

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

JOHN GIOIA, *CHAIR*, 1ST DISTRICT
CANDACE ANDERSEN, *VICE CHAIR*, 2ND DISTRICT
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

PERSONS WHO WISH TO ADDRESS THE BOARD DURING PUBLIC COMMENT OR WITH RESPECT TO
AN ITEM THAT IS ON THE AGENDA, WILL BE LIMITED TO THREE (3) MINUTES.

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

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

ANNOTATED AGENDA & MINUTES
February 10, 2015

9:00 A.M. Convene, Call to Order and Opening Ceremonies

Inspirational Thought- "Not all of us can do great things. But we can do small things with great love." ~ Mother Teresa

Present: District I Supervisor John Gioia; District II Supervisor Candace Andersen; District III Supervisor Mary N. Piepho; District IV Supervisor Karen Mitchoff; District V Supervisor Federal D. Glover

Staff Present: David Twa, County Administrator

CONSIDER CONSENT ITEMS (Items listed as C.1 through C.71 on the following agenda) – Items are subject to removal from Consent Calendar by request of any Supervisor or on request for discussion by a member of the public. **Items removed from the Consent Calendar will be considered with the Discussion Items.**

PRESENTATIONS (5 Minutes Each)

PRESENTATION recognizing years of service to Contra Costa County:

Raul (Martin) Garro, Health Services Department, 25 years
Elmina Green, Health Services Department, 25 years
Robin Moran, Animal Services Department, 25 years

PRESENTATION declaring February 15-21, 2015 as "People of African Descent Mental Health Awareness Week" and February 20, 2015 as "I'm A Winner Day" in Contra Costa County. (Supervisor Gioia and Supervisor Glover)

PRESENTATION recognizing the participation and generosity of County employees in the 2014 Counties Care Holiday food fight. (Larry Sly, Executive Director of the Food Bank and Kate Sibley, Executive Assistant of LAFCO)

PRESENTATION recognizing the Pillars of Hope for their outstanding work in combating Human Trafficking. (Supervisor Piepho)

DISCUSSION ITEMS

D. 1 CONSIDER Consent Items previously removed.

There were no items removed for discussion.

D. 2 PUBLIC COMMENT (3 Minutes/Speaker)

Scott Saffler, President, Contra Costa County Historical Society, related the accomplishments of the past year, including the PDF format scanning of newspapers from the late 1800's and thanked the Board for its continuing support (www.cocohistory.com);

Tameesha Mack, In-Home Support Services, asked for the Board's support in ongoing labor negotiations;

Juana Meza, In-Home Support Services, also requested the Board's support for the workers and clients in the contract negotiations.

D.3 HEARING to consider adoption of Resolution No. 2015/41 and Ordinance No. 2015-03, approving a proposed Rezoning and Preliminary and Final Development Plan to construct a 13-unit apartment complex near the Pleasant Hill Bay Area Rapid Transit station, including the request for a variance to allow a 0.53 acre property to be rezoned to P-1 (where a 5-acre minimum is required) and to allow three guest parking spaces (where four spaces are required), and the removal of 19 trees, and to work within the drip line of 21 trees; and to make related California Environmental Quality Act findings. (Aruna Bhat, Department of Conservation Development)

Speakers: Herand Der Sarkissian, representing Mrs. Kolhler, Applicant; Reid Settlemier, resident of Oakland; Toshika McKeen, resident of Walnut Creek (handout attached).

CLOSED the public hearing.

FOUND that on the basis of the whole record before it, including the Initial Study and the comments received, the Board of Supervisors finds that there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment and that the Mitigated Negative Declaration (MND) reflects the County's independent judgment and analysis.

ADOPTED the Mitigated Negative Declaration and Mitigation Monitoring Program dated August 15, 2014, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and finding that it reflects the County's independent judgment and analysis.

CONSIDERED the County Planning Commission's recommendation to deny the Rezoning and Final Development Plan stated in their Resolution No. 13-2014, as well as the recommendation of County Staff to approve.

ADOPTED Board Resolution No. 2015/41 and the findings therein as the basis for the Board's approval

ADOPTED Ordinance No. 2015-03 to rezone the 0.53-acre property from Single-Family Residential, R-15 to Planned Unit District, P-1, giving effect to aforementioned rezoning.

APPROVED the proposed Preliminary and Final Development Plan to establish a 13-unit apartment complex, including the request to allow: a) a variance for a 0.53-acre property to be rezoned to P-1 (where a 5 acre minimum is required), b) a variance to allow three guest parking spaces (where four spaces are required), c) the removal of 19 trees, and d) work within the drip line of 21 trees, with the revised findings and conditions of approval.

DIRECTED staff of the Department of Conservation and Development to file a Notice of Determination with the County Clerk.

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

- D.4** CONSIDER waiving the 180-day "sit out" period for Glenn Howell, former Animal Services Director and APPROVE and AUTHORIZE the hiring of county retiree Mr. Howell, as a temporary County employee effective February 10, 2015 through August 31, 2015. (David Twa, County Administrator)

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

- D.5** CONSIDER approving amendments to the Contra Costa County Employees' Retirement Association (CCCERA) Board of Retirement Regulations effective February 10, 2015, as adopted by the CCCERA Board, pursuant to Government Code section 31525. (David Twa, County Administrator)

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

- D.6** CONSIDER report on options for setting Board of Supervisors member salaries. (David Twa, County Administrator)

Speakers: Margaret Hanlon-Gradie, Contra Costa AFL-CIO Labor Council; Mark Peterson, resident of Contra Costa; Eileen Bissen, resident of Contra Costa.

DIRECTED the County Counsel to prepare two ordinances for possible introduction on March 3, 2015: one authorizing a 7% (based on a 4% general COLA granted to employees in July 2014 plus a 3% COLA that employees will receive on July 1, 2015) increase to the Board of Supervisors member salaries to the level of \$104,307, and an alternate ordinance that additionally links the Board's salary level to that of Superior Court Judge's salary.

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District IV Supervisor Karen Mitchoff, District V Supervisor Federal D. Glover

NO: District III Supervisor Mary N. Piepho

DIRECTED the County Administrator to convene an ad hoc committee to study the Board of Supervisors compensation; one person to be selected from each of the following organizations (organization will choose the representative):

- a) Contra Costa County Civil Grand Jury b) Contra Costa County Taxpayers Association c) East Bay Leadership Council (formally the Contra Costa Council) d) Contra Costa County Central Labor Council e) Contra Costa County Human Service Alliance***

The committee is requested to :

- a) Review current compensation of Board of Supervisors b) Recommend any adjustment to current level of compensation c)***

Recommend methodology and process by which any future adjustments would occur d) Prepare recommendations for Board of Supervisors consideration no later than June 30, 2015.

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

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District IV Supervisor Karen Mitchoff, District V Supervisor Federal D. Glover

NO: District III Supervisor Mary N. Piepho

D. 7 CONSIDER reports of Board members.

There were no items reported today.

Closed Session

A. CONFERENCE WITH LABOR NEGOTIATORS

1. Agency Negotiators: David Twa and Bruce Heid.

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; 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.

Unrepresented Employees: All unrepresented employees.

B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Gov. Code, § 54956.9(d)(1))

1. Retiree Support Group of Contra Costa County v. Contra Costa County, U.S. District Court, Northern District of California, Case No. C12-00944 JST

2. Contra Costa County Deputy Sheriff's Association v. Karen Mitchoff, County of Contra Costa, et al., U.S. District Court, Northern District of California, Case No. C15-00261 LB

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: County Administrator

There were no reports from Closed Session.

ADJOURN

CONSENT ITEMS

Road and Transportation

- C. 1** APPROVE the Pomona Street Pedestrian Safety Improvement Project and related actions under the California Environmental Quality Act; and, AUTHORIZE the Public Works Director, or designee, to advertise the project, Crockett area. (43% Transportation Development Act Grant Funds, 57% Local Road Funds)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 2** APPROVE the Pedestrian Crossing Enhancements Project – Central and East County and related actions under the California Environmental Quality Act; and, AUTHORIZE the Public Works Director, or designee, to advertise the project, Bay Point, Discovery Bay, Knightsen, and Walnut Creek areas. (36% Transportation Development Act Grant Funds, 64% Local Road Funds)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 3** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Hanna Engineering, Inc. (dba The Hanna Group), effective January 12, 2015, to increase the payment limit by \$45,000 to a new payment limit of \$379,000 for construction management services for the San Pablo Avenue at Rodeo Creek Bridge Replacement Project, Rodeo area. (89% Federal Highway Bridge Program Funds, 11% Local Road Funds)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 4** ADOPT Resolution No. 2015/48 accepting as complete the contracted work performed by Grade Tech, Inc., for the Walnut Boulevard Pedestrian and Bicycle Project, as recommended by the Public Works Director, Walnut Creek area. (7% Transportation Development Act Grant Funds, 93% Central County Area of Benefit Funds)

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

Other: District II Supervisor Candace Andersen (ABSENT)

Special Districts & County Airports

- C. 5** APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a month-to-month hangar rental agreement with Duane Allen, Audrey Morrison-Allen and Steven Marsh for a T-hangar at Buchanan Field Airport effective February 1, 2015 in the monthly amount of \$383.74 (100% Airport Enterprise Fund)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 6** ACCEPT report from the Contra Costa County Flood Control and Water Conservation District (Flood Control District) on the 2014 Status of Flood Protection Infrastructure; DIRECT the Chief Engineer, Flood Control District, or designee, to implement the Action Plans in the report, with a follow-up report to the Board of Supervisors annually; and REFER the Flood Control District's efforts to develop sustainable funding for flood protection to the Transportation, Water and Infrastructure Committee, Countywide. (100% Flood Control District Funds)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 7** APPROVE and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation District, or designee, to execute a contract with Environmental Science Associates, Inc., in an amount not to exceed \$555,042 to provide services to complete the planning and project development phases of the Lower Walnut Creek Restoration Project, for the period February 10, 2015 through February 10, 2017, Martinez area. (100% Flood Control District Zone 3B Funds)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 8** APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a month-to-month hangar rental agreement with Richard Conti for a T-hangar at Buchanan Field Airport effective February 13, 2015 in the monthly amount of \$383.74. (100% Airport Enterprise Fund)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 9** APPROVE and AUTHORIZE the Director of Airports, or designee, to execute on behalf of the County a Consent to Assignment that will permit the County current tenant, Pacific Whole Foods Corporation, to assign its lease of the County-owned property located at 2301 Meridian Park Boulevard, Concord to Excelsior JD Co. (100% Airport Enterprise Fund)

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

Other: District II Supervisor Candace Andersen (ABSENT)

Claims, Collections & Litigation

- C. 10** DENY claims filed by Military Ocean Terminal Concord, Francis O'Leary, Progressive Insurance for Sandra Zufall, Gabriel Rodriguez and Christopher Wilson.

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

Other: District II Supervisor Candace Andersen (ABSENT)

Statutory Actions

- C. 11** APPROVE Board meeting minutes for December 2014, as on file with the Office of the Clerk of the Board.

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

Other: District II Supervisor Candace Andersen (ABSENT)

Honors & Proclamations

- C. 12** ADOPT Resolution No. 2015/44 honoring Raul (Martin) Garro upon the occasion of 25 years of service with Contra Costa County Health Services Department, as recommended by the Health Services Director.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 13** ADOPT Resolution No. 2015/47 honoring Elmina Green for 25 years of service to Contra Costa County, as recommended by the Health Services Director.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 14** ADOPT Resolution No. 2015/52 declaring February 15-21, 2015 as People of African Descent Mental Health Awareness Week, and February 20, 2015 as "I'm A Winner Day" in Contra Costa County, as recommended by Supervisor Gioia and Supervisor Glover.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 15** ADOPT Resolution No. 2015/54 recognizing Robin Moran, Clerk Specialist Level in the Animal Services Department, for 25 years of dedicated service to Contra Costa County, as recommended by the Animal Services Director.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 16** ADOPT Resolution No. 2015/56 recognizing the Pillars of Hope for their outstanding work in combating Human Trafficking, as recommended by Supervisor Piepho.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 17** ADOPT Resolution No. 2015/46 to recognize the participation and generosity of County employees in the 2014 Counties Care Holiday food fight, as recommended by the County Administrator.

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

Other: District II Supervisor Candace Andersen (ABSENT)

Ordinances

- C. 18** RATIFY Rodeo-Hercules Fire Protection District Ordinance No. 2014-01, adopting the 2013 California Fire Code with amendments, as recommended by the Conservation and Development Director. (No fiscal impact)

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

Other: District II Supervisor Candace Andersen (ABSENT)

Appointments & Resignations

- C. 19** REAPPOINT Roger Bass to the District II seat on the Contra Costa County Aviation Advisory Committee, as recommended by Supervisor Andersen.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 20** APPROVE medical staff appointments and reappointments, privileges, advancements to permanent staff and voluntary resignations, as recommended by the Medical Executive Committee at their January 26, 2015 Meeting, and by the Health Services Director.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 21** APPOINT Sheri Richards to the Member-at-Large Seat 8 for a term expiring on September 30, 2015 and Jeffrey Weiss to the Member-at-Large Seat 6 for a term expiring on September 30, 2016 on the Advisory Council on Aging as recommended by the Council.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 22** ACCEPT resignation of Supervisor Karen Mitchoff from the Board of Supervisors Appointee 6 seat on the Contra Costa County Employees Retirement Association Board of Trustees effective February 28, 2015 and APPOINT Supervisor Candace Andersen to complete the unexpired seat term ending June 30, 2017; ACCEPT resignation of Supervisor Candace Andersen from the Bay Area Regional Interoperable Communications System Board of Directors and APPOINT Undersheriff Mike Casten to complete the unexpired term ending December 31, 2015 and APPOINT Assistant Sheriff Elise Warren as the Alternate; ADOPT Resolution No. 2015/28 to update the Board's master list of Board of Supervisors committee assignments and DIRECT the County Administrator to take related ministerial actions, as recommended by Supervisor Gioia.

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

Other: District II Supervisor Candace Andersen (ABSENT)

Personnel Actions

- C. 23** ADOPT Position Adjustment Resolution No. 21597 to add one Clerk Senior Level (represented) position in the Employment and Human Services Department. (45% Federal, 45% State, 10% County)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 24** ADOPT Position Adjustment Resolution No. 21611 to add one Public Health Program Specialist I (represented) position in the Health Services Department. (100% Federally Qualified Health Care Revenues)

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

Other: District II Supervisor Candace Andersen (ABSENT)

Leases

- C. 25** APPROVE and AUTHORIZE the Chief Engineer, or designee, Contra Costa County Flood Control and Water Conservation District, to execute a subsurface oil and gas lease with Sunset Exploration, Inc., for a three-year term beginning December 1, 2014 and ending November 30, 2017 for approximately 46 acres of land in the Antioch area known as Upper Sand Creek Detention Basin, under the terms and conditions set forth in the lease; and, APPROVE related actions under the California Environmental Quality Act. (100% Applicant Fees)

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

Other: District II Supervisor Candace Andersen (ABSENT)

Grants & Contracts

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

- C. 26** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the National Association of County and City Health Officials, to pay the County an amount not to exceed \$23,600 for County's Family, Maternal and Child Health Program, Reducing Disparities in Breastfeeding Project, for the period January 15 through June 30, 2015. (No County match)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 27** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with the State of California, Department of Health Care Services, effective December 31, 2014, to extend the term through October 31, 2015 and make technical adjustments to the budget capitation rates for the Low Income Health Program, Mental Health and Diagnosis Related Groups the Medi-Cal Managed Care services, with no change in the original payment limit of \$317,472,000. (No County match)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 28** APPROVE and AUTHORIZE the Health Services Director, or designee, to accept two grants from John Muir Health, to pay the County an amount not to exceed \$50,000 for each of calendar year 2014 and 2015 for a total of \$100,000 for the County's Behavioral Health Services Division/Homeless for support of the Philip Dorn Respite Center. (No County match)

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

Other: District II Supervisor Candace Andersen (ABSENT)

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

- C. 29** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Public Works Director, a purchase order with Golden Gate Petroleum in an amount not to exceed \$375,000 to procure diesel and unleaded fuel for the period February 1, 2015 through January 31, 2016, Countywide. (100% Internal Service Fund - Fleet)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 30** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract Indu Talwar, M.D., in an amount not to exceed \$236,600 to provide professional psychiatric services at the West County Mental Health Clinic for the period March 1, 2015 through February 29, 2016. (100% Mental Health Realignment)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 31** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the California Transplant Donor Network to provide organ procurement services for the period November 1, 2014 through October 31, 2019. (Non-financial agreement)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 32** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Healthsparq, Inc., in an amount not to exceed \$110,000 to provide automation software and related services for the period November 1, 2014, through October 31, 2015. (100% CCHP Enterprise Fund III)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 33** RATIFY purchase of services from Pittsburg Funeral Chapel in the amount of \$2,836 and Serenity Cemeteries IV, LLC, in the amount of \$4,368, and AUTHORIZE the Auditor-Controller to pay \$7,204 through the California Works Information Network system for funeral services provided to the Employment and Human Services Department during December 2014, as recommended by the Employment and Human Services Director. (69% State, 31% County)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 34** APPROVE and AUTHORIZE the Purchasing Agent or designee to execute, on behalf of the District Attorney's office, a purchase order with Dell Computers in an amount not to exceed \$130,000 to procure desktop computers to replace outdated computers and improve efficiency and productivity. (100% General Fund)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 35** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with San Pablo Optometric Center, Inc., in an amount not to exceed \$210,000, to provide professional optometry services for Contra Costa Health Plan members, for the period January 1, 2015 through December 31, 2016. (100% CCHP Enterprise Fund III)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 36** ADOPT Resolution No. 2015/45 accepting as complete the contracted work performed by Donald R. Lemings (dba D.R. Lemings Construction Company), for demolition of parcels identified as 1422 Humboldt Avenue and 5303 Riverside Avenue in San Pablo, for the I-80 San Pablo Dam Road Interchange Improvement Project, as recommended by the Public Works Director. (100% Contra Costa Transportation Authority Funds)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 37** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Employment and Human Services Department, a purchase order amendment with Sharp Business Systems to extend the term through April 30, 2015 and increase the payment limit by \$160,000 to a new payment limit of \$3,240,000, for equipment and print management services. (10% County; 45% State; 45% Federal)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 38** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Varujan A. Keledjian, M.D., Inc., in an amount not to exceed \$110,000 to provide gastroenterology services to Contra Costa Health Plan members, for the period January 1, 2015 through December 31, 2016. (100% CCHP Enterprise Fund III)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 39** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Michael P. Sherman, M.D., Ph.D., A Medical Corporation in an amount not to exceed \$625,000 to provide oncology services to Contra Costa Health Plan members, for the period February 1, 2015 through January 31, 2017. (100% CCHP Enterprise Funds III)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 40** APPROVE and AUTHORIZE the Purchasing Agent to purchase, on behalf of the Chief Probation Officer, transit passes and supermarket gift cards in an amount not to exceed \$7,043 for returning citizens' transportation and grocery purchases as part of their participation in the AB 109 East and Central County Networked System of Services, for the period February 1 through June 30, 2015. (100% State Public Safety Realignment)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 41** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Desarrollo Familiar, Inc., in an amount not to exceed \$207,096 to continue implementation of the Mental Health Services Act (MHSA) Community Services and Supports Program for the period July 1, 2014 through June 30, 2015, with a six-month automatic extension through December 31, 2015 in an amount not to exceed \$103,548. (23% Federal Financial Participation, 77% MHSA Prop 63 funds)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 42** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Select, Inc. (dba Select Practice Opportunity), in an amount not to exceed \$110,000 to provide recruitment services for psychiatrists for Behavioral Health Services Division/Mental Health's Adult Outpatient Psychiatry Program, for the period December 1, 2014 through November 30, 2015. (100% Mental Health Realignment)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 43** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Richard Melny, M.D., in an amount not to exceed \$133,120 to provide professional outpatient psychiatric services, for the period February 1, 2015 through January 31, 2016. (100% Mental Health Realignment)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 44** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Jaison James, M.D., in an amount not to exceed \$660,000 to provide orthopedic services at Contra Costa Regional Medical and Health Centers, for the period February 1, 2015 through January 31, 2016. (100% Enterprise Fund I)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 45** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Department, a purchase order amendment with Hill-Rom, Inc., to increase the payment limit by \$440,000 to a new payment limit of \$655,606 for maintenance of specialty hospital beds and regular hospital beds for Contra Costa Regional Medical Center with no change in the original term of November 1, 2013 through October 31, 2016. (100% Enterprise Fund I)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 46** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Department, a purchase order amendment with Reliance Wholesale, Inc., to increase the payment limit by \$90,010 to a new payment limit of \$175,000 for intravenous and pharmaceutical drugs and supplies to be used at the Contra Costa Regional Medical and Health Centers, with no change in the original term of August 1, 2014 through July 31, 2015. (100% Enterprise Fund I)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 47** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Rubicon Programs Incorporated in an amount not to exceed \$1,345,200 to provide mental health program services for mentally ill adults in West County for the period July 1, 2014 through June 30, 2015, with a six-month automatic extension through December 31, 2015 in an amount not to exceed \$672,600. (48% Federal Medi-Cal; 52% Mental Health Realignment)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 48** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Arman Serebrakian, M.D., in an amount not to exceed \$170,000 to provide otolaryngology (ear, nose and throat) services to Contra Costa Health Plan members, for the period January 1, 2015 through December 31, 2016. (100% CCHP Enterprise Funds III)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 49** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Noel T.D. Chiu, M.D., A Medical Corporation, in an amount not to exceed \$480,000 to provide dermatology services for Contra Costa Health Plan members, for the period February 1, 2015 through January 31, 2017. (100% CCHP Enterprise Fund III)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 50** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Amarjit Dosanjh, M.D., in an amount not to exceed \$1,815,000 to provide plastic and hand surgery at Contra Costa Regional Medical and Health Centers, for the period February 1, 2015 through January 31, 2018. (100% Enterprise Fund I)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 51** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Per Diem Staffing Systems, Inc., in an amount not to exceed \$1,000,000 to provide temporary respiratory therapists, nursing services and additional classifications at Contra Costa Regional Medical and Health Centers, for the period February 1, 2015 through June 30, 2016. (100% Enterprise Fund I)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 52** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with R.E.A.C.H. Project, effective July 1, 2014, to increase the payment limit by \$26,249 to a new payment limit of \$739,237 to provide additional drug abuse prevention and treatment services, with no change in the original term of July 1, 2014 through June 30, 2016. (60% Federal Substance Abuse Prevention and Treatment Set-Aside Grants; 18% Drug Medi-Cal Realignment; 18% Federal Drug Medi-Cal; 4% Probation Department)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 53** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Vasanta Venkat Giri, M.D., in an amount not to exceed \$267,040 to provide outpatient psychiatric services at County Mental Health Clinics for the period February 1, 2015 through January 31, 2016. (16% Mental Health Services Act; 84% Mental Health Realignment)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 54** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Ujima Family Recovery Services in an amount not to exceed \$650,000 to provide trauma therapy, case management, and assessment services for SAMHWORKS Clients, for the period July 1, 2014 through June 30, 2015. (69% CalWORKS Alcohol and Other Drugs Services, 31% CalWORKS Mental Health)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 55** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with The Greeley Company, Inc., effective January 8, 2015, to increase the payment limit by \$45,000 to a new payment limit of \$639,800, to provide additional consulting services to include an assessment of psychiatric emergency services at Contra Costa Regional Medical Center, with no change in the original term of September 1, 2013 through December 31, 2015. (100% CCHP Enterprise Fund III)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 56** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Recovery Innovations, Inc., effective September 18, 2014, to increase the payment limit by \$85,000 to a new payment limit of \$1,117,058 to provide additional services, including van access to recipient in the recovery center, with no change in the original term of July 1, 2014 through June 30, 2015. (78% Mental Health Services Act; 22% Mental Health Realignment)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 57** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Shelter, Inc. of Contra Costa County, effective September 1, 2014, to increase the payment limit by \$1,035,850 to a new payment limit of \$1,209,417 to provide additional supportive housing services, with no change in the original term of July 1, 2014 through June 30, 2015. (14% Federal Department of Housing and Urban Development; 86% Employment and Human Services Department)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 58** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Jon Whalen, M.D., in an amount not to exceed \$300,800 to provide outpatient psychiatric services to minors, for the period February 1, 2015 through January 31, 2016. (50% Mental Health Realignment Fund, 50% Federal Financial Participation)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 59** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Huron Consulting Services, Inc., effective February 1, 2015, to extend the term from June 30, 2015 through June 30, 2016 and increase the payment limit by \$350,000 to a new payment limit of \$1,200,000 for additional consulting, technical support, training, and project management services for the department's information systems. (100% Enterprise Fund I)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 60** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with David R. Ruecker M.D., Inc., in an amount not to exceed \$300,800 to provide psychiatric services for seriously, emotionally disturbed children and adolescents in Central County, for the period January 1 through December 31, 2015. (50% Federal Financial Participation, 50% Mental Health Realignment).

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

Other: District II Supervisor Candace Andersen (ABSENT)

Other Actions

- C. 61** APPROVE amendments to the Conflict of Interest Code for the West County Wastewater District, as recommended by the County Counsel.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 62** APPROVE amendments to the Conflict of Interest Code for the Contra Costa County Employees' Retirement Association, as recommended by the County Counsel.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 63** APPROVE plan and schedule to convert the terms of the Contra Costa County Fish and Wildlife Committee from two-year terms to four-year terms with staggered term expiration dates, as recommended by the Fish and Wildlife Committee.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 64** ADOPT Resolution No. 2015/49 granting a pipeline franchise to Golden State Water Company pursuant to the terms and conditions of County Ordinance No. 2013-19 and County Resolution No. 2013/305 for pipelines located in the unincorporated area of the County, as recommended by the Public Works Director, Bay Point area. (100% Golden State Water Franchise Fees)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 65** APPROVE amendments to the Conflict of Interest Code for the Contra Costa Transportation Authority, as recommended by the County Counsel.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 66** APPROVE the Notice of Intention to Convey Real Property consisting of various fire station sites from Contra Costa County to the East Contra Costa Fire Protection District, pursuant to Government Code Section 25365, as recommended by the Public Works Director, Bethel Island, Brentwood, Byron, Knightsen and Discovery Bay areas. (No fiscal impact)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 67** ACCEPT a report on the Affordable Housing and Sustainable Communities portion of the Greenhouse Gas Reduction Fund and potential application for the Heritage Point Project in the North Richmond area, as recommended by the Conservation and Development Director.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 68** ADOPT Resolution No. 2015/55 to update the operating procedures for Board of Supervisors meetings in accordance with the Board's January 27, 2015 directives, as recommended by the County Administrator.

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 69** APPROVE the Notice of Intention to Purchase Real Property for a 0.93-acre parcel adjacent to the West County Health Center on San Pablo Avenue, San Pablo, owned by Art A. Pakpour and Mehrzad M. Pakpour, as recommended by the Public Works and Health Services Directors. (100% Hospital Enterprise Fund)

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

Other: District II Supervisor Candace Andersen (ABSENT)

- C. 70** RECEIVE the 2014 Annual Report submitted by the Contra Costa County Law Library Board of Trustees, as recommended by the County Administrator.

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

Other: District II Supervisor Candace Andersen (ABSENT)

Successor Agency to the Contra Costa County Redevelopment Agency

- C. 71** Acting as the Governing Board to the Successor Agency of the Contra Costa County Redevelopment Agency, ADOPT Resolution No. 22015/51 approving an administrative budget and the Recognized Obligation Payment Schedule for the period July 1 through December 31, 2015 (ROPS 15-16A), and ADOPT related California Environmental Quality Act findings, as recommended by the Conservation and Development Director. (100% Redevelopment Property Tax Trust Fund)

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

Other: District II Supervisor Candace Andersen (ABSENT)

GENERAL INFORMATION

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

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to a majority of the members of the Board of Supervisors less than 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 recordings of all or portions of a Board meeting may be purchased from the Clerk of the Board. Please telephone the Office of the Clerk of the Board, (925) 335-1900, to make the necessary arrangements.

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

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

www.co.contra-costa.ca.us

STANDING COMMITTEES

The Airport Committee (Karen Mitchoff and Supervisor Mary N. Piepho) meets quarterly on the second Monday of the month at 10:30 a.m. at Director of Airports Office, 550 Sally Ride Drive, Concord.

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

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

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

The Internal Operations Committee (Supervisors Karen Mitchoff and John Gioia) meets on the second Monday of the month at 2:30 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The Legislation Committee (Supervisors Karen Mitchoff and Federal D. Glover) meets on the first Thursday of the month at 10:30 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

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

The Transportation, Water & Infrastructure Committee (Supervisors Candace Andersen and Mary N. Piepho) meets on the first Monday of the month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

Airports Committee	March 9, 2015	10:30 a.m.	See above
Family & Human Services Committee	March 9, 2015	10:30 a.m.	See above
Finance Committee	March 2, 2015	10:30 a.m.	See above
Hiring Outreach Oversight Committee	March 5, 2015	1:00 p.m.	See above
Internal Operations Committee	March 9, 2015	2:30 p.m.	See above
Legislation Committee	March 5, 2015	10:30 a.m.	See above
Public Protection Committee	March 9, 2015	1:00 p.m.	See above
Transportation, Water & Infrastructure Committee	March 2, 2015	1:00 p.m.	See above

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

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

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

AB Assembly Bill

ABAG Association of Bay Area Governments

ACA Assembly Constitutional Amendment

ADA Americans with Disabilities Act of 1990

AFSCME American Federation of State County and Municipal Employees

AICP American Institute of Certified Planners

AIDS Acquired Immunodeficiency Syndrome
ALUC Airport Land Use Commission
AOD Alcohol and Other Drugs
ARRA American Recovery & Reinvestment Act of 2009
BAAQMD Bay Area Air Quality Management District
BART Bay Area Rapid Transit District
BayRICS Bay Area Regional Interoperable Communications System
BCDC Bay Conservation & Development Commission
BGO Better Government Ordinance
BOS Board of Supervisors
CALTRANS California Department of Transportation
CalWIN California Works Information Network
CalWORKS California Work Opportunity and Responsibility to Kids
CAER Community Awareness Emergency Response
CAO County Administrative Officer or Office
CCCFPD (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 (CCCFPD) Contra Costa County Fire Protection District
CPA Certified Public Accountant
CPI Consumer Price Index
CSA County Service Area
CSAC California State Association of Counties
CTC California Transportation Commission
dba doing business as
DSRIP Delivery System Reform Incentive Program
EBMUD East Bay Municipal Utility District
ECCFPD 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
HOME Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households
HOPWA Housing Opportunities for Persons with AIDS Program
HOV High Occupancy Vehicle
HR Human Resources
HUD United States Department of Housing and Urban Development
IHSS In-Home Supportive Services
Inc. Incorporated
IOC Internal Operations Committee
ISO Industrial Safety Ordinance
JPA Joint (exercise of) Powers Authority or Agreement
Lamorinda Lafayette-Moraga-Orinda Area
LAFCo Local Agency Formation Commission
LLC Limited Liability Company
LLP Limited Liability Partnership
Local 1 Public Employees Union Local 1
LVN Licensed Vocational Nurse
MAC Municipal Advisory Council
MBE Minority Business Enterprise
M.D. Medical Doctor
M.F.T. Marriage and Family Therapist
MIS Management Information System
MOE Maintenance of Effort
MOU Memorandum of Understanding
MTC Metropolitan Transportation Commission
NACo National Association of Counties
NEPA National Environmental Policy Act
OB-GYN Obstetrics and Gynecology
O.D. Doctor of Optometry
OES-EOC Office of Emergency Services-Emergency Operations Center
OPEB Other Post Employment Benefits
OSHA Occupational Safety and Health Administration
PARS Public Agencies Retirement Services
PEPRA Public Employees Pension Reform Act
Psy.D. Doctor of Psychology
RDA Redevelopment Agency
RFI Request For Information
RFP Request For Proposal
RFQ Request For Qualifications
RN Registered Nurse
SB Senate Bill
SBE Small Business Enterprise
SEIU Service Employees International Union

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



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Interim Director, Conservation & Development Department
Date: February 10, 2015

Subject: Rezoning and Final Development Plan for 13-Unit Apartment Complex

RECOMMENDATION(S):

1. OPEN the public hearing and receive testimony on the project.
2. CLOSE the public hearing.
3. FIND that on the basis of the whole record before it, including the Initial Study and the comments received, the Board of Supervisors finds that there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment and that the Mitigated Negative Declaration (MND) reflects the County's independent judgment and analysis.
4. ADOPT the Mitigated Negative Declaration and Mitigation Monitoring Program dated August 15, 2014, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and finding that it reflects the County's independent judgment and analysis.
5. CONSIDER the County Planning Commission's recommendation to deny the Rezoning and Final Development Plan stated in their Resolution No. 13-2014, as well as the recommendation of County Staff to approve.
6. ADOPT Board Resolution No. 2015/41 and the findings therein as the basis for the Board's approval.
7. ADOPT Ordinance No. 2015-03 to rezone the 0.53-acre property from Single-Family Residential, R-15 to Planned Unit District, P-1, giving effect to aforementioned rezoning.
8. APPROVE the proposed Preliminary and Final Development Plan to establish a 13-unit apartment complex, including the request to allow: a) a variance for a 0.53-acre property to be rezoned to P-1 (where a 5 acre minimum is required), b) a variance to allow three guest parking spaces (where four spaces are required), c) the removal of 19 trees, and d) work within the drip line of 21 trees, with the revised findings and conditions of approval.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Jennifer Cruz, (925)
674-7790

RECOMMENDATION(S): (CONT'D)

9. DIRECT staff of the Department of Conservation and Development to file a Notice of Determination with the County Clerk.

FISCAL IMPACT:

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

BACKGROUND:

Project Summary

Original Proposal Considered before the County Planning Commission

On August 9, 2012, applications for a rezoning and a development plan were filed with the Department of Conservation and Development for a proposal to rezone the 0.53-acre property from Single-Family Residential District, R-15 to Planned Unit District, P-1 to allow a 14-unit apartment complex. The proposed project also involves the removal of 19 trees (ranging in size from 5.5 inches to 72 inches in diameter) and work within the drip line of 21 trees (ranging in size from 15 inches to 40 inches in diameter). The existing residence and accessory buildings will be demolished in order to allow the construction of the apartment complex. The project also includes variance requests to allow three guest parking spaces on Del Hombre Lane (where four spaces are required) and to allow the rezoning of a 0.53-acre property to P-1 (where a minimum of 5 acres is required for residential uses).

The proposed apartment complex will consist of stucco, hardiplank lap siding, metal roofing, and will include decks. A 20-foot wide driveway access is proposed through the center of the property. Below is a summary of the proposed project as presented before the County Planning Commission:

Details of the 14-Unit Apartment Complex		
	<u>Each Unit</u>	<u>Total</u>
(10) Two bedrooms	1,348 sq. ft. living area 409 sq. ft. garage	
(4) Three bedrooms	1,904 sq. ft. living area 388 sq. ft. garage	
Garage (Parking Spaces)	2 spaces	28 spaces
Building Height		34 feet
Number of Stories		3
Landscaping		3,600 square feet
Guest Parking		3 spaces(on-street)

County Planning Commission (CPC) Hearing on October 14, 2014

The County Planning Commission held a public hearing on October 14, 2014, to consider the proposed project. The Planning Commission received testimony from the property owner and her architect, along with two neighboring property owners. After evaluating the project and receiving testimony, the Planning Commission voted to recommend denial of the proposed project.

The Planning Commission recognized the project's location in close proximity to the Pleasant Hill Bay Area Rapid Transit (BART) Station and staff's reasoning for recommending approval of the variances. However, Commissioners felt that since the project is not within the Pleasant Hill BART/Contra Costa Centre Specific Plan area, reduced guest parking should not be approved. They also felt that the garages would not be used for automobile parking and would be used for storage instead. Strong concern was also expressed about not having any Americans with Disabilities Act (ADA) parking for guests. The Planning Commission also noted that there is

currently insufficient parking for BART users and therefore, the amount of street parking in the area is reduced and unavailable for use by guests of residents in the area. In addition, the Commission indicated the proposed project is too dense and the variance to allow the 0.53-acre property to be rezoned to P-1 (minimum lot area of 5 acres required) was significant and could not be supported.

The Planning Commission's decision was a recommendation to the Board of Supervisors; however, the Commission also noted that they would reconsider a smaller, less dense project. The applicant elected to request a decision from the Board of Supervisors rather than substantially revise the project for reconsideration by the Planning Commission. The applicant has made modest changes that address the concerns of on-site guest parking and ADA parking. Therefore, staff is recommending the Board of Supervisors consider the project as revised.

The Department of Conservation and Development provides staff support and recommendations to the Planning Commission and conveys the Planning Commission's recommendations to the Board. In this instance, staff does not agree with the Planning Commission's recommendation because staff finds that the benefits of the project as an example of Transit Oriented Development outweigh the drawbacks that were identified. This is an infill property and will provide much needed housing near transit, which is strongly encouraged by existing State and County law and policies.

Revised Proposal for 13-Units

In November 2014, the applicant submitted revised plans. The revisions were in response to concerns heard at the County Planning Commission meeting, specifically the request to provide on-site guest parking that is consistent with the American with Disabilities Act (ADA). The revisions primarily include the removal of one unit to provide two parking spaces, of which one guest parking space complies with ADA requirements. The two spaces are also consistent with the dimensions of the County's Off-Street Parking Ordinance. Below is a summary of the revised proposed project:

Details of the 13-Unit Apartment Complex		
	<u>Each Unit</u>	<u>Total</u>
(9) Two bedrooms	1,348 sq. ft. living area 409 sq. ft. garage	
(4) Three bedrooms	1,904 sq. ft. living area 388 sq. ft. garage	
Garage (Parking Spaces)	2 spaces	26 spaces
Building Height		34 feet
Number of Stories		3
Landscaping		3,600 square feet
Guest Parking		3 (2 on-site and 1 on-street)

A variance for guest parking is still required, however, the request is to allow three guest parking spaces – two on-site and one on Del Hombre Lane - where four spaces are required. County Code Section 84-26.1202 (a)(2), permits guest parking along the subject property's street frontage. The revision eliminated one unit to allow two guest parking spaces on-site at the rear of the property, closest to Unit 13. The variance request to allow a 0.53-acre property to be rezoned to P-1 remains as part of the project.

State and County Laws that Support the Project

The subject property is located approximately 200 feet from the Pleasant Hill Bay Area Rapid Transit (BART) and is one of the remaining infill properties with options for multimodal transportation. Other modes of transportation available in this area include: bus transit, bicycling, and walking. The site is currently primarily a vacant lot, though one unoccupied single-family home with boarded windows is present. The site was recently cleaned through a code enforcement abatement process.

Efforts encouraging development of infill properties, specifically high-density residential projects located near mass transit and population centers have been accomplished at both the State and County levels. Infill development reduces the distance between places people need to travel, resulting in a reduction of greenhouse gas (GHG) emissions, as well as improved regional air quality and healthy and environmentally friendly active transportation.

Senate Bill (SB) 375 became effective in 2008 and supports the efforts of Assembly Bill (AB) 32 to reduce greenhouse gas emissions. SB 375 coordinates planning for land use transportation at a regional scale, with the goal of reducing the amount that people have to drive and associated GHG emissions. Implementation of SB 375 is intended to create walkable and efficient communities that reduce air pollution, improve public health, and shorten commutes as more people can afford to live closer to work. The project is consistent with the goals of this Senate Bill. The project provides accessibility to BART and is located within an area that is also walkable to the Contra Costa Centre, a transit village adjacent to the property.

The County's General Plan consists of goals and policies that promote and encourage projects, such as this 13-unit project that provide housing close to transit. Goal 6 of the County's Housing Element identifies the need to provide adequate sites with the appropriate land use and zoning designations to accommodate the County's share of regional housing. The proposed project will be providing 13 rental units on a property that is underutilized and adjacent to other apartments. Policy 3-2 of the County's Housing Element encourages and provides incentives for the production of housing within close proximity to public transportation and services. The project is consistent with this policy, since it is 200 feet from the Pleasant Hill BART Station and near bus transit. Policy 7-3 of the County's Housing Element encourages P-1 zoning in areas with concentrations of applicants seeking variances. The variance to the lot area for P-1 (where a minimum of five acres is required) is also consistent with properties along Treat Boulevard that are less than five acres and have been rezoned to P-1.

The County's Housing Element Update was recently adopted by the Board of Supervisors in December 2014. According to Table 6-38, removal of the 5-acre minimum lot requirement for the P-1 zoning is an eight-year objective identified in the County's Housing Plan. Removal of the lot size requirement will allow flexibility for small sites and infill development. Since 1978, numerous properties in the County that are less than five acres have been rezoned to P-1 (See Exhibit Rezoning to P-1 under 5 acres since 1978). More recently, a request to rezone a 1.12-acre property located on Tice Valley Boulevard in the unincorporated area of Walnut Creek to P-1 was approved by the Board on January 13, 2015. As proposed, the project is consistent with the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multitmodal access.

The following Transportation Policies of the County's Transportation Element also supports the project. Policy 5-13 encourages the use of pedestrian and bicycle facilities. The Iron Horse Regional Trail is located adjacent to the property and a pedestrian bridge is also located south of the property. The applicant will also provide bicycle spaces located at the rear of the property. Policy 5-24 encourages the use of alternative forms of transportation, such as transit, bike, and pedestrian modes. The Pleasant Hill BART Station and the bus transit are located within close proximity to the property and are accessible for the housing provided. In addition to the Transportation Policies, the Transportation Demand and Management (TDM) Plan Ordinance implements the goals of the County's General, the Measure C Growth Management Program, Contra Costa County's Congestion Management Program, and the Bay Area Clean Air Plan. The intent of the TDM is to promote a more balanced transportation system that takes advantage of all modes of transportation by incorporating pedestrian, bicycle, and transit access into the proposed development. This transit orient development project provides much needed housing that is accessible to a variety of transportation options.

Consistency with General Plan Land Use Designation

The subject property is within the Multiple-Family Residential-Very High Density (MV) General Plan land use designation. This land use designation allows for a density range of 30 and 44.9 multiple family units per net acre. The property is 0.53 acres (0.42 acres – net) and the size of the property would yield a density range of 12-18 units. The proposal to establish an apartment complex of 13 units is within this density range and is consistent

with the underlying General Plan.

Consistency with Zoning District

The P-1 Zoning District provides an opportunity for a cohesive design, with flexible regulations. The proposed apartment complex consists of stucco, hardiplank lap siding and metal roofing. The proposed building is consistent with the eclectic designs of existing buildings within the surrounding development. The subject property is adjacent to the Contra Costa Centre, a transit village that includes commercial, office and residential use. The proposed apartments will be three stories tall and approximately 21 trees will remain, with five additional trees required for planting to replace the 19 trees to be removed. Conditions of Approval #13, 14, and 15 have been included requiring review and approval of the proposed building design and materials, sign program, and lighting to ensure compatibility with the surrounding area. The general direction of the County is to encourage P-1 zoning in unincorporated areas where it is appropriate in relation to the community's setting. As proposed, the apartment complex is consistent with the following design objectives as required in P-1 Zoning District: building bulk, height, visual appearance from the adjacent land, and compatibility with the existing adjoining development and land.

Conclusion

Staff recommends that the Board of Supervisors approve the Rezoning and Preliminary and Final Development Plan. The proposed 13-unit apartment complex is an infill project, consistent with the surrounding uses that will provide new housing in an area accessible to public transportation, freeways, schools, and shopping, which is a major factor in accomplishing the goals and policies of the County General Plan and State incentives to reduce greenhouse gas emissions.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve the project to allow the rezoning of the subject property and the Final Development Plan to allow a 13-unit apartment complex, then the project will not be implemented and constructed, preventing the addition of new housing in the County located near mass transit.

CHILDREN'S IMPACT STATEMENT:

The proposal to allow the rezoning of a property and to allow the construction of a 13-unit apartment complex is consistent with the following outcome established in the Children's Report Card: 5 - *Communities that are safe and provide a high quality of life for children and families.*

CLERK'S ADDENDUM

Speakers: Herand Der Sarkissian, representing Mrs. Kolhler, Applicant; Reid Settlemier, resident of Oakland; Toshika McKeen, resident of Walnut Creek (handout attached). CLOSED the public hearing. FOUND that on the basis of the whole record before it, including the Initial Study and the comments received, the Board of Supervisors finds that there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment and that the Mitigated Negative Declaration (MND) reflects the County's independent judgment and analysis. ADOPTED the Mitigated Negative Declaration and Mitigation Monitoring Program dated August 15, 2014, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and finding that it reflects the County's independent judgment and analysis. CONSIDERED the County Planning Commission's recommendation to deny the Rezoning and Final Development Plan stated in their Resolution No. 13-2014, as well as the recommendation of County Staff to approve. ADOPTED Board Resolution No. 2015/41 and the findings therein as the basis for the Board's approval

ADOPTED Ordinance No. 2015-03 to rezone the 0.53-acre property from Single-Family Residential, R-15 to Planned Unit District, P-1, giving effect to aforementioned rezoning. APPROVED the proposed Preliminary and Final Development Plan to establish a 13-unit apartment complex, including the request to allow: a) a variance for a 0.53-acre property to be rezoned to P-1 (where a 5 acre minimum is required), b) a variance to allow three guest parking spaces (where four spaces are required), c) the removal of 19 trees, and d) work

within the drip line of 21 trees, with the revised findings and conditions of approval. DIRECTED staff of the Department of Conservation and Development to file a Notice of Determination with the County Clerk.

AGENDA ATTACHMENTS

Resolution No. 2015/41

Rev Findings and Conditions

Ordinance No. 2015-03 Map

CPC Resolution No. 13-2014

CPC Staff Report

CPC Findings

Maps

Rezoning to P-1 Map

Initial Study/Mitigation Monitoring Program

Revised Plans

Powerpoint Presentation

MINUTES ATTACHMENTS

Correspondence Received

Signed Ordinance 2015-03

Signed Resolution No. 2015/41

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

Adopted this Resolution on 02/10/2015 by the following vote:

	John Gioia
	Candace Andersen
AYE:	<input checked="checked" type="checkbox"/> Mary N. Piepho
	Karen Mitchoff
	Federal D. Glover
NO:	<input type="checkbox"/>
ABSENT:	<input type="checkbox"/>
ABSTAIN:	<input type="checkbox"/>
RECUSE:	<input type="checkbox"/>



Resolution No. 2015/41

A Resolution of the Board of Supervisors of the County of Contra Costa, State of California, overturning the recommendation of the County Planning Commission to approve the rezoning and a development plan applications for a proposal to rezone the 0.53 acre property from Single-Family Residential District, R-15 to Planned Unit District, P-1 to allow a 13-unit apartment complex for a property located in the unincorporated Walnut Creek area. (County Files #RZ12-3221/DP12-3017) (District IV)

WHEREAS, rezoning and development plan applications filed by Herand Der Sarkissian, applicant was submitted on August 9, 2012 to allow rezoning of a 0.53 acre property to allow the to allow a 14-unit apartment complex, removal of 19 trees (ranging in size from 5.5 inches to 72 inches in diameter) and work within the drip line of 21 trees (ranging in size from 15 inches to 40 inches in diameter) for the demolition of the existing residence and accessory buildings, and construction of the apartment complex and the following variances: to allow three guest parking spaces on Del Hombre (where four spaces are required) and to allow the rezoning of a 0.53-acre property to P-1 (where a minimum of 5 acres is required for residential uses) is included in the project. The subject property is located at 3010 Del Hombre Lane in the unincorporated Walnut Creek area; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, a Mitigated Negative Declaration and Mitigation Monitoring Program dated August 15, 2014, was prepared; and

WHEREAS, the Mitigated Negative Declaration/Initial Study identified potentially significant impacts related to Air Quality, Biological Resources, Cultural Resources, and Noise, and the Initial Study recommended mitigation measures which would reduce the identified impacts to a less-than-significant level; and

WHEREAS, on August 15, 2014, the County published a Notice of Public Review and the Intent to Adopt a Proposed Mitigated Negative Declaration, which the Notice recited the foregoing facts, indicated that the applicant agreed to accept each mitigation measure recommended in the Initial Study, started a period for public comments on the adequacy of the environmental documents related to the Project until September 4, 2014; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on October 14, 2014, where all persons interested therein might appear and be heard; and

WHEREAS, on October 14, 2014, the County Planning Commission conducted the public hearing and accepted testimony, the County Planning Commission recommended denial of the project; and

WHEREAS, the County Planning Commission recommended denial of the project since it was too dense, lack of guest parking, lack of Americans with Disabilities Act (ADA) parking, and inability to make variance findings; and WHEREAS, on November 13, 2014, the Applicant submitted revisions of the project, proposing 13-units, which eliminated a unit and the gazebo to provide two on-site guest parking spaces that are in compliance with the Americans with Disabilities Act (ADA) and one guest parking space on Del Hombre Lane; and

WHEREAS, after notice having been lawfully given a public hearing was scheduled before the County Board of Supervisors on Tuesday, February 10, 2015, where all persons interested therein might appear and be heard; and

WHEREAS, after having fully reviewed, considered, and evaluated all the testimony and evidence in this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors (“this Board”) takes the following actions:

1. FIND that on the basis of the whole record before it, including the Initial Study and the comments received, the Board of Supervisors find that there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the County’s independent judgment and analysis.
2. ADOPT the Mitigated Negative Declaration (MND) and Mitigation Monitoring Program dated August 15, 2014, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and finding that it reflects the County’s independent judgment and analysis.
3. OVERTURN the County Planning Commission’s recommendation to deny the Rezoning and Final Development Plan stated in their Resolution No. 13-2014.
4. ADOPT the findings contained in this Board Resolution as the basis for the Board’s approval.
5. ADOPT Ordinance No. 2015-03 to rezone the 0.53-acre property to Planned Unit District, P-1 from Single-Family Residential, R-15, giving effect to aforementioned rezoning.
6. APPROVE the proposed Preliminary and Final Development Plan, including the request for a variance to allow a 0.53 acre property to be rezoned to P-1 (where a 5 acre minimum is required) and to allow three guest parking spaces – two on-site and one on Del Hombre Lane (where four spaces are required), and the removal of 19 trees and to work within the drip line of 21 trees.

