

**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**

**GAYLE B. UILKEMA**, CHAIR, 2nd DISTRICT  
**JOHN GIOIA**, 1st DISTRICT  
**MARY N. PIEPHO**, 3rd DISTRICT  
**KAREN MITCHOFF**, 4th 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  
January 25, 2011**

**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 Karen Mitchoff; District V Supervisor Federal D. Glover

Attendees: David J. Twa

**Closed Session Agenda:**

**A. CONFERENCE WITH LABOR NEGOTIATORS**

1. Agency Negotiators: David Twa and Ted Cwiek.

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 Ted Cwiek.

Unrepresented Employees: All unrepresented employees.

**B. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

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

***Two potential litigation items will be discussed: a claim filed by Lena O'Neal and a claim filed by the Retiree Support Group.***

***County Counsel announced permission has been granted for Counsel to file an amicus brief in conjunction with Retiree Support Group's liability claim, the matter of Retired Employees Association of Orange County v. Orange County, a dispute about modification of retiree health benefits.***

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

Inspirational Thought - *"It is better to light one candle than to curse the darkness."* ~ Chinese Proverb

**CONSIDER CONSENT ITEMS** (Items listed as C.1 through C.54 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**

1. **PR.1** PRESENTATION of the results of the County's 2010 Combined Charities Campaign. (Ted Cwiek, Human Resources Director, Campaign Chair)

**Vote:** 5 - 0

PR. 2 PRESENTATION to proclaim January 2011 as "National Blood Donor Month". (Supervisor Mitchoff) (See C.10)

**Vote:** 5 - 0

PR. 3 PRESENTATION to declare January 28, 2011 as Earned Income Tax Credit (EITC) Awareness Day and to commence the annual "Earn It!, Keep It!, Save It! (EKS) Contra Costa Campaign. (Joe Valentine, Employment and Human Services Director) (See C.12)

**Vote:** 5 - 0

## **SHORT DISCUSSION ITEMS**

SD. 1 PUBLIC COMMENT (3 Minutes/Speaker)

*Captain David Frey, United States Navy Retired, stated his belief that the Section 8 program is one of the most important functions in the County, and that the budget difficulties could be greatly lessened by a state take-over of Pacific Gas & Electric (PG&E), a public utility company;*

*John Tavaglione, President of the California State Association of Counties (CSAC), said that he is visiting each of the counties of California. Mr. Tavaglione expressed with pleasure that the newly-elected Governor Brown met with CSAC and future relations between the counties and the Governor's office appear promising.*

SD. 2 CONSIDER Consent Items previously removed.

2. **SD.3** CONSIDER accepting report on the study of the nature of girl-on-girl violence in Contra Costa County high schools, as recommended by the Contra Costa Commission for Women. (Carlyn Obringer, Chair)

*ACCEPTED the report; REFERRED to Public Protection Committee for discussion; and REQUESTED a link to the Contra Costa Women's Commission be added to the County website.*

The full report may be accessed at [www.womenscommission.com](http://www.womenscommission.com)

**Vote:** 5 - 0



3. **SD.4** CONSIDER accepting the Alcohol and Other Drugs Advisory Board 2010 Annual Report, as recommended by the Health Services Director. (Doug Sibley, Chair, Alcohol and Other Drugs Advisory Board)

**Vote: 5 - 0**

## **DELIBERATION ITEMS**

4. **D.1** CONSIDER approving and authorizing a rate increase, new services and franchise agreement extension and related matters for solid waste collection in the unincorporated areas served by Garaventa Enterprises, as recommended by the Conservation and Development Director. (100% Franchise fees) (Deidra Dingman, Conservation and Development)

*By unanimous vote, APPROVED replacing the published Board Order with a new Board Order with revised recommendations as amended to insert the sentence "The additional franchise fee revenue to be derived from the recommended 2% fee increase would help offset cost of services related to administering the franchise agreement." as the final sentence in the Fiscal Impact section.*

*ACCEPTED report from NewPoint Group regarding their review of the Base Year Rate Application submitted by Garaventa Enterprises; APPROVED residential and commercial solid waste & recycling collection rate increase of 13.88% for customers in the unincorporated areas served by Garaventa Enterprises (Contractor) under the County's Franchise Agreement with Garaventa Enterprises ("Franchise Agreement"); APPROVED and AUTHORIZED the Chair of Board of Supervisors to execute Amendment No. 2 to the Franchise Agreement, to add the Ironhouse Unincorporated Area described in Exhibit B; APPROVED and AUTHORIZED the Chair of the Board of Supervisors to execute a third amendment to the Franchise Agreement that extends the term of the Franchise Agreement by a total of 10 years, pursuant to the terms of this board order and in a form approved by County Counsel.*

**Vote: 5 - 0**

5. **D.2** CONSIDER accepting the Industrial Safety Ordinance Annual Report submitted by Health Services as recommended by the Health Services Department. (Randy Sawyer, Health Services Department)

**Vote: 5 - 0**

6. **D.3** CONSIDER accepting report from the Contra Costa County Hazardous Materials Commission entitled, "Brownfields and Contaminated Sites Clean-up Policy in Contra Costa County, Recommendations for Improvement" and "Household Hazardous Waste Management in Contra Costa County, Recommendations for Improvement" and directing the Contra Costa Health Services Department to collaborate with the Department of Conservation and Development to implement the recommendations contained in the "Brownfield and Contaminated Sites Clean-up Policy in Contra Costa County". (Michael Kent, Hazardous Materials Ombudsman)

**Vote: 5 - 0**

D.4 CONSIDER reports of Board members.

*Supervisor Piepho reported she has received travel authority to travel to Washington D.C. at the end of January 2011 to advocate for Contra Costa County on Delta water issues.*

## **CONSENT ITEMS**

### **Road and Transportation**

7. **C.1** APPROVE and AUTHORIZE the Public Works Director, or designee, to advertise the Viera Avenue Bicycle Lanes Project and make related findings under California Environmental Quality Act (CEQA), Antioch area. (68% Bicycle Transportation Account (BTA) Grant, 11% Transportation Development Act (TDA) Grant, 21% Local Funds)

**Vote:** 5 - 0

8. **C.2** APPROVE and AUTHORIZE the Public Works Director, or designee, to advertise the Countywide MicroSurfacing Project and make related findings under California Environmental Quality Act (CEQA), Countywide. (No Fiscal Impact)

**Vote:** 4 - 0

Other: District V Supervisor Federal D. Glover (ABSENT)

9. **C.3** ACCEPT the Grant Deed from Contra Costa County Redevelopment Agency for portions of right-of-way needed in connection with the Bailey Road Improvement Project and ADOPT related California Environmental Quality Act findings, as recommended by the Public Works Director, Bay Point area. (38% Bailey Road Maintenance Disposal Surcharge Funds, 22% Transportation for Livable Communities Grant, 22% Local Match Budgeted County Redevelopment Funds, 14% Safe Routes to Transit Grant and 4% Transportation Development Act Funds) (Consider with C.54)

**Vote:** 5 - 0

10. **C.4** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute Roadway Encroachment Permits issued by the County of Alameda, the Cities of Martinez and Walnut Creek, and Caltrans, as required for traffic control for the Countywide Bridge Deck Methacrylate construction project, and arrange for any necessary payment of permit, inspection, and related fees in accordance with the permits, Countywide. (88.5% Federal Funds and 11.5% Local Road Funds)

**Vote:** 5 - 0

11. **C.5** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute Roadway Encroachment Permits issued by the Cities of Martinez, Orinda, Pinole, Pleasant Hill, Richmond, and Walnut Creek, the Town of Danville, and Caltrans, as required for traffic control for the Countywide Arterial Microsurface construction project, and arrange for any necessary payment of permit, inspection, and related fees in accordance with the permits, Countywide. (88.5% Federal Funds and 11.5% Local Road Funds)

**Vote:** 5 - 0

### **Engineering Services**

12. **C.6** ADOPT Resolution No. 2011/31 accepting Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement, and Right of Entry, for land use permit LP 08-02044, for project being developed by AVE Bay Point Limited Partnership and AVE Bay Point Dunn Limited Partnership, as recommended by the Public Works Director, Bay Point area. (No Fiscal Impact)

**Vote:** 5 - 0

13. **C.7** ADOPT Resolution No. 2011/33 accepting completion of warranty period and release of cash deposit for faithful performance and accepting maintenance access easement for subdivision SD 04-08939, as recommended by the Public Works Director, Walnut Creek area. (No Fiscal Impact)

**Vote: 5 - 0**

### **Claims, Collections & Litigation**

**C.8** DENY claims filed by Shane Duncan, and the Federal Bureau of Investigation by Mary Ann Kenney.

**Vote: 5 - 0**

### **Honors & Proclamations**

14. **C.9** ADOPT Resolution No. 2011/35 honoring David M. Diemer on his retirement after 15 years of service as the General Manager of the East Bay Municipal Utility District (EBMUD), as recommended by Supervisor Gioia.

**Vote: 5 - 0**

15. **C.10** ADOPT Resolution No. 2011/30 proclaiming the Month of January "National Blood Donor Month" as recommended by Supervisor Mitchoff. (See PR.2)

**Vote: 5 - 0**

16. **C.11** ADOPT Resolution No. 2011/39 honoring Lafayette Business Person of the Year, as recommended by Supervisor Uilkema.

**Vote: 5 - 0**

17. **C.12** ADOPT Resolution No. 2011/36 declaring January 28, 2011 as Earned Income Tax Credit (EITC) Awareness Day and kicking off the annual "Earn It!, Keep It!, Save It! (EKS) Contra Costa Campaign, as recommended by the Employment and Human Services Director. (See PR.3)

**Vote: 5 - 0**

### **Appointments & Resignations**

18. **C.13** APPOINT Supervisor Federal D. Glover to the Regular Seat on Eastern Contra Costa Transit Authority (Tri-Delta Transit) Board, as recommended by Supervisor Glover.

**Vote: 5 - 0**

19. **C.14** REAPPOINT Gordon Becket, Patrick Tahara, Vanessa Cordova, Christopher Brydon, and Melissa Holmes Snyder to seats 1, 2, 3, 4, and 5, respectively, on the Kensington Municipal Advisory Council, as recommended by Supervisor Gioia.

**Vote: 5 - 0**

20. **C.15** APPOINT Paul P. Craig to the District II Alternate seat on the County Library Commission, as recommended by Supervisor Uilkema.

**Vote: 5 - 0**

21. **C.16** REAPPOINT Tricia Robles and Maureen K. Powers to the Western Contra Costa Transit Authority Board of Directors, as recommended by Supervisor Uilkema.

**Vote: 5 - 0**

### **Appropriation Adjustments**

22. **C.17 Agriculture (0335):** APPROVE and AUTHORIZE Appropriation and Revenue Adjustment No. 5015 in the amount of \$25,000 new revenue received from the Contra Costa Futures Fund to be used for temporary clerical help for 4-H and other Cooperative Extension Service programs.

**Vote: 5 - 0**

23. **C.18 Public Works (0663/0662):** APPROVE Appropriation Adjustment No. 5120 authorizing the transfer of appropriations in the amount of \$1,900,000 from the Transportation Improvement Measure C Return to Source Fund to Road Fund - Capital, to fund large construction projects underway as well as continue project development, Countywide. (No Fiscal Impact)

**Vote: 5 - 0**

### **Personnel Actions**

24. **C.19** ADOPT Position Adjustment Resolution No. 20854 to add one Clerk Experienced Level (represented) and one Patient Financial Services Specialist (represented) position and cancel one Health Services Administrator - C (represented) position in the Health Services Department. (Cost offset by the cancellation of temporary positions and a vacant position)

**Vote: 5 - 0**

25. **C.20** ADOPT Position Adjustment Resolution No. 20888 to add one Licensed Vocational Nurse (represented) position and one Registered Nurse-Experienced Level (represented) position in the Health Services Department. (100% member premium offset)

**Vote: 5 - 0**

26. **C.21** ADOPT Position Adjustment Resolution No. 20891 to increase the hours of one Mental Health Clinical Specialist position from part time (14/40) to part time (32/40) in the Health Services Department. (Offset by a reduction in overtime expense)

**Vote: 5 - 0**

27. **C.22** ADOPT Position Adjustment Resolution No. 20892 to add one Therapist Aide (represented) position in the Health Services Department. (Cancellation of temporary positions)

**Vote: 5 - 0**

28. **C.23** ADOPT Position Adjustment Resolution No. 20893 to add one Health Plan Authorization Technician (represented) position in the Health Services Department. (100% Contra Costa Health Plan Enterprise Fund)

**Vote: 5 - 0**

29. **C.24** ADOPT Position Adjustment Resolution No. 20890 to cancel one Medical Social Worker II (represented) position and add two permanent intermittent Medical Social Worker II (represented) positions in the Health Services Department. (Cost neutral)

**Vote: 5 - 0**

30. **C.25** ADOPT Position Adjustment Resolution No. 20894 to add three Pharmacist I (represented) positions in the Health Services Department. (100% Federal IT Revenue)

**Vote: 5 - 0**

31. **C.26** ACKNOWLEDGE receipt of report of suspension of competition and direct appointment in the Health Services Department to facilitate the return to work of a County employee through the County Rehabilitation Program, as provided for in the Personnel Management Regulations, Section 502, as part of the County Disability Program, as recommended by the Assistant County Administrator - Director of Human Resources. (Budgeted)

**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:**

32. **C.27** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to accept multiple donations from United Way of the Bay Area for the Service Integration Program, SparkPoint Center services, not to exceed a total of \$300,000 for the term January 1, 2011 through December 31, 2011 (No County match)

**Vote: 5 - 0**

33. **C.28** APPROVE and AUTHORIZE the County Probation Officer, or designee, to apply for and accept the Criminal and Juvenile Justice and Mental Health Collaboration Program grant from the U.S. Department of Justice, Office of Justice Programs in an amount not to exceed \$250,000 for the planning and implementation of a Juvenile Behavioral Mental Health Court for the period October 1, 2011 through September 30, 2013. (80% Federal, 20% In-Kind match)

**Vote: 5 - 0**

34. **C.29** APPROVE and AUTHORIZE the Health Services Director, or designee, to submit a Grant Application to the California Department of Resources Recycling and Recovery (CalRecycle), to pay the County in an amount not to exceed \$370,826, for the Environmental Health Waste Tire Enforcement Program, for the period from July 1, 2011 to June 30, 2012. (No County funds required)

**Vote: 5 - 0**

35. **C.30** APPROVE and AUTHORIZE the Employment & Human Services Department director, or designee, to execute a contract amendment with California Department of Community Services and Development to increase the amount payable to the County by \$1,770,415 for a new payment limit not to exceed \$3,452,979 for weatherization services under the American Recovery and Reinvestment Act of 2009 with no change to contract term of June 30, 2009 to March 31, 2012. (No County match)

**Vote: 5 - 0**

36. **C.31** APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute a contract amendment with California Department of Community Services and Development to increase the amount payable to the County by \$88,026 for a new payment limit not to exceed \$350,294 for weatherization and energy assistance services with no change to the term June 30, 2010 through June 30, 2011. (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:**

37. C.32 APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner, a purchase change order with Central Medical Laboratory, Inc., to extend the termination date from December 31, 2010 to August 31, 2011 and increase the payment limit by \$500,000 to a new payment limit of \$1,450,000 for blood withdrawal services. (100% General Fund; Budgeted)

**Vote: 5 - 0**

38. C.33 APPROVE and AUTHORIZE the County Probation Officer, or designee, to execute a contract with the State of California Employment Development Department, including modified indemnification language, in an amount not to exceed \$4,693 for access to information on certain debtors placed into collections for the period January 1, 2011 through December 31, 2014. (100% Collections revenue)

**Vote: 5 - 0**

39. C.34 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with A Step Forward Child Abuse Treatment and Training Programs, a Marriage, Family and Child Counseling Corporation, effective January 1, 2011, to increase the payment by \$30,000 to a new payment limit of \$180,000, to provide additional Medi-Cal specialty mental health services, with no change in the original term of July 1, 2010 through June 30, 2012. (100% Medi-Cal Funds, offset 50% State and 50% Federal)

**Vote: 5 - 0**

40. C.35 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Computer Sciences Corporation, in an amount not to exceed \$300,000, to provide professional technical support services with regard to the Department's Information Systems requirements, for the period August 1, 2010 through July 31, 2011. (100% Enterprise Fund I)

**Vote: 5 - 0**

41. C.36 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Contra Costa Crisis Center, in an amount not to exceed \$292,850, to provide Mental Health Services Act prevention and early intervention services for the period July 1, 2010 through June 30, 2011, with a six-month automatic extension through December 31, 2011, in an amount not to exceed \$146,425. (100% Mental Health Services Act)

**Vote: 5 - 0**

42. C.37 APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order with Unified Teldata Inc., in an amount not to exceed \$115,800 for the upgrade of the countywide Call Management System at 2311 Loveridge Road, Pittsburg. (100% User fees)

**Vote: 5 - 0**

43. C.38 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Asereth Medical Services, Inc., effective November 1, 2010, to increase the payment limit by \$20,000 to a new payment limit of \$110,000 to provide additional temporary pharmacist coverage at Contra Costa Regional Medical Center, with no change in the original term of April 1, 2010 through March 31, 2011. (100% Enterprise Fund I)

**Vote: 5 - 0**

44. C.39 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Ralph Chase, M.D., in an amount not to exceed \$267,000, to provide anesthesiology services at Contra Costa Regional Medical and Health Centers, for the period February 1, 2011 through September 30, 2011. (100% Enterprise Fund I)

**Vote: 5 - 0**

45. C.40 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Jeffrey Saadi, M.D., in an amount not to exceed \$267,000, to provide anesthesiology services at Contra Costa Regional Medical and Health Centers, for the period February 1, 2011 through September 30, 2011. (100% Enterprise Fund I)
- Vote: 5 - 0**
46. C.41 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Shahid Rehman, M.D., in an amount not to exceed \$160,000, to provide neurology services at Contra Costa Regional Medical and Health Centers, for the period February 1, 2011 through January 31, 2013. (100% Enterprise Fund I)
- Vote: 5 - 0**
47. C.42 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Robert Green (dba East Bay Audiologists) in an amount not to exceed \$120,000, to provide audiological evaluation services for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period January 1, 2011 through December 31, 2011. (100% Enterprise Fund I)
- Vote: 5 - 0**
48. C.43 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Infoimage of California, Inc, a corporation, in an amount not to exceed \$650,000, to provide professional billing services to the Department with regards to patient statements and letters, for the period from January 1, 2011 through December 31, 2013. (100% Enterprise I Funds)
- Vote: 5 - 0**
49. C.44 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with William E. Berlingieri, M.D., in an amount not to exceed \$245,000, to provide outpatient psychiatric services to mentally ill adults in West County, for the period January 1, 2011 through December 31, 2011. (100% Mental Health Realignment)
- Vote: 5 - 0**
50. C.45 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Gary S. Nye, M.D., in an amount not to exceed \$156,000, to provide outpatient psychiatric services to mentally ill adults in East, West, and Central County areas, for the period January 1, 2011 through December 31, 2011. (100% Mental Health Realignment)
- Vote: 5 - 0**
51. C.46 AWARD design-build contract (Additive Alternate No. 1) to Vila Construction Company, Richmond, in the amount of \$1,236,672, for the Remodeling of 40 Muir Road, Martinez; ANNOUNCE the contract award publicly; and AUTHORIZE the General Services Director, or designee, to execute the contract. (initially funded by reserves for capital projects and recovered from future lease savings)
- Vote: 5 - 0**

### **Other Actions**

52. C.47 APPROVE a Substantial Amendment to the County's FY 2010/11 Community Development Block Grant (CDBG) Program by allocating to STAND! for Families Free of Violence (Stand!) \$5,000 of CDBG funds originally approved for Family Stress Center, and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract with Stand! for the period January 1, 2011 to June 30, 2011. (100% CDBG funds)

**Vote: 5 - 0**

53. C.48 ACCEPT the FY 2010 Community Facilities District Administration Report on County of Contra Costa Community Facilities District No. 2001-1 (Norris Canyon), as recommended by the Auditor-Controller and Redevelopment Director.

**Vote: 5 - 0**

54. C.49 ACCEPT the Contra Costa County Library Commission 2010 Annual Report and 2011 Work Plan, as recommended by the County Administrator. (No fiscal impact)

**Vote: 5 - 0**

55. C.50 ACCEPT the December 2010 update on the operations of the Employment and Human Services Department, Community Services Bureau, as recommended by the Employment and Human Services Department Director.

**Vote: 5 - 0**

56. C.51 APPROVE the revised bylaws for the Contra Costa Mental Health Commission as recommended by the Internal Operations Committee

**Vote: 5 - 0**

57. C.52 ACCEPT the In-Home Supportive Services Public Authority Advisory Committee Annual Report for the period of December 1, 2009 through November 30, 2010 as submitted by the Employment and Human Service Director on behalf of the In-Home Supportive Services Public Authority. (No fiscal impact)

**Vote: 5 - 0**

58. C.53 CONTINUE the emergency action originally taken by the Board of Supervisors on November 16, 1999 regarding the issue of homelessness in Contra Costa County, as recommended by the Health Services Director.

**Vote: 5 - 0**

### **Redevelopment Agency**

59. C.54 APPROVE Conveyance of Portions of Real Property from the Contra Costa Redevelopment Agency to Contra Costa County in connection with the Bailey Road Improvement Project, as recommended by the Redevelopment Director, Bay Point area. (No impact on the County General Fund) (Consider with C.3)

**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.

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](http://www.co.contra-costa.ca.us)

## STANDING COMMITTEES

The **Airports Committee** (Supervisors Karen Mitchoff and Mary N. Piepho)

The **Family and Human Services Committee** (Supervisors Gayle B. Uilkema and Federal D. Glover)

The **Finance Committee** (Supervisors John Gioia and Federal D. Glover)

The **Internal Operations Committee** (Supervisors Mary N. Piepho and John Gioia)

The **Legislation Committee** (Supervisors Karen Mitchoff and John Gioia)

The **Public Protection Committee** (Supervisors Federal D. Glover and John Gioia)

The **Transportation, Water & Infrastructure Committee** (Supervisors Mary N. Piepho and Karen Mitchoff)

Airports Committee			See above
Family & Human Services Committee			See above
Finance Committee			See above
Internal Operations Committee			See above
Legislation Committee	February 7, 2011 - Special	9:00 a.m.	Room 101
Public Protection Committee			See above
Transportation, Water & Infrastructure Committee			See above

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

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

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

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

**AB** Assembly Bill  
**ABAG** Association of Bay Area Governments  
**ACA** Assembly Constitutional Amendment  
**ADA** Americans with Disabilities Act of 1990  
**AFSCME** American Federation of State County and Municipal Employees  
**AICP** American Institute of Certified Planners  
**AIDS** Acquired Immunodeficiency Syndrome  
**ALUC** Airport Land Use Commission  
**AOD** Alcohol and Other Drugs  
**ARRA** American Recovery & Reinvestment Act of 2009  
**BAAQMD** Bay Area Air Quality Management District  
**BART** Bay Area Rapid Transit District  
**BCDC** Bay Conservation & Development Commission  
**BGO** Better Government Ordinance  
**BOS** Board of Supervisors  
**CALTRANS** California Department of Transportation  
**CalWIN** California Works Information Network  
**CalWORKS** California Work Opportunity and Responsibility to Kids  
**CAER** Community Awareness Emergency Response  
**CAO** County Administrative Officer or Office  
**CCCPCD** (ConFire) Contra Costa County Fire Protection District  
**CCHP** Contra Costa Health Plan  
**CCTA** Contra Costa Transportation Authority  
**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** (CCCPCD) Contra Costa County Fire Protection District  
**CPA** Certified Public Accountant  
**CPI** Consumer Price Index  
**CSA** County Service Area  
**CSAC** California State Association of Counties  
**CTC** California Transportation Commission  
**dba** doing business as  
**EBMUD** East Bay Municipal Utility District  
**ECCPCD** East Contra Costa Fire Protection District  
**EIR** Environmental Impact Report  
**EIS** Environmental Impact Statement  
**EMCC** Emergency Medical Care Committee  
**EMS** Emergency Medical Services  
**EPSDT** Early State Periodic Screening, Diagnosis and Treatment Program (Mental Health)  
**et al.** et alii (and others)  
**FAA** Federal Aviation Administration  
**FEMA** Federal Emergency Management Agency  
**F&HS** Family and Human Services Committee

**First 5** First Five Children and Families Commission (Proposition 10)  
**FTE** Full Time Equivalent  
**FY** Fiscal Year  
**GHAD** Geologic Hazard Abatement District  
**GIS** Geographic Information System  
**HCD** (State Dept of) Housing & Community Development  
**HHS** (State Dept of) Health and Human Services  
**HIPAA** Health Insurance Portability and Accountability Act  
**HIV** Human Immunodeficiency 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  
**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





Contra  
Costa  
County

To: Board of Supervisors  
From: Ted Cwiek, Human Resources Director  
Date: January 25, 2011

Subject: 2010 Contra Costa County Combined Charities Campaign Report

---

**RECOMMENDATION(S):**

ACCEPT report on the results of the County's 2010 Combined Charities Campaign from Campaign Chair, Ted Cwiek, Human Resources Director.

**FISCAL IMPACT:**

None

**BACKGROUND:**

The 2010 Contra Costa County Combined Charities Campaign ran from October 1 through November 5, 2010. A total of 1,078 County employees participated in this year's campaign, and their donations total \$286,659.

The participating charity federations included Community Health Charities of California (the lead organization), Bay Area Black United Fund, Local Independent Charities, Earth Share of California, and United Way of the Bay Area. In addition, significant donations were received for several non-profit agencies affiliated with County departments and agencies that support activities and services for County residents. The attached tables reflect a summary of the disbursements of donations to the various federations, and the top five donor departments in terms of total dollar amount and

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: KATHERINE SINCLAIR, Deputy

Contact: Ted Cwiek, (925)  
335-1766

**BACKGROUND: (CONT'D)**

the amount per employee. Also attached is a list of the 2010 Department Campaign Coordinators, who worked with enthusiasm and persistence to get the word out to employees in their departments to complete their pledge forms.

I would like to thank our very generous County employees who, in this time of uncertainty and duress, have once again looked beyond themselves and offered a helping hand through the many worthwhile charities involved in the campaign.

**CONSEQUENCE OF NEGATIVE ACTION:**

None

**CHILDREN'S IMPACT STATEMENT:**

None

**ATTACHMENTS**

Combined Charities Results Report

## 2010 Contra Costa County Combined Charities Campaign

<b>Disbursements to Charitable Organizations of Campaign Donations</b>	
Community Health Charities of California	\$33,533
Bay Area Black United Fund	\$11,586
Local Independent Charities	\$76,710
Earth Share of California	\$16,030
United Way of the Bay Area	\$52,761
Donor Choice	\$96,039

<b>Top Five Donor Departments</b>	
Health Services	\$92,972
Employment & Human Services	\$51,157
Public Works	\$24,540
Sheriff-Coroner Office	\$10,252
County Counsel	\$10,230

<b>Top Five Departments Per Employee Donating</b>	
County Counsel	\$444
Employment & Human Services	\$387
County Administrator's Office	\$344
Health Services	\$338
Sheriff-Coroner Office	\$301

## 2010 Contra Costa County Combined Charities Campaign

<b>Department</b>	<b>Coordinator</b>
Agriculture Department	Chris DeNijs
Animal Services Department	Kathy O'Connell
Assessor	Marty Sturges
Auditor-Controller	Sandi Bewley/Henriette Brown
Board of Supervisors - Chief Clerk	Tiffany Lennear
Board of Supervisors, District 3	Marion Murphy
Board of Supervisors, District 5	Lynn Reichard
Child Support Services	Louise Britton
Clerk-Recorder	Elaine Baird
Conservation & Development Department	Maureen Parkes
County Administrator	Nancy Yee
County Counsel	Janice Amenta
Employees' Retirement Association	Christina Dunn
District Attorney	Nancy Georgiou
Employment & Human Services Department	Anne Struthers
Contra Costa County Fire Protection District	Dan Yaworsky
General Services Department	Sara Holman
Health Services Department – Alcohol & Other Drug Services	Mary McLain
Health Services Department – CCHP	Pam Gomez
Health Services Department – Emergency Medical Services	Pam Dodson
Health Services Department – Environmental Health	Lori Braunesreither
Health Services Department – Finance Administration	Jackie Peterson



<b>Department</b>	<b>Coordinator</b>
Health Services Department – Hazardous Materials	Lacey Friedman
Health Services Department – Mental Health	Jeannie DeTomas
Health Services Department – Personnel	Mary Kooyman
Health Services Department – Public Health	Dave Shoemaker
Housing Authority	Laurie Lewis
Human Resources Department	Cheri Branson
Dept. of Information Technology (DoIT)	Kathy Duhaime/ Marcia Malmgren
Library	Shannon LaDage
Probation Department	Lesha Roth
Public Defender	Donna Broussard
Public Works Department	Karen Laws/Lisa Dalziel
Risk Management Department	Aretha Chandler
Sheriff-Coroner	Jim Bickert
Treasurer-Tax Collector	Susan Chavez
Veterans Service Office	Pati MacDonald



Contra  
Costa  
County

To: Board of Supervisors  
From: Contra Costa Commission for Women  
Date: January 25, 2011  
Subject: Accept Report on Girl-on-Girl Violence

---

**RECOMMENDATION(S):**

Accept report on the study of the nature of girl-on-girl violence in Contra Costa County high schools, as recommended by the Contra Costa Commission for Women.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

In the fall of 2008, the CCCW conducted a study to learn about the nature of girl-on-girl violence in the high schools of Contra Costa County. The CCCW reached out to school districts located in East, Central and West Contra Costa, in the hopes of gathering pertinent information regarding girl-on-girl violence in high schools.

The principals of 43 high schools, along with nine superintendents, were contacted across the County. A letter was sent to each asking specific questions on whether records were kept on incidents of girl-on-girl violence, and what resources were made available to victims. When the CCCW did not receive any responses, a follow-up letter was mailed out with a survey addressing

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Terri Leider,  
925-313-9501

cc:

## BACKGROUND: (CONT'D)

bullying and violence. Out of the 43 high schools and nine school districts, only three high schools (Freedom, De Anza and Riverside) responded with data. In addition to the high schools that were included in Phase I of the study, surveys from a group of young girls from Helms Middle School, along with some of their mothers, were included in the initial report. The young girls from Helms Middle School returned 37 surveys and four surveys were returned by mothers of students for a total of 41 surveys. A grand total of 44 surveys was used to compile the initial results of Phase I of this study in 2009.

After receiving the surveys from the initial report, the CCCW decided that the surveys received did not have enough substantive information to complete the study. The Commission then decided to expand the project by adding additional phases, which would target middle and elementary schools in order to generate a comprehensive study of the County. The survey was expanded to include middle school administrators during Phase II and elementary school administrators in Phase III, due to the research from the initial report, which indicated that girl-on-girl violence starts at a much earlier age than high school. A new survey, developed as part of Phase II, was sent to every middle school, and in Phase III a slightly revised survey was sent out to every elementary school in Contra Costa County.

In a further attempt to get a higher response rate, the CCCW put the survey online at [www.surveymonkey.com](http://www.surveymonkey.com). Administrators were also given the option to mail or fax their responses back to the CCCW.

During Phase II, 15 of the 40 middle schools in the County turned in a survey (Delta Vista, Gale Ranch, Bristow, Los Cerros, Walnut Creek Intermediate, Dallas Ranch, Windemere Ranch, Black Diamond, Helms, Park, Lovonya Dejean, Valley View, Excelsior, and two additional schools which requested anonymity). Seven high schools responded to the survey: Monte Vista, John Swett, Miramonte, De Anza, Riverside, Freedom, and Las Lomas. All three of the high schools that responded to the initial attempt to collect high school data in the fall of 2008 also responded again in 2009. The CCCW used the most recent responses in its analysis of the data. Four new high schools also responded with data during the second outreach effort to the high schools. When Phase III began, only 11 of 162 elementary schools in Contra Costa County responded with data (Walnut Acres, Indian Valley, Jack London, Montevideo, Fair Oaks, Valley Verde, Discovery Bay, Creekside, Marina Vista, Walnut Heights, and Stoneman). A grand total of 33 surveys was used when compiling our data.

The CCCW's goal after compiling the data retrieved from the surveys was to prepare a report outlining the findings with a final recommendation and a statement of future plans.

In 2011, the CCCW hopes to continue its study of girl-on-girl violence by holding forums and workshops to educate the community about this issue. These forums will be targeted toward students, parent groups, teachers, and school administrators with the goal of creating awareness among and retrieving more data regarding the issue of girl-on-girl violence from all concerned parties. A special questionnaire will be designed for students of different age levels to be distributed at these forums, and an additional questionnaire will be made for their parents and other adults in attendance (school staff, public at large, etc.). The current survey will continue to be used for school administrators and teachers to obtain up-to-date data about this type of violence.

All of CCCW research suggests that the most effective way to combat bullying is through education – teaching children about the signs, effect and consequences of bullying. This is one of the reasons the CCCW plans on conducting workshops throughout Contra Costa County about girl-on-girl violence. These workshops will present a safe environment for victims of bullying to talk about their experiences and seek counseling, and also help to allow CCCW, and the community at large, to understand the state of girl-on-girl violence in the County. The workshops will also target the bystander children who witness bullying happening around them but do not report it. The goal is to create a culture where it is encouraged to report bullying to a teacher, and it is acceptable to stand up to a bully on behalf of another person. This solution is one that organizations like the Ophelia Project are using to effectively combat bullying. Bullies will stop once they realize that it is unacceptable to bully their peers and others, and that there will be severe consequences.

In order to create this environment, bullying must no longer be tolerated in schools, neighborhoods or the community.

CCCW also recommends to the County and School Districts that a proactive stance be taken in lobbying in

Sacramento on behalf of students to demand stronger anti-bullying legislation. A clear and encompassing definition for bullying is needed in California anti-bullying legislation. Once this is achieved, the state will then be able to create laws that protect children from cyber bullying.

#### Future Plans:

Over the next year, CCCW plans on continuing its study of girl-on-girl violence with a specific focus on increasing the response rate to the survey. CCCW plans on administering the survey to students in the County to gain knowledge of their firsthand experience with girl-on-girl violence. CCCW would like to start setting up workshops throughout the County to educate parents, teachers and students about girl-on-girl violence and the ways in which it can be overcome. The workshops will feature guest speakers who can further shed light on the issue. CCCW will be seeking out several students to speak to the group and tell their personal experiences with girl-on-girl violence, with additionally, a psychologist who would speak to why girl-on-girl violence occurs, its myriad affects and what can be done to end it. These workshops will also include a data collection component where CCCW will be soliciting information about girl-on-girl violence from participants.

CCCW hopes to get a diverse group community members involved in these workshops. CCCW will conduct outreach to parents, students, and school faculty groups to entice them to attend. CCCW would also like to see other leaders in the community attend these workshops. With a broad coalition of educators, students, parents and community leaders as possible CCCW would like to educate the public about girl-on-girl violence and find ways to work together in the community to stop it.

#### In Conclusion:

It is clear from this study that schools are seeing cases of girl-on-girl violence on their campuses. Girl-on-girl violence seems to be starting at a very young age, with 100% of elementary schools reporting cases of girl-on-girl violence. Many schools also report that they have no formal anti-bullying program in place on their campus. This signifies a clear need with in Contra Costa County, and with the additionally alarming number of schools reporting problems with cyber-bullying, it is clear that action must be taken. In the upcoming year CCCW hopes to begin this action by educating the public on what girl-on-girl violence is and finding ways to prevent it.

#### CONSEQUENCE OF NEGATIVE ACTION:

Information gathered will not be disseminated.

#### CHILDREN'S IMPACT STATEMENT:

Not applicable.

#### CLERK'S ADDENDUM

***ACCEPTED the report; REFERRED to Public Protection Committee for discussion; and REQUESTED a link to the Contra Costa Women's Commission be added to the County website.*** The full report may be accessed at [www.womenscommission.com](http://www.womenscommission.com)



# *Girl-on-Girl Violence Report*

Contra Costa County  
December 2010

Project Author:  
The Contra Costa Commission for Women

Compiled/Written By:  
Rebecca Faith Barrett

[www.womenscommission.com](http://www.womenscommission.com)

## ***Acknowledgments***

### Executive Board

Carlyn Obringer, Co-Chair

Hazel L. Wetherford, Co-Chair

Ana Marie Bustos, First Vice Chair

Sara Mendoza, Second Vice Chair

Charlotte Standefer, MD, Treasurer

Sean Duckworth, Secretary

### District Representative Commissioners

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Vacant, District II Representative

Vacant, District III Representative

Carlyn Obringer, District IV Representative

Argentina Davila-Luevano, District V Representative

### Commissioners

Tique Lee Caul

Joan Conley

Phyllis Gordon

Terri Lieder

Marie McDonald

Karen Peterson

### Project Intern

Rebecca Faith Barrett

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## *About Us*

The Contra Costa Commission for Women (CCCW) was formed in 1980 to both educate and advise the Contra Costa County Board of Supervisors, as well as the community at large, on issues relating to the changing social and economic conditions of women in the area, with a particular focus on those who are economically disadvantaged.

## *Executive Summary*

In the fall of 2008, CCCW conducted a study to learn about the nature of girl-on-girl violence in the high schools of Contra Costa County (County). The CCCW reached out to school districts located in East, Central and West Contra Costa, in the hopes of gathering pertinent information regarding girl-on-girl violence in high schools.

The principals of 43 high schools (Phase I), along with nine superintendents, were contacted across the County. A letter was sent to each asking specific questions on whether records were kept on incidents of girl-on-girl violence, and what resources were made available to victims (see Appendix A).

When the CCCW did not receive any responses, a follow-up letter was mailed out with a survey addressing bullying and violence (see Appendix B). Out of the 43 high schools and nine school districts, only three high schools (Freedom, De Anza and Riverside) responded with data. In addition to the high schools that were included in Phase I of the study, surveys from a group of young girls from Helms Middle School, along with some of their mothers, were included in Phase I's initial report. The young girls from Helms Middle School returned 37 surveys and four surveys were returned by mothers of students for a total of 41 surveys. A grand total of 44 surveys were used to compile the initial results of Phase I of this study in 2009.



After receiving the surveys from the initial report, the CCCW decided that the surveys received did not provide enough substantive information to complete the study, and to expand the project by adding additional phases to the study, which would target middle and elementary schools in order to generate a comprehensive survey of the County. The survey was expanded to include middle school administrators during Phase II and elementary school administrators in Phase III, due to the research from the initial report, which indicated that girl-on-girl violence starts at a much earlier age than high school. A new survey, developed as a part of Phase II, was sent to every middle school, and in Phase III a slightly revised survey was sent to every elementary school in Contra Costa County (see Appendices C and D).

In a further attempt to get a higher response rate, the CCCW put its survey online at [www.surveymonkey.com](http://www.surveymonkey.com). Surveymonkey.com is a free website which enables groups like CCCW to post a survey online and have school administrators answer it at their convenience. However, administrators were also given the option to mail or fax their responses back to the CCCW.

During Phase II, 15 of the 40 middle schools in the county turned in a survey (Delta Vista, Gale Ranch, Bristow, Los Cerros, Walnut Creek Intermediate, Dallas Ranch, Windemere Ranch, Black Diamond, Helms, Park, Lovonya Dejean, Valley View, Excelsior, and two additional schools which requested anonymity). Lastly, seven high schools responded to the survey: Monte Vista, John Swett, Miramonte, De Anza, Riverside, Freedom, and Las Lomas. All three of the high schools that responded to the initial attempt to collect high school data in the fall of 2008 responded again in 2009. The CCCW used the most recent responses in its analysis of the data. Four new high schools also responded with data during the second outreach effort to the high schools. When Phase III began, only 11 of 162 elementary schools in the

county responded with data (Walnut Acres, Indian Valley, Jack London, Montevideo, Fair Oaks, Valley Verde, Discovery Bay, Creekside, Marina Vista, Walnut Heights, and Stoneman). A grand total of 33 surveys were used when compiling the data.

The CCCW's goal after compiling the data from the surveys is to prepare a report outlining the findings with a final recommendation and a statement of future plans. In 2011, the CCCW hopes to continue its study of girl-on-girl violence by holding forums and workshops to educate the community about this issue. These forums will be targeted towards students, parent groups, teachers, and school administrators with the goals of creating awareness and retrieving more data regarding the issue of girl-on-girl violence. A special questionnaire will be designed for students of different age levels, to be distributed at these forums, and an additional questionnaire will be made for parents and other adults (school staff, public at large, etc.). The current survey (see Appendix C) will continue to be used for school administrators and teachers to obtain up-to-date data about this type of violence. Aside from the input of the girls at Helms Middle School from the initial Phase I report, students and parental feedback on the issue of girl-on-girl violence is currently missing in the CCCW research. The CCCW feels it is appropriate to include student input in its data for analysis.

In the second round of surveys, from Phase II (Middle Schools), an overwhelming majority of respondents reported having some case of girl-on-girl violence at their schools. Every high school and middle school that responded said that girl-on-girl violence could start the first year the girls arrive at the school. Out of all the elementary schools that responded, 45.5 percent said it started between the ages of nine and 10. However, a significant group of respondents (36.4 percent) said that it started as young as seven years of age. With schools

reporting such widespread girl-on-girl violence on their campuses at an incredibly young age, the significance of these surveys is profound.

## *Background*

As statistics have increasingly indicated, bullying in school is becoming more common than ever. Most adults can remember the harsh words that were said, friends that abandoned them, or the physical wounds that were inflicted from a school yard bully. Many children go to school every day in fear of going to the bathroom, riding the bus or eating in the cafeteria because that is where the bully will strike. On top of this fear of the bully itself, most victims of bullying will try to hide the fact they are even being bullied out of further fear of being labeled a “tattletale.” Headlines over the past decade make clear that bullying, especially among girls, is a serious problem. Several times a year high profile stories about bullying leading to childhood suicide (coming to be known as “bullycide”) are released, indicating further, not only the frequency but also the virility of bullying today. A Department of Education statistic, again reinforcing the significance of bullying, states that one in four children experience some form of bullying in America every day<sup>ii</sup>. Many states have passed anti-bullying legislation in response to this recognized trend in behavior. This legislation, however, varies from state to state in its rigor and ability to tackle the complex issue of bullying.

Before attempting to address and suppress bullying, it is important to first have a clear understanding of what bullying is. While bullying occurs across all genders, this report is entitled “Girl-on-Girl Violence” and as is indicated, will focus solely on violence between female students in Contra Costa County Schools. The term violence, for the intent of this report, refers broadly to bullying as much beyond physical altercation between two girls. As such, a clear definition of bullying which accounts for the various kinds of interactions is still needed.

Psychologists, in an attempt to account for the various means of bullying, have defined it as any **negative actions carried out by physical contact, words, faces, gestures, rumors, and intentional exclusion from a larger group<sup>iii</sup>**.

Additionally, each case of bullying must also meet three criteria: 1) it must cause intentional harm, 2) it must be carried out repeatedly, and 3) it must represent a relationship characterized by an imbalance of power<sup>iv</sup>. Intentional harm can be carried out in several different ways. One organization that showcases these numerous forms intentional harm may take is **the Ophelia Project<sup>v</sup>**, a nationwide group attempting to raise awareness of violence and aggression in schools. The Ophelia Project has also commissioned several studies on different forms of bullying and has come to conclusions on how best to combat it on a personal and school level. With so many prominent media stories about girl-on-girl bullying, however, some have argued a more effective way to combat the problem is on a statewide basis rather than one student at a time.

An example of this occurred with the **State of Massachusetts'** groundbreaking prosecution of nine high school students who caused one girl's suicide through bullying. Phoebe Prince, a 15-year-old girl who had recently moved to America from Ireland, was the victim of this attack. While adjusting to a new school, Phoebe became the target of intense bullying, the specifics of which are still coming to light in the court. District Attorney Elizabeth Scheibel charged nine of the antagonists with a variety of crimes that were later described as intense and endless bullying. "The investigation revealed relentless activities directed towards Phoebe to make it impossible for her to stay at school. The bullying for her was intolerable,<sup>vi</sup>" said District Attorney Scheibel. The trial is still underway, and a jury has yet to convict anyone of a crime.

In addition to an unprecedented trial, the Phoebe Prince case led to some of the toughest anti-bullying legislation in the country. The Massachusetts State Legislature unanimously passed a piece of legislation outlawing bullying and cyber-bullying on school grounds<sup>vii</sup>, and required school employees to report all instances of bullying to the principal. The new law defines bullying as **“the repeated use by a perpetrator of a written, verbal, or electronic expression, or physical act or gesture . . . directed at a victim that causes physical or emotional harm or damage to the victim’s property; places the victim in reasonable fear or harm to himself/herself or of damage to his/her property; [or] creates a hostile environment at school.”**<sup>viii</sup> If the principal determines that any of the acts of bullying are criminal, they are required to report the case to the police.

What makes the Massachusetts law so much stronger than most other states’ anti-bullying laws is not the requirement to report bullying; it is the inclusiveness of the law. All students are protected under Massachusetts law, which is in stark contrast to many other states, including California, whose laws are strongest when protecting students from hate crime bullying and gang violence. Hate crime and gang violence laws do not cover common acts of bullying, because bullying is not specifically defined as illegal under California state law<sup>ix</sup>. These anti-hate crime and anti-gang violence laws merely take what are already criminal acts, and create a method for different agencies to coordinate amongst themselves in order to prevent violence and crimes from happening on school property. In theory, a school bully could only be charged with physical assault or harassment because **there is nothing under current law which makes bullying a crime. Furthermore, the laws fail to educate school staff about bullying, and make no clear indication to the available course for legal action against bullies.** Also, unlike Massachusetts, California has no law that deals with cyber bullying<sup>x</sup>.

Despite the failure of California law to fully address bullying and cyber-bullying, there are some laws currently in place attempting to protect students from bullying. **Bully Police USA**<sup>xi</sup>, a nonprofit organization which operates a website focused on different state laws addressing bullying, evaluates the strength of each state's laws and grades them. Bully Police USA has given California a B grade since 2003. California's grade was increased from a D to a B due to the passage of Senate Bill 719, the "Bullying Prevention for School Safety and Crime Reduction Act of 2003," an anti bullying bill in California which addresses:

"facilitating interagency coordination and collaboration among school districts, county offices of education, youth serving agencies, allied agencies, community-based organizations, and law enforcement agencies to improve school attendance, encourage good citizenship, and to reduce school violence, school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy rates, bullying, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment<sup>xii</sup>."

Bully Police USA, however, points out that the law lacks a definition for bullying, does not provide any protection against retaliation or false accusation, and does not protect school districts from law suits that could result due to compliance with the law<sup>xiii</sup>. Instead, the bill focuses solely on school safety with regards to gang violence and crime on campuses. Perhaps of the greatest significance to California laws in reference to bullying, is the fact that bullying is not a crime in California and subsequently Senate Bill 719 does not do much to prevent it on a legal level.

Senate Bill 719 also does not deal with cyber-bullying. Cyber-bullying is a new phenomenon that schools around the country are just now beginning to deal with. The biggest question surrounding cyber-bullying and its prevention is whether or not schools are responsible for handling bullying issues that are happening off of school grounds<sup>xiv</sup>. Cyber-bullying is defined as "**willful and repeated harm inflicted through phones and computers**<sup>xv</sup>." This can include sending mean or crude text messages, posting mean comments on social networking

websites such as Facebook or MySpace, or, as in some extreme cases, starting a school gossip blog. Interestingly, the Cyber-bullying Research Center found in a study that girls were more likely to experience cyber-bullying than boys<sup>xvi</sup>. They found that the manifestations of cyber-bullying also differ by gender: girls were more likely to spread rumors through cyber-bullying and boys were more likely to post cruel pictures and videos<sup>xvii</sup>.

A recent *New York Times* article addressed this new type of bullying, and suggested that schools today are having trouble grappling with it. The article clearly states “school district discipline codes say little about educators’ authority over student cell phones, home computers and off-campus speech. Reluctant to assert an authority they are not sure they have, educators can appear indifferent to parents... alarmed by recent adolescent suicides linked to bullying<sup>xviii</sup>.” CCCW believes new rules need to be established to help make clear what is within a school’s authority to enable it to deal with cases of bullying and cyber-bullying. Though cyber-bullying may occur on a home computer, if schools were to take action to stop it, it is likely that a more friendly school environment would arise, which would be inherently a more comfortable environment in which to learn.

The problem of bullying has been around for a long time and is an ever evolving social problem. It may still happen on the playground but it can also happen on a home computer. These vicious and unrelenting personal attacks have many negative consequences for the victims. There have been far too many deaths in recent years due to “bullycide.” Many organizations have been working on creative solutions to combat bullying and provide relief to its victims. Some states are passing strong new anti-bullying legislation that hopefully will provide some relief to this issue.

## *Results and Findings*

The surveys done by the CCCW (as detailed in the initial section of this report) were broken down by school level – elementary, middle, and high schools. The surveys for each subsequent school level contained slight differences in the language to ensure age-appropriate questions. For the purposes of showing the results they will be broken down by level, accordingly.

### *Elementary School Results*

**One hundred percent** of elementary schools that responded said that there had been reports of girl-on-girl violence at their school. Of those, 80 percent said that girl-on-girl violence had happened more than once on their campus, though two of the schools failed to report the actual number of times girl-on-girl violence had occurred. However, of the schools that did report the number of occurrences, the lowest number was six and the highest was 25 times.

Elementary school administrators reported that girl-on-girl bullying begins between the ages of seven and eight. Administrators conclusively agreed that bullying occurs on the playground. However, 54.5 percent also reported the classroom as a place where bullying occurs, 18.2 percent said the cafeteria and 9.1 percent listed other and filled in “the restroom.” The two most common forms of bullying reported were emotional assault and verbal assault, both of which were reported by 81.9 percent of respondents. However, 45.5 percent also listed physical assault as a form of girl-on-girl violence experienced on their campus, including one school which listed sexual assault.

Seventy percent of schools replied that they believe girl-on-girl violence is not “that much” of a problem on their campus. Thirty percent said that it was a problem, while no schools said it was “very much” a problem. Fifty-four and a half percent said that they thought their



school had a low girl-on-girl violence problem and 45.5 percent said they thought the problem in the school was about average. Thirty six point four percent said that students were the first to report bullying instances when they occur. Twenty seven point three percent said it was the friend of the victimized student who would report it, and 18.2 percent said that it was parents. One school mentioned that the yard supervisors reported bullying first, and another said it was office staff. Not one elementary school respondent said it was a teacher who was the first to report a case of girl-on-girl violence.

In regards to dealing with a case of girl-on-girl violence once reported, the elementary schools offered varying responses. Many reported using a mixture of options that the survey suggested. Forty five and a half percent reported the case to a school counselor, 36.4 percent said that they referred the student to an anti-bullying program, 45.5 percent said they put the student on school probation, the same number said that they put the child into in-school suspension, 34.6 percent suspended or removed the child, the same number notified family members of the problem and 45.5 percent chose the “other” option on the survey. Those who chose the “other” option noted that they involved the principal in handling bullying problems or took the students’ lunch away. No school said they ever involved the police or juvenile hall and no school said they did nothing.

To combat bullying, 18.2 percent said they installed cameras in the school and 9.1 percent said they had a police officer stop by the school regularly. An overwhelming 90.9 percent said they used a mixture of anti-bullying tactics, from talking to the students about bullying in class to training the staff on how to handle bullies. That same 90.9 percent said they had a formal anti-bullying program in place on their campus.

### *Middle School Results*

All but one middle school reported that there were reports of girl-on-girl violence on their campus. A majority of the schools (85.7 percent) said that it had happened more than once. Girl-on-girl violence tended to happen in classrooms and hallways (85.7 percent). Another frequent location where girl-on-girl violence was reported to occur was the playground (42.9 percent). A significant number of schools (35.7 percent) also said that bullying occurred online or at locations just outside of campus, like a park or a store.

The most common form of girl-on-girl violence reported was verbal assault (85.7 percent). An overwhelming 71.4 percent listed emotional assault and 42.9 percent listed physical assault as forms of girl-on-girl violence experienced on their campus. Most schools (60 percent) believed that they had an average amount of girl-on-girl violence on their campus.

The most typical response from middle schools, when asked how they dealt with these problems once diagnosed was to refer the students to a counselor (85.7 percent). Half of all respondents said that they assigned students to some sort of disciplinary program and another half said they used “in school suspension.” Some schools had gone as far as calling the police with cases of girl-on-girl violence (28.6 percent). A majority of middle schools (59.1 percent) said they had some sort of anti-bullying program. Two specific programs that were mentioned by respondents were the “Where Everyone Belongs” and “Safe School Ambassador” programs. Other schools noted that they have a police officer check in with the school (64.3 percent) and have installed cameras (35.7 percent) and half of respondents said they had parents and faculty patrolling the halls.

### *High School Results*

Every high school reported that there were reports of girl-on-girl violence on their campus. All of them said it has been reported more than once; however, two schools failed to give exact numbers. The lowest number of reported cases was two and the highest was 15. It should be noted that the school that only had two cases of reported girl-on-girl violence was an extreme outlier in the study since it is a small continuation high school with only 20 students.

Most high schools (62.4 percent) reported bullying starting between the ages of 13 and 15. This age, coincidentally, is the youngest age girls can enter high school and thus the youngest age school administrators see these girls and their cases of bullying. Bullying was mostly reported in the hallway, classroom, and other places on campus (87.5 percent). Half of respondents listed other places bullying occurred, such as the gym or locker room, on the internet (cyber-bullying), or just off campus.

Every respondent said that girl-on-girl violence involved verbal assault. An overwhelming number (75 percent) said that it also involved physical assault and 50 percent said that it included emotional assault (i.e. exclusion). Especially troubling was that 12.5 percent of schools reported girl-on-girl violence which also involved sexual assault and harassment. However, 75 percent said they do not believe there is much of a bullying problem on their campus. One school said that they felt that there was not “much” of a bullying problem on their campus and one outlier said there was none. This is the before-mentioned outlier school that had no bullying problems that year.

Most often it was students who were reporting cases of girl-on-girl bullying (37 percent). However, several schools pointed out that it is often a mixture of people who report bullying including the student, teachers, school administrators or other witnesses. Every school said that

they were willing to suspend or remove a student caught being a bully. Most said that they would also refer the case to a counselor (75 percent) and/or place the student on suspension (62.5 percent).

Half of the high schools reported having some form of anti-bullying program and half said they did not. Seventy-five percent of schools said installing video cameras and having parents and staff patrol the schools were their most significant anti-bullying techniques. One quarter said they have a police officer permanently stationed on campus.

### ***Recommendations and Advice***

All of the CCCW research suggests that the most effective way to combat bullying is through **education--teaching students about the signs, effects and consequences of bullying**. This is one of the reasons the CCCW plans on conducting workshops throughout Contra Costa County about girl-on-girl violence. These workshops will present a safe environment for victims of bullying to talk about their experiences and seek counseling, and will enable the CCCW and the community at large, to understand the state of girl-on-girl violence in the County. The workshops will also target the bystander children who witness bullying happening around them but do not report it. The goal is to create a culture where students are encouraged to report bullying to a teacher, and where it is acceptable to stand up to a bully on behalf of another person. This solution is one that organizations like the Ophelia Project are using to effectively combat bullying. Bullies will stop once they realize that their behavior is unacceptable, and that there will be severe consequences for bullying. In order to create this environment, bullying must no longer be tolerated in schools, neighborhoods or the community.

The CCCW also recommends that the school districts of the County take a proactive stance in lobbying in Sacramento on behalf of students to demand stronger anti-bullying

legislation. A clear and encompassing definition for bullying is needed in California anti-bullying legislation. Once this is achieved, the state will then be able to create laws that can greater protect children.

### *Future Plans*

Over the next year, the CCCW plans to continue its study of girl-on-girl violence with a specific focus on increasing the response rate to the survey. The CCCW plans on administering the survey to students in the County to gain knowledge of their firsthand experience with girl-on-girl violence. The CCCW would like to start setting up workshops throughout the County to educate parents, teachers and students about girl-on-girl violence and the ways in which it can be overcome. The workshops will feature professional speakers who can further shed light on the issue. The CCCW will also be seeking out several students and parents whose children have suffered through bullying to share their personal experiences with girl-on-girl violence. A psychologist will speak to why girl-on-girl violence occurs, its numerous effects and what can be done to end it. These workshops will also include a data collection component where the CCCW will be soliciting information about girl-on-girl violence from participants.

The CCCW hopes to get a diverse group of community members involved in these workshops. The CCCW will conduct outreach to parents, students, and school faculty groups to encourage them to attend. The CCCW would also like to see other leaders in the community attend these workshops. With as broad a coalition of educators, students, parents and community leaders as possible, the CCCW would like to educate the public about girl-on-girl violence and find ways to work together in the community to stop it.

## *In Conclusion*

It is clear from this study that schools are seeing cases of girl-on-girl violence on their campuses. Girl-on-girl violence seems to be starting at a very young age, with 100 percent of elementary schools reporting cases of girl-on-girl violence. Many schools also report that they have no formal anti-bullying program in place on their campus. This signifies a clear need within Contra Costa County, and with the additionally alarming number of schools reporting problems with cyber-bullying, it is clear that action must be taken now. In 2011 the CCCW hopes to take steps in this direction by educating the public on what girl-on-girl violence is and finding ways to prevent it.

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<sup>i</sup> "Bullycide" a new colloquial term used to describe the suicide of a young person to escape bullying.

<sup>ii</sup> "Mass. Governor Signs Landmark Anti-Bullying Law - CBS News." *Breaking News Headlines: Business, Entertainment & World News - CBS News*. Cbs News, 3 May 2010. Web. 10 July 2010. <<http://www.cbsnews.com/stories/2010/05/03/national/main6456989.shtml>>.

<sup>iii</sup> Olweus, D. (1997). Bully/victim problems in school: Facts and intervention. *European Journal of Psychology of Education*, 12, 495-510.

<sup>iv</sup> "The Ophelia Project." *The Ophelia Project - Leading Resource On Relational Aggression*. Jan. 2006. Web. 10 July 2010. <[http://www.opheliaproject.org/main/ra\\_glossary\\_bullying.htm](http://www.opheliaproject.org/main/ra_glossary_bullying.htm)>.

<sup>v</sup> The Ophelia Project is a group that's mission is to serve youth and adults who are affected by relational and other non-physical forms of aggression by providing them with a unique combination of tools, strategies and solutions. They CCCW studies that look into the problem of bullying in our society, have a website and create workshops to teach people about what bullying is and how to stop it. [http://www.opheliaproject.org/main/who\\_we\\_are.htm](http://www.opheliaproject.org/main/who_we_are.htm)

<sup>vi</sup> "9 Teens Charged for "Unrelenting" Bullying - CBS News." *Breaking News Headlines: Business, Entertainment & World News - CBS News*. Cbs News, 29 Mar. 2010. Web. 12 July 2010. <<http://www.cbsnews.com/stories/2010/03/29/national/main6343798.shtml?tag=contentMain;contentBody>>.

<sup>vii</sup> Ibid2

<sup>viii</sup> "Bullying Bill OK'd in House, 148 to 0 - The Boston Globe." *Boston.com*. 3 May 2010. Web. 15 July 2010. <[http://www.boston.com/news/education/k\\_12/articles/2010/03/19/bullying\\_bill\\_okd\\_in\\_house\\_148\\_to\\_0/](http://www.boston.com/news/education/k_12/articles/2010/03/19/bullying_bill_okd_in_house_148_to_0/)>

<sup>ix</sup> Bullying is mentioned in California anti-bullying laws but it is not defined. This means that someone can be charged with criminal actions that are defined by the law that are part of bullying, such as assault. But you can not be charged with bullying as a crime.

<sup>x</sup> "Mass. - Senate Bill 261." *BullyPolice.org*. Web. 10 Sept. 2010. <[http://www.bullypolice.org/ma\\_law.html](http://www.bullypolice.org/ma_law.html)>.

<sup>xi</sup> Bully Police USA describes itself as a "watch-dog organization – Advocating for bullied children and reporting on state anti bullying laws. They rank each states anti bullying laws on a grading scale of A++ to F. They base their ranking on twelve points that will be listed in the "articles reference" part of the report.

<sup>xii</sup> "CA - Various Statutes." *BullyPolice.org*. Web. 8 Sept. 2010. <[http://www.bullypolice.org/ca\\_law.html](http://www.bullypolice.org/ca_law.html)>.

<sup>xiii</sup> Hoffman, Jan. "Online Bullies Pull Schools into the Fray." *The New York Times - Breaking News, World News & Multimedia*. The New York Times, 27 June 2010. Web. 13 July 2010. <[http://www.nytimes.com/2010/06/28/style/28bully.html?\\_r=2&src=me&ref=general](http://www.nytimes.com/2010/06/28/style/28bully.html?_r=2&src=me&ref=general)>

<sup>xiv</sup> Ibid 13

<sup>xv</sup> "Research Findings on Cyberbullying - Downloadable Charts, Statistics, Data, Studies." *Cyberbullying Research Center - Findings, Stories, Cases, Downloads, Fact Sheets, Tips and Strategies, News Headlines, a Blog, and Other Helpful Resources*. 2010. Web. 12 Sept. 2010. <<http://www.cyberbullying.us/research.php>>.

<sup>xvi</sup> Ibid 14

<sup>xvii</sup> Ibid 13

<sup>xviii</sup> Ibid 13

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"Research Findings on Cyberbullying - Downloadable Charts, Statistics, Data, Studies." *Cyberbullying Research Center - Findings, Stories, Cases, Downloads, Fact Sheets, Tips and Strategies, News Headlines, a Blog, and Other Helpful Resources*. Web. 12 Sept. 2010. <<http://www.cyberbullying.us/research.php>>.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: 2010 ANNUAL REPORT FROM ALCOHOL AND OTHER DRUGS ADVISORY BOARD

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**RECOMMENDATION(S):**

ACCEPT Alcohol and Other Drugs Advisory Board 2010 Annual Report.

**FISCAL IMPACT:**

Not applicable.

**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.

Annual reports shall follow the following format and shall not exceed two typewritten pages:

Advisory Body Name: Alcohol and Other Drugs Advisory Board

Advisory Body Meeting Time/Location: Martinez 3:45 to 6:15PM, but it varies to different locations every quarter.  
Chair



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

---

Action of Board On: 01/25/2011



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

Karen Mitchoff, District IV  
Supervisor

Federal D. Glover, District V  
Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Haven Fearn, 335-3340

cc: Tasha Scott, Barbara Borbon, fatima matal sol



BACKGROUND: (CONT'D)

(during the reporting period): Katy-Ann Kelley

Staffperson (during the reporting period): Fatima Matal Sol

Reporting Period: January 1, 2010 to December 31, 2010

I. Activities (1/2 page)

II. Accomplishments (1/2 page)

III. Attendance/Representation (1/4 page)

IV. Training/Certification (1/4 page)

V. Proposed Work Plan/Objectives for Next Year (1/2 page)

CONSEQUENCE OF NEGATIVE ACTION:

Not applicable.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

G:\C&G DIRECTORY\NON CONTRACTS\2010 annual report.doc

**Alcohol and Other Drugs Advisory Board  
of Contra Costa County**

**2010 ANNUAL REPORT**

**Meeting Time and Location:** Generally on the fourth Wednesday of each month from 3:45 to 6:15pm in Concord or Martinez; except when the Board meets within each supervisorial district to outreach to those residents.

**Board:** 18 members; 3 from each supervisorial district plus 3 at large. Each member is appointed for a three-year term by the Board of Supervisors.

**Chair:** Katy-Ann S. Kelley

**Staff:** Fatima Matal Sol

**Mission:**

The mission of the Alcohol and Other Drugs Advisory Board of Contra Costa County is to assess family and community needs regarding treatment and prevention of alcohol and other drug abuse problems and report our findings and recommendations to the Health Services Department, the Board of Supervisors, and the communities that we serve.

**Activities:**

The 2009 goals were continued through 2010: 1) Educate the community about alcohol and other drugs and underage drinking; 2) Continue and increase public education via advocacy; 3) Strengthen the organizational structure of the Board; 4) Support the work of the Alcohol and Other Drugs (AOD) Division towards reducing health disparities. These goals were supported through the various activities of each Committee. One lengthy project was our Marijuana Legalization Educational Series, May – August, with speakers from various fields related to the subject. We concluded with a presentation of a RAND report, [“Altered State? Assessing How Marijuana Legalization in California Could Influence Marijuana Consumption and Public Budgets”](#), Beau Kilmer, Ph.D., Co-Director, RAND Drug Policy Research Center. This presentation was followed by our vote in September and recommendations were presented to the Board of Supervisors in our letter of October 20, 2010.

**Accomplishments:**

**Goal 1) Educate the community about alcohol and drugs and underage drinking.**

(a) The Board continued supporting and sponsoring additional town hall meetings intended to increase awareness about the enforcement of the County’s 2008 Social Host Ordinance. (b) The highlight of our work in regards to increasing awareness however, took place during the Marijuana Legalization Educational Series in response to Proposition 19 on the November 2010 ballot. Although Marijuana Legalization was politically charged, we were keenly aware that we had a major role to play in educating the community. We invited members of the public and invited a wide range of selected speakers who were knowledgeable about the most important aspects and implications of the proposed law. Hence, our presenters shared a balanced view of all sides of the proposition. Our speakers included: Contra Costa’s District Attorney, a deputy sheriff, medical doctors, the president of Oakland University in Oakland, a local NAACP chapter president, various local citizens, and the primary author of the RAND research study. The presentations were an opportunity to directly engage with the public and openly establish dialogue regarding a highly complex and controversial issue. (c) Other

activities of the Board included participating in the Pulmonary Health Fair sponsored by the John Muir Health Foundation in October by the Community Awareness committee. (d) The Public Policy Committee played a major role in ensuring that our presentations were balanced in addition to keeping us informed of various proposals in Sacramento to tax alcohol.

**2) Continue and increase advocacy for constituents.** (a) Continued positive relations with many county departments including the Tobacco Prevention Coalition (b) A very successful “People who Make a Difference Awards” ceremony was conducted by the Community Awareness Committee which aided in maintaining the visibility of our Board and directly interact with constituents. (c) Once again, we advocated for additional resources for the Juvenile Drug Court and received \$1000 in donations from a local church, which helped towards the purchase of bus passes and alcohol tests. (d) As we do every year, the Board prepared resolutions to the Board of Supervisors concerning Alcohol Awareness Month in April and Red Ribbon Week in October. (e) The youth and family committee continued its tradition of participating on the Recovery Walk activities by mobilizing other Health Services Department Divisions and joined consumers on the 2010 Recovery Walk. The Youth and Family committee began to connect with AOD System of Care community-based providers to better understand the needs of the clients under decimated budgets. (f) Finally, in October the youth and family/community awareness committee coordinated a site visit to Discovery House a county operated residential facility for men.

**3) Strengthen the organizational structure of the Advisory Board.** Perhaps the single best accomplishment on this goal was the production of a 5-minute recruitment video that informs the public of the purpose of the Board. Our Bylaws are in the process of being revised.

**4) Support the work of the Alcohol and Other Drugs (AOD) Division towards reducing health disparities.** Because of the amount of time and effort invested on the Marijuana Legalization Series, we had little time to devote to goal 4. We hope to continue the work done by previous members during 2011.

**Training and Certification** Upon appointment to the Board, new members received an orientation by staff, which included internal functioning of the Board, the Brown Act and Better Government Ordinance, confidentiality laws, alcohol and other drugs services, etc. New members certified viewing the Brown Act information video prepared by County Counsel or attended a live class in the Board of Supervisors chambers.

**Proposed Work Plan/Objectives for 2011:** The AODAB will continue to pursue our current goals unless; a new direction is requested by the Board of Supervisors or as a result from updated priorities during our annual retreat.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Catherine Kutsuris, Conservation & Development Director  
Date: January 25, 2011

Subject: Rate Increase, New Services and Franchise Agreement Extension for Solid Waste Collection in the Unincorporated Areas Served by Garaventa Enterprises

**RECOMMENDATION(S):**

1. ACCEPT report from NewPoint Group in Exhibit A regarding their review of the Base Year Rate Application submitted by Garaventa Enterprises;
2. APPROVE residential and commercial solid waste & recycling collection rate increase of 13.88% for customers in the unincorporated areas served by Garaventa Enterprises (Contractor) under the County's Franchise Agreement with Garaventa Enterprises ("Franchise Agreement");
3. APPROVE and AUTHORIZE the Chair of Board of Supervisors to execute Amendment No. 2 to the Franchise Agreement, to add the Ironhouse Unincorporated Area described in Exhibit B;
4. APPROVE and AUTHORIZE the Chair of the Board of Supervisors to execute a third amendment to the Franchise Agreement that extends the term of the Franchise Agreement by a total of 10 years and specifies that the franchise fee will be 7% upon implementation of 3-cart residential recycling collection services, pursuant to the terms of this board order and in a form approved by County Counsel;
5. APPROVE rate increase of 2% for commercial and light industrial customers to take effect upon implementation of franchise fee increase in conjunction with recommended 3-cart residential rate structure;
6. REQUIRE the Contractor to implement 3-cart residential recycling collection services on or about September 1, 2011;

☐ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/25/2011**

☒ APPROVED AS  
RECOMMENDED

☒ OTHER

Clerks Notes:

See addendum

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Gayle B. Uilkema, District II Supervisor  
Mary N. Piepho, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Lorna Thomson,  
925-335-1231

cc:

7. APPROVE recommended 3-cart residential rate structure for customers served by the Contractor under the County's Franchise Agreement which would become effective upon the implementation of 3-cart residential recycling collection services on or about September 1, 2011;

RECOMMENDATION(S): (CONT'D)

<u>Service Level (Cart Size)*</u>	<u>Monthly Rate (Maximum)</u>
20 Gallon	\$25.00
32 Gallon	\$31.20
64 Gallon	\$36.20
95 Gallon	\$43.05

*\* Minimum cart sizes specified, actual cart sizes provided to customers may be larger.*

8. REQUIRE the Contractor to provide the Director of Conservation and Development (DCD) with monthly reports, beginning August 1, 2011, reflecting the distribution of residential customers by service level in sufficient detail to allow the Director to determine whether or not it is appropriate to request submittal of an additional base year rate application;

9. DIRECT staff, in consultation with the Contractor, to identify potential recommended revisions to the Rate Setting Process and Methodology Manual and any associated changes potentially needed to related terms in the County's Franchise Agreement in order to report back to the Board on or around March 22, 2011;

10. DIRECT staff to consult with the Contractor and study the possible outcomes of including regulation of construction and demolition debris in the Franchise Agreement and report findings to the Board in twelve months; and

11. DIRECT staff to request direction from the Board of Supervisors regarding each County solid waste and recycling collection Franchise Agreement three years before the applicable agreement expires.

FISCAL IMPACT: No impact to the County General Fund. The costs for DCD staff time and related consulting services pertaining to these matters would be covered by existing solid waste franchise fees. The additional franchise fee revenue to be derived from the recommended 2% fee increase would help offset the cost of services related to administering the Franchise Agreement.

BACKGROUND:

The County has a solid waste Franchise Agreement with Garaventa Enterprises (Contractor) for service to the following unincorporated areas:

- Bay Point - portion (remainder of Bay Point falls within the area served under the County's Franchise with Allied Waste)
- Bethel Island (contingent upon Amendment No. 2 taking effect incorporating the Ironhouse Unincorporated Area)
- Brentwood, unincorporated
- Concord, unincorporated
- Discovery Bay
- Knightsen
- Oakley, unincorporated

The County's service area includes portions of Supervisorial Districts III, IV and V. Byron Sanitary District administers its own solid waste collection franchise agreements and regulates the residential rates for the areas within its boundaries.

On October 7, 2009, the Board of Supervisors authorized the filing of a Base Year Rate Application two years early at the Contractor's request, due to extenuating circumstances in the economy cited by the Contractor and directed the Conservation and Development Director to concurrently evaluate the restructuring of residential collection services and identify associated rate change recommendations consistent with the approach used for similar restructuring of residential collection services and rates recently approved by the Board in other areas of the unincorporated County.

**NewPoint Group Review of Garaventa Enterprises Rate Application**

The County entered into an agreement with NewPoint Group to review the Base Year Rate Change Application submitted by the Contractor. The result of NewPoint Group's review is contained in their report dated January 10, 2011, which is attached as EXHIBIT A. NewPoint Group conducted their review consistent with the applicable provisions of the Rate Setting Manual approved by the County for use in the service area and the recommendations resulting from this review are detailed in the report.

The Base Year Rate setting process normally occurs every four years. This process requires that a detailed rate change application be submitted by the Contractor along with the most recent financial audit and supplemental financial and operational information.

Using the detailed financial data provided, NewPoint Group reviews several cost categories to determine the appropriate rate adjustment. The major cost categories include:

- Direct Labor Costs
- Tipping Fees
- Corporate and Local General and Administrative Costs
- Household Hazardous Waste Program Costs
- Trucking and Equipment
- Allowable Profit
- County's Franchise Fee

Between Base Years, the Contractor is permitted to request Interim Year Rate Adjustments. The Interim Year Rate Review is less rigorous than that carried out in a Base Year. The Interim Year adjustments are calculated based on a weighted increase in controlled and uncontrolled costs, including tipping fees, regulatory charges and Consumer Price Index adjustments. Special extraordinary cost increases are also taken into account. The Contractor is not required to submit audited financial data with the interim year rate application.

### **History of Solid Waste Collection Rate Increases**

Below is a brief summary of rate increases approved by the County over the past several years in the service area:

#### **2003: Base Year Rate Application**

Average residential & commercial rate increase of 7.66% and residential rates were standardized.

#### **2004: Interim Year Rate Application**

Average commercial rate increase of 11.79% (actual increases ranged between 2% - 25% depending on the level of service) and commercial rates were standardized.

#### **2005: Interim Year Rate Application**

Residential and commercial increase of 3.89%

#### **2006: Interim Year Rate Application**

Residential and commercial increase of 2.69%

#### **2007: Base Year Rate Application**

Residential and commercial increase of 6.44% (including Special Extraordinary Costs increase allowance of 1.55% for fuel)

### **Proposed 2011 Solid Waste Collection Rate Increase**

The Contractor has proposed to increase residential and commercial rates in their unincorporated service area. The Base Year Application submitted by the Contractor requested a rate increase of 21.10%. The NewPoint Group made specific adjustments to costs reflected in the application and, thus, recommends a 13.88% rate increase. The adjustments reflect the reductions in the amount of revenue required to cover allowable costs, profit levels and pass through costs. These adjustments are consistent with the Board's discretion under the Franchise Agreement and with the guidance in the Rate Setting Manual.

The table below summarizes the existing and recommended residential solid waste collection rates.

#### **Recommended Base Year Rates for 2011**

<b>Service Level</b>	<b>Existing Rates</b>	<b>Recommended Base Year Rates (13.88% Increase)</b>
20 Gallon	\$23.34	\$26.58
32 Gallon	\$28.85	\$32.85
64 Gallon	n/a	n/a
96 Gallon*	\$31.85	\$35.85

\* Currently, customers who select the 96-gallon cart are provided with company-provided containers and pay a flat rental charge of \$3.00 per month (included in rate shown). The 13.88% is not applied toward the \$3.00 cart rental charge.

The recommended 13.88% increase would also apply to commercial and light industrial customers served by the Contractor under the County's Franchise Agreement.

### **Franchise Agreement Amendment No. 2**

On February 1, 2010, Ironhouse Sanitary District transferred to the City of Oakley the authority to franchise for solid waste and recycling collection for the area in the city. Ironhouse Sanitary District now wants to relinquish its right to provide solid waste collection and disposal services in the unincorporated area of Contra Costa County within its borders ("Ironhouse Unincorporated Area"). County and Ironhouse propose to accomplish this by entering into an agreement to terminate their existing Memorandum of Understanding as well as amending the County's Franchise Agreement with Garaventa Enterprises to include this additional area. Amendment No. 2 has been executed by the Contractor (see Exhibit B).

### **Franchise Agreement Amendment No. 3**

Staff recommends extending the term of the Franchise Agreement by 10 years to accommodate longer amortization period for necessary capital investment to enhance the residential recycling services. A minimum of six years would be needed to allow for the 10 year depreciation period assumed in the 3-cart rates proposed for Board approval. The additional four years being recommended is intended to serve as an incentive for the Contractor to proceed with implementing the 3-cart services in 2011. The term would be extended by amending the Franchise Agreement as recommended in #4 above. Although this new amendment is intended to take effect upon execution, the 10 year extension would be revocable by the County if Contractor fails to implement the enhanced residential recycling services as required. The Contractor is expected to implement the enhanced 3-cart recycling services on or about September 1, 2011 (date contingent upon receipt of carts by contractor). Contractor is expected to order sufficient quantity of carts to serve the intended residential customers as directed by the County DCD. The Contractor is expected to place order for residential carts following Board consideration of potential recommended revisions to the Rate Setting Process and Methodology Manual on or around March 22, 2011 (as recommended in #9 above). The County has not increased the franchise fee percentage since initially established at 5% about 10 years ago. Staff is now recommending a 2% franchise fee increase, from 5% to 7%, for services provided by the County related to administering the Franchise Agreement.

### **Recommended 3-Cart Services & Rate Structure**

The Contractor will provide 95-gallon wheeled carts for customers to place their yard debris in to replace current use of customer supplied bags or containers. Yard debris will continue to be collected curbside for recycling on a bi-weekly schedule. The Contractor will provide customers with 95-gallon wheeled carts for customers to place their mixed recyclables (including bottles, can and paper) for curbside collection to replace the two existing 14 gallon recycling crates. The recycling collection schedule will be changed from weekly to bi-weekly upon implementation of 3-cart services and rates. Contractor will provide all customers with wheeled garbage carts in some cases replacing customer owned cans. Customers will be asked to select the size of their garbage carts and customers which do not elect to choose their cart size will receive the following cart sizes by default:

- 20-gallon can and 32-gallon can customers will be provided with wheeled carts roughly equivalent in capacity to their existing cans
- 96-gallon wheeled cart customers will be provided with 64-gallon wheeled carts

There are approximately 75 rural accounts (including a mobile home park which is treated as one account) located in the Marsh Creek Road area which will not be provided with wheeled carts for their yard debris or recyclables due to the exceptional cost of servicing that area with three separate trucks. These customers would be provided with special bags for recycling and yard waste collection that will be serviced by the garbage truck and then sorted for recycling processing at the transfer station.

Staff worked with the Contractor to determine a rate structure that would be most likely to support the necessary revenue requirement for the Contractor to provide residences with these new services. The Contractor did not agree with the NewPoint Group recommendation because it used a cost model based on the audited financial statements, which included the City of Oakley. The Contractor provided a proposed rate structure using a cost model based on their assumptions of the costs for service to the unincorporated area only. County staff did not agree with the Contractor's proposal because it was based on cost assumptions that have not been subject to an independent audit. For comparison purposes, the following table includes the current rates, the rates with the 13.88% increase, the 3-cart rates prepared by NewPoint Group, and the 3-cart rates prepared by the Contractor.

Service Level	Current Rates	Base Year Rate Increase of 13.88%	NewPoint Group 3-Cart Rates From Final Report	Garaventa 3-Cart Rates
20 Gallon	\$23.34	\$26.58	\$ 24.95	\$ 27.24
32 Gallon	\$28.85	\$32.85	\$ 30.20	\$ 31.95



64 Gallon			\$ 35.95	\$ 37.40
96 Gallon	\$31.85*	\$35.85*	\$ 40.45	\$ 45.00

\* Currently, customers who select the 96-gallon cart are provided with company-provided containers and pay a flat rental charge of \$3.00 per month (included in rate shown). This \$3.00 per month rental charge would no longer be allowed upon implementation of the 3-cart rate structure.

The 3-cart residential rates in Recommendation #8 above differ from the rates proposed by NewPoint Group and the rates proposed by the Contractor. The recommended rates are estimated to generate revenue from residential customers that are midway between the revenue requirement calculated by NewPoint Group and the revenue requirement calculated by the Contractor.

#### **Tracking & Reporting of Residential Customer Accounts and Revenue**

Staff will work with the Contractor to ensure that actual residential customer revenue is tracked (including monthly breakdown of customers by cart size and community) so that the data can be used to calculate the actual revenue generated by Board approved rate structure. If approved rate structure is determined to generate excessive residential revenue, County staff would formally request that the Contractor submit a rate application.

#### **Review of the Rate Setting Manual**

The Contractor has suggested changes to the Rate Setting Manual. County staff has reviewed some of these changes and agrees that any changes should make the application process more transparent and easier for the Contractor to complete in an accurate manner.

Among potential changes will likely be a delineation of the proposed method for Contractor to segregate cost information for regulated and non-regulated operations. Section 7 of the County's Franchise Agreement requires the Contractor to obtain the County's written approval of its method of segregating its financial records between County-regulated and non-County regulated operations. The separation of the former Ironhouse Service Area between Oakley and the County increases the significance of adhering to the Franchise Agreement's requirements. This would predominately relate to subsets of the franchise area where Contractor provides service to County and non-County customers (e.g. Pittsburgh/Oakley areas regulated by cities).

County staff is prepared to complete this review with the Contractor with the understanding that the Rate Setting Manual is the County's document, which does not require approval or agreement by the Contractor. County staff will report to the Board identifying which suggestions would be inconsistent with existing policy and what if any additional implications such changes would have on the Franchise Agreement. County staff will also consider any other minor administrative changes that do not have implications to rate payers. County staff will report to the Board on this matter on or about March 22.

#### **Conduct Construction and Demolition Debris Recovery Study**

The Contractor believes it would be mutually beneficial if the County considered construction and demolition (C&D) debris to be part of the waste stream which the company has the exclusive right to collect. Staff is recommending that we have a study conducted in order to help determine if granting the Contractor exclusive privilege and duty to collect C&D debris would likely result in greater diversion and convenience, lower costs and more types of C&D materials collected for recycling. Staff estimates this study would cost no more than \$25,000. The Contractor would be consulted prior to finalizing a potential scope of work for the C&D study and a draft would be provided for the Contractor's review prior to beginning work on the study. Staff anticipates reporting back to the Board with any relevant findings and recommendations within twelve months.

#### **Direction from Board of Supervisors Three Years Prior to Expiration**

In order to seek direction from the Board regarding whether or not to extend solid waste and recycling collection franchise agreements, staff proposes to return to the Board of Supervisors for direction three years prior to all franchise agreement termination dates. This timeframe should allow adequate time to conduct a Request for Proposal process if that were the desire of the Board, including soliciting and selecting a contractor as well as then completing negotiations with selected contractor.

#### **CONSEQUENCE OF NEGATIVE ACTION:**

#### **CHILDREN'S IMPACT STATEMENT:**

#### **CLERK'S ADDENDUM**

***By unanimous vote, APPROVED replacing the published Board Order with a new Board Order with revised recommendations as amended to insert the sentence "The additional franchise fee revenue to be derived from the recommended 2% fee increase would help offset cost of services related to administering the franchise agreement." as the final sentence in the Fiscal Impact section.***

***ACCEPTED report from NewPoint Group regarding their review of the Base Year Rate Application submitted by Garaventa Enterprises; APPROVED residential and commercial solid waste & recycling collection rate increase of 13.88% for customers in the unincorporated areas served by Garaventa Enterprises (Contractor) under the County's Franchise Agreement with Garaventa Enterprises ("Franchise Agreement"); APPROVED and AUTHORIZED the Chair of Board of Supervisors to execute Amendment No. 2 to the Franchise Agreement, to add the Ironhouse Unincorporated Area described in Exhibit B;***

*APPROVED and AUTHORIZED the Chair of the Board of Supervisors to execute a third amendment to the Franchise Agreement that extends the term of the Franchise Agreement by a total of 10 years, pursuant to the terms of this board order and in a form approved by County Counsel.*

ATTACHMENTS Report Amendment 2



## Review of Garaventa Enterprises 2010 Solid Waste Rate Application and New Three-Cart System for 2011



January 6, 2011

FINAL DRAFT REPORT

NewPoint Group®  
Management Consultants

*Proudly serving our clients since 1995*



## Review of Garaventa Enterprises 2010 Solid Waste Rate Application and New Three-Cart System for 2011



January 6, 2011

FINAL DRAFT REPORT

NewPoint Group®  
Management Consultants

*Proudly serving our clients since 1995*

January 6, 2011

Ms. Deidra Dingman  
Conservation Programs Manager  
Contra Costa County  
Department of Conservation & Development  
651 Pine Street, 4th Floor – North Wing  
Martinez, California 94553

Regarding: **FINAL DRAFT REPORT – Review of Garaventa Enterprises 2010 Solid Waste Rate Application and New Three-Cart System for 2011**

Dear Ms. Dingman:

NewPoint Group is pleased to present to Contra Costa County (County) our draft report titled, *“Review of Garaventa Enterprises Solid Waste Rate Application and New Three-Cart System for 2011.”* This final draft report presents results of our review of Garaventa Enterprises *2010 Base Year Rate Application* (Application). Our review includes both an evaluation of the 2010 Application, and an assessment of the impact of transitioning to a new three-cart residential collection system in 2011. Our review was conducted in accordance with procedures specified in the County’s Rate Setting Manual (Manual).

This report documents the following components of our rate review:

- Necessary adjustments to the 2010 Application submitted by Garaventa
- A description of the residential collection system before, and after, the proposed new three-cart system would be operational in 2011
- Potential increases in diversion levels from the new 2011 three-cart system
- New 2011 refuse, curbside recycling, and yardwaste rates, rate structures, and frequency distribution (subscription level) assumptions
- A survey of comparative rates of neighboring jurisdictions and within the unincorporated County
- An implementation timeline for the new 2011 three-cart system
- A summary of a recent customer satisfaction survey of Garaventa services.

Garaventa’s transition to a new three-cart residential collection system in 2011 represents a shift in how refuse, curbside recyclables, and yardwaste is accumulated and collected in the County. Garaventa will be challenged to effectively implement the new three-cart system. While there are customer benefits with the expanded three-cart capacity, the reality is that the new three-cart system also increases Garaventa’s overall costs.



Ms. Deidra Dingman  
January 6, 2011

Page 2

This report recommends a new 2011, residential collection rate and rate structure. The proposed 2011 rates are competitive and allow Garaventa to earn a reasonable financial return. These rates are fair to the County and Garaventa in light of the capital investment in new carts, and the associated risks, that Garaventa Enterprises, is undertaking.

The County must carefully weigh the potential overall benefits and costs of this 2011 solid waste system change as it involves a shift in the types of containers Garaventa uses for residential collection service. County policy makers must evaluate whether the mostly qualitative residential customer benefits (e.g., increased storage capacity, more container size choices, new carts, and ease of commingling “single stream” recycling), and some County-related benefits (e.g., enhanced street appearance and an increase in overall County diversion levels), are sufficient to offset the incremental County costs of new carts. Should the County policy makers approve the new three-cart system for 2011, following implementation, the County and Garaventa should expect a transitional period of at least a year, or more, characterized by some degree of residential service level instability and increased residential customer inquiries and demands. Finally, County areas served by Garaventa are undergoing a major shift this year, as the City of Oakley will assume franchise responsibilities for the areas formerly falling under the Ironhouse Sanitary District’s jurisdiction. The County should be aware that, following this transition, the revenue and cost structure of the remaining unincorporated areas may change (e.g., for the next base year).

\* \* \* \* \*

If you have any questions concerning this final draft report, please contact me at (916) 442-0189, or Mr. Erik Nylund at (916) 442-2456. Thank you for the opportunity to serve Contra Costa County.

Very truly yours,

NewPoint Group®, Inc.



James A. Gibson, Ph.D.  
Director

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## Executive Summary

# Executive Summary

This report represents NewPoint Group's review of Garaventa Enterprises (Garaventa's) 2010 Base Year Rate Application and our assessment of a proposed new three-cart residential collection system for 2011. This executive summary is organized as follows:

*A. Rate Review Background*

*B. 2010 Rate Review Results and Rate Recommendations*

*C. 2011 Three-Cart Residential System Rate Review Results and Recommendations.*

## A. Rate Review Background

### 1. Garaventa Rate Application

Garaventa submitted its 2010 Base Year Rate Application (Application) on December 9, 2009, requesting an effective 21.10 percent rate increase. After our initial review of the Application, we adjusted the Application for some minor mathematical errors and Garaventa's effective rate increase equaled 20.93 percent.

NewPoint Group, Inc. (NewPoint Group) was retained by Contra Costa County (County) to conduct an independent review of Garaventa's Application. For the review, we used guidelines provided in the County's *Rate Setting Process and Methodology Manual for Residential Solid Waste Charges (Manual)*. The 1998 Manual provides official framework for how the County reviews rate applications.

Garaventa subsidiary companies, and the unincorporated communities (County areas) they serve, are shown in **Table ES-1**, on the next page.

### 2. Garaventa Customer Satisfaction and Collection System Efforts

We summarize (in Appendix C) results of a recent customer satisfaction survey conducted by Garaventa for County services areas. In general, Garaventa's County customers are very satisfied with the refuse, recycling, and yardwaste collection services provided by Garaventa. County customers had a 90 percent satisfaction rating for refuse, recycling, and yardwaste collection services.

Garaventa Enterprises, recently invested approximately \$15 million in the Mt. Diablo Recycling Center (MDRC), located in Pittsburg, California. This state-of-the-art materials recovery facility (MRF) processes all Garaventa recyclables. Garaventa Enterprises constructed this facility using the most current and advanced sorting equipment and capabilities. Currently, Garaventa uses this MRF to process County area recyclables, both collected in crates at the curb, and from commercial businesses.



**Table ES-1**  
**Contra Costa County**  
**Garaventa Service Areas and Companies**

Service Area	Company Providing Service
1. Bay Point	Pittsburg Disposal and Debris Box Service, Inc.
2. Brentwood	Brentwood Disposal Services, Inc.
3. Byron Sanitary District areas	Brentwood Disposal Services, Inc.
4. Discovery Bay	Discovery Bay Disposal, Inc.
5. Oakley areas	Oakley Disposal Service, Inc.
6. North Concord	Minor – served by Concord Disposal Service
All Areas	Delta Debris Box Service Inc. (for debris box service)

The County requested that we examine a new three-cart residential collection system that Garaventa may implement in 2011 should the County approve this new program. As part of this new system, County ratepayers would receive a new refuse collection cart (32-, 64-, or 96-gallon), a new 96-gallon recycling cart (for bi-weekly service), and a 96-gallon yardwaste cart (for bi-weekly service). Garaventa would process materials collected from the single stream 96-gallon recycling cart using the new MRF's full sorting capabilities.

### 3. Prior Rate Changes

The County approved the last rate increase in mid-2008. Recent County rate increases, for Garaventa-served County areas, have been as follows:

- 2009: 0.00 percent
- 2008: 6.71 percent
- 2007: 6.44 percent
- 2006: 2.69 percent
- 2005: 3.89 percent.

On average, residential rates have increased 3.9 percent per year, since 2005. During this same five-year period, the San Francisco-Oakland-San Jose Consumer Price Index (CPI) increased by an average of 2.2 percent per year.

Garaventa has recently faced a financial challenge with declining collection revenues, increasing operating costs (e.g., labor and tipping fees), and poor recycling markets. As a result, Garaventa companies servicing the County showed a modest net income (before income taxes) of \$145,390 in its 2008 audited financial statements.<sup>1</sup>

### 4. Garaventa Rate Regulation

Garaventa provides collection services to the residential, commercial, and light industrial sectors. The County regulates rates of the residential and commercial sectors using adopted Manual guidelines.

In “base years,” the County examines all revenues, costs, and profits of Garaventa's County regulated activities. The County and Garaventa historically have not attempted to disaggregate costs, by sector, as Garaventa's operations costs are highly co-mingled.

Historically, the County has general applied rate changes to residential rates at the same level as commercial rates. In some years (e.g., 2004), the County approved an increase for commercial rates which was different from the residential rate increase.

### 5. Survey of Comparative Rates

We compared current County rates to rates of the following eleven (11) jurisdictions:

1. City of Antioch
2. City of Clayton
3. City of Concord
4. City of Lafayette
5. City of Martinez

<sup>1</sup> This financial statement result does not reflect any adjustments for rate setting purposes.

**Table ES-2**

**Comparison of Contra Costa County Garaventa-Served Area Residential Rates  
With Eleven (11) Comparative Jurisdictions  
(May, 2010)**

Size (gallons)	Contra Costa County Rate (Per Customer, Per Month)	Average Rate of Eleven (11) Jurisdictions (Per Customer, Per Month)	Percent Difference
20 (mini)	\$23.34	\$19.26	+21%
32	28.85	22.43	+29%
96	31.11	54.62	-43%

6. City of Moraga
7. City of Orinda
8. City of Pleasant Hill
9. City of Walnut Creek
10. Contra Costa County (CCCWA areas)
11. Town of Danville.<sup>2</sup>

**Table ES-2**, above, shows how current Garaventa County area residential rates compare to the eleven (11) jurisdictions. On a “nominal” comparison basis, Garaventa County area residential rates for the smaller container sizes are well above average, and the Garaventa County area’s residential rate for the 96-gallon container size is substantially below average.

Most Garaventa County area customers subscribe to the 96-gallon residential service level. As a result, most Garaventa County area residential revenues come from the 96-gallon customer. Garaventa thus can price its 96-gallon container rate lower than these comparative jurisdictions and still cover its residential revenue requirements.

In contrast, for the comparative jurisdictions, most residential revenues are generated from the smaller container sizes. Many of these comparative jurisdictions price their 96-gallon cart rate high to encourage customers to shift to smaller container

sizes. This rate structure difference results in significantly fewer comparative customers at the 96-gallon service level than for the County. As an example, seven (7) of the eleven (11) comparative jurisdictions had just five (5) percent, or less, of their residential customers with 96-gallon service.

Most current County bin and debris box rates are relatively close to the average of the eleven (11) comparative jurisdictions. Common bin and debris box percentage rate comparisons are shown below:

#### **Bin Service**

- 2 yard/1 per week, -1%
- 3 yard/1 per week, -7%

#### **Debris Box Service**

- 20 yard debris box (per pull), -15%.

In general, we caution the County’s use of comparative rates as a basis for setting rates as rates of other different jurisdictions have unique:

- Cross-subsidies between sectors
- Franchise fees and other services (contained within the rates)
- Legacy rate setting practices
- Levels of residential, commercial, and industrial business
- Profitability levels
- Rate structure objectives (e.g., reward waste reduction)

<sup>2</sup> The County has used these eleven (11) jurisdictions for rate comparisons since the Manual was adopted.

- Frequency distributions by cart size
- Rate setting methods
- Service levels (e.g., bi-weekly versus weekly yardwaste or recycling collection)
- Transfer station and landfill tipping fees (based on the proximity to these facilities).

## B. 2010 Rate Review Results and Rate Recommendations

### 1. Projected 2010 Revenue Requirement Shortfall

For 2010, we estimated an approximate \$1,270,000 revenue shortfall. We determined the following five (5) factors caused this shortfall:

- Labor cost increases associated with wage and benefit increases tied to union labor agreements (46.51% of shortfall)
- Combined transfer station and landfill “tipping fee” increases from \$65 per ton in 2008, to \$72.25 per ton in 2010 (19.78% of shortfall). This cost category includes the costs of refuse consolidation, transportation, and landfill disposal
- Trucking and equipment cost increases associated with (1) increasing wages and benefits for mechanics and shop laborers, (2) fuel and oil cost increases, and (3) property lease cost increases (14.86% of shortfall). This cost category includes the costs of all truck and equipment depreciation, repair and maintenance, parts, fuel, and storage
- County franchise fee increases<sup>3</sup> (17.56% of shortfall)
- Depreciation and other operating cost increases (1.29% of shortfall).

<sup>3</sup> As franchise fees are calculated based on a percentage of gross revenues, franchise fees increase as other costs increase.

### 2. NewPoint Group Review Adjustments

Our rate setting adjustments decreased the shortfall requested in Garaventa’s Application by approximately \$0.6 million, from \$1.9 million to \$1.3 million. We made adjustments to the following categories (with the percentage of our adjustment shown in parenthesis):

- Decrease in corporate and local general and administrative costs (59 percent reduction)
- Decrease in tipping fees (16 percent reduction)
- Decrease in operating profits (9 percent reduction)
- Increase in residential revenues (7 percent reduction)
- Decrease in franchise fees (5 percent reduction)
- Decrease in trucking and equipment costs (10 percent reduction)
- Increase in direct labor (11 percent increase)
- Decrease in depreciation and other operating cost (2 percent reduction)
- Increase in Recycled material sales (2 percent reduction)
- Decrease in County administrative fee (1 percent reduction).

### 3. Rate Options for 2010

Based on our review, we determined that a rate increase of 13.88 percent is needed to cover the revenue shortfall for 2010. A 13.88 rate increase if applied across all rates would fully cover the approximately \$1,270,000 2010 revenue shortfall.

We show the residential rate structure before, and after, this 13.88 percent rate increase in **Table ES-3**, on the next page. A 13.88 percent residential rate increase would result in 2010 residential rates that range from \$3.04 to \$4.00 per customer, per month. The most common 96-gallon rate (96 percent of customers) would increase from \$31.85 to \$35.85 per customer, per month.

**Table ES-3**

Contra Costa County  
Garaventa-Served Areas  
Residential Solid Waste Collection Rates  
With A 13.88 Percent Rate Increase  
(Per Customer, Per Month)

Service Level	Current 2009 Rate (Per Customer, Per Month)	Recommended 2010 Rate (Per Customer, Per Month)	Rate Increase (Per Customer, Per Month)
<b>County Areas (Other Than Byron Areas)</b>			
20-gallon can	\$23.34	\$26.58	\$3.24
32-gallon can	\$28.85	\$32.85	\$4.00
96-gallon cart	\$31.85	\$35.85	\$4.00
<b>Byron Areas</b>			
20-gallon can	\$21.88	\$24.92	\$3.04
32-gallon can	\$26.00	\$29.61	\$3.61
96-gallon cart	\$29.00	\$32.61	\$3.61

**Table ES-4**

Contra Costa County  
Garaventa-Served Areas  
Estimated 2010 Revenues and Expenses, by Sector  
(As a Percent of Total Revenues and Expenses)<sup>4</sup>

Description	Residential	Commercial	Total
Revenues	65%	35%	100%
Expenses	65%	35%	100%

We analyzed residential and commercial revenues and costs for this base year. These data are shown in **Table ES-4**, above.

### C. 2011 Three-Cart Residential System Rate Review Results and Rate Recommendations

For 2011, we evaluated impacts of an entirely new residential solid waste rate structure in conjunction with a new three-cart collection

system. The proposed residential three-cart collection system will include:

- **Refuse collection** – customer choice of a 20-gallon mini-can (company provided), 32-gallon cart (company provided), 64-gallon cart (company provided), or 96-gallon cart (company provided)
- **Curbside recycling collection** – a 96-gallon cart (bi-weekly service)
- **Yardwaste collection** – a 96-gallon cart (bi-weekly service).

In contrast to the current two 14-gallon crate system, customers will place all curbside recyclables commingled into a 96-gallon cart (called a “single stream” system) provided by the company. In contrast to the current customer-provided can and bag system, the customer will place all yardwaste materials into a 96-gallon cart provided by the company.

The single stream curbside recyclable materials will be processed at the new state-of-the-art Materials Recovery Facility (MRF) sort line at the Pittsburg Recycling and Transfer Center (Pittsburg California).

<sup>4</sup> These revenue and cost percentage figures reflect the pooling of all unincorporated County revenues and costs (i.e., are fully inclusive of the franchise areas of the City of Oakley areas which ultimately will be part of a new City of Oakley franchise in the near term). These figures presume that unincorporated County areas (both non-City of Oakley and City of Oakley) have a similar distribution of revenues and costs.

Overall, there are benefits and costs of the new collection system. County diversion is expected to increase with the new system. Garaventa anticipates that there will be an eighteen (18) percent increase in curbside recyclables tonnage, and a twenty-five (25) percent increase in yardwaste tonnage.

In evaluating the rate impacts of this new system, we carefully considered of a number of important factors, including the:

- *Price elasticity of different rate structures* – This factor refers to how customers respond to different rate structure scenarios, namely the percentage change in quantity demanded as a result of the percentage change in price
- *Customer transition period* – This factor refers to how long it takes before customers come into equilibrium on their cart selections. There likely will be a period of up to one year during which customers continue to shift service levels<sup>5</sup>
- *Determination of initial customer refuse cart size preferences* – This factor refers to the customers' initial selection of cart preferences. Garaventa plans to query residential customers, in a three-month period prior to placing its final cart orders (October through December 2010).

Based on our review, the new proposed rate structure, and rates, fully reflect new cart capital outlays totaling over \$2.1 million, including the purchase of nearly 40,000 new carts for total County area-wide refuse, curbside recycling, and yardwaste services. Rate assumptions included the Company's proposed ten (10) year amortization period, a 5.0 percent interest rate on the purchase of the carts, and allowed cart costs (with profit) in the rate base. The amortization period proposed by Garaventa would extend nearly six years beyond the term of Garaventa's current franchise granted by the County.

<sup>5</sup> Garaventa agrees to allow customers to shift service levels without restriction as opposed to requiring customers to commit to a service level over some set period of time.

**Table ES-6**  
Contra Costa County  
Assumed Residential Customer  
Frequency Distribution  
(Year 2011)

Service Level	Percent of Customers
20-gallon mini-can	1%
32-gallon cart	34%
64-gallon cart	40%
96-gallon cart	25% <sup>6</sup>
Total	100%

There are some risks associated with the transition to the three-cart system, including:

- Customers could, on average, select smaller refuse cart sizes than assumed in the customer preference frequency distribution
- There would be no "balancing account," or another similar mechanism to true-up projected revenues, and/or costs, with actual revenues and costs through 2011
- There could be revenue fluctuations and cash flow instability to the company throughout the year, as customers decide on their service levels and migrate to their preferred cart sizes.

Our assumed short-term frequency distribution (of the number of customers by rate category) is shown in **Table ES-6**, above. Our assumptions were based on:

- Over 96 percent of current customers have 96-gallon refuse service and we believe that some customers will, at least initially, want to retain their existing refuse cart capacity

<sup>6</sup> We believe that this is a conservative estimate for the company, and that it could take longer for County customers to transition from 96-gallon service to a smaller cart size (i.e., the first year result could show a larger number of customers subscribed to the 96-gallon carts). To the degree that it does take longer for customers to migrate to lower container sizes, the company would benefit from a profitability standpoint.



- 
- Consideration of actual frequency distribution data for other jurisdictions in the area following implementation of a three-cart system (City of Rio Vista, City of Concord).<sup>7</sup>

Under the assumption that the County approved a 13.88 percent rate increase in 2010, in **Table ES-7**, on the next page, we show that the 2011 residential

rate changes would range from -\$2.65 per customer, per month, to +\$4.60 per customer, per month. The most common 96-gallon residential rate would increase from \$35.85 per customer, per month, to \$40.45 per customer, per month, a 12.8 percent increase for an estimated 25 percent of County customers. The remaining estimated 48 percent of County customers would have a rate decrease.

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<sup>7</sup> There is a large amount of uncertainty in determining the frequency distribution. We cannot represent that our assumed frequency distribution will be the actual frequency distribution at the end of 2011. Our assumed frequency distribution is an average, used for revenue generation estimation purposes, relevant only for 2011. The County and Garaventa should carefully reevaluate both the rate structure, and frequency distribution assumptions, at the end of 2011. At that time, with more stability in customer behavior, and actual operating data under the new automated system, customer frequency distributions (number of customers by rate category) should begin to stabilize.



**Table ES-7**

Contra Costa County

Residential Rate Structure Before and After 13.88

Recommended Rate Increase for 2011 Three-Cart Residential System

(Calendar Year 2011)

Service Level	Proposed 2010 Rate (Per Customer, Per Month) <sup>8</sup> (With A 13.88 Percent Rate Increase)	Recommended 2011 Rate (Per Customer, Per Month)	Rate Change (Per Customer, Per Month)
20-gallon mini-can	\$26.58	\$24.95	-\$1.63
32-gallon cart	\$32.85	\$30.20	-\$2.65
64-gallon cart	N/A	\$35.95	N/A
96-gallon cart	\$35.85	\$40.45	+\$4.60

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<sup>8</sup> From Table ES-5, shown for County Areas other than Byron.



## **Section 1**

### **Introduction and Background of Rate Review**

# 1. Introduction and Background of Rate Review

On December 8, 2009, Garaventa Enterprises (Garaventa) submitted a 2010 Base Year Rate Change Application (Application) to Contra Costa County (County). Garaventa can submit a Base Year Rate Application every four (4) years in accordance with the County's 1998 *Rate Setting Process and Methodology Manual for Residential Solid Waste Charges* (Manual).

Garaventa submitted this 2010 Application at a time of unprecedented downturn in the economy. The recent recession caused customers to purchase fewer goods and consequently dispose of less refuse. As customers generated less refuse, they decreased their refuse collection service levels. Garaventa revenues have, in turn, recently declined.

A refuse collection company's costs of operation are largely fixed (e.g., trucks, facilities, overhead). Even though Garaventa revenues have declined, Garaventa costs have not decreased at the same rate. The result is that Garaventa profits recently have fallen below the target profit level specified in the Manual.

The Application comes as a time when Garaventa Enterprises has expended significant resources to finance and construct a new Materials Recovery Facility (MRF) sort line at the Pittsburg, California location. Mt. Diablo Recycling processes County recyclables using this MRF sort line.

The Application is submitted at a time of minimal inflation, as measured by the San Francisco-Oakland-San Jose Consumer Price Index (CPI). The annual percentage change in this CPI in 2009 ranged from just 0.10 percent to 2.61 percent.<sup>1</sup>

Under these complex and mostly unfavorable conditions, in the Application Garaventa has requested a 21.10 percent rate increase for 2010. This large requested rate increase is unprecedented over the past approximately twelve (12) years since the County adopted the Manual.

On April 12, 2010, the County retained NewPoint Group to review and analyze the Application. This report documents results of our rate review. The remainder of this introductory section is organized as follows:

- A. *Background of Review*
- B. *Scope of Rate Review*
- C. *Regulation of Residential and Commercial Sectors*
- D. *Overview of Rate Application and Rate Request*
- E. *Garaventa Enterprises and Related Companies*
- F. *Rate History.*

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<sup>1</sup> Based on year 2009 changes in the San Francisco-Oakland-San Jose Consumer Price Index (CPI) as follows: February 2008 to February 2009 (+1.16 percent), April 2008 to April 2009 (+0.80 percent), June 2008 to June 2009 (+0.23 percent), August 2008 to August 2009 (+0.17 percent), October 2008 to October 2009 (+0.10 percent), December 2008 to December 2009 (+2.61 percent).



### A. Background of Review

Garaventa has an exclusive franchise with the County to collect, and remove for disposal and recycling, all residential and commercial, and light industrial solid waste, including recyclable materials. Garaventa has a twenty-year franchise with the County, beginning with an effective date of May 9, 1995, and ending May 8, 2015. The County has jurisdiction to regulate collection, removal, and disposal of all solid waste, and the recycling of all materials.

Garaventa provides service to the following six (6) geographic areas located within unincorporated Contra Costa County:

1. Bay Point (part of Bay Point)
2. Brentwood
3. Byron Sanitary District areas
4. Discovery Bay
5. Oakley areas
6. North Concord – unincorporated areas

**Exhibit 1-1**, on the next page, shows the refuse collection service areas located within unincorporated Contra Costa County.

Garaventa has five (5) subsidiary companies that perform the actual collection activities for the first five (5) service areas, noted above. These companies are:

- Brentwood Disposal Services, Inc.  
(Brentwood, Byron, Knightsen, other rural County areas)
- Delta Debris Box Service, Inc.
- Discovery Bay Disposal, Inc.  
(Discovery Bay area)
- Oakley Disposal Service, Inc.  
(Ironhouse Sanitary District area)
- Pittsburg Disposal and Debris Box Service, Inc. (Bay Point area).

Concord Disposal Service (CDS) performs the refuse collection for the small North Concord area. A total of approximately 30 County customers are

served by CDS in this area. CDS rates are subject to rate review by the City of Concord and, as a result, the revenues and costs for this small area have not been included in this County rate review. North Concord area rates are set equal to City of Concord rates. Throughout this report, we use “Garaventa” to refer to the five (5) companies that actually provide the collection service.

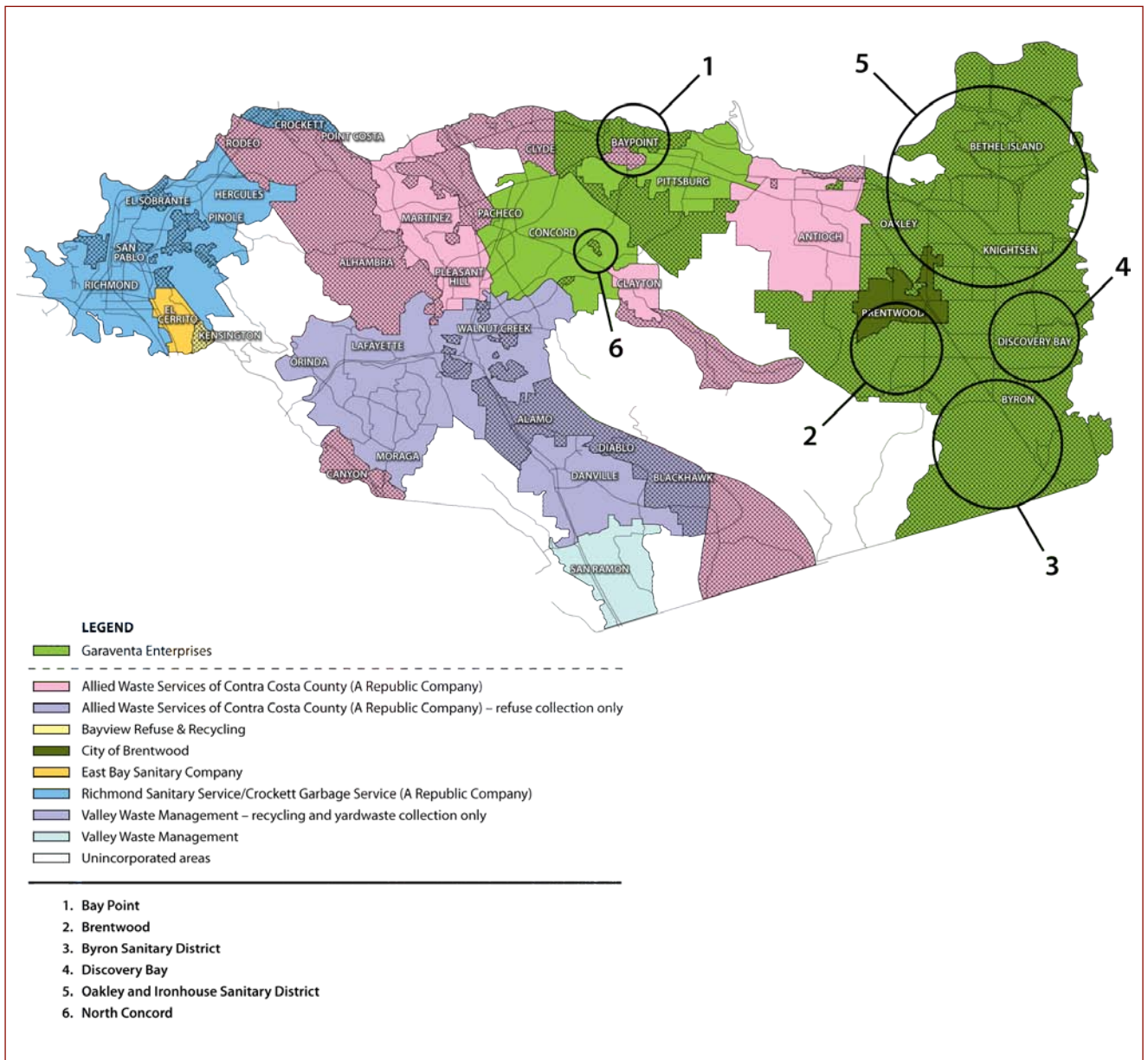
### B. Scope of Rate Review

For this base year rate review, we followed requirements contained in the County’s *Rate Setting Process and Methodology Manual for Residential Solid Waste Charges*, September 28, 1998 (Manual). Our review included the following ten (10) tasks:

1. Conduct periodic project status meetings with the County
2. Conduct a detailed review of Garaventa’s Application and Garaventa financial statements
3. Conduct onsite visits and meet with Garaventa management and staff to review the Application, our data requests, and obtain supporting documentation between April and July, 2010
4. Meet with Garaventa during August 2010 to discuss preliminary rate review findings and provide an opportunity for Garaventa to provide additional information or comments on findings
5. Assess current Garaventa operating practices
6. Evaluate changes to Garaventa costs and operations related to potential implementation of a new residential three-cart system
7. Analyze trends in Garaventa revenues and costs
8. Compile rate surveys of comparative jurisdictions
9. Compile franchise extension terms granted for comparative jurisdictions
10. Develop a report, and present findings to the Board of Supervisors.

## Exhibit 1-1

### Map of Contra Costa County Refuse Collection Service Areas



In addition to the information provided in this report, we have supporting workpapers documenting results of our review. We also developed an extensive spreadsheet model which we used to generate our adjustments to the Application.

### C. Regulation of Residential and Commercial Sectors

The County and Garaventa use the *Rate Setting Process and Methodology Manual for Residential Solid Waste Charges* to set solid waste collection rates. This Manual was developed in 1998.

The Manual provides a formal structure for establishing solid waste collection rates. The Manual provides rate change policies, provides application forms, specifies reporting formats, and identifies required supporting documents. The Manual specifies procedures for requesting, reviewing, and adopting rate changes.

“Base year” rates are established every four (4) years. In each of the “interim years” between base years, rate changes follow a more streamlined process. Interim adjustments are set based on a composite index, consisting of the change in consumer price index (CPI), change in regulatory and tipping fees, and an adjustment for the County’s franchise fee.

The County regulates rates for refuse, curbside recycling, and yardwaste collection. Residential rates are set to cover allowable costs and a reasonable profit to the hauler for providing residential refuse, curbside recycling, and yardwaste collection services.

The County conducted its last Base Year rate review in 2007. In accordance with the Rate Manual, the next Base Year review normally would occur in 2011. Under the normal schedule, the County would allow Garaventa Enterprises to submit an Interim Year rate application.

However, on July 3, 2009, Garaventa Enterprises submitted a letter to the County requesting that the

County allow Garaventa to submit a Base Year rate application. Garaventa indicated that an Interim Year rate application (tied to the CPI) would be insufficient to provide adequate revenues “given the changes that have occurred in the local economy.” This letter also indicated a preference to consider a new residential service restructuring, including automated refuse collection, single stream recycling, and yard waste container pickup. Garaventa requested the County to consider a franchise extension so that the cost of new wheeled carts could be reasonably amortized.

The County Board of Supervisors agreed to allow Garaventa to submit a Base Year application. The Board also agreed to consider the new programs and franchise extension request from Garaventa.

### D. Overview of Rate Application and Rate Request

Garaventa submitted their Application on December 8, 2009. We include a copy of their Application in **Appendix A**. In the Application, Garaventa requested an increase to refuse collection rates of 22.10 percent. Current and requested residential rates are shown in **Table 1-1**, on the following page.

As shown in Table 1-1, current County rates are regionalized (i.e., the same) for the following areas: Bay Point, Brentwood, Discovery Bay, and a portion of Oakley (County areas outside of the Ironhouse Sanitary District). Current County rates are slightly below the regionalized rate for the Byron area and Oakley area (within the Ironhouse Sanitary District).

We provide the total number of residential customers for each County area in **Table 1-2**, on page 1-6. Over one-half of the customers are currently within the Ironhouse Sanitary District service area. Another one-quarter are in the Discovery Bay service area.

**Table I-1****Contra Costa County****Garaventa-Served Areas****Current and Garaventa Requested Residential Solid Waste Collection Rates****(Per customer, Per month)<sup>2</sup>**

<b>Service Area/Container Size<sup>3</sup></b>	<b>Current 2009 Rate per Customer, per Month</b>	<b>Requested Rate Change per Customer, per Month</b>	<b>2010 Garaventa Requested Rate per Customer, per Month</b>
<b>1. Bay Point Area (Served by Pittsburg Disposal &amp; Debris Box Service, Inc.)</b>			
20-gallon customer-provided can	\$23.34	\$4.91	\$28.25
32-gallon customer-provided can	\$28.85	\$6.10	\$34.95
96-gallon toter	\$31.85	\$6.10	\$37.95
<b>2. Brentwood Area (Served by Brentwood Disposal Service, Inc.)</b>			
20-gallon customer-provided can	\$23.34	\$4.91	\$28.25
32-gallon customer-provided can	\$28.85	\$6.10	\$34.95
96-gallon toter	\$31.85	\$6.10	\$37.95
<b>3. Byron Area (Served by Brentwood Disposal Service, Inc.)</b>			
20-gallon customer-provided can	\$21.88	\$4.62	\$26.50
32-gallon customer-provided can	\$26.00	\$5.50	\$31.50
96-gallon toter	\$29.00	\$5.50	\$34.50
<b>4. Discovery Bay Area (Served by Discovery Bay Disposal Service, Inc.)</b>			
20-gallon customer-provided can	\$23.34	\$4.91	\$28.25
32-gallon customer-provided can	\$28.85	\$6.10	\$34.95
96-gallon toter	\$31.85	\$6.10	\$37.95
<b>5. Oakley Area (Within Ironhouse Sanitary District, Served by Oakley Disposal Service, Inc.)</b>			
20-gallon customer-provided can	\$23.11	\$4.89	\$28.00
32-gallon customer-provided can	\$28.11	\$5.94	\$34.05
96-gallon toter	\$31.11	\$5.94	\$37.05
<b>6. Oakley Area (County areas, Served by Oakley Disposal Service, Inc.)</b>			
20-gallon customer-provided can	\$23.34	\$4.91	\$28.25
32-gallon customer-provided can	\$28.85	\$6.10	\$34.95
96-gallon toter	\$31.85	\$6.10	\$37.95

<sup>2</sup> Includes most of the rate categories in the residential rate structure. Some rates (e.g., extra can service) are not shown in this table.<sup>3</sup> The 96-gallon toter rates include a \$3 per month toter rental charge.



**Table I-2**  
County Residential Customers  
By Garaventa Service Area  
(Projected 2010)

Area	Customers
Bay Point	2,348
Brentwood	892
Byron	139
Discovery Bay	4,448
Oakley (County, outside Ironhouse)	106
Oakley (Ironhouse Sanitary District)	9,505
Total	17,438

**Table I-3**  
Financial Statement Profit Levels For Each  
Garaventa Enterprises-Related Company Providing  
Collection Services to Contra Costa County  
(Calendar Year Ended December 31, 2008)

Company	Profit/(Loss)
Brentwood Disposal Service, Inc.	(\$176,774)
Delta Debris Box Service, Inc.	(190,722)
Discovery Bay Disposal, Inc.	230,413
Oakley Disposal Service, Inc.	60,847
Pittsburg Disposal and Debris Box Service, Inc. <sup>4</sup>	221,626
Total	\$145,390

Garaventa provided calendar year ended December 31, 2008, audited financial statements for the following five (5) companies:

- Brentwood Disposal Service, Inc.
- Delta Debris Box Service, Inc.
- Discovery Bay Disposal, Inc.
- Oakley Disposal Service, Inc.
- Pittsburg Disposal and Debris Box Service, Inc.

**Appendix B** includes these audited financial statements.

<sup>4</sup> Not audited, but represents the County's allocated portion of the total Pittsburg Disposal & Debris Box Service, Inc. business.

From an audited financial statement perspective, 2008 was not highly profitable for Garaventa.<sup>5</sup> For calendar year 2008, **Table 1-3**, left, shows profit levels (before income taxes) reported by Garaventa on its 2008 audited financial statements. The \$145,390 in profit represents a 98 percent operating ratio based on costs of approximately \$9.2 million, well above the 90 percent target operating ratio (i.e., at a lower profit level).

The Application includes all revenues and expenses of the Ironhouse Sanitary District service area. At the time of this writing, oversight of this franchise was being transferred from the Ironhouse Sanitary District to the City of Oakley.<sup>6</sup> The City of Oakley also was finalizing terms of a new franchise agreement. Terms of the new franchise required Oakley Disposal Services to implement a new cart-based residential collection system. This new cart-based system includes a refuse cart (with 32-, 64-, and 96-gallon options, weekly), a 96-gallon recycling cart (bi-weekly service), and a 96-gallon yardwaste cart (bi-weekly service). The services begin in October, 2010. Even with this change in franchise oversight, Garaventa agreed that our rate review scope should fully include the revenues, and costs, of the Ironhouse Sanitary District service area.

### E. Garaventa Enterprises and Related Companies

As background for this review, in **Exhibit 1-2** on the next page, we show the relationship of Garaventa to its related companies. Garaventa

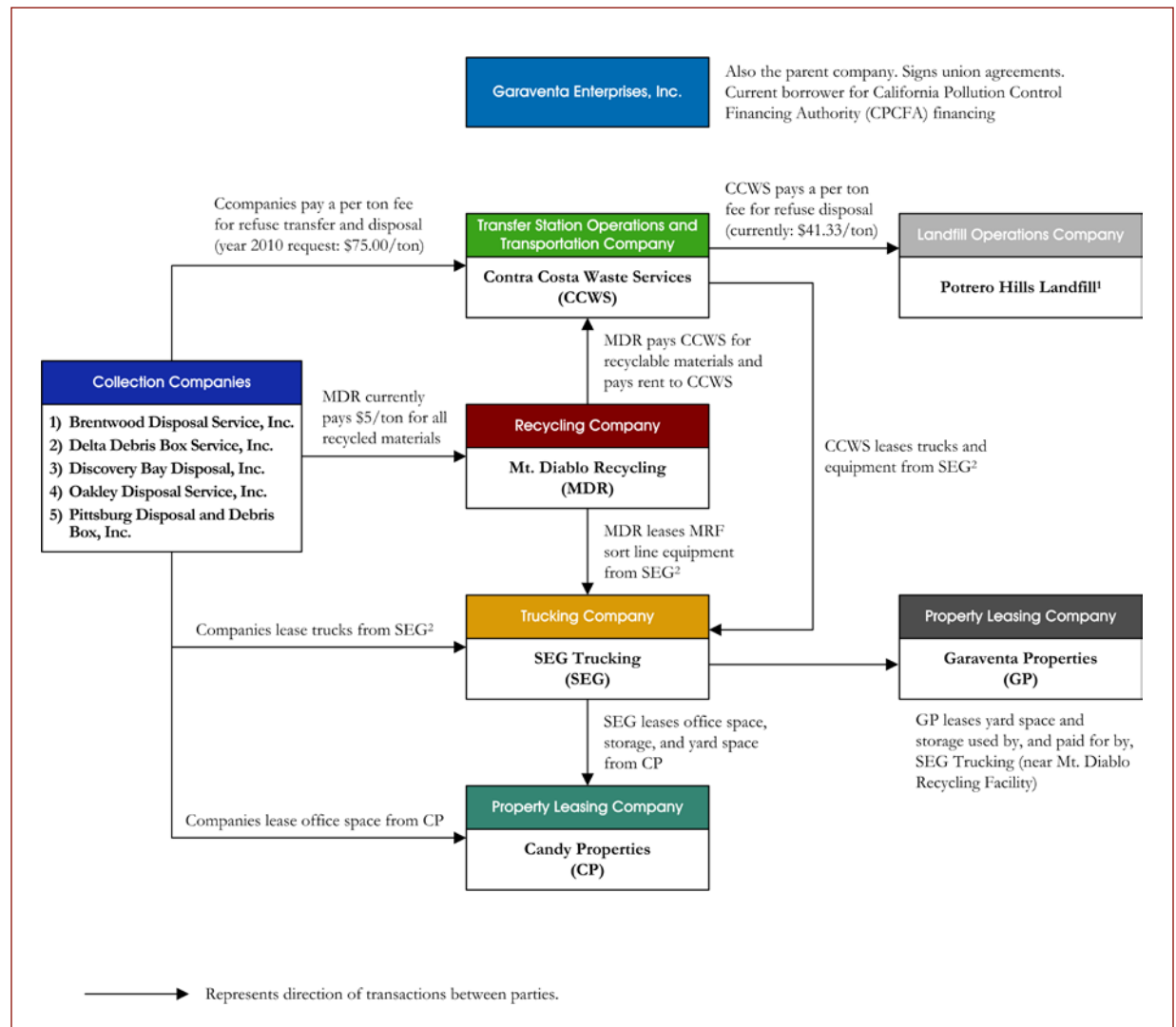
<sup>5</sup> Profit levels shown on Garaventa audited financial statements do not reflect the County's treatment of allowable costs, pass-through costs, and non-allowable costs. As part of the County's rate setting process, the County makes rate setting adjustments to Garaventa revenues and costs in order to set rates charged to County customers. After incorporating County rate setting adjustments, Garaventa "rate setting" profit levels are typically higher than "audited financial statement" profit levels.

<sup>6</sup> Effective February 1, 2010, the City of Oakley withdrew from the Regional Agency (a Joint Powers Agreement) which had included Contra Costa County, the City of Oakley, and the Ironhouse Sanitary District.



## Exhibit 1-2

### Related Parties to Garaventa Enterprises and Transactions Flow Diagram



<sup>1</sup> Not a related party to Garaventa, but rather now owned by Waste Connections. CCWS also takes a small amount of refuse to Vasco Road Landfill, also not a related party to Garaventa, but rather owned by Republic Services (current tipping fee of \$31.78 per ton). CCWS takes a small amount of organic materials to Northern Recycling (also not a related party to Garaventa) in Zamora, California (current tipping fee of \$18.00 per ton).

<sup>2</sup> Includes depreciation; interest; direct labor for repair and maintenance (welders and mechanics); parts; fuel and oil; and overhead.

companies servicing the County have related-party transactions with the following five (5) companies:

*Parent Company*

1. Garaventa Enterprises

*Transfer Station and Transportation*

2. Contra Costa Waste Services (CCWS)

*Recyclables Processing*

3. Mt. Diablo Recycling

*Trucking Company*

4. SEG Trucking

*Property Leasing Company*

5. Candy Properties.

Refuse collected by Garaventa is taken to the Contra Costa Waste Transfer Station in Pittsburg, California. Refuse is consolidated and transported by CCWS to Potrero Hills Landfill in Solano, County, a landfill owned and operated by Waste Connections. Waste Connections is not a related party company to Garaventa.

Recyclables collected by Garaventa are taken to the Materials Recovery Facility (MRF) for processing. The MRF is operated by Mt. Diablo Recycling. This MRF is collocated in Pittsburg, California with the Contra Costa Waste Transfer Station.

Yardwaste collected by Garaventa is taken to the Contra Costa Waste Transfer Station. Yardwaste is consolidated and transported by CCWS to Potrero Hills Landfill in Solano, County, where it is composted by Waste Connections.

SEG Trucking leases trucks and equipment to Garaventa companies serving the County. Candy Properties leases office, storage, and yard space to Garaventa companies serving the County.

We reviewed transactions between Garaventa companies serving the County, and these related entities, for reasonableness and consistency with County rate setting practices and treatment.

**Table 1-4**  
Contra Costa County  
Garaventa-Served Areas  
Residential Solid Waste Collection  
Rate Changes (1993 to 2009)

Year	Rate Year Type	Approved Rate Change
1. 1999	Interim	None
2. 2000	Interim <sup>7</sup>	+7.7 to 8.5% (new green waste program)
3. 2001	Interim	None
4. 2002 <sup>8</sup>	Base	+7.66% (implemented in 2003)
5. 2003	Interim	None
6. 2004	Interim	+0.00% residential +11.79% commercial
7. 2005	Interim <sup>9</sup>	+3.89%
8. 2006	Interim <sup>10</sup>	+2.69%
9. 2007	Base <sup>11</sup>	+6.44%
10. 2008	Interim <sup>12</sup>	+6.71%
11. 2009	Interim	None

## F. Rate History

Every four years, the County conducts a Base Year rate review of Garaventa solid waste collection services. Since the County developed the Manual in 1998, the County has conducted two base year rate reviews in 2002 and 2007.<sup>13</sup> This 2010 base year review represents the third base year review. Interim years, which occur in each of the three years between base years, follow a simplified approach.<sup>14</sup>

Rate changes since the Manual's inception are shown in **Table 1-4**, above. Garaventa requested,

<sup>7</sup> Effective July, 2000.

<sup>8</sup> Approved by the Board on December 17, 2002, and implemented in 2003. Rates were regionalized at that time. There was no interim application submitted in 2003.

<sup>9</sup> Approved by the Board on April 12, 2005.

<sup>10</sup> Approved by the Board in April, 2006.

<sup>11</sup> Approved by the Board in May, 2007.

<sup>12</sup> Approved by the Board on April 5, 2008.

<sup>13</sup> The 2001 base year review was initiated in 2001 and completed in February 2002.

<sup>14</sup> Garaventa has the option to submit an interim year rate application.

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and the County approved, rate changes in seven (7) years of the eleven (11) years since the County adopted the Manual in 1998. There was no rate change implemented in 1999, 2001, 2002, and 2009.

Residential rates have increased 3.2 percent per year, on an average compounded basis, since 1998. During this same eleven-year period, the

Consumer Price Index (CPI) increased by 2.7 percent per year, on an average compounded basis. On a program adjusted basis (removing the 2000 rate increase for a new green waste program), residential rates have increased 2.5 percent per year compared to the 2.7 percent per year average for the CPI.

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## **Section 2**

### **Baseline Residential Refuse, Recycling, and Yardwaste Collection Services**

## 2. Baseline Residential Refuse, Recycling, and Yardwaste Collection Services

This section describes the current residential collection system in use for the County. The collection system includes the containers, trucks, equipment, and facilities used by Garaventa to collect and handle County residential refuse, recycling, and yardwaste.

Container types, collection trucks, and material processing methods are described for refuse, recycling, and yardwaste services. Garaventa currently uses a mix of automated side-loader trucks and semi-automated front-loader trucks for refuse; manual, side-loader trucks for curbside recycling collection; and a mix of semi-automated trucks and rear-loader trucks for yardwaste collection.

The section identifies current refuse, recycling, and yardwaste operating metrics for the County. Recyclable materials accepted in the County's current two crate system are identified. Existing and historical recycling tonnages, and County diversion levels, also are presented.

This section provides baseline data for the County to use to measure implementation progress should it adopt the proposed three-cart collection system, including single stream recycling. An understanding of the current collection system is necessary so planned changes to the system can be clearly identified, and future potential efficiencies and cost-savings tracked and quantified. This section also identifies some of the potential operational issues associated with the current system.

This section is organized as follows:

- A. Current Refuse Collection Services*
- B. Current Curbside Recycling Collection Services*
- C. Current Yardwaste Collection Services*
- D. Historical County Diversion Levels*
- E. Customer Satisfaction with Refuse, Recycling, and Yardwaste Collection.*

### A. Current Refuse Collection Services

The County's current residential refuse collection system design began in the early 1990s. Over the years, Garaventa has taken an operations approach that maximized the longevity of system assets by focusing on ongoing regular maintenance and repair of containers, trucks, and equipment.



## 2. Baseline Residential Refuse, Recycling, and Yardwaste Collection Services

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**Picture 2-1**

Current Residential Customer Setout with Customer-provided Can



**Picture 2-2**

Current Residential Customer Setout with 96-gallon Cart



**Picture 2-3**

Automated Side Loader Truck



**Picture 2-4**

Cart Being Lifted by Arm of Side Loader Truck



### 1. Refuse Containers

For refuse, County customers can either (1) provide their own 20-gallon mini can, (2) provide their own single can<sup>1</sup>, or (3) rent a 96-gallon wheeled cart. Refuse collection is weekly. **Picture 2-1**, above, shows a sample setout with a customer-provided container. A sample setout for 96-gallon wheeled cart service is shown in **Picture 2-2**, above.

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<sup>1</sup> Garaventa will accept up to 40 gallons of refuse in the can.

### 2. Refuse Collection Vehicles

Garaventa collects refuse with some automated side loaders and some three-axel, front loader, “semi-automated” trucks. Automated trucks allow the driver to use an arm located on the side of the truck to lift the carts. The driver does not have to exit the vehicle, but rather operates the arm via a joystick located inside the truck. An example of an automated side loader truck serving the Oakley area is shown in **Picture 2-3**, above. A picture of the cart being lifted by the arm is shown in **Picture 2-4**, above.

For the semi-automated service, the driver exits the truck, places a refuse can, or wheels a refuse cart, onto a “tipper” which is mounted to the side of a larger bin located at the front of the truck. The driver then engages the tipper which lifts the can or cart to deposit the material into this larger bin. When full, the forward bin is raised over the front of the truck cab where the refuse is tipped into the truck body.

Automated refuse collection trucks pick up an average up to 600 households per day. Current semi-automated refuse collection trucks pick up, on average, approximately 300 to 450 households per day. For refuse, Garaventa indicates that they have virtually a 100 percent setout rate (i.e., the number of customers putting their container out on a given day). Trucks have a capacity of approximately 30 cubic yards per truck. Trucks make on average between one and two trips, per route, per day to unload collected refuse at the Contra Costa Waste and Transfer facility, located in nearby Pittsburg, California.

### 3. Refuse Disposal

Collection trucks empty refuse on the tipping floor at the Contra Costa Waste and Transfer facility. Refuse is consolidated into transfer trailers and hauled to Potrero Hills Landfill in Solano County. Contra Costa Waste Service (CCWS), the operator of the Contra Costa Waste and Transfer facility, has a disposal agreement with Waste Connections, Inc., the owner/operator of Potrero Hills Landfill.

Residential refuse tonnage and the number of residential accounts are shown in **Figure 2-1**, on the next page. While the number of County accounts has been increasing since 2004, disposal tonnage has declined materially. In 2009, Garaventa collected 25,968 tons of residential refuse. In 2008, each County residential account generated approximately 1.5 tons of refuse per year. This compares with over 1.8 tons of refuse per year in 2004.

## B. Current Curbside Recycling Collection Services

Garaventa County area customers are currently provided two, 14-gallon crates for recycling. The system was implemented in the late 1980s following passage of Assembly Bill 939 (AB 939). Formerly, the two-crate recycling program required County customers to sort recyclable materials into fiber and other materials. With the construction of the Mt. Diablo Recycling Center, and the ability to process single stream recyclables now, County customers do not need to sort recyclable containers into fiber and other materials. County customers can combine their recyclables into each of the two containers.

The two crate system does have some obvious limitations. The standard 28 gallon capacity may be limiting for some larger recyclers. Customers must manually lift the crates and carry them to the curb. On rainy days, fiber materials can get water logged making the crates difficult to lift. Also materials can blow away from the crate on windy days. Surplus recyclables (beyond the 28 gallon capacity) may be placed in the refuse container.

Garaventa has had ongoing difficulty with theft of recyclables from curbside crates. Materials in crates are easily viewed and accessed.

### 1. Recycling Crates

County customers are provided two, 14-gallon crates, a blue and a white one. Since implementation, the blue crate has been used for fiber materials (cardboard, newspaper, magazines, and mixed paper), and the white crate has been used for commingled plastic, metal, and glass containers and materials. Recently this color-based separating was eliminated.

Garaventa also will accept additional bags of recyclables, or bundles of tied cardboard, if they are set out next to the two crates. Blue and white crates are shown in Pictures 2-1 and 2-2. Recycling services are weekly.



