income housing available at affordable housing cost.

(b) For purposes of this section, the following definitions apply:

(1) "Ad valorem property tax revenues" means all revenues derived from the tax collected by a county under subdivision (a) of Section 1 of Article XIII A, regardless of any of this revenue being otherwise classified by statute.

(2) "Local agency" has the same meaning as specified in Section 95 of the Revenue and Taxation Code as that section read on November 3, 2004.

(3) "Jurisdiction" has the same meaning as specified in Section 95 of the Revenue and Taxation Code as that section read on November 3, 2004.

Section Five. Article XIX of the California Constitution is hereby amended to read as follows:

SECTION 1. The Legislature shall not borrow revenue from the Highway Users Tax Account, or its successor, and shall not use these revenues for purposes, or in ways, other than those specifically permitted by this article.

SEC. 2. Revenues from taxes imposed by the State on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the costs of collection and any refunds authorized by law, shall be deposited into the Highway Users Tax Account (Section 2100 of the Streets and Highways Code) or its successor, which is hereby declared to be a trust

fund, and shall be allocated monthly in accordance with Section 4, and shall used solely for the following purposes:

(a) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(b) The research, planning, construction, and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, the administrative costs necessarily incurred in the foregoing purposes, and the maintenance of the structures and the immediate right-of-way for the public mass transit guideways, but excluding the maintenance and operating costs for mass transit power systems and mass transit passenger facilities, vehicles, equipment, and services.

~~SEC. 2.~~ SEC. 3. Revenues from fees and taxes imposed by the State upon vehicles or their use or operation, over and above the costs of collection and any refunds authorized by law, shall be used for the following purposes:

(a) The state administration and enforcement of laws regulating the use, operation, or registration of vehicles used upon the public streets and highways of this State, including the enforcement of traffic and vehicle laws by state agencies and the mitigation of the environmental effects of motor vehicle operation due to air and sound emissions.

(b) The purposes specified in Section ~~1~~ 2 of this article.

~~SEC. 3.~~ SEC. 4. (a) Except as provided in subdivision (b), the Legislature shall provide for the allocation of the revenues to be used for the purposes specified in Section 1 of this article in a manner which ensures the continuance of existing statutory allocation formulas in effect on June 30, 2009 which allocate the revenues described in Section 2 to cities, counties, and areas of the State shall remain in effect.

(b) The Legislature shall not modify the statutory allocations in effect on June 30, 2009 unless and until both of the following have occurred:

(1) # The Legislature determines in accordance with this subdivision that another basis for an equitable, geographical, and jurisdictional distribution exists; provided that, until such determination is made, any use of such revenues for purposes specified in subdivision (b) of Section 1 of this article by or in a city, county, or area of the State shall be included within the existing statutory allocations to, or for expenditure in, that city, county, or area. Any future statutory revisions shall (A) provide for the allocation of these revenues, together with other

similar revenues, in a manner which gives equal consideration to the transportation needs of all areas of the State and all segments of the population; and (B) be consistent with the orderly achievement of the adopted local, regional, and statewide goals for ground transportation in local general plans, regional transportation plans, and the California Transportation Plan;

(2) The process described in subdivision (c) has been completed.

(c) The Legislature shall not modify the statutory allocation pursuant to subdivision (b) until all of the following have occurred:

(1) The California Transportation Commission has held no less than four public hearings in different parts of the State to receive public input about the local and regional goals for ground transportation in that part of the State;

(2) The California Transportation Commission has published a report describing the input received at the public hearings and how the modification to the statutory allocation is consistent with the orderly achievement of local, regional, and statewide goals for ground transportation in local general plans, regional transportation plans, and the California Transportation Plan; and

(3) Ninety days have passed since the publication of the report by the California Transportation Commission.

(d) A statute enacted by the Legislature modifying the statutory allocations must be by a bill passed in each house of the Legislature by roll call vote entered in the journal, two-thirds of the membership concurring, provided that the bill does not contain any other unrelated provision.

(e) The revenues allocated by statute to cities, counties, and areas of the State pursuant to this article may be used solely by the entity to which they are allocated, and solely for the purposes described in Sections 2, 5, or 6 of this article.

(f) The Legislature may not take any action which permanently or temporarily does any of the following: (1) changes the status of the Highway Users Tax Account as a trust fund; (2) borrows, diverts, or appropriates these revenues for purposes other than those described in subdivision (e); or (3) delays, defers, suspends, or otherwise interrupts the payment, allocation, distribution, disbursement, or transfer of revenues from taxes described in Section 2 to cities, counties, and areas of the State pursuant to the procedures in effect on June 30, 2009.

~~SEC. 4.~~ SEC. 5. Revenues allocated pursuant to Section ~~3~~ 4 may not be expended for the purposes specified in subdivision (b) of Section ~~1~~ 2, except for research and planning, until such use is approved by a majority of the votes cast on the proposition authorizing such use of

such revenues in an election held throughout the county or counties, or a specified area of a county or counties, within which the revenues are to be expended. The Legislature may authorize the revenues approved for allocation or expenditure under this section to be pledged or used for the payment of principal and interest on voter-approved bonds issued for the purposes specified in subdivision (b) of Section 1 2.

~~SEC. 5. SEC. 6. (a) The Legislature may authorize Up to 25 percent of the revenues available for expenditure by any city or county, or by the State, allocated to the State pursuant to Section 4 for the purposes specified in subdivision (a) of Section 1 2 of this article may be pledged or used by the State, upon approval by the voters and appropriation by the Legislature, for the payment of principal and interest on voter-approved bonds for such purposes issued by the State on and after November 2, 2010 for such purposes.~~

~~(b) Up to 25 percent of the revenues allocated to any city or county pursuant to Section 4 for the purposes specified in subdivision (a) of Section 2 of this article may be pledged or used only by any city or county for the payment of principal and interest on voter-approved bonds issued by that city or county for such purposes.~~

~~SEC. 6. The tax revenues designated under this article may be loaned to the General Fund only if one of the following conditions is imposed:~~

~~(a) That any amount loaned is to be repaid in full to the fund from which it was borrowed during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the budget bill for the subsequent fiscal year.~~

~~(b) That any amount loaned is to be repaid in full to the fund from which it was borrowed within three fiscal years from the date on which the loan was made and one of the following has occurred:~~

~~(1) The Governor has proclaimed a state of emergency and declares that the emergency will result in a significant negative fiscal impact to the General Fund.~~

~~(2) The aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year, is less than the aggregate amount of General Fund revenues for the previous fiscal year, adjusted for the change in the cost of living and the change in population, as specified in the budget submitted by the Governor pursuant to Section 12 of Article IV in the current fiscal year.~~

~~(c) Nothing in this section prohibits the Legislature from authorizing, by statute, loans to local transportation agencies, cities, counties, or cities and counties, from funds that are subject to this article, for the purposes authorized under this article. Any loan authorized as~~

~~described by this subdivision shall be repaid, with interest at the rate paid on money in the Pooled Money Investment Account, or any successor to that account, during the period of time that the money is loaned, to the fund from which it was borrowed, not later than four years after the date on which the loan was made.~~

SEC. 7. If the Legislature reduces or repeals the taxes described in Section 2 and adopts an alternative source of revenue to replace the moneys derived from those taxes, the replacement revenue shall be deposited into the Highway Users Tax Account, dedicated to the purposes listed in Section 2, and allocated to cities, counties, and areas of the State pursuant to Section 4. All other provisions of this article shall apply to any revenues adopted by the Legislature to replace the moneys derived from the taxes described in Section 2.

~~SEC. 7.~~ SEC. 8. This article shall not affect or apply to fees or taxes imposed pursuant to the Sales and Use Tax Law or the Vehicle License Fee Law, and all amendments and additions now or hereafter made to such statutes.

~~SEC. 8.~~ SEC. 9. Notwithstanding Sections ~~1 and 2 and 3~~ of this article, any real property acquired by the expenditure of the designated tax revenues by an entity other than the State for the purposes authorized in those sections, but no longer required for such purposes, may be used for local public park and recreational purposes.

~~SEC. 9.~~ SEC. 10. Notwithstanding any other provision of this Constitution, the Legislature, by statute, with respect to surplus state property acquired by the expenditure of tax revenues designated in Sections ~~1 and 2 and 3~~ and located in the coastal zone, may authorize the transfer of such property, for a consideration at least equal to the acquisition cost paid by the ~~s~~State to acquire the property, to the Department of Parks and Recreation for state park purposes, or to the Department of Fish and Game for the protection and preservation of fish and wildlife habitat, or to the Wildlife Conservation Board for purposes of the Wildlife Conservation Law of 1947, or to the State Coastal Conservancy for the preservation of agricultural lands.

As used in this section, "coastal zone" means "coastal zone" as defined by Section 30103 of the Public Resources Code as such zone is described on January 1, 1977.

Section Six. Article XIX A of the California Constitution is hereby amended to read as follows:

SECTION 1. (a) The Legislature shall not borrow revenues from the Public Transportation Account, or any successor account, and shall not use these revenues for purposes, or in ways, other than those specifically permitted by this article.

(b) The ~~funds in the~~ Public Transportation Account in the State Transportation Fund, or any successor account, is a trust fund. The Legislature may not change the status of the Public Transportation Account as a trust fund. Funds in the Public Transportation Account may

not be loaned or otherwise transferred to the General Fund or any other fund or account in the State Treasury. may be loaned to the General Fund only if one of the following conditions is imposed:

(c) All revenues specified in paragraphs (1) through (3), inclusive, of subdivision (a) of Section 7102 of the Revenue and Taxation Code, as that section read on June 1, 2001, shall be deposited no less than quarterly into the Public Transportation Account (Section 99310 of the Public Utilities Code), or its successor. The Legislature may not take any action which temporarily or permanently diverts or appropriates these revenues for purposes other than those described in subdivision (d), or delays, defers, suspends, or otherwise interrupts the quarterly deposit of these funds into the Public Transportation Account.

(d) Funds in the Public Transportation Account may only be used for transportation planning and mass transportation purposes. The revenues described in subdivision (c) are hereby continuously appropriated to the Controller without regard to fiscal years for allocation as follows:

(1) Fifty percent pursuant to subdivisions (a) through (f), inclusive, of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(2) Twenty-five percent pursuant to subdivision (b) of Section 99312 of the Public Utilities Code, as that section read on July 30, 2009.

(3) Twenty-five percent pursuant to subdivision (c) of Section 99312 of the Public Utilities Code, as that section read on July 30, 2009.

~~(a) That any amount loaned is to be repaid in full to the account during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the budget bill for the subsequent fiscal year.~~

~~(b) That any amount loaned is to be repaid in full to the account within three fiscal years from the date on which the loan was made and one of the following has occurred:~~

~~(1) The Governor has proclaimed a state of emergency and declares that the emergency will result in a significant negative fiscal impact to the General Fund.~~

~~(2) The aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year, is less than the aggregate amount of General Fund revenues for the previous fiscal year, as specified in the budget submitted by the Governor pursuant to Section 12 of Article IV in the current fiscal year.~~

(e) For purposes of paragraph (1) of subdivision (d), "transportation planning" means only the purposes described in subdivisions (c) through (f), inclusive, of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(f) For purposes of this article, "mass transportation," "public transit," and "mass transit" have the same meaning as "public transportation." "Public transportation" means:

(1)(A) Surface transportation service provided to the general public, complementary paratransit service provided to persons with disabilities as required by 42 U.S.C. 12143, or similar transportation provided to people with disabilities or the elderly; (B) operated by bus, rail, ferry, or other conveyance on a fixed route, demand response, or otherwise regularly available basis; (C) generally for which a fare is charged; and (D) provided by any transit district, included transit district, municipal operator, included municipal operator, eligible municipal operator, or transit development board, as those terms were defined in Article 1 of Chapter 4 of Part 11 of Division 10 of the Public Utilities Code on January 1, 2009, a joint powers authority formed to provide mass transportation services, an agency described in subdivision (f) of Section 15975 of the Government Code, as that section read on January 1, 2009, any recipient of funds under Sections 99260, 99260.7, 99275, or subdivision (c) of Section 99400 of the Public Utilities Code, as those sections read on January 1, 2009, or a consolidated agency as defined in Section 132353.1 of the Public Utilities Code, as that section read on January 1, 2009.

(2) Surface transportation service provided by the Department of Transportation pursuant to subdivision (a) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(3) Public transit capital improvement projects, including those identified in subdivision (b) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

SEC. 2. (a) As used in this section, a "local transportation fund" is a fund created under Section 29530 of the Government Code, or any successor to that statute.

(b) All local transportation funds are hereby designated trust funds. The Legislature may not change the status of local transportation funds as trust funds.

(c) A local transportation fund that has been created pursuant to law may not be abolished.

(d) Money in a local transportation fund shall be allocated only by the local government that created the fund, and only for the purposes authorized under Article 11 (commencing with Section 29530) of Chapter 2 of Division 3 of Title 3 of the Government Code and Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the Public Utilities Code, as those provisions existed on October 1, 1997. Neither the county nor the Legislature

may authorize the expenditure of money in a local transportation fund for purposes other than those specified in this subdivision.

(e) This section constitutes the sole method of allocating, distributing, and using the revenues in a local transportation fund. The purposes described in subdivision (d) are the sole purposes for which the revenues in a local transportation fund may be used. The Legislature may not enact a statute or take any other action which, permanently or temporarily, does any of the following:

(1) Transfers, diverts, or appropriates the revenues in a local transportation fund for any other purpose than those described in subdivision (d);

(2) Authorizes the expenditures of the revenue in a local transportation fund for any other purpose than those described in subdivision (d);

(3) Borrows or loans the revenues in a local transportation fund, regardless of whether these revenues remain in the Retail Sales Tax Fund in the State Treasury or are transferred to another fund or account.

(f) The percentage of the tax imposed pursuant to section 7202 of the Revenue and Taxation Code allocated to local transportation funds shall not be reduced below the percentage that was transmitted to such funds during the 2008 calendar year. Revenues allocated to local transportation funds shall be transmitted in accordance with Section 7204 of the Revenue and Taxation Code and deposited into local transportation funds in accordance with Section 29530 of the Government Code, as those sections read on June 30, 2009.

Section Seven. Article XIX B of the California Constitution is hereby amended to read as follows:

SECTION 1. The Legislature shall not borrow revenues from the Transportation Investment Fund, or its successor, and shall not use these revenues for purposes, or in ways, other than those specifically permitted by this article.

SEC. 2. (a) For the 2003-04 fiscal year and each fiscal year thereafter, all moneys revenues that are collected during the fiscal year from taxes under the Sales and Use Tax Law (Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code), or any successor to that law, upon the sale, storage, use, or other consumption in this State of motor vehicle fuel, as defined for purposes of the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2 of the Revenue and Taxation Code), and that are deposited in the General Fund of the State pursuant to that law, shall be transferred to deposited into the Transportation Investment Fund or its successor, which is hereby created in

the State Treasury and which is hereby declared to be a trust fund. The Legislature may not change the status of the Transportation Investment Fund as a trust fund.

(b)(1) For the 2003-04 to 2007-08 fiscal years, inclusive, moneys in the Transportation Investment Fund shall be allocated, upon appropriation by the Legislature, in accordance with Section 7104 of the Revenue and Taxation Code as that section read on March 6, 2002.

(2) For the 2008-09 fiscal year and each fiscal year thereafter, moneys in the Transportation Investment Fund shall be allocated solely for the following purposes:

(A) Public transit and mass transportation. Moneys appropriated for public transit and mass transportation shall be allocated as follows: (i) Twenty-five percent pursuant to subdivision (b) of Section 99312 of the Public Utilities Code, as that section read on July 30, 2009; (ii) Twenty-five percent pursuant to subdivision (c) of Section 99312 of the Public Utilities Code, as that section read on July 30, 2009; and (iii) Fifty percent for the purposes of subdivisions (a) and (b) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(B) Transportation capital improvement projects, subject to the laws governing the State Transportation Improvement Program, or any successor to that program.

(C) Street and highway maintenance, rehabilitation, reconstruction, or storm damage repair conducted by cities, including a city and county.

(D) Street and highway maintenance, rehabilitation, reconstruction, or storm damage repair conducted by counties, including a city and county.

(c) For the 2008-09 fiscal year and each fiscal year thereafter, moneys in the Transportation Investment Fund are hereby continuously appropriated to the Controller without regard to fiscal years, which shall be allocated, upon appropriation by the Legislature, as follows:

(A) Twenty percent of the moneys for the purposes set forth in subparagraph (A) of paragraph (2) of subdivision (b).

(B) Forty percent of the moneys for the purposes set forth in subparagraph (B) of paragraph (2) of subdivision (b).

(C) Twenty percent of the moneys for the purposes set forth in subparagraph (C) of paragraph (2) of subdivision (b).

(D) Twenty percent of the moneys for the purposes set forth in subparagraph (D) of paragraph (2) of subdivision (b).

~~(d) (1) Except as otherwise provided by paragraph (2), the transfer of revenues from the General Fund of the State to the Transportation Investment Fund pursuant to subdivision (a) may be suspended, in whole or in part, for a fiscal year if all of the following conditions are met:~~

~~(A) The Governor issues a proclamation that declares that, due to a severe state fiscal hardship, the suspension of the transfer of revenues required by subdivision (a) is necessary.~~

~~(B) The Legislature enacts by statute, pursuant to a bill passed in each house of the Legislature by rollcall vote entered in the journal, two thirds of the membership concurring, a suspension for that fiscal year of the transfer of revenues required by subdivision (a) and the bill does not contain any other unrelated provision.~~

~~(C) No later than the effective date of the statute described in subparagraph (B), a separate statute is enacted that provides for the full repayment to the Transportation Investment Fund of the total amount of revenue that was not transferred to that fund as a result of the suspension, including interest as provided by law. This full repayment shall be made not later than the end of the third fiscal year immediately following the fiscal year to which the suspension applies.~~

~~(2) (A) The transfer required by subdivision (a) shall not be suspended for more than two fiscal years during any period of 10 consecutive fiscal years, which period begins with the first fiscal year commencing on or after July 1, 2007, for which the transfer required by subdivision (a) is suspended.~~

~~(B) The transfer required by subdivision (a) shall not be suspended during any fiscal year if a full repayment required by a statute enacted in accordance with subparagraph (C) of paragraph (1) has not yet been completed.~~

~~(e) (d) The Legislature may not enact a statute that modifies the percentage shares set forth in subdivision (c) by a bill passed in each house of the Legislature by rollcall vote entered in the journal, two thirds of the membership concurring, provided that the bill does not contain any other unrelated provision and that the moneys described in subdivision (a) are expended solely for the purposes set forth in paragraph (2) of subdivision (b) until all of the following have occurred:~~

~~(1) The California Transportation Commission has held no less than four public hearings in different parts of the State to receive public input about the need for public transit, mass transportation, transportation capital improvement projects, and street and highway maintenance;~~

~~(2) The California Transportation Commission has published a report describing the input received at the public hearings and how the modification to the statutory allocation is~~

consistent with the orderly achievement of local, regional and statewide goals for public transit, mass transportation, transportation capital improvements, and street and highway maintenance in a manner that is consistent with local general plans, regional transportation plans, and the California Transportation Plan;

(3) Ninety days have passed since the publication of the report by the California Transportation Commission.

(4) The statute enacted by the Legislature pursuant to this subdivision must be by a bill passed in each house of the Legislature by roll call vote entered in the journal, two-thirds of the membership concurring, provided that the bill does not contain any other unrelated provision and that the revenues described in subdivision (a) are expended solely for the purposes set forth in paragraph (2) of subdivision (b).

(f)(1) An amount equivalent to the total amount of revenues that were not transferred from the General Fund of the State to the Transportation Investment Fund, as of July 1, 2007, because of a suspension of transfer of revenues pursuant to this section as it read on January 1, 2006, but excluding the amount to be paid to the Transportation Deferred Investment Fund pursuant to Section 63048.65 of the Government Code, shall be transferred from the General Fund to the Transportation Investment Fund no later than June 30, 2016. Until this total amount has been transferred, the amount of transfer payments to be made in each fiscal year shall not be less than one-tenth of the total amount required to be transferred by June 30, 2016. The transferred revenues shall be allocated solely for the purposes set forth in this section as if they had been received in the absence of a suspension of transfer of revenues.

(2) The Legislature may provide by statute for the issuance of bonds by the state or local agencies, as applicable, that are secured by the minimum transfer payments required by paragraph (1). Proceeds from the sale of those bonds shall be allocated solely for the purposes set forth in this section as if they were revenues subject to allocation pursuant to paragraph (2) of subdivision (b).

(g) This section constitutes the sole method of allocating, distributing, and using the revenues described in subdivision (a). The purposes described in paragraph (2) of subdivision (b) are the sole purposes for which the revenues described in subdivision (a) may be used. The Legislature may not enact a statute or take any other action which, permanently or temporarily, does any of the following:

(1) Transfers, diverts, or appropriates the revenues described in subdivision (a) for any other purposes than those described in paragraph (2) of subdivision (b);

(2) Authorizes the expenditures of the revenues described in subdivision (a) for any other purposes than those described in paragraph (2) of subdivision (b) or;

(3) Borrows or loans the revenues described in subdivision (a), regardless of whether these revenues remain in the Transportation Investment Fund or are transferred to another fund or account such as the Public Transportation Account, a trust fund in the State Transportation Fund.

(h) For purposes of this article, "mass transportation," "public transit" and "mass transit" have the same meanings as "public transportation." "Public transportation" means:

(1)(A) Surface transportation service provided to the general public, complementary paratransit service provided to persons with disabilities as required by 42 U.S.C. 12143, or similar transportation provided to people with disabilities or the elderly; (B) operated by bus, rail, ferry, or other conveyance on a fixed route, demand response, or otherwise regularly available basis; (C) generally for which a fare is charged; and (D) provided by any transit district, included transit district, municipal operator, included municipal operator, eligible municipal operator, or transit development board, as those terms were defined in Article 1 of Chapter 4 of Part 11 of Division 10 of the Public Utilities Code on January 1, 2009, a joint powers authority formed to provide mass transportation services, an agency described in subdivision (f) of Section 15975 of the Government Code, as that section read on January 1, 2009, any recipient of funds under Sections 99260, 99260.7, 99275, or subdivision (c) of Section 99400 of the Public Utilities Code, as those sections read on January 1, 2009, or a consolidated agency as defined in Section 132353.1 of the Public Utilities Code, as that section read on January 1, 2009.