BE IT FURTHER RESOLVED that the reasons for this Board’s actions are based on the following: **Growth Management Performance Standards**

1. **Traffic:** Policy 4-c under the Growth Management Program (GMP) requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. The construction of a 13-unit apartment complex would have insignificant impact on the traffic in the area, and would not create 100 additional peak hour traffic trips to and from the site. Therefore, a traffic impact analysis is not required.
2. **Water:** The subject property is currently serviced by Contra Costa Water District (CCWD). No significant increase in the demand for water supplies is expected from the construction of a 13-unit apartment complex. The applicant is required to comply with CCWD’s requirements.
3. **Sanitary Sewer:** The subject property is currently serviced by Central Contra Costa Sanitary District. No significant increase in the demand for sanitary sewer service is expected from the construction of a 13-unit apartment complex. No comments on the project were received from the District; however, the applicant is required to comply with the District’s requirements.
4. **Fire Protection:** The subject property is currently serviced by the Contra Costa County Fire Protection District. The District has provided comments on the project requiring access driveway to have all-weather driving surface and capable of supporting loading of 37 tons, installation of access signs, emergency apparatus access, fire sprinklers and adequate and reliable water supply. The applicant is required to comply with the District’s requirements. The project will not substantially increase the demand for fire protection services.
5. **Public Protection:** The 13-unit apartment complex will not significantly increase population in the area, and therefore, would not increase the demand for police service facilities.
6. **Parks & Recreation:** The 13-unit apartment complex will not significantly increase population in the area, and therefore, would not increase the demand for parks or recreational facilities. Payment of Park Impact fees would be required prior to submittal of building permits. The fees would be used to purchase land and develop parks within this area of the County.
7. **Flood Control & Drainage:** The project is not located within a flood-prone area as determined by the Federal Emergency Management Agency (FEMA). The subject property is located within Drainage Area 22, an “unformed” drainage area. The nearest public drainage facility is an existing 84-inch diameter storm drain in Coggins Lane, west of the property. The applicant is required to verify its adequacy prior to discharging run-off. Off-site storm drain improvements extending as far north as Las Juntas Way may be necessary to install facilities within public right-of-way and avoid conflicts within existing utilities.

Rezoning

1. **Required Finding:** The change proposed will substantially comply with the general plan.

Project Finding: The proposed 13-unit apartment complex is a permitted use in the Multiple-Family Residential-Very High Density (MV) General Plan land use designation. This General Plan land use designation provides for higher density multiple-family development (30 - 44.9 units per net acre). The property is 0.53 acres (0.42 acres – net) and the density of the property would yield a range of 12-18 units. The proposal to establish an apartment complex of 13 units is within this density

range. As proposed, the project is consistent with the County General Plan, especially the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multimodal access.

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

Project Finding: The proposed 13-unit apartment complex is a use consistent with the MV General Plan land use designation. The surrounding area primarily consists of apartments within P-1 Zoning District or Multiple-Family Zoning District. Additionally, the property is adjacent to the Contra Costa Centre, a transit village that includes commercial uses and residential units. The project is an example of a Transit Oriented Development (TOD). Although the subject property is not located within the boundaries of the Pleasant Hill BART Station Area Specific Plan, the project is immediately adjacent and meets the intent of the Specific Plan providing housing near various transit modes. Overall, the project is in harmony with the surrounding area and the uses established in the area.

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

Project Finding: The subject property has an existing residence that is proposed to be demolished. The proposed 13-unit apartment complex provides a modest number of housing units that utilizes an infill property near transit that will assist in meeting the housing development targets identified in the Housing Element of the County's General Plan. Further, the project is consistent with the surrounding area consisting of high-density development near transit.

Findings for Approval of a P-1 Zoning and Final Development Plan

1. Required Finding: The applicant intends to start construction within two and one-half years from the effective date of the zoning change and plan approval.

Project Finding: The applicant has indicated that they intend to commence construction within 2 ½ years off the effective date of the zoning change and plan approval.

2. Required Finding: The proposed planned unit development is consistent with the County General Plan.

Project Finding: The proposed 13-unit apartment complex is a permitted use in the Multiple-Family Residential-Very High Density (MV) General Plan land use designation. This General Plan land use designation provides for higher density multiple-family development (30 - 44.9 units per net acre). The property is 0.53 acres (0.42 acres – net) and the density of the property would yield a range of 12-18 units. The proposal to establish an apartment complex of 13 units is within this density range.

The County's General Plan also provides goals and policies that promote and encourage projects, such as this 13-unit project that provides housing close to transit. Goal 6 of the County's Housing Element identifies the need to provide adequate sites with the appropriate land use and zoning designations to accommodate the County's share of regional housing. The proposed project will be providing 13 rental units on a property that is underutilized and adjacent to other apartments. Policy 3-2 of the County's Housing Element encourages and provides incentives for the production of housing within close proximity to public transportation and services. The project is consistent with this policy, since it is 200 feet from the Pleasant Hill BART Station and near bus transit. Policy 7-3 of the County's Housing Element encourages P-1 zoning in areas with concentrations of variances sought. The project includes the rezoning of the property to P-1, which is consistent with the General Plan Land Use designation of Multiple-Family Residential-Very High Density. The variance to the lot area for P-1 (where a minimum of five acres is required) is also consistent with properties along Treat Boulevard that are less than five acres and have been rezoned to P-1.

Several Transportation Policies of the County's Transportation Element also supports the project. Policy 5-13 encourages the use of pedestrian and bicycle facilities. The Iron Horse Regional Trail is located adjacent to the property and a pedestrian bridge is also located south of the property. The applicant will also provide bicycle spaces located at the rear of the property. Policy 5-24 encourages the use of alternative forms of transportation, such as transit, bike, and pedestrian modes. The Pleasant Hill BART Station and the bus transit are located within close proximity to the property and are accessible for the housing provided. As proposed, the project is consistent with the County's General Plan, especially the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multimodal access.

3. Required Finding: In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community.

Project Finding: The surrounding area consists of a variety of designs of multiple-family buildings constructed from the late 1970s to more recent construction in the mid-2000s. The eclectic designs of the multiple-family buildings consist of exterior

materials such as stucco, cedar shingle siding, and horizontal wood siding. The proposed 13-unit apartment complex is an infill project that will provide high density multiple-family residences close to transit, consistent and in harmony with the surrounding area.

4. Required Finding: The development of a harmonious integrated plan justifies exceptions from the normal application of this code.

Project Finding: The subject property is half an acre in size on a property currently zoned Single-Family Residential, R-15. The MV General Plan land use designation permits multiple-family residences, such as townhomes, condominiums, or apartments. However, the current zoning is not consistent with MV and does not permit multiple-family residences. Therefore, the proposed project includes a rezoning of the property to a Planned Unit District, P-1 to allow the construction of the apartments. The surrounding area consists of other properties zoned P-1 and that has multiple-family buildings.

Variance Findings

1. Required Finding: That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.

Project Finding for Lot Area: The proposed project requires two variances. The first variance is to allow the rezoning of a 0.53-acre property from R-15, single-Family Residential Zoning to Planned Unit District, P-1. Under the P-1 Zoning District, a minimum of five acres is required. The applicant has solicited to the adjacent property owners that are currently zoned R-15 the idea of collectively rezoning the remaining properties to P-1. There was no agreement with the proposal. The remaining R-15 properties are primarily surrounded by P-1 zoning (where some properties are substandard in size) and several properties zoned Multiple-Family Residential District, M-17. The current R-15 zoning is not consistent with the MV General Plan. As found on Table 3-5 of the County's Land Use Element, the proposal to rezone the property to P-1 will be consistent with the MV General Plan land use designation.

Additionally, Table 6-41 of the County's Housing Element identifies the removal of the five acre minimum lot requirement for the P-1 zoning. This would allow the development of small infill properties near transit centers. Approval of the variance request would not be a grant of special privilege, as several properties along Treat Blvd (south of Del Hombre) are zoned P-1 and have smaller or comparable lot size. Other properties in the County that are less than the required five acres have been rezoned to P-1. More recently, the Board of Supervisors approved the rezoning of a 1.12-acre property located off Tice Valley in Walnut Creek to P-1.

Project Finding for Guest Parking: The second variance request is to the number of guest parking spaces (four guest parking spaces are required). The initial proposal requested a variance to allow three guest parking spaces on Del Hombre Lane. At the County Planning Commission public hearing in October 2014, the Commissioners indicated a concern for the lack of parking and lack of parking in compliance with the American with Disabilities Act (ADA). The Commission made a decision to recommend denial of the project. The applicant revised the project to eliminate one unit to provide two guest parking spaces on-site and one guest parking space on Del Hombre Lane to address the lack of on-site guest parking. The variance request has been revised to allow three guest parking spaces – two on-site and one on Del Hombre Lane (where four spaces are required). The revision also provides one ADA parking space on-site.

The proposed project is an example of a Transit Oriented Development "TOD." The property is located near the Pleasant Hill Bay Area Rapid Transit (BART) Station and bus transit. The Department's Transportation Section has also recommended that the three guest parking spaces initially proposed on Del Hombre Lane should be eliminated because of the close proximity to transit. Public Works Department also recommended that only one guest parking space on Del Hombre Lane should be granted because of the inadequate sight distance of for the parking space located between the proposed driveway and 12-foot access easement. Approval of the variance request would not grant a special privilege because of the property's close proximity to BART, which provides another mode of transportation other than vehicle use.

2. Required Finding: That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.

Project Finding for Lot Area: The proposal to rezone the property to P-1 on a 0.53-acre property would allow the construction of an apartment complex, providing higher density multiple-family development closer to transit. The proposed project is consistent with the surrounding development in the area. Properties less than five acres have been rezoned to P-1 since 1978, including the recent approval to rezone the property less than five acres to P-1. The County's Housing Element identifies the removal of the minimum five acre requirement to encourage development of infill properties close to transit. Thus, implementing the current zoning standards would deprive the subject property of rights enjoyed by other properties developed as multiple-family

development.

Project Finding for Guest Parking: The property is located near the Pleasant Hill BART Station and bus transit. Applying the zoning standards that require four guest parking spaces is inconsistent with the intent of Transit Oriented Development and the variance request is supported by the Department's Transportation Section and the County's Public Works Department. The use of BART, transit or bicycles is encouraged in TOD projects. Additionally, Senate Bill (SB) 375 and the County's Housing Element encourage development as such, that are near transit centers. Given the location of the subject property and the efforts made by the applicant to reduce the number of units and provide on-site guest parking including the designation of one space as ADA compliant, Staff finds that the variances are justified. As such, denial of the variance would deprive the property owners of the ability to develop their property in a manner consistent with other properties in the area.

3. Required Finding: That any variance authorized substantially meets the intent and purpose of the respective land use district in which the subject property is located.

Project Finding for Lot Area: The proposal to rezone a property for residential use less than five acres will meet the intent of the P-1 Zoning District and the goal of the County's Housing Element to encourage small infill properties near transit centers. The P-1 Zoning District provides an opportunity for a cohesive design with flexible regulations. The proposal is to rezone the property will allow a 13-unit apartment complex and is determined to be compatible with the development in the surrounding area of multiple family residences. Further, the proposal is an example of Transit Oriented Development (TOD) that is highly encouraged for properties located adjacent to transit.

Project Finding for Guest Parking: The applicant proposes to allow three guest parking spaces – two on-site and one on Del Hombre Lane (where four spaces are required). Approval of three guest parking spaces, as proposed would provide parking, while access to transit is another option. The proposed project is an example of a TOD project and is encouraged by SB 375 and the County's Housing Element. Overall, the proposed project meets the intent and purpose of the P-1 Zoning District.

Tree Permit Findings

Required Factors for Granting Permit: The Board of Supervisors is satisfied that the following factor as provided by County Code Section 816-6.8010 for granting a tree permit has been fulfilled:

Project Finding: Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot.

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

ATTESTED: February 10, 2015

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

Contact: Jennifer Cruz, (925) 674-7790

By: June McHuen, Deputy

cc: Chris Howard, GIS, DCD

**REVISED FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE #RZ12-3221
& DP12-3017; HERAND DER SARKISSIAN (APPLICANT) & HEIDI AND CHRISTINA
KOHLER (OWNERS)**

A. Growth Management Performance Standards

1. Traffic: Policy 4-c under the Growth Management Program (GMP) requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. The construction of a 13-unit apartment complex would have insignificant impact on the traffic in the area, and would not create 100 additional peak hour traffic trips to and from the site. Therefore, a traffic impact analysis is not required.
2. Water: The subject property is currently serviced by Contra Costa Water District (CCWD). No significant increase in the demand for water supplies is expected from the construction of a 13-unit apartment complex. The applicant is required to comply with CCWD's requirements.
3. Sanitary Sewer: The subject property is currently serviced by Central Contra Costa Sanitary District. No significant increase in the demand for sanitary sewer service is expected from the construction of a 13-unit apartment complex. No comments on the project were received from the District; however, the applicant is required to comply with the District's requirements.
4. Fire Protection: The subject property is currently serviced by the Contra Costa County Fire Protection District. The District has provided comments on the project requiring access driveway to have all-weather driving surface and capable of supporting loading of 37 tons, installation of access signs, emergency apparatus access, fire sprinklers and adequate and reliable water supply. The applicant is required to comply with the District's requirements. The project will not substantially increase the demand for fire protection services.
5. Public Protection: The 13-unit apartment complex will not significantly increase population in the area, and therefore, would not increase the demand for police service facilities.
6. Parks & Recreation: The 13-unit apartment complex will not significantly increase population in the area, and therefore, would not increase the demand for parks or recreational facilities. Payment of Park Impact fees

would be required prior to submittal of building permits. The fees would be used to purchase land and develop parks within this area of the County.

7. Flood Control & Drainage: The project is not located within a flood-prone area as determined by the Federal Emergency Management Agency (FEMA). The subject property is located within Drainage Area 22, an "unformed" drainage area. The nearest public drainage facility is an existing 84-inch diameter storm drain in Coggins Lane, west of the property. The applicant is required to verify its adequacy prior to discharging run-off. Off-site storm drain improvements extending as far north as Las Juntas Way may be necessary to install facilities within public right-of-way and avoid conflicts within existing utilities.

B. Rezoning

1. Required Finding: The change proposed will substantially comply with the general plan.

Project Finding: The proposed 13-unit apartment complex is a permitted use in the Multiple-Family Residential-Very High Density (MV) General Plan land use designation. This General Plan land use designation provides for higher density multiple-family development (30 - 44.9 units per net acre). The property is 0.53 acres (0.42 acres – net) and the density of the property would yield a range of 12-18 units. The proposal to establish an apartment complex of 13 units is within this density range. As proposed, the project is consistent with the County General Plan, especially the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multimodal access.

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

Project Finding: The proposed 13-unit apartment complex is a use consistent with the MV General Plan land use designation. The surrounding area primarily consists of apartments within P-1 Zoning District or Multiple-Family Zoning District. Additionally, the property is adjacent to the Contra Costa Centre, a transit village that includes commercial uses and residential units. The project is an example of a Transit Oriented Development (TOD). Although the subject property is not

located within the boundaries of the Pleasant Hill BART Station Area Specific Plan, the project is immediately adjacent and meets the intent of the Specific Plan providing housing near various transit modes. Overall, the project is in harmony with the surrounding area and the uses established in the area.

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

Project Finding: The subject property has an existing residence that is proposed to be demolished. The proposed 13-unit apartment complex provides a modest number of housing units that utilizes an infill property near transit that will assist in meeting the housing development targets identified in the Housing Element of the County's General Plan. Further, the project is consistent with the surrounding area consisting of high-density development near transit.

C. Findings for Approval of a P-1 Zoning and Final Development Plan

1. Required Finding: The applicant intends to start construction within two and one-half years from the effective date of the zoning change and plan approval.

Project Finding: The applicant has indicated that they intend to commence construction within 2 ½ years off the effective date of the zoning change and plan approval.

2. Required Finding: The proposed planned unit development is consistent with the County General Plan.

Project Finding: The proposed 13-unit apartment complex is a permitted use in the Multiple-Family Residential-Very High Density (MV) General Plan land use designation. This General Plan land use designation provides for higher density multiple-family development (30 - 44.9 units per net acre). The property is 0.53 acres (0.42 acres – net) and the density of the property would yield a range of 12-18 units. The proposal to establish an apartment complex of 13 units is within this density range.

The County's General Plan also provides goals and policies that promote and encourage projects, such as this 13-unit project that provides housing

close to transit. Goal 6 of the County's Housing Element identifies the need to provide adequate sites with the appropriate land use and zoning designations to accommodate the County's share of regional housing. The proposed project will be providing 13 rental units on a property that is underutilized and adjacent to other apartments. Policy 3-2 of the County's Housing Element encourages and provides incentives for the production of housing within close proximity to public transportation and services. The project is consistent with this policy, since it is 200 feet from the Pleasant Hill BART Station and near bus transit. Policy 7-3 of the County's Housing Element encourages P-1 zoning in areas with concentrations of variances sought. The project includes the rezoning of the property to P-1, which is consistent with the General Plan Land Use designation of Multiple-Family Residential-Very High Density. The variance to the lot area for P-1 (where a minimum of five acres is required) is also consistent with properties along Treat Boulevard that are less than five acres and have been rezoned to P-1.

The following Transportation Policies of the County's Transportation Element also supports the project. Policy 5-13 encourages the use of pedestrian and bicycle facilities. The Iron Horse Regional Trail is located adjacent to the property and a pedestrian bridge is also located south of the property. The applicant will also provide bicycle spaces located at the rear of the property. Policy 5-24 encourages the use of alternative forms of transportation, such as transit, bike, and pedestrian modes. The Pleasant Hill BART Station and the bus transit are located within close proximity to the property and are accessible for the housing provided. As proposed, the project is consistent with the County's General Plan, especially the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multimodal access.

3. Required Finding: In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community.

Project Finding: *The surrounding area consists of a variety of designs of multiple-family buildings constructed from the late 1970s to more recent construction in the mid-2000s. The eclectic designs of the multiple-family buildings consist of exterior materials such as stucco, cedar shingle siding, and horizontal wood siding. The proposed 13-unit apartment complex is*

an infill project that will provide high density multiple-family residences close to transit, consistent and in harmony with the surrounding area.

4. Required Finding: The development of a harmonious integrated plan justifies exceptions from the normal application of this code.

Project Finding: The subject property is half an acre in size on a property currently zoned Single-Family Residential, R-15. The MV General Plan land use designation permits multiple-family residences, such as townhomes, condominiums, or apartments. However, the current zoning is not consistent with MV and does not permit multiple-family residences. Therefore, the proposed project includes a rezoning of the property to a Planned Unit District, P-1 to allow the construction of the apartments. The surrounding area consists of other properties zoned P-1 and that has multiple-family buildings.

D. Variance Findings

1. Required Finding: That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.

Project Finding for Lot Area: The proposed project requires two variances. The first variance is to allow the rezoning of a 0.53-acre property from R-15, single-Family Residential Zoning to Planned Unit District, P-1. Under the P-1 Zoning District, a minimum of five acres is required. The applicant has solicited to the adjacent property owners that are currently zoned R-15 the idea of collectively rezoning the remaining properties to P-1. There was no agreement with the proposal. The remaining R-15 properties are primarily surrounded by P-1 zoning (where some properties are substandard in size) and several properties zoned Multiple-Family Residential District, M-17. The current R-15 zoning is not consistent with the MV General Plan. As found on Table 3-5 of the County's Land Use Element, the proposal to rezone the property to P-1 will be consistent with the MV General Plan land use designation.

Additionally, Table 6-41 of the County's Housing Element identifies the removal of the five acre minimum lot requirement for the P-1 zoning. This would allow the development of small infill properties near transit centers. Approval of the variance request would not be a grant of special privilege,

as several properties along Treat Blvd (south of Del Hombre) are zoned P-1 and have smaller or comparable lot size. Other properties in the County that are less than the required five acres have been rezoned to P-1. More recently, the Board of Supervisors approved the rezoning of a 1.12-acre property located off Tice Valley in Walnut Creek to P-1.

Project Finding for Guest Parking: The second variance request is to the number of guest parking spaces (four guest parking spaces are required). The initial proposal requested a variance to allow three guest parking spaces on Del Hombre Lane. At the County Planning Commission public hearing in October 2014, the Commissioners indicated a concern for the lack of parking and lack of parking in compliance with the American with Disabilities Act (ADA). The Commission made a decision to recommend denial of the project. The applicant revised the project to eliminate one unit to provide two guest parking spaces on-site and one guest parking space on Del Hombre Lane to address the lack of on-site guest parking. The variance request has been revised to allow three guest parking spaces – two on-site and one on Del Hombre Lane (where four spaces are required). The revision also provides one ADA parking space on-site.

The proposed project is an example of a Transit Oriented Development "TOD." The property is located near the Pleasant Hill Bay Area Rapid Transit (BART) Station and bus transit. The Department's Transportation Section has also recommended that the three guest parking spaces initially proposed on Del Hombre Lane should be eliminated because of the close proximity to transit. Public Works Department also recommended that only one guest parking space on Del Hombre Lane should be granted because of the inadequate sight distance of for the parking space located between the proposed driveway and 12-foot access easement. Approval of the variance request would not grant a special privilege because of the property's close proximity to BART, which provides another mode of transportation other than vehicle use.

2. *Required Finding: That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding for Lot Area: The proposal to rezone the property to P-1

on a 0.53-acre property would allow the construction of an apartment complex, providing higher density multiple-family development closer to transit. The proposed project is consistent with the surrounding development in the area. Properties less than five acres have been rezoned to P-1 since 1978, including the recent approval to rezone the property less than five acres to P-1. The County's Housing Element identifies the removal of the minimum five acre requirement to encourage development of infill properties close to transit. Thus, implementing the current zoning standards would deprive the subject property of rights enjoyed by other properties developed as multiple-family development.

Project Finding for Guest Parking: *The property is located near the Pleasant Hill BART Station and bus transit. Applying the zoning standards that require four guest parking spaces is inconsistent with the intent of Transit Oriented Development and the variance request is supported by the Department's Transportation Section and the County's Public Works Department. The use of BART, transit or bicycles is encouraged in TOD projects. Additionally, Senate Bill (SB) 375 and the County's Housing Element encourage development as such, that are near transit centers. Given the location of the subject property and the efforts made by the applicant to reduce the number of units and provide on-site guest parking including the designation of one space as ADA compliant, Staff finds that the variances are justified. As such, denial of the variance would deprive the property owners of the ability to develop their property in a manner consistent with other properties in the area.*

3. *Required Finding:* *That any variance authorized substantially meets the intent and purpose of the respective land use district in which the subject property is located.*

Project Finding for Lot Area: *The proposal to rezone a property for residential use less than five acres will meet the intent of the P-1 Zoning District and the goal of the County's Housing Element to encourage small infill properties near transit centers. The P-1 Zoning District provides an opportunity for a cohesive design with flexible regulations. The proposal is to rezone the property will allow a 13-unit apartment complex and is determined to be compatible with the development in the surrounding area of multiple family residences. Further, the proposal is an example of Transit Oriented Development (TOD) that is highly encouraged for properties located adjacent to transit.*

Project Finding for Guest Parking: The applicant proposes to allow three guest parking spaces – two on-site and one on Del Hombre Lane (where four spaces are required). Approval of three guest parking spaces, as proposed would provide parking, while access to transit is another option. The proposed project is an example of a TOD project and is encouraged by SB 375 and the County's Housing Element. Overall, the proposed project meets the intent and purpose of the P-1 Zoning District.

E. Tree Permit Findings

Required Factors for Granting Permit: The County Planning Commission is satisfied that the following factor as provided by County Code Section 816-6.8010 for granting a tree permit has been fulfilled:

Project Finding: Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot.

Required Factors for Denying a Tree Permit: The County Planning Commission is satisfied that the following factors as provided by County Code Section 816-6.8010 for denying (or modifying) a tree permit application have been satisfied as marked:

Project Finding: None of the factors apply.

CONDITIONS OF APPROVAL FOR COUNTY FILE #RZ12-3221 & DP12-3017

Project Approval

1. ___ ___ The Development Plan application is APPROVED for a preliminary and final development plan to construct a 13-unit apartment complex, removal of 19 trees (ranging in size from 5.5 inches to 72 inches in diameter) and work within the drip line of 21 trees (ranging in size from 15 inches to 40 inches in diameter), as generally shown on the plans received by the Department of Conservation and Development, Community Development Division (CDD), subject to the conditions listed below and based on the following documents:

- A. Application submitted on August 9, 2012.
- B. Revised Plans dated November 13, 2014.
- C. Supplemental Stormwater Control Plan received on December 16, 2013 and Off-Site Storm Drain Exhibit received on May 22, 2014.
- D. Archaeological Survey and Architectural Assessment prepared by James Allen, William Self Associates (WSA), Inc. dated March 29, 2013.
- E. Arborist Report prepared by William R. McKinley, McKinley & Associates dated April 15, 2013.
- F. Biological Resources Reports prepared by Monk and Associates dated July 23, 2014 and August 8, 2014.

Approval is granted to allow for the following variances that meet the requirements of Section 26-2.2006 of the County Ordinance Code:

- Three guest parking spaces – two spaces on-site and one space on Del Hombre Lane
(where four spaces are required); and
- 0.53 acres for the rezoning of the property to P-1
(where five acres is required for residential use)

Approval Contingent on Consistent Approval of Related Rezoning Application

2. ____ This Development Plan application is approved contingent upon approval of the rezoning request, County File #RZ12-3221 from Single-Family Residential, R-15 to Planned Unit District, P-1. If the site is not rezoned, then this approval shall be null and void.

Payment of Any Supplemental Processing Fees that May Be Due

3. ____ This application is subject to an initial application deposit of \$9,507.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

Compliance Review

4. ____ **At least 45 days prior to submittal of a building permit,** the applicant shall provide a report on compliance with the conditions of approval for the review and approval by CDD. The fee for this application is a deposit of \$1000 that is subject to time and materials costs. Should staff costs exceed the deposit, additional fees will be required.

Except for those conditions administered by the Public Works Department, the report shall list each condition followed by a description of what the applicant has provided as evidence of compliance with that condition. A copy of the permit conditions approval may be obtained from CDD.

Restitution for Tree Removal

5. ____ Required Restitution for Approved Tree Removal: The following measures are intended to provide restitution for the removal of 19 code-protected trees:
- A. Tree Restitution Planting and Irrigation Plan: **Prior to the removal of trees or submittal of building permits (e.g. demolition, grading or building), whichever occurs first,** the applicant shall submit a

tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The plan shall provide for the planting of ***five trees, no larger than 15 gallons in size***. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County Ordinance, if one is adopted. The plan shall be accompanied by an estimate prepared by a licensed landscape architect or arborist of the materials and labor costs to complete the improvements on the plan.

- B. Required Security to Assure Completion of Plan Improvements: **Prior to removal of trees or submittal of building permits (e.g. demolition, grading or building), whichever occurs first**, the applicant shall submit a security that is acceptable to the CDD. The bond shall include the amount of the approved cost estimate, *plus* a 20% inflation surcharge.
- C. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs of staff for processing the landscape improvement security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.
- D. Duration of Security: The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of the security. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree(s) intended to be protected has been damaged, and CDD determines that the applicant has not been diligent in providing reasonable restitution, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s).

Contingency Restitution Should Altered Trees Be Damaged

- 6. ____ Trees to be Preserved but Altered – Pursuant to the conclusions of the arborist report, proposed improvements within the root zone of trees noted on the site plan to be preserved have been determined to be feasible and still allow for preservation provided that the recommendations of the arborist are followed.

Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity nevertheless damages these trees, the applicant shall provide the County with a security (e.g. bond, cash deposit) to be submitted prior to submittal of a building permit or a grading permit, whichever occurs first, to allow for replacement of trees intended to be preserved that are significantly damaged by construction activity. The security shall be based on:

- A. Extent of Possible Restitution Improvements – The planting of up to **five trees, no larger than 15-gallons in size** in the vicinity of the affected trees, or equivalent planting contribution, subject to prior review and approval of CDD.
- B. Determination of Security Amount: The security shall provide for all of the following costs:
 - i. Preparation of landscape/irrigation plan by a licensed landscape architect or arborist;
 - ii. Labor and materials estimate for planting the potential number of trees and related irrigation improvements that may be required, prepared by a licensed landscape contractor; and
 - iii. An additional 20% of the total of the above amounts to address inflation costs.
- C. Initial Deposit for Processing of Security – The County Ordinance requires that the applicant cover all time and material costs of staff for processing a tree protection security. The Applicant shall pay an initial fee deposit of \$100 at time of submittal of a security.
- D. Duration of Security: The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree intended to be protected has been damaged by development activity, and CDD determines that the applicant has not been diligent in providing reasonable restitution of the damaged trees,

then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s.)

7. ____ Compliance with Arborist Recommendations: The applicant shall implement all measures recommended by the consulting arborist as stated in the approved arborist report.
8. ____ Arborist Expenses: The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.
9. ____ Except for the trees identified in this permit approved for removal or to work within the drip line of, this tree permit does not include approval of other tree removal or any work within the drip line of any trees within the subject property.

60dBA Noise Control

10. ____ **Prior to final occupancy**, the applicant shall provide proof that all window and door openings on all 14 units have been fitted with windows and doors that maintain interior noise levels that are below 60dBA.

Transportation Demand Management (TDM)

11. ____ **At least 45 days prior to submittal of building permits**, the applicant shall submit a Transportation and Demand Management (TDM) Plan, pursuant to Contra Costa County Code Section 82-32.010 for the review and approval of CDD. The requirements may include identification of proposed improvements to accommodate pedestrian, bicyclists, and transit users.

Bicycle Parking

12. ____ At least two short-term bicycle parking spaces shall be provided to serve the proposed project, pursuant to Contra Costa County Code Section 82-16.412. **At least 45 days prior to submittal of building permits**, a revised site plan shall be submitted identifying the location of the required bicycle spaces.

Building Design

13. ____ ____ **At least 45 days prior to submittal of building permits**, elevations, building materials, and a color palette shall be submitted for the review and approval of CDD.

Sign Identification Program

14. ____ ____ **At least 45 days prior to submittal of building permits**, a sign program for the purpose of identifying the property/apartment complex shall be submitted for review and approval by CDD. The details of the design, location, color, and type of materials for the proposed sign(s) shall be submitted.

Exterior Lighting

15. ____ ____ **At least 45 days prior to submittal of building permits**, an exterior lighting plan shall be submitted for the review and approval by CDD. The plan shall include details of location and design of outside lighting fixtures, proposed screening, and hours of operation of exterior lights.

Exterior lights shall be deflected so that the lights shine onto subject property and not toward adjacent properties.

Park Impact Fees

16. ____ ____ **Prior to submittal of building permits**, the applicant shall pay a fee of \$5,213 per unit for the construction of the 14-unit apartment complex for park and recreation improvements in the area as established by the Board of Supervisors.

Mitigation Measures

17. ____ ____ During construction, the project developer shall implement standard construction dust control measures recommended by the BAAQMD, to include:

1. Watering active construction areas on the site at least twice daily.

2. Daily watering or covering stockpiles of debris, soils, sand, and other materials that can be blown by the wind.
3. Covering all trucks hauling soils, sand, and other loose material or require all material-hauling trucks to maintain at least two feet of freeboard.
4. Paving, watering three times daily, or applying non-toxic soil stabilizers on all unpaved access roads, parking lots, and staging areas at construction site.
5. Sweeping streets daily, preferably with water sweepers, if soil is carried onto adjacent streets.
6. Seeding disturbed areas as quickly as possible or installation of cover vegetation over exposed soils. **(MM AIR -1)**

18. ____ Bats - In order to avoid impacts to roosting special-status bats, a biologist shall survey trees and buildings 15 days prior to commencing with any removal or demolition. All bat surveys shall be conducted by a biologist with known experience surveying for bats. The applicant shall provide the biologist conducting the surveys access to the boarded-up structure. If no special-status bats are found during the surveys, then there would be no further regard for these bat species.

If special-status bat species are found on the project site, then there shall be a determination if young bats present (i.e., the biologist shall determine if there are maternal roosts). If young are found roosting in any tree or building, then impacts to the tree or building shall be avoided until the young are flying free and are feeding on their own. A non-disturbance buffer fenced with orange construction fencing shall also be established around the maternity site. The size of the buffer zone shall be determined by a qualified bat biologist at the time of the surveys. If adults are found roosting in a tree or building on the project site but no maternal sites are found, then the adult bats can be flushed or a one-way eviction door can be placed over the tree cavity (or building access opening) for a 48 hour period prior to the time the tree or building in question would be removed or disturbed. No other mitigation compensation would be required. **(MM BIO-1)**

19. ____ Nesting Passerine Bird - A nesting bird survey shall be conducted on the project site and within a zone of influence around the project site if the project would commence between March 1 and September 1st. This is the formally recognized bird nesting season enforced by the California

Department of Fish and Wildlife. The zone of influence includes those areas off the project site where birds could be disturbed by earth-moving vibrations or noise associated with construction. Accordingly, the nesting survey(s) must cover the project site and an area around the project site boundary. If project site disturbance associated with the project would commence between March 1 and September 1st, the nesting surveys should be completed 15 days prior to commencing with any activities that would disturb the current site conditions. If common (that is, not special-status) birds, for example, California towhee, western scrub jay, or acorn woodpeckers are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet should be established around the nest or as otherwise prescribed by a qualified ornithologist. The buffer should be demarcated via the installation of orange construction fencing. Disturbance within the buffer should be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.

Typically, most nesting birds in the region of the project site are expected to complete nesting by August 1st. However, many species can complete nesting by early to mid-July. Regardless, nesting buffers should be maintained until August 1st unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1st, the qualified biologist conducting the nesting surveys should prepare a report that provides details about the nesting outcome and the removal of buffers. This report should be submitted to the Contra Costa County Department of Conservation and Development prior to the time that nest protection buffers are removed if the date is before August 1st. **(MM BIO-2)**

20. ____ Trees - To offset impacts resulting from the removal of, or impact to the drip line of any code-protected tree, replacement trees that are California native species, no larger than 15-gallon size (to ensure that healthy smaller specimens are planted) should be planted within the post constructed development site. Valley oaks, coast live oaks, interior live oaks, coast redwoods, California sycamores, white alder, California buckeyes, and madrone are suitable native replacement trees. Replacement trees will be required for the removal or injury to any code protected tree. **(MM BIO-3)**

21. ____ Trees identified to be retained on the Final Development Plan shall be

preserved by implementing Best Management Practices and the recommendations outlined in the arborist report. **(MM BIO-4)**

22. ____ ____ If deposits of prehistoric or historical archeological materials are encountered during ground disturbance activities, then all work within 10 feet of the discovery shall stop and be evaluated by a qualified archaeologist shall be contacted to evaluate the finds and make recommendations. It is recommended that such deposits be avoided by further ground disturbance activities. If such deposits cannot be avoided, then they should be evaluated for their significance in accordance with the California Register of Historical Resources. **(MM CULT RESOURCES-1)**
23. ____ ____ If human remains are encountered, then all work shall stop with 10 feet and the County Coroner shall be notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. **(MM CULT RESOURCES-2)**

Construction Restrictions

24. ____ ____ Contractor and/or developer shall comply with the following construction, noise, litter, and traffic control requirements:
 - A. Construction activities shall be limited to the hours of 8:00 A.M. -5:00 P.M., Monday – Friday, and shall be prohibited on State and Federal Holidays, on the calendar dates that these holidays are observed by the state or federal government as listed below:
 - New Year's Day (State and Federal)
 - Birthday of Martin Luther King, Jr. (State and Federal)
 - Washington's Birthday (Federal)
 - Lincoln's Birthday (State)
 - President's Day (State and Federal)
 - Cesar Chavez Day (State)
 - Memorial Day (State and Federal)

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

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

Federal Holidays <http://www.opm.gov/fedhol>

California Holidays <http://www.edd.ca.gov/eddsthoh.htm>

- B. Contractors shall be required to include measures to reduce equipment noise such as:
- All internal engine-driven equipment shall be equipped with mufflers that are in good condition;
 - Use "quiet" gasoline-powered compressors or other electric-powered compressors, wherever possible; and
 - Retain a disturbance coordinator to monitor construction activity and to identify additional mitigation measures as needed. **(MM NOISE -1)**
- C. The applicant shall immediately notify the Department of Conservation and Development, Community Development Division of any damage that occurs to any tree during the construction process. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of construction or grading shall be replaced with a tree or trees of equivalent size and of a species as approved by the Deputy Director, Community Development Division to be reasonably appropriate for the particular situation.
- D. No parking or storage of vehicles, equipment, machinery, or construction materials and no dumping of paints, oils, contaminated water, or any chemicals shall be permitted within the drip line of any tree to be preserved.

- E. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the drip line of any tree intended for preservation unless such activities are indicated on the improvement plans approved by the County and addressed in the arborist reports. If any of the activities listed above occur within the drip line of a tree to be preserved, an arborist may be required to be present. The arborist shall have the authority to require implementation of measures to protect the trees.
- F. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows.
- G. Transporting of heavy equipment and truck shall be limited to week days between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State holidays.
- H. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

**PUBLIC WORKS CONDITIONS OF APPROVAL
FOR PERMIT DP12-3017**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to Department of Conservation and Development, Community Development Division, on May 31, 2013, Stormwater Control Plan dated December 16, 2013 and of site drainage exhibit dated May 22, 2014.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT AND PRIOR TO INITIATION OF THE USE PROPOSED UNDER THIS PERMIT.

25. ____ The applicant shall submit improvement plans prepared by a registered civil engineer to Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval.

The below conditions of approval are subject to the review and approval of the Public Works Department.

26. ____ Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Frontage):

27. ____ The applicant shall construct curb, 6-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, and pavement widening curb ramps and transitions along the frontage of Del Hombre Lane. Applicant shall construct face of curb 10 feet from the widened right-of-way line.

Access to Adjoining Property:

Proof of Access

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

Encroachment Permit

29. ____ The applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of driveways or other improvements within the right-of-way of Del Hombre Lane.

Road Alignment/Intersection Design/Sight Distance:

Sight Distance

30. ____ The applicant shall provide sight distance at the intersection of the private driveway with Del Hombre Lane in accordance with Chapter 82-18 "Sight Obstructions at Intersections" of the County Ordinance Code. The

applicant shall trim vegetation, as necessary, to provide sight distance at this intersection, and any new signage, landscaping, fencing, retaining walls, or other obstructions proposed at this intersection shall be setback to ensure that the sight line is clear of any obstructions.

Road Dedications:

- 31.____ The property owner shall convey to the County, by Offer of Dedication, 10 feet of additional right-of-way for the planned 30-foot half-width along the Del Hombre Lane frontage.

Pedestrian Facilities:

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

Parking:

- 34.____ "No Parking" signs shall be installed along the western portion of Del Hombre Lane, subject to the review of the Public Works Department and the review and approval of the Board of Supervisors.

Utilities/Undergrounding:

- 35.____ The applicant shall underground all new and existing utility distribution facilities. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings

and/or utility improvement plans shall be signed by a licensed civil engineer.

Drainage Improvements:

Collect and Convey

- 36.____ The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within *an adequate* storm drainage system, to *an adequate* natural watercourse having definable bed and banks, or to *an existing adequate* public storm drainage system which conveys the storm waters to *an adequate* natural watercourse, in accordance with Division 914 of the Ordinance Code.
- 37.____ The nearest public drainage facility is the existing 84-inch diameter storm drain in Coggins Lane to the west of the subject property. Applicant shall verify its adequacy prior to discharging run-off. Off-site storm drain improvements extending as far north as Las Juntas Way may be necessary to install facilities within public right-of-way and avoid conflicts with existing utilities.

Miscellaneous Drainage Requirements:

- 38.____ The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
- 39.____ The applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

National Pollutant Discharge Elimination System (NPDES):

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

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

- 42.____ _ Minimize the amount of directly connected impervious surface area.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
 - Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
 - Other alternatives comparable to the above, as approved by the Public Works Department.
 - Shallow roadside and on-site swales.
 - The applicant shall sweep the paved portion of the site at least once a year between September 1st and October 15th utilizing a vacuum type sweeper. Verification (invoices, etc.) of the sweeping shall be provided to the County Clean Water Program Administrative Assistant at 255 Glacier Drive, Martinez CA 94553 (925) 313-2238).
 - Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.

Stormwater Management and Discharge Control Ordinance:

- 43.____ _ The applicant shall submit a FINAL Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to issuance of a building permit. To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
- 44.____ _ Improvement Plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control

Ordinance (§1014).

- 45.____ Stormwater management facilities shall be subject to inspection by Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
- 46.____ **Prior to submittal of a building permit**, the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for, and related to, operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
- 47.____ **Prior to submittal of a building permit**, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.
- 48.____ Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

- A. NOTICE OF NINETY (90) DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety (90) day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or the imposition of any dedication, reservation or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Department of Conservation and Development within ninety (90) days of the approval date of this permit.

- B. Any deviation from or expansion beyond the limits of this permit shall necessitate the filing of a request for modification of the variance permit and may require a public hearing.
- C. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit, as adopted by the Board of Supervisors.
- D. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.

- E. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- F. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.
- G. The applicant shall comply with the requirements of the following agencies:
 - Department of Conservation and Development, Building Inspection Division
 - San Ramon Valley Fire Protection District
 - Contra Costa Central Sanitary District
 - East Bay Municipal Utility District
- H. The applicant shall comply with the County's Debris Recovery Ordinance.

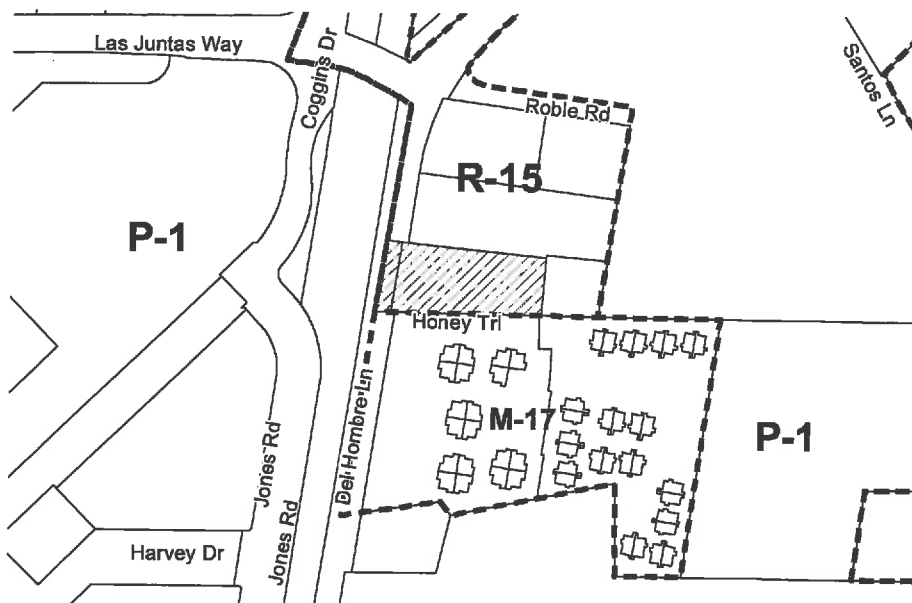
ORDINANCE NO. 2015 - 03
(Re-Zoning Land in the
Contra Costa Centre Area)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I: Page L-14 of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Department of Conservation and Development File No. RZ12-3221.)

FROM: Land Use District R-15 (Single-Family Residential)

TO: Land Use District P-1 (Planned Unit Development)
and the Department of Conservation and Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



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

PASSED on _____ by the following vote:

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

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

By _____, Dep.

Chairman of the Board
(SEAL)

ORDINANCE NO. 2015 - 03

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING FINDINGS AND RECOMMENDATIONS FOR A PROPOSED CHANGE IN ZONING, PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A 14-UNIT APARTMENT PROJECT LOCATED ON DEL HOMBRE LANE IN THE WALNUT CREEK AREA OF SAID COUNTY.

WHEREAS, applications for a rezoning and a development plan were filed by Herand Der Sarkissian, applicant on August 9, 2012, to allow rezoning of a 0.53-acre property to a 14-unit apartment complex, removal of 19 trees (ranging in size from 5.5 inches to 72 inches in diameter) and work within the drip line of 21 trees (ranging in size from 15 inches to 40 inches in diameter) for the demolition of the existing residence and accessory buildings, and construction of the apartment complex and the following variances: to allow three guest parking spaces on Del Hombre Lane (where four spaces are required) and to allow the rezoning of a 0.53-acre property to P-1 (where a minimum of 5 acres is required for residential uses) is included in the project. The subject property is located at 3010 Del Hombre Lane in the unincorporated Walnut Creek area; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, a Mitigated Negative Declaration and Mitigation Monitoring Program dated August 15, 2014, was prepared; and

WHEREAS, the Mitigated Negative Declaration/Initial Study identified potentially significant impacts related to Air Quality, Biological Resources, Cultural Resources, and Noise, and the Initial Study recommended mitigation measures which would reduce the identified impacts to a less-than-significant level; and

WHEREAS, on August 15, 2014, the County published a Notice of Public Review and the Intent to Adopt a Proposed Mitigated Negative Declaration, which the Notice recited the foregoing facts, indicated that the applicant agreed to accept each mitigation measure recommended in the Initial Study, started a period for public comments on the adequacy of the environmental documents related to the Project until September 4, 2014; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on October 14, 2014, where all persons interested therein might appear and be heard; and

WHEREAS, on October 14, 2014, the County Planning Commission conducted the public hearing and accepted testimony; and

WHEREAS, on Tuesday, October 14, 2014, the County Planning Commission having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter;

NOW, THEREFORE, BE IT RESOLVED, that the County Planning Commission:

1. RECOMMENDS denial of the proposal to rezone the subject property and denial of the Preliminary and Final Development Plan based on the following: the proposed project is too dense, variance findings for P-1 (minimum lot area of 5 acres required) cannot be made, lack of on-site guest parking spaces, and lack of guest parking space that complies with the Americans with Disabilities Act (ADA).

NOW BE IT RESOLVED that the Secretary of this Commission will sign and attest the certified copy of this resolution all in accordance with the Government Code of the State of California.

This Resolution was approved upon motion of the Planning Commission on Tuesday, October 14, 2014, by the following vote:

AYES: Synder, Terrell, and Clark

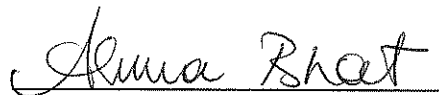
NOES: Swenson and Wright

ABSENT: Steele and Stewart

ABSTAIN: None

DON SYNDER, Chair
County Planning Commission
County of Contra Costa, State of California

ATTEST:


ARUNA BHAT, Secretary
County Planning Commission
County of Contra Costa
State of California



Department of Conservation and Development

County Planning Commission

Tuesday, October 14, 2014 – 7:00 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	14-Unit Apartment Complex
County File(s):	RZ12-3221 and DP12-3017
Applicant/Owners:	Herand Der Sarkissian/Heidi and Christina Kohler
General Plan/Zoning:	Multiple-Family Residential - Very High Density (MV)/Single-Family Residential (R-15)
Site Address/Location:	3010 Del Hombre Lane, Walnut Creek (APN: 148-170-001)
California Environmental Quality Act (CEQA) Status:	Mitigated Negative Declaration
Project Planner:	Jennifer Cruz, Project Planner (925) 674-7790
Staff Recommendation:	Approve (See Section II for complete recommendation)

I. PROJECT SUMMARY

The proposed project is to rezone the subject property from Single-Family Residential Zoning District, R-15 to Planned Unit District, P-1 to establish a 14-unit apartment complex. The proposed project also involves the removal of 19 trees (ranging in size from 5.5 inches to 72 inches in diameter) and work within the drip line of 21 trees (ranging in size from 15 inches to 40 inches in diameter) for the demolition of the existing residence and accessory buildings, and construction of the apartment complex. Variance requests to allow three guest parking spaces on Del Hombre Lane (where four spaces are required) and to allow the rezoning of a 0.53-acre property to P-1 (where a minimum of 5 acres is required for residential uses) are included in the project. A 20-foot wide driveway access is proposed through the middle of the property.

II. RECOMMENDATION

Staff recommends the following:

A. ADOPT a motion to recommend that the Board of Supervisors:

1. FIND that on the basis of the whole record before it, including the Initial Study and the comments received, the County Planning Commission finds that there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the County's independent judgment and analysis.
2. CERTIFY the Mitigated Negative Declaration (MND) and Mitigation Monitoring Program dated August 15, 2014, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and finding that it reflects the County's independent judgment and analysis, and specify that the Department of Conservation and Development (located at 30 Muir Road, Martinez, CA) is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
3. APPROVE the request to rezone 0.53 acres from Single-Family Residential, R-15 to Planned Unit District, P-1.
4. ADOPT the findings and APPROVE the proposed Preliminary and Final Development Plan, including the request for a variance to allow 0.53 acres property to be rezoned to P-1 (where a 5 acre minimum is required) and to allow one guest parking space on Del Hombre Lane (where four spaces are required), and the removal of 19 trees and the work within the drip line of 21 trees. Approval is contingent upon Board approval of P-1 zoning and conforming development plan approval.