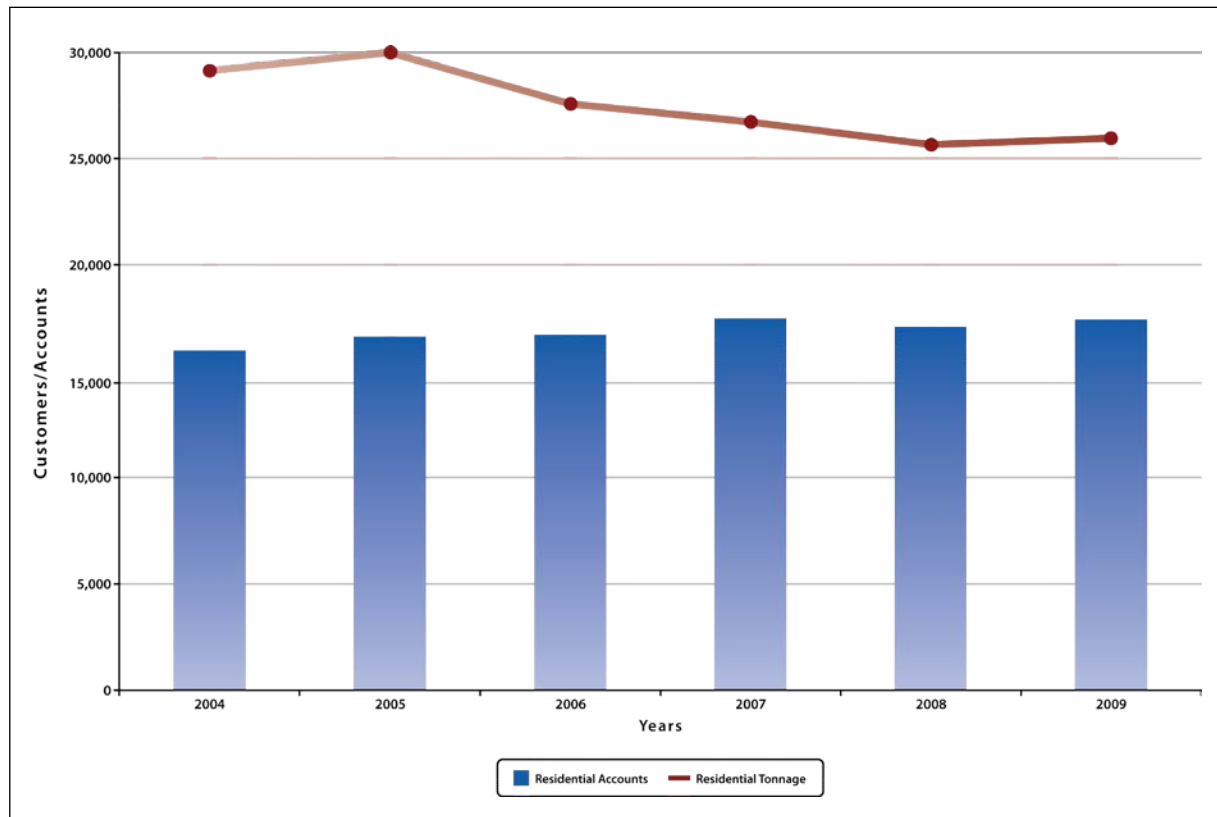
### 2. Recyclable Materials Accepted

Specific materials allowed in the recycling crates include:

#### Fiber Materials

- Boxes and packages
- Carbonless paper
- Cardboard
- Catalogs
- Chipboard (cereal boxes, shoeboxes)
- Construction paper
- Copy paper
- Coupons
- Envelopes with metal clasps
- Envelopes with plastic windows
- Junk mail
- Loose newspaper
- Magazines
- Manila folders
- Newspaper inserts
- Paper (colored)
- Paper (office)
- Paper (white)
- Paper bags
- Paper packaging (with remnant tape)
- Pizza boxes (clean)
- Shredded paper (in a plastic bag)
- Telephone books.

**Figure 2-1**  
Residential Tonnage and Residential Accounts (2004 to 2009)<sup>2</sup>



<sup>2</sup> Residential tonnage includes both refuse and yardwaste. Year 2003 data were not available.

### Other Materials

- 5-gallon buckets
- Aluminum cans
- Aluminum foil (clean)
- Aluminum pie plates
- Colored plastics-HDPE #2
- Detergent bottles
- Egg cartons (non-Styrofoam™)
- Food cans (clean)
- Glass bottles
- Glass jars
- Laundry baskets
- Milk jugs
- Milk/juice cartons
- Narrow neck plastic bottles (#1 & #2)
- Paper towel and towel paper tubes
- Pet food cans
- Plastic bags
- Plastic food containers (clean)
- Plastic milk/water jugs-HDPE #2
- Plastic plant pots
- Plastic toys (such as tricycles)
- Plastics #1-#7 (California redemption)
- Plastics #1-#7 (non-California redemption)
- Salad dressing bottles (rinsed)
- Shampoo and bleach bottles
- Soft covered books
- Soft drink bottles-PET #1
- Steel cans
- Tin cans
- Tubs and containers (yogurt, margarine)
- Water jugs.

Unacceptable materials, or materials that cannot be included in the recycling crates, include the following:

- Aerosol cans
- Appliances
- Batteries
- Car parts
- CDs or DVDs
- Ceramics
- Chains
- Diapers
- Drinking glasses
- Electronics
- Fabrics
- Facial tissue
- Food
- Garden hoses
- Green waste
- Hazardous waste
- Light bulbs
- Liquid
- Metal
- Paper towels
- Plates
- Rocks
- Ropes
- Shoes
- Styrofoam™
- Toilet paper
- Videotapes
- Wire
- Window glass
- Wood.

### 3. Recycling Collection Vehicles

Garaventa collects recyclables either using front loader trucks or smaller side loader trucks. The front loader operations have been described in prior sections. Garaventa also collects recyclables manually using two-axle, side loader trucks. The driver exits the truck and picks up each crate and empties the material into a three-bin system located on the right side of the truck.

The driver operates a control that automatically raises and tips the material from the bins into the body of the truck. The side loader trucks have separate compartments in the truck body to store the recyclables.

Drivers currently view recyclable materials in the crates for potential contaminants. If a load is contaminated, the driver will provide a yellow tag to the customers informing them of the contaminated load and also may leave the load. This enforcement mechanism is however seldom required with the current system as most customers understand and follow the crate system requirements.

### 4. Recycled Materials Processing

Curbside recyclables are taken to Garaventa's Mt. Diablo Recycling Facility, collocated with the Contra Costa Waste and Transfer facility, in Pittsburg, California. Garaventa sells recyclables to Mt. Diablo Paper Stock, a related company.<sup>3</sup> Mt. Diablo Paper Stock sorts and prepares materials for transport to a processor or end user.

The MDRC includes a 90,000 square foot building; a large open floor staging area; and an advanced, computer driven, materials sort line. Garaventa Enterprises constructed the MDRC using the most current and advanced sorting equipment and capabilities. Features of the new MDRC include:

- An education center and facility viewing area

- An expansive tipping floor to maximize the efficiency of loading the in-feed conveyer (the location where materials enter the sort line)
- A continuous re-run feature which allows for materials to run through the sort line multiple times to maximize sorting and minimize residuals which must be disposed of
- A large Harris brand baler (a reputable and well-known manufacturer)
- Extensive capabilities for storing baled recyclables
- Ten (10) pre-sort stations to fully remove refuse before separation of recyclables
- Twenty-three (23) total stations on the sort line.

Mt. Diablo Recycling brokers aluminum and plastic materials through Recycle Zone in Fairfield, California. Mt. Diablo Recycling ships paper products, via a broker, to China. Mt. Diablo Recycling delivers glass materials to Strategic Materials, a processor located in San Leandro, California.

Materials are emptied from the recycling truck to the tipping floor of a Mt. Diablo Recycling Center (see **Picture 2-3**, on the next page). Once tipped, a loader pushes the material to the in-feed conveyer. Materials are moved up the conveyer an elevated pre-sort station where non-recyclable materials are removed (**Picture 2-4**, on the next page). Following a series of mechanical and manual sorting efforts along the sort line, materials are baled with the baler located in the warehouse (see output in **Picture 2-5**, on the next page).

### 5. Recycling Tonnage

County curbside recycling tonnage has been declining. Between 2006 and 2008, curbside recycling tonnage averaged 3,045 tons per year. However, tonnage declined over this three-year period, by thirteen (13) percent from 3,267 tons in 2006 to 2,828 tons in 2008.

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<sup>3</sup> Mt. Diablo Paper Stock also is a certified recycling center.

**Picture 2-3**

Tipping Floor of the Mt. Diablo Recycling Center  
(with Sort Line in Background)



**Picture 2-4**

Sorting Stations at the Mt. Diablo Recycling Center



## **C. Current Yardwaste Collection Services**

Garaventa collects yardwaste bi-weekly in customer-provided containers. Garaventa uses manual collection methods with both front loader and rear loader trucks. Yardwaste collection operations require drivers to regularly lift heavy containers (cans and bags), resulting in more frequent lifting-related injuries. The current yardwaste program began in 2000.

**Picture 2-5**

Curbside Containers After Baling  
At Mt. Diablo Recycling Center



### **1. Yardwaste Containers**

Garaventa County area customers provide their own containers, or bags, which are collected at the curb. Customers can either place two (2), 32-gallon containers or five (5) bags (each bag with a maximum of 32-gallons of materials) at the curb. Customers cannot rent a toter from Garaventa for yardwaste, but must provide their own containers. This service is bi-weekly. This represents a current maximum set out quantity of 160 gallons every other week, or 80 gallons per week.

### **2. Yardwaste Materials Accepted**

Specific materials allowed in the yardwaste containers include:

- Brush
- Cactus

- Flower and flower cuttings
- Grass
- Garden trimmings
- Hay
- House plants
- Leaves
- Pruning
- Shrubbery
- Straw
- Tree trimmings
- Tree twigs and branches (6" or less in diameter and 3' or less in length, must be in containers)
- Weeds
- Wood chips
- Yard debris.

Unacceptable materials, or materials that cannot be included in the yardwaste containers, include the following:

- Fruit
- Hazardous waste
- Inorganic materials (or recycling materials like plastics, cardboard, paper, etc.)
- Large tree trunks and stumps (greater than 6 inches in diameter or more than 3 feet in length)
- Plastic bags
- Pet waste
- Rocks and concrete
- Sod and dirt
- Solid waste
- Wood or treated lumber.

### 3. Yardwaste Collection Vehicles

Garaventa currently removes yardwaste using a three-axel, front loader or rear loader truck. As

for refuse, for the front loader, the driver exits the vehicle and either uses the front tipper (for cans) or manually dumps the material into the larger front bin located at the front of the truck.

For the rear loader, the driver exits the truck, picks up the cans/bags, and deposits the yardwaste into the open hopper located at the rear end of the truck. The driver operates a control that automatically compacts and pushes the yardwaste into the body of the truck using a hydraulic system.

### 4. Yardwaste Processing

The County's yardwaste material is taken to the Contra Costa Waste and Transfer facility where it is consolidated and prepared for transport via transfer trailers to Potrero Hills Landfill. At Potrero Hills Landfill the yardwaste material is composted.

Recently reported yardwaste tonnage has been declining. Garaventa collected 2,074 yardwaste tons in 2006, 1,826 yardwaste tons in 2007, 1,654 tons in 2008, and 1,738 yardwaste tons in 2009. From 2006 to 2009, yardwaste tonnage decreased sixteen (16) percent.

In **Table 2-1**, on the next page, we summarize truck types and collection methods for each service type.

## D. Historical County Diversion Levels

The County and Garaventa have continuously worked together to meet AB 939 diversion goals. Recent diversion levels are shown in **Figure 2-2**, on page 2-10. Between 2001 and 2004, the County was slightly below the 50 percent AB 939 goal. In 2005 and 2006, the County exceeded the 50 percent AB 939 goal. In 2007 and 2008, the County easily met the new CalRecycle pounds disposed per day goal requirement (equivalent to the 50 percent diversion objective), on both a per resident, and per employee, basis.

**Table 2-1**  
**Contra Costa County**  
**Trucks Used by Garaventa Companies**

Service Type	Truck Type	Capacity	Method
Refuse	Front Loader (3-Axle)	30-35 cubic yards	Driver exits; moves cart to front of truck; operates small tipping device in front of truck to lift cart into bin; once full front bin is lifted over the top of the truck and contents deposited into body
	Side Loader – Automated (3-Axle)	31 cubic yards	Driver remains in truck; uses joystick to operate arm on side of vehicle; grabs and picks up carts; empties contents into truck body
Recycling	Side Loader (2-Axle)	15-20 cubic yards	Driver exits; manually empties contents of crate into bins on side of vehicle
	Front Loader (3-Axle)	30-35 cubic yards	Driver exits; moves cart to front of truck; operates small tipping device in front of truck to lift cart into bin; once full front bin is lifted over the top of the truck and contents deposited into body
Yardwaste	Front Loader (3-Axle)	30-35 cubic yards	Driver exits; moves cart to front of truck; operates small tipping device in front of truck to lift cart into bin; once full front bin is lifted over the top of the truck and contents deposited into body
	Rear Loader (3-Axle)	30 cubic yards	Driver exits; manually empties container into open rear compartment; once full material is compacted into truck body

In 2006, Garaventa collected 3,267 tons of material from the residential curbside recycling program. This is the equivalent of a 1.2 percent contribution to the 2006 diversion rate of 54 percent. In 2006, Garaventa collected 2,074 tons of material from the residential yardwaste program. This is the equivalent of a 0.7 percent contribution to the 2006 diversion rate of 54 percent.

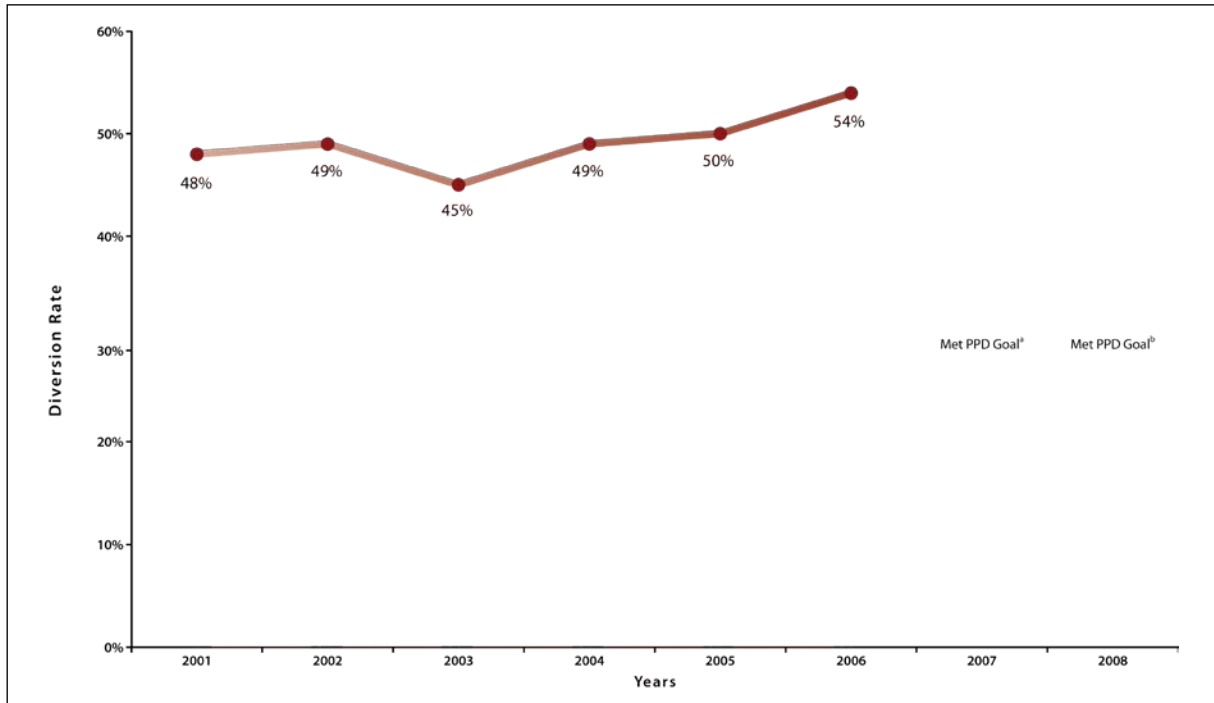
In general, the level of diversion from residential curbside recycling and yardwaste is relatively small. However, it is a contributing factor, and is important particularly when the County is seeking to enhance all sources of diversion.

### **E. Customer Satisfaction with Refuse, Recycling, and Yardwaste Collection**

County residential customers are very satisfied with refuse, recycling, and yardwaste services. In the 2009 customer satisfaction survey of 284 households, nearly 100 percent of customers responding rated garbage service either excellent, good, or average and 90 percent rated garbage service either excellent or good. Satisfaction ratings for recycling and yardwaste collection services were below refuse collection, but customers were still very satisfied with these services. A total of approximately 86 percent of residents surveyed rated recycling services excellent, good, or average, and approximately 83 percent of residents surveyed rated yardwaste services excellent, good, or average. We summarize results of the 2009 customer satisfaction survey in **Appendix C**.



**Figure 2-2**  
Diversion Levels (2001 to 2008)



<sup>a</sup> The annual per capita disposal rate, per resident, was 3.2 pounds per day (PPD), below the 3.9 PPD target. The annual per capita disposal rate, per employee, was 18.4 pounds per day (PPD), below the 21.6 PPD target.

<sup>b</sup> The annual per capita disposal rate, per resident, was 3.1 pounds per day (PPD), below the 3.9 PPD target. The annual per capita disposal rate, per employee, was 18.0 pounds per day (PPD), below the 21.6 PPD target.



## **Section 3**

### **Proposed Residential Refuse, Recycling, and Yardwaste Services**



### 3. Proposed Residential Refuse, Recycling, and Yardwaste Services

This section describes the proposed new three-cart system. Should the County and Garaventa agree to terms of the new system, Garaventa will offer the County resident the choice of three refuse cart sizes. Garaventa will introduce a new 96-gallon cart for curbside recycling collection, collected bi-weekly. Garaventa will provide every other week, cart-based, yardwaste collection. As with the previous section, this section is organized by the three types of residential services: refuse, recycling, and yardwaste services.

With the new three-cart program, the County will increase its diversion rates from the curbside recycling stream and the additional cart-based yardwaste capacity. Diversion estimates are provided in this section.

Garaventa Enterprises has constructed a new state-of-the-art Materials Recovery Facility (MRF) run by Mt. Diablo Recycling in Pittsburg, California. Garaventa will use this MRF to process the County's single stream recyclables. Use of this facility is discussed in this section.

Finally, we provide a discussion of whether or not there will be efficiencies for the new three-cart program. This section is organized as follows:

- A. Proposed Refuse Collection Services*
- B. Proposed Single Stream Cart-Based Curbside Recycling Services*
- C. Proposed Yardwaste Program*
- D. Potential for Increases in Diversion*
- E. New System Cart Setout*
- F. Projected System Efficiencies.*

#### A. Proposed Refuse Collection Services

Garaventa will distribute new refuse carts to all County residential customers beginning in 2011. Garaventa will collect these new carts using a mix of front loader and side loader trucks similar to the mix of front and side loader trucks currently used.

##### 1. Refuse Carts

Garaventa will purchase and provide County residential customers new wheeled containers (referred to as carts or toters) for refuse. Customers will select one refuse cart from the following four (4) sizes:

- 20-gallon
- 32-gallon
- 64-gallon
- 96-gallon.



There will no longer be a separate toter rental charge.<sup>1</sup> New cart costs will be reflected in rates charged.

Most County customers (96 percent) currently rent 96-gallon refuse toters from Garaventa so they are familiar with using a rolled cart for refuse collection. The County will use a tiered rate structure to provide a rate incentive for customers to “downsize” from the current 96-gallon service level to smaller cart sizes.

## 2. Refuse Collection Vehicles

With the fully cart-based refuse collection system, where possible, Garaventa will utilize side loaders to collect the refuse. With side loader vehicles, the driver does not exit the truck and physically pick up or roll the container to the tipper. Instead, the truck has a hydraulic arm (called a gripper) that is used to grab the cart from the curb, tip the cart into the truck, and return the empty cart to the curb. The driver operates the hydraulic arm using a joystick control inside the cab next to the driver’s seat. An example of an automated side-loader truck used by Garaventa is shown in **Exhibit 3-1**, on the next page.

Garaventa is considering alternative fuels for its automated trucks. Garaventa’s current fuel vendor has the capacity to deliver biodiesel fuel. Garaventa is developing a pilot program for biodiesel use. There are two forms of biodiesel, B5 and B20.<sup>2</sup> Garaventa is evaluating among other factors, the fuel costs, truck efficiencies (mpg), and truck performance/break down potential, before electing to fully incorporate this fuel source. Garaventa also has indicated it is researching low-sulfur diesel fuel.

## 3. Refuse Disposal

Garaventa will continue to take refuse trucks to the Contra Costa Waste Transfer Station in

Pittsburg, California. Garaventa will continue to empty truck contents on the tipping floor, consolidate refuse into transfer trailers, and haul the material to Potrero Hills Landfill in Solano County for landfilling.

## B. Proposed Single Stream Cart-Based Curbside Recycling Services

For curbside recycling collection, Garaventa will replace the current two-crate system with a single wheeled 96-gallon cart (bi-weekly service).<sup>3</sup> County customers will place all recyclable materials together into the cart.

County customers currently do not have to sort their recyclables by material type into either crate. Instead, County customers combine their recyclables into either crate. Thus, the current program is effectively a single stream program. Formerly, County customers sorted specific materials into the two crates (referred to as a “dual stream” or source separated program).

County customers will have the convenience of using a wheeled cart. Customers no longer will manually pick up and carry recycling crates to the curb.

### 1. Recycling Carts

Garaventa will purchase and provide County residential customers new 96-gallon wheeled containers (referred to as carts or toters) for recycling. The new 96-gallon cart (bi-weekly service) exceeds the current capacity of the two 14-gallon crate system (weekly service) by 20 gallons per week.<sup>4</sup> With this greater recycling capacity, customers can divert recyclable materials that may have previously been disposed of in refuse containers.

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<sup>1</sup> Current 96-gallon refuse carts are available to customers at a cost of \$3.00 per customer, per month.

<sup>2</sup> Based on the portion of the fuel that is biodiesel. For example B20 is made up of twenty percent biodiesel.

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<sup>3</sup> For those who request alternative recycling capacity, Garaventa will provide an additional 64-gallon cart for \$3.00 per customer, per month.

<sup>4</sup> Garaventa also will pickup recyclable materials placed in bags next to the crates or cardboard that is tied and bundled. We are not certain as to how many customers exceed the current 28-gallon capacity.

**Exhibit 3-1**  
**Automated Side Loader Truck**



## 2. Recycling Materials Accepted

Garaventa will continue to collect all of the recyclable materials currently allowed in the crate recycling containers. We summarize the list of allowable recyclable materials on page 2-4.

## 3. Recycling Collection Vehicles

Garaventa will collect single stream recyclables with three-axel front loader “semi-automated” trucks. The driver will exit the truck and wheel the recycling cart onto a tipper in the front of the truck. The driver will use the tipper to raise and empty the contents of the cart into a larger bin mounted to arms located at the front of the truck. In this way, the driver can view the recyclables for contaminants as the material is tipped.<sup>5</sup> When full, the front bin will be raised over the front of the truck cab where recyclables will be tipped into the truck.

In the future, Garaventa may want to use automated side loaders for recycling collection. Over time, Garaventa may transition to these side loaders, but initially, Garaventa and the County will like the option to continue to view the material as it is tipped so that contamination may be monitored. With an automated side loader, it is more difficult to identify contamination levels as the carts are directly tipped into the truck. In the future, should Garaventa move toward automated side loader trucks for recyclables collection, Garaventa should consider placing cameras to view cart contents as they are tipped into the automated side loader.

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<sup>5</sup> Viewing the recyclable materials both prior to tipping, and during the tipping process, will allow Garaventa drivers to tag the customers cart if there is contamination, noting the contamination issue. With repeat offenders, Garaventa drivers also may leave the full recycling cart uncollected, and place a tag on the cart noting the contamination problem.

## 4. Materials Recovery Facility Sort Line

At the MRF, recycling trucks will empty single stream materials on a tipping floor. A loader pushes the materials into a hopper. An inclined conveyor takes the materials from the hopper up to an elevated pre-sort area where laborers (sorters) manually remove refuse, large items (primarily cardboard), and potentially glass bottles, and deposit these items into up to four bunkers located below the sort line. Materials pass through a series of three consecutive separate screens designed to remove old cardboard, old newspaper, and glass.

Following the screenings, remaining materials pass through an eddy current separator, and potentially a magnetic separator, where non-ferrous metals are sorted from remaining plastic materials (into aluminum cans and separately scrap metals). Finally, plastics and fines pass through a manual sorting area where laborers (sorters) pick out and separate them into various plastic types (type #1 PET, #2 HDPE, and other plastics). To maximize diversion from the recyclable stream, materials remaining at the end of the sort line, called “residuals,” are returned through the sort line throughout the day as a “continuous sort.” There is a large baler used to continuously bale recyclable materials.

In addition to the County, Garaventa uses the MRF sort line to process recyclables from the following other jurisdictions:

- City of Concord
- City of Pittsburg
- City of Rio Vista
- City of Vallejo (residuals from Recology Vallejo’s sort line).

The County’s single stream curbside program material is weighed when it enters the facility (i.e., inbound). Materials are then combined with materials from other jurisdictions prior to

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entering the MRF sort line. The County receives credit for its proportionate share of the outbound recyclables sent to processors/end users.

## **5. Single Stream Recycling Program Tonnages**

One benefit of transitioning from the County's existing two crate program to a single stream program is the potential for increased recycling tonnage. Garaventa projects curbside recycling tonnage will increase by approximately 18 percent. We believe this expected increase is reasonable as a result of the combination of (1) the additional 20 gallons of recycling capacity in the 96-gallon cart, and (2) the new tiered rate structure which provides an incentive in the form of a lower rate for those customers that recycle more.

Other jurisdictions have had relatively large increases in recyclables collected following the transition to a single stream cart-based program. The cities of Concord, Fremont, San Leandro, and Livermore increased curbside recyclable volumes by 15 to 45 percent following a shift from dual to single stream. The cities of Antioch, Benicia, Clayton, Martinez, and Pleasant Hill had a 35 to 40 percent increase in the recycled material collected. Following implementation of single stream recycling, most recycling programs "eventually settle into a 30 percent increase after an initial surge in recycling tonnage."<sup>6</sup>

We believe the 18 percent estimate for the County may be conservative in light of the above comparative jurisdiction estimates. However, these other jurisdiction metrics followed shifts to entirely new single stream programs, whereas the County already effectively has a single stream program in place (i.e., even though the County uses two crates).

## **6. Single Stream Residual Rates**

Residuals from a residential single stream recycling program vary between 10 percent and 40 percent of the collected tonnage. For example, the City of Los Angeles' residual rate went from 10 percent (dual stream) to 25 percent (single stream). In a study of 70 single stream facilities nationwide, the Government Advisory Associate found residue averaged 16.6 percent for single stream programs compared with 6.6 percent for dual stream systems.

We expect that with continuous education, the County will be able to minimize its residuals to some extent. However, the County should expect residuals to range from 10 to 20 percent of the single stream residential curbside recycling tonnage.

## **C. Proposed Yardwaste Program**

In the new system, Garaventa will provide a 96-gallon cart to each County resident for yardwaste service. Garaventa will collect yardwaste using semi-automated front loader trucks.

### **a. Yardwaste Containers**

For yardwaste, customers will be provided one 96-gallon wheeled cart. For approximately one-half of these customers, Garaventa will use the existing 96-gallon totes currently used for refuse collection (i.e., those in good condition). For the additional one-half of the customers, Garaventa will purchase new 96-gallon totes. Yardwaste totes will be green in color. The County will transition from green refuse totes to green yardwaste totes.

### **b. Yardwaste Collection Vehicles**

Garaventa will collect residential yardwaste using three-axle semi-automated front loaders. Garaventa will continue to utilize the front loaders currently used for yardwaste collection.

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<sup>6</sup> Source: Jerry Powell, editor of Resource Recycling.



#### c. Yardwaste Processing

Garaventa will continue to take the County's yardwaste to the Contra Costa Recycling Center and Transfer Station where Garaventa will consolidate the material and prepare it for transport via transfer trailers to Potrero Hills Landfill. At Potrero Hills Landfill the material will continue to be composted.

Garaventa expects a 25 percent increase in yardwaste tonnage following a shift from customer provided containers to a 96-gallon wheeled cart. We believe this is a reasonable tonnage increase expectation for this new service.

#### D. Potential for Increases in Diversion

With an expected 18 percent increase in curbside recyclables and a 25 percent increase in yardwaste, the County will divert an additional 936 tons. This change to expand diversion capacity also enhances the County's source reduction and recycling programs, a contributing factor considered by CalRecycle in assessing jurisdictional compliance with AB 939.

#### E. New System Cart Setout

Customers will place their carts at the curb. A sample of three-cart setout (refuse, recycling, and yardwaste) is shown in **Exhibit 3-2**, on the next page. The three cart sizes shown are 32-gallon, 96-gallon, and 96-gallon (left to right).

Garaventa will continue to provide all refuse service weekly, and recycling and yardwaste services

every other week. Carts will be colored blue (refuse), brown (recycling), and green (yardwaste).

#### F. Projected System Efficiencies

With the new three-cart system, NewPoint Group does not expect much efficiency savings (in terms of route, driver, or truck usage reductions). There may be some slight savings in terms of avoided disposal costs, but we expect these savings will be minor.

In similar jurisdictions, when a hauler has transitioned to a new cart-based recycling program from a crate-based program, the increased materials setout levels, and overall increased participation, by the residential customers, actually increase the time on route.

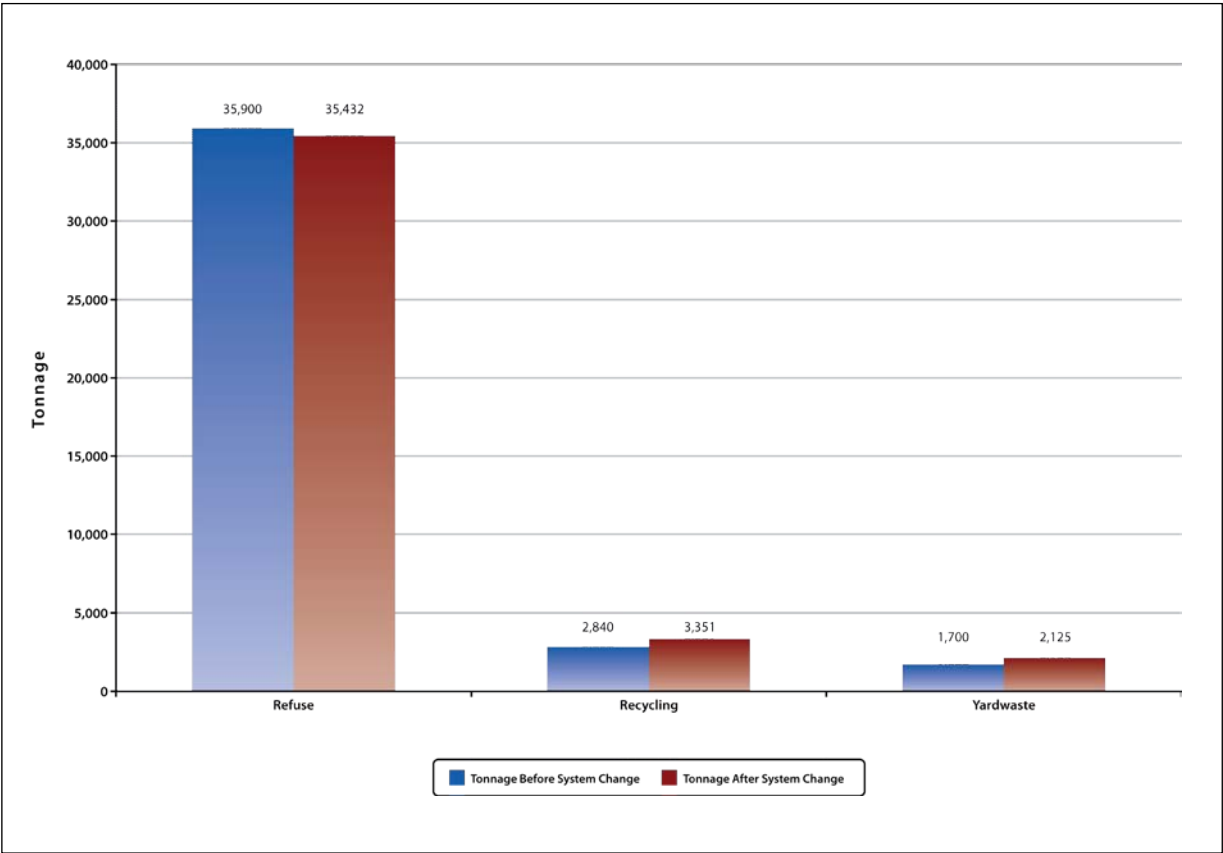
For yardwaste collection, while the drivers may be able to more efficiently collect the 96-gallon toters (as opposed to collecting customer provided cans or bags), this efficiency savings likely will be offset by increased yardwaste volumes and customer participation levels.

With the three-cart system, NewPoint Group expects a shift in tonnage from refuse to recycling and yardwaste. As shown in **Exhibit 3-3**, on page 3-8, the reduction in refuse collection of 468 tons from 35,900 to 35,432 represents fifty (50) percent of the expected increase in diverted material of 936 tons (i.e., recycling tonnage increase of 511 and yardwaste tonnage increase of 425 tons). The remaining 50 percent of diverted material is expected from material not currently placed in the refuse container.

**Exhibit 3-2**  
Sample Three Cart Setout



**Exhibit 3-3**  
Contra Costa County  
Garaventa-Served Areas  
Tonnage Before and After Proposed System Change







## **Section 4**

### **Review of Rate Application for 2010**

## 4. Review of Rate Application for 2010

This section provides results of our rate review of Garaventa's Application for 2010. We identify cost, revenue, and profit factors influencing this year's review. We also delineate the various cost components that make up the residential rate.

For purposes of this review, we determined the revenue requirement shortfall to Garaventa for 2010. This section is organized as follows:

- A. Rate Setting Requirements in Franchise Agreement and Rate Setting Manual*
- B. Factors Influencing 2010 Rate Review*
- C. NewPoint Group Rate Application Adjustments*
- D. Components of Residential Rate.*

### A. Rate Setting Requirements in Franchise Agreement and Rate Setting Manual

**Exhibit 4-1**, on the following page shows six (6) rate setting policies included in the County's rate regulation of Garaventa. The second column of this exhibit identifies the policy and the third column identifies how we treated the policy for rate setting purposes in this review. All of these key policies were followed for this 2010 review.

### B. Factors Influencing 2010 Rate Review

Between 2008 and 2010, we projected that total Garaventa costs will increase by approximately 10.6 percent. During this same period, total Garaventa revenues will decrease by approximately 2.8 percent (prior to any rate changes). This 13.47 percent difference between Garaventa total costs, and Garaventa total revenues, leads to an approximately \$1,270,000 shortfall for 2010.

#### 1. Costs

We analyzed year-to-year changes in costs and compared these changes with changes in the San Francisco-Oakland-San Jose Consumer Price Index (CPI). We requested explanations from Garaventa for changes in cost categories that exceeded the change in the CPI. The five (5) cost categories, whose change in cost exceeded the CPI, included trucking charges, direct labor costs, tipping fees, franchise fees, and general and administrative costs.

In **Table 4-1**, on page 4-3, we show that five (5) cost factors contributed to the revenue requirement shortfall for 2010. Each of these cost factors is described below.



## 4. Review of Rate Application for 2010

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### Exhibit 4-1

#### Key Rate Setting Policies and Their Treatment in 2010 Garaventa Base Year Rate Review

Rate Setting Area	Special Rate Setting Policy	Treatment in 2010 Projection Year
1. Franchise Fees	Set equal to five (5) percent of gross residential, commercial, and recycling revenues.	Adjusted to equal \$521,754 based on the five (5) percent of gross revenues requirement.
2. General and administrative costs	Allowed up to a cap of 13.2 percent of total costs for corporate, regional, and local general and administrative costs, subject to reexamination in the base year.	Allowed up to a cap of 12.8 percent of total costs for corporate, regional, and local general and administrative costs, based on updated industry averages (for both publicly traded and privately held companies).
3. Office Rent	Allowed with profit (requires three comparable lease rates for office space).	Allowed with profit (checked comparable lease rates of office space).
4. Profit	Allowed to fluctuate between an operating ratio (OR) of eighty-eight (88) and ninety-two (92) percent. Adjusted to a ninety (90) percent OR in base years.	Reset to a ninety (90) percent operating ratio.
5. Tipping Fees	Allowed a set amount per ton in the calculation of profit (the amount is established by County policy).	Allowed with profit at \$45.00 per ton. Amounts over \$45.00 per ton were considered a pass-through expense.
6. Trucking Charges	A pass-through lease cost (requires three comparable lease rates for trucking charges).	No comparable lease rates were available. Reviewed trucking charges in detail and made cost adjustments before allowing trucking leases in rate base.

**Table 4-1**  
**Contra Costa County**  
**Garaventa-Served Areas**  
**Components of Revenue Requirement Shortfall**  
**(Calendar Year 2010)**

Factor	Percent of Total Shortfall
Direct Labor Costs	46.51
Tipping Fees	19.78
Trucking Charges	14.86
Franchise Fees	17.56
Depreciation and Other Operating Costs	1.29
Total	100.00

### a. Direct Labor Costs

Direct labor cost increases include (1) wage and benefit increases tied to union labor agreements. Wage rates are projected to increase by approximately 4.0 percent each year between 2008 to 2010.<sup>1</sup> Additionally, the union agreement requires health and welfare benefit increases of 11 percent in 2009 and 10 percent in 2010.

### b. Tipping Fees

This cost category includes the costs of refuse and yardwaste consolidation, transportation, and disposal or composting. Combined transfer station and landfill “tipping fees” are projected to increase from \$65.00 per ton in 2008, to \$72.25 per ton in 2010.<sup>2</sup> In general, this increase in tipping fees is necessary to offset reductions in disposal volumes. Both the transfer station and landfill operations have large “fixed costs” of operation which are now spread over declining tonnages (due in part to the poor health of the economy), so the tipping fee rate must be increased to offset this declining

<sup>1</sup> In accordance with the Agreement between the Teamsters Local 315 and Garaventa Enterprises Inc. for the period of February 29, 2008 through February 28, 2014.

<sup>2</sup> The tipping fee charged to all customers at the Contra Costa Waste and Transfer Station as of March 1, 2009, was \$72.25 per ton. This tipping fee included a \$3.60 per ton facility enhancement component largely designed to cover additional costs of the Materials Recovery Facility (MRF) sort line.

tonnage. This proposed tipping fee rate represents the same rate charged to self-haul customers, and is competitive with rates of other similar transfer stations in the area.

### c. Trucking Charges

Trucking and equipment cost increases include (1) increasing wages and benefits for mechanics and shop laborers, (2) fuel and oil cost increases, and (3) property lease cost increases.

### d. Franchise Fees

The County charges a franchise fee to Garaventa for the refuse collection franchise. With other increases to the revenue requirement, the franchise fee is expected to increase proportionately. We project an increase in franchise fees paid to the County of \$137,492, or from \$384,262 in 2008 to \$521,754 in 2010.

### e. Depreciation and Other Operating Costs

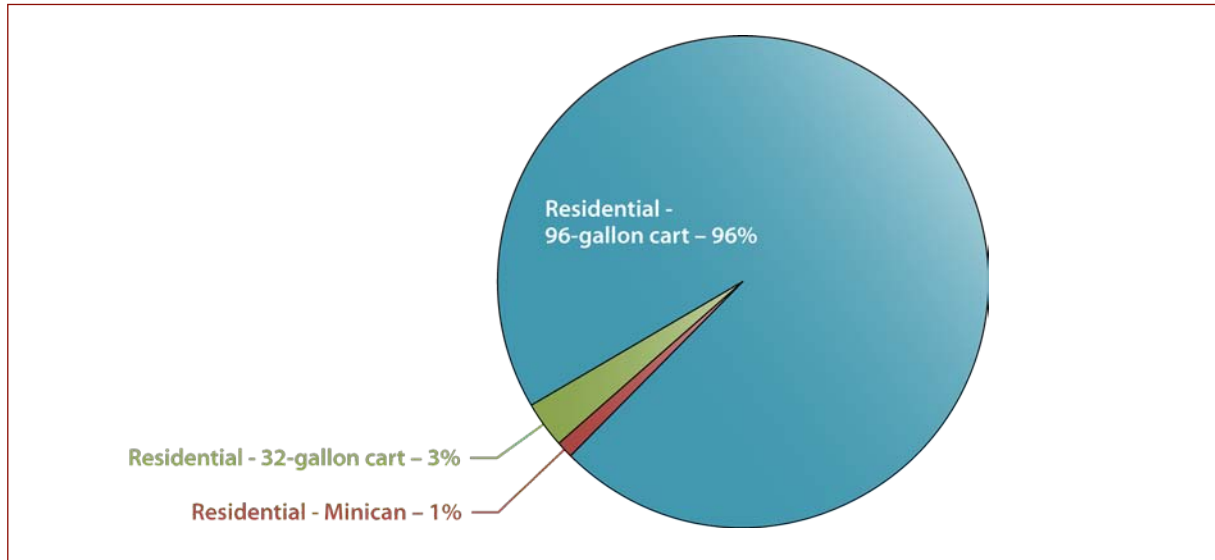
These costs include depreciation of furniture and office equipment used by Garaventa to support County business. For 2010, we project minor increases from 2008 levels in this minor cost category.

## 2. Revenues

We project changes in residential and commercial revenues to be mixed for 2010. We project residential revenues to increase by \$281,713 from 2008 levels (5 percent) and commercial revenues to decrease by \$523,368 from 2008 levels (14 percent). We project recycling revenues to decrease \$25,316, or 64 percent from 2008 levels. The net impact is an decrease in total revenues from 2008 levels of \$266,971 (2.8 percent).<sup>3</sup>

<sup>3</sup> We project this revenue decline even with the 6.5 percent rate increase approved by the County in mid-2008.

**Figure 4-1**  
Contra Costa County  
Garaventa-Served Areas  
Projected Percentage of Residential Revenues by Service Level  
(Calendar Year 2010)



On the residential revenue side, **Figure 4-1**, above, shows the projected 2010 distribution of residential revenues, by service level. Nearly 96 percent of residential revenues are derived from the 96-gallon customer. The remaining 4 percent of revenues come from the various other service levels.

### 3. Profits

Allowable profits are measured by the operating ratio (OR). The operating ratio is defined as allowable expenses divided by the sum of allowable expenses plus allowable profits.

Prior to any rate change, we projected that the operating ratio (OR) to Garaventa would be approximately 100 percent for 2010. In accordance with the Manual requirements, because Garaventa would operate outside of the 88 and 92 percent OR range, we reset the 2010 OR to 90 percent. We projected a 90 percent OR would provide 2010 operating profits, to Garaventa, of \$558,432.

Garaventa has reported a modest net income on its audited financial statements (as shown in **Appendix B**). For 2008, Garaventa audited financial statement shows a combined net profit (for the five companies), before interest and taxes, of \$145,390 on its audited financial statements. As audited financial statements do not reflect the impact of County rate setting adjustments, these results only provide us with estimates of Garaventa allowed profits.

### C. NewPoint Group Rate Application Adjustments

NewPoint Group made several adjustments to Garaventa's 2010 Application. Detailed adjustment calculations are contained in our supporting work papers. NewPoint Group made adjustments to the Application in the following areas (organized as they are presented in the Application)<sup>4</sup>:

<sup>4</sup> We characterize these adjustments as either minor (less than or equal to \$100,000), moderate (greater than \$100,000 and less than or equal to \$500,000), or major (greater than \$500,000).

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### **Allowable Costs**

1. *Direct Labor Costs*
2. *Tipping Fees*
3. *Corporate and Local General and Administrative Costs*
4. *Depreciation and Other Operating Costs*

### **Allowable Profits**

5. *Allowable Operating Profit*

### **Pass Through Costs**

6. *County Administrative Fee*
7. *Trucking and Equipment Costs*
8. *Franchise Fees*

### **Revenues**

9. *Residential Revenues*
10. *Recycled Materials Sales.*

Our adjustments are fully reflected in the \$1,270,247 shortfall described in the prior subsection. Without these adjustments, based on Garaventa's first application submission, the 2010 shortfall would have been approximately \$1.9 million.

## **1. Direct Labor Costs (Minor Adjustment)**

NewPoint Group confirmed that direct labor costs included the wages for all Garaventa drivers (full-time and part-time), cart delivery personnel, utility support personnel, floaters, and supervisors. We confirmed that direct labor costs reflected the current requirements for Garaventa to serve its collection routes within the County (including costs for refuse, recycling, and yardwaste routes).

NewPoint Group developed a direct labor cost model that included the 11 full-time, and 35 part-time (these part-time employees spend time on other business), Garaventa employees required to serve the County. This model included estimated 2010 costs, by employee, for (1) regular pay, (2) overtime pay, (3) vacation pay, (4) holiday pay, (5) sick pay, and

(6) benefits (including health and welfare, pension, payroll taxes, and workers compensation).

NewPoint Group based direct labor costs on annualized year-to-date 2009 direct labor costs, and adjusted for expected 2010 hourly rates and benefits contained within the *Agreement between Teamsters Local 315 and Garaventa Enterprises for the period of 2/29/08 to 2/28/14*.

## **2. Tipping Fees (Moderate Adjustment)**

For 2010, Garaventa included a tipping fee rate of \$75.00 per ton, of which Garaventa projected \$50.00, per ton, allowed with profit, and \$25.00, per ton, as a pass-through cost. NewPoint Group allowed tipping fees (with profit) of \$45.00 per ton, consistent with the Manual requirement, and allowed \$27.25, per ton, as a pass-through cost.

NewPoint Group recommends that the County continue to use a \$45.00, per ton, cap (on tipping fees allowed with profit) based on the fact that \$41.33 of the \$72.25, per ton, tipping fee is a pass-through cost to Potrero Hills Landfill (and this amount already contains a profit to the landfill company). The \$45.00, per ton, with profit cap easily covers the Contra Costa Waste and Transfer (CCWS) \$30.92, per ton, amount for consolidation and transportation services.

Garaventa projected that refuse and yardwaste tonnage, combined, would decrease from 39,472 in 2008 to 37,600 in 2010. Garaventa projected this two-year decline in disposal tonnage to come from the commercial sector primarily (a 25 percent reduction). Garaventa projected residential refuse tons to increase by 2.1 percent and residential greenwaste tons to increase by 2.8 percent. Garaventa projected commercial refuse tons to remain flat between 2008 and 2010.

**Table 4-2**

**General and Administrative Costs as a Percentage of Total Costs  
For Other Northern California Companies and Publicly Traded Companies**

Description	Weighted Average General and Administrative Costs as a Percentage of Total Costs	Years	Number of Data Points
Northern California Refuse Collection Companies	12.8 Percent	2004 to 2010	38
Publicly-Traded Companies (Refuse Collection)	11.4 Percent	1993 to 2009	132

NewPoint Group agrees with the total combined refuse and yardwaste tonnage projection of 37,600 tons for 2010. NewPoint Group believes refuse tonnage of 37,600 is consistent with annualized year to date 2009 data and represents a reasonable projection for 2010 based on the following factors:

- Residential sector growth levels are consistent with modest historical inflation levels
- Commercial refuse tons are relatively flat historically (not many significant shifts)
- For all refuse collection companies, the commercial sector has experienced a dramatic downward trend in refuse tonnage collected
- There does not appear to be any near-term improvement expected in the construction and the housing market, which could keep tonnage generated from these areas low.

### 3. Corporate and Local General and Administrative Costs (Moderate Adjustment)

Garaventa requested general and administrative (G&A) costs equal to \$1,638,557 for 2010. This request is equivalent to an approximately 16.6 percent of total expenses (i.e., expenses after our other recommended adjustments).

At the time the County developed the Manual in 1998, the County placed a cap on corporate and local general and administrative costs. This cap level was 13.2 percent of total costs (see page 1-16 of the Manual). At that time, the County

indicated that it “should continue to examine these [G&A] costs in base years. The County also left open that it should review the cap on G&A during base years to “assure that this cap reflects industry averages.”

NewPoint Group reviewed the cap on local general and administrative costs for this base year. In **Table 4-2**, above, we provide comparative G&A data similar to that originally identified in Table I-1 of the Manual. For seven (7) years between 2004 and 2010, for similar refuse collection companies operating in Northern California, we found general and administrative costs as a percent of total costs averaged 12.8 percent. We also show in Table 4-2 that general and administrative costs as a percent of total costs averaged 11.4 percent for publicly-traded companies over the 1993 to 2009 period.

NewPoint Group adjusted Garaventa local general and administrative costs based on using a 12.8 percent cap. We believe this is a reasonable cap on Garaventa local general and administrative costs at this time based on the current economic conditions. We also believe the cap is reasonable because the local general and administrative cost category does not reflect accounting for Garaventa general and administrative costs which also are included in the lease rates charged by SEG Trucking (including in the trucking and equipment line item of the Application). Actual Garaventa general and administrative costs are consequently higher than shown in the local general and administrative cost category of the Application.



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#### **4. Depreciation and Other Operating Costs (Minor Adjustment)**

To determine allowed depreciation and other operating costs for 2010, NewPoint Group reviewed Garaventa general ledger reports showing depreciation for both furniture and fixtures, as well as customer repairs. We found differences between amounts shown on the Application for 2009, and actual 2009 depreciation shown on the general ledger. We allowed Garaventa inflation on the 2009 general ledger depreciation amount.

#### **5. Allowable Operating Profit (Minor Adjustment)**

Based on the changes to allowable operating costs discussed above, we reduced allowable Garaventa operating profits, as calculated based on a 90 percent operating ratio, by \$56,704. With this reduction, NewPoint Group projects Garaventa operating profits of \$558,432 for 2010.

#### **6. County Administrative Fee (Minor Adjustment)**

The application included the County administrative fee of \$118,587 for 2010. NewPoint Group reviewed Garaventa provided County administrative fee bills. We found a difference of \$3,361 between the amount shown on the Application for 2010, and the actual amount shown on the County administrative fee bill. We allowed the actual amount.

#### **7. Trucking and Equipment Costs (Minor Adjustment)**

SEG Trucking, a related party to Garaventa, leases all trucks and equipment to Garaventa. SEG Trucking costs include:

- Direct labor (mechanics, bin and box repair personnel, and wash and paint personnel)
- Depreciation
- Fuel and oil

- Insurance
- Licenses
- Rent (from a related party, Candy Properties)
- Repair and maintenance
- Taxes
- Tires
- Interest (trucks and baler)
- Overhead (office salaries, accounting, security, legal, pension plan, others).

SEG Trucking allocates trucking charges to Garaventa by using a lease rate, which is developed for each vehicle type. SEG Trucking prepares a detailed model to “build up” its lease rates, by vehicle type. SEG Trucking allocates its total costs to all Garaventa related companies using these same lease rates. NewPoint Group made our adjustments to this detailed SEG Trucking cost allocation model.

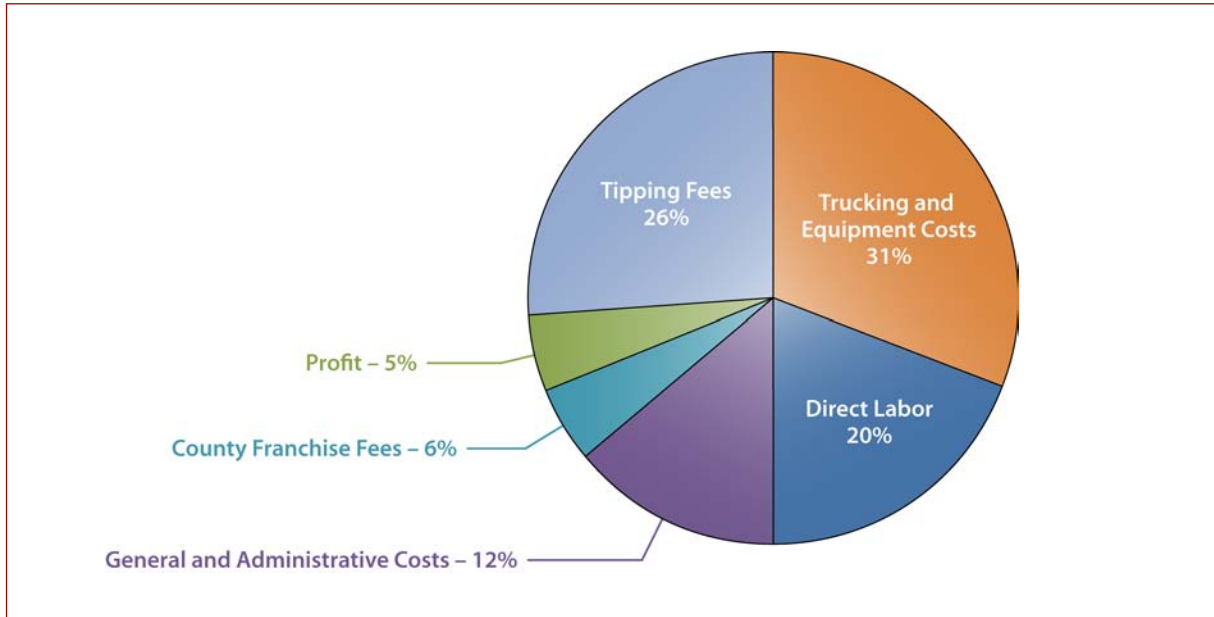
For the 2010 projection, NewPoint Group used SEG Trucking lease rates we approved as part of a rate review in another jurisdiction (i.e., City of Concord). For this rate review we conducted a detailed assessment of expenses, and prepared a comprehensive model of SEG expenses, which are included in the SEG Trucking lease rates. We are comfortable that the SEG Trucking lease rates (we approved for the City of Concord) can be applied to the County.

#### **8. Franchise Fees (Minor Adjustment)**

The application included franchise fees of \$551,266 for 2010. This represents five (5) percent of projected gross revenues. With our adjustments, NewPoint Group used franchise fees of \$521,754 (equal to five (5) percent of the projected revenue requirement of \$10,435,207).



**Figure 4-2**  
Contra Costa County  
Garaventa-Served Areas  
Components of Proposed Residential 96-Gallon Rate  
Calendar Year (2010)



### 9. Residential Revenues (Minor Adjustment)

NewPoint Group increased residential revenues by \$46,840 to match the 2010 projection provided in Garaventa's income statement (estimated based on year-to-date information).

### 10. Recycled Materials Sales (Minor Adjustment)

To project 2010 recycled materials sales, NewPoint Group multiplied estimated 2010 recycled materials tonnage of 2,840, by the \$5.00, per ton, payment rate paid by Mt. Diablo Recycling to Garaventa for all County recycled materials. Based on these assumptions, we project recycled materials sales of \$14,200 for 2010.

### D. Components of Residential Rate

Several cost components are included in all rates for residential refuse collection service. Using the 96-gallon residential rate as an example, the pie charge in **Figure 4-2**, above, shows the major components of the 96-gallon residential rate, and the relative costs of each component. For example, tipping fee costs are twenty-six (26) percent of the 96-gallon residential rate. Categories of costs are consolidated into six (6) categories as described below:

- **Direct Labor** includes the salaries, wages, and benefits of all refuse, recycling, and yardwaste collection drivers and helpers.
- **Profit** is any revenue that exceeds total expenses (i.e., allowable costs plus pass-through costs).
- **Trucking and Equipment Costs** includes costs to lease and operate trucks. Lease costs include truck and equipment repair and maintenance, fuel, licenses, and depreciation.

- 
- **County Franchise Fees** are proposed to be set at \$521,754 for 2010. The County uses some of these funds to help develop solid waste programs and to comply with State waste reduction requirements.
  - **General and Administrative Costs** includes accounting, office space rental, utilities, office supplies, office equipment depreciation, legal services, insurance, and postage for Garaventa. These costs are identified as “Corporate and Local General and Administrative Costs,” “Depreciation and Other Operating Costs,” and “County Administrative Fees.”

- **Tipping Fees** include all charges for disposal of solid waste at a transfer station or landfill. Tipping fees are identified as either allowed with profit, or as a pass-through cost.

While amounts shown in Figure 4-2 are for the 96-gallon rate, other residential rates can be divided into the various cost components with the same relative costs shown for the 96-gallon rate.

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## **Section 5**

### **Recommended Rate Change for 2010**

## 5. Recommended Rate Change for 2010

In the previous section, we provide findings from the review of Garaventa's 2010 Application. In Exhibit D-1 in **Appendix D**, we show that the review findings decrease the 2010 revenue requirement by \$0.65 million. In this section we provide our recommendations for a rate change. We translate the revenue requirement into the impact on County rates. We also compare proposed new unincorporated County rates with those charged in other similar jurisdictions.

This section is organized as follows:

*A. Residential Rate Change for 2010*

*B. Comparison of Rates and Services to Other Neighboring Jurisdictions.*

### A. Residential Rate Change for 2010

As summarized in the adjusted base year model (Exhibit D-1), the total projected net shortfall for this 2010 base year is \$1,270,247 (line 24). We project 2010 revenues, prior to a rate change, of \$9,150,760 [(\$5,919,725 (residential) + \$3,231,035 (commercial)]. Garaventa rates would need to be increased by 13.88 percent ( $\$1,270,247 / \$9,150,760$ ) to provide Garaventa with the target 90 percent operating ratio for 2010. This assumes a uniform application of the rate increase across all sectors. Residential rates with a 13.88 percent increase, for the most common County rates charged, are summarized in **Table 5-1**, below.

**Table 5-1**  
Contra Costa County  
Garaventa-Served Areas  
Residential Solid Waste Collection Rates  
With A 13.88 Percent Rate Increase  
(Per Customer, Per Month)

Container Size	2009 Rate	Adjustment (of 13.88%)	2010 Rate
County Areas (Other Than Byron Areas)			
20-Gallon	\$23.34	\$3.24	\$26.58
32-Gallon	\$28.85	\$4.00	\$32.85
96-Gallon	\$31.85	\$4.00	\$35.85
Byron Areas			
20-Gallon	\$21.88	\$3.04	\$24.92
32-Gallon	\$26.00	\$3.61	\$29.61
96-Gallon	\$29.00	\$3.61	\$32.61



**Table 5-2**  
**Contra Costa County**  
**Garaventa-Served Areas**  
**Estimated 2010**  
**Revenues and Expenses, by Sector**  
**(As a Percent of Total Revenues and Expenses)<sup>1</sup>**

Description	Residential	Commercial	Total
Revenues	65%	35%	100%
Expenses	65%	35%	100%

As shown in **Table 5-2**, left, based on our analysis of revenues and expenses, by sector, we project that, for 2010, Garaventa residential revenues will represent 65 percent of total revenues and Garaventa residential expenses will represent 65 percent of total expenses. Alternatively, Garaventa commercial revenues will represent 35 percent of total revenues, and Garaventa commercial expenses will represent 35 percent of total expenses.

### B. Comparison of Rates and Services to Other Neighboring Jurisdictions

Current 2010 unincorporated County rates were compared with survey data from eleven (11) other jurisdictions. Results of the survey are summarized in **Appendix E. Tables E-1 through E-3** show how current 2010 County residential and commercial rates compare to the average of eleven (11) areas surveyed.

Rates for the 96-gallon residential service are approximately 43 percent below the average of these other areas. Other residential rates for smaller can sizes are between 21 and 29 percent greater than the average.

The fact that the 96-gallon rate is significantly above the average is due to the fact that most of the other jurisdictions surveyed have a variable can rate structure designed to encourage waste reduction practices and recycling through the use of the smaller cart service levels. For these jurisdictions, very few customers have the 96-gallon customers (e.g., less than 5 percent of customers). For the County, virtually all residential customers subscribe to 96-gallon service (96 percent).

While rate comparisons are commonly used in public forums to determine whether a jurisdiction's rates are reasonable, we caution the use of these comparisons to set rates. There are a number of other caveats to using these rate comparisons, which are identified at the bottom of page E-1 of this report.

County bin rates are between approximately 1 and 7 percent below the averages of the eleven comparable jurisdictions (Exhibit E-2). County rates for 20-yard debris box service are 15 percent below the average of the eleven comparable jurisdictions (Exhibit E-3).

<sup>1</sup> Based on a sector analysis of over eight (80) percent of Garaventa expenses and all of Garaventa revenues. These revenue and cost percentage figures reflect the pooling of all unincorporated County revenues and costs (i.e., are fully inclusive of the franchise areas of the City of Oakley areas which ultimately will be part of a new City of Oakley franchise in the near term). These figures presume that unincorporated County areas (both non-City of Oakley and City of Oakley) have a similar distribution of revenues and costs.



## **Section 6**

### **Recommended Residential Three-Cart System Rate Change for 2011**

## 6. Recommended Residential Three-Cart System Rate Change for 2011

This section summarizes results of our assessment of County rates under a new residential three-cart system for 2011. We provide the rationale for a recommended residential rate structure and assumed frequency distribution. We compare the residential rate structure, rates, and assumed frequency distribution with the current rate structure, rates, and frequency distribution for the County.

There are two important variables that we considered when projecting Garaventa revenues for the new three-cart system. The first was the rate structure, or the rate charged per customer. The second was the number of customers in each rate category, or the frequency distribution. These two factors are used to estimate residential revenues and were the focus of our analysis.

Our recommended rate structure, and assumed frequency distribution, are based on our best estimates of how customers will respond to the new three-cart system, and associated rate structure, between implementation in early 2011 and 2012. Our recommendations are meant to capture our best estimate for customer behavior during this period of potential instability and uncertainty.

We provide this analysis based on the entire Garaventa-served County area converting to a residential three-cart system. We understand that the City of Oakley areas already are committed to a residential three-cart system and that the City of Oakley will implement a new residential rate structure later this year. We did not assess differences in our recommended rates, provided in this section, with those rates which may have been agreed to between Garaventa and the City of Oakley.

The remainder of this section is organized as follows:

- A. Assumptions Used for Recommended 2011 Three-Cart System Rate Structure and Rates*
- B. Recommended 2011 Rate Structure and Rates Under New Residential Three-Cart System*
- C. Recommended Education and Outreach*
- D. Other Requested County Analyses*
- E. Franchise Agreement Factors.*

### **A. Assumptions Used for Recommended 2011 Three-Cart System Rate Structure and Rates**

While we reviewed and analyzed the new costs associated with the three-cart residential system, we found that the primary focus of our review became what rate structure to recommend, and frequency distribution to assume, for the new three-cart





system. Projecting the rate structure, and frequency distribution, is not an exact science, and we performed a range of sensitivity analyses with these variables. We considered several alternative rate structure/frequency distribution scenarios, and their impacts on Garaventa revenues, before finalizing our recommendations.

We carefully considered of a number of factors, including the:

- *Price elasticity of different rate structures* – This factor refers to how customers respond to different rate structure scenarios
- *Customer transition period* – There likely will be a period of up to one year during which customers continue to shift service levels.<sup>1</sup> For example, as some customers gain experience with the new system and realize they have greater overall capacity than they do now, they may downsize from a larger to smaller refuse cart
- *Determination of initial customer refuse cart size preferences* – Garaventa plans to survey residential customers, in a three-month period prior to placing its cart order (October through December 2010). It is unlikely that the survey response rate will exceed about 50 percent of customers.<sup>2</sup> With 96 percent of existing customers currently using 96-gallon refuse carts, it is challenging to accurately determine which cart size customers will initially select. We used existing customer frequency distribution experience in other County areas and other Garaventa Enterprises served areas following their implementation of three-cart systems.
- Bi-weekly yardwaste collection
- New capital outlays totaling over \$2.1 million, including the purchase of over 40,000 new carts for refuse, curbside recycling, and yardwaste services
- An interest rate of 5.0 percent on the purchase of new carts
- A depreciation period of ten (10) years for new cart purchases<sup>3</sup>
- Treatment of the new cart costs as an allowable cost (with profit)
- No significant change in disposal costs associated with the new system (refuse volumes are at a low point now, and much of the diverted material is offset by increases in yardwaste which has no net disposal cost savings)
- County preferences to retain a legacy mini-can rate (i.e., a Garaventa-provided 20-gallon can service)
- A reduction in cost from using bag service for recycling and yardwaste collection for customers on Marsh Creek and Deer Valley (\$68,122)
- A savings of \$7,215 for reduced on-call service
- New bag costs for hard-to-serve customers of \$8,124
- Personal property taxes on new toters of \$22,975
- Additional costs for labor rate increase in 2011 (a 6 percent increase) of \$122,814.

Based on our review, the new rate structure fully reflects the following:

- Weekly refuse collection
- Bi-weekly recycling collection

Based on our assessment of new costs associated with the residential three-cart system, we estimate new costs of approximately \$437,318 for the new service. This new required revenue must come from the residential sector which benefits from the service (not the commercial sector). Based on projected residential revenues of \$6,886,416 (with the 13.88 percent residential rate increase

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<sup>1</sup> Garaventa agrees to allow customers to shift service levels without restriction as opposed to requiring customers to commit to a service level over some set period of time.

<sup>2</sup> Garaventa Enterprises did a similar mail survey for the City of Rio Vista and received a 40 percent response rate.

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<sup>3</sup> This would require an extension of the current franchise agreement term by six (6) years. The current franchise agreement expires in mid-2015 (approximately four (4) years from the 2011 three-cart system implementation).

recommended in Section 5), residential rates will need to increase by an additional 8.80 percent in 2011 to cover the new three-cart system costs. The resulting total combined effective two-year residential rate increase is 22.68 percent.

## B. Recommended 2011 Rate Structure and Rates Under New Residential Three-Cart System

NewPoint Group's recommended rate structure is shown in **Table 6-1**, right. Our recommended rate structure incorporates rates for 20-, 32-, 64-, and 96-gallon services levels.

The recommended rate structure is consistent with a goal to encourage customers to generate less refuse, but does not have large differences between the lowest and highest rate that force customers to choose the lowest refuse service level. Though other neighboring jurisdictions employ more extreme variable can rate structures (e.g., where the 64-gallon rate is twice the 32-gallon rate), we did not use this type a rate structure. Such a new rate structure would result in too great a rate shock to many County customers. Also, when customers are forced, through the economics of the rate structure, toward the smallest possible refuse service level, there is the possibility of illegal dumping, already a County concern. Some customers also may place extra refuse into their recycling and yardwaste carts to avoid paying a higher rate.

Within the recommended rate structure, there are similar rate differences (i.e., a degree of linearity). For example, the 64-gallon rate is \$5.75 per month greater than the 32-gallon rate; and the 96-gallon rate is \$4.50 per month greater than the 64-gallon rate. The relatively similar differences between the rates can allow customers to choose the service level that corresponds to their need.

**Table 6-1**  
Contra Costa County  
Garaventa-Served Areas  
Recommended Residential Rate Structure with  
New Three-Cart System<sup>4</sup>  
(Year 2011)

Service	NPG Recommended (per customer, per month)
20-gallon mini-can	\$24.95
32-gallon cart	\$30.20
64-gallon cart	\$35.95
96-gallon cart	\$40.45

**Table 6-2**  
Contra Costa County  
Garaventa-Served Areas  
Residential Rates as a Percentage  
of the 32-Gallon Residential Rate  
Before and After Three-Cart System Change

Service Level	Before System Change <sup>5</sup>	After System Change <sup>6</sup>
32-gallon	100%	100%
64-gallon	N/A	119%
96-gallon	109%	134%

**Table 6-2**, above, shows the differences between rates, as a percentage of the 32-gallon rate, before and after the three-cart system change. After the system change, the spread between the 96-gallon and 32-gallon rate under the new system is much larger than the current spread. This larger difference was not based on a decision to penalize the 96-gallon customer more, under the new rate structure, but rather on the need to generate sufficient revenues from the rate structure to cover the revenue requirement.

<sup>4</sup> With ten (10) year cart amortization.

<sup>5</sup> With a 32-gallon rate of \$32.85 per customer, per month.

<sup>6</sup> With a 32-gallon rate of \$30.20 per customer, per month.

**Table 6-3**  
**Contra Costa County**  
**Garaventa-Served Areas**  
**Assumed Residential Customer**  
**Frequency Distribution**  
**(Year 2011)**

Service	Percent of Customers
20-gallon mini-can	1%
32-gallon cart	34%
64-gallon cart	40%
96-gallon cart	25%
Total	100%

Our assumed frequency distribution is shown in **Table 6-3**, above. This frequency distribution is based on the following factors:

- Over 96 percent of current customers have 96-gallon refuse service and we believe that about half of these customers will, at least initially, want to retain their refuse cart capacity
- Consideration of actual frequency distribution data for other jurisdictions, in the area, following implementation of a three-cart system (e.g., City of Rio Vista, and City of Concord).

We would recommend the County and Garaventa to carefully reevaluate both the rate structure, and frequency distribution assumptions after a one year period (i.e., at the end of 2011). At that time, with more stability in customer behavior, and actual data, the assumptions for the frequency distribution could be very different from the current recommendation.

It is important to note that the company has some risks associated with the transition to the three-cart system, including:

- Accepting that customers could, on average, select smaller refuse cart sizes than assumed in the frequency distribution

- Forgoing a “balancing account,” or another similar mechanism to true up projected revenues, and/or costs, with actual revenues and costs through 2011
- Absorbing revenue and cash flow instability. As customers decide on a service level and migrate to different cart sizes, revenues likely could fluctuate during the period from early- to mid-2011.

In **Table 6-4**, on the next page, we compare the recommended residential three-cart system rate structure with the proposed 2010 rate structure discussed in Section 5. For the 32-gallon service, recommended three-cart system rates are 8.07 percent below our recommended 2010 rates (identified in Section 5). The recommended 96-gallon service rate is 12.83 percent above our recommended 2010 rate.

As shown in **Table 6-5**, on the next page, an estimated 65 percent of current customers will see some rate increase in 2011. These customers will see an increase of \$4.60 per customer, per month. Alternatively, 35 percent will see a rate decrease, ranging from \$1.63 to \$5.65 per customer per month.

One of the benefits of the new system is the additional capacity customers will have with three new carts. We compared the rate per gallon of estimated capacity before, and after, the three-cart residential system is implemented. In **Table 6-6**, on the next page, we show that the current rate, per gallon of total capacity (refuse, curbside recycling, and yardwaste), is between \$0.23 and \$0.33. With the recommended rates, and capacity of the new three-cart system, the rate per gallon of total capacity falls significantly to between \$0.21 and \$0.24, as shown in **Table 6-7**, on page 6-7. All categories of County customers ultimately benefit from a lower rate per gallon of capacity.

**Table 6-4**  
**Contra Costa County**  
**Garaventa-Served Areas**  
**Recommended Changes to Residential Rate Structure**  
**(Year 2011)**

Service Level	2010 Recommended Rate (With 13.88 Percent Increase)	2011 Recommended Three-Cart System Rate	Absolute Difference	Percent Difference
20-gallon mini-can	\$26.58	\$24.95	-\$1.63	-6.13%
32-gallon cart	\$32.85	\$30.20	-\$2.65	-8.07%
64-gallon cart	N/A	\$35.95	N/A	N/A
96-gallon cart	\$35.85	\$40.45	+\$4.60	+12.83%

**Table 6-5**  
**Contra Costa County**  
**Garaventa-Served Areas**  
**Percentage of Customers with Rate Increase and Rate Decrease**  
**(Year 2011)**

Service Level	Current 2009 Frequency Distribution	NPG Assumed	2010 Recommended Rate (With 13.88 Percent Increase)	2011 Recommended Rate	Estimated Percent Current Customers with Rate Increase	Amount of Rate Increase	Estimated Percent Current Customers with Rate Decrease	Amount of Rate Decrease
20-gallon mini-can	1%	1%	\$26.58	\$24.95	0%	N/A	1%	-\$1.63
32-gallon cart	3%	34%	\$32.85	\$30.20	0%	N/A	34%	-\$2.65 to -\$5.65
64-gallon cart	0%	40%	N/A	\$35.95	40%	\$0.10	N/A	N/A
96-gallon cart	96%	25%	\$35.85	\$40.45	25%	\$4.60	N/A	N/A
Total	100%	100%			65%		35%	

**Table 6-6**  
**Contra Costa County**  
**Garaventa-Served Areas**  
**Weekly Rate per Gallon Of Refuse, Curbside Recycling,**  
**and Yardwaste Capacity With Current System**  
**(Year 2010)**

Service Level	Rate Per Customer, Per Month	Refuse Cart/Can Capacity (gallons)	Curbside Recycling Crates Capacity <sup>7</sup> (gallons)	Yardwaste Can Capacity <sup>8</sup> (gallons)	Total Estimated Capacity (gallons)	Rate Per Customer, Per Month, Per Gallon of Capacity
20-gallon mini-can	\$26.58	20	28	32-80	80	\$0.33
32-gallon can	\$32.85	40	28	32-80	100	\$0.33
96-gallon cart	\$35.85	96	28	32-80	156	\$0.23

<sup>7</sup> Equal to two 14-gallon crates.

<sup>8</sup> This is an assumed average level of service at two 32-gallon customer provided cans, provided every other week, or 32 gallons per week; or at five bags (each bag with a maximum of 32 gallons of materials), provided every other week, or 80 gallons per week.

### C. Recommended Education and Outreach

Three-cart automated collection service is a significant shift in how services are provided. Jurisdictions that have been successful with implementing new three-cart automated collection services have actively addressed customer/stakeholder concerns throughout the planning process and have worked hard to educate customers prior to implementation. Education is critical, both at the initial roll-out and on an ongoing basis. **Exhibit 6-1**, on page 6-7, lists various techniques used by these jurisdictions to obtain customer feedback and educate customers prior to implementation. We highly recommend that the County and Garaventa work together to use some of these outreach methods prior to implementation of three-cart service. We recommend that the County work with Garaventa to ensure outreach materials and approach used is consistent with the County's practice in other franchise hauler areas, and Garaventa prepare draft outreach materials and submit to the County for review, input, and approval.

### D. Other County Requested Analyses

The analyses for the three-cart system, provided in the above subsection, assume a ten (10) year amortization schedule for the new cart purchases. A ten (10) year amortization timeframe would exceed the remaining term of the franchise by approximately six (6) years. The current franchise between the County and Garaventa expires on May 8, 2015.

### E. Franchise Agreement Factors

At the time the County received the Application from Garaventa Enterprises, the company also requested that the County consider an extension of the franchise agreement. The current twenty-year agreement expires on May 8, 2015. There are many factors that the County will want to consider when evaluating a franchise extension. Many of these factors are described in **Appendix F**. The County is in the process of considering Garaventa's request for an extension.

As identified in **Exhibit F-1**, many jurisdictions negotiate new terms and conditions as part of an extension. From our perspective, we recommend that the County negotiate some new terms and conditions that have a measureable ratepayer benefit. A franchise extension has tremendous value to the company, and we would expect that the company would be motivated to provide some ratepayer benefits in conjunction with a franchise extension.

Now might be an appropriate time to enter into these franchise discussions as Garaventa has proposed new residential three-cart services for 2011, which come at a significant cost to County ratepayers. If the franchise did expire in 2015, we would not recommend that Garaventa invest in new carts for 2011 due to the limited four (4) year period available to amortize this major capital outlay.

**Table 6-7****Contra Costa County****Garaventa-Served Areas****Recommended Weekly Rate per Gallon Of Refuse, Curbside Recycling,  
and Yardwaste Capacity With New Three-Cart System  
(Year 2011)**

Service Level	Recommended Rate Per Customer, Per Month	Refuse Cart Capacity (gallons)	Curbside Recycling Cart Capacity (gallons)	Yardwaste Cart Capacity (gallons) <sup>9</sup>	Total Capacity (gallons)	Rate Per Customer, Per Month, Per Gallon of Capacity
20-gallon mini-can	\$24.95	20	48	48	116	\$0.22
32-gallon cart	\$30.20	32	48	48	128	\$0.24
64-gallon cart	\$35.95	64	48	48	160	\$0.22
96-gallon cart	\$40.45	96	48	48	192	\$0.21

**Exhibit 6-1****Recommendations for New Three-Cart Collection System Outreach and Education**

Recommendations
1. Provide adequate communications channels to address ongoing questions regarding transition to the three-cart system
2. Develop customer handouts, brochures, or fliers
3. Provide newspaper advertisements
4. Prepare direct mailer to survey customers on refuse cart size preferences
5. Develop new website information (e.g., answers to frequently asked questions)
6. Consider radio and TV public service announcements
7. Consider developing a separate hotline that is staffed 12 hours per day for the first several weeks of the program to assist with customer questions and concerns
8. Provide status in a newsletter
9. Display sample cart set out in various public settings (e.g., malls)

<sup>9</sup> This is an assumed average level of service at one 96-gallon cart provided every other week, or 48 gallons per week.

Garaventa has offered quality service to County customers (as evidenced by the customer satisfaction survey results). Garaventa rates are mixed in terms of how they compare with neighboring jurisdictions, however, taken on an overall basis (for all sectors and service levels), rates do not appear unreasonable. These two factors suggest that a franchise extension is definitely worth considering with Garaventa.

The average franchise extension we observe in the waste management industry is approximately eight (8) years.

Were the County to decide not to extend the franchise, the County would need to begin a Request for Proposal (RFP) process for a new franchisee at least two years in advance of the expiration, or in 2013. This timeframe is required to effectively develop the RFP, receive bids, select a franchisee, and allow the franchisee transition time. An RFP process does carry significant costs to procure assistance with an RFP, and for County staff time to assist with the process.



## **Section 7**

# **Implementation Schedule**



## 7. Implementation Schedule

This section describes the timing for implementation of the new three-cart automated/semi-automated system, and the timing of upcoming rate setting. There are some logistics to work out with an entirely new three-cart system in terms of order and delivery of the three carts for each residential customer, rerouting, and adjusting the truck fleet as needed to serve the County areas. This section is organized as follows:

- A. *Three-Cart System Implementation Timeline*
- B. *Rate Setting Timeline for 2012 Through 2015.*

### A. Three-Cart System Implementation Timeline

Implementation of the new automated system will occur over an approximately six month, phase-in period. This time period will allow time to order and distribute new refuse and recycling carts.<sup>1</sup> **Table 7-1**, below, shows the expected steps and approximate timing for automation implementation.

**Table 7-1**  
Contra Costa County  
Garaventa-Served Areas  
Residential Three-Cart Implementation Timing

Milestone	Expected Timing
1. Board of Supervisors meeting to review report and consider/approve rate	By January 2011
2. Garaventa Enterprises implements new interim rate	March 2011
3. Garaventa Enterprises conducts ongoing outreach and education, under the County's supervision and direction, to inform customers of planned service changes	March 2011 to July 2011
4. Garaventa Enterprises places order for new carts and/or trucks	March 2011
5. Garaventa Enterprises receives new carts and/or trucks	August 2011
6. Garaventa Enterprises delivers carts to residential customers and begins to charge customers the new rate <sup>2</sup>	August 2011 to December 2011 (target completion date by October 2011, completed no later than December 31, 2011)

<sup>1</sup> Garaventa will use half of the existing 96-gallon refuse totes for yardwaste.

<sup>2</sup> Garaventa Enterprises will begin to charge County customers the new rate beginning with the date that the customer receives new carts.

The timeline presented in Table 7-1 is relatively aggressive in light of the numerous factors involved in implementing the new system. Delays in cart orders could delay the entire schedule. Garaventa also could have logistics issues in terms of procuring, storing, inventorying, and delivering carts in a timely manner by the target date of October 2011. Garaventa could end up with a longer phase-in period as it implements only portions of the County at a time.

There is the possibility that Garaventa could implement the three-cart service for a portion of the County only, but not the entire County, effectively delaying the implementation period well beyond that shown in Table 7-1. While unlikely, Garaventa also could run into too many problems and fail to implement the new three-cart system at all.

### **B. Rate Setting Timeline for 2012 through 2015**

There is significant uncertainty associated with the proposed year 2011 rate structure frequency distribution assumptions. It is possible that Garaventa could require an interim year rate

increase for 2012 (and this increase also could be for extraordinary circumstances as defined by the Manual on page IV-1). Such a rate increase may be necessary due to the uncertainty as to how much revenue the new rate structure will generate. The County, and ratepayers, should be informed that, in conjunction along with a 2011 rate change, a 2012 rate change also is a possibility.

As with any interim year, Garaventa has the option of applying for an interim year rate increase for calendar year 2012. The interim year rate change application is normally due to the County three months in advance of the eventual implementation date. For a January 1, 2012, implementation, Garaventa would normally submit its interim year application by September 30, 2011. Garaventa also will have the option of submitting an interim year rate application for January 1, 2013, and January 1, 2014, implementation.

Given that 2011 is effectively a base year (with the new tiered residential rate structure likely implemented in mid 2011), the next base year will be 2015. The Rate Setting Manual requires Garaventa to submit its 2015 base year application by June 30, 2014, for a January 1, 2015, rate implementation.



## **Appendix A**

### **Rate Application**

# Appendix A

## Rate Application

This appendix includes the 2010 Base Year Rate Application (Application). In its Application, Garaventa Enterprises requested a 21.10 percent increase. The Application included the following contents:

- Cover letter
- Six (6) page application, with:
  - Financial information
  - Cost summary for year 2009 (2 pages)
  - Single family residential summary
  - Operating information
  - Summary with requested rate change
- Income statements (unaudited) for years ended December 31, 2006, 2007, and 2008
- Garaventa's annualized Statement of Operations for the year ended December 31, 2009
- Garaventa's projected Statement of Operations for the year ended December 31, 2010.

The Application, as submitted, was consistent with the requirements of the County's Rate Manual. We verified that the calculations contained in the Application were accurate and that the Application was complete.

In the course of performing our review, and to assess data provided in the Application, we submitted various data requests to Garaventa. During our review, we obtained and reviewed the following information and documents:

- Amortization schedules (cart and truck purchases)
- County debris box usage records (free services to County)
- Customer counts
- Depreciation schedules
- Disposal rate adjustment records
- Employee payroll records
- Fixed asset schedules
- General ledger transactions reports
- Health and welfare and workers compensation records
- Household hazardous waste reports
- Lease agreements
- Route maps
- Tonnage reports (refuse, recycling, and yardwaste)
- Truck and equipment lease schedules
- Union labor agreements (Teamsters Local 315).



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## Garaventa Enterprises

4080 MALLARD DRIVE • P.O. BOX 5397  
CONCORD, CALIFORNIA 94520  
(925) 689-8390

December 8, 2009

Ms. Deidra Dingman  
Contra Costa County  
Community Development Department  
651 Pine Street  
4<sup>th</sup> Floor – North Wing  
Martinez, CA 94553

RE: Rate Application

Dear Ms. Dingman:

Enclosed is the Base Year Rate Application for Garaventa Enterprises franchised areas for unincorporated Contra Costa County and Ironhouse Sanitary District. The Base Year Rate Application is supported by Audited Financial Statements of those operations for the calendar year 2008, current estimated results of calendar year 2009 based on nine months of operations, and projected 2010 results.

Our resulting calculation shows a change in the current Residential and Commercial rates of 21.10%.

A meeting with you, your staff, consultants, Board committee and Ironhouse Sanitary District representatives should be scheduled at your earliest convenience. If you have any questions, please call us at (925) 689-8390.

Sincerely,

Clark Colvis  
CFO

Cc: Eric Nylund (w/enclosures) ✓

## Base Year Rate Change Application

## Financial Information

Actual Historical Years			Estimated Current Year	Projected Base Year
Year 1 2006	Year 2 2007	Year 3 2008	Year 4 2009	Year 5 2010

## Section I--Allowable Costs

1. Direct Labor	\$ 1,596,533	\$ 1,701,833	\$ 1,682,741	\$ 1,787,944	\$ 1,991,991
2. Tipping Fees (Profit Allowed)	2,228,146	2,035,511	1,973,594	1,865,055	1,880,000
3. Corporate and Local General and Administrative Costs	1,352,328	1,333,121	1,443,757	1,534,035	1,638,557
4. Depreciation and Other Operating Costs	37,295	20,185	10,968	37,197	38,499
5. Services Provided to County					
6. Total Allowable Costs (Lines 1+2+3+4+5)	\$ 5,214,303	\$ 5,090,649	\$ 5,111,060	\$ 5,224,231	\$ 5,549,047

## Section II--Allowable Operating Profit

7. Operating Ratio	94%	87%	97%	125%	90%
8. Allowable Operating Profit [(Line 6 + 0.9) - Line 6]	\$ 336,433	\$ 771,365	\$ 158,651	\$ (1,059,204)	\$ 616,561

## Section III--Pass Through Costs without Franchise Fees

9. County Administrative Fee	102,414	\$ 87,717	\$ 116,929	\$ 118,587	\$ 118,587
10. Trucking and Equipment	2,664,793	2,649,810	3,072,931	3,708,692	3,249,864
11. Tipping Fees (Pass Through)	291,926	404,447	588,097	831,962	940,000
12. Total Pass Through Costs (without Franchise Fees) (Lines 9+10+11)	\$ 3,059,133	\$ 3,141,974	\$ 3,777,957	\$ 4,659,241	\$ 4,308,451

## Section IV--Revenue Requirement without Franchise Fees

13. Total Allowable Costs (Line 6) plus Allowable Operating Profit (Line 8) plus Total Pass Through Costs (without Franchise Fees) (Line 12)	\$ 8,609,868	\$ 9,003,988	\$ 9,047,668	\$ 8,824,268	\$ 10,474,058
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## Section V--Revenue without Rate Change in Base Year

14. Residential Revenue					\$ 5,932,680
15. Less Allowance for uncollectible Residential Accounts					\$ 69,327
16. Total Residential Revenue (without Rate Change in Base Year)	\$ 4,924,167	\$ 5,404,120	\$ 5,638,011	\$ 5,979,520	\$ 5,873,353
17. Commercial and Light Industrial Revenue					\$ 3,231,036
18. Less Allowance for uncollectible Commercial and Light Industrial Accounts					
19. Total Commercial/Light Industrial Revenue (without Rate change in base year)	\$ 3,959,588	\$ 3,957,982	\$ 3,754,402	\$ 3,245,176	\$ 3,231,036
20. Recycled Material Sales	\$ 61,391	\$ 29,421	\$ 39,517	\$ 5,928	\$ -
21. Total Revenue (Lines 16+19+20)	\$ 8,945,147	\$ 9,391,523	\$ 9,431,930	\$ 9,230,623	\$ 9,104,389

## Section VI--Net Shortfall (Surplus)

22. Net Shortfall (Surplus) without Franchise Fees (Line 13-Line 21)					\$ 1,369,669
23. Residential/Commercial/Light Industrial Franchise Fees (see calculation below)	\$ 335,279	\$ 387,535	\$ 384,262	\$ 406,356	\$ 551,266
24. Net Shortfall (Surplus) with Franchise Fees (Lines 22+23)					\$ 1,920,935

## Section VII--Percent Change in Rates

25. Total Commercial/Light Industrial Revenue Prior to Rate Change (Lines 16+19)					\$ 9,104,389
26. Percent Change in Existing Residential/Commercial/Light Industrial Rates (Line 24 + Line 25)					21.10%

## Franchise Fee Calculation

Franchise fees are set by the County at 5 percent of the revenue requirement  
Solve for two equations with one unknown, and identify franchise fees as X =>  
Equation 1) Revenue Requirement x 0.05 = X  
Equation 2) Revenue Requirement = Line 13 + X, or \$ 10,474,058 + X  
Substitute equation 2) into equation 1) and solve for X =>  
( \$ 10,474,058 + X ) x .05 = X, or X = \$ 551,266

## Summary Revenue Requirement

27. Total Allowable Costs (Line 6)	\$ 5,549,047
28. Allowable Operating Profits (Line 8)	616,561
29. Total Pass Through Costs (with Franchise Fees) (Lines 12 + 23)	4,859,717
30. 2010 Revenue Requirement (Lines 27 + 28 + 29)	\$ 11,025,325

## Base Year Rate Change Application

Cost Summary for Year 2009 768

## Section VIII - Base Year Cost Allocation

	Total County	(Baypoint) Unincorporated County	Audited Garaventa Financial	Allocation Base(s)
Labor - Regular	\$ 1,115,769	\$ 166,663.84	\$ 949,105	Direct
Labor - Overtime	-	-	-	Direct
Benefits	478,062	83,232	392,829.7	Direct
Payroll Taxes	90,910	13,650	77,260.6	Direct
31. Total Direct Labor	\$ 1,882,741	\$ 263,546	\$ 1,419,195	Direct
32. Total Tipping Fees (Profit Allowed)	\$ 1,973,594	\$ 136,658	\$ 1,836,936	Volume
Administrative Salaries	\$ 823,372	\$ 35,587.00	\$ 787,785	Volume
Taxes - Payroll	42,197	2,028	40,169	Volume
Pension	11,197	599	10,599	Volume
Accounting	94,771	3,374	91,397	Volume
Alarm	528	18	510	Volume
Bank charges	28,458	388	28,073	Volume
Collection Fees	15	-	15	Volume
Public education	10,300	506	9,794	Volume
IBM Rental, Software & Repair	14,713	697	14,016	Volume
Dues & Subscriptions	2,386	764	1,632	Volume
Fuel & Oil	-	-	-	Volume
Insurance	1,643	857	786	Volume
Janitorial	2,700	-	2,700	Volume
Landscape and maintenance	-	-	-	Volume
Laundry and uniforms	401	199	202	Volume
Legal	142,228	98	142,130	Volume
Licenses	208	8	200	Volume
Medical Expense	1,116	57	1,059	Volume
Miscellaneous	6	6	-	Volume
Office Supplies & Expense	9,181	937	8,244	Volume
Outside Services	-	-	-	Volume
Postage	53,034	2,905	50,129	Volume
Printing	46,317	2,386	43,931	Volume
Lease - Outside Equipment	1,597	36	1,561	Volume
Rent - Office	151,092	3,883	147,209	Volume
Repairs - General	901	111	790	Volume
Taxes - Other	2,079	18	2,061	Volume
Utilities	1,471	331	1,140	Volume
Telephone	1,834	113	1,720	Volume
33. Total Corporated and Local General and Administrative Costs	\$ 1,443,757	\$ 55,904	\$ 1,387,852	
Depreciation - Buildings & Furniture	\$ 809	\$ 193	\$ 616	Volume
Customer repairs	10,159	844	9,315	Volume
	-	-	-	Volume
34. Total Depreciation and Other Operating Costs	\$ 10,968	\$ 1,037	\$ 9,931	
35. Household Hazardous Waste	\$ -	-	-	N/A
36. Total Allowable Costs (Lines 31 + 32 + 33 + 34 + 35)	\$ 5,111,080	\$ 457,145	\$ 4,653,915	
37. Total County Administration Fee	\$ 116,929	\$ 3,657	\$ 113,272	Direct
Equipment rental	\$ 3,072,931	\$ 319,413	\$ 2,753,518	Direct
Gas and oil				N/A
Insurance				N/A
Parts				N/A
Repairs and Maintenance				N/A
Tires				N/A
Other				N/A
38. Total Trucking and Equipment	\$ 3,072,931	\$ 319,413	\$ 2,753,518	N/A
39. Total Tipping Fees (Pass Through)	\$ 588,097	\$ 38,263	\$ 549,834	N/A
40. Total Residential/Commercial/Light Industrial Franchise Fees	\$ 1,143,178	\$ 814,821	\$ 328,356	N/A
41. Total Pass Through Costs (Lines 37 + 38 + 39 + 40)	\$ 4,921,134	\$ 1,176,154	\$ 3,744,980	N/A
42. Total Costs (Lines 36 + 41)	\$ 10,032,194	\$ 1,633,299	\$ 8,398,895	N/A



## Base Year Rate Change Application

## Cost Summary for Year 2009

## Section IX - Revenue

	Actual Historical Years			Estimated Current Year	Projected Base Year
	Year 1	Year 2	Year 3	Year 4	Year 5
	2006	2007	2008	2009	2010
<b>Single Family Residential Service</b>					
43. Single Family Residential Revenue (Base Year from Page 4 of 6)	\$ 4,924,167	\$ 5,404,120	\$ 5,638,011	\$ 5,979,520	\$ 5,932,680
<b>Multiunit Residential Service</b>					
44. Number of Accounts					
45. Multiunit Residential Revenue					
46. Residential Revenue (w/o Allowance for Uncollectible Accounts) (Lines 43 + 45)	\$ 4,924,167	\$ 5,404,120	\$ 5,638,011	\$ 5,979,520	\$ 5,932,680
47. Allowance for Uncollectible Residential Accounts					\$ 59,327
48. Total Residential Revenue (Line 46 - Line 47)	\$ 4,924,167	\$ 5,404,120	\$ 5,638,011	\$ 5,979,520	\$ 5,873,353
<b>Commercial and Light Industrial Can Service</b>					
49. Number of Accounts	116	110	115	99	110
50. Commercial and Light Industrial Can Revenues	\$ 131,235	\$ 157,955	\$ 229,788	\$ 217,437	\$ 241,596
<b>Commercial and Light Industrial Bin Service</b>					
51. Number of Accounts	279	273	263	278	273
52. Commercial and Light Industrial Bin Revenues	\$ 1,731,866	\$ 1,838,626	\$ 1,803,427	\$ 1,889,229	\$ 1,856,949
<b>Commercial and Light Industrial Drop Box Service</b>					
53. Number of Accounts	304	326	356	331	329
54. Commercial and Light Industrial Drop Box Revenues	\$ 2,096,487	\$ 1,961,401	\$ 1,721,208	\$ 1,138,510	\$ 1,132,490
55. Commercial and Light Industrial Revenue (w/o Allowance for Uncollectible Accounts) (Lines 50 + 52 + 54)	\$ 3,959,588	\$ 3,957,982	\$ 3,754,402	\$ 3,245,176	\$ 3,231,036
56. Allowance for Uncollectible Commercial and Light Industrial Accounts					
57. Total Commercial and Light Industrial Revenues (Line 55 - Line 56)	\$ 3,959,588	\$ 3,957,982	\$ 3,754,402	\$ 3,245,176	\$ 3,231,036
58. Recycled Material Sales	\$ 61,391.48	\$ 29,420.73	\$ 39,516.94	\$ 5,927.54	-
59. Total Revenue (Lines 48 + 57 + 58)	\$ 8,945,147	\$ 9,391,523	\$ 9,431,930	\$ 9,230,623	\$ 9,104,389

## Base Year Rate Change Application

## Single Family Residential Summary

Section X--Single Family Residential Revenue

Projected
Base Year
2010

## Single Family Residential revenue (without Rate Change In Base Year)

Oakley Can/Toter (Ironhouse)	T9
Oakley extra can with toter (Ironhouse)	TA
Oakley mini can (Ironhouse)	T2
Oakley 40 gallon can (Ironhouse)	T4
Oakley Can/Toter (County)	T9
Oakley extra can with toter (County)	TA
Oakley mini can (County)	T2
Oakley 40 gallon can (County)	T4
Brentwood (out of City) Can/Toter	T9
Brentwood (out of City) extra can with toter	TA
Brentwood (out of City) mini can	T2
Brentwood (out of City) 32 gallon can	T3
Byron toter	T9
Byron extra can with toter	TA
Byron mini can	T2
Byron 32 gallon can	T3
Discovery Bay Can/Toter	T9
Discovery Bay Mini Can	T2
Discovery Bay extra can with toter	TA
Discovery Bay 32 gallon can	T3
Baypoint (PDS) Can/Toter	T9
Baypoint (PDS) Mini Can	T2
Baypoint (PDS) extra can with toter	TA
Baypoint (PDS) 32 gallon can	T3

Current Rate/Month
\$ 28.11
\$ 6.88
\$ 23.11
\$ 28.11
\$ 28.85
\$ 7.12
\$ 23.34
\$ 28.85
\$ 28.85
\$ 7.12
\$ 23.34
\$ 28.85
\$ 26.00
\$ 6.48
\$ 21.88
\$ 26.00
\$ 28.85
\$ 23.34
\$ 7.12
\$ 28.85
\$ 23.34
\$ 7.12
\$ 28.85

Projected Accounts
9138
0
100
267
102
0
0
4
853
1
6
32
129
0
2
8
4359
46
4
39
2073
58
2
215

Total
\$ 3,082,430
\$ -
\$ 27,732
\$ 90,064
\$ 35,312
\$ -
\$ -
\$ 1,385
\$ 295,309
\$ 85
\$ 1,680
\$ 11,078
\$ 40,248
\$ -
\$ 525
\$ 2,496
\$ 1,509,086
\$ 12,884
\$ 342
\$ 13,502
\$ 717,673
\$ 16,245
\$ 171
\$ 74,433

60. Total Base Year Single Family Residential

17,438.00

\$ 5,932,680.00

## Base Year Rate Change Application

## Operating Information

Historical Information	Percent Change	Historical Information	Percent Change	Historical Information	Percent Change	Current Year Estimated Information	Percent Change	Base Year Projected Information
Year 1	Yr. 1 to 2	Year 2	Yr. 2 to 3	Year 3	Yr. 3 to 4	Year 4	Yr. 4 to 5	Year 5
2006		2007		2008		2009		2010

## Section XI--Operating Data

## Accounts

61. Residential	16,729	-4.59%	17,497	-2.34%	17,088	2.05%	17,438	0.00%	17,438
62. Commercial	318	-5.35%	301	28.58%	378	-0.26%	377	0.00%	377
63. Light Industrial	-		-		-		-		
64. Total Accounts	17,047	-4.41%	17,798	-1.87%	17,466	2.00%	17,815	0.00%	17,815

## Waste Tonnage

65. Residential	25,494	-2.31%	24,903	-3.60%	24,008	1.23%	24,302	0.81%	24,500
66. Res. Greenwaste	2,074	-11.99%	1,826	-9.40%	1,654	0.72%	1,666	2.04%	1,700
67. Commercial	4,450	-6.38%	4,166	-3.78%	4,009	-1.32%	3,956	1.11%	4,000
68. Light Industrial	12,545	-21.76%	9,815	-0.14%	9,802	-24.74%	7,377	0.31%	7,400
69. Total Tons	44,563	-8.65%	40,710	-3.04%	39,472	-5.50%	37,301.10	0.80%	37,600

## Recyclable Tonnage

70. Residential	2,984	-5.92%	2,807	-10.67%	2,508	-2.53%	2,445	2.27%	2,500.00
71. Commercial	283	-18.22%	231	38.47%	320	8.54%	338	0.62%	340
72. Light Industrial	-		-		-		-		-
73. Total Tons	3,267	-6.99%	3,038.72	-6.93%	2,828.08	-1.61%	2,782.47	2.07%	2,840.00

## County Services

74. County Bins	2.00	0.00%	2.00	0.00%	2.00	0.00%	2.00	0.00%	2.00
75. County Drop Boxes # PU	4.00	225.00%	13.00	207.69%	40.00	15.00%	46.00	0.00%	46.00

## Section XII--Change in Commercial Rates

76. 3 Yard Bin--Once per Week	294.45	6.44%	313.41	6.57%	334.00	0.00%	334.00	0.00%	334.00
77. 2 Yard Bin--Once per Week	210.70	6.46%	224.32	6.54%	239.00	0.00%	239.00		239.00
78. 20 yd Debris Box--per pick up	380.00	15.79%	440.00	0.00%	440.00	0.00%	440.00	0.00%	440.00

## Base Year Rate Change Application

**Unincorporated Area: All Areas**

78. Rate Change Requested

21.10%

Abbreviated Rate Schedule	Current Rate	Increased Rate	Adjustments <sup>(a)</sup>	New Rate
Oakley Can/Toter (Ironhouse)	\$ 28.11	\$ 34.04	\$ 0.01	\$ 34.05
Oakley extra can with toter (Ironhouse)	6.88	8.33	0.02	8.35
Oakley mini can (Ironhouse)	23.11	27.99	0.01	28.00
Oakley 40 gallon can (Ironhouse)	28.11	34.04	0.01	34.05
Oakley Can/Toter (County)	28.85	34.94	0.01	34.95
Oakley extra can with toter (County)	7.12	8.62	(0.02)	8.60
Oakley mini can (County)	23.34	28.26	(0.01)	28.25
Oakley 40 gallon can (County)	28.85	34.94	0.01	34.95
Brentwood (out of City) Can/Toter	28.85	34.94	0.01	34.95
Brentwood (out of City) extra can with toter	7.12	8.62	(0.02)	8.60
Brentwood (out of City) mini can	23.34	28.26	(0.01)	28.25
Brentwood (out of City) 32 gallon can	28.85	34.94	0.01	34.95
Byron toter	26.00	31.49	0.01	31.50
Byron extra can with toter	6.48	7.85		7.85
Byron mini can	21.88	26.50		26.50
Byron 32 gallon can	28.00	31.49	0.01	31.50
Discovery Bay Can/Toter	28.85	34.94	0.01	34.95
Discovery Bay Mini Can	23.34	28.26	(0.01)	28.25
Discovery Bay extra can with toter	7.12	8.62	(0.02)	8.60
Discovery Bay 32 gallon can	28.85	34.94	0.01	34.95
Baypoint (PDS) Can/Toter	28.85	34.94	0.01	34.95
Baypoint (PDS) Mini Can	23.34	28.26	(0.01)	28.25
Baypoint (PDS) extra can with toter	7.12	8.62	(0.02)	8.60
Baypoint (PDS) 32 gallon can	28.85	34.94	0.01	34.95

(a) Calculated rates are rounded up to the nearest \$0.05

79. Multiunit residential

Rate increase of 21.10% will be applied  
to all rates in each structure with each rate rounded up  
or down to the nearest \$0.05

To the best of my knowledge, the data and information in this application is complete, accurate, and consistent with the instructions provided by Contra Costa County.

Name: Clark Colvis

Title: CFO

Signature:

Date:

**Garaventa Enterprises**  
**Rate Application**  
**Income Statement**  
**For year ended 12-31-2006**

	Oakley Disposal Service	Brentwood Service Disposal	Discovery Bay Disposal	Delta Debris Box Service	Totals - Companies 4, 16, 17, 18	Pittsburg Disposal Service (Baypoint)	Total All Companies	Adjustment for Application	To Application
<b>Revenues</b>									
Services-Residential In Ci	2,517,317	14,799	1,324,479		3,856,595	-	3,856,595	1,087,572	4,924,167
Services-Residential Out O	31,324	301,999			333,324	734,248	1,067,572	(1,067,572)	-
Services-Commercial In,Cit	900,849	53,276	212,254		1,166,380	-	1,166,380	868,539	2,034,919
Services-Commercial Out Of	62,450	281,257			343,708	524,831	868,539	(868,539)	-
Services-Debris Boxes				2,096,487	2,096,487		2,096,487		2,096,487
Services-Dump Fees-Garbage					-		-		-
Customer Refunds					-		-		-
Services - Residential Rec.					-		-		-
Sales-Recycling	33,792	37	27,124		60,953	439	61,391	-	61,391
SERVICES - RESIDENTIAL REC					-		-		-
Total Revenues									
Services-Dump Fees-Garbage	-	-	-	-	-	-	-	-	-
Customer Refunds	-	-	-	-	-	-	-	-	-
Sales-Recycling	-	-	-	-	-	-	-	-	-
Total Revenues	3,545,733	651,368	1,563,858	2,096,487	7,857,446	1,259,518	9,116,964		9,116,964
<b>Cost of operations</b>									
<b>Direct Labor</b>									
Labor-Wages	437,404	130,320	159,121	156,664	883,509	155,364	1,038,873		1,038,873
Payroll Taxes	36,263	10,903	13,461	12,578	73,204	12,785	85,990		85,990
Labor-Health & Welfare	85,454	25,713	32,220	25,699	169,085	25,334	194,420		194,420
Labor-Workmens Comp	70,882	21,157	24,425	26,589	143,053	23,458	166,511		166,511
Labor-Pension	48,395	12,446	19,393	17,141	97,374	13,365	110,740		110,740
Total direct labor	678,397	200,539	248,620	238,670	1,366,227	230,307	1,596,533		1,596,533
Dumping Costs	1,062,100	178,257	384,495	701,792	2,326,645	183,427	2,520,072		2,520,072
Franchise Fees	172,079	32,738	77,734		282,550	52,729	335,279	-	335,279
County Admin Fees (HHW fees)	56,216	8,637	28,597		93,450	8,964	102,414		102,414
<b>Depreciation and Other Operating Costs</b>									
Repairs-Customer	19,233	2,220	11,506	588	33,546	2,231	35,777		35,777
Depreciation-Furniture & F	1,346				1,346	173	1,519		1,519
	20,579	2,220	11,506	588	34,892	2,403	37,295		37,295
<b>Trucking costs:</b>									
Equipment, Maintenance, & Repair	1,128,599	386,818	370,006	503,728	2,389,151	275,642	2,664,793		2,664,793
<b>General and Administrative Costs</b>									
Administrative salaries	398,861	59,136	115,131	290,858	863,986	51,508	915,494		915,494
Payroll Taxes	17,927	2,425	6,308	12,554	39,212	2,371	41,583		41,583
Pension Plan Expense	3,831	732	2,105	2,409	9,077	657	9,734		9,734
Accounting	28,706	23,330	17,787	1,965	71,788	3,462	75,250		75,250
Advertising	3,344		2,095	5,514	10,953	278	11,231	(11,231)	-
Alarm	456				456	20	476		476
Amortization-Organization					-		-		-
Bank Charges/ cr card proc fees	420			26,512	26,932	2	26,934		26,934
Collections Fees	(30)		48		18	3	21		21
Contributions				1,099	1,099	719	1,818	(1,818)	-
Public education								11,231	11,231
Dues & Subscriptions	375	183			557	1,400	1,957		1,957
Flowers					-		-		-
Freight-Delivery					-		-		-
Ibm-Rental	2,580	8,844	1,296	1,296	14,016	797	14,813		14,813
Interest-Deposits				397	397		397	(397)	-
Janitorial	2,797				2,797		2,797		2,797
Lease Outside Equipment	3,840		2,040	16,200	22,080	915	22,995		22,995
Legal	4,278				4,278	406	4,683		4,683
Licenses - Permits	220				220	10	230		230
Loan Fees					-		-		-
Medical Expenses	581	163	114	287	1,144	129	1,273		1,273
Miscellaneous	6				6	43	49		49
Offices Supplies & Expense	9,935	1,908	2,751	142	14,736	1,624	16,360		16,360
Printing & Postage	17,485	2,876	11,288	76	31,726	3,224	34,950		34,950
Promotional					-		-		-
Rent-Office	48,667	15,855	11,330	81,432	157,284	4,004	161,288		161,288
Repairs & Maintenance Gene	108				108	1,535	1,643		1,643
Sales Promotion					-		-		-
Sponsorships	2,500				2,500	500	3,000	(3,000)	-
Taxes-Other	82	50	25	25	182	11	192		192
Taxes-Personal Property		38			38		38		38
Telephone	4,582	561	394		5,537	370	5,907		5,907
Travel & Entertainment-Mea	1,052	690			1,742	225	1,967	(1,967)	-
Utilities	1,140			940	2,080	350	2,430		2,430
Total general & administrative	553,742	116,791	172,710	441,707	1,284,950	74,561	1,359,511		1,352,328
Net income (loss) from operations	(125,979)	(274,631)	270,189	210,002	79,581	421,486	501,068		508,250

**Garaventa Enterprises**  
**Rate Application**  
**Income Statement**  
**For year ended 12-31-2007**

	Oakley Disposal Service	Brentwood Disposal Service	Discovery Bay Disposal Service	Delta Debris Box Service	Totals - Companies 4, 16, 17, 19	Pittsburg Disposal Service (Bayspoint)	Total All Companies	Adjustment for Application	To Application
<b>Revenues</b>									
Services-Residential In Ct	2,834,144	31,270	1,418,824		4,284,039	-	4,284,039	1,120,082	5,404,120
Services-Residential Out O	44,799	307,604			352,402	767,679	1,120,082	(1,120,082)	-
Services-Commercial In Ct	960,398	65,447	217,808		1,273,652	-	1,273,652	516,499	1,790,151
Services-Commercial Out Of	57,658	296,345			354,003	162,496	516,499	(516,499)	-
Services-Dumping Fees-Publ					-		-		-
Customer Refunds					-		-		-
Services-Debris Boxes				1,961,401	1,961,401		1,961,401		1,961,401
Sales-Recycling	17,502	11	11,502		29,014	408	29,421		29,421
<b>Total Revenues</b>	<b>3,944,499</b>	<b>700,676</b>	<b>1,647,935</b>	<b>1,961,401</b>	<b>8,254,511</b>	<b>930,582</b>	<b>9,185,092</b>		<b>9,185,092</b>
<b>Cost of operations</b>									
<b>Direct Labor</b>									
Labor-Wages	469,652	140,085	181,882	186,375	977,975	159,921	1,137,896		1,137,896
Payroll Taxes	39,249	11,731	15,049	15,261	81,290	13,134	94,424		94,424
Labor-Health & Welfare	98,600	30,801	37,695	28,398	195,494	29,928	225,422		225,422
Labor-Workmens Comp	53,368	16,080	19,748	22,854	112,050	13,965	126,015		126,015
Labor-Pension	52,913	14,271	19,348	18,179	104,711	13,365	118,077		118,077
<b>Total direct labor</b>	<b>713,783</b>	<b>212,968</b>	<b>273,702</b>	<b>271,068</b>	<b>1,471,519</b>	<b>230,313</b>	<b>1,701,833</b>		<b>1,701,833</b>
<b>Dumping Costs</b>	<b>1,079,336</b>	<b>184,550</b>	<b>392,148</b>	<b>590,060</b>	<b>2,246,094</b>	<b>193,863</b>	<b>2,439,957</b>		<b>2,439,957</b>
<b>Franchise Fees</b>	<b>196,027</b>	<b>44,536</b>	<b>88,985</b>		<b>329,548</b>	<b>57,987</b>	<b>387,535</b>		<b>387,535</b>
<b>County Admin Fees (HHW fees)</b>	<b>56,216</b>	<b>1,910</b>	<b>27,580</b>		<b>85,706</b>	<b>2,011</b>	<b>87,717</b>		<b>87,717</b>
<b>Depreciation and Other Operating Costs</b>									
Repairs-Customer	11,252	1,452	4,739		17,442	2,017	19,459		19,459
Depreciation-Furniture & F	468				468	258	726		726
	<b>11,720</b>	<b>1,452</b>	<b>4,739</b>	<b>-</b>	<b>17,910</b>	<b>2,275</b>	<b>20,185</b>		<b>20,185</b>
<b>Trucking costs:</b>									
Rent-Equipment	1,177,439	281,369	379,796	532,890	2,381,493	268,317	2,649,810		2,649,810
<b>General and administrative costs:</b>									
Administrative salaries	305,100	58,496	112,598	295,408	771,602	38,944	810,546		810,546
Payroll Taxes	17,013	2,446	6,235	13,026	38,720	2,262	40,982		40,982
Pension Plan Expense	3,792	758	2,032	2,813	9,395	671	10,066		10,066
Accounting	28,361	22,720	24,237	8,725	84,043	3,323	87,366		87,366
Advertising	4,226	234	2,361	4,440	11,262	800	12,062	(12,062)	-
Alarm	707				707	87	794		794
Amortization					-		-		-
Bank Charges	421			41,185	41,606	2	41,608		41,608
Collections Fees					-		-		-
Contributions		250			250	439	689	(689)	-
Public Education								12,062	12,062
Dues & Subscriptions	189	455			644	168	832		832
Flowers					-		-		-
Freight-Delivery					-		-		-
Item-Rental	2,580	8,844	1,296	1,296	14,016	782	14,798		14,798
Insurance	4,897				4,897	763	5,660		5,660
Interst-Deposits				103	103		103	(103)	-
Janitorial	2,700				2,700		2,700		2,700
Laundry & uniforms	402			200	602		602		602
Lease Outside Equipment	5,680	4,480	5,560	20,520	36,240	924	37,164		37,164
Legal	389	30			419	32	452		452
Legal Settlement					-		-		-
Licenses - Permits	220				220	9	229		229
Medical Expenses	586	318		418	1,322	56	1,378		1,378
Miscellaneous	18				18	206	224		224
Offices Supplies & Expense	5,557	312	422		6,291	766	7,058		7,058
Postage	32,638	3,290	17,331	370	53,629	3,443	57,072		57,072
Printing	18,221	1,730	8,145	138	28,234	2,036	30,270		30,270
Promotional					-		-		-
Rent-Office	49,385	15,855	11,330	81,432	158,002	4,038	162,039		162,039
Repairs & Maintenance Gene	1,064				1,064	106	1,170		1,170
Sponsorships	2,500	3,500			8,000	688	8,688	(8,688)	-
Taxes-Other					-	17	17		17
Taxes-Personal Property	97	40			138		138		138
Telephone	4,044	552	527		5,123	327	5,450		5,450
Travel & Entertainment	941	100			1,041	36	1,077	(1,077)	-
Travel & Entertainment-Mea					-	149	149	(149)	-
Utilities	1,140			982	2,122	323	2,445		2,445
<b>Total general &amp; administrative</b>	<b>492,868</b>	<b>124,410</b>	<b>192,074</b>	<b>471,056</b>	<b>1,280,409</b>	<b>61,418</b>	<b>1,341,828</b>		<b>1,333,121</b>
<b>Net income (loss) from operations</b>	<b>273,326.22</b>	<b>(158,608.41)</b>	<b>316,490.68</b>	<b>96,328.71</b>	<b>441,831.61</b>	<b>114,397.33</b>	<b>556,228.94</b>		<b>564,934.48</b>

See NPG replicated IS for correct #s.

**Garaventa Enterprises**  
**Rate Application**  
**Income Statement/Audit tie-out**  
**For the Year Ended 12-31-2008**

*Audit*

	<i>✓</i> Oakley Disposal Service	<i>✓</i> Brantwood Disposal Service	<i>✓</i> Discovery Bay Disposal Service	<i>✓</i> Delta Debris Box Service	Audited Financial Statements	Pittsburg Disposal Service (Baypoint)	Total All Companies	Adjustment for Application	To Application
<b>Revenues</b>									
Services - Residential	2,977,588	50,435	1,488,498		4,526,530	-	4,526,530	1,111,480	5,638,011
Services - Residential Out	38,293	295,465	-		331,757	779,723	1,111,480	(1,111,480)	-
Services - Commercial	1,071,038	64,428	207,830		1,343,296	-	1,343,296	689,898	2,033,194
Services - Commercial Out	64,755	309,635	-		374,390	315,508	689,898	(689,898)	-
Services-Debris Boxes				1,721,208	1,721,208	-	1,721,208	-	1,721,208
Services - Residential Recycling						-	-	-	-
Sales - Paper Stock	14,372		22,421		36,794	2,723	39,517	-	39,517
Total Revenues	<u>4,164,056</u>	<u>719,963</u>	<u>1,728,749</u>	<u>1,721,208</u>	<u>8,333,976</u>	<u>1,097,954</u>	<u>9,431,930</u>		<u>9,431,930</u>
<b>Cost of operations</b>									
Operating expenses									
Labor - Wages	450,063	136,636	185,242	177,164	949,105	166,664	1,115,769	-	1,115,769
Labor - Payroll Taxes	37,124	10,976	14,868	14,282	77,261	13,650	90,910	-	90,910
Labor - Health & Welfare	99,321	34,470	45,689	30,595	210,074	44,683	254,758	-	254,758
Labor - Workers Compensation Ins.	35,900	11,150	14,290	14,705	76,045	11,939	87,984	-	87,984
Labor - Pension	51,809	13,789	22,961	18,352	106,710	26,610	133,321	-	133,321
Total Labor Costs	<u>674,018</u>	<u>207,020</u>	<u>283,050</u>	<u>255,107</u>	<u>1,419,195</u>	<u>283,546</u>	<u>1,682,741</u>		<u>1,682,741</u>
Dumping Cost	1,153,959	180,510	400,704	651,597	2,388,770	174,921	2,561,691	-	2,561,691
<b>Depreciation and Other Operating Costs</b>									
Repairs - Customers	3,302	508	5,505		9,315	844	10,159	-	10,159
Depreciation	616				618	193	809	-	809
	<u>3,918</u>	<u>508</u>	<u>5,505</u>	<u>-</u>	<u>9,933</u>	<u>1,037</u>	<u>10,968</u>		<u>10,968</u>
Franchise Fees	206,980	34,849	86,527		328,356	55,906	384,262	-	384,262
County Admin Fees (HHW fees)	69,028	13,410	30,833		113,272	3,657	116,929	-	116,929
Rent - Equipment	1,321,076	339,083	507,556	585,802	2,753,518	319,413	3,072,931	-	3,072,931
<b>General and Administrative Costs</b>									
Administrative salaries	323,968	56,589	110,777	296,451	787,785	35,587	823,372	-	823,372
Taxes - Payroll	18,808	2,399	5,981	13,181	40,169	2,028	42,197	-	42,197
Pension	4,393	818	1,997	3,391	10,599	599	11,197	-	11,197
Accounting	36,485	25,085	20,072	9,755	91,397	3,374.05	94,771	-	94,771
Advertising	4,341	1,633	1,182	2,628	9,794	506	10,300	(10,300)	-
Alarm	510				510	18	528	-	528
Bank charges & or card fees	1,720	182	394	25,777	28,073	386	28,458	-	28,458
Collection Fees	15				15	-	15	-	15
Contributions					-	208	208	(208)	-
Public education					-	-	-	10,300	10,300
IBM Rental, Software & Repair	2,580	8,844	1,286	1,286	14,016	697	14,713	-	14,713
Dues & Subscriptions	177	1,455			1,632	764	2,396	-	2,396
Employee functions					-	-	-	-	-
Fuel & Oil					-	-	-	-	-
Interest Expense					-	-	-	-	-
Insurance	786				786	857	1,643	-	1,643
Janitorial	2,700				2,700	-	2,700	-	2,700
Landscape and maintenance					-	-	-	-	-
Laundry & Uniforms				202	202	199	401	-	401
Legal	142,130				142,130	98	142,228	-	142,228
Licenses	200				200	8	208	-	208
Medical Expense	390	61	323	285	1,059	57	1,116	-	1,116
Miscellaneous					-	6	6	-	6
Office Supplies & Expense	7,146		762	328	8,236	937	9,172	-	9,172
Outside Services					-	-	-	-	-
Postage	31,082	3,445	15,156	436	50,129	2,905	53,034	-	53,034
Printing	28,492	3,119	12,144	176	43,931	2,386	46,317	-	46,317
Lease - Outside Equipment	1,561				1,561	36	1,597	-	1,597
Rent - Office	52,218	15,970	13,434	65,588	147,209	3,883	151,092	-	151,092
Repairs - General	790				790	111	901	-	901
Sales Promotion					-	-	-	-	-
Sponsorships	8,000				8,000	1,434	9,434	(9,434)	-
Supplies	9				9	-	9	-	9
Taxes - Other	25	50	25	25	125	2	127	-	127
Taxes-personal property	1,901	35			1,936	17	1,952	-	1,952
Telephone	1,615	130	76		1,720	113	1,834	-	1,834
Travel & Entertainment	1,336	150			1,486	303	1,789	(1,789)	-
Utilities	1,140				1,140	331	1,471	-	1,471
Payroll Deposit Charges					-	-	-	-	-
Total General & Administrative	<u>674,228</u>	<u>119,963</u>	<u>183,628</u>	<u>419,520</u>	<u>1,397,339</u>	<u>57,849</u>	<u>1,455,187</u>		<u>1,443,757</u>
<b>Income (Loss) From Operations</b>	<u>129,876</u>	<u>(161,970)</u>	<u>261,779</u>	<u>(190,818)</u>	<u>(74,406)</u>	<u>221,626</u>	<u>147,220</u>		<u>158,651</u>

*vs. 1,092,796 (copy + copy)*

*See NPO replicated IS for correct #s*

**Garaventa Enterprise  
Rate Application  
Annualized Statement of Operations  
For the Year Ended 12-31-2009**

	Through 6-30-09				Total All Companies	Quarter ended 9-30-09				Pittsburg Disposal Service (Byproduct)	Delta Debris Box Service	Projected or Annualized	Adjustment for Application	To Application
	Quarter ended 6-30-09					Quarter ended 9-30-09								
	Oakley Disposal Service	Brentwood Disposal Service	Discovery Bay Disposal Service	Pittsburg Disposal Service (Byproduct)		Oakley Disposal Service	Brentwood Disposal Service	Discovery Bay Disposal Service	Pittsburg Disposal Service (Byproduct)					
<b>Revenues</b>														
Services - Residential In	1,620,526	22,131	747,257	-	2,389,913	835,095	10,727	385,561	-	1,231,353	4,828,395	1,151,125	5,979,520	
Services - Residential Out	18,914	152,136	-	401,983	573,045	10,148	77,466	-	-	280,299	1,151,125	(1,151,125)	1,151,125	
Services - Commercial In	571,288	37,705	116,522	-	725,514	285,824	16,425	55,838	-	357,885	1,444,532	682,137	2,106,669	
Services - Commercial Out	25,092	148,883	-	155,864	327,819	15,957	79,040	-	-	168,765	682,137	(682,137)	682,137	
Services-Debris Boxes	-	-	-	-	600,139	-	-	-	-	289,185	1,138,510	-	1,138,510	
Services - Residential Recycling	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Total Revenues</b>	<b>2,235,819</b>	<b>358,838</b>	<b>863,779</b>	<b>557,857</b>	<b>4,816,430</b>	<b>1,147,025</b>	<b>183,657</b>	<b>441,197</b>	<b>289,185</b>	<b>2,317,536</b>	<b>9,224,899</b>		<b>9,224,899</b>	
<b>Cost of operations</b>														
<b>Direct Labor</b>														
Labor - Wages	225,296	73,272	98,437	84,976	548,848	129,572	39,816	62,839	33,872	308,189	1,185,227	1,185,227	1,185,227	
Labor - Payroll Taxes	18,558	6,187	8,252	6,951	45,598	9,748	2,982	4,708	2,538	23,451	82,468	82,468	82,468	
Labor - Health & Welfare	51,718	16,332	24,488	24,780	133,640	28,581	8,186	12,249	6,166	12,360	272,724	272,724	272,724	
Labor - Workers Compensation Ins.	21,288	8,547	9,511	6,080	49,632	12,078	3,670	5,844	3,163	27,668	105,024	105,024	105,024	
Labor - Pension	39,916	7,512	12,814	14,449	76,177	18,125	3,959	6,181	4,962	38,192	152,501	152,501	152,501	
<b>Total Direct Labor</b>	<b>347,757</b>	<b>109,850</b>	<b>154,512</b>	<b>137,218</b>	<b>658,863</b>	<b>186,104</b>	<b>58,205</b>	<b>97,601</b>	<b>52,521</b>	<b>487,040</b>	<b>1,787,944</b>		<b>1,787,944</b>	
<b>Dumping Cost</b>	632,316	92,303	212,144	101,008	1,309,848	328,809	45,220	115,086	134,869	693,585	2,697,017	2,697,017	2,697,017	
<b>Depreciation and Other Operating Costs</b>														
Repairs - Customers	3,413	2,242	70	58	5,782	8,828	717	3,728	-	14,088	33,958	33,958	33,958	
Depreciation	253	-	-	87	340	974	-	-	-	1,449	3,238	3,238	3,238	
<b>Total</b>	<b>3,666</b>	<b>2,242</b>	<b>70</b>	<b>145</b>	<b>6,122</b>	<b>9,800</b>	<b>717</b>	<b>3,728</b>	<b>-</b>	<b>15,537</b>	<b>37,197</b>		<b>37,197</b>	
<b>Trucking Costs</b>														
Equipment, Maintenance, & Repair	731,761	237,575	383,678	201,288	1,554,346	385,891	118,787	181,839	180,022	927,173	3,708,892	3,708,892	3,708,892	
<b>Franchise Fees</b>	108,409	18,632	45,464	27,377	189,882	58,511	9,135	22,027	-	103,237	408,356	408,356	408,356	
<b>County Admin Fees (HHW fees)</b>	31,524	1,474	15,824	2,992	51,814	18,972	1,910	8,338	-	33,387	118,587	118,587	118,587	
<b>General and Administrative Costs</b>														
Administrative salaries	197,773	35,924	91,480	19,334	468,785	99,062	18,010	45,502	62,137	238,646	948,077	948,077	948,077	
Taxes - Payroll	13,886	2,029	8,248	1,357	29,486	5,475	687	2,345	1,854	10,928	51,337	51,337	51,337	
Pension Plan Expense	3,581	676	1,888	353	8,078	1,508	241	786	344	3,115	14,307	14,307	14,307	
Accounting	17,813	9,005	5,996	1,582	34,398	7,219	10,330	9,888	5,000	34,599	103,595	103,595	103,595	
Advertising	11,098	5,342	7,527	1,349	30,180	7,864	650	690	1,063	10,616	51,395	(51,395)	51,395	
Alarm	284	-	-	11	295	132	-	-	-	9	556	556	556	
Bank charges	3,597	668	1,840	600	11,823	1,586	266	933	1,865	4,927	21,477	21,477	21,477	
Collection Fees	-	-	-	-	-	-	-	-	-	-	-	-	-	
Contributions-Charitable	-	-	-	-	-	-	-	-	-	-	-	-	-	
Public education	-	-	-	-	-	-	-	-	-	-	-	-	-	
IBM Rental, Software & Repair	1,290	4,422	648	415	7,423	845	2,211	324	324	3,822	15,087	15,087	15,087	
Dues & Subscriptions	420	400	-	73	893	-	85	-	-	95	1,083	(1,083)	1,083	
Non deductible dues	-	-	-	-	-	-	-	-	-	-	-	-	-	
Education/training	-	-	-	-	-	-	-	-	-	-	-	-	-	
Employee functions	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fuel and oil	148	49	49	14	280	-	-	-	-	-	-	-	-	
Insurance	6,008	-	-	635	6,644	11,892	1,428	5,965	6,948	27,912	62,468	62,468	62,468	
Janitorial	1,825	-	-	195	2,120	675	-	-	-	830	3,779	3,779	3,779	
Laundry & Uniforms	-	-	-	28	28	-	-	-	-	413	1,057	1,057	1,057	
Lease - Outside Equipment	450	-	-	(42)	408	353	353	-	-	353	1,114	1,114	1,114	
Legal	28,382	-	-	-	28,382	472	-	-	-	472	27,326	(25,283)	2,043	
Licenses	120	-	-	8	254	-	-	-	-	-	254	254	254	
Medical Expense	472	-	124	45	803	90	35	55	54	228	1,265	1,265	1,265	
Office Supplies & Expense	903	8	312	225	1,449	831	-	-	25	1,269	3,966	3,966	3,966	
Outside Services	-	-	-	-	-	-	-	-	-	-	-	-	-	
Parking	-	-	-	-	-	-	-	-	-	-	-	-	-	
Postage	20,621	2,307	8,011	3,880	35,044	4,785	742	1,885	59	9,292	53,628	53,628	53,628	
Printing and reproduction	14,078	4,201	7,821	4,930	31,324	3,973	708	4,417	30	10,755	52,833	52,833	52,833	
Rent - Office	28,488	8,100	6,820	2,411	87,357	14,244	4,050	4,410	6,475	33,030	133,418	133,418	133,418	
Repairs - General	589	-	-	101	690	46	-	-	-	34	850	850	850	
Sponsorship	2,020	-	-	135	2,155	2,500	85	25	25	2,845	8,045	(8,045)	8,045	
Taxes - Other	-	-	-	-	-	-	-	-	-	-	-	-	-	
Telephone	1,805	-	-	180	1,984	2,788	-	-	-	716	1,432	1,432	1,432	
Travel & Entertainment	80	-	-	-	80	-	-	-	-	379	8,331	8,331	8,331	
Travel & Entertainment - Meals	601	-	-	97	1,127	259	255	-	-	118	313	(313)	-	
Utilities	367	-	-	179	546	-	-	-	-	86	2,328	(2,328)	-	
<b>Total General &amp; Administrative</b>	<b>354,729</b>	<b>73,418</b>	<b>140,824</b>	<b>38,117</b>	<b>769,987</b>	<b>186,750</b>	<b>39,769</b>	<b>76,995</b>	<b>88,221</b>	<b>400,717</b>	<b>1,571,420</b>		<b>1,571,420</b>	
<b>Total Expenses</b>	<b>2,210,182</b>	<b>535,493</b>	<b>932,516</b>	<b>508,124</b>	<b>5,045,862</b>	<b>1,142,838</b>	<b>273,743</b>	<b>499,826</b>	<b>435,432</b>	<b>2,840,875</b>	<b>10,327,213</b>		<b>10,327,213</b>	
<b>Income (Loss) From Operations</b>	<b>25,637</b>	<b>(176,657)</b>	<b>(68,738)</b>	<b>(49,734)</b>	<b>(429,432)</b>	<b>4,188,97</b>	<b>(80,088.07)</b>	<b>(59,428.56)</b>	<b>(186,247.23)</b>	<b>(323,138.84)</b>	<b>(1,102,513)</b>		<b>(1,065,126)</b>	



**Garaventa Enterprises**  
**Rate Application**  
**Projected Statement of Operations**  
**For the Year Ended 12-31-2010**

	Oakley Service	Brentwood Disposal Service	Discovery Bay Disposal Service	Delta Debris Box Service	Pittsburg Disposal Service (Beypoint)	Total All Companies	Projected or Annualized	Adjustment for Application	To Application
<b>Revenues</b>									
Services - Residential In	3,274,162	43,810	1,510,423	-	-	4,828,395	4,828,395	1,151,125	5,979,520
Services - Residential Out	36,749	306,138	-	-	806,238	1,151,125	1,151,125	(1,151,125)	-
Services - Commercial In	1,142,816	72,172	229,544	-	-	1,444,532	1,444,532	662,137	2,106,669
Services - Commercial Out	54,732	301,203	-	-	306,202	662,137	662,137	(662,137)	-
Services - Residential Recycling	-	-	-	1,159,099	-	1,159,099	1,159,099	-	1,159,099
Sales - Paper Stock	-	-	-	-	-	-	-	-	-
<b>Total Revenues</b>	<b>4,510,458</b>	<b>723,324</b>	<b>1,739,967</b>	<b>1,159,099</b>	<b>1,112,440</b>	<b>9,245,289</b>	<b>9,245,289</b>		<b>9,245,289</b>
<b>Cost of operations</b>									
<b>Direct Labor</b>									
Labor - Wages	539,018	165,641	260,580	140,075	176,754	1,282,068	1,282,068		1,282,068
Labor - Payroll Taxes	45,817	14,079	22,149	11,906	15,024	121,796	121,796		121,796
Labor - Health & Welfare	126,900	36,257	54,386	36,257	54,968	308,767	308,767		308,767
Labor - Workers Compensation Ins	54,593	16,138	26,418	14,297	13,741	125,185	125,185		125,185
Labor - Pension	65,148	14,824	24,889	20,129	29,187	154,175	154,175		154,175
<b>Total Direct Labor</b>	<b>831,473</b>	<b>246,940</b>	<b>388,419</b>	<b>222,664</b>	<b>289,674</b>	<b>1,991,991</b>	<b>1,991,991</b>		<b>1,991,991</b>
<b>Dumping Cost</b>	<b>1,307,238</b>	<b>180,880</b>	<b>460,384</b>	<b>538,676</b>	<b>287,182</b>	<b>2,774,339</b>	<b>2,820,000</b>		<b>2,820,000</b>
<b>Depreciation and Other Operating Costs</b>									
Repairs - Customers	21,801	3,804	7,790	-	1,752	35,147	35,147		35,147
Depreciation	2,278	-	-	-	1,074	3,352	3,352		3,352
	<b>24,079</b>	<b>3,804</b>	<b>7,790</b>	<b>-</b>	<b>2,826</b>	<b>38,499</b>	<b>38,499</b>		<b>38,499</b>
<b>Trucking Costs</b>									
Equipment, Maintenance, & Repair	1,267,092	381,824	645,096	638,964	318,788	3,249,864	3,249,864		3,249,864
<b>Franchise Fees</b>	<b>225,430</b>	<b>36,902</b>	<b>89,518</b>	<b>-</b>	<b>54,506</b>	<b>406,356</b>	<b>406,356</b>		<b>406,356</b>
<b>County Admin Fees (HHW fees)</b>	<b>69,468</b>	<b>5,293</b>	<b>32,500</b>	<b>-</b>	<b>11,326</b>	<b>118,587</b>	<b>118,587</b>		<b>118,587</b>
<b>General and Administrative Costs</b>									
Administrative salaries	409,753	74,462	188,871	257,247	50,926	981,259	981,259		981,259
Taxes - Payroll	25,653	3,481	11,321	9,650	3,030	53,134	53,134		53,134
Pension Plan Expense	8,827	1,199	3,561	2,366	854	14,808	14,808		14,808
Accounting	33,380	30,703	26,260	10,350	6,528	107,221	107,221		107,221
Advertising	27,807	6,875	9,137	7,213	2,162	53,194	53,194	(53,194)	-
Alarm	548	-	-	-	29	575	575		575
Bank charges	7,005	1,239	3,835	8,539	1,610	22,228	22,228		22,228
Collection Fees	-	-	-	-	-	-	-		-
Contributions-Charitable	-	-	-	-	346	346	346	(346)	-
Public education	-	-	-	-	-	-	-	53,194	53,194
IBM Rental, Software & Repair	2,670	9,154	1,341	1,341	1,088	15,594	15,594	(1,121)	15,594
Dues & Subscriptions	435	611	-	-	75	1,121	1,121		-
Non deductible dues	-	-	-	-	-	-	-		-
Education/training	-	-	-	-	-	-	-		-
Employee functions	153	51	51	632	15	902	902		902
Fuel and oil	-	-	-	-	-	-	-		-
Insurance	48,405	5,904	24,697	27,521	9,031	115,557	115,557		115,557
Janitorial	3,390	-	-	-	522	3,911	3,911		3,911
Laundry & Uniforms	-	-	-	1,064	29	1,094	1,094		1,094
Lease - Outside Equipment	1,197	-	-	-	(44)	1,153	1,153		1,153
Legal	27,326	-	-	-	-	27,326	27,326	(25,283)	2,043
Licenses	124	-	-	129	10	263	263		263
Medical Expense	674	-	128	279	217	1,298	1,298		1,298
Office Supplies & Expense	2,654	81	437	52	901	4,126	4,126		4,126
Outside Services	-	-	-	-	-	-	-		-
Parking	-	-	-	-	-	-	-		-
Postage	31,207	3,923	12,214	346	7,815	55,505	55,505		55,505
Printing and reproduction	22,795	5,811	17,239	367	8,472	54,683	54,683		54,683
Rent - Office	58,970	16,767	18,257	37,765	6,328	138,088	138,088		138,088
Repairs - General	705	-	-	-	175	880	880		880
Sponsorship	7,266	-	-	-	1,061	8,327	8,327	(8,327)	-
Taxes - Other	1,141	176	52	52	63	1,483	1,483		1,483
Telephone	7,641	-	-	-	982	8,622	8,622		8,622
Travel & Entertainment	83	-	-	-	241	324	324	(324)	-
Travel & Entertainment - Meals	1,158	826	82	84	279	2,409	2,409	(2,409)	-
Utilities	380	-	-	-	555	935	935		935
<b>Total General &amp; Administrative</b>	<b>729,344</b>	<b>161,262</b>	<b>317,483</b>	<b>364,977</b>	<b>103,300</b>	<b>1,676,366</b>	<b>1,676,366</b>		<b>1,638,557</b>
<b>Total Expenses</b>	<b>4,454,125</b>	<b>1,017,009</b>	<b>1,941,189</b>	<b>1,765,281</b>	<b>1,065,581</b>	<b>(10,256,001)</b>	<b>(10,301,662)</b>		<b>(10,263,853)</b>
<b>Income (Loss) From Operations</b>	<b>56,334</b>	<b>(293,681)</b>	<b>(201,221)</b>	<b>(606,182)</b>	<b>46,859</b>	<b>(1,010,712)</b>	<b>(1,056,373)</b>		<b>(1,018,565)</b>



## **Appendix B**

### **Audited Financial Statements**

# Appendix B

## Audited Financial Statements

This appendix includes calendar year ended December 31, 2008, audited financial statements prepared for the following five (5) companies:

- Brentwood Disposal Service, Inc.
- Delta Debris Box Service, Inc.
- Discovery Bay Disposal, Inc.
- Oakley Disposal Service, Inc.
- Pittsburg Disposal & Debris Box Service, Inc.

These financial statements were prepared by Blanding, Boyer, and Rockwell, LLP, a certified public accounting firm located in Walnut Creek, California.

NewPoint Group reconciled the calendar year 2008 audit with the 2008 revenues and expenses provided in Garaventa's 2010 Application. In **Table B-1**, below, we show the net income/loss (before income taxes), as identified in the audited financial statements of each company serving the County.

**Table B-1**  
**Net Income Before Taxes**  
**For Garaventa Companies Serving Contra Costa County**  
**(Calendar Year 2008)**

Company	Revenues	Net income/loss (before income taxes)	Audit page reference
Brentwood Disposal Service, Inc.	\$719,963	-\$176,774	3
Delta Debris Box Service, Inc.	1,721,209	-\$190,722	3
Discovery Bay Disposal, Inc.	1,728,750	\$230,413	3
Oakley Disposal Service, Inc.	4,164,058	\$60,847	3
Pittsburg Disposal & Debris Box Service, Inc. (BayPoint area only)	1,097,954	\$221,626	Unaudited <sup>1</sup>
Total	\$9,431,934	<b>\$145,390</b>	

<sup>1</sup> See income statement/audit tie-out for the year ended December 31, 2008 (provided as part of the Application in Appendix A). The Pittsburg Disposal & Debris Box Service portion is shown as a column in this schedule. Audited financial statements for the entire Pittsburg Disposal & Debris Box Service business are provided in this Appendix B.