(2) Surface transportation service provided by the Department of Transportation pursuant to subdivision (a) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(3) Public transit capital improvement projects, including those identified in subdivision (b) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(i) If the Legislature reduces or repeals the taxes described in subdivision (a) and adopts an alternative source of revenue to replace the moneys derived from those taxes, the replacement revenue shall be deposited into the Transportation Investment Fund, dedicated to the purposes listed in paragraph (2) of subdivision (b), and allocated pursuant to subdivision (c). All other provisions of this article shall apply to any revenues adopted by the Legislature to replace the moneys derived from the taxes described in subdivision (a).

Section Eight. Article XIX C is hereby added to the Constitution to read as follows:

SECTION 1. If any challenge to invalidate an action that violates Articles XIX, XIX A, or XIX B of the California Constitution is successful either by way of a final judgment, settlement,

or resolution by administrative or legislative action, there is hereby continuously appropriated from the General Fund to the Controller, without regard to fiscal years, that amount of revenue necessary to restore the fund or account from which the revenues were unlawfully taken or diverted to its financial status had the unlawful action not been taken.

SEC. 2. If any challenge to invalidate an action that violates Section 24 or Section 25.5 of Article XIII of this Constitution is successful either by way of a final judgment, settlement, or resolution by administrative or legislative action, there is hereby continuously appropriated from the General Fund to the local government an amount of revenue equal to the amount of revenue unlawfully taken or diverted.

SEC. 3. Interest calculated at the Pooled Money Investment Fund rate from the date or dates the revenues were unlawfully taken or diverted shall accrue to the amounts required to be restored pursuant to this section. Within thirty days from the date a challenge is successful, the Controller shall make the transfer required by the continuous appropriation and issue a notice to the parties that the transfer has been completed.

SEC. 4. If in any challenge brought pursuant to this section a restraining order or preliminary injunction is issued, the plaintiffs or petitioners shall not be required to post a bond obligating the plaintiffs or petitioners to indemnify the government defendants or the State of California for any damage the restraining order or preliminary injunction may cause.

Section Nine.

Section 16 of Article XVI of the Constitution requires that a specified portion of the taxes levied upon the taxable property in a redevelopment project each year be allocated to the redevelopment agency to repay indebtedness incurred for the purpose of eliminating blight within the redevelopment project area. Section 16 of Article XVI prohibits the Legislature from reallocating some or that entire specified portion of the taxes to the State, an agency of the State, or any other taxing jurisdiction, instead of to the redevelopment agency. The Legislature has been illegally circumventing Section 16 of Article XVI in recent years by requiring redevelopment agencies to transfer a portion of those taxes for purposes other than the financing of redevelopment projects. A purpose of the amendments made by this measure is to prohibit the Legislature from requiring, after the taxes have been allocated to a redevelopment agency, that the redevelopment agency transfer some or all of those taxes to the State, an agency of the State, or a jurisdiction; or use some or all of those taxes for the benefit of the State, an agency of the State, or a jurisdiction.

Section Ten. Continuous Appropriations.

The provisions of Sections 6, 7, and 8 of this Act that require a continuous appropriation to the Controller without regard to fiscal year are intended to be "appropriations made by law" within the meaning of Section 7 of Article XVI of the California Constitution.

Section Eleven. Liberal Construction.

The provisions of this Act shall be liberally construed in order to effectuate its purposes.

Section Twelve. Conflicting Statutes.

Any statute passed by the Legislature between October 21, 2009 and the effective date of this measure, that would have been prohibited if this measure were in effect on the date it was enacted, is hereby repealed.

Section Thirteen. Conflicting Ballot Measures.

In the event that this measure and another measure or measures relating to the direction or redirection of revenues dedicated to funding services provided by local governments and/or transportation projects or services appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

Section Fourteen. Severability.

It is the intent of the People that the provisions of this Act are severable and that if any provision of this Act or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this Act which can be given effect without the invalid provision or application.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Add One Administrative Services Assistant III Position and Decrease Hours of Personnel Services Assistant III

RECOMMENDATION(S):

Adopt Position Adjustment Resolution No. 20754, to decrease the hours of one vacant Personnel Services Assistant III (ARTA) position #11682 at salary level B85 1631 (\$5371.68 - \$6529.32) from 31/40 to 7/40 and add one part-time (24/40) Administrative Services Assistant III (APTA) position at salary level ZB5 1631 (\$5371.68 - \$6529.32) in the Health Services Department.

FISCAL IMPACT:

There is no fiscal impact associated with this request. The costs of reducing the Personnel Services Assistant III position will offset the addition of a part-time Administrative Services Assistant III position.

BACKGROUND:

Due to a recent staffing reorganization in the Health Services Personnel Division, the Department has determined that there is a need for a part-time position to provide various types of training to the entire Department. The training topics will include, but will not be limited to, Harrassment Prevention, Service Excellence, Nurse Leadership, and Communication Skills.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: Teji O'Malley,
925-957-5249

BACKGROUND: (CONT'D)

The Department has determined that the Administrative Services Assistant is the appropriate classification to provide the above mentioned training and is therefore requesting to decrease the hours of a Personnel Services Assistant III position (#11682) from 31/40 to 7/40 in order to create the new part-time (24/40) Administrative Services Assistant III position.

CONSEQUENCE OF NEGATIVE ACTION:

If this request is not approved, the Department will not be able to utilize the appropriate classification to provide various types of critical training.

ATTACHMENTS

P#20754 (Health Services)

POSITION ADJUSTMENT REQUEST

NO. 20754
DATE 11/20/09

Department Health Services/Personnel Department No. /
Budget Unit No. 0540 Org No. 6547 Agency No. A-18

Action Requested
Please the hours of a Personnel Services Assistant III position (#11682) from 31/40 to 7/40 and add one part-time (24/40)
Administrative Services Assistant III (APTA) position at salary level B85 1631 (\$5,371-\$6,529).
Proposed Effective Date: 11/8/09

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐
Total One-Time Costs (non-salary) associated with request: \$ _____
Estimated total cost adjustment (salary / benefits / one time):
Total annual cost \$ _____ 0.00 Net County Cost \$ _____ 0.00
Total this FY \$ _____ 0.00 N.C.C. this FY \$ _____

SOURCE OF FUNDING TO OFFSET ADJUSTMENT No fiscal impact. Increased costs offset by position hours reduction
Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

15/
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT
[Signature] 11/20/09
Deputy County Administrator Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS DATE November 20, 2009
DECREASE hours of (1) Personnel Services Assistant III (ARTA) Position #
11682 at salary level B85 1631 (\$5371.68 - \$6529.32) from 31/40 to 7/40;
ADD (1) one Administrative Services Assistant III (APTA) position at salary
level ZB5 1631 (\$5371.68 - \$6529.32)

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.
Effective: ☒ Day following Board Action.
☐ _____ (Date) _____
(for) Director of Human Resources

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: David Twa, Clerk of the Board of Supervisors
Adjustment APPROVED ☐ DISAPPROVED ☐ 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:

POSITION ADJUSTMENT REQUEST

NO. 20754
DATE 11/20/09

Department Health Services/Personnel

Department No./

Budget Unit No. 0540 Org No. 6547 Agency No. A-18

Action Requested

Increase the hours of a Personnel Services Assistant III position (#11682) from 31/40 to 7/40 and add one part-time (24/40) Administrative Services Assistant III (APTA) position at salary level B85 1631 (\$5,371-\$6,529).

Proposed Effective Date: 11/8/09

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: \$ _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost	\$	<u>0.00</u>	Net County Cost	\$	<u>0.00</u>
Total this FY	\$	<u>0.00</u>	N.C.C. this FY	\$	<u>0.00</u>

SOURCE OF FUNDING TO OFFSET ADJUSTMENT No fiscal impact. Increased costs offset by position hours reduction

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

15/
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Deputy County Administrator

11/20/09
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE November 20, 2009

DECREASE hours of (1) Personnel Services Assistant III (ARTA) Position # 11682 at salary level B85 1631 (\$5371.68 - \$6529.32) from 31/40 to 7/40;

ADD (1) one Administrative Services Assistant III (APTA) position at salary level ZB5 1631 (\$5371.68 - \$6529.32)

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective:

☒ Day following Board Action.
☐ _____ (Date)

(for) Director of Human Resources

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 ☐

DATE December 08, 2009

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

BY Ed Shays

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: Warren Rupf, Sheriff-Coroner
Date: December 8, 2009

Subject: ADD 2 Full-time Criminalist III Positions

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 20753 to add two permanent Criminalist III (6DTA) positions, at salary level VN5-1922 (\$7,165 - 8,709) in the Office of the Sheriff, Support Services Bureau, Forensics Services Division.

FISCAL IMPACT:

The annual cost of this action is \$209,032; \$121,935 in fiscal year 2009/10. No net County costs. 100% funded by the FY09 Solving Cold Cases with DNA Program Grant.

BACKGROUND:

Contra Costa County has a population base of 1.1 million and has over forty years of cold cases. Very few cases have been subjected to modern DNA technology. Many individuals at the local police, Sheriff, and District Attorney's offices are motivated to solve these cases, but lack the time due to current case loads. A collaborative effort between the Investigation and Forensic Services Divisions of the Contra Costa County Office of the Sheriff will provide County-wide cold case investigation support and forensic analysis. Grant funds will be used to hire

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009**

☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: Eileen Devlin, 335-1557

cc:

BACKGROUND: (CONT'D)

two per diem investigators to review the cold cases and to hire two Criminalists dedicated to performing biological screening and DNA analysis. The investigators will work closely with the Contra Costa County District Attorney's Office after any DNA match, either resulting from upload into the Combined DNA Index System (CODIS) or through direct comparison to a suspect reference standards, to package the case for filing and prosecution.

ATTACHMENTS

P300 20753 Sheriff

POSITION ADJUSTMENT REQUEST

NO. 20753
DATE 11/2/2009

Department Office of the Sheriff

Department No./

Budget Unit No. 0255 Org No. 2515 Agency No. 25

Action Requested: ADD two (2) Criminalist III (6DTA) positions to the Support Services Bureau - Forensic Services Division.

Proposed Effective Date: 12/1/2009

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 \$209,032.00

Net County Cost \$0.00

Total this FY \$121,935.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT No county costs - funded by BJA Cold Case grant.

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

Eileen Devlin

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

TME for RJS

11/16/2009

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 12/8/2009

Add two full-time Criminalist III (6DTA) positions in the Office of the Sheriff

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ ____ (Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 2/27/2015

No. xxxxxx

1. Project Positions Requested:
2. Explain Specific Duties of Position(s)
3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)
4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.
5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____
6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications
7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.
8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted
9. How will the project position(s) be filled?
 - ☐ a. Competitive examination(s)
 - ☐ b. Existing employment list(s) Which one(s)? _____
 - ☐ c. Direct appointment of:
 - ☐ 1. Merit System employee who will be placed on leave from current job
 - ☐ 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

POSITION ADJUSTMENT REQUEST

ITEM NO. C. 24
DATE: Dec. 08, 2009
NO. 20753
DATE 11/2/2009Department Office of the Sheriff

Department No./

Budget Unit No. 0255 Org No. 2515 Agency No. 25

Action Requested: ADD two (2) Criminalist III (6DTA) positions to the Support Services Bureau - Forensic Services Division.

Proposed Effective Date: 12/1/2009Classification 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 \$209,032.00Net County Cost \$0.00Total this FY \$121,935.00N.C.C. this FY \$0.00SOURCE OF FUNDING TO OFFSET ADJUSTMENT No county costs - funded by BJA Cold Case grant.

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

Eileen Devlin

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

TME for RJS

11/16/2009

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 12/8/2009

Add two full-time Criminalist III (6DTA) positions in the Office of the Sheriff

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.☐ _____ (Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE _____

☐ Approve Recommendation of Director of Human Resources☐ Disapprove Recommendation of Director of Human Resources☐ Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐David J. Twa, Clerk of the Board of Supervisors
and County AdministratorDATE December 08, 2009BY [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: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Add one Mental Health Community Support Worker II (VQVB) position and Cancel Mental Health Community Support Worker I - Project position # 13234

RECOMMENDATION(S):

Adopt Position Adjustment Resolution No. 20747 to add one Mental Health Community Support Worker II (VQVB) position at salary level QT5 0968 (\$2786.21 - \$3386.66) and cancel one vacant Mental Health Community Support Worker I - Project position #13234 in the Health Services Department.

FISCAL IMPACT:

Upon approval, this action will result in an annual cost of \$5,199 and will be completely funded with Mental Health Services Act monies. (Cost offset by cancellation of vacant position;100% Mental Health Services Act)

BACKGROUND:

This position was part of a plan submitted to the State for the Prevention and Early Intervention component of the Mental Health Services Act. This position will be located in the Office for Consumer Empowerment and is needed to assist with the anti-stigma campaign and with the Service Provider Individualized Recovery Intensive Training (S.P.I.R.I.T.). Duties of this position will include: providing recovery, peer support, and empowerment skills training to mental

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: T. Manor 957-5248

cc: Health Services, Human Resources, Human Resources

BACKGROUND: (CONT'D)

health consumers; supporting S.P.I.R.I.T. interns in the application of peer provider skills in the field; providing support to the Wellness & Recovery Task Force, assisting with organizing and co-facilitating the Circle of Hope, a consumer advisory committee, to identify and address mental health recovery issues; and representing the Division's Office for Consumer Empowerment at committee meetings as assigned.

The project position is vacant and is being cancelled to offset the cost of this new position.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve this action will result in the Mental Health Divisions inability to provide services as outlined in the plan submitted to the State of California for the Prevention and Early Intervention component of the Mental Health Services Act.

ATTACHMENTS

P#20747 (Health Services)

POSITION ADJUSTMENT REQUEST

NO. 20747
DATE 11-2-09

Department Health Services - Mental Health Department No. /
Budget Unit No. 0467 Org No. 5753 Agency No. A-18

Action Requested
Add one Mental Health Community Support Worker II (VQVB) position and Cancel Mental Health Community Support Worker I -
Project position # 13234

Proposed Effective Date: 11/1/2009

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>5,199.00</u>	Net County Cost	\$	<u></u>
Total this FY	\$	<u>3,466.00</u>	N.C.C. this FY	\$	<u></u>

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Mental Health Services Act (MHSA) Funds

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT


Deputy County Administrator

11-2-09
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE November 20, 2009

ADD one Mental Health Community Support Worker II (VQVB) position at salary level QT5 0968 (\$2786.21 - \$3386.66) and CANCEL one Mental Health Community Support Worker I - Project position #13234.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.
☐ (Date) _____

(for) Director of Human Resources

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 ☐

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

DATE _____ BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:

POSITION ADJUSTMENT REQUEST

NO. 20747
DATE 11-2-09

Department Health Services - Mental Health Department No./
Budget Unit No. 0467 Org No. 5753 Agency No. A-18

Action Requested

Add one Mental Health Community Support Worker II (VQVB) position and Cancel Mental Health Community Support Worker I - Project position # 13234

Proposed Effective Date: 11/1/2009

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 \$ 5,199.00

Net County Cost \$

Total this FY \$ 3,466.00

N.C.C. this FY \$

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Mental Health Services Act (MHSA) Funds

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE November 20, 2009

ADD one Mental Health Community Support Worker II (VQVB) position at salary level QT5 0968 (\$2786.21 - \$3386.66) and CANCEL one Mental Health Community Support Worker I - Project position #13234.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.
☐ (Date)

(for) Director of Human Resources

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 ☐

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

DATE December 08, 2009

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:



**Contra
Costa
County**

To: Board of Supervisors
From: Joe Valentine, Employment & Human Services Director
Date: December 8, 2009

Subject: P300 #20750- Add One Health & Human Services Research & Evaluation Manager Position

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution #20750 to add one (1) full time Health and Human Services Research and Evaluation Manager (VQHA) position in the Employment and Human Services Department, Children and Family Services Bureau, as recommended by the Assistant County Administrator - Human Resources Director

FISCAL IMPACT:

A contract position will be discontinued when this position is filled and result in a \$71 a month reduction in County cost. There are Comprehensive Family Assessment (CAPFO) grant funds to pay 35% of this position through FFY 2014. 65% of the position is paid through State and Federal funds through the claiming process.

\$71.00 Total Monthly Reduced County Cost

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009**

☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: Anne Crisp 313-1527

BACKGROUND:

Over the last five years the Children and Family Services Bureau as a part of the Child Welfare Redesign and Systems of Care Grant has had a contract with an individual to research and evaluate complex statistical and data collection reports to define and measure outcome performance measures to meet state and federal funding and grant and redesign reporting requirements. The Department has determined that this will be ongoing work and asks to add one full time Health and Human Services Research and Evaluation Manager position. A new position at this level is needed because of the requirements for expertise in research and rigorous statistical analysis and evaluation for this assignment. No existing departmental position accurately addresses these functions.

The job duties for this position includes planning and directing research and evaluation of activities on County-wide or area specific social and/or community service programs in order to document performance in measures defined by state and federal Child Welfare Service agencies, grant and other projects. Additional job duties include presenting findings in reports and presentations to document compliance with federal/state/county regulations, support funding from government, grants, and other sources, and to guide and direct CWS management in setting policy, long and short-term performance objectives and procedures for CWS programs to achieve strategic goals, and/or compliance with regulations. The data collection duties will include reports/queries for large systems used to document CWS such as the statewide CWS/CMS or CalWIN payment system, other computer database systems, survey creation and implementation, and other county agency or community provider data sources. The position requirements includes collaboration with and/or representing the CWS Bureau's position with CFS staff, other department Bureau staff, community partners providing services to CWS, federal government or their appointed representatives, state, private, and other evaluation entities in determining methodology for research and evaluation.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Department will be unable to provide qualified staff to meet the ongoing demands for outcome reports in Children and Family Services as required for funding.

ATTACHMENTS

p300cwsresearch1009

AssistCWSResearchapproval

P300 #20750 HR Update

EMPLOYMENT AND HUMAN SERVICES CONTRA COSTA COUNTY

TO: David Twa, County Administrator **DATE:** Nov. 3, 2009
ATTN: Dorothy Sansoe, Senior Deputy County Administrator

FROM: Joe Valentine, Director cc: Executive Team
BY: Anne Crisp, Personnel Svcs Asst III R. McGee

SUBJ: Board Agenda Item—P300-Add and fill one 40/40 Health and Human Services Research and Evaluation Manager (VQHA) position for the Children and Family Services Bureau

I. REQUESTED ACTION:

The Department requests to add and fill one full time 40/40 Health and Human Services Research and Evaluation Manager (VQHA) position in the Children and Family Services Bureau.

II. FISCAL IMPACT:

A contract position will be discontinued when this position is filled and result in about a \$71 a month reduction in County cost. There are Comprehensive Family Assessment (CAPFO) grant funds to pay 35% of this position through FFY 2014. 65% of the position is paid through State and Federal funds through the claiming process.

CALCULATION

\$12,429	CWS Research and Evaluation Manager at Step 3 (\$7,533 x 65% benefits)
- 4,350	Less 35% Federal Comprehensive Family Assessment Funds
\$ 8,079	Remaining Monthly Cost of Position
- 6,463	Less 80% State and Federal funds
\$ 1,616	County Monthly Cost of New Position
\$12,975	1 Current Contractor position at \$75 x 173 hours a month
- 4,541	Less 35% Federal Comp Family Assess. Funds
\$ 8,434	Remaining Monthly Cost of Position
- 6,747	Less 80% State and Federal Funding
\$ 1,687	Current County Monthly cost
\$71.00	Total Reduced County Monthly Cost

III. BACKGROUND/REASONS FOR REQUEST:

Over the last five years the Children and Family Services Bureau as a part of the Child Welfare Redesign and Systems of Care Grant has had a contract with an individual to research and evaluate complex statistical and data collection reports to define and measure outcome performance measures to meet state and federal funding and grant and redesign reporting requirements. The Department has determined that this will be ongoing work and asks to add one full time Health and Human Services Research and Evaluation Manager position. A new position at this level is needed because of the requirements for expertise in research and rigorous statistical analysis and evaluation for this assignment. No existing departmental position accurately addresses these functions.

The job duties for this position includes to plan and direct research and evaluation activities on County-wide or area specific social and/or community service programs in order to document performance in measures defined by state and federal Child Welfare Service agencies, grant and other projects. Additional job duties are to present findings in reports and presentations to document compliance with federal/state/county regulations, support funding from government, grants, and other sources, and to guide and direct CWS management in setting policy, long and short-term performance objectives and procedures for CWS programs to achieve strategic goals, and/or compliance with regulations. The data collection duties will include reports/queries for large systems used to document CWS such as the statewide CWS/CMS or CalWIN payment system, other computer database systems, survey creation and implementation, and other county agency or community provider data sources. The position requirements includes collaboration with and/or representing the CWS Bureau's position with CFS staff, other department Bureau staff, community partners providing services to CWS, federal government or their appointed representatives, state, private, and other evaluation entities in determining methodology for research and evaluation.

IV. CONSEQUENCES OF NEGATIVE ACTION:

If this action is not approved, the Department will be unable to provide qualified staff to meet the ongoing demands for outcome reports in Children and Family Services as required for funding.

**Contra Costa County - Employment & Human Services
Administration Services Information System (ASSIST)**

Welcome SUPERVISOR unit !