B. DIRECT staff to file a Notice of Determination.

III. GENERAL INFORMATION

- A. General Plan: The subject property has a General Plan Land Use designation of Multiple-Family Residential-Very High Density (MV).
- B. Zoning: The subject property is zoned Single-Family Residential Zoning District, R-15, minimum parcel lot size is 15,000 square feet.
- C. California Environmental Quality Act: A Mitigated Negative Declaration (MND) was prepared for the project. The MND identified seven impacts in the areas of Air Quality, Biological Resources, Cultural Resources, and Noise impacts, with mitigation measures proposed to reduce the impacts to a less-than-significant level. The public review comment period for the MND extended from August 15, 2014 to September 4, 2014. Two comments were received within the comment period and are discussed in Section VII of this document.
- D. Origin of Parcel: The existing residence was constructed in 1948 and according to County Assessor's records, there were two building permits issued on the property. Government Code Section 66499.34 states that the issuance of a permit or grant of approval for development of real property shall constitute "real property has been approved for development," for the purposes of subdivision (c) of Government Code Section 66499.35.
- E. Previous Applications: There are no previous applications filed on the property.

IV. SITE/AREA DESCRIPTION

Surrounding Land Use: The subject property is located in an existing commercial/residential area. Pleasant Hill Bay Area Rapid Transit (BART) station is located west of the subject property, while Contra Costa Centre is located southwest of the subject property. The Iron Horse Regional Trail is located directly across of the property (west). Del Hombre Lane borders the west edge and Honey Trail borders the south edge of the property. A single-family residence is located directly behind the property and a vacant property is also adjacent to the subject property. The surrounding area primarily consists of multiple-family units.

Existing Site Condition: The subject property is a 0.53-acre property located on Del Hombre Lane and is a flat piece of property. There is an existing two-story single-family residence and accessory buildings on the property. The residence is surrounded by landscaped ornamental plantings, non-native ruderal grasses, and a significant tree canopy cover. The property is accessed via Del Hombre Lane and there is a 12-foot access easement on the southern portion of the property, adjacent to Honey Trail.

V. PROJECT DESCRIPTION

The proposed project is to rezone the subject property from Single-Family Residential Zoning District, R-15 to Planned Unit District, P-1 to establish a 14-unit apartment complex. The proposed project also involves the removal of 19 trees (ranging in size from 5.5 inches to 72 inches in diameter) and work within the drip line of 21 trees (ranging in size from 15 inches to 40 inches in diameter) for the demolition of the existing residence and accessory buildings, and construction of the apartment complex.

The proposed apartments will be a modern design, with decks. The apartments will consist of stucco, horizontal wood siding hardiplank, and metal roofing. There is a barbecue, gazebo, and trash enclosure proposed at the rear of the property. A 20-foot wide driveway access is proposed through the middle of the property. Below is a summary of the proposed project:

Details of the 14-Unit Apartment Complex		
	<u>Each Unit</u>	<u>Total</u>
(10) Two bedrooms	1,348 square feet	
(4) Three bedrooms	1,904 square feet	
Building		21, 374 square feet
Garage (Parking Spaces)	2 spaces	28 spaces
Height		34 feet
Stories		3
Landscaping		3,600 square feet

Variance requests to allow three guest parking spaces on Del Hombre Lane (where four spaces are required) and to allow the rezoning of a 0.53-acre property to P-1 (where a minimum of 5 acres is required for residential uses) is included in the project.

VI. AGENCY COMMENTS

- A. Conservation and Development, Building Inspection Division: In a memo dated August 15, 2012, the Division indicated that the building shall comply with the California Building Code 2010 and housing accessibility.
- B. California Historical Resources Information System (CHRIS): In a memo dated September 24, 2012, CHRIS indicated the project area may contain unrecorded archaeological sites and recommend that the local Native American tribes be contacted. Additionally, CHRIS advises that if the property contains buildings or structures 45 years or older, that a qualified professional conduct a formal CEQA evaluation.

The applicant has submitted an archaeological and historic preservation report prepared by James Allan, William Self Associates dated March 29, 2013. The report concluded that the likelihood of encountering significant cultural resources within the project area is low. Further, it was determined that the building did not yield important information to history and the integrity of the house has been compromised by the modifications to the building. The applicant has also contacted the National American Heritage Commission and the recommendation of Native American individuals/organizations that may have knowledge of cultural resources in the project area by the Commission.

- C. Contra Costa County Fire Protection District: In a memo dated September 4, 2012, the District indicated that the applicant shall comply with their requirements related to access, and adequate water supply and fire sprinkler.
- D. Contra Costa Water District: In a memo dated August 28, 2012, the District indicated that the applicant shall comply with their requirements related to providing a separate meter for landscaping irrigation, separate fire service for each building, and location of water main in the street or right-of-way.
- E. Contra Costa Centre Municipal Advisory Council (MAC): At the MAC's September 18, 2012, meeting, the MAC voted on recommending approval of the project.
- F. Local Agency Formation Commission (LAFCO): In a memo dated January 28,

2014, LAFCO indicated that since the subject property is located within an urbanized area and within the service areas of various municipal service providers, no future LAFCO action is needed. However, LAFCO did note that the subject property is located in an island surrounded by the City of Walnut Creek and Pleasant Hill, and within the City of Walnut Creek's sphere of influence (SOI).

- G. Public Works Department, Engineering Services Division: In a memo dated June 24, 2014, the Department provided comments regarding their requirements for roadway improvements, access, utilities, drainage improvements, and stormwater management.
- H. Conservation and Development, Transportation Section: In a memo dated June 26, 2014, Transportation staff indicated a Transportation Demand Management (TDM) Plan is required and that the proposed three guest parking spaces should be eliminated due to the close proximity to the Pleasant Hill Bay Area Rapid Transit (BART) Station.
- I. Conservation and Development, Housing Section: In a memo dated August 16, 2012, Housing staff indicated that the applicant was required to complete Section D (in lieu fee) of the Inclusionary Housing Ordinance application and that the balance is zero, since it is a rental project.

No comments were received from the following agencies: Department of Fish and Wildlife, Native American Heritage Commission, Contra Costa Central Sanitary District, and City of Walnut Creek.

VII. ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was prepared for the project. The MND identified Air Quality, Biological Resources, Cultural Resources, and Noise impacts and would be reduced to less-than-significant levels with the proposed mitigations. Two letters were received from Anita Bottari and Lura Asregadoo. Below is a summary of the comments received and staff's response.

- 1. Anita Bottari, 1263 Honey Trail, Walnut Creek: Ms. Bottari indicated concerns regarding the reduced number of parking spaces, existing shortage of parking spaces, and the size of the property.

Staff's Response: There will be a two car garage for each of the 14 units. The reduced number of parking spaces relates to guest parking. The requirement for guest parking is one-quarter space per unit. The proposed project of 14 units requires four spaces. The applicant proposes to provide three spaces on Del Hombre. In a letter dated June 26, 2014, from the Transportation Section of Conservation and Development, staff recommended that the proposed three parking spaces be eliminated. The reason being is that the property is within close proximity to transit and if the Pleasant Hill BART Station Area Specific Plan were implemented, then the project exceeds the parking requirement. The property is not within the Specific Plan boundaries, but is adjacent. The Specific Plan requires a minimum of 0.75 sleeping space or 1.0 space per unit, whichever is greater. Based on this requirement, the project would be required to provide 21 parking spaces. Based on this calculation, the project proposes to 31 spaces (two spaces per unit and three guest parking spaces). Public Works Department is also recommending that two guest parking spaces should be eliminated. The guest parking space near Honey Lane and the guest parking space near proposed driveway for the property would not provide adequate sight distance at these intersections, if cars are parked there. The northern most guest parking space would remain. In addition, no parking signs are required to be installed along the western portion of Del Hombre Lane (Condition of Approval #34).

The project is an example of a Transit Oriented Development (TOD); the property is located within one-half mile of transit. The applicant is also required to provide two short-term bicycle parking spaces. According to the Multiple-Family Residential-Very High Density (MV) General Plan land use designation, the assumed average per unit is two persons per unit. The 14 units will yield approximately 28 persons.

The property is less than the five acre requirement to rezone the property to Planned Unit District, P-1 for residential development. The applicant has approached the property owners of the remaining R-15 zoned properties to submit a collective rezoning application. Unfortunately, the property owners did not participate in the rezoning. Table 6-41 of the Housing Element in the County's General Plan indicates that there is consideration for removing the five-acre minimum parcel size for the P-1 district. Several properties along Treat Boulevard, south of the subject property are zoned P-1 and are less than the required five acres. Findings to grant the variance for the lot area are supported and can be found in Section D of the Findings.

2. Lura Asregadoo, 1260 Honey Trail, Walnut Creek: Ms. Asregadoo indicated concerns related to the size of the property for the development, parking concerns, air quality, noise, illegal garbage dumping, traffic, and impact on wild life.

Staff's Response: Response to concerns regarding the size of the property and parking have been addressed in the response to Ms. Bottari (see above). The MND prepared determined that construction activities for the project may have an impact to air quality related to exhaust emissions and fine particulate matter in the form of dust. This impact would be reduced to a less-than-significant level by requiring the applicant to implement standard construction dust control measures during construction (Condition of Approval #17). Additionally, the addition of a 14-unit apartment would be negligible to air quality.

The MND also determined that short-term noise levels would occur during construction. This impact would be reduced to a less-than-significant level by limiting the hours of construction activities, and requiring contractors to reduce equipment noise by having internal engine-driven equipment equipped with mufflers and use quiet gasoline-powered compressors (Condition of Approval #24B).

The applicant is required to comply with the Debris Recovery Ordinance. Additionally, a condition of approval (COA) has been included to require that the applicant removes all debris from the site once the construction activity has ended (COA #24H).

The County's Growth Management Program requires that a traffic impact analysis be prepared for any project that generates 100 or more peak hour vehicle trips. The proposed project is to allow the construction of 14 units and the assumed average per unit is two persons. Furthermore, the subject property is within close proximity to transit and provides multimodal access.

Potential impacts to Townsend's Western Big Eared Bat or Pallid Bat and to nesting birds are identified in the MND and mitigated to a less-than-significant level by surveying the trees and building prior to demolition or removal trees, and if the project commences between March 1st and September 1st (COA #18 and 19).

Additional Public Comments Received After Comment Period Ended

3. Toshiko McKeen, 3018 Del Hombre Lane, Walnut Creek: In a letter received on September 23, 2014, the McKeens indicated their objection to the project. The concerns are regarding the design of the building (e.g. number of stories, number of and size of units) and the size of the property for the development.

Staff's Response: The proposed project is a 14-unit apartment complex, consisting of two and three-bedrooms, approximately 1,348 square feet and 1,904 square feet of living space respectively. The proposed apartment buildings will be three stories tall, 34 feet in height. The project involves the rezoning of a 0.53-acre property to a Planned Unit District, P-1. The minimum lot area for residential uses in a P-1 District is five acres. A variance request to allow this 0.53-acre property to be rezoned to P-1 is included in the project. Findings to grant the variance can be found in Section D of the Findings and Conditions of Approval. Further, the proposed project is within the density range for Multiple-Family Residential-Very High Density General Plan land use designation.

VIII. STAFF ANALYSIS

- A. Consistency with General Plan: The subject property is within the Multiple-Family Residential-Very High Density (MV) General Plan land use designation. This land use designation allows for a density range of 30 and 44.9 multiple family units per net acre. Properties within the MV General Plan land use designation can range up to 1,451 square feet. According to the MV General Plan land use designation for this site, if the assumed average is two persons per unit, then the population densities would normally range from about 60 to about 90 persons per acre. The property is 0.53 acres (0.42 acres – net) and the density of the property would yield a range of 12-18 units. The proposal to establish an apartment complex of 14 units is within this density range.

The project is consistent with the goals and policies of the General Plan, specifically the Transportation Element. Policy 5-13 states that the use of pedestrian and bicycle facilities shall be encouraged. Policy 5-24 states that use of alternative forms of transportation, such as transit, bike, and pedestrian modes, shall be encouraged in order to provide basic

accessibility to those without access to a personal automobile and help minimize automobile congestion and air pollution. A condition requiring a TDM Plan shall be submitted (COA #11) and two bicycle parking spaces are also required (COA #12). As proposed, the project is consistent with the County General Plan, especially the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multimodal access.

- B. Consistency with Zoning: The proposed project is to rezone the subject property from Single-Family Residential, R-15 to Planned Unit District, P-1 to allow the construction of a 14-unit apartment complex. The P-1 Zoning District requires a minimum lot size of five acres for residential use. The subject property is 0.53 acres and a variance request to the lot size is included in the project. Variance Findings to support the request can be found in Section D of the Findings and Conditions of Approval.

The P-1 Zoning District provides an opportunity for cohesive design, with flexible regulations. The proposed apartments are of modern and green building design that integrates the eclectic designs of existing buildings within the surrounding development. The proposed apartments will be three stories tall and approximately 21 trees will remain, with 10 additional trees required for planting to replace the 19 trees to be removed. Conditions of Approval #13, 14, and 15 have been included requiring review and approval of the proposed building design and materials, sign program, and lighting to ensure compatibility with the surrounding area. As proposed, the apartment complex is consistent with the following design objectives as required in Contra Costa Code Section 84-66.1402: building bulk, height, visual appearance from the adjacent land, and compatibility with the existing adjoining development and land.

- C. Appropriateness of Use: Primary land uses in Multiple-Family Residential-Very High Density General Plan land use designation include multiple family residences such as condominiums, apartments, and accessory structures normally auxiliary to the primary uses. The proposed 14-unit apartment complex is a use permitted under the General Plan. The surrounding development consists primarily by multiple-family residences, the Pleasant Hill BART Station and the Contra Costa Centre. The project is an example of Transit Oriented Development (TOD) due its close proximity to transit (BART and bus). The design of existing buildings in the surrounding area is eclectic. The immediate area consists of two story building with carports;

however, the newer development at the corner of Las Juntas Way and Coggins Drive, and the Contra Costa Centre are three story and four story buildings. Existing trees that will remain and the required tree plantings will provide additional screening of the building. Conditions of Approval #13, 14, and 15 have been included that requires review and approval of the proposed building design and materials, sign identification program, and lighting to ensure compatibility with the surrounding area. Overall, the proposed apartment complex is consistent with the surrounding area and the proposed zoning of P-1 is consistent with the MV General Plan land use designation.

- D. Traffic and Circulation: The subject property fronts Del Hombre, a public road. Del Hombre Lane is defined as an ultimate 40-foot roadway within a 60-foot right-of-way. The existing right-of-way width along the subject property is 40 feet. The applicant is required to dedicate to the County, by offer of dedication, 10 feet of additional right-of-way along the project frontage.

Frontage improvements have not been constructed along the subject property. However, frontage improvements have been constructed on Del Hombre Lane just south of the subject property, along Subdivision 5496. The applicant is required to construct similar pavement widening, curb, gutter, sidewalk, and curb ramps along the project frontage.

- E. Drainage: The subject property is located within Drainage Area 22, an “unformed” drainage area. In accordance with Division 914 of the Ordinance Code, the applicant will be required to collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse.

The nearest public drainage facility is an existing 84-inch diameter storm drain in Coggins Lane, west of the property. The applicant is required to verify its adequacy prior to discharging run-off. Off-site storm drain improvements extending as far north as Las Juntas Way may be necessary to install facilities within public right-of-way and avoid conflicts within existing utilities.

- F. Stormwater Management and Discharge Control Ordinance: In accordance with Provision C.3 of the County's National Pollutant Discharge Elimination System (NPDES) Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014), a Stormwater Control Plan has been submitted and determined to be preliminarily complete by the Engineering Services Division. The applicant is required to submit a Final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to determine compliance with the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance.
- G. 60dBA Noise Control: The proposed project is located within the areas designated on the County's Projected Noise Levels map exceeding 60dBA level. The project is conditioned to mitigate noise levels through the use of construction materials which will maintain interior noise levels at below 60dBA.
- H. Parking: Although the property is not zoned Multiple-Family Residential Zoning District, M-29, the parking standards for M-29 are used to be consistent with the requirements for multiple family residences. The M-29 Zoning District requires two spaces for two or more bedroom units, plus one-quarter space per each dwelling unit for guest parking, which may include available curb parking along the subject property's street frontage, and fractional amounts of which shall be rounded out to the next higher whole number of spaces is required.

Each unit has a garage that provides two off-street parking spaces. Additionally, the project includes three guest parking spaces in front of the property on Del Hombre Lane. The project is within ½ mile of high capacity transit (BART and bus), which is a typical standard for classifying a project as "Transit Oriented Development" (TOD). Given the property's close proximity to BART, bus, and the Iron Horse Regional Trail, our Transportation staff has commented on the project and has recommended that the three guest parking spaces should be eliminated from the project. The Public Works Department has also recommended to staff that the two guest parking spaces closest to Honey Trail and the proposed driveway should be eliminated because of the inadequate sight distance at these intersections, if cars are parked there.

The letters from neighbors commenting on the MND indicated concerns

regarding limited guest parking spaces. Upon reviewing the comments received from the Department's Transportation Section and the recommendation from Public Works Department, staff finds that one guest parking is sufficient located on the northern portion of Del Hombre fronting the property. Further, the applicant will also be required to provide at least two short-term bicycle parking spaces.

- I. Variances: Variance requests to allow three guest parking spaces on Del Hombre Lane (where four spaces are required) and to allow 0.53 acres (where a minimum of 5 acres is required) for the rezoning of the property to P-1 is included in the project. Staff is recommending approval of one guest parking space, instead of the three guest parking spaces proposed. Staff has made the variance findings, which can be found in Section D of the Findings and Conditions of Approval.
- J. Trees: The trees proposed for removal include Eucalyptus, Valley Oak, Mexican Fan Palm, Pine, and Almond trees. These trees will be removed due to the footprint of the building and the location of the proposed driveway. The trees where work within the drip line will occur primarily include Valley Oak trees and several Coast Live Oak trees. These trees will remain around the footprint of the buildings, specifically the northern of the property near Del Hombre Lane and along the portions of the 12-foot access easement and Honey Trail.

The project is conditioned requiring replanting of trees and providing a bond for the trees to be removed (COA #5) and requires restitution for trees where work will occur within the drip line of, should these trees be damaged (COA #6). Further, COA #20 requires that the replacement trees are California native species, no larger than 15-gallon size and COA #21 requires that Best Management Practices and recommendations outlined in the arborist report are implemented for trees that are identified to be retained.

- K. Annexation to Lighting District: The subject property is already annexed into the L-100 lighting district. According to comments received from LAFCO, no additional annexation to a lighting district or other services is required.

IX. CONCLUSION

Staff recommends that the County Planning Commission recommend to the Board

of Supervisors approval of the Preliminary and Final Development Plan and recommend to rezone the property, subject to the attached findings and conditions of approval.

FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE #RZ12-3221 & DP12-3017; HERAND DER SARKISSIAN (APPLICANT) & HEIDI AND CHRISTINA KOHLER (OWNERS)

A. Growth Management Performance Standards

1. Traffic: Policy 4-c under the Growth Management Program (GMP) requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. The construction of a 14-unit apartment complex would have insignificant impact on the traffic in the area, and would not create 100 additional peak hour traffic trips to and from the site. Therefore, a traffic impact analysis is not required.
2. Water: The subject property is currently serviced by Contra Costa Water District (CCWD). No significant increase in the demand for water supplies is expected from the construction of a 14-unit apartment complex. The applicant is required to comply with CCWD's requirements.
3. Sanitary Sewer: The subject property is currently serviced by Central Contra Costa Sanitary District. No significant increase in the demand for sanitary sewer service is expected from the construction of a 14-unit apartment complex. No comments on the project were received from the District; however, the applicant is required to comply with the District's requirements.
4. Fire Protection: The subject property is currently serviced by the Contra Costa County Fire Protection District. The District has provided comments on the project requiring access driveway to have all-weather driving surface and capable of supporting loading of 37 tons, installation of access signs, emergency apparatus access, fire sprinklers and adequate and reliable water supply. The applicant is required to comply with the District's requirements. The project will not substantially increase the demand for fire protection services.
5. Public Protection: The 14-unit apartment complex will not significantly increase population in the area, and therefore, would not increase the demand for police service facilities.
6. Parks & Recreation: The 14-unit apartment complex will not significantly increase population in the area, and therefore, would not increase the demand for parks or recreational facilities. Payment of Park Impact fees

would be required prior to submittal of building permits. The fees would be used to purchase land and develop parks within this area of the County.

7. Flood Control & Drainage: The project is not located within a flood-prone area as determined by the Federal Emergency Management Agency (FEMA). The subject property is located within Drainage Area 22, an "unformed" drainage area. The nearest public drainage facility is an existing 84-inch diameter storm drain in Coggins Lane, west of the property. The applicant is required to verify its adequacy prior to discharging run-off. Off-site storm drain improvements extending as far north as Las Juntas Way may be necessary to install facilities within public right-of-way and avoid conflicts within existing utilities.

B. Rezoning

1. Required Finding: The change proposed will substantially comply with the general plan.

Project Finding: The proposed 14-unit apartment complex is a permitted use in the MV General Plan land use designation. This General Plan land use designation provides for higher density multiple family development. The property is 0.53 acres (0.42 acres – net) and the density of the property would yield a range of 12-18 units. The proposal to establish an apartment complex of 14 units is within this density range.

The project is consistent with the goals and policies of the General Plan, specifically the Transportation Element. Policy 5-13 states that the use of pedestrian and bicycle facilities shall be encouraged. Policy 5-24 states that use of alternative forms of transportation, such as transit, bike, and pedestrian modes, shall be encouraged in order to provide basic accessibility to those without access to a personal automobile and help minimize automobile congestion and air pollution. A condition requiring a TDM Plan shall be submitted (COA #11) and two bicycle parking spaces are also required (COA #12). As proposed, the project is consistent with the County General Plan, especially the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multimodal access.

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

Project Finding: The proposed 14-unit apartment complex is a use consistent with the MV General Plan land use designation. The surrounding area primarily consists of other apartments in a P-1 Zoning District or Multiple-Family Zoning District. Additionally, the property is adjacent to the Contra Costa Centre, a transit village that includes commercial uses and residential units. The project is an example of a Transit Oriented Development (TOD). Although the subject property is not located within the boundaries of the Pleasant Hill BART Station Area Specific Plan, the project preserves the intent of the Specific Plan providing housing near various transit modes. Overall, the project is in harmony with the surrounding area and the uses established in the area.

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

Project Finding: The subject property has an existing residence that is vacant. The existing residence has not been updated in years. The proposed 14-unit apartment complex provides a modest number of housing units, but will assist in meeting the housing development targets identified in the Housing Element of the General Plan.

C. Findings for Approval of a P-1 Zoning and Final Development Plan

1. Required Finding: The applicant intends to start construction within two and one-half years from the effective date of the zoning change and plan approval.

Project Finding: The applicant has indicated that they intend to commence construction within 2 ½ years off the effective date of the zoning change and plan approval.

2. Required Finding: The proposed planned unit development is consistent with the County General Plan.

Project Finding: The proposed 14-unit apartment complex is a permitted use in the MV General Plan land use designation. This General Plan land

use designation provides for higher density multiple family development. The project is consistent with the goals and policies of the General Plan, specifically the Transportation Element. Policy 5-13 states that the use of pedestrian and bicycle facilities shall be encouraged. Policy 5-24 states that use of alternative forms of transportation, such as transit, bike, and pedestrian modes, shall be encouraged in order to provide basic accessibility to those without access to a personal automobile and help minimize automobile congestion and air pollution. A condition requiring a TDM Plan shall be submitted (COA #11) and two bicycle parking spaces are also required (COA #12). As proposed, the project is consistent with the County General Plan, especially the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multimodal access.

3. Required Finding: In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community.

Project Finding: The surrounding area consists of a variety of designs of multiple-family buildings constructed from the late 1970s to more recent construction in the mid-2000s. The eclectic designs of the multiple-family buildings consist of exterior materials such as stucco, cedar shingle siding, and horizontal wood siding. The proposed 14-unit apartments will provide high density multiple-family residences close to transit, consistent and in harmony with the surrounding area.

4. Required Finding: The development of a harmonious integrated plan justifies exceptions from the normal application of this code.

Project Finding: The subject property is half an acre in size on a property currently zoned Single-Family Residential, R-15. A minimum of 15,000 square feet is required for properties within this zoning district. The MV General Plan land use designation permits multiple-family residences, such as townhomes, condominiums, or apartments. However, the current zoning is not consistent with MV and does not permit multiple-family residences. Therefore, the proposed project is to rezone the property to a Planned Unit District, P-1 to allow the construction of the apartments. The surrounding area consists of other properties zoned P-1 and that has multiple-family buildings.

D. Variance Findings

1. Required Finding: That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.

Project Finding: The proposed project requires two variances. The first variance is to permit a 0.53 acre property to be rezoned to Planned Unit District, P-1. Under the P-1 Zoning District, a minimum of five acres is required. The applicant has solicited to the adjacent property owners the idea of collectively rezoning the remaining properties zoned R-15. There was no agreement with the proposal. The remaining R-15 properties are primarily surrounded by P-1 zoning (where some properties are substandard in size) and several properties zoned Multiple-Family Residential District, M-17. The current R-15 zoning is not consistent with the MV General Plan. As found in the Table 3-5 of the Land Use Element, the proposal to rezone the property to P-1 will be consistent with the MV General Plan land use designation. Approval of the variance request would not grant a special privilege, as several along Treat Blvd (south of Del Hombre) are zoned P-1 and have smaller or comparable lot size.

The second variance request is to allow three guest parking spaces (where four spaces are required) on Del Hombre Lane. The proposed project is an example of a Transit Oriented Development "TOD." The property is located near the Pleasant Hill BART Station and bus transit. The Department's Transportation Section has also recommended that the three guest parking spaces should be eliminated because of the close proximity to transit. Public Works Department also recommended that only one guest parking shall be granted because of the inadequate sight distance of the other two proposed spaces. However, staff finds that the applicant should provide one guest parking space on Del Hombre, since at least one space can be available on the street and deemed safe. Thus, approval of the variance request would not grant a special privilege.

2. Required Finding: That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.

Project Finding: The special circumstance is that the property is substandard in size and the project cannot be accommodated elsewhere on the property. The proposal to rezone the property to P-1 on a 0.53 acre property would allow the construction of an apartment complex, providing higher density multiple family development closer to transit. The proposed project is consistent with the surrounding development in the area. Thus, implementing the current zoning standards would deprive the subject property of rights enjoyed by other properties developed as multiple family development.

The property is located near the Pleasant Hill BART Station and bus transit. The Department's Transportation Section has recommended that the three guest parking spaces should be eliminated because of the close proximity to transit. Public Works Department also recommended only one guest parking shall be granted because of inadequate sight distance for two of the other spaces. Applying the zoning standards that require four guest parking spaces is inconsistent with the intent of Transit Oriented Development. The use of BART, transit or bicycles is encouraged in TOD projects. Approval of the variance for one guest parking space would allow the subject property of rights enjoyed by other properties developed as multiple family development.

3. Required Finding: That any variance authorized substantially meets the intent and purpose of the respective land use district in which the subject property is located.

Project Finding: The proposal to rezone a property for residential use less than five acres will meet the intent of the P-1 Zoning District. The P-1 Zoning District provides an opportunity for cohesive design with flexible regulations. The proposal is to rezone the property to allow a 14-unit apartment complex and will be compatible with the development in the surrounding area of multiple family residences in the area.

The applicant proposes three guest parking spaces. However, staff is recommending approval of one guest parking space, since the property is close to BART and transit, and there is inadequate sight distance for two of the guest parking spaces. Approval of one guest parking space would provide parking, while access to transit is another option. Overall, the proposed project meets the intent and purpose of the P-1 Zoning District.

E. Tree Permit Findings

Required Factors for Granting Permit: The County Planning Commission is satisfied that the following factor as provided by County Code Section 816-6.8010 for granting a tree permit has been fulfilled:

Project Finding: Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot.

Required Factors for Denying a Tree Permit: The County Planning Commission is satisfied that the following factors as provided by County Code Section 816-6.8010 for denying (or modifying) a tree permit application have been satisfied as marked:

Project Finding: None of the factors apply.

CONDITIONS OF APPROVAL FOR COUNTY FILE #RZ12-3221 & DP12-3017

Project Approval

1. ____ The Development Plan application is APPROVED for a preliminary and final development plan to construct a 14-unit apartment complex, removal of 19 trees (ranging in size from 5.5 inches to 72 inches in diameter) and work within the drip line of 21 trees (ranging in size from 15 inches to 40 inches in diameter), as generally shown on the plans received by the Department of Conservation and Development, Community Development Division (CDD), subject to the conditions listed below and based on the following documents:
 - A. Application submitted on August 9, 2012.
 - B. Revised Plans dated May 31, 2013.
 - C. Supplemental Stormwater Control Plan received on December 16, 2013 and Off-Site Storm Drain Exhibit received on May 22, 2014.

- D. Archaeological Survey and Architectural Assessment prepared by James Allen, William Self Associates (WSA), Inc. dated March 29, 2013.
- E. Arborist Report prepared by William R. McKinley, McKinley & Associates dated April 15, 2013.
- F. Biological Resources Reports prepared by Monk and Associates dated July 23, 2014 and August 8, 2014.

Approval is granted to allow for the following variances that meet the requirements of Section 26-2.2006 of the County Ordinance Code:

- One guest parking space on Del Hombre Lane
(*where four spaces are required*); and
- 0.53 acres for the rezoning of the property to P-1

Approval Contingent on Consistent Approval of Related Rezoning Application

2. ____ This Development Plan application is approved contingent upon approval of the rezoning request, County File #RZ12-3221 from Single-Family Residential, R-15 to Planned Unit District, P-1. If the site is not rezoned, then this approval shall be null and void.

Payment of Any Supplemental Processing Fees that May Be Due

3. ____ This application is subject to an initial application deposit of \$9,507.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

Compliance Review

4. ____ **At least 45 days prior to submittal of a building permit,** the applicant shall provide a report on compliance with the conditions of approval for

the review and approval by CDD. The fee for this application is a deposit of \$1000 that is subject to time and materials costs. Should staff costs exceed the deposit, additional fees will be required.

Except for those conditions administered by the Public Works Department, the report shall list each condition followed by a description of what the applicant has provided as evidence of compliance with that condition. A copy of the permit conditions approval may be obtained from CDD.

Restitution for Tree Removal

5. ____ Required Restitution for Approved Tree Removal: The following measures are intended to provide restitution for the removal of 19 code-protected trees:
- A. Tree Restitution Planting and Irrigation Plan: **Prior to the removal of trees or submittal of building permits (e.g. demolition, grading or building), whichever occurs first,** the applicant shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The plan shall provide for the planting of ***five trees, no larger than 15 gallons in size.*** The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County Ordinance, if one is adopted. The plan shall be accompanied by an estimate prepared by a licensed landscape architect or arborist of the materials and labor costs to complete the improvements on the plan.
 - B. Required Security to Assure Completion of Plan Improvements: **Prior to removal of trees or submittal of building permits (e.g. demolition, grading or building), whichever occurs first,** the applicant shall submit a security that is acceptable to the CDD. The bond shall include the amount of the approved cost estimate, *plus* a 20% inflation surcharge.
 - C. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs of staff for processing the landscape improvement security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.
 - D. Duration of Security: The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt

of the security. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree(s) intended to be protected has been damaged, and CDD determines that the applicant has not been diligent in providing reasonable restitution, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s).

Contingency Restitution Should Altered Trees Be Damaged

6. ____ Trees to be Preserved but Altered – Pursuant to the conclusions of the arborist report, proposed improvements within the root zone of trees noted on the site plan to be preserved have been determined to be feasible and still allow for preservation provided that the recommendations of the arborist are followed.

Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity nevertheless damages these trees, the applicant shall provide the County with a security (e.g. bond, cash deposit) to be submitted prior to submittal of a building permit or a grading permit, whichever occurs first, to allow for replacement of trees intended to be preserved that are significantly damaged by construction activity. The security shall be based on:

- A. Extent of Possible Restitution Improvements – The planting of up to **five trees, no larger than 15-gallons in size** in the vicinity of the affected trees, or equivalent planting contribution, subject to prior review and approval of CDD.
- B. Determination of Security Amount: The security shall provide for all of the following costs:
 - i. Preparation of landscape/irrigation plan by a licensed landscape architect or arborist;
 - ii. Labor and materials estimate for planting the potential number of trees and related irrigation improvements that may be required, prepared by a licensed landscape contractor; and

iii. An additional 20% of the total of the above amounts to address inflation costs.

C. Initial Deposit for Processing of Security – The County Ordinance requires that the applicant cover all time and material costs of staff for processing a tree protection security. The Applicant shall pay an initial fee deposit of \$100 at time of submittal of a security.

D. Duration of Security: The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree intended to be protected has been damaged by development activity, and CDD determines that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s.)

7. ____ Compliance with Arborist Recommendations: The applicant shall implement all measures recommended by the consulting arborist as stated in the approved arborist report.

8. ____ Arborist Expenses: The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

9. ____ Except for the trees identified in this permit approved for removal or to work within the drip line of, this tree permit does not include approval of other tree removal or any work within the drip line of any trees within the subject property.

60dBA Noise Control

10. ____ **Prior to final occupancy**, the applicant shall provide proof that all window and door openings on all 14 units have been fitted with windows and doors that maintain interior noise levels that are below 60dBA.

Transportation Demand Management (TDM)

11. ____ ____ **At least 45 days prior to submittal of building permits**, the applicant shall submit a Transportation and Demand Management (TDM) Plan, pursuant to Contra Costa County Code Section 82-32.010 for the review and approval of CDD. The requirements may include identification of proposed improvements to accommodate pedestrian, bicyclists, and transit users.

Bicycle Parking

12. ____ ____ At least two short-term bicycle parking spaces shall be provided to serve the proposed project, pursuant to Contra Costa County Code Section 82-16.412. **At least 45 days prior to submittal of building permits**, a revised site plan shall be submitted identifying the location of the required bicycle spaces.

Building Design

13. ____ ____ **At least 45 days prior to submittal of building permits**, elevations, building materials, and a color palette shall be submitted for the review and approval of CDD.

Sign Identification Program

14. ____ ____ **At least 45 days prior to submittal of building permits**, a sign program for the purpose of identifying the property/apartment complex shall be submitted for review and approval by CDD. The details of the design, location, color, and type of materials for the proposed sign(s) shall be submitted.

Exterior Lighting

15. ____ ____ **At least 45 days prior to submittal of building permits**, an exterior lighting plan shall be submitted for the review and approval by CDD. The plan shall include details of location and design of outside lighting fixtures, proposed screening, and hours of operation of exterior lights.

Exterior lights shall be deflected so that the lights shine onto subject property and not toward adjacent properties.

Park Impact Fees

16. ____ **Prior to submittal of building permits**, the applicant shall pay a fee of \$5,213 per unit for the construction of the 14-unit apartment complex for park and recreation improvements in the area as established by the Board of Supervisors.

Mitigation Measures

17. ____ During construction, the project developer shall implement standard construction dust control measures recommended by the BAAQMD, to include:
1. Watering active construction areas on the site at least twice daily.
 2. Daily watering or covering stockpiles of debris, soils, sand, and other materials that can be blown by the wind.
 3. Covering all trucks hauling soils, sand, and other loose material or require all material-hauling trucks to maintain at least two feet of freeboard.
 4. Paving, watering three times daily, or applying non-toxic soil stabilizers on all unpaved access roads, parking lots, and staging areas at construction site.
 5. Sweeping streets daily, preferably with water sweepers, if soil is carried onto adjacent streets.
 6. Seeding disturbed areas as quickly as possible or installation of cover vegetation over exposed soils. **(MM AIR -1)**
18. ____ Bats - In order to avoid impacts to roosting special-status bats, a biologist shall survey trees and buildings 15 days prior to commencing with any removal or demolition. All bat surveys shall be conducted by a biologist with known experience surveying for bats. The applicant shall provide the biologist conducting the surveys access to the boarded-up structure. If no special-status bats are found during the surveys, then there would be no further regard for these bat species.
- If special-status bat species are found on the project site, then there shall be a determination if young bats present (i.e., the biologist shall determine if there are maternal roosts). If young are found roosting in any tree or building, then impacts to the tree or building shall be avoided until the young are flying free and are feeding on their own. A non-disturbance

buffer fenced with orange construction fencing shall also be established around the maternity site. The size of the buffer zone shall be determined by a qualified bat biologist at the time of the surveys. If adults are found roosting in a tree or building on the project site but no maternal sites are found, then the adult bats can be flushed or a one-way eviction door can be placed over the tree cavity (or building access opening) for a 48 hour period prior to the time the tree or building in question would be removed or disturbed. No other mitigation compensation would be required. **(MM BIO-1)**

19. _____ Nesting Passerine Bird - A nesting bird survey shall be conducted on the project site and within a zone of influence around the project site if the project would commence between March 1 and September 1st. This is the formally recognized bird nesting season enforced by the California Department of Fish and Wildlife. The zone of influence includes those areas off the project site where birds could be disturbed by earth-moving vibrations or noise associated with construction. Accordingly, the nesting survey(s) must cover the project site and an area around the project site boundary. If project site disturbance associated with the project would commence between March 1 and September 1st, the nesting surveys should be completed 15 days prior to commencing with any activities that would disturb the current site conditions. If common (that is, not special-status) birds, for example, California towhee, western scrub jay, or acorn woodpeckers are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet should be established around the nest or as otherwise prescribed by a qualified ornithologist. The buffer should be demarcated via the installation of orange construction fencing. Disturbance within the buffer should be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.

Typically, most nesting birds in the region of the project site are expected to complete nesting by August 1st. However, many species can complete nesting by early to mid-July. Regardless, nesting buffers should be maintained until August 1st unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1st, the qualified biologist conducting the nesting surveys should prepare a report that provides details about the nesting outcome and the removal of buffers. This report

should be submitted to the Contra Costa County Department of Conservation and Development prior to the time that nest protection buffers are removed if the date is before August 1st. **(MM BIO-2)**

20. ____ Trees - To offset impacts resulting from the removal of, or impact to the drip line of any code-protected tree, replacement trees that are California native species, no larger than 15-gallon size (to ensure that healthy smaller specimens are planted) should be planted within the post constructed development site. Valley oaks, coast live oaks, interior live oaks, coast redwoods, California sycamores, white alder, California buckeyes, and madrone are suitable native replacement trees. Replacement trees will be required for the removal or injury to any code protected tree. **(MM BIO-3)**
21. ____ Trees identified to be retained on the Final Development Plan shall be preserved by implementing Best Management Practices and the recommendations outlined in the arborist report. **(MM BIO-4)**
22. ____ If deposits of prehistoric or historical archeological materials are encountered during ground disturbance activities, then all work within 10 feet of the discovery shall stop and be evaluated by a qualified archaeologist shall be contacted to evaluate the finds and make recommendations. It is recommended that such deposits be avoided by further ground disturbance activities. If such deposits cannot be avoided, then they should be evaluated for their significance in accordance with the California Register of Historical Resources. **(MM CULT RESOURCES-1)**
23. ____ If human remains are encountered, then all work shall stop with 10 feet and the County Coroner shall be notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. **(MM CULT RESOURCES-2)**

Construction Restrictions

24. ____ Contractor and/or developer shall comply with the following construction,

noise, litter, and traffic control requirements:

- A. Construction activities shall be limited to the hours of 8:00 A.M. -5:00 P.M., Monday – Friday, and shall be prohibited on State and Federal Holidays, on the calendar dates that these holidays are observed by the state or federal government as listed below:

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

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

Federal Holidays <http://www.opm.gov/fedhol>
California Holidays <http://www.edd.ca.gov/eddsthlm.htm>

- B. Contractors shall be required to include measures to reduce equipment noise such as:

- All internal engine-driven equipment shall be equipped with mufflers that are in good condition;
- Use "quiet" gasoline-powered compressors or other electric-powered compressors, wherever possible; and
- Retain a disturbance coordinator to monitor construction activity and to identify additional mitigation measures as needed. **(MM NOISE -1)**

- C. The applicant shall immediately notify the Department of Conservation and Development, Community Development Division of any damage that occurs to any tree during the construction process. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of construction or grading shall be replaced with a tree or trees of equivalent size and of a species as approved by the Deputy Director, Community Development Division to be reasonably appropriate for the particular situation.
- D. No parking or storage of vehicles, equipment, machinery, or construction materials and no dumping of paints, oils, contaminated water, or any chemicals shall be permitted within the drip line of any tree to be preserved.
- E. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the drip line of any tree intended for preservation unless such activities are indicated on the improvement plans approved by the County and addressed in the arborist reports. If any of the activities listed above occur within the drip line of a tree to be preserved, an arborist may be required to be present. The arborist shall have the authority to require implementation of measures to protect the trees.
- F. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows.
- G. Transporting of heavy equipment and truck shall be limited to week days between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State holidays.
- H. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

**PUBLIC WORKS CONDITIONS OF APPROVAL
FOR PERMIT DP12-3017**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to Department of Conservation and Development, Community Development Division, on May 31, 2013, Stormwater Control Plan dated December 16, 2013 and of site drainage exhibit dated May 22, 2014.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT AND PRIOR TO INITIATION OF THE USE PROPOSED UNDER THIS PERMIT.

25. ____ The applicant shall submit improvement plans prepared by a registered civil engineer to Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.
26. ____ Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Frontage):

27. ____ The applicant shall construct curb, 6-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, and pavement widening curb ramps and transitions along the frontage of Del Hombre Lane. Applicant shall construct face of curb 10 feet from the widened right-of-way line.

Access to Adjoining Property:

Proof of Access

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

Encroachment Permit

29. ____ The applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of driveways or other improvements within the right-of-way of Del Hombre Lane.

Road Alignment/Intersection Design/Sight Distance:

Sight Distance

30. ____ The applicant shall provide sight distance at the intersection of the private driveway with Del Hombre Lane in accordance with Chapter 82-18 "Sight Obstructions at Intersections" of the County Ordinance Code. The applicant shall trim vegetation, as necessary, to provide sight distance at this intersection, and any new signage, landscaping, fencing, retaining walls, or other obstructions proposed at this intersection shall be setback to ensure that the sight line is clear of any obstructions.

Road Dedications:

31. ____ The property owner shall convey to the County, by Offer of Dedication, 10 feet of additional right-of-way for the planned 30-foot half-width along the Del Hombre Lane frontage.

Pedestrian Facilities:

32. ____ Curb ramps and driveways shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top

of any curb ramp proposed.

- 33.____ The applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.

Parking:

- 34.____ "No Parking" signs shall be installed along the western portion of Del Hombre Lane, subject to the review of the Public Works Department and the review and approval of the Board of Supervisors.

Utilities/Undergrounding:

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

Drainage Improvements:

Collect and Convey

- 36.____ The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within *an adequate* storm drainage system, to *an adequate* natural watercourse having definable bed and banks, or to *an existing adequate* public storm drainage system which conveys the storm waters to *an adequate* natural watercourse, in accordance with Division 914 of the Ordinance Code.
- 37.____ The nearest public drainage facility is the existing 84-inch diameter storm drain in Coggins Lane to the west of the subject property. Applicant shall verify its adequacy prior to discharging run-off. Off-site storm drain improvements extending as far north as Las Juntas Way may be necessary

to install facilities within public right-of-way and avoid conflicts with existing utilities.

Miscellaneous Drainage Requirements:

- 38.____ The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
- 39.____ The applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

National Pollutant Discharge Elimination System (NPDES):

- 40.____ The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).
- 41.____ Compliance shall include developing long-term Best Management Practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate, wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage
- 42.____ Minimize the amount of directly connected impervious surface area.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
 - Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
 - Other alternatives comparable to the above, as approved by the Public Works Department.
 - Shallow roadside and on-site swales.
 - The applicant shall sweep the paved portion of the site at least once a year between September 1st and October 15th utilizing a vacuum type sweeper. Verification (invoices, etc.) of the sweeping shall be provided to the County Clean Water Program Administrative Assistant at 255

Glacier Drive, Martinez CA 94553 (925) 313-2238).

- Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.

Stormwater Management and Discharge Control Ordinance:

- 43.____ The applicant shall submit a FINAL Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to issuance of a building permit. To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
- 44.____ Improvement Plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
- 45.____ Stormwater management facilities shall be subject to inspection by Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
- 46.____ **Prior to submittal of a building permit**, the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for, and related to, operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
- 47.____ **Prior to submittal of a building permit**, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.

- 48.____ Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

- A. NOTICE OF NINETY (90) DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety (90) day period after the project is approved.

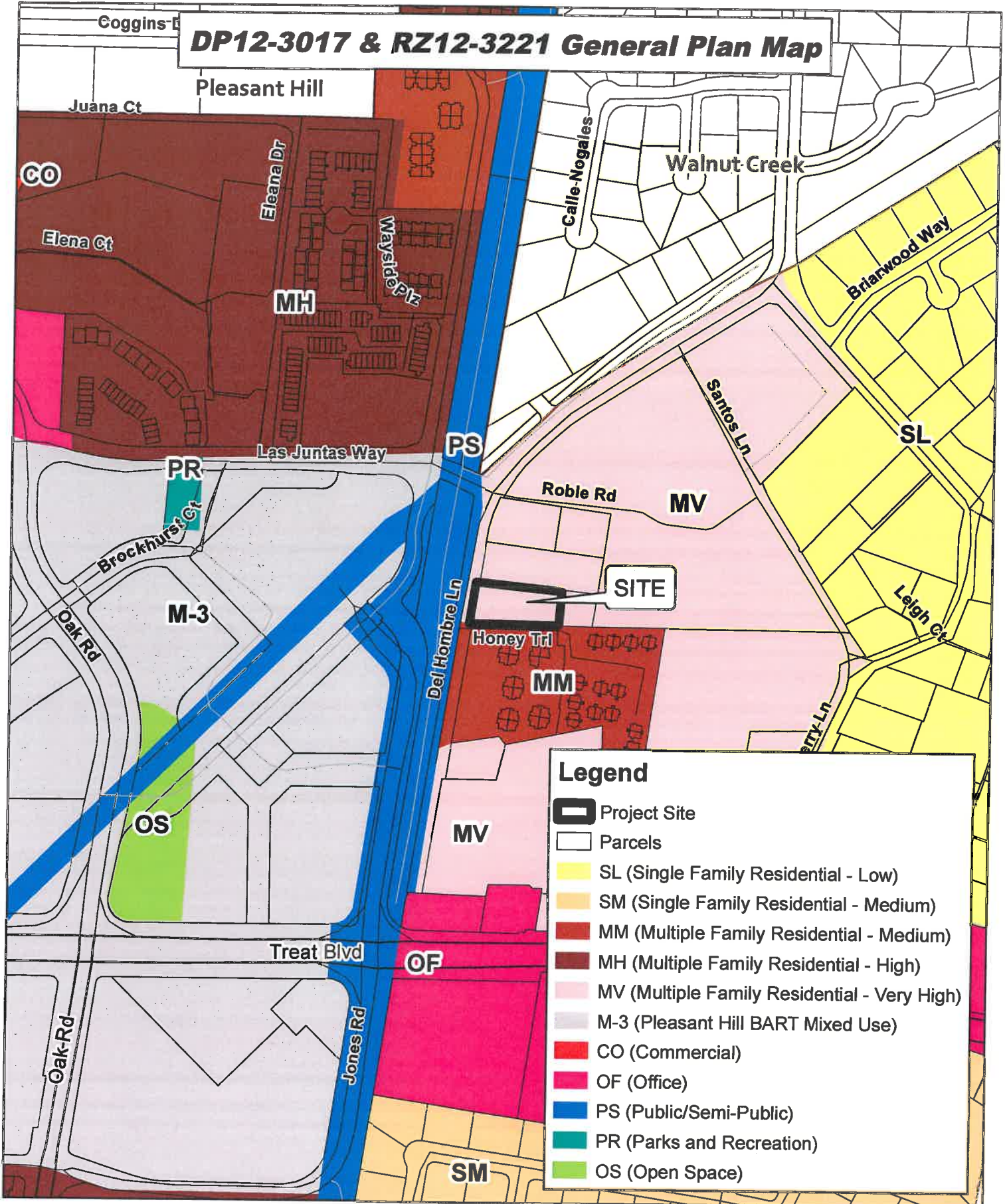
The ninety (90) day period in which you may protest the amount of any fee or the imposition of any dedication, reservation or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Department of Conservation and Development within ninety (90) days of the approval date of this permit.

- B. Any deviation from or expansion beyond the limits of this permit shall necessitate the filing of a request for modification of the variance permit and may require a public hearing.
- C. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit, as adopted by the Board of Supervisors.
- D. This project may be subject to the requirements of the Department of Fish and

Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.

- E. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- F. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.
- G. The applicant shall comply with the requirements of the following agencies:
 - Department of Conservation and Development, Building Inspection Division
 - San Ramon Valley Fire Protection District
 - Contra Costa Central Sanitary District
 - East Bay Municipal Utility District
- H. The applicant shall comply with the County's Debris Recovery Ordinance.