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## INDEPENDENT AUDITOR'S REPORT

Board of Directors  
Brentwood Disposal Service, Inc.  
Concord, California

We have audited the accompanying balance sheet of Brentwood Disposal Service, Inc. (a California S corporation), as of December 31, 2008, and the related statements of operations and accumulated deficit and cash flows for the year then ended. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Brentwood Disposal Service, Inc. as of December 31, 2008 and the results of its operations and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

**BBR LLP**

BBR LLP  
Walnut Creek, California  
August 24, 2009

# BRENTWOOD DISPOSAL SERVICE, INC.

## BALANCE SHEET

DECEMBER 31, 2008

(See notes to financial statements)

### ASSETS

#### **CURRENT ASSETS**

Cash	\$	131,067
Accounts receivable		44,970
Prepaid expenses		900

Total current liabilities 176,937

**DUE FROM RELATED PARTY** 3,512

Total current assets \$ 180,449

### LIABILITIES AND STOCKHOLDER DEFICIT

#### **CURRENT LIABILITIES**

Accounts payable and accrued liabilities	\$	90,670
Deferred revenues		2,258

Total current liabilities 92,928

**DUE TO RELATED PARTY** 1,519,353

Total liabilities 1,612,281

#### **STOCKHOLDER DEFICIT**

Common stock	1,000
Accumulated deficit	(1,432,832)

Total stockholder deficit (1,431,832)

Total liabilities and stockholder deficit \$ 180,449

**BRENTWOOD DISPOSAL SERVICE, INC.**  
**STATEMENT OF OPERATIONS AND ACCUMULATED DEFICIT**  
**FOR THE YEAR ENDED DECEMBER 31, 2008**

(See notes to financial statements)

**REVENUES**

Commercial refuse collection services	\$ 374,063
Residential refuse collection services	<u>345,900</u>
Total revenues	<u>719,963</u> *

**OPERATING EXPENSES**

Equipment rental	339,083
Labor and related	207,021
Waste disposal	193,920
Franchise fees	34,849
Repairs and maintenance	<u>513</u>
Total operating expenses	<u>775,386</u>

**GROSS LOSS**

(55,423)

**GENERAL AND ADMINISTRATIVE**

Administrative salaries and related	61,092
Office and administration	35,174
Professional fees	<u>25,085</u>
Total general and administrative	<u>121,351</u>

**LOSS FROM OPERATIONS**

(176,774) \*

**INTEREST EXPENSE**

(27,480)

**LOSS BEFORE INCOME TAXES**

(204,254)

**PROVISION FOR INCOME TAXES**

2,400

**NET LOSS**

(206,654)

**ACCUMULATED DEFICIT**

Beginning of year (1,226,178)

End of year \$ (1,432,832)



**BRENTWOOD DISPOSAL SERVICE, INC.****STATEMENT OF CASH FLOWS****FOR THE YEAR ENDED DECEMBER 31, 2008**

(See notes to financial statements)

**CASH FLOWS FROM OPERATING ACTIVITIES**

Net loss	\$ (206,654)
Adjustments to reconcile net loss to net cash provided by operating activities	
(Increase) decrease in	
Accounts receivable	(1,836)
Due from related party	(312)
Increase (decrease) in	
Accounts payable and accrued liabilities	55,320
Deferred revenues	(328)
Due to related party	285,761
Net cash provided by operating activities	131,951

**CASH FLOWS FROM FINANCING ACTIVITIES**

Bank overdraft	(1,137)
----------------	---------

**NET CHANGE IN CASH** 130,814

**CASH**

Beginning of year	253
End of year	<u>\$ 131,067</u>

**SUPPLEMENTARY CASH FLOW INFORMATION**

Interest paid	\$ 27,485
Income taxes paid	\$ 1,600

# **BRENTWOOD DISPOSAL SERVICE, INC.**

## **NOTES TO FINANCIAL STATEMENTS**

### **SUMMARY OF OPERATIONS**

Brentwood Disposal Service, Inc. (Company) is primarily engaged in the solid waste collection and recycling business. The Company provides services under exclusive agreements to unincorporated areas of Eastern Contra Costa County including the towns of Byron and Knightsen, all located in California.

### **SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Basis of presentation** – The accompanying financial statements are presented on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America. Generally, revenues are recognized when they become both measurable and available, and expenses are recognized when an obligation is incurred.

**Use of estimates** – Presentation of financial statements, in conformity with accounting principles generally accepted in the United States of America, requires management to make estimates and assumptions that affect the reported amounts and disclosures in the financial statements. Consequently, actual results could differ from these estimates.

**Cash** – For the purposes of the statement of cash flows, cash includes amounts on hand and amounts on deposit at financial institutions. The Company occasionally will have amounts on deposit at financial institutions that exceed federally insured limits. The Company believes there is no significant risk with respect to these deposits.

**Accounts receivable** – Accounts receivable are stated at the amount management expects to collect from outstanding balances. The Company closely monitors outstanding receivables and charges off any balances that are determined to be uncollectible. The Company considers its accounts fully collectible at December 31, 2008.

**Revenues** – Revenues consist primarily of billings for the collection, recycling and disposal of solid waste from a diversified base of customers including residential, commercial and industrial. Residential customers make payments in advance for collection services. Revenues from those receipts are deferred and recognized as the services are performed.

**Advertising and promotion** – Advertising and promotion costs are expensed as incurred.

### **INCOME TAXES**

The Company has elected to be taxed under the provisions of Subchapter S of the Internal Revenue Code. Accordingly, the financial statements do not include a provision for federal income taxes. Under this election, the Company's taxable income or loss will be reportable on the stockholder's personal income tax return. State franchise taxes are assessed at a rate of 1.5% of taxable income. Accordingly, a provision for state franchise taxes is included in the accompanying financial statements.

**BRENTWOOD DISPOSAL SERVICE, INC.**  
**NOTES TO FINANCIAL STATEMENTS**

**RETIREMENT PLANS**

The Company makes contributions to a collectively bargained, multiemployer defined benefit pension plan. Contributions are determined in accordance with the provisions of the negotiated labor contract or terms of the plan. The plan's administrators do not provide sufficient information to enable the Company to determine its share, if any, of plan assets or unfunded vested benefits. Retirement plan expense for the year ended December 31, 2008 for the defined benefit pension plan is \$13,789.

The Company also has a 401(k) profit sharing plan for the benefit of its eligible employees. Non-union employees who have reached age twenty and one-half years and have completed one year of service may begin elective deferrals. The Company's contribution to the plan, as determined by the Board of Directors, is discretionary but cannot exceed certain maximum defined limitations. In order to be eligible to receive an allocation of the Company's contribution, the employee must have completed at least 500 hours of service during the plan year and be an employee on the last day of the plan year. Retirement plan expense for the year ended December 31, 2008 is \$818.

**RETIREE HEALTHCARE BENEFITS**

In addition to providing pension benefits, the Company also provides certain health care benefits for retired employees covered by the union agreement. The current agreement requires the Company to pay \$258 per month for medical insurance premiums for non-Medicare eligible retirees and their non-Medicare eligible spouses and \$25 per month for Medicare eligible retirees and their Medicare eligible spouses for the duration of the contract. Substantially all of the Company's employees may become eligible for those benefits if they reach normal retirement age while working for the Company. This and similar benefits are provided for active employees. The Company funds the benefit cost on a pay-as-you-go basis, accordingly, there are no plan assets. The effect of the health care cost trend is not applicable because the benefit amount is a fixed sum independent of health care cost changes.

The Company recognizes the cost of providing these benefits by expensing the annual insurance premiums. For 2008, there are no eligible retirees; therefore, the cost of providing those benefits for the year ended December 31, 2008 is \$0.

**FRANCHISE AGREEMENTS**

The Company entered into a franchise agreement with the Byron Sanitary District to provide garbage services in the district. The franchise fee is based on 5% of gross collections for services in the district. The agreement expires in August 2010. Total fees for the year ended December 31, 2008 are \$5,730.

**BRENTWOOD DISPOSAL SERVICE, INC.**  
**NOTES TO FINANCIAL STATEMENTS**

**FRANCHISE AGREEMENTS** (continued)

The Company also entered into a franchise agreement with Contra Costa County in May 1995 to provide refuse collection services to the unincorporated areas of Contra Costa County adjacent to the Byron Sanitary District. The agreement provides for payments to the county of 5% of gross collections for services. The agreement expires in May 2015. Total fees for the year ended December 31, 2008 are \$29,119.

**RELATED PARTY TRANSACTIONS**

The Company has engaged related parties to provide equipment, services and facilities for its collection services. Additionally, interest is accrued on balances advanced from a related party. The related party activity is as follows for the year ended December 31, 2008.

Equipment rental	\$ 339,083
Refuse preparation and transfer service	180,510
Interest expense	27,480
Facilities and office space rental	15,970
Accounting services	13,860
Computer rental	<u>8,844</u>
	<u>\$ 585,747</u>

The Company leases equipment, computers and office space from related parties under various operating leases. The lease agreements expire at various dates through March 2011 and require monthly payments of \$23,676. The amount of expense recognized under these lease agreements for the year ended December 31, 2008 is \$363,897.

Minimum future lease payments under these lease agreements as of December 31, 2008 are as follows.

2009	\$ 278,714
2010	267,914
2011	<u>64,767</u>
	<u>\$ 611,395</u>

**MALLARD FINANCIAL GROUP**

The Company maintains a depository relationship with Mallard Financial Group (Mallard), a related entity. The Company's shareholder is the sole owner of Mallard and has personally guaranteed all related party assets and liabilities of the entity. The balance due to Mallard, presented as due to related party, as of December 31, 2008 is \$1,519,353.

**BRENTWOOD DISPOSAL SERVICE, INC.**  
**NOTES TO FINANCIAL STATEMENTS**

**COMMITMENTS AND CONTINGENCIES**

**Guarantees –**

***Line of credit*** – The Company guarantees a line of credit on behalf of entities related through common ownership. The Company's assets are cross-collateralized with the assets of these related entities to secure the balances owed to the bank. The total amount outstanding on the line of credit is \$5,000,000 at December 31, 2008.

***Letters of credit*** – The Company, as well as related affiliates, guarantees letters of credit with Bank of America. The letters of credit are secured by the assets of the Company, as well as related affiliates. The amount available under the letters of credit is \$36,505,283 at December 31, 2008. No amounts have been drawn against the letters of credit as of December 31, 2008.

**Contingent liabilities** – In the ordinary course of conducting its business, the Company may be involved in lawsuits and administrative proceedings. Some of these proceedings may result in fines, penalties or judgments being assessed against the Company that, from time to time, may have an impact on earnings. It is the opinion of management that the aforementioned proceedings, individually or in the aggregate, will not have a materially adverse effect on the Company's financial position.

**Collective bargaining agreement** – A significant portion of the Company's employees are subject to a collective bargaining agreement with Teamsters Local 315, which will expire February 28, 2014.

**Environmental risk** – The refuse and recycling industries in which the Company operates are subject to a certain level of environmental risk. Such environmental liabilities could have a material effect on the financial position of the Company and its affiliates. However, it is not possible to reasonably estimate the amount of any obligation for environmental remediation that would be material to the Company and its affiliates at December 31, 2008. Accordingly, the Company has not accrued any liability for environmental contingencies.

**CONCENTRATION OF RISK**

The Company's revenues are derived primarily from customers in the San Francisco Bay Area. As such, the Company's revenue and operations can be negatively impacted by the San Francisco Bay Area economy.

**DISCOVERY BAY DISPOSAL, INC.**

**FINANCIAL STATEMENTS  
FOR THE YEAR ENDED DECEMBER  
WITH INDEPENDENT AUDITOR'S R**

## FINANCIAL STATEMENTS

**FOR THE YEAR ENDED DECEMBER 31, 2008**

**WITH INDEPENDENT AUDITOR'S REPORT**

**DELTA DEBRIS BOX SERVICE, INC.**  
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## INDEPENDENT AUDITOR'S REPORT

Board of Directors  
Delta Debris Box Service, Inc.  
Concord, California

We have audited the accompanying balance sheet of Delta Debris Box Service, Inc. (a California S corporation), as of December 31, 2008, and the related statements of operations and retained earnings and cash flows for the year then ended. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Delta Debris Box Service, Inc. as of December 31, 2008 and the results of its operations and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

**BBR LLP**

BBR LLP  
Walnut Creek, California  
August 24, 2009



# DELTA DEBRIS BOX SERVICE, INC.

## BALANCE SHEET

DECEMBER 31, 2008

(See notes to financial statements)

### ASSETS

#### CURRENT ASSETS

Cash	\$ 419,983
Accounts receivable	159,213
Prepaid expenses	<u>17,817</u>

Total current assets 597,013

DUE FROM RELATED PARTY 2,703,506

Total assets \$ 3,300,519

### LIABILITIES AND STOCKHOLDER EQUITY

#### CURRENT LIABILITIES

Accounts payable and accrued liabilities \$ 84,090

DUE TO RELATED PARTY 46,028

Total liabilities 130,118

#### STOCKHOLDER EQUITY

Common stock 1,000

Retained earnings 3,169,401

Total stockholder equity 3,170,401

Total liabilities and stockholder equity \$ 3,300,519

**DELTA DEBRIS BOX SERVICE, INC.**  
**STATEMENT OF OPERATIONS AND RETAINED EARNINGS**  
**FOR THE YEAR ENDED DECEMBER 31, 2008**  
(See notes to financial statements)

**REVENUES**

Refuse collection services	\$ 1,721,209
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**OPERATING EXPENSES**

Waste disposal	651,597
Equipment rental	585,802
Labor and related	<u>255,108</u>

Total operating expenses	<u>1,492,507</u>
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**GROSS PROFIT**

228,702

**GENERAL AND ADMINISTRATIVE**

Administration salaries and related	313,024
Office and administration	72,985
Advertising and promotion	23,660
Professional fees	<u>9,755</u>

Total general and administrative	<u>419,424</u>
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**LOSS FROM OPERATIONS**

(190,722)

**OTHER INCOME**

Interest income	<u>54,874</u>
-----------------	---------------

**LOSS BEFORE INCOME TAXES**

(135,848)

**PROVISION FOR INCOME TAXES**

773

**NET LOSS**

(136,621)

**RETAINED EARNINGS**

Beginning of year	<u>3,306,022</u>
-------------------	------------------

End of year	<u>\$ 3,169,401</u>
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# DELTA DEBRIS BOX SERVICE, INC.

## STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED DECEMBER 31, 2008

(See notes to financial statements)

### CASH FLOWS FROM OPERATING ACTIVITIES

Net loss	\$ (136,621)
Adjustments to reconcile net loss to net cash provided by operating activities	
(Increase) decrease in	
Accounts receivable	(23,784)
Prepaid expenses	(15,017)
Due from related party	513,766
Increase (decrease) in	
Accounts payable and accrued liabilities	74,997
Due to related party	6,574

### NET CHANGE IN CASH

419,915

### CASH

Beginning of year	68
End of year	<u>\$ 419,983</u>

# **DELTA DEBRIS BOX SERVICE, INC.**

## **NOTES TO FINANCIAL STATEMENTS**

### **SUMMARY OF OPERATIONS**

Delta Debris Box Service, Inc. (Company) is primarily engaged in the hauling and disposal of refuse collected in debris boxes in Contra Costa County, California.

### **SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Basis of presentation** – The accompanying financial statements are presented on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America. Generally, revenues are recognized when they become both measurable and available, and expenses are recognized when an obligation is incurred.

**Use of estimates** – Presentation of financial statements, in conformity with accounting principles generally accepted in the United States of America, requires management to make estimates and assumptions that affect the reported amounts and disclosures in the financial statements. Consequently, actual results could differ from these estimates.

**Cash** – For the purposes of the statement of cash flows, cash includes amounts on hand and amounts on deposit at financial institutions. The Company usually will have amounts on deposit at financial institutions that exceed federally insured limits. The Company believes there is no significant risk with respect to these deposits.

**Accounts receivable** – Accounts receivable are stated at the amount management expects to collect from outstanding balances. The Company closely monitors outstanding receivables and charges off any balances that are determined to be uncollectible. The Company considers its accounts fully collectible at December 31, 2008.

**Revenues** – Revenues consist primarily of billings for the hauling and disposal of refuse collected in debris boxes.

**Advertising and promotion** – Advertising and promotion costs are expensed as incurred.

### **INCOME TAXES**

The Company has elected to be taxed under the provisions of Subchapter S of the Internal Revenue Code. Accordingly, the financial statements do not include a provision for federal income taxes. Under this election, the Company's taxable income or loss will be reportable on the shareholder's personal income tax return. State franchise taxes are assessed at a rate of 1½% of taxable income. Accordingly, a provision for state franchise taxes is included in the accompanying financial statements.

# DISCOVERY BAY DISPOSAL, INC.

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## INDEPENDENT AUDITOR'S REPORT

Board of Directors  
Discovery Bay Disposal, Inc.  
Concord, California

We have audited the accompanying balance sheet of Discovery Bay Disposal, Inc. (a California S corporation), as of December 31, 2008, and the related statements of operations and retained earnings and cash flows for the year then ended. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Discovery Bay Disposal, Inc. as of December 31, 2008 and the results of its operations and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

**BBR LLP**

BBR LLP  
Walnut Creek, California  
August 24, 2009

# DISCOVERY BAY DISPOSAL, INC.

## BALANCE SHEET

DECEMBER 31, 2008

(See notes to financial statements)

### ASSETS

#### CURRENT ASSETS

Cash	\$ 454,227
Accounts receivable	80,806
Prepaid expenses	567

Total current assets 535,600

#### DUE FROM RELATED PARTY

1,130,319

Total assets

\$ 1,665,919

### LIABILITIES AND STOCKHOLDER EQUITY

#### CURRENT LIABILITIES

Accounts payable and accrued liabilities	\$ 176,573
Deferred revenues	30,666

Total current liabilities 207,239

#### DUE TO RELATED PARTY

21,305

Total liabilities

228,544

#### STOCKHOLDER EQUITY

Common stock	1,000
Retained earnings	1,436,375

Total stockholder equity 1,437,375

Total liabilities and stockholder equity

\$ 1,665,919

**DISCOVERY BAY DISPOSAL, INC.**  
**STATEMENT OF OPERATIONS AND RETAINED EARNINGS**  
**FOR THE YEAR ENDED DECEMBER 31, 2008**

(See notes to financial statements)

**REVENUES**

Residential refuse collection services	\$ 1,520,920
Commercial refuse collection services	<u>207,830</u>
Total revenues	<u>1,728,750</u>

**OPERATING EXPENSES**

Equipment rental	507,556
Waste disposal	431,537
Labor and related	285,047
Franchise fees -	86,527
Repairs and maintenance	<u>5,505</u>
Total operating expenses	<u>1,316,172</u>

**GROSS PROFIT**

412,578

**GENERAL AND ADMINISTRATIVE**

Administration salaries and related	116,758
Office and administration	44,143
Professional fees	20,072
Advertising and promotion	<u>1,192</u>
Total general and administrative	<u>182,165</u>

**INCOME FROM OPERATIONS**

230,413

**OTHER INCOME (EXPENSE)**

Interest income	21,295
Other expense	<u>(203)</u>
Total other income (expense)	<u>21,092</u>

**INCOME BEFORE INCOME TAXES**

251,505

**PROVISION FOR INCOME TAXES**

800

**NET INCOME**

250,705

**RETAINED EARNINGS**

Beginning of year	<u>1,185,670</u>
End of year	<u>\$ 1,436,375</u>



# DISCOVERY BAY DISPOSAL, INC.

## STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED DECEMBER 31, 2008

(See notes to financial statements)

### CASH FLOWS FROM OPERATING ACTIVITIES

Net income	\$ 250,705
Adjustments to reconcile net income to net cash provided by operating activities	
(Increase) decrease in	
Accounts receivable	(7,891)
Prepaid expenses	(567)
Due from related party	75,898
Increase (decrease) in	
Bank overdraft	(1,342)
Accounts payable and accrued liabilities	129,007
Deferred revenues	16,260
Due to related party	(7,843)

### NET CHANGE IN CASH

454,227

### CASH

Beginning of year

-

End of year

\$ 454,227

### SUPPLEMENTARY CASH FLOW INFORMATION

Cash paid for interest	\$ 203
Cash paid for income taxes	\$ 4,736

# **DISCOVERY BAY DISPOSAL, INC.**

## **NOTES TO FINANCIAL STATEMENTS**

### **SUMMARY OF OPERATIONS**

Discovery Bay Disposal, Inc. (Company) is primarily engaged in the solid waste collection and recycling business. The Company provides services under an exclusive agreement to the area of Discovery Bay in Eastern Contra Costa County, California.

### **SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Basis of presentation** – The accompanying financial statements are presented on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America. Generally, revenues are recognized when they become both measurable and available, and expenses are recognized when an obligation is incurred.

**Use of estimates** – Presentation of financial statements, in conformity with accounting principles generally accepted in the United States of America, requires management to make estimates and assumptions that affect the reported amounts and disclosures in the financial statements. Consequently, actual results could differ from these estimates.

**Cash** – For the purposes of the statement of cash flows, cash includes amounts on hand and amounts on deposit at financial institutions. The Company usually will have amounts on deposit at financial institutions that exceed federally insured limits. The Company believes there is no significant risk with respect to these deposits.

**Accounts receivable** – Accounts receivable are stated at the amount management expects to collect from outstanding balances. The Company closely monitors outstanding receivables and charges off any balances that are determined to be uncollectible. The Company considers its accounts fully collectible at December 31, 2008.

**Revenues** – Revenues consist primarily of billings for the collection, recycling and disposal of solid waste from a diversified base of customers including residential, commercial and industrial. Residential customers make payments in advance for collection services. Revenues from those receipts are deferred and recognized as the services are performed.

**Advertising and promotion** – Advertising and promotion costs are expensed as incurred.

### **INCOME TAXES**

The Company has elected to be taxed under the provisions of Subchapter S of the Internal Revenue Code. Accordingly, the financial statements do not include a provision for federal income taxes. Under this election, the Company's taxable income or loss will be reportable on the stockholder's personal income tax return. State franchise taxes are assessed at a rate of 1½% of taxable income. Accordingly, a provision for state franchise taxes is included in the accompanying financial statements.

## **DISCOVERY BAY DISPOSAL, INC.**

### **NOTES TO FINANCIAL STATEMENTS**

#### **RETIREMENT PLANS**

The Company makes contributions to a collectively bargained, multiemployer defined benefit pension plan. Contributions are determined in accordance with the provisions of the negotiated labor contract or terms of the plan. The plan's administrators do not provide sufficient information to enable the Company to determine its share, if any, of plan assets or unfunded vested benefits. Retirement plan expense for the year ended December 31, 2008 for the defined benefit pension plan is \$22,961.

The Company also has a 401(k) profit sharing plan for the benefit of its eligible employees. Non-union employees who have reached age twenty and one-half years and have completed one year of service may begin elective deferrals. The Company's contribution to the plan, as determined by the Board of Directors, is discretionary but cannot exceed certain maximum defined limitations. In order to be eligible to receive an allocation of the Company's contribution, the employee must have completed at least 500 hours of service during the plan year and be an employee on the last day of the plan year. Retirement plan expense for the year ended December 31, 2008 is \$1,997.

#### **RETIREE HEALTHCARE BENEFITS**

In addition to providing pension benefits, the Company also provides certain health care benefits for retired employees covered by the union agreement. The current agreement requires the Company to pay \$258 per month for medical insurance premiums for non-Medicare eligible retirees and their non-Medicare eligible spouses and \$25 per month for Medicare eligible retirees and their Medicare eligible spouses for the duration of the contract. Substantially all of the Company's employees may become eligible for those benefits if they reach normal retirement age while working for the Company. This and similar benefits are provided for active employees. The Company funds the benefit cost on a pay-as-you-go basis, accordingly, there are no plan assets. The effect of the health care cost trend is not applicable because the benefit amount is a fixed sum independent of health care cost changes.

The Company recognizes the cost of providing these benefits by expensing the annual insurance premiums. For 2008, there are no eligible retirees; therefore, the cost of providing those benefits for the year ended December 31, 2008 is \$0.

#### **FRANCHISE AGREEMENTS**

The Company entered into a franchise agreement with Contra Costa County in May 1995 to provide refuse collection services to the unincorporated areas of Contra Costa County. The agreement provides for payments to the county of 5% of gross collections for services. The agreement expires in May 2015. Total fees for the year ended December 31, 2008 are \$86,527.

## DISCOVERY BAY DISPOSAL, INC.

### NOTES TO FINANCIAL STATEMENTS

#### RELATED PARTY TRANSACTIONS

The Company has engaged related parties to provide equipment, services and facilities for its collection services. Additionally, interest is accrued on balances advanced to a related party. The related party activity is as follows for the year ended December 31, 2008.

#### Expenses

Equipment rental	\$ 507,556
Refuse preparation and transfer service	400,704
Facilities and office space rental	13,434
Accounting services	8,652
Computer rental	<u>1,296</u>
	<u>\$ 931,642</u>

#### Revenues

Interest income	<u>\$ 21,295</u>
-----------------	------------------

The Company leases equipment, computers and office space from related parties under various operating leases. The lease agreements expire at various dates through March 2011 and require monthly payments of \$33,291. The amount of expense recognized under these lease agreements for the year ended December 31, 2008 is \$522,286.

Minimum future lease payments under these lease agreements as of December 31, 2008 are as follows.

2009	\$ 393,611
2010	381,851
2011	<u>95,139</u>
	<u>\$ 870,601</u>

#### MALLARD FINANCIAL GROUP

The Company maintains a depository relationship with Mallard Financial Group (Mallard), a related entity. The Company's shareholder is the sole owner of Mallard and has personally guaranteed all related party assets and liabilities of the entity. The balance due from Mallard, presented as due from related party, as of December 31, 2008 is \$1,130,319.

**DISCOVERY BAY DISPOSAL, INC.**  
**NOTES TO FINANCIAL STATEMENTS**

**COMMITMENTS AND CONTINGENCIES**

**Guarantees –**

***Line of credit*** – The Company guarantees a line of credit on behalf of entities related through common ownership. The Company's assets are cross-collateralized with the assets of these related entities to secure the balances owed to the bank. The total amount outstanding on the line of credit is \$5,000,000 at December 31, 2008.

***Letters of credit*** – The Company, as well as related affiliates, guarantees letters of credit with Bank of America. The letters of credit are secured by the assets of the Company, as well as related affiliates. The amount available under the letters of credit is \$36,505,283 at December 31, 2008. No amounts have been drawn against the letters of credit as of December 31, 2008.

***Contingent liabilities*** – In the ordinary course of conducting its business, the Company may be involved in lawsuits and administrative proceedings. Some of these proceedings may result in fines, penalties or judgments being assessed against the Company that, from time to time, may have an impact on earnings. It is the opinion of management that the aforementioned proceedings, individually or in the aggregate, will not have a materially adverse effect on the Company's financial position.

***Collective bargaining agreement*** – A significant portion of the Company's employees are subject to a collective bargaining agreement with Teamsters Local 315, which will expire February 28, 2014.

***Environmental risk*** – The refuse and recycling industries in which the Company operates are subject to a certain level of environmental risk. Such environmental liabilities could have a material effect on the financial position of the Company and its affiliates. However, it is not possible to reasonably estimate the amount of any obligation for environmental remediation that would be material to the Company and its affiliates at December 31, 2008. Accordingly, the Company has not accrued any liability for environmental contingencies.

**CONCENTRATION OF RISK**

The Company's revenues are derived primarily from customers in the San Francisco Bay Area. As such, the Company's revenue and operations can be negatively impacted by the San Francisco Bay Area economy.

## FINANCIAL STATEMENTS

**FOR THE YEAR ENDED DECEMBER 31, 2008  
WITH INDEPENDENT AUDITOR'S REPORT**

OAKLEY DISPOSAL SERVICE, INC.  
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**OAKLEY DISPOSAL SERVICE, INC.**

**FINANCIAL STATEMENTS  
FOR THE YEAR ENDED DECEMBER 31, 2008  
WITH INDEPENDENT AUDITOR'S REPORT**

**OAKLEY DISPOSAL SERVICE, INC.**  
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## INDEPENDENT AUDITOR'S REPORT

Board of Directors  
Oakley Disposal Service, Inc.  
Concord, California

We have audited the accompanying balance sheet of Oakley Disposal Service, Inc. (a California S corporation), as of December 31, 2008, and the related statements of operations and retained earnings and cash flows for the year then ended. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Oakley Disposal Service, Inc. as of December 31, 2008 and the results of its operations and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

**BBR LLP**

BBR LLP  
Walnut Creek, California  
August 24, 2009

# OAKLEY DISPOSAL SERVICE, INC.

## BALANCE SHEET

DECEMBER 31, 2008

(See notes to financial statements)

### ASSETS

#### **CURRENT ASSETS**

Cash	\$ 547,990
Accounts receivable	315,102
Total current assets	863,092

**DUE FROM RELATED PARTY** 222,368

**PROPERTY AND EQUIPMENT, net** 2,301

**Total assets** \$ 1,087,761

### LIABILITIES AND STOCKHOLDER EQUITY

#### **CURRENT LIABILITIES**

Accounts payable and accrued liabilities	\$ 227,145
Deferred revenues	275,254
Total current liabilities	502,399

**DUE TO RELATED PARTY** 10,705

**Total liabilities** 513,104

#### **STOCKHOLDER EQUITY**

Common stock	1,000
Retained earnings	573,657
Total stockholder equity	574,657

**Total liabilities and stockholder equity** \$ 1,087,761

**OAKLEY DISPOSAL SERVICE, INC.**  
**STATEMENT OF OPERATIONS AND RETAINED EARNINGS**  
**FOR THE YEAR ENDED DECEMBER 31, 2008**

(See notes to financial statements)

**REVENUES**

Residential refuse collection services	\$ 3,028,265
Commercial refuse collection services	<u>1,135,793</u>
Total revenues	<u>4,164,058</u> ✱

**OPERATING EXPENSES**

Equipment rental	1,321,076
Waste disposal	1,222,987
Labor and related	674,017
Franchise fees	206,980
• Repairs and maintenance	4,092
• Facility	1,140
Depreciation	616
• Fuel	<u>200</u>
Total operating expenses	<u>3,431,108</u> ✱

**GROSS PROFIT**

732,950

**GENERAL AND ADMINISTRATIVE**

Administration salaries and related	348,969
Professional fees	178,615
Office and administration	132,056
Sponsorships	8,000
Advertising and promotion	4,341
Travel and entertainment	1,336
Insurance	<u>786</u>

Total general and administrative 672,103 ✱

**INCOME FROM OPERATIONS**

60,847 ✱

**INTEREST INCOME**

6,949

**INCOME BEFORE INCOME TAXES**

67,796

**PROVISION FOR INCOME TAXES**

800

**NET INCOME**

66,996

**RETAINED EARNINGS**

Beginning of year	<u>506,661</u>
End of year	<u>\$ 573,657</u>

# **OAKLEY DISPOSAL SERVICE, INC.**

## **STATEMENT OF CASH FLOWS**

**FOR THE YEAR ENDED DECEMBER 31, 2008**

(See notes to financial statements)

### **CASH FLOWS FROM OPERATING ACTIVITIES**

Net income	\$ 66,996
Adjustments to reconcile net income to net cash provided by operating activities	
Depreciation	616
(Increase) decrease in	
Accounts receivable	(25,320)
Due from related party	454,922
Increase (decrease) in	
Accounts payable and accrued liabilities	119,855
Deferred revenues	6,020
Due to related party	(72,895)
Net cash provided by operating activities	550,194

### **CASH FLOWS FROM FINANCING ACTIVITIES**

Net decrease in bank cash overdraft	(2,424)
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### **NET CHANGE IN CASH**

547,770

### **CASH**

Beginning of year	220
End of year	\$ 547,990

### **SUPPLEMENTARY CASH FLOW INFORMATION**

Cash paid for income taxes	\$ 800
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# **OAKLEY DISPOSAL SERVICE, INC.**

## **NOTES TO FINANCIAL STATEMENTS**

### **SUMMARY OF OPERATIONS**

Oakley Disposal Service, Inc. (Company) is primarily engaged in the solid waste collection and recycling business. The Company provides services under exclusive agreements to the Iron House Sanitary District that includes the City of Oakley and certain areas of Contra Costa County, all located in California.

### **SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Basis of presentation** – The accompanying financial statements are presented on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America. Generally, revenues are recognized when they become both measurable and available, and expenses are recognized when an obligation is incurred.

**Use of estimates** – Presentation of financial statements, in conformity with accounting principles generally accepted in the United States of America, requires management to make estimates and assumptions that affect the reported amounts and disclosures in the financial statements. Consequently, actual results could differ from these estimates.

**Cash** – For the purposes of the statement of cash flows, cash includes amounts on hand and amounts on deposit at financial institutions. The Company usually will have amounts on deposit at financial institutions that exceed federally insured limits. The Company believes there is no significant risk with respect to these deposits.

**Accounts receivable** – Accounts receivable are stated at the amount management expects to collect from outstanding balances. The Company closely monitors outstanding receivables and charges off any balances that are determined to be uncollectible. The Company considers its accounts fully collectible at December 31, 2008.

**Property and equipment** – Property and equipment are carried at cost. Depreciation is computed using the straight-line and declining balance methods, over the estimated useful lives of the assets (generally 3 to 39 years).

**Revenues** – Revenues consist primarily of billings for the collection, recycling and disposal of solid waste from a diversified base of customers including residential, commercial and industrial. Residential customers make payments in advance for collection services. Revenues from those receipts are deferred and recognized as the services are performed.

**Advertising and promotion** – Advertising and promotion costs are expensed as incurred.

### **PROPERTY AND EQUIPMENT**

Property and equipment consist of the following at December 31, 2008.

Furniture and fixtures	\$ 13,010
Accumulated depreciation	<u>(10,709)</u>
	<u>\$ 2,301</u>

**OAKLEY DISPOSAL SERVICE, INC.**  
**NOTES TO FINANCIAL STATEMENTS**

**INCOME TAXES**

The Company has elected to be taxed under the provisions of Subchapter S of the Internal Revenue Code. Accordingly, the financial statements do not include a provision for federal income taxes. Under this election, the Company's taxable income or loss will be reportable on the stockholder's personal income tax return. State franchise taxes are assessed at a rate of 1½% of taxable income. Accordingly, a provision for state franchise taxes is included in the accompanying financial statements.

**OPERATING LEASE**

The Company leases a building under an operating lease. The lease agreement runs through September 2010 and requires monthly payments of \$2,883. Minimum future lease payments under this lease agreement as of December 31, 2008 are as follows.

2009	\$ 34,597
2010	<u>25,947</u>
	<u>\$ 60,544</u>

The amount of expense recognized under this lease agreement for the year ended December 31, 2008 is \$34,035.

**RETIREMENT PLANS**

The Company makes contributions to a collectively bargained, multiemployer defined benefit pension plan. Contributions are determined in accordance with the provisions of the negotiated labor contract or terms of the plan. The plan's administrators do not provide sufficient information to enable the Company to determine its share, if any, of plan assets or unfunded vested benefits. Retirement plan expense for the year ended December 31, 2008 for the defined benefit pension plan is \$51,609.

The Company also has a 401(k) profit sharing plan for the benefit of its eligible employees. Non-union employees who have reached age twenty and one-half years and have completed one year of service may begin elective deferrals. The Company's contribution to the plan, as determined by the Board of Directors, is discretionary but cannot exceed certain maximum defined limitations. In order to be eligible to receive an allocation of the Company's contribution, the employee must have completed at least 500 hours of service during the plan year and be an employee on the last day of the plan year. Retirement plan expense for the year ended December 31, 2008 is \$4,393.

# OAKLEY DISPOSAL SERVICE, INC.

## NOTES TO FINANCIAL STATEMENTS

### RETIREE HEALTHCARE BENEFITS

In addition to providing pension benefits, the Company also provides certain health care benefits for retired employees covered by the union agreement. The current agreement requires the Company to pay \$258 per month for medical insurance premiums for non-Medicare eligible retirees and their non-Medicare eligible spouses and \$25 per month for Medicare eligible retirees and their Medicare eligible spouses for the duration of the contract. Substantially all of the Company's employees may become eligible for those benefits if they reach normal retirement age while working for the Company. This and similar benefits are provided for active employees. The Company funds the benefit cost on a pay-as-you-go basis, accordingly, there are no plan assets. The effect of the health care cost trend is not applicable because the benefit amount is a fixed sum independent of health care cost changes.

The Company recognizes the cost of providing these benefits by expensing the annual insurance premiums. For 2008, there are no eligible retirees; therefore, the cost of providing those benefits for the year ended December 31, 2008 is \$0.

### FRANCHISE AGREEMENTS

The Company entered into a franchise agreement with Ironhouse Sanitary District (District) in June 1993 to provide refuse collection services in the District. The agreement provides for payments to the District of 5% of gross collections for services. The Company's right to exclusive contract runs through May 2014. Total fees for the year ended December 31, 2008 are \$201,928.

The Company also entered into a franchise agreement with Contra Costa County in May 1995 to provide refuse collection services to a portion of the unincorporated areas of Contra Costa County adjacent to the District. The agreement provides for payments to the county of 5% of gross collections for services. The agreement expires in May 2015. Total fees for the year ended December 31, 2008 are \$5,052.

### RELATED PARTY TRANSACTIONS

The Company has engaged related parties to provide equipment, services and facilities for its collection services. Additionally, interest is accrued on balances advanced to a related party. The related party activity is as follows for the year ended December 31, 2008.

#### Expenses

Equipment rental	\$ 1,321,076
Refuse preparation and transfer service	1,153,959
Accounting services	19,476
Facilities and office space rental	18,183
Computer rental	2,580
	<u>\$ 2,515,274</u>

#### Revenues

Interest income	\$ 6,949
Recycling revenues	5,362
	<u>\$ 12,311</u>

# **OAKLEY DISPOSAL SERVICE, INC.**

## **NOTES TO FINANCIAL STATEMENTS**

### **RELATED PARTY TRANSACTIONS** (continued)

The Company leases equipment, computers and office space from related parties under various operating leases. The lease agreements expire at various dates through March 2011 and require monthly payments of \$101,639. The amount of expense recognized under these lease agreements for the year ended December 31, 2008 is \$1,341,839.

Minimum future lease payments under these lease agreements as of December 31, 2008 are as follows.

2009	\$ 1,212,208
2010	1,197,288
2011	<u>298,677</u>
	<u>\$ 2,708,173</u>

### **MALLARD FINANCIAL GROUP**

The Company maintains a depository relationship with Mallard Financial Group (Mallard), a related entity. The Company's shareholder is the sole owner of Mallard and has personally guaranteed all related party assets and liabilities of the entity. The balance due from Mallard, presented as due from related party, as of December 31, 2008 is \$222,368.

### **COMMITMENTS AND CONTINGENCIES**

#### **Guarantees -**

**Line of credit** - The Company guarantees a line of credit on behalf of entities related through common ownership. The Company's assets are cross-collateralized with the assets of these related entities to secure the balances owed to the bank. The total amount outstanding on the line of credit is \$5,000,000 at December 31, 2008.

**Letters of credit** - The Company, as well as related affiliates, guarantees letters of credit with Bank of America. The letters of credit are secured by the assets of the Company, as well as related affiliates. The amount available under the letters of credit is \$36,505,283 at December 31, 2008. No amounts have been drawn against the letters of credit as of December 31, 2008.

**Contingent liabilities** - In the ordinary course of conducting its business, the Company may be involved in lawsuits and administrative proceedings. Some of these proceedings may result in fines, penalties or judgments being assessed against the Company that, from time to time, may have an impact on earnings. It is the opinion of management that the aforementioned proceedings, individually or in the aggregate, will not have a materially adverse effect on the Company's financial position.



**OAKLEY DISPOSAL SERVICE, INC.**  
**NOTES TO FINANCIAL STATEMENTS**

**COMMITMENTS AND CONTINGENCIES**    *(continued)*

**Collective bargaining agreement** – A significant portion of the Company's employees are subject to a collective bargaining agreement with Teamsters Local 315, which will expire February 28, 2014.

**Environmental risk** – The refuse and recycling industries in which the Company operates are subject to a certain level of environmental risk. Such environmental liabilities could have a material effect on the financial position of the Company and its affiliates. However, it is not possible to reasonably estimate the amount of any obligation for environmental remediation that would be material to the Company and its affiliates at December 31, 2008. Accordingly, the Company has not accrued any liability for environmental contingencies.

**CONCENTRATION OF RISK**

The Company's revenues are derived primarily from customers in the San Francisco Bay Area. As such, the Company's revenue and operations can be negatively impacted by the San Francisco Bay Area economy.

DAKLEY DISPOSAL SERVICE, INC.  
NOTES TO FINANCIAL STATEMENTS

CONTENTS OF THE FINANCIAL STATEMENTS

Financial statements - The financial statements of the Company for the year ended December 31, 2008, are presented on pages 1 through 4. The financial statements are prepared in accordance with the accounting principles generally accepted in the United States of America.

Environmental remediation - The Company is involved in environmental remediation activities. The Company's environmental remediation activities are described in Note 1. The Company's environmental remediation activities are described in Note 1. The Company's environmental remediation activities are described in Note 1. The Company's environmental remediation activities are described in Note 1.

**BRENTWOOD DISPOSAL SERVICE, INC.**

STATEMENT OF WORK

The Company's work is to provide disposal services for the State of Tennessee. The Company's work is to provide disposal services for the State of Tennessee. The Company's work is to provide disposal services for the State of Tennessee. The Company's work is to provide disposal services for the State of Tennessee.

**FINANCIAL STATEMENTS  
FOR THE YEAR ENDED DECEMBER 31, 2008  
WITH INDEPENDENT AUDITOR'S REPORT**

**PITTSBURG DISPOSAL  
& DEBRIS BOX SERVICE, INC.**

**FINANCIAL STATEMENTS  
FOR THE YEAR ENDED DECEMBER 31, 2008 ✓  
WITH INDEPENDENT AUDITOR'S REPORT**

**PITTSBURG DISPOSAL & DEBRIS BOX SERVICE, INC.**  
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## INDEPENDENT AUDITOR'S REPORT

Board of Directors  
Pittsburg Disposal & Debris Box Service, Inc.  
Concord, California

We have audited the accompanying balance sheet of Pittsburg Disposal & Debris Box Service, Inc. (a California S corporation), as of December 31, 2008, and the related statements of operations and retained earnings and cash flows for the year then ended. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Pittsburg Disposal & Debris Box Service, Inc. as of December 31, 2008 and the results of its operations and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

**BBR LLP**

BBR LLP  
Walnut Creek, California  
August 24, 2009

**PITTSBURG DISPOSAL & DEBRIS BOX SERVICE, INC.**

**BALANCE SHEET**

**DECEMBER 31, 2008**

(See notes to financial statements)

**ASSETS**

**CURRENT ASSETS**

Cash	\$ 1,209,681
Accounts receivable	<u>801,183</u>
Total current assets	2,010,864

**DUE FROM RELATED PARTY** 5,255,763

**PROPERTY AND EQUIPMENT, net** 8,281

**Total assets** \$ 7,274,908

**LIABILITIES AND STOCKHOLDER EQUITY**

**CURRENT LIABILITIES**

Accounts payable and accrued liabilities	\$ 733,532
Deferred revenues	<u>239,964</u>
Total current liabilities	<u>973,496</u>

**STOCKHOLDER EQUITY**

Common stock	10,000
Retained earnings	<u>6,291,412</u>

**Total stockholder equity** 6,301,412

**Total liabilities and stockholder equity** \$ 7,274,908

**PITTSBURG DISPOSAL & DEBRIS BOX SERVICE, INC.**

**STATEMENT OF OPERATIONS AND RETAINED EARNINGS**

**FOR THE YEAR ENDED DECEMBER 31, 2008**

(See notes to financial statements)

**REVENUES**

Residential refuse collection services	\$ 4,397,335
Commercial refuse collection services	5,281,304

Total revenues	<u>9,678,639</u> *
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**OPERATING EXPENSES**

Waste disposal	2,946,984
Equipment rental	2,792,292
Labor and related	1,334,342
Franchise fees	551,164
Repairs and maintenance	15,648
Facility	5,433
Depreciation	3,163

Total operating expenses	<u>7,649,026</u> *
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**GROSS PROFIT**

2,029,613

**GENERAL AND ADMINISTRATIVE**

Administration salaries and related	626,332
Office and administration	216,824
Professional fees	56,902
Advertising and promotion	31,799
Travel and entertainment	4,960

Total general and administrative	<u>936,817</u> *
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**INCOME FROM OPERATIONS**

1,092,796 \*

**OTHER INCOME (EXPENSE)**

Interest income	98,911
Contributions	(3,410)

Total other income (expense)	<u>95,501</u>
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**INCOME BEFORE INCOME TAXES**

1,188,297

**PROVISION FOR INCOME TAXES**

17,866

**NET INCOME**

1,170,431

**RETAINED EARNINGS**

Beginning of year	5,620,981
Shareholder distributions	<u>(500,000)</u>

End of year	<u>\$ 6,291,412</u>
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**PITTSBURG DISPOSAL & DEBRIS BOX SERVICE, INC.**

**STATEMENT OF CASH FLOWS**

**FOR THE YEAR ENDED DECEMBER 31, 2008**

(See notes to financial statements)

**CASH FLOWS FROM OPERATING ACTIVITIES**

Net income	\$ 1,170,431
Adjustments to reconcile net income to net cash provided by operating activities	
Depreciation and amortization	3,163
(Increase) decrease in	
Accounts receivable	(55,064)
Due from related party	312,947
Increase (decrease) in	
Accounts payable and accrued expenses	524,591
Deferred revenues	(16,421)
Due to related party	(229,004)
Net cash provided by operating activities	1,710,643

**CASH FLOWS FROM INVESTING ACTIVITIES**

Purchase of property and equipment	(2,489)
------------------------------------	---------

**CASH FLOWS FROM FINANCING ACTIVITIES**

Shareholder distributions	(500,000)
---------------------------	-----------

**NET CHANGE IN CASH**

1,208,154

**CASH**

Beginning of year	1,527
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End of year	\$ 1,209,681
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**SUPPLEMENTARY CASH FLOW INFORMATION**

Cash paid for income taxes	\$ 35,300
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# **PITTSBURG DISPOSAL & DEBRIS BOX SERVICE, INC.**

## **NOTES TO FINANCIAL STATEMENTS**

### **SUMMARY OF OPERATIONS**

Pittsburg Disposal & Debris Box Service, Inc. (Company) is primarily engaged in the solid waste collection and recycling business in and around the City of Pittsburg operating under agreements with the City of Pittsburg and Contra Costa County, California.

### **SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Basis of presentation** – The accompanying financial statements are presented on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America. Generally, revenues are recognized when they become both measurable and available, and expenses are recognized when an obligation is incurred.

**Use of estimates** – Presentation of financial statements, in conformity with accounting principles generally accepted in the United States of America, requires management to make estimates and assumptions that affect the reported amounts and disclosures in the financial statements. Consequently, actual results could differ from these estimates.

**Cash** – For the purposes of the statement of cash flows, cash includes amounts on hand and amounts on deposit at financial institutions. The Company usually will have amounts on deposit at financial institutions that exceed federally insured limits. The Company believes there is no significant risk with respect to these deposits.

**Accounts receivable** – Accounts receivable are stated at the amount management expects to collect from outstanding balances. The Company closely monitors outstanding receivables and charges off any balances that are determined to be uncollectible. The Company considers its accounts fully collectible at December 31, 2008.

**Property and equipment** – Property and equipment are carried at cost. Depreciation is computed utilizing the straight line and declining balance methods over the estimated useful life of the assets (generally 3 to 39 years).

**Revenues** – Revenues consist primarily of billings for the collection, recycling and disposal of solid waste from a diversified base of customers including residential, commercial and industrial. Residential customers make payments in advance for collection services. Revenues from those receipts are deferred and recognized as the services are performed.

**Advertising and promotion** – Advertising and promotion costs are expensed as incurred.

### **PROPERTY AND EQUIPMENT**

Property and equipment consist of the following as of December 31, 2008.

Furniture and fixtures	\$ 40,977
Accumulated depreciation	<u>(32,696)</u>
	<u>\$ 8,281</u>

**PITTSBURG DISPOSAL & DEBRIS BOX SERVICE, INC.**  
**NOTES TO FINANCIAL STATEMENTS**

**INCOME TAXES**

The Company has elected to be taxed under the provisions of Subchapter S of the Internal Revenue Code. Accordingly, the financial statements do not include a provision for federal income taxes. Under this election, the Company's taxable income or loss will be reportable on the stockholder's personal income tax return. State franchise taxes are assessed at a rate of 1½% of taxable income. Accordingly, a provision for state franchise taxes is included in the accompanying financial statements.

**OPERATING LEASE**

The Company leases a building under an operating lease. The lease agreement runs through January 2012 and requires monthly payments of \$2,999 increasing 3.5% annually effective February 1 of each year. Minimum future lease payments under this lease agreement as of December 31, 2008 are as follows.

2009	\$ 37,143
2010	38,447
2011	39,788
2012	<u>3,325</u>
	<u>\$ 118,703</u>

The amount of expense recognized under this lease agreement for the year ended December 31, 2008 is \$36,965.

**RETIREMENT PLANS**

The Company makes contributions to a collectively bargained, multiemployer defined benefit pension plan. Contributions are determined in accordance with the provisions of the negotiated labor contract or terms of the plan. The plan's administrators do not provide sufficient information to enable the Company to determine its share, if any, of plan assets or unfunded vested benefits. Retirement plan expense for the year ended December 31, 2008 for the defined benefit pension plan is \$102,612.

The Company also has a 401(k) profit sharing plan for the benefit of its eligible employees. Non-union employees who have reached age twenty and one-half years and have completed one year of service may begin elective deferrals. The Company's contribution to the plan, as determined by the Board of Directors, is discretionary but cannot exceed certain maximum defined limitations. In order to be eligible to receive an allocation of the Company's contribution, the employee must have completed at least 500 hours of service during the plan year and be an employee on the last day of the plan year. Retirement plan expense for the year ended December 31, 2008 is \$9,813.

**PITTSBURG DISPOSAL & DEBRIS BOX SERVICE, INC.**  
**NOTES TO FINANCIAL STATEMENTS**

**RETIREE HEALTHCARE BENEFITS**

In addition to providing pension benefits, the Company also provides certain health care benefits for retired employees covered by the union agreement. The current agreement requires the Company to pay \$258 per month for medical insurance premiums for non-Medicare eligible retirees and their non-Medicare eligible spouses and \$25 per month for Medicare eligible retirees and their Medicare eligible spouses for the duration of the contract. Substantially all of the Company's employees may become eligible for those benefits if they reach normal retirement age while working for the Company. This and similar benefits are provided for active employees. The Company funds the benefit cost on a pay-as-you-go basis, accordingly, there are no plan assets. The effect of the health care cost trend is not applicable because the benefit amount is a fixed sum independent of health care cost changes.

The Company recognizes the cost of providing these benefits by expensing the annual insurance premiums. For 2008, there are no eligible retirees; therefore, the cost of providing those benefits for the year ended December 31, 2008 is \$0.

**FRANCHISE AGREEMENTS**

The Company has entered into a franchise agreement with the City of Pittsburg for the collection of refuse within the city limits which expires June 30, 2017 with an option to extend for seven additional years. The agreement requires the Company to pay the City of Pittsburg 7% of gross residential collections and 5% of gross commercial collections for services within the city limits. Total fees for the year ended December 31, 2008 are \$495,258.

The Company also entered into a franchise agreement with Contra Costa County in May 1995 to provide refuse collection services to the unincorporated areas of Contra Costa County. The agreement provides for payments to the county of 5% of gross collections for services. The agreement expires in May 2015. Total fees for the year ended December 31, 2008 are \$55,906.

**RELATED PARTY TRANSACTIONS**

The Company has engaged related parties to provide equipment, services and facilities for its collection services. Additionally, interest is accrued on balances advanced to a related party. The related party activity is as follows for the year ended December 31, 2008.

**Expenses**

Refuse preparation and transfer service	\$ 2,943,197
Equipment rental	2,792,292
Accounting services	34,800
Facilities and office space rental	26,675
Computer rental	11,424
	<u>\$ 5,808,388</u>

**Revenues**

Interest income	\$ 98,911
Recycling revenues	13,138
	<u>\$ 112,049</u>

**PITTSBURG DISPOSAL & DEBRIS BOX SERVICE, INC.**  
**NOTES TO FINANCIAL STATEMENTS**

**RELATED PARTY TRANSACTIONS** (continued)

The Company leases equipment, computers and office space from related parties under various operating leases. The lease agreements expire at various dates through March 2011 and require monthly payments of \$196,479. The amount of expense recognized under these lease agreements for the year ended December 31, 2008 is \$2,830,391.

Minimum future lease payments under these lease agreements as of December 31, 2008 are as follows.

2009	\$ 2,347,993
2010	2,328,473
2011	<u>579,262</u>
	<u>\$ 5,255,728</u>

**MALLARD FINANCIAL GROUP**

The Company maintains a depository relationship with Mallard Financial Group (Mallard), a related entity. The Company's shareholder is the sole owner of Mallard and has personally guaranteed all related party assets and liabilities of the entity. The balance due from Mallard, included in due from related party, as of December 31, 2008 is \$5,251,607.

**COMMITMENTS AND CONTINGENCIES**

**Guarantees –**

**Line of credit** – The Company guarantees a line of credit on behalf of entities related through common ownership. The Company's assets are cross-collateralized with the assets of these related entities to secure the balances owed to the bank. The total amount outstanding on the line of credit is \$5,000,000 at December 31, 2008.

**Letters of credit** – The Company, as well as related affiliates, guarantees letters of credit with Bank of America. The letters of credit are secured by the assets of the Company, as well as related affiliates. The amount available under the letters of credit is \$36,505,283 at December 31, 2008. No amounts have been drawn against the letters of credit as of December 31, 2008.

**Contingent liabilities** – In the ordinary course of conducting its business, the Company may be involved in lawsuits and administrative proceedings. Some of these proceedings may result in fines, penalties or judgments being assessed against the Company that, from time to time, may have an impact on earnings. It is the opinion of management that the aforementioned proceedings, individually or in the aggregate, will not have a materially adverse effect on the Company's financial position.

**PITTSBURG DISPOSAL & DEBRIS BOX SERVICE, INC.**  
**NOTES TO FINANCIAL STATEMENTS**

**COMMITMENTS AND CONTINGENCIES**    *(continued)*

**Collective bargaining agreement** – A significant portion of the Company's employees are subject to a collective bargaining agreement with Teamsters Local 315, which will expire February 28, 2014.

**Environmental risk** – The refuse and recycling industries in which the Company operates are subject to a certain level of environmental risk. Such environmental liabilities could have a material effect on the financial position of the Company and its affiliates. However, it is not possible to reasonably estimate the amount of any obligation for environmental remediation that would be material to the Company and its affiliates at December 31, 2008. Accordingly, the Company has not accrued any liability for environmental contingencies.

**CONCENTRATION OF RISK**

The Company's revenues are derived primarily from customers in the San Francisco Bay Area. As such, the Company's revenue and operations can be negatively impacted by the San Francisco Bay Area economy.



## **Appendix C**

### **Customer Satisfaction Survey Results**

# Appendix C

## Customer Satisfaction Survey Results

Garaventa Enterprises (Garaventa) conducted a 2009 County customer satisfaction survey of its residential customers. Contra Costa County approved the survey questions. Garaventa mailed the survey on February 6, 2009. The survey covered the following areas:

- Garbage service
- Recycling service
- Yard waste service
- Service options
- Customer service
- Billing procedures
- New services
- Communications.

As shown in **Table C-1**, on the next page, the survey covered the following four (4) unincorporated County service areas:

Unincorporated Area	Company
1. Brentwood, Byron, and Knightsen	Brentwood Disposal Services
2. Discovery Bay	Discovery Bay Disposal
3. Pittsburg and Bay Point	Pittsburg Disposal and Debris Box
4. Unincorporated Oakley	Oakley Disposal Service.

Garaventa sent the survey to 2,531 residential customers, representing 33 percent of County residential customers. Garaventa received 284 responses. The survey had an overall response rate of 11.22 percent.

**Exhibit C-1**, beginning on page C-3, summarizes the survey results by questionnaire area, by rating, and by company. Responses did not vary that much by company. Based on the survey results, Garaventa's overall customer satisfaction rating was 89.95 percent for all surveyed service areas, including garbage service, recycling service, yard waste service, and other areas (see Exhibit C-1, page C-5).<sup>1</sup> Customer satisfaction was highest for garbage collection service and lowest for yardwaste collection service. Customers expressed high satisfaction with both Garaventa customer service, and billing procedures (each above 91 percent).

Residential customers were generally informed about services and options (75.81 percent). A little more than half of the residential customers surveyed expressed a desire for new services. These new services generally included battery collection, used oil collection, e-waste collection, and household hazardous waste collection.

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<sup>1</sup> Customer satisfaction was defined as a rating of excellent, good, or average divided by the total number of ratings. We did not count respondents who had no opinion or those who did not answer the question.



**Table C-1**

Garaventa Enterprises

2009 Contra Costa County

Customer Satisfaction Survey Response Rate

No.	Service Area	Residential Customers				
		Total	Sent to	Survey Rate	Received	Response Rate
1	Brentwood, Byron, and Knightsen	846	280	33%	34	12.14%
2	Discovery Bay	4,441	1,465	33%	183	12.49%
3	Pittsburg and Bay Point	2,317	746	32%	61	8.18%
4	Oakley	103	40	39%	6	15.00%
	Total	7,707	2,531	33%	<b>284</b>	<b>11.22%</b>



**Exhibit C-1****Garaventa 2009 County Customer Satisfaction Survey Results  
Residential Services**

Page 1 of 3

<b>Brentwood Disposal Services</b>								
<b>Basic Services</b>								
<b>Rating</b>	<b>Satisfactory, or Better</b>			<b>Poor, or No Answer</b>			<b>Total</b>	<b>Satisfaction Rate</b>
	<b>Excellent</b>	<b>Good</b>	<b>Average</b>	<b>Poor</b>	<b>No Opinion</b>	<b>No Answer</b>		
Garbage Service	21	11	1	–	–	1	34	100.00%
Recycling Service	6	11	4	6	3	4	34	77.78%
Yard Waste Service	4	7	5	1	14	3	34	94.12%
Subtotal	31	29	10	7	17	8	102	90.91%
<b>Other Areas<sup>2</sup></b>								
<b>Rating</b>	<b>Yes</b>			<b>No</b>		<b>No Answer/ No Opinion</b>	<b>Total</b>	<b>Satisfaction Rate</b>
Service Options	24			7		4	34	78.86%
Customer Service	17			1		1	19	94.44%
Billing Procedures	33			1		–	34	97.06%
New Services	16			8		10	34	66.67%
Subtotal	90			17		15	121	84.54%
Total	160			24		40	223	87.21%

<b>Discovery Bay Disposal</b>								
<b>Basic Services</b>								
<b>Rating</b>	<b>Satisfactory, or Better</b>			<b>Poor, or No Answer</b>			<b>Total</b>	<b>Satisfaction Rate</b>
	<b>Excellent</b>	<b>Good</b>	<b>Average</b>	<b>Poor</b>	<b>No Opinion</b>	<b>No Answer</b>		
Garbage Service	89	70	17	1	1	5	183	99.44%
Recycling Service	39	76	29	25	7	7	183	85.21%
Yard Waste Service	29	51	23	25	41	14	183	80.47%
Subtotal	157	197	69	51	49	26	549	89.24%
<b>Other Areas</b>								
<b>Rating</b>	<b>Yes</b>			<b>No</b>		<b>No Answer/ No Opinion</b>	<b>Total</b>	<b>Satisfaction Rate</b>
Service Options	128			43		12	183	74.85%
Customer Service	80			5		–	85	94.12%
Billing Procedures	165			6		12	183	96.49%
New Services	76			71		36	183	51.70%
Subtotal	449			125		60	634	78.22%
Total	872			176		135	1,183	83.21%

<sup>2</sup> Based on the following general questions:

- Service options – Do you feel adequately informed about services and options available to you?
- Customer service – If you have tried customer service, were you satisfied with your ability to reach us with a question or problem?
- Billing services – Are you satisfied with the accuracy/clarity/convenience of your bill?
- New services – Are there new waste and recycling collection services you would like to have made available?

**Exhibit C-1****Garaventa 2009 County Customer Satisfaction Survey Results****Residential Services** (continued)

Page 2 of 3

<b>Pittsburg Disposal and Debris Box</b>								
<b>Basic Services</b>								
<b>Rating</b>	<b>Satisfactory, or Better</b>			<b>Poor, or No Answer</b>			<b>Total</b>	<b>Satisfaction Rate</b>
	<b>Excellent</b>	<b>Good</b>	<b>Average</b>	<b>Poor</b>	<b>No Opinion</b>	<b>No Answer</b>		
Garbage Service	24	27	8	1	1	–	61	98.33%
Recycling Service	14	23	12	6	3	3	61	89.09%
Yard Waste Service	13	22	10	9	5	2	61	83.33%
Subtotal	51	72	30	16	9	5	183	90.53%
<b>Other Areas</b>								
<b>Rating</b>	<b>Yes</b>		<b>No</b>		<b>No Answer/ No Opinion</b>		<b>Total</b>	<b>Satisfaction Rate</b>
Service Options	42		13		6		61	76.47%
Customer Service	24		6		–		30	80.00%
Billing Procedures	57		4		–		61	93.44%
New Services	27		24		10		61	52.94%
Subtotal	150		47		16		213	76.17%
Total	303		63		30		396	82.80%

<b>Oakley Disposal Services</b>								
<b>Basic Services</b>								
<b>Rating</b>	<b>Satisfactory, or Better</b>			<b>Poor, or No Answer</b>			<b>Total</b>	<b>Satisfaction Rate</b>
	<b>Excellent</b>	<b>Good</b>	<b>Average</b>	<b>Poor</b>	<b>No Opinion</b>	<b>No Answer</b>		
Garbage Service	4	2	–	–	–	–	6	100.00%
Recycling Service	3	1	1	–	1	–	6	100.00%
Yard Waste Service	2	3	–	–	–	1	6	100.00%
Subtotal	9	6	1	–	1	1	18	100.00%
<b>Other Areas</b>								
<b>Rating</b>	<b>Yes</b>		<b>No</b>		<b>No Answer/ No Opinion</b>		<b>Total</b>	<b>Satisfaction Rate</b>
Service Options	5		1		1		6	81.82%
Customer Service	5		–		1		6	100.00%
Billing Procedures	6		–		–		6	100.00%
New Services	1		3		2		6	25.00%
Subtotal	17		4		4		24	80.49%
Total	33		4		6		42	89.04%

**Exhibit C-1****Garaventa 2009 County Customer Satisfaction Survey Results****Residential Services** *(continued)*

Page 3 of 3

<b>All 4 Companies</b>								
<b>Basic Services</b>								
<b>Rating</b>	<b>Satisfactory, or Better</b>			<b>Poor, or No Answer</b>			<b>Total</b>	<b>Satisfaction Rate</b>
	<b>Excellent</b>	<b>Good</b>	<b>Average</b>	<b>Poor</b>	<b>No Opinion</b>	<b>No Answer</b>		
Garbage Service	138	110	26	2	2	6	284	99.28%
Recycling Service	62	111	46	37	14	14	284	85.55%
Yard Waste Service	48	83	38	35	60	20	284	82.84%
<b>Total</b>	<b>248</b>	<b>304</b>	<b>110</b>	<b>74</b>	<b>76</b>	<b>40</b>	<b>852</b>	<b>89.95%</b>
<b>Other Areas</b>								
<b>Rating</b>	<b>Yes</b>		<b>No</b>		<b>No Answer/ No Opinion</b>		<b>Total</b>	<b>Satisfaction Rate</b>
Service Options	199		64		22		284	75.81%
Customer Service	126		12		2		140	<b>91.30%</b>
Billing Procedures	261		11		12		284	<b>95.96%</b>
New Services	120		106		58		284	53.10%
<b>Total</b>	<b>706</b>		<b>193</b>		<b>94</b>		<b>992</b>	<b>78.58%</b>
<b>Overall</b>	<b>1,368</b>		<b>267</b>		<b>210</b>		<b>1,844</b>	<b>83.70%</b>

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## **Appendix D**

### **Adjusted Base Year Model**

# Appendix D

## Adjusted Base Year Rate Model

**Exhibit D-1** of this appendix provides the adjusted base year rate model based on NewPoint Group adjustments discussed in Section 4. The model reflected the following general adjustments:<sup>1</sup>

### Revenues

- Minor residential revenue increase
- Minor recycled material sales revenue increase

### Allowable Costs/Profits

- Minor increase to direct labor
- Moderate net decrease to tipping fees (profit allowed and pass through)
- Moderate decrease to corporate and local general and administrative costs
- Minor decrease to depreciation and other operating costs
- Minor decrease to trucking and equipment costs
- Minor decrease to allowable operating profit to set operating ratio to 90 percent

### Pass Through Costs

- Minor decrease in franchise fees.

We developed a comprehensive Microsoft Excel spreadsheet model which we have in our workpapers, for this rate review, documenting the details for each of these adjustments.

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<sup>1</sup> Where a minor adjustment is less than or equal to \$30,000; a moderate adjustment is above \$30,000 and less and or equal to \$100,000; and a major adjustment is greater than \$100,000.



**Exhibit D-1****Base Year 2008 Rate Model****With NewPoint Group Adjustments**

		Application	Corrected Application	NPG Adjustments	NPG Adjusted 2010
<b>Section I – Allowable Costs</b>					
1.	Direct Labor	\$1,991,991	\$1,979,171	\$67,729	\$2,046,900
2.	Tipping Fees (Profit Allowed)	1,880,000	1,880,000	(188,000)	1,692,000
3.	Corporate and Local General and Administrative Costs	1,638,557	1,638,558	(374,300)	1,264,258
4.	Depreciation and Other Operating Costs	38,499	38,499	(15,766)	22,733
5.	Services Provided to County	0	0	0	0
6.	<b>Total Allowable Costs (Lines 1+2+3+4+5)</b>	<b>\$5,549,047</b>	<b>\$5,536,228</b>	<b>(\$510,337)</b>	<b>\$5,025,891</b>
<b>Section II – Allowable Operating Profit</b>					
7.	Operating Ratio	90.0%	90.0%		90.0%
8.	<b>Allowable Operating Profit [(Line 6 / 0.90) - Line 6]</b>	<b>\$616,561</b>	<b>\$615,136</b>	<b>(\$56,704)</b>	<b>\$558,432</b>
<b>Section III – Pass Through Costs without Franchise Fees</b>					
9.	County Administrative Fee	\$118,587	\$118,587	(\$3,361)	\$115,226
10.	Trucking and Equipment	3,249,864	3,249,864	(60,561)	3,189,303
11.	Tipping Fees (Pass Through)	940,000	940,000	84,600	1,024,600
12.	<b>Total Pass Through Costs (without Franchise Fees) (Lines 9+10+11)</b>	<b>\$4,308,451</b>	<b>\$4,308,451</b>	<b>\$20,678</b>	<b>\$4,329,129</b>
<b>Section IV – Revenue Requirement without Franchise Fee</b>					
13.	Total Allowable Costs (Line 6) plus Allowable Operating Profits (Line 8) plus				
	Total Pass Through Costs (without Franchise Fees) (Line 12)	<b>\$10,474,059</b>	<b>\$10,459,815</b>	<b>(\$546,363)</b>	<b>\$9,913,453</b>
<b>Section V – Revenue without Rate Change in Base Year</b>					
14.	Residential Revenues	\$5,932,680	\$5,932,680	\$46,840	\$5,979,520
15.	Less Allowance for uncollectible Residential Accounts	(59,327)	(59,327)	(468)	(59,795)
	Plus Toter Rental	0	0	0	0
16.	<b>Total Residential Revenues (without Rate Change in Base Year)</b>	<b>\$5,873,353</b>	<b>\$5,873,353</b>	<b>\$46,372</b>	<b>\$5,919,725</b>
17.	Commercial Revenues	\$3,231,036	\$3,231,035	\$0	\$3,231,035
18.	Less Allowance for uncollectable Commercial Accounts	0	0	0	0
19.	<b>Total Commercial Revenues (without rate change in Base Year)</b>	<b>\$3,231,036</b>	<b>\$3,231,035</b>	<b>\$0</b>	<b>\$3,231,035</b>
20.	Recycled Materials Sales	\$0	\$0	\$14,200	\$14,200
21.	<b>Total Revenues (Lines 16+19+20)</b>	<b>\$9,104,389</b>	<b>\$9,104,388</b>	<b>(\$468)</b>	<b>\$9,164,960</b>
<b>Section VI – Net Shortfall (Surplus)</b>					
22.	Net Shortfall (Surplus) without Franchise Fees (Lines 13-Line 21)	\$1,369,670	\$1,355,427	(\$606,934)	\$748,493
23.	Residential and Commercial Franchise Fees (see calc below)	\$551,266	\$550,517	(\$28,763)	\$521,754
24.	<b>Net Shortfall (Surplus) with Franchise Fees (Lines 22 + 23)</b>	<b>\$1,920,936</b>	<b>\$1,905,944</b>	<b>(\$635,697)</b>	<b>\$1,270,247</b>
<b>Section VI -- Percent Change in Rates</b>					
25.	Total Residential and Commercial Revenue Prior to Rate Change (Lines 16+19)	\$9,104,389	\$9,104,388	\$46,372	\$9,150,760
26.	Percent Change in Existing Residential and Commercial Rates (Line 24 / Line 25)	21.10%	20.93%		<b>13.88%</b>



## **Appendix E**

### **Comparative Refuse Collection Rates**



# Appendix E

## Comparative Refuse Collection Rates

We compared Garaventa County area refuse collection rates to those of the following eleven (11) jurisdictions:

1. *City of Antioch*
2. *City of Clayton*
3. *City of Concord*
4. *City of Lafayette*
5. *City of Martinez*
6. *City of Moraga*
7. *City of Orinda*
8. *City of Pleasant Hill*
9. *City of Walnut Creek*
10. *Contra Costa County (Central Contra Costa Waste Authority (CCCWA) areas)*
11. *Town of Danville.*

In **Exhibit E-1**, on the next page, we compare current Garaventa County area residential rates with the eleven (11) jurisdictions. Garaventa County area residential rates are well above average for the smaller can sizes at twenty-one (21) percent above the 20 gallon comparative rate and twenty-nine (29) percent above the 32-gallon comparative rate. The 96 gallon residential rate is 42 percent below the comparative average.

In **Exhibit E-2**, following Exhibit E-1, we compare current Garaventa County area commercial bin rates with the eleven (11) comparative jurisdictions. For all bin sizes shown, Garaventa County area commercial rates are below the comparative average, ranging from one (1) to seven (7) percent below the average.

In **Exhibit E-3**, following Exhibit E-2, we compare current Garaventa County area 20-yard drop box rates with the eleven (11) comparative jurisdictions. Current Garaventa County area drop box rates are 15 percent below the comparative average.

In **Exhibit E-4**, following Exhibit E-3, we compare current Garaventa County area residential rates with those of other Contra Costa County service providers. For the smaller-sized container service, Garaventa County area rates are well above the average of these other County service providers (19 to 21 percent). For the larger-sized 96-gallon container service, Garaventa County area rates are well below the average of these other County service providers (39 percent).



In general, we caution the County's use of comparative rates as a basis for setting rates. This is because it is difficult to make "apples to apples" comparisons with other jurisdictions. Other jurisdictions may have unique:

- Cross-subsidies between sectors
- Franchise fees and other services (contained within the rate)
- Legacy rate setting practices
- Levels of residential, commercial, and industrial business
- Profitability levels and targets
- Rate structure objectives (e.g., that penalize larger waste generators)
- Rate setting processes
- Service levels (e.g., bi-weekly versus weekly yardwaste or recycling collection)
- Transfer station and landfill tipping fees (based on the proximity to these facilities).

**Exhibit E-1**

**Contra Costa County  
Garaventa-Served Areas  
Comparative Residential Rate Survey  
(As of May 2010)**

No.	Jurisdiction	20 gallon	32 gallon	64 gallon	96 gallon
1	Antioch <sup>1</sup>	\$23.99	\$25.11	\$31.49	\$36.75
2	Clayton	20.36	21.58	31.64	34.54
3	Concord	–	23.00	31.00	38.00
4	Danville	15.48	17.85	35.71	53.56
5	Lafayette	20.44	23.57	47.12	70.69
6	Martinez	19.15	27.45	30.60	64.30
7	Moraga	18.75	21.65	43.30	64.95
8	Orinda	24.28	28.01	56.02	84.03
9	Pleasant Hill	19.58	22.66	30.91	46.36
10	Unincorporated County (CCCSWA)	16.35	18.87	37.73	56.60
11	Walnut Creek	14.19	17.00	33.99	50.99
	Average	\$19.26	\$22.43	\$37.23	\$54.62
	Contra Costa County – Garaventa	\$23.34	\$28.85	N/A	\$31.85
	Percent Difference	21%	29%	N/A	-42%

<sup>1</sup> Effective July 1, 2010, the rates will be \$20.99, \$24.65, \$39.80 and \$46.75, respectively, for 20-, 32-, 64-, and 96-gallon service.

**Exhibit E-2**

**Contra Costa County  
Garaventa-Served Areas  
Comparative Bin Service Rate Survey  
(As of May 2010)**

No.	Jurisdiction	2-yd/1 pickup per week	3-yd/1 pickup per week
1	Antioch	\$219.57	\$330.36
2	Clayton	196.16	264.91
3	Concord	269.00	364.00
4	Danville	246.18	369.27
5	Lafayette	301.90	452.84
6	Martinez	222.11	380.97
7	Moraga	269.35	404.03
8	Orinda	333.16	499.74
9	Pleasant Hill	189.84	284.40
10	Unincorporated County (CCCSWA)	240.59	360.88
11	Walnut Creek	173.17	259.75
	Average	\$ 241.91	\$361.01
	Contra Costa County – Garaventa	\$ 239.00	\$334.00
	Percent Difference	-1%	-7%

**Exhibit E-3**
**Contra Costa County  
Garaventa-Served Areas  
Comparative Debris Box Rate Survey  
(As of May 2010)**

No.	Jurisdiction	20 cu. yd.
1	Antioch <sup>2</sup>	\$479.67
2	Clayton	393.98
3	Concord	420.00
4	Danville	582.83
5	Lafayette	609.74
6	Martinez	407.00
7	Moraga	582.84
8	Orinda	645.34
9	Pleasant Hill <sup>3</sup>	349.83
10	Unincorporated County (CCCSWA)	575.57
11	Walnut Creek	644.43
	Average	\$517.38
	Contra Costa County – Garaventa	\$440.00
	Percent Difference	-15%

<sup>2</sup> Recycling services are mandated with the industrial services.

<sup>3</sup> Recycling services are mandated with the industrial services.

**Exhibit E-4**
**Comparison of Garaventa County Area Residential Rates  
With Other County Service Providers  
(As of July 2010)**

Service Provider	20 gallon	32 gallon	64 gallon	96 gallon
Allied Waste Services – East/Central County	\$12.15	\$15.90	\$23.70	\$30.75
Richmond Sanitary Service – West County Areas	24.41	29.36	56.31	83.85
Richmond Sanitary Service – Crockett Area	22.44	26.61	46.66	56.69
CCCSWA – County	16.35	18.87	37.73	56.60
Garaventa – Ironhouse Sanitary District	23.11	28.11	N/A	31.11
Average	\$19.69	\$23.77	\$41.10	\$51.80
Garaventa County Areas (Non Ironhouse Sanitary District Areas)	\$23.34	\$28.85	N/A	\$31.85
Percent Difference	19%	21%		-39%



## **Appendix F**

### **Comparative Jurisdiction Franchise Extension Terms and Conditions**

# Appendix F

## Comparative Jurisdiction Franchise Extension Terms and Conditions

This appendix provides franchise agreement terms and conditions agreed to as part of franchise agreement extensions for comparative cities and counties in California. In **Exhibit F-1**, we provide summaries of 31 city and county jurisdiction franchise extensions occurring between 1991 and 2010. For each city or county, we identify the year of the extension, the length of extension, and the general terms and conditions agreed to as part of the extension.

Below we summarize the types of franchise extension conditions used by other jurisdictions:

### ***Jurisdictional benefit – At ratepayer expense***

1. Increase franchise fees
2. Add new programs to increase diversion (so that 50 percent AB 939 goal is met and sustained, e.g., convert more apartments to recycling, single stream recycling, more commercial recycling, food waste recycling)
3. Increase free services to the jurisdiction (e.g., number of drop boxes collected for neighborhood collection program)
4. Provide local litter control
5. Develop recyclable materials transfer facility
6. Provide free disposal at transfer station for city/county vehicles

### ***Jurisdictional benefit – At hauler expense***

7. Require franchise extension payments
8. Establish diversion penalty payments
9. Provide performance penalties
10. Add franchise re-assignment fees
11. Consolidate existing franchise agreements (and or amendments) into a single, unified franchise agreement



***Ratepayer benefit – At hauler expense***

**Rates Stability and Relief**

12. Provide rate freezes over specific intervals
13. Provide rate reductions
14. Reduce the current profitability level
15. Provide caps on interim year rate changes  
(a discounted percent of CPI and an overall CPI cap)
16. Provide long-term caps on tipping fees
17. Conduct rate reviews at the extension point, where if rates not “at market” then deny extension

***Ratepayer benefit – At hauler expense, if not rate reimbursed***

**Service Changes**

18. Increase on-call clean ups (customer identified)
19. Provide new commercial recycling services
20. Shift to weekly yard waste collection (from bi-weekly)
21. Expand single stream-additional material types
22. Use alternative fuel vehicles, and compressed natural gas vehicles

**Other Changes**

23. Develop website or enhance content
24. Develop newsletter
25. Provide credit card and bank bill pay

We describe general franchise extension pros and cons for the County in **Exhibit F-2**, on page F-7.

**Exhibit F-1****Other Jurisdiction Franchise Extension Provisions  
As of July 2010**

Page 1 of 4

No.	Jurisdiction	Year Extension Granted	Year Originally Franchise Ended	Term of Extension (Years)	Year Now Franchise Ends (Ended)	Terms of Extension/ New Award	Hauler
1	City of Albany	2003	2004	10	2014	Provided free collection from city parks (\$36,000/year), and contractor provided green waste bins, and increased franchise fees.	Waste Management of Alameda County
2	City of Antioch <sup>‡</sup>	2010	2015	10	2025	Provided community impact payment of \$1 million in exchange for the extension; expanded existing services; and increase the on-call pick-up for bulky items from one to two times per calendar year.	Allied Waste Services
3	City of Barstow	1996	2007	5	2012	Waived a \$2.51 rate increase that was necessary to fund recycling, and froze rates for two years.	Desert Disposal Service
4	City of Belmont	2005	2006	4	2010	Entered a 15-year agreement with the South Bayside Waste Management Authority (SBWMA) for disposal at Ox Mountain landfill at "most favored client" rates, which would reduce Belmont's total costs about 7 percent. Made \$11.6 million cash payments to SBWMA over a period of three years beginning January 1, 2005.	BFI Waste Systems of North America, Inc.
5	City of Concord	2006	2011 (with five year option to 2016)	10	2021 (with five year option to 2026)	Required relocation of maintenance facility. Established fixed city franchise fees through 2020. Established free City parks disposal and increased neighborhood cleanup debris boxes. Provided 70 percent of the CPI for interim year adjustments. Established a five (5) percent interim year rate cap.	Concord Disposal Service
6	City of El Cerrito	2009	2009	8	2017	No specific new provisions.	East Bay Sanitary Company
7	City of Hayward	2006	2007	7	2014	Provided service enhancements including: co-mingled recyclables collection; annual residential clean-up service; free disposal of two cubic yards of self-hauled waste; batteries collection; Christmas tree collection; public litter cans collection; free compost; food waste collection; dirt and debris collection; and biosolids disposal for residential services, and commercial recycling services; and alternative fuel vehicles.	Waste Management of Alameda County



**Exhibit F-1**
**Other Jurisdiction Franchise Extension Provisions**

As of July 2010 (continued)

Page 2 of 4

No.	Jurisdiction	Year Extension Granted	Year Originally Franchise Ended	Term of Extension (Years)	Year Now Franchise Ends (Ended)	Terms of Extension/ New Award	Hauler
8	City of Healdsburg	2010	2010	10	2015 or 2020	At minimal annual rate increases, provided new services including neighborhood clean-up events, more recycling education programs, Christmas tree disposal, commercial food waste composting, and free tire recycling. Provided one-time contract extension fee of \$150,000.	Redwood Empire Disposal
9	City of Livermore*	2009	2010	10	2020	To develop an indoor recyclable materials transfer facility in the City to transfer recyclable and compostable material collected from within the City into large trailers for transport to offsite recycling facilities. Minimize rate increases for residential services. Added new compressed natural gas vehicles and new containers.	Livermore Sanitation, Inc.
10	City of Manhattan Beach	1998	1999	3	2002	Froze rate adjustments for 1998 and 1999, with a rate adjustment resuming in 2000. Put a specialized collection vehicle, one that is smaller and quieter, in the downtown area.	Waste Management
11	City of Manhattan Beach	2002	2002	9	2011	To divert at least 50 percent of the waste stream collected and controlled by Waste Management from landfills.	Waste Management
12	City of Martinez	2004	2011	2	2013	Reduced cost of new single stream recycling program by extending the term (equipment depreciated over longer term).	Allied Waste Industries, dba PHBD
13	City of Milpitas	2004	2007	10	2017	Waived the cost of the street sweeping program for up to 3 years (an approximately \$225,000 annual cost to the General Fund).	Allied Waste Industries, dba BFI
14	City of Oceanside <sup>2</sup>	2010	2012	3	2015	Offered to pay the City at least \$1 million a year for five years in exchange for a three-year franchise extension.	Waste Management of North County, Inc.
15	City of Piedmont*	2008	2008	10	2018	Provided three new wheeled carts for garbage, recycling, and green waste to each household; and for the first time, provided an option for curbside pick-up services.	Richmond Sanitary Services, Inc.

**Exhibit F-1****Other Jurisdiction Franchise Extension Provisions**As of July 2010 *(continued)*

Page 3 of 4

No.	Jurisdiction	Year Extension Granted	Year Originally Franchise Ended	Term of Extension (Years)	Year Now Franchise Ends (Ended)	Terms of Extension/ New Award	Hauler
16	City of Pleasant Hill	2003	2006	9	2015	Restructured franchise agreement entirely, set up a rate setting process, and fixed residential rates for one year.	Allied Waste Industries, dba Pleasant Hill Bayshore Disposal
17	City of Richmond	2003	2003	22	2025	Increased franchise fee from 2.5 to 5.0 percent of gross revenues. City residents get free use of landfill.	Republic Waste Services
18	City of San Mateo	2005	2006	4	2010	Provided a total settlement payment of \$2.7 million to the City. The settlement payment represented reimbursement of a portion of the landfill disposal fees previously charged to the City. These funds were credited to the City over a four-year period and were used to moderate rate increases.	Republic Services (formerly Allied Waste)
19	City of San Rafael	2001	2021	1	2022	No specific new provisions.	Marin Sanitary Service
20	City of Santa Rosa	2010	2012	5 (+5 year Option)	2017	Increased franchise fee from 10 to 11 percent; established an additional franchise extension fee of 4.5%, which cannot be passed onto the ratepayer; and provide service enhancements to benefit ratepayers.	North Bay Corporation
21	City of Seaside	2003	2010	5	2015	Provided City option to increase citywide clean ups from existing two (2) per year to four (4) per year (at \$0.50 per customer, per month, additional cost).	Carmel Marina Waste Management
22	City of Stockton	2003	2003	15 (+5 year option)	2018	Created a 10 percent senior rate discount (at age 65); free stickers for extra waste pickup; seasonal leaf collection; enhanced neighborhood cleanup with free bins and boxes for target areas; added televisions, computer monitors, and appliances to curbside collection; provided a best effort requirement to meet 50 percent diversion; established a cap on rate increases; limited interim year adjustments to 50 percent of the CPI and subject to City approval.	Stockton Scavenger/ Sunrise Sanitation
23	City of Sunnyvale*	1991	1991	10	2001	Reduced rates by 16 percent.	Bay Counties Waste Services

**Exhibit F-1****Other Jurisdiction Franchise Extension Provisions**

As of July 2010 (continued)

Page 4 of 4

No.	Jurisdiction	Year Extension Granted	Year Originally Franchise Ended	Term of Extension (Years)	Year Now Franchise Ends (Ended)	Terms of Extension/ New Award	Hauler
24	City of Sunnyvale	1992	2001	3	2004	Changed to OR-based rate setting; purchased new trucks.	Bay Counties Waste Services
25	City of Sunnyvale	1996	2004	7	2011	Changed operating ratio (OR) level.	Bay Counties Waste Services
26	City of Sunnyvale	2003	2011	7	2018	Changed depreciation schedule to 10 years for rolling stock and containers (from 7 years and 5 years, respectively). Savings with conversion were split 50%/50% to the City/hauler.	Bay Counties Waste Services
27	Central Contra Costa Solid Waste Authority	2004	2005	10	2015	Implemented single stream recycling by 9/1/2004, created minimum diversion tonnage goals, incorporated food waste pickup with yardwaste, required website, pre-set compensation levels in years 1 and 2.	Valley Waste Management
28	Central Contra Costa Solid Waste Authority	2004	2005	10	2015	Pre-set tipping fees over the life of the contract. Pre-set compensation in years 1 and 2 of the contract.	Allied Waste Industries
29	Pebble Beach Community Services District	2003	2010	5	2015	Allowed increase of 3.5 percent versus 5.1 percent and implemented single stream recycling.	Carmel Marina Waste Management
30	Monterey County	2010	2012	8	2020	Consolidated the two existing franchise agreements (Northeastern and Western Franchise Agreements) into a single, unified franchise agreement that provided economies of scale. Standardized the service package featuring wheeled refuse and recycling carts.	USA Waste of California, Inc., dba Carmel Marina Corporation
31	Santa Clara County	2007	2007	7	2014	No specific new provisions.	Los Altos Garbage

\* Franchise re-bid. All of the other examples in this table were negotiations with franchise holders and were not re-bid.

# Currently under negotiations.

**Exhibit F-2**  
**Franchise Extension**  
**Pros and Cons**

Pros	Cons
<ul style="list-style-type: none"> <li>■ Maintains continuity of collection services</li> <li>■ Takes advantage of hauler's local knowledge of County streets/operations (e.g., route optimization, customer requirements, and service delivery methods)</li> <li>■ If applicable, retains a high quality hauler (in terms of minimal complaints, consistent on-time delivery, other measurable parameters)</li> <li>■ Retains rates which may be competitive with other jurisdictions with similar service offerings and objectives</li> <li>■ Rewards a current hauler, who may have demonstrated a willingness to implement program changes at affordable costs, with the ability to gage the impact of those changes</li> <li>■ Realizes that refuse collection contracts are best served by long-term business partnerships between the County and hauler (due to their capital intensive nature of the business, the high costs of new vehicles/equipment, and the time required to depreciate new purchases)</li> <li>■ Recognizes that a formal procurement can be expensive and administratively time-consuming for the County, without a guarantee that all service parameters will be met</li> </ul>	<ul style="list-style-type: none"> <li>■ Potentially reduces the quality of service if let out to bid (particularly by simply selecting a low bidder), though this may be for a limited timeframe</li> <li>■ Restricts potential leverage gained from competition. A formal competitive procurement has the potential to provide benefits to the County, which may include: <ul style="list-style-type: none"> <li>□ A one-time reduction in rates</li> <li>□ New programs or changes to existing programs</li> <li>□ Guaranteed periods of rate stabilization</li> <li>□ Changes to the rate structure (if desired)</li> </ul> </li> <li>■ If granted with limited benefits realized by the County, potentially fails to recognize that a contract extension has tremendous value to a hauler in terms of future profitability. Many jurisdictions use this value proposition to negotiate some service modifications, or possibly some rate relief. Absent a fair negotiation result, a procurement often becomes the only solution</li> <li>■ Limits the time required for a hauler to demonstrate an extension is merited (if granted early in the franchise term)</li> <li>■ Requires rebuilding County/hauler relationship. Potentially, results in a new hauler who may not be motivated to work as closely with the County to meet program needs (e.g., in the case where margins already are slim)</li> <li>■ Causes displacement of local laborers</li> </ul>

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**AMENDMENT NO. 2**  
**To Franchise Agreement With Garaventa Enterprises**

This is Amendment No. 2 ("Second Amendment") to the Franchise Agreement between Contra Costa County ("County"), a political subdivision of the State of California, and Garaventa Enterprises, a California corporation ("Contractor").

**R E C I T A L S**

A. This Second Amendment amends the existing agreement between the parties, which consists of the Franchise Agreement with Garaventa Enterprises effective May 9, 1995 (the "Original Agreement") and Amendment No. 1 to Franchise Agreement with Garaventa Enterprises dated January 18, 2000 ("Amendment No. 1"), collectively referred to as the "Existing Franchise Agreement."

B. The County and the Ironhouse Sanitary District ("Ironhouse") are parties to a Memorandum of Understanding, which was amended and restated in a Second Amended Memorandum of Understanding effective September 12, 2007 (the Memorandum of Understanding, as amended is referred to herein as the "MOU"). Under the MOU, Ironhouse has administered a franchise agreement with Oakley Disposal Service, Inc. (the "Ironhouse Franchise Agreement") to provide solid waste collection and disposal services in the entire area within the boundaries of the Ironhouse Sanitary District, which includes both the City of Oakley ("City") and a portion of unincorporated Contra Costa County.

C. On February 1, 2010, Ironhouse transferred to the City the Ironhouse Franchise Agreement for the area in the City.

D. Ironhouse now wants to relinquish its right to provide solid waste collection and disposal services in the unincorporated area of Contra Costa County within its borders ("Ironhouse Unincorporated Area"). County and Ironhouse propose to accomplish this by entering into an agreement to terminate their existing Memorandum of Understanding ("MOU Termination Agreement").

E. County and Contractor are willing to begin providing these services in the Ironhouse Unincorporated Area via the Existing Franchise Agreement, as soon as Ironhouse stops providing the services. The purpose of this Second Amendment is to allow County and Contractor to do this by adding the Ironhouse Unincorporated Area to their Existing Franchise Agreement.

F. Initially capitalized terms used in this Second Amendment have the same definitions as those given them in the Existing Franchise Agreement except as otherwise provided in this Second Amendment.

## A G R E E M E N T

In consideration of the above and the promises and other provisions in this Second Amendment, the parties agree as follows.

1. Effective Date. The Effective Date of this Second Amendment is \_\_\_\_\_, 2010, which is the same as the Effective Date of the MOU Termination Agreement between the County and Ironhouse. This Second Amendment will not become effective unless and until the MOU Termination Agreement takes effect. The Effective Date of this Second Amendment will be inserted on or after the date the MOU Termination Agreement between the County and Ironhouse takes effect, however, failure to write in the Effective Date does not invalidate this Second Amendment.

2. Addition of Ironhouse Unincorporated Area to Franchise Area. County and Contractor agree that the Ironhouse Unincorporated Area will become part of the Franchise Area, as described in Section 46.c of the Original Agreement and to Exhibit A to the Original Agreement, on the Effective Date of this Second Amendment. The Ironhouse Unincorporated Area to be added to the Existing Franchise Agreement is more specifically described on the map attached as Exhibit I to this Second Amendment.

3. Termination of Amendment No. 1. On the Effective Date of this Second Amendment, Amendment No. 1 to Franchise Agreement with Garaventa Enterprises dated January 18, 2000, between County and Contractor will automatically terminate, and will no longer be of any further force or effect.



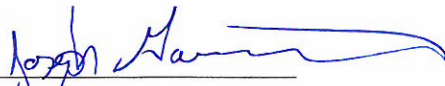
4. Service By Oakley Disposal Service, Inc. Under the Ironhouse Franchise Agreement that was transferred to City, Oakley Disposal Service, Inc., an affiliate of Contractor, has agreed to continue to provide collection services to Ironhouse for Ironhouse's own refuse and debris at no cost to Ironhouse, including refuse and debris generated by Ironhouse at its Jersey Island facilities and possibly other facilities in the Ironhouse Unincorporated Area. The parties agree that the provision of this service by Oakley Disposal Service or other affiliate of Contractor to Ironhouse in the Ironhouse Unincorporated Area does not violate the franchise granted Contractor by the Existing Franchise Agreement. The collection services provided to Ironhouse will not be treated as a reasonable cost incurred by Contractor pursuant to the Existing Franchise Agreement and therefore associated expenses may not be included in Contractor's rate applications to County under the Existing Franchise Agreement. The provision of this service to the Ironhouse Sanitary District does not relieve Contractor of its responsibility to pay all franchise fees for the Ironhouse Unincorporated Area to the County, pursuant to the terms of the Existing Franchise Agreement.

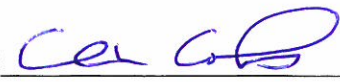
5. Entire Agreement. The Existing Franchise Agreement as amended by this Second Amendment shall be construed together as one and the same agreement and is the entire agreement between the parties.

In witness whereof, the parties have entered into this Second Amendment as of the Effective Date specified above.

**Contractor**

**Garaventa Enterprises,**  
a California corporation,

By:   
Its CEO  
Officer

By:   
Its CFO  
Officer

**County**

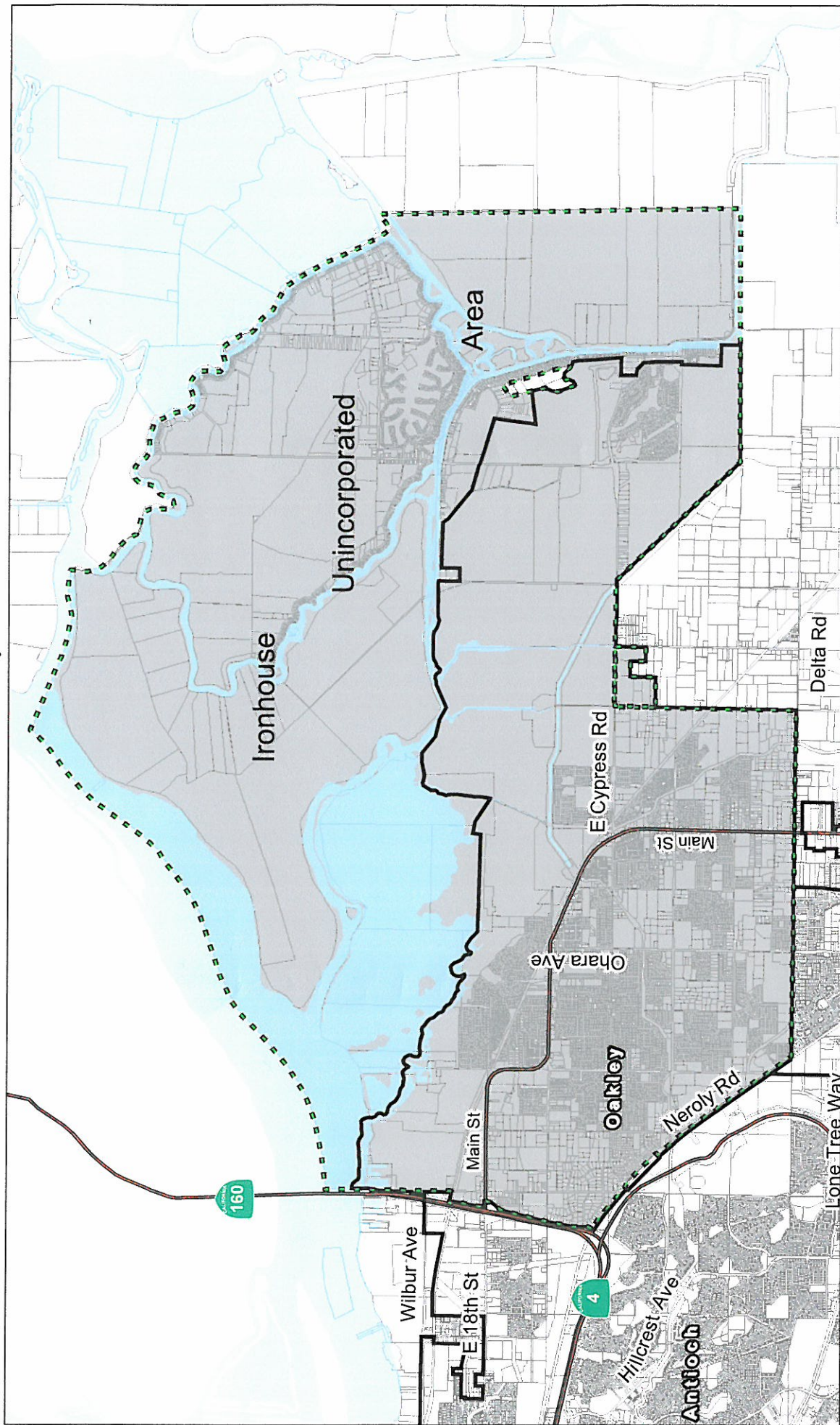
**County of Contra Costa**

By: \_\_\_\_\_  
Chair, Board of Supervisors

Attest:

\_\_\_\_\_





This map was prepared by the County of Contra Costa, California, for the Ironhouse Sanitary District. The map shows the unincorporated areas of the Ironhouse Sanitary District. The map is not a legal document and should not be used for legal purposes. The map is for informational purposes only. The map is not a legal document and should not be used for legal purposes. The map is for informational purposes only.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Annual Industrial Safety Ordinance Annual Report

---

**RECOMMENDATION(S):**

Consider accepting the Industrial Safety Ordinance Annual Report for 2010 submitted by Health Services Department.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

Chapter 450-8 of the County Ordinance Code known as the Industrial Safety Ordinance Risk Management Chapter requires Health Services to submit annual reports to the Board of Supervisors. The ordinance outlines what is to be included in this report. Attached is a copy of this report.

**CONSEQUENCE OF NEGATIVE ACTION:**

Would not be in compliance with Chapter 450-8 of the County's Ordinance Code.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 01/25/2011

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Randy Sawyer,  
335-3212

cc: Tasha Scott, Barbara Borbon, Cho Nai Cheung

ATTACHMENTS

G:\C&G DIRECTORY\NON

CONTRACTS\iso\_safety\_report\_master\_final\_2010.pdf



# Industrial Safety Ordinance

## Annual Performance Review & Evaluation Report

*January 25, 2011*

**By Contra Costa Health Services Hazardous Materials Programs**



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# Executive Summary

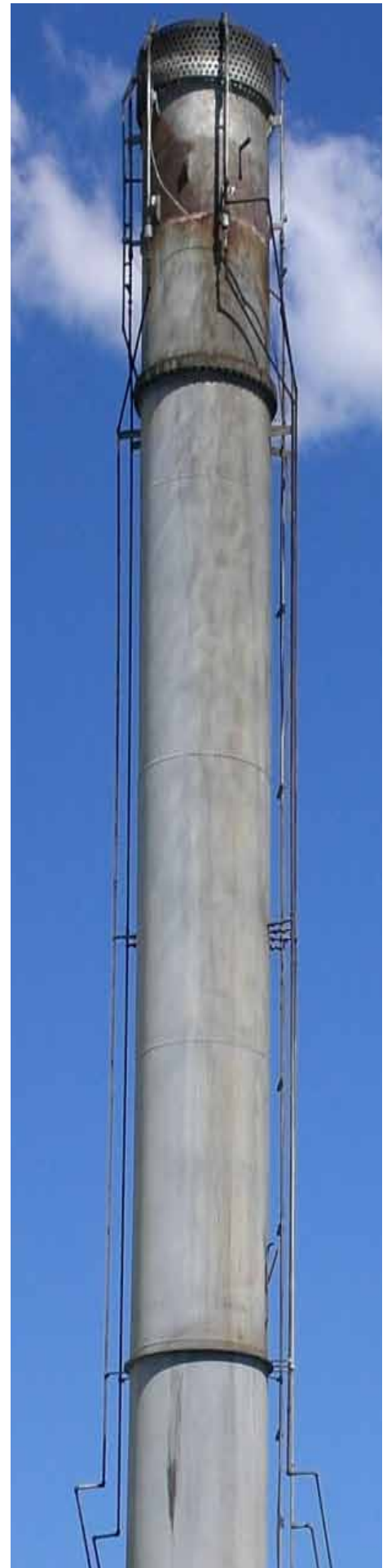
The Industrial Safety Ordinance requires regulated facilities to implement safety programs to prevent chemical accidents from occurring that could have a detrimental impact to the surrounding communities. The requirement of the Industrial Safety Ordinance is one of the most stringent in the United States, if not the world. Additionally, the Industrial Safety Ordinance is designed to include participation from all of the stakeholders, from industry, agencies, elected officials, to the public.

This is the 10th year since the Contra Costa County Board of Supervisors passed the County's Industrial Safety Ordinance that there has not been a severity Type III Major Chemical Accident or Release in the County. The trend since the adoption of the Industrial Safety Ordinance has been less severe and fewer Major Chemical Accidents or Releases (MCAR) each year. However, there were four severity Type I MCAR events from Tesoro and Conoco Phillips in October and November of this year. Overall, this is an indication of the effect of the County's Industrial Safety Ordinance, the regulated facilities implementation of the requirements and the oversight from the Accidental Release Prevention Programs Engineers.

The Accidental Release Prevention Programs Engineers are continuing to develop ways to improve the overall implementation of the Industrial Safety Ordinance and the prevention program elements. The Hazardous Materials Programs Staff participated with the Center for Chemical Process Safety in writing the second edition of the book *"Inherently Safer Chemical Processes"*, that was published in spring 2009. The staff has also been working with other agencies such as the U.S. Environmental Protection Agency and California Occupational Safety and Health Administration, for sharing of inspection results. Staff also worked with the Contra Costa County regulated businesses in the development of the Safety Culture Guidance Document.

The U.S. Chemical Safety and Hazard Investigation Board (CSB) has recognized the efforts of Contra Costa County in ensuring that the process safety requirements are being implemented by the County's regulated businesses in CSB's DVD *"Anatomy of a Disaster: Explosion at BP Texas City Refinery"*.

Contra Costa Hazardous Materials Programs was asked to give testimony at the hearing on "Work Place Safety and Worker Protections in the Gas and Oil Industry" before the U.S. Senate Committee on Health, Education, Labor, and Pensions Subcommittee on Employment and Workplace Safety. The testimony was on the success of the Accidental Release Prevention Programs that are in place in Contra Costa County. The hearing was specific on two major incidents that occurred in Anacortes, Washington at a Tesoro Refinery and the Deepwater Horizon incident in the Gulf of Mexico.



## Public Participation

The Hazardous Materials Programs has an established public outreach process and is constantly looking at ways for improvement. The following items have been implemented based on recommendations from interested stakeholders and the actions taken this year:

- Public outreach information booths at existing venues
  - » Air Products Safety Plan and preliminary audit findings, Shell Oil Products US Martinez Refinery preliminary audit findings and Tesoro Golden Eagle Refinery Safety Plan and preliminary audit findings were shared at the King of the County BBQ at the Waterfront Park in Martinez in June 2010.
  - » Conoco Phillips preliminary Audit Findings were shared at the Sugartown Festival and Street Faire in Crockett in July 2010.
  - » General Chemical Richmond Safety Plan and preliminary audit findings and Chevron Richmond Refinery Safety Plan were shared at the West County Emergency Preparedness Fair at Hilltop Mall in Richmond in September 2010.
  - » Conoco Phillips preliminary Audit Findings were also shared at the Rodeo-Hercules Safety Day in Hercules in October 2010.
- Most recent audit findings summarized in easily read format in both English and Spanish
- Information on regulated businesses in an easily read format in English and Spanish
- Industrial Safety Ordinance Information Sheet in English and Spanish

## Audits

Audits of the regulated businesses are required at least once every three years to ensure that the facilities have the required programs in place and are implementing the programs. We completed one ISO audit this year:

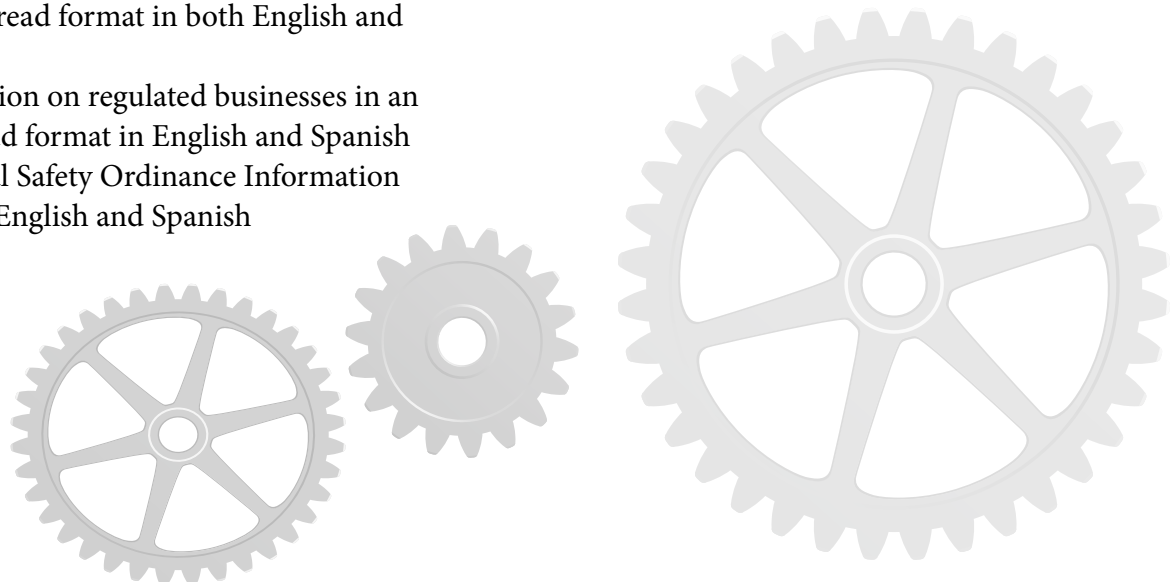
- Air Liquide Large Industries —June 2010

## Major Chemical Accidents or Releases

Another measure of the effectiveness of the Industrial Safety Ordinance is by the number and severity of Major Chemical Accidents or Releases that have occurred. Since the last report to the Board there were four Major Chemical Accidents or Releases with a severity Type I that resulted in minor injury or impact to the community.

## Conclusion

The number and severity of Major Chemical Accidents or Releases have been in a generally declining trend since the implementation of Industrial Safety Ordinance. The implementation of the Industrial Safety Ordinance has improved and, in most cases, is being done as required by the ordinance. It is believed that by continuing implementation of the Industrial Safety Ordinance and strengthening the requirements of the Ordinance the possibility of accidents that could impact the community has decreased.





# Introduction

The Board of Supervisors passed the Industrial Safety Ordinance because of accidents that occurred at oil refineries and chemical plants in Contra Costa County. The effective date of the Industrial Safety Ordinance was January 15, 1999. The ordinance applies to oil refineries and chemical plants with specified North American Industry Classification System (NAICS) codes that were required to submit a Risk Management Plan to the U.S. EPA and are program level 3 stationary sources as defined by the California Accidental Release Prevention (CalARP) Program. The ordinance specifies the following:

- Stationary sources had one year to submit a Safety Plan to Contra Costa Health Services stating how the stationary source is complying with the ordinance, except the Human Factors portion (completed January 15, 2000)
- Contra Costa Health Services develop a Human Factors Guidance Document (completed January 15, 2000)
- Stationary sources had one year to comply with the requirements of the Human Factor Guidance Document that was developed by Contra Costa Health Services (completed January 15, 2001)
- For Major Chemical Accidents or Releases, stationary sources are required to perform a root cause analysis as part of their incident investigations (ongoing)
- Contra Costa Health Services may perform its own incident investigation, including a root cause analysis (ongoing)
- All of the processes at the stationary source are covered as program level 3 processes as defined by the California Accidental Release Prevention Program
- The stationary sources are required to consider Inherently Safer Systems for new processes or facilities or for mitigations resulting from a process hazard analysis
- Contra Costa Health Services will review all of the submitted Safety Plans and audit/inspect all of the stationary source's Safety Programs within one year of the receipt of the Safety Plans (completed January 15, 2001) and every three years after the initial

audit/inspection (ongoing)

- Contra Costa Health Services will give an annual performance review and evaluation report to the Board of Supervisors

The 2006 amendments to the Industrial Safety Ordinance require or expand the following:

## Expand the Human Factors Program to included Maintenance

1. Expand the Management of Organizational change to include Maintenance and all of Health and Safety positions
2. Require the stationary sources to perform Safety Culture Assessments one year after the Hazardous Materials Programs develops guidance on performing a Safety Culture Assessment
3. Perform Security Vulnerability Analysis

The seven stationary sources now covered by the Industrial Safety Ordinance are:

1. Air Products at the Shell Martinez Refining Company
2. Air Products at the Tesoro Golden Eagle Refinery
3. Shell Martinez Refining Company
4. General Chemical West in Bay Point
5. ConocoPhillips Rodeo Refinery
6. Tesoro Golden Eagle Refinery
7. Air Liquide Large Industries

The Air Liquide Rodeo Hydrogen Facility began operation in July 2009 and is located adjacent to the ConocoPhillips Rodeo Refinery. The facility produces purified hydrogen for industrial customers and also produces steam and electricity for the ConocoPhillips Refinery.

Contra Costa Health Services completed and issued the first Contra Costa County Safety Program Guidance Document on January 15, 2000. The stationary sources were required to comply with the Human Factors section of this guidance document by January 15, 2001. Since the amendment, Hazardous Materials Program staff has been



working with the stationary sources to develop Safety Culture Assessment Guidance Document which was finalized and issued on November 10 2009. Staff began the review of these Safety Culture Assessments in December 2010. Additionally, staff is working with the stationary source to revise the Safety Program Guidance Document to reflect the ISO amendments, and clarifications based on the audit findings.

Contra Costa Health Services has reviewed all of the Safety Plans submitted to the department and has started the fourth round of audits of the stationary sources, as required by the ordinance. In addition, Contra Costa Health Services has performed a specialized audit for all the stationary sources for their Human Factors programs and for Inherently Safer Systems in 2002. The status of the reviews and all audits are discussed in Table I within the report.

## Annual Performance Review and Evaluation Report

The Industrial Safety Ordinance specifies that the contents of the annual performance review and evaluation report contain the following:

- A brief description of how Health Services is meeting the requirements of the ordinance as follows:
  - » Effectiveness of the department's program to ensure stationary source's compliance with the ordinance
  - » Effectiveness of the procedures for records management
  - » Number and type of audits and inspections conducted by Health Services as required by the ordinance
  - » Number of root cause analyses and/or incident investigations conducted by Health Services
  - » Health Services' process for public participation
  - » Effectiveness of the Public Information Bank
  - » Effectiveness of the Hazardous Materials Ombudsperson
- » Other required program elements necessary to implement and manage the ordinance
- A listing of stationary sources covered by the ordinance, including for each:
  - » The status of the stationary source's Safety Plan and Program
  - » A summary of all stationary sources' Safety Plan updates and a listing of where the Safety Plans are publicly available
  - » The annual accident history report submitted by the regulated stationary sources and required by the ordinance
  - » A summary, including the status, of any root cause analyses and incident investigations conducted or being conducted by the stationary sources and required by the ordinance, including the status of implementation of recommendations
  - » A summary, including the status, of any audits, inspections, root cause analyses and/or incident investigations conducted by Health Services, including the status for implementing the recommendations
  - » Description of inherently safer systems implemented by the regulated stationary source
  - » Legal enforcement actions initiated by Health Services, including administrative, civil and criminal actions
- Total penalties assessed as a result of enforcement of the ordinance
- Total fees, service charges and other assessments collected specifically for the support of the ordinance
- Total personnel and personnel years used by the jurisdiction to directly implement or administer the ordinance
- Comments from interested parties regarding the effectiveness of the local program that raise public safety issues
- The impact of the ordinance in improving industrial safety

# Effectiveness of Contra Costa Health Services' Implementation of the Industrial Safety Ordinance

Health Services has developed policies, procedures, protocols and questionnaires to implement both the California Accidental Release Prevention Program and the Industrial Safety Ordinance. The policies, procedures, protocols and questionnaires for these programs are listed below:

- Audits/Inspections Policy
- Conducting the Risk Management Plan/ Safety Plan Completeness Review Protocol
- Risk Management Plan Completeness Review Questionnaires
- Safety Plan Completeness Review Questionnaires
- Conducting Audits/Inspections Protocol
- Safe Work Practices Questionnaires
- CalARP Program Audit Questionnaires
- Safety Program Audit Questionnaires
- Conducting Employee Interviews Protocol
- Employee Interview Questionnaires
- Public Participation Policy
- Dispute Resolution Policy
- Reclassification Policy
- Covered Process Modification Policy
- CalARP Internal Performance Audit Policy
- Conducting the Internal Performance Audit
- CalARP Internal Audit Performance Audit Submission
- Fee Policy
- Notification Policy
- Unannounced Inspection Policy
- Risk Management Plan Public Review Policy

Health Services has developed the Contra Costa County CalARP Program Guidance Document and the Contra Costa County Safety Program Guidance Document including the Safety Culture Assessment. An updated draft Contra Costa County Safety Program Guidance Document was issued September 30, 2010 to the regulated facilities which incorporated updates from the ISO amendments and additional clarifications from all the audits, these documents give guidance to the

stationary sources for complying with the Industrial Safety Ordinance. The policies, procedures, protocols, and questionnaires, are available through Health Services. The guidance documents can be downloaded through Health Services' website: [www.cchealth.org/groups/hazmat/california\\_accidental\\_release\\_prevention\\_guidance\\_document.php](http://www.cchealth.org/groups/hazmat/california_accidental_release_prevention_guidance_document.php) and [www.cchealth.org/groups/hazmat/industrial\\_safety\\_ordinance\\_guidance.php](http://www.cchealth.org/groups/hazmat/industrial_safety_ordinance_guidance.php)

## Effectiveness of the Procedures for Records Management

Health Services has set up hard copy and computer files for each of the stationary sources. The files include the following folders:

1. Annual Status Reports
2. Audits & Inspections
3. Communications
4. Completeness Review
5. Emergency Response
6. Incident Investigation
7. Trade Secret Information

The paper files for the stationary sources are kept in a central location. The Accidental Release Prevention Programs staff has files set up on the Health Services network where the files for each of the different stationary sources are found and are accessible to each of the Accidental Release Prevention Programs Engineers, Supervisor and the Hazardous Materials Programs Director. Portable document format of these files is also available at the Hazardous Materials Programs office for public access and viewing. The Accidental Release Prevention Programs files also contain regulations, policies, information from the U.S. EPA, California Emergency Management Agency (CalEMA), the U.S. Chemical Safety and Hazards Investigation Board and other information pertinent to the engineers. The risk management and safety plans received are kept at the Hazardous Materials Program Offices.

## Number and Type of Audits and Inspections Conducted

Hazardous Materials Programs was required to audit and inspect all seven regulated stationary sources that were required to comply with the Industrial Safety Ordinance within one year after the initial submittal of their Safety Plans. Health Services reviewed all of the Safety Plans and audited/inspected all of the stationary sources' Safety Programs within that year (2000). Health Services performed focused audits of the stationary sources for their Human Factors Programs (this was not included in the original audit/inspection, since the stationary sources were not required to have their Human Factors Program in place until January 2001) and Inherently Safer Systems in 2001 and 2002. Additional focused audits were performed to look at how two stationary sources would manage the organizational change in case there was a strike and non-striking personnel were used instead of the striking personnel (2002). Hazardous Materials Programs completed the second round of audits for all of the Industrial Safety Ordinance stationary sources in 2003 and 2004 and began a third round of audits in fall 2005, which were completed in spring of 2007. The fourth round of audits was completed in August 2009. Air Liquide submitted a Risk Management Plan and Safety Plan to Health Services in July 2009 and was audited in June 2010.

When Hazardous Materials Programs reviews a Safety Plan, a Notice of Deficiencies is produced to document what changes to a stationary source is required to make before Health Services determines that the Safety Plan is complete. The stationary source has 60 to 90 days to respond to the Notice of Deficiencies. When the stationary source has responded to this Notice of Deficiencies, Hazardous Materials Programs will review the response. Hazardous Materials Programs will either determine that the Safety Plan is complete or will work with the stationary source until the Safety Plan contains the required information for it to be considered complete. When the Safety Plan is deemed complete, Hazardous Materials Program will open a public comment period on the Safety Plan and will make available the plan in a public meeting or venue.

Hazardous Materials Programs will respond to all written comments in writing and when appropriate use the comments in the audit/inspection of the regulated stationary sources.

Hazardous Materials Programs will issue Preliminary Audit Findings after an audit/inspection is complete. The stationary source will have 90 days to respond to these findings. Hazardous Materials Programs will review the response from the stationary source on the Preliminary Audit Findings. When the stationary source has developed an action plan to come into compliance with the regulations, Hazardous Materials Programs will issue the Preliminary Audit Findings for public comment and will make available the findings in a public meeting or venue. Hazardous Materials Programs will consider any public comments that were received during the public comment period and if appropriate will revise the Preliminary Audit Findings. When this is complete, Hazardous Materials Programs will issue the Final Audit Findings and will respond in writing to any written public comments received. Table I lists the status of Health Services review of the different stationary sources' Safety Plans and audit and inspections of their Safety Programs.

## Number of Root Cause Analyses and/or Incident Investigations Conducted by Health Services

The Hazardous Materials Programs has not performed any root-cause analyses or incident investigations in the last year. A historical listing of the Major Chemical Accidents or Releases dating back to 1992 can be found on the Health Services website at the following address: [www.cchealth.org/groups/hazmat/accident\\_history.php](http://www.cchealth.org/groups/hazmat/accident_history.php). This list includes major accidents that occurred prior to the adoption of the Industrial Safety Ordinance.

## Health Services' Process for Public Participation

In 2005, Hazardous Materials Programs worked with the community and developed materials that would describe the Industrial Safety Ordinance using a number of different approaches. The



community representatives suggested that Hazardous Materials Programs look at existing venues that are attended by the public that the Hazardous Materials Programs' staff can share and receive comments on Preliminary Audit Findings and the stationary source's Safety Plans.

## Effectiveness of the Public Information Bank

The Hazardous Materials Programs section of Health Services website [www.cchealth.org/groups/hazmat/](http://www.cchealth.org/groups/hazmat/) includes the following information:

- Industrial Safety Ordinance
  - » Description of covered facilities
  - » Risk Management Chapter discussion
    - Copy of the ordinance
  - » Land Use Permit Chapter discussion
    - Copy of the ordinance
  - » Safety Program Guidance Document
  - » Frequently Asked Questions
  - » Public Outreach strategies
- California Accidental Release Prevention (CalARP) Program
  - » Contra Costa County's California Accidental Release Prevention Program Guidance Document
  - » Program Level description
  - » Discussion on Public Participation for both CalARP Program and the Industrial Safety Ordinance
  - » A map locating the facilities that are subject to the CalARP Program and are required to submit a Risk Management Plan to Health Services. The map links to a description of each of the facilities and the regulated substances handled.
- Hazardous Materials Inventories and Emergency Response Program
  - » Descriptions
  - » Forms
- Underground Storage Tanks
  - » Description of the program
  - » Copies of the Underground Storage Tanks Health & Safety Code sections
  - » Underground Storage Tanks forms
- Green Business Program

- » Description of the Green Business Program with a link to the Association of Bay Area Government's website on the Green Business Program
- Hazardous Materials Incident Response Team
  - » Including information of the Major Chemical Accidents or Releases that have occurred
  - » The County's Hazardous Materials Incident Notification Policy
  - » A link to the ConocoPhillips Fenceline Monitors



TABLE I

NAME	Safety Plan (SP) Received	Notice of Deficiencies (NOD) Issued-SP	Safety Plan Complete	SP Public Meeting Date	Audit/ Inspection	Audit Public Meeting
Air Liquide	7/10/09				6/1/10	
Air Products – Shell & Tesoro	1/14/00	6/15/00	8/30/00	9/13/00	11/22/00	5/8/03
	1/16/01 (HF update)	5/10/01 (HF up-date)	6/19/01 (HF up-date)	5/8/03	5/3/02 (HF only)2/27/04	9/24/06
	6/26/03	8/24/07	9/14/07	9/23/07	1/22/07	9/23/07
	7/14/05		7/1/08	6/19/10	7/20/09	6/19/10
	12/1/06					
	6/20/08					
	6/30/10					
ConocoPhillips - Rodeo	1/15/00	3/14/00	5/30/00	6/15/00	6/30/00	4/9/02
	1/12/01 (HF update)	9/10/01 (HF up-date)	3/18/02 (HF up-date)	4/9/02	11/5/01 (HF only)	6/22/04
	8/10/05	3/28/06	8/9/02	10/7,13/07	8/1/03	7/8/04
	8/7/09	10/22/10	11/5/07		8/15/06	10/7,13/07
					10/6/08	7/18/10, 10/9/10
General Chemical/Bay Pt. Works	1/14/00	6/12/00	12/20/00	1/2/01	8/11/00	1/2/01
	1/15/01 (HF update)	7/23/01 (HF up-date)	11/16/01 (HF up-date)	5/1/03	5/20/02 (HF only)	5/1/03
	12/10/03	7/28/08	3/17/04	11/16/05	6/20/03	11/16/05
	10/9/07		12/13/08	1/31/06	8/29/05	1/31/06
				11/4/08	1/7/08	11/8/06
						1/2/07
						11/4/08
Shell Martinez Refinery	1/14/00	7/19/00	4/9/01	5/8/03	10/31/00	5/8/03
	1/16/01 (HF up-date)7/22/02	11/9/01 (HF up-date)	1/3/02 (HF up-date)	9/24/06	4/29/02 (HF only)	9/24/06
	1/11/06	3/21/03	9/15/03	9/23/07	11/26/04	9/23/07
	9/3/10	8/15/06	11/2/06		10/23/06	6/19/10
					4/30/09	
Tesoro Golden Eagle Refinery	1/14/00	8/16/00	1/31/01	5/6/03	9/15/00	5/6/03
	1/12/01 (HF update)	9/18/01 (HF up-date)	12/14/01 (HF up-date)	9/23/07	12/3/01 (HF only)	9/24/06
	6/21/02	7/30/07	6/21/03	6/10/10	9/8/03	9/23/07
	6/22/07		11/5/07		11/7/05	6/10/10
	12/11/09		6/4/10		8/18/08	

- Hazardous Materials Program Incident Search
  - » Online search of the hazardous materials incident database for incidents that have occurred since 1993 by entering a date range, address, city and/or facility name
- Facility Search
  - » Online search of the facilities that handle hazardous materials by name of the facility, street name, and city or any combination of the three
- Unannounced Inspection Program
  - » Lists the facilities that are subject to unannounced inspections under the Unannounced Inspection Program
- Hazardous Materials Interagency Task Force
  - » Includes a matrix of who has what hazardous materials and regulatory responsibilities
  - » Minutes from past meetings
  - » Presentations from past meetings
- Incident Response
  - » Accident history that lists summaries of major accidents from industrial facilities in Contra Costa County from most recent to 1992
- Additional resource links for more information

## Effectiveness of the Hazardous Materials Ombudsman

The Board of Supervisors created the Hazardous Materials Ombudsperson position in 1997. This position was filled in April 1998. The Board believed that the ombudsperson would be a conduit for the public to express concerns about how Hazardous Materials Programs personnel are performing their duties. Attachment A is a report from the Hazardous Materials Ombudsman on the effectiveness of the position.





## Other Required Program Elements Necessary to Implement and Manage the Industrial Safety Ordinance

The California Accidental Release Prevention (CalARP) Program is administered in Contra Costa County by Contra Costa Health Services Hazardous Materials Programs. The Industrial Safety Ordinance expands on this program. Stationary sources are required to submit a Risk Management Plan to Hazardous Materials Programs that is similar to the Safety Plans that are submitted. Hazardous Materials Programs reviews these Risk Management Plans and performs the CalARP Program audit simultaneously with the Industrial Safety Ordinance audit. Hazardous Materials Programs Performs Unannounced Inspections of the stationary sources that are part of the CalARP Program and are also required to submit a Risk Management Plan to the U.S. EPA. These inspections look at a focused portion of the CalARP Program or Industrial Safety Ordinance requirements, as well as elements from the other Hazardous Materials Programs.

## Regulated Stationary Sources Listing

### The Status of the Regulated Stationary Sources' Safety Plans and Programs

All of the stationary sources that are regulated by the Industrial Safety Ordinance were required to submit their Safety Plans to Health Services by January 15, 2000 and to have their Safety Programs completed and implemented. The stationary sources were also required to have a Human Factors Program in place that follows the County's Safety Program Guidance Document by January 15, 2001. The status of each of the regulated stationary sources is given in Table I and includes the following:

- When the latest updated Safety Plan was submitted
- When the Notice of Deficiencies were issued
- When the plan was determined to be complete by Health Services
- When the public meeting was held on the Safety Plan
- When the audits were complete
- When the public meetings were held on the preliminary audit findings
- When the Human Factors to the Safety Plan was revised
- When the Notice of Deficiencies was issued for the Human Factors revised Safety Plan
- When the Human Factors Safety Plan was determined to be complete
- When the Audit/Inspection was completed
- When the Human Factors Audit preliminary findings Public Meeting was held

## Locations of the Regulated Stationary Sources Safety Plans

Each of the regulated stationary sources was required to submit their Safety Plan to Health Services on January 15, 2000 and an updated Safety Plan that includes the implementation of the stationary source's Human Factors Program by January 15, 2001. The regulated stationary sources are required to update their Safety Plan at least once every three years. These plans are available for public review at the Hazardous Materials Programs Offices at 4585 Pacheco Blvd., Suite 100, Martinez. When Hazardous Materials Programs determines that the Safety Plan is complete and prior to going out for a 45-day public comment period, Hazardous Materials Programs will place the plan in the library(ies) closest to the regulated stationary source. Below in Table II is a listing of the regulated stationary sources with the location of each of their Safety Plans.

TABLE II

## LOCATION OF SAFETY PLANS - LIBRARIES

Regulated Stationary Source	Location 1	Location 2	Location 3
Air Liquide Large Industries	Hazardous Materials Programs Office		
Air Products at Shell	Hazardous Materials Programs Office	Martinez Public Library	
Air Products at Tesoro	Hazardous Materials Programs Office	Martinez Public Library	
Shell Refining – Martinez	Hazardous Materials Programs Office	Martinez Public Library	
General Chemical West Bay Point Works	Hazardous Materials Programs Office	Bay Point Public Library	
ConocoPhillips Rodeo Refinery	Hazardous Materials Programs Office	Rodeo Public Library	Crockett Public Library
Tesoro Golden Eagle Refinery	Hazardous Materials Programs Office	Martinez Public Library	

## Annual Accident History Report and Inherently Safer Systems Implemented as Submitted by the Regulated Stationary Sources

The Industrial Safety Ordinance requires the stationary sources to update the information on their accident history in their Safety Plans and include how they have used inherently safer processes within the last year. Table III is a listing of some of the inherently safer systems that have been implemented by the different stationary sources during the same period. Attachment B includes the individual reports from the stationary sources.





TABLE III

## INHERENTLY SAFER SYSTEMS

Regulated Stationary Source	Inherently Safer System Implemented	Design Strategy	Category
Air Liquide Large Industries	Reduction of inventory by design with no storage vessels (two times)	Inherent	Minimization
	Reduce the impact by using a less hazardous chemical (two times)	Inherent	Moderate
Air Products at Shell Martinez Refinery	Eliminated use of hazardous chemical (one time)	Inherent	
Air Products at Tesoro	Reduced potential of a hazard by upgrading interlocks and control display (two times)	Active	Simplify
ConocoPhillips-Rodeo Refinery	Reduction of inventory by combining or removing equipment from the process (three times)	Inherent	Minimization
	Revised equipment metallurgy, components, controls features (25 times)	Passive	Simplify
	Reduced the potential of a hazard by equipment/process design change (three times)	Passive	Moderate
	Reduced potential of exposure by adding controls (two times)	Active	Simplify
General Chemical West Bay Point Works	Minimize exposure to the hazard by changing materials of construction (one time)	Passive	Simplify
Shell Martinez Refinery	Reduced exposure potential with change of equipment (one time)	Inherent	Substitution
	Change equipment design to reduce potential of a hazard (one time)	Passive	Moderate
	Reduced potential of exposure by removing or modifying piping and equipment design (three times)	Passive	Minimization
	Reduced potential of exposure by adding controls (one time)	Active	Simplify

Regulated Stationary Source	Inherently Safer System Implemented	Design Strategy	Category
Tesoro Golden Eagle Refinery	Eliminated equipment including three blowdown towers, decommissioned hazardous materials systems (2) and eliminated a vessel (1)	Inherent	Simplify
	Reduced potential of a hazard or frequency with design features (12 times)	Passive	Simplify
	Use smaller quantities of hazardous materials when the use cannot be eliminated	Passive	Minimize



## Status of the Incident Investigations, Including the Root Cause Analyses Conducted by the Regulated Stationary Sources

The Industrial Safety Ordinance requires the regulated stationary sources to do an incident investigation with a root cause analysis for each of the major chemical accidents or releases as defined by the following: *“Major Chemical Accident or Release means an incident that meets the definition of a Level 3 or Level 2 incident in the Community Warning System incident level classification system defined in the Hazardous Materials Incident Notification Policy, as determined by Contra Costa Health Services; or results in the release of a regulated substance and meets one or more of the following criteria:*

- *Results in one or more fatalities*
- *Results in greater than 24 hours of hospital treatment of three or more persons*

- *Causes on-or off-site property damage (including cleanup and restoration activities) initially estimated at \$500,000 or more. On-site estimates shall be performed by the regulated stationary source. Off-site estimates shall be performed by appropriate agencies and compiled by Health Services*
- *Results in a vapor cloud of flammables or combustibles that is more than 5,000 pounds*

The regulated stationary source is required to submit a report to Hazardous materials programs 30 days after the root cause analysis is complete. There were three major chemical accidents or releases that have occurred within the last year in Contra Costa County. The record of the major chemical accidents or releases that have occurred within the last year and the status of each of these incidents investigations are included in Table IV. The 72-hour reports related to these two incidents are available at the Hazardous Materials Program office and web page.





TABLE IV

Regulated Source	Date MCAR	Severity	MCAR Descriptions	Onsite Impact	Offsite Impact
Tesoro Golden Eagle Refinery	12/09/10(CWS 2)	1	Partial power outage due to damage at substation led to excess flaring and some unit shut down. CWS 2 activated at 10:31. CCHMP monitored the surrounding area and no hazardous substance was detected. Incident downgraded to CWS 0 at 13:18.	Unit shut-down, damage at one of the substations.	Visible flare, overcast and light wind condition.
Tesoro Golden Eagle Refinery	11/10/10 (CWS 3)	1	Power outage from third party power and steam supplier led to excess flaring and refinery-wide shutdown, very dark smoky plume. At 16:14, CWS 2 and at 16:37 upgraded to CWS 3. CCHMP monitored the surrounding area and took air samples. No hazardous substance was detected. Power restored plantwide at 19:53.	Refinery shutdown, a grass fire around the flare.	Visible smoke and reports of burnt grass smell in N. Concord.



TABLE IV

Regulated Source	Date MCAR	Severity	MCAR Descriptions	Onsite Impact	Offsite Impact
Conoco Phillips Rodeo Refinery	10/22/10 (CWS 2)	1	Third-party (Air Liquide) hydrogen plant tripped resulting in elevated pressure in the refinery's fuel gas system, and decreases in available hydrogen and steam to the refinery. One turbine at the refinery power plant immediately tripped further reducing available steam. Excess flaring (Level 1) resulted from Refinery units powering down due to less available hydrogen and steam and the fuel gas system imbalance. Approximately three hours into the incident (~2:20 p.m.), the remaining two turbines at the power plant tripped offline. Without a sufficient amount of steam to the flare, visible smoke was generated (Level 2). Refinery had to significantly slow down/shut down some operations. Refinery had a smokey flare until about 7 p.m.	Overpressured fuel gas system resulted in flaring. Loss of steam and hydrogen resulted in a slow down of some units. Power plant turbinized tripped off resulted in smokey flare and further slow down of select operations. No equipment damage was reported.	The BAAQMD received a number of complaints of visible smoke and odor in the area. No contaminants were found in community air samples taken by Refinery personnel. No activity was seen on the Refinery's fenceline monitor.
Tesoro Golden Eagle Refinery	10/10/10 (CWS 2)	1	At 12:20, fire on Tank 650 (foul water), contractor was replacing seal. Tank has a three foot diesel top layer for odor control. One Contractor medically treated off-site and released same day. No odor reported. All clear at 16:10.	Emergency Operation Center was activated. No reportable quantities of hazardous compounds were exceeded.	Visible smoke plume, but air monitoring by Tesoro industrial hygiene yielded non-detect levels.

# Major Chemical Accidents or Releases

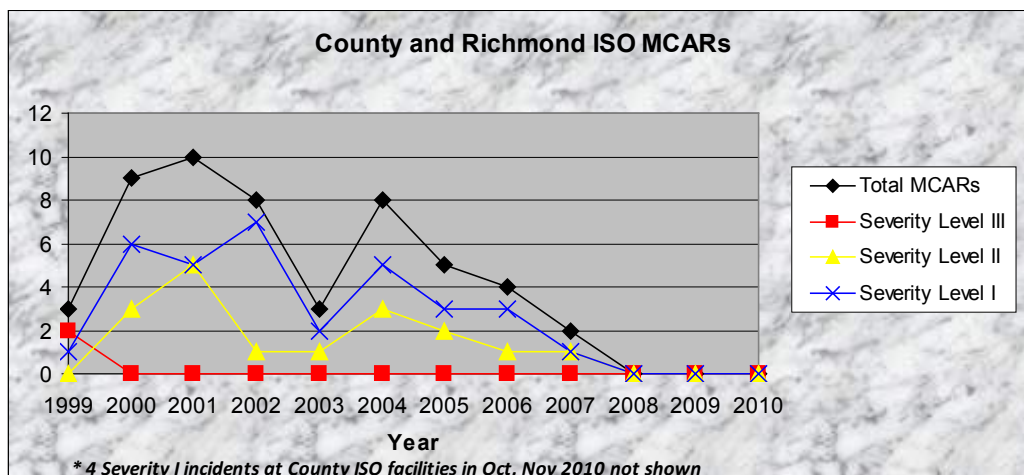
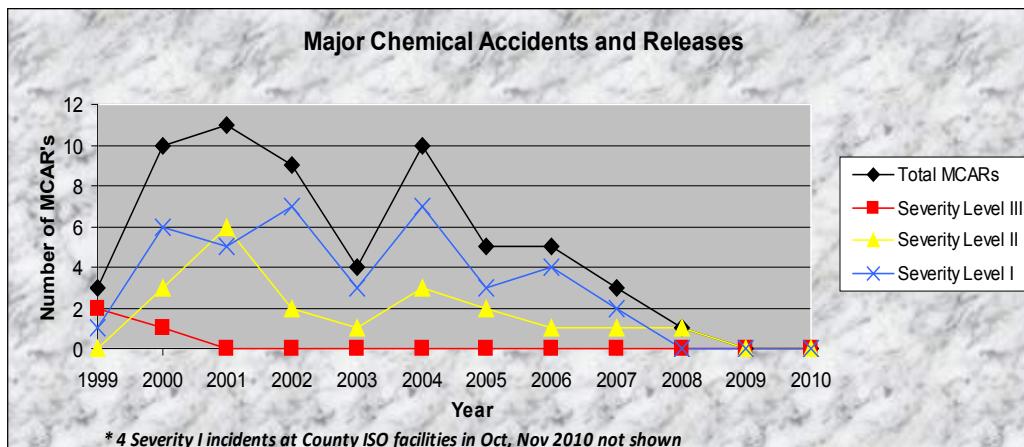
Hazardous Materials Programs has analyzed the Major Chemical Accidents or Releases (MCAR) that have occurred since the implementation of the Industrial Safety Ordinance. The analysis includes the number and severity of the MCARs. Three different levels of severity were assigned:

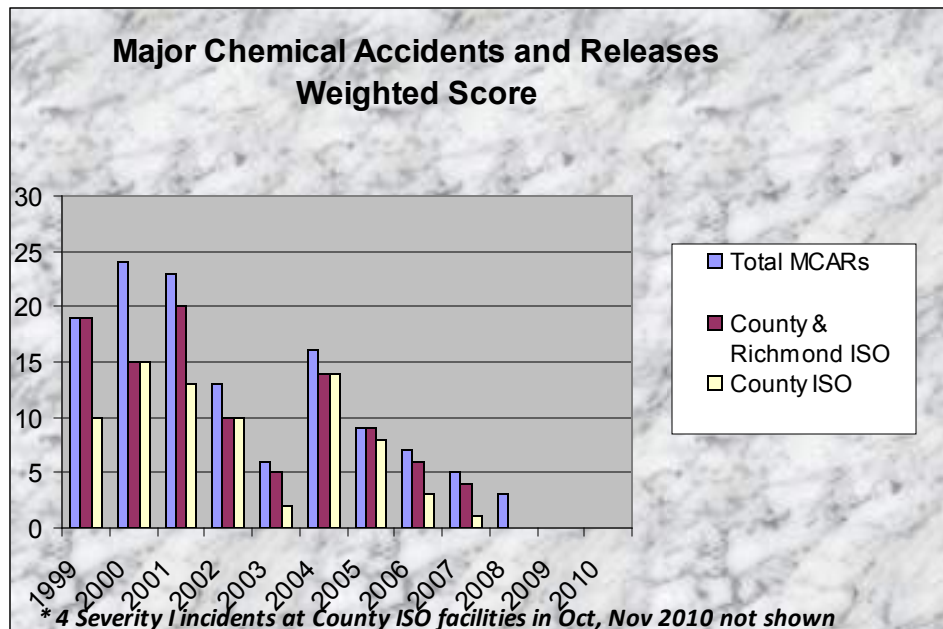
- Severity Level III – A fatality, serious injuries, or major onsite or offsite damage occurred
- Severity Level II – An impact to the community occurred, or if the situation was slightly different the accident may have been considered major, or there is a recurring type of incident at that facility
- Severity Level I – A release where there was no or minor injuries, the release had no or slight impact to the community, or there was no or minor onsite damage

Below are charts showing the number of MCARs from January 1999 through September 2010 for all stationary sources in Contra Costa County,

the MCARs that have occurred at the County's Industrial Safety Ordinance stationary sources, and a chart showing the MCARs that have occurred at the County and the City of Richmond's Industrial Safety Ordinance stationary sources. The charts also show the number of severity I, II and III MCARs for this period. There were four severity type I MCAR events from Tesoro and Conoco Phillips in October and November this year that are not shown on the graphs. NOTE: The charts do not include any transportation MCARs that have occurred.