Position Request# 15273			
Action: New Position	Request Initiator: Earley Valerie, Ph.: (925) 313[3]-1583	Bureau: Children and Family Services Bureau	Request Date: 10/16/2009 12:00:00 AM

Create New Budgeted Position(s) with New Funding Source

Personnel Analyst	Crisp Anne
Classification	HEALTH AND HUMAN SERVICES RESEARCH AND EVALUATION
Classification	
Classification	
Provide the funding amount and source for the above position(s)	Funding would be through combined source including federal grant and state,federal and county administrative sharing.
If Approved, how will this position be filled?	P300
Select other Managers and Designated Representatives that will view this request:	
Managers OR Designated Representatives	
Exemption Justification	Law, FreezeJustify
If Applicable provide justification for exemption including negative impacts if the position is not filled:	
Freeze Justification	This position is necessary to meet state federal and grant requirements. The position has been filled by contract for 5 years and needs to convert to a county position.

Bureau Director (or Designated Representative) Approves the Request

Bureau Director (This request has been completed by Valerie Earley on 10/16/2009 11:44:35 AM)

Is this position approved? Yes

Additional Justification (optional)

Fiscal Impact Review (CFO or Designated Representative)

Is this position # currently funded? Budgeted Position but funding may be an issue (This request has been completed by Ron Stewart on 10/28/2009 8:43:34 AM)

FISCAL Comments There are Comprehensive Family Assessment (CAPFO) grant funds to pay 35% of this position through FFY 2011. 65% of the position is paid through county overhead admin costs (net county cost). At the conclusion of the grant period, 100% of the position would be county admin overhead costs (net county cost).

Department Head Approval (or Designated Representative)

Is this position request approved? Yes (This request has been completed by Joe Valentine on 10/30/2009 3:15:48 PM)

Comments

The funds for this position would be provided by elimination of the current contract. Given the ongoing nature of this work, this contract position needs to be converted to a regular county position. 80% of the 65% attributed to "county admin" will be covered by state and federal funds through the claiming process, which means the actual county share is only 13%. The grant period will continue through Federal Fiscal Year 2014. We will have the opportunity by then to identify other funds from either vacant positions or new grants.

Next Steps

POSITION ADJUSTMENT REQUEST

NO. 20750
DATE 11/12/2009

Department Employment and Human Services

Department No./

Budget Unit No. 502 Org No. 5216 Agency No. A19

Action Requested: Add and fill one full time 40/40 Health and Human Services Research and Evaluation Manager (VQHA) position in the Children and Family Services Bureau.

Proposed Effective Date: 12/1/2009

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 (\$852.00)

Net County Cost (\$852.00)

Total this FY (\$497.00)

N.C.C. this FY (\$497.00)

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cost Savings - Contract, CAPFO funds, State/Federal funds

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

/s/

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

11/12/2009

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Add one (1) full time Health and Human Services Research and Evaluation Manager (VQHA) position

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ _____ (Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE _____

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:

POSITION ADJUSTMENT REQUEST

NO. 20750
DATE 11/12/2009

Department Employment and Human Services Department No. /
Budget Unit No. 502 Org No. 5216 Agency No. A19
Action Requested: Add and fill one full time 40/40 Health and Human Services Research and Evaluation Manager (VQHA)
position in the Children and Family Services Bureau.

Proposed Effective Date: 12/1/2009

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 (\$852.00)

Net County Cost (\$852.00)

Total this FY (\$497.00)

N.C.C. this FY (\$497.00)

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cost Savings - Contract, CAPFO funds, State/Federal funds

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

/s/

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

11/12/2009

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE

Add one (1) full time Health and Human Services Research and Evaluation
Manager (VQHA) position

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ (Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

- ☐ Approve Recommendation of Director of Human Resources
☐ Disapprove Recommendation of Director of Human Resources
☐ Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐

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

DATE December 08, 2009

BY Ed Sharp

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: Lionel D. Chatman, County Probation Officer
Date: December 8, 2009

Subject: ADD (1) Deputy Probation Officer position in the Probation Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 20757 adding one full-time Deputy Probation Officer I (7AWA) in the Probation Department-Adult Supervision unit.

FISCAL IMPACT:

\$136,000 annually; 75% CalEMA Sexual Assault Grant (Federal pass-through), 25% In-Kind Match. The Probation Department has been awarded a California Emergency Management Agency grant in the amount of \$102,000 to fund one Deputy Probation Officer in the Adult Supervision unit.

BACKGROUND:

On August 11, 2009, the Board of Supervisors authorized the County Probation Officer to apply for and accept a federal grant awarded by the California Emergency Management Agency (CalEMA) (Item C.30) to fund 75% of one Deputy Probation Officer position in the Adult Supervision unit. The goal of the program is to enhance or create specialized units within California Probation Departments to intensively supervise small caseloads, focusing strictly on sexual assault offenders.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: EMY L. SHARP, Deputy

Contact: Nancy Valencia,
x3-4199

CONSEQUENCE OF NEGATIVE ACTION:

If this request is not approved, the Probation Department will not be in compliance with the grant regulations.

CHILDREN'S IMPACT STATEMENT:

ATTACHMENTS

P300 20757

POSITION ADJUSTMENT REQUEST

NO. 20757
DATE 11/25/2009

Department Probation Department Department No./
Budget Unit No. 0308 Org No. 3060 Agency No. 30

Action Requested: Add one 40/40 Deputy Probation Officer I (7AWA) position in the Probation Department

Proposed Effective Date: 12/1/2009

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 \$136,000.00

Net County Cost \$34,000.00

Total this FY \$79,333.00

N.C.C. this FY \$19,833.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 75% CalEMA Sexual Assault Grant (Fed), 25% In-Kind Match

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

/s/ Nancy Valencia

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

TME for JME

11/30/2009

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Add one (1) Deputy Probation Officer I position (7AWA) (Represented) in the Probation Department as recommended by the Assistant County Administrator-Director of Human Resources.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☐ Day following Board Action.

☒ 12/1/2009(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE _____

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 2/27/2015

No. xxxxxx

1. Project Positions Requested:
2. Explain Specific Duties of Position(s)
3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)
4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.
5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____
6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications
7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.
8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted
9. How will the project position(s) be filled?
 - ☐ a. Competitive examination(s)
 - ☐ b. Existing employment list(s) Which one(s)? _____
 - ☐ c. Direct appointment of:
 - ☐ 1. Merit System employee who will be placed on leave from current job
 - ☐ 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

POSITION ADJUSTMENT REQUEST

ITEM NO. C. 27
 DATE: Dec. 08, 2009
 NO. 20757
 DATE 11/25/2009

Department Probation Department

Department No. /

Budget Unit No. 0308 Org No. 3060 Agency No. 30

Action Requested: Add one 40/40 Deputy Probation Officer I (7AWA) position in the Probation Department

Proposed Effective Date: 12/1/2009

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 \$136,000.00

Net County Cost \$34,000.00

Total this FY \$79,333.00

N.C.C. this FY \$19,833.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 75% CalEMA Sexual Assault Grant (Fed), 25% In-Kind Match

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

/s/ Nancy Valencia

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

TME for JME

11/30/2009

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Add one (1) Deputy Probation Officer I position (7AWA) (Represented) in the Probation Department as recommended by the Assistant County Administrator-Director of Human Resources.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☐ Day following Board Action.

☒ 12/1/2009(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE _____

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐

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

DATE December 08, 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: Michael J. Lango, General Services Director
Date: December 8, 2009

Subject: Third Amendment to the Agreement Operation and Maintenance of the Pittsburg Branch Library at 80 Power Avenue, Pittsburg

RECOMMENDATION(S):

1. APPROVE the Third Amendment to the Agreement for Operation and Maintenance of the Pittsburg Branch Library at 80 Power Ave., Pittsburg, with the Redevelopment Agency of the City of Pittsburg, dated December 19, 1967, to extend the Agreement for a five-year period beginning December 19, 2009, and ending December 18, 2014, for continued occupancy by the Library, under the terms and conditions set forth in the Third Amendment.
2. AUTHORIZE the Director of General Services, or designee, to EXERCISE the Third Amendment to the Agreement.
3. DETERMINE that the project is a Class 1, Section 15301 Categorical Exemption under the California Environmental Quality Act (CEQA). (CP#09-80)
4. 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 of the handling fees to the Department of Conservation and Development and County Clerk for filing of the Notice of Exemption.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

Contact: Mike Lango, General Services Director, (925) 313-7100, Gail Myers, RES, (925) 313-7262

By: EMY L. SHARP, Deputy

cc:

FISCAL IMPACT:

Approval of the Third Amendment to Agreement will obligate the County's Library to continue the operation of the Pittsburg Public Library at a cost of approximately \$87,000 in FY 2009/2010. The approval of the Third Amendment to Agreement was anticipated, and sufficient funds were budgeted, in the County Library's FY 2009/2010 approved budget.

BACKGROUND:

The County Library has operated and maintained the premises for use as a library since December 1967. The City of Pittsburg has included in its Capital Improvement Program the construction of a new building that will include a new Pittsburg Branch Library. The Third Amendment to the Agreement provides for the County's continued occupancy in the existing Library space until a new library is built.

CONSEQUENCE OF NEGATIVE ACTION:

The County Library will need to relocate from its current location or cease operations. The costs to relocate will likely be more than the cost to stay in the current location.



Contra
Costa
County

To: Board of Supervisors
From: Michael J. Lango, General Services Director
Date: December 8, 2009

Subject: First Lease Amendment for 1014 Florida Avenue, Richmond

RECOMMENDATION(S):

1. APPROVE a First Amendment to Lease with Rosie The Riveter Trust for the County-owned premises at 1014 Florida Avenue, Richmond, to extend the lease term from 30 years to 55 years, effective December 1, 2009, for approximately 15,000 square feet of office and classroom space under the terms and conditions set forth in the Amendment.
2. AUTHORIZE the Director of General Services, or designee, to EXECUTE the First Amendment to Lease.
3. DETERMINE the project is a Class 1(a) Section 15301 Categorical Exemption under the California Environmental Quality Act (CEQA). CP#09-78
4. 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 of the handling fees to the Department of Conservation and Development and County Clerk for filing of the Notice of Exemption.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

Contact: Mike Lango 313-7100; Dave Silva
313-7266

By: EMY L. SHARP, Deputy

FISCAL IMPACT:

The Lease obligates the Trust to pay total rent of \$1 per year. By extending the Lease, the County will receive an additional \$25 through the extended term.

BACKGROUND:

On October 1, 2006, the County entered into a 30-year lease with The Rosie The Riveter Trust for the premises at 1014 Florida Avenue in Richmond. The Trust is a 501(c)(3) non-profit in support of the Rosie the Riveter / World War II Home Front National Historic Park.

The purpose of the Lease was to allow the Trust to raise funds to rehabilitate the premises, including preserving the original exterior of the building, strengthening seismic inefficiencies, and removing hazardous material in accordance with County, state, and federal regulations. The Trust, in conjunction with the Richmond Housing Authority, has been pursuing funding for the rehabilitation of the premises, including the use of Federal Historic Preservation Tax Credits and New Market Tax Credits. The Trust has requested that the term of the lease be extended to allow the Trust to qualify for new sources of funding for the rehabilitation project.

County has retained the right to cancel the Lease if the Trust does not obtain a building permit by March 31, 2010, has not begun construction of the improvements by March 31, 2011, or has not completed the improvements by March 31, 2012.

CONSEQUENCE OF NEGATIVE ACTION:

If the First Amendment is not approved, the Rosie The Riveter Trust may not qualify for or receive sufficient grant funds needed to remodel the premises.



AIR-3234

Consent 51.

BOS Agenda

Leases

Meeting Date: 12/08/2009

Time (Duration): 5 Minutes

Second Lease Amendment for 1275A Hall Avenue, Richmond

Submitted For: Michael J. Lango, General Services Director

Department: General Services **Division:** Real Estate

Noticed Public Hearing: No **Official Body:** Board of Supervisors

Presenter/Phone, if applicable: **Audio-Visual Needs:**

Handling Instructions: **District:** District I

Contact, Phone: Mike Lango,
313-7100 and
Dave Silva,
313-7266

Recommendation(s):

1. APPROVE a Second Lease Amendment with DVK Realty Ventures, Inc., to extend the term for thirteen (13) years beginning February 1, 2012, and ending January 31, 2025, and to realize rent reductions for approximately 60,000 square feet of office space at 1275A Hall Avenue, Richmond, for the continued occupancy by the Employment and Human Services and Probation departments, under the terms and conditions set forth in the Amendment.
2. AUTHORIZE the Director of General Services, or designee, to EXECUTE the Amendment on behalf of the County, and to EXERCISE any additional options to the Amendment.
3. DETERMINE that the project is a Class 1(a) Section 15301 Categorical Exemption under the California Environmental Quality Act (CEQA).
4. 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 of the handling fees to the Department of Conservation and Development and County Clerk for filing of the Notice of Exemption.

Fiscal Impact:

The original lease term was due to expire on January 31, 2012. With this Second Lease Amendment, the lease term will be extended to January 31, 2025, and will obligate the County to pay a total rent of \$11,021,520 over the thirteen (13) year extended lease term. However, the Second Lease Amendment represents a decrease in rent of \$1,015,200 for the period beginning with the execution of this Second Lease Amendment through January 31, 2012, including a reduction of \$410,400 in FY 2009/10, \$482,400 in FY 20010/11, and \$122,400 in FY 2011/12. In addition, beginning February 1, 2012, rent will be reduced by approximately 31% from \$122,400 to \$84,000 per month, which also represents a reduction in rent of approximately 6.7% compared to rent at the inception of the lease in 2002.

The Amendment also requires the Lessor to pay the County a remodeling allowance of \$250,000 in 2012 and \$200,000 in 2014, and a real estate commission of \$250,000 upon the execution of the Second Lease Amendment. The Amendment also provides that the Lessor will perform all maintenance in the building, with the County to reimburse the Lessor for all such work. The maintenance expenses are anticipated to be approximately \$387,275 in FY 2009/2010. Rent and maintenance expenses were anticipated and budgeted in the Employment and Human Services and Probation department's approved FY 2009/2010 budgets, but the rent decreases were not included in either department's FY 2009/10 budgets.

Background:

The County has occupied the Hall Avenue premises since February 2002. The Employment and Human Services Department (EHSD) and the Probation Department currently share the occupancy of the building. The two departments asked the Real Estate Services Division to exercise the option to extend the lease, and to negotiate a rent decrease, if possible. The lease Amendment provides for the County's occupancy of the building through January 31, 2025, at a substantially reduced rent, and contains two additional 10-year options to extend the term of the lease beyond 2025.

Consequence of Negative Action:

The lease for the premises will not be extended, the rent reductions for the remaining term of the lease will not be realized, and the Employment and Human Services and Probation departments will have to look for new space.

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: Warren Rupf, Sheriff-Coroner
Date: December 8, 2009

Subject: FY09 Solving Cold Cases with DNA Program Grant

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to accept the U.S. Department of Justice, Office of Justice Programs, FY09 Solving Cold Cases with DNA Program grant in an amount not to exceed \$454,944 to identify, review, and investigate cold cases for the period October 1, 2009 through September 30, 2010.

FISCAL IMPACT:

No County costs. Revenue: \$454,944, 100% Federal revenue, no County match required. (CFDA #16.560)

BACKGROUND:

Contra Costa County has a population base of 1.1 million and has over forty years of cold cases. Very few cases have been subjected to modern DNA technology. Many individuals at the local police, Sheriff, and District Attorney's offices are motivated to solve these cases, but lack the time due to current case loads. A collaborative effort between the Investigation and Forensic Services Divisions of the Contra Costa County Office of the Sheriff will provide County-wide cold case investigation support and forensic analysis. Grant funds will be used to hire two

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009**

☒ 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

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Eileen Devlin, 5-1557

cc:

BACKGROUND: (CONT'D)

per diem investigators to review the cold cases and to hire two Criminalists dedicated to performing biological screening and DNA analysis. The investigators will work closely with the Contra Costa County District Attorney's Office after any DNA match, either resulting from upload into the Combined DNA Index System (CODIS) or through direct comparison to a suspect reference standards, to package the case for filing and prosecution.



**Contra
Costa
County**

To: Board of Supervisors
From: Catherine Kutsuris, Conservation & Development Director
Date: December 8, 2009

Subject: THE 2009/10 CONTRACT BETWEEN CONTRA COSTA COUNTY AND THE CITY OF ANTIOCH FOR THE HOUSING REHABILITATION LOAN PROGRAM

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of the Department of Conservation and Development or her designee to execute the 2009/10 Housing Rehabilitation Services Contract between the City of Antioch and Contra Costa County for the Housing Rehabilitation Loan Program.

FISCAL IMPACT:

Funding will be provided by the City of Antioch

BACKGROUND:

For fiscal year 2009-10, the City of Antioch has approved and authorized the expenditure of Five Hundred Thousand Dollars (\$500,000) total in redevelopment Low and Moderate Income Housing (LMIH) Set Aside funds for a housing rehabilitation program for owner-occupants of single-family homes.

County has the demonstrated experience and qualifications to operate a housing rehabilitation program under the Antioch Development Agency Program.

This is the twenty-second year the County has contracted with the City of Antioch for these services.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009**

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RECOMMENDED

☐ OTHER

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

By: Katherine Sinclair, Deputy

Contact: Pat Corum, 335-1115

cc:

BACKGROUND: (CONT'D)

The Agreement will result in \$90,000 in revenue to the County for costs related to the implementation of the Program.

The term of the agreement is July 1, 2009 to June 30, 2010.

**Contra
Costa
County**



To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Acceptance of Grant Award #28-511-20 from the California Integrated Waste Management Board

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Sherman Quinlan), to accept, on behalf of the County, Grant Award #28-511-20 (EA20-09-3) from the California Integrated Waste Management Board (CIWMB), to pay County an amount not to exceed \$25,507, for the continuation of the Local Enforcement Agency (LEA) assistance funds for the Department's Environmental Health Division (Solid Waste Program), for the period July 1, 2009 through June 30, 2010.

FISCAL IMPACT:

Approval of this application will result in an amount not to exceed \$25,507 of funding for the Department's Solid Waste Program. No County funds are required.

BACKGROUND:

The California Integrated Waste Management Board (CIWMB) accepted the County's application as approved by the Board of Supervisors on June 23, 2009 for the Local Enforcement Agency (LEA) Grant Program, for the period from July 1, 2009 through June 30, 2010. Pursuant

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
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Action of Board On: 12/08/2009

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RECOMMENDED

☐ OTHER

Clerks Notes:

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Federal D. Glover, District V Supervisor

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

By: Katherine Sinclair, Deputy

Contact: Sherman Quinlan
(692-2558)

BACKGROUND: (CONT'D)

to Public Resources Code Section 43230, this grant award #28-511-20 will be used solely for the support of the solid waste facilities permit and inspection programs, including personnel, training, equipment, supplies, and technical support, including agreeing to indemnify and hold harmless the Grantor from any claims arising out of the performance of this Agreement.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Grant Agreement #28-626-8 with San Diego State University Research Foundation

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Wendel Brunner, M.D.), to execute, on behalf of the County, Grant Agreement #28-626-8 (09/10 DUIPP-2) with San Diego State University Research Foundation, to pay the County an amount not to exceed \$66,000, for the California Kids Plate Streetwise II Program, for the period from July 1, 2009 through June 30, 2010.

FISCAL IMPACT:

Acceptance of this Grant Agreement will result in \$66,000 for the grant period. No County funds are required.

BACKGROUND:

The West Contra Costa cities of Richmond and San Pablo have 29% of Contra Costa's motor vehicle/pedestrian collisions, although they represent only 13% of the County's population. The California Office of Traffic Safety ranked San Pablo 6th out the 96 cities in its size category and Richmond 13th out of 50 in its size category of pedestrians under the age of 15 killed and injured. The Contra Costa Health Services Injury Prevention will administer the "StreetWISE"

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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ATTESTED: December 8, 2009

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

Contact: Wendel Brunner, M.D.
(313-6712)

By: Katherine Sinclair, Deputy

BACKGROUND: (CONT'D)

II" project. This "StreetWISE" II project will build upon existing policy recommendations. The goal of this project is to continue to influence public policy to create safe community walking and bicycling environments for children 8-18 years of age in the Cities of Richmond and San Pablo.

San Diego State University Research Foundation has requested to be held harmless and indemnified as part of their standard for approval of the Agreement with the County. Except for funding this Project, San Diego State University will have no direct involvement in the implementation of this Project. Therefore, in the view of County Risk Management, this indemnification will create a minimal potential loss. The Health Services Department desires to expedite approval of the Agreement as written.

Approval of Grant Agreement #28-626-8 will allow the County to continue the California Kids Plat Streetwise II Program through June 30, 2010, including agreeing to hold the Grantor harmless for claims arising out of the County's performance under the Agreement.



**Contra
Costa
County**

To: Board of Supervisors
From: Joe Valentine, Employment & Human Services Director
Date: December 8, 2009

Subject: Families Thrive Collaborative Action Community and Public Awareness Campaign

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, on behalf of the County's Zero Tolerance for Domestic Violence Initiative (ZTDV) to accept the demonstration grant funding award in an amount not to exceed \$428,000 from the U. S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau to fund The Families Thrive Collaborative Action Community and Public Awareness Campaign.

FISCAL IMPACT:

County, on behalf of Zero Tolerance for Domestic Violence Initiative, to receive \$428,000 (100% Federal, No County match) for The Families Thrive Collaborative Action Community and Public Awareness Campaign. Catalog of Federal Domestic Assistance (CFDA) Number 93.670.

BACKGROUND:

Each year, the Board of Supervisors adopts a Federal legislative platform which establishes priorities and policy positions with regard to potential Federal legislation

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

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RECOMMENDED

☐ OTHER

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Devorah Levine,
313-1524

cc:

BACKGROUND: (CONT'D)

and regulation. The 2008 Federal Legislative Platform included a Federal Fiscal Year Appropriation request of \$750,000 as the top priority for Safe and Bright Futures for Children Exposed to Domestic Violence to implement the federally funded plan to diminish the damaging effects of domestic violence on children and adolescents and to stop the cycle of intentional injury and abuse. In April, 2009, the Zero Tolerance for Domestic Violence Initiative (ZTDM) was notified that a federal appropriation had been designated in the amount of \$428,000 and subsequently submitted a grant application to the U.S. Department of Health and Human Services. Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. On October 13, 2009, ZTDV was notified of the award.