DP12-3017 & RZ12-3221 General Plan Map



Legend

- Project Site
- Parcels
- SL (Single Family Residential - Low)
- SM (Single Family Residential - Medium)
- MM (Multiple Family Residential - Medium)
- MH (Multiple Family Residential - High)
- MV (Multiple Family Residential - Very High)
- M-3 (Pleasant Hill BART Mixed Use)
- CO (Commercial)
- OF (Office)
- PS (Public/Semi-Public)
- PR (Parks and Recreation)
- OS (Open Space)

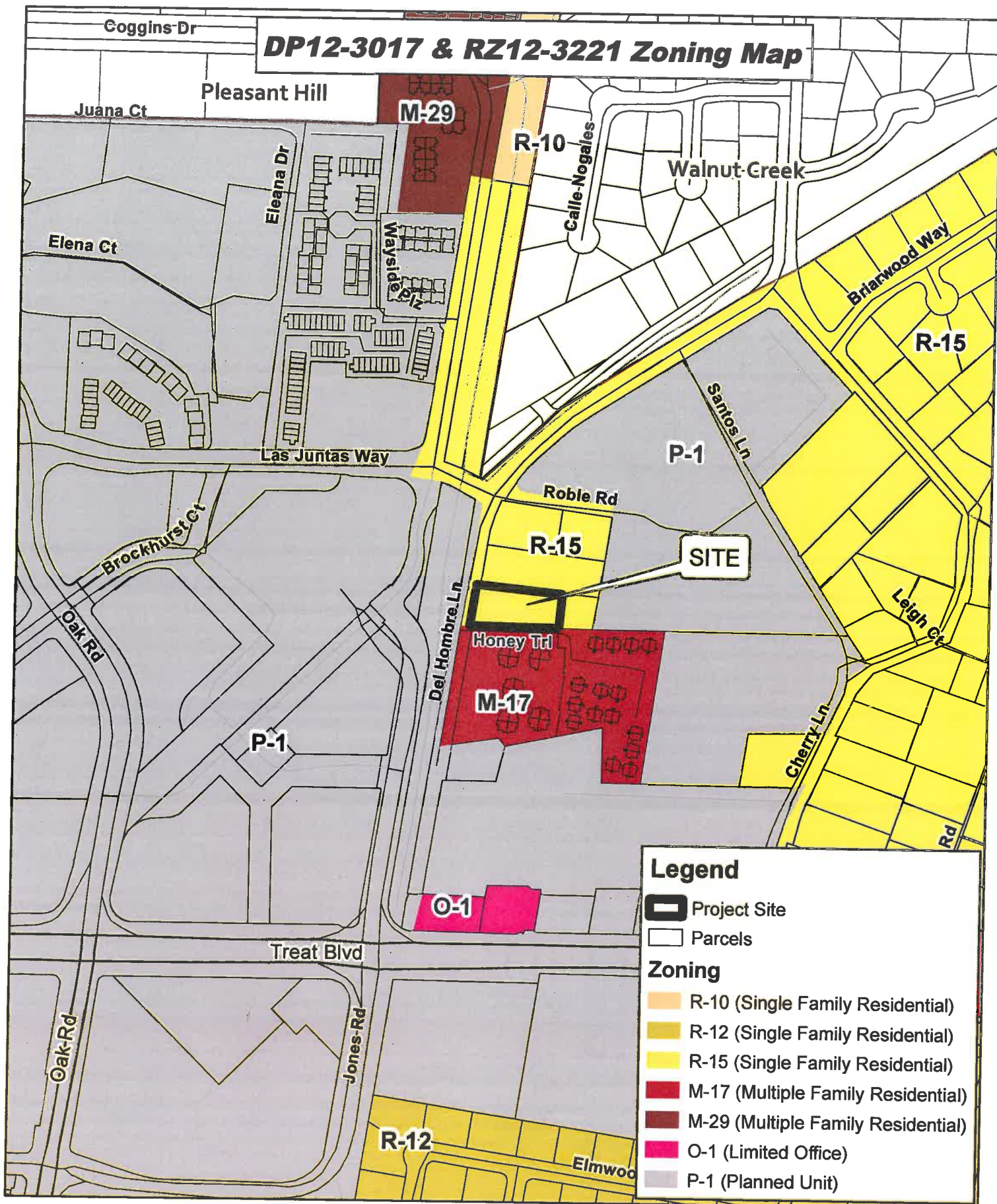


0 160 320 640 Feet

Map Created 10/07/2014
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37:59:41.791N 122:07:03.756W

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





Legend

Project Site

Parcels

Zoning

- R-10 (Single Family Residential)
- R-12 (Single Family Residential)
- R-15 (Single Family Residential)
- M-17 (Multiple Family Residential)
- M-29 (Multiple Family Residential)
- O-1 (Limited Office)
- P-1 (Planned Unit)



0 155 310 620 Feet

Map Created 7/30/2014
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
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DP12-3017 & RZ12-3221 Aerial Photograph

Las Juntas Way

Roble Rd

SITE

Honey Trl

Del Hombre Ln

Legend

-  Project Site
-  Parcels



0 45 90 180 Feet

Map Created 7/30/2014
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
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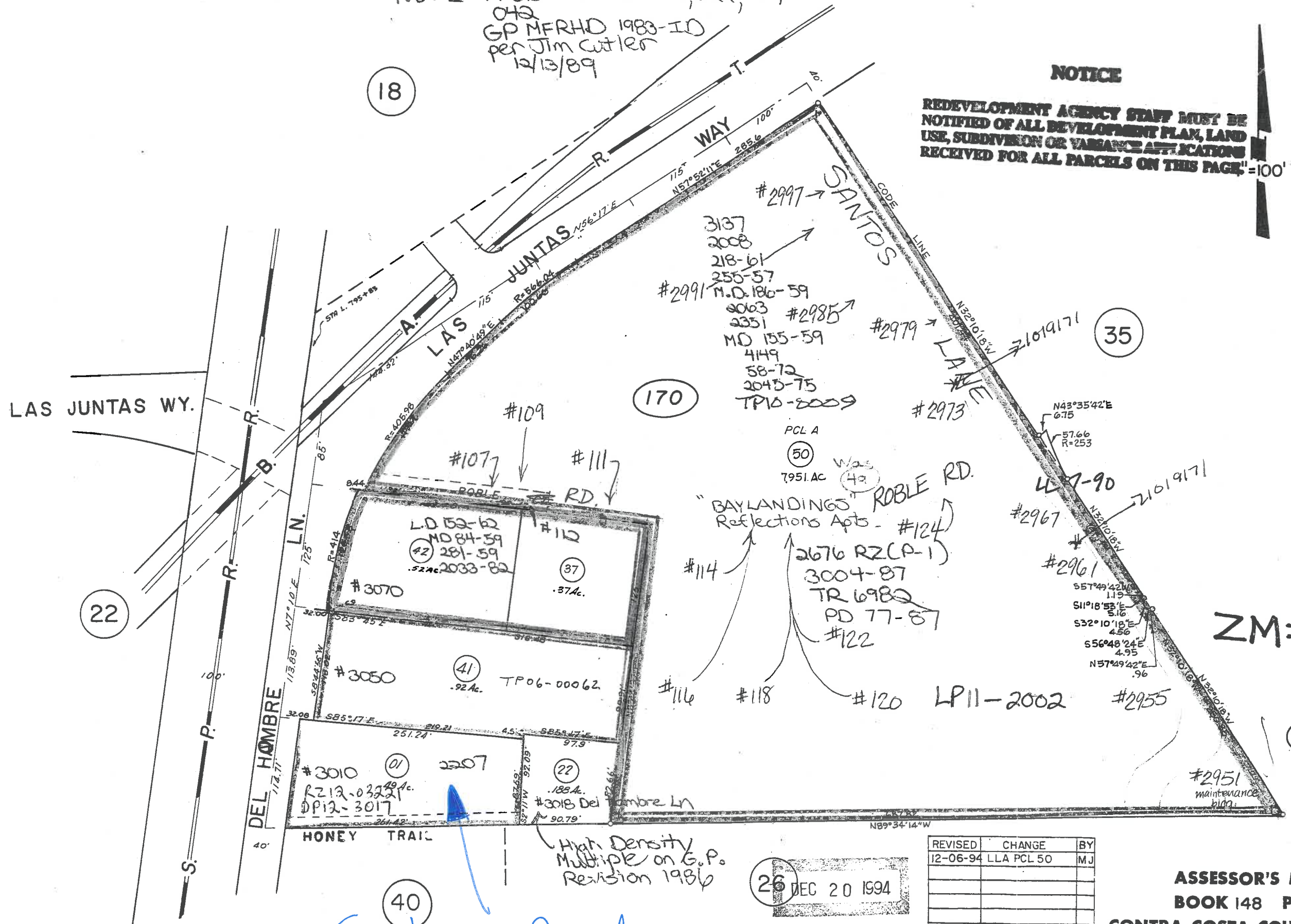
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1-POR. 95LSM117-27-90 LL 7-90
NOTE: Pnls 148-170-001, 022, 037, 041 & 0.
042
GP MFRHD 1983-10
per Jim Cutler
12/13/89

NOTICE

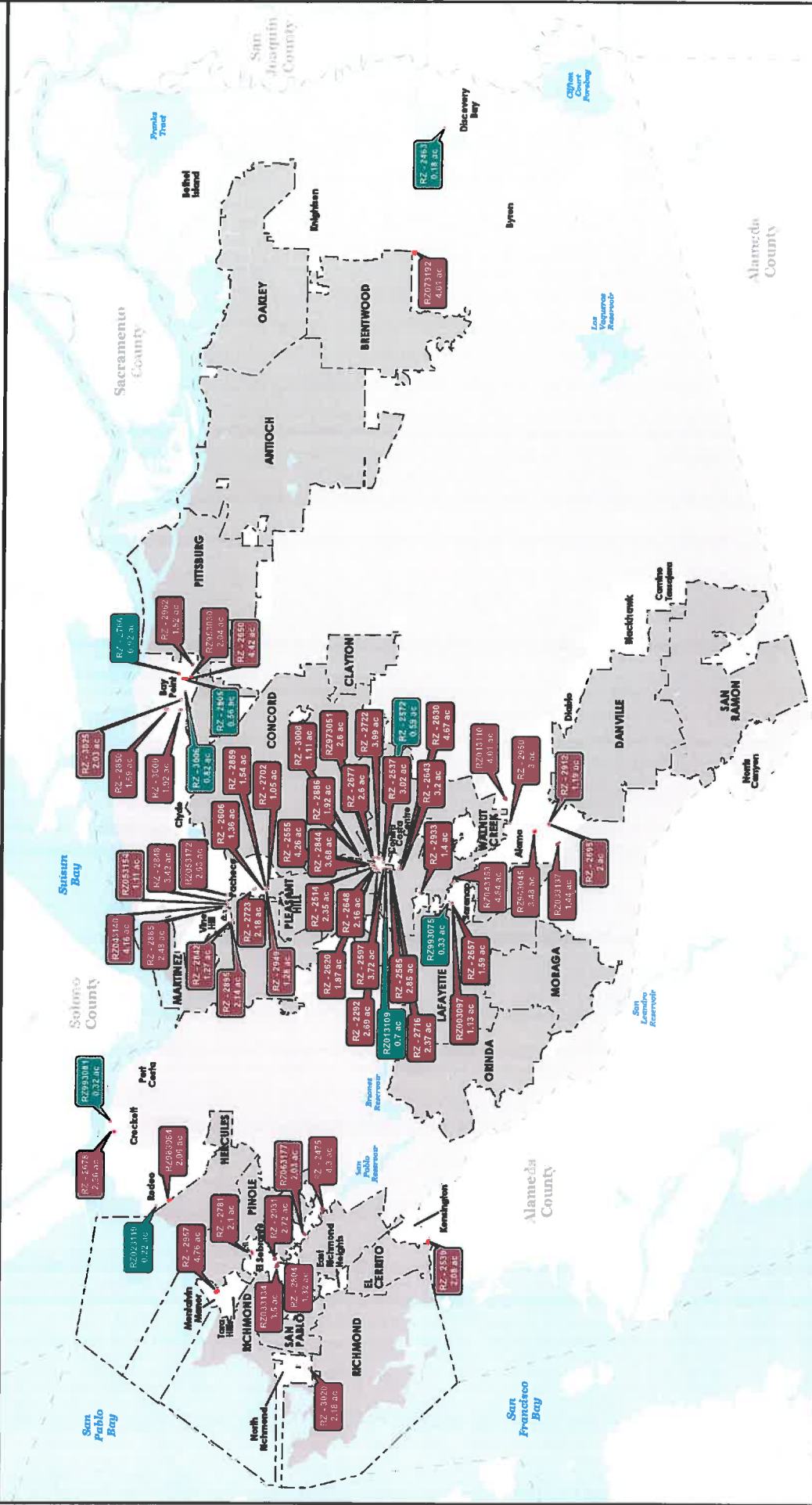
REDEVELOPMENT AGENCY STAFF MUST BE NOTIFIED OF ALL DEVELOPMENT PLAN, LAND USE, SUBDIVISION OR VARIANCE APPLICATIONS RECEIVED FOR ALL PARCELS ON THIS PAGE. 1"=100'



P.H. BART MAC

ZM:L-14

Rezoning to P-1 under 5 acres since 1978





1:200,000

0 3 6 Miles

County Boundary

City Limits

9 smaller than 1 acre

57 between 5 and 1 acres

CONTRA COSTA COUNTY

Map created 10/23/2014

by Contra Costa County Department of Conservation and Development, CE Group

30 Main Road, Martinez, CA 94553

3759-41.791N 12257-03.756W

ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** 14-Unit Apartment Complex
County Files # RZ12-3221 & DP12-3017
2. **Lead Agency Name and Address:** Contra Costa County
Department of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553
3. **Contact Person and Phone Number:** Jennifer Cruz , Project Planner
(925) 674-7790
4. **Project Location:** 3010 Del Hombre Lane, Walnut Creek
APN: 148-170-001
5. **Project Sponsor's Name and Address:** Herand DerSarkissian
520 E. Glenoaks Blvd., Suite D
Glendale, CA 91207

6. **General Plan Designation:**

The subject property has a General Plan Land Use designation of Multiple-Family Residential-Very High Density (MV).

7. **Zoning:**

The subject property is zoned Single-Family Residential Zoning District, R-15, minimum parcel lot size is 15,000 square feet.

8. **Description of Project:**

The proposed project is to rezone the subject property from Single-Family Residential Zoning District, R-15 to Planned Unit District, P-1 to establish a 14-unit apartment complex. The proposed project also involves the removal of 19 trees (ranging in size from 5.5 inches to 72 inches in diameter) and work within the drip line of 21 trees (ranging in size from 15 inches to 40 inches in diameter) for the demolition of the existing residence and accessory buildings, and construction of the apartment complex. The apartment complex will be 3 stories tall, consisting of 2 and 3 bedroom units with attached garages. The proposed project also includes frontage improvements on Del Hombre Lane, a 20-foot wide driveway access through the middle of the property, and replacement of the existing 15-inch storm drain in Del Hombre with a larger 18-inch line from the project site northerly to Las Juntas way (approx. 315 feet). All of the work anticipated would be within the existing road right of way.

Variance requests to allow 3 guest parking spaces on Del Hombre Lane (where 4 spaces are required) and to allow 0.539 acres (where a minimum of 5 acres is

required) for the rezoning of the property to P-1 is included in the project.

9. Surrounding Land Uses and Setting:

Surrounding Land Use: The subject property is located in an existing commercial/residential area. Pleasant Hill Bay Area Rapid Transit (BART) station is located west of the subject property, while Contra Costa Centre is located southwest of the subject property. The Iron Horse Regional Trail is located directly across of the property (west). Del Hombre Lane bordering the west edge and Honey Trail bordering the south edge of the property. A single-family residence is directly behind the property and several vacant properties are also adjacent to the subject property. Except for the one single-family residence and vacant properties, the surrounding area primarily consists of multi-family units.

Existing Site Condition: The subject property is a 0.539 acre property located on Del Hombre Lane. There is an existing two-story single family residence built in 1948, and accessory buildings on the property. The residence is surrounded by landscaped ornamental plantings, non-native ruderal grasses, and a significant tree canopy cover. The property is accessed via Del Hombre Lane and there is a 12-foot access easement on the southern portion of the property.

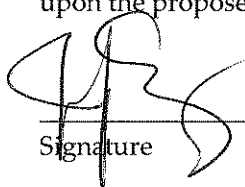
10. Other public agencies whose approval is required (e.g., permits, financing, approval, or participation agreement):

- Contra Costa County Building Inspection Division
- Contra Costa County Public Works Department
- Central Contra Costa Sanitary District
- Contra Costa County Fire Protection District
- Contra Costa Water District
- Local Agency Formation Commission (LAFCO)

Environmental Factors Potentially Affected		
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.		
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology/Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology/Water Quality
<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mandatory Findings of Significance	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities/Services Systems
Environmental Determination		

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.


Signature

8/15/14
Date

Jennifer Cruz, Project Planner
Contra Costa County
Department of Conservation and Development

ENVIRONMENTAL CHECKLIST

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway? (Sources: 1, 2, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUMMARY: Less Than Significant Impact				
<p>a) The property is located within an urbanized area in the unincorporated area of Walnut Creek. Pleasant Hill BART Station is located west of the property, Contra Costa Centre is located southwest of the property, and the property is primarily surrounded by apartments, a residence located directly behind the subject property, and several vacant properties. According to Figure 9-1 (Scenic Ridges and Waterways) of the County General Plan, there are no scenic ridges or waterways within the area of the property. Additionally, the property is not located near a scenic route. Thus, the project would not have a substantial adverse effect on a scenic vista.</p> <p>b) The property is not located near a scenic route, according to Figure 5-4 (Scenic Routes Plan) of the County General Plan. A residence was built in 1948 and was added onto overtime. An Archaeological Survey and Architectural Assessment report prepared by WSA dated March 29, 2013, indicated that the property did not demonstrate evidence of historical resources.</p> <p>The project includes the removal of 19 trees and work within the drip line of 21 trees. If the project is approved, then the applicant will be required to replant trees for the trees removed and post a bond that would be used to purchase and plant replacements for the protected trees in the event that it is significantly damaged by construction activity. With the replacement trees and bond in place, the potential impact would be considered less-than-significant. Therefore, the project does not propose to damage scenic resources.</p> <p>c) The property is located within an urbanized area in the unincorporated area of Walnut Creek. Pleasant Hill BART Station is located west of the property, Contra Costa Centre is located southwest of the property, and Iron Horse Regional trail is located directly across from the property. Further, the property is primarily surrounded by apartments, a residence, and vacant properties. The project will be consistent with the surrounding area</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>and therefore, will not substantially degrade the existing character or quality of the site and its surroundings.</p> <p>d) The project will result in the construction of a 14-unit apartment complex, which will create a new source of light or glare from the property. The lighting or glare created as a result of the project will be negligible, since the property is located within an urbanized area with Pleasant Hill BART Station, Contra Costa Centre, Iron Horse Regional Trail, and apartments, a residence and several vacant properties surrounding the property. The project will also retain existing trees on the property and will also be required to plant additional trees, which will reduce the lighting and glare created from the proposed building. Further, if the project is approved, then the project will be conditioned so that proposed exterior lighting for the buildings will be required to be downward facing and the exterior materials of the buildings will be required to consist of warm earth tones and non-reflective material. Implementation of the project will have a less-than-significant impact in creating new source of lighting or glare.</p>				
<p>2. AGRICULTURAL AND FOREST RESOURCES: <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</i></p> <p>Would the project:</p>				
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources: 2, 5)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources: 2, 4)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)? (Sources: 2, 4)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
d) Involve or result in the loss of forest land or conversion of forest land to non-forest use? (Sources: 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use? (Sources: 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUMMARY: Less Than Significant Impact				
<p>a) According to the 2012 Contra Costa County Important Farmland Map maintained by the California Department of Conservation, the project area is primarily identified as "Urban and Built-Up Land." In addition, Figure 8-2 (Important Agricultural Lands) of the County General Plan indicates that the site is not located within an Important Agricultural Area. The proposed project to rezone the property from R-15, Single-Family Residential Zoning to Planned Unit District, P-1 to allow a 14-unit apartment complex will not convert the site to a non-agricultural use because the property is not designated for agricultural use. The property is surrounded by development, specifically the Contra Costa Centre and the Pleasant Hill BART station, and the property is located within an urbanized area.</p> <p>b) The subject property is located within the R-15, Single-Family Residential Zoning District. The site is not zoned for agricultural use; therefore, there is no potential for conflict with an existing Williamson Act contract or agricultural zoning.</p> <p>c-d) The subject property is zoned for residential use. No portion of the property is located within a zoning district that is intended to support or promote the establishment of forest land or timberland. Therefore, the proposed project will not conflict with any existing zoning for forest land or timberland.</p> <p>e) Due to the nature of the proposed project and the location of the property, there will be no contribution to the loss or conversion of forest land and the project would not result in conversion of farmland.</p>				
3. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standards or contribute substantially to an existing or projected air quality violation? (Sources: 1, 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (Sources: 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations? (Sources: 1, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people? (Sources: 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUMMARY: Less Than Significant With Mitigation Incorporated				
<p>a) Management of air quality in the San Francisco Bay Area Air Basin is the responsibility of the Bay Area Air Quality Management District (BAAQMD). The BAAQMD is responsible for bringing and/or maintaining air quality in the Basin within federal and state air quality standards. Specifically, the BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the basin and to develop and implement attainment strategies to ensure that future emissions would be within federal and state standards. The Bay Area 2001 Ozone Attainment Plan is currently the applicable federal air-quality plan. The plan was prepared by BAAQMD, with cooperation from the Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG). This plan was a revision to the Bay Area portion of California's plan (the State Implementation Plan) to achieve the national ozone standard. The Plan was approved by the California Air Resources Board (CARB), and on November 30, 2001, CARB submitted the Plan to the U. S. Environmental Protection Agency (EPA). The project does not conflict with or obstruct implementation of any air-quality plan for the region.</p> <p>b) BAAQMD operates several air-quality monitoring stations throughout the Bay Area to measure air quality and to assess progress on meeting state and federal standards for ozone, carbon monoxide, nitrogen oxide, and particulate matter.</p> <p>The San Francisco Bay Air Basin is currently designated as an "attainment" area for carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and is designated as "non-attainment-unclassified" for federal ozone (O₃) and particulate matter (PM-10). Under the standards, the region also has "attainment" status for CO, SO₂, and NO₂, but "non-attainment" for the state PM-10 (particulate material) standard. For fine-particulate matter (PM-2.5), the Bay Area is also "non-attainment-unclassified."</p> <p>Demolition would have short-term air quality effects, primarily due to the generation of fine particulate matter (PM-10) and (PM-2.5). Diesel construction vehicles and equipment, the disturbance of soils through excavation and grading, construction vehicle</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>travel on unpaved surfaces and the tracking of soils onto paved roads normally generate PM-10. Failure to implement appropriate dust control measures would be inconsistent with the current Air Quality Standards and thus, be a potentially significant impact. The following mitigation measures would reduce the impact to a level of less-than-significant.</p> <p><u>AIR IMPACT-1:</u> Construction activities would result in exhaust emissions and fine particulate matter in the form of dust.</p> <p><u>Mitigation Measure AIR -1:</u> During construction, the project developer shall implement standard construction dust control measures recommended by the BAAQMD, to include:</p> <ol style="list-style-type: none"> 1. Watering active construction areas on the site at least twice daily. 2. Daily watering or covering stockpiles of debris, soils, sand, and other materials that can be blown by the wind. 3. Covering all trucks hauling soils, sand, and other loose material or require all material-hauling trucks to maintain at least two feet of freeboard. 4. Paving, watering three times daily, or applying non-toxic soil stabilizers on all unpaved access roads, parking lots, and staging areas at construction site. 5. Sweeping streets daily, preferably with water sweepers, if soil is carried onto adjacent streets. 6. Seeding disturbed areas as quickly as possible or installation of cover vegetation over exposed soils. <p>BAAQMD regards emissions of PM-10 and other pollutants from construction activity to be less-than-significant, if the above dust and particulate control measures are implemented.</p>				
<p>c) The project is not anticipated to result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. The project will replace an existing residence with a 14-unit complex. Any emission of particulate matter, fine particulate matter, and ozone precursors generated by this project would be associated with the construction of the apartment complex and the vehicle trips associated with the 14-units. However, the construction impacts would be temporary in duration and the close proximity to the Pleasant Hill BART Station would reduce the amount of daily vehicle trips generated from the apartment complex. The project is expected to have a negligible impact in terms of ambient air quality. Nonetheless, the construction activities will be restricted to specific days of the week and to a limited number of work hours in order to lessen the amount of time during the week that construction-related air quality impacts would affect the neighborhood.</p> <p>d) BAAQMD defines exposure of sensitive receptors to toxic air contaminants and risk of accidental releases of acutely hazardous materials (AHMs) as potential adverse environmental impacts. Examples of sensitive receptors include schools, hospitals, and</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>residential areas with children, and convalescent facilities. The surrounding area consists of residential homes and two schools approximately 0.41 miles south and 0.75 miles east of the property; however, due to the scale of the proposed project, it is anticipated that sensitive receptors would not be exposed to pollutant concentrations. Nonetheless, the construction activities will be restricted to specific days of the week and to a limited number of work hours in order to lessen the amount of time during the week that sensitive receptors would be exposed to construction-related air quality impacts.</p> <p>e) The BAAQMD defines public exposure to offensive odors as a potentially significant impact. Potential odor impacts are based on a list of specific types of facilities, such as wastewater treatment plants, landfills, refineries, etc. Improperly maintained wastewater treatment facilities could result in some occasional objectionable odors. Another example would be the case of a failed leach field. Based on the nature of the project, objectionable odors affecting a substantial number of people would not result from establishing the construction activities.</p>				
4. BIOLOGICAL RESOURCES – <i>Would the project:</i>				
<p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Sources: 1, 2, 20)</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Sources: 1, 2, 4, 20)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: 1, 2, 20)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? (Sources: 1, 2, 20)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources: 1, 2, 3, 19, 20)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SUMMARY: Less Than Significant With Mitigation Incorporated				
<p>a) The property was developed and occupied for many decades prior to its abandonment. It now appears as a highly disturbed property that is completely surrounded by high density development projects. It does not support any habitat that would be expected to support special-status plants.</p> <p>Wildlife found in the trees on the property are used by fox squirrels (<i>Sciurus niger</i>) and common passerine birds (perching birds) that are adapted to living in close quarters with man-kind. Animals observed onsite included fox squirrel, Anna's hummingbird (<i>Calypte anna</i>), rock pigeon (<i>Columba livia</i>), oak titmouse (<i>Baeolophus inornatus</i>), white-breasted nuthatch (<i>Sitta carolinensis</i>), acorn woodpecker (<i>Melanerpes formicivorus</i>), and house finch (<i>Carpodacus mexicanus</i>).</p> <p>POTENTIAL SPECIAL-STATUS PLANTS ON THE PROJECT SITE</p> <p>Table 3 of the Biological Resource Analysis Report provides a list of special-status species known in the vicinity of Walnut Creek. This table also provides the legal status of regionally known special-status plants, distances to the closest known records, and presents the habitat affinities of these species. Figure 4 of the Biological Resource Analysis Report provides a graphical illustration of the closest known records for special-status plant species within 5 miles of the project site. The project site is an urban infill project site that supports no natural or naturalized habitats that could support rare plants (Figure 2). No special-status plants have been mapped on or adjacent the project site. None are expected to occur on the project site. Hence, no impacts to special-status plants are expected from the implementation of the proposed development project and no mitigation for impacts to rare plants is warranted.</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
POTENTIAL SPECIAL-STATUS ANIMALS ON THE PROJECT SITE				
<p>Table 4 of the Biological Resource Analysis Report provides a list of special-status species known in the vicinity of Walnut Creek. This table also provides the legal status of regionally known special-status animals, distances to the closest known records, and presents the habitat affinities of these species. Figure 4 of the Biological Resource Analysis Report provides a graphical illustration of the closest known special-status animal records within 5 miles of the project site. The project site is an urban infill project site (Figure 2) that does not support natural or naturalized habitats that could support most special-status animal species. However, the existing building on the project site and the larger trees could provide roosting opportunities for special-status bats. Prior to demolition of this existing building and/or tree removal, the building and trees should be surveyed for special-status bat species roost and/or maternity sites. The special-status bat species that are known from the area of the project site are further discussed below. In addition, while the project site does not provide suitable habitats for the Alameda whipsnake (<i>Masticophis lateralis euryxanthus</i>) or California tiger salamander (<i>Ambystoma californiense</i>), both state and federal listed species, because of the sensitivity of these two species in the region of the property, it further discussed below.</p>				
PALLID BAT				
<p>The pallid bat (<i>Antrozous pallidus</i>) is a California "species of special concern." It has no federal status. The "species of special concern" status designation does not provide any special legally mandated protection for this bat species. However, this status designation likely meets the definition of "rare" pursuant to the California Environmental Quality Act (CEQA) (14 CCR §15380(2)(A)). As such, potential impacts to this bat species should be considered during any CEQA review. Any unmitigated impacts to this species would likely be regarded by the State resource agency (the Department) as a significant adverse impact pursuant to CEQA (§21068).</p>				
<p>This bat is a locally common species of low elevations in California. It occurs throughout California except for the high Sierra Nevada from Shasta to Kern Counties, and the northwestern corner of the state from Del Norte and western Siskiyou counties to northern Mendocino County. It occurs in a wide variety of habitats. It is most common in open, dry habitats with rocky areas for roosting. Day roosts are in caves, crevices, mines, and occasionally in hollow trees and buildings. Roost must protect bats from high temperatures. Night roosts may be in more open sites such as porches and open buildings. A social bat; roosts in groups of 20 or more. The closest record for the pallid bat is located approximately 1.0 mile southwest of the project site (CNDDDB Occurrence No. 146). Although the building on the project site provides potential roosting habitat for bats, bats or evidence of their presence were not observed during the site survey. Regardless, as bats are highly mobile, a pre-demolition survey should be conducted prior to building or tree removal.</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>TOWNSEND'S WESTERN BIG-EARED BAT</p> <p>Townsend's western big-eared bat (<i>Corynorhinus townsendii townsendii</i>) is a California "species of special concern". It has no special federal status. This bat is found throughout California in all but subalpine and alpine habitats. It requires caves, mines, tunnels, buildings, or other human-made structures for roosting and for maternity sites. The closest record for the Townsend's western big-eared bat is located approximately 0.9 mile southwest of the project site (CNDDDB Occurrence No. 432). Although the building on the project site provides potential roosting habitat for bats, bats or evidence of their presence were not observed during the site survey. Regardless, as bats are highly mobile, a pre-demolition survey should be conducted prior to building or tree removal. See the Impacts and Mitigations section for details.</p> <p>CALIFORNIA TIGER SALAMANDER</p> <p>The project site falls into the range of the Central California Distinct Population Segment (DPS) of the California tiger salamander (<i>Ambystoma californiense</i>). The Central California DPS of California tiger salamander was federally listed as threatened on August 4, 2004. The U.S. Fish and Wildlife Service (USFWS) designated critical habitat for the Central California DPS in 2005. The project site is located <i>outside</i> of the closest mapped critical habitat for the Central California DPS, which is over 5 miles away from the project site. On March 4, 2010, California tiger salamander was also state listed as a threatened species under the California Endangered Species Act (CESA).</p> <p>Finally, California tiger salamander is also a protected amphibian under Title 14 of the California Code of Regulations (CCR 41) (1996), which provides that California tiger salamander may only be taken or possessed (that is, kept in captivity) under a special permit issued by the California Department of Fish and Game (CDFG) pursuant to sections 650 and 670.7 of these regulations, or Section 2081 of the Fish and Game Code.</p> <p>California tiger salamander occur in grasslands and open oak woodlands that provide suitable upland aestivation and/or breeding habitats. California tiger salamander spend the majority of their lives underground. They typically only emerge from their subterranean refugia for a few nights each year during the rainy season to migrate to breeding ponds. Unobstructed migration corridors are important component of California tiger salamander habitat. While adult California tiger salamanders have been observed up to 1.3 miles from a breeding site (Sweet, S. 1998 as cited in: USFWS Final Listing Rule, 69 FR 47212.47216), it appears that the vast majority remain within 0.7 mile of their breeding ponds (Final Listing Rule, 69 FR 47212; Final Rule Designating Critical Habitat for the California Tiger Salamander, Central Population, 70 FR 39379).</p> <p>The closest occurrence of California tiger salamander to the project site was recorded in 1954 (60 years ago), approximately 0.7 mile south of the project site (Occurrence No. 418). The record location was long ago developed into high density residential housing, and thus</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>this record is regarded as extirpated. Similarly, all CNDDB records of California tiger salamander recorded within five miles of the project site are also extirpated by high density development.</p> <p>The project site does not provide suitable upland aestivation/over-summering habitat and dispersal/migration habitat. There are no creeks or wetlands on or near the project site to support breeding California tiger salamander. The project site is an urban infill project that is isolated within a densely developed area of Walnut Creek. Consequently, California tiger salamanders are not expected to breed or occur on the project site and they could not migrate across miles of dense development to/from the project site. Accordingly, the proposed project will not result in impacts to the California tiger salamander.</p> <p>ALAMEDA WHIPSNAKE</p> <p>The Alameda whipsnake (<i>Masticophis lateralis euryxanthus</i>) is a state and federally listed threatened species. The USFWS designated critical habitat for this species on October 2, 2006 (Federal Register 71:58176-58231). The project site is located outside of the USFWS designated critical habitat in Contra Costa County. The closest Alameda whipsnake critical habitat is located 2.7 miles east of the project site (Figure 5), and dense urban development occurs in the intervening area between the mapped critical habitat and the project site.</p> <p>The Alameda whipsnake is a slender snake with adults reaching a length of 3 to 5 feet. The dorsal surface is colored sooty black or dark brown with a distinct yellow-orange stripe down each side. This extremely fast-moving snake holds its head high off the ground to peer over grass or rocks for potential prey. It is an active daytime predator. Rock outcrops are an important feature of Alameda whipsnake habitat because they provide retreat opportunities for whipsnakes and promote lizard populations. Lizards, especially the western fence lizard (<i>Sceloporus occidentalis</i>), appear to be the most important prey item of whipsnakes, although other prey items are taken, including skinks, frogs, snakes, and birds.</p> <p>The closest records for Alameda whipsnake are located approximately 3.5 miles west of the project site (CNDDB Occurrence No. 56) and 3.7 miles east of the project site (CNDDB Occurrence No. 61). Dense commercial and urban development occur between both record locations and the project site. Additionally, CNDDB occurrence 56 is separated from the project site by Interstate 680, a significant Alameda whipsnake migration barrier. The project site does not provide "core habitat" for the Alameda whipsnake (i.e., there are no chaparral and coastal scrub communities within the areas of the proposed project envelope). The closest core habitat is located over 4 miles from the project site. As there is no habitat on the project site that could support the Alameda whipsnake, and as this snake could not migrate across a densely populated, urbanized landscape from record locations to the project site, the proposed project will not result in impacts to Alameda whipsnake.</p> <p>PROTECTED AMPHIBIANS</p> <p>Under Title 14 of the California Code of Regulations (CCR 14, Division 1, Subdivision 1,</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>Chapter 5, §41. Protected Amphibians), protected amphibians, such as the California tiger salamander may only be taken under special permit from California Department of Fish and Wildlife issued pursuant to Sections 650 and 670.7 of these regulations.</p> <p>APPLICABILITY TO THE PROPOSED PROJECT</p> <p>No protected or special-status amphibians would occur on or adjacent to the project site. As such, no significant adverse impacts are expected to occur to protected or special-status amphibians from implementation of the proposed project.</p> <p>FEDERAL ENDANGERED SPECIES ACT</p> <p>The Federal Endangered Species Act (FESA) forms the basis for the federal protection of threatened or endangered plants, insects, fish and wildlife. FESA contains four main elements, they are as follows:</p> <p>Section 4 (16 USCA §1533): Species listing, Critical Habitat Designation, and Recovery Planning: outlines the procedure for listing endangered plants and wildlife.</p> <p>Section 7 (§1536): Federal Consultation Requirement: imposes limits on the actions of federal agencies that might impact listed species.</p> <p>Section 9 (§1538): Prohibition on Take: prohibits the "taking" of a listed species by anyone, including private individuals, and State and local agencies.</p> <p>Section 10: Exceptions to the Take Prohibition: non-federal agencies can obtain an incidental take permit through approval of a Habitat Conservation Plan.</p> <p>RESPONSIBLE AGENCY</p> <p>FESA gives regulatory authority to the Service for federally listed terrestrial species and non-anadromous fish. The NMFS has regulatory authority over federally listed marine mammals and anadromous fish.</p> <p>APPLICABILITY TO THE PROPOSED PROJECT</p> <p>The project property is an urban infill project site that supports no natural or naturalized habitats that could support federally listed plants, fish or wildlife species. Thus, no impacts will occur to federally listed species. Similarly, no permits are required from the NMFS or the Service for the proposed project prepared pursuant to the FESA.</p> <p>The existing building and trees onsite may provide roosting and maternity habitat for the pallid bat and Townsend's western big eared bat. These bat species are designated by the State as "species of special concern." In accordance with the CEQA Guidelines (Section 15380) which protects "rare" and "endangered" species as defined by CEQA (species of special concern meet this CEQA definition), impacts to these bat species would be</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>considered a potentially significant adverse impact. However, this impact could be mitigated to a less-than-significant level.</p> <p><u>Impact BIO-1</u> – Development of the project may have an impact on Townsend’s Western Big Eared Bat and Pallid Bat (PS).</p> <p><u>Mitigation Measure BIO-1: Bats</u> - In order to avoid impacts to roosting special-status bats, a biologist shall survey trees and buildings 15 days prior to commencing with any removal or demolition. All bat surveys shall be conducted by a biologist with known experience surveying for bats. The applicant shall provide the biologist conducting the surveys access to the boarded-up structure. If no special-status bats are found during the surveys, then there would be no further regard for these bat species.</p> <p><i>If special-status bat species are found on the project site, then there shall be a determination if young bats present (i.e., the biologist shall determine if there are maternal roosts). If young are found roosting in any tree or building, then impacts to the tree or building shall be avoided until the young are flying free and are feeding on their own. A non-disturbance buffer fenced with orange construction fencing shall also be established around the maternity site. The size of the buffer zone shall be determined by a qualified bat biologist at the time of the surveys. If adults are found roosting in a tree or building on the project site but no maternal sites are found, then the adult bats can be flushed or a one-way eviction door can be placed over the tree cavity (or building access opening) for a 48 hour period prior to the time the tree or building in question would be removed or disturbed. No other mitigation compensation would be required.</i></p> <p>This mitigation measure would reduce the project’s impact to special-status bats to a level considered less-than-significant.</p>				
d) FEDERAL MIGRATORY BIRD TREATY ACT				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989) makes it unlawful to “take” (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs, or young. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, wading birds, seabirds, and passerine birds (such as warblers, flycatchers, swallows, etc.).</p> <p>APPLICABILITY TO PROPOSED PROJECT</p> <p>Common songbirds that could occur on the site would be protected pursuant to the Migratory Bird Treaty Act (Act). As long as there is no direct mortality of species protected pursuant to this Act caused by development of the project site, there would be no constraints to development of the site. As birds are highly mobile and can be expected to fly out of harm’s way during development, no impacts are expect to occur to adult birds. However, nesting birds including their eggs and young would be susceptible to harm if they were nesting on the project site when development activities commenced. To comply with the Act, all active nest sites would have to be avoided/protected while birds are nesting. Upon completion of the nesting cycle, the project could commence as otherwise planned.</p> <p>STATE ENDANGERED SPECIES ACT</p> <p>In 1984, the state legislated the California Endangered Species Act (CESA) (Fish and Game Code §2050). The basic policy of CESA is to conserve and enhance endangered species and their habitats. State agencies will not approve private or public projects under their jurisdiction that would impact threatened or endangered species if reasonable and prudent alternatives are available. Because CESA does not have a provision for “harm”, the Department considerations pursuant to CESA are limited to those actions that would result in the direct take of a listed species.</p> <p>APPLICABILITY TO PROPOSED PROJECT</p> <p>The project site is an urban infill project site that supports no natural or naturalized habitats that could support state listed species protected pursuant to the CESA. No impacts to state listed plant or animal species would occur from implementation of the proposed project (Tables 3 and 4 respectively). As such, a CESA 2081 permit is not required from the Department of Fish and Wildlife and no mitigation is warranted for impacts to CESA protected species.</p> <p>Nesting birds including raptors (i.e., birds of prey) and passerine (perching) birds could be impacted by the proposed project. California Fish and Game Code §§ 3503, 3503.5, 3511, and 3513 prohibit the “take, possession, or destruction of birds, their nests or eggs.” Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered “take.” Such a take would also violate federal law protecting migratory birds (Migratory Bird Treaty Act). No active bird nests were</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>observed on the project site during Monk & Associates' July 14, 2014, site investigation. Regardless, birds are mobile and as trees and shrubs on the project site provide suitable nesting habitat, they could nest on the project site in the future. Impacts to nesting birds, their eggs, and/or young caused by implementation of the proposed project are regarded as potentially significant. However, these impacts could be mitigated to levels considered less-than-significant pursuant to CEQA.</p> <p><u>Impact BIO-2:</u> Development of the project may have an impact on nesting birds.</p> <p><u>Mitigation Measure BIO-2:</u> <i>Nesting Passerine Bird - A nesting bird survey shall be conducted on the project site and within a zone of influence around the project site if the project would commence between March 1 and September 1st. This is the formally recognized bird nesting season enforced by the California Department of Fish and Wildlife. The zone of influence includes those areas off the project site where birds could be disturbed by earth-moving vibrations or noise associated with construction. Accordingly, the nesting survey(s) must cover the project site and an area around the project site boundary. If project site disturbance associated with the project would commence between March 1 and September 1st, the nesting surveys should be completed 15 days prior to commencing with any activities that would disturb the current site conditions. If common (that is, not special-status) birds, for example, California towhee, western scrub jay, or acorn woodpeckers are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet should be established around the nest or as otherwise prescribed by a qualified ornithologist. The buffer should be demarcated via the installation of orange construction fencing. Disturbance within the buffer should be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.</i></p> <p><i>Typically, most nesting birds in the region of the project site are expected to complete nesting by August 1st. However, many species can complete nesting by early to mid-July. Regardless, nesting buffers should be maintained until August 1st unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1st, the qualified biologist conducting the nesting surveys should prepare a report that provides details about the nesting outcome and the removal of buffers. This report should be submitted to the Contra Costa County Department of Conservation and Development prior to the time that nest protection buffers are removed if the date is before August 1st.</i></p> <p>This mitigation measure would reduce impacts to nesting common bird species to a level considered less-than-significant.</p> <p>e) Chapter 816-6 (Tree Protection and Preservation) of the County ordinance provides for the preservation of certain trees within the County, and controls tree removal while allowing for property development. The proposed project proposes to remove 19 trees or to work within the drip line of 21 trees.</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p><u>Impact BIO-3:</u> Development of the project would impact code-protected trees.</p> <p><u>Mitigation Measure BIO-3:</u> <i>Trees - To offset impacts resulting from the removal of, or impact to the drip line of any code-protected tree, replacement trees that are California native species, no larger than 15-gallon size (to ensure that healthy smaller specimens are planted) should be planted within the post constructed development site. Valley oaks, coast live oaks, interior live oaks, coast redwoods, California sycamores, white alder, California buckeyes, and madrone are suitable native replacement trees. Replacement trees will be required for the removal or injury to any code protected tree.</i></p> <p>The trees shall be irrigated by an installed, buried irrigation system that waters by clock activation. Watering may be cut back or may cease upon the recommendation of a licensed arborist. The trees' health should be monitored annually for up to three years by a qualified biologist or arborist.</p> <p>A tree preservation and management plan shall be prepared and submitted to the Contra Costa County Department of Conservation and Development for trees that are preserved on the project site and for replacement trees. The planting plan should include a planting detail that specifies where all replacement trees would be planted. The methods used to plant trees should also be specified. Adequate measures should be established to minimize predation of planted trees by rodents including, but not limited to, pocket gophers (<i>Thomomys bottae</i>).</p> <p>Preparation of this plan and subsequent planting and monitoring should be a condition of project approval and should be tied to a security bond posted by the developer. The bond will cover the costs of mitigation trees (and required irrigation) that are to be installed to compensate for impacts. The amount to be held by Contra Costa County should be determined by a qualified landscape company or landscape architect. The cash or security bond to ensure the health of retained trees should be held for 24 months (according to article 816-6.1204). The cash or security bond to ensure compliance with the tree replacement program should be released upon receipt of a report from a qualified arborist or botanist that all planted trees are healthy and established.</p> <p><u>Mitigation Measure BIO-4:</u> <i>Trees identified to be retained on the Final Development Plan shall be preserved by implementing Best Management Practices and the recommendations outlined in the arborist report.</i></p> <p>These mitigation measures would reduce impacts to trees to a level considered less-than-significant.</p> <p>f) The project site is not included in the inventory area for the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan.</p>				

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES – <i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (Sources: 1, 2, 12, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Sources: 1, 2, 12, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Sources: 1, 2, 12, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: 1, 2, 12, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p><u>SUMMARY:</u> Less Than Significant with Mitigation Incorporated</p> <p>a-b) The existing residence was built in 1948, and overtime, additions were added to the residence. An Archaeological Survey and Architectural Assessment report prepared by WSA for the property dated March 29, 2013, indicated that the property did not demonstrate evidence of historical resources or archeological material on the property. Further, the site is located within an area identified as largely urbanized according to Figure 9-2 (Archaeological Sensitivity Map) of the County General Plan.</p> <p>During construction activities involving excavation and earth movement, there remains the potential for an accidental discovery of prehistoric, historical, or archaeological materials. If cultural resources were to be encountered during construction, the following mitigation measure would reduce the impact of construction on cultural resources to a less-than-significant level.</p> <p><u>Impact CULT RESOURCES-1:</u> Cultural resources may be discovered during construction.</p> <p><u>Mitigation Measure CULT RESOURCES-1:</u> <i>Stop work and evaluation of accidental discovery of prehistoric or historical archaeological materials until such time that the resource can be evaluated by a qualified archaeologist.</i></p> <p>c) The property does not contain paleontological resources or unique geologic features. Paleontological resources are any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth. The property is located within an urbanized area. Therefore, the project would have a less-than-significant impact on these resources.</p> <p>d) The proposed project is to rezone the property from R-15 to P-1 to allow the construction of a 14-unit apartment complex. The results of the record search and the visual inspection of the project area indicate that the likelihood of encountering significant cultural resources within the project area is low. Although no cultural resources were observed on the ground surface during the survey of the project area, there is always a possibility that cultural resources may become visible during construction excavation. Therefore, the following mitigation measure would reduce any impact to a less-than-significant level.</p> <p><u>Impact CULT RESOURCES-2:</u> Construction activities requiring excavations and earth movement could uncover and impact human remains that could be significant cultural resources.</p> <p><u>Mitigation Measure CULT RESOURCES-2:</u> <i>Stop work and evaluation of accidental discovery of human remains.</i></p>				

Environmental Issues	Less Than			
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<p>Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County Coroner has determined whether or not the remains are subject to the coroner's authority.</p> <p>If human remains are encountered, then work should halt within 25 feet of the find and the County Coroner notified immediately. If human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours. The Commission then notifies the Most Likely Descendent, who has 48 hours to make recommendations to the landowner for the disposition of the remains.</p>				
6. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Sources: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Sources: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Sources: 1, 2, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Sources: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Sources: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Sources: 1, 2,)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>SUMMARY: Less Than Significant Impact</p> <p>a-i) According to the County's Accela Program, the Concord fault is mapped approximately two miles northeast of the property. No faults are mapped through the site and the risk of fault rupture is minimal.</p> <p>a-ii) According to Figure 10-4 (Estimated Seismic Ground Response) of the County General Plan, the property is located in an area rated "Moderately damage susceptibility." The risk of structural damage from ground shaking is regulated by the building codes and County Grading Ordinance. The applicant is required to comply with the requirements of Building Inspection for the proposed construction of 14-unit apartment complex.</p> <p>a-iii) Ground failure occurs when stresses in the ground exceed the resistance of earth materials to deformation or rupture. Ground failure can be triggered by man-made changes, such as loading a steep slope or unstable soils. According to Figure 10-5 (Estimated Liquefaction Potential) of the County General Plan, the property is located in a "generally moderate to low" category. Further, the subject property is a flat piece of property, and therefore, the project will not result in exposure of people or structures to ground failure.</p> <p>a-iv) According to Figure 10-6 Geological (Landslide) Hazards, the subject property area is not located within an area identified with landslide deposit, reclaimed areas, or filled reclaimed areas. The property is flat and the proposed project would not expose people or structures related to landslides.</p> <p>b-d) The soil in the area is defined as Younger (Holocene) Alluvium and the property is located in an area identified as a moderate damage susceptibility. The property is flat and is not located within an area susceptible to ground failure, such as the area of the Delta lowlands. Further, the property is not located within a geologic unit where the soil will become unstable and the project would not result in soil erosion or loss of topsoil.</p> <p>e) No septic systems or alternative wastewater disposal systems are proposed. The site is currently served by public wastewater facilities operated by the Central Contra Costa Sanitary District.</p>				