A weighted score has been developed giving more weight to the higher severity incidents and a lower weight to the less severe incidents. The purpose is to develop a metric of the overall process safety of facilities in the County, the facilities that are covered by the County and the City of Richmond Industrial Safety Ordinances, and the facilities that are covered by the County's Industrial Safety Ordinance. A Severity Level III incident is given nine points, Severity Level II three points, and Severity Level I one point. Below is a graph of this weighted scoring.





## Legal Enforcement Actions Initiated by Health Services

As part of the enforcement of the Industrial Safety Ordinance and the CalARP Program, Hazardous Materials Programs issues Notice of Deficiencies on the Safety and Risk Management Plans and issues Audit Findings on what a stationary source is required to change to come into compliance with the regulations. Table I shows the action that has been taken by Hazardous Materials Programs. Hazardous Materials Programs has not taken any action through the District Attorney's Office for noncompliance with the requirements of the Industrial Safety Ordinance.

## Penalties Assessed as a Result of Enforcement

No penalties have been assessed this year for noncompliance with the Industrial Safety Ordinance.

## Total Fees, Service Charges, and Other Assessments Collected Specifically for the Industrial Safety Ordinance

The fees charged for the Industrial Safety Ordinance are to cover the time that the Accidental Release Prevention Engineers use to enforce the ordinance, the position of the Hazardous Materials Ombudsman, outreach material and to cover a portion of the overhead for the Hazardous Materials Programs. The fees charged for administering this ordinance and the Richmond Industrial Safety Ordinance for the fiscal year 2009–10 is \$524,244.

## Total Personnel and Personnel Years Used by Health Services to Implement the Industrial Safety Ordinance

The Accidental Release Prevention Programs Engineers have reviewed resubmitted Safety Plans, prepared and presented information for public meetings, performed audits of the stationary sources for compliance with both the California Accidental Release Prevention Program and Industrial Safety Ordinance and did follow-up work after a Major Chemical Accident or Release. The following is



a breakdown of the time that was spent on the County's and the City of Richmond's Industrial Safety Ordinances:

- One ISO/CalARP Program facility audit was done between November 2009 and October 2010. It takes five engineers four weeks to perform an ISO/CalARP Program on site portion of the audit. The audit process encompasses off site time that includes a quality assurance process, working with the facility to address any questions, posting public notices, attending public forum to share audit findings, addressing any questions from the public, and issuing the final report. The total time taken to perform this audit in 2010 is 950 hours. Approximately one-third of the time is dedicated to the Industrial Safety Ordinance for a total of 316 hours.
- Developing Safety Culture Assessment Guidance and establishing Process Safety Measurement – 200 hours
- Reviewing information for the website – 40 hours
- Reviewing Safety Plans and following up with the facilities on any deficiencies – 200 hours
- Health Services Communications Office or the Accidental Release Prevention Engineers prepare material for presentations and public meetings – total approximately 80 personnel hours.
- Working with Public Health Division on preparing meetings and material for the Spanish speaking communities – 40 personnel hours
- Total of 1,510 hours is the approximate personnel time spent on the Industrial Safety Ordinance.

This is not including the ombudsman time spent helping prepare for the public meetings, working with the engineers on questions arising from the Industrial Safety Ordinance, and answering questions from the public on the Industrial Safety Ordinance.

## Comments From Interested Parties Regarding the Effectiveness of the Industrial Safety Ordinance

No comments were received on the County's or the City of Richmond's Industrial Safety Ordinances during the last year.

## The Impact of the Industrial Safety Ordinance on Improving Industrial Safety

Four programs are in place to reduce the potential of an accidental release from a regulated stationary source that could impact the surrounding community. The four programs are the Process Safety Management Program administered by Cal/OSHA, the federal Accidental Release Prevention Program administered by the U.S. EPA, the California Accidental Release Prevention Program administered locally by Hazardous Materials Programs, and the Industrial Safety Ordinance administered by Hazardous Materials Programs. Each of the programs is very similar in requirements, with the Industrial Safety Ordinance being the most stringent. The prevention elements of the program level 3 regulated stationary sources under the federal Accidental Release Prevention Program is identical to the Process Safety Management Program. The main differences between the federal Accidental Release Prevention and the CalARP Programs are as follows:

1. The number of chemicals regulated
2. The threshold quantity of these chemicals
3. An external events analysis, including seismic and security and vulnerability analysis, is required
4. Additional information in the Risk Management Plan
5. Health Services is required to audit and inspect stationary sources at least once every three years
6. The interaction required between the stationary source and Health Services



The differences between the CalARP and the Industrial Safety Ordinance Safety Programs are as follows:

- Stationary sources are required to include a root cause analysis with the incident investigations for Major Chemical Accidents or Releases
- The stationary sources are required to consider inherently safer practices
- All of the process at the regulated stationary source are covered
- Managing changes in the organization for operations, maintenance and emergency response
- The implementation of a Human Factors Programs

The Board of Supervisors amended the County's Industrial Safety Ordinance to expand the requirement of the ordinance in 2006. These amendments are as follows:

- Expand the Human Factors section of the Industrial Safety Ordinance to include the following:
  - » Maintenance procedures
  - » Management of Organizational Changes
    - Maintenance personnel
    - A job task analysis for each of the positions that work in operations, maintenance, emergency response and Health and Safety
    - Include temporary changes in the Management of Organizational Change
- A requirement that the stationary sources perform a Security and Vulnerability Analysis and test the effectiveness of the changes made as a result of the Security and Vulnerability Analysis
- The stationary sources perform a Safety Culture Assessment

The Safety Culture Assessment guidance chapter was finalized in November 2009. The Industrial Safety Ordinance Guidance document is being updated to include the remaining changes to the ordinance and a draft was issued in September 2010. The Accidental Release Prevention Engineers have

participated with the Center for Chemical Process Safety on developing the second edition of the "Inherently Safer Chemical Processes" book that is referenced in the ordinance and with the Center for Chemical Process Safety on developing process safety metrics for leading and lagging indicators.

All of these requirements will lower and have lowered the probability of an accident occurring. Contra Costa County has been recognized in the Chemical Safety and Hazard Investigation Board Report on the BP March 23, 2005 Texas City Investigation as an alternative model for doing process safety inspections. The report states: "*Contra Costa County and the U.K. Health and Safety Executive conduct frequent scheduled inspections of PSM and major hazard facilities with highly qualified staff.*" This was done to compare to the number of OSHA process safety management audits. Carolyn W. Merritt, the Chemical Safety and Hazard Investigation Board Chair, at that time, also recognized Contra Costa County in testimony to the House of Representatives Committee on Education and Labor chaired by Representative George Miller. Senator Barbara Boxer, during a hearing to consider John Bresland's nomination to the Chemical Safety and Hazard Investigation Board as the Chair (replacing Carolyn Merritt), asked Mr. Bresland about the Contra Costa County program for process safety audits of refineries and chemical companies. The Chemical Safety and Hazard Investigation Board also mentions Contra Costa County in a DVD "*Anatomy of a Disaster: Explosion at BP Texas City Refinery*" on the resources given to audit and ensure facilities are complying with the regulations. Contra Costa Hazardous Materials Programs was asked to give testimony at the hearing on "Work Place Safety and Worker Protections in the Gas and Oil Industry" before the U.S. Senate Committee on Health, Education, Labor, and Pensions Subcommittee on Employment and Workplace Safety. The testimony was on the success of the Accidental Release Prevention Programs that are in place in Contra Costa County. The hearing was specific on two major incidents that occurred in Anacortes, Washington at a Tesoro Refinery and the Deepwater Horizon incident in the Gulf of Mexico. A link to the testimony is posted on

the Health Services website and can be found by using the following link: <http://help.senate.gov/hearings/hearing/?id=fe34048f-5056-9502-5d69-2609a5d5501a>.

## City of Richmond Industrial Safety Ordinance

The City of Richmond passed its version of the Industrial Safety Ordinance on December 18, 2001 that became effective on January 17, 2002. Richmond's Industrial Safety Ordinance mirrors the County's Industrial Safety Ordinance, with the exceptions of the 2006 amendments to the County's Ordinance. Richmond's Industrial Safety Ordinance covers two stationary sources: Chevron and General Chemical West Richmond Works.

Chevron and General Chemical West Richmond Works submitted their Safety Plans to Hazardous Materials Programs, which have been reviewed and considered complete. The public comment period for these plans ended in January 2004. Public meetings held in 2004 in North Richmond and Richmond discussed Chevron and General Chemical West Richmond Works audit findings. The second Richmond Industrial Safety Ordinance/CalARP Program audits for these facilities occurred

in 2006 and public meetings were held in June 2007 at Hilltop Mall at "Lessons from Katrina," the 2007 Neighbor Works Week Homeownership Faire & Disaster Preparedness Expo.

Health Services followed up on the January 15, 2007 fire at the Chevron Refinery. The follow-up included a public meeting, City Council meetings, meetings with Chevron on the investigation and the root cause analysis. Chevron Richmond Refinery was audited for the third time for RISO/CalARP program in April 2008 and the final report has been finalized and results were available at the Recycle More Earth Day Event in Richmond in June 2009. Copies of the audit results are available at the Richmond Library and a summary of the audit is also available on Hazardous Materials Programs' website.

Health Services performed an RISO/CalARP program audit at General Chemical Richmond in January of 2009. The final report was shared in a public event in Richmond in September 2010.



# **Attachment A**

## **Hazardous Materials Ombudsman Report**

Hazardous Materials Ombudsman Evaluation  
October 2009 through September 2010

### **I. Introduction**

On July 15, 1997 the Contra Costa County Board of Supervisors authorized the creation of an Ombudsman position for the County's Hazardous Materials Programs. The first Hazardous Materials Ombudsman began work on May 1, 1998. The Contra Costa County Board of Supervisors adopted an Industrial Safety Ordinance on December 15, 1998. Section 450-8.022 of the Industrial Safety Ordinance requires the Health Services Department to continue to employ an Ombudsman for the Hazardous Materials Programs. Section 450-8.030(B)(vii) of the Industrial Safety Ordinance requires an annual evaluation of the effectiveness of the Hazardous Materials Ombudsman, with the first evaluation to be completed on or before October 31, 2000.

The goals of section 450-8.022 of the Industrial Safety Ordinance for the Hazardous Materials Ombudsman are:

1. To serve as a single point of contact for people who live or work in Contra Costa County regarding environmental health concerns, and questions and complaints about the Hazardous Materials Programs.
2. To investigate concerns and complaints, facilitate their resolution, and assist people in gathering information about programs, procedures, or issues.
3. To provide technical assistance to the public.

The Hazardous Materials Ombudsman currently accomplishes these goals through the following program elements:

4. Continuing an outreach strategy so that the people who live and work in Contra Costa County can know about and utilize the program.
5. Investigating and responding to questions and complaints, and assisting people in gathering information about programs, procedures or issues.
6. Participating in a network of environmental programs for the purpose of providing technical assistance.

This evaluation covers the period from October 2009 through September 2010 for the Hazardous Materials Ombudsman program. The effectiveness of the program shall be demonstrated by showing that the activities of the Hazardous Materials Ombudsman meet the goals established in the Industrial Safety Ordinance.

### **II. Program Elements**

#### **1. Continuing an Outreach Strategy**

This period, efforts were focused on maintaining the outreach tools currently available. Copies of the Ombudsman Brochure were translated into Spanish and were distributed to the public at meetings, presentations, public events and through the mail. A contact person was also established in Public Health that could receive calls from the public in Spanish and serve as an interpreter to respond to these calls. In addition to explaining the services provided by the position, the brochure also provides the phone numbers of several other related County and State programs. The web page was maintained for the program as part of Contra Costa Health Services website. This page contains information about the program, links to other related web sites, and information about upcoming meetings and events. A toll-free phone number is published in all three Contra Costa County phone books in the Government section.

#### **2. Investigating and Responding to Questions**

## **and Complaints, and Assisting in Information Gathering**

During this period, the Hazardous Materials Ombudsman received 171 information requests. More than 95 percent of these requests occurred via the telephone, and have been requests for information about environmental issues. Requests via e-mail are slowly increasing, mainly through referrals from Health Services main web page. Most of these requests concern problems around the home such as asbestos removal, household hazardous waste disposal, pesticide misuse and lead contamination.

Information requests about environmental issues received via the telephone were generally responded to within one business day of being received. Many of the information requests were answered during the initial call. Some requests required the collection of information or written materials that often took several days to compile. Telephone requests were responded to by telephone unless written materials needed to be sent as part of the response.

Complaints about the Hazardous Materials Programs can also be received via telephone and in writing. Persons that make complaints via telephone are also asked to provide those complaints in writing. During this period, the Hazardous Materials Ombudsman did not receive any complaints about the Hazardous Materials Program.

In September, the Ombudsman facilitated a workshop for business owners concerning their new permit fee structure.

### **3. Participating in a Network of Environmental Programs for the Purpose of Providing Technical Assistance.**

Technical assistance means helping the public understand the regulatory, scientific, political and legal aspects of issues. It also means helping them understand how to effectively communicate their concerns within these different arenas. This year, the Ombudsman continued to staff a number of

County programs and participate in other programs to be able to provide technical assistance to the participants and the public.

- *CAER (Community Awareness and Emergency Response)*—This nonprofit organization addresses industrial accident prevention, response and communication. The Ombudsman participated in the Emergency Notification subcommittee of CAER.
- *Hazardous Materials Commission*—In 2001, the Ombudsman took over as staff for the commission. As staff to the commission, the Ombudsman conducts research, prepares reports, writes letters and provides support for three monthly Commission meetings. During this period, the Ombudsman completed writing reports on Household Hazardous Waste and Brownfields for the Commission.
- *Public and Environmental Health Advisory Board*—As staff to the Environmental Health subcommittee of PEHAB, the Ombudsman keeps the committee informed on issues they are interested in such as refinery flaring, contaminated fish consumption, climate change and Integrated Pest Management.
- *Integrated Pest Management Advisory Committee*—During this period the Ombudsman represented the Health Department on, and was elected to be chairperson of, the newly created County Integrated Pest Management Advisory Committee. This Committee brings department representatives and members of the public together to help implement the County's Integrated Pest Management policy.
- *Asthma Program*—The Ombudsman participated in the Public Health Division's Asthma Program as a resource on environmental health issues. The Ombudsman also participated in countywide asthma coalition meetings, and represented the Asthma Program at regional meetings pertaining to asthma issues, particularly diesel pollution. The Ombudsman gave presentations to nine high school classes on



asthma and air pollution. The Ombudsman has also begun to provide technical support for efforts to address the impacts of climate change on sensitive populations, and efforts to improve health outcomes through improvements to the built environment.

- *East County Environmental Justice Collaborative*—During this period the Ombudsman provided technical assistance to the East County Environmental Justice Collaborative, a Public Health Division project in Bay Point and Pittsburg. This project was funded by grants from the Federal EPA and the San Francisco Foundation that the Ombudsman helped secure. The Ombudsman helped develop research materials and gave presentations to residents as part of this project. The Ombudsman also talked to teachers, principals and parents in the Pittsburg School District to encourage them to participate in the environmental education programs offered by the Contra Costa Water District.
- *Bay Area Air Quality Management District's Community Air Risk Evaluation Program* — During this period the Ombudsman represented the Public Health Division on the advisory board to this Air District program. This advisory board meets quarterly to discuss implementation of this program that identifies and creates strategies to address health risks in communities with high air pollution emissions in the Bay Area. Two of these areas are in Contra Costa County.
- *Richmond General Plan Health Element* — During this period the Ombudsman provided technical assistance to the City of Richmond as part of an effort to evaluate the effectiveness of the implementation of the new Health Element of their updated General Plan.
- *National Conversation on Public Health and Chemical Exposure* —

wide effort organized by the federal Environmental Protection Agency and Centers for Disease Control to create an agenda for reducing the public's exposure to toxic chemicals. As part of this effort, the Ombudsman organized two local workshops to gather input from the public on these issues.

The Hazardous Materials Ombudsman also attended workshops, presentations, meetings and trainings on a variety of environmental issues to be better able to provide technical assistance to the public. Topics included Environmental Justice, Cumulative impacts assessment, emergency management practices, health mitigations for consumption of contaminated fish, community-based participatory research and land-use planning for greenhouse gas reduction.

### **III. Program management**

The Hazardous Material Ombudsman continued to report to the Public Health Director on a day-to-day basis during this period, while still handling complaints and recommendations about the Hazardous Materials Programs through the Health Services Director. The Ombudsman also was a member of Health Services Emergency Management Team and participates on its HEEP management team. The Ombudsman also assisted the Asthma program in the writing of grants to fund ongoing programs.

### **IV. Goals for the 2010/11 period**

In this period, the Ombudsman will provide essentially the same services to Contra Costa residents as was provided in the last period. The Ombudsman will continue respond to questions and complaints about the actions of the Hazardous Materials Programs; answer general questions that come from the public and assist them in understanding regulatory programs; staff the Hazardous Materials Commission and the Public and Environmental Health Advisory Board; provide technical support to the Asthma program, and represent it on the Ditching Dirty Diesel Collaborative and the East County Environmental Justice collaborative; chair the Integrated Pest Management Advisory Committee, and participate on the CAER Emergency Notification committee,

During this period the Ombudsman represented the Public Health Division in this yearlong nation-

the Air District CARE Advisory Board and the Richmond Health Element Implementation Group.

During this period the Ombudsman will help the Hazardous Materials Commission research and develop policy recommendations on the following issues:

- Pipeline Safety
- Industrial Safety and the Industrial Safety Ordinance
- Nanotechnology
- Environmental and health impacts of pharmaceutical wastes



# Attachment B

## Regulated Sources Annual Performance with Accident History and Inherent Safety Implementation

Annual Performance Review and Evaluation  
Submittal

June 01, 2010

\*Attach additional pages as necessary

1. Name and address of Stationary Source:  
Air Liquide Rodeo Hydrogen Plant, 1391  
San Pablo Blvd., Rodeo, California 94572  
\_\_\_\_\_
2. Contact name and telephone  
number (should CCHS have questions): Jim  
Stonecipher 510-245-7285 (ext 203)
3. Summarize the status of the Stationary  
Source's Safety Plan and Program (450-  
8.030(B)(2)(i)):  
Rewritten and submitted to Contra Costa  
County in July 2010. Waiting on results of  
review.  
\_\_\_\_\_
4. Summarize Safety Plan updates (i.e., brief  
explanation of update and corresponding  
date) (450-8.030(B)(2)(ii)):  
Updated Safety Plan in July 2010 when  
submitted response to RMP review by  
County.  
\_\_\_\_\_
5. List of locations where Safety Plans are/will  
be available for review, including contact  
telephone numbers if the source will provide  
individuals with copies of the document

(450-8.030(B)(2)(ii)):  
CCHS Office, 4585 Pacheco Boulevard,  
Suite 100, Martinez; Rodeo Public Library;  
Crockett Public Library (libraries closest to  
the stationary source).  
\_\_\_\_\_

6. Provide any additions to the annual accident  
history reports (i.e. updates) submitted  
pursuant to Section 450-8.016(E)(2) of  
County Ordinance 98-48 (450-8.030(B)(2)  
(iii)) (i.e., provide information identified  
in Section 450-8.016(E)(1) for all major  
chemical accidents or releases occurring  
between the last annual performance review  
report and the current annual performance  
review and evaluation submittal (12-month  
history):  
None  
\_\_\_\_\_
7. Summary of each Root Cause Analysis  
(Section 450-8.016(C)) including the  
status of the analysis and the status of  
implementation of recommendations  
formulated during the analysis (450-8.030(B)  
(2)(iv)):  
Not applicable (no incidents)  
\_\_\_\_\_
8. Summary of the status of implementation  
of recommendations formulated during  
audits, inspections, Root Cause Analyses,  
or Incident Investigations conducted by the  
Department (450-8.030(B)(2)(v)):  
Responded to RMP paper review in July  
2010 with revised RMP and Safety Plan.  
Count completed audit of plant in June 2010.  
Waiting on audit report.  
\_\_\_\_\_
9. Summary of inherently safer systems  
implemented by the source including but  
not limited to inventory reduction (i.e.,  
intensification) and substitution (450-  
8.030(B)(2)(vi)):  
No changes at this time.  
\_\_\_\_\_

- 
10. Summarize the enforcement actions (including Notice of Deficiencies, Audit Reports, and any actions turned over to the Contra Costa County District Attorney's Office) taken with the Stationary Source pursuant to Section 450-8.028 of County Ordinance 98-48 (450-8.030(B)(2)(vii)):  
None
- 
11. Summarize total penalties assessed as a result of enforcement of this Chapter (450-8.030(3)):  
None
- 
12. Summarize the total fees, service charges, and other assessments collected specifically for the support of the ISO (450-8.030(B)(4)):  
CalARP Program fees are - \$594,823 and the Risk Management Chapter of the Industrial Safety Ordinance fees are - \$304,033. These numbers include the fees for both the County and City of Richmond facilities.
- 
13. Summarize total personnel and personnel years utilized by the jurisdiction to directly implement or administer this Chapter (450-8.030(B)(5)):  
4400 hours were used to audit/inspect and issue reports on the Risk Management Chapter of the Industrial Safety Ordinance.
- 
14. Copies of any comments received by the source (that may not have been received by the Department) regarding the effectiveness of the local program that raise public safety issues (450-8.030(B)(6)):  
None recieved
- 
15. Summarize how this Chapter improves

industrial safety at your stationary source (450-8.030(B)(7)):

This chapter has prompted us to relook at some of our safety processes and how to improve them. For exmple, we have all of the components of an Employee Particiaption Program in place but we are now looking at creating a single document which summarizes these elements. Air Liquide has a mature HSE process in place and is committed to maintaining HSE excellence.

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16. List examples of changes made at your stationary source due to implementation of the Industrial Safety Ordinance (e.g., recommendations from PHA's, Compliance Audits, and Incident Investigations in units not subject to CalARP regulations; recommendations from RCA's) that significantly decrease the severity or likelihood of accidental releases:  
None at this time. While the Rodeo facility is a new site that began operation in 2009, Air Liquide has been in business for a long time. Air Liquide already has a mature HSE system in place at the site which incorporates best practices from the learnings and experience throughout Air Liquide. We are in the process of making sure that Rodeo employees are fully indoctrinated and engaged in our LIVES HSES culture including identifying and mitigating potentially at risk conditions and at risk behaviors, involvement on safety teams and in monthly safety meetings, and participation in monthly formal HSES inspections.
- 
17. Summarize the emergency response activities conducted at the source (e.g., CWS or TEN activation) in response to major chemical accidents or releases:  
Not applicable, no incidents have occurred at the site.
-



# Annual Performance Review and Evaluation Submittal

June 01, 2010

\*Attach additional pages as necessary

1. Name and address of Stationary Source:  
Air Products  
Shell Martinez Refinery, 110 Waterfront  
Road, Martinez, CA 94553
2. Contact name and telephone number  
(should CCHS have questions):  
Michael Cabral, (925) 372-9302
3. Summarize the status of the Stationary  
Source's Safety Plan and Program (450-  
8.030(B)(2)(i)):  
The stationary Source's Safety Plan is  
complete per the CCHS requirements and  
submitted to CCHS for review. The Program  
has been implemented as required.
4. Summarize Safety Plan updates (i.e., brief  
explanation of update and corresponding  
date) (450-8.030(B)(2)(ii)):  
6/01/10 – Reviewed Section 7 (–no updates  
needed). Updated Section 8 (Annual  
Preformance Review and Evaluation  
Submittal). Minor updates for APCI  
Standard References general document,  
to include references to Safety Culture  
Assesment, and expanded corporate audit  
note to include references to ISO and Human  
Factors programs.
5. List of locations where Safety Plans are/will  
be available for review, including contact  
telephone numbers if the source will provide  
individuals with copies of the document  
(450-8.030(B)(2)(ii)):  
CCCHS Office, 4333 Pacheco Boulevard,  
Martinez; Martinez Library (library closest  
to the stationary source); Air Products – See  
contact in #2, above.

6. Provide any additions to the annual accident  
history reports (i.e. updates) submitted  
pursuant to Section 450-8.016(E)(2) of  
County Ordinance 98-48 (450-8.030(B)(2)  
(iii)) (i.e., provide information identified  
in Section 450-8.016(E)(1) for all major  
chemical accidents or releases occurring  
between the last annual performance review  
report and the current annual performance  
review and evaluation submittal (12-month  
history):  
No incidents in the past year.
7. Summary of each Root Cause Analysis  
(Section 450-8.016(C)) including the  
status of the analysis and the status of  
implementation of recommendations  
formulated during the analysis (450-8.030(B)  
(2)(iv)):  
No events triggered this requirement since  
the previous Annual Performance Review  
and Evaluation submittal.
8. Summary of the status of implementation  
of recommendations formulated during  
audits, inspections, Root Cause Analyses,  
or Incident Investigations conducted by the  
Department (450-8.030(B)(2)(v)):  
Air Products and CCHS completed the  
formal (3 year) CalARP ISO audit in July  
2009 with follow up action items identified.  
After review of the action items, a response  
was provided to CCHS with identified  
completed items or a scheduled completion  
date. At this time 8 ensure actions items out  
of 14 have been completed or responded  
to. All action items are expected to be  
completed or responded to by February,  
2011. The 14 ensure action items are the  
total between Martinez- Shell and Matinez-  
Tesoro sites.
9. Summary of inherently safer systems  
implemented by the source including but  
not limited to inventory reduction (i.e.,  
intensification) and substitution (450-

8.030(B)(2)(vi)):

There were no planned shutdowns during this period for upgrades of the process. The use of casutic was eliminated in the boiler feed water treatment.

10. Summarize the enforcement actions (including Notice of Deficiencies, Audit Reports, and any actions turned over to the Contra Costa County District Attorney's Office) taken with the Stationary Source pursuant to Section 450-8.028 of County Ordinance 98-48 (450-8.030(B)(2)(vii)):

None

11. Summarize total penalties assessed as a result of enforcement of this Chapter (450-8.030(3)):

None

12. Summarize the total fees, service charges, and other assessments collected specifically for the support of the ISO (450-8.030(B)(4)):
- The total CalARP Program fees for the nine facilities subject to the Industrial Safety Ordinance was \$595,000. The total Industrial Safety Ordinance program fees for these nine facilities was - \$304,000. (NOTE: These fees include those for the County and City of Richmond ISO facilities)

13. Summarize total personnel and personnel years utilized by the jurisdiction to directly implement or administer this Chapter (450-8.030(B)(5)):

4400 hours were used to audit/inspect and issue reports on the Risk Management Chapter of the Industrial Safety Ordinance.

14. Copies of any comments received by the source (that may not have been received by the Department) regarding the effectiveness of the local program that raise public safety issues (450-8.030(B)(6)):

None

15. Summarize how this Chapter improves industrial safety at your stationary source (450-8.030(B)(7)):

Air Products is committed to the safer operation of our facilities and has implemented applicable requirements outlined in the ISO and CalARP regulations. Both the ISO and Human Factors programs are an integral part of our five year Operating Hazard Review revalidations and on-going management of change process. This has helped the site maintain a safety record of no recordable or Lost Time Injuries since the last plan submittal. There have been no incidents resulting in an offsite impact. The Chapter has helped reinforce the need to maintain and follow a structured safety program to help ensure the safety of our employees and the communities in which we operate

16. List examples of changes made at your stationary source due to implementation of the Industrial Safety Ordinance (e.g., recommendations from PHA's, Compliance Audits, and Incident Investigations in units not subject to CalARP regulations; recommendations from RCA's) that significantly decrease the severity or likelihood of accidental releases:
- Air Products has continued to refine the Tier IV site specific documents at the request of CCHS to clarify ISO requirements. The implementation of the ISO standards has resulted in improvement of our Standard Work Instruction Manuals contributing to our ongoing safe operation. Items from the audit identified improvement in our RMP documentation and in our Operating Hazards Review Process. In the coming year, we will complete a safety culture assessment and expect to identify areas of improvement in our safety process with the involvement of our employees.

17. Summarize the emergency response activities conducted at the source (e.g., CWS or TEN

activation) in response to major chemical accidents or releases:

There were no emergency response activities to this site since the previous Annual Performance Review and Evaluation submittal.

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## Annual Performance Review and Evaluation Submittal

June 01, 2010

\*Attach additional pages as necessary

1. Name and address of Stationary Source:  
Air Products  
Tract 1, Tesoro Refinery (Golden Eagle - Avon), Solano Way, Martinez, CA 94553
2. Contact name and telephone number (should CCHS have questions):  
Michael Cabral, (925) 372-9302
3. Summarize the status of the Stationary Source's Safety Plan and Program (450-8.030(B)(2)(i)):  
The stationary Source's Safety Plan is complete per the CCHS requirements and submitted to CCHS for review. The Program has been implemented as required.
4. Summarize Safety Plan updates (i.e., brief explanation of update and corresponding date) (450-8.030(B)(2)(ii)):  
6/01/10 – Reviewed Section 7 (–no updates needed). Updated Section 8 (Annual Performance Review and Evaluation Submittal). Minor updates for APCI Standard References general document, to include references to Safety Culture Assessment and expanded corporate audit note to include references to ISO and Human Factors programs

5. List of locations where Safety Plans are/will be available for review, including contact telephone numbers if the source will provide individuals with copies of the document (450-8.030(B)(2)(ii)):  
CCHS Office, 4333 Pacheco Boulevard, Martinez; Martinez Library (library closest to the stationary source); Air Products – See contact in #2, above.
- 

6. Provide any additions to the annual accident history reports (i.e. updates) submitted pursuant to Section 450-8.016(E)(2) of County Ordinance 98-48 (450-8.030(B)(2)(iii)) (i.e., provide information identified in Section 450-8.016(E)(1) for all major chemical accidents or releases occurring between the last annual performance review report and the current annual performance review and evaluation submittal (12-month history):  
None
- 

7. Summary of each Root Cause Analysis (Section 450-8.016(C)) including the status of the analysis and the status of implementation of recommendations formulated during the analysis (450-8.030(B)(2)(iv)):  
No events triggered this requirement since the previous Annual Performance Review and Evaluation submittal.
- 

8. Summary of the status of implementation of recommendations formulated during audits, inspections, Root Cause Analyses, or Incident Investigations conducted by the Department (450-8.030(B)(2)(v)):  
Air Products and CCHS completed the formal (3 year) CalARP ISO audit in July 2009 with follow up action items identified. After review of the action items, a response was provided to CCHS with identified completed items or a scheduled completion

date. At this time 8 ensure actions items out of 14 have been compelted or responded to. All action items are expected to be completed or responded to by February, 2011. The 14 ensure action items are total between Martinez- Shell and Martinez- Tesoro sites.

---

9. Summary of inherently safer systems implemented by the source including but not limited to inventory reduction (i.e., intensification) and substitution (450-8.030(B)(2)(vi)):  
Process control upgrades for the electrical and on-line control system were implemented in January 2010. This included the transferring of the safety critical controls and shutdowns from a hard wired/ relay based system to a solid state system. These upgrades improved overall system reliability and provide future flexibility and upgradeability to the critical safety system. The upgrades were implemented via the Management of Change process. Along with this upgrade, improvements to the HMI and controls to reduce human error were implemented. Thereby giving the operations team more convenient information regarding plant status, thus simplifying operations and providing for an inherently safer system.
- 

10. Summarize the enforcement actions (including Notice of Deficiencies, Audit Reports, and any actions turned over to the Contra Costa County District Attorney's Office) taken with the Stationary Source pursuant to Section 450-8.028 of County Ordinance 98-48 (450-8.030(B)(2)(vii)):  
None
- 

11. Summarize total penalties assessed as a result of enforcement of this Chapter (450-8.030(3)):  
None
- 

12. Summarize the total fees, service charges,

and other assessments collected specifically for the support of the ISO (450-8.030(B)(4)): The total CalARP Program fees for the nine facilities subject to the Industrial Safety Ordinance was \$595,000. The total Industrial Safety Ordinance program fees for these nine facilities was - \$304,000. (NOTE: These fees include those for the County and City of Richmond ISO facilities)

---

13. Summarize total personnel and personnel years utilized by the jurisdiction to directly implement or administer this Chapter (450-8.030(B)(5)):  
4400 hours were used to audit/inspect and issue reports on the Risk Management Chapter of the Industrial Safety Ordinance.
- 

14. Copies of any comments received by the source (that may not have been received by the Department) regarding the effectiveness of the local program that raise public safety issues (450-8.030(B)(6)):  
None
- 

15. Summarize how this Chapter improves industrial safety at your stationary source (450-8.030(B)(7)):

Air Products is committed to the safer operation of our facilities and has implemented applicable requirements outlined in the ISO and CalARP regulations. Both the ISO and Human Factors programs are an integral part of our five year Operating Hazard Review revalidations and on-going management of change process. This has helped the site maintain a safety record of no recordable or Lost Time Injuries since the last plan submittal. There have been no incidents resulting in an offsite impact. The Chapter has helped reinforce the need to maintain and follow a structured safety program to help ensure the safety of our

employees and the communities in which we operate

---

16. List examples of changes made at your stationary source due to implementation of the Industrial Safety Ordinance (e.g., recommendations from PHA's, Compliance Audits, and Incident Investigations in units not subject to CalARP regulations; recommendations from RCA's) that significantly decrease the severity or likelihood of accidental releases:  
Air Products has continued to refine the Tier IV site specific documents at the request of CCHS to clarify ISO requirements. The implementation of the ISO standards has resulted in improvement of our Standard Work Instruction Manuals contributing to our ongoing safe operation. Items from the audit identified improvement in our RMP documentation. In the coming year, we will complete a safety culture assessment and expect to identify areas of improvement in our safety process with the involvement of our employees.
- 

17. Summarize the emergency response activities conducted at the source (e.g., CWS or TEN activation) in response to major chemical accidents or releases:  
There were no emergency response activities to this site since the previous Annual Performance Review and Evaluation submittal.
- 

## Annual Performance Review and Evaluation Submittal

June 28, 2010

\*Attach additional pages as necessary

1. Name and address of Stationary Source:  
ConocoPhillips Rodeo Refinery, 1380 San Pablo Avenue, Rodeo, CA 94572
2. Contact name and telephone number

(should CCHS have questions):  
John Driscoll 510-245-4466

---

3. Summarize the status of the Stationary Source's Safety Plan and Program (450-8.030(B)(2)(i)):  
The Safety Plan was last revised in July 2009 per the required 3 year schedule.
4. Summarize Safety Plan updates (i.e., brief explanation of update and corresponding date) (450-8.030(B)(2)(ii)):  
The original Safety Plan for this facility was filed with Contra Costa Health Services on January 14, 2000. A revised plan was filed on April 7, 2000 with the updated recommendations requested by CCHS. A Human Factors Amendment was submitted on January 15, 2001. In conjunction with CCHSs required 2nd public meeting on our plan and audit findings, we submitted a complete revision of the plan to reflect the change in ownership of our facility and to update where needed. We took this opportunity to include Human Factors within the plan instead of having it as an amendment. On August 9, 2002 the plan was resubmitted. Public meetings for our plans were held on June 22, 2004 in Rodeo and July 8, 2004 in Crockett. As required the Plan was fully updated in August 2005 on the 3 year cycle. The Plan was reviewed by CCHS and was revised on July 28, 2006 with recommended changes. The next update is scheduled for July 2009.
5. List of locations where Safety Plans are/will be available for review, including contact telephone numbers if the source will provide individuals with copies of the document (450-8.030(B)(2)(ii)):  
CCHS Office, 4333 Pacheco Boulevard, Martinez; Rodeo Public Library; Crockett Public Library (libraries closest to the stationary source).



6. Provide any additions to the annual accident history reports (i.e. updates) submitted pursuant to Section 450-8.016(E)(2) of County Ordinance 98-48 (450-8.030(B)(2)(iii)) (i.e., provide information identified in Section 450-8.016(E)(1) for all major chemical accidents or releases occurring between the last annual performance review report and the current annual performance review and evaluation submittal (12-month history):  
There have been no major chemical accidents or releases during the current reporting year

7. Summary of each Root Cause Analysis (Section 450-8.016(C)) including the status of the analysis and the status of implementation of recommendations formulated during the analysis (450-8.030(B)(2)(iv)):  
None

8. Summary of the status of implementation of recommendations formulated during audits, inspections, Root Cause Analyses, or Incident Investigations conducted by the Department (450-8.030(B)(2)(v)):

The 2008 CalARP/ISO audit findings are in preliminary draft technical review status with CCHS

9. Summary of inherently safer systems implemented by the source including but not limited to inventory reduction (i.e., intensification) and substitution (450-8.030(B)(2)(vi)):

See Attachment 1

10. Summarize the enforcement actions (including Notice of Deficiencies, Audit Reports, and any actions turned over to the Contra Costa County District Attorney's Office) taken with the Stationary Source

pursuant to Section 450-8.028 of County Ordinance 98-48 (450-8.030(B)(2)(vii)):  
None

11. Summarize total penalties assessed as a result of enforcement of this Chapter (450-8.030(3)):

No penalties have been assessed against any facility.

12. Summarize the total fees, service charges, and other assessments collected specifically for the support of the ISO (450-8.030(B)(4)):  
CalARP Program fees for these eight facilities are - \$420,000, the Risk Management Chapter of the Industrial Safety Ordinance fees are - \$524,000.(NOTE: These fees include those for the County and City of Richmond ISO facilities)

13. Summarize total personnel and personnel years utilized by the jurisdiction to directly implement or administer this Chapter (450-8.030(B)(5)):

4400 hours were used to audit/inspect and issue reports on the Risk Management Chapter of the Industrial Safety Ordinance.

14. Copies of any comments received by the source (that may not have been received by the Department) regarding the effectiveness of the local program that raise public safety issues (450-8.030(B)(6)):

No comments have been received

15. Summarize how this Chapter improves industrial safety at your stationary source (450-8.030(B)(7)):

In conjunction with the ConocoPhillips Corporate Health Safety Environment

Management Systems the ISO is another tool  
in the continuation of improving health and  
safety performance

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16. List examples of changes made at your stationary source due to implementation of the Industrial Safety Ordinance (e.g., recommendations from PHA's, Compliance Audits, and Incident Investigations in units not subject to CalARP regulations; recommendations from RCA's) that significantly decrease the severity or likelihood of accidental releases:  
Units not covered by RMP, CalARP, and PSM are covered under the ISO and PHAs are scheduled and performed on all these units.  
A list of inherently safer systems as required by the ISO for PHA recommendations and new construction is attached
17. Summarize the emergency response activities conducted at the source (e.g., CWS or TEN activation) in response to major chemical accidents or releases:  
None have occurred since the last report

# Attachment 1

## July 2009 – June 2010 ISS improvements

Type	ISS category	Description
Project	Passive	New vessel with upgraded metallurgy
Project	Passive	Upgraded metallurgy in air coolers and piping
HEP Project	Passive	New valves with upgraded metallurgy
HEP Project	Passive	Upgraded metallurgy in reactors
HEP Project	Passive	Upgraded metallurgy of quench valves and piping
HEP Project	Passive	Installed control valves to prevent potential releases
HEP Project	Passive	Installed a vacuum fractionation tower to reduce operating temperatures and pressures.
HEP Project	Passive	Minimized volume of hot oil contained in the unit above flash point
HEP Project	Passive	Combined unit operations to reduce system volume
HEP Project	Passive	Installed fire proof coatings on EIV's
HEP Project	Passive	Installed EIV's fail closed to prevent potential hazardous situation
HEP Project	Passive	Installed steam drive pumps for better control to limit flaring
HEP Project	Passive	Installed new heat exchangers with upgraded pressure rating
HEP Project	Inherent	Eliminated tank to consolidate storage facilities.
HEP Project	Passive	Eliminated parallel water cooler to reduce potential leak points.
HEP Project	Passive	Upgraded metallurgy of reboiler tubes
Project	Passive	Upgraded metallurgy of the radiant tubes in heater
Project	Passive	Upgraded pump to better metallurgy
Project	Passive	Upgraded overhead exchanger to better metallurgy
Project	Passive	Upgraded metallurgy in the TV-205 stem
Project	Passive	Upgraded metallurgy in thermowells
Project	Passive	Upgraded metallurgy in exchanger
Project	Passive	Minimized releases by redesigning pump seal
Project	Passive	Upgraded metallurgy of bonnet on vacuum valve
Project	Passive	Cooling water added to IB bearing housing to prevent hazardous bearing failure
Project	Passive	Upgraded metallurgy of two exchangers
Project	Passive	Seismic retrofit of tank to prevent potential release
Project	Passive	Upgraded metallurgy of relief valve
Project	Passive	Improve current samples stations to mitigate potential H2S exposure
Project	Passive	Upgraded metallurgy of piping
Project	Passive	Upgraded metallurgy of piping
Project	Passive	Upgraded metallurgy of piping
Project	Passive	Upgraded metallurgy of piping




 <p><b>CONTRA COSTA HEALTH SERVICES</b> HAZARDOUS MATERIALS PROGRAMS</p>	Title: <b>INDUSTRIAL SAFETY ORDINANCE ANNUAL PERFORMANCE REVIEW AND EVALUATION</b>		
	Document No.:	Date Effective:	Page: 1 of 2
<b>Policy</b>	Document Owner:	Approved By:	Revision No.: <b>1</b>

### Annual Performance Review and Evaluation Submittal

June 30, 2010

\*Attach additional pages as necessary

1. Name and address of Stationary Source: General Chemical Bay Point Works, 501 Nichols Road, Bay Point, California 94565
2. Contact name and telephone number (should CCHS have questions): Jim Craig, 925-458-7363
3. Summarize the status of the Stationary Source's Safety Plan and Program (450-8.030(B)(2)(i)): General Chemical – BPW Safety Plan and Program are currently in place. The Safety Plan and program are reviewed regularly for improvement opportunities
4. Summarize Safety Plan updates (i.e., brief explanation of update and corresponding date) (450-8.030(B)(2)(ii)): Changes to the plan included minor updates on the organization chart and on references to the location of emergency contact information; effective date: March 31, 2010.
5. List of locations where Safety Plans are/will be available for review, including contact telephone numbers if the source will provide individuals with copies of the document (450-8.030(B)(2)(ii)): CCHS Office, 4585 Pacheco Blvd. Suite 100, Martinez, CA 94553; Bay Point Library (library closest to the stationary source).
6. Provide any additions to the annual accident history reports (i.e. updates) submitted pursuant to Section 450-8.016(E)(2) of County Ordinance 98-48 (450-8.030(B)(2)(iii)) (i.e., provide information identified in Section 450-8.016(E)(1) for all major chemical accidents or releases occurring between the last annual performance review report and the current annual performance review and evaluation submittal (12-month history): There have been no major chemical accidents or releases at Bay Point Works between the last and the current annual performance review and evaluation submittal
7. Summary of each Root Cause Analysis (Section 450-8.016(C)) including the status of the analysis and the status of implementation of recommendations formulated during the analysis (450-8.030(B)(2)(iv)): There has been no root cause analysis for major chemical accident or release performed during this period
8. Summary of the status of implementation of recommendations formulated during audits, inspections, Root Cause Analyses, or Incident Investigations conducted by the Department (450-8.030(B)(2)(v)): An audit was conducted in January 2008, resulting in 76 recommendations. General Chemical has addressed 95% of those recommendations and is currently working to resolve the rest.
9. Summary of inherently safer systems implemented by the source including but not limited to inventory reduction (i.e., intensification) and substitution (450-8.030(B)(2)(vi)): BPW replaced a glass distillation column with PTFE lined stainless steel.
10. Summarize the enforcement actions (including Notice of Deficiencies, Audit Reports, and any actions turned over to the *Contra Costa County District Attorney's Office*) taken with the Stationary Source pursuant to Section 450-8.028 of County Ordinance 98-48 (450-8.030(B)(2)(vii)): None
11. Summarize total penalties assessed as a result of enforcement of this Chapter (450-8.030(3)): None
12. Summarize the total fees, service charges, and other assessments collected specifically for the support of the ISO (450-8.030(B)(4)): CalARP Program fees are - \$594,823 and the Risk Management Chapter of the

 <p><b>CONTRA COSTA HEALTH SERVICES</b> HAZARDOUS MATERIALS PROGRAMS</p>	Title: <b>INDUSTRIAL SAFETY ORDINANCE ANNUAL PERFORMANCE REVIEW AND EVALUATION</b>		
	Document No.:	Date Effective:	Page: 2 of 2
<b>Policy</b>	Document Owner:	Approved By:	Revision No.: <b>1</b>

Industrial Safety Ordinance fees are - \$304, 033. These numbers include the fees for both the County and City of Richmond facilities.

13. Summarize total personnel and personnel years utilized by the jurisdiction to directly implement or administer this Chapter (450-8.030(B)(5)): 4400 hours were used to audit/inspect and issue reports on the Risk Management Chapter of the Industrial Safety Ordinance.
14. Copies of any comments received by the source (that may not have been received by the Department) regarding the effectiveness of the local program that raise public safety issues (450-8.030(B)(6)): The Facility has not received any comments (that may not have been received by the Department) regarding the effectiveness of the local program.
15. Summarize how this Chapter improves industrial safety at your stationary source (450-8.030(B)(7)): This chapter helps the facility prevent chemical accidents and minimize the potential risks and exposure to employees, community and the environment .
16. List examples of changes made at your stationary source due to implementation of the Industrial Safety Ordinance (e.g., recommendations from PHA's, Compliance Audits, and Incident Investigations in units not subject to CalARP regulations; recommendations from RCA's) that significantly decrease the severity or likelihood of accidental releases: The facility has conducted PHAs on all units including those that are not subject to CalARP regulations. The facility has implemented many recommendations from these PHAs. The plant has also provided more internal and external safety training for employees. Additionally, BPW has made and continues to make many changes to procedures in order to take full advantage of programs such as human factors.
17. Summarize the emergency response activities conducted at the source (e.g., CWS or TEN activation) in response to major chemical accidents or releases: There have been no emergency response activities in response to major chemical accidents or releases during the period.



# Annual Performance Review and Evaluation Submittal

June 30, 2010

\*Attach additional pages as necessary

1. Name and address of Stationary Source:  
Shell Oil Products U.S. Martinez Refinery  
3485 Pacheco Blvd., Martinez, CA  
94553
2. Contact name and telephone number  
(should CCHS have questions):  
Ken Axe; 925-313-5371
3. Summarize the status of the Stationary  
Source's Safety Plan and Program  
(450-8.030(B)(2)(i)): SMR's Safety Plan  
was last updated in September 2007,  
incorporating updates addressing findings  
from the October/November 2006 CalARP/  
ISO audit. SMR's Safety Program is being  
implemented. SMR's Safety Program was  
most recently reviewed by CCHS during  
the CalARP/ISO audit conducted in May  
2009.
4. Summarize Safety Plan updates (i.e., brief  
explanation of update and corresponding  
date)  
(450-8.030(B)(2)(ii)): SMR's Safety Plan  
was last updated in September 2007,  
incorporating updates addressing findings  
from the October/November 2006 CalARP/  
ISO audit. SMR's Safety Plan is next due  
for update in September 2010. This update  
will address findings from the May 2009  
CalARP/ISO audit.
5. List of locations where Safety Plans are/will  
be available for review, including contact  
telephone numbers if the source will provide  
individuals with copies of the document  
(450-8.030(B)(2)(ii)):  
CCHS Office at 4585 Pacheco Boulevard,  
Suite 100, Martinez; Martinez Public  
Library (library closest to the stationary
6. Provide any additions to the annual accident  
history reports (i.e. updates) submitted  
pursuant to Section 450-8.016(E)(2) of  
County Ordinance 98-48 (450-8.030(B)(2)  
(iii)) (i.e., provide information identified  
in Section 450-8.016(E)(1) for all major  
chemical accidents or releases occurring  
between the last annual performance review  
report and the current annual performance  
review and evaluation submittal (12-month  
history)):  
There were no MCAR's in the current  
reporting period (July 1, 2009 to June 30,  
2010), and therefore no updates to the  
Accident History.
7. Summary of each Root Cause Analysis  
(Section 450-8.016(C)) including the status of  
the analysis and the status of implementation  
of recommendations formulated during the  
analysis (450-8.030(B)(2)(iv)):  
There were no MCAR's in the current  
reporting period (July 1, 2009 to June 30,  
2010), and therefore no RCA's were required.
8. Summary of the status of implementation of  
recommendations formulated during audits,  
inspections, Root Cause Analyses, or Incident  
Investigations conducted by the Department  
(450-8.030(B)(2)(v)):  
38 of 60 action items arising from the May  
2009 CalARP/ISO Audit have been closed.  
(Closure to date was validated during an  
unannounced inspection on May 7, 2010.)  
There have been no RCA's or Incident  
Investigations conducted by the Department.
9. Summary of inherently safer systems  
implemented by the source including but  
not limited to inventory reduction (i.e.,  
intensification) and substitution (450-  
8.030(B)(2)(vi)):  
See Attachment 1, Table 1.
10. Summarize the enforcement actions  
(including Notice of Deficiencies, Audit  
Reports, and any actions turned over to the

source).

Contra Costa County District Attorney's Office) taken with the Stationary Source pursuant to Section 450-8.028 of County Ordinance 98-48 (450-8.030(B)(2)(vii)): There were no enforcement actions during this period.

---

11. Summarize total penalties assessed as a result of enforcement of this Chapter (450-8.030(3)):

No penalties have been assessed against this facility.

---

12. Summarize the total fees, service charges, and other assessments collected specifically for the support of the ISO (450-8.030(B)(4)):

The total CalARP Program fees for the nine facilities subject to the Industrial Safety Ordinance was \$595,000. The total Industrial Safety Ordinance program fees for these nine facilities was - \$304,000. (NOTE: These fees include those for the County and City of Richmond ISO facilities)

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13. Summarize total personnel and personnel years utilized by the jurisdiction to directly implement or administer this Chapter (450-8.030(B)(5)):

4400 hours were used to audit/inspect and issue reports on the Risk Management Chapter of the Industrial Safety Ordinance.

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14. Copies of any comments received by the source (that may not have been received by the Department) regarding the effectiveness of the local program that raise public safety issues(450-8.030(B)(6)):

None received.

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15. Summarize how this Chapter improves industrial safety at your stationary source (450-8.030(B)(7)):

SMR has integrated requirements of the Industrial Safety Ordinance into our Health, Safety, and Environment Management

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System; in the context of our HSE MS, the ISO requirements help drive continual improvement in our HSE performance.

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16. List examples of changes made at your stationary source due to implementation of the Industrial Safety Ordinance (e.g., recommendations from PHA's, Compliance Audits, and Incident Investigations in units not subject to CalARP regulations; recommendations from RCA's) that significantly decrease the severity or likelihood of accidental releases:

See Attachment 1, Table 2.

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17. Summarize the emergency response activities conducted at the source (e.g., CWS or TEN activation) in response to major chemical accidents or releases:

There were no MCAR's in the current reporting period (July 1, 2009 to June 30, 2010).

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# Attachment 1

**Table 1. Summary of Implemented ISS**

ISS Item Number	ISS Type	Source / Study	Description
M20081564-001	Inherent / Substitute	RCA	Replaced SRU-3 Catalytic Oxidizer with a Thermal Oxidizer. Thermal Oxidizer is not subject to accumulation of condensed sulfur that could be subsequently oxidized resulting in offsite SO <sub>2</sub> pluming.
R2009094-001	Passive/ Moderate	ISS Existing Analysis	ISS Review Question III.A.: “Is it possible to limit the supply pressure of raw materials to less than the maximum allowable working pressure of the vessels they are delivered to?” Reviewed pressure drop in butane unloading piping and pump discharge pressure, and installed lower head pump.
M2007435-001	Active/ Simplify	Project	Installed a steam control valve and temperature control loops on asphalt slop tanks. Former temperature control on these tanks was procedural: opening a manual steam valve and monitoring a local dial temperature probe. Reduces risk of overheating the tanks.
M20083147-001	Passive/ Minimize	Project	Corrected dead leg pipe arrangement downstream of heat exchanger tube side. Also installed block valves on tube inlet and tube outlet, which allows exchanger to be isolated with less exposure during maintenance.
M20091316-001	Passive/ Minimize	Project	Modified piping to compressor sour seal oil pots to eliminate dead legs, and to eliminate flow to process sewer.
M20093619-001	Passive/ Minimize	Project	Removed 2” caustic wash-out line on Alky reactor. This line is no longer used for de-inventorying and caustic washing due to new procedures that have been developed to more effectively chemically wash the reactor.

# Attachment 1

**Table 2. ISO-only Recommendations Implemented (not required by CalARP)**

ISS Item Number	ISS Type	Source /Study	Description
M20081564-001	Inherent / Substitute	RCA	Replaced SRU-3 Catalytic Oxidizer with a Thermal Oxidizer. Thermal Oxidizer is not subject to accumulation of condensed sulfur that could be subsequently oxidized resulting in offsite SO2 pluming.
R2009094-001	Passive/ Moderate	ISS Existing Analysis	ISS Review Question III.A.: "Is it possible to limit the supply pressure of raw materials to less than the maximum allowable working pressure of the vessels they are delivered to?" Reviewed pressure drop in butane unloading piping and pump discharge pressure, and installed lower head pump.
M2007435-001	Active/ Simplify	Project	Installed a steam control valve and temperature control loops on asphalt slop tanks. Former temperature control on these tanks was procedural: opening a manual steam valve and monitoring a local dial temperature probe. Reduces risk of overheating the tanks.
M20083147-001	Passive/ Minimize	Project	Corrected dead leg pipe arrangement downstream of heat exchanger tube side. Also installed block valves on tube inlet and tube outlet, which allows exchanger to be isolated with less exposure during maintenance.
M20091316-001	Passive/ Minimize	Project	Modified piping to compressor sour seal oil pots to eliminate dead legs, and to eliminate flow to process sewer.
M20093619-001	Passive/ Minimize	Project	Removed 2" caustic wash-out line on Alky reactor. This line is no longer used for de-inventorying and caustic washing due to new procedures that have been developed to more effectively chemically wash the reactor.

# Annual Performance Review and Evaluation Submittal

June 30, 2010

\*Attach additional pages as necessary

1. Name and address of Stationary Source:  
Tesoro Golden Eagle Refinery  
150 Solano Way, Martinez, CA 94553
2. Contact name and telephone number  
(should CCHS have questions):  
Claire Spencer at (925) 370-3274 or Sabiha  
Gokcen at (925) 370-3620.
3. Summarize the status of the Stationary  
Source's Safety Plan and Program (450-  
8.030(B)(2)(i)):  
An updated Safety Plan was submitted to  
Contra Costa Health Services on December  
10, 2009. Contra Costa Health Services has  
completed four audits of the safety programs.  
The first audit was in September, 2000 on the  
safety programs. The second audit was in  
December, 2001 and focused on Inherently  
Safer Systems and Human Factors. An  
unannounced inspection occurred in March,  
2003. CalARP/ISO audits were conducted  
in August, 2003, November-December, 2005  
and most recently August-October, 2008. All  
safety program elements required by the ISO  
have been developed and are implemented.
4. Summarize Safety Plan updates (i.e., brief  
explanation of update and corresponding  
date) (450-8.030(B)(2)(ii)):  
The original Safety Plan for this facility was  
filed with Contra Costa Health Services  
on January 14, 2000. An amended plan,  
updated to reflect CCHS recommendations  
and ownership change, was filed on  
November 30, 2000. A Human Factors  
Amendment was submitted on January  
15, 2001. A Power Disruption Plan was  
submitted, per Board of Supervisor request,  
on June 1, 2001. An amended Safety Plan,  
updated to reflect ownership change was

submitted on June 17, 2002.

The Safety Plan for this facility will be  
updated whenever changes at the facility  
warrant an update or every three years from  
June 17, 2002. In addition, the accident  
history along with other information is  
updated every year on June 30. Most  
recently, updated Safety Plan was submitted  
to Contra Costa Health Services on  
December 10, 2009.

5. List of locations where Safety Plans are/will  
be available for review, including contact  
telephone numbers if the source will provide  
individuals with copies of the document  
(450-8.030(B)(2)(ii)):  
CCHS Office, 4585 Pacheco Boulevard,  
Martinez library
6. Provide any additions to the annual accident  
history reports (i.e. updates) submitted  
pursuant to Section 450-8.016(E)(2) of  
County Ordinance 98-48 (450-8.030(B)(2)  
(iii)) (i.e., provide information identified  
in Section 450-8.016(E)(1) for all major  
chemical accidents or releases occurring  
between the last accident history report  
submittal (January 15) and the annual  
performance review and evaluation submittal  
(June 30)):  
There have been no accidents meeting the  
major chemical accident or release criteria  
during this reporting period.
7. Summary of each Root Cause Analysis  
(Section 450-8.016(C)) including the  
status of the analysis and the status of  
implementation of recommendations  
formulated during the analysis (450-8.030(B)  
(2)(iv)):

Status of Root Cause Analysis  
Recommendations: All investigation  
recommendations from root cause analyses  
submitted to CCHS are closed except as  
noted below.

For the March 24, 2006 #2HDS fire investigation, one recommendation remains open. It is a long-term recommendation updating the P&IDs to include metallurgy on the P&IDs.

8. Summary of the status of implementation of recommendations formulated during audits, inspections, Root Cause Analyses, or Incident Investigations conducted by the Department (450-8.030(B)(2)(v)):

“CCHS Information”: CCHS completed an audit on September 15, 2000, December, 2001, August, 2003, November/December, 2005 and August-October, 2008. There are no RCA or Incident Investigations that have been conducted by the Department.

Facility status of audit recommendations: All recommendations from CCHS audits prior to 2008 are closed. For the 2008 audit, there are 73 recommendations total in the audit. 56 of those recommendations are closed, which is 77% of the recommendations. The remaining recommendations are on target according to a response submitted to CCHS on 5/4/09. Please refer to that submittal.

9. Summary of inherently safer systems implemented by the source including but not limited to inventory reduction (i.e., intensification) and substitution (450-8.030(B)(2)(vi)):

Golden Eagle is submitting a list of the Inherently Safer Systems (ISS) that meet the criteria for Inherent or Passive levels only and that were completed within the last year (see attached).

10. Summarize the enforcement actions (including Notice of Deficiencies, Audit Reports, and any actions turned over to the Contra Costa County District Attorney's Office) taken with the Stationary Source

pursuant to Section 450-8.028 of County Ordinance 98-48 (450-8.030(B)(2)(vii)):

“CCHS Information”: none

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11. Summarize total penalties assessed as a result of enforcement of this Chapter (450-8.030(3)):

“CCHS Information”: No penalties have been assessed against any facility.

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12. Summarize the total fees, service charges, and other assessments collected specifically for the support of the ISO (450-8.030(B)(4)):

“CCHS Information”: CalARP program fees for these eight facilities are \$420,408.42. The Risk Management Chapter of the Industrial Safety Ordinance fees are \$524,243.94.

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13. Summarize total personnel and personnel years utilized by the jurisdiction to directly implement or administer this Chapter (450-8.030(B)(5)):

“CCHS Information”: 4400 hours were used to audit/inspect and issue reports on the Risk Management Chapter of the Industrial Safety Ordinance.

---

14. Copies of any comments received by the source (that may not have been received by the Department) regarding the effectiveness of the local program that raise public safety issues (450-8.030(B)(6)):

This facility has not received any comments to date regarding the effectiveness of the local program.

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15. Summarize how this Chapter improves industrial safety at your stationary source (450-8.030(B)(7)):  
Chapter 450-8 improves industrial safety by expanding the safety programs to all units in the refinery. In addition, the timeframe is shorter to implement recommendations generated from the Process Hazard



Analysis (PHA) safety program than state or federal law. This has resulted in a faster implementation of these recommendations.

Chapter 450-8 also includes requirements for inherently safer systems as part of implementing PHA recommendations and new construction. This facility has developed an aggressive approach to implementing inherently safer systems in these areas.

Chapter 450-8 has requirements to perform root cause analyses on any major chemical accidents or releases (MCAR). This facility has applied that rigorous methodology to investigate any MCARs that have occurred since January, 1999.

Chapter 450-8 requires a human factors program. This facility has developed a comprehensive human factors program and is in the process of implementing the program.

16. List examples of changes made at your stationary source due to implementation of the Industrial Safety Ordinance (e.g., recommendations from PHA's, Compliance Audits, and Incident Investigations in units not subject to CalARP regulations; recommendations from RCAs) that significantly decrease the severity or likelihood of accidental releases.

This question was broadly answered under question 15 above. Some examples of changes that have been made due to implementation of the ordinance are as follows. There are some units that were not covered by RMP, CalARP or PSM. Those units are now subject to the same safety programs as the units covered by RMP, CalARP and PSM. They have had PHAs performed on them according to the timeline specified in the ISO and the PHA recommendations have been resolved on the timeline specified in the ISO. A list

of inherently safer systems as required by the ISO for PHA recommendations and new construction is attached to this filing as mentioned in the response to question 9. With respect to Compliance Audits, there was a compliance audit performed in April, 2009 in addition to the CCHS audits mentioned above. All audit findings are being actively resolved. Root Cause Analysis findings and recommendations for MCARs are listed in the response under question 6.

17. Summarize the emergency response activities conducted at the source (e.g., CWS or CAN activation) in response to major chemical accidents or releases:  
Please refer to #6 which has the CWS classifications for the major chemical accidents and releases as well as any information regarding emergency responses by agency personnel.

Item Identifier	Implementation Category	Risk Reduction Category	Risk Reduction Strategy–Description
PTS 11806, 11916, 11730	Project	Inherent	Simplify – Eliminated three atmospheric blowdown towers and routed process streams to a safer location.
A007-2005-702	PHA	Inherent	Simplify – Eliminated a vessel and routed associated process stream to a safer location.
A014-054-S	Project	Passive	Minimize – Use smaller quantities of hazardous materials when the use of material could not be avoided.
A016-2001-380	PHA	Inherent	Simplify – Decommissioned and demolished a hazardous materials system.
A016-2001-400	PHA	Passive	Simplify – Relocated equipment to enhance ergonomic access.
A067-2003-ISS-50	PHA	Passive	Simplify – Used alternate design features to reduce the frequency of the hazard.
A068-2004-550	PHA	Passive	Simplify – Used alternate design features to reduce the frequency of the hazard.
A068-2004-551	PHA	Passive	Simplify – Used alternate design features to reduce the frequency of the hazard.
A068-2004-ISS-14	PHA	Passive	Simplify – Used alternate design features to reduce the frequency of the hazard.
A069-2004-132	PHA	Passive	Simplify – Used alternate design features to reduce the frequency of the hazard.
A069-2004-145	PHA	Passive	Simplify – Used alternate design features to reduce the frequency of the hazard.
A069-2004-297	PHA	Passive	Simplify – Used alternate design features to reduce the frequency of the hazard.
A075-2007-004	PHA	Passive	Simplify – Used alternate design features to reduce the frequency of the hazard.
PTS 11872	Project	Passive	Simplify – Used alternate design features to reduce the frequency of the hazard.
PTS11942	Project	Inherent	Simplify – Decommissioned and demolished a hazardous materials system.
PTS 11887	Project	Passive	Simplify – Used alternate design features to reduce the frequency of the hazard.
PTS 11891	Project	Passive	Simplify – Used alternate design features to reduce the frequency of the hazard.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Accept Hazardous Materials Commission Reports

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**RECOMMENDATION(S):**

ACCEPT the report from the Contra Costa County Hazardous Materials Commission entitled, "Brownfields and Contaminated Sites Clean-up Policy in Contra Costa County, Recommendations for Improvement" and

DIRECT Contra Costa Health Services to collaborate with the Department of Conservation and Development to implement the recommendations contain in the "Brownfield and Contaminated Sites Clean-up Policy in Contra Costa County" and

ACCEPT the report from the Contra Costa County Hazardous Materials Commission entitled, "Household Hazardous Waste Management in Contra Costa County, Recommendations for Improvement"

**FISCAL IMPACT:**

None.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

---

Action of Board On: **01/25/2011**



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

Karen Mitchoff, District IV  
Supervisor

Federal D. Glover, District V  
Supervisor

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

ATTESTED: January 25, 2011

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

By: , Deputy

Contact: Michael Kent, 313-6587

cc: Tasha Scott, Barbara Borbon, Micheal Kent

## BACKGROUND:

The Contra Costa County Hazardous Materials Commission was established in 1986 by the Board of Supervisors to address the management of hazardous materials and hazardous waste within the County. One of the charges of the Commission is to further develop recommendations involving hazardous materials and hazardous waste beyond issues specifically identified in their bylaws. In 2007, the Commission identified Household Hazardous Waste management and Brownfield and contaminated site management as issues they wanted to investigate to determine if there were policy recommendations they could make to the Board of Supervisors to improve the management of these hazardous wastes.

## BROWNFIELD REPORT:

The Commission received 6 presentations from subject matter experts, conducted a survey of the jurisdictions within the County, conducted 4 detailed site histories and conducted additional background research to develop the recommendations contained in the Brownfield report. These recommendations request the Board of Supervisors to request the California Department of Toxic Substances Control and the State Water Resources Control Board to make improvements to their websites containing information about Brownfield and contaminated sites, and to request the Board of Supervisors to direct County staff to make improvements to their own databases that would make them more useful to the general public.

These recommendations are summarized below:

1. The Board of Supervisors should direct the County's Hazardous Materials Program to develop a complete, centralized, publicly accessible database of all contaminated and potentially contaminated sites in the County based on data available from the California Department of Toxic Substances Control, the State Water Resources Control Board and County databases.
2. The Board of Supervisors should recommend to the California Department of Toxic Substances Control and the State Water Resources Control Board that their contaminated site databases highlight when monitoring reports and five-year reviews of sites are due. The Board of Supervisors should direct the County's Hazardous Materials Program to develop a system to track the implementation of the long-term monitoring and site-review requirements for County sites that have such requirements in their final remedial action plans if they are highlighted on these databases, and follow up as appropriate when they discover sites are overdue for review.
3. The Board of Supervisors should direct the County's Hazardous Materials Programs and Department of Conservation and Development to work together to identify contaminated sites within Urban Limit Lines in the County to aid in SB 375 planning.
4. The Board of Supervisors should continue to direct appropriate County Departments to seek grants to identify, investigate and remediate potentially contaminated sites within Contra Costa County. They should direct appropriate County Departments to work with local jurisdictions, special districts and private developers within Contra Costa County to apply for these grants where applicable.

The Hazardous Materials Commission has consulted with Contra Costa Health Services and James Kennedy of the Department of Conservation and Development on the Brownfield report. Contra Costa Health Services is fully prepared to implement the report's recommendations if the Department of Toxic Substances Control takes the steps recommended by the report. The Hazardous Materials Commission incorporated substantive comments from the Department of Conservation and Development into the recommendations of the report.

## HOUSEHOLD HAZARDOUS WASTE REPORT:

The Commission conducted an informational survey of the general public and two public workshops, received 6 presentations from subject matter experts, and conducted additional background research to develop the recommendations contained in the Household Hazardous Waste report. The goal of these recommendations is to reduce the amount of household hazardous waste stored in homes, and the illegal and potentially dangerous disposal of these wastes in waterways, on the ground, and in the garbage.

The Commission recognizes that the Board of Supervisors does not have direct authority over the management of household hazardous wastes in Contra Costa County. The Commission has made some of these recommendations in the hopes that the Board of Supervisors can encourage the implementation of these actions by other County Special Districts that directly oversee the management of Household Hazardous Wastes, or as individual members of County Special Districts that directly oversee the management of Household Hazardous Wastes.

These recommendations are summarized below:

1. Establish and support more opportunities for door-to-door collection of HHW for older and disabled residents, and for residents that do not have their own means of transportation. This may require supporting changes to current laws and regulations governing the management of HHW.
2. Conduct more one-day collection events in areas where there are high numbers of residents that do not have vehicles, and design these events so they can accept materials brought in on foot. This may require supporting changes to current laws and regulations governing the management of HHW. Also, increase one-day events in areas of the County farthest away from the permanent facilities.
3. Provide more resources to increasing public awareness of the permanent HHW facilities and other collection services to increase participation rates. This outreach should be universally done in English and Spanish, and other languages where appropriate.
4. Provide more support to existing programs that educate residents to generate less HHW by purchasing non-toxic products and by only purchasing the amount they need.
5. Encourage manufacturers to make non-toxic or less toxic alternatives to products that become HHW, promote green chemistry concepts and encourage County purchasing policies that create less hazardous waste. This recommendation is consistent with the recently adopted Board Resolution No. 2010/225 supporting the concept of Extended Producer Responsibility.
6. Establish and support programs to enable the collection of controlled substances and boat flares. This could include point-of-sale collection opportunities or point-of-sale educational information about where to dispose of these materials properly. Support changes in legislation or additional sources of funding that may be needed to enable this to occur.
7. Support increasing the number of public or private collection options for Universal Wastes such as household batteries, fluorescent tubes, mercury thermometers and many electronic devices throughout the County.
8. Support the creation of policies that would allow for the collection and transportation of HHW, and the use of HHW facilities, by entities not charging a fee for such services. This may require supporting changes to current laws and regulations governing the management of HHW.

CONSEQUENCE OF NEGATIVE ACTION:

Not applicable.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

G:\C&G DIRECTORY\NON CONTRACTS\HMC brownfield final report 9,17,10.doc

G:\C&G DIRECTORY\NON CONTRACTS\HMC HHW final report, 9,17,10.doc

G:\C&G DIRECTORY\NON CONTRACTS\hmc\_community\_survey\_032008.pdf

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Brownfields and Contaminated Sites Cleanup Policy in Contra Costa County  
Recommendations for Improvement

Contra Costa County Hazardous Materials Commission

September, 2010

## **Introduction**

Contra Costa County's extensive industrial and commercial history has provided many benefits to the County, but it has come with costs as well. One of these costs is that many of these sites have been contaminated with toxic chemicals. Approximately 1300 sites in the County have been identified that have been, or could potentially be, contaminated with toxic chemicals. Approximately 485 of these sites are still currently identified as contaminated or potentially contaminated, and are in the process of being cleaned up or are potentially in need of some level of cleanup. The rest have either been cleaned up or were found not to have been contaminated. Contaminated sites range in size and complexity from gas stations with a single leaking underground tank of gasoline, up to large industrial chemical manufacturing sites covering many acres contaminated with numerous chemicals from many different sources. These sites, if not cleaned up under current regulatory requirements, could pose potential significant threats to human health and the environment.

Cleaning up these sites can be costly and complicated, and a complex regulatory system has been developed to oversee the process and, in some cases, directly pay for and manage site cleanups. Some sites are still owned and operated by the company that caused the contamination, and these owners are taking responsibility for the cleanup process. Some sites are being cleaned up by the current owner, a developer or government agency, with the costs being born by the previous owners or operators responsible for the contamination. Other sites are inactive or the current occupants are not engaging in practices that are currently causing contamination. Often, the contamination at these last types of sites was caused by previous owners or tenants, sometimes many years ago. These types of sites are referred to as Brownfields, commonly defined as properties that are contaminated, or thought to be contaminated, and are underutilized due to perceived remediation costs and liability concerns.

In the summer of 2006, the Contra Costa Hazardous Materials Commission began an assessment of the status of Brownfields and other contaminated sites in the County. The purpose of this assessment was to determine if policy recommendations to the Board of Supervisors were warranted that could help improve the identification and cleanup of Brownfield sites in the County. The Commission conducted this assessment by receiving presentations from local experts in the field on specific related topics, conducting case histories of selected sites in the County and surveys of local jurisdictions, and reviewing regulatory agency websites containing site-specific information.

## **Background**

The Commission received six presentations by local experts on Brownfield and contaminated site cleanup to better understand the policy issues and programs involved in the process. The presenters, their affiliation and the topics of their presentations are as follows:

- Jennifer Hernandez, Holland and Knight Law Firm: The use of the Polanco Act Redevelopment Agencies in Brownfield redevelopment.
- Jim Kennedy, Contra Costa County Redevelopment Agency: Brownfield cleanup activities by the County's Redevelopment Agency.
- Leonard Robinson, California Department of Toxic Substances Control: Overview of California Department of Toxic Substances Control's Brownfield Remediation Program.



- Barbara Cook, California Department of Toxic Substances Control: Use of deed restrictions in Brownfield remediation.
- Randy Starbuck, Redevelopment Agency for the City of Pittsburg: The use of the Polanco Act by the City of Pittsburg Redevelopment Agency to initiate site cleanup.
- David Zarider, TRC Solutions: The role of the private sector in site cleanup.

In addition, the Commission conducted a survey of all the jurisdictions in the County to determine what steps they had taken to identify known and potential Brownfield and contaminated sites within their jurisdiction. The Commission also undertook a detailed review of four Brownfield sites located in the County to determine if their case histories could point to needed changes in Brownfield policy and approach. Finally, the Commission reviewed the regulatory databases that contained information about contaminated sites in Contra Costa County to identify needed changes in Brownfield policy or approach.

## **Findings**

### **I. Regulatory Structure**

Regulatory jurisdiction over Brownfield and contaminated site cleanup is shared amongst four agencies at the federal, state and local level – the United States Environmental Protection Agency, the California Department of Toxic Substances Control, the California State Water Resources Control Board and Contra Costa Health Services.

At the federal level, the United States Environmental Protection Agency has the primary responsibility over sites on the National Priority List, usually sites that pose the greatest risk to public health and the environment. There are only two sites in Contra Costa County where the United States Environmental Protection Agency is the lead regulatory agency – the former United Heckathorn site in Richmond, and the former Concord Naval Weapons Station in Concord.

At the state level, two agencies can be the lead regulatory agency for site cleanup, the Department of Toxic Substances Control (DTSC), and the State Water Resources Control Board (SWRCB), both of which are agencies within the California Environmental Protection Agency. The State Water Resources Control Board divides the state into Regional Boards, and Contra Costa County falls within the jurisdiction of two of these Boards – the San Francisco Bay Regional Water Quality Control Board and the Central Valley Regional Water Quality Control Board. The border between these two Regional Boards runs north/south just west of the City of Antioch. DTSC-led sites are handled through their Regional office in Berkeley, except for school sites that are handled through a special group based in Sacramento. A site designation process has been legislatively mandated that determines which of these agencies will be the lead state agency for any particular site. State law also contains provisions that allow local agencies to be the lead agency for cleanup sites. Contra Costa Health Services has not yet chosen to apply for lead agency status for site cleanups.

DTSC keeps information on the sites they oversee or manage on a publicly accessible database called Envirostor. This database contains records on 161 sites in Contra Costa County. Of these sites, 53 are listed as active (including the two EPA-led sites), 60 are listed as certified as completed, 26 are listed as inactive (meaning further evaluation or action is needed), and 22 have been referred to other agencies (either to the Regional Water Quality Control Boards, other departments of DTSC that manage the

clean-ups as part of the facility's hazardous waste permit, or local government). These sites are also classified by how the sites came into the regulatory system. Sites are either classified as corrective actions (40), Federal Superfund sites (4), having a hazardous waste permit (12), part of the school program (9), a state response (56), or a voluntary cleanup (40).

Sites on the Envirostor database in Contra Costa County are distributed throughout the County, mostly along the historic industrial waterfront corridor stretching from Richmond to Antioch. The most sites are in West County (81) with the highest number being in the City of Richmond (63). The next highest concentration of sites is in East County (55) with the largest number being in Pittsburg (24). The smallest concentration of sites is in Central County (25) with the largest number being in Martinez (15).

The State Water Resources Control Board keeps information on the sites they oversee or manage on a publicly accessible database called Geotracker. There are 1177 records of contaminated or potentially contaminated sites in Contra Costa County on Geotracker. Almost half of these sites, 723, are cleaned up and closed Leaking Underground Storage Tanks (LUST) sites, mostly gas stations. The remaining 454 sites are leaking underground storage tanks or other contaminated sites where cleanup is still occurring (113), more assessment is needed or is occurring (293), or where verification monitoring is occurring (48).

Sites on the Geotracker database are also distributed throughout the County, though more are in the less-industrialized cities along the I-680 corridor than is the case for the Envirostor database due to the inclusion in this database of gas station underground storage tanks. Central County has the most sites (785) with the largest number being in Concord (212). The next largest concentration of sites is in West County (507) with the largest number being in Richmond (299). The smallest concentration of sites is in East County (315) with the largest number being in Pittsburg (112).

## **II. Programs**

The Commission learned from the presentations by the guest speakers that a number of programs exist to encourage and facilitate contaminated sites and Brownfield cleanup. Leonard Robinson from DTSC explained that Prospective Purchaser Agreements to limit liability have been developed to enable cleanups to occur. They and EPA also offer various grants and loans to help characterize the extent of contamination on sites and to help pay for cleanups. The Regional Boards administer several new programs called the Orphan Site Cleanup Account and the Orphan Site Cleanup Fund that provide assistance to clean up Brownfields caused by leaking underground storage tanks. DTSC has entered into Voluntary Cleanup Agreements with responsible parties to speed cleanups. Other means of promoting speedy cleanups and limiting liability for entities that clean up sites are the issuance of "No Further Action" and "Comfort" letters, agreements between the Regional Boards to accept each other's cleanup plans, model oversight agreements, and immunity agreements to qualified innocent landowners. Other steps that have been taken to make the cleanup and reuse process work better are AB 2061, which designates lead agency status, and an MOU between DTSC and the Regional Boards which allows them to coordinate their response to a site cleanup.

Both Jennifer Hernandez from Holland and Knight and Randy Starbuck from the Pittsburg Redevelopment Agency spoke about how the Polanco Act was a useful tool for Redevelopment

Agencies to promote site cleanups. The Polanco Act allows local Redevelopment Agencies to: 1) demand information from site owners within redevelopment project areas, 2) require site owners to collect information, and 3) collect that information themselves. The Act also allows Redevelopment Agencies to conduct cleanup activities and provides cost recovery tools for Redevelopment Agencies for these activities. Redevelopment Agencies do not have to own the property to require these measures, and the law provides them some immunity from further requirements from other agencies. It is a very effective tool because if site owners are unable or unwilling to cooperate, Redevelopment Agencies can use eminent domain to acquire property and recover costs from the site owners. Mr. Starbuck gave three examples of how the Pittsburg Redevelopment Agency has used the Polanco Act to move cleanup forward on contaminated sites.

### **III. Efforts to Identify Sites in the County**

One of the activities conducted by the Commission was to determine to what extent jurisdictions in the County had assessed the number of potentially contaminated sites that existed within their boundaries. Each jurisdiction was contacted to determine if they had done any type of comprehensive survey of potential sites. Two jurisdictions had undertaken some effort in this regard. Otherwise, jurisdictions relied on potentially contaminated sites to be identified by property owners or other regulatory agencies.

In 2002 the US EPA partnered with the City of Richmond and Contra Costa County to prepare an inventory of potential Brownfield sites in North Richmond. This investigation resulted in an inventory of 14 potential sites. In 2002 the City of Oakley undertook a comprehensive study to identify the known and potential Brownfield sites within its jurisdiction. Their redevelopment agency received a \$200,000 grant from the Federal EPA to undertake this effort. They held three public meetings to let residents nominate potential sites for investigation. They identified 21 sites and conducted 21 Phase One investigations and one Phase Two investigation. Since their initial investigation they have found 10 more potential sites. After the initial identification phase, they used eminent domain to take over one site, and invoked the Polanco Act for their whole Redevelopment Project Area by resolution, about 1400 acres, which includes most of these Brownfield sites.

### **IV. Use of Deed Restrictions to Achieve Final Cleanup Status**

One of the key decisions that is made about a contaminated site is how clean it must be made. This determination takes into consideration the cost of cleanup vs. the remaining risks. Rarely, if ever, are sites cleaned up to original background levels. The primary driver of the decision as to how clean a site needs to be is the end use for which the site is intended. Different intended end uses have different cleanup standards, based on a consideration of who will be at the site, their potential for exposure, how long they will be at the site, and their vulnerability to harm. Generally, heavy industrial sites have the least stringent cleanup standards, light industry and commercial sites have the next most stringent cleanup standards, residential sites have the next most stringent cleanup standards, and school sites have the most stringent cleanup standards.

In certain cases, the oversight agency can approve cleanup plans that allow contamination to remain on site if the overall cleanup objectives for the site are met and restrictions are put on future uses of the site

to prevent exposure to, or release of, this contamination. These restrictions can limit the type of business or activity that can occupy the site as well as the type of specific actions that can occur, such as digging in certain areas. These restrictions are enforced by attaching a lien to the deed of the property that must be disclosed at sale or transfer of ownership, and followed by all future owners for as long as the restrictions remain in place. These restrictions can be removed if further cleanup is done at the site at a future date.

This type of deed restriction has been commonly used in cleanup plans for sites in Contra Costa County. A review of the databases for DTSC and SWRCB sites in the county indicates that 43 sites have been cleaned up, or are in the process of being cleaned up, with deed restrictions put in place because of contamination that has been allowed to remain on-site.

One observation made by the Commission about the use of this practice relates to the potential impact this could have on future land use planning and activities. Determinations as to the extent of cleanup needed on any particular site are primarily based on the site's current land use designation or, if identified by the owner or developer, designation of the intended immediate reuse. So if a site is currently zoned for industrial use, the cleanup goals are usually set assuming the future use will also be industrial.

However, the demographic and economic nature of Contra Costa County has been rapidly changing over the last 30 years. County population has been increasing dramatically, and industrial activity has been declining. Many former industrial areas have been converted to residential and commercial use, and many housing and commercial offices have been built on open space or agricultural areas near remaining industrial areas. This trend is projected to continue. Also, current efforts to address problems associated with urban sprawl and to curb global warming have promoted "smart growth" concepts that advocate infilling development into urban core areas where many Brownfield sites are located.

The practice of basing cleanup levels on current land use designations (usually industrial) instead of potential future land use designations (often commercial or residential), combined with allowing contaminated areas to remain on-site governed by deed restrictions, could shift the burden and cost of converting the use of these sites to future owners or jurisdictions, and away from the parties responsible for the contamination, if the responsible parties go bankrupt or flee responsibility after the original cleanup has occurred.

## **V. Case studies**

The Commission reviewed the status of four sites in detail to gain a better understand of potential policy issues that may exist.

### **Chemical and Pigment**

This site, located in Bay Point on the edge of the former Concord Naval Weapons Station, was abandoned by its owners in 1998. The owners left behind considerable surface and subsurface contamination from the manufacturing of agricultural products such as fertilizers and soil amendments, including heavy metals and benzene. In 2002, DTSC took emergency actions to remove contaminants from the surface of the site and to secure fencing around the site. DTSC also issued an order to the

company and other potentially responsible parties that allows DTSC to oversee the investigation and cleanup of the site. In 2003, a stormwater treatment system was installed that is still pumping and treating contaminated surface water, and work began to remove all surface buildings and equipment. DTSC began a Remedial Investigation in 2004 to fully characterize the site and to ultimately be able to develop a cleanup plan for the site. The Remedial Investigation was completed in 2008 and the draft cleanup plan for the site is scheduled to be completed and submitted to DTSC in 2010. The last community fact sheet was published in July 2008, and the next one is scheduled to be published in 2010.

This site was first brought to the attention of the Commission by one of the Commissioners who received complaints from community members that children were riding their bikes through the unsecured site. Barbara Cook, DTSC cleanup program branch chief, spoke to the Commission about the site in May 2008 and affirmed her agency's commitment to finishing the cleanup of the site. She indicated that the site will most likely remain zoned industrial and will probably require a deed restriction when the cleanup is complete.

### Reichelt

This 3.3 acre site located along the northern side of West Gertrude Avenue, west of the Richmond Parkway in Richmond, was an auto dismantling and parts storage facility until 2001. DTSC investigated the site as early as 1997 and found evidence of contamination, and concluded that further investigation was warranted. The original property owner died in 2001 and DTSC issued an order to the new property owner in 2002 to investigate the extent of the contamination, and develop and implement a cleanup plan. That property owner removed the vehicles, debris, junk piles and numerous tires from the property. The remedial investigation was completed in 2007 and found the site contaminated with elevated levels of petroleum hydrocarbons, metals, and volatile organic compounds.

DTSC initially proposed to leave the site "as is" for development as a trucking facility, and to develop a land use covenant to restrict certain practices and to limit use only for commercial or industrial development. The proposal was appealed by a non-profit environmental group due to the intention to exempt the project from CEQA review and because of concerns that leaving the site "as is" with a protective covenant would limit future land use options on the site. DTSC amended the proposal by eliminating the identification of the immediate land use, and approved the Remedial Investigation and Land Use Covenant in February 2008. The site was sold again in October 2008, and the first Operations and Maintenance Report was submitted by the new property owner and approved by DTSC in January 2010.

### Potential Hercules Middle School site

This 11-acre site, on the corner of Sycamore Ave. and Willet Street in Hercules, was once part of a gunpowder manufacturing plant, and later housed a wastewater treatment plant. It is currently used by the City of Hercules as a maintenance yard. In 2004, the West Contra Costa Unified School District considered purchasing the site to use as a school site and received a grant from the US EPA to conduct a Preliminary Environmental Assessment. This was done under the supervision of DTSC's Schools Unit, which enforces special cleanup requirements for proposed school sites. That investigation determined

that a more extensive site characterization would be necessary. The School District decided not to pursue further testing and the site became inactive at the end of 2005.

In May of 2008 the Commission informed Barbara Cook, DTSC Regional Cleanup Branch Chief, that the site was inactive, but still being administered by the Schools Unit. She promised to look into whether the site should be transferred to the regular cleanup program. In October of 2008 the City of Hercules applied for, and received, a grant to conduct further testing of the site. The intended use of the site was stated as a school, and remained under the supervision of the Schools Unit. In January 2009, DTSC approved the work plan for the testing. The final site investigation report was accepted by DTSC in May 2009. An additional year of groundwater monitoring to determine if the site is the source of contaminants present at site monitoring wells is still needed before the investigation can be completed.

### Pittsburg Redevelopment Sites

The City of Pittsburg invoked the Polanco Act at three sites within the Pittsburg Redevelopment Project Area.

- 1) Bell Gas Station – This site, at 10<sup>th</sup> and Railroad, was under DTSC jurisdiction because the School District wanted to build a school on the site. But they wanted to use Underground Storage Tank funding to clean up fuel contamination on the site, so they needed to have Regional Water Quality Control Board cooperation. As a result, they developed a joint oversight agreement. The City used the Polanco Act to require the owner to clean up the site, and then the School District used Eminent Domain to purchase the property.
- 2) Property at 695 E 3<sup>rd</sup> Street. They formed a Unified Development Area for several waterfront properties. They launched an investigation and used the Polanco Act to compel the owner to clean up the site. During the process, the previous owner, Cal Cement, sold the property to Marine Express. The City is in Eminent Domain proceedings over the site. The cleanup is in litigation.
- 3) Posco Site LA. This is a 120-acre parcel next to the Antioch-Pittsburg Highway. It has been under DTSC oversight since the early 1990s. With DTSC approval requiring specified land use restrictions, the owners were planning to clean up the site to industrial standards by placing a cap over it. Posco tried to sell the property, but was unsuccessful. For the site to be developed for commercial use, it would need to be cleaned up to higher standards. The Redevelopment Agency invoked the Polanco Act to compel more investigation into the extent of the contamination. They are working with DTSC to determine what cleanup standards are appropriate for the site so that a deed restriction won't be needed that could hinder future overall development.

## **VI. Site Monitoring and Review**

A key aspect of ensuring that sites do not pose risks to the surrounding environment or Public Health over the long-term is follow-up monitoring. This is needed because the final remediation for many sites allows some contamination to remain in place. These sites are then subject to deed restrictions,

covenants, and/or administrative, institutional, or engineering controls to keep them from exposing people or wildlife, or the environment. Sites with Operation and Maintenance plans are reviewed annually, and five-year reviews are conducted on other sites, such as those with deed restrictions. As sites change hands over time and institutional memory fades, systematic site reviews are needed.

These reviews are important to make sure that site security measures, such as fencing and posting, are still in place, and that control measures, such as caps, landscaping and barriers, are still in working to prevent human and environmental exposures. Also, cleanup standards change over time, and reviews can determine if existing site mitigation measures are still considered adequate under current standards.

Several notable examples in Contra Costa County point to why site reviews are so important:

- The former United Heckathorn site in Richmond, a Federal Superfund site, was considered cleaned up in 1996 but the five-year review in 2001 found that the remediation had not achieved the clean-up goals. Additional remediation is being considered for the site.
- The Richmond Townhouse Apartments on Pullman Ave. in Richmond were supposedly cleaned up for lead contamination in 1975. No further review was ever required for the site, but in 1998 samples were taken that found elevated levels of lead. An emergency cleanup was then initiated to remove contaminated soil from the site.
- The Pt. Isabel site in Richmond was cleaned up under the jurisdiction of DTSC, with a 5 year review done in 1992, but oversight was turned over to the San Francisco Regional Water Quality Control Board, and it doesn't appear that any 5-year reviews have been done since then. This situation is currently under investigation by the Regional Water Quality Control Board.
- Concerns have been raised that Area O of the Marian Bay Cleanup site was supposed to have had a deed restriction placed on it with requirements for five-year reviews when it was first cleaned up, but it appears neither was done. This situation is currently under investigation by the Department of Toxic Substances Control.

## **Recommendations**

1. **The Board of Supervisors should direct the County's Hazardous Materials Program to develop a complete, centralized, publicly accessible database of all contaminated and potentially contaminated sites in the County based on data available from the California Department of Toxic Substances Control, the State Water Resources Control Board and County databases.**

This database should combine the files in DTSC's Envirostor database, the SWRCB's Geotracker database, and any unique records contained in the Hazardous Materials Program's files. This database should be designed in such a way as to utilize GIS or some other mapping system so that users of the database can visually see the location of contaminated sites in the County and determine the jurisdictions in which they reside. This database should be accessible to the public via the Hazardous Materials Program's web page. Ideally, this database would be designed to enable users to accomplish recommendation 2.

2. **The Board of Supervisors should recommend to the California Department of Toxic Substances Control and the State Water Resources Control Board that their contaminated site databases highlight when monitoring reports and five-year reviews of sites are due. The Board of Supervisors should direct the County's Hazardous Materials Programs to develop a system to track the implementation of the long-term monitoring and site-review requirements for County sites that have such requirements in their final remedial action plans, if they are highlighted on these databases, and follow up as appropriate when they discover sites are overdue for review.**

Long-term monitoring and maintenance plans have been developed for many sites that have been allowed to leave some level of contamination on them as part of the final remedial action. These requirements can range from continuous monitoring requirements to 5-year reviews of the site status. Long-term protection of the environment and Public Health from the contaminants left on these sites is dependant on these monitoring and site review plans being carried out adequately. Ideally, the mapping system recommended above could be used to determine when these reviews are due.

3. **The Board of Supervisors should direct the County's Hazardous Materials Programs and Department of Conservation and Development to work together to identify contaminated sites within Urban Limit lines in the County to aid in SB 375 planning.**

SB 375 will require regional land-use planning efforts to curb greenhouse gas emissions from cars and light trucks. This Sustainable Communities Strategy will likely include smart growth provisions that will allow jurisdictions to infill underutilized land in their sphere of influence. Highlighting contaminated sites within Priority Development Areas will help focus attention on these sites for cleanup prioritization.

4. **The Board of Supervisors should continue to direct appropriate County Departments to seek grants to identify, investigate and remediate potentially contaminated sites within Contra Costa County. They should direct appropriate County Departments to work with local jurisdictions, special districts and private developers within Contra Costa County to apply for these grants where applicable.**

Numerous grants are available from the Federal Environmental Protection Agency and the California Department of Toxic Substances Control to identify, investigate and remediate Brownfields and other contaminated sites. During the course of the Commission's investigation, they saw four examples of where local jurisdictions received grants for these purposes, and possibly other grants have been given locally as well.



Household Hazardous Waste Management in Contra Costa County  
Recommendations for Improvement

Contra Costa County Hazardous Materials Commission

September, 2010

## **Introduction**

Many of the products commonly used in and around households have toxic properties. This includes such products as motor oil, paint, cleaning products, pesticides, batteries, fluorescent light bulbs, electronic products, used syringes and pharmaceuticals. These types of products can harm the environment or human health if disposed of improperly on the ground and down storm drains, or even when sent to landfills or flushed into the sewer system. As a result, laws have been passed at the federal, state and local level to encourage the proper management of these wastes, called Household Hazardous Wastes (HHW).

In Contra Costa County, three regional government-run household hazardous waste collection facilities, and other public and private services, have been established to provide residents with opportunities to properly manage their household hazardous wastes. The materials collected by these facilities and services are sorted by type, and either reused, recycled, incinerated or landfilled, depending on the type of waste, regulatory requirements and existing markets. In theory, this system provides every resident of the County with at least one option for properly managing most types of the household hazardous waste they generate.

One of the responsibilities of the Hazardous Materials Commission is to develop recommendations involving hazardous materials issues to the County Board of Supervisors. In reviewing the various hazardous materials issues facing the County, several members of the Hazardous Materials Commission expressed concern that this level of HHW management service may not be adequate for all county residents or for all types of HHW. As a result, the Commission chose to investigate this issue.

The Hazardous Materials Commission developed recommendations for this issue by studying the current household hazardous waste management system in Contra Costa County. It also solicited input from the public through a survey and two workshops addressing potential shortcomings with the existing management system, and potential ways to address these shortcomings. The recommendations in this report are for the Contra Costa County Board of Supervisors to consider for direct implementation by the County, or through their role as board members on other appropriate Boards and Commissions.

## **Background**

In 1989 AB 939, the state's Integrated Waste Management Act, was passed. It required the development of County-wide plans to reduce the amount of solid waste entering State landfills. It included two recommendations specific to HHW:

- Create public education programs to effectively raise public awareness of HHW issues.
- Create adequate/suitable accessibility and siting of HHW disposal facilities.

A related bill, AB 2707, called for each jurisdiction to have a HHW element in their solid waste plan. The 19 cities and the unincorporated areas of the County all adopted elements that were similar to one another and included some combination of permanent facilities collection and/or mobile drop-off events. These were approved by the State in 1993. Contra Costa Health Services operated a mobile HHW

program in the early to mid-90's as an interim step while permanent facilities were being developed. This program involved periodic collection events in different parts of the County that were funded by fees from Keller Canyon landfill, but this system was found not to be cost-effective.

The first permanent facility was built by Central Contra Costa Sanitary District in 1997. The next facility to be built was in West County in 1999 by West County Resource Recovery in cooperation with the West Contra Costa Integrated Waste Management Authority. The East County facility was built by Delta Diablo Sanitation District in 2003. Each regional facility is intended to only serve residents from that region of the County. The cost of staffing and running these HHW facilities is paid for by garbage or sewer fees levied on the residents in the areas served by the facilities.

### **Description of Current Collection Programs**

In addition to the services of the three regional collection facilities mentioned above, the following services are provided to Contra Costa residents to manage household hazardous wastes:

- One-day collection events are periodically conducted by the regional facilities for the remote communities of their service areas.
- Over 90 private drop-off locations for used oil and used oil filters exist throughout the county to augment collection of these wastes at the three regional facilities. These collection facilities are reimbursed the cost of collection and disposal by CalRecycle (formally the California Integrated Waste Management Board).
- Used oil and oil filters are collected curbside in some areas in the County by the solid waste management company serving those areas.
- Electronic waste is collected through a variety of mechanisms in the county, supported through a fee on certain electronic items that reimburses collectors and recyclers, or by a direct fee for service. There are 19 CalRecycle approved E-waste recycling facilities in the County, including the East and West County HHW collection facilities.
- The Central Contra Costa Solid Waste Authority and the West County Integrated Waste Management Authority sponsor programs to collect used batteries at various retail sites in their services areas.
- The Central Contra Costa Sanitation District and the Delta Diablo Sanitation District sponsor retail collection sites for fluorescent lamps and spent batteries in their service areas.
- The East and West County facilities take non-controlled pharmaceuticals and the Central County facility has established 10 collection sites within their service area at local police departments for non-controlled pharmaceuticals.
- The East and West HHW facilities offer used syringe or medical sharps collection and disposal. The Central County HHW facility does not offer sharps collection. There are two sharps collection points in Central County. One is at the San Ramon Regional Medical Center and the other is at the John Muir Rossmoor Pharmacy in Walnut Creek. Both are paid for by their respective agencies.
- The West County Integrated Waste Management Authority offers a door-to-door HHW collection program for the elderly and disabled.

A comprehensive listing of all of these collection programs can be found at the County's Waste Reduction and Recycling web page at: <http://www.co.contra-costa.ca.us/depart/cd/recycle/>.

Table 1 contains information on the amount of hazardous waste collected in the 2007/2008 fiscal year from the three HHW programs, the number of households served and the costs associated with operating their programs. Each program had some differences in the way they calculated their costs and the amount of wastes they collected, so comparing the costs and collection amounts from the facilities to each other can't be done precisely. Also, the costs provided for the West County facility were only estimates. Some households may have visited the facility more than once during the fiscal year, so the participation rates may be slightly overestimated. Overall, approximately 3,625,906 pounds of hazardous waste were collected from 46,917 customers for an approximate cost of \$2,978,668 by the three facilities in fiscal year 2007/2008. This represents an approximate usage rate of 12% of eligible households in the County for that period. State-wide, annual participation rates are 4.8%.

**Table 1 – Summary of Contra Costa Regional HHW Collection Results, 2007/2008**

	<b>West Co.</b>	<b>Central Co.</b>	<b>East Co.</b>	<b>Totals</b>
<b>Agency</b>	WCCIWMA	CCSD	DDSD	
<b># of customers</b>	9255	27,940	9722	46,917
<b>% participation</b>	9.7 % of 95,790 homes	14.5% of 192,280 homes	10% of 96,815 homes	12.2% of 384,885 homes
<b>Pounds per car</b>	98	67	85	77
<b>Cost per car</b>	@ \$70	\$66	\$48	@ \$63
<b>Total pounds collected</b>	912,121	1,891,363	822,422	3,625,906
<b>Total cost</b>	@\$645,000	\$1,864,868	\$468,800	@ \$2,978,668
<b>Cost per pound</b>	@ \$ 0.71	\$0.99	\$0.57	@ 0.82
<b>Annual cost per home in service area (assessed through fees by the regional entities)</b>	@ \$6.73	\$9.70	\$4.84	@ \$7.74

## **Public Input**

### **I. Surveys**

The Hazardous Materials Commission collected input on people's perception and use of the HHW management system through surveys of the general public collected at 9 public events throughout the County in 2008 and 2009. 152 surveys were conducted. The survey tool (Attachment 1) asked questions about the County's Community Warning System and overall hazardous materials issues, as well as questions about HHW management.

The survey found that 55 respondents (36%) did not know the location of the nearest place for them to properly dispose of their HHW. The survey also found that 61 respondents (40%) did not think their disposal options for HHW were adequate. When asked if they knew how to tell if a product is hazardous, 84 respondents (55%) said no or they were not sure. At the same time, 128 respondents (84%) expressed an interest in learning about less-toxic alternatives for household products containing hazardous materials. When asked to describe how they disposed of specific household products, the responses varied, but notably, 50 (33%) said they put pharmaceuticals down the drain or in the garbage, and 38 (25%) said they put cleaning products down the drain or in the garbage. About one-third of residents did not answer this question, so the actual number managing their HHW improperly may be higher. In total, the number of instances of respondents indicating that they improperly disposed of their HHW was slightly more than one per respondent. The complete survey results can be found in Attachment 2.

The results of the survey showed some differences in perception, knowledge and practice between regions of the County (Attachment 3). Most notably, in West County 55% of respondents did not think their options for HHW disposal were adequate, while the majority of residents in the rest of the County felt they were adequate. Also, when asked how they disposed of their HHW, the number of responses indicating improper disposal varied from region to region. West County had the lowest number of such responses (0.8 per respondent), Central County had the next lowest (1.1 per respondent), South County had the second highest (1.9 per respondent) and East County had the highest level of respondents indicating they had improperly disposed of a HHW (2.3 per respondent).

## **II. Community Workshops**

The Hazardous Materials Commission held two workshops to solicit public input about Household Hazardous Waste management in 2008 and 2009. In each of these workshops, the current HHW management system was described in terms of the location and availability of the permanent facility for that area, the types of waste that could be brought to that facility, and any other collection opportunities available in that particular area. The residents were asked to discuss their questions or concerns. Below are the summaries of the comments made during these two workshops.

### Comments from the November 15, 2008 Household Hazardous Waste Community Forum in Richmond

- HHW services need to be more convenient.
- HHW services need to be advertised more.
- Health providers could be used to provide information about services.
- Schools should be involved in promoting the proper disposal of HHW.
- Face-to-face outreach is the best form.
- We need to help people see the benefits of proper HHW disposal.
- Churches can be used to promote the proper disposal of HHW.
- Campaigns to promote proper HHW disposal should be made part of community building.
- The garbage collection company can become educators on proper HHW disposal.
- Announcements could be made at City Council meetings about HHW services.
- Mobile collection of HHW should be considered.
- We need to think about the whole life cycle of toxic products, not just proper disposal.
- One day collection events should be considered.

### Comments from the March 25<sup>th</sup>, 2009 Household Hazardous Waste Community Forum in Concord

- More needs to be done to get the word out about the facility in the community. 20 – 25 of the residents in attendance, out of about 40, had not heard of the HHW facility before this meeting.
- There is a need for a community collection point in the Monument Corridor because many residents do not have cars.
- There should be containers for hazardous waste at local businesses like the Food Max or at the schools.
- Hazardous waste is disposed of in the trash at many of the apartments in the area.

In addition to the information collected from the surveys and the workshops, the Hazardous Materials Commission received numerous presentations and reviewed extensive information concerning HHW management.

They received presentations from:

- The County's recycling manager about the history of HHW management in the County.
- The West Contra Costa Integrated Waste Management Authority's HHW program manager about their HHW pick-up program.
- Curbside Inc., a private vendor, about their HHW pickup programs.
- A private citizen who conducts personal watercraft inspections for the Coast Guard Auxiliary on disposal options for boat flares.
- Sustainable Moraga concerning battery collection.
- Monument Futures about their Green Cleaning Program.

They reviewed information from:

- The California Integrated Waste Management Board.
- The California Department of Toxic Substances Control.
- The Alameda County HHW program.
- The Teleosis Institute.
- The annual reports of the three regional HHW collection facilities in Contra Costa County.

Commission members also received input from members of the organizations they represent, and their friends and neighbors. Finally, in addition to all of this input, Commission members relied on their own experiences as members of the public utilizing these HHW management options to form their findings and recommendations.

## **Findings**

For the purpose of this report, the Hazardous Materials Commission has organized their concerns about the existing HHW management system into two categories, Program Utilization and Challenges to Overcome. Each is discussed below.

### **I. Program Utilization**

Two issues consistently arose during the Commission's review of the utilization of the HHW facilities and other services, these were the lack of knowledge about the availability of the facilities and services; and the lack of accessibility of these facilities and services to certain segments of the population.

The results of the Commission's survey and feedback at the two community workshops indicated that community knowledge about the HHW facilities and other services is inadequate. Approximately half of the residents that attended the Concord workshop and 36% of the survey respondents did not know the location of the nearest place for them to properly dispose of their HHW. While participation rates at the three regional facilities have been steadily rising since they began operation, participation rates still only range from 10 – 15% of eligible residents each year. The lack of knowledge about these facilities and the limited participation on an annual basis increases the chances that people may improperly dispose of the HHW they are generating in their home. As noted above, the survey indicated that the number of instances of respondents indicating that they improperly disposed of their HHW is already slightly more than one per respondent.

The Commission is also concerned that some residents of the County that speak English as a second language, or don't speak English at all, may be less aware of their options than English-speaking residents. Currently, only two of the three HHW collection facilities provide educational information in languages other than English. The Commission sees this as an Environmental Justice issue because it unfairly hinders the ability of one group of people to manage their HHW in a proper manner, and increases their risk of harm, and their neighborhood's risk of harm from improperly disposed of HHW due to this lack of knowledge.

More importantly, the Commission is concerned that certain segments of the population are limited in their ability to utilize these facilities and services. Residents of Contra Costa County must be able to drive to utilize the three HHW collection facilities. Certain segments of the County's population, such as older and disabled people, are less able to carry heavy and dangerous materials into their cars to take to a collection facility. Many poor residents, older and disabled residents, and others don't own cars or are unable to drive. This issue was raised at both community workshops, and the Commission feels the same concern applies for poor residents, older residents and the disabled throughout the County.

The Commission believes that this is also an Environmental Justice issue. Not only has the HHW collection system been designed in such a way that certain residents are unable to use it, but these residents are still required to pay for the service year after year as part of their sewer or garbage bill. The Commission believes that the door-to-door collection program currently being offered in West County, and other door-to-door collection programs described to the Commission by a private vendor, could serve as a model for providing a way for residents that can't use the permanent collection facilities to properly manage their HHW. The Commission also believes that more one-day collection events could

be conducted in targeted neighborhoods where there are a high percentage of non-drivers and designed in such a way that residents could deliver their HHW on foot. Current state law prohibits people from delivering HHW on foot, so providing for these types of services might require amendments to existing laws and regulations governing the management of HHW.

Another issue that needs to be addressed is the lack of policies which support the collection and transportation of small amounts of HHW from residents within the service area of a HHW facility to that facility by entities that don't charge a fee for this service. One example of where such a policy would be beneficial was provided to the Commission by the manager of an apartment complex that used a private company to sort the recyclable material out of the garbage generated by its residents. In the process of sorting out recyclable material from the garbage, this company would occasionally find hazardous products that had been thrown out by residents of the apartment complex. However, the HHW collection facility that served the area where this apartment complex was located would not allow the company to drop off the materials as residential HHW. The only option given to them was to register as a small quantity generator of hazardous waste and pay a fee to drop off the material at the HHW facility. Policies that would support this type of practice would result in HHW that may otherwise have been thrown in the trash or disposed of down the drain to being properly disposed of. Establishing such policies may require changes to current laws and regulations governing the management of HHW.

## **II. Challenges to Overcome**

While most types of HHW can be accepted at the regional collection facilities, more needs to be done to provide opportunities to manage specific HHW. During its investigation, the Commission learned that no realistic options exist for properly managing certain types of HHW, and opportunities for others are too limited.

One type of waste for which no good management options exist is controlled pharmaceuticals. These are medications such as narcotics and tranquilizers. Common controlled substances include codeine, phenobarbital, and anabolic steroids. All other prescription medications and over-the-counter medications can be accepted, and are accepted, by the East and West regional HHW facilities and the 10 pharmaceutical collection sites set up in Central County. HHW collection facilities are prevented from accepting controlled substances by Federal law. No real options exist for residents in Contra Costa County to properly manage unwanted or expired controlled substances. Residents are commonly advised to throw them in the garbage. Law enforcement agencies are allowed to accept these materials if they follow specific guidelines, but none in the County currently do. Options need to be developed so residents with unwanted or expired controlled substances can properly manage these wastes.

Another HHW for which no proper disposal option currently exists is aerial distress flares. Boaters are required to have specific types of flares onboard their craft. These types of flares expire after 42 months. Because these flares are considered explosive, the three regional HHW facilities do not accept them. No other options exist for a boater to dispose of these flares properly. It is thought that many boaters keep these flares onboard as backups, but this can be a hazard in itself. These flares are of concern if they are improperly managed because of their explosive nature and because many of them contain perchlorates, which can contaminate groundwater.



The final challenging type of wastes is what is known as Universal Wastes. These are things such as household batteries, fluorescent tubes, mercury thermometers and many electronic devices that are considered hazardous and cannot be put in the garbage. These wastes are problematic because they can be generated in large numbers, such as with household batteries, and because historically they have been thrown in the trash. Also, Universal Wastes can not be “used-up” as can most other hazardous household products, so they will always exist as long as the products exist. These wastes can be collected by facilities other than HHW collection facilities and, as described earlier, several special collection programs already exist to collect these wastes. The Commission believes these programs should be expanded so that more places that sell these products can collect them when they become wastes.

## **Recommendations**

The Hazardous Materials Commission has the following recommendations concerning the management of Household Hazardous Wastes in Contra Costa County. The Commission recommends that the Contra Costa County Board of Supervisors can take direct action on some of these recommendations, and for others, the Commission recommends they can advocate for their implementation as members of other appropriate Boards and Commissions on which they serve. For some of these recommendations, the Commission recommends that the Board of Supervisors advocate their implementation to independent agencies or public bodies.

1. Establish and support more opportunities for door-to-door collection of HHW for older and disabled residents, and for residents that do not have their own means of transportation. This may require supporting changes to current laws and regulations governing the management of HHW.
2. Conduct more one-day collection events in areas where there are high numbers of residents that do not have vehicles, and design these events so they can accept materials brought in on foot. This may require supporting changes to current laws and regulations governing the management of HHW. Also, increase one-day events in areas of the County farthest away from the permanent facilities.
3. Provide more resources to increasing public awareness of the permanent HHW facilities and other collection services to increase participation rates. This outreach should be universally done in English and Spanish, and other languages where appropriate.
4. Provide more support to existing programs that educate residents to generate less HHW by purchasing non-toxic products and by only purchasing the amount they need.
5. Encourage manufacturers to make non-toxic or less toxic alternatives to products that become HHW, promote green chemistry concepts and encourage County purchasing policies that create less hazardous waste. This recommendation is consistent with the recently adopted Board Resolution No. 2010/225 supporting the concept of Extended Producer Responsibility.
6. Establish and support programs to enable the collection of controlled substances and boat flares. This could include point-of-sale collection opportunities or point-of-sale educational information about where to dispose of these materials properly. Support changes in legislation or additional sources of funding that may be needed to enable this to occur.

7. Support increasing the number of public or private collection options for Universal Wastes such as household batteries, fluorescent tubes, mercury thermometers and many electronic devices throughout the County.
8. Support the creation of policies that would allow for the collection and transportation of HHW, and the use of HHW facilities, by entities not charging a fee for such services. This may require supporting changes to current laws and regulations governing the management of HHW.



# The Hazardous Materials Commission Survey

The Hazardous Materials Commission advises the Contra Costa County Board of Supervisors about the safe management and disposal of hazardous materials and hazardous wastes.

*Please take this short survey to help us better understand your concerns.*

(check yes or no)

Yes No

1. Do you know the location of the nearest place for you to properly dispose of household hazardous wastes?

--	--

2. Do you think your disposal options for household hazardous waste are adequate?

--	--

*If no, explain:*

3. Are you interested in learning about less-toxic alternatives for household products containing hazardous chemicals such as cleaning products, pesticides, paints and stains?

--	--

4. Do you know about the County's Community Warning system (CWS)?

*If Yes, What is the purpose?*

--	--

5. Do you know how the County's CWS advises people to Shelter-in-Place?

*If Yes, How?*

--	--

6. Do you know what steps you need to take to Shelter-in-Place?

*List:*

--	--

7. Do you know where to call when you have a complaint or question about hazardous materials?

--	--

*If Yes, Where?*

**Please complete the reverse side**

8. What hazardous material issues most concern you?

(pick three)

- ☐ Improper disposal of hazardous products from the home
- ☐ Abandoned contaminated industrial sites
- ☐ Accidental releases from industrial facilities
- ☐ Accidental releases from pipelines
- ☐ Spills from railcars, ships or tanker trucks
- ☐ Fires involving hazardous materials from sources such as industries, pipelines, commercial facilities, truck and railcars
- ☐ Illegal dumping of hazardous materials in streams or stormdrains
- ☐ Household use of products containing hazardous chemicals
- ☐ Leaking underground storage tanks
- ☐ Other, Explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

9. What sources of hazardous materials do you think most affect your health? (pick three)

- ☐ Contaminated drinking water
- ☐ Abandoned contaminated industrial sites
- ☐ Contaminated seafood
- ☐ Household products such as cleaning, painting, hobbies, and auto maintenance
- ☐ Illegally dumped hazardous wastes
- ☐ Accidental releases from industrial facilities
- ☐ Accidental transportation-related releases from railcars, truck, ships or pipelines
- ☐ Fires at industrial facilities, railcars, trucks, ships or pipelines
- ☐ Other, explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Do you know how to tell if a product is hazardous?

☐ Yes ☐ No ☐ Not Sure

*If Yes, How?*

11. How do you currently dispose of the following household products containing hazardous chemicals?

**Choose from the following list::**

**A**—take to a proper collection facility

**B**—trash

**C**—sink or toilet

**D**—curbside pickup

**E**—dump down stormdrain or on ground

Auto fluids (oil, antifreeze, solvents) \_\_\_\_\_

Paints and cleaning solvents \_\_\_\_\_

Leftover cleaning products \_\_\_\_\_

Household batteries \_\_\_\_\_

Leftover prescription drugs \_\_\_\_\_

Fluorescent bulbs \_\_\_\_\_

Other hazardous chemicals used in the home \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Electronic wastes (computer equipment, TVs, cell phones, other electronic devices) \_\_\_\_\_

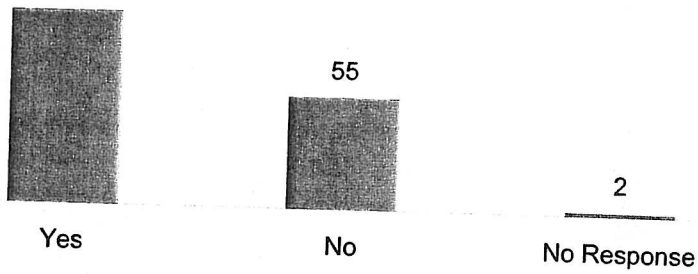
12. What other Hazardous Materials issues are you interested in? \_\_\_\_\_

\_\_\_\_\_

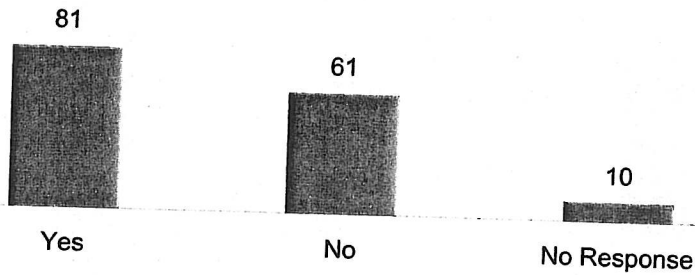
13. What is your home Zip Code? \_\_\_\_\_

*The Hazards Materials Commission is a 13-member appointed advisory board to the Contra Costa County Board of Supervisors made up of volunteers from environmental, industry and labor organizations; the League of Women Voters; local elected officials and the general public.*

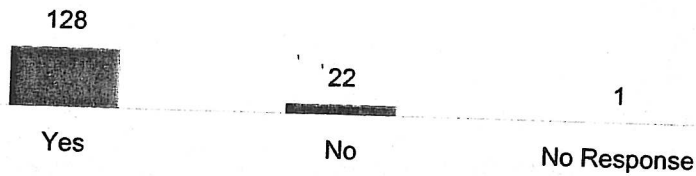
1. Do you know the location of the nearest place for you to properly dispose of household hazardous wastes?



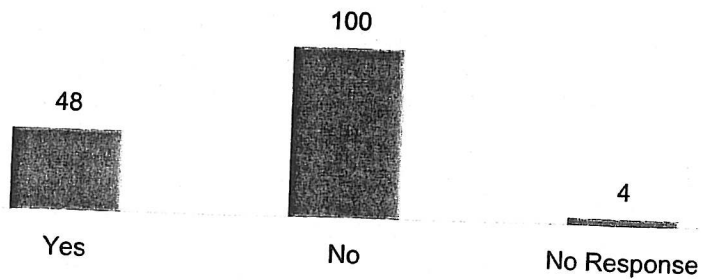
2. Do you think your disposal options for household hazardous waste are adequate?



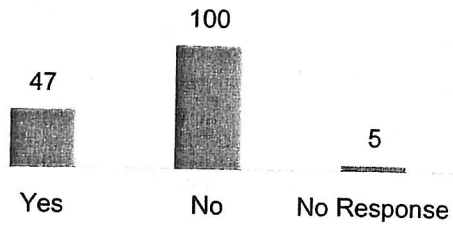
3. Are you interested in learning about less-toxic alternatives for household products containing hazardous chemicals such as cleaning products, pesticides, paints and stains?



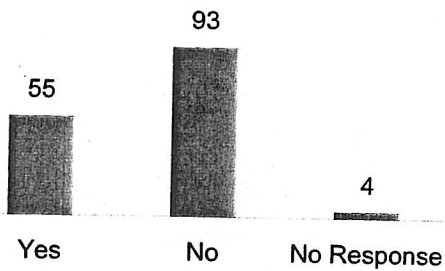
4. Do you know about the County's Community Warning system (CWS)?



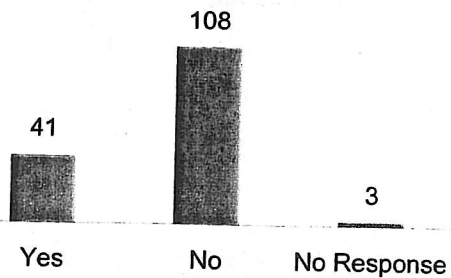
**5. Do you know how the County's CWS advises people to Shelter-in-Place?**



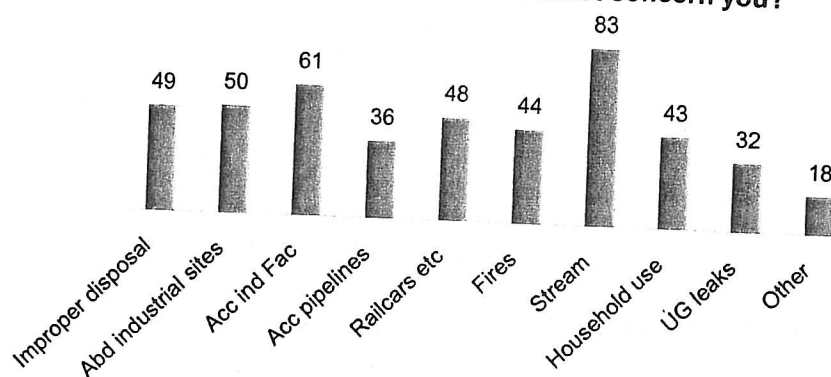
**6. Do you know what steps you need to take to Shelter-in-Place?**



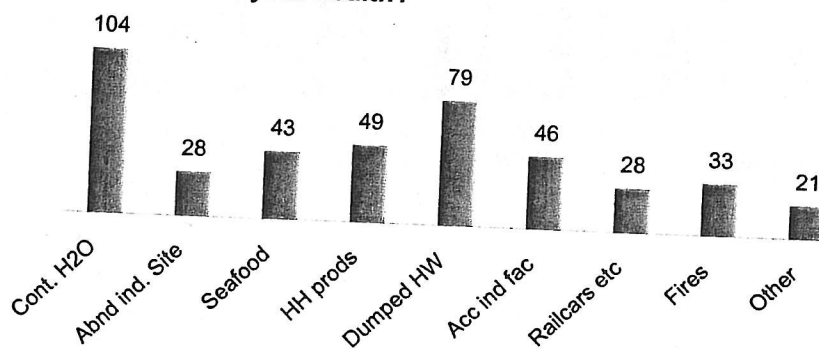
**7. Do you know where to call when you have a complaint or question about hazardous materials?**



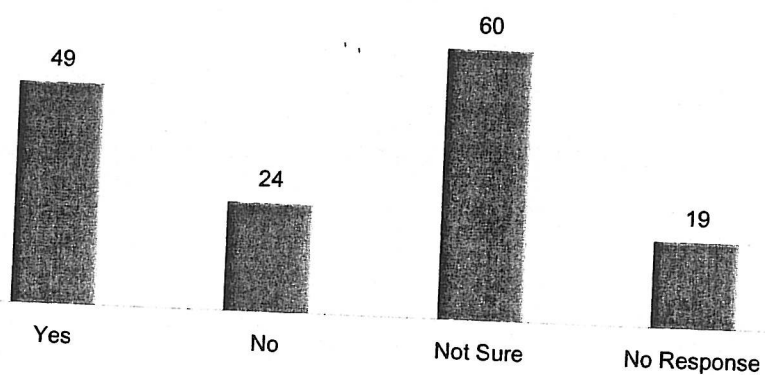
**8. What hazardous material issues most concern you?**



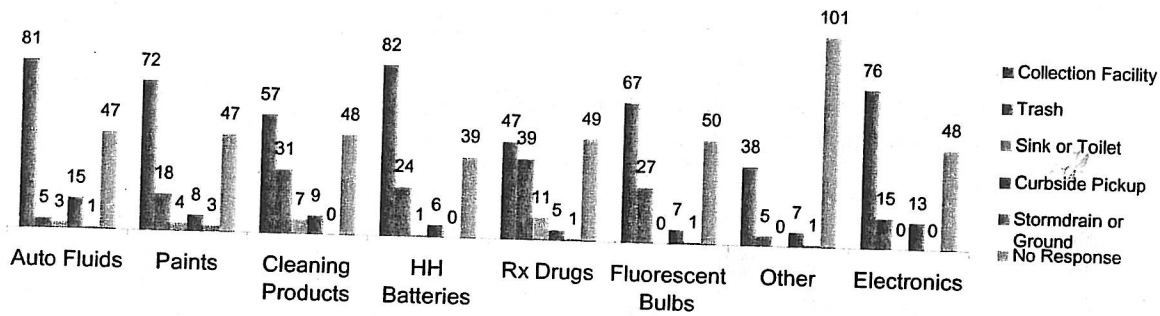
**9. What sources of hazardous materials do you think most affect your health?**



**10. Do you know how to tell if a product is hazardous?**



**11. How do you currently dispose of the following household products containing hazardous chemicals?**

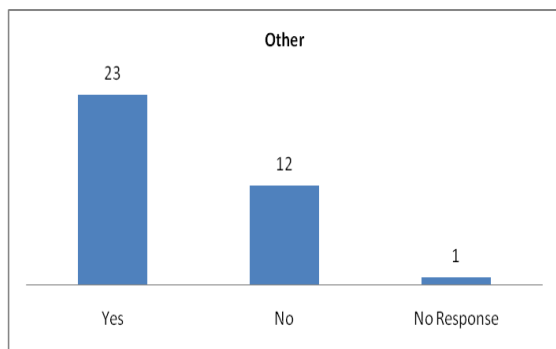
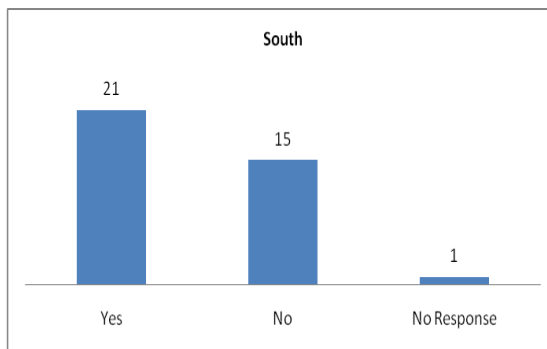
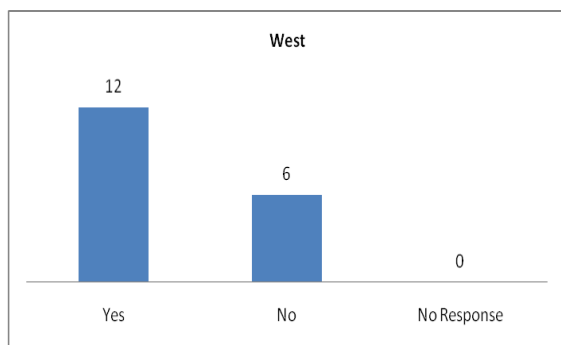
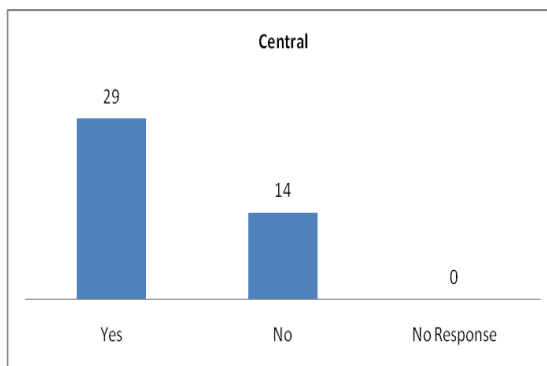
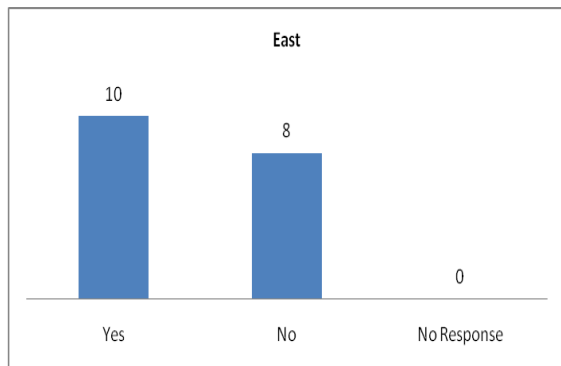




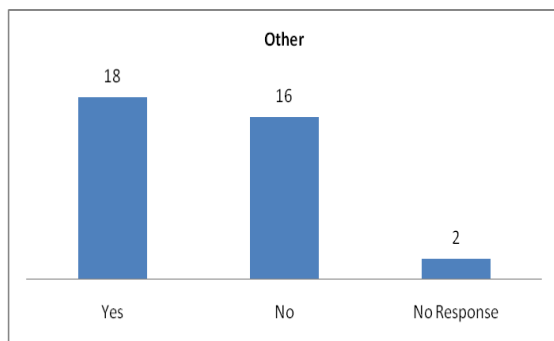
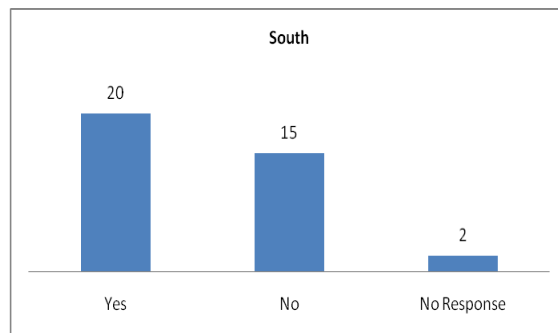
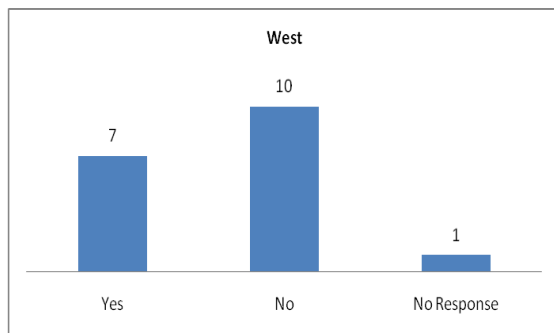
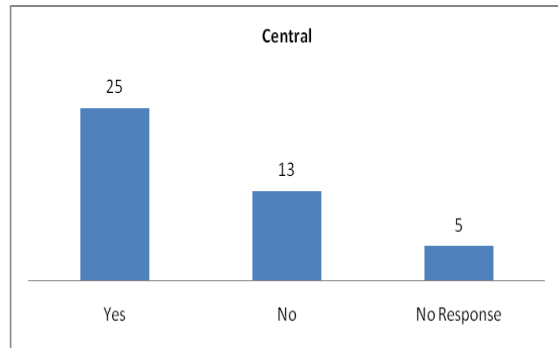
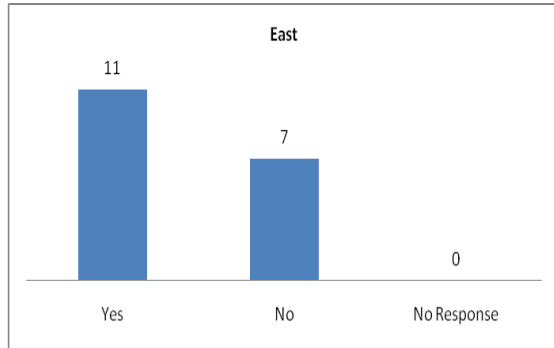
# Region Definitions

Region	Zip Code	City	# of Surveys
East	94509	Antioch	3
	94511	Bethel Island	0
	94513	Brentwood	2
	94514	Byron	0
	94531	Antioch	2
	94561	Oakley	1
	94565	Bay Point / Pittsburg	10
Central	94517	Clayton	0
	94518	Concord	3
	94519	Concord	4
	94520	Concord	1
	94521	Concord	1
	94523	Pleasant Hill	8
	94553	Martinez	21
	94595	Walnut Creek	0
	94596	Walnut Creek	4
	94597	Walnut Creek	1
	94598	Walnut Creek	0
West	94525	Crockett	0
	94530	El Cerrito	0
	94547	Hercules	1
	94564	Pinole	0
	94569	Port Costa	0
	94572	Rodeo	1
	94706	Kensington	0
	94707	Kensington	1
	94708	Kensington	0
	94801	Richmond	2
	94803	El Sobrante	0
	94804	Richmond	7
	94805	Richmond	1
	94806	San Pablo	5
	94850	Richmond	0
South	94506	Danville / Blackhawk	8
	94507	Alamo	2
	94526	Danville	13
	94549	Lafayette	2
	94550	Tassajara	0
	94556	Moraga	1
	94563	Orinda	1
	94582	San Ramon	5
	94583	San Ramon	5
Other	0	??	7
	925	??	1
	94010	Burlingame	1
	94552	Castro Valley	1
	94601	Oakland	1
	94602	Oakland	1
	94618	Oakland	1
	94705	Berkeley	1
	94710	Berkeley	1
	XXXXX	??	20
	gmFnhKYYrd	??	1

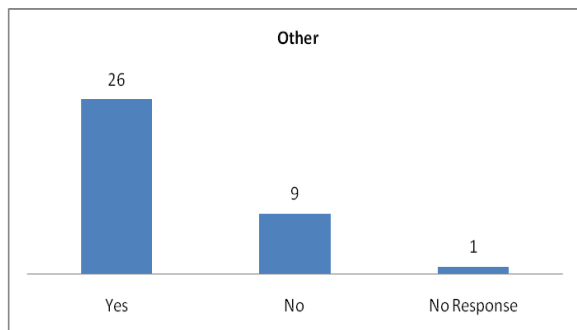
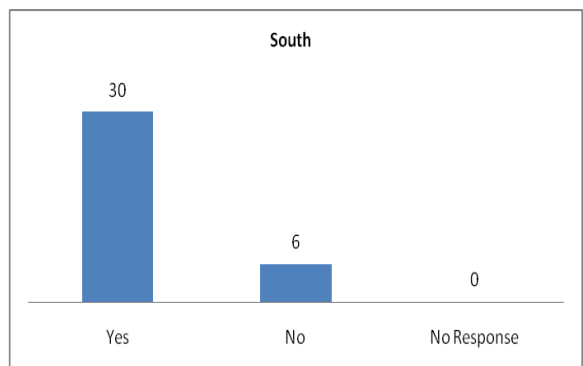
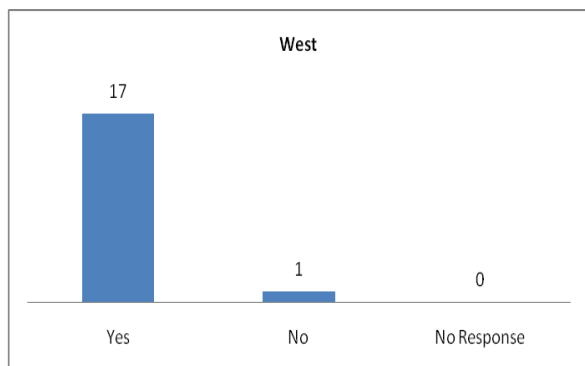
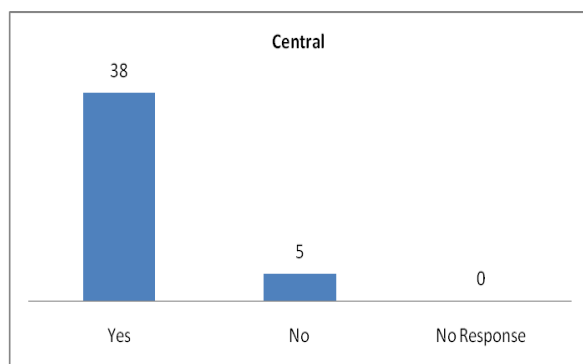
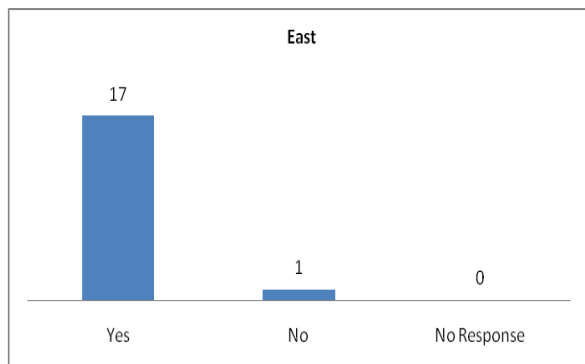
**1. Do you know the location of the nearest place for you to properly dispose of household hazardous wastes?**



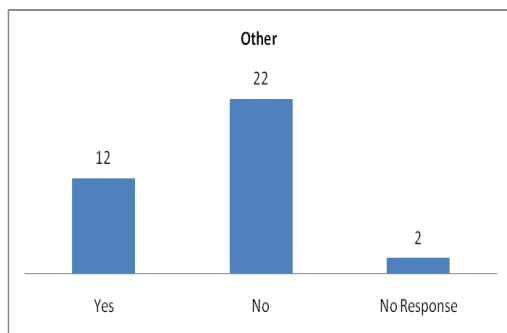
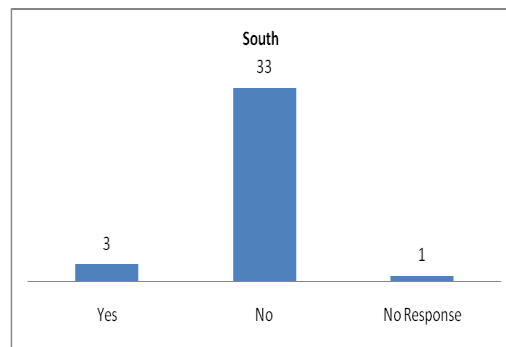
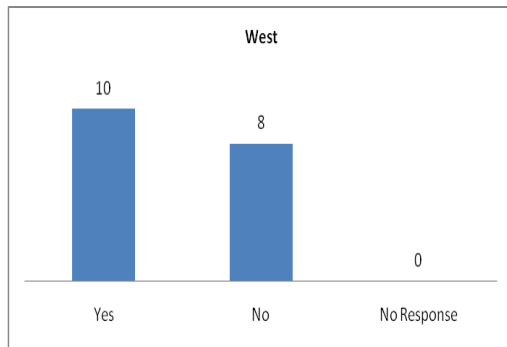
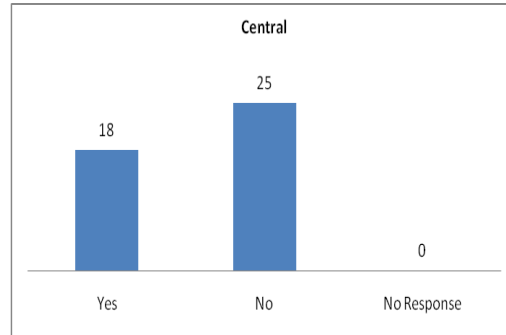
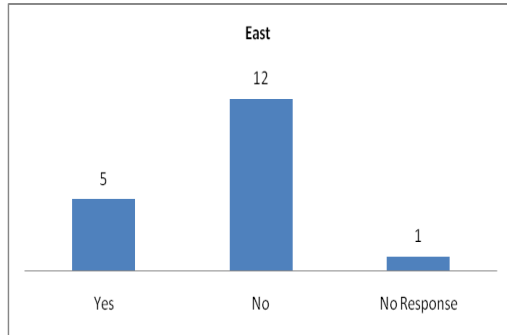
## 2. Do you think your disposal options for household hazardous waste are adequate?