A broad based collaborative has developed a comprehensive plan under a 3-year federal planning grant that will align and create a system responsive to the needs of children exposed to domestic violence through identification, intervention and treatment; raising awareness; training professionals; utilizing and disseminating data; establishing consultation teams to support providers in interviewing and using best practices; and providing target services over time.

Current activities include 1) development of a public education campaign aimed at parents with a prevention message; 2) increasing capacity by training service providers to focus on early intervention; 3) development of a robust on-line platform; 4) development of a community of practice focused on children's exposure to domestic violence; 5) development of a data collection method; and, 6) benchmark and measure progress.

Collaborative participants include: Child Abuse Prevention Council, Contra Costa County Children and Family Services; Contra Costa County Department of Health Services; Contra Costa County Probation Department; Community Violence Solutions; First 5 Contra Costa Children and Families Commission; STAND! Against Domestic Violence; and, We Care Services for Children.

CHILDREN'S IMPACT STATEMENT:

The Zero Tolerance for Domestic Violence Initiative supports three of the County's community outcomes established in the Children's Report Card: "2) Children and Youth Healthy and Preparing for Productive Adulthood"; "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" through coordinated intervention services designed to reduce domestic and family violence and elder abuse.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Notice of Award #29-393-12 from the State of California, Tuberculosis Control Branch

RECOMMENDATION(S):

Approve and authorize the Health Services Director or his designee (Wendel Brunner, M.D.), to accept an award (County #29-393-12), from the State of California, Tuberculosis Control Branch, to pay the County an amount not to exceed \$331,949, for the period from July 1, 2009 through June 30, 2010, for the Tuberculosis (TB) Control Program.

FISCAL IMPACT:

Acceptance of this Award will result in a total of \$331,949 from the State of California, Tuberculosis Control Branch for fiscal year 2009-2010. No County funds are required

BACKGROUND:

The Contra Costa County, Public Health Department maintains a TB Control Program, which serves all reported TB patients and their contacts in Contra Costa County. Outreach services are provided to reach the "Hard-to Reach" people with TB and those at high risk.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
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Federal D. Glover, District V Supervisor

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ATTESTED: December 8, 2009

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

Contact: Wendel Brunner, M.D.
313-6712

By: Katherine Sinclair, Deputy

BACKGROUND: (CONT'D)

The TB control staff work within the Communicable Disease Section in collaboration with the HIV/AIDS Program, Substance Abuse Programs, Contra Costa Regional Medical Center and Health Centers, and providers throughout the County.

Acceptance of this Award will allow the Department to: (1) continue to expand prevention and control activities, and (2) improve completion of appropriate therapy which is essential to decrease TB transmission, prevent the development of drug resistance, and cure TB patients, through June 30, 2010.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Standard Agreement #28-602-9 with the California Department of Public Health

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Wendel Brunner, M.D.), to execute, on behalf of the County, Standard Agreement #28-602-9 (State #09-11258) with the California Department of Public Health, Network for a Healthy California, in an amount payable to the County not to exceed \$624,997, for the "California Nutrition Network" Project, for the period from October 1, 2009 through September 30, 2010.

FISCAL IMPACT:

Approval of this agreement will result in an amount not to exceed \$624,997 of State funding for the "Network for a Healthy California" Project. No County funds required.

BACKGROUND:

On October 28, 2008, the Board of Supervisors approved Standard Agreement #28-602-8 with the California Department of Public Health Services, for the period from October 1, 2008 through September 30, 2009. This Agreement provides nutrition education to Contra Costa County residents. The goal of the project is to educate the public, particularly low-income consumers, on

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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ATTESTED: December 8, 2009

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

Contact: Wendel Brunner, M.D.
(313-6712)

By: Katherine Sinclair, Deputy

cc: J. Pigg, B. Borbon

BACKGROUND: (CONT'D)

healthful nutrition and physical activity practices to reduce risk for chronic disease.

Approval of Standard Agreement #28-602-9 will continue State funding from the California Department of Public Health for the Network for a Healthy California Project, through September 30, 2010, including agreeing to indemnify and hold the State harmless for claims arising out of the County's performance under the Agreement.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Standard Agreement (Amendment) #29-772-19 with the State of California, Department of Health Care Services (DHCS)

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Patricia Tanquary), to execute on behalf of the County, Standard Agreement (Amendment) #29-772-19 (State #04-36067, A-06) with the State of California, Department of Health Care Services (DHCS), effective July 1, 2009, to amend Agreement #29-772-13 (as amended by subsequent amendments #29-772-14 through #29-772-18), to make technical and administrative changes to the Agreement with regard to the Local Initiative with no change in the original payment limit of \$317,472,000 and to extend the term from December 31, 2009 through December 31, 2010.

FISCAL IMPACT:

Approval of this amendment will reflect a change in the Budget Act Line Items and make technical and administrative changes to the Agreement for fiscal year 2009-2010 for the Medi-Cal Local Initiative. No County funds required.

BACKGROUND:

On April 26, 2005, the Board of Supervisors approved Standard Agreement #29-772-13 (as amended by subsequent Amendments #29-772-14 through #29-772-18) with the State of California,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

By: Katherine Sinclair, Deputy

Contact: Patricia Tanquary
(313-6004)

BACKGROUND: (CONT'D)

Department of Health Care Services (DHCS), for the Medi-Cal Local Initiative Health Plan, for the period from April 1, 2005 through December 31, 2009.

Approval of this Standard Agreement (Amendment) #29-772-19 will make technical adjustments to the agreement, allowing the County to continue to receive reimbursement from the State and to continue to provide medical services to qualified County recipients for the Medi-Cal Local Initiative, through December 31, 2010.



**Contra
Costa
County**

To: Board of Supervisors
From: Joe Valentine, Employment & Human Services Director
Date: December 8, 2009

Subject: 2010 Head Start Delegate Agency contract

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment & Human Services Department Director, or designee to execute a contract with First Baptist Church of Pittsburg, California in an amount not to exceed \$1,976,548 for Head Start Delegate Agency childcare services for the period of January 1, 2010 through December 31, 2010. (100% Federal funds)

FISCAL IMPACT:

100% Federal funds / CFDA #93.600

Program is federally funded by U.S. Department of Health and Human Services, Administration for Children and Families. Contractor is responsible for the local, non-cash, in-kind match of \$494,137. No County costs.

33-499-35

BACKGROUND:

On September 15, 2009, the Board approved and authorized the submission

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

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RECOMMENDED

☐ OTHER

Clerks Notes:

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: C. Youngblood,
313-1712

BACKGROUND: (CONT'D)

of the 2010 Head Start Continuation Grant Application to the U.S. Department of Health and Human Services, Administration for Children and Families (ACF) to continue the provision of Head Start services in Contra Costa County. The application included the plan submitted by the County's Head Start Delegate Agency, First Baptist Church of Pittsburg, California.

Approval of this contract with First Baptist Church of Pittsburg, California will allow for continued Head Start Delegate Agency services in the 2010 program year, with services to be provided to 257 program eligible children and families.

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Contract #23-341-7 with Marc Miyashiro

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Pat Godley), to execute, on behalf of the County, Contract #23-341-7 with Marc Miyashiro, a self-employed individual, in an amount not to exceed \$165,000, to provide technical writing services for the Department's Information Systems Unit, for the period from December 1, 2009 through November 30, 2010.

FISCAL IMPACT:

This Contract is funded 100% by budgeted Enterprise Fund I.

BACKGROUND:

On October 28, 2008, the Board of Supervisors approved Contract #23-341-6 with Marc Miyashiro for the period from December 1, 2008 through November 30, 2009, for the provision of technical writing services for creating and maintaining information systems user guides including providing end user documentation for both written and electronic applications, coordinating technical documentation, providing assistance in establishing Department document formats and documenting

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Pat Godley (957-5400)

cc: B Borbon, D Morgan

BACKGROUND: (CONT'D)

user requirements.

Approval of Contract #23-341-7 will allow the Contractor to continue providing services through November 30, 2010.



**Contra
Costa
County**

To: Board of Supervisors
From: Catherine Kutsuris, Conservation & Development Director
Date: December 8, 2009

Subject: CONTRACT EXTENSION WITH SPONAMORE ASSOCIATES FOR PREPARING AN ENVIRONMENTAL
IMPACT REPORT (EIR) FOR CREEKSIDE MEMORIAL PARK CEMETERY IN THE TASSAJARA

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Department of Conservation and Development Director, or designee, to execute a contract extension with Sponamore Associates, a subsidiary of PRISM LLC, to continue preparing an EIR, effective January 1, 2010 to extend the term of the contract from December 31, 2009 to December 31, 2010, with no change in payment limit of \$166,280.

FISCAL IMPACT:

None. 100% applicant Fees

BACKGROUND:

The Department of Conservation and Development has contracted with Sponamore Associates, a subsidiary of PRISM LLC, since October 10, 2006, to prepare an EIR for the Creekside Memorial Park Cemetery. However, the project has taken a longer time to complete than originally anticipated. This amendment will allow Sponamore Associates to continue providing the services.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: John Osborne, 335-1207

cc:

ATTACHMENTS

Form L-2

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

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

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

WITNESS MY HAND AND OFFICIAL SEAL.

Signature (Seal)

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

FORM APPROVED
COUNTY COUNSEL

By: _____
Designee

By:  _____
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By: _____
Designee



**Contra
Costa
County**

To: Board of Supervisors
From: Catherine Kutsuris, Conservation & Development Director
Date: December 8, 2009

Subject: Contract Extension with Entrix for Preparing an Environmental Impact Report (EIR) for the Praxair 21.5-Mile Hydrogen Pipeline Project

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Department of Conservation and Development Director, or designee, to execute a contract extension with Entrix Incorporated to continue preparing an EIR, effective January 1, 2010 to extend the term of the contract from December 31, 2009 to June 30, 2010, with no change in payment limit of \$711,328.

FISCAL IMPACT:

None. The applicant is responsible for covering the cost of preparing the EIR.

BACKGROUND:

The Department of Conservation and Development has contracted with Entrix since July 25, 2007 to prepare an EIR for the proposed Praxair 21.3-mile Hydrogen Pipeline. However, preparation of the EIR have proven to be more complex and time consuming than anticipated. This amendment will allow Entrix to continue providing services.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009**

☒ 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

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Ruben Hernandez,
335-1339

cc:

ATTACHMENTS

County Counsel

Auth.

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

On _____, before me, _____
(insert name and title of the officer), personally appeared _____

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

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Signature

(Seal)

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

FORM APPROVED
COUNTY COUNSEL

By: _____
Designee

By: 
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By: _____
Designee



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Amendment #24-950-13(7) with Multi-Lingual Counseling

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand) to execute on behalf of the County, Contract Amendment Agreement #24-950-13(7) with Multi-Lingual Counseling, a Non-Profit Corporation, effective October 1, 2009, to amend Contract #24-950-13(6), to increase the payment limit by \$620,000, from \$100,000 to a new payment limit of \$720,000, with no change in the original term of July 1, 2009 through June 30, 2011.

FISCAL IMPACT:

This Contract is funded by 35% State, 61% Federal FFP Medi-Cal Funds, and 4% Mental Health Realignment.

BACKGROUND:

In September 2009, the County Administrator approved and the Purchasing Services Manager executed Contract #24-950-13(6) with Multi-Lingual Counseling, to provide Medi-Cal specialty mental health services, for the period from July 1, 2009 through June 30, 2011. At the time of negotiations, the payment limit was based on target levels of utilization. However, the utilization during the term of the agreement was higher than originally anticipated. Approval of Contract Amendment Agreement #24-950-13(7) will allow the Contractor to provide additional services through June 30, 2011.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand 957-5111

cc: Barbara Borbon, Demetria Gary



**Contra
Costa
County**

To: Board of Supervisors
From: Catherine Kutsuris, Conservation & Development Director
Date: December 8, 2009

Subject: Tres Vaqueros Wind Farm Environmental Impact Report Consultant Contract Authorization

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation & Development Director, or designee, to execute a contract with Environmental Science Associates (ESA) effective December 9, 2009 through December 31, 2010, with a payment limit not to exceed \$532,948.00, to prepare an environmental impact report (EIR) for the Tres Vaqueros Wind Farm Repowering Project in the Byron area.

FISCAL IMPACT:

No Impact. General Fund revenue will not be used as the cost is covered by fees paid by the project applicant.

BACKGROUND:

The proposed project involves removing the 90 existing turbines at the Tres Vaqueros Wind Farm and replacing them with either 26 or 42 larger modern turbines (the number will depend on the turbine model ultimately chosen). The project requires approval of a land use permit, which is subject to the requirements of the California Environmental Quality Act. The County contracted with ESA on May 28, 2009, to perform preliminary environmental review work; that contract expired July 31, 2009. This contract will allow ESA to provide the services necessary to prepare the EIR.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Will Nelson (925)
335-1208

cc:

ATTACHMENTS

Signed L-2 Form

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

On _____, before me, _____
(insert name and title of the officer), personally appeared _____

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

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

WITNESS MY HAND AND OFFICIAL SEAL.

Signature

(Seal)

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

FORM APPROVED
COUNTY COUNSEL

By: _____
Designee

By:  _____
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By: _____
Designee



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Novation Contract #24-315-41 with Young Men's Christian Association of the East Bay

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand), to execute, on behalf of the County, Novation Contract #24-315-41 with Young Men's Christian Association of the East Bay, a non-profit corporation, in an amount not to exceed \$403,000, to provide on-site school counseling services for the period from July 1, 2009 through June 30, 2010. This Contract includes a six-month automatic extension through December 31, 2010, in an amount not to exceed \$201,500.

FISCAL IMPACT:

This Contract is funded 55% by Federal FFP Medi-Cal, 35% by State Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), and 10% by County Mental Health Realignment.

BACKGROUND:

This Contract meets the social needs of County's population by providing counseling and therapy services for emotionally and behavioral disturbed students in selected junior high schools in the West Contra Costa Unified School District that improves their high school

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand 957-5111

cc: L Smith, B Borbon

BACKGROUND: (CONT'D)

attendance records and decreases the use of acute Mental Health system of care services.

On January 27, 2009, the Board of Supervisors approved Novation Contract #24-315-40 with Young Men's Christian Association of the East Bay, for the period from July 1, 2008 through June 30, 2009, which included a six-month automatic extension through December 31, 2009, for the provision of for the provision of on-school-site counseling services for emotional and behavioral disturbed students.

Approval of Novation Contract #24-315-41 replaces the automatic extension under the prior Contract and allows Contractor to continue providing services through June 30, 2010.

CHILDREN'S IMPACT STATEMENT:

This EPSDT program supports the following Board of Supervisors' community outcomes: "Children ready for and succeeding in school"; "Families that are safe, stable, and nurturing"; and "Communities that are safe and provide a high quality of life for children and families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



**Contra
Costa
County**

To: Board of Supervisors
From: Joe Valentine, Employment & Human Services Director
Date: December 8, 2009

Subject: Amendment of Contract with Oakland Private Industry Council (OPIC)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, on behalf of the Workforce Development Board (WDB), to execute a contract amendment with Oakland Private Industry Council, effective October 31, 2009, to increase the contract payment limit by \$75,000 for a total contract payment limit of \$1,100,000 and extend the term from October 31, 2009 to June 30, 2010 to continue to perform as the fiduciary partner to pay program trainers.

FISCAL IMPACT:

\$1,100,000: 100% Federal, 76% Workforce Investment Act Funds (\$836,000); 24% American Recovery and Reinvestment Act Funds (\$264,000).

BACKGROUND:

In Spring 2000, the EASTBAY Works Consortium, of which the Workforce Development Board of Contra Costa (WDB) is a member, selected Oakland Private Industry Council (OPIC), a member organization, to serve as procurement and pay agent for training vendors on behalf of all EASTBAY Works partner agencies. In this capacity,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009**

☒ 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

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Mike Roetzer, 3-1582

cc: Melanie Mintz

BACKGROUND: (CONT'D)

OPIC is responsible for contracting with and paying training vendors who provide Workforce Investment Act (WIA) related job and skills training to clients served by WDB.

The Workforce Development Board of Contra Costa County had received American Recovery and Reinvestment Act funding to expand and enhance services to Workforce Investment Act participants through June 30, 2010. This amendment allows the Workforce Development Board, its One-Stop Career Centers and its youth providers to continue regular WIA training services through June 30, 2010.

The Workforce Development Board budget for this amendment breaks down as follows: WIA Adult \$225,000; WIA Dislocated Worker \$345,000; WIA Youth \$125,000; National Emergency Grant \$45,000; Economic Stimulus One \$100,000; ARRA WIA Adult \$110,000; ARRA WIA Dislocated Worker \$150,000. (18-020-17)

CHILDREN'S IMPACT STATEMENT:

This contract supports all five 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 assisting with training and employment services.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Novation Contract #74-295-2 with Desarrollo Familiar, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand), to execute, on behalf of the County, Novation Contract #74-295-2 with Desarrollo Familiar, Inc., a non-profit corporation, in an amount not to exceed \$1,060,735, to provide implementation of County's Mental Health Active Community Supports and Service Teams (ACSST) Project, for the period from July 1, 2009 through June 30, 2010. This Contract includes a six-month automatic extension through December 31, 2010 in an amount not to exceed \$530,368.

FISCAL IMPACT:

This Contract is funded 1% by Federal Medi-Cal, 1% by State Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), and 98% by Mental Health Services Act (MHSA).

BACKGROUND:

This Contract meets the social needs of County's population in that it provides implementation of County's ACSST Project, including Wraparound services and other



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 12/08/2009



APPROVED AS



OTHER

RECOMMENDED

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

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand, 957
5111

BACKGROUND: (CONT'D)

community-based mental health services, medication support, and crisis intervention in far East County.

On January 27, 2009, the Board of Supervisors approved Contract #74-295-1 with Desarrollo Familiar, Inc., for the period from July 1, 2008 through June 30, 2009, which included a six-month automatic extension through December 31, 2009, for the provision of implementation of County's ACSST project.

Approval of Novation Contract #74-295-2 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2010.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Amendment #24-443-30 with Adolescent Treatment Centers, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Haven Fearn), to execute, on behalf of the County, Contract Amendment Agreement #24-443-30 with Adolescent Treatment Centers, Inc., a non-profit corporation, effective November 1, 2009, to amend Contract #24-443-29, to increase the payment limit by \$7,895, from \$118,428 to a new payment limit of \$126,323, with no change in the original term of July 1, 2009 through June 30, 2010.

FISCAL IMPACT:

This Contract is funded 84% by Adolescent Substance Abuse Prevention and Treatment (SAPT) and 16% by Comprehensive Drug Court Implementation (CDCI).

BACKGROUND:

On August 4, 2009, the Board of Supervisors approved Contract #24-443-29 with Adolescent Treatment Centers, Inc., for the period from July 1, 2009 through June 30, 2010, for the provision of an Adolescent Residential Chemical Dependency Treatment Program at its Thunder Road facility in Oakland. Approval of Contract Amendment Agreement #24-443-30 will allow the Contractor to provide additional residential treatment services through June 30, 2010.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Haven Fearn 313-6350



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Novation Contract #24-602-30 with Seneca Residential and Day Treatment Center for Children

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand), to execute, on behalf of the County, Novation Contract #24-602-30 with Seneca Residential and Day Treatment Center for Children, a non-profit corporation, in an amount not to exceed \$110,000, to provide residential day treatment and mental health services for children, for the period from July 1, 2009 through June 30, 2010. This Contract includes a six-month automatic extension through December 31, 2010, in an amount not to exceed \$55,000.

FISCAL IMPACT:

This Contract is funded 31% by Federal FFP Medi-Cal, 19% by State Early and Periodic Screening, Diagnosis and Treatment (EPSDT), and 50% by Individuals with Disabilities Education Act (IDEA/SB90)

BACKGROUND:

This Contract meets the social needs of County's population by providing a multi-disciplinary treatment program as an alternative to hospitalization for minors who need active psychiatric treatment for acute mental, emotional or behavioral disorders.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand 957-5111

cc: L Smith, B Borbon

BACKGROUND: (CONT'D)

On December 16, 2008, the Board of Supervisors approved Novation Contract #24-602-29 with Seneca Residential and Day Treatment Center for Children, for the period from July 1, 2008 through June 30, 2009, which included a six-month automatic extension through December 31, 2009, for the provision of residential day treatment services and mental health services, including medication support, and crisis and case management services for County-referred minors.

Approval of Novation Contract #24-602-30 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2010.

CHILDREN'S IMPACT STATEMENT:

This EPSDT program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Novation Contract #24-938-16 with Seneca Residential and Day Treatment Center for Children

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand), to execute, on behalf of the County, Novation Contract #24-938-16 with Seneca Residential and Day Treatment Center for Children, a non-profit corporation, in an amount not to exceed \$166,135, to provide school-based mental health services in the West Contra Costa Unified School District, for the period from July 1, 2009 through June 30, 2010. This Contract includes a six-month automatic extension through December 31, 2010, in an amount not to exceed \$83,067.

FISCAL IMPACT:

This Contract is funded 44% by Federal Medi-Cal, 28% by State Early and Periodic Screening, Diagnosis and Treatment (EPSDT), and 28% Individuals with Disabilities Education Act (IDEA/SB90).

BACKGROUND:

This Contract meets the social needs of County's population by providing mental health services to an underserved high-risk population within the West Contra Costa

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand 957-5111

cc: L Smith, B Borbon

BACKGROUND: (CONT'D)

Unified School District to increase student success in school, at home, and in the community.