Environmental Issues	Less Than			
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7. GREENHOUSE GAS EMISSIONS – <i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Sources: 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Sources: 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUMMARY: Less Than Significant Impact				
<p>a-b) Greenhouse gas (GHG) emissions may have the potential to have an effect on the atmosphere and climate by trapping heat in the atmosphere. Climate change may result from natural factors, natural processes, and human activities that change the composition of the atmosphere and alter the surface features of the land. GHGs are considered global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. The major GHGs that are released from human activity include carbon dioxide (CO₂), methane (CH₄), and nitrous oxides (NO_x). The primary sources of GHGs produced by human activities are vehicles (including planes, trains, and automobiles), energy plants, and industrial and agricultural activities. Assembly Bill 32, or AB32 recognized that California is source of substantial amounts of GHG emissions which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air-quality impacts, CEQA statues were amended to require evaluation of GHG emissions which includes criteria air pollutants (regional) and toxic air contaminants (local). As a result, Bay Area Air Quality Management District (BAAQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air-quality impacts to determine if a project's individual emission would be cumulatively considerable. Various modeling tools are used to estimate emissions based on the type of project. For example, CalEEMod is an emissions model that was released by the California Air Pollution Control Officers Association (CAPCOA) on July 31, 2013. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. The model quantifies direct emissions from construction and operations (including vehicle and off-road equipment use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The model is an accurate and comprehensive tool for quantifying air-quality impacts from land use projects throughout California. The model can be used for a variety of situations where an air-quality is necessary or desirable, such as the preparation of CEQA</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>documents. Due to the scale of the project and the fact that the property is within close proximity to Pleasant Hill BART, use of the CALFEmod was not pursued.</p> <p>Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of the GHG emissions is 1,100 Metric Tons CO₂e (i.e. CO₂ equivalent) of operation emissions on an annual basis. The project is to rezone the property from R-15 to P-1, demolish the existing residence and accessory buildings, and to allow construction of a 14-unit apartment complex. Any emission of GHGs generated by this project would be associated with the construction of the apartment complex and the vehicle trips associated with the 14-units. However, the construction impacts would be temporary in duration and the close proximity to the Pleasant Hill BART Station would reduce the amount of daily vehicle trips generated from the apartment complex. The project is expected to have a negligible impact in terms of GHG emissions. Nonetheless, the construction activities will be restricted to specific days of the week and to a limited number of work hours in order to lessen emissions. Implementation of the project will not conflict with adopted policies pertaining to GHG emissions, and will not conflict with any applicable plans, policies, or regulations adopted for reducing emissions. The size of the project does not exceed beyond the threshold of significance.</p>				
8. HAZARDS AND HAZARDOUS MATERIALS – <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Sources: 1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. (Source: 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources: 4, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: 1, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Sources: 1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUMMARY: Less Than Significant Impact				
<p>a-c) The proposed project is to rezone the subject property to allow a 14-unit apartment complex. The project would not involve the routine transport, use, or disposal of hazardous materials. Further, the construction period for the project would not emit hazardous emission or result in the storage of acutely hazardous materials, substances or waste.</p> <p>d) Pursuant to the Hazardous Waste and Substance Site list maintained by the California Department of Toxic Substances Control (DTSC), the subject property is not identified as a hazardous materials site.</p> <p>e-f) The subject property is not located within an area covered by the Contra Costa Airport Land Use Compatibility Plan (ALUCP). Additionally, the subject property is not located within the vicinity of a known private airstrip or within two miles of a public airport or public use airport. The closest airport to the subject property is Buchanan Field Airport in Concord, which is approximately four miles north of the property. Due to the subject property's substantial distance from an existing airport within the County, the subject property will not create a safety hazard in relation to air traffic.</p> <p>g) The proposed project would not result physically interfere with an adopted emergency response or evacuation plan. The project is to rezone the property from Single-Family Residential Zoning District, R-15 to a Planned Unit District, P-1 to allow the</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>construction of a 14-unit apartment complex. The proposed project was reviewed by the Contra Costa County Fire Protection District and comments received did not indicate concerns with interference with an emergency response or evacuation plan.</p> <p>h) According to Figure 10-10 (Fire Hazard Areas) of the County's General Plan, the site is located within a "local responsibility area." The surrounding area consists of single-family residential homes, apartments, Pleasant Hill BART Station, Contra Costa Centre, and the Iron Horse Trail. The project does not consist of development of structures that would expose people or structures to a significant risk of loss, injury or death involving wildland fires. The proposed development is located within an urbanized area. Further, the applicant is required to comply with the California Building Code and the Contra Costa County Fire Protection District.</p>				
9. HYDROLOGY AND WATER QUALITY – <i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements? (Sources: 1, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted? (Sources: 1, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Sources: 1, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? (Sources: 1, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources: 1, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? (Sources: 1, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources: 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows? (Sources: 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources: 1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Sources: 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SUMMARY: Less Than Significant Impact				
<p>a) Currently, there is a residential building and accessory structures on the property. The site is currently serviced by the Central Contra Costa Sanitary District. Request for agency comments were sent to the District; however, no comments were provided by the District. The District controls and maintains the local public sewer in compliance with the requirements of the San Francisco Regional Water Quality Board (RWQCB). Implementation of the project will increase the wastewater discharge from the proposed apartment units. However, the increase would be negligible resulting from the 14-units. The project would not result in a violation of water quality standards or waste discharge requirements.</p> <p>b) The subject property is located within the service area and currently obtains water services from Contra Costa Water District (CCWD). The proposed improvements will not be utilizing wells or other methods that directly pull water from groundwater supplies. CCWD has commented on the project and did not indicate that the capacity serving the site would be an issue. The applicant is required to comply with the District's requirement. Thus, the project will have no substantial impact on the water table, groundwater supplies, or groundwater recharge.</p> <p>c-d) Implementation of the project would not alter the existing drainage pattern in the area in a manner that would substantially increase erosion or siltation or substantially increase the rate of runoff that would result in flooding on or off-site. The project will</p>				

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Impact
involve 13,308 square feet of new impervious surface. The existing surface drainage, historically downslope, enters from a driveway located at the southeast corner and exists out at the northwest corner of the site onto Del Hombre Lane. A small landscape area on the northwest side is proposed to serve as a bioretention planters/pond (north and south). The stormwater control plan will deliver surface flow to the detention ponds prior to entering the existing storm drain on Del Hombre Lane. Majority of the property's impervious area is roof area that will generate quick runoff. All roof drains area to be directed to the bioretention planters/pond. For the reasons explained above, the County finds that any impacts related to the proposed minor alterations of the existing drainage patterns would be insignificant.				
e) Division 914 of the County Code requires stormwater runoff to be collected and conveyed to an adequate natural watercourse or to an adequate man-made system that empties into an adequate natural watercourse. The Public Works Department has recommended increasing the existing capacity by reconstructing the existing facility and the need to extend the infrastructure north to Las Juntas Way, where the local drainage system connects to 84-inch storm drain in the Iron Horse Trail right-of-way. The off-site improvements anticipated are replacement of the existing 15-inch storm drain in Del Hombre with a larger 18-inch line from the project site northerly to Las Juntas way (approx. 315 feet). All of the work anticipated would be within the existing road right of way. Implementation of the project requires a larger stormwater drainage system; however, the impact is minimal because upgrades are to an existing facility and connection to an existing off-site facility. The improvements will meet the drainage requirements. Further, the project will not result in substantial additional sources of polluted runoff.				
f) Implementation of the project would not otherwise substantially degrade water quality. The project is required comply with the requirements of the County's Stormwater Management and Discharge Control Ordinance and the National Pollutant Discharge Elimination System (NPDES). Further, the project involves the rezoning of the property from R-15 to P-1, demolition of the existing residence and accessory buildings, construction of a 14-unit apartment complex, and associated improvements, in which the County has determined that the potential impacts would be less-than-significant.				
g-h) The site is not located within Flood Zone X as determined by the Federal Emergency Management Agency (FEMA). The proposed project will not impede or redirect flood flows.				
i) The site is not located near a levee or dam. The project would not expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam.				
i) The project site is an inland site well removed from coastal areas that would be				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
inundated by seiche, tsunami or mudflow.				
10. LAND USE AND PLANNING – <i>Would the project:</i>				
a) Physically divide an established community? (Source:1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan? (Sources: 1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SUMMARY: Less Than Significant Impact				
<p>a) The proposed project is to rezone a property from Single-Family Residential Zoning District, R-15 to a Planned Unit District, P-1. The project will provide housing for the community and thus, will not physically divide the community.</p> <p>b) The subject property has a General Plan Land Use designation of Multiple-Family Residential-Very Low Density (MV) as determined by the County General Plan (2005-2020). Primary uses for this General Plan Land Use designation include multiple family residences such as condominiums, apartments, and accessory structures. Secondary land uses include second dwelling units, home occupations, and group care and/or childcare facilities. The density range for this designation allows 30.0 and 44.9 multiple family units per net acre. The proposal for 14 units falls between the mid-range of the density for MV. Therefore, the project is consistent with the General Land Use designation and does not conflict with the applicable land use provisions of the County General Plan.</p> <p>The subject property is located within the Single-Family Residential Zoning District, R-15. However, the project includes the proposal to rezone the property to a Planned Unit District, P-1. The purpose for rezoning the property to P-1 is to allow a 14-unit apartment complex and the flexibility to the development standards and design of the building.</p> <p>There will be 19 trees removed and additional work within the drip line of 21 trees. In accordance with the Ordinance, if the project is approved, then the applicant will be required to post a bond that would be used to purchase and plant replacements for the trees to be replanted for the trees removed, and protected trees in the event they are significantly damaged by construction activity. With the bond in place and the</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<p>recommended protective measures by the arborist, the potential impact would be considered less-than-significant.</p> <p>The proposed project also includes a variance request to allow a 0.539 acre parcel (where 5 acres is the minimum) to rezone a property from R-15 to P-1 for residential development. Additionally, the applicant proposes three guest parking spaces on Del Hombre Lane (where 4 spaces are required). To grant the variance requests, findings for the variance will need to be supported (Section 26-2.2006). The project is consistent with the surrounding area of multi-family units and is within close proximity to the Pleasant Hill BART station.</p> <p>Overall, the project does not propose to conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.</p> <p>c) The subject property is not located in the designated area covered by the East Contra Costa County Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP).</p>				
11. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SUMMARY: No Impact				
a-b) Pursuant to Figure 8-4 (Mineral Resources Areas) of the County General Plan, the subject site is not located within an identified significant mineral resource area.				
12. NOISE – Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Sources: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground-borne vibration or groundborne noise levels? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 2, 4, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SUMMARY: Less Than Significant with Mitigation Incorporated				
<p>a) The Noise Element of the County General Plan contains the land use compatibility guidelines for community noise. For residences, a noise level of 55-70 dB is conditionally acceptable. Usually the noise levels associated with traffic would be less than 70 dBA and would not pose significant impacts to residential units located across from the Pleasant Hill BART Station. Interior noise levels are expected to meet Noise Ordinance element requirements through standard building construction techniques and noise offsetting designs of windows and doors. The project will not result in any long-term exposure of persons to or generation of noise levels in excess of standards established in the Contra Costa County General Plan or the County Code or applicable standards of other agencies.</p> <p>b) Approval of the project would result in the demolition of an existing residence and accessory buildings to construct a 14-unit apartment complex on a piece of property located near the Pleasant Hill BART Station. The proposed construction is temporary and will be limited hours of construction. The project will not result in substantial exposure of persons to or generate excessive ground borne vibration or ground borne noise levels.</p> <p>c) The primary sources of noise in the project area are traffic on Treat Boulevard, south of the property and Pleasant Hill BART Station. By far, the BART Station is the predominant, periodic noise source in the area. The project resulting in the construction of a 14-unit apartment complex will not result in noise levels in excess of the existing ambient noise levels.</p> <p>d) Short-term noise levels would occur during construction and the project has the potential</p>				

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Significant Impact
<p>to expose some nearby residents to construction-related noise, as would be the case when construction is undertaken on other properties within the area. The following mitigation measure would reduce the impact to a less-than-significant level.</p> <p><u>Impact NOISE-1:</u> Short-term noise levels would occur during construction and the project has the potential to expose some nearby residents to construction-related noise.</p> <p><u>Mitigation Measure NOISE -1:</u> Construction activities shall be limited to the hours of 7:30 A.M. -5:00 P.M., Monday – Friday, and shall be prohibited on State and Federal Holidays. Contractors shall be required to include measures to reduce equipment noise such as:</p> <ul style="list-style-type: none"> ▪ All internal engine-driven equipment shall be equipped with mufflers that are in good condition; ▪ Use “quiet” gasoline-powered compressors or other electric-powered compressors, wherever possible; and ▪ Retain a disturbance coordinator to monitor construction activity and to identify additional mitigation measures as needed. <p>e) The subject property is not located within the vicinity of an airport or known private airstrip.</p>				
13. POPULATION AND HOUSING – Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>SUMMARY:</u> Less Than Significant Impact				
<p>a) The proposed project is to rezone the property and to construct a 14-unit apartment complex. Implementation of the project would induce population growth, since the project itself is to provide housing in the area. However, due to the scale of the project, the increase in population growth in the area would be minimal.</p>				

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Impact
b-c) The proposed project does not involve the conversion of existing housing units. Construction of replacement housing would not be necessary, and people would neither be temporarily nor permanently displaced as a result of the project.				
14. PUBLIC SERVICES – <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a) Fire Protection? (Source: 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection? (Source: 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools? (Source: 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks? (Source: 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities? (Sources: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUMMARY: Less Than Significant Impact				
<p>a) The property is currently served by the Contra Costa County Fire Protection District. There is no substantial increase to the need for fire protection services for the proposed rezone of the site and construction of the apartment complex. Therefore, there is a less-than-significant impact to the need for fire protection services.</p> <p>b) The County General Plan's standard regarding the amount of police protection required within the County is related to the respective population. The County provides approximately 155 square feet of floor area per 1,000 members of the population. The County Sheriff's Department currently provides service to the site, and the proposed project to rezone the property and construct a 14-unit complex would not substantially increase the need for police services. Therefore, there is a less-than-significant impact to the need for police services.</p> <p>c) Impacts to schools are usually caused by increases in population. According to Multiple-Family Residential-Very High Density General Plan Land Use designation, the assumed average per unit is 2 persons per unit. The proposed project would yield a total of approximately 28 persons, which is a slight increase in population. However, the construction of new or expanded school facilities would not be required due to the size of the development.</p> <p>d) The County General Plan requires that three acres of neighborhood parks be available for every 1,000 members of the population. The proposed project would result in a slight increase in the County population of approximately 28 persons, and therefore, there will be a negligible impact on the demand for parks within the County. However, a park impact fee is required and will be collected from the applicant, if the project is approved.</p> <p>e) Impact to other public facilities, such as hospitals and libraries are usually caused by</p>				

Environmental Issues	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	Less Than Significant No Impact
increases in population. Implementation of the proposed project would slightly induce population growth by approximately 28 persons. However, there would be minimal impact to hospitals, libraries or other public facilities, since the project is to rezone the property and to allow the construction of a 14-unit apartment complex.				
15. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUMMARY: Less Than Significant Impact				
a) Increased use of parks and other recreational facilities typically results from general population growth over time and from development of specific projects that increase the number of people in the immediate vicinity of such facilities. The proposed project is to rezone the property and to allow the construction of a 14-unit apartment complex. According to Multiple-Family Residential-Very High Density General Plan Land Use designation, the assumed average per unit is 2 persons per unit. The proposed project would yield a total of approximately 28 persons, which is a slight increase in population. Although the project would increase the use of the parks or recreation facilities, the increase would not be substantial.				
b) The project is to rezone the site and to allow the construction of a 14-unit apartment complex. Due to the size of the project, expansion of recreational facilities would not be necessary. If the project is approved, a park impact fee is required and will be collected from the applicant.				
16. TRANSPORTATION/TRAFFIC – Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Impact
mass transit? (Sources: 1, 2, 11, 12)				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways? (Sources: 1, 9, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Sources: 1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Sources: 1, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access? (Sources: 1, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Sources: 1, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUMMARY: Less Than Significant Impact				
a) Residential projects that results in 13 or more dwelling units are required to prepare a Transportation Demand Management (TDM) Plan. The purpose of the TDM is to ensure that new development provides multimodal access and not to solely rely on automobile use. The site is within walking distance to Pleasant Hill BART Station and the Iron Horse Regional Trail is located directly across of the site (west). At least two short-term bicycle parking spaces are required to serve the project, which can be accommodated on the property. Based on the project and location of the project, the project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.				
b) The Contra Costa County Transportation Authority implements the County's Growth Management Program (GMP). The GMP requires that each jurisdiction prepare a traffic impact analysis for any project that generates 100 or more peak hour vehicle trips. The expected travel to and from the property would be a result of the temporary construction activities and the future tenants of the apartments, which would not generate 100 or more peak hour trips. Implementation of the project will not exceed in the level of service standards established for designated roads or highways.				

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Impact
<p>c) No airports are located within the immediate vicinity. Implementation of the project would not impact the operations of any air traffic patterns.</p> <p>d) The site is accessed from Del Hombre Lane, which is accessed via Las Juntas Way. Agency comments received from the Contra Costa County Fire Protection District did not indicate concerns with the proposed access road to the site. Thus, the project would not result in creating an increase to hazards due to a design feature or incompatible uses.</p> <p>e) The Contra Costa County Fire Protection District provides services to the site. The District reviewed the proposed rezoning and 14-unit apartment complex and provided their comments, which did not indicate concern of the proposed access. There are no elements of the proposed project that will result in inadequate emergency access.</p> <p>f) The site is accessed from Del Hombre Lane, which is accessed via Las Juntas Way. Pleasant Hill BART Station is located within walking distance to the site. In addition to BART, the Iron Horse Regional Trail corridor is located across the site. The proposed project would promote other alternatives of transportation and will not conflict with adopted policies, plans, or programs supporting alternative transportation.</p>				
17. UTILITIES AND SERVICE SYSTEMS – <i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources: 1, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 1, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources: 1, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Less Than			
	Potentially Significant Impact	Significant With Mitigation	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Sources: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUMMARY: Less Than Significant Impact				
<p>a) Sanitary services to the site are provided by the Central Contra Costa Sanitary District. The proposed project is to rezone the site from R-15 to P-1, to demolish the existing residence and accessory buildings, and to allow the construction of a 14-unit apartment complex. Based on the size of the proposed project, the project would not exceed the wastewater treatment requirements.</p> <p>b) The proposed project is to rezone the site and to allow the construction of a 14-unit complex. As proposed, the project would not result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities.</p> <p>c) In compliance with Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) Permit and the County's Stormwater Management and Discharge Control Ordinance, a Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square feet (5,000 square feet for parking lots, restaurants, and gas stations). The applicant has submitted a Stormwater Control Plan and the Public Works Department has determined it to be preliminary complete. However, the Public Works Department requires that the applicant demonstrate full compliance with C.3 stormwater requirements when preparing the improvement plans. Implementation of the project will not result in the construction of a new stormwater drainage facilities or expansion of existing facilities.</p> <p>d) The site is located within the service of and currently receives water services from the Contra Costa Water District. The District has commented on the project and the District did not indicate concerns providing additional services for the proposed project. However, the applicant is required to comply with the District's requirements.</p> <p>e) The Central Contra County Sanitary District is the local wastewater service provider for the site. The project involves rezoning of the site and the construction of a 14-unit</p>				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
apartment complex. Agency comments were routed to the District; however, no comments were received by the County from the District. The applicant is required to comply with the District's requirements. The project would result in a less-than-significant impact due to the size and nature of the project.				
f) The site is served by landfill facilities within Contra Costa County that comply with applicable codes and regulations related to solid waste disposal. The proposed project may result in a minimal increase in solid waste production as a result of the construction of 14-units. The increased solid waste disposal demand would be accommodated by the existing landfill that services the site. Therefore, implementation of the project would result in a less-than-significant impact due to the size of the project.				
g) Implementation of the proposed project would slightly increase the quantity of solid waste produced on-site. The property owner is required to dispose of solid waste generated from temporary construction activities to comply with federal, state, and local regulations.				
18. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.))	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
SUMMARY: Less Than Significant With Mitigation Incorporated				
a)	As explained throughout this Initial Study, implementation of the proposed project would not result in substantial degradation of the quality of the environment because most impacts would be less-than-significant and the Air Quality, Biological Resources, Cultural Resources, and Noise impacts can be mitigated to a less-than-significant level. Based on the evidence in the record, the County finds that the project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.			
b)	There is currently an existing residence and accessory buildings on the property. Potentially significant impacts identified in areas of Air Quality, Biological Resources, Cultural Resources, and Noise can be mitigated and reduced to a less-than-significant level. Many of the other impacts that have been identified as less-than-significant are limited to the project site itself and would have little potential to combine with other projects to create cumulatively considerable impacts. Those impacts that are not limited to the site, such as increased traffic on local roads, increased discharge to the Central Sanitary District, increased water use from Contra Costa Water District, and increased discharge to local landfills are capacity issues and the facilities in question have the capacity to accept the small increases related to the project. For these reasons, the County has determined that no cumulatively considerable environmental impacts would result from implementation of the proposed project.			
c)	As explained throughout this Initial Study, the proposed project would result in few potentially significant impact and all such impacts can be mitigated to less-than-significant levels. Nothing in the record indicates that the project has the potential to cause a substantial adverse effect on humans.			

SOURCES

- 1) Project Application submitted on August 9, 2012, Revised Plans dated May 31, 2013 and site visit conducted by staff.
- 2) Contra Costa County General Plan
- 3) Contra Costa County Ordinance (Titles 8 & 9)
- 4) Accela Program (Geographic Information Systems)
- 5) 2012 Contra Costa County Important Farmland Map
<ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/con12.pdf>
- 6) Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines
http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_Final_May%202012.ashx?la=en
- 7) California Dept. of Toxic Substances Control: Hazardous Waste and Substances Site List http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm
- 8) Contra Costa County Airport Land Use Compatibility (ALUC) Plan December 2000
- 9) Contra Costa Transportation Authority Website <http://ccta.net/EN/main/planning.html>
- 10) Project Comments from Building Inspection Division, Department of Conservation and Development dated August 15, 2012
- 11) Project Comments from Engineering Services, Public Works Department dated June 24, 2014
- 12) Project Comments from Transportation Planning Section, Department of Conservation and Development dated June 26, 2014
- 13) Project Comments from California Historical Resources Information System dated September 24, 2012
- 14) Project Comments from Contra Costa Fire Protection District dated September 4, 2012
- 15) Project Comments from Contra Costa Water District dated August 28, 2012
- 16) Project Comments from Local Agency Formation Commission dated January 28, 2014

- 17) Stormwater Control Plan (SWCP) prepared by A.S. Associates received December 16, 2013
- 18) Archaeological Survey and Architectural Assessment prepared by James Allan, William Self Associates (WSA), Inc. dated March 29, 2013
- 19) Arborist Report prepared by William R. McKinley, McKinley & Associates dated April 15, 2013
- 20) Biological Resource Analysis prepared by Monk and Associates dated July 23, 2014 and August 8, 2014

MITIGATION MONITORING PROGRAM
14-Unit Apartment Complex
3010 Del Hombres Lane, Walnut Creek
County Files #RZ13-3221 & DP12-3017

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Party Responsible for Verification	Compliance Verification
AIR QUALITY: AIR IMPACT-1: Construction activities would result in exhaust emissions and fine particulate matter in the form of dust.	<p><u>Mitigation Measure AIR -1:</u> During construction, the project developer shall implement standard construction dust control measures recommended by the BAAQMD, to include:</p> <ol style="list-style-type: none"> 1. Watering active construction areas on the site at least twice daily. 2. Daily watering or covering stockpiles of debris, soils, sand, and other materials that can be blown by the wind. 3. Covering all trucks hauling soils, sand, and other loose material or require all material-hauling trucks to maintain at least two feet of freeboard. 4. Paving, watering three times daily, or applying non-toxic soil stabilizers on all unpaved access roads, parking lots, and staging areas at construction site. 5. Sweeping streets daily, preferably with water sweepers, if soil is carried onto adjacent streets. 6. Seeding disturbed areas as quickly as possible or installation of cover 	<p>Applicant per Condition of Approval (COA #17)</p>	<p>Throughout construction.</p>	<p>CDD</p>	

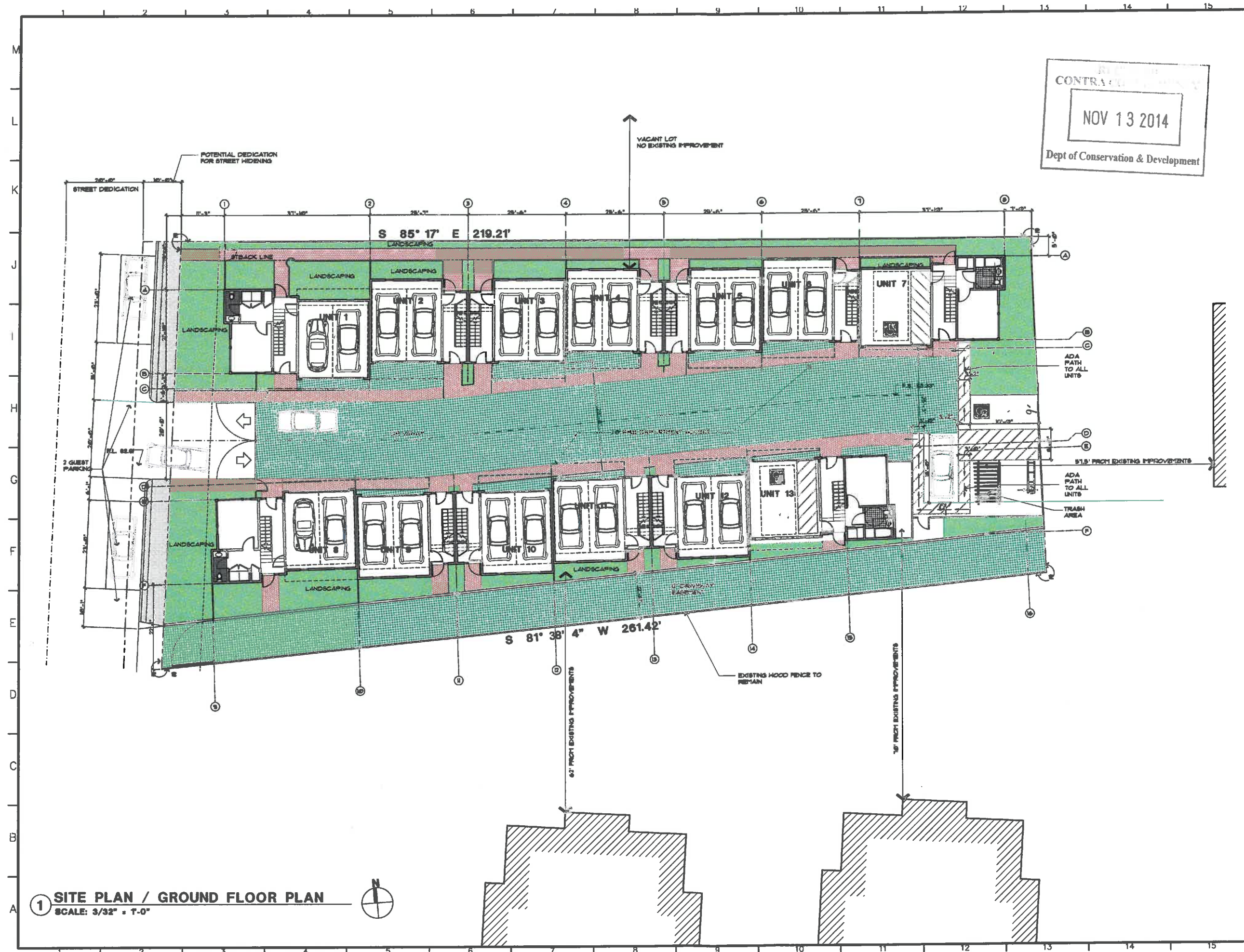
Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Party Responsible for Verification	Compliance Verification
<p><i>vegetation over exposed soils.</i></p> <p>BIOLOGICAL RESOURCES:</p> <p><u>Impact BIO-1</u> – Development of the project may have an impact on Townsend's Western Big Eared Bat and Pallid Bat (PS).</p>	<p><i>vegetation over exposed soils.</i></p> <p><u>Mitigation Measure BIO-1: Bats</u> - In order to avoid impacts to roosting special-status bats, a biologist shall survey trees and buildings 15 days prior to commencing with any removal or demolition. All bat surveys shall be conducted by a biologist with known experience surveying for bats. The applicant shall provide the biologist conducting the surveys access to the boarded-up structure. If no special-status bats are found during the surveys, then there would be no further regard for these bat species.</p> <p>If special-status bat species are found on the project site, then there shall be a determination if young bats present (i.e., the biologist shall determine if there are maternal roosts). If young are found roosting in any tree or building, then impacts to the tree or building shall be avoided until the young are flying free and are feeding on their own. A non-disturbance buffer fenced with orange construction fencing shall also be established around the maternity site. The size of the buffer zone shall be determined by a qualified bat biologist at the time of the surveys. If adults are found roosting in a tree or building on the project site but no maternal sites are found, then the adult bats can be flushed or a</p>	<p>Submittal of the bat survey to CDD (COA #18)</p>	<p>Prior to removal of trees or commencement of construction activities (e.g. ground disturbance)</p>	<p>CDD Applicant's Qualified Biologist</p>	

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Party Responsible for Verification	Compliance Verification
	<p><i>one-way eviction door can be placed over the tree cavity (or building access opening) for a 48 hour period prior to the time the tree or building in question would be removed or disturbed. No other mitigation compensation would be required.</i></p>				
<p><u>Impact BIO-2:</u> Development of the project may have an impact on nesting birds.</p>	<p><u>Mitigation Measure BIO-2:</u> Nesting Passerine Bird - A nesting bird survey shall be conducted on the project site and within a zone of influence around the project site if the project would commence between March 1 and September 1st. This is the formally recognized bird nesting season enforced by the California Department of Fish and Wildlife. The zone of influence includes those areas off the project site where birds could be disturbed by earth-moving vibrations or noise associated with construction. Accordingly, the nesting survey(s) must cover the project site and an area around the project site boundary. If project site disturbance associated with the project would commence between March 1 and September 1st, the nesting surveys should be completed 15 days prior to commencing with any activities that would disturb the current site conditions. If common (that is, not special-status) birds, for example, California towhee, western scrub jay, or acorn woodpeckers are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet should be established around the nest or as otherwise prescribed by a qualified ornithologist. The buffer should be demarcated via the installation</p>	<p>Submittal of the bird survey to CDD (COA #19)</p>	<p>Prior to removal of trees or commencement of construction activities (e.g. ground disturbance).</p>	<p>CDD Applicant's Qualified Biologist.</p>	

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Party Responsible for Verification	Compliance Verification
	<p><i>of orange construction fencing. Disturbance within the buffer should be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.</i></p> <p><i>Typically, most nesting birds in the region of the project site are expected to complete nesting by August 1st. However, many species can complete nesting by early to mid-July. Regardless, nesting buffers should be maintained until August 1st unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1st, the qualified biologist conducting the nesting surveys should prepare a report that provides details about the nesting outcome and the removal of buffers. This report should be submitted to the Contra Costa County Department of Conservation and Development prior to the time that nest protection buffers are removed if the date is before August 1st.</i></p>				
Impact BIO-3: Development of the project would impact code-protected trees.	<p><i>Mitigation Measure BIO-3: Trees - To offset impacts resulting from the removal of, or impact to the drip line of any code-protected tree, replacement trees that are California native species, no larger than 15-gallon size (to ensure that healthy smaller specimens are planted) should be planted within the post constructed development site. Valley oaks, coast live oaks, interior live oaks, coast</i></p>	Applicant per Condition of Approval (COA #20)	Throughout construction	CDD	

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Party Responsible for Verification	Compliance Verification
	<i>redwoods, California sycamores, white alder, California buckeyes, and madrone are suitable native replacement trees. Replacement trees will be required for the removal or injury to any code protected tree.</i>				
	<i>Mitigation Measure BIO-4: Trees identified to be retained on the Final Development Plan shall be preserved by implementing Best Management Practices and the recommendations outlined in the arborist report.</i>	Applicant per Condition of Approval (COA #21)	Throughout construction	CDD	
CULTURAL RESOURCES					
<u>Impact CULT RESOURCES-1:</u> Cultural resources may be discovered during construction.	<u>Mitigation Measure CULT RESOURCES-1:</u> Stop work and evaluation of accidental discovery of prehistoric or historical archaeological materials until such time that the resource can be evaluated by a qualified archaeologist.	Applicant per Condition of Approval (COA #22)	Throughout construction.	CDD	
<u>Impact CULT RESOURCES-2:</u> Construction activities requiring excavations and earth movement could uncover and impact human remains that could be significant cultural resources.	<u>Mitigation Measure CULT RESOURCES-2:</u> Stop work and evaluation of accidental discovery of human remains.	Applicant per Condition of Approval (COA #23)	Throughout Construction.	CDD	

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Party Responsible for Verification	Compliance Verification
<p>NOISE</p> <p>Impact NOISE-1: Short-term noise levels would occur during construction and the project has the potential to expose some nearby residents to construction-related noise.</p>	<p><u>Mitigation Measure NOISE -1: Construction activities shall be limited to the hours of 7:30 A.M. -5:00 P.M., Monday – Friday, and shall be prohibited on State and Federal Holidays. Contractors shall be required to include measures to reduce equipment noise such as:</u></p> <ul style="list-style-type: none"> • All internal engine-driven equipment shall be equipped with mufflers that are in good condition; • Use "quiet" gasoline-powered compressors or other electric-powered compressors, wherever possible; and • Retain a disturbance coordinator to monitor construction activity and to identify additional mitigation measures as needed. 	<p>Applicant per Condition of Approval (COA #24B)</p>	<p>Throughout construction.</p>	<p>CDD</p>	



NOV 13 2014
Dept of Conservation & Development

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Fax: 626 255 0505
e-mail: hdsarchitects@compuserve.net

Revisions	Date

The design shown and described herein, including all technical drawings, graphics, and models, are preliminary and subject to change without notice. It is not to be used for construction purposes without the written consent of the architect. These drawings are not to be used for other purposes without the written consent of the architect. The design is shown and described herein, including all technical drawings, graphics, and models, are preliminary and subject to change without notice. It is not to be used for construction purposes without the written consent of the architect. These drawings are not to be used for other purposes without the written consent of the architect.

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2222 West Alhambra, Unit 12
Alhambra, CA 91807 (626) 255-0498

**PRELIMINARY & FINAL
DEVELOPMENT PLAN**
**13 UNIT APARTMENT
COMPLEX**
for
HAIKGOUSH H. KOHLER
349 TERMINO AVE.
LONG BEACH, CA 90814

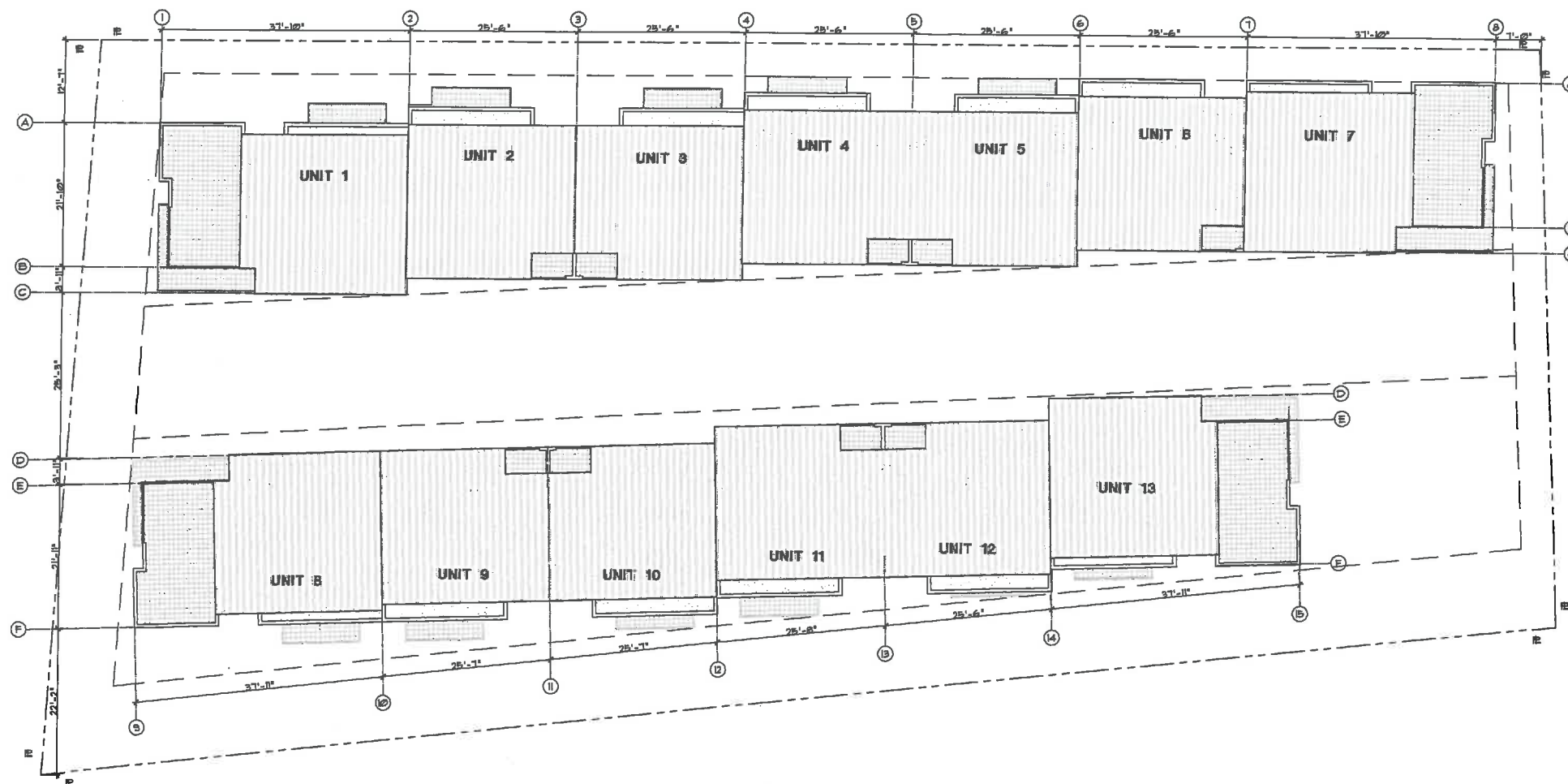
PROJECT ADDRESS:
3010 DEL HOMBRE LN.
WALNUT CREEK, CA 94597

**SITE PLAN/
GROUND FLOOR PLAN**

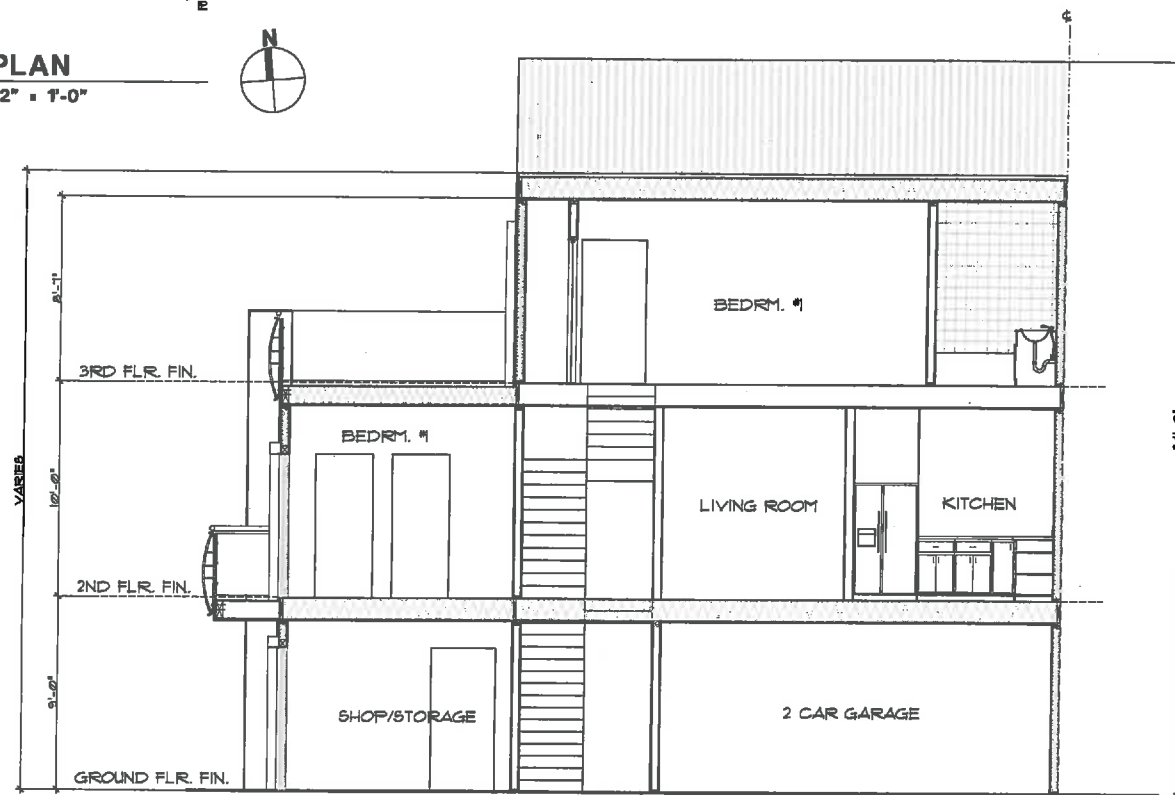
Project No.	1101
Scale	AS SHOWN
Date	11.13.2014
Drawn	
Checked	
Reviewed	

Stamp: LICENSED ARCHITECT
No. C-5600
REN. NOV. 30, 2015
STATE OF CALIFORNIA

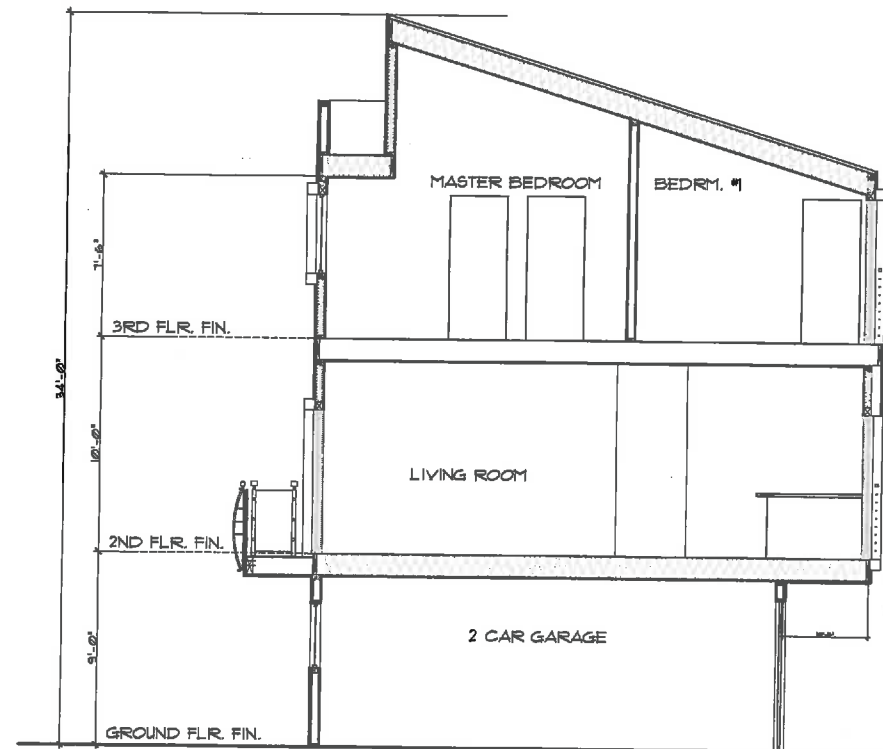
A-1
Sheet



1 ROOF PLAN
A-3 SCALE: 3/32" = 1'-0"



2 TYPICAL SECTION THROUGH 3 BEDROOM UNIT
A-3 SCALE: 1/4" = 1'-0"



3 TYPICAL SECTION THROUGH 2 BEDROOM UNIT
A-3 SCALE: 1/4" = 1'-0"

Herand der Sarkissian

architects aia.
520 West Glenade, Unit D
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Fax 818 500 1240

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Revisions	Date

Notes

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520 E. Glenade, Unit D
Glendale, CA 91207 (818) 500-0415

PRELIMINARY & FINAL DEVELOPMENT PLAN
13 UNIT APARTMENT COMPLEX
for
HAIGOUB H. KOHLER
349 TERMINO AVE.
LONG BEACH, CA 90814

PROJECT ADDRESS:
3010 DEL HOMBRE LN.,
WALNUT CREEK, CA 94887

Drawing Title
ROOF PLAN ELEVATIONS

Project No.	1101
Scale	AS SHOWN
Date	11.13.2014
Designed	
Drawn	
Checked	
Reviewed	

Drawing No.
A-3

Hds Sheet



1 TYPICAL 2 BEDROOM UNIT FLOOR PLANS
A-5 SCALE: 1/4" = 1'-0"



2 TYPICAL 3 BEDROOM UNIT FLOOR PLANS
A-5 SCALE: 1/4" = 1'-0"

A-5

Hd8 Sheet

13-Unit Apartment Complex

3010 Del Hombre Lane

Walnut Creek

RZ12-3221 & DP12-3017

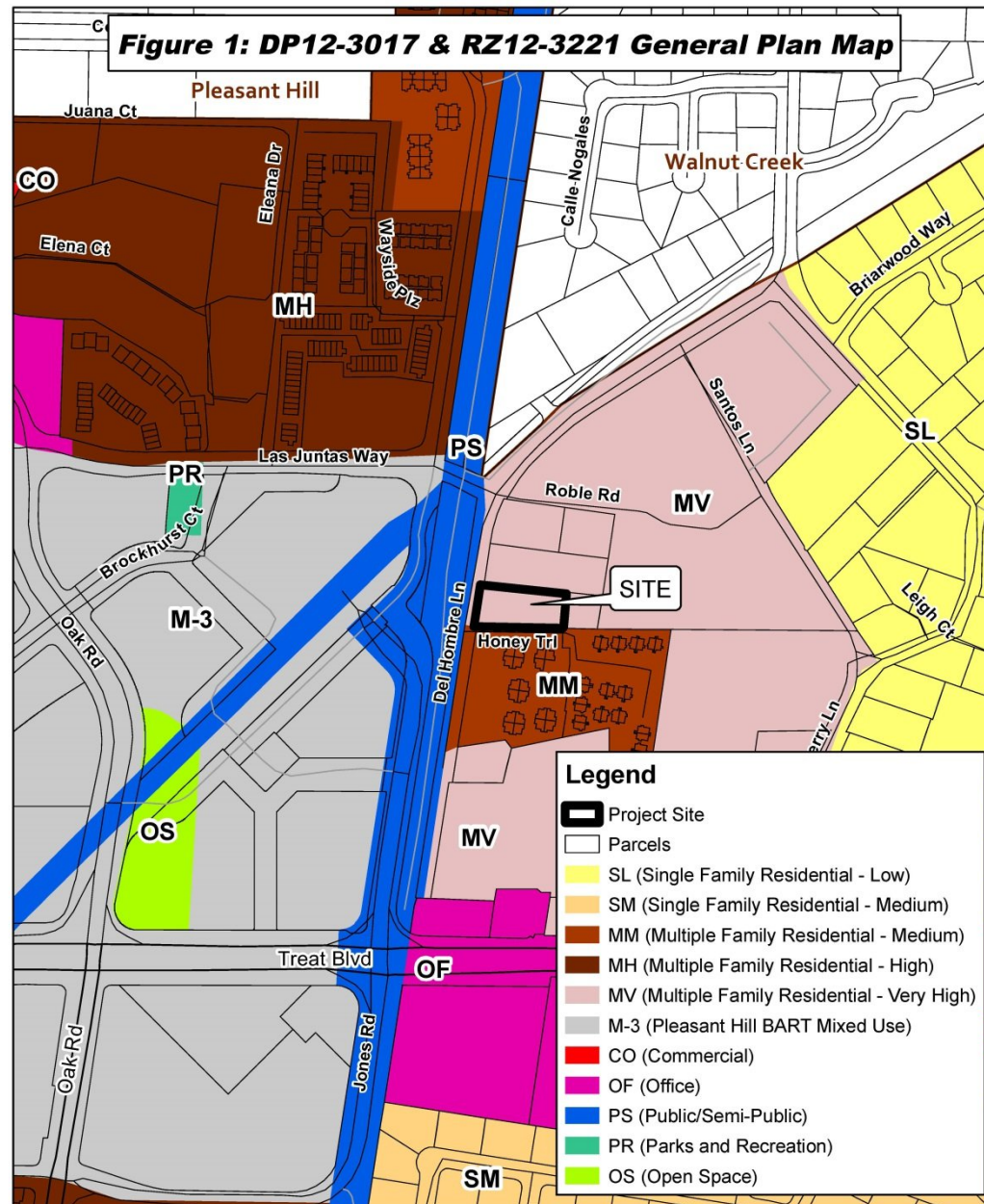


0 65 130 260 Feet

Map Created 7/30/2014
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37.59 41.791N 122.0703756W

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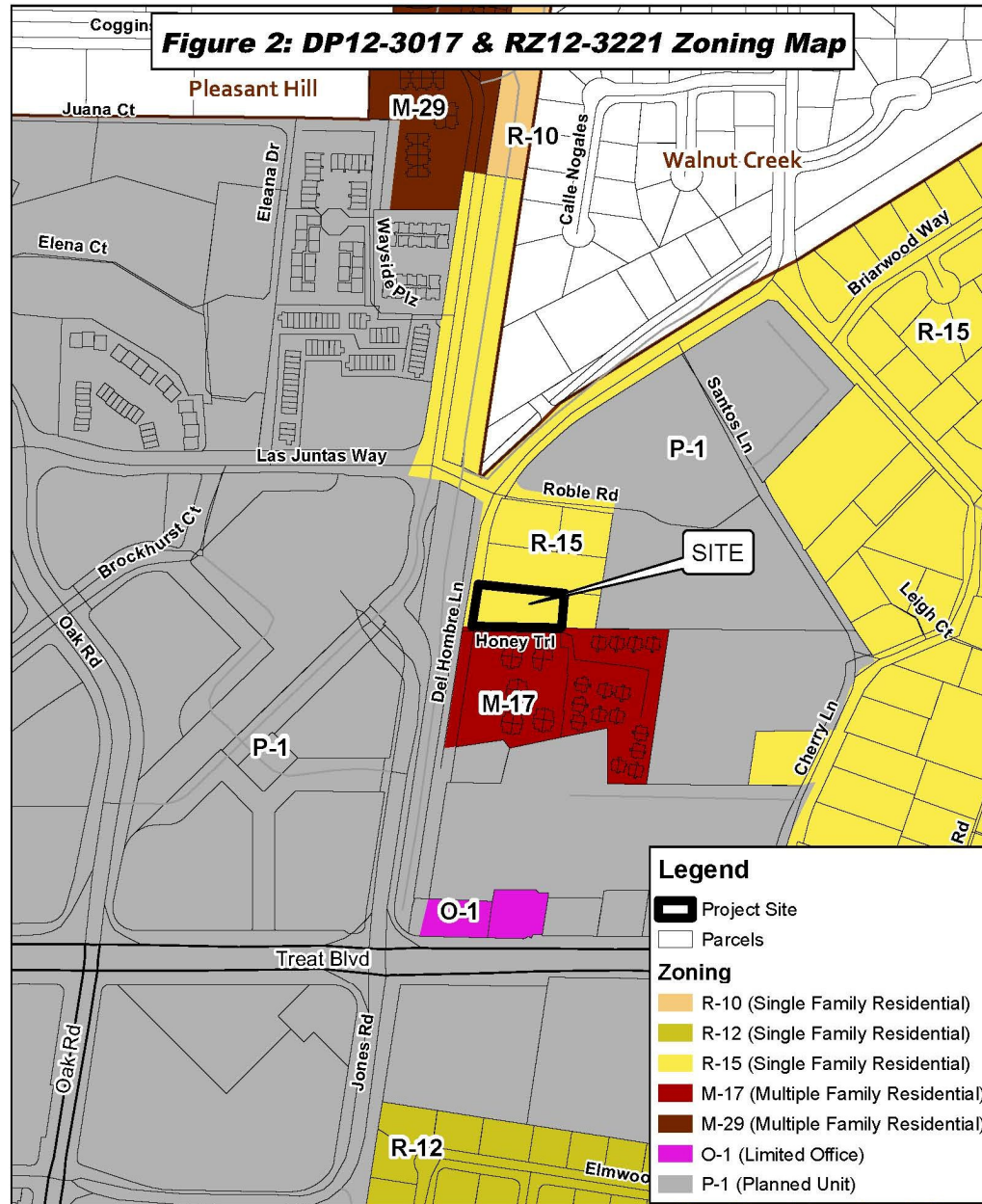


0 160 320 640 Feet

Map Created 10/07/2014
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37.59 41.791N 122.07 03.756W

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0 155 310 620 Feet

Map Created 7/30/2014
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Mar Road, Martinez, CA 94553
37.59.41.79N 122.07.03.766W

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Existing Residence

- Front of residence as viewed from Del Hombre
- Side of residence as viewed from Honey Trail





Herand der Sarkissian

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Revisions	Date

Notes
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PRELIMINARY & FINAL
 DEVELOPMENT PLAN
 13 UNIT APARTMENT
 COMPLEX
 for
 HANCOCK H. KOHLER
 349 TERMINO AVE.,
 LONG BEACH, CA 90814
 PROJECT ADDRESS:
 3010 DEL HOMBRE LN.,
 WALNUT CREEK, CA 94607

Building Title
 BUILDING ELEVATIONS

Project No.	1101
AS SHOWN	
Date	11.15.2014
Designed	
Drawn	
Checked	
Reviewed	
Sheet	A-4.1



Benjamin and Toshiko McKeen
3018 Del Hombre Lane
Walnut Creek, CA 94597
Tel(925) 939-1526

February 9, 2015

Karen Mitchoff and C C County Board of Supervisors on planning Matter:
651 Pine and Escobar St.
Martinez, CA

RE:Final Development plan for 13-units Apartment complex

My name is Toshiko McKeen. My husband Benjamin and I live at 3018 Del Hombre lane, next to this project. We have been here for about 20 years.