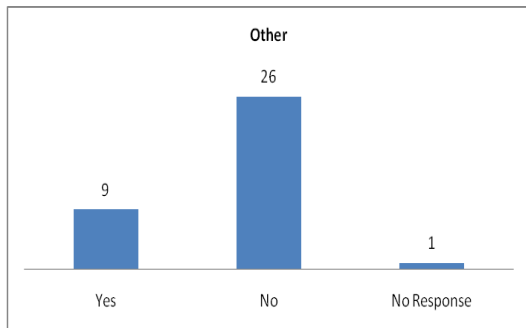
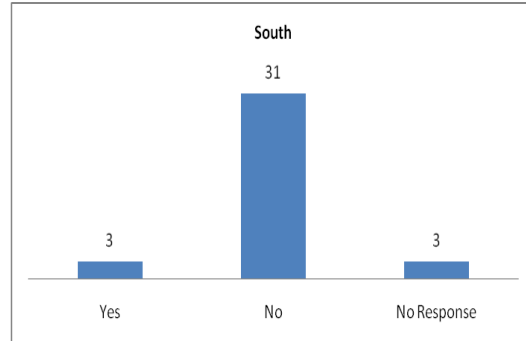
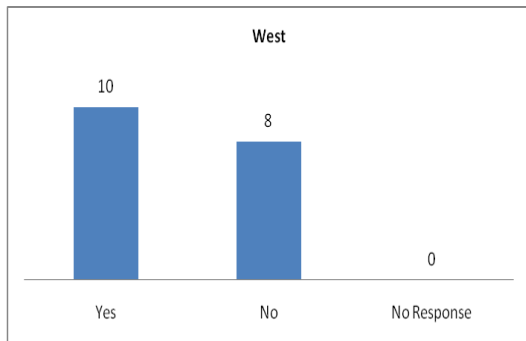
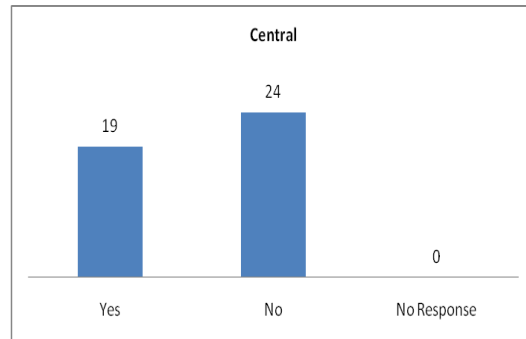
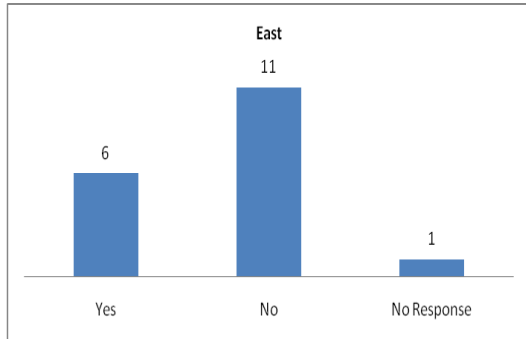
**3. Are you interested in learning about less-toxic alternatives for household products containing hazardous chemicals such as cleaning products, pesticides, paints and stains?**



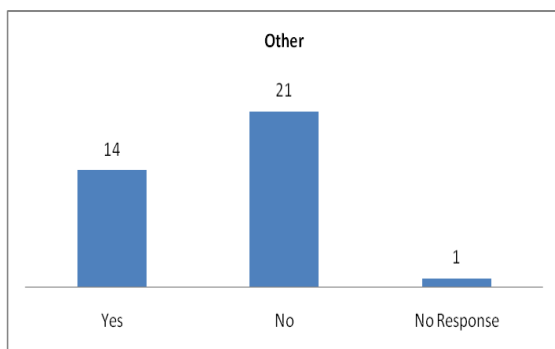
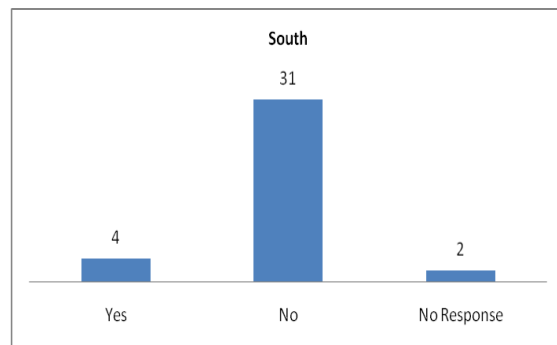
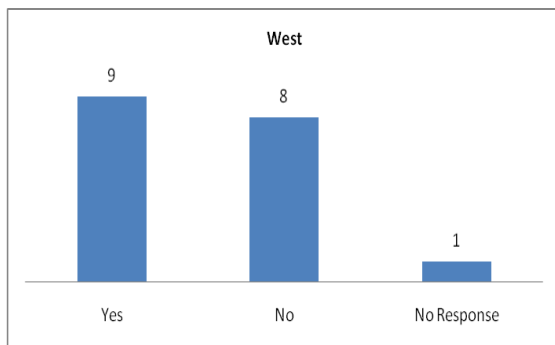
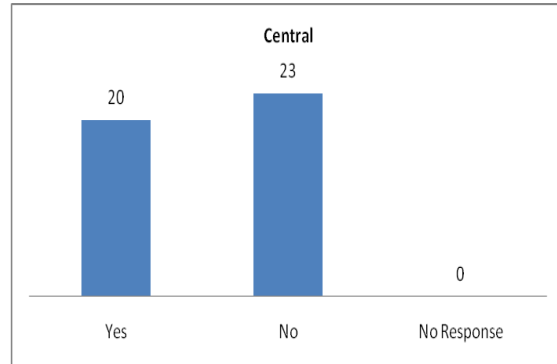
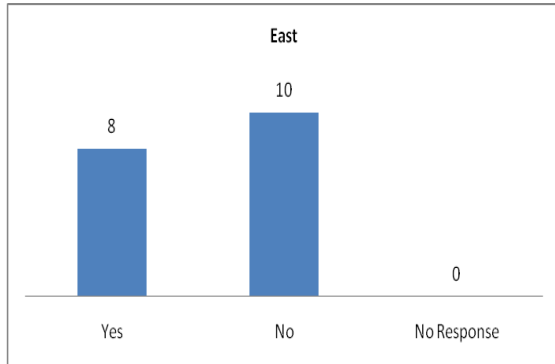
#### 4. Do you know about the County's Community Warning system (CWS)?



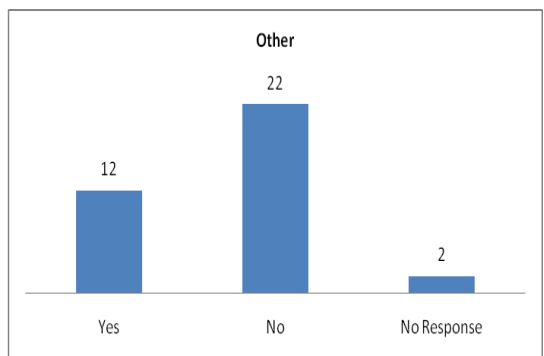
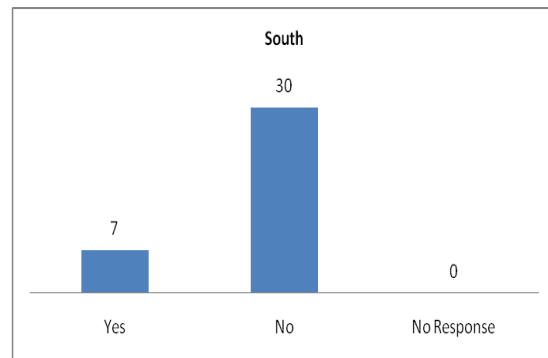
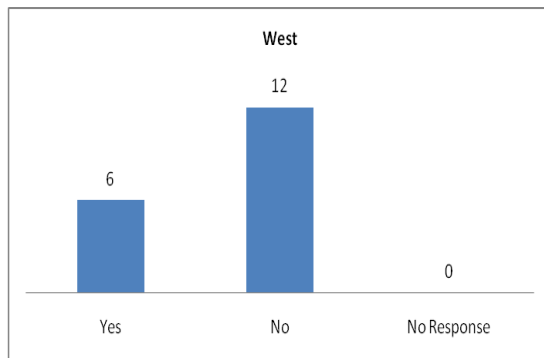
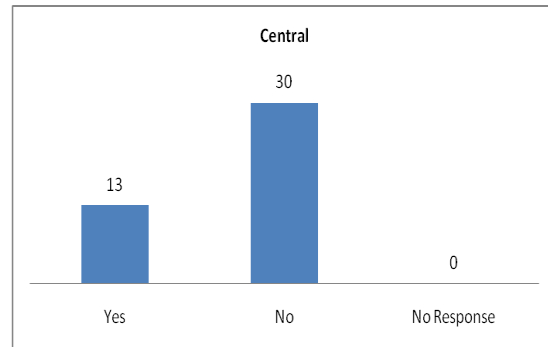
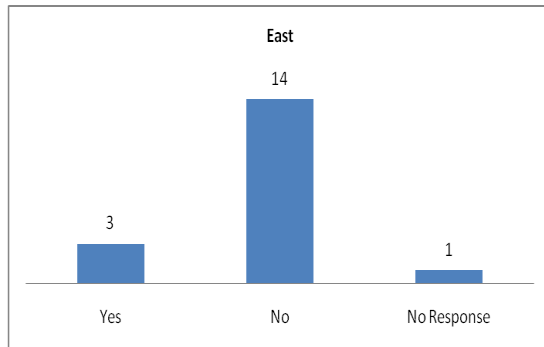
**5. Do you know how the County's CWS advises people to Shelter-in-Place?**



**6. Do you know what steps you need to take to Shelter-in-Place?**

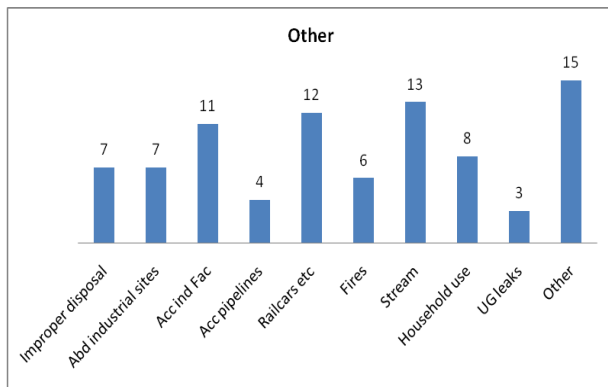
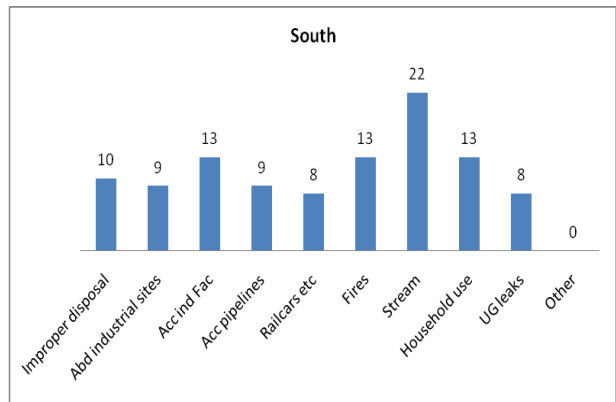
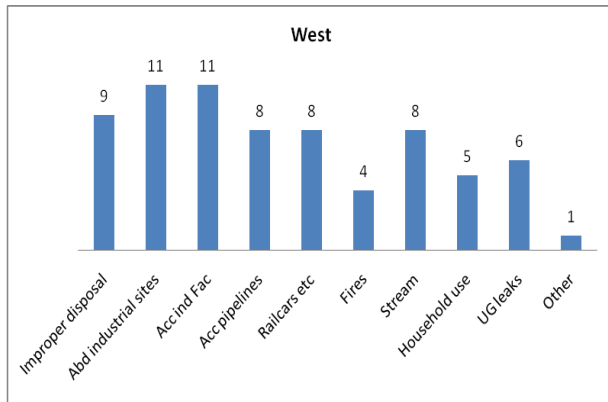
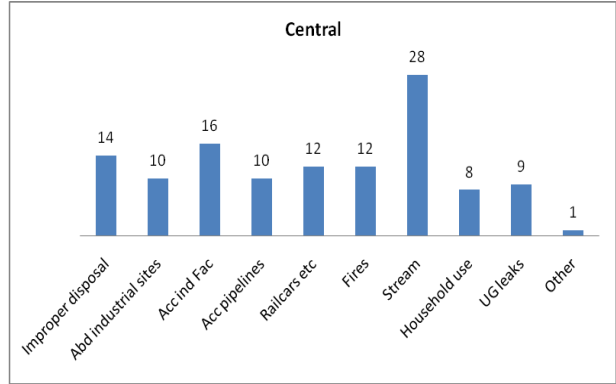
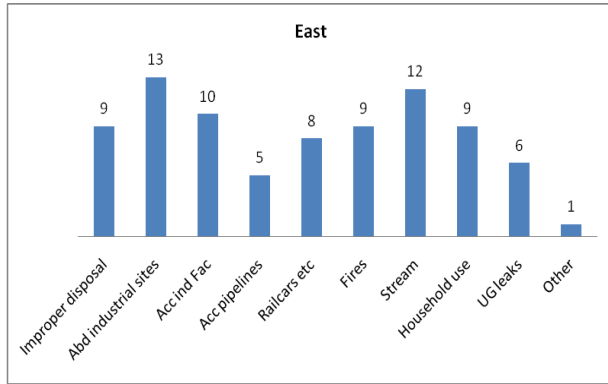


**7. Do you know where to call when you have a complaint or question about hazardous materials?**

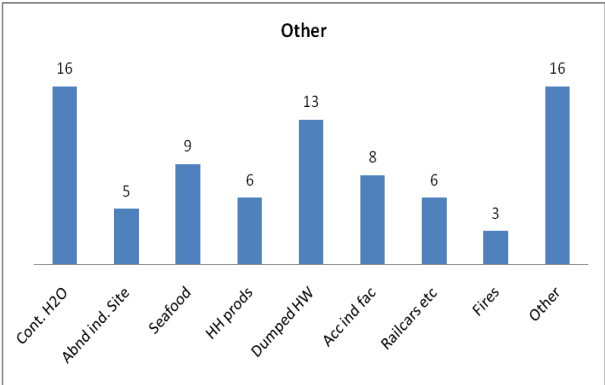
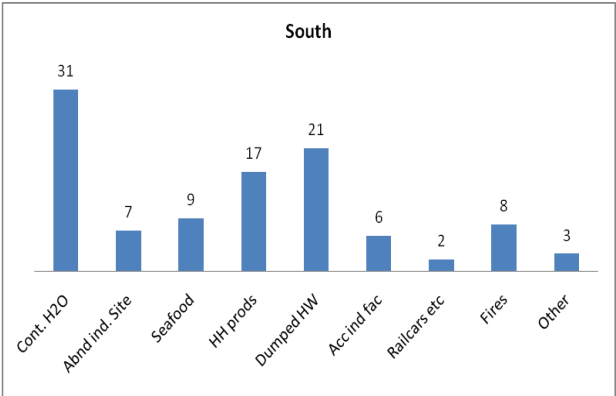
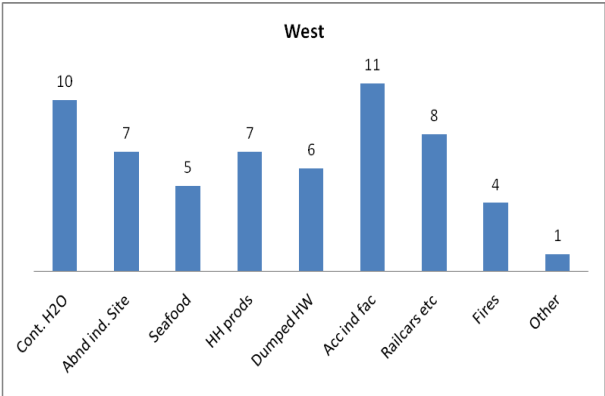
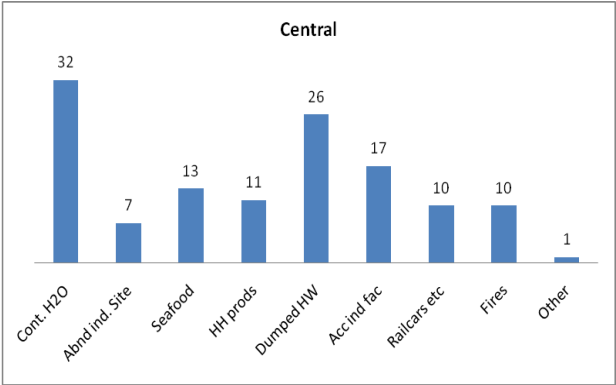
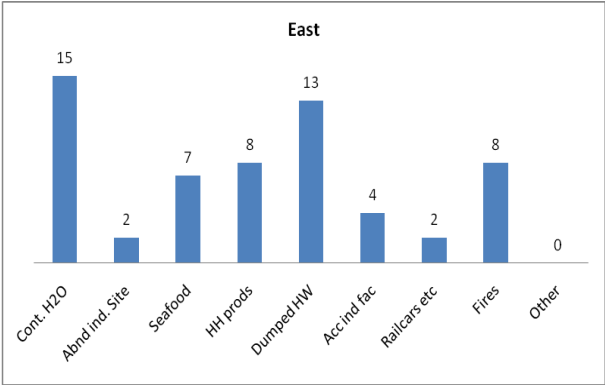




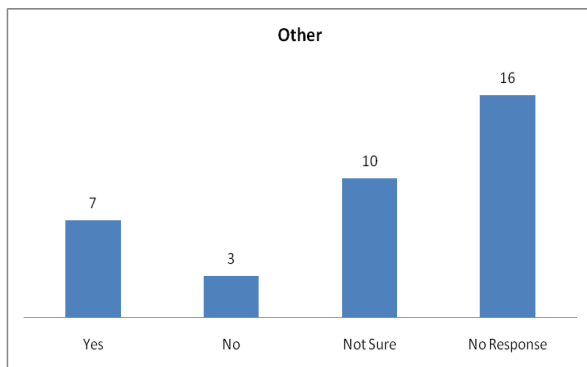
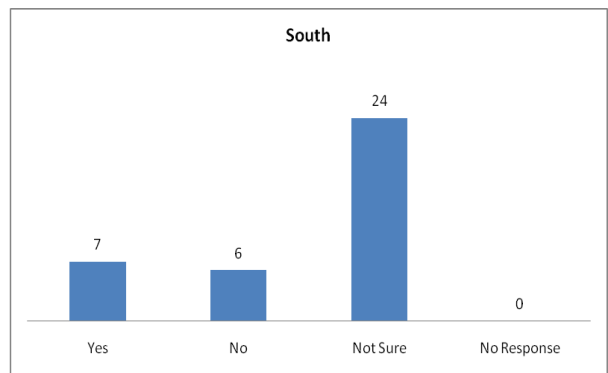
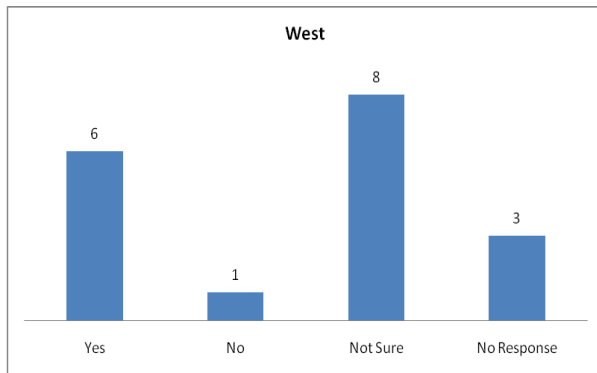
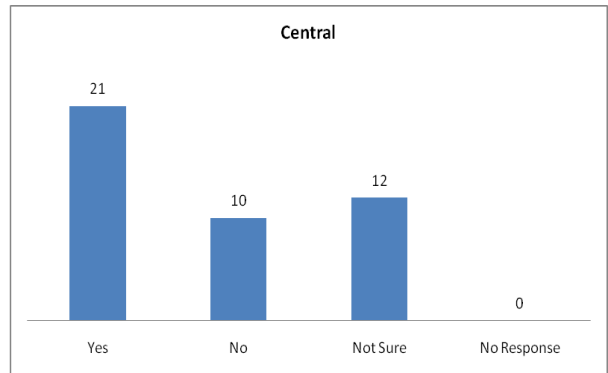
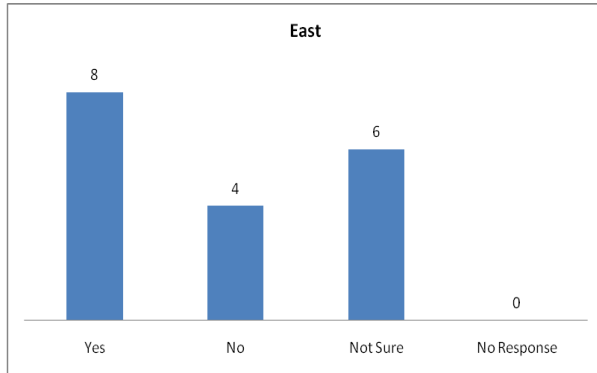
## 8. What hazardous material issues most concern you?



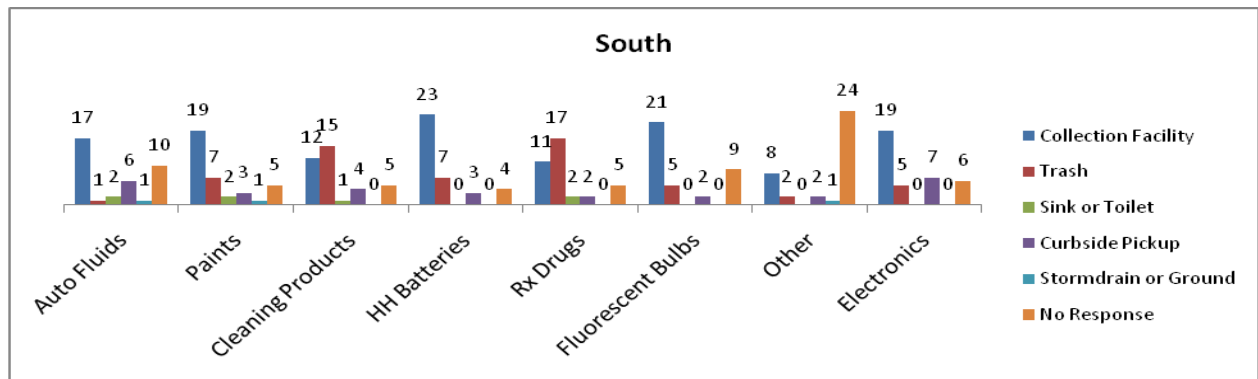
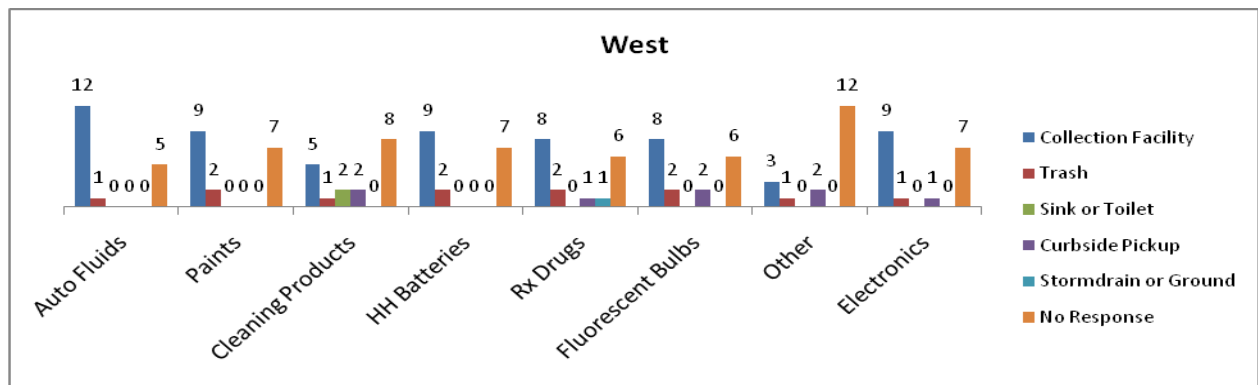
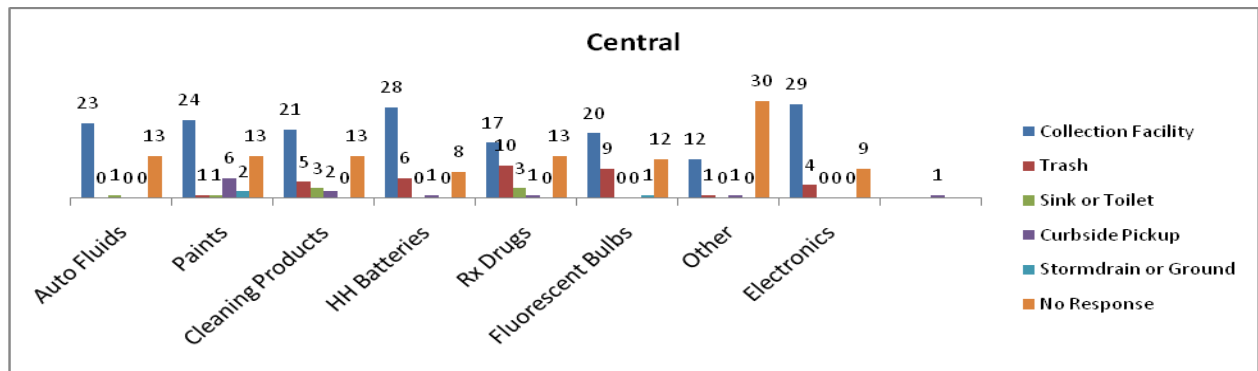
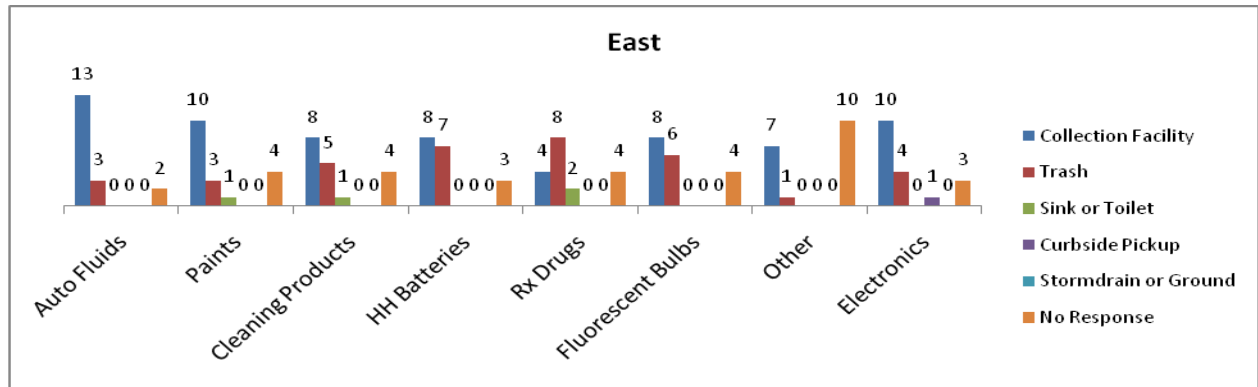
## 9. What sources of hazardous materials do you think most affect your health?

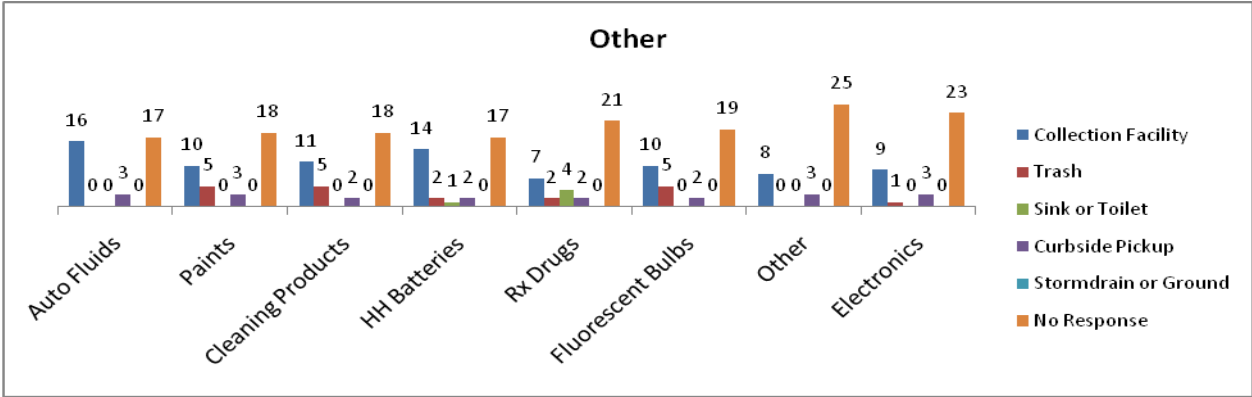


**10. Do you know how to tell if a product is hazardous?**



**11. How do you currently dispose of the following household products containing hazardous chemicals?**







**Contra  
Costa  
County**

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: January 25, 2011

Subject: APPROVE and AUTHORIZE the Public Works Director, or designee, to advertise the Viera Avenue Bicycle Lanes Project and make related findings under CEQA

**RECOMMENDATION(S):**

APPROVE the Viera Avenue Bicycle Lanes Project (Project) and AUTHORIZE the Public Works Director, or designee, to advertise the Project [DCD-CP#10-70] Project No.: 0662-6R4088; and

FIND the project is a California Environmental Quality Act (CEQA), Class 4(h) Categorical Exemption, pursuant to Article 19, Section 15304 (4)(h) of the CEQA Guidelines; and

DIRECT the Director of Conservation and Development to file a Notice of Exemption with the County Clerk; and

AUTHORIZE the Public Works Director to arrange for payment of \$25 fee to the Department of Conservation and Development for processing, and a \$50 fee to the County Clerk for filing the Notice of Exemption.

**FISCAL IMPACT:**

There is no impact to the County General Fund. The estimated project cost is \$750,000 funded by 68% Bicycle Transportation Account (BTA) Grant, 11% Transportation Development Act (TDA) Grant and 21% Local Funds.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/25/2011**

☒ 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

Karen Mitchoff, District IV  
Supervisor

Federal D. Glover, District V  
Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: K. Birden, 313-2190

### BACKGROUND:

The purpose of this project is to provide a Class II bike lane facility along Viera Avenue. This project is included in the East Contra Costa County Bikeway Plan as part of the Trunkline Route intended to provide connectivity between communities and major activity centers. The Viera Avenue segment connects the residential and commercial areas along East 18th Street and Wilbur Avenue where several industrial employers are located. The project extends the bike lane 2,600 feet and consists of pavement widening, excavation to sub-grade, overlay of existing pavement, striping, signing, and upgrading the paving surface at the railroad crossing.

Viera Avenue will be widened between 3 to 10 feet on the westerly side and 2 to 6 feet on easterly side. This will widen the street to a total pavement width of 32 feet, keeping within the existing 50 to 60 feet of the County right of way. There is a drainage pipe that runs adjacent and parallel to the railroad track that may need to be extended to accommodate the street widening. Relocation of joint poles and mailboxes may also be necessary. Nitrogen and other gas pipelines running parallel to the railroad track will be protected in place during construction. Minor grading will be required to conform to private property access points. Minor tree trimming and brush removal may be necessary. Construction activities may also impact the root systems of some trees. In order to minimize damage to any trees, any roots exposed during excavation or overhanging branches will be cut cleanly.

Drainage improvements are necessary to address ponding water on the pavement at the intersection of Bown Lane and Viera Avenue. A shallow infiltration basin will be constructed just west of the intersection which will be approximately 50 feet wide by 110 feet long and 5 feet deep. An underground storm drain will be installed to drain the existing ponding area to the new basin. The basin will be gated for safety and security purposes and the Vector Control District will be made aware of the facility for vector control purposes.

Real property transactions will be necessary in support of this project for grading conforms to private driveways and front yards. Full or partial acquisition of a vacant parcel will be necessary for the construction of the infiltration basin. One lane of traffic will be open at all times during construction activities. The improvements are located within the East Contra Costa County HCP/NCCP Service Area (Urban Area, Development Fee Zone 1); however, the project falls exclusively within the urban land cover type and is not subject to HCP Planning Survey requirements or mitigation fees.

### CONSEQUENCE OF NEGATIVE ACTION:

Delay in approving the project will result in a delay of design and construction and may jeopardize funding.

### CHILDREN'S IMPACT STATEMENT:

Not Applicable

### ATTACHMENTS

CEQA Packet and maps

**Contra  
Costa  
County**

**PUBLIC WORKS DEPARTMENT  
INITIAL STUDY OF  
ENVIRONMENTAL SIGNIFICANCE**

PROJECT # ~~W01026~~ W04088  
CP#10-70

PROJECT NAME: Viera Avenue Bicycle Lanes Project

PREPARED BY: Kimani Birden *KB*

DATE: December 6, 2010

APPROVED BY: *[Signature]*

DATE: 12/14/10

**RECOMMENDATIONS:**

☒ Categorical Exemption (*Class 4(h)*)

☐ Negative Declaration

☐ Environmental Impact Report Required

☐ Conditional Negative Declaration

**The project will not have a significant effect on the environment. The recommendation is based on the following:** The project will create bicycle lanes on an existing right of way. In addition, the project consists of minor alterations in the conditions of land and vegetation, which does not include the removal of healthy mature or scenic trees.

**What changes to the project would mitigate the identified impacts:** N/A

**USGS Quad Sheet:**  
Antioch North

**Base Map Sheet #:**  
F-23, G-23

**Parcel #:**  
N/A

**GENERAL CONSIDERATIONS:**

**1. Location:** The project is located in East County adjacent to the north eastern border of the City of Antioch, along a segment of Viera Road between Wilbur Avenue and East 18<sup>th</sup> Street (*Figs. 1-3*)

**2. Project Description:** The purpose of this project is to provide a Class II bike lane facility along Viera Avenue. This project is included in the East Contra Costa County Bikeway Plan as part of the Trunkline Route intended to provide connectivity between communities and major activity centers. The Viera Avenue segment connects the residential and commercial areas along east 18<sup>th</sup> Street and Wilbur Avenue where several industrial employers are located. The project extends 2,600 feet and consists of pavement widening, excavation to sub-grade, overlay of existing pavement, striping, signing, and upgrading the paving surface at the railroad crossing. Viera Avenue will be widened between 3 to 10 feet on the westerly side and 2 to 6 feet on easterly side. This will widen the street to a total pavement width of 32 feet, keeping within the existing 50 to 60 feet of the County right of way. There is a drainage pipe the runs adjacent and parallel to the railroad track that may need to be extended to accommodate the street widening. Relocation of joint poles and mailboxes may also be necessary. Nitrogen and other gas pipelines running parallel to the railroad track will be protected in place during construction. Minor grading will be required to conform to private property access points. Minor tree trimming and brush removal may be necessary. Construction activities may also impact the root systems of some trees. In order to minimize damage to any trees, any roots exposed during excavation or overhanging branches will be cut cleanly. Additional drainage improvements are necessary to address ponding water on the pavement at the intersection of Bown Lane and Viera Avenue. A shallow infiltration basin will be constructed just west of the intersection which will be approximately 50 feet wide by 110 feet long and 5 feet deep. An underground storm drain will be installed to drain the existing ponding area to the new basin. The basin will be gated for safety and



security purposes and the Vector Control District will be made aware of the facility for vector control purposes.

Real property transaction will be necessary in support of this project for grading conforms to private driveways and front yards. Full or partial acquisition of a vacant parcel will be necessary for the construction of the infiltration basin. One lane of traffic will be open at all times during construction activities.

The improvements are located within the East Contra Costa County HCP/NCCP Service Area (Urban Area, Development Fee Zone 1); however, the project falls exclusively within the urban land cover type and is not subject to HCP Planning Survey requirements or mitigation fees.

**3. Does it appear that any feature of the project will generate significant public concern?**

☐ yes ☒ no ☐ maybe (Nature of concern):

**4. Will the project require approval or permits by other than a County agency?**

☐ yes ☒ no (Agency Name/s);

**5. Is the project within the Sphere of Influence of any city? Yes (Antioch)**

CALIFORNIA ENVIRONMENTAL QUALITY ACT  
**Notice of Exemption**  
Contra Costa County Community Development Department  
651 Pine Street, 4th Floor - North Wing, McBrien Administration Building  
Martinez, CA 94553-0095

Telephone: (925) 313-2190

Contact Person: Kimani Birden - Public Works Dept.

Project Description, Common Name (if any) and Location: **Viera Avenue Bicycle Lanes Project** County File: **WO1026 CP# 10-70**

4688

**Project Description:** The purpose of this project is to provide a Class II bike lane facility along Viera Avenue. This project is included in the East Contra Costa County Bikeway Plan as part of the Trunkline Route intended to provide connectivity between communities and major activity centers. The Viera Avenue segment connects the residential and commercial areas along east 18<sup>th</sup> Street and Wilbur Avenue where several industrial employers are located. The project extends 2,600 feet and consists of pavement widening, excavation to sub-grade, overlay of existing pavement, striping, signing, and upgrading the paving surface at the railroad crossing. Viera Avenue will be widened between 3 to 10 feet on the westerly side and 2 to 6 feet on the easterly side. This will widen the street to a total pavement width of 32 feet, keeping within the existing 50 to 60 feet of the County right of way. There is a drainage pipe the runs adjacent and parallel to the railroad track that may need to be extended to accommodate the street widening. Relocation of joint poles and mailboxes may also be necessary. Nitrogen and other gas pipelines running parallel to the railroad track will be protected in place during construction. Minor grading will be required to conform to private property access points and minor tree trimming and brush removal may be necessary. Construction activities may also impact the root systems of some trees. In order to minimize damage to any of the trees, any roots exposed during excavation or overhanging branches will be cut cleanly. Additional drainage improvements are necessary to address ponding water on the pavement at the intersection of Bown Lane and Viera Avenue. A shallow infiltration basin will be constructed just west of the intersection which will be approximately 50 feet wide by 110 feet long and 5 feet deep. An underground storm drain will be installed to drain the existing ponding area to the new basin. The basin will be gated for safety and security purposes and the Vector Control District will be made aware of the facility for vector control purposes. Real property transaction will be necessary in support of this project for grading conforms to private driveways and front yards. Full or partial acquisition of a vacant parcel will be necessary for the construction of the infiltration basin. One lane of traffic will be open at all times during construction activities. The improvements are located within the East Contra Costa County HCP/NCCP Service Area, (Urban Area, and Development Fee Zone 1); however, the project falls exclusively within the urban land cover type and is not subject to HCP Planning Survey requirements or mitigation fees.

**Project location:** The project is located in East County adjacent to the north eastern border of the City of Antioch, along a segment of Viera Road between Wilbur Avenue and East 18<sup>th</sup> Street (Figs. 1-3)

This project is exempt from CEQA as a:

- |   |  |
|---|--|
| <input type="checkbox"/> Ministerial Project (Sec. 15268)         | <input checked="" type="checkbox"/> Categorical Exemption, <i>Class 4(h)</i>   |
| <input type="checkbox"/> Declared Emergency (Sec. 15269(a))       | <input type="checkbox"/> Other Statutory Exemption, Section                    |
| <input type="checkbox"/> Emergency Project (Sec. 15269(b) or (c)) | <input type="checkbox"/> General Rule of Applicability [Section 15061 (b) (3)] |

for the following reason(s): \_\_\_\_\_ (insert appropriate CEQA language).

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Community Development Department 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:**  
Public Works Department  
255 Glacier Drive  
Martinez, CA 94553  
Attn: Kimani Birden  
Environmental Section

**Department of Fish and Game Fees Due**  
☐ EIR - \$2,768.<sup>25</sup>  
☐ Neg. Dec. - \$2,010.<sup>25</sup>  
☒ County Clerk - \$50  
☒ Community Development Dept. - \$25

Total Due: \$ 75.<sup>00</sup>  
Total Paid \$  
Receipt #:

CALIFORNIA ENVIRONMENTAL QUALITY ACT  
Notice of Exemption  
Contra Costa County Community Development Department  
651 Pine Street, 4th Floor - North Wing, McBrien Administration Building  
Martinez, CA 94553-0095

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04088

**Project Description:** The purpose of this project is to provide a Class II bike lane facility along Viera Avenue. This project is included in the East Contra Costa County Bikeway Plan as part of the Trunkline Route intended to provide connectivity between communities and major activity centers. The Viera Avenue segment connects the residential and commercial areas along east 18<sup>th</sup> Street and Wilbur Avenue where several industrial employers are located. The project extends 2,600 feet and consists of pavement widening, excavation to sub-grade, overlay of existing pavement, striping, signing, and upgrading the paving surface at the railroad crossing. Viera Avenue will be widened between 3 to 10 feet on the westerly side and 2 to 6 feet on the easterly side. This will widen the street to a total pavement width of 32 feet, keeping within the existing 50 to 60 feet of the County right of way. There is a drainage pipe the runs adjacent and parallel to the railroad track that may need to be extended to accommodate the street widening. Relocation of joint poles and mailboxes may also be necessary. Nitrogen and other gas pipelines running parallel to the railroad track will be protected in place during construction. Minor grading will be required to conform to private property access points and minor tree trimming and brush removal may be necessary. Construction activities may also impact the root systems of some trees. In order to minimize damage to any of the trees, any roots exposed during excavation or overhanging branches will be cut cleanly. Additional drainage improvements are necessary to address ponding water on the pavement at the intersection of Bown Lane and Viera Avenue. A shallow infiltration basin will be constructed just west of the intersection which will be approximately 50 feet wide by 110 feet long and 5 feet deep. An underground storm drain will be installed to drain the existing ponding area to the new basin. The basin will be gated for safety and security purposes and the Vector Control District will be made aware of the facility for vector control purposes.

Real property transaction will be necessary in support of this project for grading conforms to private driveways and front yards. Full or partial acquisition of a vacant parcel will be necessary for the construction of the infiltration basin. One lane of traffic will be open at all times during construction activities. The improvements are located within the East Contra Costa County HCP/NCCP Service Area, (Urban Area, and Development Fee Zone 1); however, the project falls exclusively within the urban land cover type and is not subject to HCP Planning Survey requirements or mitigation fees.

**Project location:** The project is located in East County adjacent to the north eastern border of the City of Antioch, along a segment of Viera Road between Wilbur Avenue and East 18<sup>th</sup> Street (Figs. 1-3)

This project is exempt from CEQA as a:

- |   |  |
|---|--|
| <input type="checkbox"/> Ministerial Project (Sec. 15268)         | <input checked="" type="checkbox"/> Categorical Exemption, <i>Class 4(h)</i>   |
| <input type="checkbox"/> Declared Emergency (Sec. 15269(a))       | <input type="checkbox"/> Other Statutory Exemption, Section                    |
| <input type="checkbox"/> Emergency Project (Sec. 15269(b) or (c)) | <input type="checkbox"/> General Rule of Applicability [Section 15061 (b) (3)] |

for the following reason(s): \_\_\_\_\_ (insert appropriate CEQA language).

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Community Development Department 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:**

Public Works Department  
255 Glacier Drive  
Martinez, CA 94553  
Attn: Kimani Birden  
Environmental Section

**Department of Fish and Game Fees Due**

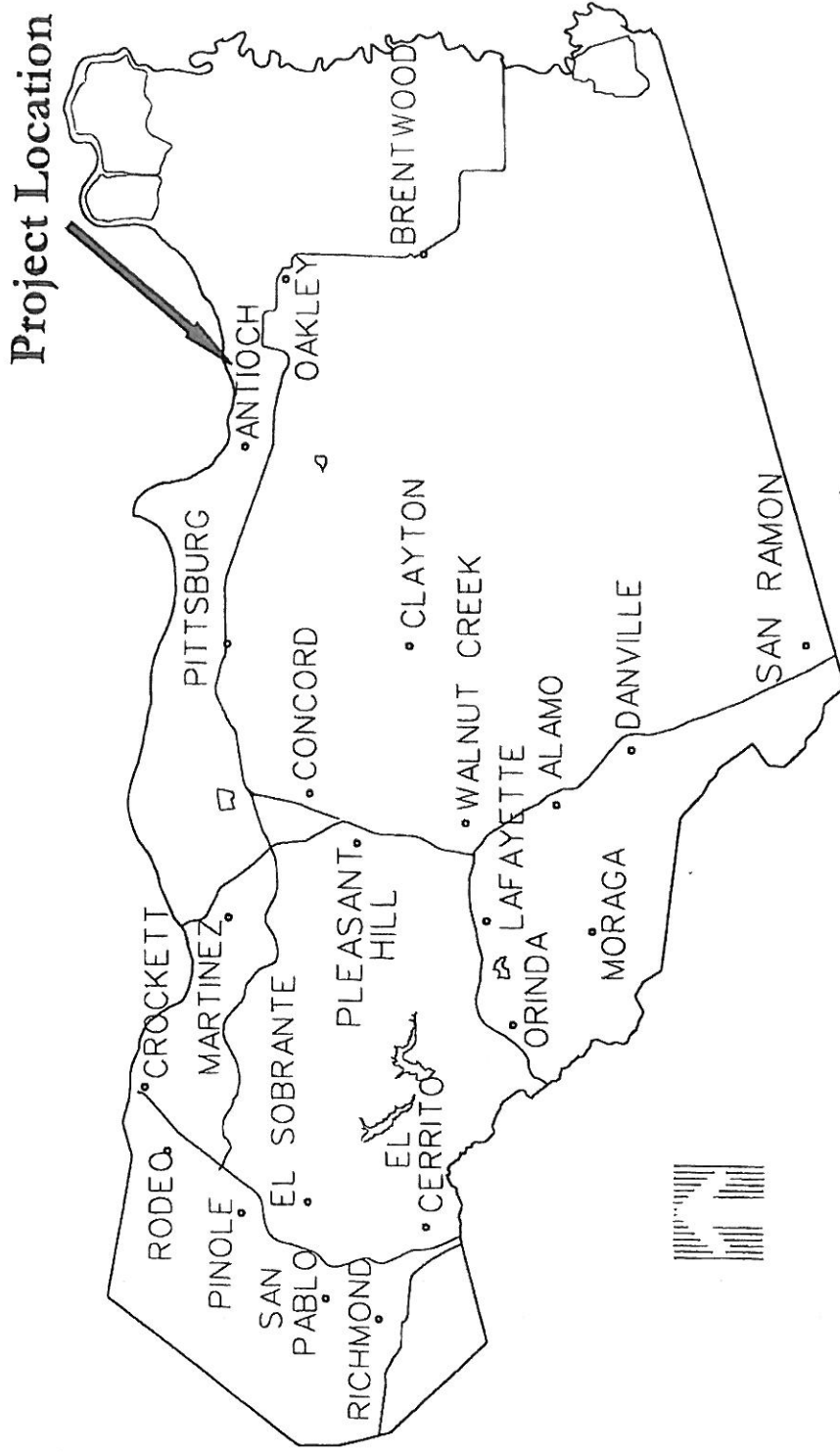
- ☐ EIR - \$2,768.<sup>25</sup>  
☐ Neg. Dec. - \$2,010.<sup>25</sup>  
☒ County Clerk - \$50  
☒ Community Development Dept. - \$25

Total Due: \$ 75.<sup>00</sup>

Total Paid \$

Receipt #:

# CONTRA COSTA COUNTY CALIFORNIA



LOCATION MAP

SACRAMENTO  
COUNTY

DOLON  
ISLAND

WEST ISLAND  
SAN JOAQUIN RIVER

CONTRA COSTA COUNTY

WILBUR

16

COSTA COUNTY

SEE 576 MAP

18TH

ANTIOCH

21

CALIFORNIA

DELTA HWY

Project Location

SEE 595 MAP

0 .125 .25 .375 .5 miles 1 in. = 1900 ft.



# Viera Avenue Bicycle Lanes Project



Project Location

0 415 830 1,660 Feet





Contra  
Costa  
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: January 25, 2011

Subject: APPROVE and AUTHORIZE the Public Works Director, or designee, to advertise the MicroSurfacing Project and make related findings under CEQA, Countywide

**RECOMMENDATION(S):**

APPROVE the Countywide Micro Surfacing Project and AUTHORIZE the Public Works Director, or designee, to advertise the project, Countywide [DCD-CP#10-71] Project No.: 0662-6R4066; and

FIND the project is a California Environmental Quality Act (CEQA), Class 1c Categorical Exemption, pursuant to Article 19, Section 15301(c) of the CEQA Guidelines; and

DIRECT the Director of Conservation and Development to file a Notice of Exemption with the County Clerk; and

AUTHORIZE the Public Works Director to arrange for payment of \$25 fee to the Department of Conservation and Development for processing, and a \$50 fee to the County Clerk for filing the Notice of Exemption.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: 01/25/2011

☒ 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  
Karen Mitchoff, District IV 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: January 25, 2011

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

ABSENT: Federal D. Glover, District V Supervisor

By: EMY L. SHARP, Deputy

Contact: H. Heard, 313-2022

### FISCAL IMPACT:

There is no impact to the County General Fund. This project is funded by the Local Streets and Roads Shortfall Program under the Congestion Management Agency (CMA) Block Grant (100%).

### BACKGROUND:

The project consists of a micro surface treatment application to approximately 21 miles of urban arterial roadways that are essential to the Contra Costa County roadway network. The treatment is an advanced form of slurry seal that uses the same basic ingredients (emulsified asphalt, water, fine aggregate and mineral filler) and combines them with advanced polymer additives. This project will slow deterioration of the pavement, maintain or improve the functional condition of roadways, and extend the pavement's service life. The micro surface will be applied to San Pablo Dam Road, Appian Way, Cummings Skyway, Crockett Boulevard, Taylor Boulevard, Pleasant Hill Road, Olympic Boulevard, Tice Valley Boulevard, Pacheco Boulevard, and Stone Valley Road. Several of these streets also include an existing Class II or III bicycle facility. Per the 2009 Countywide Bicycle and Pedestrian Plan (CBPP) and the Metropolitan Transportation Commission Regional Bikeway Network, Class II bike lanes are proposed along San Pablo Dam Road, Cummings Skyway, and Stone Valley Road. These three roadways will be restriped and signed to accommodate a Class II bike lane where shoulder widths permit. Approximately 22 new bike lane signs will be installed along the 10.6 mile stretch of the three selected roadways where bike lanes begin, transition, and end. Existing signage posts in the area will be used to accommodate the additional bike lane signs whenever possible. Any new signage posts will be installed within the existing shoulder backing of the road or in an existing disturbed area adjacent to the roadway.

Prior to the application of this treatment minimal preparation is needed for localized base failures, dig outs, and crack sealing. An estimated one percent of the total pavement area will require either base failure repairs or dig outs. Minor utility adjustments where necessary will be made to ensure proper transitions at existing utility boxes/manholes after the application is complete. Herbicides will be sprayed to remove existing weeds growing on the edge of pavement. The micro surface treatment will not adhere to thermoplastic paint; therefore, removal of existing thermoplastic striping and street sweeping will also be part of pavement preparation prior to the micro surface placement. Unlike thermoplastic striping, the micro surface treatment can be applied on paint striping; therefore, no existing regular paint striping will need to be removed.

No full road closures are expected as a result of this project. Work for each site (including preparation and restriping) is expected to last 3-6 days depending on the roadway condition. Work will be limited to either night and/or non-commute hours, nighttime work will only occur in areas with no sensitive receptors. One-way traffic control will be provided while work is being done.

Real property transactions, including right-of-way acquisition may be necessary in support of this project.

General Plan Conformance with the City of Pleasant Hill and Walnut Creek may be necessary.

### CONSEQUENCE OF NEGATIVE ACTION:

Delay in approving the project will result in a delay of maintenance activities and may jeopardize federal funding.

### CHILDREN'S IMPACT STATEMENT:

Not Applicable.

### ATTACHMENTS

CEQA Packet

General Location Map

Site and bike lane map



Contra  
Costa  
County

PUBLIC WORKS DEPARTMENT  
INITIAL STUDY OF  
ENVIRONMENTAL SIGNIFICANCE

PROJECT NUMBER# 0662-6R4066  
CP# 10-71

PROJECT NAME: Countywide Micro Surfacing Project

PREPARED BY: Hillary Heard

DATE: December 14, 2010

APPROVED BY: 

DATE: Dec. 20, 10

RECOMMENDATIONS:

☒ **Categorical Exemption** [*Class 1(c)*]

☐ Negative Declaration

☐ Environmental Impact Report Required

☐ Conditional Negative Declaration

**The project will not have a significant effect on the environment. The recommendation is based on the following:**

The project consists \_\_\_\_\_ of maintenance activities to existing public structures throughout the County pursuant to section 15301(c) of the CEQA guidelines. No expansion of existing use would occur. The project will not result in significant effects on the environment or damage to scenic or historical resources, nor are project locations located on a Hazardous Waste Sites.

**What changes to the project would mitigate the identified impacts:** N/A

USGS Quad Sheet: <u>Benicia, Vine Hill, Briones Valley, Walnut Creek, Richmond, Las Trampas Ridge, Diablo</u>	Base Map Sheet #: <u>F-12, F-13, E-9, D-8, H-6, J-6, M-8, L-8, L-7, P-13, P-14, M-12, M-13, L-13, K-13, R-15, R-16</u>	Parcel #: <u>N/A</u>
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**GENERAL CONSIDERATIONS:**

**1. Location:** Roadways are at various locations throughout the County (Figs.1-2).

**2. Project Description:** The project consists of a micro surface treatment application to approximately 21 miles of urban arterial roadways that are essential to the Contra Costa County roadway network. The treatment is an advanced form of slurry seal that uses the same basic ingredients (emulsified asphalt, water, fine aggregate and mineral filler) and combines them with advanced polymer additives. This project will slow deterioration of the pavement, maintain or improve the functional condition of roadways, and extend the pavement's service life. The micro surface will be applied to San Pablo Dam Road, Appian Way, Cummings Skyway, Crockett Boulevard, Taylor Boulevard, Pleasant Hill Road, Olympic Boulevard, Tice Valley Boulevard, Pacheco Boulevard, and Stone Valley Road. Several of these streets also include an existing Class II or III bicycle facility. Per the 2009 Countywide Bicycle and Pedestrian Plan (CBPP) and the Metropolitan Transportation Commission Regional Bikeway Network, Class II bike lanes are proposed along San Pablo Dam Road, Cummings Skyway, and Stone Valley Road. These three roadways will be restriped and signed to accommodate a Class II bike lane where shoulder widths permit. Approximately 22 new bike lane signs will be installed along the 10.6 mile stretch of the three selected roadways where bike lanes begin, transition, and end. Existing signage posts in the area will be used to accommodate the additional bike lane signs whenever possible. Any new signage posts will be installed within the existing shoulder backing of the road or in an existing disturbed area adjacent to the roadway.

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No full road closures are expected as a result of this project. Work for each site (including preparation and restriping) is expected to last 3-6 days depending on the roadway condition. Work will be limited to either night and/or non-commute hours, nighttime work will only occur in areas with no sensitive receptors. One-way traffic control will be provided while work is being done.

Real property transactions, including right-of-way acquisition may be necessary in support of this project.

General Plan Conformance with the City of Pleasant Hill and Walnut Creek may be necessary.

**3. Does it appear that any feature of the project will generate significant public concern?**

☐ yes ☒ no ☐ maybe (Nature of concern):

**4. Will the project require approval or permits by other than a County agency?**

☒ yes ☐ no : Caltrans

**5. Is the project within the Sphere of Influence of any city?** Yes, Pleasant Hill and Walnut Creek

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) 313-2022

Contact Person: Hilary Heard- Public Works Dept.

**Project Description, Common Name (if any) and Location:** Countywide Micro Surfacing Project (WO# 0662-5R4066), County File: CP# 10-71

**Project Description:** The project consists of a micro surface treatment application to approximately 21 miles of urban arterial roadways that are essential to the Contra Costa County roadway network. The treatment is an advanced form of slurry seal that uses the same basic ingredients (emulsified asphalt, water, fine aggregate and mineral filler) and combines them with advanced polymer additives. This project will slow deterioration of the pavement, maintain or improve the functional condition of roadways, and extend the pavement's service life. The micro surface will be applied to San Pablo Dam Road, Appian Way, Cummings Skyway, Crockett Boulevard, Taylor Boulevard, Pleasant Hill Road, Olympic Boulevard, Tice Valley Boulevard, Pacheco Boulevard, and Stone Valley Road. Several of these streets also include an existing Class II or III bicycle facility. Per the 2009 Countywide Bicycle and Pedestrian Plan (CBPP) and the Metropolitan Transportation Commission Regional Bikeway Network, Class II bike lanes are proposed along San Pablo Dam Road, Cummings Skyway, and Stone Valley Road. These three roadways will be restriped and signed to accommodate a Class II bike lane where shoulder widths permit. Approximately 22 new bike lane signs will be installed along the 10.6 mile stretch of the three selected roadways where bike lanes begin, transition, and end. Existing signage posts in the area will be used to accommodate the additional bike lane signs whenever possible. Any new signage posts will be installed within the existing shoulder backing of the road or in an existing disturbed area adjacent to the roadway.

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Real property transactions, including right-of-way acquisition may be necessary in support of this project.

General Plan Conformance with the City of Pleasant Hill and Walnut Creek may be necessary.

**Project location:** Roadways are at various locations throughout the County (Fig. 1-2).

This project is exempt from **CEQA** as a:

- |   |  |
|---|--|
| <input type="checkbox"/> Ministerial Project (Sec. 15268)         | <input checked="" type="checkbox"/> Categorical Exemption, <i>Class I(c)</i>   |
| <input type="checkbox"/> Declared Emergency (Sec. 15269(a))       | <input type="checkbox"/> Other Statutory Exemption, Section                    |
| <input type="checkbox"/> Emergency Project (Sec. 15269(b) or (c)) | <input type="checkbox"/> General Rule of Applicability [Section 15061 (b) (3)] |

**for the following reason(s):** The project consists of maintenance activities to existing public structures throughout the County pursuant to section 15301(c) of the CEQA guidelines. No expansion of existing use would occur. The project will not result in significant effects on the environment or damage to scenic or historical resources, nor are project locations located on a Hazardous Waste Sites.).

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Dept. of Conservation and Development Representative

**AFFIDAVIT OF FILING AND POSTING**

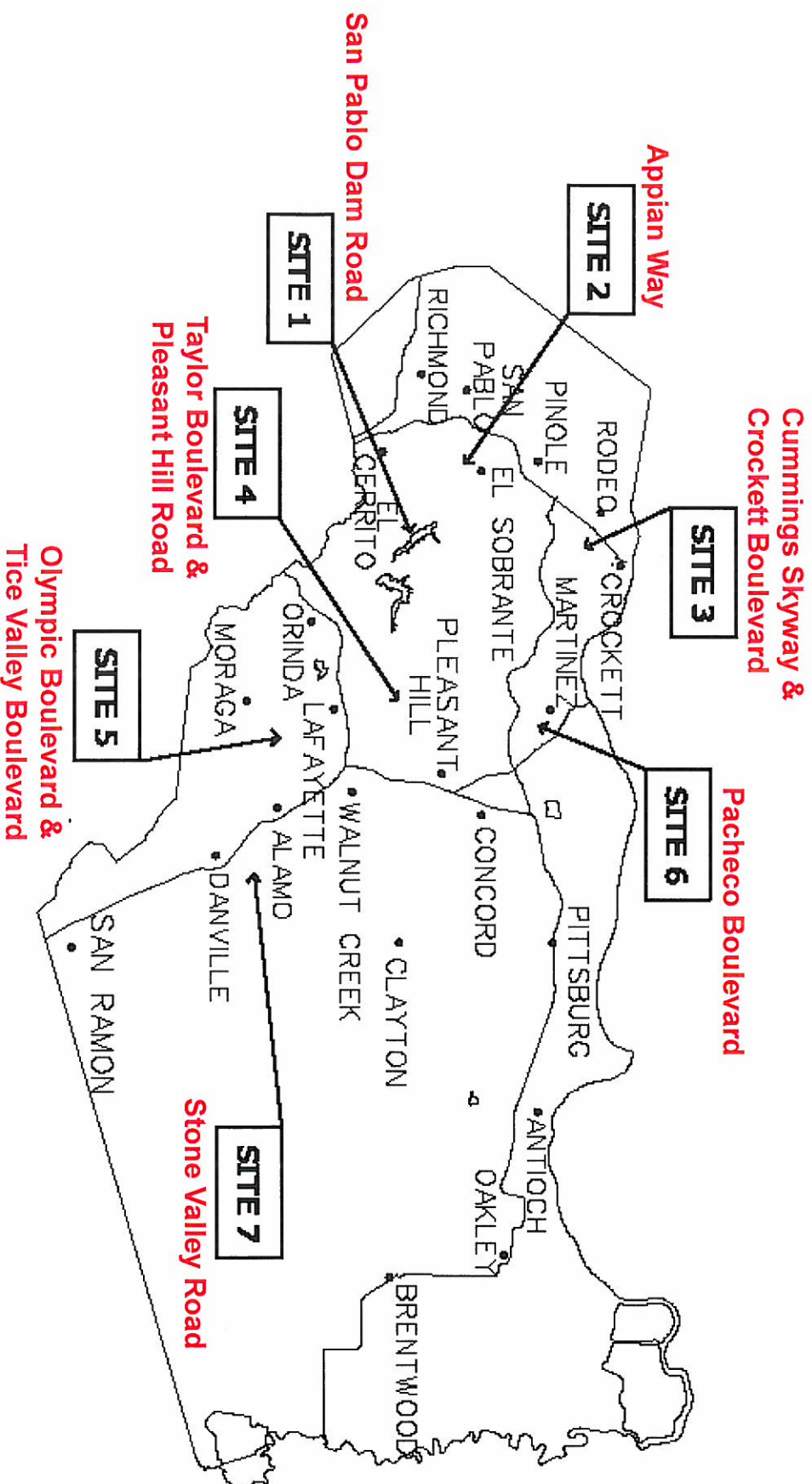
I declare that on \_\_\_\_\_ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Applicant:	Department of Fish and Game Fees Due	
Public Works Department 255 Glacier Drive Martinez, CA 94553 Attn: <b>Hilary Heard</b> Environmental Section	<input type="checkbox"/> EIR - \$2,792. <sup>25</sup> <input type="checkbox"/> Neg. Dec. - \$2,010. <sup>25</sup> <input type="checkbox"/> Mit. Neg. Dec. - \$2,010. <sup>25</sup> <input checked="" type="checkbox"/> County Clerk - \$50 <input checked="" type="checkbox"/> Department of Conservation and Development - \$25	<b>Total Due: \$75.00</b> Total Paid \$ _____ Receipt #: _____

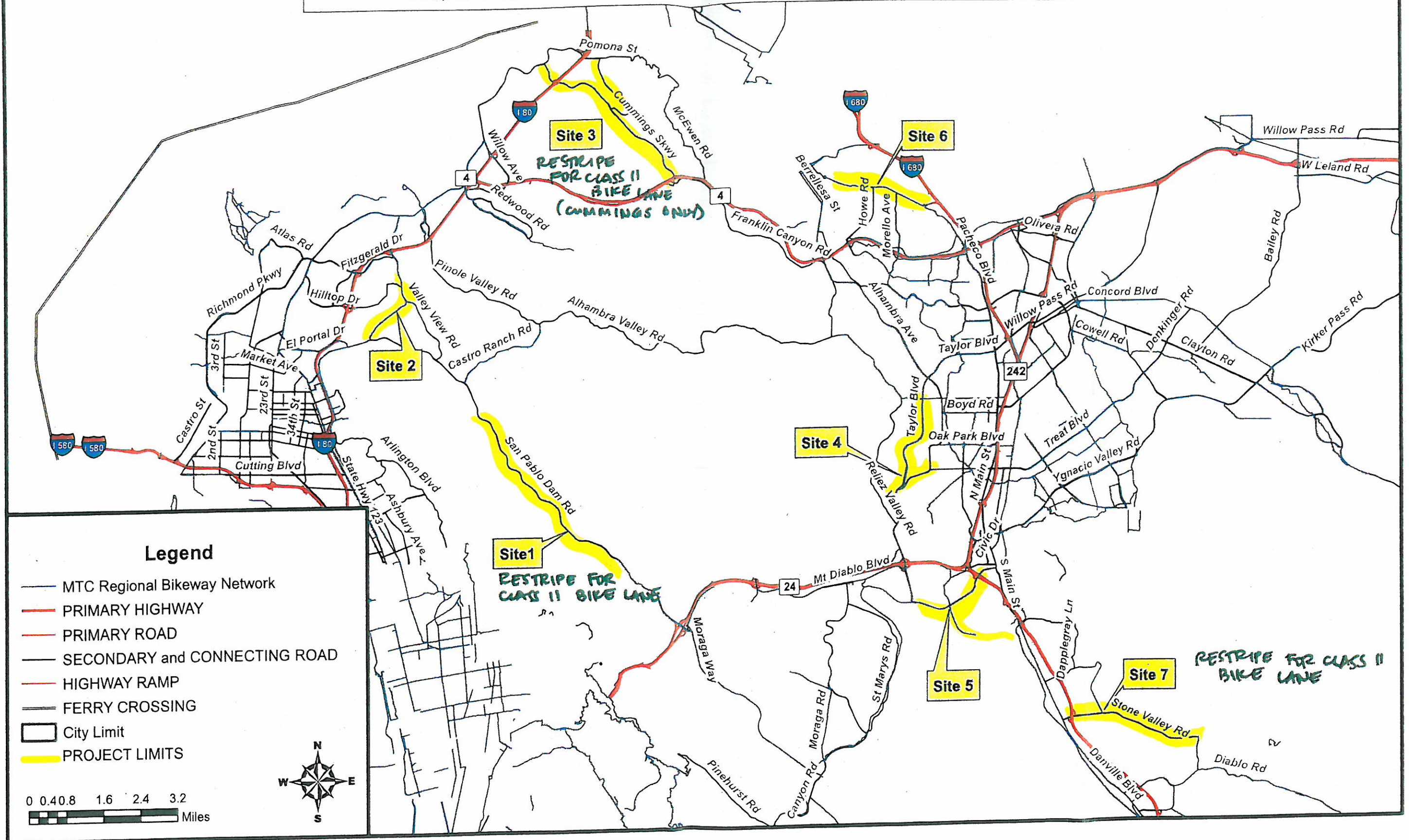
## General Location of 7 Sites





# Countywide Arterial Microsurface Project

Prepared by Contra Costa County Public Works Department





**Contra  
Costa  
County**

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: January 25, 2011

Subject: Accept Grant Deed from Contra Costa County Redevelopment Agency in connection to the Bailey Road Improvement Project, Bay Point area.

**RECOMMENDATION(S):**

A. DETERMINE the Mitigated Negative Declaration adopted September 21, 2009 by the City of Pittsburg (City) for the Bailey Road Improvement Project is adequate and has been prepared consistent with State and County California Environmental Quality Act guidelines; (District V) Project No. 4500-6X5489

B. ADOPT the previously certified Mitigated Negative Declaration for the purpose of right of way conveyance between the Redevelopment Agency and Contra Costa County;

C. DIRECT the Department of Conservation and Development to file a Notice of Determination and pay the filing fees to the County Clerk:

D. ACCEPT the grant deed from the Contra Costa County Redevelopment Agency for right-of-way needed in connection to the Bailey Road Improvement Project, pursuant to Government Code Section 25365.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/25/2011**



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

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: Lisa Dalziel 313-2223

cc: J. Carlson, Real Property

**FISCAL IMPACT:**

Funding for the project is through Safe Routes to Transit grant (\$650,000), Transportation for Livable Communities grant (\$988,778), Transportation Development Act funds (\$160,000), Bailey Road Maintenance Disposal Surcharge funds (\$1,193,000), local match from the City (\$956,635); and budgeted County Redevelopment funds cover the local match for the County.

**BACKGROUND:**

The Contra Costa County Public Works Department and Redevelopment Agency are working with the City to implement the Bailey Road Improvement Project for Bailey Road, between State Route 4 and Leland Road. The City, as the lead agency for the project, adopted the Mitigated Negative Declaration on September 21, 2009. Staff is recommending that Contra Costa County, a responsible Agency for the project adopt the Mitigated Negative Declaration for the project

The Agency acquired certain real property referenced in said grant deed for a land assemblage program known as the Orbisonia Heights Redevelopment project. Portions of said properties are needed for frontage improvements along Bailey Road, including sidewalk and bike lanes fronting the Orbisonia Heights Redevelopment project site.

**CONSEQUENCE OF NEGATIVE ACTION:**

Receipt of grant funds to carry out the project could be jeopardized if conveyance of right-of-way is delayed.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable.





Contra  
Costa  
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: January 25, 2011

Subject: Approve Encroachment Permit for Countywide Bridge Deck Methacrylate Project by City of Walnut Creek, City of Martinez, County of Alameda and Caltrans

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute Roadway Encroachment Permits issued by the County of Alameda, the Cities of Martinez and Walnut Creek, and Caltrans for the above construction project and to arrange for any necessary payment of permit, inspection, and related fees in accordance with the permits.

**FISCAL IMPACT:**

There will be no impact to County General Fund. The estimated project cost is \$1,134,200. The permits will be funded 88.5% by Federal funds and 11.5% by local road funds.

**BACKGROUND:**

The Public Works Department is preparing to construct the Countywide Bridge Deck Methacrylate Project. The purpose of this project is to improve the lifespan of numerous existing bridge decks throughout the County. Work



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/25/2011**



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

Karen Mitchoff, District IV  
Supervisor

Federal D. Glover, District V  
Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: Larry Theis, 313-2166

cc:

#### BACKGROUND: (CONT'D)

will include applying a high resin methacrylate sealant, replacing joint seals, and repairing concrete spawling on the bridge deck surface.. The estimated cost of this project is \$1,134,200, funded 88.5% by Federal funds and 11.5% from local road funds.

As part of the project work, temporary traffic control and warning signs will need to be placed on adjacent roadways located within the unincorporated area of the County of Alameda and within the City limits of the Cities of Martinez and Walnut Creek and on adjacent State highways under the jurisdiction of Caltrans. Normally, the County would leave it to the general contractor to apply for and obtain roadway encroachment permits covering the traffic control activities and signs in the adjacent jurisdictions. However, in this case, as part of the Federal funding, Caltrans and the Federal Highway Administration (FHWA) have required that the County initially obtain the roadway encroachment permits in its name and not delegate this solely to the general contractor.

For the roadway encroachment permit applications, the above agencies require the County to sign indemnification language that would generally require the County to defend and indemnify the agencies for any accidents or damages resulting from the traffic control activities. Given the minor and temporary nature of the traffic control activities, the indemnification requirements would involve relatively low risk to the County and, in any event, would be covered by the general contractor's liability insurance. In addition, County staff plans to work with the above agencies to replace the roadway encroachment permits initially obtained by the County with those subsequently obtained by the County's general contractor for this project.

To meet the expected tight deadlines to construct this project, it is necessary for the County to promptly obtain the roadway encroachment permits prior to approval of the Federal funds. The roadway encroachment permits are an essential part of the County's project submittal package to Caltrans. Under the circumstances, the Public Works Director recommends that the Board authorize staff to execute roadway encroachment permits issued by the above agencies and arrange for any necessary payment of permit, inspection, and related fees in accordance with the permits.

#### CONSEQUENCE OF NEGATIVE ACTION:

Without these permits, Federal funding will be in jeopardy.

#### CHILDREN'S IMPACT STATEMENT:

Not Applicable.





Contra  
Costa  
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: January 25, 2011

Subject: Approve Encroachment Permit for Countywide Arterial Microsurface Project by City of Walnut Creek, Martinez, Town of Danville, City of Pleasant Hill...

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute Roadway Encroachment Permits issued by the Cities of Martinez, Orinda, Pinole, Pleasant Hill, Richmond, and Walnut Creek, the Town of Danville, and Caltrans for the above construction project and to arrange for any necessary payment of permit, inspection, and related fees in accordance with the permits.

**FISCAL IMPACT:**

There will be no impact to the County General Fund. The estimated project costs is \$2,100,000. The permits will be funded 88.5% by Federal funds and 11.5% by local road funds.

**BACKGROUND:**

The Public Works Department is preparing to construct the Countywide Arterial Microsurface Project. The purpose of this project is to apply microsurface treatment to 21 miles of roadway on ten roads at seven separate locations to prolong the useful life of each roadway. Work will include surface preparation, stripe removal, and placement of thermoplastic striping. Three

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: Larry Theis, 313-2166

cc:

#### BACKGROUND: (CONT'D)

roads are to be re-stripped and signed for Class II bike lanes. The estimated cost of this project is \$2,100,000, funded 88.5% by Federal funds and 11.5% from local road funds.

As part of the project work, temporary traffic control and warning signs will need to be placed on adjacent roadways located within the City limits of the Cities of Martinez, Orinda, Pinole, Pleasant Hill, Richmond, and Walnut Creek and the Town limits of the Town of Danville and on adjacent State highways under the jurisdiction of Caltrans. Normally, the County would leave it to the general contractor to apply for and obtain roadway encroachment permits covering the traffic control activities and signs in the adjacent jurisdictions. However, in this case, as part of the Federal funding, Caltrans and the Federal Highway Administration (FHWA) have required that the County initially obtain the roadway encroachment permits in its name and not delegate this solely to the general contractor.

For the roadway encroachment permit applications, the above agencies require the County to sign indemnification language that would generally require the County to defend and indemnify the agencies for any accidents or damages resulting from the traffic control activities. Given the minor and temporary nature of the traffic control activities, the indemnification requirements would involve relatively low risk to the County and, in any event, would be covered by the general contractor's liability insurance. In addition, County staff plans to work with the above agencies to replace the roadway encroachment permits initially obtained by the County with those subsequently obtained by the County's general contractor for this project.

To meet the expected tight deadlines to construct this project, it is necessary for the County to promptly obtain the roadway encroachment permits prior to approval of the Federal funds. The roadway encroachment permits are an essential part of the County's project submittal package to Caltrans. Under the circumstances, the Public Works Director recommends that the Board authorize staff to execute roadway encroachment permits issued by the above agencies and arrange for any necessary payment of permit, inspection, and related fees in accordance with the permits.

#### CONSEQUENCE OF NEGATIVE ACTION:

Without these permits, Federal funding will be in jeopardy.

#### CHILDREN'S IMPACT STATEMENT:

Not Applicable.



Contra  
Costa  
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: January 25, 2011

Subject: Accepting Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement, and Right of Entry, for LP 08-02044

**RECOMMENDATION(S):**

ADOPT Resolution No. 2011/31 accepting Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement, and Right of Entry, for land use permit LP 08-02044, for project being developed by AVE Bay Point Limited Partnership and AVE Bay Point Dunn Limited Partnership, as recommended by the Public Works Director, Bay Point area. (District V)

**FISCAL IMPACT:**

No Fiscal Impact.

**BACKGROUND:**

This agreement is required to satisfy condition of approval No. 47 of land use permit LP 08-02044 and to ensure compliance with the County's Municipal NPDES Permit and the Stormwater Management and Discharge Control Ordinance.

**CONSEQUENCE OF NEGATIVE ACTION:**

The agreement will not be recorded. This would result in future property owners not being notified and clarified of their maintenance responsibilities over the stormwater (clean water) facilities and the County's rights of entry.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/25/2011**



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

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: J. LaRocque, 313-2315

cc: D. Brockbank, DCD, M. Sinz, Public Works

## ATTACHMENTS

Resolution No.

2011/31

Covenant

Recorded at the request of: Board of Supervisors

Return To: Public Works Engineering Services Division

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

Adopted this Resolution on 01/25/2011 by the following vote:

**AYES:** John Gioia, District I Supervisor Gayle B. Uilkema, District II Supervisor Mary N. Piepho, District III Supervisor Karen Mitchoff, District IV Supervisor Federal D. Glover, District V Supervisor

**NOES:** ☐

**ABSENT:** ☐

**ABSTAIN:** ☐

**RECUSE:** ☐

---

Resolution No. 2011/31

Accepting Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement, and Right of Entry, for land use permit LP 08-02044, for project being developed by AVE Bay Point Limited Partnership and AVE Bay Point Dunn Limited Partnership, as recommended by the Public Works Director, Bay Point area. (District V)

IT IS BY THE BOARD RESOLVED that the following instrument is hereby ACCEPTED:

INSTRUMENT: Covenant Running  
with the Land,  
Stormwater Management  
Facilities Operation  
And Maintenance  
Agreement, and Right  
Of entry

REFERENCE: LP 08-02044

GRANTOR: AVE Bay Point  
Limited Partnership  
and AVE Bay Point  
Dunn Limited  
Partnership

AREA: Bay Point

DISTRICT: V

APN: 096-031-009  
096-031-020  
096-031-021

**Contact: J. LaRocque, 313-2315**

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: January 25, 2011**

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

By: EMY L. SHARP, Deputy

**cc:** D. Brockbank, DCD, M. Sinz, Public Works

Recording Requested By:  
COUNTY OF CONTRA COSTA

Return to: COUNTY OF CONTRA COSTA  
Public Works Department / Watershed Program  
255 Glacier Drive  
Martinez, CA 94553

---

**Document Title**

**COUNTY OF CONTRA COSTA**

**COVENANT RUNNING WITH THE LAND,  
STORMWATER MANAGEMENT FACILITIES OPERATION  
AND MAINTENANCE AGREEMENT, AND RIGHT OF ENTRY**

**PROJECT: County File #LP08-2044 (Walgreens Bay Point)**

**OWNERS NAME(S): AVE Bay Point Limited Partnership and  
AVE Bay Point Dunn Limited Partnership**

**ASSESSOR'S PARCEL NUMBER(S): 096-031-009, 096-031-020, 096-031-021**

**COVENANT RUNNING WITH THE LAND,  
STORMWATER MANAGEMENT FACILITIES  
OPERATION AND MAINTENANCE AGREEMENT,  
AND RIGHT OF ENTRY**

This Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry ("Agreement") is made and entered into this 16 day of December, 2010, by and between AVE Bay Point Limited Partnership, a California limited partnership, and AVE Bay Point Dunn Limited Partnership, a California limited partnership (hereinafter referred to collectively as "Property Owner") and the County of Contra Costa, a political subdivision of the State of California ("County").

**RECITALS**

This Agreement is made and entered into with reference to the following facts:

- A. The Property Owner owns fee title to the Property and intends to develop it in a manner that will create at least ten thousand (10,000) square feet of impervious surfaces. Due to the amount of impervious surfaces created, the development is subject to the requirements of the NPDES permit.
- B. The County operates and maintains Broadway Avenue and Willow Pass Road. The storm drains associated with these streets receive stormwater from the Property, and the County is required to ensure that stormwater runoff from the Property into said storm drains meets the requirements of its NPDES Permit.
- C. The NPDES permit requires the County to condition approval of the development on the implementation, by the Property Owner, of treatment measures to reduce stormwater pollutant discharges.
- D. The Ordinance sets forth procedures for carrying out the NPDES Permit's conditions. The Ordinance requires the Property Owner to submit a Stormwater Control Plan and an Operations and Maintenance Plan to the County for approval, and to implement the plans upon approval.

**DEFINITIONS**

The following terms used in this Agreement have the meanings specified below:

**County Engineer:** The term "**County Engineer**" means the Public Works Director for the County or his/her designee.

**Maintain:** The term "**maintain**" or "**maintained**" or "**maintenance**" means taking all actions reasonably necessary to keep the Stormwater Facilities in compliance with the



Stormwater Control and Operation and Maintenance Plans, which actions include but are not limited to, regular inspections, painting, cleaning, refinishing, repairing, replacing and reconstructing the Stormwater Facilities, and in the case of landscaping, plant replacement, mulch replacement, irrigating, trimming, mowing, and fertilizing the landscaping. The term also includes activities described in the Operation and Maintenance Plan, annual inspection and reporting, and the payment of any applicable County fees.

**NPDES Permit:** The term "**NPDES Permit**" means National Pollutant Discharge Elimination System (NPDES) Permit No. CAS612008 (issued by the San Francisco Regional Water Quality Control Board), any amendments to the permit, and any subsequent superseding permits.

**Operation and Maintenance Plan:** The term "**Operation and Maintenance Plan**" means the Stormwater Control Operation and Maintenance Plan prepared by Nolte Associates and deemed consistent with the Ordinance by the County on November 3, 2010, which may be subsequently modified from time to time with the County Engineer's prior written approval as provided herein. The Operation and Maintenance Plan and any approved amendments thereto are on file at the County Public Works Department.

**Ordinance:** The term "**Ordinance**" means Division 1014 of Title 10 of the Contra Costa County Code (Stormwater Management and Discharge Control), as may be amended from time to time.

**Property:** The term "**Property**" means that real property identified by the Contra Costa County Assessor as Assessor's Parcel Number(s) 096-031-009, 096-031-010, and 096-031-021, which is more particularly described in Exhibit A attached hereto and incorporated herein.

**Property Owner:** The term "**Property Owner**" means AVE Bay Point Limited Partnership and AVE Bay Point Dunn Limited Partnership and all heirs, successors, executors, administrators and assigns of any interest in the Property.

**Stormwater Control Plan:** The term "**Stormwater Control Plan**" means the Stormwater Control Plan prepared by Nolte Associates and deemed consistent with the Ordinance by the County on November 3, 2010, which may be subsequently modified from time to time with the County Engineer's prior written approval as provided herein. The Stormwater Control Plan and any approved amendments thereto are on file at the County Public Works Department.

**Stormwater Facilities:** The term "**Stormwater Facilities**" means the permanent stormwater management facilities and appurtenant design features located and constructed on the Property, as described by the Stormwater Control Plan, and as shown in Exhibit A to the Stormwater Control Plan, which is on file with the County Public Works Department.

## AGREEMENT

**NOW, THEREFORE,** for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and Property Owner agree as follows:

### SECTION 1

**Responsibility for Operation and Maintenance:** The Property Owner represents and warrants that the Stormwater Facilities have been constructed and installed in accordance with the Stormwater Control Plan. No portion of the Stormwater Facilities may be altered in any manner that is inconsistent with the Stormwater Control Plan without the prior written consent of the County Engineer. The Property Owner shall maintain the Stormwater Facilities in first class operating condition, in accordance with the Stormwater Control Plan and the Operations and Maintenance Plan, and in compliance with all applicable federal, state, and local laws and regulations, as they may be amended from time to time.

The County may require the Property Owner to amend the Stormwater Control Plan and/or the Operation and Maintenance Plan whenever the County reasonably deems amendments necessary to maintain compliance with the NPDES Permit. All amendments proposed by the Property Owner are subject to the prior written approval of the County Engineer. Whenever the Property Owner requests amendments to the Stormwater Control Plan and/or the Operation and Maintenance Plan, the Property Owner shall reimburse the County for all staff time spent reviewing and taking any action with respect to such requests, whether or not the County Engineer approves the proposed amendments. All approved amendments to the Stormwater Control Plan and the Operation and Maintenance Plan will be kept on file at the County Public Works Department. The Property Owner shall comply with all requirements of the Stormwater Control Plan and the Operation and Maintenance Plan, and any amendments thereto.

The Property Owner shall engage a landscape contractor or other licensed professional to undertake the following maintenance activities on the Property, if the Property Owner or the County Engineer deems such activities to be necessary for plan compliance, unless the Property Owner receives prior written approval of an alternative method from the County Engineer.

1. Diagnosis and correction of Stormwater Facilities malfunctions that cannot be corrected through routine maintenance,
2. Application of fertilizer and/or pest control products,
3. Repair of private drainage system (including rain gutters, downspouts, area drains, risers, inlets, outlets, overflows, clean-outs, connectors, earthen (vegetated) and/or concrete conveyance swales, check dam/retaining walls, and catch basins),
4. Maintenance of irrigation system that may affect stormwater reaching Stormwater Facilities,

5. Modification of site topography through grading, paving, pavement maintenance, or other activities that may affect stormwater reaching Stormwater Facilities,
6. Subdrain cleaning/replacement (including perforated drain pipe),
7. Replacement of engineered soil and mulch,
8. Replacement of energy dissipation rock.

The County Engineer may, at any time, with reasonable cause, revoke approval of an alternate method for the maintenance of the Stormwater Facilities, and require Property Owner to hire a landscape contractor or other licensed professional to undertake any of the activities mentioned in this section.

## **SECTION 2**

**Inspection by Property Owner:** The Property Owner shall conduct, at a minimum, annual inspections of the Stormwater Facilities, and shall submit a Stormwater Facility Operation and Maintenance Certification Form, which will be provided annually to the Property Owner by the County, to the County Engineer within 30 days after completion of the inspection or by the date indicated on the form. In the event that the County reasonably determines that the information submitted is insufficient to determine that the Property Owner is complying with the terms of this Agreement, the County may require additional information from either the Property Owner or an appropriate licensed contractor.

## **SECTION 3**

**Right of Entry and Stormwater Facilities Inspection by the County:** The Property Owner hereby grants to the County, its authorized agents and employees, and other agencies/districts with a legitimate interest in the Stormwater Facilities such as the Contra Costa Flood Control and Water Conservation District, the Contra Costa Mosquito and Vector Control District, the Contra Costa County Consolidated Fire Protection District, the Regional Water Quality Control Board, a right of entry upon the Property to inspect the Stormwater Facilities. The County and all other entities shall endeavor to provide reasonable notice to the Property Owner before entering the Property, and such entry shall be conducted in such a manner as to reasonably minimize interference with any business being conducted on the Property.

## **SECTION 4**

**Failure to Perform Required Stormwater Facilities Repairs or Maintenance by the Property Owner:** If the Property Owner fails to maintain the Stormwater Facilities in good working order and in accordance with the approved Operation and Maintenance Plan and the Ordinance, the County, upon providing reasonable prior written notice pursuant to Section 8 of this Agreement, may enter the Property to perform any work of maintenance or repair on the Stormwater Facilities. The County is under no obligation to

maintain or repair the Stormwater Facilities, and this Agreement may not be construed to impose any such obligation on the County. If the County, under this section, performs any work of maintenance or repair on the Stormwater Facilities, such action shall not be deemed or construed as an exercise of dominion and control by the County over the Stormwater Facilities or the Property. To the contrary, the Property Owner shall remain, at all times, obligated to maintain the Stormwater Facilities in accordance with the Stormwater Control Plan and the Operation and Maintenance Plan. The Property Owner shall reimburse the County for all maintenance and repair costs incurred by the County with respect to the Stormwater Facilities, including administrative costs. The County will provide the Property Owner with an itemized invoice of the County's costs and the Property Owner will have 30 days to pay the invoice. In addition, the County may recover the cost of any code enforcement or nuisance abatement actions caused by the Property Owner's failure to maintain the Stormwater Facilities through special assessment against the Property that may be collected in accordance with applicable law. This section does not prohibit the County from pursuing other legal recourse against the Property Owner.

If the Property Owner fails to maintain the Stormwater Facilities in accordance with the Operation and Maintenance Plan and the Ordinance, the Property Owner shall be responsible for payment of, or reimbursement to the County for, any fines that may be levied against the County by the Regional Water Quality Control Board or any other regulatory agency to the extent that the fines result from the Property Owner's failure to maintain the Stormwater Facilities. The County may recover such costs from the Property Owner in the same manner as provided in the preceding paragraph of this section.

## **SECTION 5**

**Indemnity:** The Property Owner agrees to defend, indemnify, save, and hold harmless the County, its governing board, officers, agents, and employees from any and all demands, losses, claims, costs, suits, liabilities, and expenses for any property damage, personal injury, or death arising directly or indirectly from or connected with the design, construction, use, operation or maintenance of the Stormwater Facilities by the Property Owner or the presence or existence of the Stormwater Facilities on the Property, except for claims, costs, or liabilities resulting from the sole negligence or sole willful misconduct of the County. The Property Owner's obligations under this section shall include the payment of penalties, fines, attorneys' fees, experts' fees, costs, and litigation expenses, as well as liability for the release or existence of any hazardous materials on, under, or in the Property. If any action or proceeding is brought against any of the indemnitees, the Property Owner shall reimburse the indemnitees for any expenditures, including reasonable attorneys' fees and costs, incurred by the indemnitees and, if requested by any of the indemnitees, shall defend the action or proceeding at the Property Owner's sole expense with counsel reasonably acceptable to the indemnitees.



## **SECTION 6**

**Covenant Running with the Land:** The provisions of this Agreement constitute a covenant running with the land that shall bind Property Owner and all of Property Owner's agents, representatives, heirs, assigns, and all other successors in ownership of the Property. Said covenant shall inure to the benefit of and be enforceable by the County, and its successors and assigns in ownership of each and every part of Broadway Avenue and Willow Pass Road and the associated storm drains.

## **SECTION 7**

**Severability:** Invalidation of any one of the provisions of this Agreement shall in no way affect any other provisions and all other provisions shall remain in full force and effect.

## **SECTION 8**

**Notices:** All notices herein required in writing shall be delivered by person or sent by registered mail, postage pre-paid.

Notices required to be given to the County shall be addressed as follows:

Contra Costa County Public Works Department  
Attention: County Watershed Program  
255 Glacier Drive  
Martinez, CA 94553

Notices required to be given to the Property Owner shall be addressed as follows:

Name/Corporate Entity: C/O Aventine Development Corporation  
Attention (Name, Position): Chad A. Hagle, CEO  
Street Address: 4685 Mac Arthur Court, Suite 375  
City, State: Newport Beach, CA 92660  
Telephone Number: 949-660-1293

Any party may change its address or contact person by notice in writing to the other party, and thereafter, notices shall be addressed and transmitted to the new address and/or new contact person.

## **SECTION 9**

**Effective Date and Amendment:** This Agreement is effective upon the date of execution as stated at the beginning of this Agreement. This Agreement shall not be

modified except by written instrument executed by the County and the Property Owner. Such amendment shall be effective upon the date of execution and shall be recorded.

**County**

Contra Costa County, a political subdivision of the State of California

By: \_\_\_\_\_  
Chair of the Board of Supervisors  
or Designee

Recommended for Approval:

By:  \_\_\_\_\_

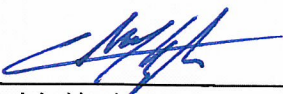
Approved as to Form:  
Sharon L. Anderson,  
County Counsel


By:  \_\_\_\_\_  
Deputy County Counsel

**Property Owner**

AVE Bay Point Limited Partnership,  
a California limited partnership

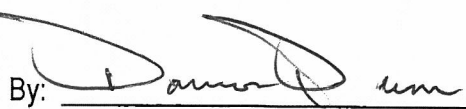
By: AVE Bay Devco, Inc.,  
a California corporation  
Its: General Partner

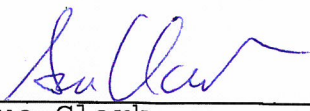
By:  \_\_\_\_\_  
Name: Chad A. Hagle  
Title: President

By:  \_\_\_\_\_  
Name: Sue Clark  
Title: Secretary

AVE Bay Point Dunn Limited Partnership,  
a California limited partnership

By: AVE Bay Devco Dunn, Inc.,  
a California corporation  
Its: General Partner

By:  \_\_\_\_\_  
Name: Damon J. Dunn  
Title: President

By:  \_\_\_\_\_  
Name: Sue Clark  
Title: Secretary

Attachments: Acknowledgments  
Exhibit A

**ALL PURPOSE ACKNOWLEDGMENT**

State of California )  
 ) s.s.  
County of ORANGE )

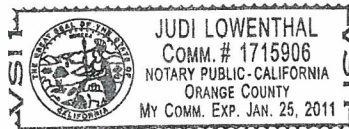
On DECEMBER 16, 2010, before me,  
JUDI LOWENTHAL, NOTARY PUBLIC, personally appeared  
CHAD A. HAGLE AND SUE CLARK,  
\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they 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 is true and correct.

WITNESS my hand and official seal.

(SEAL)

Judi Lowenthal  
Signature of Notary Public



**CAPACITY CLAIMED BY SIGNER:**

Though statute does not require the notary to fill in the data below, doing so may prove  
invaluable to persons relying on the document.

\_\_\_\_ Individual(s)  
✓ Corporate Officer(s) Titles PRESIDENT and SECRETARY  
\_\_\_\_ Partner(s) \_\_\_\_\_ Limited \_\_\_\_\_ General  
\_\_\_\_ Attorney-in-Fact  
\_\_\_\_ Trustee(s)  
\_\_\_\_ Guardian/Conservator  
\_\_\_\_ Other : \_\_\_\_\_

Signer is representing: \_\_\_\_\_

**ATTENTION NOTARY:** Although the information requested below is optional, it could  
prevent fraudulent attachment of this certificate to unauthorized document.

Title or type of document COVENANT...  
Number of pages: 10 Date of document: 12/16/10  
Signer(s) other than named above: \_\_\_\_\_

**THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE**

**ALL PURPOSE ACKNOWLEDGMENT**

State of California )  
County of Los Angeles ) s.s.

On Dec. 20 2010, before me,  
Sandra Cisneros, personally appeared  
Damon J. Dunn

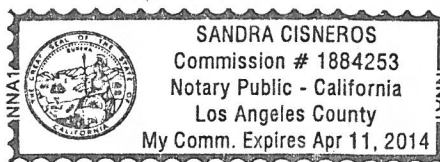
\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument 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 is true and correct.

WITNESS my hand and official seal.

(SEAL)

[Signature]  
Signature of Notary Public



**CAPACITY CLAIMED BY SIGNER:**

Though statute does not require the notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

\_\_\_\_ Individual(s)  
\_\_\_\_ Corporate Officer(s) Titles \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_ Partner(s) \_\_\_\_\_ Limited \_\_\_\_\_ General  
\_\_\_\_ Attorney-in-Fact  
\_\_\_\_ Trustee(s)  
\_\_\_\_ Guardian/Conservator  
✓ Other : president

Signer is representing: self

**ATTENTION NOTARY:** Although the information requested below is optional, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or type of document Covenant Running w/ the land, stormwater management facilities operation & maintenance agreement & right of entry  
Number of pages: 11 Date of document: 12/20/10  
Signer(s) other than named above: \_\_\_\_\_

**THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE**



**EXHIBIT A**

**Legal description (APN#s 096-031-009, 096-031-020, 096-031-021)**

[attached]

## **EXHIBIT A**

### **Legal Description of the Property**

All that certain real property situated in the County of Contra Costa, State of California, described as follows:

Unincorporated Area

Lots 1, 2, 4, and the South half of the West 198.87 feet of Lot 5, Block A, Map of Poinsettia Land Company, West Pittsburg, Tract Unit No. 1, filed June 8, 1926, Map Book 19, Page 506, Contra Costa County Records.

Excepting therefrom:

That portion of Lot 4, Block A, Granted in the deed to Forrest Gieg et ux, recorded September 3, 1942, in Book 684 of Maps page 109, Contra Costa County Records.

Also Excepting therefrom

That portion contained in the deed to Contra Costa County, recorded March 2, 1992 in Book 17274, page 324, Instrument No. 92-48016

Assessor's Parcel Numbers: 096-031-009, 096-031-020 and  
096-031-021

**AVE BAY DEVCO, INC.,**  
a California corporation

**RESOLUTION OF THE BOARD OF DIRECTORS  
BY WRITTEN CONSENT TO ACTION  
WITHOUT A MEETING  
("Board Resolution")**

The undersigned, being the sole Director of AVE Bay Devco, Inc., a California corporation (the "**Corporation**"), hereby takes the following actions and adopts the following preambles and resolutions by signing his written consent hereto pursuant to Section 307(b) of the California Corporations Code and in lieu of a meeting:

1.     Appointment of Secretary.

RESOLVED, that effective as of October 25, 2010, Chad A. Hagle has resigned as Secretary of the Corporation.

FURTHER RESOLVED, that effective as of October 25, 2010, Sue Clark is hereby appointed to the office of Secretary of the Corporation, to serve, subject to the provisions of the Bylaws of the Corporation, until her successor is duly appointed and qualified.

2.     Appointment of Assistant Secretary.

RESOLVED, that effective as of October 25, 2010, Lauren Wooding has resigned as Assistant Secretary of the Corporation.

FURTHER RESOLVED, that effective as of October 25, 2010, Mary Marko is hereby appointed to the office of Assistant Secretary of the Corporation, to serve, subject to the provisions of the Bylaws of the Corporation, until her successor is duly appointed and qualified.

3.     Confirmation of Current Officers.

WHEREAS, for purposes of maintaining clear records of the Corporation, the Director of the Corporation desires to set forth in this Board Resolution the names of each current officer of the Corporation and the office held by each officer.

RESOLVED, that as of October 25, 2010, the officers listed below are the holders of the offices of the Corporation set forth next to their names below:

Chad A. Hagle	Chief Executive Officer, Chairman of the Board, President, Chief Operating Officer, and Treasurer
Sue Clark	Secretary
Mary Marko	Assistant Secretary
Lewis E. Miller	Assistant Secretary

The undersigned hereby consents that the actions set forth in the foregoing preambles and resolutions shall have the same force and effect as if taken at a duly constituted meeting of the Board of Directors of the Corporation, effective as of the date hereof, and directs that this Board Resolution be filed with the minutes of the Corporation as part of the permanent records of the Corporation.

This Board Resolution is dated and effective the 25th day of October, 2010.

DIRECTOR:

  
\_\_\_\_\_  
Chad A. Hagle

**AVE BAY DEVCO, INC.**

**WRITTEN CONSENT  
OF THE BOARD OF DIRECTORS  
TO ACTION WITHOUT A MEETING**

The undersigned, being all of the Directors of AVE Bay Devco, Inc., a California corporation (the “**Corporation**”), do hereby take the following actions and adopt the following preambles and resolutions by signing our written consent hereto pursuant to Section 307(b) of the California Corporations Code in lieu of a meeting:

1. Approval of Consent to Annexation Agreement & Maintenance Agreement.

WHEREAS, that certain property located at the northeast corner of Willow Pass Road and North Broadway Avenue, Bay Point, Contra Costa County, California (“**Property**”), is owned by AVE Bay Point Limited Partnership, a California limited partnership, as to an undivided 50% interest (“**Hagle LP**”), and AVE Bay Point Dunn Limited Partnership, a California limited partnership, as to an undivided 50% interest, as tenants in common (collectively, “**TIC**”).

WHEREAS, Corporation is the general partner of Hagle LP.

WHEREAS, Corporation has been asked to execute the following documents on behalf of Hagle LP as the general partner of Hagle LP:

- (i) Consent to, and Ballot in Favor of, Annexation of Real Property to the County of Contra Costa Community Facilities District No. 2007-1 (Stormwater Management Facilities), by TIC, as the owner of the Property, in favor of the annexation of the Property to the County of Contra Costa Community Facilities District No. 2007-1 (“**Annexation Agreement**”); and
- (ii) Covenant Running With the Land, Stormwater Management Facilities, Operation and Maintenance Agreement and Right of Entry between TIC and the County of Contra Costs (“**Maintenance Agreement**”).

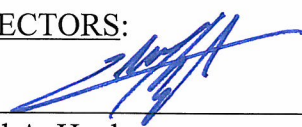
RESOLVED, that the Annexation Agreement and the Maintenance Agreement are hereby approved, and any officer of the Corporation is hereby authorized to execute the Annexation Agreement and/or the Maintenance Agreement on behalf of the Corporation in the Corporation’s capacity as general partner of Hagle LP.

The undersigned hereby consents that the actions set forth in the foregoing preambles and resolutions shall have the same force and effect as if taken at a duly constituted meeting of the Board of Directors of the Corporation, effective as of the date hereof, and direct that this board

resolution be filed with the minutes of the Corporation as part of the permanent records of the Corporation.

This board resolution is dated and effective the 14 th day of December, 2010.

DIRECTORS:

  
\_\_\_\_\_  
Chad A. Hagle

**AVE BAY DEVCO DUNN, INC.,**  
a California corporation

**RESOLUTION OF THE BOARD OF DIRECTORS  
BY WRITTEN CONSENT TO ACTION  
WITHOUT A MEETING  
("Board Resolution")**

The undersigned, being the sole Director of AVE Bay Devco Dunn, Inc., a California corporation (the "**Corporation**"), hereby takes the following actions and adopts the following preambles and resolutions by signing his written consent hereto pursuant to Section 307(b) of the California Corporations Code and in lieu of a meeting:

1.     Appointment of Secretary.

RESOLVED, that effective as of October 25, 2010, Damon J. Dunn has resigned as Secretary of the Corporation.

FURTHER RESOLVED, that effective as of October 25, 2010, Sue Clark is hereby appointed to the office of Secretary of the Corporation, to serve, subject to the provisions of the Bylaws of the Corporation, until her successor is duly appointed and qualified.

2.     Confirmation of Current Officers.

WHEREAS, for purposes of maintaining clear records of the Corporation, the Director of the Corporation desires to set forth in this Board Resolution the names of each current officer of the Corporation and the office held by each officer.

RESOLVED, that as of October 25, 2010, the officers listed below are the holders of the offices of the Corporation set forth next to their names below:

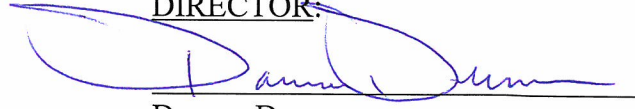
Damon J. Dunn	President, Treasurer, Chief Operating Officer, Chief Executive Officer, and Chairman of the Board
---------------	---

Sue Clark	Secretary
-----------	-----------

The undersigned hereby consents that the actions set forth in the foregoing preambles and resolutions shall have the same force and effect as if taken at a duly constituted meeting of the Board of Directors of the Corporation, effective as of the date hereof, and directs that this Board Resolution be filed with the minutes of the Corporation as part of the permanent records of the Corporation.

This Board Resolution is dated and effective the 25th day of October, 2010.

DIRECTOR:

  
Damon Dunn



**AVE BAY DEVCO DUNN, INC.**

**WRITTEN CONSENT  
OF THE BOARD OF DIRECTORS  
TO ACTION WITHOUT A MEETING**

The undersigned, being all of the Directors of AVE Bay Devco Dunn, Inc., a California corporation (the “**Corporation**”), do hereby take the following actions and adopt the following preambles and resolutions by signing our written consent hereto pursuant to Section 307(b) of the California Corporations Code in lieu of a meeting:

1. Approval of Consent to Annexation Agreement & Maintenance Agreement.

WHEREAS, that certain property located at the northeast corner of Willow Pass Road and North Broadway Avenue, Bay Point, Contra Costa County, California (“**Property**”), is owned by AVE Bay Point Limited Partnership, a California limited partnership, as to an undivided 50% interest, and AVE Bay Point Dunn Limited Partnership, a California limited partnership (“**Dunn LP**”), as to an undivided 50% interest, as tenants in common (collectively, “**TIC**”).

WHEREAS, Corporation is the general partner of Dunn LP.

WHEREAS, Corporation has been asked to execute the following documents on behalf of Dunn LP as the general partner of Dunn LP:

- (i) Consent to, and Ballot in Favor of, Annexation of Real Property to the County of Contra Costa Community Facilities District No. 2007-1 (Stormwater Management Facilities), by TIC, as the owner of the Property, in favor of the annexation of the Property to the County of Contra Costa Community Facilities District No. 2007-1 (“**Annexation Agreement**”); and
- (ii) Covenant Running With the Land, Stormwater Management Facilities, Operation and Maintenance Agreement and Right of Entry between TIC and the County of Contra Costs (“**Maintenance Agreement**”).

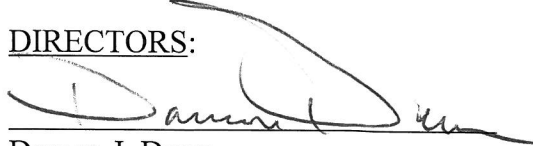
RESOLVED, that the Annexation Agreement and the Maintenance Agreement are hereby approved, and any officer of the Corporation is hereby authorized to execute the Annexation Agreement and/or the Maintenance Agreement on behalf of the Corporation in the Corporation’s capacity as general partner of Dunn LP.

The undersigned hereby consents that the actions set forth in the foregoing preambles and resolutions shall have the same force and effect as if taken at a duly constituted meeting of the Board of Directors of the Corporation, effective as of the date hereof, and direct that this board

resolution be filed with the minutes of the Corporation as part of the permanent records of the Corporation.

This board resolution is dated and effective the 20 th day of December, 2010.

DIRECTORS:

A handwritten signature in dark ink, appearing to read "Damon J. Dunn", written over a horizontal line.

Damon J. Dunn



CONTRA COSTA Co Recorder Office  
STEPHEN L. WEIR, Clerk-Recorder  
**DOC- 2011-0019899-00**

Wednesday, JAN 26, 2011 13:17:48  
FRE \$0.0011

Ttl Pd \$0.00

Nbr-0000823129  
rrc/R9/1-25

Recorded at the request of: Board of Supervisors

Return To: Public Works Engineering Services Division

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

Adopted this Resolution on 01/25/2011 by the following vote:

AYES: John Gioia, District I Supervisor Gayle B. Ulkema, District II Supervisor Mary N. Piepho, District III Supervisor Karen Mitchoff, District IV Supervisor Federal D. Glover, District V Supervisor

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2011/31

Accepting Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement, and Right of Entry, for land use permit LP 08-02044, for project being developed by AVE Bay Point Limited Partnership and AVE Bay Point Dunn Limited Partnership, as recommended by the Public Works Director, Bay Point area. (District V)

IT IS BY THE BOARD RESOLVED that the following instrument is hereby ACCEPTED:

INSTRUMENT: Covenant Running  
with the Land,  
Stormwater Management  
Facilities Operation  
And Maintenance  
Agreement, and Right  
Of entry

REFERENCE: LP 08-02044

GRANTOR: AVE Bay Point  
Limited Partnership  
and AVE Bay Point  
Dunn Limited  
Partnership

AREA: Bay Point

DISTRICT: V

APN: 096-031-009  
096-031-020  
096-031-021

**RESOLUTION NO. 2011/31**

Contact: J. LaRocque, 313-2315

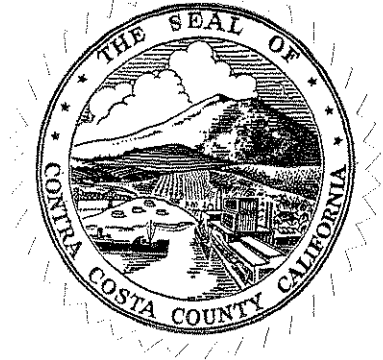
I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 25, 2011

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

*E. Sharp*  
By: EMY L. SHARP, Deputy

cc: D. Brockbank, DCD, M. Sinz, Public Works



RECORDED ATTACHMENT  
ITEM NO. C.6  
DATE: Jan. 25, 2011

Recording Requested By:  
COUNTY OF CONTRA COSTA

Return to: COUNTY OF CONTRA COSTA  
Public Works Department / Watershed Program  
255 Glacier Drive  
Martinez, CA 94553

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Document Title

COUNTY OF CONTRA COSTA

COVENANT RUNNING WITH THE LAND,  
STORMWATER MANAGEMENT FACILITIES OPERATION  
AND MAINTENANCE AGREEMENT, AND RIGHT OF ENTRY

PROJECT: County File #LP08-2044 (Walgreens Bay Point)

OWNERS NAME(S): AVE Bay Point Limited Partnership and  
AVE Bay Point Dunn Limited Partnership

ASSESSOR'S PARCEL NUMBER(S): 096-031-009, 096-031-020, 096-031-021

**COVENANT RUNNING WITH THE LAND,  
STORMWATER MANAGEMENT FACILITIES  
OPERATION AND MAINTENANCE AGREEMENT,  
AND RIGHT OF ENTRY**

This Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry ("Agreement") is made and entered into this 16 day of December, 2010, by and between AVE Bay Point Limited Partnership, a California limited partnership, and AVE Bay Point Dunn Limited Partnership, a California limited partnership (hereinafter referred to collectively as "Property Owner") and the County of Contra Costa, a political subdivision of the State of California ("County").

**RECITALS**

This Agreement is made and entered into with reference to the following facts:

- A.** The Property Owner owns fee title to the Property and intends to develop it in a manner that will create at least ten thousand (10,000) square feet of impervious surfaces. Due to the amount of impervious surfaces created, the development is subject to the requirements of the NPDES permit.
- B.** The County operates and maintains Broadway Avenue and Willow Pass Road. The storm drains associated with these streets receive stormwater from the Property, and the County is required to ensure that stormwater runoff from the Property into said storm drains meets the requirements of its NPDES Permit.
- C.** The NPDES permit requires the County to condition approval of the development on the implementation, by the Property Owner, of treatment measures to reduce stormwater pollutant discharges.
- D.** The Ordinance sets forth procedures for carrying out the NPDES Permit's conditions. The Ordinance requires the Property Owner to submit a Stormwater Control Plan and an Operations and Maintenance Plan to the County for approval, and to implement the plans upon approval.

**DEFINITIONS**

The following terms used in this Agreement have the meanings specified below:

**County Engineer:** The term "**County Engineer**" means the Public Works Director for the County or his/her designee.

**Maintain:** The term "**maintain**" or "**maintained**" or "**maintenance**" means taking all actions reasonably necessary to keep the Stormwater Facilities in compliance with the

Stormwater Control and Operation and Maintenance Plans, which actions include but are not limited to, regular inspections, painting, cleaning, refinishing, repairing, replacing and reconstructing the Stormwater Facilities, and in the case of landscaping, plant replacement, mulch replacement, irrigating, trimming, mowing, and fertilizing the landscaping. The term also includes activities described in the Operation and Maintenance Plan, annual inspection and reporting, and the payment of any applicable County fees.

**NPDES Permit:** The term "**NPDES Permit**" means National Pollutant Discharge Elimination System (NPDES) Permit No. CAS612008 (issued by the San Francisco Regional Water Quality Control Board), any amendments to the permit, and any subsequent superseding permits.

**Operation and Maintenance Plan:** The term "**Operation and Maintenance Plan**" means the Stormwater Control Operation and Maintenance Plan prepared by Nolte Associates and deemed consistent with the Ordinance by the County on November 3, 2010, which may be subsequently modified from time to time with the County Engineer's prior written approval as provided herein. The Operation and Maintenance Plan and any approved amendments thereto are on file at the County Public Works Department.

**Ordinance:** The term "**Ordinance**" means Division 1014 of Title 10 of the Contra Costa County Code (Stormwater Management and Discharge Control), as may be amended from time to time.

**Property:** The term "**Property**" means that real property identified by the Contra Costa County Assessor as Assessor's Parcel Number(s) 096-031-009, 096-031-010, and 096-031-021, which is more particularly described in Exhibit A attached hereto and incorporated herein.

**Property Owner:** The term "**Property Owner**" means AVE Bay Point Limited Partnership and AVE Bay Point Dunn Limited Partnership and all heirs, successors, executors, administrators and assigns of any interest in the Property.

**Stormwater Control Plan:** The term "**Stormwater Control Plan**" means the Stormwater Control Plan prepared by Nolte Associates and deemed consistent with the Ordinance by the County on November 3, 2010, which may be subsequently modified from time to time with the County Engineer's prior written approval as provided herein. The Stormwater Control Plan and any approved amendments thereto are on file at the County Public Works Department.

**Stormwater Facilities:** The term "**Stormwater Facilities**" means the permanent stormwater management facilities and appurtenant design features located and constructed on the Property, as described by the Stormwater Control Plan, and as shown in Exhibit A to the Stormwater Control Plan, which is on file with the County Public Works Department.

## AGREEMENT

**NOW, THEREFORE,** for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and Property Owner agree as follows:

### SECTION 1

**Responsibility for Operation and Maintenance:** The Property Owner represents and warrants that the Stormwater Facilities have been constructed and installed in accordance with the Stormwater Control Plan. No portion of the Stormwater Facilities may be altered in any manner that is inconsistent with the Stormwater Control Plan without the prior written consent of the County Engineer. The Property Owner shall maintain the Stormwater Facilities in first class operating condition, in accordance with the Stormwater Control Plan and the Operations and Maintenance Plan, and in compliance with all applicable federal, state, and local laws and regulations, as they may be amended from time to time.

The County may require the Property Owner to amend the Stormwater Control Plan and/or the Operation and Maintenance Plan whenever the County reasonably deems amendments necessary to maintain compliance with the NPDES Permit. All amendments proposed by the Property Owner are subject to the prior written approval of the County Engineer. Whenever the Property Owner requests amendments to the Stormwater Control Plan and/or the Operation and Maintenance Plan, the Property Owner shall reimburse the County for all staff time spent reviewing and taking any action with respect to such requests, whether or not the County Engineer approves the proposed amendments. All approved amendments to the Stormwater Control Plan and the Operation and Maintenance Plan will be kept on file at the County Public Works Department. The Property Owner shall comply with all requirements of the Stormwater Control Plan and the Operation and Maintenance Plan, and any amendments thereto.

The Property Owner shall engage a landscape contractor or other licensed professional to undertake the following maintenance activities on the Property, if the Property Owner or the County Engineer deems such activities to be necessary for plan compliance, unless the Property Owner receives prior written approval of an alternative method from the County Engineer.

1. Diagnosis and correction of Stormwater Facilities malfunctions that cannot be corrected through routine maintenance,
2. Application of fertilizer and/or pest control products,
3. Repair of private drainage system (including rain gutters, downspouts, area drains, risers, inlets, outlets, overflows, clean-outs, connectors, earthen (vegetated) and/or concrete conveyance swales, check dam/retaining walls, and catch basins),
4. Maintenance of irrigation system that may affect stormwater reaching Stormwater Facilities,



5. Modification of site topography through grading, paving, pavement maintenance, or other activities that may affect stormwater reaching Stormwater Facilities,
6. Subdrain cleaning/replacement (including perforated drain pipe),
7. Replacement of engineered soil and mulch,
8. Replacement of energy dissipation rock.

The County Engineer may, at any time, with reasonable cause, revoke approval of an alternate method for the maintenance of the Stormwater Facilities, and require Property Owner to hire a landscape contractor or other licensed professional to undertake any of the activities mentioned in this section.

## **SECTION 2**

**Inspection by Property Owner:** The Property Owner shall conduct, at a minimum, annual inspections of the Stormwater Facilities, and shall submit a Stormwater Facility Operation and Maintenance Certification Form, which will be provided annually to the Property Owner by the County, to the County Engineer within 30 days after completion of the inspection or by the date indicated on the form. In the event that the County reasonably determines that the information submitted is insufficient to determine that the Property Owner is complying with the terms of this Agreement, the County may require additional information from either the Property Owner or an appropriate licensed contractor.

## **SECTION 3**

**Right of Entry and Stormwater Facilities Inspection by the County:** The Property Owner hereby grants to the County, its authorized agents and employees, and other agencies/districts with a legitimate interest in the Stormwater Facilities such as the Contra Costa Flood Control and Water Conservation District, the Contra Costa Mosquito and Vector Control District, the Contra Costa County Consolidated Fire Protection District, the Regional Water Quality Control Board, a right of entry upon the Property to inspect the Stormwater Facilities. The County and all other entities shall endeavor to provide reasonable notice to the Property Owner before entering the Property, and such entry shall be conducted in such a manner as to reasonably minimize interference with any business being conducted on the Property.

## **SECTION 4**

**Failure to Perform Required Stormwater Facilities Repairs or Maintenance by the Property Owner:** If the Property Owner fails to maintain the Stormwater Facilities in good working order and in accordance with the approved Operation and Maintenance Plan and the Ordinance, the County, upon providing reasonable prior written notice pursuant to Section 8 of this Agreement, may enter the Property to perform any work of maintenance or repair on the Stormwater Facilities. The County is under no obligation to

maintain or repair the Stormwater Facilities, and this Agreement may not be construed to impose any such obligation on the County. If the County, under this section, performs any work of maintenance or repair on the Stormwater Facilities, such action shall not be deemed or construed as an exercise of dominion and control by the County over the Stormwater Facilities or the Property. To the contrary, the Property Owner shall remain, at all times, obligated to maintain the Stormwater Facilities in accordance with the Stormwater Control Plan and the Operation and Maintenance Plan. The Property Owner shall reimburse the County for all maintenance and repair costs incurred by the County with respect to the Stormwater Facilities, including administrative costs. The County will provide the Property Owner with an itemized invoice of the County's costs and the Property Owner will have 30 days to pay the invoice. In addition, the County may recover the cost of any code enforcement or nuisance abatement actions caused by the Property Owner's failure to maintain the Stormwater Facilities through special assessment against the Property that may be collected in accordance with applicable law. This section does not prohibit the County from pursuing other legal recourse against the Property Owner.

If the Property Owner fails to maintain the Stormwater Facilities in accordance with the Operation and Maintenance Plan and the Ordinance, the Property Owner shall be responsible for payment of, or reimbursement to the County for, any fines that may be levied against the County by the Regional Water Quality Control Board or any other regulatory agency to the extent that the fines result from the Property Owner's failure to maintain the Stormwater Facilities. The County may recover such costs from the Property Owner in the same manner as provided in the preceding paragraph of this section.

## **SECTION 5**

**Indemnity:** The Property Owner agrees to defend, indemnify, save, and hold harmless the County, its governing board, officers, agents, and employees from any and all demands, losses, claims, costs, suits, liabilities, and expenses for any property damage, personal injury, or death arising directly or indirectly from or connected with the design, construction, use, operation or maintenance of the Stormwater Facilities by the Property Owner or the presence or existence of the Stormwater Facilities on the Property, except for claims, costs, or liabilities resulting from the sole negligence or sole willful misconduct of the County. The Property Owner's obligations under this section shall include the payment of penalties, fines, attorneys' fees, experts' fees, costs, and litigation expenses, as well as liability for the release or existence of any hazardous materials on, under, or in the Property. If any action or proceeding is brought against any of the indemnitees, the Property Owner shall reimburse the indemnitees for any expenditures, including reasonable attorneys' fees and costs, incurred by the indemnitees and, if requested by any of the indemnitees, shall defend the action or proceeding at the Property Owner's sole expense with counsel reasonably acceptable to the indemnitees.

## SECTION 6

**Covenant Running with the Land:** The provisions of this Agreement constitute a covenant running with the land that shall bind Property Owner and all of Property Owner's agents, representatives, heirs, assigns, and all other successors in ownership of the Property. Said covenant shall inure to the benefit of and be enforceable by the County, and its successors and assigns in ownership of each and every part of Broadway Avenue and Willow Pass Road and the associated storm drains.

## SECTION 7

**Severability:** Invalidity of any one of the provisions of this Agreement shall in no way affect any other provisions and all other provisions shall remain in full force and effect.

## SECTION 8

**Notices:** All notices herein required in writing shall be delivered by person or sent by registered mail, postage pre-paid.

Notices required to be given to the County shall be addressed as follows:

Contra Costa County Public Works Department  
Attention: County Watershed Program  
255 Glacier Drive  
Martinez, CA 94553

Notices required to be given to the Property Owner shall be addressed as follows:

Name/Corporate Entity: C/O Aventine Development Corporation  
Attention (Name, Position): Chad A. Hagle, CEO  
Street Address: 4685 Mac Arthur Court, Suite 375  
City, State: Newport Beach, CA 92660  
Telephone Number: 949-660-1293

Any party may change its address or contact person by notice in writing to the other party, and thereafter, notices shall be addressed and transmitted to the new address and/or new contact person.


## SECTION 9

**Effective Date and Amendment:** This Agreement is effective upon the date of execution as stated at the beginning of this Agreement. This Agreement shall not be

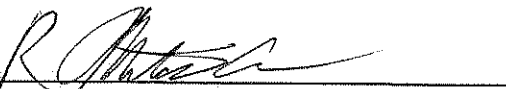
modified except by written instrument executed by the County and the Property Owner. Such amendment shall be effective upon the date of execution and shall be recorded.

## County

Contra Costa County, a political subdivision of the State of California

By:   
Chair of the Board of Supervisors  
or Designee

Recommended for Approval:

By: 

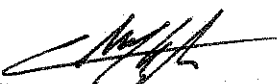
Approved as to Form:  
Sharon L. Anderson,  
County Counsel


By:   
Deputy County Counsel

## Property Owner

AVE Bay Point Limited Partnership,  
a California limited partnership


By: AVE Bay Devco, Inc.,  
a California corporation  
Its: General Partner

By:   
Name: Chad A. Hagle  
Title: President

By:   
Name: Sue Clark  
Title: Secretary

AVE Bay Point Dunn Limited Partnership,  
a California limited partnership

By: AVE Bay Devco Dunn, Inc.,  
a California corporation  
Its: General Partner

By:   
Name: Damon J. Dunn  
Title: President

By:   
Name: Sue Clark  
Title: Secretary

Attachments: Acknowledgments  
Exhibit A

**ALL PURPOSE ACKNOWLEDGMENT**

State of California )  
 ) s.s.  
County of ORANGE )

On DECEMBER 16, 2010, before me,  
JUDI LOWENTHAL, NOTARY PUBLIC, personally appeared  
CHAD A. HAGLE AND SUE CLARK

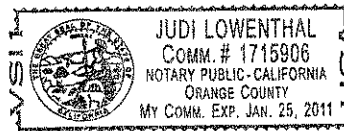
\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ ~~she~~ they executed the same in his ~~her~~ their authorized capacity(ies), and that by his ~~her~~ their signature(s) 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 is true and correct.

WITNESS my hand and official seal.

(SEAL)

Judi Lowenthal  
Signature of Notary Public



**CAPACITY CLAIMED BY SIGNER:**

Though statute does not require the notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

✓ Individual(s)  
\_\_\_\_ Corporate Officer(s) Titles PRESIDENT and SECRETARY  
\_\_\_\_ Partner(s) \_\_\_\_\_ Limited \_\_\_\_\_ General  
\_\_\_\_ Attorney-in-Fact  
\_\_\_\_ Trustee(s)  
\_\_\_\_ Guardian/Conservator  
\_\_\_\_ Other : \_\_\_\_\_

Signer is representing: \_\_\_\_\_

**ATTENTION NOTARY:** Although the information requested below is optional, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or type of document COVENANT...  
Number of pages: 10 Date of document: 12/16/10  
Signer(s) other than named above: \_\_\_\_\_

**THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE**

**ALL PURPOSE ACKNOWLEDGMENT**

State of California )  
County of Los Angeles ) s.s.

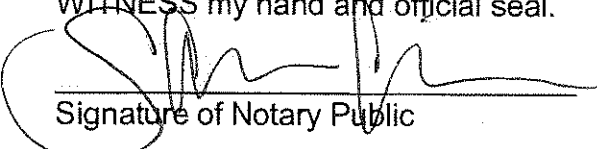
On Dec. 20 2010, before me,  
Sandra Cisneros, personally appeared  
Damon J. Dunn

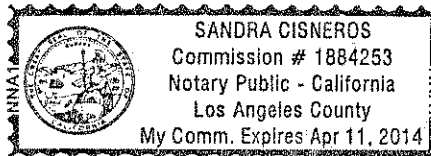
\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument 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 is true and correct.

WITNESS my hand and official seal.

(SEAL)

  
Signature of Notary Public



**CAPACITY CLAIMED BY SIGNER:**

Though statute does not require the notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

\_\_\_\_ Individual(s)  
\_\_\_\_ Corporate Officer(s) Titles \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_ Partner(s) \_\_\_\_\_ Limited \_\_\_\_\_ General  
\_\_\_\_ Attorney-in-Fact  
\_\_\_\_ Trustee(s)  
\_\_\_\_ Guardian/Conservator  
✓ Other : President

Signer is representing: Self

**ATTENTION NOTARY:** Although the information requested below is optional, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or type of document Covenant Running w/ the Land, stormwater management facilities operation & maintenance agreement & Right of Entry  
Number of pages: 11 Date of document: 12/20/10  
Signer(s) other than named above: \_\_\_\_\_

**THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE**

**EXHIBIT A**

**Legal description (APN#s 096-031-009, 096-031-020, 096-031-021)**

[attached]

**EXHIBIT A**

**Legal Description of the Property**

All that certain real property situated in the County of Contra Costa, State of California, described as follows:

Unincorporated Area

Lots 1, 2, 4, and the South half of the West 198.87 feet of Lot 5, Block A, Map of Poinsettia Land Company, West Pittsburg, Tract Unit No. 1, filed June 8, 1926, Map Book 19, Page 506, Contra Costa County Records.

Excepting therefrom:

That portion of Lot 4, Block A, Granted in the deed to Forrest Gieg et ux, recorded September 3, 1942, in Book 684 of Maps page 109, Contra Costa County Records.

Also Excepting therefrom

That portion contained in the deed to Contra Costa County, recorded March 2, 1992 in Book 17274, page 324, Instrument No. 92-48016

Assessor's Parcel Numbers: 096-031-009, 096-031-020 and  
096-031-021



**AVE BAY DEVCO, INC.,**  
a California corporation

**RESOLUTION OF THE BOARD OF DIRECTORS  
BY WRITTEN CONSENT TO ACTION  
WITHOUT A MEETING  
("Board Resolution")**

The undersigned, being the sole Director of AVE Bay Devco, Inc., a California corporation (the "**Corporation**"), hereby takes the following actions and adopts the following preambles and resolutions by signing his written consent hereto pursuant to Section 307(b) of the California Corporations Code and in lieu of a meeting:

1.     Appointment of Secretary.

RESOLVED, that effective as of October 25, 2010, Chad A. Hagle has resigned as Secretary of the Corporation.

FURTHER RESOLVED, that effective as of October 25, 2010, Sue Clark is hereby appointed to the office of Secretary of the Corporation, to serve, subject to the provisions of the Bylaws of the Corporation, until her successor is duly appointed and qualified.

2.     Appointment of Assistant Secretary.

RESOLVED, that effective as of October 25, 2010, Lauren Wooding has resigned as Assistant Secretary of the Corporation.

FURTHER RESOLVED, that effective as of October 25, 2010, Mary Marko is hereby appointed to the office of Assistant Secretary of the Corporation, to serve, subject to the provisions of the Bylaws of the Corporation, until her successor is duly appointed and qualified.

3.     Confirmation of Current Officers.

WHEREAS, for purposes of maintaining clear records of the Corporation, the Director of the Corporation desires to set forth in this Board Resolution the names of each current officer of the Corporation and the office held by each officer.

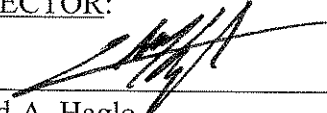
RESOLVED, that as of October 25, 2010, the officers listed below are the holders of the offices of the Corporation set forth next to their names below:

Chad A. Hagle	Chief Executive Officer, Chairman of the Board, President, Chief Operating Officer, and Treasurer
Sue Clark	Secretary
Mary Marko	Assistant Secretary
Lewis E. Miller	Assistant Secretary

The undersigned hereby consents that the actions set forth in the foregoing preambles and resolutions shall have the same force and effect as if taken at a duly constituted meeting of the Board of Directors of the Corporation, effective as of the date hereof, and directs that this Board Resolution be filed with the minutes of the Corporation as part of the permanent records of the Corporation.

This Board Resolution is dated and effective the 25th day of October, 2010.

DIRECTOR:

  
\_\_\_\_\_  
Chad A. Hagle

**AVE BAY DEVCO, INC.**

**WRITTEN CONSENT  
OF THE BOARD OF DIRECTORS  
TO ACTION WITHOUT A MEETING**

The undersigned, being all of the Directors of AVE Bay Devco, Inc., a California corporation (the “**Corporation**”), do hereby take the following actions and adopt the following preambles and resolutions by signing our written consent hereto pursuant to Section 307(b) of the California Corporations Code in lieu of a meeting:

1. Approval of Consent to Annexation Agreement & Maintenance Agreement.

WHEREAS, that certain property located at the northeast corner of Willow Pass Road and North Broadway Avenue, Bay Point, Contra Costa County, California (“**Property**”), is owned by AVE Bay Point Limited Partnership, a California limited partnership, as to an undivided 50% interest (“**Hagle LP**”), and AVE Bay Point Dunn Limited Partnership, a California limited partnership, as to an undivided 50% interest, as tenants in common (collectively, “**TIC**”).

WHEREAS, Corporation is the general partner of Hagle LP.

WHEREAS, Corporation has been asked to execute the following documents on behalf of Hagle LP as the general partner of Hagle LP:

- (i) Consent to, and Ballot in Favor of, Annexation of Real Property to the County of Contra Costa Community Facilities District No. 2007-1 (Stormwater Management Facilities), by TIC, as the owner of the Property, in favor of the annexation of the Property to the County of Contra Costa Community Facilities District No. 2007-1 (“**Annexation Agreement**”); and
- (ii) Covenant Running With the Land, Stormwater Management Facilities, Operation and Maintenance Agreement and Right of Entry between TIC and the County of Contra Costs (“**Maintenance Agreement**”).

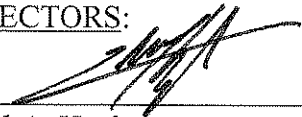
RESOLVED, that the Annexation Agreement and the Maintenance Agreement are hereby approved, and any officer of the Corporation is hereby authorized to execute the Annexation Agreement and/or the Maintenance Agreement on behalf of the Corporation in the Corporation’s capacity as general partner of Hagle LP.

The undersigned hereby consents that the actions set forth in the foregoing preambles and resolutions shall have the same force and effect as if taken at a duly constituted meeting of the Board of Directors of the Corporation, effective as of the date hereof, and direct that this board

resolution be filed with the minutes of the Corporation as part of the permanent records of the Corporation.

This board resolution is dated and effective the 14 th day of December, 2010.

DIRECTORS:

  
\_\_\_\_\_  
Chad A. Hagle

**AVE BAY DEVCO DUNN, INC.,**  
a California corporation

**RESOLUTION OF THE BOARD OF DIRECTORS  
BY WRITTEN CONSENT TO ACTION  
WITHOUT A MEETING  
("Board Resolution")**

The undersigned, being the sole Director of AVE Bay Devco Dunn, Inc., a California corporation (the "**Corporation**"), hereby takes the following actions and adopts the following preambles and resolutions by signing his written consent hereto pursuant to Section 307(b) of the California Corporations Code and in lieu of a meeting:

1.     Appointment of Secretary.

RESOLVED, that effective as of October 25, 2010, Damon J. Dunn has resigned as Secretary of the Corporation.

FURTHER RESOLVED, that effective as of October 25, 2010, Sue Clark is hereby appointed to the office of Secretary of the Corporation, to serve, subject to the provisions of the Bylaws of the Corporation, until her successor is duly appointed and qualified.

2.     Confirmation of Current Officers.

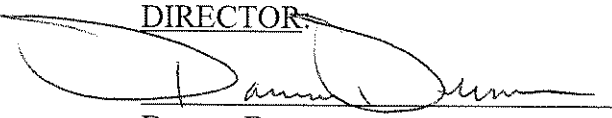
WHEREAS, for purposes of maintaining clear records of the Corporation, the Director of the Corporation desires to set forth in this Board Resolution the names of each current officer of the Corporation and the office held by each officer.

RESOLVED, that as of October 25, 2010, the officers listed below are the holders of the offices of the Corporation set forth next to their names below:

Damon J. Dunn	President, Treasurer, Chief Operating Officer, Chief Executive Officer, and Chairman of the Board
Sue Clark	Secretary

The undersigned hereby consents that the actions set forth in the foregoing preambles and resolutions shall have the same force and effect as if taken at a duly constituted meeting of the Board of Directors of the Corporation, effective as of the date hereof, and directs that this Board Resolution be filed with the minutes of the Corporation as part of the permanent records of the Corporation.

This Board Resolution is dated and effective the 25th day of October, 2010.

DIRECTOR  
  
Damon Dunn

**AVE BAY DEVCO DUNN, INC.**

**WRITTEN CONSENT  
OF THE BOARD OF DIRECTORS  
TO ACTION WITHOUT A MEETING**

The undersigned, being all of the Directors of AVE Bay Devco Dunn, Inc., a California corporation (the “**Corporation**”), do hereby take the following actions and adopt the following preambles and resolutions by signing our written consent hereto pursuant to Section 307(b) of the California Corporations Code in lieu of a meeting:

1. Approval of Consent to Annexation Agreement & Maintenance Agreement.

WHEREAS, that certain property located at the northeast corner of Willow Pass Road and North Broadway Avenue, Bay Point, Contra Costa County, California (“**Property**”), is owned by AVE Bay Point Limited Partnership, a California limited partnership, as to an undivided 50% interest, and AVE Bay Point Dunn Limited Partnership, a California limited partnership (“**Dunn LP**”), as to an undivided 50% interest, as tenants in common (collectively, “**TIC**”).

WHEREAS, Corporation is the general partner of Dunn LP.

WHEREAS, Corporation has been asked to execute the following documents on behalf of Dunn LP as the general partner of Dunn LP:

- (i) Consent to, and Ballot in Favor of, Annexation of Real Property to the County of Contra Costa Community Facilities District No. 2007-1 (Stormwater Management Facilities), by TIC, as the owner of the Property, in favor of the annexation of the Property to the County of Contra Costa Community Facilities District No. 2007-1 (“**Annexation Agreement**”); and
- (ii) Covenant Running With the Land, Stormwater Management Facilities, Operation and Maintenance Agreement and Right of Entry between TIC and the County of Contra Costs (“**Maintenance Agreement**”).

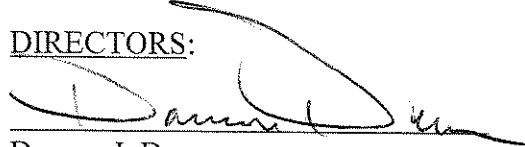
RESOLVED, that the Annexation Agreement and the Maintenance Agreement are hereby approved, and any officer of the Corporation is hereby authorized to execute the Annexation Agreement and/or the Maintenance Agreement on behalf of the Corporation in the Corporation’s capacity as general partner of Dunn LP.

The undersigned hereby consents that the actions set forth in the foregoing preambles and resolutions shall have the same force and effect as if taken at a duly constituted meeting of the Board of Directors of the Corporation, effective as of the date hereof, and direct that this board

resolution be filed with the minutes of the Corporation as part of the permanent records of the Corporation.

This board resolution is dated and effective the 20 th day of December, 2010.

DIRECTORS:

A handwritten signature in black ink, appearing to read "Damon J. Dunn", written over a horizontal line.

Damon J. Dunn





Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: January 25, 2011

Subject: Accepting completion of warranty period and release of cash deposit for faithful performance and accepting maintenance access easement SD 04-8939

**RECOMMENDATION(S):**

ADOPT Resolution No. 2011/33 accepting completion of warranty period and release of cash deposit for faithful performance and accepting maintenance access easement, subdivision SD 04-08939, as recommended by the Public Works Director, Walnut Creek area. (District III)

**FISCAL IMPACT:**

No Fiscal Impact.

**BACKGROUND:**

The public and private road improvements have met the guarantee performance standards for the warranty period following completion and acceptance of the improvements. The Maintenance Access Easement is necessary to allow the County legal access through the subdivision to a flood control facility.

**CONSEQUENCE OF NEGATIVE ACTION:**

The developer will not receive a refund of their cash deposit, the Subdivision Agreement and performance/maintenance surety bond will not be exonerated, and the billing account will not be liquidated and closed. If the Maintenance Access Easement is not accepted, the County will not have legal access through the subdivision to maintain the flood control facility.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L/ SHARP, Deputy

Contact: J. LaRocque, 313-2315

cc:

CHILDREN'S IMPACT STATEMENT:

Not Applicable.

ATTACHMENTS

Resolution No. 2011/33

Recorded at the request of: Board of Supervisors

Return To: Public Works Engineering Services Division

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

Adopted this Resolution on 01/25/2011 by the following vote:

**AYES:** John Gioia, District I Supervisor Gayle B. Uilkema, District II Supervisor Mary N. Piepho, District III Supervisor Karen Mitchoff, District IV Supervisor Federal D. Glover, District V Supervisor

**NOES:** ☐

**ABSENT:** ☐

**ABSTAIN:** ☐

**RECUSE:** ☐

Resolution No. 2011/33

Accepting completion of warranty period and release of cash deposit for faithful performance and accepting maintenance access easement, subdivision SD 04-08939, as recommended by the Public Works Director, Walnut Creek area. (District III)

On April 21, 2009, this Board resolved that the improvements in subdivision SD 04-08939 were completed as provided in the Subdivision Agreement with Braddock and Logan Group III, LP and now on the recommendation of the Public Works Director;

The Board hereby FINDS that the improvements have satisfactorily met the guaranteed performance standards for the period following completion and acceptance.

NOW THEREFORE BE IT RESOLVED that the Public Works Director is AUTHORIZED to:

- PAY \$3,355.82 to Contra Costa County Public Works Department for reimbursement of map check and inspection fees taken from the \$3,400.00 cash deposit (Auditor's Deposit Permit No. 489271, dated September 6, 2007) (per developer's written permission dated January 4, 2011 and in accordance with the Subdivision Improvement Agreement).

BE IT FURTHER RESOLVED that the "Maintenance Access Easement" or "MAE", as shown and dedicated for public use on the Final Map of Subdivision 8939 filed October 19, 2007, in Book 506 of Maps at Pages 1-4, Official Records of Contra Costa County, State of California is ACCEPTED.

BE IT FURTHER RESOLVED that the warranty period has been completed and the Subdivision Agreement and surety bond, Bond No.2209782, dated August 6, 2007, issued by Insurance Company of the West, are exonerated.