On January 27, 2009, the Board of Supervisors approved Novation Contract #24-938-14 (as amended by Contract Amendment Agreement #24-938-15) with Seneca Residential and Day Treatment Center for Children for the period from July 1, 2008 through June 30, 2009, which included a six-month automatic extension through December 31, 2009, for the provision of school-based mental health services in West Contra Costa Unified School District.

Approval of Novation Contract #24-938-16 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2010.

CHILDREN'S IMPACT STATEMENT:

This EPSDT Program supports the following Board of Supervisors' community outcomes: "Children Ready for and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Approval of Blanket Purchase Order with Johnson & Johnson, Inc.

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Director, to renew a blanket Purchase Order with Johnson & Johnson, Inc. in the amount of \$120,000, for period from November 15, 2009 thru November 14, 2010 for blood bank reagents, Rhogam and Microrhogam for the Contra Costa Regional Medical Center Clinical Laboratory.

FISCAL IMPACT:

100% Enterprise Fund I.

BACKGROUND:

These Blood Bank reagents are used to check patient's blood type, do compatibility testing for patients who need blood transfusion and also to identify irregular antibodies on patient's blood. Rhogam and Microrhogam are non-blood products given to RH negative mothers who gave birth to RH positive babies to prevent complications with future pregnancies.

In accordance with Administrative Bulletin No. 611.0, County Departments are required to get Board approval for single purchases over \$100,000.00.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Anna Roth, 370-5101

cc: Tasha Scott, Barbara Borbon

ATTACHMENTS

SUPPLEMENTAL APPROVAL FORM FOR ITEMS OVER \$25,000

Department: HSD - CCRMC Clinical Lab Date: 9/22/09

Authorized Requestor: Susan Batterton Telephone: 925/370-1391

Authorized Requestor Signature: Susan Batterton

1. Item: Reagents for Blood Bank (Ortho - Johnson and Johnson)

2. Description: Blood Bank Reagents, Rhograms & Micrograms
IDMTS Cards,

3. Estimated cost of equipment: Reagents: \$120,000.00/year

4. Single Item ☒ Integrated System ☐

5. How does this purchase meet the Departments operational needs?

We need these reagents to run patients
on the equipment already in our
lab

6. Fiscal Impact: _____

Budgeted - Enterprise I Fund

7. County Administrator Approval Over \$100,000 requires Board of Supervisors approval.

Signature: [Signature] Date: 10/14/09

VENDOR **3484** **ORTEO CLINICAL DIAGNOSTICS** TR# **5579**

1001 US Highway 202
 Raritan, NJ 08869-0606

Contact Person: Matt Piorkowski 1800-373-3008 X8127

VENDOR NUMBER	ORDERED	RECEIVED	VENDOR NUMBER	ORDERED	RECEIVED	VENDOR NUMBER	ORDERED	RECEIVED	VENDOR NUMBER	ORDERED	RECEIVED
	11/15/08			11/15/09							
	Line			Line							
	11/14/08			11/14/09/10							
	\$120,000.00			\$120,000.00							
	6/7/E										
	(NOVATION) &			Change Name							
	Maynard			to Johnson							
				& Johnson							
				Health Care							
				Systems, Inc.							
	5-400-9-32484										
	9-24-08										
	REC'D SEP 25 2008										
	NOVATION Vendor										
	MD										
	John Butler			John Butler							
	9-22-08			10/10/09							

FOR PURCHASING USE ONLY BELOW THIS LINE

NOTES	NOTES	NOTES	NOTES
10/10/09			
26273			
1030			
10-11-09			

A-10-23



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Novation Contract #24-778-18 with FamiliesFirst, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand), to execute, on behalf of the County, Novation Contract #24-778-18 with FamiliesFirst, Inc., a non-profit corporation, in an amount not to exceed \$517,118, to provide day treatment and mental health services for Seriously Emotionally Disturbed (SED) children, for the period from July 1, 2009 through June 30, 2010. This Contract includes a six-month automatic extension through December 31, 2010, in an amount not to exceed \$258,559.

FISCAL IMPACT:

This Contract is funded 25% by Federal FFP Med-Cal, 14% by State Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), 60% by Individuals with Disabilities Education Act (IDEA/SB 90), and 1% Mental Health Realignment (required County match).

BACKGROUND:

This Contract meets the social needs of County's population by providing intensive day treatment, mental health services, medication support, and case management services



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 12/08/2009



APPROVED AS



OTHER

RECOMMENDED

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Gayle B. Uilkema, District II
Supervisor

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Susan A. Bonilla, District IV
Supervisor

Federal D. Glover, District V
Supervisor

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand 957-5111

cc: L Smith, B Borbon

BACKGROUND: (CONT'D)

for SED children at Mt. Diablo High School to reduce the need for out-of-home placements.

On January 27, 2009, the Board of Supervisors approved Novation Contract #24-778-17 with FamiliesFirst, Inc., for the period from July 1, 2008 through June 30, 2009, which included a six-month automatic extension through December 31, 2009, for the provision of day treatment and mental health services for SED children.

Approval of Novation Contract #24-778-18 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2010.

CHILDREN'S IMPACT STATEMENT:

This SB 90 program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Novation Contract #74-058-12 with Seneca Residential and Day Treatment Center for Children

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand), to execute, on behalf of the County, Novation Contract #74-058-12 with Seneca Residential and Day Treatment Center for Children, a non-profit corporation, in an amount not to exceed \$525,000, to provide intensive crisis stabilization services to youth through the Mobile Crisis Response Teams, for the period from July 1, 2009 through June 30, 2010. This Contract includes a six-month automatic extension through December 31, 2010, in an amount not to exceed \$262,500.

FISCAL IMPACT:

This Contract is funded 39% by Federal FFP Medi-Cal, 24% by State Early and Periodic Screening, Diagnosis and Treatment (EPSDT), 23% Individuals with Disabilities Education Act (IDEA/SB90), and 14% by County Mental Health Realignment.

BACKGROUND:

This Contract meets the social needs of County's population by providing intensive crisis stabilization services to Seriously Emotionally Disturbed (SED) children and

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
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Federal D. Glover, District V Supervisor

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand 957-5111

cc: L Smith, B Borbon

BACKGROUND: (CONT'D)

adolescents (and their families) in high-risk situations, to reduce the need for psychiatric hospitalization. On January 27, 2009, the Board of Supervisors approved Contract #74-058-10 (as amended by Contract Amendment Agreement #74-058-11) with Seneca Residential and Day Treatment Center for Children, for the period from July 1, 2008 through June 30, 2009, which included a six-month automatic extension through December 31, 2009, for the provision of intensive crises stabilization services to youth through the Mobile Crisis Response Teams. Approval of Novation Contract #74-058-12 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2010.

CHILDREN'S IMPACT STATEMENT:

This EPSDT program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Novation Contract #74-142-14 with Seneca Residential and Day Treatment Center for Children

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand), to execute, on behalf of the County, Novation Contract #74-142-14 with Seneca Residential and Day Treatment Center for Children, a non-profit corporation, in an amount not to exceed \$4,429,440, to provide residential day treatment services for seriously emotional disturbed children for the period from July 1, 2009 through June 30, 2010. This Contract includes a six-month automatic extension through December 31, 2010, in an amount not to exceed \$2,214,720.

FISCAL IMPACT:

This Contract is funded 55% Federal FFP Medi-Cal, 35% State Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), and 10% Individuals with Disabilities Education Act (IDEA/SB 90).

BACKGROUND:

This Contract meets the social needs of County's population by providing a multi-disciplinary treatment program in a Level XIV group home, as an alternative to hospitalization



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 12/08/2009



APPROVED AS



OTHER

RECOMMENDED

Clerks Notes:

VOTE OF SUPERVISORS

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Supervisor

Federal D. Glover, District V
Supervisor

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand
9574-5111

BACKGROUND: (CONT'D)

for minors who need active psychiatric treatment for acute mental, emotional or behavioral disorders.

On December 9, 2008, the Board of Supervisors approved Novation Contract #74-142-13 with Seneca Residential and Day Treatment Center for Children, for the period from July 1, 2008 through June 30, 2009, which included a six-month automatic extension through December 31, 2009, for the provision of residential day treatment services for seriously emotional disturbed children.

Approval of Novation Contract #74-142-14 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2010.

CHILDREN'S IMPACT STATEMENT:

This EPSDT program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Novation Contract #74-224-9 with La Cheim School, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand), to execute, on behalf of the County, Novation Contract #74-224-9 with La Cheim School, Inc., a non-profit corporation, in an amount not to exceed \$600,000, to provide a school-based day treatment program and mental health services for the period from July 1, 2009 through June 30, 2010.

FISCAL IMPACT:

This Contract is funded 39% by Federal FFP Medi-Cal, 22% by State Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), 37% by Individuals with Disabilities Education Act (IDEA/SB 90), and 2% Mental Health Realignment (required County match).

BACKGROUND:

This Contract meets the social needs of County's population by providing an Intensive Day Treatment Program, mental health services and medication support in a school setting for Seriously Emotionally Disturbed (SED) youth, ages six through nineteen years. The program

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ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand 957-5111

BACKGROUND: (CONT'D)

maintains an ongoing census of approximately 47 youth for the County and serves approximately 70 minors per year. On November 4, 2008, the Board of Supervisors approved Novation Contract #74-224-7 (as amended by Contract Amendment Agreement #74-224-8) with La Cheim School, Inc., for the period from July 1, 2008 through June 30, 2009, which included a six-month automatic extension through December 31, 2009, for the provision of a school-based day treatment program and mental health services.

Approval of Novation Contract #74-224-9 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2010.

CHILDREN'S IMPACT STATEMENT:

This EPSDT program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development, as measured by the Child and Adolescent Functional Assessment Scale (CAFAS) and placement at discharge to a lower level of care.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Contract #26-585-3 with L. Evan Custer, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-585-3 with L. Evan Custer, M.D., a self-employed individual, in an amount not to exceed \$577,500, to provide professional Radiology services for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from December 1, 2009 through November 30, 2012.

FISCAL IMPACT:

This Contract is 100% funded by Enterprise I funds. 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 January 9, 2007, the Board of Supervisors approved Contract #26-585 (as amended by Amendment Agreements #26-585-1

☒ APPROVE

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ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Steve Tremain,
370-5122

cc: Tasha Scott, Barbara Borbon

BACKGROUND: (CONT'D)

and #26-585-2) with L. Evan Custer, M.D. to provide Radiology services, including consultation, training, clinic coverage, on-call, supervision and interpretation of CT Scans, Ultrasounds and plain films, for Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from December 1, 2006 through November 30, 2009.

Approval of Contract #26-585-3 will allow the Contractor to continue to provide radiology services at Contra Costa Regional Medical Center and Contra Costa Health Centers, through November 30, 2012.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Novation Contract #74-322-3 with Youth Homes Incorporated

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand), to execute, on behalf of the County, Novation Contract #74-322-3 with Youth Homes Incorporated, a non-profit corporation, in an amount not to exceed \$1,710,000, to provide residential treatment services for County-referred youth in the Contra Costa Collaborative Continuum of Care (C5) Program, for the period from July 1, 2009 through June 30, 2010. This Contract includes a six-month automatic extension through December 31, 2010, in an amount not to exceed \$855,000.

FISCAL IMPACT:

This Contract is funded 55% by Federal Financial Participation (FFP) Medi-Cal, 30% by State Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), 10% Individuals with Disabilities Act (IDEA/SB 90), and 5% Mental Health Realignment (Required County Match).

BACKGROUND:

This Contract meets the social needs of County's population by providing



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OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 12/08/2009



APPROVED AS



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Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

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Susan A. Bonilla, District IV
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Federal D. Glover, District V
Supervisor

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand 957-5111

cc: L Smith, B Borbon

BACKGROUND: (CONT'D)

residential day treatment services, including intensive day treatment, medication support, crisis intervention, and other mental health services, including wrap-around, to Medi-Cal eligible Severely Emotionally Disturbed (SED) children, and their families, who have been referred by the C5 Interagency Team, in order to keep them out of higher levels of placement.

On December 16, 2008, the Board of Supervisors approved Novation Contract #74-322-1 (as amended by Contract Amendment Agreement #74-322-2) with Youth Homes Incorporated for the period from July 1, 2008 through June 30, 2009, which included a six month automatic extension through December 31, 2009, for the provision of residential day treatment services.

Approval of Novation Contract #74-322-3 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2010.

CHILDREN'S IMPACT STATEMENT:

This C5 program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS) and placement at discharge to a lower level of care.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Amendment #74-359-1 with Young Men's Christian Association of the East Bay

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand), to execute, on behalf of the County, Contract Amendment Agreement #74-359-1 with Young Men's Christian Association of the East Bay, a non-profit corporation, effective October 1, 2009, to amend Contract #74-359, to increase the payment limit by \$75,100, from \$178,125 to a new payment limit of \$253,225, with no change in the original term of July 1, 2009 through June 30, 2010, and to increase the automatic extension payment limit by \$37,550, from \$89,062 to a new payment limit of \$126,612, with no change in the term of the automatic extension, through December 31, 2010.

FISCAL IMPACT:

This Contract is funded 100% by Proposition 63/Mental Health Services Act (MHSA). No County funds are required.

BACKGROUND:

On August 11, 2009, the Board of Supervisors approved Contract #74-359 with Young Men's Christian Association of the East Bay for the period from July 1, 2009

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand
957-5111

BACKGROUND: (CONT'D)

through June 30, 2010, which included a six-month automatic extension through December 31, 2010, for the provision of MHSA Prevention and Early Intervention (PEI) services.

Approval of Contract Amendment Agreement #74-359-1 will allow the Contractor to provide additional MHSA PEI services through June 30, 2010.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Amendment #26-641-4 with Advanced Medical Personnel Services, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #26-641-4 with Advanced Medical Personnel Services, Inc., a corporation, effective December 1, 2009, to amend Contract #26-641-2, to increase the payment limit by \$89,000, from \$140,000 to a new payment limit of \$229,000 with no change in the original term of July 1, 2009 through June 30, 2010.

FISCAL IMPACT:

This Amendment is funded 100% by Enterprise Fund I.

BACKGROUND:

On June 16, 2009, the Board of Supervisors approved Contract #26-641-2 with Advanced Medical Personnel Services, Inc., to provide temporary physical, occupations and speech therapists at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from July 1, 2009 through June 30, 2010.

Approval of Contract Amendment Agreement #26-641-4 will allow the Contractor to provide additional

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Action of Board On: **12/08/2009**

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RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
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Federal D. Glover, District V Supervisor

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ATTESTED: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Anna Roth, 370-5101

cc: Tasha Scott, Barbara Borbon

BACKGROUND: (CONT'D)

services, due to the inability to recruit and retain physical and occupational therapists at Contra Costa Regional Medical Center, through June 30, 2010.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: 24-920-14 with Fred Finch Children's Home, Inc. (dba Fred Finch Youth Center)

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Donna Wigand), to execute, on behalf of the County, Novation Contract #24-920-14 with Fred Finch Children's Home, Inc. (dba Fred Finch Youth Center), a non-profit corporation, in an amount not to exceed \$300,000, to provide an intensive day treatment program and medication support services for seriously emotionally disturbed children, for the period from July 1, 2009 through June 30, 2010. This contract includes a six-month automatic extension through December 31, 2010, in an amount not to exceed \$150,000.

FISCAL IMPACT:

This Contract is funded 51% by Federal Medi-Cal FFP, 27% by State Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), 17% by Individuals with Disabilities Education Act (IDEA/SB 90), and 5% by Mental Health Realignment.

BACKGROUND:

This Contract meets the social needs of County's population in that it provides mental health services, including: assessments; individual, group and family therapy;



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/08/2009**



APPROVED AS



OTHER

RECOMMENDED

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

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Federal D. Glover, District V Supervisor

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

By: Katherine Sinclair, Deputy

Contact: Donna Wigand,
957-5111

cc:

BACKGROUND: (CONT'D)

and medication support for Seriously Emotionally Disturbed (SED) and developmentally delayed middle and high school aged children and their families.

On January 27, 2009, the Board of Supervisors approved Novation Contract #24 920 13 with Fred Finch Youth Center, for the period from July 1, 2008 through June 30, 2009, which included a six-month automatic extension through December 31, 2009, for the provision of an intensive day treatment program and medication support services for seriously emotionally disturbed children at its Fred Finch Youth Center Residential/Day Treatment Programs. Approval of Novation Contract #24 920 14 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2010.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Amendment #24-259-49 with Center for Human Development

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Haven Fearn), to execute, on behalf of the County, Contract Amendment Agreement #24-259-49 with Center for Human Development, a non-profit corporation, effective November 1, 2009, to amend Contract #24-259-48, to increase the payment limit by \$70,000, from \$402,000 to a new payment limit of \$472,000, with no change in the original term of July 1, 2009 through June 30, 2010.

FISCAL IMPACT:

This Contract is funded 100% by Federal Substance Abuse Prevention and Treatment (SAPT) Primary Prevention.

BACKGROUND:

On August 4, 2009, the Board of Supervisors approved Contract #24-259-48 with Center for Human Development for the period from July 1, 2009 through June 30, 2010, for the provision of substance abuse primary prevention services.

Approval of Contract Amendment Agreement #24-259-49 will allow the Contractor to provide additional prevention services through June 30, 2010.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Haven Fearn 313-6350

cc: L Smith, B Borbon



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Amendment #22-611-24 with New Connections

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee (Wendel Brunner, M.D.), to execute, on behalf of the County, Contract Amendment Agreement #22-611-24 with New Connections, a non-profit corporation, effective November 1, 2009, to amend Contract #22-611-23, to increase the payment limit by \$15,000, from \$298,000 to a new payment limit of \$313,000, with no change in the original term of March 1, 2009 through February 28, 2010.

FISCAL IMPACT:

This Contract is 100% Federally funded, by the State, through the Ryan White HIV/AIDS Treatment Modernization Act of 2006, through an inter-governmental agreement with Alameda County, who is the Grantee of these funds. No County funds are required.

BACKGROUND:

On March 31, 2009, the Board of Supervisors approved Contract #22-611-23 with New Connections for the period from March 1, 2009 through February 28, 2010, for the provision of services to County residents with HIV disease.

Approval of Contract Amendment Agreement #22-611-24 will allow the Contractor to

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

Contact: Wendel Brunner, M.D.,
313-6712

By: Katherine Sinclair, Deputy

cc: Tasha Scott, Barbara Borbon

BACKGROUND: (CONT'D)

provide services for additional HIV positive individuals in Contra Costa County through February 28, 2010.



Contra
Costa
County

To: Board of Supervisors
From: Melanie Mintz, Employment & Human Services
Date: December 8, 2009

Subject: Contract Amendment with the Housing Authority of Contra Costa County.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, on behalf of the Workforce Development Board, to execute a contract amendment with the Housing Authority of Contra Costa County, effective October 31, 2009, to extend the term from October 31, 2009 to June 30, 2010 with no change in the payment limit of \$1,399,976 to continue to provide Employer of Record payroll services for youth 14 to 24 years of age.

FISCAL IMPACT:

No County Costs: 99% Federal American Reinvestment and Recovery Act (ARRA) Youth Funds; 1% Community Services Block Grant Funding (\$99,000) and Clorox Foundation Funding (\$3,500).

BACKGROUND:

The Workforce Development Board of Contra Costa County (WDB) has received ARRA funding from the Department of Labor to implement the Summer Youth Employment Program under

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Michael Roetzer, 3-1582

cc: Melanie Mintz

BACKGROUND: (CONT'D)

the regulations of the Workforce Investment Act. This contract will establish the Housing Authority of Contra Costa County (Agency) as the Employer of Record providing general liability and workers compensation insurance to enrolled youth ages 14 to 24. Under this contract the Housing Authority will administer payroll to youth employed in worksites throughout Contra Costa County.

This amendment will allow the Housing Authority to continue Employer of Record services directly to youth employed in worksites throughout Contra Costa County. (18-226-2)

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

This contract supports five 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 employment opportunities and job skills for youth ages 14-24.



**Contra
Costa
County**

To: Board of Supervisors
From: Joe Valentine, Employment & Human Services Director
Date: December 8, 2009

Subject: Operations Update of the Employment and Human Services Department, Community Services Bureau

RECOMMENDATION(S):

ACCEPT the November 2009 update on the operations of the Employment and Human Services Department, Community Services Bureau, as recommended by the Employment and Human Services Department Director.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The Employment and Human Services Department submits monthly reports to the Contra Costa County Board of Supervisors (BOS) to ensure ongoing communication and updates to the County Administrator and BOS regarding any and all issues pertaining to the Head Start program and Community Services Bureau.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Joseph Valentine,
313-1579

cc:

ATTACHMENTS

CSB Nov 2009 CAO Report
Memo



David Twa
Page 1
November 10, 2009

To: David Twa, County Administrator
From: Joe Valentine, EHSD Director
Subject: Monthly Report
Date: November 10, 2009

I am submitting the following report to ensure ongoing communication with the County Administrator and Board of Supervisors regarding all issues pertaining to the Head Start program and the Community Services Bureau (CSB).

A. Parent Involvement

Policy Council:

- This month's Policy Council Meeting will be held on November 18, 2009 at the Pacheco Community Center from 6-8 pm. Scheduled for review and consideration for approval during the November meeting are approval of new hires and approval of community representatives. Presentations include: an overview of the HS/EHS annual self-assessment process, New Baby Curriculum, Policy Council training survey results, and accessing community resources.

B. Personnel Report

Current Staffing Activities:

- Vacancies past 3 Months:
 - Infant/Toddler Associate Teacher – 0
 - Infant/Toddler Teacher (including Master Teacher) - 0
 - Teacher (including Master Teacher) – 5 (2T / 3MT)
 - Pre-school Associate Teacher – 4
 - Site Supervisor II – 1
- During the month of October we conducted interviews for Teachers, Associate Teachers and Master Teachers, and Early Childhood Educator. We hired 1 Associate Teacher, 1 Infant/Toddler Teacher, and 1 Early Childhood Educator (Home Base). We are still in the process of checking references for 2 potential new hires – 1 Teacher and 1 Associate Teacher.