After reading development proposal; we have some questions, which we like you to address for us. And it will be very much appreciated.

Question 1)

Could you change the location of their trash bins from my gate? Could you put them someplace insignificant. Perhaps, the other end? The garbage company truck does not come to back. Maybe the truck is too big for the narrow drive way. I have to bring them up to the front every week and place them by my mail box.

Question 2)Are you leaving my locked mail box alone?

Question 3) My gas and water lines are staying same?

Over the years we watched the various building adventures for the Contra Costa Transist Center and we appreciate well-planned beautiful developments and convenience of mass transportation. However; we are aware of progress. Therefore; if you could address these matters for us, we're not opposing your project. For the county need tax base.

Thank you,

Toshiko McKeen

ORDINANCE NO. 2015 - 03
(Re-Zoning Land in the

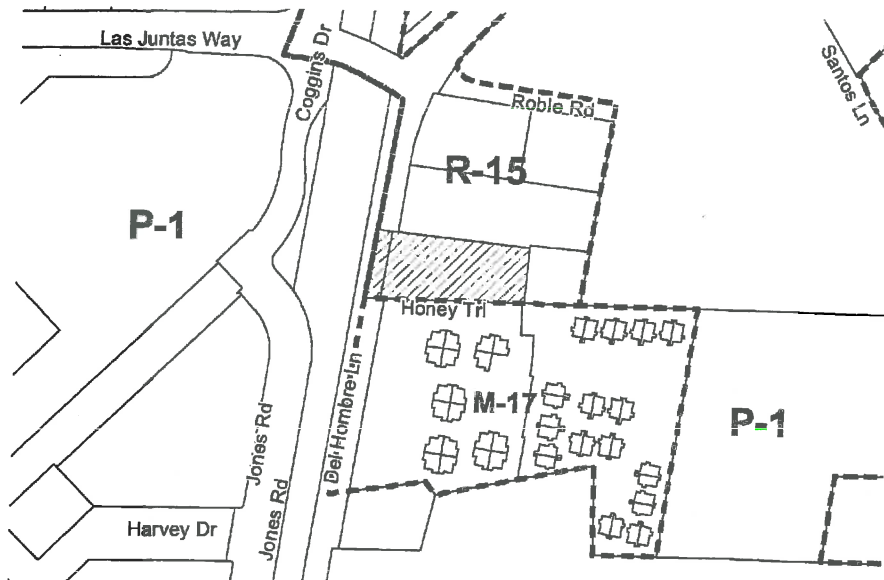
Contra Costa Centre Area)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I: Page L-14 of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Department of Conservation and Development File No. RZ12-3221).

FROM: Land Use District R-15 (Single-Family Residential)

TO: Land Use District P-1 (Planned Unit Development)
and the Department of Conservation and Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



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

PASSED on Feb 10 2015 by the following vote:

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

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

By June McKen, Dep.

John H
Chairman of the Board
(SEAL)

ORDINANCE NO. 2015 - 03

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 02/10/2015 by the following vote:

AYE: ☒ 5
John Gioia
Candace Andersen
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2015/41

A Resolution of the Board of Supervisors of the County of Contra Costa, State of California, overturning the recommendation of the County Planning Commission to approve the rezoning and a development plan applications for a proposal to rezone the 0.53 acre property from Single-Family Residential District, R-15 to Planned Unit District, P-1 to allow a 13-unit apartment complex for a property located in the unincorporated Walnut Creek area. (County Files #RZ12-3221/DP12-3017) (District IV)

WHEREAS, rezoning and development plan applications filed by Herand Der Sarkissian, applicant was submitted on August 9, 2012 to allow rezoning of a 0.53 acre property to allow the to allow a 14-unit apartment complex, removal of 19 trees (ranging in size from 5.5 inches to 72 inches in diameter) and work within the drip line of 21 trees (ranging in size from 15 inches to 40 inches in diameter) for the demolition of the existing residence and accessory buildings, and construction of the apartment complex and the following variances: to allow three guest parking spaces on Del Hombre (where four spaces are required) and to allow the rezoning of a 0.53-acre property to P-1 (where a minimum of 5 acres is required for residential uses) is included in the project. The subject property is located at 3010 Del Hombre Lane in the unincorporated Walnut Creek area; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, a Mitigated Negative Declaration and Mitigation Monitoring Program dated August 15, 2014, was prepared; and

WHEREAS, the Mitigated Negative Declaration/Initial Study identified potentially significant impacts related to Air Quality, Biological Resources, Cultural Resources, and Noise, and the Initial Study recommended mitigation measures which would reduce the identified impacts to a less-than-significant level; and

WHEREAS, on August 15, 2014, the County published a Notice of Public Review and the Intent to Adopt a Proposed Mitigated Negative Declaration, which the Notice recited the foregoing facts, indicated that the applicant agreed to accept each mitigation measure recommended in the Initial Study, started a period for public comments on the adequacy of the environmental documents related to the Project until September 4, 2014; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on October 14, 2014, where all persons interested therein might appear and be heard; and

WHEREAS, on October 14, 2014, the County Planning Commission conducted the public hearing and accepted testimony, the County Planning Commission recommended denial of the project; and

WHEREAS, the County Planning Commission recommended denial of the project since it was too dense, lack of guest parking, lack of Americans with Disabilities Act (ADA) parking, and inability to make variance findings; and WHEREAS, on November 13, 2014, the Applicant submitted revisions of the project, proposing 13-units, which eliminated a unit and the gazebo to provide two on-site guest parking spaces that are in compliance with the Americans with Disabilities Act (ADA) and one guest parking space on Del Hombre Lane; and

WHEREAS, after notice having been lawfully given a public hearing was scheduled before the County Board of Supervisors on Tuesday, February 10, 2015, where all persons interested therein might appear and be heard; and

WHEREAS, after having fully reviewed, considered, and evaluated all the testimony and evidence in this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors ("this Board") takes the following actions:

1. FIND that on the basis of the whole record before it, including the Initial Study and the comments received, the Board of Supervisors find that there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the County's independent judgment and analysis.
2. ADOPT the Mitigated Negative Declaration (MND) and Mitigation Monitoring Program dated August 15, 2014, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and finding that it reflects the County's independent judgment and analysis.
3. OVERTURN the County Planning Commission's recommendation to deny the Rezoning and Final Development Plan stated in their Resolution No. 13-2014.
4. ADOPT the findings contained in this Board Resolution as the basis for the Board's approval.
5. ADOPT Ordinance No. 2015-03 to rezone the 0.53-acre property to Planned Unit District, P-1 from Single-Family Residential, R-15, giving effect to aforementioned rezoning.
6. APPROVE the proposed Preliminary and Final Development Plan, including the request for a variance to allow a 0.53 acre property to be rezoned to P-1 (where a 5 acre minimum is required) and to allow three guest parking spaces – two on-site and one on Del Hombre Lane (where four spaces are required), and the removal of 19 trees and to work within the drip line of 21 trees.

BE IT FURTHER RESOLVED that the reasons for this Board's actions are based on the following: **Growth Management Performance Standards**

1. **Traffic:** Policy 4-c under the Growth Management Program (GMP) requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. The construction of a 13-unit apartment complex would have insignificant impact on the traffic in the area, and would not create 100 additional peak hour traffic trips to and from the site. Therefore, a traffic impact analysis is not required.
2. **Water:** The subject property is currently serviced by Contra Costa Water District (CCWD). No significant increase in the demand for water supplies is expected from the construction of a 13-unit apartment complex. The applicant is required to comply with CCWD's requirements.
3. **Sanitary Sewer:** The subject property is currently serviced by Central Contra Costa Sanitary District. No significant increase in the demand for sanitary sewer service is expected from the construction of a 13-unit apartment complex. No comments on the project were received from the District; however, the applicant is required to comply with the District's requirements.
4. **Fire Protection:** The subject property is currently serviced by the Contra Costa County Fire Protection District. The District has provided comments on the project requiring access driveway to have all-weather driving surface and capable of supporting loading of 37 tons, installation of access signs, emergency apparatus access, fire sprinklers and adequate and reliable water supply. The applicant is required to comply with the District's requirements. The project will not substantially increase the demand for fire protection services.
5. **Public Protection:** The 13-unit apartment complex will not significantly increase population in the area, and therefore, would not increase the demand for police service facilities.
6. **Parks & Recreation:** The 13-unit apartment complex will not significantly increase population in the area, and therefore, would not increase the demand for parks or recreational facilities. Payment of Park Impact fees would be required prior to submittal of building permits. The fees would be used to purchase land and develop parks within this area of the County.
7. **Flood Control & Drainage:** The project is not located within a flood-prone area as determined by the Federal Emergency Management Agency (FEMA). The subject property is located within Drainage Area 22, an "unformed" drainage area. The nearest public drainage facility is an existing 84-inch diameter storm drain in Coggins Lane, west of the property. The applicant is required to verify its adequacy prior to discharging run-off. Off-site storm drain improvements extending as far north as Las Juntas Way may be necessary to install facilities within public right-of-way and avoid conflicts within existing utilities.

Rezoning

1. **Required Finding:** The change proposed will substantially comply with the general plan.

Project Finding: The proposed 13-unit apartment complex is a permitted use in the Multiple-Family Residential-Very High Density (MV) General Plan land use designation. This General Plan land use designation provides for higher density multiple-family development (30 - 44.9 units per net acre). The property is 0.53 acres (0.42 acres – net) and the density of the property would yield a range of 12-18 units. The proposal to establish an apartment complex of 13 units is within this density

range. As proposed, the project is consistent with the County General Plan, especially the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multimodal access.

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

Project Finding: The proposed 13-unit apartment complex is a use consistent with the MV General Plan land use designation. The surrounding area primarily consists of apartments within P-1 Zoning District or Multiple-Family Zoning District. Additionally, the property is adjacent to the Contra Costa Centre, a transit village that includes commercial uses and residential units. The project is an example of a Transit Oriented Development (TOD). Although the subject property is not located within the boundaries of the Pleasant Hill BART Station Area Specific Plan, the project is immediately adjacent and meets the intent of the Specific Plan providing housing near various transit modes. Overall, the project is in harmony with the surrounding area and the uses established in the area.

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

Project Finding: The subject property has an existing residence that is proposed to be demolished. The proposed 13-unit apartment complex provides a modest number of housing units that utilizes an infill property near transit that will assist in meeting the housing development targets identified in the Housing Element of the County's General Plan. Further, the project is consistent with the surrounding area consisting of high-density development near transit.

Findings for Approval of a P-1 Zoning and Final Development Plan

1. Required Finding: The applicant intends to start construction within two and one-half years from the effective date of the zoning change and plan approval.

Project Finding: The applicant has indicated that they intend to commence construction within 2 ½ years off the effective date of the zoning change and plan approval.

2. Required Finding: The proposed planned unit development is consistent with the County General Plan.

Project Finding: The proposed 13-unit apartment complex is a permitted use in the Multiple-Family Residential-Very High Density (MV) General Plan land use designation. This General Plan land use designation provides for higher density multiple-family development (30 - 44.9 units per net acre). The property is 0.53 acres (0.42 acres – net) and the density of the property would yield a range of 12-18 units. The proposal to establish an apartment complex of 13 units is within this density range.

The County's General Plan also provides goals and policies that promote and encourage projects, such as this 13-unit project that provides housing close to transit. Goal 6 of the County's Housing Element identifies the need to provide adequate sites with the appropriate land use and zoning designations to accommodate the County's share of regional housing. The proposed project will be providing 13 rental units on a property that is underutilized and adjacent to other apartments. Policy 3-2 of the County's Housing Element encourages and provides incentives for the production of housing within close proximity to public transportation and services. The project is consistent with this policy, since it is 200 feet from the Pleasant Hill BART Station and near bus transit. Policy 7-3 of the County's Housing Element encourages P-1 zoning in areas with concentrations of variances sought. The project includes the rezoning of the property to P-1, which is consistent with the General Plan Land Use designation of Multiple-Family Residential-Very High Density. The variance to the lot area for P-1 (where a minimum of five acres is required) is also consistent with properties along Treat Boulevard that are less than five acres and have been rezoned to P-1.

Several Transportation Policies of the County's Transportation Element also supports the project. Policy 5-13 encourages the use of pedestrian and bicycle facilities. The Iron Horse Regional Trail is located adjacent to the property and a pedestrian bridge is also located south of the property. The applicant will also provide bicycle spaces located at the rear of the property. Policy 5-24 encourages the use of alternative forms of transportation, such as transit, bike, and pedestrian modes. The Pleasant Hill BART Station and the bus transit are located within close proximity to the property and are accessible for the housing provided. As proposed, the project is consistent with the County's General Plan, especially the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multimodal access.

3. Required Finding: In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community.

Project Finding: The surrounding area consists of a variety of designs of multiple-family buildings constructed from the late 1970s to more recent construction in the mid-2000s. The eclectic designs of the multiple-family buildings consist of exterior

materials such as stucco, cedar shingle siding, and horizontal wood siding. The proposed 13-unit apartment complex is an infill project that will provide high density multiple-family residences close to transit, consistent and in harmony with the surrounding area.

4. Required Finding: The development of a harmonious integrated plan justifies exceptions from the normal application of this code.

Project Finding: The subject property is half an acre in size on a property currently zoned Single-Family Residential, R-15. The MV General Plan land use designation permits multiple-family residences, such as townhomes, condominiums, or apartments. However, the current zoning is not consistent with MV and does not permit multiple-family residences. Therefore, the proposed project includes a rezoning of the property to a Planned Unit District, P-1 to allow the construction of the apartments. The surrounding area consists of other properties zoned P-1 and that has multiple-family buildings.

Variance Findings

1. Required Finding: That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.

Project Finding for Lot Area: The proposed project requires two variances. The first variance is to allow the rezoning of a 0.53-acre property from R-15, single-Family Residential Zoning to Planned Unit District, P-1. Under the P-1 Zoning District, a minimum of five acres is required. The applicant has solicited to the adjacent property owners that are currently zoned R-15 the idea of collectively rezoning the remaining properties to P-1. There was no agreement with the proposal. The remaining R-15 properties are primarily surrounded by P-1 zoning (where some properties are substandard in size) and several properties zoned Multiple-Family Residential District, M-17. The current R-15 zoning is not consistent with the MV General Plan. As found on Table 3-5 of the County's Land Use Element, the proposal to rezone the property to P-1 will be consistent with the MV General Plan land use designation.

Additionally, Table 6-41 of the County's Housing Element identifies the removal of the five acre minimum lot requirement for the P-1 zoning. This would allow the development of small infill properties near transit centers. Approval of the variance request would not be a grant of special privilege, as several properties along Treat Blvd (south of Del Hombre) are zoned P-1 and have smaller or comparable lot size. Other properties in the County that are less than the required five acres have been rezoned to P-1. More recently, the Board of Supervisors approved the rezoning of a 1.12-acre property located off Tice Valley in Walnut Creek to P-1.

Project Finding for Guest Parking: The second variance request is to the number of guest parking spaces (four guest parking spaces are required). The initial proposal requested a variance to allow three guest parking spaces on Del Hombre Lane. At the County Planning Commission public hearing in October 2014, the Commissioners indicated a concern for the lack of parking and lack of parking in compliance with the American with Disabilities Act (ADA). The Commission made a decision to recommend denial of the project. The applicant revised the project to eliminate one unit to provide two guest parking spaces on-site and one guest parking space on Del Hombre Lane to address the lack of on-site guest parking. The variance request has been revised to allow three guest parking spaces – two on-site and one on Del Hombre Lane (where four spaces are required). The revision also provides one ADA parking space on-site.

The proposed project is an example of a Transit Oriented Development "TOD." The property is located near the Pleasant Hill Bay Area Rapid Transit (BART) Station and bus transit. The Department's Transportation Section has also recommended that the three guest parking spaces initially proposed on Del Hombre Lane should be eliminated because of the close proximity to transit. Public Works Department also recommended that only one guest parking space on Del Hombre Lane should be granted because of the inadequate sight distance of for the parking space located between the proposed driveway and 12-foot access easement. Approval of the variance request would not grant a special privilege because of the property's close proximity to BART, which provides another mode of transportation other than vehicle use.

2. Required Finding: That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.

Project Finding for Lot Area: The proposal to rezone the property to P-1 on a 0.53-acre property would allow the construction of an apartment complex, providing higher density multiple-family development closer to transit. The proposed project is consistent with the surrounding development in the area. Properties less than five acres have been rezoned to P-1 since 1978, including the recent approval to rezone the property less than five acres to P-1. The County's Housing Element identifies the removal of the minimum five acre requirement to encourage development of infill properties close to transit. Thus, implementing the current zoning standards would deprive the subject property of rights enjoyed by other properties developed as multiple-family

development.

Project Finding for Guest Parking: The property is located near the Pleasant Hill BART Station and bus transit. Applying the zoning standards that require four guest parking spaces is inconsistent with the intent of Transit Oriented Development and the variance request is supported by the Department's Transportation Section and the County's Public Works Department. The use of BART, transit or bicycles is encouraged in TOD projects. Additionally, Senate Bill (SB) 375 and the County's Housing Element encourage development as such, that are near transit centers. Given the location of the subject property and the efforts made by the applicant to reduce the number of units and provide on-site guest parking including the designation of one space as ADA compliant, Staff finds that the variances are justified. As such, denial of the variance would deprive the property owners of the ability to develop their property in a manner consistent with other properties in the area.

3. **Required Finding:** That any variance authorized substantially meets the intent and purpose of the respective land use district in which the subject property is located.

Project Finding for Lot Area: The proposal to rezone a property for residential use less than five acres will meet the intent of the P-1 Zoning District and the goal of the County's Housing Element to encourage small infill properties near transit centers. The P-1 Zoning District provides an opportunity for a cohesive design with flexible regulations. The proposal is to rezone the property will allow a 13-unit apartment complex and is determined to be compatible with the development in the surrounding area of multiple family residences. Further, the proposal is an example of Transit Oriented Development (TOD) that is highly encouraged for properties located adjacent to transit.

Project Finding for Guest Parking: The applicant proposes to allow three guest parking spaces – two on-site and one on Del Hombre Lane (where four spaces are required). Approval of three guest parking spaces, as proposed would provide parking, while access to transit is another option. The proposed project is an example of a TOD project and is encouraged by SB 375 and the County's Housing Element. Overall, the proposed project meets the intent and purpose of the P-1 Zoning District.

Tree Permit Findings

Required Factors for Granting Permit: The Board of Supervisors is satisfied that the following factor as provided by County Code Section 816-6.8010 for granting a tree permit has been fulfilled:

Project Finding: Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot.

Contact: Jennifer Cruz, (925) 674-7790

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

ATTESTED: February 10, 2015

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

By:  June McHuen, Deputy

cc: Chris Howard, GIS, DCD



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 10, 2015

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

RECOMMENDATION(S):

1. CONSIDER waiving the 180-day "sit out" period for Glenn Howell, former Animal Services Director, in the Animal Services Department;
2. FIND that the appointment of Glenn Howell is necessary to fill a critically needed position; and
3. APPROVE AND AUTHORIZE the hiring of county retiree Glenn Howell, as a temporary County employee effective February 10 through August 31, 2015.

FISCAL IMPACT:

Cost savings. The costs of appointing Mr. Howell as a temporary county employee are offset by the reduction in costs from Mr. Howell vacating his previous full-time, permanent position.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, 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: February 10, 2015

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

Contact: David Twa, County
Administrator (925) 335-1080

By: June McHuen, Deputy

cc:

BACKGROUND:

The Public Employees' Pension Reform Act of 2013 requires that active members who retire on or after January 1, 2013 must wait 180 days after retirement to return to work. The Act also allows the Board, based on a finding that the appointment is necessary to fill a critically needed position, may waive the 180 day period. Glenn Howell retired as the Animal Services Director on January 31, 2015. As the Animal Services Director, Mr. Howell was the department head for the Animal Services Department managing two facility locations and a FY 2014/15 operating budget of close to \$11 million with 78 FTE employees.

A recruitment has been conducted to find a qualified candidate to fill the vacancy that resulted from Mr. Howell's retirement. The County Administrator's Office and Human Resources Department are reviewing eligible candidates and conducting interviews for a new Animal Services Director. It is critical in the interim to have an experienced professional running the department. For these reasons, we are recommending the appointment of Mr. Howell as a temporary county employee for a period no later than August 31, 2015. In the case that successor candidate is appointed prior to August 31, 2015, the County Administrator will discontinue Mr. Howell's temporary appointment.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to receive Board approval will result in the Animal Services Department having no management oversight.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 10, 2015

Subject: AMENDMENTS TO CCC EMPLOYEES' RETIREMENT ASSOCIATION BOARD OF RETIREMENT REGULATIONS

RECOMMENDATION(S):

APPROVE amendments to the Contra Costa County Employees' Retirement Association (CCCERA) Board of Retirement Regulations effective February 10, 2015, as amended by the CCCERA Board, pursuant to Government Code section 31525.

FISCAL IMPACT:

Administrative changes with no fiscal impact to the County.

BACKGROUND:

Periodically, the Retirement Board amends its regulations to implement changes required to comply with changes in rules or regulations of the Internal Revenue Service or other applicable law. These amendments do not take effect until they have been approved by the Board of Supervisors. (Gov. Code, §31525.) The amendments to the Regulations are as follows:

Add to Section II - Meetings, a new section entitled Committees of the Board:

8. Committees of the Board

The Chairperson shall appoint committees as deemed necessary to carry out the business of the Board. A quorum for a Committee meeting shall consist of three Board Members. Committee meeting will be open to the public, except for meetings of ad-hoc advisory committees consisting of less than a quorum of the full Board. A Chairperson and Vice-Chairperson for each Committee will be appointed by the Board of Retirement Chairperson.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, 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: February 10, 2015

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

Contact: Lisa Driscoll, County Finance Director, 925-335-1023

By: June McHuen, Deputy

BACKGROUND: (CONT'D)

>

Throughout the regulations "Chairman" and "Chair" are changed to "Chairperson" and "Vice-Chairman" to "Vice-Chairperson".

The amendments were approved by the Board of Retirement on January 28, 2015. A complete copy of the revised regulations is attached along with a red-line version of the Regulations to show the amendments.

CONSEQUENCE OF NEGATIVE ACTION:

Changes are required per Government Code Section 31525. Delay in adoption will require delay in implementation.

ATTACHMENTS

Contra Costa County Board of Retirement Regulations Amended 1-14-15

Contra Costa County Board of Retirement Regulations (Redlined) Amended 1-14-15

CONTRA COSTA COUNTY

BOARD OF RETIREMENT

REGULATIONS

Adopted 9/14/99

Amended 9/18/01

Amended 12/11/02

Amended 2/19/03

Amended 7/09/03

Amended 8/11/04

Amended 2/8/06

Amended 7/11/07

Amended 9/8/10

Amended 1/14/15

**CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT
ASSOCIATION
BOARD OF RETIREMENT
REGULATIONS**

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**CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT
ASSOCIATION
BOARD OF RETIREMENT
REGULATIONS**

I. ADMINISTRATION

1. Name

The name of this Association is "The Contra Costa County Employees' Retirement Association" ("CCCERA" or the "Association").

2. Board

Whenever used in these Regulations, unless otherwise stated, "Board" and "Board of Retirement" mean CCCERA's Board of Retirement as defined in California Government ("Gov.") Code beginning at Section 31459.

2.1 Alternate Board Members

- A. The alternate safety, alternate appointed and alternate retiree members shall be provided with the same conference, education and manager on-site visit opportunities as all other Board members.
- B. The alternate safety, alternate appointed and alternate retiree members may participate in the deliberations of the Board or its committees including those deliberations held in closed session.
- C. Neither the alternate safety member, the alternate appointed member nor the alternate retiree member shall be entitled to serve as an officer of the Board.
- D. The alternate retiree member shall be entitled to the same compensation as the retiree member for attending a meeting, pursuant to Gov. Code Section 31521, whether or not the retiree member is in attendance at that meeting.
- E. The alternate appointed member shall be entitled to the same compensation as the fourth, fifth, sixth or ninth member, pursuant to Gov. Code Section 31520.12, whether or not the fourth, fifth, sixth or ninth members attend the meeting.

3. Election of Officers

At the first regular meeting in July, as the first order of business, the Board shall elect a Chairperson, Vice-Chairperson, and Secretary, each to hold office for a

term of one year or until a successor is duly elected and qualified. The newly elected officers shall immediately be seated. The Chairperson shall appoint two Board members to assist in establishing the agenda as it relates to administrative or investment matters. Should an officer for any reason fail to complete his/her term, the Board shall select a successor for the balance of the expired term at its next regular meeting.

4. Delegation to Retirement Chief Executive Officer

In addition to the normal duties required to administer the Association on a day-to-day basis, the Retirement Chief Executive Officer is authorized to perform the following duties which are otherwise reserved for the Board:

- A. Issue subpoenas and subpoenas duces tecum under Gov. Code Section 31535.
- B. Release unclaimed funds under Gov. Code Section 31629 provided the claimant has adequately established his/her identity and makes application for the funds.
- C. Determine, under Gov. Code Section 31724, that the effective date of a member's disability retirement is a date earlier than the date the application was filed if the delay in filing was due to administrative oversight or inability to ascertain permanency and where credible documentation exists to support this fact.
- D. Accept elections for deferred retirement under Gov. Code Section 31700 and affidavits of membership under Gov. Code Section 31526.
- E. Correct prospectively any administrative error in the calculation of retirement benefits, with the issue of retroactive corrections, if any, to be reserved for the Board's exercise of discretion in accordance with the law.

5. Fiscal Year

The fiscal year for budget purposes shall be the calendar year.

II. MEETINGS

1. Regular Meetings

Regular meetings shall be held on the second and fourth Wednesday of each month at 9:00 a.m. in the Board Room of the Contra Costa County Retirement Association, 1355 Willow Way, Suite 221, Concord, California 94520, unless changed by the Board. The meeting regularly scheduled for fourth Wednesday in November shall instead be scheduled for the fourth Tuesday.

2. Quarterly Investment Review

The Board shall review investment manager performance at the meetings scheduled on the fourth Wednesday of February, May, and August, and on the fourth Tuesday of November at 9:00 a.m., unless changed by the Board.

3. Special Meetings

Special meetings may be called in accordance with the Ralph M. Brown Act.

4. Rules of Order

Unless otherwise provided herein, the general conduct of the Board shall be guided by Robert's Rules of Order, Revised, 1915 edition. All other proceedings, including those of motions and decorum, shall be guided by those provisions pertaining to an "Assembly" as specified in Robert's Rules of Order.

The Chairperson will:

- A. Vote on all Questions
- B. Recognize a member or non-member entitled to speak
- C. Enforce the rules and decorum specified in these Regulations

A motion for the "Previous Question" (to "call" or cut off debate of the immediate pending question) may be made by any member without a second. If no objections are made by the members, the Chairperson will immediately "put", without debate, the question. If an objection is made, a vote is immediately required, without debate, regarding the "previous question". A vote of 2/3 of the votes cast is necessary for adoption. If adopted, the Chairperson immediately "puts", without debate, the pending question.

4.a. Order of Business, First Meeting of the Month

The usual order of business at the first meeting of the month shall be:

- A. Public Comment
- B. Approval of minutes
- C. Routine items approval
- D. Closed Session for disabilities, litigation, and personnel matters.
- E. Report out of Closed Session
- F. Unfinished administrative business
- G. New administrative business
- H. Fiduciary/Staff education
- I. Miscellaneous
 - (i) Staff Report
 - (ii) Outside Professionals' Reports
 - (iii) Trustees' comments

The Chairperson may modify the order of business.

4.b. Order of Business, Second Meeting of the Month

The usual order of business at the second meeting of the month shall be:

- A. Public Comment
- B. Approval of minutes
- C. Investment performance review
- D. Investment matters
- E. Actuarial matters
- F. Miscellaneous
 - (i) Staff Report
 - (ii) Outside Professionals' Report
 - (iii) Trustees' comments

The Chairperson may modify the order of business.

5. Quorum

Five voting Members of the Board present at the meeting shall constitute a quorum. No motion may be passed or business transacted without five affirmative votes.

6. Communications and Requests

Communications and requests should be made in writing and any action of the Board thereon shall be noted in the minutes.

7. Minutes

The minutes or a true copy thereof, prepared in accordance with the Ralph M. Brown Act, shall be signed by the Secretary and the Chairperson, and shall form part of the permanent records of the Board. The reason for a Board member's vote on a Board action shall be included in the minutes when requested by the member.

8. Committees of the Board

The Chairperson shall appoint committees as deemed necessary to carry out the business of the Board. A quorum for a Committee meeting shall consist of three Board Members. Committee meeting will be open to the public, except for meetings of ad-hoc advisory committees consisting of less than a quorum of the full Board. A Chairperson and Vice-Chairperson for each Committee will be appointed by the Board of Retirement Chairperson.

III. MEMBERSHIP

1. Exclusion from Membership – By Type of Employment

- A. All officers and employees of the County or districts shall be members of the association as provided in Article 4 under Sections 31550-31567 of the County Employees' Retirement Law of 1937 (Gov. Code Secs. 31450, et seq. "CERL"), unless excluded from membership by this Section.
- B. The following employees shall be excluded from membership:
 - (i) Temporary, seasonal or independent contract employees who are employed or re-employed for temporary service or at certain specified periods each year.
 - (ii) Intermittent or permanent-intermittent employees who are appointed to serve less than 80% of the full number of working hours required of regular employees or who actually serve less than 80% of such full number of working hours in one year as certified by their appointing authority.
 - (iii) Part-time employees whose service for the County or district is less than fifty (50) percent of the full number or working hours required of full-time employees at that employer.
 - (iv) Project employees, unless the appointing authority certifies that the project is expected to be of one year or more in duration on a greater than part-time basis.
 - (v) Provisional employees, unless they otherwise meet the requirements for reciprocal benefits with other retirement systems under Article 15 of CERL.
- C. In making its determination regarding an employee's inclusion in or exclusion from membership, the Board will not rely solely upon the term given to the type of employment. Rather, the Board will rely upon such additional facts such as the nature of the employment, its expected or actual duration, and its relationship to what is considered full-time, permanent employment.

2. Exclusion from Membership – by Compensation

Except as otherwise herein provided, all employees of the County or district who receive compensation amounting to less than one-hundred (\$100) dollars per month, and in the case of employees paid on other than a monthly basis an average of one-hundred (\$100) dollars per month for the preceding year, including maintenance valued according to the schedule adopted by the governing

body, are hereby excluded and exempted from membership in the Retirement Association. Any member of the Retirement Association whose salary is reduced to an amount less than one-hundred (\$100) dollars per month shall have the option of continuing or discontinuing his/her active membership in the Association.

2.1 Exclusion from Membership – by Waiver

Newly hired employees age 60 and older may waive membership as authorized by Gov. Code Section 31552. Any such waiver of membership shall be effective only if it is submitted to the CCCERA Retirement Chief Executive Officer within 90 days of the employee's date of hire; provided, however, that the Retirement Chief Executive Officer may, in his/her sole and reasonable discretion, waive the time limitation if the newly hired employee establishes good cause for such a waiver.

3. Certifications

Every employee of the County or district within the county whose employees are members of the Association shall, upon entry into the Association, complete a sworn statement as provided for in Gov. Code Section 31526(b). A certified copy of the member's birth certificate or other evidence of birth may be required by the Board.

It shall be the employer's responsibility to assure compliance with this section. The Board shall assess the employer five hundred (\$500) dollars per employee for every month or fraction thereof that the required certification is not submitted. The Board shall notify the employer in writing of the imposition of assessment at least thirty days before the assessment.

IV. CONTRIBUTIONS AND REPORTING

1. Leave of Absence

When a leave of absence without pay is less than a full calendar month, the full monthly contribution, if available from the member's salary, shall be deducted from the member's earnable compensation and service credit shall be given for a full calendar month. If the amount of the member's salary for the applicable period is less than the contributions due, then no deduction shall be made for service credit. (Gov. Code section 31527, subd. (a).)

Members on stipendiary educational leaves shall continue to make contributions.

2. Due Dates

Each employer shall report to the Association in a manner and frequency as determined by the Board sufficient for the Board to credit contributions and service to each member's record.

Unless otherwise specified, reports shall be due no later than the tenth of each month for the previous month's payroll and shall be accompanied by member and employer contributions. If the tenth of the month falls on a weekend or holiday, the due date shall be the last working day before the tenth. Reports, which are unreadable or incorrect, shall not be accepted and shall be returned to the employer.

Reports and contributions received after the due date shall be considered late and subject to a late reporting penalty equal to: the prime rate in effect on the due date computed on a daily, non-compounding basis and applied to the contributions due.

3. Drops in Payroll

Whenever the employer's reportable payroll drops to a level which is lower than 70% of its payroll during the same period in the preceding year, the Board may investigate the cause. Whenever the employer's reportable payroll drops to a level which is lower than 50% of its payroll during the same period in the preceding year, the Board shall investigate the cause. If the Board determines that the cause is other than temporary it shall determine the amount of contributions due from the employer to continue paying its share of any unfunded liability. This amount shall then be due from the employer in addition to any contributions made on the reduced payroll.

4. Employer Certification

Each report as specified in Section IV.2 shall include or be accompanied by a certification, under penalty of perjury, as to its accuracy. The certification shall be made by a duly authorized representative of the employer.

V. SERVICE

1. Leave of Absence

When a member returns from a medical leave of absence without pay, the member shall receive credit for up to 12 months of the leave time if the member pays an amount equal to what he or she would have paid, including any amount that would have been paid by the member's employer on the member's behalf (i.e., subvented), had he or she not taken the leave together with the interest that such amount would have earned had it been on deposit. Calculation of the cost of the leave purchase and the method of payment for such leave shall be as provided in Gov. Code Section 31646.

2. Prior Service

In establishing the length of prior service for any member entitled to credit therefore, official payroll records or other official records shall be controlling. In the event that any of such records are unavailable, the Board, in its discretion, may accept affidavits of the employee, affidavits of the employee's employer, affidavits of fellow employees or such other sworn evidence as the Board determines to be pertinent.

For the purpose of these Regulations, credit for prior service for a per diem employee entitling the employee to a full year's credit towards retirement shall mean 200 or more workdays of service rendered in any one calendar year including leave of absence, vacation and sick leave duly granted, but not more than one year of credit shall be allowed for service in any one calendar year. Service of less than 200 workdays in any one calendar year shall be credited on the pro-rata basis of 250 workdays per year.

Prior service shall include all service for the employer and all service while on leave from the employer for military duty, which is prior to the establishment of the retirement system.

3. Sick Leave Credit

The following provisions govern the use of sick leave credit toward service credit at retirement under Government Code Sections 31641.01 as adopted by the County Board of Supervisors.

- A. The total hours of sick leave accumulated by the member on the date of retirement, at the rate of one day for each one day earned, shall be certified as to its accuracy in writing under penalty of perjury by the duly authorized representative of the employer.

- B. The Association shall convert the total sick leave into years and fractions of a year using the following equivalencies:
 - (i) For firefighters, accumulated sick leave hours at retirement shall be divided by 2,912 (average number of working hours per year for a firefighter).
 - (ii) For all other members, the accumulated sick leave hours at retirement shall be divided by 2,000 hours (average number of working hours per year).
- C. The formula used to determine the sick leave service credit value shall be the same as used for the member's service category at the time of retirement.

4. Service Purchase

Any member who elects to purchase prior public service under Government Code Section 31641.2, prior nonmembership service under Government Code Section 31641.5, prior service under Government Code Section 31648, or military service under Government Code Section 31649.5, shall be eligible to make the purchase anytime before applying for retirement.

Any member who elects to purchase prior public service under Government Code Section 31641.2, prior nonmembership service under Government Code Section 31641.5, prior service under Government Code Section 31648 or military service under Government Code Section 31649.5 shall be permitted to make such purchase in installment payments as provided for in Section V, paragraph 6 of these Regulations.

5. Redeposit of Withdrawn Contributions

On redeposit, a member must pay withdrawn contributions plus any interest as defined in Gov. Code Section 31472.1, subject to Section V, paragraph 8.

The redeposit will exclude contributions subvented by the employer under Gov. Code Secs. 31581.1 31581.2 and 31630, and exclude any Cost of Living (COL) contributions that were not otherwise paid by members as a result of a transfer of excess surplus funds for that year.

6. Installment Payments

Whenever a member elects to purchase prior public service (Gov. Code Sec. 31641.2), prior nonmembership service (Gov. Code Sec. 31641.5), prior military service (Gov. Code Sec. 31649.5), prior service (Gov. Code Sec. 31648), or leave of absence service (Gov. Code Sec. 31646), or elects to redeposit withdrawn

service (Gov. Code Sec. 31652), and the member elects to make such purchase or redeposit in installment payments, the following shall govern:

- A. The amount of service represented by each installment payment shall be computed by dividing the amount of the installment payment by the total cost of purchase or redeposit, and multiplying the resulting percent by the total service being purchased or redeposited.
- B. The member's service credit record shall be increased to reflect each installment payment as it is received and shall be applied to the most recent service for which credit is available.
- C. The member's account balance shall be increased to reflect each installment payment as it is received. Unless otherwise certified by the employer, the installment payment will be deemed and credited as after-tax member contributions.
- D. If the member dies, requests a refund, or retires either for service or disability, no further installments shall be accepted. Any benefit payable thereafter shall recognize or include service purchased or redeposited and account balances to date.
- E. If multiple periods of service are eligible for purchase or redeposit, the cost of each period shall be separately computed and any installments shall apply to the most recent service period first.
- F. Unless otherwise prohibited by law (leave of absence without pay under Gov. Code Sec. 31646, prior public service under Gov. Code Sec. 31641.2, and prior nonmembership service under Gov. Code Sec. 31641.5), the member shall be eligible to make installment payments so long as he or she continues to be actively employed.

As for service purchased under Government Code Sections 31641.5 and 31646, such payments may be made by lump sum or by installment payments over a period not to exceed the length of time for which the member has elected to receive credit, in the manner otherwise provided for in this paragraph 6.

As for service purchased under Government Code Section 31641.2, such payments may be made during active employment as a member by lump sum or by installment payments over a period not to exceed five years.

- G. A member may elect installment payments by monthly payroll deductions on a post tax basis.
 - (i) A Purchase Contract must be signed for payroll deductions.

- (ii) All payroll deduction Purchase contracts must be paid in full by the member's retirement date or within 120 days of termination.
- (iii) Service credit is posted to member's account at the completion of the contractual payments.

7. Conversion of Tier II Service Credit

Once a member elects or by resolution has been placed into Tier III membership under Gov. Code Sec 31755 he or she is eligible to convert all or any part of Tier II service credit to Tier III service credit.

The member's cost shall be the difference between the total amount he or she and the employer paid into the Association under Tier II and what would have been contributed during the same time if the employee had been under Tier III, together with interest as defined in Section 31472.1, subject to Section V, paragraph 8.

8. Forgiveness of Interest

In cases where a member is redepositing withdrawn contributions, purchasing service credit or converting service credit in accordance with this Section V, interest shall not include the most recently credited interest amount if all of the following conditions are met:

- A. The member requested a calculation of the cost of the purchase or conversion more than three months prior to the June 30 or December 31 interest crediting date.
- B. The member received the requested calculation after the June 30 or December 31 interest crediting date.
- C. Within 30 days of receipt of the requested calculation the member pays all or a part of the cost with a lump sum payment.

VI. COMPENSATION

1. Compensation for Retirement Purposes.

The Board has adopted a Board Compensation Policy listing items of compensation that are included in “compensation”, “compensation earnable”, and “final compensation” as defined in Government Code Sections 31460, 31461, and 31462.1. The Retirement Association will provide each employer with a copy of the Board Compensation Policy. Each employer is required to transmit promptly to the Retirement Association, contributions on each item of compensation listed in the Compensation Policy as includible in “compensation”.

2. New or changed pay items.

Each employer shall report to the Association in writing within 30 days of any of the following events:

- A. A new pay item is created.
- B. There has been a change in either an existing pay item or the conditions under which the pay item is computed, accrued or paid.
- C. Notification received after the 30 days adoption shall be considered late and shall be assessed as defined in Section IV.2.
- D. Upon notification, the Board shall determine whether the pay item is included in “compensation” as defined in Section 31460.

VII. NORMAL RETIREMENT AGE AND BONA FIDE SEPARATIONS

Normal Retirement Age

For purposes of applying the Pension Protection Act of 2006 (“PPA”) and complying with other applicable tax-related laws (such as restrictions on in-service distributions), effective July 1, 2007, the “Normal Retirement Age” for CCCERA members shall be the age set forth in CERL retirement formula for an unreduced benefit that applies to each CCCERA member immediately preceding the effective date of his or her retirement from a CCCERA employer. For example, the Normal Retirement Age for a member who earns retirement service immediately before retirement under a “3% at 50” retirement formula (Gov. Code section 31664.1) is 50 years of age. The Normal Retirement Age for a member who earns retirement service immediately before retirement under a “2% at 55” retirement formula (Gov. Code section 31676.16) is 55 years of age.

Notwithstanding the foregoing, Normal Retirement Age for CCCERA members shall in no event be earlier than (i) age 55 for CCCERA members who are not Qualified Public Safety Employees (as defined in Internal Revenue Code section 72(t)(10)(B)) immediately prior to their retirement; and (ii) age 50 for CCCERA members who are Qualified Public Safety Employees.

The Board may change or further refine its determination of Normal Retirement Age as described herein in order to comply with any rules or regulations of the Internal Revenue Service or other applicable law. The Board’s current determinations of Normal Retirement Age are based upon the findings and conclusions set forth in Board of Retirement Resolutions 2007-1 and 2007-2.

Bona Fide Separation from Service

A) In order to comply with tax law restrictions on in-service distributions, a member who retires at an age younger than Normal Retirement Age, as defined herein, may not enter into an agreement, either oral or written, prior to the date the member's retirement commences, to be reemployed while retired by the same CCCERA employer, regardless of the length of the member's break in service after retirement. The member must acknowledge in writing to CCCERA at the time of retirement that the member has been informed of these requirements and limitations on post-retirement employment and that no prearrangement to be reemployed while retired exists.

B) A member who retires at an age younger than Normal Retirement Age, as defined herein, must have at least a continuous 90-day break in service from the date of the member's last day of employment prior to being reemployed while retired by the member’s prior CCCERA employer.

C) If a member is reemployed without compliance with subsections (A) and (B) above, the retired member's retirement benefits from CCCERA must cease as soon as practicable upon discovery by CCCERA and will not resume until the member has a bona fide separation from service or reaches Normal Retirement Age, whichever occurs first.

D) The definitions, limitations and requirements contained herein shall be provided to every CCCERA member who inquires about retirement.

VIII. WITHDRAWALS

1. Discontinued Service

The service of a member will be considered “discontinued” under Gov. Code Section 31628 only if the member has actually terminated employment and either the termination is due to lay-off or the member is not reemployed by that employer for a period of 45 days.

The service of a member will not be considered discontinued if the member continues to work for the employer or for another participating employer, even if the member’s work schedule is below the minimum number of hours required to qualify for coverage. In these cases interest will continue to be credited to the member's account.

2. Account Withdrawals

All requests to withdraw an account must be in writing.

All payments of an account balance shall be in the form of either or both of the following:

- A. A lump sum distribution
- B. A rollover to an IRA or a new employer’s Qualified Plan per current IRS guidelines.

3. Interest Crediting

Interest is credited to the account of a pending refund request on June 30th or December 31st if the funds have been on deposit for six months or more in accordance with Gov. Code Section 31591.

A member who continues employment in a non-covered position will have interest credited to his/her account.

4. Account Reinstatement

A member who has appealed a dismissal and has been reinstated by the employer is allowed to redeposit withdrawn retirement contributions, plus interest, and will be reinstated as of the original date of membership in the Association.

IX. NEW PARTICIPATING EMPLOYERS (Section 31557)

All officers and employees of any newly participating district shall become members of the Association as provided in Section 31557.

- A. An actuarial valuation shall be made to determine liability.
- B. The district shall pay the cost of the valuation.

**X. PARTICIPATING EMPLOYER WITHDRAWAL
(SECTIONS 31564 AND 31564.2)**

An employer, by resolution, may withdraw its employees from membership in the Association as provided in Government Code sections 31564 and 31564.2.

- A. Upon notification by an employer that it is considering withdrawing from the Association, the Association will provide the employer with a copy of the Association's Employer Termination Policy.
- B. An employer shall comply with the Association's Employer Termination Policy to ensure the actuarial soundness of the retirement system.

XI. DISPENSING WITH RECALCULATION FOR MINOR DISCREPANCY

1. Closed Accounts

The Board authorizes the Retirement Chief Executive Officer to refrain from collecting an under payment or refunding an overpayment of accumulated contributions from a member who has terminated from the association and cannot be located, whenever the amount is fifty dollars (\$50) or less.

2. Active, Deferred and Retiree Accounts

The association may dispense with issuing any check whenever the retroactive liability is less than five dollars (\$5).

XII. APPLICATIONS FOR DISABILITY RETIREMENT

(Adopted: Retirement Board – June 14, 1977)

(Approved: Board of Supervisors – June 28, 1977)

1. Application Form

An application for service-connected or nonservice-connected disability retirement shall be filed on the Application for Disability Retirement form prescribed by the Board of Retirement, and shall include either a completed Physician's Statement or another form of medical report to support the Application.