Contact: J. LaRocque, 313-2315

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: January 25, 2011**

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

By: EMY L/ SHARP, Deputy

cc:



CONTRA COSTA Co Recorder Office  
STEPHEN L. WEIR, Clerk-Recorder  
DOC- 2011-0019898-00

Wednesday, JAN 26, 2011 13:17:12

FRE \$0.00

Ttl Pd \$0.00

Nbr-0000823126

rrc/R9/1-4

Recorded at the request of: Board of Supervisors

Return To: Public Works Engineering Services Division

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 01/25/2011 by the following vote:

AYES: John Gioia, District I Supervisor Gayle B. Uilkema, District II Supervisor Mary N. Piepho, District III Supervisor Karen Mitchoff, District IV Supervisor Federal D. Glover, District V Supervisor

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2011/33

Accepting completion of warranty period and release of cash deposit for faithful performance and accepting maintenance access easement, subdivision SD 04-08939, as recommended by the Public Works Director, Walnut Creek area. (District III)

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The Board hereby FINDS that the improvements have satisfactorily met the guaranteed performance standards for the period following completion and acceptance.

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• PAY \$3,355.82 to Contra Costa County Public Works Department for reimbursement of map check and inspection fees taken from the \$3,400.00 cash deposit (Auditor's Deposit Permit No. 489271, dated September 6, 2007) (per developer's written permission dated January 4, 2011 and in accordance with the Subdivision Improvement Agreement).

BE IT FURTHER RESOLVED that the "Maintenance Access Easement" or "MAE", as shown and dedicated for public use on the Final Map of Subdivision 8939 filed October 19, 2007, in Book 506 of Maps at Pages 1-4, Official Records of Contra Costa County, State of California is ACCEPTED.

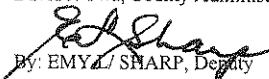
BE IT FURTHER RESOLVED that the warranty period has been completed and the Subdivision Agreement and surety bond, Bond No.2209782, dated August 6, 2007, issued by Insurance Company of the West, are exonerated.

Contact: J. LaRocque, 313-2315

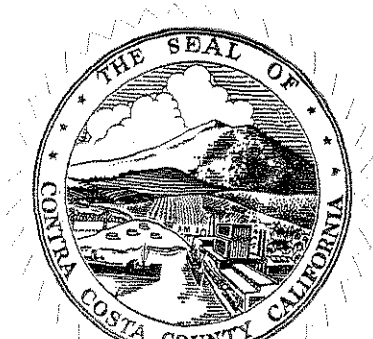
I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 25, 2011

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

  
By: EMYL SHARP, Deputy

cc:



RESOLUTION NO. 2011/33



Contra  
Costa  
County

To: Board of Supervisors

From: Clerk of the Board

Date: January 25, 2011

Subject: CLAIMS FOR JANUARY 25, 2011

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**RECOMMENDATION(S):**

DENY claims filed by Shane Duncan, and the Federal Bureau of Investigation by Mary Ann Kenney.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

**CONSEQUENCE OF NEGATIVE ACTION:**

**CHILDREN'S IMPACT STATEMENT:**

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011  
, County Administrator and Clerk of the Board of Supervisors

Contact: EMELDA SHARP (925)  
335-1900

By: EMY L. SHARP, Deputy

cc:



Contra  
Costa  
County

To: Board of Supervisors  
From: John Gioia, District I Supervisor  
Date: January 25, 2011

Subject: Resolution Honoring Retirement of EBMUD General Manager Dennis M. Diemer

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: KATHERINE SINCLAIR, Deputy

Contact: Kate Rauch  
510-334-0885

cc:

## ATTACHMENTS

Resolution No.  
2011/35

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

In the matter of:

**Resolution No. 2011/35**

**Congratulating Dennis M. Diemer on his retirement as General Manager of the East Bay Municipal Utility District (EBMUD) and thanking him for his dedicated service.**

Whereas Dennis M. Diemer served as the General Manager of the East Bay Municipal Utility District (EBMUD) for 15 years, successfully guiding the district through difficult times of drought, economic recession, and conflict among water districts; and

Whereas Dennis Diemer started with EBMUD in 1981 as an engineer in its Wastewater Division, working his way up to General Manager in 1995; and

Whereas Dennis Diemer led the District through major milestones including its internationally recognized Seismic Improvement program, a major retrofitting effort stemming from concerns raised after the 1989 Loma Prieta Earthquake, and the historic Freeport Regional Water Project which ended forty years of "water wars" between the East Bay and the Sacramento area, creating a water-sharing plan that is sensitive to the environment and the needs of both areas; and

Whereas Dennis Diemer provided strong fiscal, engineering, and operational leadership to EBMUD during his tenure as General Manager; and

Whereas a native of Los Angeles, David Diemer received his BS in Civil Engineering from Loyola University, and is a registered Civil Engineer with the State of California; and

Whereas prior to coming to EBMUD, David Diemer worked for a leading consulting firm specializing on water and wastewater. At EBMUD, David Diemer had overall management responsibility of a major water and wastewater utility serving 1.3 million customers, with a staff of over 2000; and

Whereas David M. Diemer is retiring from EBMUD in June, 2011 leaving a model water district which serves its customers with excellence; and

Now, Therefore, Be It Resolved that the Board of Supervisors of Contra Costa County honors David M. Diemer for his 15 years of dedicated and insightful service as the General Manager of EBMUD and congratulates him on his retirement.

\_\_\_\_\_  
**GAYLE B. UILKEMA**

Chair,  
District II Supervisor

\_\_\_\_\_  
**JOHN GIOIA**

District I Supervisor

\_\_\_\_\_  
**MARY N. PIEPHO**

District III Supervisor

\_\_\_\_\_  
**KAREN MITCHOFF**

District IV Supervisor

\_\_\_\_\_  
**FEDERAL D. GLOVER**

District V Supervisor

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

ATTESTED: January 25, 2011

David J. Twa,

By: \_\_\_\_\_, Deputy



# *The Board of Supervisors of C.9 Contra Costa County, California*

In the matter of congratulating Dennis M. Diemer on his retirement as General Manager of the East Bay Municipal Utility District (EBMUD) and thanking him for his dedicated service.

RESOLUTION NO. 2011/ 35

WHEREAS, Dennis M. Diemer served as the General Manager of the East Bay Municipal Utility District (EBMUD) for 15 years, successfully guiding the district through difficult times of drought, economic recession, and conflict among water districts; and

WHEREAS, Dennis Diemer started with EBMUD in 1981 as an engineer in its Wastewater Division, working his way up to General Manager in 1995; and

WHEREAS, Dennis Diemer led the District through major milestones including its internationally recognized Seismic Improvement program, a major retrofitting effort stemming from concerns raised after the 1989 Loma Prieta Earthquake, and the historic Freeport Regional Water Project which ended forty years of "water wars" between the East Bay and the Sacramento area, creating a water-sharing plan that is sensitive to the environment and the needs of both areas; and

WHEREAS, Dennis Diemer provided strong fiscal, engineering, and operational leadership to EBMUD during his tenure as General Manager; and

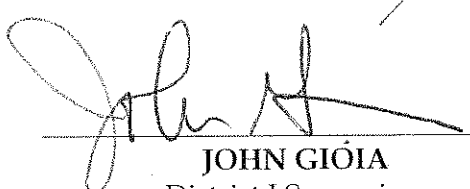
WHEREAS, a native of Los Angeles, David Diemer received his BS in Civil Engineering from Loyola University, and is a registered Civil Engineer with the State of California; and


WHEREAS, prior to coming to EBMUD, David Diemer worked for a leading consulting firm specializing on water and wastewater at EBMUD; David Diemer had overall management responsibility of a major water and wastewater utility serving 1.3 million customers, with a staff of over 2000; and

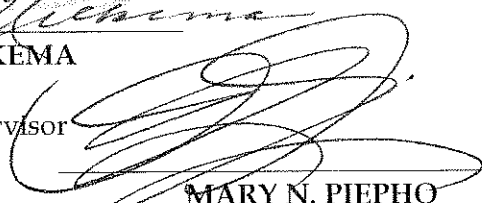
WHEREAS, David Diemer is retiring from EBMUD in June, 2011 leaving a model water district which serves its customers with excellence; and

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa Board of Supervisors honors David M. Diemer for his 15 years of dedicated and insightful service as the General Manager of EBMUD and congratulates him on his retirement.

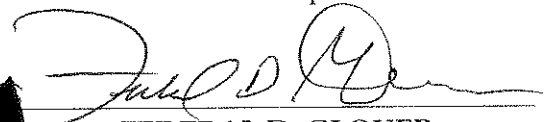
*PASSED by a unanimous vote of the Board of Supervisors members present this 25<sup>th</sup> day of January, 2011.*

  
JOHN GIOIA  
District I Supervisor

  
GAYLE B. UILKEMA  
Chair  
District II Supervisor

  
MARY N. PIEPHO  
District III Supervisor

  
KAREN MITCHOFF  
District IV Supervisor


  
FEDERAL D. GLOVER  
District V Supervisor



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

ATTESTED: January 25, 2011

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

By , Deputy

*Introduced by Supervisor John Gioia*



Contra  
Costa  
County

To: Board of Supervisors  
From: Karen Mitchoff, District IV Supervisor  
Date: January 25, 2011

Subject: Proclaiming the month of January as "National Blood Donor Month"

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: KATHERINE SINCLAIR, Deputy

Contact: Antinette Kelly  
925-521-7100

cc:

## ATTACHMENTS

Resolution No.  
2011/30

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

In the matter of:

**Resolution No. 2011/30**

**Proclaiming the Month of January as "National Blood Donor Month"**

WHEREAS, donating blood is a potentially lifesaving gift that millions of Americans can give; and  
WHEREAS, there is a need to ensure an adequate blood supply and to stress the importance of giving the "Gift of Life" through the donation of blood; and  
WHEREAS, there is a need for additional healthy, regular volunteer donors to join the ranks of those who already give of themselves so generously; and  
WHEREAS, one blood donation may help save three lives; and  
WHEREAS, every day blood is needed in hospitals and emergency treatment facilities for patients with cancer and other diseases, for organ transplant recipients, and to help save the lives of accident victims; and  
WHEREAS, the need for blood is constant, especially during the winter months when blood is traditionally in short supply due to a reduction in donor turnout because of the holidays, busy travel schedules, inclement weather and illness, which can put blood inventory at a critical low; and  
WHEREAS, the American Red Cross Northern California Blood Services Region distributes more than 130,000 pints of blood per year to help save local patients, yet fewer than 100,000 pints of blood are collected in the region annually; and  
WHEREAS, some 38 percent of the public is eligible to donate, yet fewer than 8 percent of these individuals present to donate blood; and  
WHEREAS, there is a need for civic and service organizations and businesses to sponsor blood drives; and  
NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors hereby proclaims the month of January as "National Blood Donor Month" and urge all citizens to pay tribute to those among us who donate for others in need.

\_\_\_\_\_  
**GAYLE B. UILKEMA**

Chair,  
District II Supervisor

\_\_\_\_\_  
**JOHN GIOIA**

District I Supervisor

\_\_\_\_\_  
**MARY N. PIEPHO**

District III Supervisor

\_\_\_\_\_  
**KAREN MITCHOFF**

District IV Supervisor

\_\_\_\_\_  
**FEDERAL D. GLOVER**

District V Supervisor

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

ATTESTED: January 25, 2011

David J. Twa,

By: \_\_\_\_\_, Deputy

*The Board of Supervisors of Pr. 2  
Contra Costa County, California C.10*

**In the matter of proclaiming the month of  
January as "National Blood Donor Month"**

**RESOLUTION NO. 2011/30**

WHEREAS, donating blood is a potentially lifesaving gift that millions of Americans can give; and

WHEREAS, there is a need to ensure an adequate blood supply and to stress the importance of giving the "Gift of Life" through the donation of blood; and

WHEREAS, there is a need for additional healthy, regular volunteer donors to join the ranks of those who already give of themselves so generously; and

WHEREAS, one blood donation may help save three lives; and

WHEREAS, every day blood is needed in hospitals and emergency treatment facilities for patients with cancer and other diseases, for organ transplant recipients, and to help save the lives of accident victims; and

WHEREAS, the need for blood is constant, especially during the winter months when blood is traditionally in short supply due to a reduction in donor turnout because of the holidays, busy travel schedules, inclement weather and illness, which can put blood inventory at a critical low; and

WHEREAS, the American Red Cross Northern California Blood Services Region distributes more than 130,000 pints of blood per year to help save local patients, yet fewer than 100,000 pints of blood are collected in the region annually; and

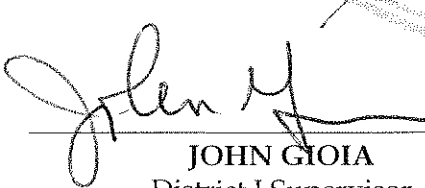
WHEREAS, some 38 percent of the public is eligible to donate, yet fewer than 8 percent of these individuals donate blood; and


WHEREAS, there is a need for civic and service organizations and businesses to sponsor blood drives; and  
NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors hereby proclaims the month of January as "National Blood Donor Month" and urge all citizens to pay tribute to those among us who donate for others in need.

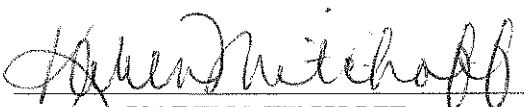
*PASSED by a unanimous vote of the Board of Supervisors members present this 25<sup>th</sup> day of January, 2011.*

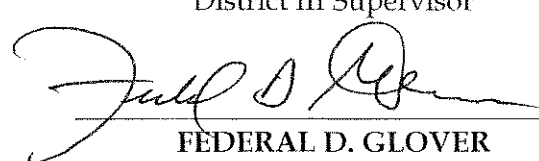
  
GAYLE B. UILKEMA

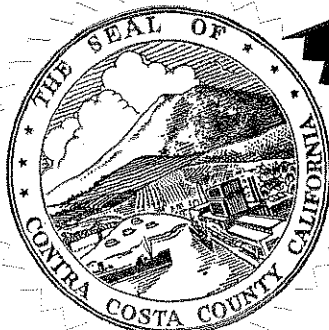
Chair  
District II Supervisor

  
JOHN GIOIA  
District I Supervisor

  
MARY N. PIEPHO  
District III Supervisor

  
KAREN MITCHOFF  
District IV Supervisor

  
FEDERAL D. GLOVER  
District V Supervisor



*Introduced by Supervisor Karen Mitchoff*

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: January 25, 2011

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

By  Katherine Sinclair, Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: Gayle B. Uilkema, District II Supervisor  
Date: January 25, 2011

Subject: Lafayette Business Person of the Year

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: KATHERINE SINCLAIR, Deputy

Contact: Carol Yates,  
925-335-1046

cc:

## ATTACHMENTS

Resolution No.  
2011/39

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

In the matter of:

**Resolution No. 2011/39**

**Honoring Larry Duson as 2011 Lafayette Business Person of the Year.**

Whereas, Larry Duson holds honor of being the only member of the Lafayette Chamber to have served as President of the Chamber for two terms; and

Whereas, Larry is well known for the great smile and warm hospitality with which he greets customers to the bank where he is Manager of Bank of the West; and

Whereas, Larry is always quick to donate both personally and/or on behalf of the bank to projects presented to him by school children; and

Whereas, for the Lafayette Art and Wine Festival, Larry is happy to arrange for school children to have their tents and booths in front of the bank's prime location at the corner of Mt. Diablo Boulevard and Lafayette Circle; and

Whereas, Larry arranged for the Sunrise Rotary to hold the Motorama event on Father's Day at the perfect location at the bank's corner lot on Mt. Diablo Boulevard; and

Whereas, Larry is a wonderful example of personal excellence and a businessman who enjoys bringing together members of the Lafayette community.

Now, therefore be it resolved that the Board of Supervisors of Contra Costa County does hereby honor and congratulate Larry Duson as Lafayette Business Person of the Year.

\_\_\_\_\_  
**GAYLE B. UILKEMA**

Chair,  
District II Supervisor

\_\_\_\_\_  
**JOHN GIOIA**  
District I Supervisor

\_\_\_\_\_  
**MARY N. PIEPHO**  
District III Supervisor

\_\_\_\_\_  
**KAREN MITCHOFF**  
District IV Supervisor

\_\_\_\_\_  
**FEDERAL D. GLOVER**  
District V Supervisor

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

ATTESTED: January 25, 2011

David J. Twa,

By: \_\_\_\_\_, Deputy



*Board of Supervisors*  
*Contra Costa County,* C.H.  
*State of California*

RESOLUTION RECOGNIZING  
LARRY DUSON AS THE LAFAYETTE 2011  
MARQUIS BUSINESS PERSON OF THE YEAR

RESOLUTION NO. 2011/39

WHEREAS, Larry Duson holds honor of being the only member of the Lafayette Chamber to have served as President of the Chamber for two terms; and

WHEREAS, Larry, the highly respected manager of Bank of the West, is well known for the great smile and warm hospitality with which he greets the people who enter his bank; and

WHEREAS, Larry has a reputation for being a community-minded person who cares about his customers and knows how to give special attention to each individual; and

WHEREAS, Larry is always quick to assist school children or to donate both personally or on behalf of the bank to projects they present to him; and


WHEREAS, Larry arranged for the Sunrise Rotary to hold the Motorama event on Father's Day at the perfect location at the bank's corner lot on Mt. Diablo Boulevard; and

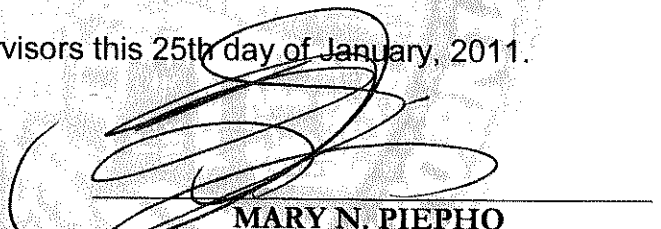
WHEREAS, Larry is a wonderful example of personal excellence and a businessman who enjoys bringing together members of the Lafayette community.


NOW, THEREFORE BE IT resolved that the Board of Supervisors of Contra Costa County does hereby honor and congratulate

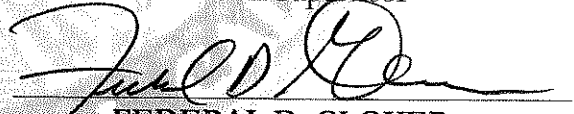
*Larry Duson*  
*2011 Lafayette Business Person of the Year*


PASSED by a vote of the Board of Supervisors this 25th day of January, 2011.

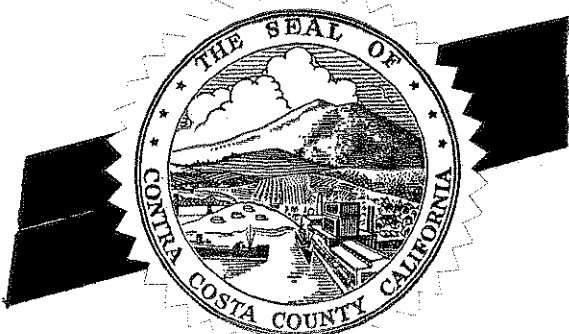
  
JOHN GIOIA  
District I Supervisor

  
MARY N. PIEPHO  
District III Supervisor

  
KAREN MITCHOFF  
District IV Supervisor


  
FEDERAL D. GLOVER  
District V Supervisor

  
GAYLE B. UILKEMA, Chair  
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 Twa, County Administrator and Clerk of the Board of Supervisors.

By   
Katherine Sinclair  
Deputy Clerk



Contra  
Costa  
County

To: Board of Supervisors  
From: Kevin Corrigan, County Administrator  
Date: January 25, 2011

Subject: Declaring January 28, 2010 Earned Income Tax Credit (EITC) Day in Contra Costa County

---



---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: KATHERINE SINCLAIR, Deputy

Contact: Kevin Corrigan  
335-1022

cc:

## ATTACHMENTS

Resolution No.  
2011/36

Resolution No.  
2010/48

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

In the matter of:

**Resolution No. 2011/36**

**DECLARING JANUARY 28, 2011 AS EARNED INCOME TAX CREDIT (EITC) AWARENESS DAY AND  
KICKING-OFF THE ANNUAL EARN IT! KEEP IT! SAVE IT! CONTRA COSTA CAMPAIGN**

WHEREAS, that EITC Awareness Day is an event organized by the IRS and its community partners to educate the public about the Earned Income Tax Credit and Free Tax Preparation Services, and  
WHEREAS, the Earned Income Tax Credit (EITC), created in 1975, is widely recognized as the most effective federal antipoverty program, and  
WHEREAS, the EITC provides an incentive for work and enhances the economic security of recipients, and  
WHEREAS, a study titled Left on the Table in Contra Costa County, which was commissioned by the Family Economic Security Partnership and prepared by Dr. Antonio Avalos of the California State University in Fresno, estimated that Contra Costa County residents claimed more than \$77 million in EITC payments in 2007, and  
WHEREAS, these EITC refunds spurred over \$81 million in business sales, \$20 million in wages, and added nearly 400 jobs to the County economy, and  
WHEREAS, the study also found that approximately 16,000 eligible Contra Costa County residents failed to claim close to \$20 million in EITC refunds in 2007, and  
WHEREAS, if these EITC payments had been claimed, they would have contributed nearly \$21 million in business sales, close to \$5 million in wages, and nearly 100 additional jobs to the county economy (and \$1,200 to the average family claiming the credit), and  
WHEREAS, since the implementation of the Earn It! Keep It! Save It! Contra Costa campaign (EKS) in 2004 over 13,000 tax payers have claimed more than \$6.8 million in Earned Income Tax Credits and \$17.2 million in total federal refunds.

NOW, THEREFORE BE IT RESOLVED THAT, the Contra Costa County Board of Supervisors on behalf of Contra Costa County, do hereby proclaim January 28, 2011 as “National Earned Income Tax Credit Awareness Day” in Contra Costa County and the kick-off of the Earn It! Keep It! Save It! Contra Costa Campaign.

\_\_\_\_\_  
**GAYLE B. UILKEMA**

Chair,  
District II Supervisor

\_\_\_\_\_  
**JOHN GIOIA**  
District I Supervisor

\_\_\_\_\_  
**MARY N. PIEPHO**  
District III Supervisor

\_\_\_\_\_  
**KAREN MITCHOFF**  
District IV Supervisor

\_\_\_\_\_  
**FEDERAL D. GLOVER**  
District V Supervisor

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

ATTESTED: January 25, 2011

David J. Twa,

By: \_\_\_\_\_, Deputy

*The Board of Supervisors of*  
*Contra Costa County, California* PR.3 C.12

**In the matter of declaring January 28, 2011 as  
Earned Income Tax Credit (EITC) Awareness Day  
and the kick off of the Annual Earn it! Keep it!  
Save it! Contra Costa County Campaign**

**RESOLUTION NO. 2011/36**

WHEREAS, EITC Awareness Day is an event organized by the IRS and its community partners to educate the public about the Earned Income Tax Credit and Free Tax Preparation Services; and

WHEREAS, the Earned Income Tax Credit (EITC), created in 1975, is widely recognized as the most effective federal antipoverty program; and

WHEREAS, the EITC provides an incentive for work and enhances the economic security of recipients; and

WHEREAS, a study titled Left on the Table in Contra Costa County, which was commissioned by the Family Economic Security Partnership and prepared by Dr. Antonio Avalos of the California State University in Fresno, estimated that Contra Costa County residents claimed more than \$77 million in EITC payments in 2007; and

WHEREAS, these EITC refunds spurred over \$81 million in business sales, \$20 million in wages, and added nearly 400 jobs to the County economy; and

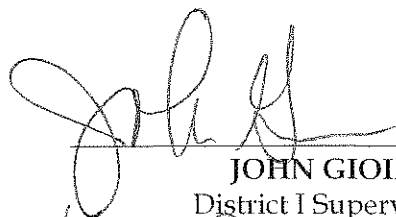
WHEREAS, the study also found that approximately 16,000 eligible Contra Costa County residents failed to claim close to \$20 million in EITC refunds in 2007; and

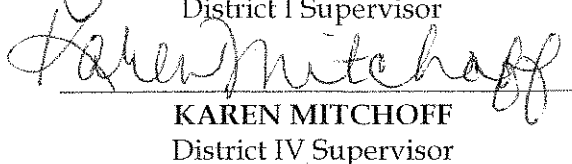
WHEREAS, if these EITC payments had been claimed, they would have contributed nearly \$21 million in business sales, close to \$5 million in wages, and nearly 100 additional jobs to the County economy (and \$1,200 to the average family claiming the credit); and

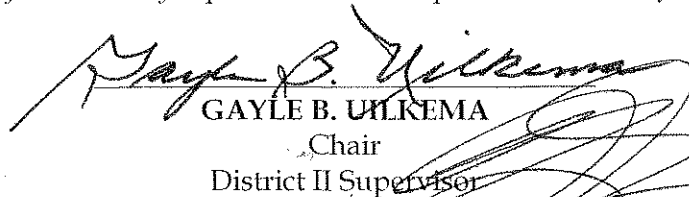
WHEREAS, since the implementation of the Earn It! Keep It! Save It! Contra Costa campaign (EKS) in 2004 over 13,000 tax payers have claimed more than \$6.8 million in Earned Income Tax Credits and \$17.2 million in total federal refunds.

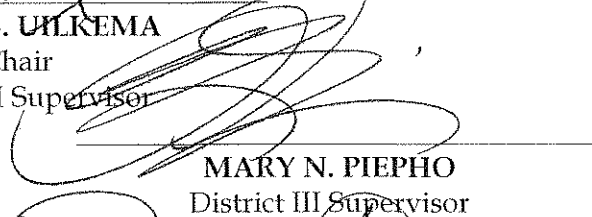
NOW, THEREFORE, BE IT RESOLVED, that the Contra Costa County Board of Supervisors on behalf of Contra Costa County, do hereby proclaim January 28, 2011 as "National Earned Income Tax Credit Awareness Day" in Contra Costa County and the kick off of the Earn It! Keep It! Save It! Contra Costa Campaign.

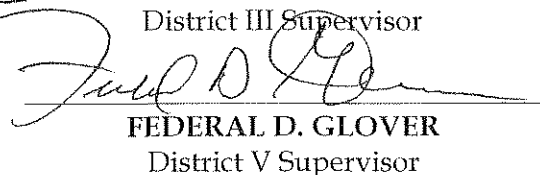
*PASSED by a unanimous vote of the Board of Supervisors members present this 25<sup>th</sup> day of January, 2011.*

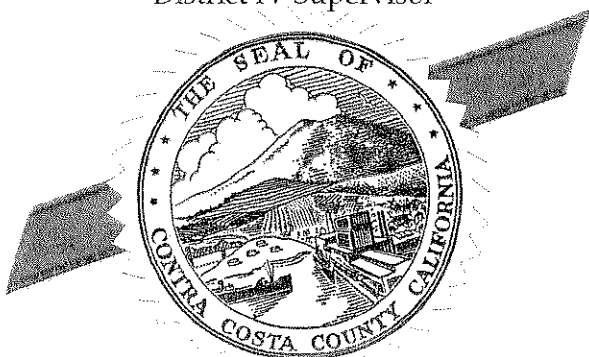
  
JOHN GIOIA  
District I Supervisor

  
KAREN MITCHOFF  
District IV Supervisor

  
GAYLE B. UILKEMA  
Chair  
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: January 25, 2011

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

By  Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: Federal D. Glover, District V Supervisor  
Date: January 25, 2011

Subject: APPOINT FEDERAL D. GLOVER TO THE REGULAR DISTRICT V SEAT ON THE EASTERN CONTRA COSTA TRANSIT AUTHORITY BOARD

---

**RECOMMENDATION(S):**

APPOINT the following individual as a regular member of the Eastern Contra Costa Transit Authority (Tri-Delta Transit) Board, for a term to expire on December 31, 2012:

Federal D. Glover  
315 E. Leland Road  
Pittsburg, CA 94565

**FISCAL IMPACT:**

None.

**BACKGROUND:**

Following the December 31, 2010 expiration of Barney Parsons' two-year term as a regular member of the Eastern Contra Costa Transit Authority (Tri-Delta Transit) Board, the seat has been declared vacant. The District V Supervisor is responsible for the appointment recommendation of a regular member.

**CONSEQUENCE OF NEGATIVE ACTION:**

Failure to fill the seat will result in continuation of the vacancy and limited representation for East Contra Costa County.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 01/25/2011

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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ATTESTED: January 25, 2011

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

Contact: Lynn Reichard-Enea 925  
646-8138

By: KATHERINE SINCLAIR, Deputy

cc:

CHILDREN'S IMPACT STATEMENT:

None.



**AIR-6816**

**Consent 26.**

**BOS Agenda**

**Appointments & Resignations**

**Meeting Date:** 01/25/2011

**Time (Duration):**

Appointments to the Kensington Municipal Advisory Board

**Submitted For:** John Gioia, District I Supervisor

**Department:** Board of Supervisors District I

**Noticed Public Hearing:** No **Official Body:** Board of Supervisors

**Presenter/Phone, if applicable:** **Audio-Visual Needs:**

**Handling Instructions:** **District:** District I

**Contact, Phone:** Kate Rauch  
510-374-3231

---

**Recommendation(s):**

1. RECOGNIZE Board Order Item D5 on December 16, 2008, and Board Resolution No. 2006/395 and 2006/792 to improve consistency in the composition, powers, and operations among the County's Municipal Advisory Councils (MACs), as recommended by the Ad Hoc MAC Committee.

2. REAPPOINT the following individuals to the Appointed Seats 1, 2, 3, 4, and 5 who shall serve terms coterminous to the term of the District One Supervisor, which begins January 4, 2011 and concludes January 4, 2015.

Appointed Seat 1 - Gordon Becket, 344 Coventry Rd, Kensington, CA 94707

Appointed Seat 2 - Patrick Tahara, 49 Windsor Avenue, Kensington, CA 94708

Appointed Seat 3 - Vanessa Cordova, 5 Arlington Avenue, Kensington CA 94707

Appointed Seat 4 - Christopher Brydon, 220 Stanford Avenue, Kensington CA 94708

Appointed Seat 5 - Melissa Holmes Snyder, 144 Ardmore Rd., Kensington, CA 94707

**Fiscal Impact:**

None.

**Background:**



The Kensington Municipal Advisory Council (KMAC), an appointed advisory body to the Board of Supervisors, has five members and two alternates who serve four-year terms.

While the Council chiefly advises the County Community Development Department on land-use, planning, zoning, variance applications, code enforcement, and code changes, they have a broad charge from the Board of Supervisors to advise on county services, community concerns, and to serve as a liaison between the community and the District One Supervisor.

**Consequence of Negative Action:**

The Kensington Municipal Advisory Council will not be adequately staffed and will be unable to conduct business.

**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**

---

**Attachments**

*No file(s) attached.*

**Minutes Attachments**

*No file(s) attached.*

---



Contra  
Costa  
County

To: Board of Supervisors  
From: Gayle B. Uilkema, District II Supervisor  
Date: January 25, 2011

Subject: APPOINTMENT TO THE COUNTY LIBRARY COMMISSION

---

**RECOMMENDATION(S):**

APPOINT the following person to the District II Alternate Seat of the County Library Commission for a two year term with an expiration date of June 30, 2012:

Mr. Paul P. Craig  
623 Lafayette Street  
Martinez, CA 94553

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Contra Costa County Library Commission was established by the Contra Costa County Board of Supervisors in March 1991. The Commission was created to serve in an advisory capacity to the Board of Supervisors and the County Librarian. The Library Commission is comprised of 29 members:

- 18 members representing the cities/towns in Contra Costa County - these Commissioners are appointed by the city/town councils
- 



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

---

Action of Board On: **01/25/2011**



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

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: KATHERINE SINCLAIR, Deputy

Contact: Jill Ray, 335-1046

BACKGROUND: (CONT'D)

5 members represent Contra Costa County - each member of the Board of Supervisors appoints one Commissioner

- 5 members represent the Central Labor Council, the Contra Costa Council, the Contra Costa Youth Commission, the Superintendent of Schools, and the Friends Council.

Supervisor Uilkema advertised the Alternate Seat vacancy via several media outlets. After meeting with Mr. Craig, Supervisor Uilkema felt he would be a strong addition to the County Library Commission.

CONSEQUENCE OF NEGATIVE ACTION:

Seat will remain unfilled.

CHILDREN'S IMPACT STATEMENT:

None.



Contra  
Costa  
County

To: Board of Supervisors  
From: Gayle B. Uilkema, District II Supervisor  
Date: January 25, 2011

Subject: REAPPOINTMENT TO THE WESTERN CONTRA COSTA TRANSIT AUTHORITY BOARD OF DIRECTORS

---

**RECOMMENDATION(S):**

REAPPOINT the following people to the following seats of the Western Contra Costa Transit Authority Board of Directors for a two-year term with an expiration date of December 31, 2012:

Rodeo Member Alternate  
Tricia Robles  
P.O. Box 447  
Rodeo, CA 94572

San Pablo Member  
Maureen K. Powers  
2771 Sargent Avenue  
San Pablo, CA 94806

**FISCAL IMPACT:**

None.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

---

Action of Board On: **01/25/2011**



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

Karen Mitchoff, District IV  
Supervisor

Federal D. Glover, District V  
Supervisor

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

ATTESTED: January 25, 2011

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

By: KATHERINE SINCLAIR, Deputy

Contact: Jill Ray, 925-335-1046

cc: District 2 Supervisor, WestCAT, Maddy Book, Appointees

#### BACKGROUND:

The Western Contra Costa County Transit (WCCTA) was established in August 1977 as a Joint Exercise of Powers Agreement between the County of Contra Costa and the cities of Hercules and Pinole. The agency was created with the purpose of owning, operating and administering a public transportation system serving the area between the Richmond/El Sobrante border to the west and the Al Zampa Memorial bridge to the east. WCCTA is governed by a 7-member Board of Directors and supported by professional staff. The two cities of Pinole and Hercules are each represented by two members, while the unincorporated communities of Crockett, Rodeo, and MonTaraBay each have one representative, appointed by the Contra Costa Board of Supervisors. Terms are two years in length.

The WCCTA service area comprises just over 20 square miles of West Contra Costa County, including the cities of Pinole and Hercules and the unincorporated areas of Montalvin Manor, Bayview, Tara Hills, Rodeo, Crockett, and Port Costa. The area is bounded to the north by the Carquinez Strait, the city limits of Pinole and Hercules to the east, the Richmond city border to the south, and by San Pablo Bay to the west. In addition, WestCAT operates regional service between Martinez and the Hercules Transit Center, transbay service between the Hercules Transit Center and the San Francisco Transbay Terminal, and regional service between the Hercules Transit Center and Contra Costa College. Currently, population in the WCCTA service area is approximately 62,000 inhabitants.

Ms. Robles and Ms. Powers have done an excellent job as Board Members and Supervisor Uilkema would like to reappoint them for another two year term.

#### CONSEQUENCE OF NEGATIVE ACTION:

The seats will be unfilled.

#### CHILDREN'S IMPACT STATEMENT:

None.



Contra  
Costa  
County

To: Board of Supervisors  
From: Vincent L. Guise, Director of Agriculture/Weights & Measures  
Date: January 25, 2011

Subject: Appropriation and Revenue Adjustment for Department of Agriculture

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE Appropriation and Revenue Adjustment No. 5015 to increase revenue in the Cooperative Extension Service budget in the amount of \$25,000 and appropriate these funds for temporary clerical help for 4-H and other Extension Service programs.

**FISCAL IMPACT:**

This Appropriation Adjustment will increase authorized revenue and expenditures in the amount of \$25,000 for the Cooperative Extension Service.

**BACKGROUND:**

New revenue is coming from the Contra Costa Futures Fund transit occupancy tax for work performed by the Cooperative Extension Service in the Monument Corridor. These funds are being made available to enhance the operations of the Cooperative Extension Service.

**CONSEQUENCE OF NEGATIVE ACTION:**

Negative action would result in loss of appropriable new funding and associated expenditure to meet operational needs.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: 646-5250

cc:

CHILDREN'S IMPACT STATEMENT:

ATTACHMENTS

TC 27 & 24 Agriculture

**AUDITOR-CONTROLLER USE ONLY:**  
**FINAL APPROVAL NEEDED BY:**  
☒ BOARD OF SUPERVISORS  
☐ COUNTY ADMINISTRATOR  
☐ AUDITOR-CONTROLLER

<p>APPROVED</p> <p>AUDITOR – CONTROLLER</p> <p>By: _____ Date _____</p> <p>COUNTY ADMINISTRATOR</p> <p>By: <u>/S/ Julie Enea</u> Date <u>1/19/11</u></p> <p>BOARD OF SUPERVISORS</p> <p>YES:</p> <p>NO:</p> <p>By: _____ Date _____</p>	<p>EXPLANATION OF REQUEST</p> <p>Allocate new revenue for temporary clerical help.</p> <p>PREPARED BY: <u>Vince Guise</u></p> <p>TITLE: <u>Agric Commissioner/Director of W &amp; M</u></p> <p>DATE: 12/16/2010</p> <p>APPROPRIATION <u>APOO</u> <u>5015</u></p> <p>ADJ. JOURNAL NO.</p>
---	--



**CONTRA COSTA COUNTY  
ESTIMATED REVENUE ADJUSTMENT/  
ALLOCATION ADJUSTMENT  
TC/24**

**AUDITOR-CONTROLLER USE ONLY:**

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS

☐ COUNTY ADMINISTRATOR

☐ AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: 0335 Agriculture		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
3320	9595	Misc Government Agencies	25,000.00	
TOTALS			25,000.00	0.00

<p align="center"><b>APPROVED</b></p> <p>AUDITOR – CONTROLLER</p> <p>By: _____ Date _____</p> <p>COUNTY ADMINISTRATOR</p> <p>By: <u>/s/ Julie Enea</u> Date <u>1/19/11</u></p> <p>BOARD OF SUPERVISORS</p> <p>YES:</p> <p>NO:</p>  <p>By: _____ Date _____</p>	<p><b>EXPLANATION OF REQUEST</b></p> <p>Appropriate revenue to be received from the Contra Costa Futures Fund.</p>          <p>PREPARED BY: <u>Vince Guise</u>            TITLE: <u>Agricultural Commissioner/Director of Weights &amp; Me</u>            DATE: <u>12/16/2010</u></p> <p align="right">REVENUE ADJ. JOURNAL NO.      RAOO <u>5015</u></p>
--	---

SIGNED APPROPRIATION  
ADJUSTMENT  
ITEM NO. C.17  
DATE: Jan. 25, 2011  
FINAL APPROVAL NEEDED BY:

(M 129 Rev. 6/09)

**CONTRA COSTA COUNTY  
ESTIMATED REVENUE ADJUSTMENT/  
ALLOCATION ADJUSTMENT  
TC/24**

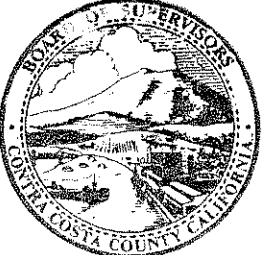
AUDITOR-CONTROLLER USE ONLY:

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS☐ COUNTY ADMINISTRATOR☐ AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: 0335 Agriculture		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
3320	9595	Misc Government Agencies	25,000.00	
TOTALS			25,000.00	0.00

<p align="center"><b>APPROVED</b></p> <p><b>AUDITOR – CONTROLLER</b></p> <p>By: _____ Date _____</p> <p><b>COUNTY ADMINISTRATOR</b></p> <p>By: <u>/s/ Julie Enea</u> Date <u>1/19/11</u></p> <p><b>BOARD OF SUPERVISORS</b></p> <p><b>YES: SUPERVISORS GIOIA, PIEPHO, MITCHOFF, GLOVER AND UULKEMA</b></p> <p><b>NO: NONE</b></p> <p>By: <u>[Signature]</u> Date <u>Jan 25, 2011</u></p>	<p><b>EXPLANATION OF REQUEST</b></p> <p>Appropriate revenue to be received from the Contra Costa Futures Fund.</p> <div align="center">  </div> <p>PREPARED BY: <u>Vince Guise</u>            TITLE: <u>Agricultural Commissioner/Director of Weights &amp; Me</u>            DATE: <u>12/16/2010</u></p> <p>REVENUE ADJ. JOURNAL NO.      RAOO <u>5015</u></p>
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Contra  
Costa  
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: January 25, 2011

Subject: APPROPRIATIONS ADJUSTMENT FROM TRANSPORTATION IMPROVEMENT MEASURE C TO ROAD FUND - CAPITAL

**RECOMMENDATION(S):**

APPROVE Appropriation Adjustment No. 5120 authorizing the transfer of appropriations in the amount of \$1,900,000 from the Transportation Improvement Measure C return to source (0663) to Road Fund - Capital (0662) to fund large construction projects underway as well as continue project development.

**FISCAL IMPACT:**

No impact to the General Fund.

**BACKGROUND:**

This action revises Road Fund-Capital budget due to cost increases for various large construction projects.

**CONSEQUENCE OF NEGATIVE ACTION:**

Funds will not be available to fund the various large construction projects.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: Liza Mangabay,  
313-2232

cc:

## ATTACHMENTS

TC27&TC24

CONTRA COSTA COUNTY  
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS

☐ COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: <b>PUBLIC WORKS (0662) AND CONSERVATION AND DEVELOPMENT (0663)</b>			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
		<u>ROAD CONSTRUCTION-ROAD FUND(110800)</u>			
0662	2310	NON CNTY PROF SPCLZD SVCS			1,900,000 00
		<u>TRANSPRTATN IMPV MESURE C/J (110900)</u>			
0663	3611	INTERFUND EXP - GOV/GOV			1,900,000 00
0993	6301	Reserve for Appropriations			1,900,000 00
0993	6301	Appropriable New Revenue	1,900,000	00	
TOTALS			1,900,000	00	5,700,000 00

APPROVED

AUDITOR-CONTROLLER:

BY: \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY ADMINISTRATOR:

BY: \_\_\_\_\_ DATE \_\_\_\_\_

BOARD OF SUPERVISORS:

YES:

NO:

BY: \_\_\_\_\_ DATE \_\_\_\_\_

EXPLANATION OF REQUEST

BUDGET ADJUSTMENT TO APPROPRIATE FUNDS RECEIVED FROM MEASURE .  
TO COVER COST OF VARIOUS ROAD CONSTRUCTION PROJECTS.

SIGNATURE

TITLE

DATE

APPROPRIATION

APOO

5120

ADJ. JOURNAL NO.

CONTRA COSTA COUNTY  
ESTIMATED REVENUE ADJUSTMENT  
T/C 24

ACCOUNT CODING		BUDGET UNIT: PUBLIC WORKS (0662) AND CONSERVATION AND DEVELOPMENT (0663)				
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>	
0662	9851	<u>ROAD CONSTRUCTION-ROAD FUND(110800)</u>				
		INTERFUND REV - GOV/GOV	1,900,000	00		
0663	9595	<u>TRANSPRTATN IMPV MESURE C/J (110900)</u>				
		MISC GOVT AGENCIES	1,900,000	00		
TOTALS			3,800,000	00	0	00

APPROVED

AUDITOR-CONTROLLER:

BY: \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY ADMINISTRATOR:

BY: \_\_\_\_\_ DATE \_\_\_\_\_

BOARD OF SUPERVISORS:

YES:

NO:

BY: \_\_\_\_\_ DATE \_\_\_\_\_

EXPLANATION OF REQUEST

APPROPRIATE MEASURE J FUNDS TO COVER THE COST OF VARIOUS  
ROAD CONSTRUCTION PROJECTS.

SIGNATURE

TITLE

DATE

REVENUE ADJ.  
JOURNAL NO.

RAOO \_\_\_\_\_ 5120

ITEM NO. 218DATE: Jan. 25, 2011

AUC

CONTRA COSTA COUNTY  
APPROPRIATION ADJUSTMENT

T/C 27

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS☐ COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: PUBLIC WORKS (0662) AND CONSERVATION AND DEVELOPMENT (0663)			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
		<u>ROAD CONSTRUCTION-ROAD FUND(110800)</u>			
0662	2310	NON CNTY PROF SPCLZD SVCS			1,900,000 00
		<u>TRANSPRTATN IMPV MESURE C/J (110900)</u>			
0663	3611	INTERFUND EXP - GOV/GOV			1,900,000 00
0993	6301	Reserve for Appropriations			1,900,000 00
0993	6301	Appropriable New Revenue	1,900,000 00		
TOTALS			1,900,000 00		5,700,000 00

APPROVED

AUDITOR-CONTROLLER:

BY: \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY ADMINISTRATOR:

BY: \_\_\_\_\_ DATE \_\_\_\_\_

BOARD OF SUPERVISORS:

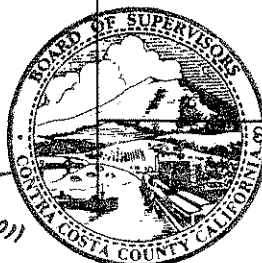
YES: SUPERVISORS GIOIA, PIEPHO,  
MITCHOFF, GLOVER, AND  
UILKEMA

NO: NONE

BY: [Signature]DATE Jan. 25, 2011

(M129 Rev 2/86)

EXPLANATION OF REQUEST

BUDGET ADJUSTMENT TO APPROPRIATE FUNDS RECEIVED FROM MEASURE  
TO COVER COST OF VARIOUS ROAD CONSTRUCTION PROJECTS.

SIGNATURE	TITLE	DATE
APPROPRIATION	APOO	5120
ADJ. JOURNAL NO.		





Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: P300 #20854 Add 1 Clerk - Exp Level Position and 1 Patient Financial Services Specialist and cancel Health Services Administrator C

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 20854 to add one (1) Clerk Experienced Level (JWXB) (represented) position at salary level 3RH 0750 (\$2682.14 - 3327.84); add one (1) Patient Financial Services Specialist (V9VB) (represented) position at salary level 3RX 1176 (\$3414.53-4360.49); and cancel one (1) Health Services Administrator C (VANH) (represented) position # 8715 at salary level ZB2 1723 (\$6061.97 - \$7759.83) in the Health Services Department.

**FISCAL IMPACT:**

Upon approval, this action will result in an annual cost of \$16,927 including annual pension cost of \$1212. Funding available through the reduction of two temporary positions.

**BACKGROUND:**

These positions are needed to provide support to the employees in the Patient Financial Services Unit in the Mental Health Division. Currently, temporary employees are performing in this capacity but have reached their maximum allowable hours and must be let go. The

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

Contact: Terrina C. Manor, Health Services (925) 957-5248

By: EMY L. SHARP, Deputy

#### BACKGROUND: (CONT'D)

clerk position is the only clerical support for a unit of 10 employees. Duties of the position include: screening clients prior to opening at the Childrens' Clinics to ensure they do not have private insurance and checking for linkages to Medi-Cal; working the out-of-county Medi-Cal report; screening the clients that were seen at CSU the day before for insurance and Medi-Cal; maintaining the data base for eligibility verifications; processing the medication billing for the clients at the Crestwood facilities; answering the outside line, and providing back up for the Access line. The Patient Financial Services Specialist position is needed to help consumers in attaining and retaining benefits that cover the cost of Mental Health Services. Duties of the position include: Interviewing patients to identify sources of payment on accounts including possible eligibility for various programs; assisting patients in the completion of applications for various health coverage programs; and educating patients regarding available options to reimburse the County for health care services. The HSA - C position is vacant and no longer needed. It is being cancelled to help offset the cost of these two new positions.

#### CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve this action could result in diminished productivity of the unit which will affect the ability of Mental Health to receive reimbursement for services provided.

#### ATTACHMENTS

P-300 #20854

# POSITION ADJUSTMENT REQUEST

NO. 20854  
DATE 9/20/2010

Department No./

Department HEALTH SERVICES - MENTAL HEALTH Budget Unit No. 0467 Org No. 5941 Agency No. A18

Action Requested: Add one Clerk Experienced Level ( JWXB - represented) position at salary level 3RH 0750 \$2963.73 - 3327.84; Add one Patient Financial Services Specialist (V9VB - represented) position at salary level 3RX 1176 \$3414.53-4360.49; and cancel Health Services Administrator C position # 8715 at salary level ZB2 1723 6061.97 - 7759.83)

Proposed Effective Date: 10/1/2010

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 \$16,927.00

Net County Cost \$0.00

Total this FY \$12,695.24

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Offset by cancelation and reduction of temp staff

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

Terrina C. Manor

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

9/24/2010

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/12/2011

ADD (1) Clerk Experienced Level (JWXB) position at salary level 3RH 0750 \$2682.14 - 3327.84; add (1) Patient Financial Services Specialist (V9VB) position at salary level 3RX 1176 \$3414.53-4360.49; and cancel (1) Health Services Administrator C position # 8715 at salary level ZB2 1723 6061.97 - 7759.83) in the Health Services Department.

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 2/14/2011

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

Dorothy Sansoe

(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 3/19/2015

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.19  
DATE: Jan 25, 2011

NO. 20854  
DATE 9/20/2010

Department HEALTH SERVICES - MENTAL HEALTH Department No. / Budget Unit No. 0467 Org No. 5941 Agency No. A18  
Action Requested: Add one Clerk Experienced Level (JWXB - represented) position at salary level 3RH 0750 \$2963.73 - 3327.84; Add one Patient Financial Services Specialist (V9VB - represented) position at salary level 3RX 1176 \$3414.53-4360.49; and cancel Health Services Administrator C position # 8715 at salary level ZB2 1723 6061.97 - 7759.83)

Proposed Effective Date: 10/1/2010

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 \$16,927.00

Net County Cost \$0.00

Total this FY \$12,695.24

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Offset by cancelation and reduction of temp staff

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Terrina C. Manor

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

9/24/2010

Deputy County Administrator

Date

## HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/12/2011

ADD (1) Clerk Experienced Level (JWXB) position at salary level 3RH 0750 \$2682.14 - 3327.84; add (1) Patient Financial Services Specialist (V9VB) position at salary level 3RX 1176 \$3414.53-4360.49; and cancel (1) Health Services Administrator C position # 8715 at salary level ZB2 1723 6061.97 - 7759.83) in the Health Services Department.

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 2/14/2011

- ☒ Approve Recommendation of Director of Human Resources  
☐ Disapprove Recommendation of Director of Human Resources  
☐ Other: \_\_\_\_\_

Dorothy Sansoe

(for) County Administrator

## BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐

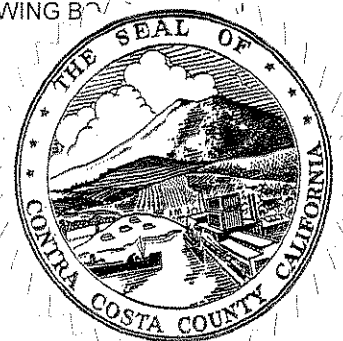
David J. Twa, Clerk of the Board of Supervisors  
and County Administrator

DATE January 25, 2011

BY [Signature]

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BY  
Adjust class(es) / position(s) as follows:





Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: P300 #20888 Add one Licensed Vocation Nurse position and one Registered Nurse - Experienced Level position in the Health Services Department.

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No 20888 to add one (1) full time Licensed Vocational Nurse (VT7G) (represented) position at salary level QBX 1287 (\$3811.20 - \$4867.06) and one (1) full time Registered Nurse Experienced Level (VWXD) (represented) position at salary level L3H 0400 (\$6952.21 - \$7748.81) in the Health Services Department.

**FISCAL IMPACT:**

Upon approval, this action will result in an annual cost of approximately \$243,482, including pension costs of \$50,564, and will be covered by member premiums.

**BACKGROUND:**

The Contra Costa Health Plan (CCHP) will be adding approximately 1000 new members per month for the next year as part of Medi-Cal's fee for service program for Seniors and Persons with Disabilities (SPD). The State requires that CCHP complete Health Risk Assessments on all SPD members within 45 days for high risk patients and 105 days for low risk patients. These assessments will then be given to primary care physicians to assist them in developing a care treatment

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: Terrina C. Manor,  
957-5248

BACKGROUND: (CONT'D)

plan. The requested Licensed Vocational Nurse position will be assigned to the Case Management Unit and is needed to complete the Health Assessments for these new CCHP members. An additional State requirement is that CCHP conduct facility site reviews on all high volume specialists. Currently, there is only one part-time Registered Nurse who completes Facility Site Reviews. The new RN position is needed to address the increased workload and assist with these site reviews. Site reviews include visiting each location with a check list of regulations and then formulating a Corrective Action Plan (CAP) for any areas of non compliance and working with the physicians' office to make sure deficiencies are corrected. Site reviews are required every three years. The new RN position will also be responsible for working on HEDIS (Healthcare Effectiveness Data and Information Set) measures, reviewing medical records, and analyzing data.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, services may be adversely affected.

ATTACHMENTS

P-300 #20888

# POSITION ADJUSTMENT REQUEST

NO. 20888  
DATE 12/22/2010

Department HEALTH SERVICES - CCHP

Department No./

Budget Unit No. 0860 Org No. 6115 Agency No. A18

Action Requested: Add one Licensed Vocational Nurse position (VT7G - represented) in org 6115 and one Registered Nurse - Exp Level position (VW XD - represented) in org 6125 in the Health Services Department.

Proposed Effective Date: 1/1/2011

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 \$243,482.00

Net County Cost \$0.00

Total this FY \$121,741.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Member premiums from additional Medi-Cal enrollees

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Terrina C. Manor

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

12/22/2010

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/11/2011

ADD one Licensed Vocational Nurse position (VT7G - represented) at salary level QBX 1287 (\$3811.20 - \$4867.06) and one Registered Nurse Experienced Level position (VW XD - represented) at salary level L3H 0400 (\$6952.21 - \$7748.81) in the Health Services Department.

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

2/14/2011

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

Dorothy Sansoe

(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 3/19/2015

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.A. 25, 2011  
DATE: Jan. 25, 2011

NO. 20888  
DATE 12/22/2010

Department HEALTH SERVICES - CCHP

Department No./

Budget Unit No. 0860 Org No. 6115 Agency No. A18

Action Requested: Add one Licensed Vocational Nurse position (VT7G - represented) in org 6115 and one Registered Nurse - Exp Level position (VWXD - represented) in org 6125 in the Health Services Department.

Proposed Effective Date: 1/1/2011

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 \$243,482.00

Net County Cost \$0.00

Total this FY \$121,741.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Member premiums from additional Medi-Cal enrollees

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Terrina C. Manor

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

12/22/2010

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/11/2011

ADD one Licensed Vocational Nurse position (VT7G - represented) at salary level QBX 1287 (\$3811.20 - \$4867.06) and one Registered Nurse Experienced Level position (VWXD - represented) at salary level L3H 0400 (\$6952.21 - \$7748.81) in the Health Services Department.

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

2/14/2011

- ☒ Approve Recommendation of Director of Human Resources  
☐ Disapprove Recommendation of Director of Human Resources  
☐ Other: \_\_\_\_\_

Dorothy Sansoe

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐

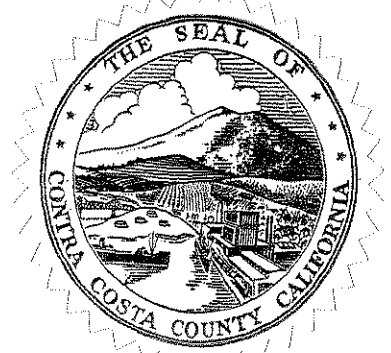
David J. Twa, Clerk of the Board of Supervisors  
and County Administrator

DATE January 25, 2011

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: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: P300 #20891 Increase the hours of one vacant Mental Health Clinical Specialist position

---

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution #20891 to increase the hours of one (1) vacant Mental Health Clinical Specialist (VQSB)(represented) Position #12063 from 14/40 to 32/40 in the Health Services Department/Martinez Detention Facility.

**FISCAL IMPACT:**

The total cost associated with this request is \$62,168.53 per calendar year and will be offset by the reduction in use of temporary and straight time/overtime expense.

**BACKGROUND:**

Currently, sick leave, vacation, and extended leave coverage at Martinez Detention Facility is primarily being accomplished utilizing overtime and temporary staff. This action is being requested to more effectively utilize resources by adding additional staff to provide safe and effective services.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this recommendation is not approved, the Health Services Department Martinez Detention Facility will continue to require additional staff to meet service obligations.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 01/25/2011

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

Contact: Christine P. Keebler,  
925-957-5257

By: EMY L. SHARP, Deputy

cc: Christine Keebler, Roxana Mendoza, Malinda Brown, Tanya Stulken

CHILDREN'S IMPACT STATEMENT:

Not applicable

ATTACHMENTS

P-300 #20891

POSITION ADJUSTMENT REQUEST

NO. 20891  
DATE 12/16/10

DEPARTMENT NO. / COPERS  
DEPARTMENT: Health Services/Detention BUDGET UNIT NO. 0310 ORG NO. 5710 AGENCY NO. A-18

ACTION REQUESTED: INCREASE the hours of one (1) vacant Mental Health Clinical Specialist (VQSB) position #12063 from 14/40 to 32/40.

PROPOSED EFFECTIVE DATE: Day after Board action.

CLASSIFICATION QUESTIONNAIRE ATTACHED: YES ☐ NO ☒ Cost is within dept budget: Yes ☒ No ☐

TOTAL ONE TIME COSTS (non-salary) ASSOCIATED WITH REQUEST: \$ -0-  
ESTIMATED TOTAL COST ADJUSTMENT (salary/benefits/one-time):  
TOTAL ANNUAL COST \$ 62,168.53 NET COUNTY COST \$ -0-  
TOTAL THIS FY \$ 31,084.27 N.C.C. THIS FY \$ -0-

SOURCE OF FUNDING TO OFFSET ADJUSTMENT: **Funding offset from 100% reduction in the use of temporary help and overtime expense.**

DEPARTMENT MUST INITIATE NECESSARY ADJUSTMENT AND SUBMIT TO CAO.  
USE ADDITIONAL SHEET FOR FURTHER EXPLANATIONS OR COMMENTS.

(for) William. B. Walker, M.D., Health Services Director

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe 1/4/11  
SR DEPUTY COUNTY ADMINISTRATOR DATE

HUMAN RESOURCES DEPARTMENT RECOMMENDATION: DATE \_\_\_\_\_

ADOPT Position Adjustment Resolution #20891 to increase the hours of one (1) vacant Mental Health Clinical Specialist (VQSB)(represented) Position #12063 from 14/40 to 32/40 in the Health Services Department/Martinez Detention Facility.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basis/Exempt salary schedule.

Effective: ☒ Day following Board Action

☐ \_\_\_\_\_ (date) \_\_\_\_\_

(for) DIRECTOR OF HUMAN RESOURCES

COUNTY ADMINISTRATOR RECOMMENDATION DATE: 2/14/11

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

Dorothy Sansoe  
(for) COUNTY ADMINISTRATOR

BOARD OF SUPERVISORS ACTION: David Twa, Clerk of the Board of Supervisors/County Administrator

Adjustment APPROVED ☐ DISAPPROVED ☐

DATE: \_\_\_\_\_ BY: \_\_\_\_\_

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL/SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION. Adjust class(es)/position(s) as follows:

IF REQUEST IS TO ADD PROJECT POSITIONS/CLASSES, PLEASE COMPLETE OTHER SIDE

# POSITION ADJUSTMENT REQUEST

SIGNED PERSONNEL ACTION  
ITEM NO. C. 21  
DATE Jan. 25, 2011

NO. 20891  
DATE 12/16/10

DEPARTMENT NO./ COPERS  
DEPARTMENT: Health Services/Detention BUDGET UNIT NO. 0310 ORG NO. 5710 AGENCY NO. A-18

ACTION REQUESTED: INCREASE the hours of one (1) vacant Mental Health Clinical Specialist (VQSB) position #12063 from 14/40 to 32/40.

PROPOSED EFFECTIVE DATE: Day after Board action.

CLASSIFICATION QUESTIONNAIRE ATTACHED: YES ☐ NO ☒ Cost is within dept budget: Yes ☒ No ☐

TOTAL ONE TIME COSTS (non-salary) ASSOCIATED WITH REQUEST: \$ -0-  
ESTIMATED TOTAL COST ADJUSTMENT (salary/benefits/one-time):  
TOTAL ANNUAL COST \$ 62,168.53 NET COUNTY COST \$ -0-  
TOTAL THIS FY \$ 31,084.27 N.C.C. THIS FY \$ -0-

SOURCE OF FUNDING TO OFFSET ADJUSTMENT: Funding offset from 100% reduction in the use of temporary help and overtime expense.

DEPARTMENT MUST INITIATE NECESSARY ADJUSTMENT AND SUBMIT TO CAO.  
USE ADDITIONAL SHEET FOR FURTHER EXPLANATIONS OR COMMENTS.

(for) William. B. Walker, M.D., Health Services Director

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe 1/4/11  
SR DEPUTY COUNTY ADMINISTRATOR DATE

HUMAN RESOURCES DEPARTMENT RECOMMENDATION: DATE

ADOPT Position Adjustment Resolution #20891 to increase the hours of one (1) vacant Mental Health Clinical Specialist (VQSB)(represented) Position #12063 from 14/40 to 32/40 in the Health Services Department/Martinez Detention Facility.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basis/Exempt salary schedule.

Effective: ☒ Day following Board Action  
☐ (date)

(for) DIRECTOR OF HUMAN RESOURCES

COUNTY ADMINISTRATOR RECOMMENDATION DATE: 2/14/11

☒ Approve Recommendation of Director of Human Resources  
☐ Disapprove Recommendation of Director of Human Resources  
☐ Other:

Dorothy Sansoe  
(for) COUNTY ADMINISTRATOR

BOARD OF SUPERVISORS ACTION: David Twa, Clerk of the Board of Supervisors/County Administrator

Adjustment APPROVED ☒ DISAPPROVED ☐

DATE: January 25, 2011

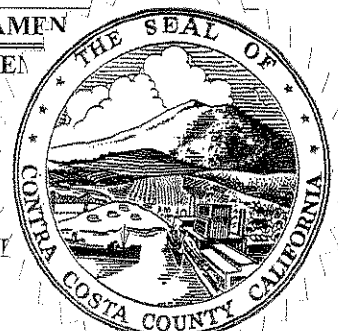
BY: [Signature]

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL/SALARY RESOLUTION AMEN

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT

BOARD ACTION. Adjust class(es)/position(s) as follows:

IF REQUEST IS TO ADD PROJECT POSITIONS/CLASSES, PLEASE COMPLETE OTHER





Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: P300 #20892 Add one full-time Therapist Aide Position in the California Childrens Program (Public Health)

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution #20892 to ADD one (1) full-time Therapist Aide (V5WA) (represented) position at salary level QB5 1179 (\$3,433-\$4,173) in the Health Services Department.

**FISCAL IMPACT:**

Upon approval, this action will result in an annual cost of \$84,489.78, including an annual pension cost of \$28,219.59. This action will be fully offset by the cancellation of a long term temporary position which has been funded by 50/50 County and State CCS (California Childrens Services) Funds.

**BACKGROUND:**

The Health Services Department is requesting the addition of this position in order to meet the staffing needs of the CCS (California Childrens Services) Medical Therapy Program. This position will be responsible for assisting professional therapy staff (Physical and Occupational Therapists) in administering a variety of treatments for handicapped pediatric clients of the CCS Program.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: Teji O'Malley,  
925-957-5249

cc: Tanya Stulken, Teji O'Malley, Eva Barrios

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the California Childrens Services Program will not be able to effectively provide critical therapy services to the handicapped children of Contra Costa County.

CHILDREN'S IMPACT STATEMENT:

If this request is not approved, it would lead to ineffective staffing levels which in turn will lead to handicapped children in Contra Costa County not receiving critical physical and occupational therapy services.

ATTACHMENTS

P-300 #20892



# POSITION ADJUSTMENT REQUEST

NO. 20892  
DATE 1/3/2011

Department Health Services

Department No./

Budget Unit No. 0450 Org No. 5891 Agency No. A18

Action Requested: Add one (1) full-time Therapist Aide (V5WA) position at salary level QB5 1179 (\$3,433-\$4,173). (50/50 County/State CCS Funds) (All Districts)

Proposed Effective Date: 1/1/2011

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 \$84,489.78

Net County Cost \_\_\_\_\_

Total this FY \$42,244.89

N.C.C. this FY \_\_\_\_\_

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cancellation of temp pos (50/50 State/County CCS Funds)

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Teji O'Malley, Personnel Analyst

\_\_\_\_\_  
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

1/4/2011

\_\_\_\_\_  
Deputy County Administrator

\_\_\_\_\_  
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/11/2011

ADD one (1) full-time Therapist Aide (V5WA) position at salary level QB5 1179 (\$3,433-\$4,173) in the Health Services Department.

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

1/18/2011

- ☒ Approve Recommendation of Director of Human Resources  
☐ Disapprove Recommendation of Director of Human Resources  
☐ Other: \_\_\_\_\_

Dorothy Sansoe

\_\_\_\_\_  
(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 3/19/2015

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

SIGNED PERSONNEL ACTION  
ITEM NO. C. 22  
DATE: Jan 25, 2011  
NO. 20892  
DATE 1/3/2011

Department Health Services

Department No./

Budget Unit No. 0450 Org No. 5891 Agency No. A18

Action Requested: Add one (1) full-time Therapist Aide (V5WA) position at salary level QB5 1179 (\$3,433-\$4,173). (50/50 County/State CCS Funds) (All Districts)

Proposed Effective Date: 1/1/2011

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 \$84,489.78

Net County Cost \_\_\_\_\_

Total this FY \$42,244.89

N.C.C. this FY \_\_\_\_\_

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cancellation of temp pos (50/50 State/County CCS Funds)

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Teji O'Malley, Personnel Analyst

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

1/4/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/11/2011

ADD one (1) full-time Therapist Aide (V5WA) position at salary level QB5 1179 (\$3,433-\$4,173) in the Health Services Department.

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

1/18/2011

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

Dorothy Sansoe

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐

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

DATE January 25, 2011

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:



To: Board of Supervisors  
 From: William Walker, M.D., Health Services Director  
 Date: January 25, 2011



Contra  
 Costa  
 County

Subject: P300 #20893 Add one Health Plan Authorization Technician position in the Health Services Department.

---

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 20893 to add one (1) full time Health Plan Authorization Technician (VRTA)(represented) position at salary level 3RX 1119 (\$3227.16 - \$4121.21) in the Health Services Department.

**FISCAL IMPACT:**

Upon approval, this action will result in an annual cost of approximately \$83,576, including pension costs of \$16,517, and will be fully funded by member premiums.

**BACKGROUND:**

Due to increased workloads, an additional Health Plan Authorization Technician position is needed for the Authorization Unit of the Contra Costa Health Plan (CCHP). Membership in CCHP has been steadily increasing due to increases in Medi-Cal and Healthy Families enrollment. This position will be assigned to handle all case management referrals. Duties of the position will include: verifying member eligibility; coordinating authorizations; identifying additional payer sources and determining Health Plan primacy; preparing notices including applicable deductibles, co-payments, and benefits limitations; and acting as a liaison between clinical reviewers and providers/members.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
 ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
 COMMITTEE

---

Action of Board On: **01/25/2011**

☒ 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  
 Karen Mitchoff, District IV Supervisor  
 Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: Terrina C. Manor,  
 957-5248

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, services to Health Plan members may be adversely impacted.

CHILDREN'S IMPACT STATEMENT:

Not Applicable

ATTACHMENTS

P-300 #20893

# POSITION ADJUSTMENT REQUEST

NO. 20893  
DATE 12/28/2010

Department HEALTH SERVICES - CCHP Department No./  
Budget Unit No. 0860 Org No. 6109 Agency No. A18  
Action Requested: Add one Health Plan Authorization Technician position (VRTA - represented) at salary level 3RX 1119 (\$3227.16 - 4121.21) in the Health Services Department.

Proposed Effective Date: 1/1/2011

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 \$83,576.00

Net County Cost \$0.00

Total this FY \$41,788.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Member premiums

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Terrina C. Manor

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

1/4/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/13/2011

ADD one (1) full time Health Plan Authorization Technician (VRTA) position at salary level 3RX 1119 (\$3227.16 - 4121.21) in the Health Services Department.

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

1/18/2011

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

Dorothy Sansoe

(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 3/19/2015

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

STANDARD PERSONNEL ACTION  
ITEM NO. 0.23  
DATE: Jan. 25, 2011  
NO. 20893  
DATE 12/28/2010

Department HEALTH SERVICES - CCHP

Department No./

Budget Unit No. 0860 Org No. 6109 Agency No. A18

Action Requested: Add one Health Plan Authorization Technician position (VRTA - represented) at salary level 3RX 1119 (\$3227.16 - 4121.21) in the Health Services Department.

Proposed Effective Date: 1/1/2011

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 \$83,576.00

Net County Cost \$0.00

Total this FY \$41,788.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Member premiums

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Terrina C. Manor

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

1/4/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/13/2011

ADD one (1) full time Health Plan Authorization Technician (VRTA) position at salary level 3RX 1119 (\$3227.16 - 4121.21) in the Health Services Department.

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 1/18/2011

☒ Approve Recommendation of Director of Human Resources  
☐ Disapprove Recommendation of Director of Human Resources  
☐ Other: \_\_\_\_\_

Dorothy Sansoe

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐

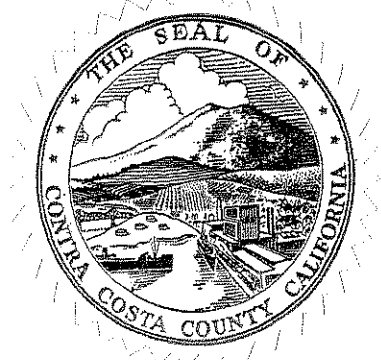
David J. Twa, Clerk of the Board of Supervisors  
and County Administrator

DATE January 25, 2011

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: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: P300 #20890 to Cancel one Medical Social Worker II and Add two PI Medical Social Worker II

---

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution #20890 to cancel one (1) vacant 40/40 Medical Social Worker II (X4VH) (represented) position #14010; and add two (2) permanent intermittent Medical Social Worker II (X4VH) (represented) positions, in the Health Services Department.

**FISCAL IMPACT:**

The cost associated with this request is \$121,071.41 per calendar year and will be completely offset by the cancellation of the permanent full time position. (Cost neutral).

**BACKGROUND:**

This action is being requested to more effectively utilize resources while continuing to provide safe and effective services in the Psychiatric Emergency Services department. This will allow the department the flexibility to deploy Permanent Intermittent staff as needed for coverage. Currently the Psychiatric Emergency Services department is utilizing overtime and temporary staff to cover sick leave, vacation, and extended leave.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

Contact: Christine P. Keebler,  
925-957-5257

By: EMY L. SHARP, Deputy

CONSEQUENCE OF NEGATIVE ACTION:

If this recommendation is not approved, the Health Services Department Psychiatric Emergency Services will not have the flexibility to assign permanent intermittent staff as needed to cover sick leave, vacation, and extended leave.

ATTACHMENTS

P-300 #20890

POSITION ADJUSTMENT REQUEST

NO. 20890  
DATE 12/28/2010

DEPARTMENT NO. \_\_\_\_\_ COPERS \_\_\_\_\_  
DEPARTMENT: Health Services Hospital Entrprs BUDGET UNIT NO. 0540 ORG NO. 6381 AGENCY NO. A-18

ACTION REQUESTED: CANCEL one (1) 40/40 Medical Social Worker II (X4VH) position and ADD two (2) P.I. Medical Social Worker II (X4VH) positions.

PROPOSED EFFECTIVE DATE: Day after Board action.

CLASSIFICATION QUESTIONNAIRE ATTACHED: YES ☐ NO ☒ Cost is within dept budget: Yes ☒ No ☐

TOTAL ONE TIME COSTS (non-salary) ASSOCIATED WITH REQUEST: \$ -0-  
ESTIMATED TOTAL COST ADJUSTMENT (salary/benefits/one-time):  
TOTAL ANNUAL COST \$ 121,071.41 NET COUNTY COST \$ -0-  
TOTAL THIS FY \$ 60,535.71 N.C.C. THIS FY \$ -0-

SOURCE OF FUNDING TO OFFSET ADJUSTMENT: **Funding offset from cancellation of PFT Medical Social Worker position.**

DEPARTMENT MUST INITIATE NECESSARY ADJUSTMENT AND SUBMIT TO CAO.  
USE ADDITIONAL SHEET FOR FURTHER EXPLANATIONS OR COMMENTS.

\_\_\_\_\_  
(for) William. B. Walker, M.D., Health Services Director

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe 1/4/11  
DEPUTY COUNTY ADMINISTRATOR DATE

HUMAN RESOURCES DEPARTMENT RECOMMENDATION: \_\_\_\_\_ DATE \_\_\_\_\_

CANCEL one (1) vacant 40/40 Medical Social Worker II (X4VH) (represented) position #14010, and ADD two (2) permanent intermittent Medical Social Worker II (X4VH) (represented) positions

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basis/Exempt salary schedule.

Effective: ☒ Day following Board Action

☐ \_\_\_\_\_ (date) \_\_\_\_\_

(for) DIRECTOR OF HUMAN RESOURCES

COUNTY ADMINISTRATOR RECOMMENDATION \_\_\_\_\_ DATE: 1/18/11

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

Dorothy Sansoe  
(for) COUNTY ADMINISTRATOR

BOARD OF SUPERVISORS ACTION: \_\_\_\_\_ David Twa, Clerk of the Board of Supervisors/County Administrator

Adjustment APPROVED ☐ DISAPPROVED ☐

DATE: \_\_\_\_\_ BY: \_\_\_\_\_

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL/SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION. Adjust class(es)/position(s) as follows:

IF REQUEST IS TO ADD PROJECT POSITIONS/CLASSES, PLEASE COMPLETE OTHER SIDE

POSITION ADJUSTMENT REQUEST

NO. 20890  
DATE 12/28/2010

DEPARTMENT: Health Services Hospital Entrprs DEPARTMENT NO. / COPERS  
BUDGET UNIT NO. 0540 ORG NO. 6381 AGENCY NO. A-18

ACTION REQUESTED: CANCEL one (1) 40/40 Medical Social Worker II (X4VH) position and ADD two (2) P.I. Medical Social Worker II (X4VH) positions.

PROPOSED EFFECTIVE DATE: Day after Board action.

CLASSIFICATION QUESTIONNAIRE ATTACHED: YES ☐ NO ☒ Cost is within dept budget: Yes ☒ No ☐

TOTAL ONE TIME COSTS (non-salary) ASSOCIATED WITH REQUEST: \$ -0-  
ESTIMATED TOTAL COST ADJUSTMENT (salary/benefits/one-time):  
TOTAL ANNUAL COST \$ 121,071.41 NET COUNTY COST \$ -0-  
TOTAL THIS FY \$ 60,535.71 N.C.C. THIS FY \$ -0-

SOURCE OF FUNDING TO OFFSET ADJUSTMENT: Funding offset from cancellation of PFT Medical Social Worker position.

DEPARTMENT MUST INITIATE NECESSARY ADJUSTMENT AND SUBMIT TO CAO.  
USE ADDITIONAL SHEET FOR FURTHER EXPLANATIONS OR COMMENTS.

(for) William. B. Walker, M.D., Health Services Director

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe 1/4/11  
DEPUTY COUNTY ADMINISTRATOR DATE

HUMAN RESOURCES DEPARTMENT RECOMMENDATION: DATE \_\_\_\_\_

CANCEL one (1) vacant 40/40 Medical Social Worker II (X4VH) (represented) position #14010, and ADD two (2) permanent intermittent Medical Social Worker II (X4VH) (represented) positions

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basis/Exempt salary schedule.

Effective: ☒ Day following Board Action

☐ \_\_\_\_\_ (date)

(for) DIRECTOR OF HUMAN RESOURCES

COUNTY ADMINISTRATOR RECOMMENDATION DATE: 1/18/11

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

Dorothy Sansoe  
(for) COUNTY ADMINISTRATOR

BOARD OF SUPERVISORS ACTION:

David Twa, Clerk of the Board of Supervisors/County Administrator

Adjustment APPROVED ☒ DISAPPROVED ☐

DATE: January 25, 2011

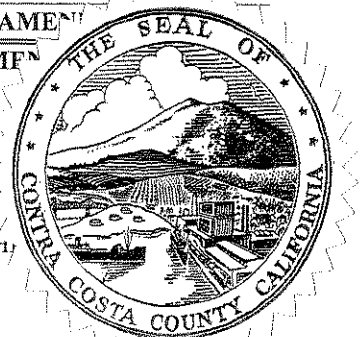
BY: Ed Sharp

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL/SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT

BOARD ACTION. Adjust class(es)/position(s) as follows:

IF REQUEST IS TO ADD PROJECT POSITIONS/CLASSES, PLEASE COMPLETE OTHER





Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: P300 #20894 Add three (3) FTE Pharmacist I positions in the Health Services Department

---

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 20894 to add three (3) permanent full-time Pharmacist I (VYWA) (represented) positions at salary level QT5 1998 (\$7725 - (\$8943) in the Health Services Department Pharmacy Division of the Contra Costa Regional Medical Center and Health Centers.

**FISCAL IMPACT:**

There is an annual cost of approximately \$492,250.00, which is 100% offset through Federal and State Reimbursement.

**BACKGROUND:**

The Health Services Department is requesting to add three (3) permanent full-time Pharmacist I positions in the Pharmacy Division of the Contra Costa Regional Medical Center and its Health Centers.

The Department is in the process of implementing a new computerized EPIC (a comprehensive health information management software) system. Two of the requested positions will be assigned to build, test, and support the new system, and function as trainers. The third position will be assigned to manage the

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

Contact: Jo-Anne Linares (925)  
957-5246

By: EMY L. SHARP, Deputy

BACKGROUND: (CONT'D)

oncology medication management system.

The addition of these three positions will create a team of five (5) Pharmacists who will share responsibility for all system modules.

This system will decrease medication errors and improve patient safety.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Pharmacy Division will not have sufficient staff to meet its operational needs. This would impact patient care services and delay the implementation of the new computerized health information management system.

ATTACHMENTS

P-300 #20894

# POSITION ADJUSTMENT REQUEST

NO. 20894  
DATE 1/6/2011

Department 0540

Department No./

Budget Unit No. 0540 Org No. 6345 Agency No. 18

Action Requested: Add three permanent full-time Pharmacist I positions in the Health Services Department.

Proposed Effective Date: 2/1/2011

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 \$492,250.00

Net County Cost \$0.00

Total this FY \$205,104.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Federal Information Technology Revenues

Department must initiate necessary adjustment and submit to CAO.

Use additional sheet for further explanations or comments.

Jo-Anne Linares

\_\_\_\_\_  
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

1/10/2011

\_\_\_\_\_  
Deputy County Administrator

\_\_\_\_\_  
Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Add three (3) permanent full-time Pharmacist I (VYWA) (represented) positions at salary plan QT5 1998 (\$7725 - \$8943)

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

1/18/2011

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

Dorothy Sansoe

\_\_\_\_\_  
(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 3/19/2015

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

SIGNED PERSONNEL ACTION  
ITEM NO. C. 25  
DATE: Jan. 25, 2011  
NO. 20894  
DATE 1/6/2011

Department 0540

Department No./  
Budget Unit No. 0540 Org No. 6345 Agency No. 18

Action Requested: Add three permanent full-time Pharmacist I positions in the Health Services Department.

Proposed Effective Date: 2/1/2011

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 \$492,250.00

Net County Cost \$0.00

Total this FY \$205,104.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Federal Information Technology Revenues

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Jo-Anne Linares

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

1/10/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Add three (3) permanent full-time Pharmacist I (VYWA) (represented) positions at salary plan QT5 1998 (\$7725 - \$8943)

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 1/18/2011

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

Dorothy Sansoe

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐

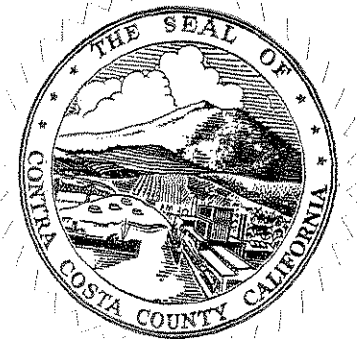
David J. Twa, Clerk of the Board of Supervisors  
and County Administrator

DATE January 25, 2011

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: Ted Cwiek, Human Resources Director  
Date: January 25, 2011

Subject: Suspension of Competition and Direct Appointment in the Health Services Dept.

---

**RECOMMENDATION(S):**

ACKNOWLEDGE receipt of report of suspension of competition and direct appointment in the Health Services Department to facilitate the return to work of a County employee through the County Rehabilitation Program, as provided for in the Personnel Management Regulations, Section 502, as part of the County Disability Program, as recommended by the Assistant County Administrator- Director of Human Resources.

**FISCAL IMPACT:**

There are no additional costs associated with this direct appointment. Costs associated with filling the position are included in the Department's budget.

**BACKGROUND:**

Personnel Management Regulations, Section 502, Suspension of Competition, provides that the Director of Human Resources may suspend competition and authorize a direct appointment to merit system positions where use of competitive examination procedures are impractical. It also requires that a report of the suspension of competition be reported to the Board of Supervisors.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: Cheri Branson,  
925-335-1768

cc:

BACKGROUND: (CONT'D)

In accordance with the above regulations, the Director of Human Resources is authorizing the following direct appointment:

Employee #61920 as Storeroom Clerk (position # 14261) in the Health Services Department/Hospital. Date effective: 12/27/10. Reason: to facilitate return to work of County employee through the County Rehabilitation Program.

CONSEQUENCE OF NEGATIVE ACTION:

Department would not be able to benefit from the employee's prompt return to work.

CHILDREN'S IMPACT STATEMENT:

No impact.

ATTACHMENTS

AK9 Voc. Rehab Agreement

# CONTRA COSTA COUNTY PERSONNEL REQUEST

CONTRA COSTA COUNTY  
HUMAN RESOURCES DEPT.

Department <b>Hlth Svcs/Hosp/Mrtz</b>	Location <b>Storeroom</b>	Classification <b>Clerk</b>	Class Code <b>91WC</b>	Shift <b>Days</b>	No. to be Empl. <b>1</b>	<b>2011 JAN -4 AM 11:15</b>
Permanent Position Nos. <b>14261</b>		<input type="checkbox"/> New Position <input type="checkbox"/> Promotion <input type="checkbox"/> Reassignment <input type="checkbox"/> Separation <input type="checkbox"/> Leave of Absence				
COPERS Agency No. <b>A-18</b>		Date Vacated _____ By _____				
Finance System Budget Unit No. <b>0540</b> Org. No. <b>6551</b>						
<input type="checkbox"/> Temporary Help Necessary Because _____ <input type="checkbox"/> Flexible Staffing Classification <input type="checkbox"/> Action Required _____						
Employment Duration: From _____ To _____		Employment Type: <input checked="" type="checkbox"/> Temporary				
<input type="checkbox"/> Request Eligibles to Contact us for Appointment.		<input checked="" type="checkbox"/> Perm Full Time				
		<input type="checkbox"/> Perm Part Time				
		<input type="checkbox"/> Perm Intermittent				
Call _____ Phone _____		<i>dc for dc</i> <b>Shelley Pighin, HSD Personnel Officer</b> <b>12/29/10</b> Signature of Appointing Authority Date				

Special Certification Requested:	(Type) <b>Filled via Vocational Rehabilitation Agreement - See attached....</b>
<input checked="" type="checkbox"/>	<b>Suspension of Competition and Direct Appointment, approved by the Director of Personnel, Section 502 of PMR's for Vocational Rehab of [REDACTED]</b>
Approved for Director of Human Resources By: _____	
CERTIFICATION: Do not write in this section - Human Resources Department use only.	
Name, Address and Phone Number	Type List
Remarks	
<input type="checkbox"/> Classified <input type="checkbox"/> Rule of 1 <input type="checkbox"/> Rule of 5 <input type="checkbox"/> Rule of List <input type="checkbox"/> Exempt <input type="checkbox"/> Rule of 3 <input type="checkbox"/> Rule of 10	<input type="checkbox"/> Incomplete Certification <input type="checkbox"/> No Eligibles to Refer <input type="checkbox"/> See Attached Printout
The above persons are certified eligible for appointment and have been so notified. It is advisable to interview all eligibles.	
Date _____ Approved for Human Resources Department _____	
<input type="checkbox"/> Authority to Nominate for Provisional Appointment <input type="checkbox"/> Authority to Make Temporary Appointment Because insufficient eligibles are immediately available or no employment list exists for the class described in your request, authority is given to nominate/select any individual meeting the requirements for the class as stated on the specifications. A completed application must be submitted for review and determination as to whether the individual meets the minimum qualifications prior to commitments for employment.	
Date _____ Approved for Human Resources Department _____	

<b>APPOINTMENT</b> From the above certified eligibles, the following person or persons are being appointed:									
Social Security No.	Emp. No.	Name	Pos. No.	Pay Series	Pay Level	Pay Step	Pay Rate	Date Effective	Type Appointment
[REDACTED]	61920	[REDACTED]	14261	QS5	0916	5	\$3216.70	12/27/10	PFT
2.									
3. (REHAB AGREEMENT) ATA Schedule II									
4.									
5.									
<i>dc for dc</i> Date <b>12/29/10</b> Signature of Appointing Authority <b>Shelley Pighin, HSD Personnel Officer</b> Title _____									
<b>CONFIRMATION</b> COPERS Referral Appt.    COPERS Pos/E.H. Appt.    Approved for Human Resources Department    Date _____									



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Joe Valentine, Employment & Human Services Director  
Date: January 25, 2011

Subject: United Way of the Bay Area donations to the Service Integration Program, SparkPoint Center

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to accept multiple donations from United Way of the Bay Area for the Service Integration Program, SparkPoint Center services, not to exceed a total of \$300,000 for the term of January 1, 2011 through December 31, 2011.

**FISCAL IMPACT:**

County to receive up to \$300,000 in multiple donations from the United Way of the Bay Area funding raising effort for the Service Integration Program SparkPoint Center for the period of January 1, 2011 through December 31, 2011.

**BACKGROUND:**

The SparkPoint Centers are a result of a unique collaboration of San Francisco Bay Area agencies that are committed to improving financial stability services and outcomes for members of their communities. Led by the United Way of the Bay Area in conjunction with nonprofits and other stakeholders, these agencies are replicating and improving an innovative and promising national model developed by the Annie E. Casey Foundation through its Center for Working Families

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Paul Buddenhagen,  
313-1793

cc:

#### BACKGROUND: (CONT'D)

program. The model rests on principles around common goals, best practice service provision, and a partnership approach.

The Service Integration Program through the Employment and Human Services Department (EHSD), is the lead agency for the East County SparkPoint Center. The Service Integration Team Family Service Center is transitioning into a SparkPoint Center. Activities at the Center will be partially funded through a series of United Way of the Bay Area (United Way) grants and donations. Currently, United Way has raised \$150,000 to operate the SparkPoint Center. United Way continues to seek funding to support the Center and will likely make future grants to EHSD over the course of the next year.

The Board Order seeks authority from the Board of Supervisors to accept multiple donations from the United Way of the Bay Area ongoing fund raising efforts for the Service Integration Program, SparkPoint Center up to \$300,000 for the term of January 1, 2011 through December 31, 2011

#### CONSEQUENCE OF NEGATIVE ACTION:

Without approval and authorization to accept funding, the services designed to further develop SparkPoint would not be delivered due to lack of funding.

#### CHILDREN'S IMPACT STATEMENT:

The United Way of the Bay Area funding will support two of the community outcomes established in the Children's Report Card, 3) "Families that are Economically Self Sufficient" and, 5) "Communities that are Safe and Provide a High Quality of Life for Children and Families", by assisting families to move toward self sufficiency.



Contra  
Costa  
County

To: Board of Supervisors  
From: Philip F. Kader, County Probation Officer  
Date: January 25, 2011

Subject: 2011 U.S. DEPARTMENT OF JUSTICE - JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM GRANT

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Probation Officer, or designee, to apply for and accept the Criminal and Juvenile Justice and Mental Health Collaboration Program grant from the U.S. Department of Justice, Office of Justice Programs in an amount not to exceed \$250,000 for the planning and implementation of a Juvenile Behavioral Mental Health Court for the period October 1, 2011 through September 30, 2013.

**FISCAL IMPACT:**

\$250,000; 80% Federal, 20% In-Kind match. CFDA No. 16.745

**BACKGROUND:**

At the request of the Superior Court of Contra Costa County, Probation seeks to take the lead in this grant application. The goal of the application is to reduce recidivism of youth with co-occurring disorders (mental health/substance abuse) in the Juvenile Justice System. This program will increase public safety by facilitating collaboration among the Court, Children' Mental Health, Alcohol and Other Drugs, Health Services, Probation, District Attorney and Public Defender



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/25/2011**



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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Paula Hernandez,  
925-313-4149

cc:

**BACKGROUND: (CONT'D)**

to increase access to mental health and other treatment services for youth with diagnosed mental illness and substance abuse issues prior to requiring further treatment in residential or custodial settings. Probation is a partner in the successful operation of the Adult Behavioral Mental Health Court.

**CONSEQUENCE OF NEGATIVE ACTION:**

The county will not submit a grant proposal to establish a Juvenile Behavioral Mental Health court in partnership with the Superior Court.

**CHILDREN'S IMPACT STATEMENT:**

No impact.





Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Submission of Grant Application #28-759-5 to the California Department of Resources Recycling and Recovery (CalRecycle)

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to submit Grant Application #28-759-5 (TEA-18), to the California Department of Resources Recycling and Recovery (CalRecycle), to pay the County in an amount not to exceed \$370,826, for the Environmental Health Waste Tire Enforcement Program, for the period from July 1, 2011 to June 30, 2012.

**FISCAL IMPACT:**

Approval of this application will result in an amount not to exceed \$370,826 from CalRecycle for the Environmental Health Waste Tire Enforcement Program. The funds are allocated and available from CalRecycle for grants to solid waste Local Enforcement Agencies (LEA) and cities and counties with regulatory authority within the city and county government to perform enforcement/compliance and surveillance activities at waste tire facilities. No County match required.

**BACKGROUND:**

Contra Costa Environmental Health/General Programs is the solid waste

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Randy Sawyer 335-2110

cc: J Pigg, B Borbon

**BACKGROUND: (CONT'D)**

LEA for the entire county, including all incorporated cities except for the City of Pittsburg. CalRecycle has been delegated the responsibility for the administration of the program within the state, setting up necessary procedures governing application by cities and counties under the program. The applicant (Contra Costa County) demonstrates it has sufficient staff resources, technical expertise, and/or experience with similar projects to carry out the proposed program.

Approval of application #28-759-5 will allow Contra Costa County Environmental Health services to apply for funds to implement the waste tire enforcement program through June 30, 2012.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, the County will not be able to monitor and reduce illegal waste tire practices, educate and enforce proper waste tire management throughout the County, assist in reducing potential vector problems and prevent tire fires, nor protect public health and safety.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable.



AIR-6776

Consent 42.

**BOS Agenda****Contracts & Grants - Receivable****Meeting Date:** 01/25/2011**Time (Duration):**

2009 - 2012 Weatherization Assistance Program revenue contract amendment #5

**Submitted For:** Joe Valentine, Employment & Human Services Director**Department:** Employment & Human Services**Division:** EHS Community Services**Noticed Public Hearing:** No**Official Body:** Board of Supervisors**Presenter/Phone, if applicable:****Audio-Visual Needs:****Handling Instructions:****District:** All Districts**Contact, Phone:** C. Youngblood, 313-1712**Recommendation(s):**

APPROVE and AUTHORIZE the Employment & Human Services Department director, or designee, to execute a contract amendment with California Department of Community Services and Development wherein the County will receive additional revenue in the amount of \$1,770,415 for a new payment limit not to exceed \$3,452,979 for weatherization services under the American Recovery and Reinvestment Act (ARRA) of 2009 with no change to contract term of June 30, 2009 to March 31, 2012.

**Fiscal Impact:**

100% Federal funds passed through State  
 California Department of Community Services and Development  
 CFDA # 81.042

No County match.

Pension costs: \$687,866

State: 09C-1806 / Amend 5

County: 39-803-5

**Background:**

On April 7, 2009 the Board approved submission of the County Local Plan for Department of Energy American Recovery and Reinvestment Act (ARRA) of 2009 funds for energy program and weatherization services. The board order accepted funding for the plan via the California Department of Community Services and Development. An agreement amendment was approved by the Board on January 19, 2010 wherein the term was extended to March 31, 2012.

Amendment #3 was approved by the Board on April 13, 2010 to incorporate updated funding terms and conditions, payment and program provisions as outlined by the State, pursuant to ARRA regulations. Amendment #4, approved by the Board on October 26, 2010, incorporated updated U.S. Department of Labor Weatherization Wage Determination as provided by the State of California.

This fifth amendment is to increase the payment limit and to incorporate new exhibits regarding funding terms and weatherization equipment and material reimbursement rates for this fiscal year.

**Consequence of Negative Action:**

If not approved, revenue would be returned to California Department of Community Services and Development.

**Children's Impact Statement:**

The Employment & Human Services Department, Community Services Bureau energy program supports one Contra Costa County community outcome - Outcome 4: "Families that are Safe, Stable and Nurturing." This outcome is achieved by providing home energy program assistance to help keep households warm in winter and to increase household energy efficiency.

<hr/>			
<b>Budget Information</b>			
<i>Information about available funds</i>			
<b>Budgeted:</b> <input type="radio"/>	<b>Funds Available:</b> <input type="radio"/>	<b>Adjustment:</b> <input type="checkbox"/>	<b>Amount Available:</b>
<b>Unbudgeted:</b> <input type="radio"/>	<b>Funds NOT Available:</b> <input type="radio"/>	<b>Amendment:</b> <input type="checkbox"/>	
<b>Account Code(s) for Available Funds</b>			
<b>1:</b>			
<hr/>			
<b>Fund Transfers</b>			
<hr/>			
<b>Attachments</b>			
<i>No file(s) attached.</i>			
<b>Minutes Attachments</b>			
<i>No file(s) attached.</i>			
<hr/>			



AIR-6774

Consent 43.

**BOS Agenda****Contracts & Grants - Receivable****Meeting Date:** 01/25/2011**Time (Duration):**

2010-11 Weatherization revenue contract, Amendment #1

**Submitted For:** Joe Valentine, Employment & Human Services Director**Department:** Employment & Human Services**Division:** EHS Community Services**Noticed Public Hearing:** No**Official Body:** Board of Supervisors**Presenter/Phone, if applicable:****Audio-Visual Needs:****Handling Instructions:****District:** All Districts**Contact, Phone:** C. Youngblood, 313-1712**Recommendation(s):**

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute an contract amendment with California Department of Community Services and Development wherein the County will receive additional revenue in the amount of \$88,026 for a new payment limit not to exceed \$350,294 for weatherization and energy assistance services with no change to the term June 30, 2010 through June 30, 2011.

**Fiscal Impact:**

100% Federal funds passed through State  
 California Department of Community Services & Development  
 CFDA # 81.042

No County match  
 Pension costs: \$39,001

State: 09C-1756, Amend #1  
 County: 39-805-5

**Background:**

On May 13, 2010 the Employment & Human Services Department received the award notification and contract from the State. This revenue source funds an inter-departmental agreement between Employment & Human Services and the Conservation and Development Department. The Building Inspection bureau of the Conservation and Development Department fulfills the scope of work for this agreement by providing weatherization services to program-eligible clients.

This board order accepts additional funding from the State and incorporates updated funding terms and conditions.

**Consequence of Negative Action:**

If not approved, County will not receive revenue.

**Children's Impact Statement:**

The Employment & Human Services Department, Community Services Bureau energy program supports one Contra Costa County community outcome - Outcome 4: "Families that are Safe, Stable and Nurturing." This outcome is achieved by providing home energy program assistance to help keep households warm in winter and to increase household energy efficiency.

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### Budget Information

*Information about available funds*

Budgeted: ☐

Funds Available: ☐

Adjustment: ☐

Amount Available:

Unbudgeted: ☐

Funds NOT Available: ☐

Amendment: ☐

### Account Code(s) for Available Funds

1:

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### Fund Transfers

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### Attachments

*No file(s) attached.*

### Minutes Attachments

*No file(s) attached.*

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Contra  
Costa  
County

To: Board of Supervisors  
From: David O. Livingston, Sheriff-Coroner  
Date: January 25, 2011

Subject: Purchase Order - Central Medical Laboratory, Inc

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Coroner, a purchase change order with Central Medical Laboratory, Inc., to extend the termination date from December 31, 2010 to August 31, 2011 and increase the payment limit by \$500,000 to a new payment limit of \$1,450,000 for blood withdrawal services.

**FISCAL IMPACT:**

\$500,000, 100% General Fund.

**BACKGROUND:**

Central Medical Laboratory, Inc. (CML), has provided Contra Costa County Office of the Sheriff with trained phlebotomists to perform blood draws on the DUI (driving under the influence of a drugs and/or alcohol) subjects and for officers exposed to HIV (Human Immunodeficiency Virus). The service of the phlebotomists is used, via CML dispatch, by all the police agencies throughout the County. The blood samples are then forwarded to the Sheriff's Forensic Services Division for analysis.

The Forensic Services Division pays CML for its work on a monthly basis and all agencies who use the phlebotomists



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

---

Action of Board On: **01/25/2011**



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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Frank Scudero,  
925-335-1529

**BACKGROUND: (CONT'D)**

are subsequently billed for the services. The purchase order payment limit increase for the eight-month extension is \$950,000, increasing the payment limit by \$500,000 to make the total purchase order payment limit \$1,450,000.

**CONSEQUENCE OF NEGATIVE ACTION:**

The Sheriff's Office will not be able to perform blood withdrawal services on DUI suspects and Sheriff personnel who have been exposed to HIV-positive detainees.

**CHILDREN'S IMPACT STATEMENT:**

No impact.





**Contra  
Costa  
County**

To: Board of Supervisors  
From: Philip F. Kader, County Probation Officer  
Date: January 25, 2011

Subject: Agreement with State of California Employment Development Department

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Probation Officer, or designee, to execute a contract with the State of California Employment Development Department, including modified indemnification language, in an amount not to exceed \$4,693 for access to information on certain debtors placed into collections for the period January 1, 2011 through December 31, 2014.

**FISCAL IMPACT:**

The maximum amount of this three year contract shall not exceed \$4,693 and will be covered by revenue collected by the Probation Collection Unit.

**BACKGROUND:**

In September 2010, the Board of Supervisors approved the formation of the Probation Collections Unit (PCU) to collect debt owed to the County for parental responsibility for care of youth in Juvenile Hall and Orin Allen Youth Rehabilitation Facility, Juvenile Electronic Monitoring fees, and Adult Public Defender fees. The PCU is contracting with the State of California Employment Development Department to provide confidential wage and claim information to assist in



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

---

Action of Board On: **01/25/2011**



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

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V Supervisor

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ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Becky Eaton,  
925-313-4195

cc:

**BACKGROUND: (CONT'D)**

locating employment history and asset information, and determining a debtor's ability to pay outstanding debts. The State of California Employment Development Department will provide the information to local government entities pursuant to the Provision of Sections 1095 (e) and (i) of the California Unemployment Insurance Code.

**CONSEQUENCE OF NEGATIVE ACTION:**

Fewer outstanding claims will be collectible without access to the information that will be provided through the contract with the State of California Employment Development Department.

**CHILDREN'S IMPACT STATEMENT:**

No impact.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Amendment Agreement #24-949-39(6) with A Step Forward Child Abuse Treatment and Training Programs, a Marriage, Family and Child Counseling Corporation

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee (Donna Wigand) to execute on behalf of the County, Contract Amendment Agreement #24-949-39(6) with A Step Forward Child Abuse Treatment and Training Programs, a Marriage, Family and Child Counseling Corporation, a corporation, effective January 1, 2011, to amend Contract #24-949-39(5), to increase the payment limit by \$30,000, from \$150,000 to a new payment limit of \$180,000, with no change in the original term of July 1, 2010 through June 30, 2012.

**FISCAL IMPACT:**

This Contract is funded 100% by Medi-Cal Funds offset 50% State and 50% Federal. (No rate increase)

**BACKGROUND:**

On June 22, 2010, the Board of Supervisors approved Contract #24-949-39(5) with A Step Forward Child Abuse Treatment and Training Programs, a Marriage, Family and Child Counseling Corporation for the period from July 1, 2010 through June 30, 2012, to provide Medi-Cal specialty mental health services. At the time of negotiations, the payment limit was based on target levels

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Donna Wigand 957-5111

cc: Barbara Borbon, Demetria Gary

**BACKGROUND: (CONT'D)**

of utilization. However, the utilization during the term of the agreement was higher than originally anticipated. Approval of Contract Amendment Agreement #24-949-39(6) will allow the Contractor to provide additional services through June 30, 2010.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, services provided to Contra Costa Mental Health Plan Medi-Cal beneficiaries could be negatively impacted including access to services, choice of providers, cultural competency, language capacity, geographical locations of service providers and waiting lists.

**CHILDREN'S IMPACT STATEMENT:**

NOT APPLICABLE



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Contract #23-383-4 with Computer Sciences Corporation

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #23-383-4 with Computer Sciences Corporation, a corporation, in an amount not to exceed \$300,000, to provide professional technical support services with regard to the Department's Information Systems requirements, for the period from August 1, 2010 through July 31, 2011.

**FISCAL IMPACT:**

This Contract is funded 100% by Enterprise Fund I. (No rate increase)

**BACKGROUND:**

On August 11, 2009, the Board of Supervisors approved Contract #23-383-3 with Computer Sciences Corporation, for the period from August 1, 2009 through July 31, 2010, for the provision of professional support services, technical assistance, and consulting to the Director of Information Systems, with regard to information management and technology planning projects and requirements.

This Contract

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Patrick Godley 957-5410

cc: L Smith, B Borbon

**BACKGROUND: (CONT'D)**

includes modification to the General Conditions, Paragraph 18 (Indemnification) to limit Contractor's liabilities for any claims arising out of the performance of this Contract.

Approval of Contract #23-383-4 will allow the Contractor to continue providing services through July 31, 2011.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, County will not have access to Contractor's expertise with regard to computer systems at Contra Costa Regional Medical Center.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Novation Contract #74-358-1 with Contra Costa Crisis Center

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-358-1 with Contra Costa Crisis Center, a non-profit corporation, in an amount not to exceed \$292,850, to provide Mental Health Services Act (MHSA) prevention and early intervention services for the period from July 1, 2010 through June 30, 2011. This Contract includes a six-month automatic extension through December 31, 2011, in an amount not to exceed \$146,425.

**FISCAL IMPACT:**

This Contract is funded 100% by Proposition 63/MHSA. No County funds are required. (No rate increase)

**BACKGROUND:**

This Contract meets the social needs of County's population by providing a nationally-certified 24-hour suicide prevention hotline that lowers the risk of suicide at a time when people are most vulnerable, enhances safety and connectedness for suicidal individuals, and builds a bridge to community resources for at-risk persons.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Donna Wigand 957-5111

cc: L Smith, B Borbon

**BACKGROUND: (CONT'D)**

On July 21, 2009, the Board of Supervisors approved Contract #74 358 with Contra Costa Crisis Center, for the period from July 1, 2009 through June 30, 2010, which included a six-month automatic extension through December 31, 2010, for the provision of MHSA prevention and early intervention services.

Approval of Novation Contract #74-358-1 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2010.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, Contractor will not be able to provide suicide prevention hotline services to non-English speaking callers.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable





Contra  
Costa  
County

To: Board of Supervisors  
From: Ed Woo, Chief Information Officer  
Date: January 25, 2011

Subject: UTDI Avaya Auratm Digital Boards

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order with Unified Teldata Inc., in an amount not to exceed \$115,800 for the upgrade of the countywide Call Management System at 2311 Loveridge Road, Pittsburg.

**FISCAL IMPACT:**

The cost of \$115,800 is budgeted under Org# 4280, FY 10/11, and charged back to the user department through DoIT's billing process.

**BACKGROUND:**

The Department of Information Technology has been utilizing the Avaya Automated Call Distribution (ACD) system since 2006. We currently have ACD users at various East and Central County buildings. This purchase request will expand the Call Management System (CMS) and allow us to provide ACD functionality at the 2311 Loveridge Road, Pittsburg site for HSD.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

---

Action of Board On: **01/25/2011**



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

Karen Mitchoff, District IV  
Supervisor

Federal D. Glover, District V  
Supervisor

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ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Ed Woo (925) 383-2688

CONSEQUENCE OF NEGATIVE ACTION:

The Automated Call Distribution functionality will not be available at 2311 Loveridge Road, Pittsburg.

CHILDREN'S IMPACT STATEMENT:

No Impact.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Amendment #26-668-1 with Asereth Medical Services, Inc.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #26-668-1 with Asereth Medical Services, Inc., a corporation, effective November 1, 2010, to amend Contract #26-668, to increase the payment limit by \$20,000, from \$90,000 to a new payment limit of \$110,000, with no change in the original term of April 1, 2010 through March 31, 2011.

**FISCAL IMPACT:**

This amendment is funded 100% by Enterprise Fund I. No rate increase.

**BACKGROUND:**

On May 2010 the County Administrator approved and the Purchasing Services Manager executed Contract #26-668 with Asereth Medical Services, Inc. for the period from April 1, 2010 through March 31, 2011, for the provision of temporary pharmacists and pharmacy technicians to provide coverage during peak loads, temporary absences and emergency situations.

Approval of Contract Amendment Agreement #26-668-1



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/25/2011**



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

Karen Mitchoff, District IV  
Supervisor

Federal D. Glover, District V  
Supervisor

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ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Anna Roth, 370-5101

cc: Tasha Scott, Barbara Borbon

BACKGROUND: (CONT'D)

will allow the Contractor to provide additional temporary pharmacists to provide coverage due to recent pharmacists retiring, through March 31, 2011.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, Contra Costa Regional Medical Center would not have appropriate pharmacist coverage.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Contract #26-687 with Ralph Chase, M.D.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director or his designee, to execute, on behalf of the County, Contract #26-687 with Ralph Chase, M.D., a self-employed individual, in an amount not to exceed \$267,000 to provide professional anesthesiology services at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from February 1, 2011 through September 30, 2011.

**FISCAL IMPACT:**

This Contract is funded 100% by Enterprise Fund I. Cost to the County depends upon utilization. As appropriate, patients and/or third party payors will be billed for services.

**BACKGROUND:**

For a number of years the County has contracted with Medical, Dental and Mental Health Specialists to provide specialized professional services that are not otherwise available in its Hospital and Health Centers.

Under Contract #26-687, Ralph Chase, M.D. will provide professional anesthesiology services



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/25/2011**



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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: David Goldstein, MD,  
370-5525

cc: Tasha Scott, Barbara Borbon

BACKGROUND: (CONT'D)

including consultation, training, medical procedures and on-call and coverage for the General and Obstetrics Units at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period February 1, 2011 through September 30, 2011.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring these medical services at Contra Costa Regional Medical and Contra Costa Health Centers would go untreated.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Contract #26-689 with Jeffrey Saadi, M.D.

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director or his designee, to execute, on behalf of the County, Contract #26-689 with Jeffrey Saadi, M.D., a self-employed individual, in an amount not to exceed \$267,000 to provide professional anesthesiology services at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from February 1, 2011 through September 30, 2011.

**FISCAL IMPACT:**

This Contract is funded 100% by Enterprise Fund I. Cost to the County depends upon utilization. As appropriate, patients and/or third party payors will be billed for services.

**BACKGROUND:**

For a number of years the County has contracted with Medical, Dental and Mental Health Specialists to provide specialized professional services that are not otherwise available in its Hospital and Health Centers.

Under Contract #26-689, Jeffrey Saadi, M.D. will provide professional anesthesiology services

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 01/25/2011

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

Contact: David Goldstein, M.D.,  
370-5525

By: June McHuen, Deputy

cc: Tasha Scott, Barbara Borbon

BACKGROUND: (CONT'D)

including consultation, training, medical procedures and on-call and coverage for the General and Obstetrics Units at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period February 1, 2011 through September 30, 2011.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring these medical services at Contra Costa Regional Medical and Contra Costa Health Centers would go untreated.

CHILDREN'S IMPACT STATEMENT:

Not applicable.





Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Contract #26-688 with Shahid Rehman, M.D.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-688 with Shahid Rehman, M.D. in an amount not to exceed \$160,000, for the provision of professional neurology services for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from February 1, 2011 through January 31, 2013.

**FISCAL IMPACT:**

This Contract is funded by Enterprise I Budget. Cost to the County depends upon utilization. As appropriate, patients and/or third party payors will be billed for services. This is a new Contractor so no prior rates have been established.

**BACKGROUND:**

Under Contract #26-688, the Contractor will provide neurology services to patients at Contra Costa Regional Medical Center and Contra Costa Health Centers including consultation, training and on-call coverage, through January 31, 2013.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, patients requiring these medical services at Contra Costa Regional Medical and Contra Costa Health Centers would go untreated.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/25/2011**



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

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V  
Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: David Goldstein, MD,  
370-5525

cc: Tasha Scott, Barbara Borbon

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Contract #26-588-5 with Robert Green (dba East Bay Audiologists)

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-588-5 with Robert Green (dba East Bay Audiologists), a sole-proprietor, in an amount not to exceed \$120,000 to provide audiological evaluation services for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from January 1, 2011 through December 31, 2011.

**FISCAL IMPACT:**

This Contract is funded 100% by Enterprise Fund I. (no rate increase)

**BACKGROUND:**

On January 12, 2010, the Board of Supervisors approved Contract #26-588-3 (as amended by Contract Amendment Agreement #26-588-4) with Robert Green (dba East Bay Audiologists) to provide audiological services including hearing evaluations, hearing aid evaluations and fittings and dispensing and procurement of hearing aids and supplies for patients at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from January 1, 2010 through December

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 01/25/2011

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Anna Roth 370-5101

cc: jacqueline pigg, Barbara Borbon

BACKGROUND: (CONT'D)

31, 2010.

Approval of Contract #26-588-5 will allow the Contractor to continue to provide services, through December 31, 2011.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring these services at Contra Costa Regional Medical Center will go untreated.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Contract #26-616-2 with Infoimage of California, Inc.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director or his designee, to execute on behalf of the County, Contract #26-616-2 with Infoimage of California, Inc, a corporation, in an amount not to exceed \$650,000, to provide professional billing services to the Department with regards to patient statements and letters, for the period from January 1, 2011 through December 31, 2013.

**FISCAL IMPACT:**

This Contract is funded 100% by the Enterprise I Funds. (no rate increase)

**BACKGROUND:**

Infoimage of California, Inc. is Northern California's largest independent document print and mail service-company that focus on single source automated solution to the creation, distribution and management of documents. They provide state-of-the-art production of electronic data into printed documents with the most advance computers, laser-printing systems, automated mailing systems, and software.

On

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 01/25/2011

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Pat Godley 957-5410

cc: J Pigg, B Borbon

**BACKGROUND: (CONT'D)**

February 5, 2008, the Board of Supervisors approved Contract #26-616 (as amended by Contract Amendment Agreement #26-616-1) with Infoimage of California Inc., for the provisions of professional patient billing Services, for the period from January 1, 2008 through December 31, 2010. Approval of Contract #26-616-2 will allow the Contractor to continue providing services through December 31, 2013.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, County will not be able to handle patient billing services. This Contractor covers all patient billing services for Health Services.

**CHILDREN'S IMPACT STATEMENT:**

Not Applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Approval of Contract #74-419 with William E. Berlingieri, M.D.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-419 with William E. Berlingieri, M.D., a self-employed individual, in an amount not to exceed \$245,000 to provide professional outpatient psychiatric services to mentally ill adults in West County, for the period from January 1, 2011 through December 31, 2011.

**FISCAL IMPACT:**

This Contract is funded 100% by Mental Health Realignment, offset by third-party billing.

**BACKGROUND:**

For a number of years the County has contracted with Medical, Dental and Mental Health Specialists to provide specialized professional services, which are not otherwise available.

Under Contract #74-419, the Contractor will provide professional outpatient psychiatric services to mentally ill adults in West County, through December 31, 2011.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Donna Wigand 957-5111

cc: J Pigg, B Borbon

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, mental ill adults in West County will go untreated.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.





Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: January 25, 2011

Subject: Approval of Contract #74-417 with Gary S. Nye, M.D.

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-417 with Gary S. Nye, M.D., a self-employed individual, in an amount not to exceed \$156,000 to provide professional outpatient psychiatric services to mentally ill adults in East, West, and Central County areas, for the period from January 1, 2011 through December 31, 2011.

**FISCAL IMPACT:**

This Contract is funded 100% by Mental Health Realignment, offset by third-party billing.

**BACKGROUND:**

For a number of years the County has contracted with Medical, Dental and Mental Health Specialists to provide specialized professional services, which are not otherwise available.

Under Contract #74-417, the Contractor will provide professional outpatient psychiatric services to mentally ill adults in East, West, and Central County areas, through December 31, 2011.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Donna Wigand 957-5111

cc: J Pigg, B Borbon

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, mental ill adults in East, West, and Central County areas will go untreated.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Michael J. Lango, General Services Director  
Date: January 25, 2011

Subject: AWARD OF DESIGN-BUILD CONTRACT (ADDITIVE ALTERNATE NO. 1) FOR THE REMODELING OF 40 MUIR ROAD, MARTINEZ (WH300B)

---

**RECOMMENDATION(S):**

APPROVE the plans, specifications, and design for the above project, consisting of Schematic Bridging Drawings (59 sheets) dated November 1, 2010 prepared by Interactive Resources, Inc.

DETERMINE that the design-build proposal (Additive Alternate No. 1) submitted by Vila Construction Company, Richmond ("Vila"), for the above project, is the most advantageous to the County, and that Vila has complied with the requirements of the County's Outreach Program and the Project Labor Agreement policy.

AWARD a design-build contract to Vila for Additive Alternate No. 1, in the additional amount of \$1,236,672, for the Remodeling at 40 Muir Road, Martinez, and DIRECT the General Services Director, or designee, to prepare the contract.

ANNOUNCE the contract award publicly pursuant to Public Contract Code Section 20133 and DECLARE that the basis of award is best value and that this Board Order constitutes the written decision required by Section 20133.

DIRECT that Vila shall submit two good and sufficient surety bonds in the amount of \$1,126,672 and that Vila and its subcontractors

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Mike Lango (925)  
313-7120

#### RECOMMENDATION(S): (CONT'D)

shall sign a Project Labor Agreement for the project, and ORDER that, after Vila has signed the contract and returned it, together with the bonds, the signed Project Labor Agreement, evidence of insurance, and other required documents, and the General Services Director has reviewed and found them to be sufficient, the General Services Director, or designee, is authorized to sign the contract for this Board.

ORDER that the General Services Director, or designee, is authorized to sign any escrow agreements prepared for this project to permit the direct payment of retentions into escrow or the substitution of securities for moneys withheld by the County to ensure performance under the contract, pursuant to Public Contract Code Section 22300.

AUTHORIZE the General Services Director, or designee, to order changes or additions to the construction work and to execute written change orders pursuant to Public Contract Code Section 20142.

DELEGATE to the General Services Director, or to any licensed architect or engineer employed by the County, the authority to approve further plans, specifications, and design prepared by the design-build team for the above project.

DELEGATE, pursuant to Public Contract Code Section 4114, to the General Services Director, or designee, the Board's functions under Public Contract Code Sections 4107 and 4110.

DELEGATE, pursuant to Labor Code Section 6705, to the General Services Director or to any registered civil or structural engineer employed by the County the authority to accept detailed plans showing the design of shoring, bracing, sloping or other provisions to be made for worker protection during trench excavation covered by that section.

DIRECT the General Services Director, or designee, to submit to the Legislative Analyst's Office, before September 1, 2013, the report required by Public Contract Code Section 20133(e).

#### FISCAL IMPACT:

Project costs, which are estimated to be \$1,236,672, will be funded initially from reserves for capital projects. Once the remodeling work is complete, the project costs will be recovered through the Real Estate Asset Management Program (RAMP). Funds will be recovered through savings generated from moving out of leased space and into this County-owned facility.

#### BACKGROUND:

The buildings at 30 and 40 Muir Road, in Martinez, are owned by the County. The building at 30 Muir Road is two stories, with a total area of approximately 40,600 square feet. The building at 40 Muir Road is two stories, with a total area of approximately 22,400 square feet. Both buildings have been vacant since October 2008.

In 2007, the County hired an engineering firm to evaluate the structure and building systems at 30 and 40 Muir Road and to identify any existing building deficiencies. The evaluation determined that the buildings would require major renovation in order to be re-used, including upgrades for disabled access, a new HVAC system, new roof, new windows, and repainting of the exterior wood siding. These improvements to the building shells need to be undertaken no matter which department eventually occupies the buildings.

In June 2009, a project to remodel 30 and 40 Muir Road for DCD was presented to the Finance Committee and the Committee recommended proceeding with the project. In December 2009, the Board of Supervisors authorized the General Services Department to carry out the necessary processes to implement the project. Subsequent to the Board's December 2009 authorization, DCD determined that 40 Muir Road was not required to meet DCD's facilities needs.

The 40 Muir Road project work involves remodeling the building shell to improve and upgrade conditions that are deficient or do not meet current code requirements, including the following key elements:

- Replace the existing roof
- Replace and upgrade the mechanical system central plant (boiler, chiller, fans)

- Replace exterior windows
- Remodel restrooms and elevators for ADA compliance
- Repaint the building exterior

The present project does not include tenant improvement work (interior remodeling). The interior remodeling will be designed and constructed after a specific County department is identified for occupancy of the 40 Muir building.

In May 2010, a Request for Qualifications for design-build services was issued and 25 statements of qualification were received in June 2010. A selection committee comprised of County staff from DCD and GSD short-listed the field to six teams. A Request for Proposals (“RFP”) was issued to the six teams in November 2010 and proposals were received in December 2010. The selection committee conducted interviews of these teams in December 2010.

In the RFP, remodeling 30 Muir Road for DCD was included as the Base Bid, and remodeling the building shell at 40 Muir Road for future use was included as Additive Alternate No. 1. This approach allowed the County to potentially take advantage of economies of scale and obtain a competitive proposal for the 40 Muir Road improvement work, an approach that would be more cost effective for the County than seeking bids for the 40 Muir Road improvements as a smaller, stand-alone project.

Vila Construction Company, Richmond, CA, submitted a proposal with a price of \$7,706,205 for remodeling 30 Muir Road (Base Bid) and a price of \$1,236,672 for remodeling the building shell at 40 Muir Road (Additive Alternate No. 1). Following evaluation of the proposals by the selection committee, Vila’s proposal was determined to be the best value for the County, and Vila’s proposal received first ranking (i.e., the most advantageous to the County). The Vila team includes KPA, Oakland, as the architect. The proposals ranked second and third, respectively, were submitted by Roebellen Contracting, El Dorado Hills, and Howard S. Wright Contractors, LP, Emeryville.

On January 18, 2011, the Board awarded a design-build contract to Vila, in the amount of \$7,706,205, for the 30 Muir Road remodeling work (Base Bid). At that time, the General Services Department was still considering the proposal submitted by Vila for remodeling the building shell at 40 Muir Road (Additive Alternate No. 1). Accordingly, the Board Order mentioned that Additive Alternate No. 1 would soon be presented to the Board for contract award, in which case it would be added to Vila’s design-build contract for remodeling 30 Muir Road.

The design-build proposal submitted by Vila for Additive Alternate No. 1 (40 Muir Road remodeling work) is the best value and is most advantageous to the County because of a combination of factors, including price, project schedule, value engineering approach, experience, and qualifications. The basis of the contract award to Vila for Additive Alternate No. 1 is best value. This Board Order constitutes the written decision required by Public Contract Code Section 20133.

The Contract Compliance Officer has reported that Vila has documented an adequate good faith effort to comply with the requirements of the County’s Outreach Program. The General Services Director, therefore, recommends that a design-build contract be awarded to Vila for Additive Alternate No. 1, in the additional amount of \$1,236,672. If approved by the Board, the recommended contract award would result in a total design-build contract to Vila of \$8,942,877, consisting of \$7,706,205 already awarded for the Base Bid (30 Muir Road remodeling) and \$1,236,672 additional for Additive Alternate No. 1 (40 Muir Road remodeling). The final contract form is subject to approval by County Counsel.

Under the terms of the RFP, a condition of contract award is that the design-build contractor and its subcontractors enter into the County’s standard-form Project Labor Agreement (“PLA”). Vila has signed the PLA and will have each subcontractor sign the PLA before performing construction work on the above project.

The general prevailing rates of wages, which shall be the minimum rates paid on this project, are on file with the Clerk of the Board, and copies are available to any party upon request.

CONSEQUENCE OF NEGATIVE ACTION:

If a design-build contract is not awarded at this time for Additive Alternate No. 1, the required building shell upgrades to 40 Muir Road would have to be made in the future as a stand-alone project, which would likely cost approximately 20% to 25% (\$250,000 to \$300,000) more.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Catherine Kutsuris, Conservation & Development Director  
Date: January 25, 2011

Subject: Substantial Amendment to the County's FY 2010/11 CDBG Action Plan - Allocate Funds to STAND! for Families Free of Violence

**RECOMMENDATION(S):**

APPROVE a Substantial Amendment to the County's FY 2010/11 Community Development Block Grant (CDBG) Program by allocating \$5,000 to STAND! for Families Free of Violence, and AUTHORIZE the Department of Conservation and Development Director, or designee, to execute a contract for the period of January 1, 2011 to June 30, 2011.

**FISCAL IMPACT:**

No General Fund impact. CDBG funds are provided to the County on a formula allocation basis through the U.S. Department of Housing and Urban Development (HUD). CFDA #: 14.218

**BACKGROUND:**

On April 27, 2010, the Board of Supervisors approved the Contra Costa County FY 2010/11 Action Plan for the allocation of CDBG funds. The Family Stress Center (FSC) was awarded \$5,000 in CDBG funds to help finance its Child Safety Program. In July 2010, FSC merged with STAND! for Families Free of Violence. STAND! has requested that the funds allocated to FSC be reallocated to its Proud Fathers Program.

The Proud Father's Program plays an integral part in accomplishing STANDS! mission of preventing

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Bob Calkins, 335-7220

cc:

**BACKGROUND: (CONT'D)**

and treating child abuse and neglect, and strengthening families by helping fathers begin and/or maintain a positive relationship with their children by improving parenting skills, job and economic development skills and resources, and family planning. Fathers and fathers-to-be participate in a twelve week Men's Circle Support Group. A total of fifty (50) participants will graduate from the program. The County's CDBG Program Citizen Participation Plan requires the Board of Supervisors approve the proposed reallocation of funds through a Substantial Amendment to the County's FY 2010/11 Action Plan.

**CONSEQUENCE OF NEGATIVE ACTION:**

Not approving the request from STAND! will result in it not being able to provide services to Urban County participants.

**CHILDREN'S IMPACT STATEMENT:**

The Proud Fathers Program addresses the Children's Report Card outcome of helping families be safe, stable and nurturing.





Contra  
Costa  
County

To: Board of Supervisors  
From: Robert Campbell, Auditor-Controller  
Date: January 25, 2011

Subject: County of Contra Costa Community Facilities District No. 2001-1 (Norris Canyon)

---

**RECOMMENDATION(S):**

ACCEPT the FY 2010 Community Facilities District Administration Report on County of Contra Costa Community Facilities District No. 2001-1 (Norris Canyon) as required by Sections 50075.3 and 53411 of the California Government Code.

**FISCAL IMPACT:**

None. The report relates to Special Taxes approved by voters and bonds issued and secured by said Special Taxes.

**BACKGROUND:**

On June 5, 2001 the Contra Costa County Board of Supervisors authorized the establishment of Community Facilities District No. 2001-1 (Norris Canyon). The creation of the Community Facilities District (CFD) authorized the levy of a Mello-Roos Special Tax on the Norris Canyon Estates subdivision in the San Ramon area. The action of the Board also authorized the issuance of bonded indebtedness secured by the approved Special Tax in the amount of \$7,220,000. The (CFD) bonds were issued on June 14, 2001.

The California Government Code Sections 50075.3 and 53411 require that specified information be provided to the Board of Supervisors on an annual basis. The report requirements include information on Mello-Roos CFD Special Taxes collected and CFD Bond issued. The attached CFD Administration Report fulfills the requirement of the Government Code. The reporting requirements are summarized below:

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Jim Kennedy (925)  
335-7225

cc:

**BACKGROUND: (CONT'D)**

**Section 50075.3**

Item (a): Identify amount of special taxes that have been collected and expended.

Response to Item (a): The fiscal year 2009-10 special tax levy was \$447,601. Since the CFD is on the County Teeter Plan, the full amount of the tax levy was remitted to the CFD. The total levy was used to pay debt services in March and September 2010 on the CFD bonds as well as administrative costs for the CFD.

Item (b): Identify the status of any project required or authorized to be funded by the special taxes.

Response to Item (b): All CFD No. 2001-1 improvements have been completed and accepted by the Public Works Department of the County.

**Section 53411**

Item (a): Identify the amount of bonds that have been collected and expended.

Response to Item (a): A total of \$7,220,000 in special tax bonds was issued by the County on June 14, 2001. Upon issuance of the bonds, \$6,000,000 from bond proceeds was deposited into the Improvement Fund and has been used to acquire the CFD No. 2001-1 improvements from the developer. An additional \$170,000 was used to pay the costs of issuing the bonds. Approximately \$417,000 was deposited in the Reserve Fund, and the remaining \$487,000 was deposited in the Bond Fund to be used for capitalized interest.

Item (b): Identify the status of any project required or authorized to be funded from bond proceeds:

Response to Item (b): All CFD No. 2001-1 improvements have been completed and accepted by the Public Works Department of the County.

Not part of the Government Code required report, but provided as a matter of information is the following information on the incidence of delinquencies within the District. The total amount collected by the County for the fiscal year 2009-10 CFD special tax levy was \$447,601 pursuant to the Teeter Plan. Property owners for 15 parcels were delinquent a total of \$20,107 in payments of the fiscal year 2009-10 CFD special tax levy. The delinquency percentage in the District is 4.49%, which is below the threshold for which the County is obligated to take affirmative action to remedy. This delinquency percentage is higher than in past years, therefore staff and the Special Tax Consultant retained by the County are monitoring payment activity.

**CONSEQUENCE OF NEGATIVE ACTION:**

The Redevelopment Agency will be in violation of California Government Code Sections 50075.3 and 53411.

**CHILDREN'S IMPACT STATEMENT:**

None.

**ATTACHMENTS**

Norris Canyon Admin Report



GOODWIN CONSULTING GROUP

**COUNTY OF CONTRA COSTA  
COMMUNITY FACILITIES DISTRICT NO. 2001-1  
(NORRIS CANYON)**

**CFD TAX ADMINISTRATION REPORT  
FISCAL YEAR 2010-11**

**December 22, 2010**

***Community Facilities District No. 2001-1***  
***CFD Tax Administration Report***

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## ***EXECUTIVE SUMMARY***

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The following summary provides a brief overview of the main points from this report regarding the County of Contra Costa Community Facilities District No. 2001-1 (Norris Canyon) (“CFD No. 2001-1” or the “CFD”):

### **Fiscal Year 2010-11 Special Tax Levy**

<b>Number of Taxed Parcels</b>	<b>Total Special Tax Levy</b>
258	\$514,111

For further detail regarding the special tax levy, or special tax rates, please refer to Section IV of this report.

### **Development Status for Fiscal Year 2010-11**

<b>Land Use Category</b>	<b>Parcels or Acres</b>
Residential Property	258 parcels *
Other Property	0 parcels
Undeveloped Property	65.7 acres

*\* Does not include two parcels that have prepaid their special tax obligation.*

For more information regarding the status of development in CFD No. 2001-1, please see Section V of this report.

### **Delinquency Summary**

<b>Delinquent Amount for FY 2009-10 (as of May 3, 2010)</b>	<b>Total Levy for FY 2009-10</b>	<b>Delinquency Rate</b>
\$20,107	\$447,601	4.49%

For additional delinquency information, including historical delinquency rates, please see Section IX of this report.

## Outstanding Bonds Summary

### 2001 Special Tax Bonds

<b>Issuance Date</b>	<b>Original Principal</b>	<b>Amount Retired</b>	<b>Current Amount Outstanding</b>
June 2001	\$7,220,000	\$1,070,000*	\$6,150,000*

*\* As of the date of this report.*

## ***I. INTRODUCTION***

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### **Community Facilities District No. 2001-1**

On June 5, 2001, the County of Contra Costa (the “County”) Board of Supervisors established CFD No. 2001-1. In a landowner election held on the same day, the sole owner of property within the CFD voted to authorize the levy of a Mello-Roos special tax on property within CFD No. 2001-1. The landowner also voted to incur bonded indebtedness, secured by special taxes levied on property within the CFD, in an amount not to exceed \$7,220,000. On June 14, 2001, special tax bonds (the “Bonds”) in the principal amount of \$7,220,000 were issued on behalf of CFD No. 2001-1. A special tax will be levied on property within the CFD in fiscal year 2010-11 in order to pay debt service obligations in calendar year 2011.

The CFD boundary encompasses a 389-acre site that is proposed for the Norris Canyon Estates residential community. The CFD is located in an unincorporated area of the County just west of the City of San Ramon. At build out, the project was originally expected to include 361 single family detached homes. As of June 1, 2010, 260 building permits have been issued, three of which were issued during the past fiscal year for new residential home construction.

### **The Mello-Roos Community Facilities Act of 1982**

The reduction in property tax revenues that resulted from the passage of Proposition 13 in 1978 required public agencies and real estate developers to look for other means to generate funding for public infrastructure. The funding available from traditional assessment districts was limited by certain requirements of the assessment acts, and it became clear that a more flexible funding tool was needed. In response, the California State Legislature (the “Legislature”) approved the Mello-Roos Community Facilities Act of 1982 (the “Act”) which provides for the levy of a special tax within a defined geographic area (i.e., a community facilities district) if such levy is approved by two-thirds of the qualified electors in the area. The Act can generate funding for a broad range of facilities and special taxes can be allocated to property in any reasonable manner other than on an ad valorem basis.

A community facilities district is authorized to issue tax-exempt bonds that are secured by land within the district. If a parcel does not pay the special tax levied on it, a public agency can foreclose on the parcel and use the proceeds of the foreclosure to ensure that bondholders receive interest and principal payments on the bonds. Because bonds issued by a community facilities district are land-secured, there is no risk to a public agency’s general fund or taxing capacity. In addition, because the bonds are tax-exempt, they typically carry an interest rate that is lower than conventional construction financing.

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## ***II. PURPOSE OF REPORT***

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This CFD Tax Administration Report (the “Report”) presents findings from research and financial analysis performed by Goodwin Consulting Group, Inc. to determine the fiscal year 2010-11 special tax levy for CFD No. 2001-1. The Report is intended to provide information to interested parties regarding the current financial obligations of the CFD, special taxes levied in fiscal year 2010-11, and information on the public facilities authorized to be funded by the CFD. The Report also summarizes development activity as well as other pertinent information (e.g., prepayments, delinquencies, and foreclosures) on property within the CFD. In addition, the Report provides all of the information that must be filed with the County Board of Supervisors pursuant to the requirements of Senate Bill 165.

The remainder of the Report is organized as follows:

- **Section III** identifies the financial obligations of CFD No. 2001-1 for fiscal year 2010-11.
- **Section IV** provides a summary of the special tax categories and the methodology that is used to apportion the special tax among parcels in the CFD. The maximum special tax rates for fiscal year 2010-11 are also identified in this section.
- **Section V** provides an update of the development activity occurring within CFD No. 2001-1, including new building permit activity.
- **Section VI** provides information on the public improvements authorized to be funded by CFD No. 2001-1.
- **Section VII** provides information regarding funds established for the Bonds, including current balances in such funds.
- **Section VIII** identifies parcels, if any, that have prepaid their special tax obligation.
- **Section IX** provides information regarding special tax delinquencies in CFD No. 2001-1.
- **Section X** provides information on covenants regarding foreclosure on delinquent parcels.
- **Section XI** provides a summary of the reporting requirements set forth in Senate Bill 165, the Local Agency Special Tax and Bond Accountability Act, and the information needed for the County to respond to these requirements.

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### ***III. SPECIAL TAX REQUIREMENT***

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Pursuant to the Rate and Method of Apportionment of Special Tax (the “RMA”) for CFD No. 2001-1, which was adopted as an exhibit to the Resolution of Formation of CFD No. 2001-1, the Special Tax Requirement means the total amount needed each fiscal year to (i) pay principal and interest on bonds, (ii) create or replenish reserve funds, (iii) cure any delinquencies in the payment of principal or interest on indebtedness of CFD No. 2001-1 which have occurred in the prior fiscal year or (based on delinquencies in the payment of special taxes which have already taken place) are expected to occur in the fiscal year in which the tax will be collected, and (iv) pay administrative expenses. For fiscal year 2010-11, the Special Tax Requirement is \$514,111 and is calculated as follows:

#### **Community Facilities District No. 2001-1 Special Tax Requirement for Fiscal Year 2010-11**

<b>Debt Service</b>	<b>\$524,085</b>
Interest Payment on Bonds Due March 1, 2011	(\$182,043)
Interest Payment on Bonds Due Sept. 1, 2011	(\$182,043)
Principal Payment on Bonds Due Sept. 1, 2011	(\$160,000)
<b>Administrative Expenses</b>	<b>\$17,696</b>
<b>Surplus Funds to Reduce Special Tax Requirement</b>	<b>(\$27,670)</b>
<b>Fiscal Year 2010-11 Special Tax Requirement*</b>	<b>\$514,111</b>

*\* Total may not sum due to rounding.*

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## ***IV. SPECIAL TAX LEVY***

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### **Special Tax Categories**

Special taxes within CFD No. 2001-1 are levied pursuant to the methodology set forth in the RMA. The RMA establishes various special tax categories against which the special tax can be levied each fiscal year, including Residential Property, Other Property, and Undeveloped Property. (*Capitalized terms are defined in the RMA in Appendix C of this Report.*)

Residential Property is defined as any parcel within the CFD for which a building permit for construction of a residential structure was issued prior to June 1 of the preceding fiscal year. Other Property means all taxable parcels in the CFD for which a building permit was issued prior to June 1 of the preceding fiscal year for a structure that is not used for residential purposes and is not owned by a homeowners' association or public agency. Undeveloped Property is defined as all taxable parcels in the CFD for which a building permit has not been issued prior to June 1 of the preceding fiscal year.

### **Maximum Special Tax Rates**

The maximum special tax rates applicable to each category of property in CFD No. 2001-1 are set forth in Section C of the RMA. The actual amount of the maximum special tax which will be levied on each land use category in fiscal year 2010-11, is determined by the method of apportionment included in Section E of the RMA. The following table identifies the maximum special taxes that can be levied on property in CFD No. 2001-1.

**Community Facilities District No. 2001-1  
Maximum Special Tax Rates**

<b>Tax Category</b>	<b>Description</b>	<b>Maximum Special Tax</b>
1	Residential Property	\$2,100 per parcel
2	Other Property	\$2,100 per residential unit planned on the parcel before it became Other Property
3	Undeveloped Property	\$3,360 per acre

## **Changes to Norris Canyon Tentative Map**

The maximum special tax rates shown above assume that a particular number of residential units will be developed within Norris Canyon consistent with the tentative map approved by the County Board of Supervisors in August 1997. To the extent changes are proposed to the tentative map in future years that would reduce the number of residential units within the project, the County must either deny the revision to the tentative map or require a prepayment of special taxes by the developer proposing the tentative map change. Such prepayment would be in an amount sufficient to retire a portion of the bonds and maintain 110% debt service coverage with the reduced special tax revenues that will result after the tentative map revision. To date, development in Norris Canyon has been consistent with the approved tentative map.

## **Apportionment of Special Taxes**

The amount of special tax levied on each parcel in the CFD each fiscal year will be determined by application of Section E of the RMA. Pursuant to this section, the Special Tax Requirement will be allocated as follows:

The first step requires special taxes to be levied on each parcel of Residential Property and Other Property up to 100% of the applicable maximum special tax rate. If additional revenue is needed after the first step is completed, and after applying capitalized interest to the Special Tax Requirement, then a special tax will be levied on each parcel of Undeveloped Property up to 100% of the applicable maximum special tax. If additional revenues are still needed to pay annual obligations of the CFD after the maximum special tax is levied on Residential Property, Other Property, and Undeveloped Property, a special tax will be levied on Homeowners' Association Property and parcels of Public Property that originally had planned units, as defined in the RMA.

Application of the maximum special tax rate to the 258 Residential Property parcels for fiscal year 2010-11 will generate special tax revenue of \$541,800. However, since the Special Tax Requirement for fiscal year 2010-11 is only \$514,111, Residential Property will not be taxed at the maximum tax rate. Only the amount needed to satisfy the Special Tax Requirement of \$514,111 will be levied, which is approximately 94.9% of the maximum, or \$1,993 per parcel. Since the tax on Residential Property fully funds the Special Tax Requirement for fiscal year 2010-11, no special tax shall be levied on Undeveloped Property.