Recruitment Activities during the month:

- CSB continues to actively advertise open positions in local and professional newsletters and publications. We are advertising in Diversity Job Journal. The ad will be posted during the Job Fairs in Emeryville and Solano County at the end of October. We have an open online application process through the County's Human Resources Department. We also conduct ongoing recruitment through participation in diverse community events.

T/TA Activities for August 2009:

- Teaching Staff:
 - 32 staff were registered to attend the 2009 Los Medanos College Annual Fall Harvest Conference, which offered various sessions on "Making Early Childhood Education Foundations Meaningful and Magical"



- 21 staff attended the “52 Weeks of Fun” training, which encourages incorporating physical exercises in daily activities to get children active and reduce their risks of obesity.
- 55 staff received Disabilities Services Training and two supervisors were trained on Disabilities Referral Processes.
- 2 staff participated in the Facilitative Leadership Training.
- 6 new staff received the two-day CSB New Employee Orientation and Education Orientation.
- 7 staff received CPR/First Aid Training, which included additional health and safety trainings such as Blood-borne Pathogens, Gloving, Body Mechanics, Nebulizers and Inhalers, and EPI Pens Component.
- 38 additional staff completed the Child Abuse and Prevention Workshop.
- 9 staff received Partners for Infant Toddler Caregivers Training.
- Comprehensive Services Staff:
 - A Mental Health supervisor completed the Post-Traumatic Stress Syndrome Disorder, School Violence training and the Mental Health Practitioners Guide to Separated and Divorced Parents.
 - 9 staff participated in the Disabilities Services Training for teaching staff.
 - 4 staff participated in the Facilitative Leadership Training.
- Administrative Staff:
 - 2 new clerical staff received the CSB New Employee Orientation.
 - 1 Personnel staff participated in the Dual Language Learners Webinar provided by the Office of Head Start.

C. Fiscal and Audit Reports

- The Bureau submitted its 1st quarter Fiscal and Attendance Reports to the State’s Child Development Department on October 20, 2009.
- The California Department of Education has increased the Bureau’s FY 2009-10 CalWORKS Stage 2 Childcare funding by \$463,747 due to an increase in caseload.
- In compliance with ARRA quarterly reporting requirements, the Bureau submitted on time the ARRA reports for the following programs: Community Services Block Grant (CSBG) ARRA, Department of Energy (DOE) Weatherization Assistance Program ARRA, Head Start ARRA Cost of Living Adjustment (COLA) and Quality Improvement (QI) grants.
- The Bureau conducted Risk Assessments of Community Services Block Grant (CSBG) ARRA subcontractors as required by the Federal Office of Community Services. The Risk Assessments addressed previous audit or monitoring findings within the last 3 years, a review of existing internal controls, a review of statutory and regulatory compliance, and a review of equipment and property procedures to assure a direct relationship to CSBG services.
- The Bureau submitted the Expenditure Activity Report to the California Department of Community Services and Development for the Low-Income Housing & Energy Programs (LIHEAP).
- The Bureau submitted the Expenditure and Caseload Reports for the CalWORKS Stage 2 and Alternative Payment Childcare programs to the California Department of Education.

- The California Department of Community Services and Development has completed the review of the Bureau's Community Services Block Grant (CSBG) and the Low-Income Housing & Energy Programs (LIHEAP). The review did not disclose any findings requiring corrective action.

D. Licensing Issues

- None to report

E. Business Systems

E-Rate FY11 (2008-2009)

- CSB received the E-Rate payment notification letter from USAC for the amount of \$180,000.
- The service delivery date was extended to September 30th 2010.

F. Eligibility, Recruitment, Selection, Enrollment, Attendance

- Enrollment: EHS 100%, HS 100%
- Actual Enrollment - HS and EHS: 2243
- Number of Children with Disabilities: 151
- Medical Exams: 1553 (69.24% completed)
- Medical Treatment: 299 (99.01% 299 out of 302 diagnosed for treatment completed)
- Dental Exams: 1234 (64.44% completed)
- Dental Treatments: 22 (6.25% out of 352 diagnosed for treatment completed)
- Pregnant mothers enrolled: 55
- Screenings completed:
 - Speech & Language: 1126
 - Social/Behavioral: 1120
 - Brigrance: 1148
- Desired Results Assessments completed: 955

H. Special Projects/Activities

- October 30th concluded CSB's week-long triennial Federal review of the Head Start and Early Head Start programs. Ten reviewers visited over 50 directly operated, partner and delegate classrooms, reviewed over 150 family and staff files, interviewed dozens of staff, parents and Board members. While we will not receive the report from ACF for 30 days, we received a preliminary report that they felt our management systems such as Program Design and Management and Fiscal were very strong. They were particularly impressed with the Board interview of Supervisors Bonilla, Gioia, and David Frazier from Sup. Glover's office. Areas of concern noted were at one of our partner sites and one directly operated site, specifically in the areas of group size, staff qualifications and feeding and diapering routines. Once the report is sent, CSB will share with the Board and Policy Council and respond officially.
- As the County's Community Action Agency, CSB applied for and received Community Services Block Grant (CSBG) ARRA funding to implement a clerical assistant training program. Applicants will receive on the job training in general

office procedures as well as resume writing and interviewing over an 18-month project period. Over 50 applications received, 13 of which are current or former CSB Head Start parents. Interviews will take place the week of November 16th, 2009.

- CSB is excited to begin a new partnership with West Contra Costa Unified School District (WCCUSD) to provide Head Start services to 56 eligible children and their families at Lincoln, Nystrom and Downer State Preschool centers. Services are due to begin November 23rd and these next few weeks, CSB staff is meeting with WCCUSD parents, staff and principals to explain what the Head Start program has to offer.
- The Health Department is including all CSB childcare centers in its effort to inoculate children with the flu-vaccine. All 19 centers, including the delegate agency, will be visited in first round of inoculations over the next two weeks. As more vaccines become available in the following weeks, our partner centers will be included as well.

cc: Policy Council
Family & Human Services Committee
Shirley Karrer, ACF
Rollie Katz, Local One

Attachments

Attachment 1

EMPLOYMENT & HUMAN SERVICES DEPARTMENT
COMMUNITY SERVICES BUREAU
CHILD NUTRITION FOOD SERVICES
CHILD and ADULT CARE FOOD PROGRAM MEALS SERVED
FY 2009-2010

Month covered	2009 September
Approved sites operated this month	22
Number of days meals served this month	21
Average daily participation	1,118
Number of Meals Served:	
Breakfast	16,929
Lunch	23,485
Supplements	16,290
Total Number of Meals Served	56,704

Attachment 2

ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
	1. Log No. ACF-PI- HS-09-09	2. Issuance Date: 10/06/2009
	3. Originating Office: Office of Head Start	
	4. Key Words: Emergency Preparedness Survey	

PROGRAM INSTRUCTION [See Attachment at the bottom]

TO: All Head Start and Early Head Start Grantees

SUBJECT: Head Start/Early Head Start Emergency Preparedness Survey

INSTRUCTION:

Section 649(m) of the Head Start Act requires that:

"The Secretary shall evaluate the Federal, State, and local preparedness of Head Start programs, including Early Head Start programs, to respond appropriately in the event of a large-scale emergency, such as the hurricanes Katrina, Rita, and Wilma, the terrorist attacks of September 11, 2001, or other incidents where assistance may be warranted under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)."

There is currently no uniform information collected on how Head Start programs have or have not developed policies and procedures for such situations. Such information is crucial to the Office of Head Start (OHS) in responding to the Congressional requirements in the 2007 Act. For this purpose, the Office of Head Start developed and obtained OMB approval of the Head Start/Early Head Start Emergency Preparedness Survey (OMB Control No. 0970-0368). The survey is now available to grantees in the Head Start Enterprise System (HSES) in the tab titled "Emergency Preparedness." Grantees are required to complete and submit the survey no later than December 30, 2009. Submission questions can be directed to HSES Help at hshelp@acf.hhs.gov or 1-866-771-4737.

It is essential that this survey accurately represent Head Start and Early Head Start program's emergency preparedness and response activities.

The Office of Head Start understands that programs are in various stages of planning and preparing for large-scale emergencies. It is important that the survey results capture this variability so that OHS can better plan for technical assistance and guidance.

Please direct any questions on this Instruction to your OHS Regional Office.

/Patricia E. Brown/

Patricia E. Brown
Acting Director
Office of Head Start



Contra
Costa
County

To: Board of Supervisors
From: Silvano B. Marchesi, County Counsel
Date: December 8, 2009

Subject: Delegation of Authority to file petitions for commitment of mentally retarded persons

RECOMMENDATION(S):

ADOPT Resolution No. 2009/554 modifying the Board's delegation to the County Counsel of authority to file petitions for commitment of mentally retarded persons under Welfare & Institutions Code section 6500, to exclude those petitions involving mentally incompetent persons as determined under Penal Code section 1367 and following.

FISCAL IMPACT:

None

BACKGROUND:

State law provides that a mentally retarded person who is a danger to himself or herself or others may be committed to a restrictive facility. (Welfare & Institutions Code, sec. 6500) [Such petitions are called "6500 petitions."] In certain cases, such dangerousness may be shown by a finding that the person is incompetent to stand trial in specified criminal proceedings (such as cases involving murder, armed robbery, mayhem, etc.). The law also provides that in proceedings to decide whether commitment is appropriate, the allegations of mental retardation and danger to self or others "shall be presented by the district attorney for the county unless

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Silvano B. Marchesi,
335-1810

cc:

BACKGROUND: (CONT'D)

the board of supervisors, by ordinance or resolution, delegates this authority to the county counsel." (Welfare & Institutions Code, sec. 6500)

For 10 years after the County Counsel's Office was established in 1969, the authority to present requests for 6500 petitions remained with the District Attorney. Then, in 1979 the Board delegated the authority to present such requests to the County Counsel. (Resolution No. 79/1052) This delegation probably was made because the requests usually were received from the Regional Center of the East Bay ("RCEB"), which administers commitments to state facilities such as the one located in Porterville, California, and because the circumstances are similar to those involving conservatorships. In the intervening 30 years, however, (especially recently) an increasing number of requests involve defendants in criminal cases whose commitment is expiring and whose competency to stand trial may still be in issue under Penal Code section 1367 ff. The question has arisen whether such latter cases should be presented by the District Attorney (who is much more knowledgeable about both the specific criminal case and criminal law in general than is the County Counsel) or by the County Counsel.

I recommend that the Board transfer the authority as to 6500 petitions in all cases arising from suspended or pending criminal proceedings involving the mental incompetence of a criminal defendant to stand trial under Penal Code section 1367ff. with the District Attorney, and reaffirm the delegation as to all other requests for 6500 petitions to the County Counsel.

The District Attorney concurs in this recommendation.

CONSEQUENCE OF NEGATIVE ACTION:

Authority for filing 6500 petitions will remain uncertain and may lead to some confusion in particular cases.

ATTACHMENTS

Resolution No. 2009/554

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

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2009/554

Legal Representation in Commitment Proceedings for Dangerous mentally Retarded Persons.

WHEREAS, Section 6500 of the Welfare & Institutions Code authorizes the District Attorney to file petitions for commitment to a restrictive facility, unless the Board of Supervisors delegates that authority to the County Counsel; and

WHEREAS, by Resolution No. 79/1052, October 16, 1979, the Board delegated such authority to the County Counsel; and

WHEREAS, an increasing number of requests for such petitions arise in connection with defendants in specified criminal proceedings in which the defendants' mental competency to stand trial is in issue or has been decided in favor of mental incompetency (Penal Code section 1367ff.); and

WHEREAS, other requests for such petitions arise outside the criminal justice system, when a person is alleged to be mentally retarded and a danger to himself or herself or to others;

WHEREAS, the Board finds that it is appropriate to allocate the authority to file such petitions in light of the expertise of each office respectively:

1. The Board reaffirms its delegation to the County Counsel of the authority to file petitions and present allegations under Welfare & Institutions Code 6500, except as to cases arising from suspended or pending criminal proceedings involving the mental incompetence of a criminal defendant to stand trial under penal Code section 1367ff.

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

ATTESTED: December 8, 2009

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

Contact: Silvano B. Marchesi, 335-1810

By: , Deputy

cc:

2. The Board revokes the delegation to the County Counsel of authority to file 6500 petitions and to present allegations in cases arising from suspended or pending criminal proceedings involving the mental incompetence of a criminal defendant to stand trial under Penal Code section 1367ff.; authority to file petitions and present allegations as to such cases resides with the District Attorney.

CONS. W/C. 65

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: Gioia, Uilkema, Piepho,
Glover & Bonilla
NOES: None
ABSENT: None
ABSTAIN: None



Resolution No. 2009/554

Legal Representation in Commitment Proceedings for Dangerous mentally Retarded Persons.

WHEREAS, Section 6500 of the Welfare & Institutions Code authorizes the District Attorney to file petitions for commitment to a restrictive facility, unless the Board of Supervisors delegates that authority to the County Counsel; and

WHEREAS, by Resolution No. 79/1052, October 16, 1979, the Board delegated such authority to the County Counsel; and

WHEREAS, an increasing number of requests for such petitions arise in connection with defendants in specified criminal proceedings in which the defendants' mental competency to stand trial is in issue or has been decided in favor of mental incompetency (Penal Code section 1367ff.); and

WHEREAS, other requests for such petitions arise outside the criminal justice system, when a person is alleged to be mentally retarded and a danger to himself or herself or to others;

WHEREAS, the Board finds that it is appropriate to allocate the authority to file such petitions in light of the expertise of each office respectively:

1. The Board reaffirms its delegation to the County Counsel of the authority to file petitions and present allegations under Welfare & Institutions Code 6500, except as to cases arising from suspended or pending criminal proceedings involving the mental incompetence of a criminal defendant to stand trial under penal Code section 1367ff.

Contact: Silvano B. Marchesi, 335-1810

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

ATTESTED: December 8, 2009

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

By: , Deputy

Katharine Sinclair

cc:

2. The Board revokes the delegation to the County Counsel of authority to file 6500 petitions and to present allegations in cases arising from suspended or pending criminal proceedings involving the mental incompetence of a criminal defendant to stand trial under Penal Code section 1367ff.; authority to file petitions and present allegations as to such cases resides with the District Attorney.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: December 8, 2009

Subject: Transfer of Crockett Co-Generation Plant Property Taxes to Various Crockett Community Projects

RECOMMENDATION(S):

APPROVE and AUTHORIZE the allocation of \$197,461 from the Crockett Co-Generation Property Tax Allocation for four projects as recommended by the Crockett Community Foundation.

FISCAL IMPACT:

100% General Fund

BACKGROUND:

In September 1995, the Board of Supervisors appointed the Crockett Community Foundation as the advisory council to the Board regarding expenditures from the Community Benefits Program funded from property tax assessments on the Crockett Co-Generation Plant.

On November 5, 2009, by the attached Resolution 2009-1, the Crockett Community Foundation recommended that \$197,461 in property taxes obtained from the Crockett Co-Generation Plant be allocated to the Crockett Community Foundation as follows:

1. \$21,000 for the benefit of the Crockett Library to continue to provide six additional hours of operation and special library programs;
- 2.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Lisa Driscoll (335-1023)

BACKGROUND: (CONT'D)

\$49,627 for the benefit of the Crockett Recreation Department for capital improvements and maintenance at the Crockett Community Center, swimming pool, and park facility;

- \$59,103 for the benefit of the Crockett Carquinez Fire Department for capital equipment and facility projects;
- \$67,731 for the benefit of the Crockett Sanitary Department for capital improvements in wastewater collection and treatment.

This request for the release of funds was forwarded to the County Administrator's Office for approval and processing.

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

ATTACHMENTS

Resolution 2009-1



November 5, 2009

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

RE: ALLOCATION OF CROCKETT COGENERATION PLANT PROPERTY TAXES

Honorable Supervisors:

This letter transmits the attached Resolution No. 2009-1 of the Board of Directors of the Crockett Community Foundation.

Resolution No. 2009-1 requests the immediate allocation of FY 2009/10 property taxes from the Crockett Cogeneration Plant for specified uses of benefit to Crockett.

Sincerely,

Karen Peterson
Chairperson of the Board

cc: Gayle B. Uilkema, Supervisor District 2
Laura Strobel, County Administrator's Office
Ron Wilson, Crockett Recreation Department
Gerald C. Littleton, Crockett-Carquinez Fire District
Mary Wais, Crockett Sanitary Department
Liz Ruhland, Contra Costa County Library

Attachment

RESOLUTION NO. 2009-1

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CROCKETT COMMUNITY FOUNDATION
RECOMMENDING THE ALLOCATION OF PROPERTY TAXES
TO SPECIFIC USES OF BENEFIT TO CROCKETT**

WHEREAS, the Crockett Community Foundation desires to allocate \$197,461 in Crockett Cogeneration Return-to-Source funds for projects and services of benefit to Crockett; and

WHEREAS, the Crockett Library has demonstrated the need to augment available funding for operating the Crockett Library, so as to continue to provide six (6) additional hours of operation and special library programs; and

WHEREAS, the Crockett Recreation Department has demonstrated the need to augment available funding for capital improvements and maintenance at the Crockett Community Center, swimming pool and park facility; and

WHEREAS, the Crockett Carquinez Fire Department has demonstrated the need to augment available funding for capital equipment and projects at its facilities; and

WHEREAS, the Crockett Sanitary Department has demonstrated the need to augment available funding for capital improvements in wastewater collection and treatment; and

WHEREAS, each of these four agencies regularly relies on property taxes to fund a portion of its annual budget and is empowered by law and/or local voters to receive property tax revenues to provide public services in Crockett; and

WHEREAS, the Board of Supervisors of Contra Costa County did on September 19, 1995, appoint the Crockett Community Foundation as the advisory council to the Board of Supervisors regarding expenditures from the Community Benefits Program funded from new property tax increment of the Crockett Cogeneration Plant; and

WHEREAS, the Board of Supervisors of Contra Costa County did on December 12, 1995, commit 100% of new property tax increment of the Crockett Cogeneration Plant to Crockett programs, with 57% for new police services in Crockett and 43% for unspecified community benefits; and

WHEREAS, the Crockett Community Foundation has developed a five-year plan for the allocation of return-to-source funds for community benefits.

NOW, THEREFORE, BE IT RESOLVED THAT the Crockett Community Foundation recommends that Crockett Cogeneration FY 2009/2010 property taxes in the amount of \$197,461 be immediately allocated as follows:

1. Crockett Community Foundation: \$21,000, for benefit of the Crockett Library.
2. Crockett Community Foundation: \$49,627, for benefit of Crockett Recreation Dept.
3. Crockett Community Foundation: \$59,103, for benefit of the Crockett Carquinez Fire Department.
4. Crockett Community Foundation: \$67,731, for benefit of the Crockett Sanitary Dept.

BE IT FURTHER RESOLVED THAT the Secretary of the Crockett Community Foundation be directed to transmit this Resolution No. 2009-1 to the Board of Supervisors of Contra Costa County immediately.


THE FOREGOING RESOLUTION was passed and adopted at the Regular Meeting of the Crockett Community Foundation held on November 5, 2009 by the following vote:

AYES: 6

NOES: 0

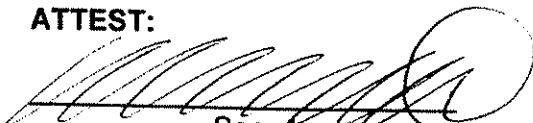
ABSTAIN: 0

ABSENT: 1 Burusor



Karen Peterson
Chairperson of the Board

ATTEST:



Secretary



Contra
Costa
County

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: December 8, 2009

Subject: 2009 REPORT FROM BOARD ADVISORY BODY

RECOMMENDATION(S):

RECEIVE 2009 Annual Report submitted by the Aviation 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 Aviation Advisory Committee.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 12/08/2009



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: December 8, 2009

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

By: Katherine Sinclair, Deputy

Contact: Beth Lee, (925)
646-5722

cc: Lara Delaney

ATTACHMENTS

2009 Annual Aviation Advisory Committee
Report

CONTRA COSTA COUNTY AVIATION ADVISORY COMMITTEE ANNUAL REPORT

Advisory Body Meeting Time/Location: 12:00 P.M. on the 3rd Tuesday of each month

Advisory Body Chair: Tom Weber

Staff Person(s): Keith Freitas/Beth Lee

I. Activities

- A. On a monthly basis the AAC reviews noise statistics to identify problem areas and recommended corrective action
- B. On a monthly basis the AAC reviews and monitors airport development projects providing specific input and insuring community involvement
- C. On a quarterly basis the AAC reviews the budget forecasts and performance
- D. The AAC periodically reviews and provides specific input to the Part 150 noise study
- E. AAC members participate in a number of community outreach efforts including the Community-Buchanan Airport Partnership program
- F. The AAC provides regular input on the efforts to enhance the new public observation area
- G. The AAC continues to promote its Tenant Recognition Program

II. Accomplishments

- A. Strategically redefined the role of the AAC regarding the process to address virtually any airport matter: The AAC is now proactively positioned as the entry point for public input, whereby it can respond to such input and make recommendations to the Airport Committee and/or the Board of Supervisors as needed
- B. In conjunction with the BOS Airport Committee initiated an open review process for budgetary and development projects that has reduced contention and helped strengthen both airports
- C. Dramatically stepped up the AAC's review of airport financials including:
 - 1. leading an in-depth review of airport financials focusing on staffing levels and benefits, other large expense areas, and the cost of maintaining the Part 139 certification
 - 2. reviewing and endorsing specific adjustments in expenditures including the noise monitoring system
 - 3. working with airport staff in the development of a Reserve Policy
- D. Through September, 2009 noise complaints were reduced by 6%; only 1.1 complaints are received for every 1,000 operations
- E. Acted to support the approval of the updated Part 150 Noise Study
- F. Actively participated in the review of the proposed power plant near Byron Airport
- G. Reviewed and supported the record retention policies of the airport
- H. Expanded our Community Outreach efforts
- I. Led enhancements to the new public observation area including an informational kiosk, done in conjunction with an Eagle Scout from the community
- J. Publicly recognized three outstanding individuals for their contributions to Buchanan/Byron Airports through the Tenant Recognition Program

III. Attendance/Representation

- A. AAC is composed of 11 members representing each of the supervisorial districts, the cities of Concord and Pleasant Hill, Diablo Valley College, the Airport Business Association and two at-large positions
- B. The position representing District 1 continues to remain vacant
- C. Quorums are achieved at all meetings with good participation from most members. Excessive absences are handled appropriately.
- D. The AAC is a diverse group of aviation professionals, retired executives, consultants and educators. There is a balanced mix of pilots and non-pilots.