2. Effective Date Of Disability Retirement Allowance

(a) The effective date of a disability retirement allowance shall be established pursuant to Gov. Code Section 31724.

(b) The applicant may apply to have the disability retirement allowance become effective earlier than the date the application is filed upon a showing the application was delayed due to administrative oversight or by the inability to determine the permanency of the disability until after the date following the last day for which the applicant received regular compensation, by completing the applicable section of the Application for Disability Retirement form. The failure of the applicant to apply for an earlier effective date at the time the application is filed shall constitute a waiver of the right to apply for an earlier effective date.

3. Denial Without Prejudice

(a) In the event the medical advisor's recommendation is to deny the disability application (without prejudice), the member may submit additional medical information to support the application and/or request a hearing within six (6) months of notice of the denial.

(b) In the event the medical advisor's recommendation is to grant the disability application, the Board of Retirement will review the recommendation and take action on the application for disability retirement. If the Board denies the application (without prejudice), the member may request a hearing within six (6) months of notice of the denial.

4. Request For Hearing

Any applicant for disability retirement shall, upon request, be entitled to a hearing, at the sole discretion of the Board of Retirement, before the Board, or before a referee appointed by the Board pursuant to Gov. Code section 31533.

Any such request for hearing shall be in writing, and shall be made within 30 days after notice of the Board's action denying the application is mailed by certified or registered mail to the applicant. An application is deemed made on the date mailed if mailed by certified or registered mail, on the date postmarked if mailed by first class mail and received, or on the date received by the Association, whichever is earlier.

5. Judicial Review

In any matter in which the party or applicant is entitled to judicial review of any action taken by the Board of Retirement, the petition to the court must be filed within 90 days from the date the notice of the Board's decision is delivered to the party or applicant, or served by certified or registered mail upon the party or applicant or the party's or applicant's attorney.

The procedure for hearings on disability retirement applications that the Board of Retirement or a Referee holds in connection with determination of disability retirement benefits under CERL shall be set forth in the Board of Retirement's separate policy regarding the same.

XIII. CONTINUED EMPLOYMENT OF PARTIALLY DISABLED EMPLOYEES

(Approved: Board of Supervisors – May 9, 1972)

NOTE: This entire section (formerly Section 10) is under consideration for either a complete rewrite and renumbering, or deletion. Below is a reproduction of Section 10 as created in 1972.

Section 10.1 – Purpose

This regulation governs the procedures for the continued employment of partially disable members pursuant to Government Code Section 31725.5 and County Ordinance Code Section 2468.

Section 10.2 – Definitions

In this regulation, unless otherwise specifically provided, or required by the context, these terms have these meanings:

- A. “Reassignment” means the appointment (pursuant to the Statute, the ordinance and this regulation) of a member to a position, with duties different from, and compensation earnable higher, lower, or the same as, the position for which he is incapacitated.
- B. “Board” means the Board of Retirement (Retirement Board).
- C. “Retirement Chief Executive Officer” means the Retirement Administrator as defined in Government Code Section 31522.
- D. “Incapacitated for the performance of his/her duties” means the permanent inability of the member, due to physical or mental causes, to perform the duties of his/her specific position.
- E. “Committee” means the Rehabilitation Committee.
- F. “Governing Body” means the Board of Supervisors or the elected officials governing a district.
- G. “District” is defined in Government Code Section 31468.

Section 10.3 – Rehabilitation Committee

- A. A Rehabilitation Committee is hereby established for the purpose of recommending whether a member shall be reassigned.

- B. Except as provided by Section 10.7, this committee shall consist of the following:
 - a. The permanent members are a member of the Board designated by it; and the County Administrator, Director of Personnel and County Health Officer or their designees; and the Retirement Chief Executive Officer or his/her designee, who serves as secretary without a vote.
 - b. The appointing authority within the department or district to which the reassignment is proposed or his/her (its) designee.
 - c. The employee and/or his/her designee, unless he waives membership.

Section 10.4 – Procedure

- A. After an application for disability is filed, the Retirement Chief Executive Officer shall consult with the Board's medical advisor, the member employee and others as necessary, to determine whether a reassignment appears feasible (in view of the member employee's condition) if the Board later finds the member employee to be incapacitated for the performance of his/her duties. If a reassignment appear feasible to the Retirement Chief Executive Officer, he shall convene the permanent members of the Committee and the employee or his/her designee, and they shall explore the practicabilities of returning the member employee to his/her previous position or reassigning, rehabilitating and/or retraining him/her.
- B. When a department or district is located to which a reassignment appears feasible, the appointing authority within it shall be added to the Committee (pursuant to Section 10.3B(2) above).
- C. The Committee may make its recommendation to the Board at any time before or after Board action on the application for disability retirement.

Section 10.5 – Reassignment

After the Board determines that the member employee is incapacitated for the performance of his/her duties, he shall be reassigned, in lieu of being retired for disability, if the appointing authority in the department or district in which he is to be employed and the Governing Body agree to his/her appointment and the appointment is made in accordance with any applicable merit or Civil Service system rules.

Section 10.6 – Later Retirement

If a member who has accepted reassignment is voluntarily or involuntarily separated from the service thereafter, his/her retirement benefits and rights, including those of his/her beneficiaries, shall be determined as if he were being retired on the date of this

later separation for the same type of disability retirement as he would have received had he been retired originally instead of reassigned, but a new application may be filed for disability retirement based on his/her job connected injury or disease occurring after the first application was filed, and his/her rights and benefits (including Cost-of-Living retirement adjustments) shall not be less than those to which he would be entitled if he retires for service on the date of his/her later separation.

Section 10.7

In a district for which the Board of Supervisors is not the governing body, the Retirement Chief Executive Officer shall request the district to appoint to the Committee those personnel with functions similar to those of the County Administrator and Director of Personnel; and such other personnel shall then service on the Committee in lieu of the County Administrator and Director of Personnel.

IX. AMENDMENT OF REGULATIONS

Amendments to these regulations require 6 affirmative votes of the Board.

CONTRA COSTA COUNTY

BOARD OF RETIREMENT

REGULATIONS

Adopted 9/14/99

Amended 9/18/01

Amended 12/11/02

Amended 2/19/03

Amended 7/09/03

Amended 8/11/04

Amended 2/8/06

Amended 7/11/07

Amended 9/8/10

Amended 1/14/15

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**CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT
ASSOCIATION
BOARD OF RETIREMENT
REGULATIONS**

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**CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT
ASSOCIATION
BOARD OF RETIREMENT
REGULATIONS**

I. ADMINISTRATION

1. Name

The name of this Association is "The Contra Costa County Employees' Retirement Association" ("CCCERA" or the "Association").

2. Board

Whenever used in these Regulations, unless otherwise stated, "Board" and "Board of Retirement" mean CCCERA's Board of Retirement as defined in California Government ("Gov.") Code beginning at Section 31459.

2.1 Alternate Board Members

- A. The alternate safety, alternate appointed and alternate retiree members shall be provided with the same conference, education and manager on-site visit opportunities as all other Board members.
- B. The alternate safety, alternate appointed and alternate retiree members may participate in the deliberations of the Board or its committees including those deliberations held in closed session.
- C. Neither the alternate safety member, the alternate appointed member nor the alternate retiree member shall be entitled to serve as an officer of the Board.
- D. The alternate retiree member shall be entitled to the same compensation as the retiree member for attending a meeting, pursuant to Gov. Code Section 31521, whether or not the retiree member is in attendance at that meeting.
- E. The alternate appointed member shall be entitled to the same compensation as the fourth, fifth, sixth or ninth member, pursuant to Gov. Code Section 31520.12, whether or not the fourth, fifth, sixth or ninth members attend the meeting.

3. Election of Officers

At the first regular meeting in July, as the first order of business, the Board shall elect a ~~Chair~~Chairperson~~man~~, Vice-~~Chair~~Chairperson~~man~~, and Secretary, each to

hold office for a term of one year or until a successor is duly elected and qualified. The newly elected officers shall immediately be seated. The ~~Chair~~Chairperson~~man~~ shall appoint two Board members to assist in establishing the agenda as it relates to administrative or investment matters. Should an officer for any reason fail to complete his/her term, the Board shall select a successor for the balance of the expired term at its next regular meeting.

4. Delegation to Retirement Chief Executive Officer

In addition to the normal duties required to administer the Association on a day-to-day basis, the Retirement Chief Executive Officer is authorized to perform the following duties which are otherwise reserved for the Board:

- A. Issue subpoenas and subpoenas duces tecum under Gov. Code Section 31535.
- B. Release unclaimed funds under Gov. Code Section 31629 provided the claimant has adequately established his/her identity and makes application for the funds.
- C. Determine, under Gov. Code Section 31724, that the effective date of a member's disability retirement is a date earlier than the date the application was filed if the delay in filing was due to administrative oversight or inability to ascertain permanency and where credible documentation exists to support this fact.
- D. Accept elections for deferred retirement under Gov. Code Section 31700 and affidavits of membership under Gov. Code Section 31526.
- E. Correct prospectively any administrative error in the calculation of retirement benefits, with the issue of retroactive corrections, if any, to be reserved for the Board's exercise of discretion in accordance with the law.

5. Fiscal Year

The fiscal year for budget purposes shall be the calendar year.

II. MEETINGS

1. Regular Meetings

Regular meetings shall be held on the second and fourth Wednesday of each month at 9:00 a.m. in the Board Room of the Contra Costa County Retirement Association, 1355 Willow Way, Suite 221, Concord, California 94520, unless changed by the Board. The meeting regularly scheduled for fourth Wednesday in November shall instead be scheduled for the fourth Tuesday.

2. Quarterly Investment Review

The Board shall review investment manager performance at the meetings scheduled on the fourth Wednesday of February, May, and August, and on the fourth Tuesday of November at 9:00 a.m., unless changed by the Board.

3. Special Meetings

Special meetings may be called in accordance with the Ralph M. Brown Act.

4. Rules of Order

Unless otherwise provided herein, the general conduct of the Board shall be guided by Robert's Rules of Order, Revised, 1915 edition. All other proceedings, including those of motions and decorum, shall be guided by those provisions pertaining to an "Assembly" as specified in Robert's Rules of Order.

The ~~Chair~~Chairperson will:

- A. Vote on all Questions
- B. Recognize a member or non-member entitled to speak
- C. Enforce the rules and decorum specified in these Regulations

A motion for the "Previous Question" (to "call" or cut off debate of the immediate pending question) may be made by any member without a second. If no objections are made by the members, the ~~Chair~~Chairperson will immediately "put", without debate, the question. If an objection is made, a vote is immediately required, without debate, regarding the "previous question". A vote of 2/3 of the votes cast is necessary for adoption. If adopted, the ~~Chair~~Chairperson immediately "puts", without debate, the pending question.

4.a. Order of Business, First Meeting of the Month

The usual order of business at the first meeting of the month shall be:

- A. Public Comment
- B. Approval of minutes
- C. Routine items approval
- D. Closed Session for disabilities, litigation, and personnel matters.
- E. Report out of Closed Session
- F. Unfinished administrative business
- G. New administrative business
- H. Fiduciary/Staff education
- I. Miscellaneous
 - (i) Staff Report
 - (ii) Outside Professionals' Reports
 - (iii) Trustees' comments

| The ~~Chair~~[Chairperson](#) may modify the order of business.

4.b. Order of Business, Second Meeting of the Month

The usual order of business at the second meeting of the month shall be:

- A. Public Comment
- B. Approval of minutes
- C. Investment performance review
- D. Investment matters
- E. Actuarial matters
- F. Miscellaneous
 - (i) Staff Report
 - (ii) Outside Professionals' Report
 - (iii) Trustees' comments

| The ~~Chair~~[Chairperson](#) may modify the order of business.

5. Quorum

Five voting Members of the Board present at the meeting shall constitute a quorum. No motion may be passed or business transacted without five affirmative votes.

6. Communications and Requests

Communications and requests should be made in writing and any action of the Board thereon shall be noted in the minutes.

7. Minutes

The minutes or a true copy thereof, prepared in accordance with the Ralph M. Brown Act, shall be signed by the Secretary and the ~~Chair~~[Chairperson](#)~~man~~, and shall form part of the permanent records of the Board. The reason for a Board member's vote on a Board action shall be included in the minutes when requested by the member.

8. Committees of the Board

[The Chairperson shall appoint committees as deemed necessary to carry out the business of the Board. A quorum for a Committee meeting shall consist of three Board Members. Committee meeting will be open to the public, except for meetings of ad-hoc advisory committees consisting of less than a quorum of the full Board. A Chairperson and Vice-Chairperson for each Committee will be appointed by the Board of Retirement Chairperson.](#)

III. MEMBERSHIP

1. Exclusion from Membership – By Type of Employment

- A. All officers and employees of the County or districts shall be members of the association as provided in Article 4 under Sections 31550-31567 of the County Employees' Retirement Law of 1937 (Gov. Code Secs. 31450, et seq. "CERL"), unless excluded from membership by this Section.
- B. The following employees shall be excluded from membership:
 - (i) Temporary, seasonal or independent contract employees who are employed or re-employed for temporary service or at certain specified periods each year.
 - (ii) Intermittent or permanent-intermittent employees who are appointed to serve less than 80% of the full number of working hours required of regular employees or who actually serve less than 80% of such full number of working hours in one year as certified by their appointing authority.
 - (iii) Part-time employees whose service for the County or district is less than fifty (50) percent of the full number or working hours required of full-time employees at that employer.
 - (iv) Project employees, unless the appointing authority certifies that the project is expected to be of one year or more in duration on a greater than part-time basis.
 - (v) Provisional employees, unless they otherwise meet the requirements for reciprocal benefits with other retirement systems under Article 15 of CERL.
- C. In making its determination regarding an employee's inclusion in or exclusion from membership, the Board will not rely solely upon the term given to the type of employment. Rather, the Board will rely upon such additional facts such as the nature of the employment, its expected or actual duration, and its relationship to what is considered full-time, permanent employment.

2. Exclusion from Membership – by Compensation

Except as otherwise herein provided, all employees of the County or district who receive compensation amounting to less than one-hundred (\$100) dollars per month, and in the case of employees paid on other than a monthly basis an average of one-hundred (\$100) dollars per month for the preceding year, including maintenance valued according to the schedule adopted by the governing

body, are hereby excluded and exempted from membership in the Retirement Association. Any member of the Retirement Association whose salary is reduced to an amount less than one-hundred (\$100) dollars per month shall have the option of continuing or discontinuing his/her active membership in the Association.

2.1 Exclusion from Membership – by Waiver

Newly hired employees age 60 and older may waive membership as authorized by Gov. Code Section 31552. Any such waiver of membership shall be effective only if it is submitted to the CCCERA Retirement Chief Executive Officer within 90 days of the employee's date of hire; provided, however, that the Retirement Chief Executive Officer may, in his/her sole and reasonable discretion, waive the time limitation if the newly hired employee establishes good cause for such a waiver.

3. Certifications

Every employee of the County or district within the county whose employees are members of the Association shall, upon entry into the Association, complete a sworn statement as provided for in Gov. Code Section 31526(b). A certified copy of the member's birth certificate or other evidence of birth may be required by the Board.

It shall be the employer's responsibility to assure compliance with this section. The Board shall assess the employer five hundred (\$500) dollars per employee for every month or fraction thereof that the required certification is not submitted. The Board shall notify the employer in writing of the imposition of assessment at least thirty days before the assessment.

IV. CONTRIBUTIONS AND REPORTING

1. Leave of Absence

When a leave of absence without pay is less than a full calendar month, the full monthly contribution, if available from the member's salary, shall be deducted from the member's earnable compensation and service credit shall be given for a full calendar month. If the amount of the member's salary for the applicable period is less than the contributions due, then no deduction shall be made for service credit. (Gov. Code section 31527, subd. (a).)

Members on stipendiary educational leaves shall continue to make contributions.

2. Due Dates

Each employer shall report to the Association in a manner and frequency as determined by the Board sufficient for the Board to credit contributions and service to each member's record.

Unless otherwise specified, reports shall be due no later than the tenth of each month for the previous month's payroll and shall be accompanied by member and employer contributions. If the tenth of the month falls on a weekend or holiday, the due date shall be the last working day before the tenth. Reports, which are unreadable or incorrect, shall not be accepted and shall be returned to the employer.

Reports and contributions received after the due date shall be considered late and subject to a late reporting penalty equal to: the prime rate in effect on the due date computed on a daily, non-compounding basis and applied to the contributions due.

3. Drops in Payroll

Whenever the employer's reportable payroll drops to a level which is lower than 70% of its payroll during the same period in the preceding year, the Board may investigate the cause. Whenever the employer's reportable payroll drops to a level which is lower than 50% of its payroll during the same period in the preceding year, the Board shall investigate the cause. If the Board determines that the cause is other than temporary it shall determine the amount of contributions due from the employer to continue paying its share of any unfunded liability. This amount shall then be due from the employer in addition to any contributions made on the reduced payroll.

4. Employer Certification

Each report as specified in Section IV.2 shall include or be accompanied by a certification, under penalty of perjury, as to its accuracy. The certification shall be made by a duly authorized representative of the employer.

V. SERVICE

1. Leave of Absence

When a member returns from a medical leave of absence without pay, the member shall receive credit for up to 12 months of the leave time if the member pays an amount equal to what he or she would have paid, including any amount that would have been paid by the member's employer on the member's behalf (i.e., subvented), had he or she not taken the leave together with the interest that such amount would have earned had it been on deposit. Calculation of the cost of the leave purchase and the method of payment for such leave shall be as provided in Gov. Code Section 31646.

2. Prior Service

In establishing the length of prior service for any member entitled to credit therefore, official payroll records or other official records shall be controlling. In the event that any of such records are unavailable, the Board, in its discretion, may accept affidavits of the employee, affidavits of the employee's employer, affidavits of fellow employees or such other sworn evidence as the Board determines to be pertinent.

For the purpose of these Regulations, credit for prior service for a per diem employee entitling the employee to a full year's credit towards retirement shall mean 200 or more workdays of service rendered in any one calendar year including leave of absence, vacation and sick leave duly granted, but not more than one year of credit shall be allowed for service in any one calendar year. Service of less than 200 workdays in any one calendar year shall be credited on the pro-rata basis of 250 workdays per year.

Prior service shall include all service for the employer and all service while on leave from the employer for military duty, which is prior to the establishment of the retirement system.

3. Sick Leave Credit

The following provisions govern the use of sick leave credit toward service credit at retirement under Government Code Sections 31641.01 as adopted by the County Board of Supervisors.

- A. The total hours of sick leave accumulated by the member on the date of retirement, at the rate of one day for each one day earned, shall be certified as to its accuracy in writing under penalty of perjury by the duly authorized representative of the employer.

- B. The Association shall convert the total sick leave into years and fractions of a year using the following equivalencies:
- (i) For firefighters, accumulated sick leave hours at retirement shall be divided by 2,912 (average number of working hours per year for a firefighter).
 - (ii) For all other members, the accumulated sick leave hours at retirement shall be divided by 2,000 hours (average number of working hours per year).
- C. The formula used to determine the sick leave service credit value shall be the same as used for the member's service category at the time of retirement.

4. Service Purchase

Any member who elects to purchase prior public service under Government Code Section 31641.2, prior nonmembership service under Government Code Section 31641.5, prior service under Government Code Section 31648, or military service under Government Code Section 31649.5, shall be eligible to make the purchase anytime before applying for retirement.

Any member who elects to purchase prior public service under Government Code Section 31641.2, prior nonmembership service under Government Code Section 31641.5, prior service under Government Code Section 31648 or military service under Government Code Section 31649.5 shall be permitted to make such purchase in installment payments as provided for in Section V, paragraph 6 of these Regulations.

5. Redeposit of Withdrawn Contributions

On redeposit, a member must pay withdrawn contributions plus any interest as defined in Gov. Code Section 31472.1, subject to Section V, paragraph 8.

The redeposit will exclude contributions subvented by the employer under Gov. Code Secs. 31581.1 31581.2 and 31630, and exclude any Cost of Living (COL) contributions that were not otherwise paid by members as a result of a transfer of excess surplus funds for that year.

6. Installment Payments

Whenever a member elects to purchase prior public service (Gov. Code Sec. 31641.2), prior nonmembership service (Gov. Code Sec. 31641.5), prior military service (Gov. Code Sec. 31649.5), prior service (Gov. Code Sec. 31648), or leave of absence service (Gov. Code Sec. 31646), or elects to redeposit withdrawn

service (Gov. Code Sec. 31652), and the member elects to make such purchase or redeposit in installment payments, the following shall govern:

- A. The amount of service represented by each installment payment shall be computed by dividing the amount of the installment payment by the total cost of purchase or redeposit, and multiplying the resulting percent by the total service being purchased or redeposited.
- B. The member's service credit record shall be increased to reflect each installment payment as it is received and shall be applied to the most recent service for which credit is available.
- C. The member's account balance shall be increased to reflect each installment payment as it is received. Unless otherwise certified by the employer, the installment payment will be deemed and credited as after-tax member contributions.
- D. If the member dies, requests a refund, or retires either for service or disability, no further installments shall be accepted. Any benefit payable thereafter shall recognize or include service purchased or redeposited and account balances to date.
- E. If multiple periods of service are eligible for purchase or redeposit, the cost of each period shall be separately computed and any installments shall apply to the most recent service period first.
- F. Unless otherwise prohibited by law (leave of absence without pay under Gov. Code Sec. 31646, prior public service under Gov. Code Sec. 31641.2, and prior nonmembership service under Gov. Code Sec. 31641.5), the member shall be eligible to make installment payments so long as he or she continues to be actively employed.

As for service purchased under Government Code Sections 31641.5 and 31646, such payments may be made by lump sum or by installment payments over a period not to exceed the length of time for which the member has elected to receive credit, in the manner otherwise provided for in this paragraph 6.

As for service purchased under Government Code Section 31641.2, such payments may be made during active employment as a member by lump sum or by installment payments over a period not to exceed five years.

- G. A member may elect installment payments by monthly payroll deductions on a post tax basis.
 - (i) A Purchase Contract must be signed for payroll deductions.

- (ii) All payroll deduction Purchase contracts must be paid in full by the member's retirement date or within 120 days of termination.
- (iii) Service credit is posted to member's account at the completion of the contractual payments.

7. Conversion of Tier II Service Credit

Once a member elects or by resolution has been placed into Tier III membership under Gov. Code Sec 31755 he or she is eligible to convert all or any part of Tier II service credit to Tier III service credit.

The member's cost shall be the difference between the total amount he or she and the employer paid into the Association under Tier II and what would have been contributed during the same time if the employee had been under Tier III, together with interest as defined in Section 31472.1, subject to Section V, paragraph 8.

8. Forgiveness of Interest

In cases where a member is redepositing withdrawn contributions, purchasing service credit or converting service credit in accordance with this Section V, interest shall not include the most recently credited interest amount if all of the following conditions are met:

- A. The member requested a calculation of the cost of the purchase or conversion more than three months prior to the June 30 or December 31 interest crediting date.
- B. The member received the requested calculation after the June 30 or December 31 interest crediting date.
- C. Within 30 days of receipt of the requested calculation the member pays all or a part of the cost with a lump sum payment.

VI. COMPENSATION

1. Compensation for Retirement Purposes.

The Board has adopted a Board Compensation Policy listing items of compensation that are included in “compensation”, “compensation earnable”, and “final compensation” as defined in Government Code Sections 31460, 31461, and 31462.1. The Retirement Association will provide each employer with a copy of the Board Compensation Policy. Each employer is required to transmit promptly to the Retirement Association, contributions on each item of compensation listed in the Compensation Policy as includible in “compensation”.

2. New or changed pay items.

Each employer shall report to the Association in writing within 30 days of any of the following events:

- A. A new pay item is created.
- B. There has been a change in either an existing pay item or the conditions under which the pay item is computed, accrued or paid.
- C. Notification received after the 30 days adoption shall be considered late and shall be assessed as defined in Section IV.2.
- D. Upon notification, the Board shall determine whether the pay item is included in “compensation” as defined in Section 31460.

VII. NORMAL RETIREMENT AGE AND BONA FIDE SEPARATIONS

Normal Retirement Age

For purposes of applying the Pension Protection Act of 2006 (“PPA”) and complying with other applicable tax-related laws (such as restrictions on in-service distributions), effective July 1, 2007, the “Normal Retirement Age” for CCCERA members shall be the age set forth in CERL retirement formula for an unreduced benefit that applies to each CCCERA member immediately preceding the effective date of his or her retirement from a CCCERA employer. For example, the Normal Retirement Age for a member who earns retirement service immediately before retirement under a “3% at 50” retirement formula (Gov. Code section 31664.1) is 50 years of age. The Normal Retirement Age for a member who earns retirement service immediately before retirement under a “2% at 55” retirement formula (Gov. Code section 31676.16) is 55 years of age.

Notwithstanding the foregoing, Normal Retirement Age for CCCERA members shall in no event be earlier than (i) age 55 for CCCERA members who are not Qualified Public Safety Employees (as defined in Internal Revenue Code section 72(t)(10)(B)) immediately prior to their retirement; and (ii) age 50 for CCCERA members who are Qualified Public Safety Employees.

The Board may change or further refine its determination of Normal Retirement Age as described herein in order to comply with any rules or regulations of the Internal Revenue Service or other applicable law. The Board’s current determinations of Normal Retirement Age are based upon the findings and conclusions set forth in Board of Retirement Resolutions 2007-1 and 2007-2.

Bona Fide Separation from Service

A) In order to comply with tax law restrictions on in-service distributions, a member who retires at an age younger than Normal Retirement Age, as defined herein, may not enter into an agreement, either oral or written, prior to the date the member's retirement commences, to be reemployed while retired by the same CCCERA employer, regardless of the length of the member's break in service after retirement. The member must acknowledge in writing to CCCERA at the time of retirement that the member has been informed of these requirements and limitations on post-retirement employment and that no prearrangement to be reemployed while retired exists.

B) A member who retires at an age younger than Normal Retirement Age, as defined herein, must have at least a continuous 90-day break in service from the date of the member's last day of employment prior to being reemployed while retired by the member’s prior CCCERA employer.

- C) If a member is reemployed without compliance with subsections (A) and (B) above, the retired member's retirement benefits from CCCERA must cease as soon as practicable upon discovery by CCCERA and will not resume until the member has a bona fide separation from service or reaches Normal Retirement Age, whichever occurs first.
- D) The definitions, limitations and requirements contained herein shall be provided to every CCCERA member who inquires about retirement.

VIII. WITHDRAWALS

1. Discontinued Service

The service of a member will be considered “discontinued” under Gov. Code Section 31628 only if the member has actually terminated employment and either the termination is due to lay-off or the member is not reemployed by that employer for a period of 45 days.

The service of a member will not be considered discontinued if the member continues to work for the employer or for another participating employer, even if the member’s work schedule is below the minimum number of hours required to qualify for coverage. In these cases interest will continue to be credited to the member's account.

2. Account Withdrawals

All requests to withdraw an account must be in writing.

All payments of an account balance shall be in the form of either or both of the following:

- A. A lump sum distribution
- B. A rollover to an IRA or a new employer’s Qualified Plan per current IRS guidelines.

3. Interest Crediting

Interest is credited to the account of a pending refund request on June 30th or December 31st if the funds have been on deposit for six months or more in accordance with Gov. Code Section 31591.

A member who continues employment in a non-covered position will have interest credited to his/her account.

4. Account Reinstatement

A member who has appealed a dismissal and has been reinstated by the employer is allowed to redeposit withdrawn retirement contributions, plus interest, and will be reinstated as of the original date of membership in the Association.

IX. NEW PARTICIPATING EMPLOYERS (Section 31557)

All officers and employees of any newly participating district shall become members of the Association as provided in Section 31557.

- A. An actuarial valuation shall be made to determine liability.
- B. The district shall pay the cost of the valuation.

**X. PARTICIPATING EMPLOYER WITHDRAWAL
(SECTIONS 31564 AND 31564.2)**

An employer, by resolution, may withdraw its employees from membership in the Association as provided in Government Code sections 31564 and 31564.2.

- A. Upon notification by an employer that it is considering withdrawing from the Association, the Association will provide the employer with a copy of the Association's Employer Termination Policy.
- B. An employer shall comply with the Association's Employer Termination Policy to ensure the actuarial soundness of the retirement system.

XI. DISPENSING WITH RECALCULATION FOR MINOR DISCREPANCY

1. Closed Accounts

The Board authorizes the Retirement Chief Executive Officer to refrain from collecting an under payment or refunding an overpayment of accumulated contributions from a member who has terminated from the association and cannot be located, whenever the amount is fifty dollars (\$50) or less.

2. Active, Deferred and Retiree Accounts

The association may dispense with issuing any check whenever the retroactive liability is less than five dollars (\$5).

XII. APPLICATIONS FOR DISABILITY RETIREMENT

(Adopted: Retirement Board – June 14, 1977)

(Approved: Board of Supervisors – June 28, 1977)

1. Application Form

An application for service-connected or nonservice-connected disability retirement shall be filed on the Application for Disability Retirement form prescribed by the Board of Retirement, and shall include either a completed Physician's Statement or another form of medical report to support the Application.

2. Effective Date Of Disability Retirement Allowance

(a) The effective date of a disability retirement allowance shall be established pursuant to Gov. Code Section 31724.

(b) The applicant may apply to have the disability retirement allowance become effective earlier than the date the application is filed upon a showing the application was delayed due to administrative oversight or by the inability to determine the permanency of the disability until after the date following the last day for which the applicant received regular compensation, by completing the applicable section of the Application for Disability Retirement form. The failure of the applicant to apply for an earlier effective date at the time the application is filed shall constitute a waiver of the right to apply for an earlier effective date.

3. Denial Without Prejudice

(a) In the event the medical advisor's recommendation is to deny the disability application (without prejudice), the member may submit additional medical information to support the application and/or request a hearing within six (6) months of notice of the denial.

(b) In the event the medical advisor's recommendation is to grant the disability application, the Board of Retirement will review the recommendation and take action on the application for disability retirement. If the Board denies the application (without prejudice), the member may request a hearing within six (6) months of notice of the denial.

4. Request For Hearing

Any applicant for disability retirement shall, upon request, be entitled to a hearing, at the sole discretion of the Board of Retirement, before the Board, or before a referee appointed by the Board pursuant to Gov. Code section 31533.

Any such request for hearing shall be in writing, and shall be made within 30 days after notice of the Board's action denying the application is mailed by certified or registered mail to the applicant. An application is deemed made on the date mailed if mailed by certified or registered mail, on the date postmarked if mailed by first class mail and received, or on the date received by the Association, whichever is earlier.

5. Judicial Review

In any matter in which the party or applicant is entitled to judicial review of any action taken by the Board of Retirement, the petition to the court must be filed within 90 days from the date the notice of the Board's decision is delivered to the party or applicant, or served by certified or registered mail upon the party or applicant or the party's or applicant's attorney.

The procedure for hearings on disability retirement applications that the Board of Retirement or a Referee holds in connection with determination of disability retirement benefits under CERL shall be set forth in the Board of Retirement's separate policy regarding the same.

XIII. CONTINUED EMPLOYMENT OF PARTIALLY DISABLED EMPLOYEES

(Approved: Board of Supervisors – May 9, 1972)

NOTE: This entire section (formerly Section 10) is under consideration for either a complete rewrite and renumbering, or deletion. Below is a reproduction of Section 10 as created in 1972.

Section 10.1 – Purpose

This regulation governs the procedures for the continued employment of partially disable members pursuant to Government Code Section 31725.5 and County Ordinance Code Section 2468.

Section 10.2 – Definitions

In this regulation, unless otherwise specifically provided, or required by the context, these terms have these meanings:

- A. “Reassignment” means the appointment (pursuant to the Statute, the ordinance and this regulation) of a member to a position, with duties different from, and compensation earnable higher, lower, or the same as, the position for which he is incapacitated.
- B. “Board” means the Board of Retirement (Retirement Board).
- C. “Retirement Chief Executive Officer” means the Retirement Administrator as defined in Government Code Section 31522.
- D. “Incapacitated for the performance of his/her duties” means the permanent inability of the member, due to physical or mental causes, to perform the duties of his/her specific position.
- E. “Committee” means the Rehabilitation Committee.
- F. “Governing Body” means the Board of Supervisors or the elected officials governing a district.
- G. “District” is defined in Government Code Section 31468.

Section 10.3 – Rehabilitation Committee

- A. A Rehabilitation Committee is hereby established for the purpose of recommending whether a member shall be reassigned.

- B. Except as provided by Section 10.7, this committee shall consist of the following:
- a. The permanent members are a member of the Board designated by it; and the County Administrator, Director of Personnel and County Health Officer or their designees; and the Retirement Chief Executive Officer or his/her designee, who serves as secretary without a vote.
 - b. The appointing authority within the department or district to which the reassignment is proposed or his/her (its) designee.
 - c. The employee and/or his/her designee, unless he waives membership.

Section 10.4 – Procedure

- A. After an application for disability is filed, the Retirement Chief Executive Officer shall consult with the Board's medical advisor, the member employee and others as necessary, to determine whether a reassignment appears feasible (in view of the member employee's condition) if the Board later finds the member employee to be incapacitated for the performance of his/her duties. If a reassignment appear feasible to the Retirement Chief Executive Officer, he shall convene the permanent members of the Committee and the employee or his/her designee, and they shall explore the practicabilities of returning the member employee to his/her previous position or reassigning, rehabilitating and/or retraining him/her.
- B. When a department or district is located to which a reassignment appears feasible, the appointing authority within it shall be added to the Committee (pursuant to Section 10.3B(2) above).
- C. The Committee may make its recommendation to the Board at any time before or after Board action on the application for disability retirement.

Section 10.5 – Reassignment

After the Board determines that the member employee is incapacitated for the performance of his/her duties, he shall be reassigned, in lieu of being retired for disability, if the appointing authority in the department or district in which he is to be employed and the Governing Body agree to his/her appointment and the appointment is made in accordance with any applicable merit or Civil Service system rules.

Section 10.6 – Later Retirement

If a member who has accepted reassignment is voluntarily or involuntarily separated from the service thereafter, his/her retirement benefits and rights, including those of his/her beneficiaries, shall be determined as if he were being retired on the date of this

later separation for the same type of disability retirement as he would have received had he been retired originally instead of reassigned, but a new application may be filed for disability retirement based on his/her job connected injury or disease occurring after the first application was filed, and his/her rights and benefits (including Cost-of-Living retirement adjustments) shall not be less than those to which he would be entitled if he retires for service on the date of his/her later separation.

Section 10.7

In a district for which the Board of Supervisors is not the governing body, the Retirement Chief Executive Officer shall request the district to appoint to the Committee those personnel with functions similar to those of the County Administrator and Director of Personnel; and such other personnel shall then service on the Committee in lieu of the County Administrator and Director of Personnel.

IX. AMENDMENT OF REGULATIONS

Amendments to these regulations require 6 affirmative votes of the Board.



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 10, 2015

Subject: OPTIONS FOR SETTING BOARD OF SUPERVISORS MEMBER SALARIES

RECOMMENDATION(S):

CONSIDER report on options for setting Board of Supervisors member salaries.

FISCAL IMPACT:

None. This is an informational report.

BACKGROUND:

The Board of Supervisors requested a report for the February 10, 2015 Board meeting on options to consider for setting their salaries, as well as possible amount. The last time the Board increased their salaries was July 1, 2007 when they received a 2% cost of living adjustment (COLA). The Supervisors also took wage reductions of 2.75% from July 1, 2009 through July 31, 2013 along with a majority of the County Employees.

There are a variety of ways that the Counties of California set salaries for Supervisors:

1. As a percentage of Superior Court Judges:

The Board has already seen information about what the Bay Area Counties and what large Urban Counties do, both as it relates to methods for setting salaries and as to current salary levels. Attached are the materials previously provided to the Board of Supervisors. A quick summary of those materials indicates that the Counties of Alameda, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma were used in the Salary Survey. Six of the eight Counties set their salaries as a percentage of that of the Superior Court Judges. Additionally, of the 12 Counties in California designated as "Urban Counties" based on population, 8

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☐ APPROVED AS
RECOMMENDED

☒ OTHER

Clerks Notes: See Addendum - Multiple Motions

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II
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: February 10, 2015
, County Administrator and Clerk of the Board of Supervisors

NO: Mary N. Piepho, District III
Supervisor

By: June McHuen, Deputy

Contact: David Twa
925-335-1080

cc:

BACKGROUND: (CONT'D)

>

of those also set their Supervisors Salaries as a percentage of that of the Superior Court Judges. Among the 9 Bay Area Counties, Contra Costa County is the third most populous county.

Under state law, judicial salaries are linked to pay increases for other state workers. The law requires judicial salaries to increase by the average salary increase for state employees, negotiated through labor contracts. This is pursuant to provisions of California Government Code section 68203, subdivision (a). Yearly increases in judicial salaries are automatically linked to salary increases received by executive branch employees as negotiated through statewide collective bargaining agreements. After the agreements are executed, the California Department of Human Resources calculates the proposed increase amount and submits a formal Exempt Pay Letter to the Office of the State Controller.

2. Some California counties continue to set Supervisors salaries by an Ordinance process.
3. Some California counties use Ad Hoc Compensation Committees to recommend adjustments to Supervisors salaries. Santa Barbara County's Ad Hoc Committee has members selected by the CEO with input by the Board of Supervisors members. Their committee consists of representatives from the taxpayers' association, chambers of commerce, non-profits, and private sector businesses. San Luis Obispo has a similar Ad Hoc Committee.
4. San Francisco City and County (a charter county) uses their Civil Service Commission to set elected officials' salaries, including those of the Supervisors on a five-year cycle.
5. The state of California uses a California Citizens Compensation Commission to set the salaries of the elected state officers, including the Governor, and members of the Legislature.
6. Here is an example from another state:

"Gallatin County, MO: There is a county compensation board consisting of the county commissioners, three of the county officials described in subsection (1) appointed by the board of county commissioners, the county attorney, and two to four resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one or two taxpayer members for a 2-year term and one or two taxpayer members for a 3-year term. The county compensation board shall hold hearings annually for the purpose of reviewing the compensation paid to county officers. The county compensation board may consider the compensation paid to comparable officials in other Montana counties, other states, state government, federal government, and private enterprise.

The county compensation board shall prepare a compensation schedule for the elected county officials, including the county attorney, for the succeeding fiscal year. The schedule must take into consideration county variations, including population, the number of residents living in unincorporated areas, assessed valuation, motor vehicle registrations, building permits, and other factors considered necessary to reflect the variations in the workloads and responsibilities of county officials as well as the tax resources of the county.

A recommended compensation schedule requires a majority vote of the county compensation board, and at least two county commissioners must be included in the majority. A recommended compensation schedule may not reduce the salary of a county officer that was in effect on May 1, 2001."

Consideration of Salary level

As to what should be the salary level, there have been many suggestions from Supervisors, employee labor groups, and the general public. As to the process and an appropriate level, one of many options that the Board of Supervisors could consider would be a hybrid approach:

- Adopt an ordinance now increasing the salary by the amounts given to employees in July, 2014 (4%) plus the 3% employees will receive on July 1, 2015 (current salary of \$97,483 plus 7% compounded = \$104,424)

- With or without tying that amount to a % of the judge's salary (rounding to 57% of judges salary would be \$105,228)
- Appoint a 'citizens commission' to review and make recommendations for what would be an appropriate salary after that time (either by adjusting the percentage tied to the judges salaries or a new salary ordinance).
- Possible members of a citizens salary review commission could be representatives from some or all of the following:
 - Civil Grand Jury
 - Taxpayers' Association
 - East Bay Leadership Council (formerly the Contra Costa Council)
 - Non-profit organizations
 - Labor organizations
 - Registered voters
 - Mayors' Association

CONSEQUENCE OF NEGATIVE ACTION:

None. This is an informational report.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

CLERK'S ADDENDUM

Speakers: Margaret Hanlon-Gradie, Contra Costa AFL-CIO Labor Council; Mark Peterson, resident of Contra Costa; Eileen Bissen, resident of Contra Costa.

DIRECTED the County Counsel to prepare two ordinances for possible introduction on March 3, 2015: one authorizing a 7% (based on a 4% general COLA granted to employees in July 2014 plus a 3% COLA that employees will receive on July 1, 2015) increase to the Board of Supervisors member salaries to the level of \$104,307, and an alternate ordinance that additionally links the Board's salary level to that of Superior Court Judge's salary. AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District IV Supervisor Karen Mitchoff, District V Supervisor Federal D. Glover NO: District III Supervisor Mary N. Piepho

DIRECTED the County Administrator to convene an ad hoc committee to study the Board of Supervisors compensation; one person to be selected from each of the following organizations (organization will choose the representative):

- a) Contra Costa County Civil Grand Jury b) Contra Costa County Taxpayers Association c) East Bay Leadership Council (formally the Contra Costa Council) d) Contra Costa County Central Labor Council e) Contra Costa County Human Service Alliance***

The committee is requested to :

- a) Review current compensation of Board of Supervisors b) Recommend any adjustment to current level of compensation c) Recommend methodology and process by which any future adjustments would occur d) Prepare recommendations for Board of Supervisors consideration no later than June 30, 2015.***

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

ATTACHMENTS

Board of Supervisors Salary Comparison_October 2014

URBAN COUNTY BOARD OF SUPERVISORS MEMBER			
Sorted by Salary (highest to lowest)			
Counties ¹	County Population ²	Annual Salary ³	Salary Formula
LOS ANGELES	10,017,068	\$181,292	100% of Superior Court judges salary
SAN BERNARDINO	2,088,371	\$151,971	San Bernardino - Set by Ordinance; tied to average of Riverside, Orange, San Diego, and L.A. BOS salaries
SAN DIEGO	3,211,252	\$147,688	80% of Superior Court judges salary
SANTA CLARA	1,862,041	\$147,684	80% of Superior Court judges salary
ALAMEDA	1,578,891	\$147,680	80% of Superior Court judges salary
RIVERSIDE	2,292,507	\$143,031	80% of Superior Court judges salary
ORANGE	3,114,363	\$143,031	80% of Superior Court judges salary
VENTURA	839,620	\$126,904	70% of Superior Court judges salary
SAN MATEO	747,373	\$126,144	Set by Ordinance
SAN FRANCISCO	837,442	\$110,858	Set by Civil Service Commission every 5 years
SACRAMENTO	1,462,131	\$99,723	55% of Superior Court judges salary
CONTRA COSTA	1,094,205	\$97,483	Set by Ordinance
¹ Counties represent urban California counties ² Data from U.S. Census Bureau 2013 estimates ³ Figures may be rounded, and may not include 1.83% judicial salary increase effective July 1, 2014			

BAY AREA COUNTY BOARD OF SUPERVISORS SALARIES			
Counties ¹	County Population ²	Annual Salary ³	Salary Formula
SANTA CLARA	1,862,041	\$147,684	80% of Superior Court Judge salary
ALAMEDA	1,578,991	\$147,684	80% of Superior Court Judge salary
SONOMA	495,025	\$138,459	75% of judicial salaries
SAN MATEO	747,373	\$126,144	Set by Ordinance
SAN FRANCISCO	837,442	\$110,858	Set by Civil Service Commission every 5 years
MARIN	258,365	\$108,784	60% of Superior Court Judge salary, plus COLA calculated by Bay Area consumer price index
SOLANO	424,788	\$97,843	53% of Superior Court Judge's salary
CONTRA COSTA	1,094,205	\$97,483	Set by Ordinance
NAPA	140,326	\$84,198	47.09% of Superior Court Judge's Salary
¹ Surveyed counties represent the other 8 ABAG counties ² Data from U.S. Census Bureau 2013 estimates ³ Figures may be rounded and may not include 1.83% judicial salary increase effective July 1, 2014			



**Contra
Costa
County**

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: February 10, 2015

Subject: APPROVE the Pomona Street Pedestrian Safety Improvement Project and related actions under the California Environmental Quality Act

RECOMMENDATION(S):

APPROVE the Pomona Street Pedestrian Safety Improvement Project and AUTHORIZE the Public Works Director, or designee, to advertise the project, Crockett area. [County Project No. 0662-6R4069, DCD-CP#14-37] (District V)

DETERMINE the project is a California Environmental Quality Act (CEQA) Class 3(d) Categorical Exemption, pursuant to Article 19, Section 15303(d) 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 a \$25 fee to Conservation and Development for processing, and a \$50 fee to the County Clerk for filing the Notice of Exemption.

FISCAL IMPACT:

The project will be funded by 43% Transportation Development Act (TDA) Grant Funds and 57% Local Road Funds.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: Stacey M. Boyd, Deputy

Contact: Trina Torres, 925-313-2176

cc:

BACKGROUND:

The purpose of the Pomona Street Pedestrian Safety Improvement Project (Project) is to install sidewalk and crosswalk enhancements to improve pedestrian safety and accessibility to nearby schools and facilities, as well as increase driver awareness at existing crosswalks. The Project consists of clearing and grubbing, saw cutting, removing and replacing portions of asphalt, curb, gutter, and sidewalk; installing Americans with Disabilities Act (ADA) compliant curb ramps, bulb-outs, pedestrian refuges (medians), landings, and extensions, as well as detectable warning surfaces (rumble), rectangular rapid flash beacons (RRFBs), and pedestrian buttons at pedestrian crossings; modifying/adjusting crosswalks and utilities; installing/adjusting storm drains and inlets, installing new storm drain pipes; removing, replacing, and adjusting signage; removing two trees, and re-striping the roadway as needed. Real property transactions, including right-of-way, may be necessary in support of the Project. Project locations are as follows:

1. Pomona Street / 3rd Avenue between 2nd Avenue and 3rd Avenue near John Swett High School and Carquinez Middle School.
2. Pomona Street / Rolph Avenue / Rolph Park Drive near Rolph Memorial Monument.
3. Rolph Avenue near John Swett High School and Crockett Community Center.
4. Pomona Street approximately 700 feet east of Crockett Community Center near the churches.

CONSEQUENCE OF NEGATIVE ACTION:

Delay in approving the Project could result in a delay of design and construction and jeopardize funding.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

CEQA Document

PUBLIC WORKS DEPARTMENT
INITIAL STUDY OF
ENVIRONMENTAL SIGNIFICANCE

PROJECT NUMBER: ~~0662-6P1025~~ 0662-6R4069
CP# 14 - 37

PROJECT NAME: Pomona Street Pedestrian Safety Improvements

PREPARED BY: Trina R. Torres

DATE: January 8, 2015

APPROVED BY: _____

DATE: 1-16-15

RECOMMENDATIONS:

☒ **Categorical Exemption [Class 3d]**

☐ 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: Pursuant to Section 15303 (d) of the CEQA guidelines, the project consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (d) *Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.* The project will not result in the removal of any scenic resource.

What changes to the project would mitigate the identified impacts: N/A

USGS Quad Sheet: <u>Benicia</u>	Base Map Sheet #: <u>D-9</u>	Parcel #: <u>N/A</u>
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GENERAL CONSIDERATIONS:

1. **Location:** The Project is located on Pomona St. between 2nd Ave. to approximately 700 feet east of Rolph Park Dr. in the unincorporated town of Crockett, west Contra Costa County [Figures 1 - 8].
2. **Project Description:** The purpose of this project is to install sidewalk and crosswalk enhancements to improve pedestrian safety and accessibility to nearby schools and facilities, as well as increase driver awareness at existing crosswalks.

The Project consists of clearing, and grubbing, saw cutting, removing and replacing portions of asphalt, curb, gutter, and sidewalk; installing Americans with Disabilities Act (ADA) compliant curb ramps, bulb-outs, pedestrian refuges (medians), landings, and extensions, as well as detectable warning surfaces (rumble), rectangular rapid flash beacons (RRFBs), and pedestrian buttons at pedestrian crossings; modifying/adjusting crosswalks and utilities; installing/adjusting storm drains and inlets, installing new storm drain pipes; removing, replacing, and adjusting signage; and re-stripping roadway as needed.

- **Pomona St. / 3rd Ave. (Figure 5):** On the south side of Pomona St. at 3rd Ave.: Excavate roadway, install a new drainage inlet and storm drain pipe (approximately 18-inches by 150 lf.) to connect to an existing drainage inlet on 2nd Ave.; widen sidewalk, and install curb and gutter; install ADA compliant bulb-out with detectable warning surfaces (rumble), pedestrian activated buttons, double-faced RRFBs; install pedestrian refuge/median (approximately 6 ft. x 30 ft.) on Pomona St. (center of roadway). On the north side of Pomona at 3rd Ave.: Excavate roadway, install a new drainage inlet and storm drain pipe (approximately 18-inches x 20 LF) to connect to an existing drainage inlet; extend sidewalk and install ADA compliant curb ramps.
- **Pomona St. / Rolph Ave. and Rolph Park Dr. (Figure 6):** Sawcut existing roadway and concrete, install a pedestrian refuge / median (approximately 8ft. by 20 ft.) on roadway, and install an ADA compliant bulb-out on Pomona St. at Rolph Ave.; install an ADA compliant bulb-out, curb, gutter, and sidewalk on Pomona St. at Rolph Park Dr.; install detectable warning surfaces (rumble), pedestrian buttons on both sides of each crosswalk, re-stripe roadway as needed; and, upgrade existing curb ramps by installing ADA compliant curb ramps.
- **Rolph Ave. (Figure 7):** Install ADA compliant curb ramp on east side of crosswalk; install detectable warning surfaces (rumble), pedestrian buttons, double-faced RRFBs, on both sides of the crosswalk; and restripe roadway as needed, near John Swett High School and Crockett Community Center.
- **Pomona St. / Crockett Community Center (Figure 8):** Approximately 700 feet east of Crockett Community Center, install two ADA compliant curb ramps, detectable warning surfaces and double-faced RRFBs on both sides of crosswalk. Also, two trees may need to be removed on the south side of the crosswalk.