The actual special tax rates and the number of units and/or acres of taxable property on which those rates are levied for fiscal year 2010-11 are shown in the table on the following page.

**Community Facilities District No. 2001-1  
Fiscal Year 2010-11 Special Tax Levy**

<b>Land Use Category</b>	<b>Maximum Special Tax Rates</b>	<b>Fiscal Year 2010-11 Actual Special Tax Rates</b>	<b>Parcels/Acres Taxed</b>	<b>Total Special Tax Levy</b>
Residential Property	\$2,100 per parcel	\$1,993 per parcel	258 parcels *	\$514,111
Undeveloped Property	\$3,360 per acre	\$0 per acre	0 acres	\$0
<b>Total Special Tax Levy for Fiscal Year 2010-11</b>				<b>\$514,111</b>

*\* Total does not include two parcels that have had their special tax obligation prepaid and therefore are no longer subject to the annual tax.*

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## ***V. DEVELOPMENT UPDATE***

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From June 1, 2009, to May 31, 2010, three building permits have been issued to construct single family homes within CFD No. 2001-1. In total, 260 building permits have been issued and no Other Property currently exists within CFD No. 2001-1.

Based on the current status of development in CFD No. 2001-1, the following table summarizes the allocation of parcels to the special tax categories defined in the RMA:

**Community Facilities District No. 2001-1  
Allocation to Special Tax Categories  
Fiscal Year 2010-11**

<b>Tax Category</b>	<b>Description</b>	<b>Number of Parcels</b>
1	Residential Property	258*
2	Other Property	0
3	Undeveloped Property	101

*\* Total does not include two parcels that have had their special tax obligation prepaid and therefore are no longer subject to the annual tax.*

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## ***VI. STATUS OF PUBLIC IMPROVEMENTS***

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CFD No. 2001-1 was formed to finance the widening of Norris Canyon Road, starting at the intersection of Bollinger Canyon Road and continuing a distance of 7,700 feet. Improvements to Norris Canyon Road include: (1) grading, pavement, curbs and gutters, rock shoulder, traffic signing and striping, and street lights; (2) construction of sanitary sewer mains, structures, fittings, and appurtenances; (3) construction of water distribution facilities and appurtenances; (4) construction of joint utility distribution facilities for electrical, telephone, gas, cable and television, including trenching, conduit and cable installation, pull and splice boxes, fittings and appurtenances, and relocation of overhead facilities; (5) construction of landscaping and irrigation facilities, including soil preparation, landscape materials, irrigation pipes, fittings, and appurtenances; (6) required attendant public fees and design and construction engineering fees; and (7) acquisition of all necessary interests in real property.

The developer entered into an Acquisition Agreement with the County that contains provisions that set forth the process by which completed improvements will be acquired with bond proceeds that are on deposit in the Improvement Fund for the CFD. The Acquisition Agreement obligates the developer to pay any costs of the improvements that are not covered by funds available in the Improvement Fund.

All Norris Canyon Road improvements have been completed and accepted by the Public Works division of the County. Per the Acquisition Agreement with the County, the balance in the CFD Improvement Fund was used to acquire the completed improvements from the developer.

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## ***VII. CFD FUNDS***

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Six funds were established pursuant to the Fiscal Agent Agreement between the County and the Bank of New York Mellon Trust Company (the “Fiscal Agent”). Following is a brief description of the purpose of each fund.

The **Improvement Fund** was created exclusively to pay the cost of improvements until all authorized facilities have been paid. The Improvement Fund, due to completion of all improvements, has been closed.

The **Reserve Fund** was established as a reserve for the payment of principal and interest on the bonds in the event the balance in the Special Tax Fund is insufficient to make debt service payments. The Fiscal Agent will maintain the Reserve Fund. The Reserve Requirement is \$528,200 as of June 30, 2010.

The **Bond Fund** was created exclusively to pay principal and interest on CFD indebtedness. The Bond Fund will be held by the Fiscal Agent; twice each year, the fiscal agent will use proceeds in this account to pay interest and/or principal on bonds. If, on any interest payment date, amounts in the Bond Fund are insufficient to pay debt service that is due on such date, the Fiscal Agent must withdraw from the Reserve Fund to cover the shortfall.

The **Special Tax Fund** was established as a fund to be held by the County Auditor-Controller (the “Auditor”) into which special tax revenues collected by the County will be deposited. Not later than three business days prior to each interest payment date on the bonds, the Auditor will transfer money from the Special Tax Fund to the Fiscal Agent to pay interest and principal due on the bonds, as well as any amount needed to bring the Reserve Fund up to the required reserve amount. Any remaining balance in the Special Tax Fund will be transferred to the Administrative Expense Fund.

The **Administrative Expense Fund** will be held by the Auditor and used to pay CFD administrative expenses. Each year, the Auditor will transfer any excess amount in the Administrative Expense Fund to the Special Tax Fund.

The **Costs of Issuance Fund** will be held by the Fiscal Agent and will be disbursed to pay costs associated with formation of CFD No. 2001-1 and issuance of the Bonds. This fund has been closed.

Money held in any of the aforementioned funds can be invested by the Fiscal Agent at the direction of the County and in conformance with limitations set forth in the Fiscal Agent Agreement. Investment interest earnings, if any, will generally be applied to the fund for which the investment is made.

## **Fund Balances**

As of June 30, 2010, the various funds had the following balances:

### **Community Facilities District No. 2001-1 Fund Balances as of June 30, 2010**

<b>Reserve Fund</b>	<b>\$529,579</b>
<b>Bond Fund</b>	<b>\$0</b>
<b>Special Tax Fund</b>	<b>\$277,992</b>
<b>Administrative Expense Fund</b>	<b>\$22,431</b>

## ***VIII. PREPAYMENTS***

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The special tax lien for two properties in CFD No. 2001-1 have been fully prepaid, and therefore, these properties, Assessor's parcel numbers 211-260-011 and 211-370-055-9, are no longer subject to the annual special tax levy. All other parcels of taxable property within the CFD are subject to the annual special tax levy.

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## ***IX. DELINQUENCIES***

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As of May 3, 2010, the Contra Costa County Auditor's Office reports the following delinquency amounts for CFD No. 2001-1:

**Community Facilities District No. 2001-1  
Delinquencies as of May 3, 2010**

<b>Fiscal Year</b>	<b>Parcels Delinquent</b>	<b>Delinquent Amount</b>	<b>CFD Tax Levied</b>	<b>Percent Delinquent</b>
2007-08	1	\$2,100	\$537,639	0.39%
2008-09	7	\$12,600	\$570,730	2.21%
2009-10	15	\$20,107	\$447,601	4.49%

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## ***X. FORECLOSURE COVENANT***

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### **Covenants of the County**

The County may order the institution of a court action to foreclose the lien on a parcel within specified time limits if any payment of the special tax is delinquent. In such an action, the real property subject to the unpaid amount may be sold at a judicial foreclosure sale. Pursuant to the Bonds' covenants, the County shall review its records in connection with the collection of the special tax on or about March 30 and June 30 of each year to compare the amount of special tax levied in the CFD to the amount of special tax collected, and proceed as follows:

Individual Delinquencies. If the Auditor determines that any single parcel subject to the special tax in the CFD is delinquent in the payment of special taxes in the aggregate amount of (i) \$7,500 or more if all the property within the CFD is on the Teeter Plan, or (ii) \$3,000 or more if any of the property in the CFD is not on the Teeter Plan, then the Auditor shall send or cause to be sent a notice of delinquency (and a demand for immediate payment thereof) to the property owner within 60 days of such determination, and (if the delinquency remains uncured) foreclosure proceedings shall be commenced by the County within 120 days of such determination.

Aggregate Delinquencies. If the Auditor determines that the total amount of delinquent special tax for the prior fiscal year for the entire CFD, (including the total of delinquencies under the preceding paragraph), exceeds 5% of the total special tax due and payable for the prior fiscal year, the County shall notify or cause to be notified property owners who are then delinquent in the payment of special taxes (and demand immediate payment of the delinquency) within 60 days of such determination, and shall commence foreclosure proceedings within 120 days of such determination against each parcel of land in the CFD with a special tax delinquency.

Since the CFD's special tax delinquency rate for fiscal year 2009-10 is below 5%, the County has not been required to initiate foreclosure proceedings on property in CFD No. 2001-1.

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## ***XI. SENATE BILL 165 REPORTING REQUIREMENTS***

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On September 18, 2000, former Governor Gray Davis approved Senate Bill 165 which enacted the Local Agency Special Tax and Bond Accountability Act. In approving the bill, the Legislature pointed out that local agencies need to demonstrate to the voters that special taxes and bond proceeds are being spent on the facilities and services for which they were intended. To further this objective, the Legislature added Sections 50075.3 and 53411 to the California Government Code setting forth annual reporting requirements relative to special taxes collected and bonds issued by a local public agency. A response to each of the reporting requirements in SB 165 is provided below. Pursuant to the Sections 50075.3 and 53411, the chief fiscal officer of the County will, by January 1, 2002, and at least once a year thereafter, file a report with the Board of Supervisors (which may be this CFD Tax Administration Report) setting forth the following information.

### **Section 50075.3**

*Item (a): Identify amount of special taxes that have been collected and expended.*

The fiscal year 2009-10 special tax levy was \$447,601. Since the CFD is on the County Teeter Plan, the full amount of the tax levy was remitted to the CFD. The total levy was used to pay debt service in March and September 2010 on the CFD bonds as well as administrative costs for the CFD.

*Item (b): Identify the status of any project required or authorized to be funded by the special taxes.*

All CFD No. 2001-1 improvements have been completed and accepted by the Public Works division of the County.

### **Section 53411**

*Item (a): Identify the amount of bonds that have been collected and expended.*

A total of \$7,220,000 in special tax bonds was issued by the County on June 14, 2001. Upon issuance of the bonds, \$6,000,000 from bond proceeds was deposited into the Improvement Fund and has been used to acquire the CFD No. 2001-1 improvements from the developer. An additional \$170,000 was used to pay the costs of issuing the bonds. Approximately \$417,000 was deposited in the Reserve Fund, and the remaining \$487,000 was deposited in the Bond Fund to be used for capitalized interest.

*Item (b): Identify the status of any project required or authorized to be funded from bond proceeds.*

All CFD No. 2001-1 improvements have been completed and accepted by the Public Works division of the County.

## **APPENDIX A**

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### ***Summary of Fiscal Year 2010-11 Special Tax Levy***

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**County of Contra Costa  
Community Facilities District No. 2001-1  
(Norris Canyon)  
Special Tax Levy Summary for Fiscal Year 2010-11**

<b>Land Use Category</b>	<b>Fiscal Year 2010-11 Maximum Special Tax Rates</b>	<b>Fiscal Year 2010-11 Actual Special Tax Rates</b>	<b>Parcels/Acres Taxed</b>	<b>Total Special Tax Levy</b>
Residential Property	\$2,100 per parcel	\$1,993 per parcel	258 parcels	\$514,111
Undeveloped Property	\$3,360 per acre	\$0 per acre	65.7 acres	\$0
<b>Total Fiscal Year 2010-11 Special Tax Levy</b>				<b>\$514,111</b>

*Goodwin Consulting Group, Inc.*



## **APPENDIX B**

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*Special Tax Levy for  
Fiscal Year 2010-11*

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**County of Contra Costa**  
**Community Facilities District No. 2001-1**  
**(Norris Canyon)**  
**Special Tax Levy for Fiscal Year 2010-11**

Assessor's Parcel Number	Type of Property	Status of Development	Taxable Acres	Special Tax
211-210-045-4	HOA	HOA		\$0.00
211-210-046-2	HOA	HOA		\$0.00
211-210-047-0	HOA	HOA		\$0.00
211-210-048-8	HOA	HOA		\$0.00
211-210-061-1	HOA	HOA		\$0.00
211-210-062-9	HOA	HOA		\$0.00
211-210-063-7	HOA	HOA		\$0.00
211-210-074-4	HOA	HOA		\$0.00
211-210-079-3	HOA	HOA		\$0.00
211-240-001-1	Residential	Developed		\$1,992.68
211-240-003-7	Residential	Developed		\$1,992.68
211-240-004-5	Residential	Developed		\$1,992.68
211-240-005-2	Residential	Developed		\$1,992.68
211-240-006-0	Residential	Developed		\$1,992.68
211-240-007-8	Residential	Developed		\$1,992.68
211-240-008-6	Residential	Developed		\$1,992.68
211-240-009-4	Undeveloped	Undeveloped		\$0.00
211-240-010-2	Undeveloped	Undeveloped		\$0.00
211-240-011-0	Residential	Developed		\$1,992.68
211-240-012-8	Undeveloped	Undeveloped		\$0.00
211-240-013-6	Residential	Developed		\$1,992.68
211-240-014-4	Residential	Developed		\$1,992.68
211-240-015-1	Residential	Developed		\$1,992.68
211-240-016-9	Residential	Developed		\$1,992.68
211-240-017-7	HOA	HOA		\$0.00
211-240-019-3	HOA	HOA		\$0.00
211-240-020-1	HOA	HOA		\$0.00
211-240-021-9	HOA	HOA		\$0.00
211-250-001-8	Residential	Developed		\$1,992.68
211-250-002-6	Undeveloped	Undeveloped		\$0.00
211-250-003-4	Residential	Developed		\$1,992.68
211-250-004-2	Residential	Developed		\$1,992.68
211-250-005-9	Residential	Developed		\$1,992.68
211-250-006-7	Residential	Developed		\$1,992.68
211-250-007-5	Residential	Developed		\$1,992.68
211-250-008-3	Residential	Developed		\$1,992.68
211-250-009-1	Residential	Developed		\$1,992.68
211-250-010-9	Residential	Developed		\$1,992.68
211-250-011-7	Residential	Developed		\$1,992.68
211-250-012-5	Residential	Developed		\$1,992.68
211-250-013-3	Residential	Developed		\$1,992.68
211-250-014-1	Residential	Developed		\$1,992.68

**County of Contra Costa**  
**Community Facilities District No. 2001-1**  
**(Norris Canyon)**  
**Special Tax Levy for Fiscal Year 2010-11**

Assessor's Parcel Number	Type of Property	Status of Development	Taxable Acres	Special Tax
211-250-015-8	Residential	Developed		\$1,992.68
211-250-016-6	Residential	Developed		\$1,992.68
211-250-017-4	Residential	Developed		\$1,992.68
211-250-018-2	Residential	Developed		\$1,992.68
211-250-019-0	Residential	Developed		\$1,992.68
211-250-020-8	HOA	HOA		\$0.00
211-250-021-6	HOA	HOA		\$0.00
211-250-022-4	HOA	HOA		\$0.00
211-250-023-2	HOA	HOA		\$0.00
211-250-024-0	HOA	HOA		\$0.00
211-250-025-7	HOA	HOA		\$0.00
211-260-001-6	Residential	Developed		\$1,992.68
211-260-002-4	Residential	Developed		\$1,992.68
211-260-003-2	Residential	Developed		\$1,992.68
211-260-004-0	Residential	Developed		\$1,992.68
211-260-005-7	Residential	Developed		\$1,992.68
211-260-006-5	Residential	Developed		\$1,992.68
211-260-007-3	Residential	Developed		\$1,992.68
211-260-008-1	Residential	Developed		\$1,992.68
211-260-009-9	Residential	Developed		\$1,992.68
211-260-010-7	Residential	Developed		\$1,992.68
211-260-011-5	Prepaid	Prepaid		\$0.00
211-260-012-3	Residential	Developed		\$1,992.68
211-260-013-1	Residential	Developed		\$1,992.68
211-260-014-9	Residential	Developed		\$1,992.68
211-260-015-6	Residential	Developed		\$1,992.68
211-260-016-4	Residential	Developed		\$1,992.68
211-260-017-2	Residential	Developed		\$1,992.68
211-260-018-0	Residential	Developed		\$1,992.68
211-260-019-8	HOA	HOA		\$0.00
211-260-020-6	HOA	HOA		\$0.00
211-260-021-4	HOA	HOA		\$0.00
211-260-022-2	HOA	HOA		\$0.00
211-260-023-0	HOA	HOA		\$0.00
211-260-024-8	HOA	HOA		\$0.00
211-270-001-4	Residential	Developed		\$1,992.68
211-270-002-2	Residential	Developed		\$1,992.68
211-270-003-0	Residential	Developed		\$1,992.68
211-270-004-8	Residential	Developed		\$1,992.68
211-270-005-5	Residential	Developed		\$1,992.68
211-270-006-3	Residential	Developed		\$1,992.68
211-270-007-1	Residential	Developed		\$1,992.68

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**County of Contra Costa**  
**Community Facilities District No. 2001-1**  
**(Norris Canyon)**  
**Special Tax Levy for Fiscal Year 2010-11**

Assessor's Parcel Number	Type of Property	Status of Development	Taxable Acres	Special Tax
211-270-008-9	Residential	Developed		\$1,992.68
211-270-009-7	Residential	Developed		\$1,992.68
211-270-010-5	Residential	Developed		\$1,992.68
211-270-011-3	Residential	Developed		\$1,992.68
211-270-012-1	HOA	HOA		\$0.00
211-270-013-9	HOA	HOA		\$0.00
211-270-014-7	HOA	HOA		\$0.00
211-270-015-4	HOA	HOA		\$0.00
211-280-001-2	Residential	Developed		\$1,992.68
211-280-002-0	Residential	Developed		\$1,992.68
211-280-003-8	Residential	Developed		\$1,992.68
211-280-004-6	Residential	Developed		\$1,992.68
211-280-005-3	Residential	Developed		\$1,992.68
211-280-006-1	Residential	Developed		\$1,992.68
211-280-007-9	Residential	Developed		\$1,992.68
211-280-008-7	Residential	Developed		\$1,992.68
211-280-009-5	Residential	Developed		\$1,992.68
211-280-010-3	Residential	Developed		\$1,992.68
211-280-011-1	Residential	Developed		\$1,992.68
211-280-012-9	Residential	Developed		\$1,992.68
211-280-013-7	Residential	Developed		\$1,992.68
211-280-014-5	Residential	Developed		\$1,992.68
211-280-015-2	Residential	Developed		\$1,992.68
211-280-016-0	Residential	Developed		\$1,992.68
211-280-017-8	Residential	Developed		\$1,992.68
211-280-018-6	Residential	Developed		\$1,992.68
211-280-019-4	Residential	Developed		\$1,992.68
211-280-020-2	Residential	Developed		\$1,992.68
211-280-021-0	Residential	Developed		\$1,992.68
211-280-022-8	Residential	Developed		\$1,992.68
211-280-023-6	Residential	Developed		\$1,992.68
211-280-024-4	Residential	Developed		\$1,992.68
211-280-025-1	Residential	Developed		\$1,992.68
211-280-026-9	Residential	Developed		\$1,992.68
211-280-027-7	Residential	Developed		\$1,992.68
211-280-028-5	Residential	Developed		\$1,992.68
211-280-029-3	Residential	Developed		\$1,992.68
211-280-030-1	Residential	Developed		\$1,992.68
211-280-031-9	Residential	Developed		\$1,992.68
211-280-032-7	Residential	Developed		\$1,992.68
211-280-033-5	Residential	Developed		\$1,992.68
211-280-034-3	Residential	Developed		\$1,992.68

**County of Contra Costa**  
**Community Facilities District No. 2001-1**  
**(Norris Canyon)**  
**Special Tax Levy for Fiscal Year 2010-11**

Assessor's Parcel Number	Type of Property	Status of Development	Taxable Acres	Special Tax
211-280-035-0	Residential	Developed		\$1,992.68
211-280-036-8	Residential	Developed		\$1,992.68
211-280-037-6	Residential	Developed		\$1,992.68
211-280-038-4	Residential	Developed		\$1,992.68
211-280-039-2	Residential	Developed		\$1,992.68
211-280-040-0	HOA	HOA		\$0.00
211-290-001-0	Residential	Developed		\$1,992.68
211-290-002-8	Residential	Developed		\$1,992.68
211-290-003-6	Residential	Developed		\$1,992.68
211-290-004-4	Residential	Developed		\$1,992.68
211-290-005-1	Residential	Developed		\$1,992.68
211-290-006-9	Residential	Developed		\$1,992.68
211-290-007-7	Residential	Developed		\$1,992.68
211-290-008-5	Residential	Developed		\$1,992.68
211-290-009-3	Residential	Developed		\$1,992.68
211-290-010-1	Residential	Developed		\$1,992.68
211-290-011-9	Residential	Developed		\$1,992.68
211-290-012-7	Residential	Developed		\$1,992.68
211-290-013-5	Residential	Developed		\$1,992.68
211-290-014-3	Residential	Developed		\$1,992.68
211-290-015-0	Residential	Developed		\$1,992.68
211-290-016-8	Residential	Developed		\$1,992.68
211-290-017-6	Residential	Developed		\$1,992.68
211-290-018-4	Residential	Developed		\$1,992.68
211-290-019-2	Residential	Developed		\$1,992.68
211-290-020-0	Residential	Developed		\$1,992.68
211-290-021-8	HOA	HOA		\$0.00
211-300-001-8	Residential	Developed		\$1,992.68
211-300-002-6	Residential	Developed		\$1,992.68
211-300-003-4	Residential	Developed		\$1,992.68
211-300-004-2	Undeveloped	Undeveloped		\$0.00
211-300-005-9	Undeveloped	Undeveloped		\$0.00
211-300-006-7	Residential	Developed		\$1,992.68
211-300-007-5	Undeveloped	Undeveloped		\$0.00
211-300-008-3	Undeveloped	Undeveloped		\$0.00
211-300-009-1	Residential	Developed		\$1,992.68
211-300-010-9	Residential	Developed		\$1,992.68
211-300-011-7	Residential	Developed		\$1,992.68
211-300-012-5	Residential	Developed		\$1,992.68
211-300-013-3	Residential	Developed		\$1,992.68
211-300-014-1	Residential	Developed		\$1,992.68
211-300-015-8	Residential	Developed		\$1,992.68

**County of Contra Costa**  
**Community Facilities District No. 2001-1**  
**(Norris Canyon)**  
**Special Tax Levy for Fiscal Year 2010-11**

Assessor's Parcel Number	Type of Property	Status of Development	Taxable Acres	Special Tax
211-300-016-6	Residential	Developed		\$1,992.68
211-300-017-4	Residential	Developed		\$1,992.68
211-300-018-2	Residential	Developed		\$1,992.68
211-300-019-0	Residential	Developed		\$1,992.68
211-300-020-8	Residential	Developed		\$1,992.68
211-300-021-6	Residential	Developed		\$1,992.68
211-300-022-4	Residential	Developed		\$1,992.68
211-300-023-2	Residential	Developed		\$1,992.68
211-300-024-0	Residential	Developed		\$1,992.68
211-300-025-7	Residential	Developed		\$1,992.68
211-300-026-5	Residential	Developed		\$1,992.68
211-300-027-3	Residential	Developed		\$1,992.68
211-300-028-1	Undeveloped	Public		\$0.00
211-300-029-9	HOA	HOA		\$0.00
211-300-030-7	HOA	HOA		\$0.00
211-310-001-6	Undeveloped	Undeveloped		\$0.00
211-310-002-4	Undeveloped	Undeveloped		\$0.00
211-310-003-2	Undeveloped	Undeveloped		\$0.00
211-310-004-0	Undeveloped	Undeveloped		\$0.00
211-310-005-7	Undeveloped	Undeveloped		\$0.00
211-310-006-5	Undeveloped	Undeveloped		\$0.00
211-310-007-3	Undeveloped	Undeveloped		\$0.00
211-310-008-1	Residential	Developed		\$1,992.68
211-310-009-9	Undeveloped	Undeveloped		\$0.00
211-310-010-7	Undeveloped	Undeveloped		\$0.00
211-310-011-5	Undeveloped	Undeveloped		\$0.00
211-310-012-3	Undeveloped	Undeveloped		\$0.00
211-310-013-1	Undeveloped	Undeveloped		\$0.00
211-310-014-9	Undeveloped	Undeveloped		\$0.00
211-310-015-6	Undeveloped	Undeveloped		\$0.00
211-310-016-4	Undeveloped	Undeveloped		\$0.00
211-310-017-2	Undeveloped	Undeveloped		\$0.00
211-310-018-0	Undeveloped	Undeveloped		\$0.00
211-310-019-8	Undeveloped	Undeveloped		\$0.00
211-310-020-6	Undeveloped	Undeveloped		\$0.00
211-310-021-4	Undeveloped	Undeveloped		\$0.00
211-310-022-2	HOA	HOA		\$0.00
211-310-023-0	HOA	HOA		\$0.00
211-310-024-8	HOA	HOA		\$0.00
211-320-001-4	Undeveloped	Undeveloped		\$0.00
211-320-002-2	Residential	Developed		\$1,992.68
211-320-003-0	Residential	Developed		\$1,992.68

**County of Contra Costa**  
**Community Facilities District No. 2001-1**  
**(Norris Canyon)**  
**Special Tax Levy for Fiscal Year 2010-11**

Assessor's Parcel Number	Type of Property	Status of Development	Taxable Acres	Special Tax
211-320-004-8	Undeveloped	Undeveloped		\$0.00
211-320-005-5	Undeveloped	Undeveloped		\$0.00
211-320-006-3	Undeveloped	Undeveloped		\$0.00
211-320-007-1	Undeveloped	Undeveloped		\$0.00
211-320-008-9	Undeveloped	Undeveloped		\$0.00
211-320-009-7	Undeveloped	Undeveloped		\$0.00
211-320-010-5	Undeveloped	Undeveloped		\$0.00
211-320-011-3	Undeveloped	Undeveloped		\$0.00
211-320-012-1	Residential	Developed		\$1,992.68
211-320-013-9	Residential	Developed		\$1,992.68
211-320-014-7	Residential	Developed		\$1,992.68
211-320-015-4	Residential	Developed		\$1,992.68
211-320-016-2	Residential	Developed		\$1,992.68
211-320-017-0	Residential	Developed		\$1,992.68
211-320-018-8	Undeveloped	Undeveloped		\$0.00
211-320-019-6	HOA	HOA		\$0.00
211-330-001-2	Undeveloped	Undeveloped		\$0.00
211-330-002-0	Undeveloped	Undeveloped		\$0.00
211-330-003-8	Undeveloped	Undeveloped		\$0.00
211-330-004-6	Undeveloped	Undeveloped		\$0.00
211-330-005-3	Undeveloped	Undeveloped		\$0.00
211-330-006-1	Undeveloped	Undeveloped		\$0.00
211-330-007-9	Undeveloped	Undeveloped		\$0.00
211-330-008-7	Undeveloped	Undeveloped		\$0.00
211-330-009-5	Undeveloped	Undeveloped		\$0.00
211-330-010-3	HOA	HOA		\$0.00
211-330-011-1	HOA	HOA		\$0.00
211-340-001-0	Undeveloped	Undeveloped		\$0.00
211-340-002-8	Undeveloped	Undeveloped		\$0.00
211-340-003-6	Undeveloped	Undeveloped		\$0.00
211-340-004-4	Undeveloped	Undeveloped		\$0.00
211-340-005-1	Undeveloped	Undeveloped		\$0.00
211-340-006-9	Undeveloped	Undeveloped		\$0.00
211-340-007-7	Undeveloped	Undeveloped		\$0.00
211-340-008-5	HOA	HOA		\$0.00
211-340-009-3	HOA	HOA		\$0.00
211-340-010-1	HOA	HOA		\$0.00
211-340-011-9	Undeveloped	Public		\$0.00
211-340-012-7	Undeveloped	Public		\$0.00
211-350-001-7	Undeveloped	Undeveloped		\$0.00
211-350-002-5	Undeveloped	Undeveloped		\$0.00
211-350-003-3	Undeveloped	Undeveloped		\$0.00

**County of Contra Costa**  
**Community Facilities District No. 2001-1**  
**(Norris Canyon)**  
**Special Tax Levy for Fiscal Year 2010-11**

Assessor's Parcel Number	Type of Property	Status of Development	Taxable Acres	Special Tax
211-350-004-1	Residential	Developed		\$1,992.68
211-350-005-8	Residential	Developed		\$1,992.68
211-350-006-6	Residential	Developed		\$1,992.68
211-350-007-4	Undeveloped	Undeveloped		\$0.00
211-350-008-2	Undeveloped	Undeveloped		\$0.00
211-350-009-0	Undeveloped	Undeveloped		\$0.00
211-350-010-8	Undeveloped	Undeveloped		\$0.00
211-350-011-6	Undeveloped	Undeveloped		\$0.00
211-350-012-4	Undeveloped	Undeveloped		\$0.00
211-350-013-2	Undeveloped	Undeveloped		\$0.00
211-350-014-0	Undeveloped	Undeveloped		\$0.00
211-350-015-7	Undeveloped	Undeveloped		\$0.00
211-350-016-5	Undeveloped	Undeveloped		\$0.00
211-350-017-3	Undeveloped	Undeveloped		\$0.00
211-350-018-1	HOA	HOA		\$0.00
211-350-019-9	HOA	HOA		\$0.00
211-350-020-7	HOA	HOA		\$0.00
211-350-021-5	HOA	HOA		\$0.00
211-350-022-3	HOA	HOA		\$0.00
211-360-001-5	Residential	Developed		\$1,992.68
211-360-002-3	Residential	Developed		\$1,992.68
211-360-003-1	Residential	Developed		\$1,992.68
211-360-004-9	Residential	Developed		\$1,992.68
211-360-005-6	Residential	Developed		\$1,992.68
211-360-006-4	Residential	Developed		\$1,992.68
211-360-007-2	Residential	Developed		\$1,992.68
211-360-008-0	Residential	Developed		\$1,992.68
211-360-009-8	Residential	Developed		\$1,992.68
211-360-010-6	Residential	Developed		\$1,992.68
211-360-011-4	Residential	Developed		\$1,992.68
211-360-012-2	Residential	Developed		\$1,992.68
211-360-013-0	Residential	Developed		\$1,992.68
211-360-014-8	Residential	Developed		\$1,992.68
211-360-015-5	Residential	Developed		\$1,992.68
211-360-016-3	Residential	Developed		\$1,992.68
211-360-017-1	Residential	Developed		\$1,992.68
211-360-018-9	Residential	Developed		\$1,992.68
211-360-019-7	Residential	Developed		\$1,992.68
211-360-020-5	Residential	Developed		\$1,992.68
211-360-021-3	Residential	Developed		\$1,992.68
211-360-022-1	Residential	Developed		\$1,992.68
211-360-023-9	Residential	Developed		\$1,992.68



**County of Contra Costa**  
**Community Facilities District No. 2001-1**  
**(Norris Canyon)**  
**Special Tax Levy for Fiscal Year 2010-11**

Assessor's Parcel Number	Type of Property	Status of Development	Taxable Acres	Special Tax
211-360-024-7	Residential	Developed		\$1,992.68
211-360-025-4	Residential	Developed		\$1,992.68
211-360-026-2	Residential	Developed		\$1,992.68
211-360-027-0	Residential	Developed		\$1,992.68
211-360-028-8	Residential	Developed		\$1,992.68
211-360-029-6	Residential	Developed		\$1,992.68
211-360-030-4	Residential	Developed		\$1,992.68
211-360-031-2	Residential	Developed		\$1,992.68
211-360-032-0	Residential	Developed		\$1,992.68
211-360-033-8	Residential	Developed		\$1,992.68
211-360-034-6	Residential	Developed		\$1,992.68
211-360-035-3	Residential	Developed		\$1,992.68
211-360-036-1	Residential	Developed		\$1,992.68
211-360-037-9	Residential	Developed		\$1,992.68
211-360-038-7	Residential	Developed		\$1,992.68
211-360-039-5	Residential	Developed		\$1,992.68
211-360-040-3	Residential	Developed		\$1,992.68
211-360-041-1	Residential	Developed		\$1,992.68
211-360-042-9	Residential	Developed		\$1,992.68
211-360-043-7	Residential	Developed		\$1,992.68
211-360-044-5	HOA	HOA		\$0.00
211-360-045-2	HOA	HOA		\$0.00
211-360-046-0	HOA	HOA		\$0.00
211-360-047-8	HOA	HOA		\$0.00
211-360-048-6	HOA	HOA		\$0.00
211-360-049-4	HOA	HOA		\$0.00
211-370-001-3	Residential	Developed		\$1,992.68
211-370-002-1	Residential	Developed		\$1,992.68
211-370-003-9	Residential	Developed		\$1,992.68
211-370-004-7	Residential	Developed		\$1,992.68
211-370-005-4	Residential	Developed		\$1,992.68
211-370-006-2	Residential	Developed		\$1,992.68
211-370-007-0	Residential	Developed		\$1,992.68
211-370-008-8	Residential	Developed		\$1,992.68
211-370-009-6	Residential	Developed		\$1,992.68
211-370-010-4	Residential	Developed		\$1,992.68
211-370-011-2	Residential	Developed		\$1,992.68
211-370-012-0	Residential	Developed		\$1,992.68
211-370-013-8	Residential	Developed		\$1,992.68
211-370-014-6	Residential	Developed		\$1,992.68
211-370-015-3	Residential	Developed		\$1,992.68
211-370-016-1	Residential	Developed		\$1,992.68

**County of Contra Costa**  
**Community Facilities District No. 2001-1**  
**(Norris Canyon)**  
**Special Tax Levy for Fiscal Year 2010-11**

Assessor's Parcel Number	Type of Property	Status of Development	Taxable Acres	Special Tax
211-370-017-9	Residential	Developed		\$1,992.68
211-370-018-7	Undeveloped	Undeveloped		\$0.00
211-370-019-5	Residential	Developed		\$1,992.68
211-370-020-3	Residential	Developed		\$1,992.68
211-370-021-1	Residential	Developed		\$1,992.68
211-370-022-9	Residential	Developed		\$1,992.68
211-370-023-7	Residential	Developed		\$1,992.68
211-370-024-5	Residential	Developed		\$1,992.68
211-370-025-2	Undeveloped	Undeveloped		\$0.00
211-370-026-0	Undeveloped	Undeveloped		\$0.00
211-370-027-8	Undeveloped	Undeveloped		\$0.00
211-370-028-6	Undeveloped	Undeveloped		\$0.00
211-370-029-4	Residential	Developed		\$1,992.68
211-370-030-2	Undeveloped	Undeveloped		\$0.00
211-370-031-0	Undeveloped	Undeveloped		\$0.00
211-370-032-8	Undeveloped	Undeveloped		\$0.00
211-370-033-6	Undeveloped	Undeveloped		\$0.00
211-370-034-4	Residential	Developed		\$1,992.68
211-370-035-1	Residential	Developed		\$1,992.68
211-370-036-9	Residential	Developed		\$1,992.68
211-370-037-7	Residential	Developed		\$1,992.68
211-370-038-5	Residential	Developed		\$1,992.68
211-370-039-3	Residential	Developed		\$1,992.68
211-370-040-1	Undeveloped	Undeveloped		\$0.00
211-370-041-9	Residential	Developed		\$1,992.68
211-370-042-7	Residential	Developed		\$1,992.68
211-370-043-5	Residential	Developed		\$1,992.68
211-370-044-3	Undeveloped	Undeveloped		\$0.00
211-370-045-0	Residential	Developed		\$1,992.68
211-370-046-8	Residential	Developed		\$1,992.68
211-370-047-6	Residential	Developed		\$1,992.68
211-370-048-4	Residential	Developed		\$1,992.68
211-370-049-2	Residential	Developed		\$1,992.68
211-370-050-0	Residential	Developed		\$1,992.68
211-370-051-8	Residential	Developed		\$1,992.68
211-370-052-6	Residential	Developed		\$1,992.68
211-370-053-4	Residential	Developed		\$1,992.68
211-370-054-2	Residential	Developed		\$1,992.68
211-370-055-9	Prepaid	Prepaid		\$0.00 /1
211-370-056-7	Residential	Developed		\$1,992.68
211-370-057-5	Residential	Developed		\$1,992.68
211-370-058-3	Residential	Developed		\$1,992.68

**County of Contra Costa**  
**Community Facilities District No. 2001-1**  
**(Norris Canyon)**  
**Special Tax Levy for Fiscal Year 2010-11**

Assessor's Parcel Number	Type of Property	Status of Development	Taxable Acres	Special Tax
211-370-059-1	HOA	HOA		\$0.00
211-370-060-9	HOA	HOA		\$0.00
211-370-061-7	HOA	HOA		\$0.00
211-370-062-5	HOA	HOA		\$0.00
211-370-063-3	HOA	HOA		\$0.00
211-370-064-1	HOA	HOA		\$0.00
211-370-065-8	HOA	HOA		\$0.00
211-380-001-1	Undeveloped	Undeveloped		\$0.00
211-380-002-9	Residential	Developed		\$1,992.68
211-380-003-7	Undeveloped	Undeveloped		\$0.00
211-380-004-5	Residential	Developed		\$1,992.68
211-380-005-2	Residential	Developed		\$1,992.68
211-380-006-0	Residential	Developed		\$1,992.68
211-380-007-8	Residential	Developed		\$1,992.68
211-380-008-6	Residential	Developed		\$1,992.68
211-380-009-4	Residential	Developed		\$1,992.68
211-380-010-2	Residential	Developed		\$1,992.68
211-380-011-0	Residential	Developed		\$1,992.68
211-380-012-8	Residential	Developed		\$1,992.68
211-380-013-6	Residential	Developed		\$1,992.68
211-380-014-4	Residential	Developed		\$1,992.68
211-380-015-1	Residential	Developed		\$1,992.68
211-380-016-9	Residential	Developed		\$1,992.68
211-380-017-7	Residential	Developed		\$1,992.68
211-380-018-5	Undeveloped	Undeveloped		\$0.00
211-380-019-3	Undeveloped	Undeveloped		\$0.00
211-380-020-1	Undeveloped	Undeveloped		\$0.00
211-380-021-9	Undeveloped	Undeveloped		\$0.00
211-380-022-7	Residential	Developed		\$1,992.68
211-380-023-5	Residential	Developed		\$1,992.68
211-380-024-3	Undeveloped	Undeveloped		\$0.00
211-380-025-0	Undeveloped	Undeveloped		\$0.00
211-380-026-8	Undeveloped	Undeveloped		\$0.00
211-380-027-6	Undeveloped	Undeveloped		\$0.00
211-380-028-4	Undeveloped	Undeveloped		\$0.00
211-380-029-2	Undeveloped	Undeveloped		\$0.00
211-380-030-0	Undeveloped	Undeveloped		\$0.00
211-380-031-8	Undeveloped	Undeveloped		\$0.00
211-380-032-6	Undeveloped	Undeveloped		\$0.00
211-380-033-4	Undeveloped	Undeveloped		\$0.00
211-380-034-2	Undeveloped	Undeveloped		\$0.00
211-380-035-9	Undeveloped	Undeveloped		\$0.00

**County of Contra Costa**  
**Community Facilities District No. 2001-1**  
**(Norris Canyon)**  
**Special Tax Levy for Fiscal Year 2010-11**

Assessor's Parcel Number	Type of Property	Status of Development	Taxable Acres	Special Tax
211-380-036-7	Undeveloped	Undeveloped		\$0.00
211-380-037-5	Undeveloped	Undeveloped		\$0.00
211-380-038-3	Undeveloped	Undeveloped		\$0.00
211-380-039-1	Undeveloped	Undeveloped		\$0.00
211-380-040-9	HOA	HOA		\$0.00
211-380-041-7	HOA	HOA		\$0.00
211-380-042-5	HOA	HOA		\$0.00
211-380-043-3	HOA	HOA		\$0.00
211-380-044-1	HOA	HOA		\$0.00
211-380-045-8	HOA	HOA		\$0.00
211-380-046-6	HOA	HOA		\$0.00
211-380-047-4	HOA	HOA		\$0.00
211-380-048-2	HOA	HOA		\$0.00
211-380-049-0	Undeveloped	Public		\$0.00
<b>Total Special Tax Levy</b>				<b>\$514,111.44</b>

/1 This parcel has prepaid its special tax obligation and is no longer subject to the special tax.

*Goodwin Consulting Group, Inc.*

## APPENDIX C

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### *Rate and Method of Apportionment of Special Tax*

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**COUNTY OF CONTRA COSTA  
COMMUNITY FACILITIES DISTRICT NO. 2001-1  
(NORRIS CANYON)**

**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX**

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A Special Tax applicable to each Assessor's Parcel in Community Facilities District No. 2001-1 (herein "CFD No. 2001-1") shall be levied and collected according to the tax liability determined by the Board of Supervisors of the County of Contra Costa or its designee, as described below. All of the property in CFD No. 2001-1, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

**"Acre or Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final map, parcel map, or other recorded County parcel map.

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the Government Code of the State of California.

**"Administrative Expenses"** means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees and expenses of its counsel) employed in connection with any Bonds; any costs associated with the marketing or remarketing of the Bonds; the expenses of the Administrator and the County in carrying out their respective duties under any fiscal agent agreement, indenture or resolution with respect to the Bonds or CFD No. 2001-1, including, but not limited to, the levy and collection of the Special Tax, the fees and expenses of legal counsel, charges levied by the County or any division or office thereof in connection with the levy and collection of Special Taxes, audits, continuing disclosure or other amounts needed to pay arbitrage rebate to the federal government with respect to Bonds; costs associated with complying with continuing disclosure requirements; costs associated with responding to public inquiries regarding Special Tax levies and appeals; attorneys' fees and other costs associated with commencement or pursuit of foreclosure for delinquent Special Taxes; costs associated with overhead expense allocations to CFD No. 2001-1; and all other costs and expenses of the County, the Administrator, and any fiscal agent, escrow agent or trustee related to the administration of CFD No. 2001-1.

**"Administrator"** shall mean the person or firm designated by the Board to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax.

**“Annual Interest Component”** means the total amount of interest on Bonds in the calendar year commencing in such Fiscal Year.

**“Assessor's Parcel”** or **“Parcel”** means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

**“Assessor's Parcel Map”** means an official map of the County Assessor of the County of Contra Costa designating parcels by Assessor's Parcel Number.

**“Bonds”** means any bonds or other debt (as defined in Section 53317(d) of the Act), whether in one or more series, issued by CFD No. 2001-1 under the Act.

**“Board”** means the Board of Supervisors of the County of Contra Costa.

**“Capitalized Interest”** means funds in any capitalized interest account available to pay debt service on Bonds issued by CFD No. 2001-1.

**“Capitalized Interest Requirement”** means the least of: i) the Annual Interest Component, ii) the difference between the Special Tax Requirement and the amount determined pursuant to Step 1 of Section E hereof, or iii) the amount of Capitalized Interest available.

**“County”** means the County of Contra Costa.

**“Developed Property”** means Taxable Property for which a building permit for construction was issued prior to June 1 of the preceding Fiscal Year.

**“Fiscal Year”** means the period starting July 1 and ending on the following June 30.

**“Homeowners' Association Property”** means any property within the boundaries of CFD No. 2001-1 which is owned by a homeowners' or property owners' association.

**“Land Use Class”** means one of the defined land use categories for which a specific Maximum Special Tax is identified in Table 1 in Section C below.

**“Maximum Special Tax”** means the maximum amount of Special Tax, determined in accordance with Section C below, that can be levied in any Fiscal Year.

**“Other Property”** means Developed Property which is not Residential Property, Public Property, or Homeowners' Association Property.

**“Planned Units”** means the number of individual residential units that were expected to be constructed on property within CFD No. 2001-1 as shown in Attachment 1.

**“Proportionately”** means, for Residential Property and Other Property, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that

Fiscal Year is equal for all Assessor's Parcels of Residential Property and Other Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor's Parcels of Undeveloped Property. For Homeowners' Association Property and nonexempt Public Property, "Proportionately" means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor's Parcels of Homeowners' Association Property and Public Property.

**"Public Property"** means any property within the boundaries of CFD No. 2001-1 that is owned by or irrevocably offered for dedication to the federal government, State of California or other local governments or public agencies.

**"Residential Property"** means, in any Fiscal Year, any Parcel of Developed Property for the construction of a residential structure which is not Homeowners' Association Property or Public Property.

**"Special Tax"** means a special tax levied in any Fiscal Year that will be used to pay the Special Tax Requirement, as defined below.

**"Special Tax Requirement"** means the total amount needed each Fiscal Year to (i) pay principal and interest on Bonds in the calendar year commencing in such Fiscal Year, (ii) create or replenish reserve funds, (iii) cure any delinquencies in the payment of principal or interest on indebtedness of CFD No. 2001-1 which have occurred in the prior Fiscal Year or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, (iv) pay Administrative Expenses.

**"Taxable Property"** means all of the Assessor's Parcels within the boundary of CFD No. 2001-1 which are not exempt from the Special Tax pursuant to law or Section G below.

**"Tentative Map"** means the tentative map for Norris Canyon Estates approved by the Board in August 1997.

**"Undeveloped Property"** means any Parcel of Taxable Property within CFD No. 2001-1 for which a building permit has not been issued prior to June 1 of the preceding Fiscal Year.

## **B. ASSIGNMENT TO LAND USE CLASS**

Each Fiscal Year, the Administrator shall categorize each parcel of property in CFD No. 2001-1 as Developed Property or Undeveloped Property, and Parcels of Developed Property shall be further identified as either Residential Property, Other Property, Homeowners' Association Property or Public Property. For each Parcel of Other Property within the CFD, the Administrator shall determine how many Planned Units had been expected on the Parcel in order to assign the Maximum Special Tax pursuant to Section C below.



**C.     MAXIMUM SPECIAL TAX**

Pursuant to Section 53321 (d) of the Act, a Maximum Special Tax must be established as a specific dollar amount before a Parcel is first subject to the tax when in private residential use. The following maximum rates shall apply to all Parcels of Taxable Property within CFD No. 2001-1 for each Fiscal Year in which the Special Tax is collected:

<b><u>TABLE 1</u></b> <b>MAXIMUM SPECIAL TAX</b> <b>(Fiscal Year 2001-02)</b>		
<b>Land Use Class</b>	<b>Description</b>	<b>Maximum Special Tax (Fiscal Year 2001-02)</b>
1	Residential Property	\$2,100 per Parcel
2	Other Property	\$2,100 per Planned Unit of the Parcel before it became Other Property
3	Undeveloped Property	\$3,360 per Acre

Pursuant to Section 53321 (d) of the Act, the Special Tax levied against a Parcel used for private residential purposes shall under no circumstances increase more than ten percent (10%) as a consequence of delinquency or default by the owner of any other Parcel or Parcels and shall, in no event, exceed the Maximum Special Tax in effect for the Fiscal Year in which the Special Tax is being levied.

**D.     MANDATORY PREPAYMENT OF SPECIAL TAX RESULTING FROM TENTATIVE MAP REVISIONS**

It is possible that a revision in the Tentative Map could result in less Special Tax revenue being available from the CFD. To preclude this result, after CFD No. 2001-1 has been formed, the County shall apply the following steps for every proposed Tentative Map revision:

***Step 1:***           The County or its designee shall calculate the Maximum Special Tax revenues that could be collected from the property affected by the proposed Tentative Map revision (the “Affected Property”) prior to the revision being approved;

- Step 2:** The County or its designee shall calculate the Maximum Special Tax revenues that could be collected from the Affected Property if the Tentative Map revision is approved;
- Step 3:** If the amount determined in Step 2 is higher than that calculated in Step 1, the Tentative Map revision may be approved without prepayment of the Special Tax. If the revenues calculated in Step 2 are less than those calculated in Step 1, the County may not approve the Tentative Map revision unless the landowner requesting the Tentative Map revision prepays a portion of the Special Tax obligation that would have applied to the Affected Property prior to approval of the revision in an amount sufficient to retire a portion of the Bonds and maintain 110% coverage on the Bonds' debt service with the reduced Maximum Special Tax revenues that will result after the Tentative Map revision is approved. The required prepayment shall be calculated using the formula set forth in Section H below. Property owners wishing to prepay the Special Tax as a result of a Tentative Map revision cannot be delinquent on past Special Taxes on the Affected Property.

**E. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX**

Commencing with Fiscal Year 2001-02 and for each following Fiscal Year, the Administrator shall determine the Special Tax Requirement for that Fiscal Year. The Special Tax shall then be levied as follows:

- Step 1:** The Special Tax shall be levied Proportionately on each Parcel of Residential Property and Other Property up to 100% of the Maximum Special Tax up to the Special Tax Requirement for each Land Use Class for such Fiscal Year as determined pursuant to Section C. The Maximum Special Tax for a Parcel of Other Property shall be the total Maximum Special Taxes for the Planned Units that the Other Property replaced, as determined by the Administrator;
- Step 2:** Determine the Capitalized Interest Requirement, if any, and add it to the amount levied under Step 1;
- Step 3:** If the total of the Capitalized Interest Requirement and the amount levied under Step 1 is less than the Special Tax Requirement, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Special Tax for Undeveloped Property for such Fiscal Year determined pursuant to Section C;
- Step 4:** If additional monies are needed after applying the first three steps, the Special Tax shall be levied Proportionately on each Parcel of Homeowners' Association Property and Public Property which originally had Planned Units, up to 100% of the Maximum Special Tax for Undeveloped Property for such Fiscal Year determined pursuant to Section C.

## **F. MANNER OF COLLECTION**

The Special Taxes for CFD No. 2001-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section H below (and may be required in the case of Tentative Map revisions) and provided further that the County may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner, and may collect delinquent Special Taxes through foreclosure or other available methods.

The Special Tax shall be levied and collected until principal and interest on Bonds have been repaid and authorized facilities to be constructed directly from Special Taxes proceeds have been completed. However, in no event shall a Special Taxes be levied after Fiscal Year 2039-2040.

## **G. EXEMPTIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on Public Property, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act.

## **H. PREPAYMENT OF SPECIAL TAX**

The following definitions apply to this Section H:

**"Future Facilities Costs"** means the Public Facilities Requirements (as defined below) minus public facility costs funded by Previously Issued Bonds, interest earnings on the construction fund actually earned prior to the date of prepayment, Special Taxes, developer equity, and/or any other source of funding.

**"Outstanding Bonds"** means all Previously Issued Bonds which remain outstanding, with the following exception: if a Special Tax has been levied against, or already paid by, an Assessor's Parcel making a prepayment, and a portion of the Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of **"Outstanding Bonds"** for purposes of this prepayment formula.

**"Previously Issued Bonds"** means all Bonds that have been issued by CFD No. 2001-1 prior to the date of prepayment.

**"Public Facilities Requirements"** means either \$5,900,000 in 2001 dollars, which shall increase by three percent (3%) on January 1, 2002, and on each January 1 thereafter, or such lower number as shall be determined by the County as sufficient to fund public facilities to be provided by CFD No. 2001-1 under the authorized bonding program for CFD No. 2001-1.

The Special Tax obligation applicable to an Assessor's Parcel in CFD No. 2001-1 may be prepaid and the obligation of the Assessor's Parcel to pay the Special Tax permanently satisfied as described herein, provided that a prepayment may be made only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the County with written notice of intent to prepay. Within 30 days of receipt of such written notice, the County shall notify such owner of the prepayment amount of such Assessor's Parcel. Prepayment must be made not less than 75 days prior to any interest payment date for Bonds to be redeemed with the proceeds of such prepaid Special Taxes.

The Prepayment Amount shall be calculated as follows (capitalized terms as defined below):

	Bond Redemption Amount
plus	Future Facilities Amount
plus	Redemption Premium
plus	Defeasance
plus	Administrative Fees and Expenses
<u>less</u>	<u>Reserve Fund Credit</u>
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

- Step 1:** Compute the total Maximum Special Tax that could be collected from the Assessor's Parcel prepaying the Special Tax in the Fiscal Year in which prepayment would be received by the County.
- Step 2:** Divide the Maximum Special Tax computed pursuant to Step 1 for such Assessor's Parcel by the lesser of (i) the Maximum Special Tax revenues that could be collected in that Fiscal Year from property in the entire CFD, or (ii) the Maximum Special Tax revenues that could be generated at buildout of property in the CFD based on anticipated land uses at the time the prepayment is calculated.
- Step 3:** Multiply the quotient computed pursuant to Step 2 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid. (*the "Bond Redemption Amount"*).
- Step 4:** Compute the current Future Facilities Costs.
- Step 5:** Multiply the quotient computed pursuant to Step 2 by the amount determined pursuant to Step 4 to compute the amount of Future Facilities Costs to be prepaid (*the "Future Facilities Amount"*).

- Step 6:** Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (*the "Redemption Premium"*).
- Step 7:** Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment has been received until the earliest redemption date for the Outstanding Bonds. However, if Bonds are callable at the first interest payment date after the prepayment has been received, Steps 7, 8 and 9 of this prepayment formula will not apply.
- Step 8:** Compute the amount of interest the County reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.
- Step 9:** Take the amount computed pursuant to Step 7 and subtract the amount computed pursuant to Step 8 (*the "Defeasance"*).
- Step 10:** The administrative fees and expenses of CFD No. 2001-1 are as calculated by the County and include the costs of computation of the prepayment, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (*the "Administrative Fees and Expenses"*).
- Step 11:** A reserve fund credit shall be calculated as the reduction, if any, in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (*the "Reserve Fund Credit"*).
- Step 12:** The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 5, 6, 9, and 10, less the amount computed pursuant to Step 11 (*the "Prepayment Amount"*).

## **APPENDIX D**

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### ***Boundary Map of Community Facilities District No. 2001-1***

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# EXHIBIT "A"

## PROPOSED BOUNDARIES OF COUNTY OF CONTRA COSTA COMMUNITY FACILITIES DISTRICT NO. 2001-1

(NORRIS CANYON)  
CONTRA COSTA COUNTY, CALIFORNIA  
APRIL, 2001 SCALE 1"=500'



**BASIS OF BEARING**  
THE BASIS OF BEARING SHOWN HEREON ARE BASED UPON TWO FOUND COUNTY LINE MONUMENTS TYPE "B" #70 & #70-1 AS SHOWN ON THE PARCEL MAP OF SUBDIVISION M-S 135-74 RECORDED IN BOOK 41 OF PARCEL MAPS AT PAGE 21 THE BEARING BEING N 44°35'45" W CALIFORNIA COORDINATE SYSTEM, ZONE 3, (CCS 27).

1. FILED IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

CLERK OF THE BOARD OF SUPERVISORS

2. I HEREBY CERTIFY THAT THE MAP SHOWING PROPOSED BOUNDARIES OF COUNTY OF CONTRA COSTA COMMUNITY FACILITIES DISTRICT NO. 2001-1 (NORRIS CANYON), COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA, AT A MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001, BY ITS RESOLUTION NO. \_\_\_\_\_.

CLERK OF THE BOARD OF SUPERVISORS

3. I FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER AT THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

STEPHEN L. MOIR  
COUNTY RECORDER

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

LINE TABLE			LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	17.34	N00°23'07"E	L56	236.73	N10°56'22"E
L2	34.46	N74°48'30"E	L57	448.57	N02°54'58"W
L3	108.33	N54°04'31"E	L58	262.30	N02°54'58"W
L4	27.80	N44°40'30"E	L59	178.30	N70°43'02"E
L5	457.37	N08°22'36"E	L60	15.00	N42°21'50"E
L6	85.18	N21°28'17"E	L61	15.00	N07°53'48"E
L7	86.37	N10°21'36"E	L62	183.66	N08°38'44"E
L8	82.11	N50°45'47"E	L63	13.78	N08°38'44"E
L9	86.82	N07°48'27"E	L64	183.77	N08°38'44"E
L10	86.26	N08°18'47"E	L65	148.47	N48°24'43"E
L11	165.75	N05°48'40"E	L66	181.30	N13°43'26"E
L12	27.39	N05°18'06"E	L67	86.45	N05°18'06"E
L13	322.68	N02°40'45"E	L68	78.10	N05°18'06"E
L14	978.18	N07°10'27"E	L69	124.35	N08°04'56"E
L15	157.61	N04°10'34"E	L70	130.88	N08°04'56"E
L16	180.10	N03°12'00"E	L71	83.14	N08°04'56"E
L17	203.10	N02°40'30"E	L72	224.05	N18°25'40"E
L18	89.45	N04°35'30"E	L73	83.36	N18°25'40"E
L19	56.43	N07°18'45"E	L74	138.46	N14°42'57"E
L20	157.23	N03°11'28"E	L75	185.19	N04°10'34"E
L21	218.87	N07°40'17"E	L76	115.62	N05°18'06"E
L22	211.01	N09°40'04"E	L77	128.71	N05°18'06"E
L23	136.44	N45°52'36"E	L78	128.71	N05°18'06"E
L24	140.05	N02°44'04"E	L79	408.27	N08°22'46"E
L25	22.87	N50°41'40"E	L80	151.76	N11°18'56"E
L26	80.27	N76°31'05"E	L81	155.23	N50°17'21"E
L27	248.13	N02°30'58"E	L82	211.60	N11°21'06"E
L28	408.20	N41°25'03"E	L83	121.23	N05°18'06"E
L29	484.72	N00°21'44"E	L84	15.67	N15°40'13"E
L30	365.03	N33°50'58"E	L85	53.88	N07°37'54"E
L31	155.78	N01°30'51"E	L86	80.25	N50°00'00"E
L32	228.14	N07°50'28"E	L87	78.51	N48°21'18"E
L33	152.60	N08°48'12"E	L88	68.31	N10°04'21"E
L34	209.94	N32°50'40"E	L89	33.08	N07°50'17"E
L35	283.97	N01°23'48"E	L90	125.58	N08°04'56"E
L36	87.40	N08°23'17"E	L91	78.77	N03°08'13"E
L37	286.77	N77°28'02"E	L92	502.88	N57°08'13"E
L38	135.67	N07°24'30"E	L93	17.73	N05°18'06"E
L39	270.88	N09°48'11"E	L94	251.78	N08°21'43"E
L40	161.28	N07°01'20"E	L95	115.52	N24°38'13"E
L41	376.42	N75°56'25"E	L96	128.13	N04°57'20"E
L42	281.86	N42°31'11"E	L97	181.51	N05°18'06"E
L43	285.41	N07°48'30"E	L98	162.73	N07°18'06"E
L44	76.03	N04°32'06"E	L99	28.33	N04°10'34"E
L45	32.00	N04°08'28"E	L100	56.05	N08°28'58"E
L46	7.41	N05°30'00"E	L101	73.91	N70°08'50"E
L47	111.98	N05°13'51"E	L102	4.31	N04°02'50"E
L48	151.28	N02°48'27"E	L103	281.08	N48°21'18"E
L49	54.81	N07°56'17"E	L104	258.36	N02°13'01"E
L50	83.47	N08°11'29"E	L105	236.03	N77°41'53"E
L51	111.69	N48°58'18"E	L106	83.00	N48°58'18"E
L52	290.51	N61°24'19"E	L107	215.40	N04°46'50"E
L53	179.06	N50°15'40"E	L108	36.77	N02°50'26"E
L54	143.17	N33°42'00"E	L109	32.00	N02°50'26"E
L55	106.58	N48°22'58"E	L110	48.00	N70°25'22"E
L56	103.48	N68°21'09"E	L111	181.28	N04°11'48"E
L57	186.61	N74°28'19"E	L112	34.37	N05°30'00"E
			L113	1.39	N70°25'22"E
			L114	229.80	N70°25'22"E
			L115	142.00	N05°32'24"E
			L116	75.00	N41°58'17"E

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	242°43'	867.00	368.15
C2	18°40'18"	233.00	75.83
C3	30°22'53"	333.00	182.64
C4	31°46'36"	167.00	92.64
C5	88°32'04"	45.00	54.91
C6	10°01'13"	723.00	100.05
C7	16°34'28"	192.00	56.89
C8	82°45'20"	1482.00	218.89
C9	28°46'25"	192.00	68.78
C10	85°22'22"	78.00	116.22
C11	12°47'45"	484.00	115.84
C12	1°40'56"	518.00	15.15
C13	112°01'21"	17.50	34.23
C14	1°50'27"	575.00	17.89
C15	84°30'56"	25.00	36.88
C16	18°28'33"	231.00	80.72
C17	27°14'35"	344.00	183.36
C18	80°12'54"	212.00	74.80
C19	83°37'48"	688.00	72.56
C20	64°37'11"	192.00	217.66
C21	80°30'35"	163.00	230.23
C22	31°28'37"	534.00	728.34
C23	8°30'26"	201.00	33.36
C24	1°18'58"	308.00	106.80
C25	8°18'08"	53.00	7.68
C26	26°11'45"	123.00	163.57
C27	11°41'52"	45.00	89.74
C28	72°28'38"	138.00	170.68
C29	7°30'22"	165.00	22.00
C30	10°18'56"	224.00	40.70

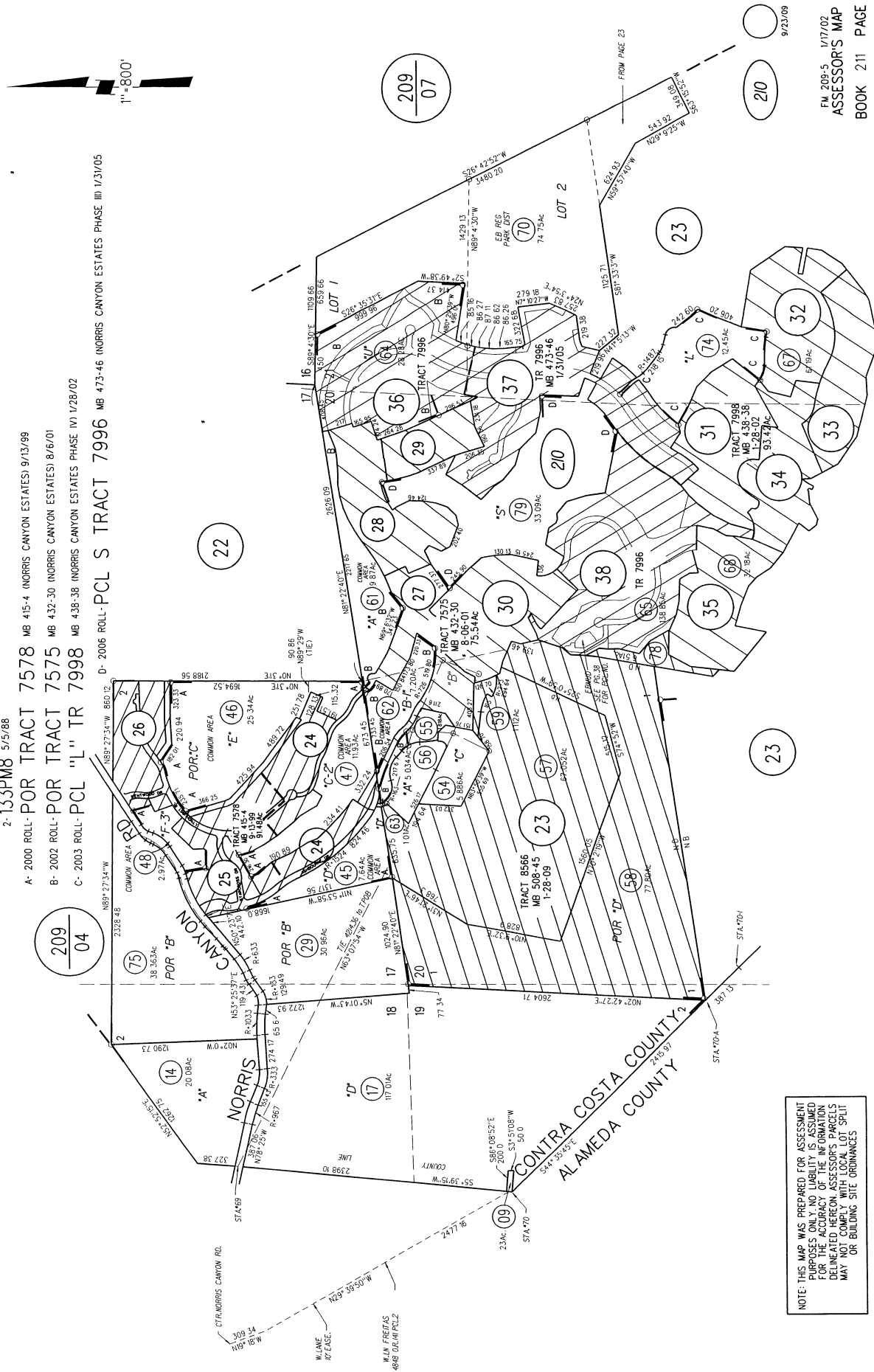
## **APPENDIX E**

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*Assessor's Parcel Maps for  
Fiscal Year 2010-11*

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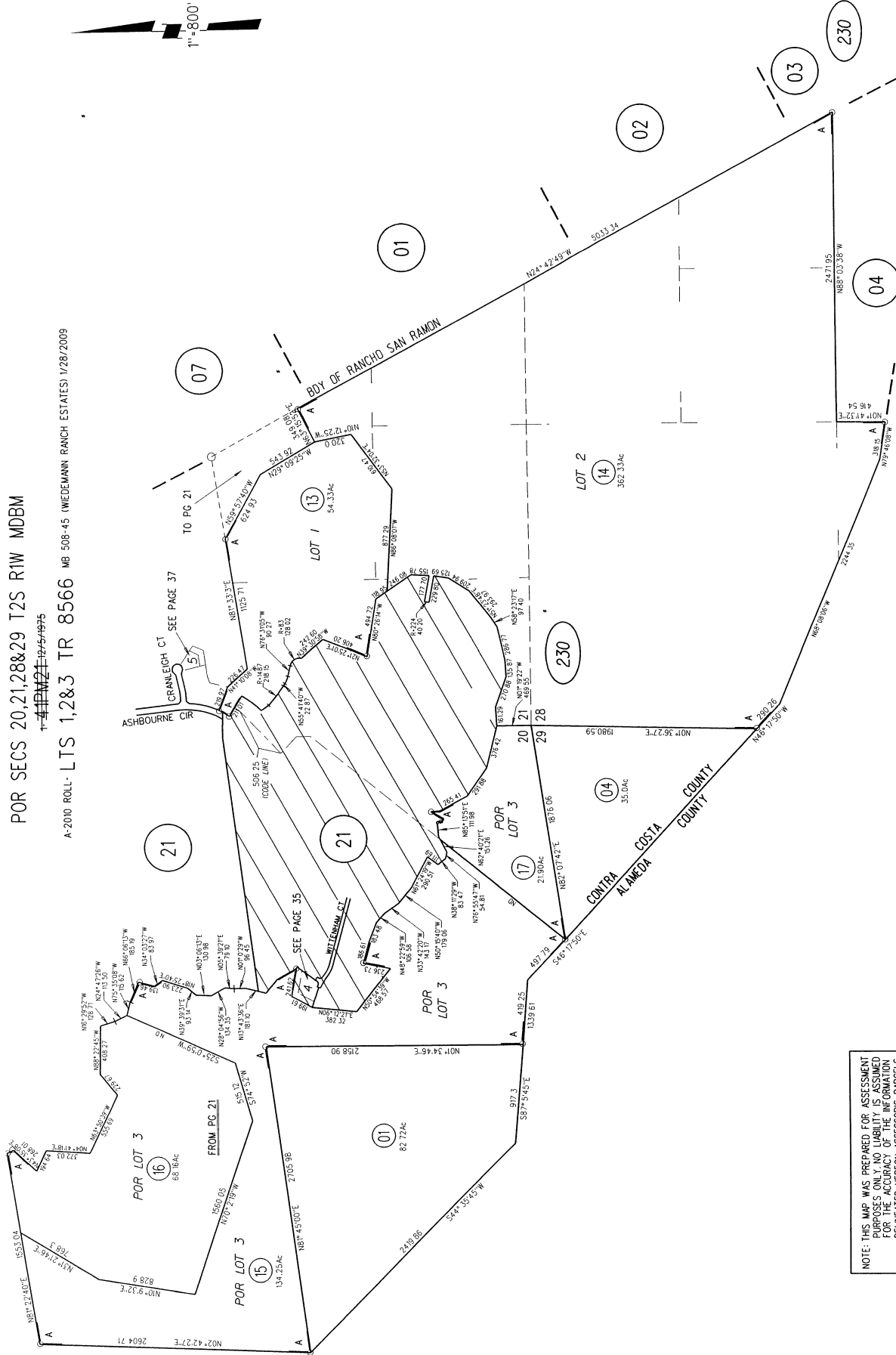




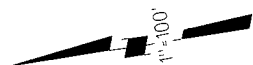
POR SECS 20,21,28&29 T2S R1W MDBM

12/25/1995

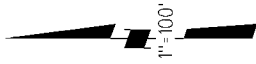
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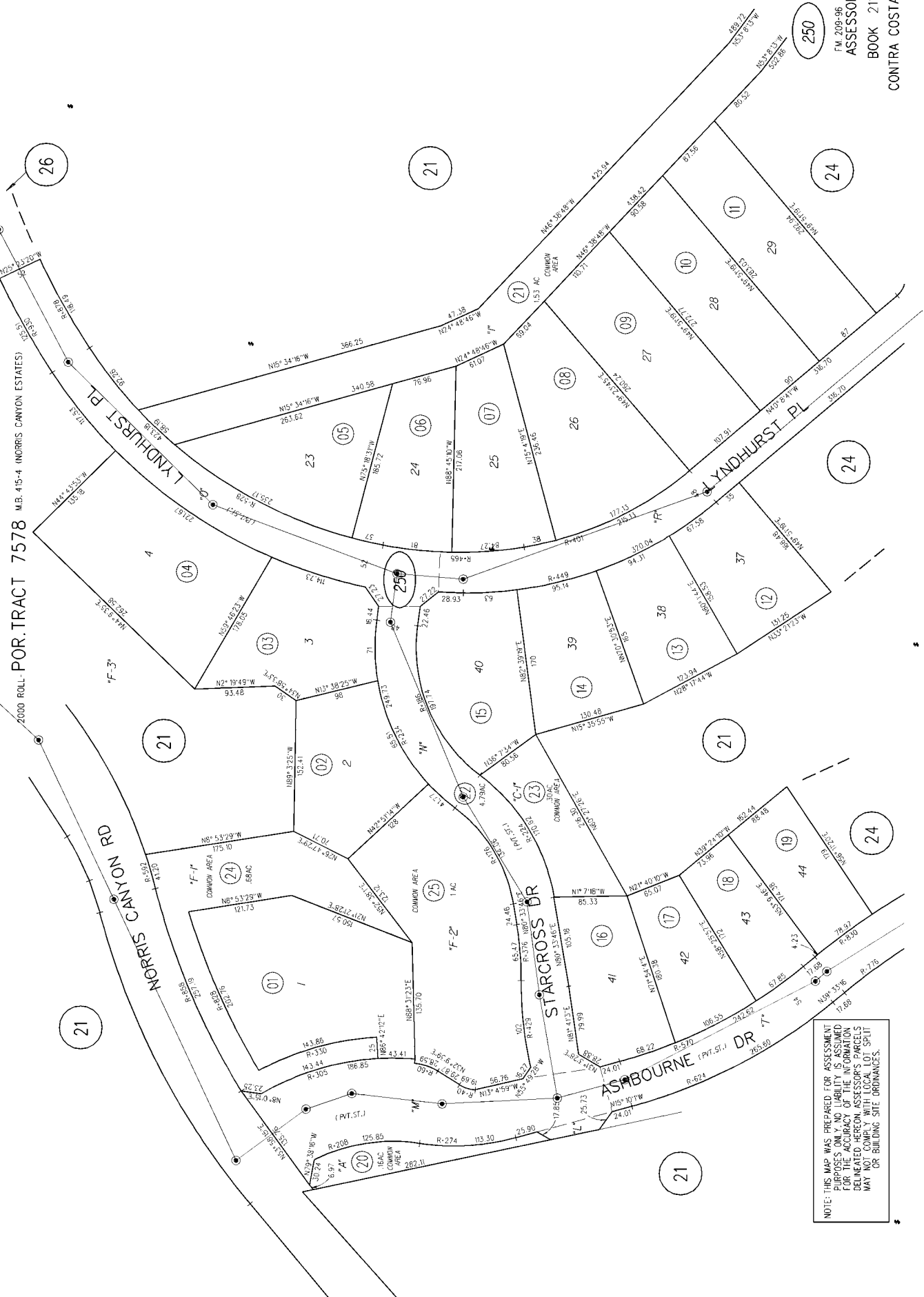
NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.



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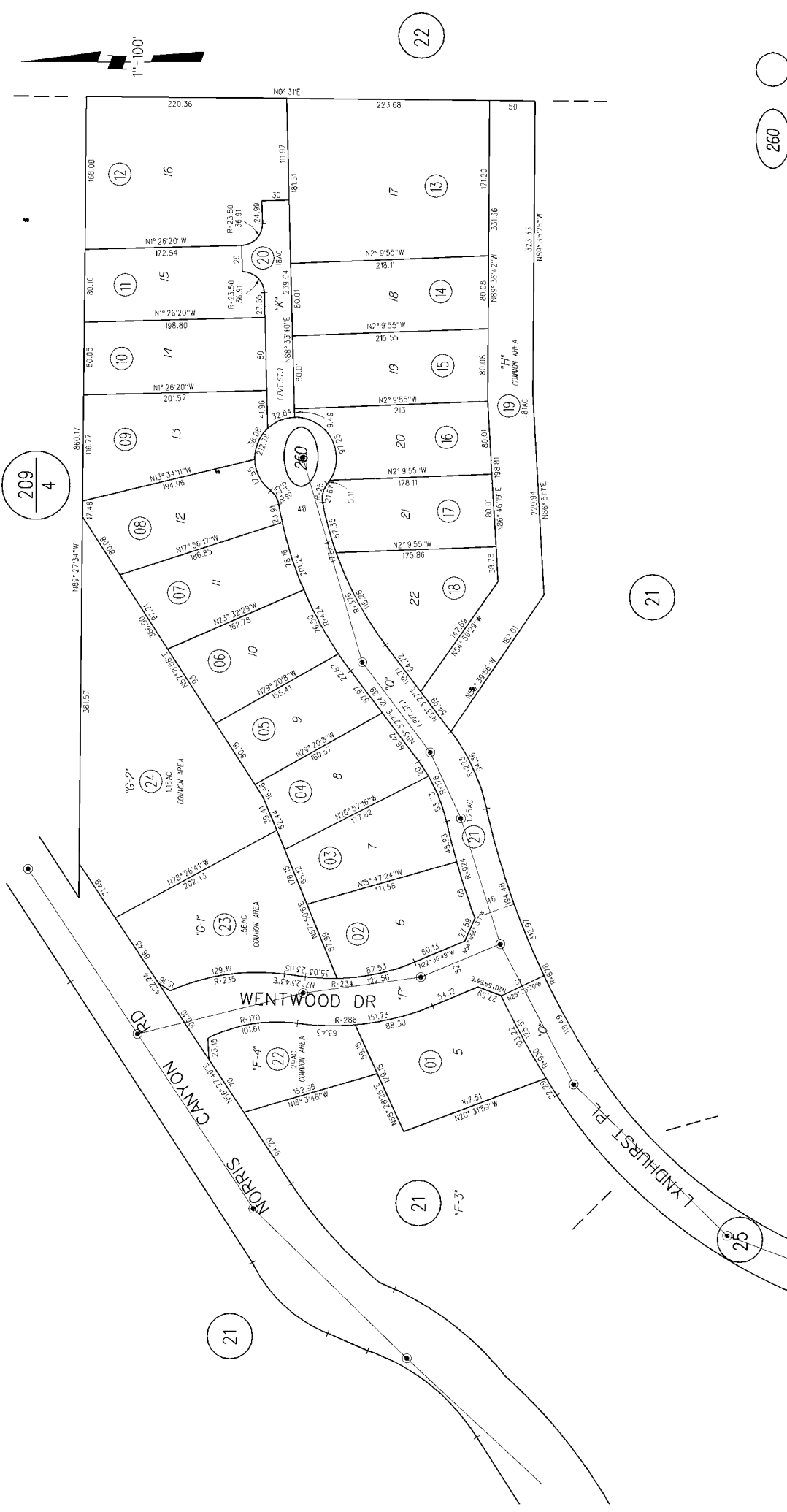
2000 ROLL-POR. TRACT 7578 M.B. 415-4 (NORRIS CANYON ESTATES)



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. IT IS NOT TO BE USED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT MAY OR BUILDING SITE ORDINANCES.

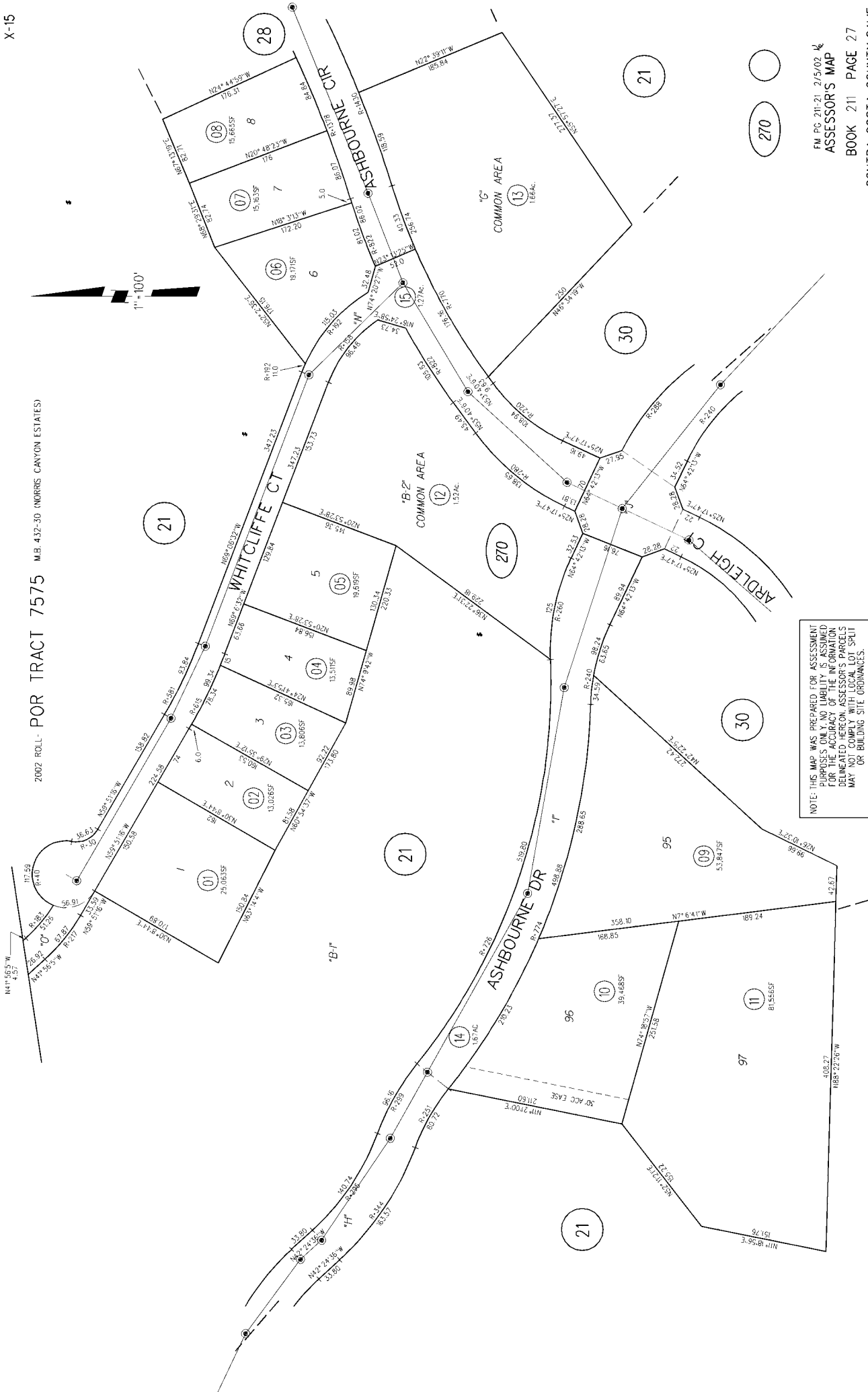
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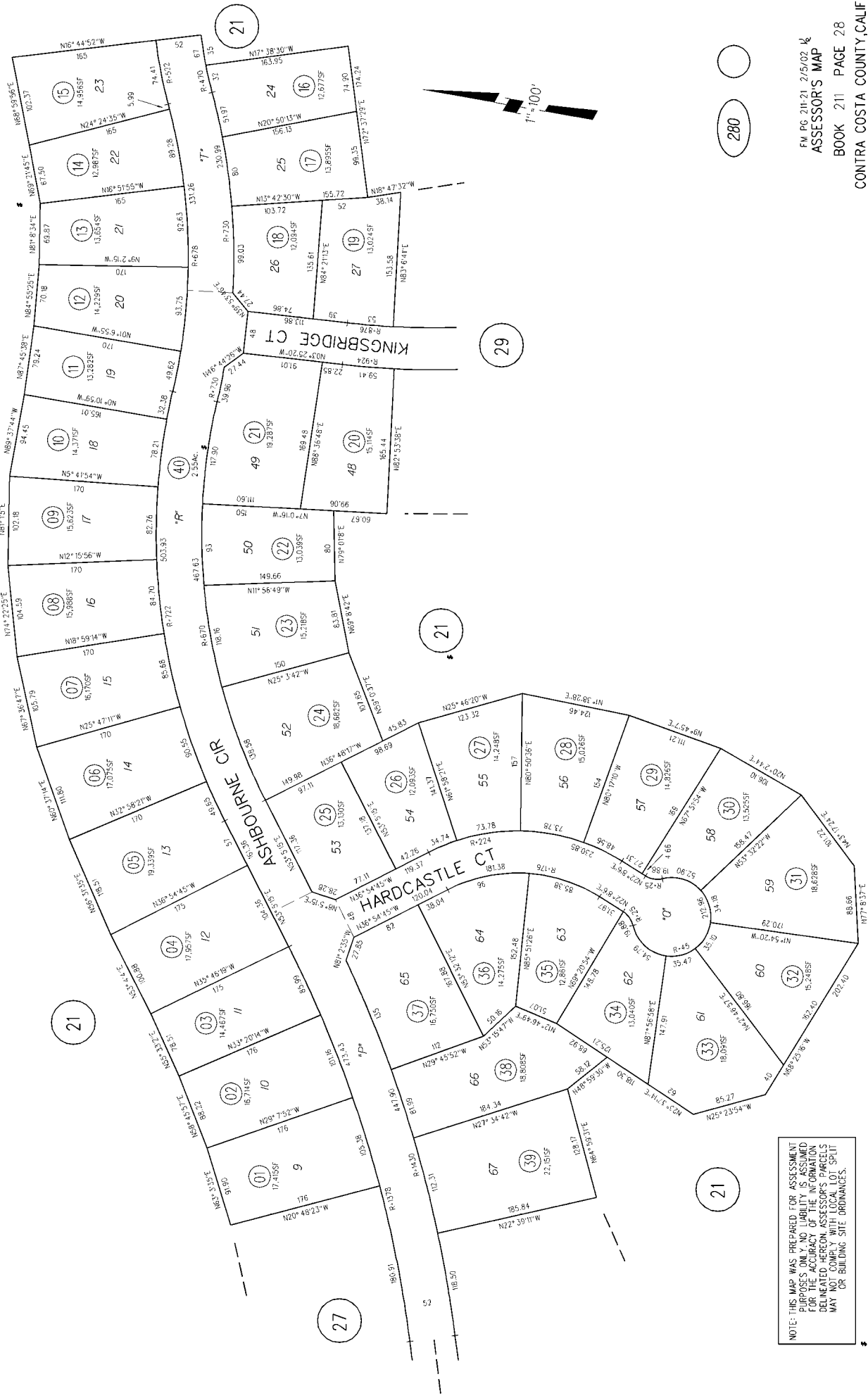
NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. IT IS NOT TO BE USED FOR THE ACQUISITION OF ANY RIGHTS OR INTERESTS IN REAL PROPERTY. THE INFORMATION DELINEATED HEREON/ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING/SITE ORDINANCES.

2002 ROLL - POR TRACT 7575 M.B. 432-30 (NORRIS CANYON ESTATES)

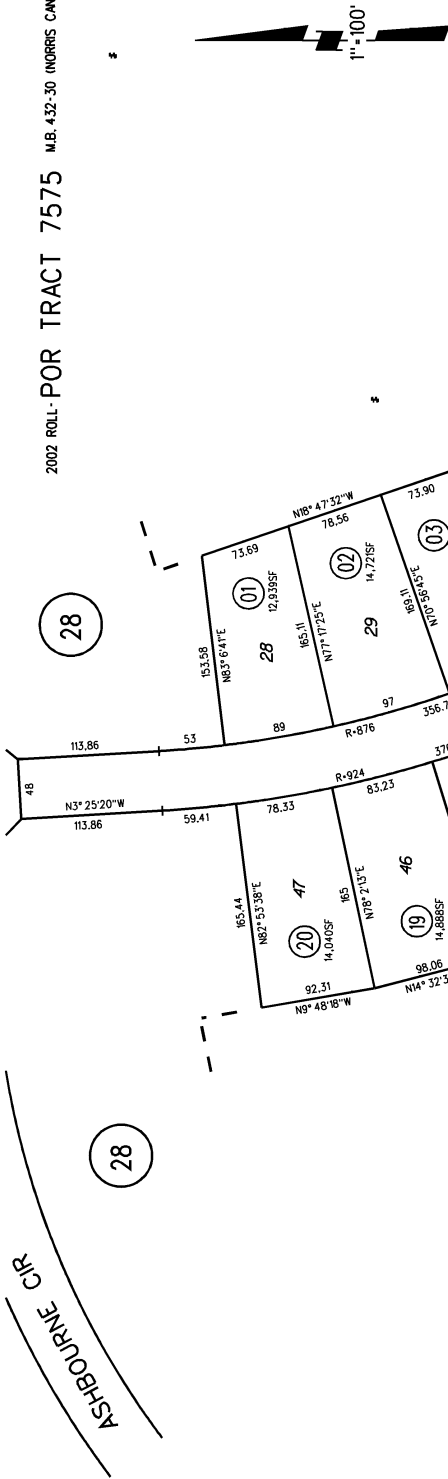


NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

2002 ROLL - POR TRACT 7575 M.B. 432-30 INORRIS CANYON ESTATES



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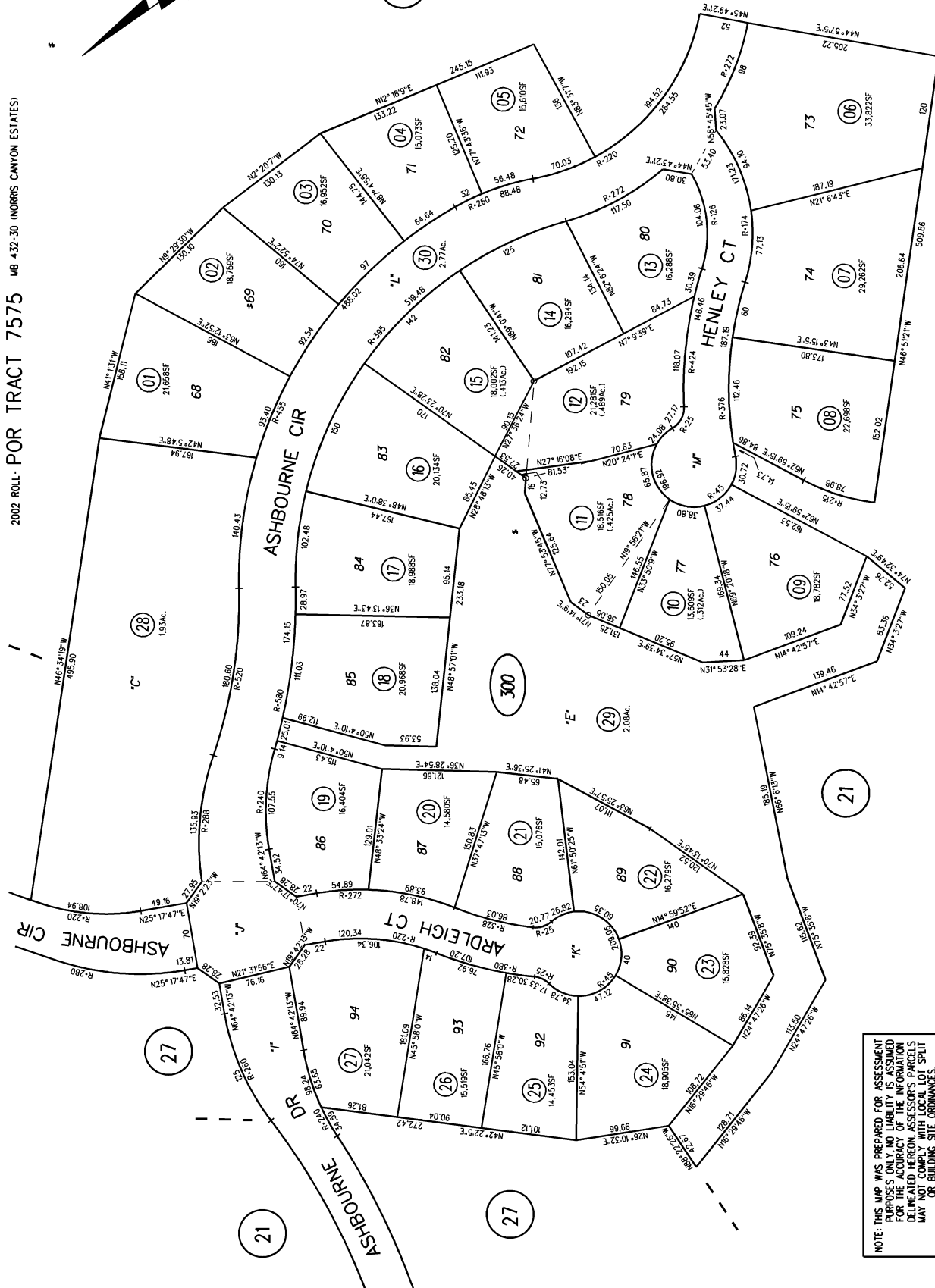
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11/10/04

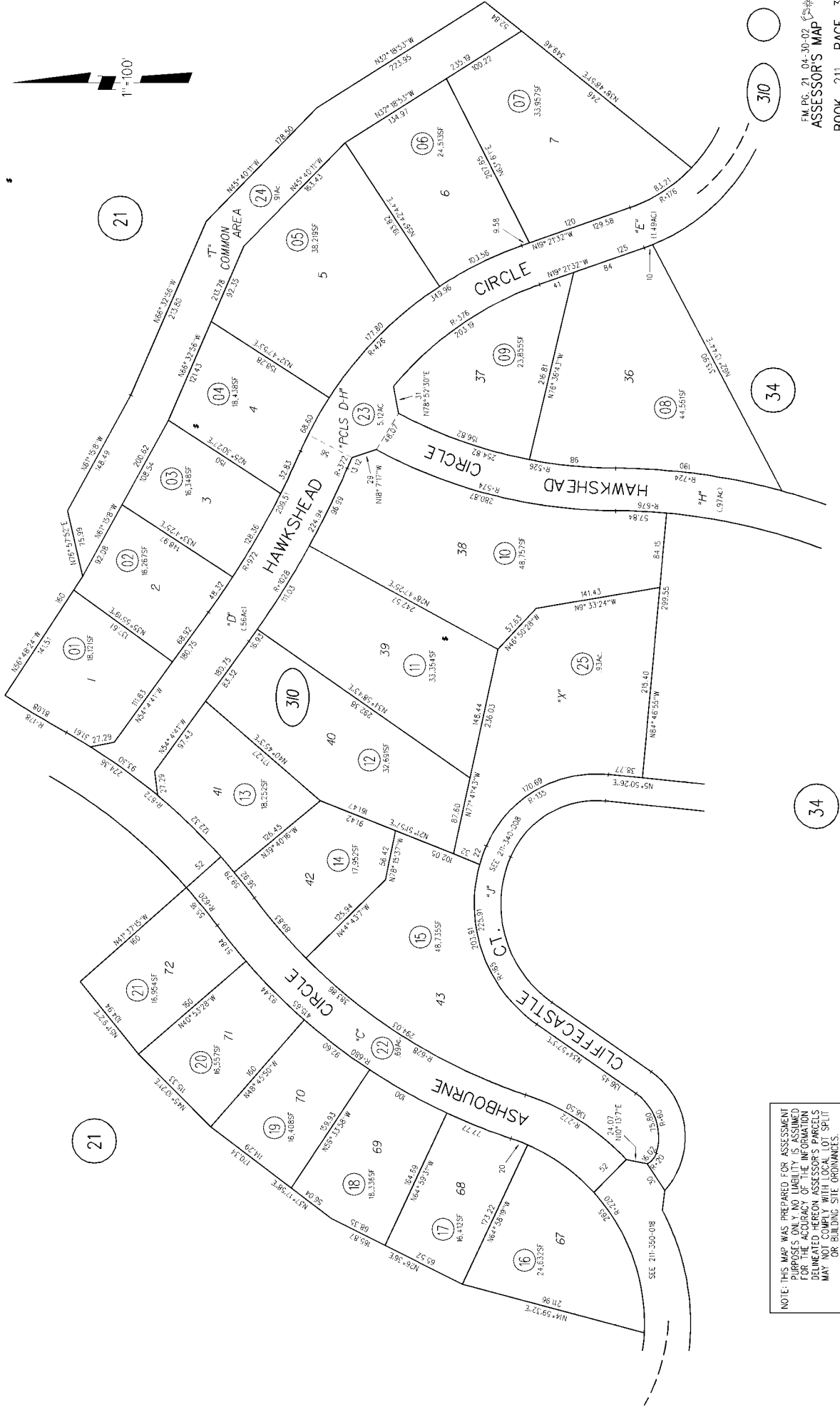
1/27/05



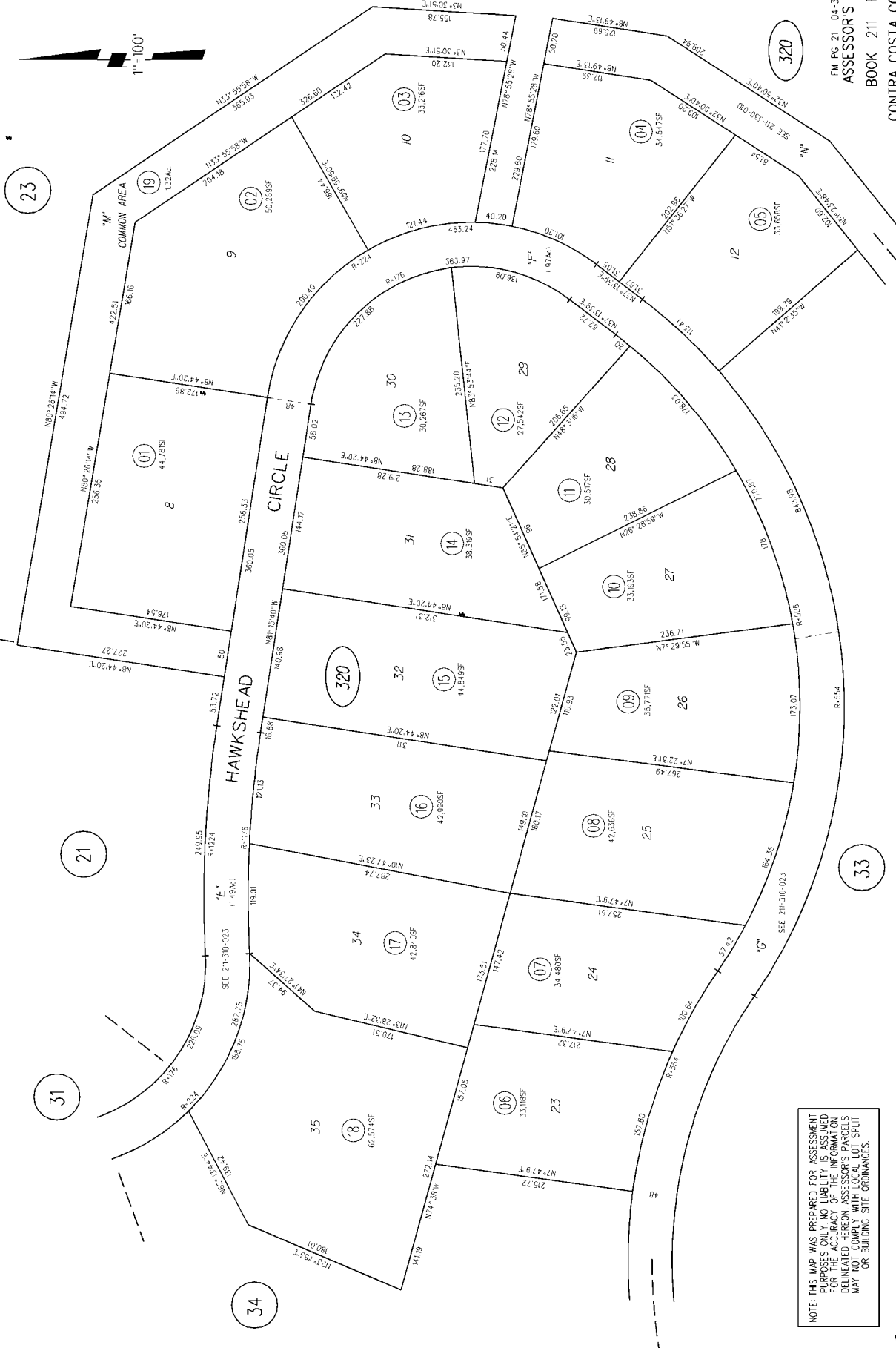
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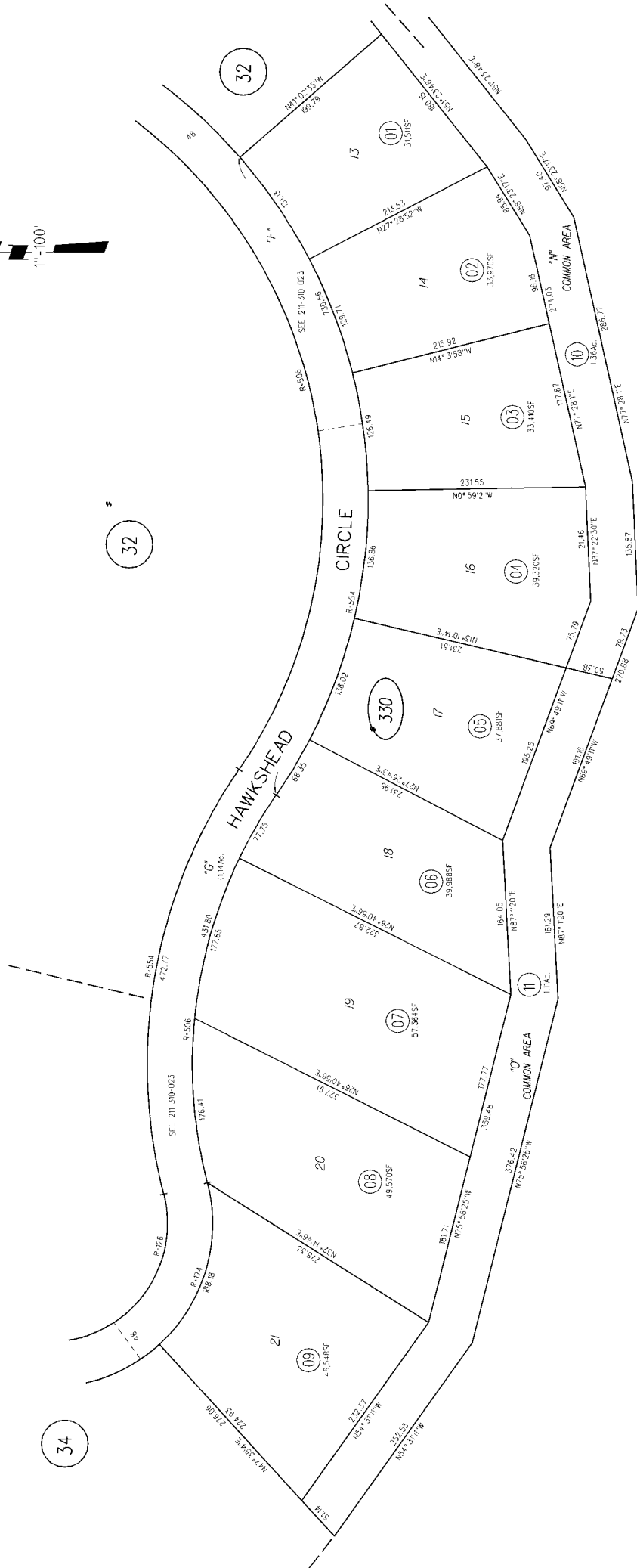


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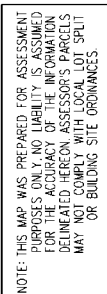


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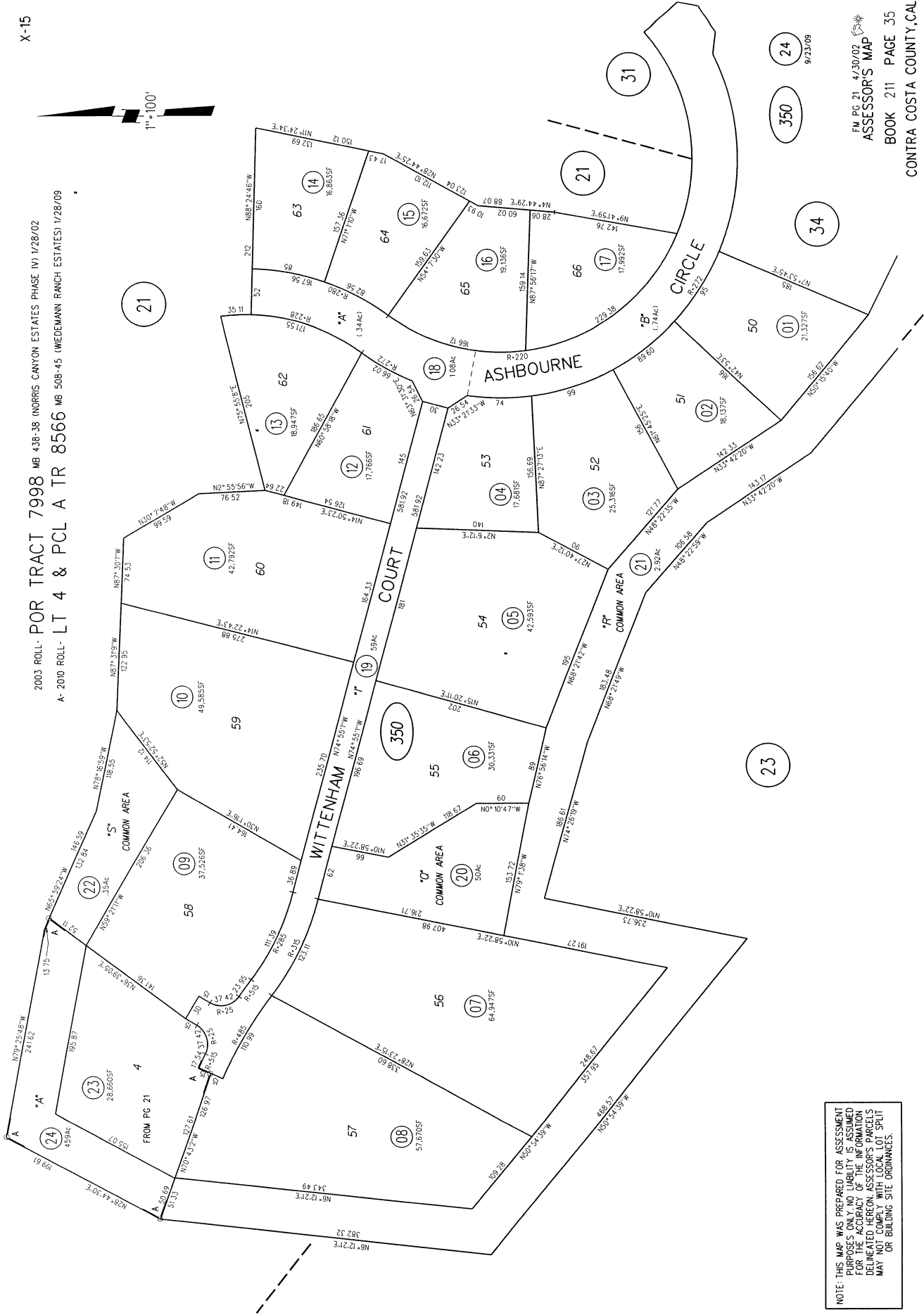
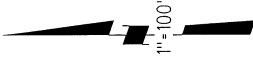




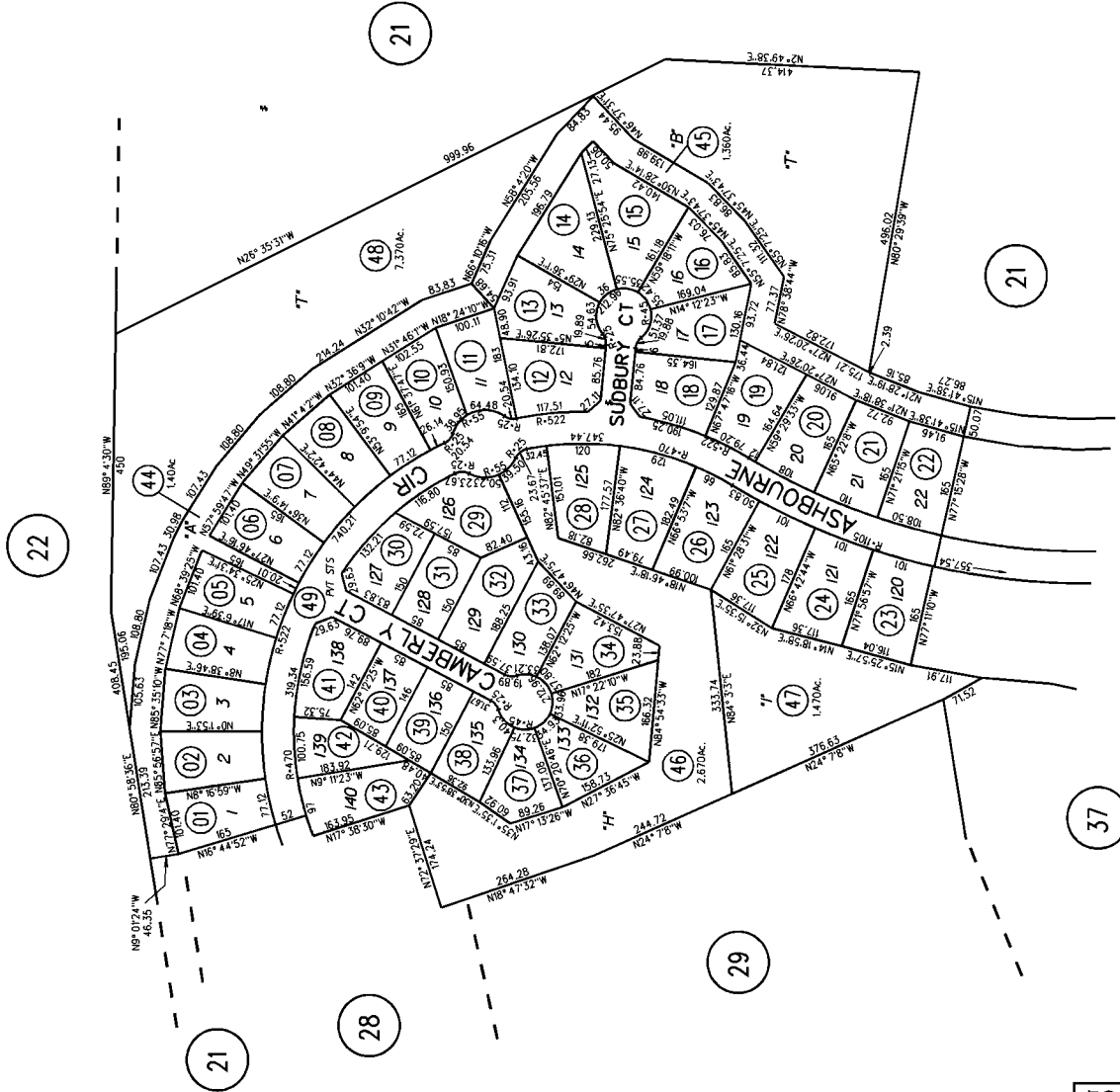
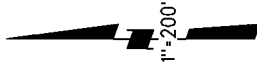
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2003 ROLL- POR TRACT 7998 MB 438-38 (NORRIS CANYON ESTATES PHASE IV) 1/28/02  
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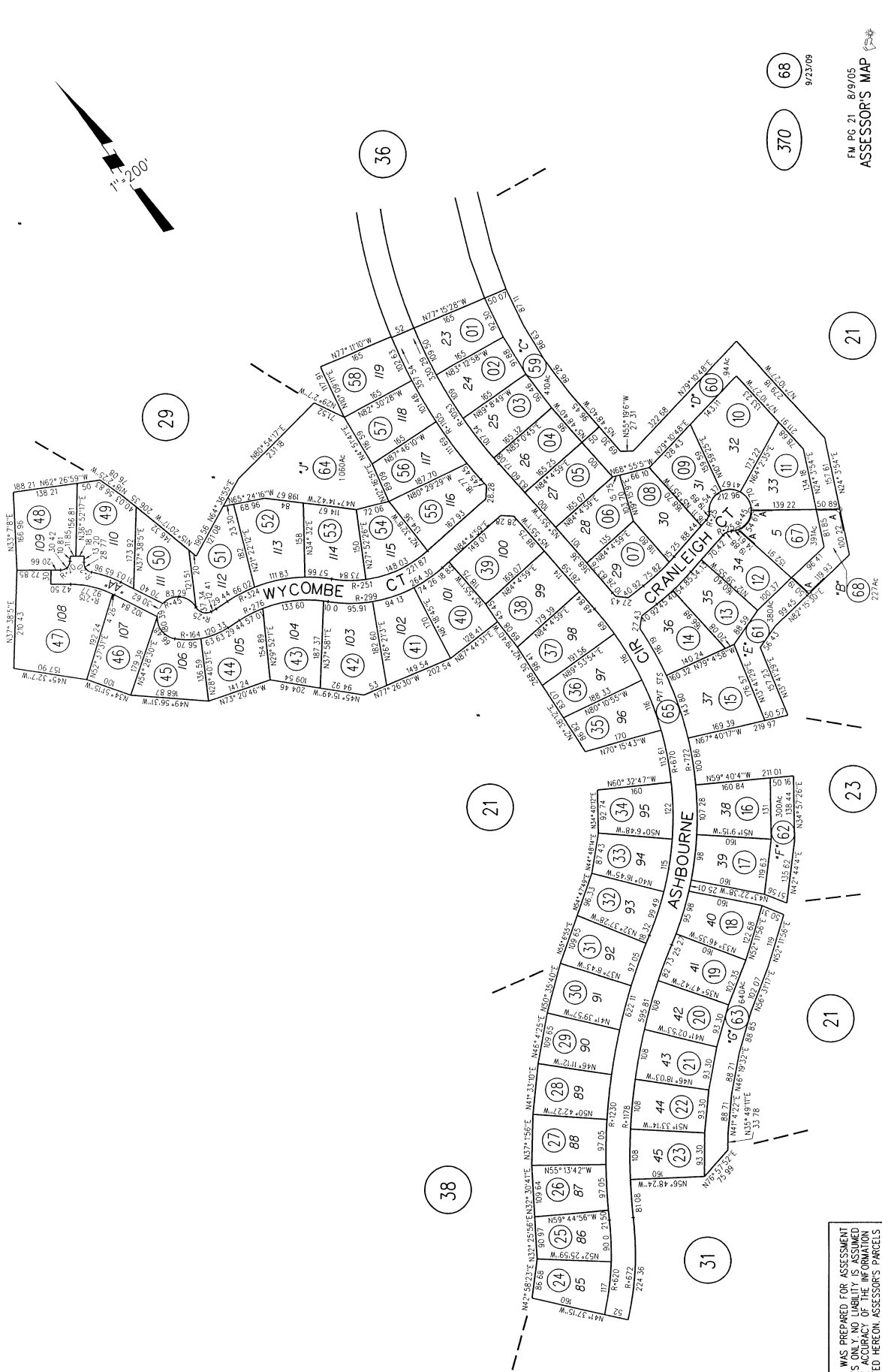
NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. THE INFORMATION CONTAINED HEREON IS NOT A GUARANTEE OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT MAY OR BUILDING SITE ORDINANCES.



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OR THE INFORMATION CONTAINED HEREIN. THE INFORMATION IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS PREPARED. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL GOVERNMENT OR BUILDING SITE ORIGINATOR.

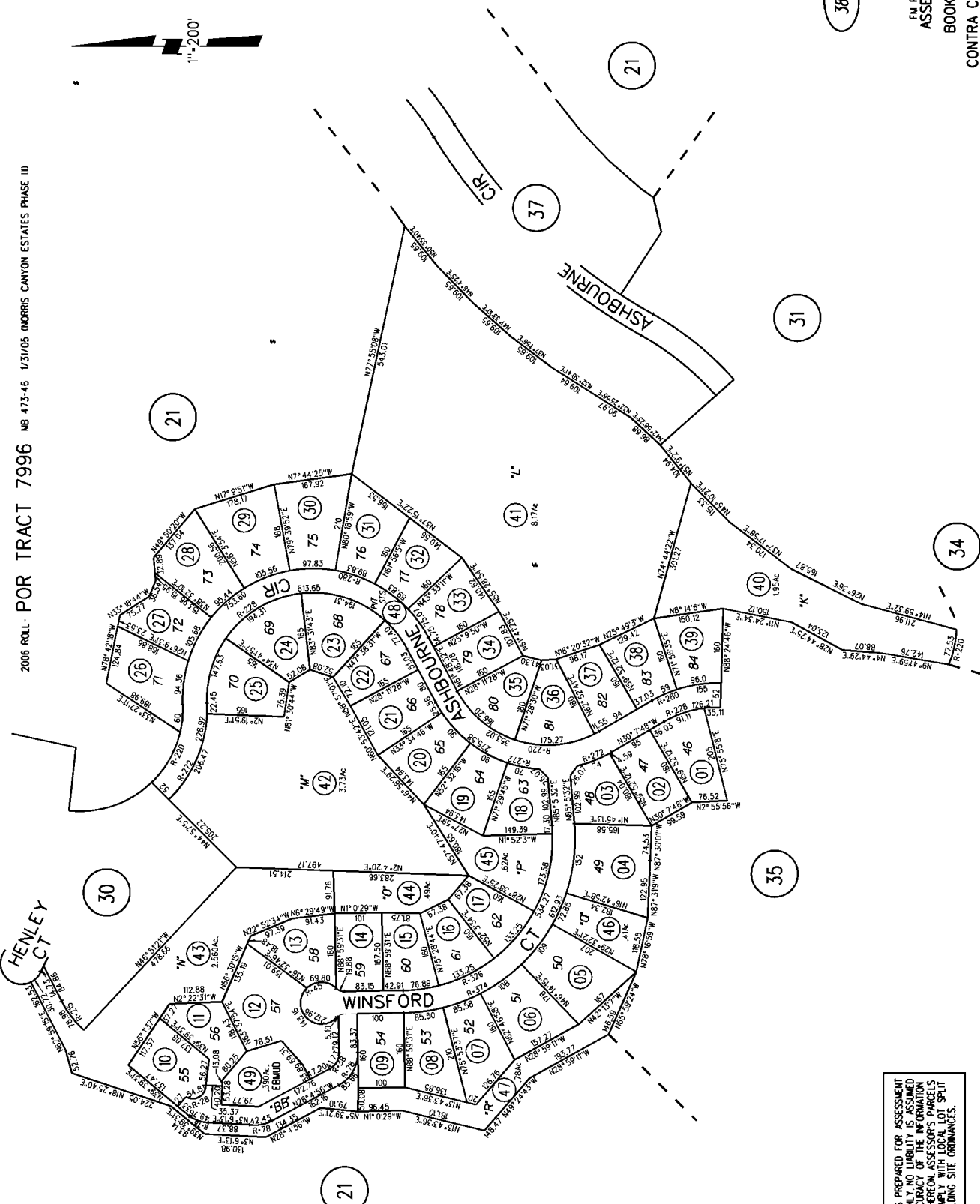
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2006 ROLL - POR TRACT 7996 MB 473-46 (NORRIS CANYON ESTATES PHASE III) 1/31/05  
 A-2010 ROLL - LT 5 & PCL B TR 8566 MB 508-45 (WIEDEMANN RANCH ESTATES) 1/28/09



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# Contra Costa County

To: Board of Supervisors  
From: Cathy Sanford  
Date: January 25, 2011

Subject: Library Commission 2010 Annual Report and 2011 Work Plan

---

## **RECOMMENDATION(S):**

ACCEPT the Contra Costa County Library Commission 2010 Annual Report and 2011 Work Plan, to satisfy the Advisory Body Annual Report requirement issued by the Contra Costa County Board of Supervisors on June 18, 2002, Resolution No. 2002/377.

## **FISCAL IMPACT:**

None.

## **BACKGROUND:**

Library Commission meets on the 4th Thursday of alternating Months. Library Administration, 75 Santa Barbara Road, Pleasant Hill, CA 94523.

Commission: Carol Brown, Chair; Joyce Atkinson, Vice-Chair; Staff: Cathy Sanford, Deputy County Librarian

The attached report was developed by the Library Commission and highlights the Commission's activities, work plan, goals and objectives.



APPROVE



OTHER



RECOMMENDATION OF CNTY  
ADMINISTRATOR



RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011**



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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: 925-646-6423

cc:

CONSEQUENCE OF NEGATIVE ACTION:

None.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Report

# Library Commission 2010Annual Report and 2011 Work Plan

## Activities

- Commissioners:
  - Provided information and reports to Library Friends, foundations, and community library commissions about library activities.
  - Provided information and reports as liaisons to the appointing agencies.
  - Frequently served as board members and officers of Library Friends, foundations, endowments, and community library commissions and are involved in Friends membership recruitments, fundraising activities for community libraries, book sale volunteers, and assist with library programming including: city read programs, the annual Countywide Summer Reading Festival, and youth activities.
  - Through the tireless letter-writing and concerted action of some commissioners, the Public Library Foundation and State Library funding was not further reduced by the State budget.
  - Promoted the Contra Costa County Library by participating in community parades, informational booths at community festivals and events, attended library programs and fundraising events.
  - Held informational exchange meetings with Community Library Managers.
  - Received reports and updates, discussed and provided significant input on the Library's major issues and initiatives: budget and responsibility for library facility/property management.
    - Reviewed auditor's report and the Library's response to the audit.
    - Received an update on the Library's Web 2.0 Library services and system upgrade and the Library's Snap&Go program that uses QR Codes.
    - Received an e-commerce report (fines can be paid online).
    - Reviewed the final report on the Board of Supervisors Sunset Review Process for all advisory bodies.
    - Received a presentation from the Library's Accessibility Committee.
  - Advocate for improved library services:
    - During CLA (California Library Association) Day in the District on April 23 and May 7, 2010 and met with Senators DeSaulnier and Hancock, and Assembly member Buchannan.
    - Wrote letters to the editors and articles to local newspapers about library budget issues, services and activities.
    - Communicated Library concerns and activities to city staff and council members.
  - Commissioner Tang (Chair, Concord)
    - Encouraged Library Commissioners to attend the 2010 California Library Association's Day in the District and Legislative Day in Sacramento.
  - Commissioner Poulos (El Cerrito)
    - Supported Friends of the El Cerrito Library through a membership database enhancement and training for new Friends membership chair.
    - Met with city council member and alternate Library Commissioner regarding the future of City support for the Library and for the eventual construction of a new community library.
  - Commissioner Panas (El Cerrito, Alternate)
    - Assisted and initiated activities with the Friends of the El Cerrito Library.
  - Commissioner Atkinson (Clayton)
    - Served as President of the Clayton Community Library Foundation.
    - Served as co-chair of two used book sales.
    - Spoke to various community groups to encourage participation in library programs.
    - Supported Clayton's 3<sup>rd</sup> City Reads by distributing flyers.
    - Participated in the Clayton 4<sup>th</sup> of July parade, furnished the truck, and recruited volunteers to participate.

- Communicated Library concerns and activities to Clayton's City staff and Council members.
  - Continued an ongoing campaign to recruit in library volunteers.
- Commissioner Prater (San Ramon)
  - On a subcommittee to explore needs of Juvenile Hall libraries in Martinez.
- Commissioner Hoisington (Lafayette)
  - Helped with final plans for opening Lafayette's new library in November 2009.
  - Served on the Board of Friends of Lafayette Library and Learning Center.
  - Supported programs and activities at Lafayette Library and Learning Center.
- Commissioner Peck (Brentwood)
  - Worked with Brentwood community to help plan library expansion.
  - Supported community library programming, e.g. City Reads.
  - Investigated Local Friends Group.
  - Investigated local Project Second Chance activities.
- Commissioner Bracken (Pleasant Hill)
  - Attended City council meetings when appropriate.
  - Volunteered at Friends of Pleasant Hill Library book sales.
  - Trained, and is now working as a library volunteer shelve.
  - Participated in a library project as part of the 6<sup>th</sup> annual Pleasant Hill Community Service Day at the Library.
- Commissioner Brown (Vice chair, Orinda)
  - Ran two Commission meetings.
  - Continued to advise Friends group of interests of the Commission and need for funding at State level.
  - Wrote letters in support of the Library.
  - Continued to research the donated books for online and bookshop sales (20-25 hours a week).
  - Worked on several letters to express Commission's appreciation of Anne Cain, County Librarian in 2010, Cathy Sanford (Deputy County Librarian: Support Services) and others who have tightened belts and continued to innovate despite the dollar situation.
- Commissioner Reed (Friends Council)
  - Attended opening of Walnut Creek Library.
  - Attended opening of Lafayette Library.
  - Visited eight libraries.
  - Visited nine book sales at libraries.
  - Attended pre-opening ceremony ("Sneak Peek") at new library at Prewett Park in Antioch on March 13.
- Commissioner Bonham (Orinda alternate )
  - Toured new Lafayette Library.
  - Toured new Walnut Creek Library.
- Commissioner Ruehlig (Antioch)
  - Wrote letters to the editor about library issues that were published in various newspapers in the County.
- Commissioner Smith (District IV)
  - Wrote to Assembly member Nancy Skinner about the Public Library Foundation.
  - Coordinated the CALTAC northern workshop - arranging for the speakers etc. This was the first time a state senator ever came to speak at such a workshop (Hancock).
  - Arranged for elected leaders to write article for CALTACTICS about why they support libraries - Senators Liu/Wright and Assembly members Treason/Buchanan

- Served as chair of subcommittee to review commission bylaws and make recommendations to the full commission.
- Served on the subcommittee that wrote a letter for the commission to David Twa about the qualities needed in a new library director.
- Along with Carol Brown, served on the panel that interviewed the candidates in round one to replace Anne Cain, County Library.
- Attended CLA (2009) and reported to the Commission during the January 2010 meeting.
- Attended BayNet workshop in May, and reported to the Library Commission.
- Attended workshop by Pacific Library Partnership in September and reported to the commission.
- Participated in Day in the District and met with Senator DeSaulnier, Assembly member Buchanan, and Senator Hancock's staff.

## 1. Accomplishments

- Commissioners:
  - Discussed the County Librarian's retirement and the leadership transition to a new County Librarian and sent a letter to the County Administrator emphasizing their willingness to assist in as appropriate.
  - Received one hour presentation on the Brown Act from Deputy County Counsel Mary Ann Mason.
  - Some Commissioners attended the County's Annual Training for County Advisory Bodies.
  - Authorized the Chair to send Cathy Sanford, Deputy County Librarian: Support Services, a letter thanking her and her staff for the development and design of the Library's new Website and the successful launch.
  - Toured the new Lafayette and Walnut Creek Libraries and held their May and July regularly scheduled Library Commission meetings in these two libraries.
  - Recruited Library volunteers from various citizen groups and organizations.
  - Commissioners agreed to ask for reauthorization of the Commission for another five years.
  - Commissioners agreed to invite the Contra Costa Community College District to appoint a member to the County Library Commission if approved by the Commission's By-Laws.
  - Commissioners formed a By- Laws Committee of the Commission (Enholm, District V; Fuller, Martinez; Smith, District IV and Tumin, Oakley) who met and reviewed the Library Commission By-Laws and suggested edits that were approved by the Commission. The suggested By-Laws edits are being reviewed by County Counsel.
  - Received a presentation on the Library budget for fiscal year 2010-2011 and sent a letter of unanimous support of the Library's budget to the Board of Supervisors.
  - Reviewed the uniform Library Lease and Service Agreement between the County and cities.
- Commissioner Meisch (Walnut Creek)
  - Worked on the July opening celebration of the new Walnut Creek Library and volunteered during the opening celebration.
  - Worked with the head of the Friends of the Walnut Creek Library to see about a new ballot measure to replace Measure Q, which recently expired, to keep the libraries open 50+ hours a week. Talked with Walnut Creek councilman, Bob Simmons, about the possibility of another ballot measure similar or identical to Measure Q, to fund continuing extra hours for the Walnut Creek libraries.
- Commissioner Shoop (Richmond)
  - Suggested that the poetry anthology that is produced by the Juvenile Detention Facility be distributed to a wide audience, starting with the various Friends entities throughout the County.
- Commissioner Panas (El Cerrito, Alternate)
  - Proposed to the Friends of the El Cerrito Library to paint the El Cerrito Library. Presented the proposal to the Arts & Culture Commission and is working with the City to see if this can be accomplished.

- Wrote a description of the Library Commission meeting for El Cerrito City Council that Commissioner Poulos was unable to attend.
- Commissioner Prater (San Ramon)
  - Wrote letters to Juvenile Hall officials raising awareness concerning literature being supplied to detainees.
- Commissioner Peck (Brentwood)
  - Worked with Brentwood community to help plan Library expansion.
  - Support local library programming, e.g. City Reads.
  - Learned more about Brentwood Friends and Project Second Chance activities.
- Commissioner Tang (Chair, Concord)
  - Served as chair person for the Library Commission.
- Commissioner Poulos (El Cerrito)
  - Bi-monthly written report to the El Cerrito City Council of County Library activities including notes on each Library Commission meeting. Copies distributed to El Cerrito City Assistant Manager, El Cerrito Community Library Manager, and President of the Friends of the El Cerrito Library.
- Commissioners Reed (Friends Council)
  - Helped arrange the repair and painting of the Antioch Library parking lot (to be paid for 1/3 County, 1/3 City, 1/3 Friends group).
  - Arranged three meetings for Alan Smith to talk with Friends of Libraries on legislative influence.
  - Informed all Friends' Groups about the 28 page "Accessibility report" and encouraged them to consider accessibility in their budget planning for gifts to the libraries.
  - Prepared a ceremony and skit for a retiring Antioch Friends President
  - Helped Friends groups on improving by-laws.
  - Provided written book reviews for the Library Commission.
- Commissioner Smith (District IV)
  - Conducted Board Effectiveness Trainings in Cupertino, Alpine and Butte Counties.
  - Developed and conducted two workshops for the Friends on library advocacy March 2010.
  - Wrote article for CALTACTICS about the new Walnut Creek library Q4 - as well as the articles about libraries web sites.
  - Served as Past President and Regional Rep for CALTAC.
- Commissioner Brown (Vice chair, Orinda)
  - Researched donated book prices for Friends which helped the Friends of the Orinda Library achieve profitable online book sales – these funds buy books for the County Library.
- Commissioner Bracken (Pleasant Hill)
  - Arranged a book swap for the 0-5 years age group held at the library with volunteers from the Pleasant Hill Walnut Club.
  - Assisted in a First 5 grant for a series of programs to be held at the Library.
- Commissioner Atkinson (Clayton)
  - Chaired the Clayton Community Library Foundation involvement in sponsoring a Candidates Night for Clayton City Council. CCLF co-sponsored with the Clayton Pioneer newspaper.

## 2. Facilities

- Commissioner Mellon (Walnut Creek), Fuller (Martinez), and Ruehlig (Antioch) worked with their

communities on improvements and new library facilities.

### 3. Attendance/Representation

The 29-member Library Commission is diverse and meets the Board of Supervisors' goal to maintain an ethnic, economic, and geographic balance. A wide range of ages is represented on the Library Commission.

All six meetings in 2010 achieved a quorum and many alternate Commissioners attend meetings in addition to the appointed Commissioner. (**Attachment - individual Commissioner attendance report**)

### 4. Training/Certification

- Commissioners
  - Viewed tapes on the Brown Act and Conflict of Interest as required by the Board of Supervisors.
  - Renewed individual membership in CALTAC (California Association of Library Trustees and Commissioners.)
  - Attended CALTAC workshops.
  - Commissioner Tang (Chair, Concord)
    - Encouraged the Commissioners to attend California Association of Library Trustees and Commissioners (CALTAC) workshops about Library Leadership Advocacy.

Commissioner Brown (Vice chair, Orinda)

- Encouraged her DVC English students to utilize library system as well as college's libraries.

### Proposed Work Plan / Objectives for 2011:

#### Goal 1: Support increased **funding** for the Library

##### **Objectives:**

- Commissioner Atkinson (Clayton)
  - Promote service provided by the Library during current recession.
  - Educate the community as to the cuts in Library funding, encourage participation in fundraising activities.
- Commissioner Meisch (Walnut Creek)
  - Commissioners receive presentations and discussions on how to maintain funding for libraries, especially funding within individual cities and towns.
- Commissioner Brown (Vice-chair, Orinda)
  - Continue to advocate at all levels for library funding.
  - Promote community awareness of need to garner support for PLF (letter writing) from Friends Members.
  - Will make sure local level (Mayor) writes to governor to support PLF.
- Commissioner Tang (Chair, Concord)
  - Continue to lobby for increased funding for library services from the State as well as private groups.
  - Ensure Library Funding is stable during this harsh economic time.
  - Continue to promote importance of library and its contributions to the community to ensure support from the community.
  - Continue to work with the Friends of the library groups, cities, private organizations, foundation to ensure continual support as well as funding.

#### Goal 2: Continued **promotion, education, and expansion** of Library services within all of the communities, despite economic belt-tightening.

- **Objectives:**
  - Join/Renew CALTAC memberships for all Commissioners.
  - Continue to support library technological innovations as they occur
  - Continue supporting/assisting Friends of the Library groups.



- Commissioner Atkinson (Clayton)
  - Support Library programming such as City Reads.
  - Speak at council meetings and other community organizations to promote service and recruit volunteers.
  - Encourage community members to take an active part in Friends activities.
  - Stress the increased usage by patrons seeking services relating to a job search.
- Commissioner Peck (Brentwood)
  - Attend the 2011 California Library Association Conference.
- Commissioner Panas (El Cerrito, Alternate)
  - Write up Commission meeting descriptions when the appointed Commissioner is not able to attend a meeting.
- Commissioner Brown (Orinda)
  - Recruit volunteers throughout the community to work with extended Friends' activities.
- Commissioner Reed (Friends Council)
  - Review cost and effectiveness of Library-a-Go-Go automated book lending machines in order to consider putting these self-service machines in major mass(s), selecting place(s) of highest potential circulation.
  - Arrange for an objective study of the short and long range effects of our reduced library hours on community groups, schools, and individuals.
- Commissioner Poulos (El Cerrito)
  - Organize one or more City Council members with the two El Cerrito? library commissioners and a few others into a core library planning group.
  - Work on rethinking plans for a new library in El Cerrito with or without a senior center.
- Commissioner Shoop (Richmond)
  - Facilitate the wider distribution throughout the County of Library entities' published materials.
- Commissioner Smith (District IV)
  - Serve as a CALTAC northern regional representative.
  - Attend CLA 2010 and report to the Library Commission in January 2011.
  - Conduct board effectiveness trainings including Sunnyvale in March 2011.
  - Attend other library workshops and report to the Library Commission.

**Goal 3: Support effective current library facilities**

- Commissioner Prater (San Ramon)
  - Continue to encourage use of newer library facilities in Contra Costa County.
- Commissioner Panas (El Cerrito, alternate)
  - Continue to work on the El Cerrito Library painting initiative.

**Goal 4: Explore more effective use of **specialty libraries** such as those associated with Juvenile Hall**

- Commissioner Prater (San Ramon)
  - Review books currently available and being read.
  - Make recommendations on new books.
- Commissioner Hoisington (Lafayette)
  - Support Juvenile Hall and Orin Allen in every way possible.

**Goal 5: Foster **communication** and **cooperation** among all Contra Costa County libraries**

- Commissioner Hoisington (Lafayette)
  - Reinstate Friends Council to share ideas.
  - Encourage all libraries to have volunteer coordinators.
- Commissioner Poulos (El Cerrito)
  - Work with the Friends and their current support for community libraries in light of the needs expressed by Elliot Warren, Collection Development Manager, regarding collections.
  - Encourage the Friends Council to be a more visible and active support group for new community libraries.

**Goal 6: To serve in whatever way might be most helpful to the interim/new County Librarian.**

- Help him/her feel welcome.
- Help him/her learn our methods while staying open to his/her new ideas.

**Goal 7:** Continue to **advocate** for the library within the community

- Enhance visibility of Community Library Manager.
- Commissioner Bracken (Pleasant Hill)
  - Attend relevant city council meetings.
  - Promote library programs, services, needs and volunteer opportunities to local community groups.
- Commissioner Poulos (El Cerrito)
  - Achieve greater cooperation of Friends Council with Library and City government.
- Commissioner Smith (District IV)
  - Meet with elected officials during Day in the District and attend Legislative Day in Sacramento.

\* Library Commission Attendance: January 2010 – December 2010

Library Commission Attendance January 2010 – December 2010		Total	Total	Total	Total	signed BROWN ACT & Ethics Orientation video viewing certification Received
COMMISSIONERS	REPRESENTING	Meetings	Absent	Present	Excused	
Ruehlig, Walter	City of Antioch	6		5	1	X
White, Rhonda (term ended 6/30/10)	City of Brentwood	3		3		X
Peck, Shirley Dr. (term began 9/14/10)	City of Brentwood	2		2		
Atkinson, Joyce	City of Clayton	6		5	1	X
Boyd, Jeanne	City of Clayton Alternate	6			6	X
Thong, Phing	City of Concord Alternate	6			6	X
Tang, Chris (Chair)	City of Concord	6		4	2	X
Stephenson, Frances	Town of Danville Alternate	6		6		X
Poulos, Steve	City of El Cerrito	6		4	2	X
Panas, Tom	City of El Cerrito Alternate	6		6		X
Williams-Weinstein, Adoria (term ended 5/10/10)	City of Hercules	2		1	1	X
Kirby, Steven (term began 5/10/10)	City of Hercules	4		3	1	X
Madfes, Sherry	City of Hercules Alternate	6		1	5	X
Hoisington, Mary Ann	City of Lafayette	6		6		X
Leffman, Robert (term ended 6/30/10)	City of Lafayette Alternate	3		1	2	X
Bailey, Ruth (term began 7/12/10)	City of Lafayette Alternate	3		2	1	X
Fuller, Kathy	City of Martinez	6		5	1	X
McEwan, Jeanne	Town of Moraga	6	1	4	1	X
Prindle, Bob	Town of Moraga Alternate	6			6	X
Tumin, Cindy A.	City of Oakley	6		6		X
Brown, Carol (Vice-chair)	City of Orinda	6		5	1	X
Bonham, Ben (term began 3/2/10)	City of Orinda Alternate	4		4		X
Magann, Kathy	City of Pinole	6		4	2	X
O'Rourke, Charlene	City of Pinole Alternate	6		6		X
VACANT	City of Pittsburg	0				
Bracken, Katherine	City of Pleasant Hill	6		6		X
Shoop, Ron (term began 6/1/10)	City of Richmond	3		3		X
Wittenbrock, Sandra	City of San Pablo	6	2	3	1	X
Prater, Penny	City of San Ramon	6		6		X
Mellon, Michelle (term ended 5/23/10)	City of Walnut Creek	2		2		X
Meisch, Lynn A.	City of Walnut Creek Alternate	6		6		X
Vacant	District 1	0				X
Lake, Bud (term began 2/23/10)	District 2	5		3	2	X
Pearlstein, Helen (term ended 6/30/10)	District 3	3	1	1	1	X
Riise, Diane	District 3	6		4	2	X
Mar, Margaret Ann (term began 11/09/10)	District 3 Alternate	1		1		
Smith, Alan B.	District 4	6		6		X
Enholm, Greg	District 5	6		6		X
Singh, Sukhdev (term ended 6/30/10)	District 5 Alternate	3		0	3	X
Marshburn, Peggy	Office of Education Alternate	6		5	1	X
Ovick, Dr. Joe (term began 7/22/10)	Office of Education	3		1	2	X
Whitley, Robert (term ended 6/30/10)	Contra Costa Council	3	3			
Shaffer, Ed (term ended 6/30/10)	Contra Costa Council Alternate	3			3	X
Wetter, Ron (term began 7/1/10)	Contra Costa Council	3		2	1	
Reed, Charles	Contra Costa Friends Council	6		5	1	X



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Joe Valentine, Employment & Human Services Director  
Date: January 25, 2011

Subject: Operations Update of the Employment and Human Services Department, Community Services Bureau

---

**RECOMMENDATION(S):**

ACCEPT the December 2010 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 a monthly report to the Contra Costa County Board of Supervisors (BOS) to ensure ongoing communications and updates to the County Administrator and BOS regarding any and all issues pertaining to the Head Start program and Community Services Bureau.