IV. Training/Certification

- A. Committee members have attended county level training for advisory committee's members
- B. Several committee members are also involved in other county and city advisory bodies, committees and commissions.

V. Proposed Work Plan Objectives for Next Year

- A. Continue to be the front door to the public on any airport matter offering options for resolution and making recommendations as appropriate
- B. Continue rigorous reviews of airport financials
- C. Continue rigorous review of airport development projects
- D. Finalize and implement an Airport Budget Reserve Policy
- E. Actively participate in the review and decisions relative to the proposed development plans for power plant near Byron Airport
- F. Continue to monitor and recommend implementation of the Master Plan
- G. Provide input on the prioritization for the implementation of the Part 150 Study
- H. Pursue improvements to the public observations area
- I. Finalize and recommend a policy on Airport Open House events and Air Shows
- J. Continue to pursue community outreach efforts
- K. Monitor Naval Weapons Station development plans and potential aviation impacts
- L. Continue to review security at both airports



Contra
Costa
County

To: Board of Supervisors
From: William J. Pollacek, Treasurer-Tax Collector
Date: December 8, 2009

Subject: Treasurer's Quarterly Investment Report as of September 30, 2009

RECOMMENDATION(S):

Accept the Treasurer's Quarterly Investment Report as of September 30, 2009.

FISCAL IMPACT:

None.

BACKGROUND:

Government Code Section 53646 requires the County Treasurer to prepare quarterly reports to the Board of Supervisors describing County investments including type, cost, par value, and market value. Attached please find the report covering the period July 1, 2009 to September 30, 2009. Section 3 of the balance of the report is an appendix with financial data, which is available for reference at the Clerk of the Board's Office.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/08/2009

☒ 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: December 8, 2009

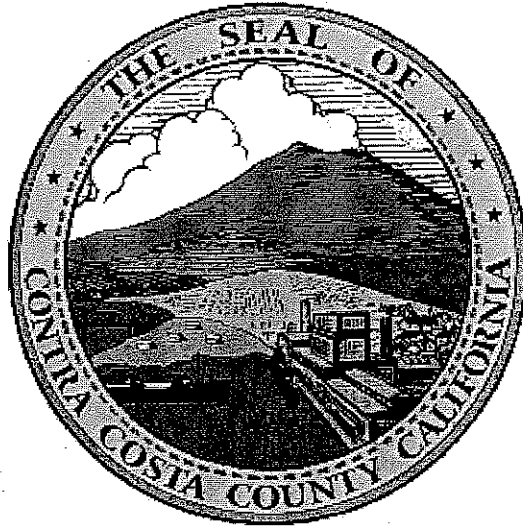
David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Katherine Sinclair, Deputy

Contact: Meredith Boeger 7-2806

ATTACHMENTS

Treasurer's Quarterly Investment Report
9/30/09



CONTRA COSTA COUNTY
TREASURER'S QUARTERLY INVESTMENT REPORT
AS OF SEPTEMBER 30, 2009

EXECUTIVE SUMMARY

- The Treasurer's investment portfolio is in compliance with Government Code 53600 et. seq..
- The Treasurer's investment portfolio is in compliance with the Treasurer's current investment policy.
- The Treasurer's investment portfolio has no securities lending, reverse repurchase agreements or derivatives.
- The total cost of the investment portfolio was equal to **\$1,585,986,572** on September 30, 2009. The fair value was **\$1,590,864,265** which was 100.3% of cost.
- The weighted average maturity of the total investment pool was 148.13 days. More than 85 percent of the portfolio or over \$1.35 billion will mature in less than a year. Historical activities combined with future cash flow projections indicate that the County is able to meet its cash flow needs for the next six months.

CONTRA COSTA COUNTY INVESTMENT POOL

As of September 30, 2009

<u>TYPE</u>	<u>PAR VALUE</u>	<u>COST</u>	<u>FAIR VALUE</u>	<u>PERCENT OF TOTAL COST</u>
A. Investments Managed by Treasurer's Office				
1. U.S. Treasuries (STRIPS, Bills, Notes)	\$34,936,000.00	\$34,491,184.29	\$35,152,979.57	2.17%
2. U.S. Agencies				
Federal Agriculture Mortgage Corporation	6,751,000.00	7,032,398.93	7,190,370.63	0.44%
Federal Home Loan Banks	134,826,000.00	136,353,993.98	138,265,346.42	8.60%
Federal National Mortgage Association	61,122,000.00	61,054,877.61	61,968,656.26	3.85%
Federal Farm Credit Banks	24,582,000.00	24,932,525.95	25,163,836.89	1.57%
Federal Home Loan Mortgage Corporation	73,093,000.00	73,608,316.70	73,646,409.45	4.64%
Municipal Bonds	1,000,000.00	1,000,000.00	1,000,000.00	0.06%
Subtotal	301,374,000.00	303,982,113.17	307,234,619.65	19.17%
3. Money Market Instruments				
Bankers Acceptances	34,125,000.00	33,978,200.00	34,117,075.56	2.14%
Repurchase Agreement	85,000,000.00	85,000,000.00	85,000,000.00	5.36%
Commercial Paper	245,344,000.00	245,311,033.05	245,326,868.88	15.47%
Negotiable Certificates of Deposit	178,907,000.00	178,907,000.00	179,016,519.95	11.28%
Corporate Notes	33,587,000.00	33,686,396.59	33,337,861.25	2.12%
Time Deposit	3,076.96	3,076.96	3,076.96	0.00%
Subtotal	576,966,076.96	576,885,706.60	576,801,402.60	36.37%
TOTAL	913,276,076.96	915,359,004.06	919,189,001.82	57.72%
B. Investments Managed by Outside Contractors				
1. Local Agency Investment Fund	439,925,508.39	439,925,508.39	440,612,060.98	27.74%
2. Other				
a. California Asset Management Program (RDA)	29,295.47	29,295.47	29,325.72	0.00%
b. Other (BNY, Mechanics, CFCU)	471,480.04	471,480.04	458,032.27	0.03%
c. Wells Fargo Asset Management (324-131235)	45,079,428.00	45,385,322.62	45,384,141.62	2.86%
d. Columbia Management Group (Bank of America)	38,483,708.00	38,660,631.00	38,657,483.00	2.44%
e. CalTRUST	65,546,988.86	65,546,988.86	65,609,149.59	4.13%
f. Futuris Public Entity Investment Trust	9,209,988.40	9,209,988.40	9,526,716.53	0.58%
Subtotal	158,820,888.77	159,303,706.39	159,664,848.73	10.04%
TOTAL	598,746,397.16	599,229,214.78	600,276,909.71	37.78%
C. Cash	71,398,353.11	71,398,353.11	71,398,353.11	4.50%
GRAND TOTAL (FOR A, B, & C)	\$1,583,420,827.23	\$1,585,986,571.95	\$1,590,864,264.64	100.00%

NOTES TO INVESTMENT PORTFOLIO SUMMARY AS OF SEPTEMBER 30, 2009

1. All report information is unaudited but due diligence was utilized in its preparation.
2. There may be slight differences between the portfolio summary page and the attached exhibits and statements for investments managed by outside contractors or trustees. The variance is due to the timing difference in recording transactions associated with outside contracted parties during interim periods and later transmitted to the appropriate county agency and/or the Treasurer's Office. In general, the Treasurer's records reflect booked costs at the beginning of a period.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: December 8, 2009

Subject: Use of Sleep Train Pavilion Concord for Flu Shot Clinic

RECOMMENDATION(S):

Ratify the actions taken by the Health Services Director, or his designee (Wendel Brunner, M.D.), to execute a Facility License Agreement and Special Event Application/Permit with the Sleep Train Pavilion, Concord for use of its facility for the free seasonal and H1N1 flu vaccine walk-in and drive-thru clinic, held on November 21, 2009.

FISCAL IMPACT:

None.

BACKGROUND:

On Saturday November 21, 2009, Contra Costa County Health Services Department's Public Health Division, Flu Immunization Program administered the seasonal and H1N1 flu vaccination to priority groups living in Contra Costa County from 10 a.m. to 3 p.m., at the Sleep Train Pavilion Facility in Concord.

In exchange for renting its facilities to County, it was required to indemnify and hold harmless the Sleep Train Pavilion, Concord for claims arising out of use of the facility.

For several months a flu vaccination clinic had been

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2009** ☒ 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: December 8, 2009

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

Contact: Wendel Brunner, M.D.,
313-6712

By: Katherine Sinclair, Deputy

cc: Tasha Scott, Barbara Borbon, Connie Ward

BACKGROUND: (CONT'D)

scheduled to take place at Ygnacio Valley High School in Concord on Saturday, November 21, 2009. One week prior to the event the High School notified Public Health staff that the flu clinic could not be held there due to the scheduling of an unanticipated championship football game. Consequently, within one week, Public Health staff had to identify and redesign the drive through clinic at another Concord location that could accommodate approximately 5,000 people seeking flu shots. The Sleep Train Pavilion offered that location to the County free of charge for that purpose.

ATTACHMENTS



SPECIAL EVENT APPLICATION / PERMIT

NAME OF ORGANIZATION C.C.C. Public Health Services		ADDRESS 597 Center Avenue, Suite 200		CITY Martinez		ZIP 94553	
NAME OF APPLICANT Kim Cox (925)313-6648 / Margaret Romiti				DAY PHONE (925)671-3184		EVENING PHONE (925)250-3215	
ADDRESS OF APPLICANT 1350 Galindo Street MS-48A				CITY Concord		STATE CA	
						ZIP 94520	
EVENT Seasonal / H1N1 Flu Vaccination Clinic						ANTICIPATED DAILY ATTENDANCE 4500	
LOCATION <input type="checkbox"/> Todos Santos Plaza <input type="checkbox"/> Concord Blvd. Park <input type="checkbox"/> Other Sleep Train Pavilion, Concord							
DATES AND TIMES REQUESTED							
Day	Date	Use Hours	Open to Public	Day	Date	Use Hours	Open to Public
1. Friday	11/20/09	3:00pm to 8:00am	N/A to N/A	3.			
2. Sat.	11/21/09	8:00am to 8:00pm	10:00a to 3:00pm	4.			
EVENT DETAILS / ALL THAT APPLY							
<input type="checkbox"/> Food/Beverage Booths Qty. _____				<input type="checkbox"/> Alcohol to be provided at no cost			
<input type="checkbox"/> Exhibit Booths Qty. _____				<input type="checkbox"/> Alcohol will be sold. Hours: from _____ to _____			
<input type="checkbox"/> Crafts Booths Qty. _____				If alcoholic beverages will be consumed or sold, a permit from Alcoholic Beverage Commission (ABC) authorizing the sale of alcoholic beverages must be provided 5 working days prior to the event. Failure to obtain the permit or failure to abide by any law shall be grounds for denying or revoking this application/permit.			
<input type="checkbox"/> Road/traffic lane closure. Attach and indicate on site map.							
Describe your event including types of entertainment and any special equipment or decorations you will be setting up. This will be a free Seasonal / H1N1 vaccination clinic which will have walk-in and drive-thru availability.							
Please complete the City Services Checklist on the reverse side of this application and attach a site plan or map for your event.							
I acknowledge, under penalty of perjury, that I represent that I am authorized to act on behalf of the organization requesting this application/permit. I have received and reviewed Administrative Directive No. 143, Coordination of Special Events and accept responsibility on behalf of my organization to abide by all terms and conditions contained therein.							
Signature of Applicant _____				Date _____			

FOR CITY USE ONLY

DEPARTMENTAL APPROVALS	SIGNATURE	DATE	COMMENTS
PARKS <input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____	_____	_____
POLICE <input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____	_____	_____
GENERAL SERVICES <input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____	_____	_____
PW/STREETS <input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____	_____	_____
CITY ATTORNEY <input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____	_____	_____
Permit Approved by _____		Date _____	
DIRECTOR OF PARKS & RECREATION			

CITY SERVICES CHECKLIST

EVENT	LOCATION	DATES
-------	----------	-------

The following City services are being requested or are required for this event:

PARKS

- ☐ Water hookup _____
- ☐ Trash can liners _____
- ☐ Picnic tables _____
- ☐ Snow fencing - Todos Santos Plaza on Willow Pass Road
- ☐ Adjust turf mowing schedule _____
- ☐ Adjust turf watering schedule _____
- ☐ Other _____

POLICE

- ☐ Traffic Control Sgt. Brandon Richey – Planned and arranged.
- ☐ Road closures - list here and mark on site map

- ☐ Lane closures - list here and mark on site map

- ☐ Parking enforcement _____
- ☐ On-site security – hours? Sgt. Brandon Richey – Planned and arranged.
- ☐ Other _____

STREET MAINTENANCE

- ☐ Barricades for street/lane closures - see above _____
- ☐ Barricades - other _____
- ☐ "No Parking" signs _____
- ☐ Other _____

GENERAL SERVICES

- ☐ What are your power requirements? _____
- ☐ Electrical hookups _____
- ☐ Electrician _____
- ☐ Carpenter _____
- ☐ Special equipment _____
- ☐ Other _____

Event sponsors pay for City services at 100% of cost per Council Resolution No. 92-6042.6.
Fees for park use, special permits and 25% of the estimated costs for City services are payable in advance.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT ("Agreement"), dated November 19, 2009, is by and between Sleep Train Pavilion at Concord ("Licensor") whose address is 2000 Kirker Pass Road, Concord, CA 94521 and Contra County Health Services ("Licensee") whose address is 597 Center Ave., Suite 200-A, Martinez, CA 94553. For and in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound, agree as follows:

1. Term. Licensor hereby grants to Licensee the privilege and license to use designated portions of certain real property located in the General Parking Lot, which real property is owned and/or operated by Licensor and known as the Sleep Train Pavilion at Concord ("Facility"), for the "Term" of this Agreement, which shall be Nov 19, 2009 to Nov 22, 2009, to include load-in and load-out of the Event. Unless otherwise agreed, those portions of the Facility that the Licensee shall utilize are restricted to the pavilion area, plazas and the parking lots and streets adjacent thereto and operated by Licensor (which designated areas may also be referred to herein as the "Premises").

Upon the expiration of the Term or the termination of this Agreement for any reason whatsoever prior to the expiration of the Term, Licensee shall immediately quit and surrender the Premises to Licensor. Licensee shall remove any goods or chattels brought onto or permitted by Licensor to be brought onto the Facility property. For non-compliance with the provisions of this paragraph, Licensee shall pay to Licensor all costs and expenses incurred by Licensor in the removal of such goods or chattels.

2. Purpose. Licensee agrees that it shall use the Premises during the Term of this Agreement for the purpose of presenting an event ("Event") featuring live musical entertainment. The Event shall be open to the public with paid admission, if applicable, during a time period within the Term as approved by Licensor. Unless otherwise agreed to in writing by Licensor, the Event shall be held at no other times.

3. Financial Settlement. In consideration for the grant of the license and use of the Premises and related services as provided herein, Licensee shall pay to Licensor a fee ("License Fee") in the amount of Zero Dollars (\$0). A non-refundable deposit in the amount of Zero Dollars (\$0) shall be due and payable to Licensor if applicable. The remaining balance of the License Fee shall be paid to Licensor immediately upon commencement of the Term.

Licensee further agrees to pay Licensor for the costs and charges for all necessary staffing and operational services provided by Licensor in connection with the Event, including, without limitation, security and traffic control, ticket sellers, ushers and janitors, the total charge for which shall be _____ Dollars (\$_____) and shall be non-documented OR, if applicable, shall be set forth in the budget set forth in the attached Exhibit "B", which is incorporated as if fully set forth herein and estimated at Four Thousand Dollars (\$4,000.00). The amounts included in

Exhibit "B", if any, are a good faith estimate by Licensor but are not intended as a representation or warranty as to the amount of expenditures that will be required to be incurred for the production of the Event in accordance with Licensee's requirements or requests.

Licensor will have a first lien on all box office receipts for the Event to secure payment of all amounts owed to Licensor by Licensee hereunder. In the event that Licensee has failed to pay to Licensor the amounts owed hereunder, at the time of settlement, Licensor will have the right to retain such amounts from the box office receipts for the Event.

4. Parking. All parking operations shall be conducted by Facility personnel unless otherwise agreed in writing by Licensor. All proceeds of such parking operations shall be retained solely by Licensor.

Specialized parking space may be provided for Licensee's employees only, in locations designated by Licensor. Licensor shall not be responsible, under any circumstances, for any loss or damage occurring to automobiles brought onto the Premises by Licensee's employees, subcontractors or guests.

5. Merchandise and Concessions. Unless otherwise agreed upon in writing by the parties hereto, (a) Licensor's designated food and beverage concessionaire shall sell all food and beverages and retain one hundred percent (100%) of the profits therefrom, and (b) Licensor's designated merchandise vendor shall sell all merchandise and retain one hundred percent (100%) of the profits therefrom, less taxes and any percentages owed to performing artists.

6. Ticketing. All ticket sales for the Event shall be conducted through the Facility box office and the facilities of Licensor's designated ticketing agent. All ticket sales shall be subject to service fees, Facility fees and/or parking fees as provided by Licensor. Licensor reserves the right to retain a reasonable number of complimentary tickets for the Event for Licensor's use. Licensor may have non-manifested corporate boxes and/or premium seats, for which tickets will not be included in the gross ticket receipts. If applicable, Licensor will provide all premium seat customers (including, without limitation, box and season seats) at the Facility with tickets for their regular seats for the Event at no cost to Licensor.

7. Event Advertising and Promotion. Licensee shall be responsible for producing and paying for any and all advertising and promotional materials in connection with the Event. All such materials shall be subject to the prior approval of Licensor. Licensee acknowledges and agrees that, notwithstanding any marketing or other related assistance which may be provided by Licensor (although Licensor is not obligated to provide same), Licensor has made no, and disclaims any purported or actual, representation or warranty as to the results and/or success which can be expected from the Event, including, without limitation, ticket sales and/or the profitability of the Event.

Licensee acknowledges and agrees that Licensor shall in no way be responsible for the actual results from and/or the success, financial or otherwise, of the Event.

8. Booth / Commercial Space. In the event that Licensee desires to sell booth/commercial space ("Booth Space") at the Facility to vendors or exhibitors or otherwise permit vendors or exhibitors at the Facility ("Vendors") in connection with the Event, Licensee shall comply with the following provisions:

A. Licensee will first obtain Licensor's approval of each Vendor and that Vendor's operations in connection with the Event.

B. Licensee will assume sole control and responsibility for (a) all operations of all Vendors relating to the Event and (b) requiring Vendors to comply with any applicable Facility rules and regulations.

C. Licensee will be solely responsible for the payment of any and all taxes or other fees associated with the payments received from the Vendors or the use of the Booth Space.

LICENSEE SHALL NOT ALLOW ANY OF THE FOREGOING INTO THE FACILITY OR THE SURROUNDING PROPERTY AT ANY TIME, WITHOUT LICENSOR'S PRIOR WRITTEN CONSENT: INTERACTIVE PHYSICAL GAMES AND ATTRACTIONS, MECHANICAL RIDES, BODY ART AND PIERCING, EXOTIC ANIMALS AND PYROTECHNICS.

IN ADDITION TO ANY OTHER INDEMNIFICATION REQUIREMENTS SET FORTH HEREIN, LICENSEE SHALL INDEMNIFY, DEFEND AND HOLD THE LICENSOR PARTIES (AS HEREIN DEFINED), HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, LAWSUITS, INJURIES OR LOSSES ARISING OUT OF THE INSTALLATION, OPERATION AND REMOVAL OF OR IN ANY MANNER RELATED TO THE BOOTH SPACE AND THE BOOTH VENDORS.

9. Use of Name of Facility / Recording Rights. In the event that any printed materials or media is used to announce or promote the Event, Licensee shall use "Sleep Train Pavilion at Concord" as the name of the Facility. Licensee shall not permit any film, video, audio or other recording of the Event ("Recording") to take place without Licensor's prior written approval. **If the Licensee wishes to record for any other than Archival use and if Licensor agrees to allow such recording, Licensee must execute both this License Agreement and the *Live Nation Worldwide, Inc. or HOB Recording Agreement and Location Agreement*.**

In the event that Licensor does permit a Recording for archival purposes, the following terms and conditions shall apply to such Recording:

A. Licensee and its employees, agents, representatives and contractors

understand and acknowledge that the Recording shall occur in locations approved by the Licensor, and that Licensor's/Facility's staff shall have the right to (i) refuse entry into any portions of the Facility in its sole discretion or (ii) stop the Recording at any time if Licensor's/Facility's staff deems it reasonably necessary to do so.

B. Licensee shall be responsible for any and all costs and expenses associated with the Recording, including, without limitation, union fees, additional security, equipment, early set-up/load-in, additional phones, office space, additional labor and supplemental catering in connection with the Recording. Payment for such costs and expenses and/or reimbursement for such costs and expenses to Licensor may be required in advance of the Event or at settlement of the Event, at Licensor's sole discretion. Licensee shall advance all arrangements/requirements concerning the Recording with a designated representative of the Licensor/Facility within a reasonable period of time prior to the Recording.

C. Licensor reserves the right to charge an origination fee and/or shadowing fee in the amount of to be determined (\$_XX_) for the granting of Recording rights.

D. Licensee shall be solely responsible for securing in writing all necessary rights, authorizations and consents of and making any necessary payments to any and all third parties whose images, likenesses, marks or interests may be involved therein, including, without limitation, any performing artists, subjects of the Recording, unions, third party contractors or their employees or representatives, Event patrons, guests and invitees of the Facility and Facility sponsors. Licensee represents and warrants that it has full power and authority to conduct the Recording.

E. Facility (specifically, Sleep Train Pavilion at Concord) and Live Nation shall be credited in any broadcast or other publication of the Recording. Licensee represents, warrants and covenants that nothing contained in the end use in which the Recording is used will be in any way derogatory to the Licensor, Facility or their related companies or entities, including, without limitation, parent and subsidiary corporations and divisions, and their employees, agents and representatives.

F. In to any other insurance requirements set forth herein, Licensee shall maintain appropriate Errors and Omissions coverage ("E & O Coverage") applicable to the Recording with limits of not less than \$1,000,000.00. Such E & O Coverage shall have standard coverage, including, but not limited to, defamation, infringement of copyright, infringement of rights in material to be broadcast or in the manner of presentation thereof, invasion of privacy rights and unauthorized use of material.

G. IN ADDITION TO ANY OTHER INDEMNIFICATION REQUIREMENTS SET FORTH HEREIN, LICENSEE AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS THE LICENSOR PARTIES (AS HEREIN DEFINED) FROM ANY CLAIMS, LOSSES, LIABILITIES, DAMAGES, COSTS OR EXPENSES THAT MAY BE ASSERTED AGAINST THEM OR THAT THEY MAY INCUR (INCLUDING REASONABLE ATTORNEYS' FEES AND COURT COSTS) ARISING OUT OF RELATED TO (1) THE RECORDING AND/OR AND ANY SUBSEQUENT DISTRIBUTION AND/OR BROADCAST OF THE RECORDING OR (2) LICENSEE'S FAILURE TO OBTAIN ANY REQUIRED AUTHORIZATIONS OR CONSENTS.

10. Charitable Donations. In the event that Licensor permits and Licensee obtains the right to collect charitable donations in connection with the Event, Licensee warrants and represents that it will comply with all applicable laws, regulations and ordinances imposed by any governmental authority in collecting said donations. Licensee further agrees that it will be solely responsible for all tax and other liability related to such donations.

11. Condition of Facility.

A. Acceptance of Premises. Licensee accepts the condition of the Premises *as is* and agrees to return the Premises to Licensor in the same condition as accepted by Licensee and Licensee hereby waives any claims against Licensor for defects in the Premises, including latent defects. Licensee has examined the Premises and is satisfied with the condition, fitness and order thereof. Commencement of the use of the Premises by Licensee shall be conclusive that the Premises was in good repair and in satisfactory condition, fitness and order when such use commenced.

Licensee shall not paint, drill into or in any way mar or deface any part of the Facility. Licensee shall immediately pay Licensor for the cost of repairing any damage to the Facility caused by the Event. Any amounts unpaid within ten (10) days after the end of the Term shall accrue interest at the maximum amount allowed by law.

B. No Alterations or Improvements. Licensee shall not display or erect any lettering, signs, pictures, notices or advertisements upon any part of the outside or inside of the Facility or make any alterations or improvements in or to the Facility without the prior written consent of Licensor.

C. Maintenance of Premises. Licensee shall keep the Premises and the Facility in an orderly condition and cause all refuse and debris to be properly discarded.

Licensor will have the full right to collect and have custody of all articles and personal property left on the Premises or at the Facility after the expiration of the Term. Any property so left will be deemed abandoned by Licensee and may be disposed of by Licensor, as Licensor sees fit, without any liability for any loss, damages or costs associated with such disposal, which liability will rest solely with Licensee.

12. Representations, Warranties and Covenants. Licensor hereby represents and warrants that it has full power and authority to enter into this Agreement and to engage in the transaction contemplated hereby and that this Agreement is a valid obligation of the Licensor and is binding upon the Licensor.

Licensee hereby represents and warrants that it has full power and authority to enter into this Agreement and to engage in the transaction contemplated hereby and that this Agreement is a valid obligation of the Licensee and is binding upon the Licensee.

Licensee further represents and warrants that it shall not cause or permit, during the Term, any hazardous substances, which are brought onto the Premises by Licensee, to be disposed of or otherwise released onto or under the Licensor's real property.

During the Term, Licensee shall obey and comply with all present and future laws, ordinances, rules and regulations of all governmental authorities in connection with the Event.

Licensee warrants that any and all use or performance of copyrighted material in connection with the Event has been duly licensed and authorized by the appropriate performing rights organizations (including, without limitation, BMI, SESAC and ASCAP), copyright owners or their representatives and that any license or royalty fees owed to such persons or entities shall be paid by Licensee. Furthermore, Licensee agrees to indemnify and hold Licensor harmless from any and all claims, losses, liabilities, damages or expenses incurred as a result of any violations of such intellectual property rights or the laws relating thereto. Notwithstanding the foregoing, Licensor reserves the right to collect such payments from Licensee at Event settlement and remit to appropriate parties on Licensee's behalf.

13. INDEMNIFICATION. IN ADDITION TO ANY OTHER INDEMNIFICATION REQUIREMENTS SET FORTH HEREIN, LICENSEE HEREBY AGREES TO INDEMNIFY, DEFEND AND HOLD LICENSOR (AND ITS LANDLORD(S) AND/OR LESSOR(S), IF ANY), AND THEIR RESPECTIVE PARENTS, MEMBERS, PARTNERS, AFFILIATES, DIVISIONS AND SUBSIDIARIES, AND THEIR RESPECTIVE OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES, AGENTS AND REPRESENTATIVES (COLLECTIVELY, "LICENSOR PARTIES") HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, LOSSES, INJURIES, LIABILITY AND DAMAGES (INCLUDING REASONABLE ATTORNEYS' FEES AND COURT COSTS) ARISING OR ALLEGED TO HAVE ARISEN OUT OF (A) ANY

ACT OR OMISSION OF LICENSEE, ITS EMPLOYEES, AGENTS, VOLUNTEERS, CONTRACTORS, PATRONS, GUESTS, INVITEES, PARTICIPANTS AND PERFORMING ARTISTS INVOLVED IN THE EVENT; (B) THE PRESENTATION OR PERFORMANCE OF THE EVENT AND/OR (C) LICENSEE'S BREACH OF ANY OF THE PROVISIONS OF THIS AGREEMENT. THE PARTIES AGREE, HOWEVER, THAT LICENSEE SHALL NOT BE OBLIGATED TO DEFEND OR INDEMNIFY A LICENSOR PARTY FOR ANY CLAIMS, DEMANDS, SUITS, LIABILITIES, EXPENSES, ETC. THAT ARISE OUT OF SUCH LICENSOR PARTY'S SOLE NEGLIGENCE OR WILLFUL MISCONDUCT.

LICENSEE AGREES TO USE AND OCCUPY THE PREMISES AND TO PLACE MATERIAL, EQUIPMENT AND OTHER PROPERTY THEREIN AT ITS OWN RISK AND HEREBY RELEASES THE LICENSOR PARTIES FROM ALL CLAIMS FOR ANY DAMAGE OR INJURY ARISING THEREFROM.

THE INDEMNIFICATION PROVISIONS CONTAINED THROUGHOUT THIS AGREEMENT SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

Licensee will be solely responsible for the conduct and activities of Licensee's employees, agents, contractors, guests and invitees and, for purposes of the Agreement, such conduct and activities shall be deemed conduct and activities of Licensee. Licensee and its employees, agents, contractors, guests and invitees will abide by all reasonable rules and regulations adopted by Licensor for the use, occupancy and operation of the Premises and the Facility.

14. Insurance Requirements. Licensee will maintain and pay all premium costs for, and will ensure that all of Booth Vendors and other contractors of Licensee maintain and pay for, the following insurance coverages in amounts not less than specified throughout the duration of the Term:

A. Statutory Workers' Compensation including Employer's Liability Insurance, subject to limits of not less than \$500,000.00, affording coverage under applicable worker's compensation laws. Licensee will cause, if allowed by law, its workers' compensation carrier to waive insurers right of subrogation with respect to the Licensor Parties.

B. Commercial General Liability Insurance for limits of not less than \$1,000,000.00 per occurrence Bodily Injury and Property Damage combined; \$1,000,000.00 per occurrence Personal and Advertising Injury; \$2,000,000.00 aggregate Products and Completed Operations Liability; \$100,000.00 Fire Legal Liability, and \$2,000,000.00 general aggregate limit per event. The policy shall be written on an occurrence basis.

C. Automobile Liability Insurance with a limit of not less than \$1,000,000.00 combined and covering all owned, non-owned and hired vehicles.

D. Umbrella Liability Insurance at not less than \$4,000,000.00 limit providing excess coverage over all limits and coverages noted in paragraphs B and C above. This policy shall be written on an occurrence basis.

Policies B, C and D above (and, if applicable, the E & O Coverage referenced herein) shall list Licensor (and its landlords or lessors, if any), and their respective parents, members, partners, affiliates, divisions and subsidiaries, and their respective officers, directors, shareholders, employees, agents and representatives as "Additional Insureds" with respect to any and all claims arising from Licensee's operations. Further, coverage for the "Additional Insureds" will apply on a primary basis irrespective of any other insurance, whether collectible or not. Should any additional premium be charged for such coverages or waivers, Licensee will be responsible to pay said additional premium charge to their insurer.

Licensee will deliver to Licensor satisfactory evidence of the aforescribed insurance coverage on a certificate form approved by Licensor or, if required, copies of the policies. All required insurance will be placed with carriers licensed to do business in the applicable state, have a rating in the most current edition of A.M. Best's Property Casualty Key Rating Guide that is reasonably acceptable to the other party and will provide thirty (30) days written notice of cancellation or non-renewal.

The insurance obligations stated in this section are independent of, and shall not be affected by the scope or validity of, any other indemnity or insurance provisions in other sections of this Agreement.

Licensee will ensure that all of its contractors (including, without limitation, sponsors and Booth Vendors arranged by Licensee) who will be entering the Facility to engage in any business activity (including, without limitation, sampling, distributing, vending or other commercial activity) will comply with the foregoing insurance requirements and provide satisfactory evidence thereof prior to the Event.

15. Sponsorships and Signage. Licensee understands and agrees that Licensor has entered into signage and sponsorship relationships related to the Facility for which Licensor will retain all proceeds. Licensor reserves all rights to display signage at, on or near the Facility property. No signs or advertising boards, other than those authorized by Licensor, will be allowed into, on or near the Facility. Licensee will not mark, cover or attempt to modify any signage at, on or near the Facility.

Licensee is required to obtain Licensor's prior written approval of any sponsorship relationships into which Licensee desires to enter for the Event.

16. Licenses and Permits. Licensee will be responsible for obtaining and paying for all licenses or permits necessary for holding the Event, including, but not

limited to, tax requirements and any permits required by governmental authorities for pyrotechnics or laser use.

17. Access. Licensor, its officers, directors, servants, employees, agents, concessionaires and its concessionaire's servants, employees and agents shall at all times have free access to the Premises upon presentation of passes issued by Licensor.

18. Miscellaneous.

A. Third Party Beneficiaries. This Agreement does not confer any rights or benefits upon any persons or entities other than Licensor and Licensee and their permitted, respective successors and assigns. There are no third party beneficiaries.

B. Relationship of the Parties. Nothing contained in this Agreement will be deemed to constitute Licensor and Licensee as partners or joint venturers with each other. Each party acknowledges and agrees that it neither has nor will give the appearance or impression of having any legal authority to bind or commit the other party in any way. Licensee agrees that it will be solely responsible for the payment of all wages, federal, state and local income taxes, as well as all workers' compensation insurance requirements for all personnel it supplies pursuant to this Agreement.

C. Entire Agreement and Modification. This Agreement contains the entire agreement between the parties relating to the subject matter hereof and all prior agreements relative hereto which are not contained herein are terminated. This Agreement may not be amended, revised or terminated except by a written instrument executed by the Party against which enforcement of the amendment, revision or termination is asserted.

D. Assignment. This Agreement or any part hereof may be assigned or transferred by Licensor to any person or entity which acquires ownership or management of the Facility. Neither this Agreement nor any part hereof shall be transferred, conveyed or assigned by Licensee without the prior written consent of Licensor.

E. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the state in which the Facility is located.

F. Use by Licensor. It is specifically agreed and understood that Licensor has the right to occupy and use the Facility during the Term and to license any portion thereof, provided that such use or license does not unreasonably interfere with Licensee's use of the Premises.

G. Utilities. No interruption or malfunction of any utility services, whether such services are provided by Licensor or arranged for by Licensee, shall

(a) constitute an eviction or disturbance of Licensee's use and possession of the Premises or a breach by Licensor of any obligations hereunder, or (b) render Licensor liable for damages or (c) entitle Licensee to be relieved of any obligations hereunder. In the event of any such interruption of service provided by Licensor, Licensor shall be obligated only to use reasonable diligence to restore such service.

H. Force Majeure. The failure of any party hereto to comply with the terms and conditions hereof because of a "Force Majeure Occurrence" shall not be deemed a breach of this Agreement. "Force Majeure Occurrence" shall be defined to include, without limitation, Act of God, strike, labor disputes, war, fire, earthquake, acts of public enemies, acts of terrorism, epidemic, action of federal, state or local governmental authorities or an event or reason beyond the reasonable control of a party. In the event of a cancellation of the Event due to a Force Majeure Occurrence, each party shall be relieved of its obligations hereunder with respect to the performance so prevented.

I. Taxes. Any and all sales tax, amusement tax or other tax imposed by local, state, provincial or federal government as a result of the presentation of the Event and/or performance of any services rendered by Licensor in connection with this Agreement hereunder, shall be the responsibility of and paid for by Licensee at the time required by law (excepting any state or federal income tax imposed on Licensor).

J. No Waiver of Rights. If either party fails to enforce any of the provisions of this Agreement or any rights or fails to exercise any election provided in the Agreement, it will not be considered to be a waiver of those provisions, rights or elections or in any way affect the validity of this Agreement. The failure of either party to exercise any of these provisions, rights or elections will not preclude or prejudice such party from later enforcing or exercising the same or any other provision, right or election which it may have under this Agreement.

K. Invalidity. If any term, provision, covenant or condition of the Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of this Agreement will remain in full force and effect and will in no way be affected, impaired or invalidated.

L. Notices. All notices given hereunder shall be in writing and shall be deemed to have been duly given if delivered personally with receipt acknowledged or sent by registered or certified mail or equivalent, if available, return receipt requested, or by facsimile (which shall be confirmed by a writing sent by registered or certified mail or equivalent on the same day that such facsimile is sent), or by nationally recognized overnight courier for next day delivery, addressed or sent to the parties at the addresses set forth herein with a copy to Live Nation, 9348 Civic Center Drive, 3d Floor, Beverly Hills, CA 90210, Attn: Cindy Parks, Senior Counsel, Venues.

ACCEPTED AND AGREED as of the date and year first above written.

INSERT NAME OF LN ENTITY:

INSERT NAME OF LICENSEE:

By: _____

By: Wendel Brunner

Name: Tim Anderson

Name: Wendel Brunner

Title: General Manager

Title: Director of Public Health

County Administrator
Risk Management Division

2530 Arnold Drive, Suite 140
Martinez, California 94553

Contra Costa County



Risk Management
Administration
Fax Number

(925) 335-1400
(925) 335-1421

November 20, 2009

Sleep Train Pavilion/City of Concord
2000 Kirker Pass Road
Concord, California 94521

Re: Insurance Verification for Contra Costa County H1N1 Vaccination Program
November 21, 2009

Dear Sir/Madam:

The County of Contra Costa has a comprehensive self-insurance program to cover its general, automobile and professional liability exposure, as well as its obligations under the Workers' Compensation laws of California.

The County's self-insurance program provides for the legal defense of officials, employees, and volunteers pursuant to government Code Section 825 and for the payment of all sums that the County is obligated to pay by reason of liability imposed by law and arising from acts or failures to act, excepting punitive damages. This protection covers services performed by officers, employees, and volunteers within the scope of their official duties in accordance with the conditions of their employments or services.

The County also has excess insurance through the CSAC Excess Insurance Authority. .
The Proof of Insurance for is attached.

Sincerely yours,


Ron Harvey
Risk Manager

**COUNTY OF CONTRA COSTA
CERTIFICATE OF SELF-INSURANCE**

Risk Management Division, 2530 Arnold Drive, Suite 140, Martinez, California 94553

Coverages: This is to certify that the County of Contra Costa is self-insured for the following coverages:

Type of Coverage	Self-Insured Limit
General Liability: Personal Injury, Property Damage, Errors and Omissions	\$1,000,000
Professional Liability:	\$1,000,000
Workers' Compensation:	\$ 750,000
Automobile Liability: Vehicles Owned, Non-Owned & Hired	\$1,000,000

Terms, Conditions and Special Items:

Re: Contra Costa County H1N1 Vaccination Program, November 21, 2009

It should be expressly understood that the Intent of the Insurance evidenced herein follows the provisions of the policies and regulations of the County of Contra Costa that does not permit any assumption of liability which does not result from and is not caused by the negligent acts or omissions of its officers, agents, employees or other persons under its direction and control. Any indemnification or hold harmless clause with broader provisions than required under such policies and regulations shall invalidate this certificate.

1. The provisions under General Liability, above, shall apply only with respect to claims arising out of the negligent acts or omissions of the County of Contra Costa, its officers, agents and employees or any other person under its direction and control.

Additional Insured: Sleep Train Pavilion, Licensor, Parents, Members, Partner, Affiliates', Divisions and Subsidiaries, and their respective Officers, Directors, Shareholders, Employees and Agents

City of Concord, their elected and appointed officials, managers, supervisors, employees and agents.

Cancellation: Should any of the above described self-insured coverages be modified or cancelled before the expiration date shown below, the County of Contra Costa will provide 30 days written notice to the named Certificate holder.

Date Issued: November 20, 2009


Ron Harvey
Risk Manager

CERTIFICATE NO.

ISSUE DATE (MM/DD/YYYY)

GL2-292

CO

CERTIFICATE OF COVERAGE

06/26/2009

**CSAC Excess Insurance
Authority (CSAC EIA)**

C/O ALLIANT INSURANCE SERVICES, INC.
PO BOX 6460
NEWPORT BEACH, CA 92668-6460
PHONE (849) 758-0271 / FAX (818) 899-0901
LICENSE #0036851

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BELOW.

COVERAGE
AFFORDED BY: **A - CSAC Excess Insurance Authority (CSAC EIA)**

COVERAGE
AFFORDED BY: **B**

COVERAGE
AFFORDED BY: **C**

COVERAGE
AFFORDED BY: **D**

COVERAGE
AFFORDED BY: **E**

Member:

CONTRA COSTA COUNTY
ATTN: RON HARVEY, RISK MANAGER
COUNTY ADMINISTRATION BUILDING
2530 ARNOLD DRIVE, SUITE 140
MARTINEZ, CA 94553

Coverages

THIS IS TO CERTIFY THAT THE MEMORANDUMS OF COVERAGE LISTED BELOW HAVE BEEN ISSUED TO THE MEMBER NAMED ABOVE FOR THE PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE COVERAGE AFFORDED BY THE MEMORANDUMS DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH MEMORANDUMS.

CO LTR	TYPE OF COVERAGE	MEMORANDUM NUMBER	COVERAGE EFFECTIVE DATE (MM/DD/YYYY)	COVERAGE EXPIRATION DATE (MM/DD/YYYY)	LIABILITY LIMITS
A	<input checked="" type="checkbox"/> Excess General Liability <input checked="" type="checkbox"/> Excess Auto Liability <input checked="" type="checkbox"/> Excess Errors & Omissions	EIA-09 GL2-02	07/01/2009	07/01/2010	Each Occurrence \$2,000,000 Member's Retained Limit \$1,000,000 Completed Operations Aggregate Applies

Description of Operations/Locations/Vehicles/Special
AS RESPECTS EVIDENCE OF COVERAGE ONLY.

Certificate Holder

CONTRA COSTA COUNTY
ATTN: AH HING
COUNTY ADMINISTRATION BUILDING
2530 ARNOLD DRIVE, SUITE 140
MARTINEZ, CA 94553

Cancellation

SHOULD ANY OF THE ABOVE DESCRIBED MEMORANDUMS BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



CSAC EXCESS INSURANCE AUTHORITY (CSAC EIA)

CERTIFICATE NO.

ISSUE DATE (MM/DD/YYYY)

GL2-292

CO

CERTIFICATE OF COVERAGE

06/26/2009

**CSAC Excess Insurance
Authority (CSAC EIA)**

C/O ALLIANT INSURANCE SERVICES, INC.
PO BOX 6450
NEWPORT BEACH, CA 92658-6450
PHONE (949) 756-0271 / FAX (949) 689-0901
LICENSE #0C38861

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COVERAGE
AFFORDED BY: **A - CSAC Excess Insurance Authority (CSAC EIA)**

COVERAGE
AFFORDED BY: **B**

COVERAGE
AFFORDED BY: **C**

COVERAGE
AFFORDED BY: **D**

COVERAGE
AFFORDED BY: **E**

Member:

CONTRA COSTA COUNTY
ATTN: RON HARVEY, RISK MANAGER
COUNTY ADMINISTRATION BUILDING
2530 ARNOLD DRIVE, SUITE 140
MARTINEZ, CA 94553

Coverages

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ISSUED OR MAY PERTAIN. THE COVERAGE AFFORDED BY THE MEMORANDUMS DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND
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Description of Operations/Locations/Vehicles/Special
AS RESPECTS EVIDENCE OF COVERAGE ONLY.

Certificate Holder

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2530 ARNOLD DRIVE, SUITE 140
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SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR
REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



CSAC EXCESS INSURANCE AUTHORITY (CSAC EIA)