**CONSEQUENCE OF NEGATIVE ACTION:**

Not applicable.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **01/25/2011**

☒ 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

Karen Mitchoff, District IV  
Supervisor

Federal D. Glover, District V  
Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Joe Valentine.313-1579

cc:

## ATTACHMENTS

CSB Dec 2010 CAO Memo 1

CSB Dec 2010 Report



Patricia Stroh, Ph.D.  
Director



To: David Twa, County Administrator  
From: Joe Valentine, EHSD Director  
Subject: Monthly Report  
Date: January 10, 2011

I am submitting the attached report to ensure ongoing communication with the County Administrator, Board of Supervisors and Policy Council regarding all issues pertaining to the Head Start program and Community Services Bureau (CSB). Highlights in the following report include:

**Policy Council**

- Three Policy Council Executive members attended the National Head Start Annual Parent and Education Conference in Virginia Beach, VA from December 9<sup>th</sup> through 14<sup>th</sup>. Special tracks included active outdoor play, male involvement, brain development, and family strengthening. The representatives will report to the full Policy Council on their workshops during the January meeting.
- Male Involvement – A Men's Forum is being planned for January and will feature speakers from the community who will share their success stories and offer guidance to those in attendance.

**Fiscal**

- The Administration for Children and Families (ACF) approved the Bureau's 2011 continuation grant application for its Head Start and Early Head Start programs. The grant action awards 50% of the FY 2011 annualized funding for Head Start and Early Head Start in the amount of \$10,869,652. The remaining funding balance will be awarded at a later date.
- The annual audit of the Bureau's Child Development programs for fiscal year ended June 30, 2010 conducted by Caporicci & Larson was completed. An independent auditor's report was mailed to the State before the due date in compliance with State's regulation. No audit findings were noted in the report.
- In a closeout report for program year 2009-10 dated December 9, 2010, the California Department of Community Services and Development reported that the Bureau fully expended the Community Services Block Grant (CSBG) contract allocations amounting to \$1,135,085. The State reviewed and accepted all fiscal and programmatic reports associated with the contract.
- Applying for the Western Growers Foundation Head Start Garden Grant Application through CHSA for several sites and a delegate agency site.
- Applied for grant from First Five Contra Costa to fund "Head Start for Peace" project to spread the anti-violence message in our communities.

**Awards and/or urgent information**

- Razvan Barna was nominated for the Rutha Weather Parent of the Year Award by his children's site supervisor and his current supervisor. Raz won at the state and regional level and was forwarded to the national finals. The awards ceremony took place during the National Head Start Conference in Virginia Beach, Virginia on December 11<sup>th</sup> and Raz was awarded an honorable mention. CSB will be presenting him with his award certificate as well as a plaque during the January Policy Council meeting on the 19<sup>th</sup>.

cc: Policy Council  
Family & Human Services Committee  
Shirley Karrer, ACF  
Attachments



40 Douglas Drive  
Martinez, CA 94553  
Tel 925 313 1551  
Fax 925 313 1772  
www.ehsd.org

**Grantee / Agency: Contra Costa County CSB**  
**Program Activities for December 2010**  
**Report Submitted: January 10, 2011**

Questions	Discussions
1. OHS Monitoring Review – updates / progress	<p>Grantee received a letter from OHS this month clearing CSB of the non-compliances found in 2010 federal review.</p> <p>Delegate - It has been brought to the attention of FBHS by Shirley Karrer that the final review report was submitted by Region 9 specialist Shirley Karrer and accepted by the Office of Head Start (OHS). All explanations regarding FBHS non-compliances were accepted.</p>
2. Under – enrollment – reason/action plan <b>(Christina)</b>	<p>N/A</p> <p>Delegate - 100%</p>
3. Service area plan – update <b>(Pam)</b>	<p>2010 Service Plan updated and approved by Policy Council (8/2010) and Board of Supervisors (9/2010). 2011 plans are currently being reviewed.</p> <p>Delegate - Program Service Plans update completed and approved by LPC and BOD on 6/8/10 and 6/10/10.</p>
4. Vacant positions – over 30 days / efforts to fill / potential savings <b>(Mickey/Reni)</b>	<p><u>Vacancies</u></p> <p>Infant/Toddler Associate Teacher ~ 3  Infant/Toddler Teacher (including Master Teacher) ~ 0  Teacher (including Master Teacher) ~ 2 (2 MT)  Pre-school Associate Teacher ~ 6</p> <p>During this reporting period we conducted interviews and hired 1 Associate Teacher. We are in the process of hiring 3 Infant/Toddler Associate Teachers, 3 Infant/Toddler Teachers, 4 Associate Teachers, and 1 Teacher. We are also in the process of hiring 2 Early Childhood Home Educators.</p> <p><u>Recruitment activities during the month:</u>  CSB continues to actively advertise open positions in local and professional newsletters and publications. We have an open online application process through the County's HR Department.</p> <p>Delegate - N/A</p>
5. Prior approval – personnel / program option / scope of services <b>(Eric/Camilla)</b>	<p>The waiver renewal request has been submitted to the Regional Office. We are awaiting approval.</p> <p>Delegate - N/A</p>
6. Child Abuse – open	N/A

**Grantee / Agency: Contra Costa County CSB**  
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/ close <b>(Camilla)</b>	Delegate - N/A
7. Health and Safety findings – State Licensing and / or ongoing monitoring / action plan <b>(Camilla)</b>	N/A  Delegate - No health and safety findings.
8. Transportation services – waiver (N/A)	N/A  Delegate - N/A
9. Media complaints <b>(Pat)</b>	N/A  Delegate - N/A
10. Legal issues <b>(Pat)</b>	N/A  Delegate - N/A
11. Self Assessment – findings / action plan <b>(Christina)</b>	Self-Assessment 2011 scheduled for February 20 <sup>th</sup> - March 4 <sup>th</sup> . PC received overview of Self-Assessment process at their November 2010 meeting.  Delegate/Grantee Self-Assessment will be taking place the week of February 28, 2011.
12. Relationships w/ delegates / partners - Contract status <b>(Katharine)</b>	No changes.  Delegate - No changes.
13. T/TA needs <b>(Mickey/Katharine)</b>	T/TA Activities for the month of December: <ul style="list-style-type: none"> <li>• Two managers presented at the National Head Start Association Annual Parent Conference on Responding to Needs of Children Exposed to Domestic Violence.</li> <li>• 14 additional managers from CSB received the three-day Facilitative Leadership Training.</li> <li>• 242 CSB staff have completed the Mandated Child Abuse Reporter (Child Abuse Awareness and Prevention) Training.</li> </ul> Delegate - N/A

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14. Below 10% disabilities – reasons/ action plan <b>(Suzanne)</b>	<p>7.05%</p> <p>CSB continues working on creating mutual referral collaborations with Antioch Unified School District and with Oakley Unified School District. Our Comprehensive Services Asst. Managers are working closely with site supervisors, teachers and parents to follow up on pending referrals.</p> <p>Action Plan:</p> <ol style="list-style-type: none"> <li>1. Review the children's IEPs in State Preschool Model to see if they are eligible for Head Start.</li> <li>2. Review referrals for follow-up. 50 are in process.</li> <li>3. Review referrals for home base to identify need for training, if needed.</li> <li>4. Continue with RTI. In March 2011, we should have more accurate numbers for IEP's.</li> </ol> <p>Delegate - 10% of children with disabilities (IEPs/IFSPs).</p>
15. Disabilities – MOU (yes or no) if no – reason and plan to pursue MOU <b>(Suzanne)</b>	<p>Yes.</p> <p>Delegate - MOU in place with surrounding school districts including Pittsburg, Brentwood, Antioch, Oakley and Mt. Diablo.</p>
16. Disabilities – total # of referrals made to Part B and/or C <b>(Suzanne)</b>	<p>Since the beginning of the program year about 55 children were referred to the various school districts around the County. Thirteen of those are new referrals are for this month. Part C has no pending referrals.</p> <p>Delegate - 17 referrals made.</p>
17. Disabilities - % of dually enrolled children <b>(Suzanne)</b>	<p>100%</p> <p>Delegate - 100% are dually enrolled.</p>
18. Screenings completed after 45 days – reasons / action plans <b>(Carolyn)</b>	<p>N/A</p> <p>Delegate - N/A</p>
19. Below 90% EHS / 100% HS physical exam – reasons / action plan <b>(Carolyn)</b>	<p>100%</p> <p>Delegate - 98%. Waiting for the return of completed physicals; families have been reminded and family advocates are helping families.</p>
20. Below 95% medical tx – reasons / action plan <b>(Carolyn)</b>	<p>100%</p> <p>Delegate - 100%</p>
21. Below 95% dental	<p>100%</p>



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tx – reasons / action plan <b>(Carolyn)</b>	Delegate - 100%
22. Below 90% dental exams – reasons/action plan <b>(Carolyn)</b>	100% Delegate - 97%
23. Below 100% medical home – reasons/action plan <b>(Carolyn)</b>	100% Delegate - 100%
24. Mental Health referrals <b>(Caylin)</b>	15 internal referrals made; 12 returned due to Spanish speaking clinician needed/no availability on caseload. Delegate - 10
25. Mental Health - # of visits by MH Consultant <b>(Caylin)</b>	Reported in terms of hours spent per site vs. visits: Balboa: 36 (+ 171 Admin hours) Bella Monte: 38 (+20 Admin hours) Brookside: 17 (+2 Admin hours) Cambridge Park Haven: 3 FG/E. Leland: 36 (+7 Admin hours) GMIII: 15 (+16 Admin hours) Lake: 11.5 Lavonia Allen: 10 (+2 Admin hours) Los Nogales: 6 Martinez: 7 Richmond College Prep: 14  Delegate - Mental Health Intern and Consultant visits twice weekly (16 hours a week) every month.

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26. Education staff – AA, BA or CDA (Mickey/Reni)	Site Supervisors			Teachers			Associate Teachers		
	Total Staff: 23			Total Staff: 75			Total Staff: 124		
	Type of Degree held	#	%	Type of Degree held	#	%	Type of Degree held	#	%
	Associate’s	7	30%	Associate’s	27	36%	Associate’s	11	9%
	Bachelor’s	11	48 %	Bachelor’s	29	39%	Bachelor’s	10	8%
	Master’s	4	18%	Master’s	0	0%	Master’s	0	0%
	Without Degree, but CDA or Permit Requirements met	1	4%	Without Degree, but Permit Requirements met	19	25%	Without Degree, but CDA or Permit Requirements met	103	83%
	Delegate Staff								
	Type of Degree held	%							
	Associate’s	25%							
	Bachelor’s	6%							
	Master’s	0 %							
	Without Degree, but CDA or Permit Requirements met								
Site Supervisors	22%								
Master Teacher	6%								
Teacher	12.5%								
Associate Teacher	38%								
Assistant Teacher	12.5%								
27. Education and FPA Staff – Total # of Education staff and % who are Bilingual; Total # of FPA staff and % who are bilingual (Mickey/Reni)	Bilingual Staff	Education Staff	Family Partnership						
	Total	199	35						
	# Bilingual	119	17						
	% Bilingual	60%	49%						
	Delegate	Education Staff	Family Partnership						
	Total	30	6						
	% Bilingual	43%	42%						
28. Developmental Screening – Indicate # completed and tools	Tools used: DECA (Devereux early childhood social and emotional assessment) / Brigance / Speech & language Screening. # - Break down per cluster and center.								

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used ( <b>Pam</b> )	<ul style="list-style-type: none"> <li>• Screenings completed: <ul style="list-style-type: none"> <li>○ Speech &amp; Language: 1211</li> <li>○ Social/Behavioral: 1164</li> <li>○ Brigance: 1342</li> </ul> </li> </ul> <p>Delegate - 255 children have been screened using Brigance screening tool.</p>												
29. On-going Assessment - Indicate # completed and tools used ( <b>Pam</b> )	<p><b>Tools used:</b> DRDP - PS 2010 and Children's portfolios containing work samples and anecdotal records.  # ~ Break down per cluster and center  Desired Results Assessments completed: 1466</p> <p>Delegate - 257 (100%) completed to date 2010-2011 year. Portfolio and DRDP-PS 2010 are used as tools for ongoing assessment, which included monthly work samplings and anecdotal notes.</p>												
30. Child Outcomes – Indicate # completed and summary of results ( <b>Pam</b> )	<p>Summary of results to follow in February.</p> <p>Delegate - 257 completed for 09-10 year. Summary of 09-10 results are (1) 32% of children had an average rating of “not yet” and “exploring” in demonstrating of conflict negotiations and uses language in conversation and (2) 53% of children had an average rating of “not yet” and “exploring” in demonstrating emerging literacy skills.</p>												
31. FPA – engaged / completed / 2 <sup>nd</sup> FPA ( <b>Pam</b> )	<p>First FPAs are complete. Second FPA due May 31, 2011.</p> <p>Delegate - Results will be recorded and reported.</p>												
32. Home Base program - # of hv completed; # of parent cancellation; # of staff cancellation ( <b>Christina</b> )	<p>314 Home visits completed; 22 visits cancelled due to staff illness and will be rescheduled during holiday break. 31 parent cancellations due to illness of child or parent.</p> <p>Delegate - N/A</p>												
33. Outside referrals / types ( <b>Pam</b> )	<table> <tr> <td>Adult education such as GED programs and college selection</td> <td><u>106</u></td> </tr> <tr> <td>Assistance to families of incarcerated individuals</td> <td><u>0</u></td> </tr> <tr> <td>Child abuse and neglect services</td> <td><u>13</u></td> </tr> <tr> <td>Child support assistance</td> <td><u>34</u></td> </tr> <tr> <td>Domestic violence services</td> <td><u>3</u></td> </tr> <tr> <td>Emergency/crisis intervention such as meeting immediate needs for food, clothing, or shelter (ARRA Food Boxes)</td> <td><u>67</u></td> </tr> </table>	Adult education such as GED programs and college selection	<u>106</u>	Assistance to families of incarcerated individuals	<u>0</u>	Child abuse and neglect services	<u>13</u>	Child support assistance	<u>34</u>	Domestic violence services	<u>3</u>	Emergency/crisis intervention such as meeting immediate needs for food, clothing, or shelter (ARRA Food Boxes)	<u>67</u>
Adult education such as GED programs and college selection	<u>106</u>												
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Child abuse and neglect services	<u>13</u>												
Child support assistance	<u>34</u>												
Domestic violence services	<u>3</u>												
Emergency/crisis intervention such as meeting immediate needs for food, clothing, or shelter (ARRA Food Boxes)	<u>67</u>												

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	English as a Second Language (ESL) training	<u>32</u>
	Health education	<u>99</u>
	Housing assistance such as subsidies, utilities, repairs, etc.	<u>23</u>
	Job training	<u>40</u>
	Marriage education	<u>1</u>
	Mental health services	<u>6</u>
	Parenting education	<u>93</u>
	Substance abuse prevention or treatment	<u>0</u>
	<b><u>Delegate</u></b>	
	Adult education	<u>120</u>
	Assistance to incarcerated families	<u>2</u>
	Child abuse/Neglect services	<u>0</u>
	Domestic violence services	<u>0</u>
	Emergency crisis intervention	<u>2</u>
	ESL	<u>75</u>
	Health education	<u>75</u>
	Housing assistance	<u>9</u>
	Job training	<u>50</u>
	LEAs for suspected speech/language and/or developmental delays	<u>17</u>
	Medical professional for a suspected physical disability	<u>1</u>
	Mental health	<u>8</u>
	Parenting education	<u>121</u>
	Substance abuser	<u>0</u>
	Surviving Parenthood Resource Booklet	<u>60</u>
	Transportation assistance	<u>0</u>
34. Nutritional assessments-completed / types ( <b>Suzanne</b> )	Anemia	<u>109</u>
	Bottle	<u>18</u>
	Food allergies	<u>78</u>

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	Obese	<u>195</u>
	Overweight	<u>203</u>
	Picky eaters	<u>63</u>
	Special diet	<u>20</u>
	Underweight	<u>45</u>
	<b><u>Delegate:</u></b>	
	Anemia	<u>12</u>
	Bottle	<u>0</u>
	Constipation	<u>3</u>
	Food Allergy	<u>22</u>
	Food Preference	<u>11</u>
	Healthy Weight	<u>143</u>
	Obese	<u>35</u>
	Overweight	<u>49</u>
	At-risk of Overweight	<u>37</u>
	Picky Eater	<u>18</u>
	Underweight	<u>7</u>
35. Child & Adult Care Food Program Meals Served ( <b>Sam</b> )	<b><u>Month of October 2010</u></b>	
	Approved sites operated this month	21
	Number of days meals served this month	21
	Average daily participation	1,084
	<b><i>Number of Meals Served:</i></b>	
	Breakfast	16,133
	Lunch	22,764
	Supplements	16,919
	Total Number of Meals Served	55,816
36. Nutritional Services – Review of menus; Food Program visits and	<ul style="list-style-type: none"> <li>Continued to create weekly meal modifications and monitor/update COPA.</li> <li>Will complete ongoing monitoring for two sites.</li> </ul>	

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<p>results; When Family Style Meal was monitored <b>(Suzanne)</b></p>	<ul style="list-style-type: none"> <li>• Attended Weigh of Life meeting.</li> <li>• Attended Bay Area Health Cluster meeting.</li> <li>• Gave a general training to 12 Home Base teachers on CACFP enrollment documents, special and new meal forms along with sign-in sheets and socialization schedules.</li> </ul> <p>Delegate - Nutritional Consultant reviews menus on a monthly basis and approves them annually. Nutrition Consultant reviewed sites files and COPA for the month of October. No findings.</p>
<p>37. Highlights – Fiscal <b>(Eric)</b></p>	<ul style="list-style-type: none"> <li>• The Administration for Children and Families (ACF) approved the Bureau's 2011 continuation grant application for its Head Start and Early Head Start programs. The grant action awards 50% of the FY 2011 annualized funding for Head Start and Early Head Start in the amount of \$10,869,652. The remaining funding balance will be awarded at a later date.</li> <li>• The Bureau submitted its indirect cost rate proposal to the Department of Health and Human Services for fiscal year ending June 30, 2011.</li> <li>• The annual audit of the Bureau's Child Development programs for fiscal year ended June 30, 2010 conducted by Caporicci &amp; Larson was completed. An independent auditor's report was mailed to the State before the due date in compliance with State's regulation. No audit findings were noted in the report.</li> <li>• In a closeout report for program year 2009-10 dated December 9, 2010, the California Department of Community Services and Development reported that the Bureau fully expended the Community Services Block Grant (CSBG) contract allocations amounting to \$1,135,085. The State reviewed and accepted all fiscal and programmatic reports associated with the contract.</li> <li>• The Bureau submitted the final semi-annual financial status reports for Head Start Grandparent and ARRA Head Start and Early Head Start Quality Improvement and Cost-of-Living Adjustment (COLA) programs in compliance with Federal regulations.</li> </ul>

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<p>38. Highlights - Business Systems (Sung)</p>	<p><b><u>Alternate Payment Monitoring Review</u></b></p> <ul style="list-style-type: none"> <li>• The review is complete. We are waiting for the results.</li> </ul> <p><b><u>Access card systems (in progress)</u></b></p> <ul style="list-style-type: none"> <li>• Installing a security bar gate at Balboa center.</li> <li>• We are working with General Services to have the remaining 4 sites: Balboa, Brookside, and George Miller installed.</li> <li>• Systems will not be installed at Contra Costa College, San Pablo or Verde.</li> </ul> <p><b><u>CLOUD (Former Child Safety System)</u></b></p> <ul style="list-style-type: none"> <li>• In progress</li> </ul> <p><b><u>CA Department of Education (CDE) Approval Process for Electronic Signature (in progress)</u></b></p> <ul style="list-style-type: none"> <li>• In process of acquiring electronic signature from CDE.</li> <li>• State Child Care Licensing approved the electronic signature.</li> </ul> <p><b><u>E-Rate FY14: 2011-2012 Grant (\$1.2 Million)</u></b></p> <ul style="list-style-type: none"> <li>• In progress</li> <li>• E-Rate Applying Service Area: <ul style="list-style-type: none"> <li>○ WAN/LAN equipment Service Maintenance Contract</li> <li>○ Internet bandwidth (20MB)</li> <li>○ Wide Area Network (Opteman 1GB-100MB)</li> <li>○ Telecomm service (over 300 phone lines)</li> <li>○ Mobile service (150 mobile phones)</li> <li>○ Wireless Internet Service (75 wireless air cards)</li> <li>○ Server Virtualization</li> </ul> </li> </ul> <p><b><u>Facilities Renovation Projects</u></b></p> <ul style="list-style-type: none"> <li>• In progress</li> </ul> <p><b><u>Large Screen Deployment for 18 Child Care Centers</u></b></p> <ul style="list-style-type: none"> <li>• In process of ensuring a security loss prevention measure.</li> </ul> <p><b><u>Linus Pauling Head Start Playground Project (District II Return to Source Fund \$35,000.00)</u></b></p> <ul style="list-style-type: none"> <li>• Amended the contract for extension (end of June 2011) and granted.</li> </ul> <p><b><u>Print Management Contract</u></b></p> <ul style="list-style-type: none"> <li>• In process of confirming all CSB network printers inventory by Toshiba Representative.</li> </ul>
<p>39. Highlights - Child Development Programs</p>	<ul style="list-style-type: none"> <li>• Nine centers are applying for the Western Growers Foundation Garden Grants sponsored by California Head Start Association.</li> </ul>

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**Program Activities for December 2010**  
**Report Submitted: January 10, 2011**

	<ul style="list-style-type: none"> <li>• Applied for grant from First Five Contra Costa to fund “Head Start for Peace” project to spread the anti-violence message in our communities.</li> <li>• Submitted a business plan to Johnson &amp; Johnson to partner with them on their “One Child/One Blanket” Project. This project involves Head Start parents and staff making blankets for children involved in disasters around the globe. We will target both global and national children.</li> <li>• Project Protégé (Mentoring) grant has selected three mentors and twelve protégées. We have 17 months to complete the implementation of this grant and we are on target in our project management. The education managers’ work has been our primary mentor model; it includes evaluation of the classroom environments, lesson planning and presentation, observation and response to teacher child interactions, and the richness of instruction. Extensive teacher coaching follows the observations. Teachers will demonstrate effective facilitation, clarity of learning objectives and improved analysis and reasoning as measured by CLASS scores in the domain of instructional development in that 25% of all classrooms will score in the high range, with remaining classrooms scoring in not less than the medium range.</li> <li>• Razvan Barna a Head Start Parent was nominated for the Rutha Weather Parent of the Year Award by his children’s site supervisor and his current supervisor. Raz won at the state and regional level and was forwarded to the national finals. The awards ceremony took place during the National Head Start Conference in Virginia Beach, Virginia on December 11<sup>th</sup> and Raz was awarded an honorable mention. CSB will be presenting him with his award certificate as well as a plaque during the January Policy Council meeting on the 19<sup>th</sup>.</li> <li>• CSB’s Early Head Start (EHS) program is underway and we are fully staffed. We currently serve 401 (EHS) children and families due to the expansion funds received in 2009. The children are served in center-based and home-based models and are operated by CSB and CSB partners. Our EHS partners include Brighter Beginnings, Cameron School, Concord Child Care, Crossroads, Martinez Early Childhood Center, YMCA of the East Bay, Regional Center of the East Bay and our delegate First Baptist Head Start.</li> <li>• The State of California has offered a grant application called CARES PLUS to the County’s First Five agency. One of the grant’s specific goals is to develop and promote an educated, sustainable and consistent Early Childcare work force. It is a two year grant with stipends awarded to the voluntary participants. CSB is one of the collaborative agencies in Contra Costa County working with First Five to design a plan for implantation of the CARES grant by First Five. Community Service Bureau will identify who qualifies in the program as facilitators and participants in CSB. Additionally, CSB will assist with communicating, organizing and setting meetings for teaching staff who are interested in participating in the program with First Five. First Five will present the program to the staff. Further, CSB will provide the staff participating in the CARES PLUS program with support in technology across the County.</li> </ul> <p><b>Delegate:</b></p>
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**Grantee / Agency: Contra Costa County CSB**  
**Program Activities for December 2010**  
**Report Submitted: January 10, 2011**

	<ul style="list-style-type: none"> <li>• We were able to provide 95 families with “Share the Spirit gifts”. Agencies within the Pittsburg area adopted our families in need and provided holiday gifts for each family.</li> <li>• 40 holiday food bags were given out to families in need. Some families received toys. A holiday workshop was conducted for parents to make gifts using simple household items. Parents thoroughly enjoyed the workshop.</li> </ul>
40. Highlights - Community Action (Caylin)	<ul style="list-style-type: none"> <li>• EOC officers along with Caylin Patterson and Monica Montano attended CalNeva’s Pathways to Excellence training to learn how to use diagnostic tools to set agency improvement priorities and build capacity of CAA. Standards and methodology for an organizational self-study were presented to guide improvement process.</li> <li>• EOC Chair, Fred Jackson, was granted the Comcast Hometown Heroes award.</li> <li>• Bay Point SparkPoint Community Engagement team is planning to hold a Future Search, a 3 day community engagement meeting with at least 64 East County residents. The planning team, which consists of public, private, faith based representatives as well as local residents, is in the process of choosing a name for the meeting, securing a location, and finalizing other logistics. The meeting is set to be held in March, 2011.</li> </ul>



Contra  
Costa  
County

To: Board of Supervisors  
From: Internal Operations Committee  
Date: January 25, 2011

Subject: Approval of Mental Health Commission Bylaws

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**RECOMMENDATION(S):**

Approve the revised bylaws for the Contra Costa Mental Health Commission as recommended by the Internal Operations Committee.

**FISCAL IMPACT:**

There is no fiscal impact from approving the revised bylaws.

**BACKGROUND:**

The 2010 Mental Health Commission (MHC) determined that their current bylaws were in need of review and possible revisions. A sub-committee of the Commission was created to review and make recommendation to the full MHC. The sub-committees recommendations were reviewed by County Counsel who advised on areas that were outside the County norm and provided recommendations for further changes.

On May 13, 2010 the MHC reviewed the final recommendations for changes to the by-laws and voted 6 Ayes, 0 Nays and 1 Abstention to approve the version being presented.

At the June 22, 2010 meeting the Board of Supervisors approved a recommendation to refer to the Internal Operations Committee (IOC) a review of the proposed by-law changes prior

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **01/25/2011** ☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Dorothy Sansoe,  
925-335-1009

cc:

BACKGROUND: (CONT'D)

to them being submitted to the Board of Supervisors for approval.

On December 6, 2010 the Internal Operations Committee reviewed the proposed revisions in detail. Staff highlighted each major change in the bylaws and indicated points of concern that had been raised by the public, County Counsel, or the County Administrator's office. Public comment was provided. The Internal Operations Committee requested changes to the bylaws for clarification and streamlining purposes

CONSEQUENCE OF NEGATIVE ACTION:

The bylaws will not be revised per the IOC's recommendation.

CHILDREN'S IMPACT STATEMENT:

None.

ATTACHMENTS

Revised MHC Bylaws - Clean Copy

MHC Bylaws - Marked Up Copy

**CONTRA COSTA COUNTY  
MENTAL HEALTH COMMISSION  
BYLAWS**

**Approved and Adopted:  
November 20, 1997**

**Last Amended and Approved:  
January 25, 2011**

CONTRA COSTA COUNTY  
MENTAL HEALTH COMMISSION  
BYLAWS

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Revised 1/18/11

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**ARTICLE I  
NAME OF ORGANIZATION**

**SECTION 1. NAME OF ORGANIZATION**

The name of the organization shall be the "Contra Costa County Mental Health Commission."

**ARTICLE II  
GENERAL PROVISIONS**

**SECTION 1. AUTHORITY**

The Contra Costa County Mental Health Commission ("Commission" hereinafter) was established by order of the Contra Costa County Board of Supervisors on June 22, 1993, pursuant to the Bronzan McCorquodale Act, Stats. 1992, c. 1374 (AB. 14).

**SECTION 2. ROLES AND RESPONSIBILITY**

As specified in the Welfare and Institutions Code Section 5600 and 5800.

**ARTICLE III  
MEMBERSHIP**

**SECTION 1. MEMBERSHIP**

The Commission shall consist of fifteen (15) members appointed by the Board of Supervisors, plus one member of the Board of Supervisors and an alternate assigned to be a representative to the Commission. Each member of the Board of Supervisors shall have three (3) members representing his or her district. The specific seat to be assigned to each nominee will be determined by the member of the Board of Supervisors making the nomination.

The following rules shall apply to membership on the Commission:

- A. One (1) member of the Board of Supervisors shall be a member of the Commission. The Board of Supervisors shall also appoint one (1) Supervisor to serve as an alternate member.
- B. Pursuant to the Welfare & Institutions Code Section 5604, fifty percent (50%) of the Commission membership "shall be consumers or parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services." If at least twenty percent of the total commission membership is not Consumers and/or if at least twenty percent of the total commission membership is not Family Members, a Commissioner for the underrepresented category may be selected from any Supervisorial district, if there are no applicants from the impacted district. On this Mental Health Commission, membership shall consist of:
  - Five (5) members shall be Consumer Representatives - individuals who are receiving or have received mental health services, preferably in Contra Costa County.
  - Five (5) members shall be Family Members - parents, spouses, State registered domestic partners, siblings or adult children of consumers who are receiving or have received mental health services, preferably in Contra Costa County.

- Five (5) members shall be Members-at-Large - individuals who have experience and knowledge of the mental health system, preferably in Contra Costa County.
- C. The Commission membership should reflect the ethnic diversity of the client population in the County.
- D. The composition of the Commission shall represent the demographics of the County as a whole, to the extent feasible.
- E. No member of the Commission or his or her spouse shall be:
  - A full-time or part-time employee of any Contra Costa County department that is directly involved in the provision of mental health services; or
  - An employee of the State Department of Mental Health; or
  - An employee of, or a paid member of, the governing body of a mental health contract agency.
- F. Except as otherwise provided in Welfare & Institutions Code 5604(f), Commission members must be eighteen (18) years of age or older and reside in Contra Costa County.
- G. Members of the Commission shall abstain from discussing or voting on any issue in which the member has a financial interest as defined in Section 87103 of the Government Code.

## **SECTION 2. RESPONSIBILITY OF COMMISSION MEMBERS**

### **Attendance requirements:**

- A. Regular attendance at Commission meetings is mandatory for all Commission members. The appointing Supervisor will immediately be notified of any unexcused absence.
- B. A member who is absent, whether excused or unexcused from four (4) Commission meetings in any twelve-month period shall be deemed to have automatically resigned from the Commission. In such event the member's status will be noted at the next scheduled Commission meeting and shall be recorded in the Commissions minutes. The Commission Chairperson shall, without further direction from the Commission, apprise the Board of Supervisors of the member's resignation and request the appointment of a replacement.
- C. Each Commissioner will ensure that when s/he attends Commission-sponsored meetings (excluding Commission and Commission Committee meetings) or activities representing her/himself as a Commissioner, s/he expresses only those views approved by the full Commission.
- D. The Chairperson may grant a Commission member a leave of absence, not to exceed three (3) consecutive regular monthly Commission meetings. A leave of absence may only be granted when the affected Commissioner requests it. To grant such a leave, the Chairperson shall announce it at a Commission meeting and immediately notify the appointing Supervisor. The leave will become effective at the meeting at which it is announced. The leave does not waive the limitation of absences stated in Section 2, item B of this Article. No more than one leave of absence shall be afforded to said Commissioner in any twelve (12) month period. Partial term appointments will be pro-rated.



### **SECTION 3. TERMS**

The term of each member of the Commission shall be three (3) years in duration. Terms shall be staggered so that approximately one-third (1/3) of the appointments end each year. All terms end on June 30 in the appropriate year.

The member of the Board of Supervisors who is appointed to the Commission shall serve an unlimited term until replaced by the County Board of Supervisors.

### **SECTION 4. VACANCIES**

The Chairperson shall notify the member of the Board of Supervisors who made the appointment and the Clerk of the Board if a Commission member resigns or otherwise becomes ineligible.

### **SECTION 5. FILLING COMMISSION VACANCIES**

Each member of the Board of Supervisors is encouraged to involve the Commission in all recruitment and screenings for applicants. Following an interview by the Membership/Nominating Committee, the Committee will forward its recommendation to the Commission. After Commission approval, the recommendation for nomination of the applicant shall be forwarded to the appropriate member of the Board of Supervisors for their action.

### **SECTION 6. COMMISSIONER RECRUITMENT PROCESS**

In order to comply with Welfare and Institution Code membership mandates, the Commission shall receive applications on an ongoing basis.

<h2><b>ARTICLE IV MEETINGS</b></h2>
---

### **SECTION 1. REGULAR MEETINGS**

Meetings of the Mental Health Commission shall be held monthly. A minimum of eleven (11) meetings shall be held per year. If the regular meeting date falls on a holiday, a new meeting date shall be selected.

### **SECTION 2. ORDER OF BUSINESS**

Agendas shall be prepared for regular Commission and Executive Committee meetings at the direction of the Commission Chairperson. When feasible, agendas shall be mailed seven (7) days prior to the meeting, but at a minimum 96 hours prior to the meeting. Agendas shall be posted, mailed and made available to the public in accordance with the Brown Act and Contra Costa County Better Government Ordinance.

### **SECTION 3. QUORUM**

As specified in Welfare and Institutions Code Section 5604.5.(c), a quorum is one person more than one-half of the appointed members. The Commission must have a quorum present in order to hold a meeting.

#### **SECTION 4. CLOSED SESSION**

The Commission may not conduct closed sessions.

#### **SECTION 5. SPECIAL MEETINGS**

Special meetings of the Commission may be called at any time by the Chair or by a majority of the members of the Commission in accordance with the Brown Act and Better Government Ordinance.

#### **SECTION 6. OPEN MEETINGS**

All meetings of the Commission and all meetings of the standing committees, task forces and workgroups appointed by the Commission shall comply with the Brown Act and the County's Better Government Ordinance.

#### **SECTION 7. DECISIONS AND ACTIONS OF THE COMMISSION**

Unless otherwise stated, all matters coming before the Commission for action shall be determined by a majority vote of the appointed Commissioners.

#### **SECTION 8. ADDRESSING THE COMMISSION**

Public Comment shall be allowed on any items of interest to the public that are within the subject matter jurisdiction of the Commission, both agendized and non-agendized items, in accordance with the Brown Act and the Contra Costa Better Government Ordinance. The Chairperson may limit the amount of time a person may use in addressing the Commission on any subject, provided the same amount of time is allotted to every person wishing to address the Commission.

<p style="text-align: center;"><b>ARTICLE V</b> <b>ELECTION OF OFFICERS</b></p>
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#### **SECTION 1. NOMINATION OF OFFICERS**

For annual appointment of Commission Chairperson, and Vice Chairperson the Membership/Nominating Committee shall announce the solicitation of nominations from the Commission members during the September meeting or the next regularly-scheduled meeting, obtain the nominees' consent to serve, and announce the slate of nominees at the October Commission meeting, or at the next regularly scheduled meeting. Should one of these positions become vacant during the term of office, nominations will be taken, nominees' consent to serve will be obtained, and nominees will be announced at the next regularly scheduled Commission meeting.

#### **SECTION 2. ELECTION**

The Commission shall elect a Chairperson, Vice-Chairperson and members of the Executive Committee at the next regular meeting of the Commission following the announcement of nominations as set forth in Section I. The newly-elected Chairperson and Vice-Chairperson shall assume office January 1 and serve through December 31 of that year. In the case of a mid-term appointment, the elected Chair, Vice Chair or members of the Executive Committee will complete the remainder of the normal term.

The election will be conducted publicly through the use of signed ballots. Ballots will be announced and counted publicly by the Membership/Nominating Committee. The election of each officer will carry a with majority vote. In the case of a tie vote, the Commission may recast ballots until the tie is broken. If, in the opinion of the Chair, the tie will not be broken within a reasonable number of attempts, the election may be deferred until the next scheduled Commission meeting and the current seated officer will remain in office until a new officer is elected.

### **SECTION 3. REMOVAL**

The Commission, by a majority vote, may remove the Chairperson and/or Vice-Chairperson from office and relieve them of their duties. In the event of removal of the Chairperson and/or Vice Chairperson, the Membership/Nominating Committee shall meet and present nominations for the vacant position(s) at the next regularly scheduled Commission meeting.

<p style="text-align: center;"><b>ARTICLE VI</b> <b>DUTIES OF OFFICERS</b></p>
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### **SECTION 1. DUTIES OF THE CHAIRPERSON**

The Chairperson shall preside at all meetings of the Commission and perform duties consistent with these Bylaws, and the Welfare and Institutions code. The Chairperson will be in consultation with the local Mental Health Director.

The Chairperson shall conduct meetings, maintain order and decorum, and decide questions of procedure as required by the Brown Act and the Contra Costa County Better Government Ordinance.

The Commission shall appoint a representative, who may be either an officer or other member of the Commission, to the California Association of Local Mental Health Boards/Commissions. The duties of the representative of the statewide organization shall be to represent the Mental Health Commission at statewide meetings and to make regular reports to the Commission.

### **SECTION 2. DUTIES OF THE VICE-CHAIRPERSON**

In the event of the Chairperson's absence from a meeting of the Commission or inability to act, the Vice-Chairperson shall preside and perform all duties of the Chairperson. In case of removal of the Chairperson, the Vice-Chairperson shall perform all duties of the Chairperson until new elections can be held.

### **SECTION 3. TEMPORARY CHAIRPERSON**

In the event both the Chairperson and Vice-Chairperson are absent from a meeting of the Commission or unable to act, the members shall, by order fully entered into their records, elect one of their members to act as Chairperson Pro Tem. The Chairperson Pro Tem shall perform the duties of the Chairperson until such time as the Chairperson or Vice-Chairperson resumes his or her duties.

## **ARTICLE VII COMMITTEES**

### **SECTION 1. CREATION OF COMMITTEES**

Pursuant to the rules set forth herein, the Commission may create committees which can be standing committees, task forces or workgroups, as needed.

### **SECTION 2. STAFF ASSISTANCE TO COMMITTEES**

The staff of the Contra Costa County Mental Health Division shall serve in an advisory capacity to committees of the Commission. The Executive Assistant to the Commission will provide staff support to all committees.

### **SECTION 3. STANDING COMMITTEES**

#### **A. Mission Statement**

Each standing committee shall develop a Mission Statement. The Mission Statement is subject to approval by the Commission and shall be submitted to the Commission for approval no later than 60 days after establishment of the committee. The standing committees may include, but are not limited to, the following:

1. Adult & Transitional Age Youth Committee
2. Children's Committee
3. Finance Committee
4. Justice System Committee
5. Older Adult Committee

#### **B. Membership**

The membership of each standing committee shall include a minimum of two (2) and a maximum of four (4) members of the Commission.

#### **C. Appointment and Terms**

1. The Commission may appoint Commission members to standing committees.
2. The terms of the Committee Chairpersons and Vice-Chairpersons shall be one (1) year
3. There are no limits on the number of terms an individual may serve as Committee Chairperson.

#### **D. Meetings/Actions**

1. All matters coming before a standing committee shall be determined by a majority of the Commissioners on the Committee.
2. All standing committee meetings shall be conducted in accordance with the Brown Act and the Contra Costa County Better Government Ordinance.
3. All actions approved by committees will be referred to the Mental Health Commission for final approval.

#### **E. Chairpersons/Co-Chairpersons/Vice-Chairpersons**

1. Selection
  - Each standing committee shall have a Chairperson and may have a Vice Chairperson. Chairpersons and Vice-Chairpersons of standing committees must be Commission members. They are selected by the Committee members.
  - In the event of a vacancy in the position of Chairperson or Vice Chairperson of a standing committee, the Commission Chairperson may serve as temporary

Chairperson of the standing committee for up to sixty (60) days while the Committee selects a new Chairperson or Vice Chairperson.

2. Duties

- The Chairperson shall preside at all meetings of the standing committee and perform his or her duties consistent with the procedures outlined herein. The Chairperson shall work in consultation with the Commission Chairperson.
- The Chairperson shall direct the preparation and distribution of agendas for the standing committee in compliance with the Brown Act and Better Government Ordinance.
- The Chairperson shall provide monthly reports to the Commission regarding the activities of the standing committee and is encouraged to provide an outline of the monthly report to the Executive Assistant to the Commission for use in preparation of the Minutes.
- The Commissioners shall conform to the Mental Health Division client confidentiality statement and ensure that members and attendees of the standing committee do likewise.

#### **SECTION 4. EXECUTIVE COMMITTEE**

A. Mission Statement

The Executive Committee is charged with acting on the decisions of the full Mental Health Commission. Its primary focus is to identify and avail any reasonable resources needed to deliberate over agenda items of the general membership, workgroup, committee or task force meetings.

B. Membership

Members of the Executive Committee shall include the Commission Chairperson and Vice Chairperson. Additional member(s) will be elected by the Commission for a term of one calendar year. The Executive Committee shall consist of a maximum of four (4) members.

#### **SECTION 5. MEMBERSHIP/NOMINATING COMMITTEE**

A. Mission Statement

The Membership/Nominating Committee shall recruit and interview applicants to the Commission. Following the interview, the Committee will forward its recommendation to the Commission. After Commission approval, the recommendation for nomination of the applicant shall be forwarded to the appropriate member of the Board of Supervisors for their action. The Membership/Nominating Committee shall also select nominees for Chairperson, Vice Chairperson, and members of the Executive Committee, obtain the nominees' consent to serve, and provide the slate of nominees to the Commission.

B. Membership

The Membership/Nominating Committee shall consist of a minimum of three (3) and a maximum of four (4) members of the Commission who choose not to be considered for election to office.

## **SECTION 6. TASK FORCES**

### **A. Purpose**

Task forces shall be time-limited and have a stated purpose approved by the Commission and shall be required to report back to the Commission regarding progress toward their stated purpose.

### **B. Membership of Task Forces**

The membership of each task force shall include a minimum of two (2) members but no more than four (4) members of the Commission who shall serve on the task force as liaisons to the Commission. Other members may be appointed from the community when special expertise, advice or opinion is desired, at the discretion of the Commission. All members and attendees shall conform to the Mental Health Division client confidentiality statement.

### **C. Appointment and Terms**

The Commission shall appoint Commission members to task forces based upon a majority vote of the Commission. The terms of all task force members shall be until the task force has completed its mission.

### **D. Meetings/Actions**

A minimum of two (2) Commissioners, or 50% of the membership plus one individual, whichever is more, shall constitute a quorum for the transaction of business. All matters coming before a task force shall be determined by a majority of the members. All meetings shall be conducted in accordance with the Brown Act and the Contra Costa County Better Government Ordinance.

### **E. Chairpersons**

#### **1. Selection**

Each task force shall have a Chairperson and Vice Chairperson, selected by the members of the task force. The Chair of a task force must be a Commission member. In the event of a vacancy in the position of Chairperson of a task force, the Commission Chairperson may serve as temporary Chairperson of the task force for up to sixty (60) days while the Task Force selects a new Chairperson.

#### **2. Duties**

- The Chairperson shall preside at all meetings of the task force and perform his or her duties consistent with the procedures outlined herein. The Chair shall work in consultation with the Commission Chairperson.
- The Chairperson shall direct the preparation and distribution of agendas for the task force in conformance with the Brown Act and Better Government Ordinance.
- The Chairperson shall provide monthly reports to the sponsoring standing committee, if any, or Commission.

## **SECTION 7. WORKGROUPS**

### **A. Purpose**

Workgroups shall be time-limited and have a stated purpose approved by the Commission and shall be required to report back to the Commission regarding progress toward their stated purpose.

### **B. Membership of the Workgroup**

The membership of a workgroup will consist of a minimum of two (2) but no more than four (4) members of the Commission.

### **C. Appointment and Terms**

The Commission shall appoint Commission members to a workgroup.

**D. Meetings/Actions**

A minimum of two (2) Commissioners, or 50% of the membership plus one individual, whichever is more, shall constitute a quorum for the transaction of business. All matters coming before a workgroup shall be determined by a majority of the members and Commission.

**E. Chairpersons/Co-Chairpersons**

**1. Selection**

Each workgroup shall have a Chairperson and Vice Chairperson selected by the members of the Workgroup. In the event of a vacancy in the position of Chairperson of a workgroup, the Commission Chairperson may serve as temporary Chairperson of the task force for up to sixty (60) days while the Workgroup selects a new Chairperson.

**2. Duties**

- The Chairperson shall preside at all meetings of the workgroup and perform his or her duties consistent with the procedures outlined herein. The Chair shall be in consultation with the Commission Chairperson.
- The Chairperson shall direct the preparation and distribution of agendas for the workgroup in conformance with the Brown Act and Better Government Ordinance.
- The Chairperson shall provide monthly reports to the Commission.

**ARTICLE IX**  
**COMMISSION/MENTAL HEALTH DIVISION RELATIONSHIP**

**SECTION 1. STAFF SUPPORT**

The Mental Health Division shall provide for administrative and clerical support services to manage the operations and activities of the Mental Health Commission. The budget of the Mental Health Division shall fund the position of the Executive Assistant to the Mental Health Commission.

**SECTION 2. MENTAL HEALTH STAFF ATTENDANCE AT MEETINGS**

The Mental Health Division staff shall provide information to the Commission, or to committees, regarding agenda items and attend meetings on a regular basis.

**SECTION 3. ACTIONS**

The Commission shall regularly inform the Director of Mental Health Services of Commission actions.

<p style="text-align: center;"><b>ARTICLE X</b> <b>BYLAW AMENDMENTS</b></p>
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**SECTION 1. AMENDMENTS**

These bylaws may be amended by a majority vote in a regularly scheduled meeting as defined at Article IV, Section 1. Before the Commission may consider and/or vote on Bylaw amendments, proposed amendments shall be submitted in writing to Commission members at least thirty (30) days prior to the meeting date at which they are to be considered. Amended Bylaws shall be submitted to County Counsel for review, finalized by the Commission and then transmitted to the Board of Supervisors for final approval.



**CONTRA COSTA COUNTY  
MENTAL HEALTH COMMISSION  
BYLAWS**

**Approved and Adopted:  
November 20, 1997  
Last Amended and Approved:  
January 18, 2011**

CONTRA COSTA COUNTY  
MENTAL HEALTH COMMISSION  
BYLAWS

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<p style="text-align: center;"><b>ARTICLE I</b> <b>NAME OF ORGANIZATION</b></p>
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**SECTION 1. NAME OF ORGANIZATION**

The name of the organization shall be the "Contra Costa County Mental Health Commission."

<p style="text-align: center;"><b>ARTICLE II</b> <b>GENERAL PROVISIONS</b></p>
--

**SECTION 1. AUTHORITY**

The Contra Costa County Mental Health Commission ("Commission" hereinafter) was established by order of the Contra Costa County Board of Supervisors on June 22, 1993, pursuant to the Bronzan McCorquodale Act, Stats. 1992, c. 1374 (AB. 14).

**SECTION 2. ROLES AND RESPONSIBILITY**

As specified in the Welfare and Institutions Code Section 5600 and 5800.

<p style="text-align: center;"><b>ARTICLE III</b> <b>MEMBERSHIP</b></p>
---

**SECTION 1. MEMBERSHIP**

The Commission shall consist of fifteen (15) members appointed by the Board of Supervisors, plus one member of the Board of Supervisors and an alternate assigned to be a representative to the Commission. Each member of the Board of Supervisors shall have three (3) members representing his or her district. The specific seat to be assigned to each nominee will be determined by the member of the Board of Supervisors making the nomination.

The following rules shall apply to membership on the Commission:

- A. One (1) member of the Board of Supervisors shall be a member of the Commission. The Board of Supervisors shall also appoint one (1) Supervisor to serve as an alternate member.
- B. Pursuant to the Welfare & Institutions Code Section 5604, fifty percent (50%) of the Commission membership "shall be consumers or parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services." If at least twenty percent of the total commission membership is not Consumers and/or if at least twenty percent of the total commission membership is not Family Members, a Commissioner for the underrepresented category may be selected from any Supervisorial district, if there are no applicants from the impacted district. On this Mental Health Commission, membership shall consist of:
  - Five (5) members shall be Consumer Representatives - individuals who are receiving or have received mental health services, preferably in Contra Costa County.
  - Five (5) members shall be Family Members - parents, spouses, State registered domestic partners, siblings or adult children of consumers who are receiving or have received mental health services, preferably in Contra Costa County.

- Five (5) members shall be Members-at-Large - individuals who have experience and knowledge of the mental health system, preferably in Contra Costa County.
- C. The Commission membership should reflect the ethnic diversity of the client population in the County.
- D. The composition of the Commission shall represent the demographics of the County as a whole, to the extent feasible.
- E. No member of the Commission or his or her spouse shall be:
  - A full-time or part-time employee of any Contra Costa County department that is directly involved in the provision of mental health services; or
  - An employee of the State Department of Mental Health; or
  - An employee of, or a paid member of, the governing body of a mental health contract agency.
- F. Except as otherwise provided in Welfare & Institutions Code 5604(f), Commission members must be eighteen (18) years of age or older and reside in Contra Costa County.
- G. Members of the Commission shall abstain from discussing or voting on any issue in which the member has a financial interest as defined in Section 87103 of the Government Code.

## **SECTION 2. RESPONSIBILITY OF COMMISSION MEMBERS**

### **Attendance requirements:**

- A. Regular attendance at Commission meetings is mandatory for all Commission members. The appointing Supervisor will immediately be notified of any unexcused absence.
- B. A member who is absent, whether excused or unexcused from four (4) Commission meetings in any twelve-month period shall be deemed to have automatically resigned from the Commission. In such event the member's status will be noted at the next scheduled Commission meeting and shall be recorded in the Commissions minutes. The Commission Chairperson shall, without further direction from the Commission, apprise the Board of Supervisors of the member's resignation and request the appointment of a replacement.
- C. Each Commissioner will ensure that when s/he attends Commission-sponsored meetings (excluding Commission and Commission Committee meetings) or activities representing her/himself as a Commissioner, s/he expresses only those views approved by the full Commission.
- D. The Chairperson may grant a Commission member a leave of absence, not to exceed three (3) consecutive regular monthly Commission meetings. A leave of absence may only be granted when the affected Commissioner requests it. To grant such a leave, the Chairperson shall announce it at a Commission meeting and immediately notify the appointing Supervisor. The leave will become effective at the meeting at which it is announced. The leave does not waive the limitation of absences stated in Section 2, item B of this Article. No more than one leave of absence shall be afforded to said Commissioner in any twelve (12) month period. Partial term appointments will be pro-rated.

### **SECTION 3. TERMS**

The term of each member of the Commission shall be three (3) years in duration. Terms shall be staggered so that approximately one-third (1/3) of the appointments end each year. All terms end on June 30 in the appropriate year.

The member of the Board of Supervisors who is appointed to the Commission shall serve an unlimited term until replaced by the County Board of Supervisors.

### **SECTION 4. VACANCIES**

The Chairperson shall notify the member of the Board of Supervisors who made the appointment and the Clerk of the Board if a Commission member resigns or otherwise becomes ineligible.

### **SECTION 5. FILLING COMMISSION VACANCIES**

Each member of the Board of Supervisors is encouraged to involve the Commission in all recruitment and screenings for applicants. Following an interview by the Membership/Nominating Committee, the Committee will forward its recommendation to the Commission. After Commission approval, the recommendation for nomination of the applicant shall be forwarded to the appropriate member of the Board of Supervisors for their action.

### **SECTION 6. COMMISSIONER RECRUITMENT PROCESS**

In order to comply with Welfare and Institution Code membership mandates, the Commission shall receive applications on an ongoing basis.

<h2><b>ARTICLE IV MEETINGS</b></h2>
---

### **SECTION 1. REGULAR MEETINGS**

Meetings of the Mental Health Commission shall be held monthly. A minimum of eleven (11) meetings shall be held per year. If the regular meeting date falls on a holiday, a new meeting date shall be selected.

### **SECTION 2. ORDER OF BUSINESS**

Agendas shall be prepared for regular Commission and Executive Committee meetings at the direction of the Commission Chairperson. When feasible, agendas shall be mailed seven (7) days prior to the meeting, but at a minimum 96 hours prior to the meeting. Agendas shall be posted, mailed and made available to the public in accordance with the Brown Act and Contra Costa County Better Government Ordinance.

### **SECTION 3. QUORUM**

As specified in Welfare and Institutions Code Section 5604.5.(c), a quorum is one person more than one-half of the appointed members. The Commission must have a quorum present in order to hold a meeting.

#### **SECTION 4. CLOSED SESSION**

The Commission may not conduct closed sessions.

#### **SECTION 5. SPECIAL MEETINGS**

Special meetings of the Commission may be called at any time by the Chair or by a majority of the members of the Commission in accordance with the Brown Act and Better Government Ordinance.

#### **SECTION 6. OPEN MEETINGS**

All meetings of the Commission and all meetings of the standing committees, task forces and workgroups appointed by the Commission shall comply with the Brown Act and the County's Better Government Ordinance.

#### **SECTION 7. DECISIONS AND ACTIONS OF THE COMMISSION**

Unless otherwise stated, all matters coming before the Commission for action shall be determined by a majority vote of the appointed Commissioners.

#### **SECTION 8. ADDRESSING THE COMMISSION**

Public Comment shall be allowed on any items of interest to the public that are within the subject matter jurisdiction of the Commission, both agendaized and non-agendaized items, in accordance with the Brown Act and the Contra Costa Better Government Ordinance. The Chairperson may limit the amount of time a person may use in addressing the Commission on any subject, provided the same amount of time is allotted to every person wishing to address the Commission.

<b>ARTICLE V</b> <b>ELECTION OF OFFICERS</b>
---

#### **SECTION 1. NOMINATION OF OFFICERS**

For annual appointment of Commission Chairperson, and Vice Chairperson the Membership/Nominating Committee shall announce the solicitation of nominations from the Commission members during the September meeting or the next regularly-scheduled meeting, obtain the nominees' consent to serve, and announce the slate of nominees at the October Commission meeting, or at the next regularly scheduled meeting. Should one of these positions become vacant during the term of office, nominations will be taken, nominees' consent to serve will be obtained, and nominees will be announced at the next regularly scheduled Commission meeting.

#### **SECTION 2. ELECTION**

The Commission shall elect a Chairperson, Vice-Chairperson and members of the Executive Committee at the next regular meeting of the Commission following the announcement of nominations as set forth in Section I. The newly-elected Chairperson and Vice-Chairperson shall assume office January 1 and serve through December 31 of that year. In the case of a mid-term appointment, the elected Chair, Vice Chair or members of the Executive Committee will complete the remainder of the normal term.

The election will be conducted publicly through the use of signed ballots. Ballots will be announced and counted publicly by the Membership/Nominating Committee. The election of each officer will carry a with majority vote. In the case of a tie vote, the Commission may re-cast ballots until the tie is broken. If, in the opinion of the Chair, the tie will not be broken within a reasonable number of attempts, the election may be deferred until the next scheduled Commission meeting and the current seated officer will remain in office until a new officer is elected.

### **SECTION 3. REMOVAL**

The Commission, by a majority vote, may remove the Chairperson and/or Vice-Chairperson from office and relieve them of their duties. In the event of removal of the Chairperson and/or Vice Chairperson, the Membership/Nominating Committee shall meet and present nominations for the vacant position(s) at the next regularly scheduled Commission meeting.

<p style="text-align: center;"><b>ARTICLE VI</b> <b>DUTIES OF OFFICERS</b></p>
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### **SECTION 1. DUTIES OF THE CHAIRPERSON**

The Chairperson shall preside at all meetings of the Commission and perform duties consistent with these Bylaws, and the Welfare and Institutions code. The Chairperson will be in consultation with the local Mental Health Director.

The Chairperson shall conduct meetings, maintain order and decorum, and decide questions of procedure as required by the Brown Act and the Contra Costa County Better Government Ordinance.

The Commission shall appoint a representative, who may be either an officer or other member of the Commission, to the California Association of Local Mental Health Boards/Commissions. The duties of the representative of the statewide organization shall be to represent the Mental Health Commission at statewide meetings and to make regular reports to the Commission.

### **SECTION 2. DUTIES OF THE VICE-CHAIRPERSON**

In the event of the Chairperson's absence from a meeting of the Commission or inability to act, the Vice-Chairperson shall preside and perform all duties of the Chairperson. In case of removal of the Chairperson, the Vice-Chairperson shall perform all duties of the Chairperson until new elections can be held.

### **SECTION 3. TEMPORARY CHAIRPERSON**

In the event both the Chairperson and Vice-Chairperson are absent from a meeting of the Commission or unable to act, the members shall, by order fully entered into their records, elect one of their members to act as Chairperson Pro Tem. The Chairperson Pro Tem shall perform the duties of the Chairperson until such time as the Chairperson or Vice-Chairperson resumes his or her duties.



## **ARTICLE VII COMMITTEES**

### **SECTION 1. CREATION OF COMMITTEES**

Pursuant to the rules set forth herein, the Commission may create committees which can be standing committees, task forces or workgroups, as needed.

### **SECTION 2. STAFF ASSISTANCE TO COMMITTEES**

The staff of the Contra Costa County Mental Health Division shall serve in an advisory capacity to committees of the Commission. The Executive Assistant to the Commission will provide staff support to all committees.

### **SECTION 3. STANDING COMMITTEES**

#### **A. Mission Statement**

Each standing committee shall develop a Mission Statement. The Mission Statement is subject to approval by the Commission and shall be submitted to the Commission for approval no later than 60 days after establishment of the committee. The standing committees may include, but are not limited to, the following:

1. Adult & Transitional Age Youth Committee
2. Children's Committee
3. Finance Committee
4. Justice System Committee
5. Older Adult Committee

#### **B. Membership**

The membership of each standing committee shall include a minimum of two (2) and a maximum of four (4) members of the Commission.

#### **C. Appointment and Terms**

1. The Commission may appoint Commission members to standing committees.
2. The terms of the Committee Chairpersons and Vice-Chairpersons shall be one (1) year
3. There are no limits on the number of terms an individual may serve as Committee Chairperson.

#### **D. Meetings/Actions**

1. All matters coming before a standing committee shall be determined by a majority of the Commissioners on the Committee.
2. All standing committee meetings shall be conducted in accordance with the Brown Act and the Contra Costa County Better Government Ordinance.
3. All actions approved by committees will be referred to the Mental Health Commission for final approval.

#### **E. Chairpersons/Co-Chairpersons/Vice-Chairpersons**

1. Selection
  - Each standing committee shall have a Chairperson and may have a Vice Chairperson. Chairpersons and Vice-Chairpersons of standing committees must be Commission members. They are selected by the Committee members.
  - In the event of a vacancy in the position of Chairperson or Vice Chairperson of a standing committee, the Commission Chairperson may serve as temporary

Chairperson of the standing committee for up to sixty (60) days while the Committee selects a new Chairperson or Vice Chairperson.

2. Duties

- The Chairperson shall preside at all meetings of the standing committee and perform his or her duties consistent with the procedures outlined herein. The Chairperson shall work in consultation with the Commission Chairperson.
- The Chairperson shall direct the preparation and distribution of agendas for the standing committee in compliance with the Brown Act and Better Government Ordinance.
- The Chairperson shall provide monthly reports to the Commission regarding the activities of the standing committee and is encouraged to provide an outline of the monthly report to the Executive Assistant to the Commission for use in preparation of the Minutes.
- The Commissioners shall conform to the Mental Health Division client confidentiality statement and ensure that members and attendees of the standing committee do likewise.

#### **SECTION 4. EXECUTIVE COMMITTEE**

A. Mission Statement

The Executive Committee is charged with acting on the decisions of the full Mental Health Commission. Its primary focus is to identify and avail any reasonable resources needed to deliberate over agenda items of the general membership, workgroup, committee or task force meetings.

B. Membership

Members of the Executive Committee shall include the Commission Chairperson and Vice Chairperson. Additional member(s) will be elected by the Commission for a term of one calendar year. The Executive Committee shall consist of a maximum of four (4) members.

#### **SECTION 5. MEMBERSHIP/NOMINATING COMMITTEE**

A. Mission Statement

The Membership/Nominating Committee shall recruit and interview applicants to the Commission. Following the interview, the Committee will forward its recommendation to the Commission. After Commission approval, the recommendation for nomination of the applicant shall be forwarded to the appropriate member of the Board of Supervisors for their action. The Membership/Nominating Committee shall also select nominees for Chairperson, Vice Chairperson, and members of the Executive Committee, obtain the nominees' consent to serve, and provide the slate of nominees to the Commission.

B. Membership

The Membership/Nominating Committee shall consist of a minimum of three (3) and a maximum of four (4) members of the Commission who choose not to be considered for election to office.

## **SECTION 6. TASK FORCES**

### **A. Purpose**

Task forces shall be time-limited and have a stated purpose approved by the Commission and shall be required to report back to the Commission regarding progress toward their stated purpose.

### **B. Membership of Task Forces**

The membership of each task force shall include a minimum of two (2) members but no more than four (4) members of the Commission who shall serve on the task force as liaisons to the Commission. Other members may be appointed from the community when special expertise, advice or opinion is desired, at the discretion of the Commission. All members and attendees shall conform to the Mental Health Division client confidentiality statement.

### **C. Appointment and Terms**

The Commission shall appoint Commission members to task forces based upon a majority vote of the Commission. The terms of all task force members shall be until the task force has completed its mission.

### **D. Meetings/Actions**

A minimum of two (2) Commissioners, or 50% of the membership plus one individual, whichever is more, shall constitute a quorum for the transaction of business. All matters coming before a task force shall be determined by a majority of the members. All meetings shall be conducted in accordance with the Brown Act and the Contra Costa County Better Government Ordinance.

### **E. Chairpersons**

#### **1. Selection**

Each task force shall have a Chairperson and Vice Chairperson, selected by the members of the task force. The Chair of a task force must be a Commission member. In the event of a vacancy in the position of Chairperson of a task force, the Commission Chairperson may serve as temporary Chairperson of the task force for up to sixty (60) days while the Task Force selects a new Chairperson.

#### **2. Duties**

- The Chairperson shall preside at all meetings of the task force and perform his or her duties consistent with the procedures outlined herein. The Chair shall work in consultation with the Commission Chairperson.
- The Chairperson shall direct the preparation and distribution of agendas for the task force in conformance with the Brown Act and Better Government Ordinance.
- The Chairperson shall provide monthly reports to the sponsoring standing committee, if any, or Commission.

## **SECTION 7. WORKGROUPS**

### **A. Purpose**

Workgroups shall be time-limited and have a stated purpose approved by the Commission and shall be required to report back to the Commission regarding progress toward their stated purpose.

### **B. Membership of the Workgroup**

The membership of a workgroup will consist of a minimum of two (2) but no more than four (4) members of the Commission.

### **C. Appointment and Terms**

The Commission shall appoint Commission members to a workgroup.

**D. Meetings/Actions**

A minimum of two (2) Commissioners, or 50% of the membership plus one individual, whichever is more, shall constitute a quorum for the transaction of business. All matters coming before a workgroup shall be determined by a majority of the members and Commission.

**E. Chairpersons/Co-Chairpersons**

**1. Selection**

Each workgroup shall have a Chairperson and Vice Chairperson selected by the members of the Workgroup. In the event of a vacancy in the position of Chairperson of a workgroup, the Commission Chairperson may serve as temporary Chairperson of the task force for up to sixty (60) days while the Workgroup selects a new Chairperson.

**2. Duties**

- The Chairperson shall preside at all meetings of the workgroup and perform his or her duties consistent with the procedures outlined herein. The Chair shall be in consultation with the Commission Chairperson.
- The Chairperson shall direct the preparation and distribution of agendas for the workgroup in conformance with the Brown Act and Better Government Ordinance.
- The Chairperson shall provide monthly reports to the Commission.

**ARTICLE IX**  
**COMMISSION/MENTAL HEALTH DIVISION RELATIONSHIP**

**SECTION 1. STAFF SUPPORT**

The Mental Health Division shall provide for administrative and clerical support services to manage the operations and activities of the Mental Health Commission. The budget of the Mental Health Division shall fund the position of the Executive Assistant to the Mental Health Commission.

**SECTION 2. MENTAL HEALTH STAFF ATTENDANCE AT MEETINGS**

The Mental Health Division staff shall provide information to the Commission, or to committees, regarding agenda items and attend meetings on a regular basis.

**SECTION 3. ACTIONS**

The Commission shall regularly inform the Director of Mental Health Services of Commission actions.

<p style="text-align: center;"><b>ARTICLE X</b> <b>BYLAW AMENDMENTS</b></p>
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**SECTION 1. AMENDMENTS**

These bylaws may be amended by a majority vote in a regularly scheduled meeting as defined at Article IV, Section 1. Before the Commission may consider and/or vote on Bylaw amendments, proposed amendments shall be submitted in writing to Commission members at least thirty (30) days prior to the meeting date at which they are to be considered. Amended Bylaws shall be submitted to County Counsel for review, finalized by the Commission and then transmitted to the Board of Supervisors for final approval.



Contra  
Costa  
County

To: Board of Supervisors  
From: Joe Valentine, Employment & Human Services Director  
Date: January 25, 2011

Subject: In-Home Supportive Services Public Authority Advisory Committee Annual Report

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**RECOMMENDATION(S):**

ACCEPT the Annual In-Home Supportive Services Public Authority Advisory Committee Annual Report for the period of December 1, 2009 through November 30, 2010, as submitted by the In-Home Supportive Services Public Authority Director.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

On June 18, 2002, the Contra Costa County Board of Supervisors adopted Resolution No. 2002/377, requiring that each regular and ongoing board, commission and/or committee shall annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training and certification programs and proposed work plan/objectives for the following year. The attached report fulfills the requirement for the In-Home Supportive Services Public Authority Advisory Committee.

**CONSEQUENCE OF NEGATIVE ACTION:**

None

**CHILDREN'S IMPACT STATEMENT:**

None

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 01/25/2011

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Jan Watson, 363-6671

cc:

## ATTACHMENTS

IHSS PA 2010 Advisory Report

**Report to Contra Costa County  
Board of Supervisors**

**Name:** Contra Costa County In-Home Supportive Services Public Authority  
Advisory Committee

**Meeting:** 1:00 to 4:00 on the third Tuesday of every month  
500 Ellinwood Way, Ste. 110, Pleasant Hill

**Chair:** Sydney Anderson

**Staff:** Jan Watson, Executive Director  
Elizabeth Dondi, Program Manager  
Lisa Lloyd, Secretary – Advanced Level

**Report Period:** December 2009 – November 2010

**Prepared by:** Sydney Anderson, Chair  
Jan Watson, Executive Director  
Elizabeth Dondi, Program Manager

**I. ACTIVITIES**

**Provider and Consumer Training**

Through recommendations from the Health, Safety and Education Sub-Committee, consumer and provider educational and training sessions were conducted by Public Authority Registry/Training Specialists or outside speakers in December 2009, February, May, September and November 2010

Topics presented included:

- Preventing Holiday Blues
- Wound Care
- Alzheimer/Dementia
- Diabetes
- Reducing Holiday Stress
- CPR/First Aid

During this period the Advisory Committee Members monitored the implementation of the new IHSS provider enrollment requirements mandated by the state. Over 7000 providers have been processed for background checks and have had face-to-face orientation sessions with the Public Authority staff.

**Rapid Response Program**

This program, which refers providers to IHSS consumers that are unexpectedly without their regular provider, has seen a significant decrease in willing and available providers since stipends were discontinued in 2009. The committee continues to monitor the program and discuss ways to revive it so that vulnerable consumers may remain safely in their homes.

**Advisory Committee Policies and Procedures**

Members completed the review and revision of Advisory Committee Policies and Procedures. The revised document was adopted on April 20<sup>th</sup>, 2010.



## **II. ACCOMPLISHMENTS**

### **Communication and Networking**

Advisory Committee member Paul DeMange continued in his role as the Advisory Committee's representative to the monthly California IHSS Consumer Alliance (CICA) meetings. Advisory Committee member Janet Tonneson volunteered as a backup representative.

Advisory Committee member Chris McDonald attended the Advisory Council on Aging meetings on behalf of the Advisory Committee.

### **Community Involvement**

Advisory Committee Chair, Sydney Anderson, members Michael Fernandez and Cathy Cratty attended an East County Senior Coalition Health and Information Fair held in Bethel Island on January 26<sup>th</sup>, 2010. They provided information and answered questions about the IHSS Program. There were approximately 75 seniors in attendance.

On May 15<sup>th</sup>, 2010 Advisory Committee Chair, Sydney Anderson and member Mike Fernandes attended an East County Senior Coalition Health and Information Fair at Oakley City Hall and provided information about the IHSS Program.

## **III. ATTENDANCE/REPRESENTATION**

State Law, regulations and County Ordinance specify an eleven member Advisory Committee appointed by the Board of Supervisors. No fewer than fifty percent of the members shall be individuals who are current or past users of personal assistance services paid for through public or private funds or are recipients of In-Home Supportive Services.

Currently the Advisory Committee has ten members. Efforts to fill the remaining vacancy have continued throughout the year and we have a potential candidate who will be interviewed in January 2011.

## **IV. TRAINING/CERTIFICATION**

This year Advisory Committee members received training or attended presentations on the following topics:

- Ethics
- Advisory Body Training
- AB 1234 Mandatory Advisory Body Requirement every two years

Additionally, some members attended the California IHSS Consumer Alliance (CICA) statewide conferences held in San Jose in January and October 2010 and participated in many educational and networking events.

## **V. PROPOSED WORK PLAN**

- Review and update of the Public Authority Policies and Procedures
- Recruit for and fill the remaining vacancy on the Advisory Committee
- Continue to work with Public Authority staff on trainings for providers and consumers
- Participate in monthly CICA meetings
- Increase the number of meetings with Supervisors
- Help keep elders and those with disabilities out of nursing homes, which saves county and state money
- Monitor legislation that impacts IHSS, Medi-Cal and Medicare
- Continue legislative advocacy for IHSS with Board approval
- Continue to work collaboratively with In-Home Supportive Services and other county departments
- Continue to monitor Medicare Part D, cuts to Medi-Cal and their effects on IHSS recipients

**Conclusion**

The Advisory Committee is aware of the persistent challenges the IHSS program in Contra Costa County is facing due to budget shortfalls and the reduction in staffing to the program. These issues will be fully considered during our decision-making.



Contra  
Costa  
County

To: Board of Supervisors  
From: Dorothy Sansoe, County Administrator  
Date: January 25, 2011

Subject: Extension of Emergency Declaration Regarding Homelessness

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**RECOMMENDATION(S):**

CONTINUE the emergency action originally taken by the Board of Supervisors on November 16, 1999 regarding the issue of homelessness in Contra Costa County.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

Government Code Section 8630 required that, for a body that meets weekly, the need to continue the emergency declaration be reviewed at least every 14 days until the local emergency is terminated. In no event is the review to take place more than 21 days after the previous review.

On November 16, 1999, the Board of Supervisors declared a local emergency, pursuant to the provisions of Government Code Section 8630 on homelessness in Contra Costa County.

With the continuing high number of homeless individuals and insufficient funding available to assist in sheltering all homeless individuals and families, it is appropriate for the

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **01/25/2011**

☒ 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  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: June McHuen, Deputy

Contact: Cynthia Belon,  
925-313-6736

cc:

BACKGROUND: (CONT'D)

Board to continue the declaration of a local emergency regarding homelessness.

CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors would not be in compliance with Government Code Section 8630.

CHILDREN'S IMPACT STATEMENT:

None.



Contra  
Costa  
County

To:

From: Jim Kennedy, County Redevelopment Director

Date: January 25, 2011

Subject: Conveyance of Portions of Real Property from Contra Costa Redevelopment Agency to Contra Costa County in Connection With the Bailey Road Improvement

**RECOMMENDATION(S):**

APPROVE the conveyance of portions of real property from Contra Costa Redevelopment Agency to Contra Costa County in connection with the Bailey Road Improvement Project, pursuant to Government Code Section § 33220 (g).

DETERMINE said property is no longer necessary for Redevelopment Agency purposes and is required by County for road purposes.

AUTHORIZE the Chair, Redevelopment Agency, to execute said Grant Deed on behalf of the Redevelopment Agency.

DIRECT the Redevelopment Agency to deliver said Grant Deed to the Grantee for acceptance and recording.

**FISCAL IMPACT:**

None to the General



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/25/2011**



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

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V Supervisor

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

ATTESTED: January 25, 2011

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

By: EMY L. SHARP, Deputy

Contact: Maureen Toms,  
925-335-7230

cc: Karen Laws, Real Property

#### FISCAL IMPACT: (CONT'D)

Fund. Conveyance of right-of-way is necessary for the Bailey Road Improvement Project. The contribution of right-of-way, together with \$332,826 of budgeted Bay Point Redevelopment funds, will cover the County's local match for the grant funds received for the project.

#### BACKGROUND:

The County Public Works Department and Redevelopment Agency (Agency) are working with the City of Pittsburg to implement the Bailey Road Improvement Project. The improvements would be to Bailey Road between State Route 4 and Leland Road. The road improvements are along the frontage of the Orbisonia Heights neighborhood where the Agency has been working on a land assemblage program for transit oriented development. The right-of-way conveyance is pursuant to Government Code § 33220 (g). The right-of-way conveyance consists of approximately two and a half feet for road right-of-way and five feet for public utility easement along the Bailey Road frontage of the Orbisonia Heights area.

The City of Pittsburg, as the lead agency for the project, adopted the Mitigated Negative Declaration on September 21, 2009. Staff is recommending that Contra Costa County, the responsible Agency for the project, adopt the Mitigated Negative Declaration for the project under a separate board item.

#### CONSEQUENCE OF NEGATIVE ACTION:

Receipt of grant funds to carry out the project could be jeopardized if conveyance of right-of-way is delayed.

#### CHILDREN'S IMPACT STATEMENT:

Not Applicable.

#### ATTACHMENTS

grant deeds

Recorded at the request of:  
Contra Costa County  
Redevelopment Agency

Return to:  
Contra Costa County  
Public Works Department  
Real Property Division  
255 Glacier Drive  
Martinez, CA 94553  
Attn: L. Dalziel

Portion of Assessor's Parcel Nos.  
094-026-005, 094-013-007, 094-013-008, 094-013-009  
094-013-010, 094-013-011, 094-012-034, 094-012-035,  
094-012-036 & 094-026-006

## GRANT DEED

For valuable consideration, receipt of which is hereby acknowledged,

CONTRA COSTA COUNTY REDEVELOPMENT AGENCY, a body corporate and politic existing under the laws of the State of California,

GRANTS to

CONTRA COSTA COUNTY, a political subdivision of the State of California, the following described real property in the City of Bay Point, unincorporated area of the County of Contra Costa, State of California,

**FOR DESCRIPTION SEE EXHIBITS "A-1 THROUGH A-10" ATTACHED HERETO AND MADE A PART HEREOF.**

CONTRA COSTA COUNTY REDEVELOPMENT AGENCY

Dated \_\_\_\_\_ By \_\_\_\_\_  
Chair, Board of Supervisors

STATE OF CALIFORNIA       )  
COUNTY OF CONTRA COSTA)

On \_\_\_\_\_ before me, \_\_\_\_\_ Clerk of the Board of Supervisors, Contra Costa County, 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: \_\_\_\_\_  
Deputy Clerk

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-026-005

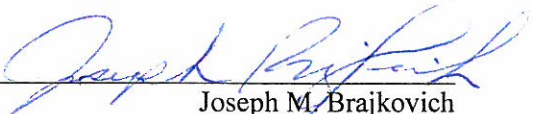
10-01-10

EXHIBIT "A-1"

REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT OF THE COUNTY  
OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 1, AS DESIGNATED ON  
THE MAP ENTITLED PITTSBURG TERRACE, UNIT NO. 1, FILED IN THE OFFICE OF  
THE RECORDER OF CONTRA COSTA COUNTY ON NOVEMBER 5, 1930, MAP BOOK 21,  
PAGE 604; THENCE SOUTHERLY ALONG THE WESTERN LINE OF SAID LOT 2 SOUTH  
00°05'19" WEST, 50.00 FEET TO THE SOUTHERN LINE OF SAID LOT 2; THENCE  
ALONG SAID SOUTHERN LINE SOUTH 89°54'41" EAST, 22.50 FEET; THENCE ALONG A  
CURVE TO THE NORTHWEST WITH A RADIAL BEARING OF NORTH 00°05'19" EAST, A  
RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND AN ARC LENGTH OF  
31.42 FEET; THENCE NORTH 00°05'19" EAST, 30.00 FEET TO THE NORTHERN LINE OF  
SAID LOT 2; THENCE NORTH 89°54'41" WEST, 2.50 FEET TO THE **POINT OF  
BEGINNING.**

CONTAINING AN AREA OF 211 FT<sup>2</sup>

  
\_\_\_\_\_  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011







BAILEY ROAD

NEW RIGHT-OF-WAY

S00°05'19"W 50.00

POINT OF BEGINNING

5' P.U.E.  
N89°54'41"W 2.50  
N00°05'19"E 30.00  
R=20.00  
L=31.42  
B=8.88  
22.50

N00°05'19"E (R)

5' P.U.E.

APN 094-026-006

S89°54'41"E

100.00

CONTRA COSTA COUNTY  
REDVELOPMENT AGENCY  
2008-245635

APN 094-026-005

S89°54'41"E 100.00

77.50

PITTSBURG

N00°05'19"E

50.00

TERRACE UNIT NO. 1  
(21 M 604)

WEST LELAND ROAD

PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-026-005

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-013-007

10-01-10

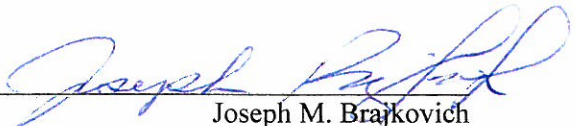
EXHIBIT "A-2"

REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT OF THE COUNTY  
OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTION OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 14, TOWNSHIP  
2 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE DESCRIBED AS FOLLOWS:

BEING THE WESTERLY 2.50 FEET OF THE PARCEL OF LAND DESCRIBED IN THE  
GRANT DEED TO THE CONTRA COSTA COUNTY REDEVELOPMENT AGENCY,  
RECORDED APRIL 04, 2008, IN SERIES NUMBER 2008-0072464-00.

CONTAINING AN AREA OF 145 FT<sup>2</sup>

  
\_\_\_\_\_  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





S00°05'19"W  
1308.40

CENTER OF SECTION 14

NC

BAILEY ROAD

S89°23'41"E  
25.00

N00°05'19"E  
58.00

N00°05'19"E

82.00  
S00°05'19"W

N89°23'41"W  
5.00

APN 094-013-008

S89°23'41"E

100.00

5' P.U.E.

2.50'  
NEW RIGHT-OF-WAY

CONTRA COSTA COUNTY  
REDVELOPMENT AGENCY  
2008-072464

APN 094-013-007

N89°23'41"W

100.00

APN 094-013-006

LOT 1

21 M 604

S00°05'19"W  
58.00

PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-013-007

PITTSBURG

CALIFORNIA

SCALE 1"=20'

DATE 10/01/10

BY JMB

JOB NO. 07082

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-013-008

10-01-10

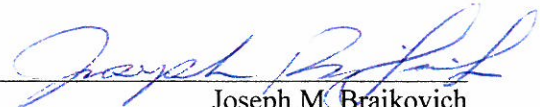
EXHIBIT "A-3"

REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT OF THE COUNTY  
OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTION OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 14, TOWNSHIP  
2 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE, MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

BEING THE WESTERLY 2.50 FEET OF THE PARCEL OF LAND DESCRIBED IN THE  
GRANT DEED TO CONTRA COSTA COUNTY REDEVELOPMENT AGENCY, RECORDED  
DECEMBER 23, 2008, IN SERIES NUMBER 2008-273546.

CONTAINING AN AREA OF 205 FT<sup>2</sup>

  
\_\_\_\_\_  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





CENTER OF SECTION 14

N00°05'19"E

1448.40

BAILEY ROAD

S89°23'41"E

25.00

N00°05'19"E

82.00

5' P.U.E.

2.50'

NEW RIGHT-OF-WAY

APN 094-013-009

S89°23'41"E

100.00

CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
2008-273546

APN 094-013-008

N89°23'41"W

100.00

APN 094-013-007

S00°05'19"W

82.00

PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-013-008

PITTSBURG

CALIFORNIA

SCALE 1"=20'

DATE 10/01/10

BY JMB

JOB NO. 07082

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-013-009

10-01-10

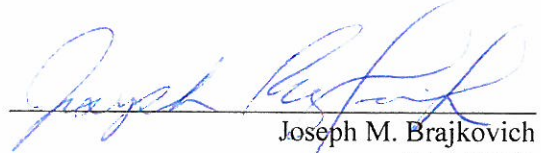
EXHIBIT "A-4"

REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

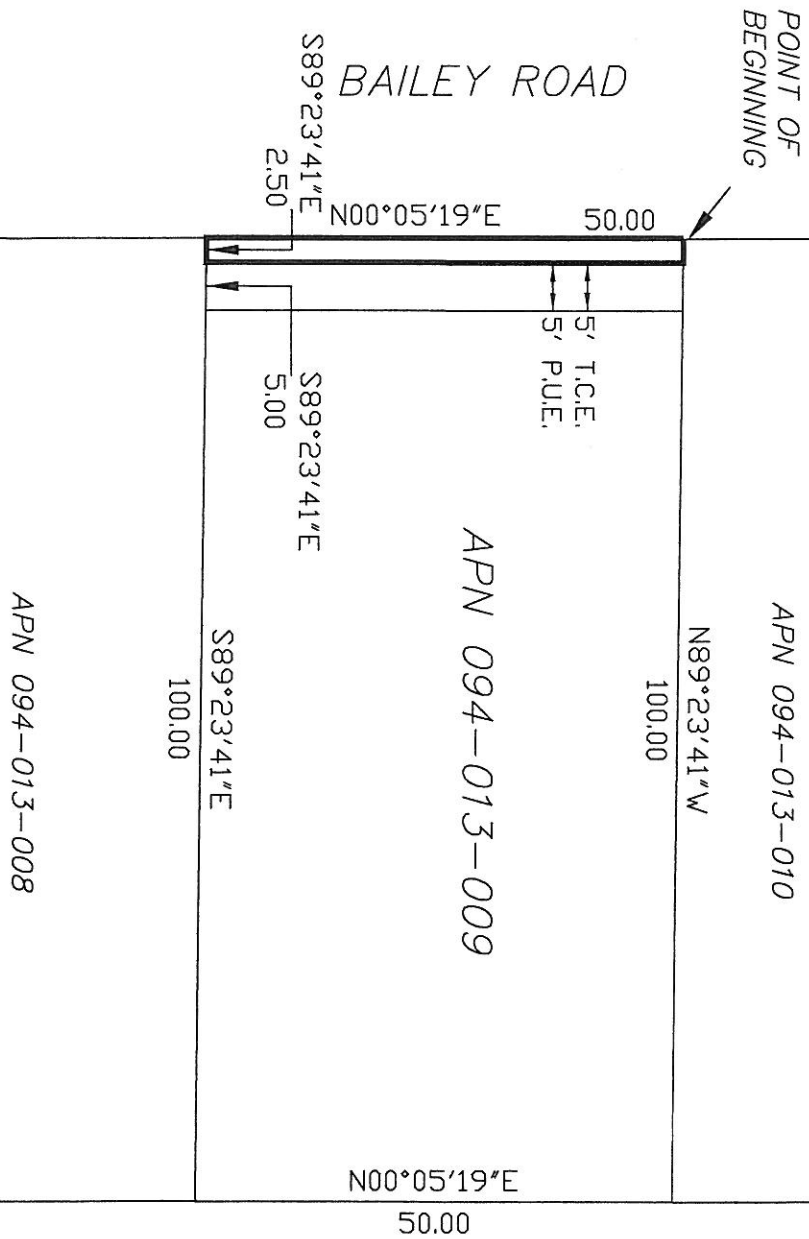
PORTION OF THE WEST ½ OF THE SE ¼ SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEING THE WESTERLY 2.50 FEET OF THE PARCEL OF LAND AS DESCRIBED IN THE GRANT DEED TO THE CONTRA COSTA COUNTY REDEVELOPMENT AGENCY, RECORDED SEPTEMBER 30, 2010 IN SERIES 2010-0209973.

CONTAINING AN AREA OF 125 FT²

  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-013-009

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082



BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-013-010

10-01-10

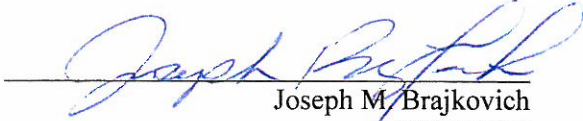
EXHIBIT "A-5"

REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTION OF THE WEST ½ OF THE SE ¼ SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEING THE WESTERLY 2.50 FEET OF THE PARCEL OF LAND AS DESCRIBED IN THE GRANT DEED TO THE CONTRA COSTA COUNTY REDEVELOPMENT AGENCY, RECORDED MARCH 26, 2009 IN SERIES NUMBER 2009-063469.

CONTAINING AN AREA OF 125 FT²

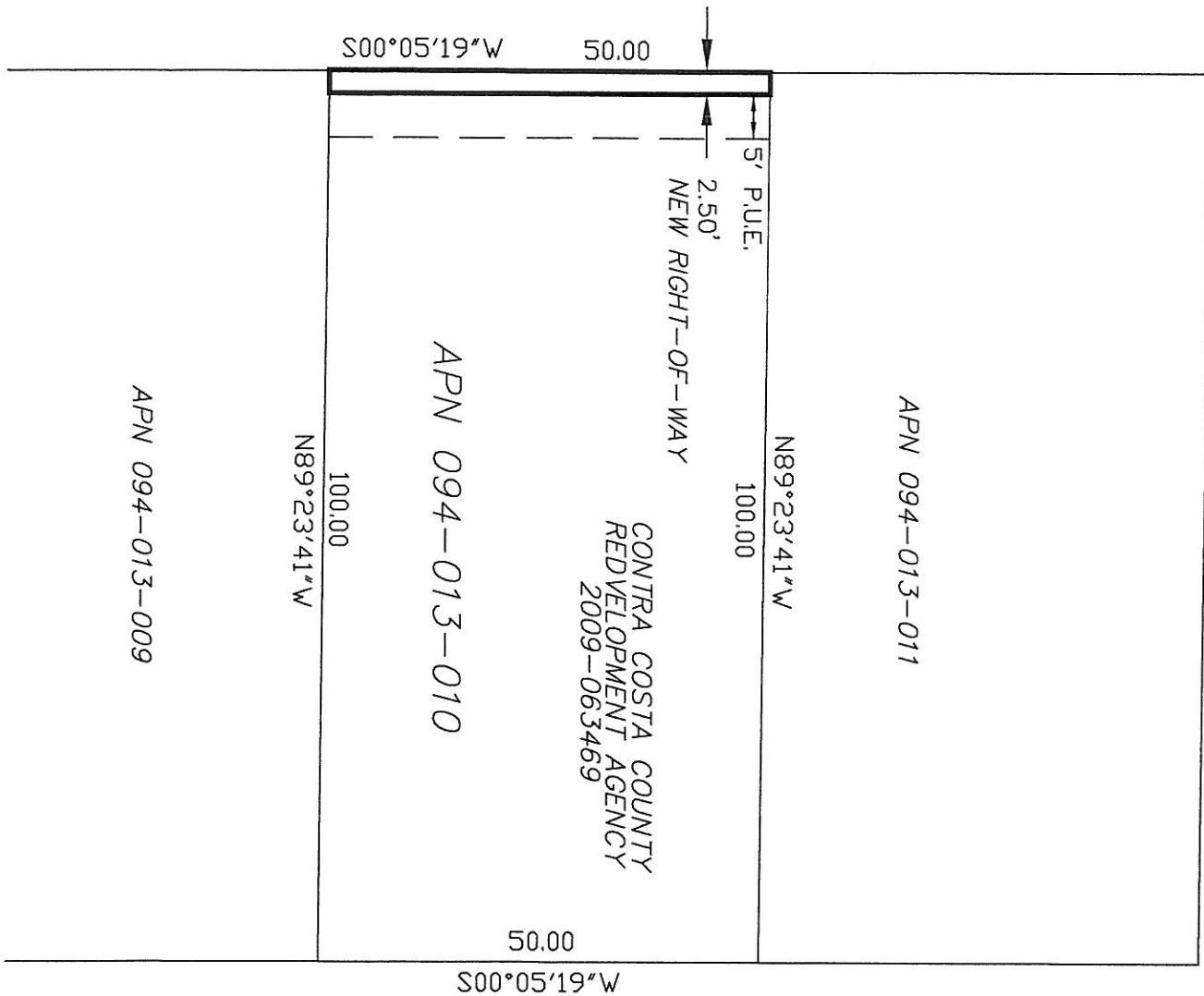
  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011







BAILEY ROAD



PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-013-010

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-013-011

10-01-10


EXHIBIT "A-6"

REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE PARCEL OF LAND AS DESCRIBED IN THE GRANT DEED TO CONTRA COSTA COUNTY REDEVELOPMENT AGENCY RECORDED MARCH 26, 2009 IN SERIES NUMBER 2009-063469, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 2009-063469; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID DEED SOUTH 89°23'41" EAST, 2.50 FEET; THENCE NORTH 00°05'19" EAST, 43.24 FEET; THENCE NORTH 45°05'19" EAST, 9.48 FEET TO THE NORTHERN LINE OF SAID PARCEL 2009-063469; THENCE WEST ALONG SAID NORTHERN LINE NORTH 89°23'41" WEST, 9.21 FEET TO THE NORTHWESTERN CORNER OF SAID PARCEL 2009-063469; THENCE SOUTH ALONG THE WESTERN LINE OF SAID DEED SOUTH 00°05'19" WEST, 50.00 FEET TO THE **POINT OF BEGINNING.**

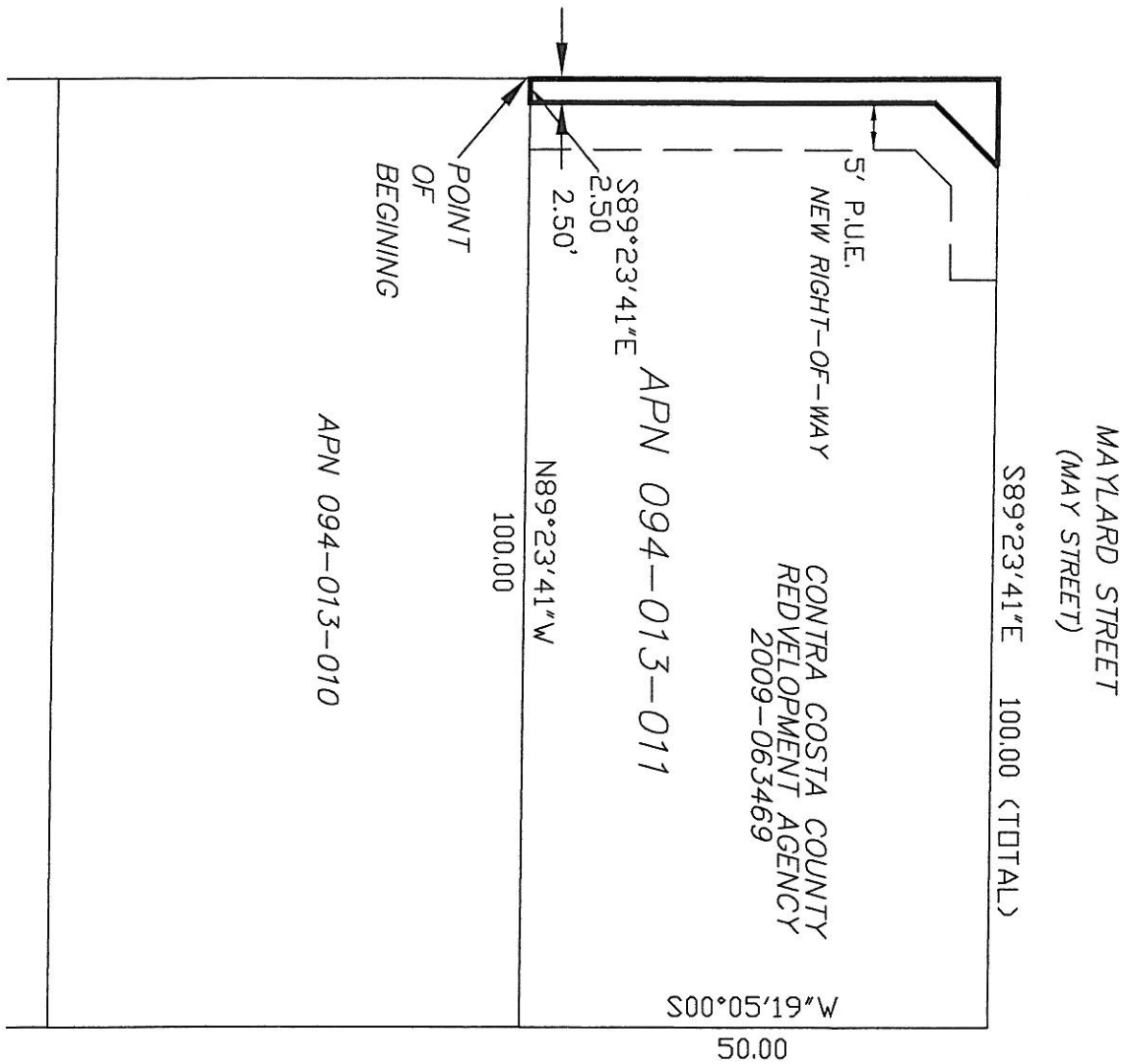
CONTAINING AN AREA OF 148 FT<sup>2</sup>, MORE OR LESS.

  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





BAILEY ROAD



PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-013-011

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-012-034

10-01-10


EXHIBIT "A-7"

THE LAND DESCRIBED HEREIN IS SITUATED IN THE UNINCORPORATED AREA OF BAY POINT OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

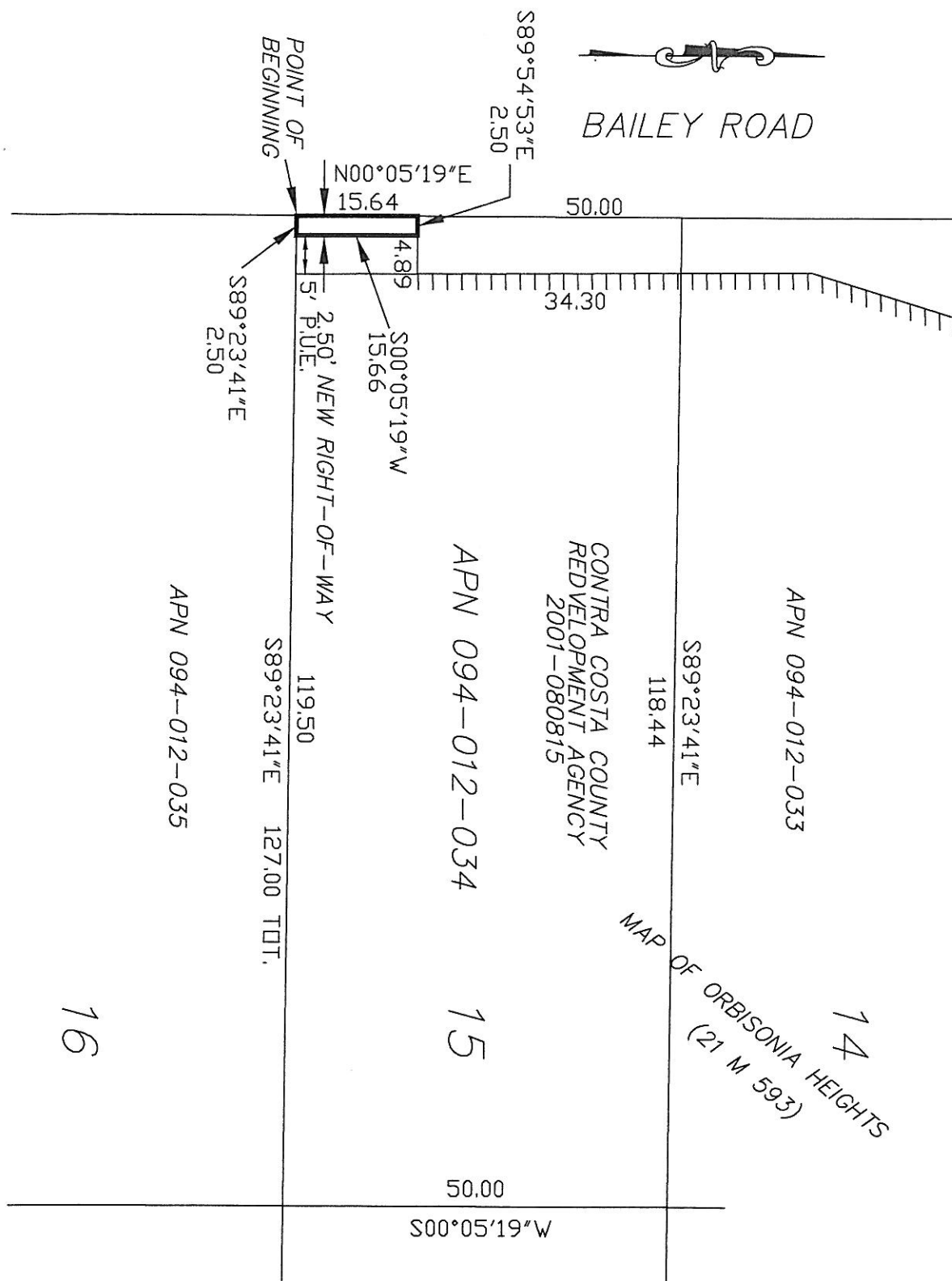
BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE GRANT TO CONTRA COSTA COUNTY REDEVELOPMENT AGENCY, RECORDED JANUARY 3, 2001 IN SERIES NUMBER 2001-080815, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 2001-080815, THENCE NORTHERLY ALONG THE WESTERLY LINE; NORTH 0°05'19" EAST, 15.64 FEET; THENCE SOUTH 89°54'53" EAST, 2.50 FEET; THENCE SOUTH 0°05'19" WEST, 15.66 FEET TO THE SOUTHERN LINE OF SAID PARCEL 2001-080815; THENCE WESTERLY ALONG SAID LINE SOUTH 89°23'41" EAST, 2.50 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 39 FT<sup>2</sup>

  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





PLS SURVEYS, INC.  
 LAND & HYDROGRAPHIC SURVEYORS  
 2220 Livingston Street, Suite 202  
 Oakland, California 94606-5203  
 510.261.0900 FAX 510.261.3303  
 e-mail: plssurv@pacbell.net

BAILEY ROAD  
 WIDENING  
 APN 094-012-034

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-012-035

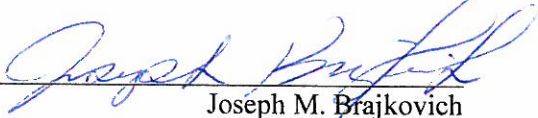
10-01-10

EXHIBIT "A-8"

THE LAND DESCRIBED HEREIN IS SITUATED IN THE UNINCORPORATED AREA OF  
BAY POINT OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA,  
DESCRIBED AS FOLLOWS:

BEING THE WESTERLY 2.50 FEET OF LOT 16, AS DESIGNATED ON THE MAP  
ENTITLED "MAP OF ORBISONIA HEIGHTS, CONTRA COSTA COUNTY, CALIFORNIA",  
WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF  
CONTRA COSTA, STATE OF CALIFORNIA ON APRIL 22, 1930, IN BOOK 21 OF MAPS,  
PAGE 593.

CONTAINING AN AREA OF 125 FT<sup>2</sup>

  
\_\_\_\_\_  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





BAILEY ROAD

5'19"E 50.00

5' P.U.E.  
2.50'  
NEW RIGHT-OF-WAY

APN 094-012-036

127.00  
S89°23'41"E

APN 094-012-035 16

CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
2006-189394

APN 094-012-034

15  
MAP OF ORBISONIA HEIGHTS  
(21 M 593)

17

50.00

S00°05'19"W

PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-012-035

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082



BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-012-036

10-01-10

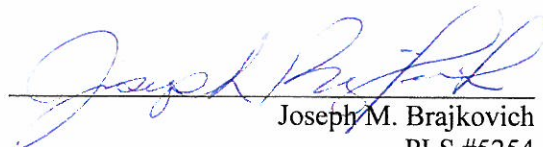
EXHIBIT "A-9"

REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT 17, OF THE "MAP OF ORBISONIA HEIGHTS" BOOK 21 PAGE 593 AND THE PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO CONTRA COSTA COUNTY REDEVELOPMENT AGENCY RECORDED FEBURARY 9, 2010 IN SERIES NUMBER 2010-0026356, DESCRIBED AS FOLLOWS:

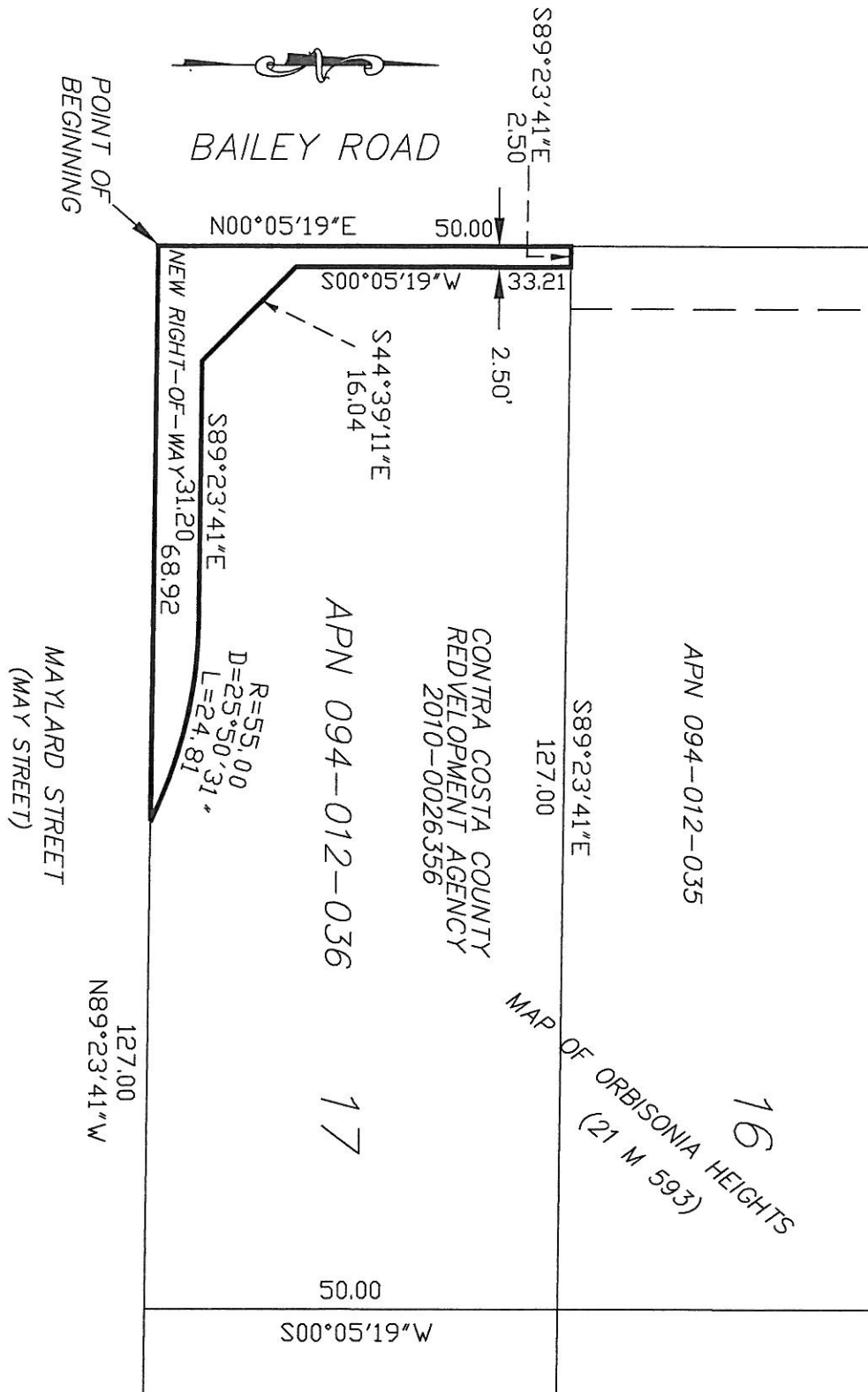
BEGINNING AT THE SOUTHWESTERN CORNER OF SAID LOT 17; THENCE NORTH ALONG THE WESTERN LINE OF SAID LOT 17 NORTH 00°05'19" EAST, 50.00 FEET TO THE NORTHERN LINE OF SAID LOT 17; THENCE EAST ALONG THE NORTHERN LINE OF SAID LOT 17 SOUTH 89°23'41" EAST, 2.50 FEET; THENCE SOUTH 00°05'19" WEST, 33.21 FEET; THENCE SOUTH 44°39'11" EAST, 16.04 FEET; THENCE SOUTH 89°23'41" EAST, 31.20 FEET; THENCE EAST ALONG A TANGENT CURVE TO THE EAST SOUTHEAST WITH A RADIUS OF 55.00 FEET THRU A CENTRAL ANGLE OF 25°50'31" AND AN ARC LENGTH OF 24.81 FEET TO THE SOUTHERN LINE OF SAID LOT 17; THENCE WEST ALONG THE SOUTHERN LINE OF SAID LOT 17 NORTH 89°23'41" WEST, 68.92 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 511 FT<sup>2</sup>

  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011







# BAILEY ROAD WIDENING

APN 094-012-036

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082

PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-013-006

1-4-11

EXHIBIT "A-2"

REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTION OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE.

BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO THE CONTRA COSTA COUNTY REDEVELOPMENT AGENCY, RECORDED DECEMBER 3, 2010, IN SERIES NUMBER 2010-0272813.

ALSO BEING LOT 1, BLOCK 1, MAP OF PITTSBURG TERRACE, UNIT NO. 1, FILED NOVEMBER 5, 1930, MAP BOOK 21, PAGE 604, CONTRA COSTA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEING THE WESTERLY 2.50 FEET OF THE PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO THE CONTRA COSTA COUNTY REDEVELOPMENT AGENCY, RECORDED DECEMBER 3, 2010, IN SERIES NUMBER 2010-0272813.

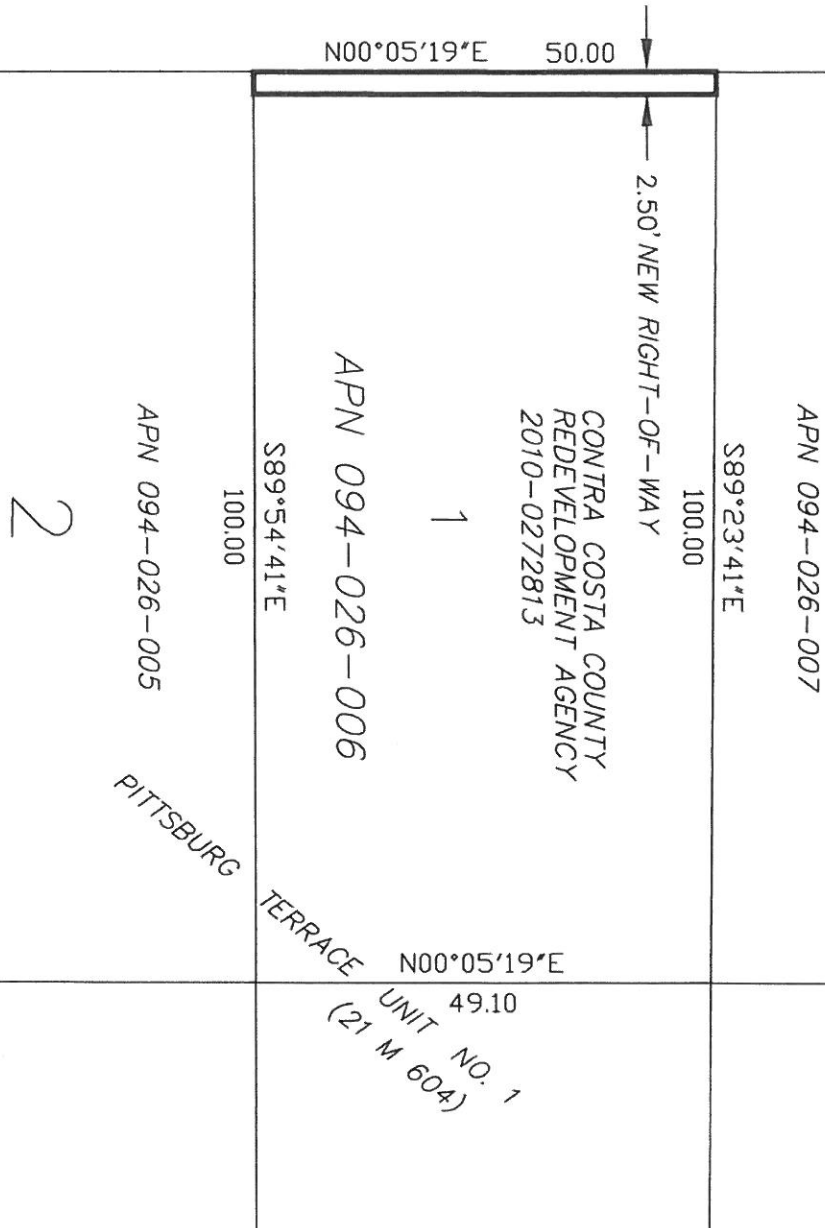
CONTAINING AN AREA OF 125 FT<sup>2</sup>



Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011



# BAILEY ROAD



PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-026-006

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	01/03/2011
BY	JMB
JOB NO.	07082

Recorded at the request of:  
Contra Costa County  
Redevelopment Agency

Return to:  
Contra Costa County  
Public Works Department  
Real Property Division  
255 Glacier Drive  
Martinez, CA 94553  
Attn: L. Dalziel

SIGNED GRANT DEED

ITEM NO. C. 54

DATE: Jan. 25, 2011

Portion of Assessor's Parcel Nos.

094-026-005, 094-013-007, 094-013-008, 094-013-009  
094-013-010, 094-013-011, 094-012-034, 094-012-035,  
094-012-036 & 094-026-006

## GRANT DEED

For valuable consideration, receipt of which is hereby acknowledged,

CONTRA COSTA COUNTY REDEVELOPMENT AGENCY, a body corporate and politic existing under the laws of the State of California,

GRANTS to

CONTRA COSTA COUNTY, a political subdivision of the State of California, the following described real property in the City of Bay Point, unincorporated area of the County of Contra Costa, State of California,

**FOR DESCRIPTION SEE EXHIBITS "A-1 THROUGH A-10" ATTACHED HERETO AND MADE A PART HEREOF.**

CONTRA COSTA COUNTY REDEVELOPMENT AGENCY

Dated JANUARY 25, 2011

By Gayle B. Uilkema  
Chair, Board of Supervisors

STATE OF CALIFORNIA )

COUNTY OF CONTRA COSTA)

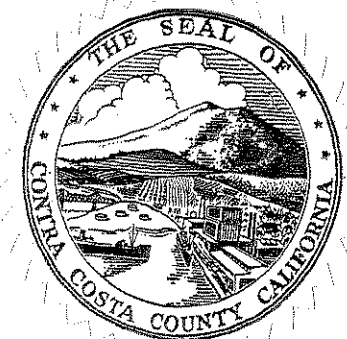
On JANUARY 25, 2011 before me, EMY L. SHARP Clerk of the Board of Supervisors, Contra Costa County, personally appeared SUP. GAYLE UILKEMA who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they 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: Ed Sharp

Deputy Clerk



BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-026-005


10-01-10

EXHIBIT "A-1"

REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 1, AS DESIGNATED ON THE MAP ENTITLED PITTSBURG TERRACE, UNIT NO. 1, FILED IN THE OFFICE OF THE RECORDER OF CONTRA COSTA COUNTY ON NOVEMBER 5, 1930, MAP BOOK 21, PAGE 604; THENCE SOUTHERLY ALONG THE WESTERN LINE OF SAID LOT 2 SOUTH 00°05'19" WEST, 50.00 FEET TO THE SOUTHERN LINE OF SAID LOT 2; THENCE ALONG SAID SOUTHERN LINE SOUTH 89°54'41" EAST, 22.50 FEET; THENCE ALONG A CURVE TO THE NORTHWEST WITH A RADIAL BEARING OF NORTH 00°05'19" EAST, A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND AN ARC LENGTH OF 31.42 FEET; THENCE NORTH 00°05'19" EAST, 30.00 FEET TO THE NORTHERN LINE OF SAID LOT 2; THENCE NORTH 89°54'41" WEST, 2.50 FEET TO THE POINT OF BEGINNING.

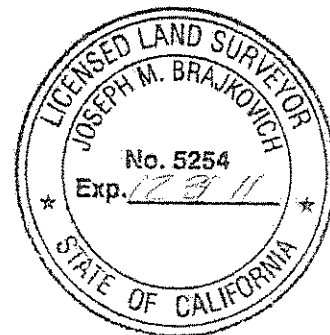
CONTAINING AN AREA OF 211 FT<sup>2</sup>



Joseph M. Brajkovich

PLS #5254

Exp. 12-31-2011





BAILEY ROAD

NEW RIGHT-OF-WAY

S00°05'19"W

50.00

22.50

L=31.42

R=20.00

B=38.80

N00°05'19"E

5' P.U.E.

POINT OF BEGINNING

N00°05'19"E (R)

N89°54'41"W

100.00

S89°54'41"E

APN 094-026-006

1

2

APN 094-026-005

S89°54'41"E

77.50

WEST LELAND ROAD

3

N00°05'19"E

50.00

PITTSBURG

TERRACE UNIT NO. 1  
(21 M 604)

PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-026-005

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-013-007

10-01-10

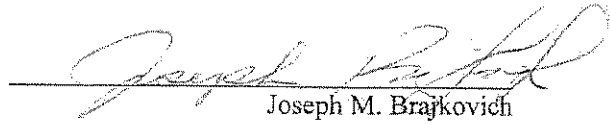
EXHIBIT "A-2"

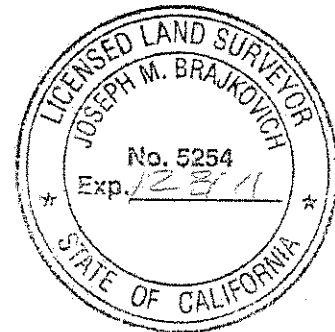
REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT OF THE COUNTY  
OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTION OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 14, TOWNSHIP  
2 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE DESCRIBED AS FOLLOWS:

BEING THE WESTERLY 2.50 FEET OF THE PARCEL OF LAND DESCRIBED IN THE  
GRANT DEED TO THE CONTRA COSTA COUNTY REDEVELOPMENT AGENCY,  
RECORDED APRIL 04, 2008, IN SERIES NUMBER 2008-0072464-00.

CONTAINING AN AREA OF 145 FT<sup>2</sup>

  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





S00°05'19"W  
1308.40

CENTER OF SECTION 14

NC

BAILEY ROAD

S89°23'41"E  
25.00

N00°05'19"E  
58.00

N00°05'19"E

82.00  
S00°05'19"W

N89°23'41"W  
5.00

APN 094-013-008

S89°23'41"E

100.00

5' P.U.E.

2.50'  
NEW RIGHT-OF-WAY

CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
2008-072464

APN 094-013-007

N89°23'41"W

100.00

APN 094-013-006

LOT 1

21 M 604

S00°05'19"W  
58.00

PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-013-007

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082



BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-013-008

10-01-10


EXHIBIT "A-3"

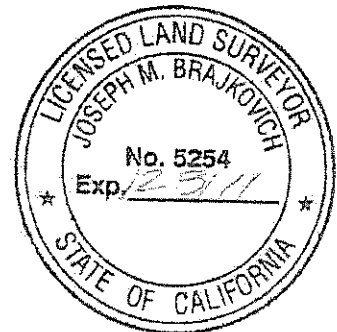
REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT OF THE COUNTY  
OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTION OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 14, TOWNSHIP  
2 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE, MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

BEING THE WESTERLY 2.50 FEET OF THE PARCEL OF LAND DESCRIBED IN THE  
GRANT DEED TO CONTRA COSTA COUNTY REDEVELOPMENT AGENCY, RECORDED  
DECEMBER 23, 2008, IN SERIES NUMBER 2008-273546.

CONTAINING AN AREA OF 205 FT<sup>2</sup>

  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





CENTER OF SECTION 14

N00°05'19"E

1448.40

BAILEY ROAD

25.00

S89°23'41"E

N00°05'19"E 82.00

2.50'  
NEW RIGHT-OF-WAY

5' P.U.E.

APN 094-013-007

100.00

N89°23'41"W

APN 094-013-008

CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
2008-273546

100.00

S89°23'41"E

APN 094-013-009

S00°05'19"W

82.00

PLS SURVEYS, INC.  
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510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-013-008

PITTSBURG

CALIFORNIA

SCALE 1"=20'

DATE 10/01/10

BY JMB

JOB NO. 07082

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-013-009

10-01-10


EXHIBIT "A-4"

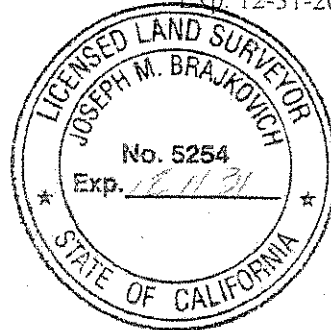
REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT, COUNTY OF  
CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTION OF THE WEST  $\frac{1}{2}$  OF THE SE  $\frac{1}{4}$  SECTION 14, TOWNSHIP 2 NORTH, RANGE 1  
WEST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEING THE WESTERLY 2.50 FEET OF THE PARCEL OF LAND AS DESCRIBED IN THE  
GRANT DEED TO THE CONTRA COSTA COUNTY REDEVELOPMENT AGENCY,  
RECORDED SEPTEMBER 30, 2010 IN SERIES 2010-0209973.

CONTAINING AN AREA OF 125 FT<sup>2</sup>

  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





BAILEY ROAD

POINT OF  
BEGINNING

S89°23'41"E  
2.50  
N00°05'19"E 50.00

5' T.C.E.  
5' P.U.E.

S89°23'41"E  
5.00

APN 094-013-009

APN 094-013-010

N89°23'41"W  
100.00

S89°23'41"E  
100.00

APN 094-013-008

N00°05'19"E  
50.00

PLS SURVEYS, INC.  
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2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-013-009

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-013-010

10-01-10

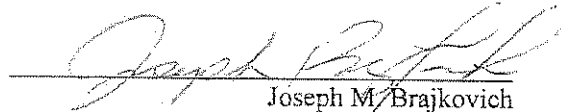
EXHIBIT "A-5"

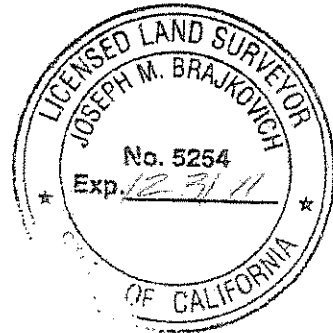
REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT, COUNTY OF  
CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTION OF THE WEST  $\frac{1}{2}$  OF THE SE  $\frac{1}{4}$  SECTION 14, TOWNSHIP 2 NORTH, RANGE 1  
WEST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEING THE WESTERLY 2.50 FEET OF THE PARCEL OF LAND AS DESCRIBED IN THE  
GRANT DEED TO THE CONTRA COSTA COUNTY REDEVELOPMENT AGENCY,  
RECORDED MARCH 26, 2009 IN SERIES NUMBER 2009-063469.

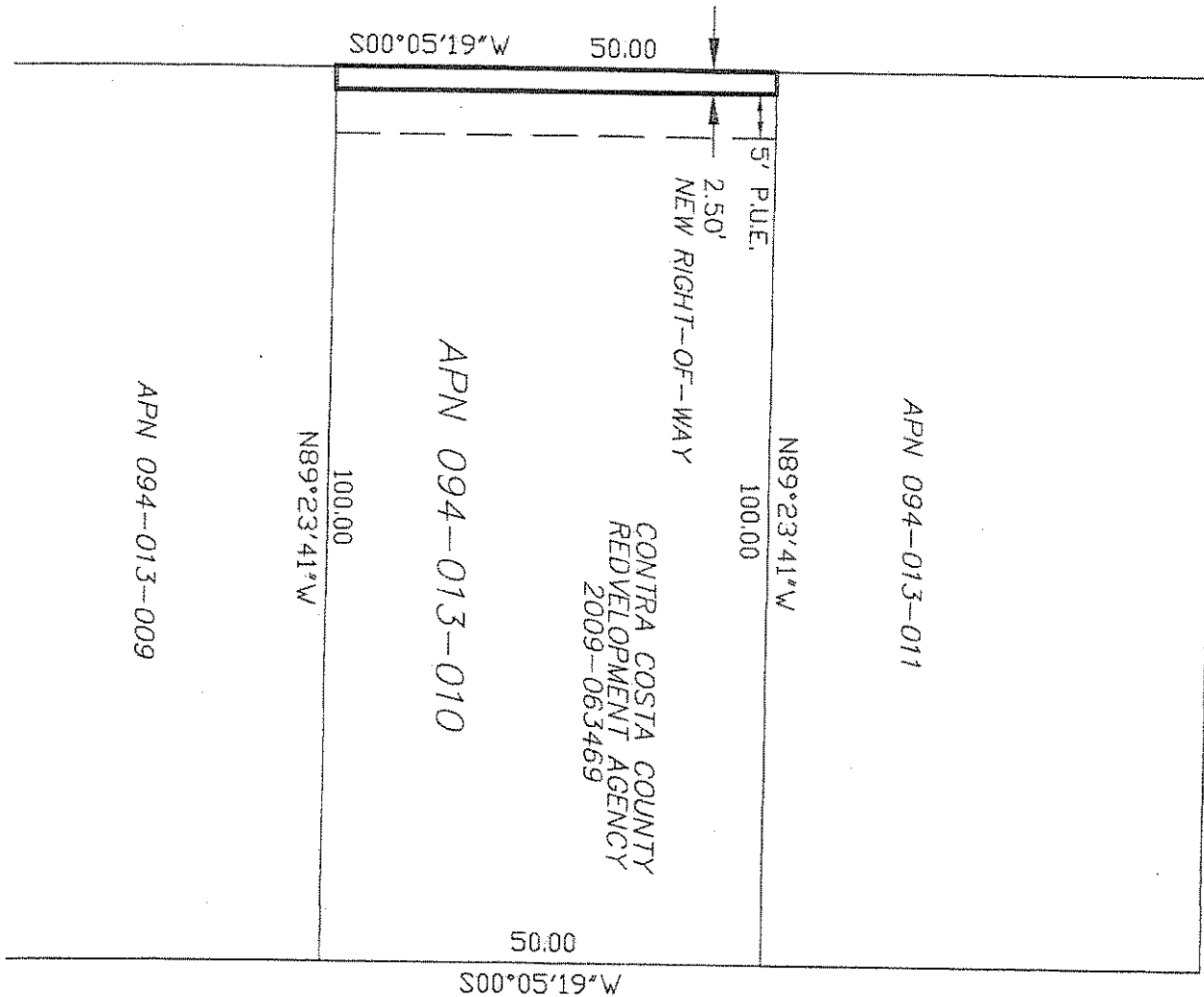
CONTAINING AN AREA OF 125 FT<sup>2</sup>

  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





BAILEY ROAD



PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plesurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-013-010

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-013-011

10-01-10

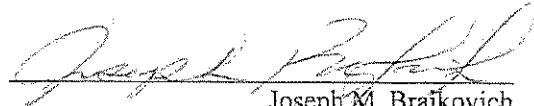
EXHIBIT "A-6"

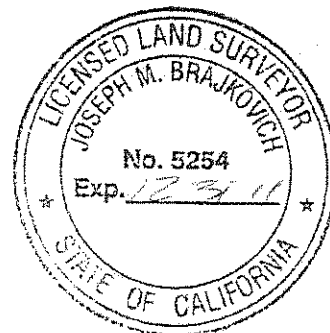
REAL PROPERTY IN THE UNINCORPORATED AREA OF BAY POINT, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE PARCEL OF LAND AS DESCRIBED IN THE GRANT DEED TO CONTRA COSTA COUNTY REDEVELOPMENT AGENCY RECORDED MARCH 26, 2009 IN SERIES NUMBER 2009-063469, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 2009-063469; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID DEED SOUTH 89°23'41" EAST, 2.50 FEET; THENCE NORTH 00°05'19" EAST, 43.24 FEET; THENCE NORTH 45°05'19" EAST, 9.48 FEET TO THE NORTHERN LINE OF SAID PARCEL 2009-063469; THENCE WEST ALONG SAID NORTHERN LINE NORTH 89°23'41" WEST, 9.21 FEET TO THE NORTHWESTERN CORNER OF SAID PARCEL 2009-063469; THENCE SOUTH ALONG THE WESTERN LINE OF SAID DEED SOUTH 00°05'19" WEST, 50.00 FEET TO THE POINT OF BEGINNING.

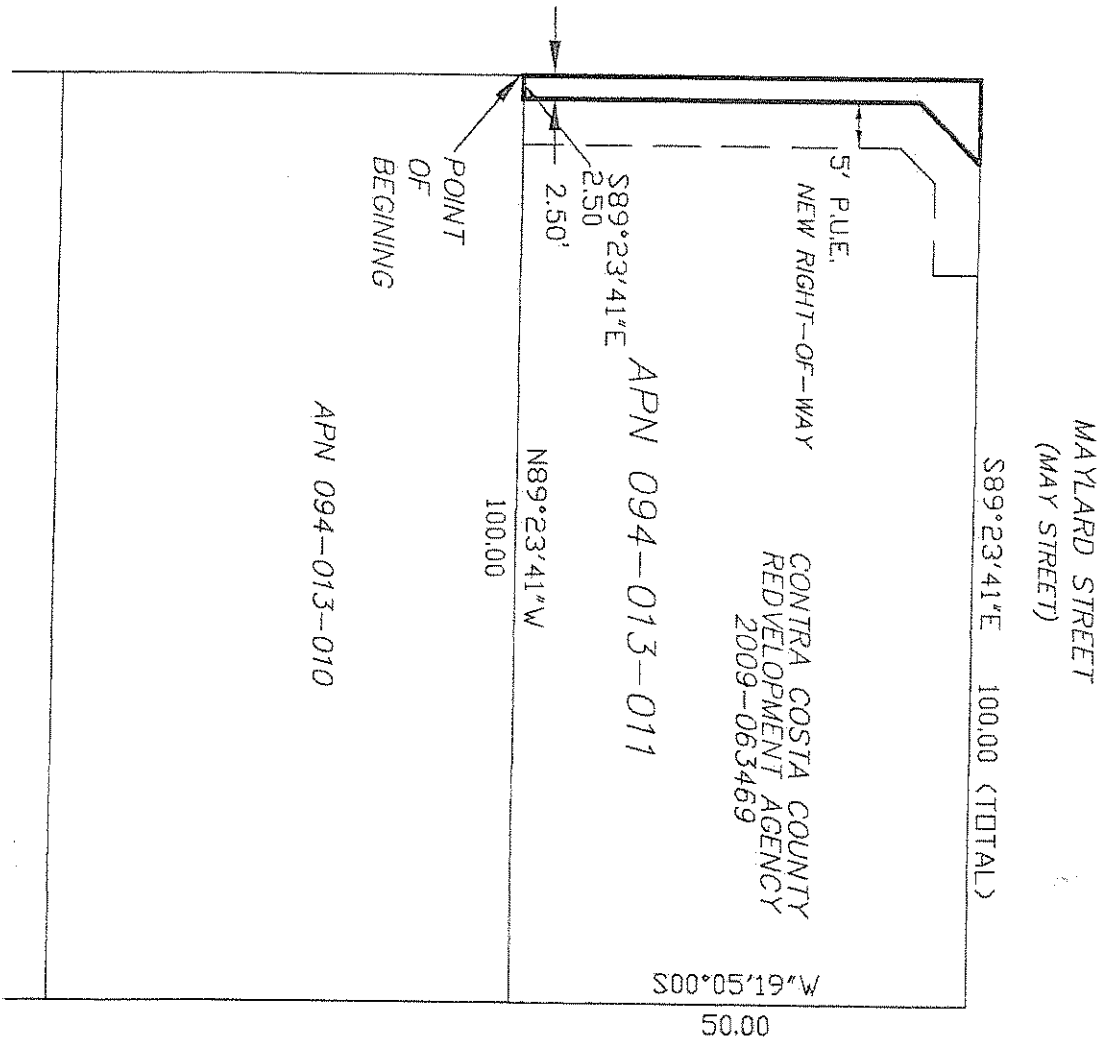
CONTAINING AN AREA OF 148 FT<sup>2</sup>, MORE OR LESS.

  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





BAILEY ROAD



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LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-013-011

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082



BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-012-034

10-01-10

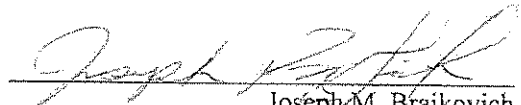
EXHIBIT "A-7"

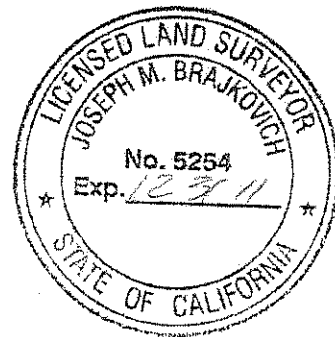
THE LAND DESCRIBED HEREIN IS SITUATED IN THE UNINCORPORATED AREA OF BAY POINT OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

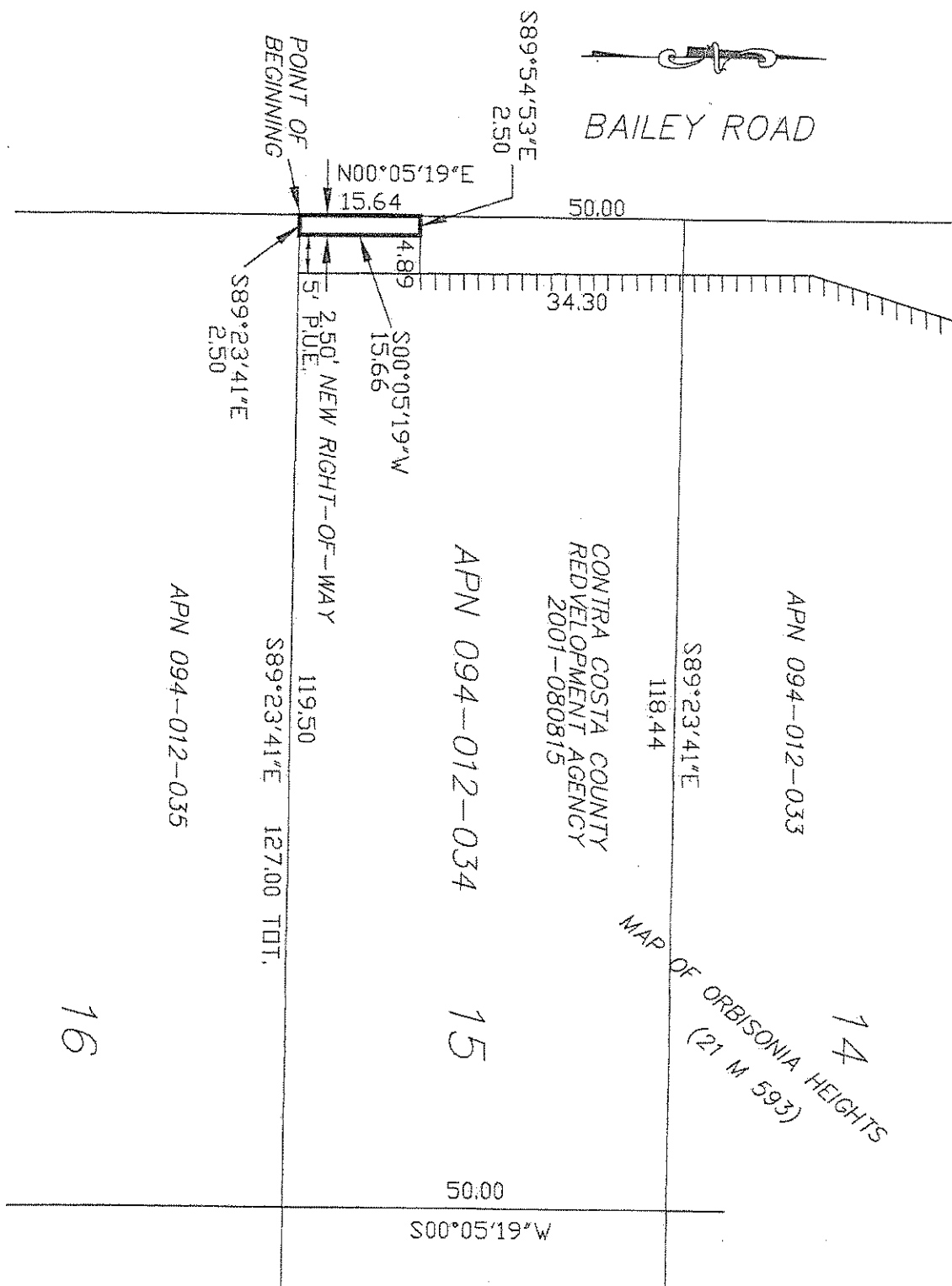
BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE GRANT TO CONTRA COSTA COUNTY REDEVELOPMENT AGENCY, RECORDED JANUARY 3, 2001 IN SERIES NUMBER 2001-080815, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 2001-080815, THENCE NORTHERLY ALONG THE WESTERLY LINE; NORTH  $0^{\circ}05'19''$  EAST, 15.64 FEET; THENCE SOUTH  $89^{\circ}54'53''$  EAST, 2.50 FEET; THENCE SOUTH  $0^{\circ}05'19''$  WEST, 15.66 FEET TO THE SOUTHERN LINE OF SAID PARCEL 2001-080815; THENCE WESTERLY ALONG SAID LINE SOUTH  $89^{\circ}23'41''$  EAST, 2.50 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 39 FT<sup>2</sup>

  
Joseph M. Brajkovich  
PLS #5254  
Exp. 12-31-2011





PLS SURVEYS, INC.  
 LAND & HYDROGRAPHIC SURVEYORS  
 2220 Livingston Street, Suite 202  
 Oakland, California 94606-5203  
 510.261.0900 FAX 510.261.3303  
 e-mail: plssurv@pacbell.net

BAILEY ROAD  
 WIDENING  
 APN 094-012-034

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082

BAILEY ROAD WIDENING  
CONTRA COSTA COUNTY  
REDEVELOPMENT AGENCY  
TO CONTRA COSTA COUNTY  
PORTION OF APN 094-012-035


10-01-10

EXHIBIT "A-8"

THE LAND DESCRIBED HEREIN IS SITUATED IN THE UNINCORPORATED AREA OF  
BAY POINT OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA,  
DESCRIBED AS FOLLOWS:

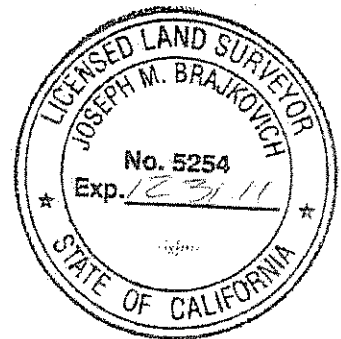
BEING THE WESTERLY 2.50 FEET OF LOT 16, AS DESIGNATED ON THE MAP  
ENTITLED "MAP OF ORBISONIA HEIGHTS, CONTRA COSTA COUNTY, CALIFORNIA",  
WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF  
CONTRA COSTA, STATE OF CALIFORNIA ON APRIL 22, 1930, IN BOOK 21 OF MAPS,  
PAGE 593.

CONTAINING AN AREA OF 125 FT<sup>2</sup>

  
\_\_\_\_\_  
Joseph M. Brajkovich

PLS #5254

Exp. 12-31-2011





BAILEY ROAD

5'19"E 50.00

5' P.U.E.  
2.50'  
NEW RIGHT-OF-WAY

APN 094-012-036

S89°23'41"E  
127.00

APN 094-012-035

CONTRA COSTA COUNTY  
REDVELOPMENT AGENCY  
2006-189394

APN 094-012-034

MAP OF ORBISONIA HEIGHTS  
(21 M 593)

17

16

15

50.00

S00°05'19"W

PLS SURVEYS, INC.  
LAND & HYDROGRAPHIC SURVEYORS  
2220 Livingston Street, Suite 202  
Oakland, California 94606-5203  
510.261.0900 FAX 510.261.3303  
e-mail: plssurv@pacbell.net

BAILEY ROAD  
WIDENING  
APN 094-012-035

PITTSBURG

CALIFORNIA

SCALE	1"=20'
DATE	10/01/10
BY	JMB
JOB NO.	07082