(Page 1 of 2)

Continued for:

Pomona St. Pedestrian Safety Improvements

0676-6P1025 / CP#14-37

Page 2 of 2

The Project will maintain the existing drainage pattern. Appropriate Best Management Practices (BMPs) will be implemented to protect storm drains and inlets.

Two trees may need to be removed: one 2-inch diameter at breast height (dbh) ginkgo sapling and one 14-inch dbh bay tree in order to accommodate the curb ramps. The two trees slated for removal will be removed outside nesting bird season (February 15 – August 30) or a nesting bird survey will be conducted prior to initiating work. Tree and shrubbery trimming may be necessary throughout the Project area. In order to minimize damage to trees, any roots exposed during construction activities will be clean cut and tree branches will be trimmed.

One lane will be open at all times during construction activities. Emergency vehicles will have access at all times. Real property transactions including right-of-way may be necessary in support of the Project.

3. Does it appear that any feature of the project will generate significant public concern?

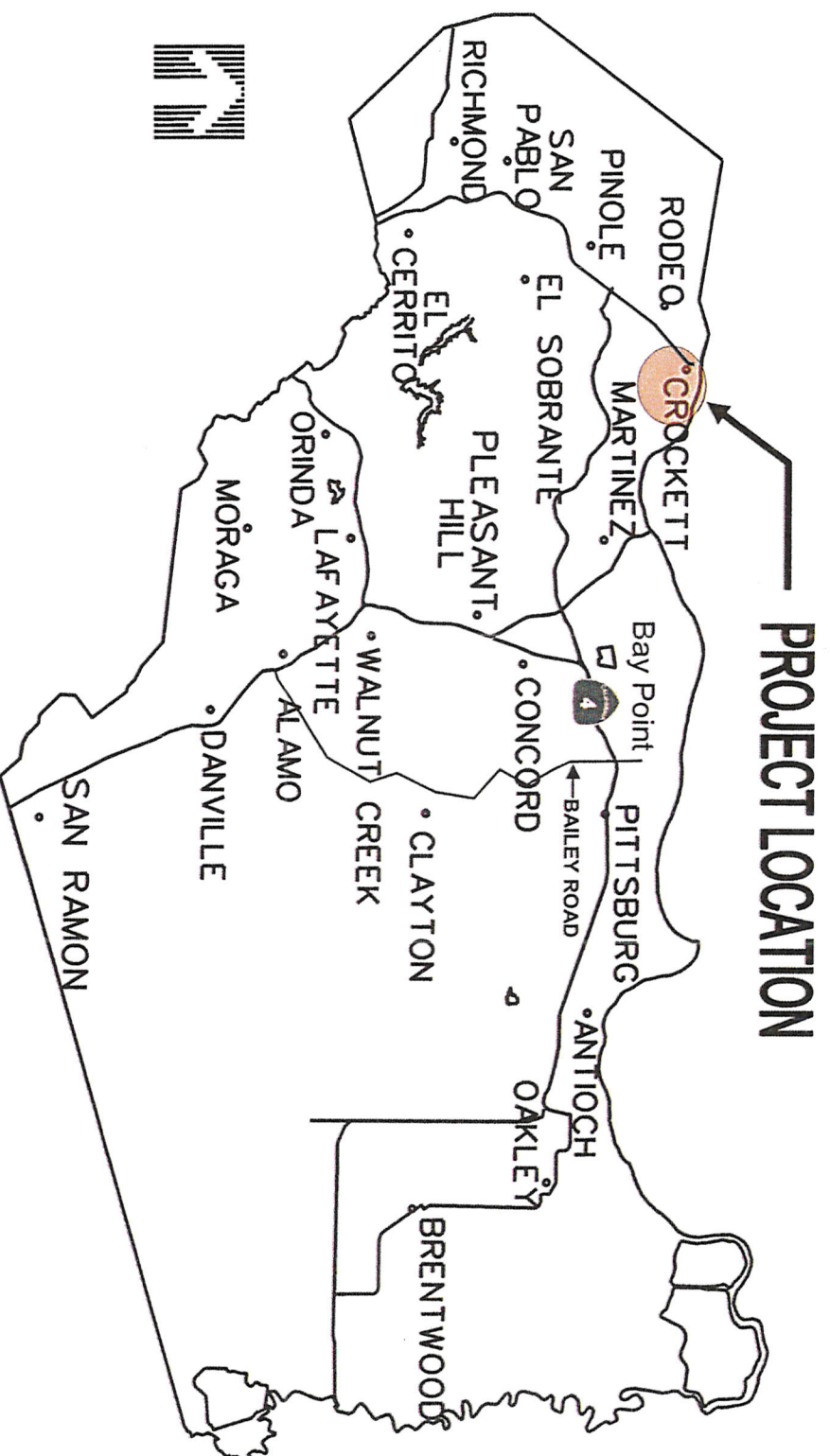
☐ Yes ☒ **No** ☐ maybe (Nature of concern):

4. Will the project require approval or permits by other than a County agency?

☐ No ☐ No ☒ **Maybe:** John Swett School District, C&H Sugar Company, and Crockett Community Center.

5. Is the project within the Sphere of Influence of any city? No

CONTRA COSTA COUNTY CALIFORNIA



Contra Costa County
Public Works
Department

255 GLACIER DRIVE, MARTINEZ, CA 94553 PH: (925) 313-2000 FAX: (925) 313-2333

PROJECT LOCATION MAP

Pomona Street Pedestrian Safety Improvement Project

DB: JS CB: DATE: NOV 14 SHEET 1 OF

Figure 1

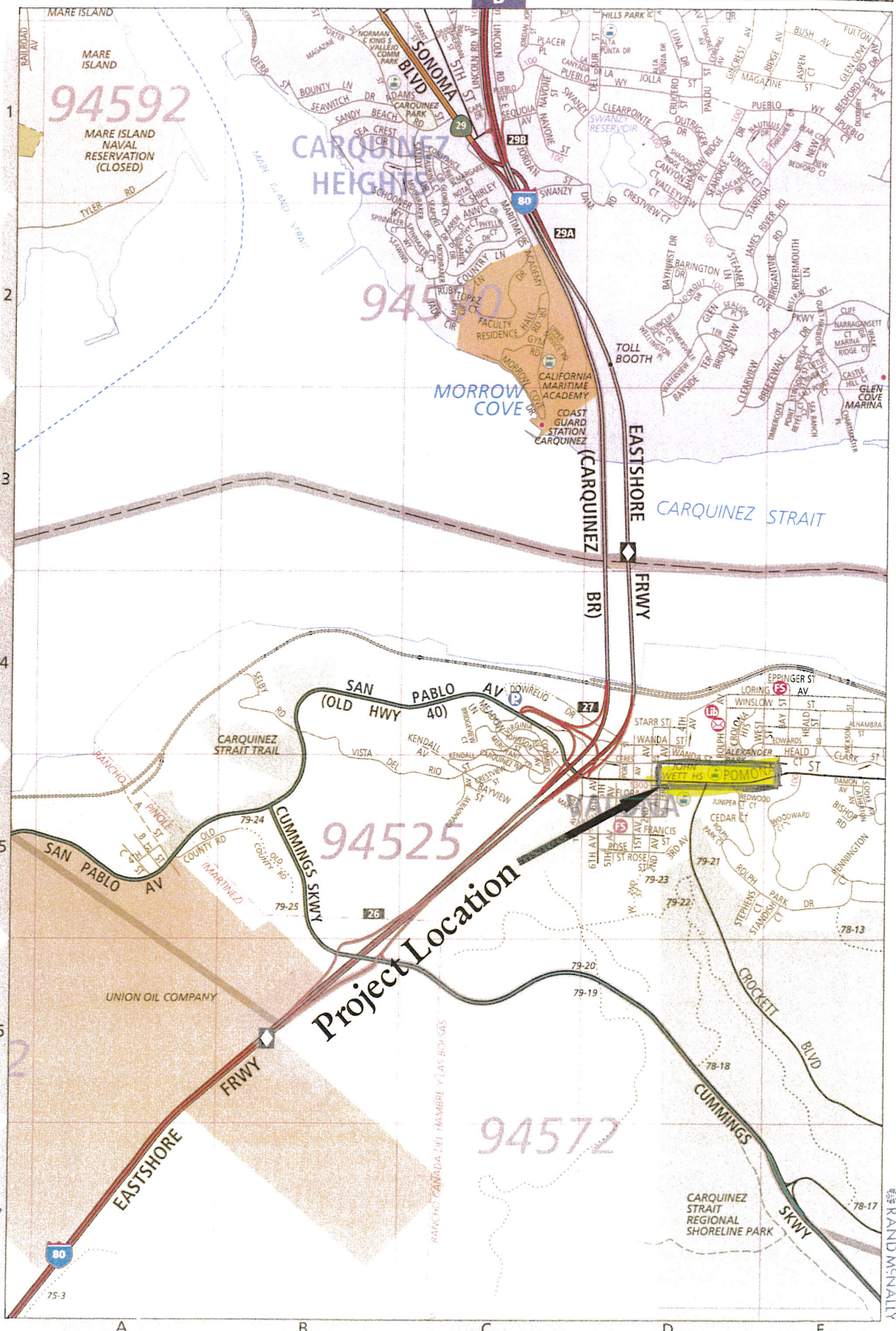


Figure 2

Pomona Pedestrian Safety Improvement Project Project Location Map



Figure 3

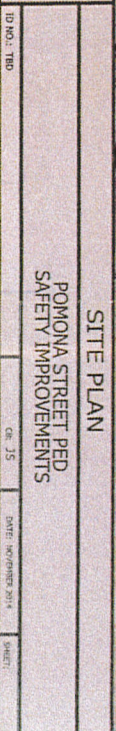


Figure 4

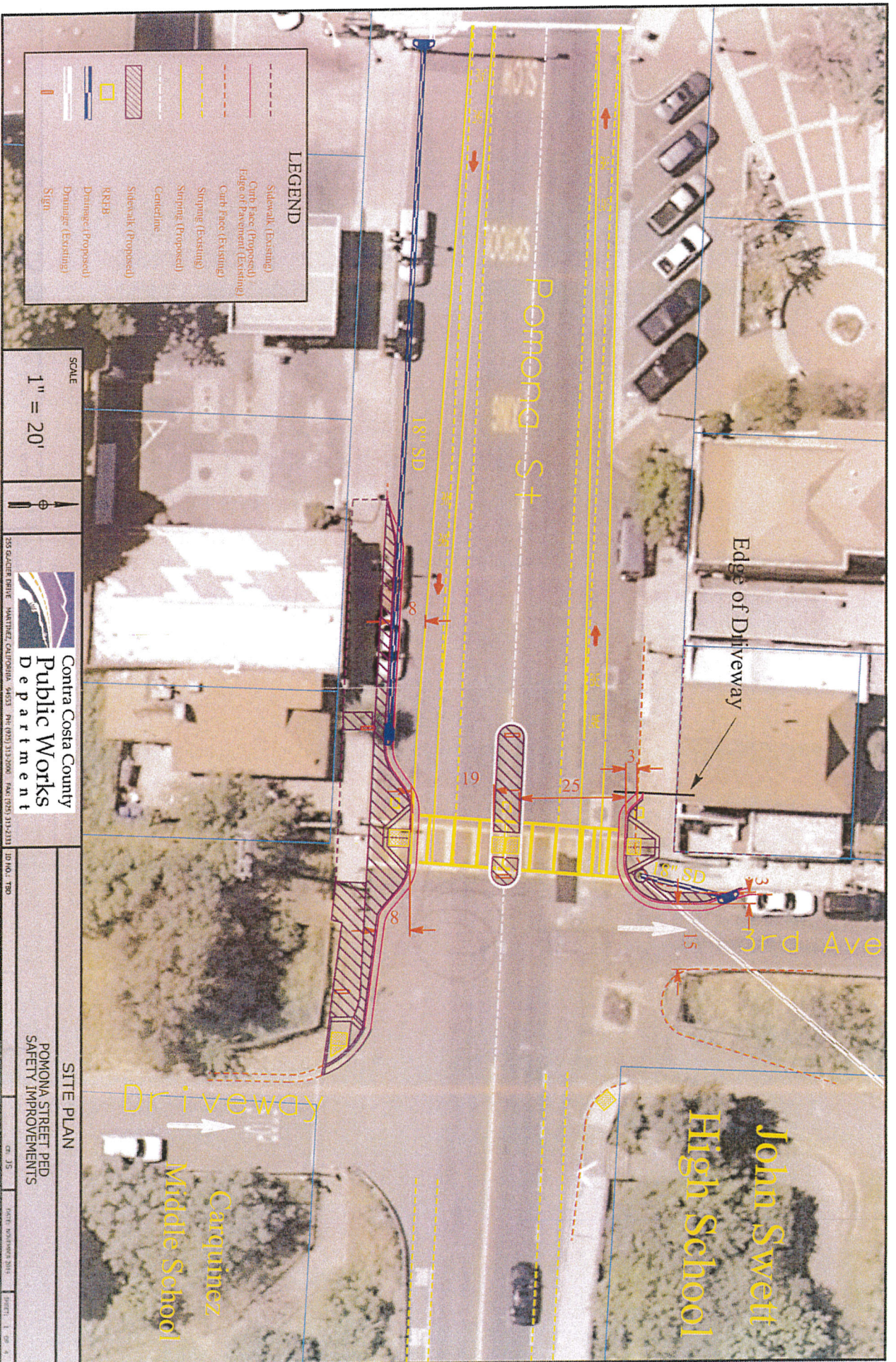


Figure 5

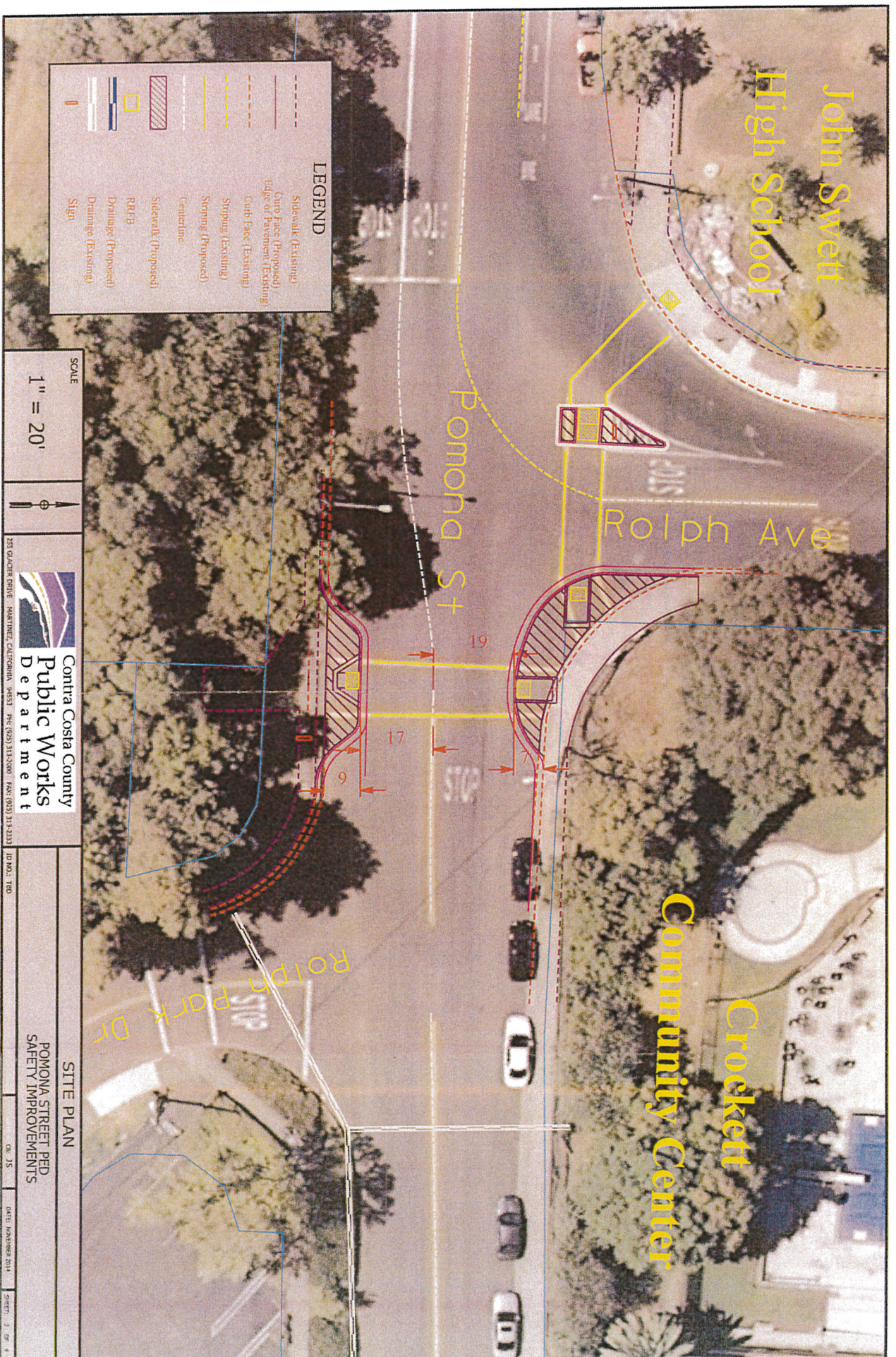


Figure 6



Figure 7

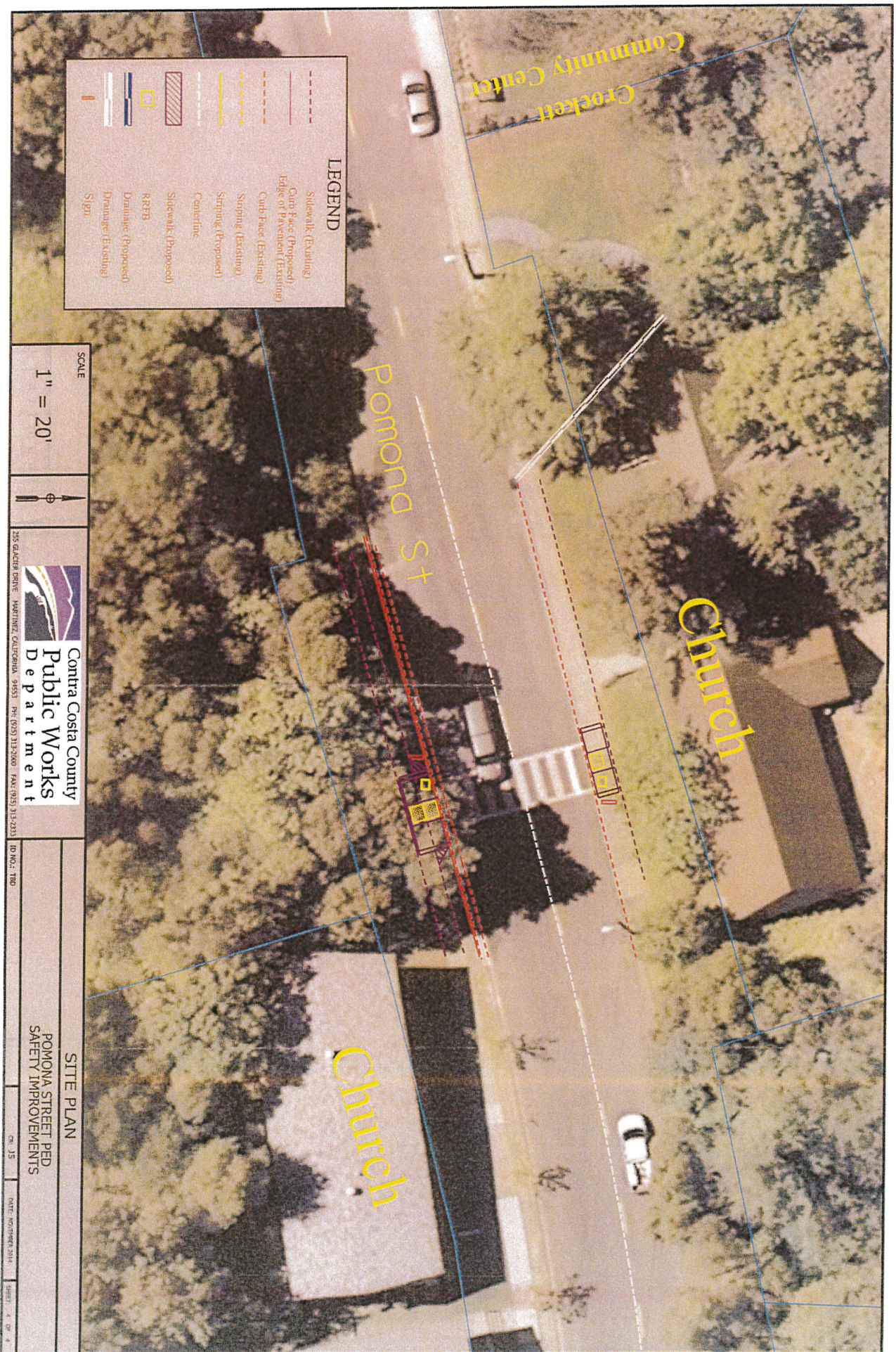


Figure 8

CALIFORNIA ENVIRONMENTAL QUALITY ACT
Notice of Exemption

To: [] Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
[] County Clerk
County of: Contra Costa

From: Contra Costa County
Dept. of Conservation & Development
30 Muir Road
Martinez, CA 94553

Project Title (Name & Number): Pomona Street Pedestrian Safety Improvements
Project No. 0662-6R4069 / CP# 14-37

Project Applicant: Contra Costa County Public Works Department

Project Location – **Specific:** Pomona Street in the unincorporated town of Crockett.

Project Location: West Contra Costa County Project Location – County: **Contra Costa**

Description of Nature, Purpose and Beneficiaries of Project: The purpose of this project is to install sidewalk and crosswalk enhancements to improve pedestrian safety and accessibility to nearby schools and facilities, as well as increase driver awareness at existing crosswalks.

The Project consists of clearing, and grubbing, saw cutting, removing and replacing portions of asphalt, curb, gutter, and sidewalk; installing Americans with Disabilities Act (ADA) compliant curb ramps, bulb-outs, pedestrian refuges (medians), landings, and extensions, as well as detectable warning surfaces (rumble), rectangular rapid flash beacons (RRFBs), and pedestrian buttons at pedestrian crossings; modifying/adjusting crosswalks and utilities; installing/adjusting storm drains and inlets, installing new storm drain pipes; removing, replacing, and adjusting signage; and re-striping roadway as needed. Project locations are as follows:

- Pomona St. / 3rd Ave.: (between 2nd Ave. and 3rd Ave., near John Swett High School and Carquinez Middle School)
- Pomona St. / Rolph Ave. / Rolph Park Dr.: (near Rolph Memorial Monument)
- Rolph Ave.: (near John Swett High School and Crockett Community Center)
- Pomona St. near Crockett Community Center: (approximately 700 feet east of Crockett Community Center; near the churches)

The Project will maintain the existing drainage pattern. Appropriate Best Management Practices (BMPs) will be implemented to protect storm drains and inlets. Two trees may need to be removed: one 2-inch diameter at breast height (dbh) ginkgo sapling and one 14-inch dbh bay tree in order to accommodate the curb ramps. The two trees slated for removal will be removed outside nesting bird season (February 15 – August 30) or a nesting bird survey will be conducted prior to initiating work. Tree and shrubbery trimming may be necessary throughout the Project area. In order to minimize damage to trees, any roots exposed during construction activities will be clean cut and tree branches will be trimmed. One lane will be open at all times during construction activities. Emergency vehicles will have access at all times. Real property transactions including right-of-way may be necessary in support of the Project.

Name of Public Agency Approving Project: **Contra Costa County**
Name of Person or Agency Carrying Out Project: **Contra Costa County Public Works Department**

Exempt Status:

[] Ministerial Project (Sec. 21080(b) (1); 15268; [x] **Categorical Exemption:** Class 3d
[] Declared Emergency (Sec. 21080(b)(3); 15269(a)); [] Other Statutory Exemption, Code No.: _____
[] Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); [] General Rule of Applicability [Article 5, Section 15061 (b)(3)]

Reasons why project is exempt: Pursuant to Section 15303 (d) of the CEQA guidelines, the project consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction. The project will not result in the removal of any scenic resource.

Lead Agency Contact Person: Trina R. Torres - **Public Works Dept.** Area Code/Telephone/Extension: (925) 313-2176

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [] Yes [] No

Signature: _____ Date: _____ Title: _____

[] Signed by Lead Agency [] Signed by Applicant

AFFIDAVIT OF FILING AND POSTING

I declare that on _____ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature _____ Title _____

Applicant:
Public Works Department
255 Glacier Drive
Martinez, CA 94553
Attn: Trina R. Torres
Environmental Services Division
Phone: (925) 313-2176

Department of Fish and Game Fees Due
[] EIR - \$3,069.⁷⁵
[] Neg. Dec. - \$2,210.⁰⁰
[] DeMinimis Findings - \$0
[x] **County Clerk - \$50**
[x] **Conservation & Development - \$25**

Total Due: \$ 75.⁰⁰
Total Paid \$ _____
Receipt #: _____



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 10, 2015

Subject: APPROVE the Pedestrian Crossing Enhancements Project - Central and East County and related actions under the California Environmental Quality Act

RECOMMENDATION(S):

APPROVE the Pedestrian Crossing Enhancements Project - Central and East County and AUTHORIZE the Public Works Director, or designee, to advertise the project, Bay Point, Discovery Bay, Knightsen, and Walnut Creek areas. [County Project No. 0676-6P1025, DCD-CP#14-36] (Districts III, IV and V)

DETERMINE the project is a California Environmental Quality Act (CEQA) Class 1(c) 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 a \$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:

The project is being funded by 36% Transportation Development Act (TDA) Grant Funds and 64% Local Road Funds.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: Stacey M. Boyd, Deputy

Contact: Trina Torres, 925-313-2176

cc:

BACKGROUND:

The purpose of the Pedestrian Crossing Enhancements Project (Project) is to construct pedestrian crosswalk enhancements to improve pedestrian safety and accessibility, as well as increase driver awareness at existing crosswalks near schools in East and Central Contra Costa County. The Project consists of removing and replacing portions of existing curb and sidewalk; installing Americans with Disabilities Act (ADA) compliant curb ramps, bulb-outs, landings, paths, and extensions, as well as detectable warning surfaces, rectangular rapid flash beacons (RRFBs), and pedestrian activated buttons at pedestrian crossings; modifying/adjusting crosswalks, storm drain inlets; adjusting utilities; removing and replacing signage, and re-striping roadway. Real Property transactions, including right-of-way, may be necessary in support of the Project. Project locations are as follows:

1. Delta Road, Knightsen: Near Knightsen Elementary School on Delta Road
2. Newport Drive, Discovery Bay: Near Timber Point Elementary School at the Newport Drive/Preston Drive intersection; and, at the Newport Drive/Worthing Way intersection.
3. Discovery Bay Boulevard, Discovery Bay: Near Discovery Bay Elementary School near Discovery Bay Boulevard/Willow Lake Road intersection.
4. Marina Boulevard, Bay Point: Near Shore Acres Elementary School at the Marina Boulevard/Island View Drive intersection; and, at the Marina Boulevard/Lakeview Drive intersection.
5. Pacifica Avenue, Bay Point: Near Riverview Middle School at the Pacifica Avenue/Breaker Drive intersection; and, at the Pacifica Avenue/Delta Drive intersection.
6. Castle Rock Road, Walnut Creek: Near North Gate High School, north of the Pine Creek Road.
7. Magnolia Way, Walnut Creek: Near Parkmead Elementary School at the Magnolia Way/Maple Lane intersection.

CONSEQUENCE OF NEGATIVE ACTION:

Delay in approving the Project could result in a delay of design and construction and jeopardize funding.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

CEQA Document

PUBLIC WORKS DEPARTMENT
INITIAL STUDY OF
ENVIRONMENTAL SIGNIFICANCE

PROJECT NUMBER: **0676-6P1025**
CP# **14-36**

PROJECT NAME: **Pedestrian Crossing Enhancements-East & Central Contra Costa County**

PREPARED BY: Trina R. Torres

DATE: December 18, 2014

APPROVED BY: _____

DATE: 1-16-15

RECOMMENDATIONS:

☒ **Categorical Exemption** [Class 1c]

☐ 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 involves the minor alteration of existing public facilities involving negligible or no expansion of use beyond previously existing pursuant to section 15301(c) of the CEQA guidelines. The project will not result in the removal of any scenic resource.

What changes to the project would mitigate the identified impacts: N/A

USGS Quad Sheet: <u>Walnut Creek, Honker Bay, Woodward Island, and Clifton Court Forebay.</u>	Base Map Sheet #: <u>multiple</u>	Parcel #: <u>N/A</u>
---	-----------------------------------	----------------------

GENERAL CONSIDERATIONS:

- Location:** The project locations are in Knightsen & Discovery Bay (East); and, Bay Point & Walnut Creek (Central) Contra Costa County. [Figures 1-6].
- Project Description:** The purpose of this project is to construct pedestrian crosswalk enhancements to improve pedestrian safety and accessibility, as well as increase driver awareness at existing crosswalks located near schools in East and Central Contra Costa County.

The Project consists of removing and replacing portions of existing curb and sidewalk; installing Americans with Disabilities Act (ADA) compliant curb ramps, bulb-outs, landings, paths, and extensions, as well as detectable warning surfaces, rectangular rapid flash beacons (RRFBs), and pedestrian activated buttons at pedestrian crossings; modifying / adjusting crosswalks, storm drain inlets; adjusting utilities; removing and replacing signage, and re-stripping roadway.

- **Site 1 (Delta Road, Knightsen):** Install detectable warning surfaces, poles, pedestrian activated buttons, double-faced RRFBs, and advanced warning signage on both sides of the crosswalk near Knightsen Elementary School (school) on Delta Rd.; Also, install ADA compliant landing on north side of Delta Rd. and ADA compliant curb ramp on south side of Delta Rd, near school.
- **Site 2 (Newport Drive, Discovery Bay):** Install detectable warning surfaces, poles, pedestrian activated buttons, double-faced RRFBs, and advanced warning signage on both sides of the crosswalk near Timber Point Elementary School at the Newport Drive/Preston Dr. intersection. Also, install detectable warning surfaces, poles, pedestrian activated buttons, double-faced RRFBs, and advanced warning signage on both sides of the crosswalk at the Newport Drive/Worthing Way intersection. Upgrade existing curb ramps by installing ADA compliant curb ramps at both sides.
- **Site 3 (Discovery Bay Blvd., Discovery Bay):** Install detectable warning surfaces, poles, pedestrian activated buttons, double-faced RRFBs, and advanced warning signage on both sides of the crosswalk near Discovery Bay Elementary School near Discovery Bay Blvd./Willow Lake Rd. intersection.

Continued for:

Pedestrian Crossing Enhancements -East & Central Contra Costa County

0676-6P1025 / CP#14-36

Page 2 of 2

- **Site 4 (Marina Blvd., Bay Point):** Install detectable warning surfaces, poles, pedestrian activated buttons, double-faced RRFBs, and advanced warning signage, ADA compliant curb ramps, and bulb-outs/extensions on both sides of the crosswalk at the Marina Blvd./Island View Dr. intersection, near Shore Acres Elementary School. Install detectable warning surfaces, poles, pedestrian activated buttons, double-faced RRFBs, and advanced warning signage, ADA compliant curb ramps, and bulb-outs/extensions on both sides of the crosswalk at the Marina Blvd./Lakeview Dr. intersection, near Shore Acres Elementary School.
- **Site 5 (Pacifica Ave., Bay Point):** Install detectable warning surfaces, poles, pedestrian activated buttons, double-faced RRFBs, and advanced warning signage, ADA compliant curb ramps, and bulb-outs/extensions on both sides of the crosswalk at the Pacifica Ave./Breaker Dr. intersection, near Riverview Middle School; and, adjust drainage inlet to accommodate curb bulb-outs. Install detectable warning surfaces, poles, pedestrian activated buttons, double-faced RRFBs, and advanced warning signage, ADA compliant curb ramps and curb bulb-outs on both sides of the crosswalk at the Pacifica Ave./Delta Dr. intersection near Riverview Middle School; and, adjust/modify drainage inlets to accommodate curb bulb-outs.
- **Site 6 (Castle Rock Rd., Walnut Creek):** Install detectable warning surfaces, poles, pedestrian buttons, activated double-faced RRFBs, and advanced warning signage, and an ADA compliant curb ramp on the west side of the crosswalk, north of the Pine Creek Rd.; restripe crosswalk; install an asphalt landing, detectable warning surface treatment, and an asphalt path (approx.. 6 ft. by 300 ft.) on east side of crosswalk for trail access to neighborhoods, near North Gate High School.
- **Site 7 (Magnolia Way, Walnut Creek):** Install advanced warning signage on Magnolia Way; install detectable warning surfaces, poles, pedestrian buttons, activated double-faced RRFBs on both sides of crosswalk at Magnolia Way/Maple Lane intersection, near Parkmead Elementary School.

The Project will maintain the existing drainage pattern. Appropriate Best Management Practices (BMPs) will be implemented to protect storm drain inlets.

Tree and shrubbery trimming may be necessary throughout the Project area. In order to minimize damage to trees, any roots exposed during construction activities will be clean cut and tree branches will be trimmed. No tree removal will be required.

Emergency vehicles will have access at all times. Real property transactions including right-of-way may be necessary in support of the Project.

General Plan Conformance is necessary from the City of Walnut Creek for Site 6.

3. Does it appear that any feature of the project will generate significant public concern?

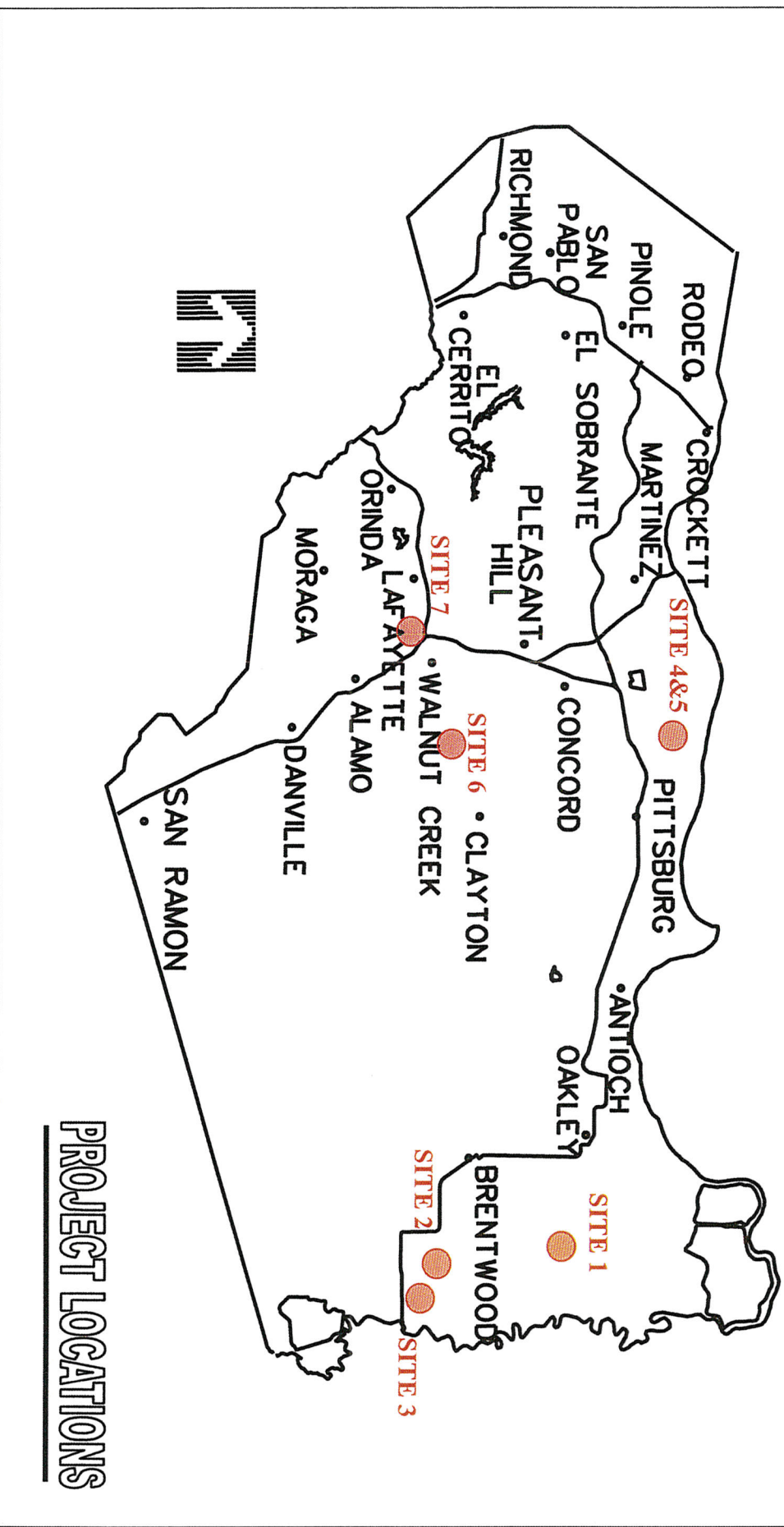
☐ Yes ☒ **No** ☐ maybe (Nature of concern):

4. Will the project require approval or permits by other than a County agency?

☐ No ☐ No ☒ **Maybe:** Discovery Bay School District, Knightsen School District, Mt. Diablo School District, and Walnut Creek School District

5. Is the project within the Sphere of Influence of any city? Pittsburg (Sites 4 & 5) and Walnut Creek (Sites 6 & 7)

CONTRA COSTA CALIFORNIA COUNTY



LOCATION MAP

PROJECT LOCATIONS

Figure 1

VICINITY MAP FOR RTI FOR PEDESTRIAN CROSSING ENHANCEMENTS (TDA GRANT 2014)

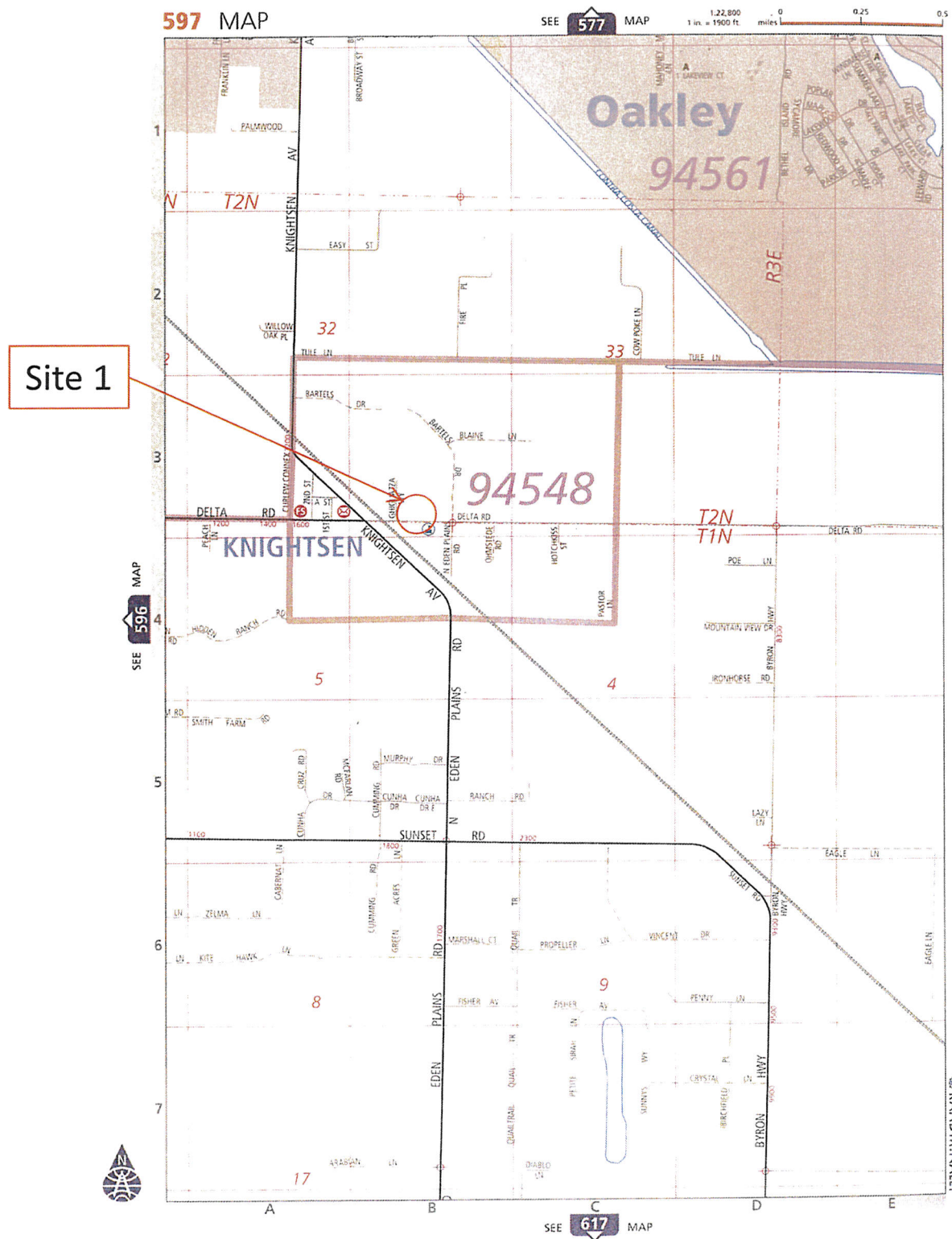


Figure 2

VICINITY MAP FOR RTI FOR PEDESTRIAN CROSSING ENHANCEMENTS (TDA GRANT 2014)

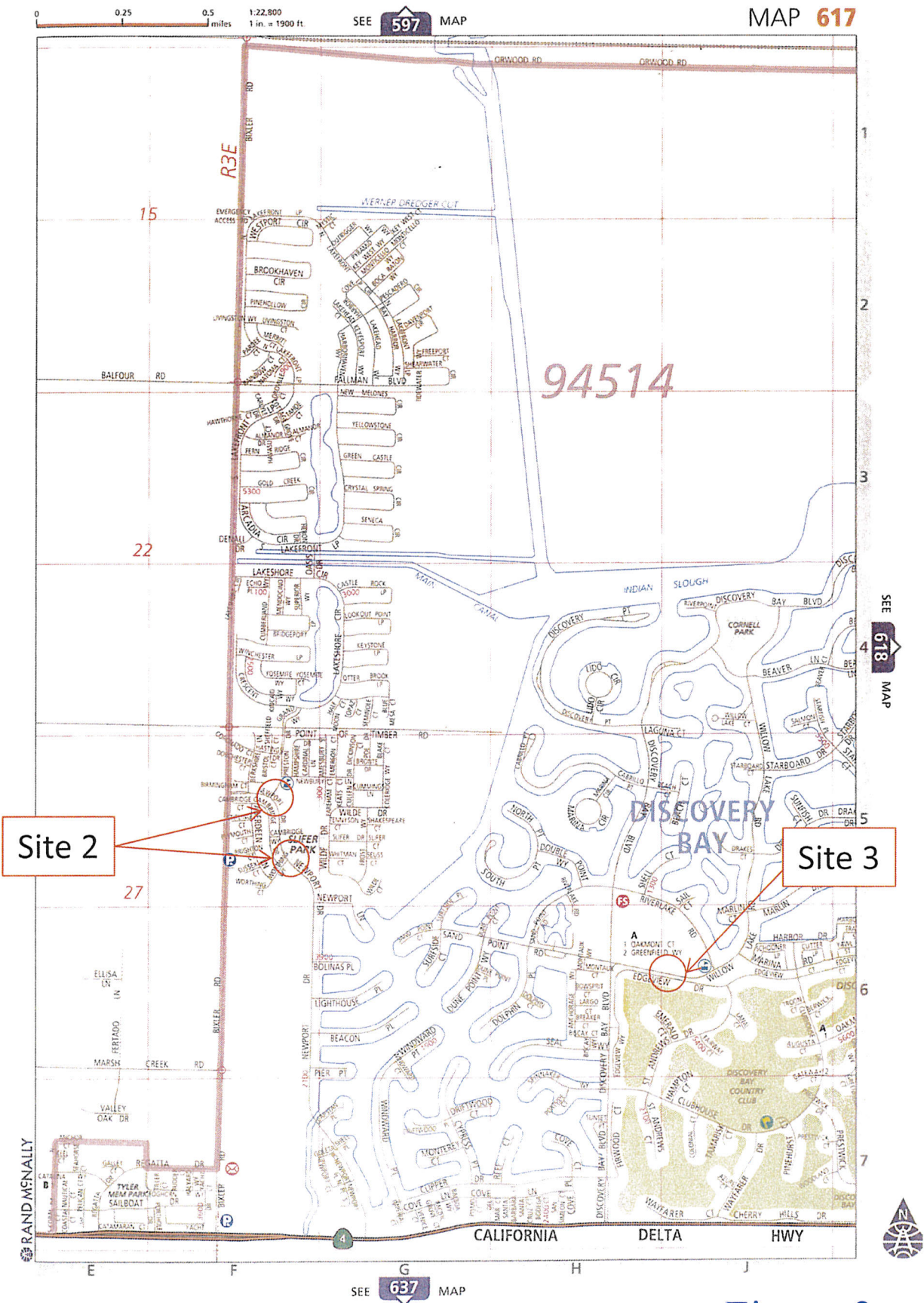


Figure 3

VICINITY MAP FOR RTI FOR PEDESTRIAN CROSSING ENHANCEMENTS (TDA GRANT 2014)

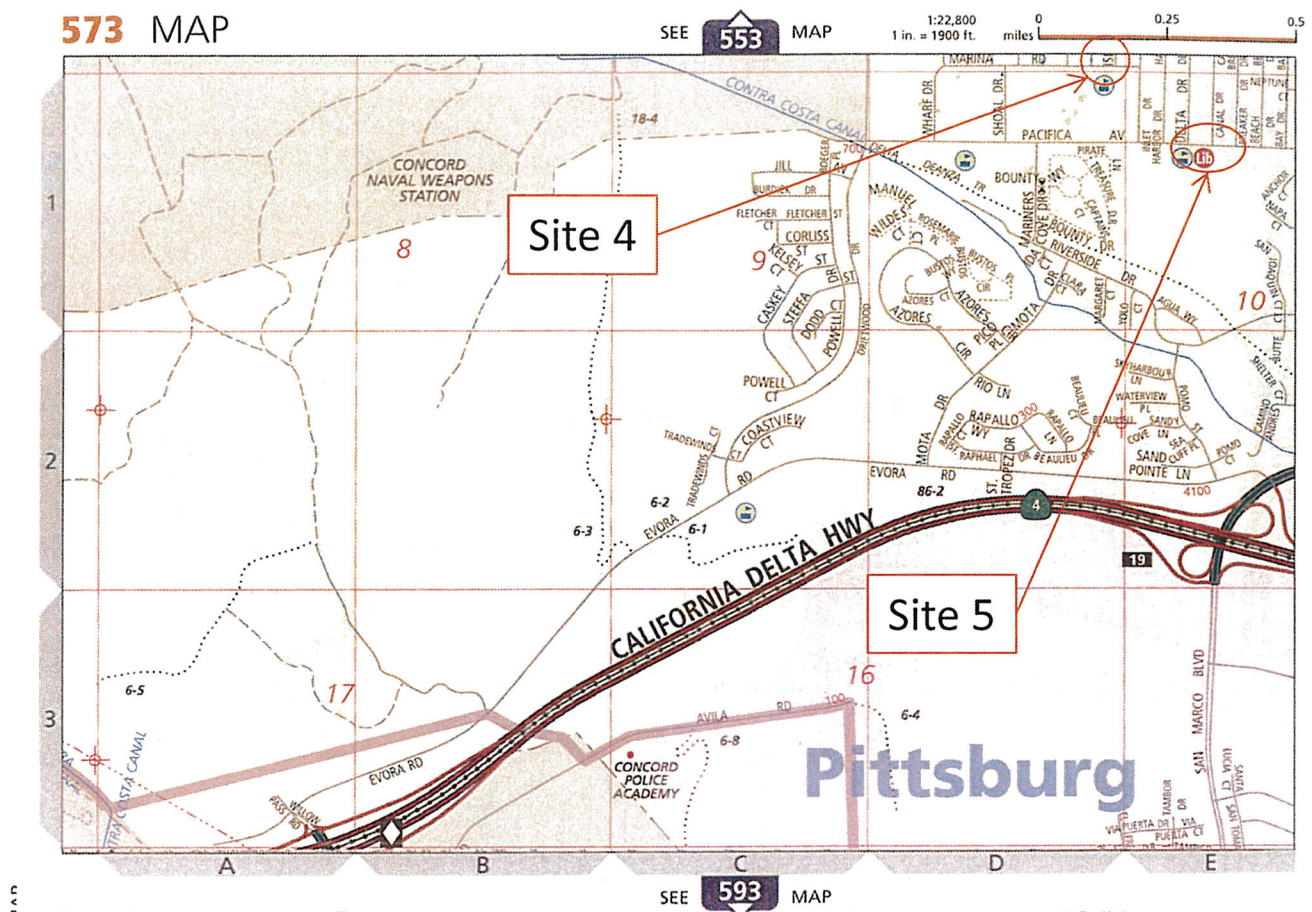


Figure 4

VICINITY MAP FOR RTI FOR PEDESTRIAN CROSSING ENHANCEMENTS (TDA GRANT 2014)

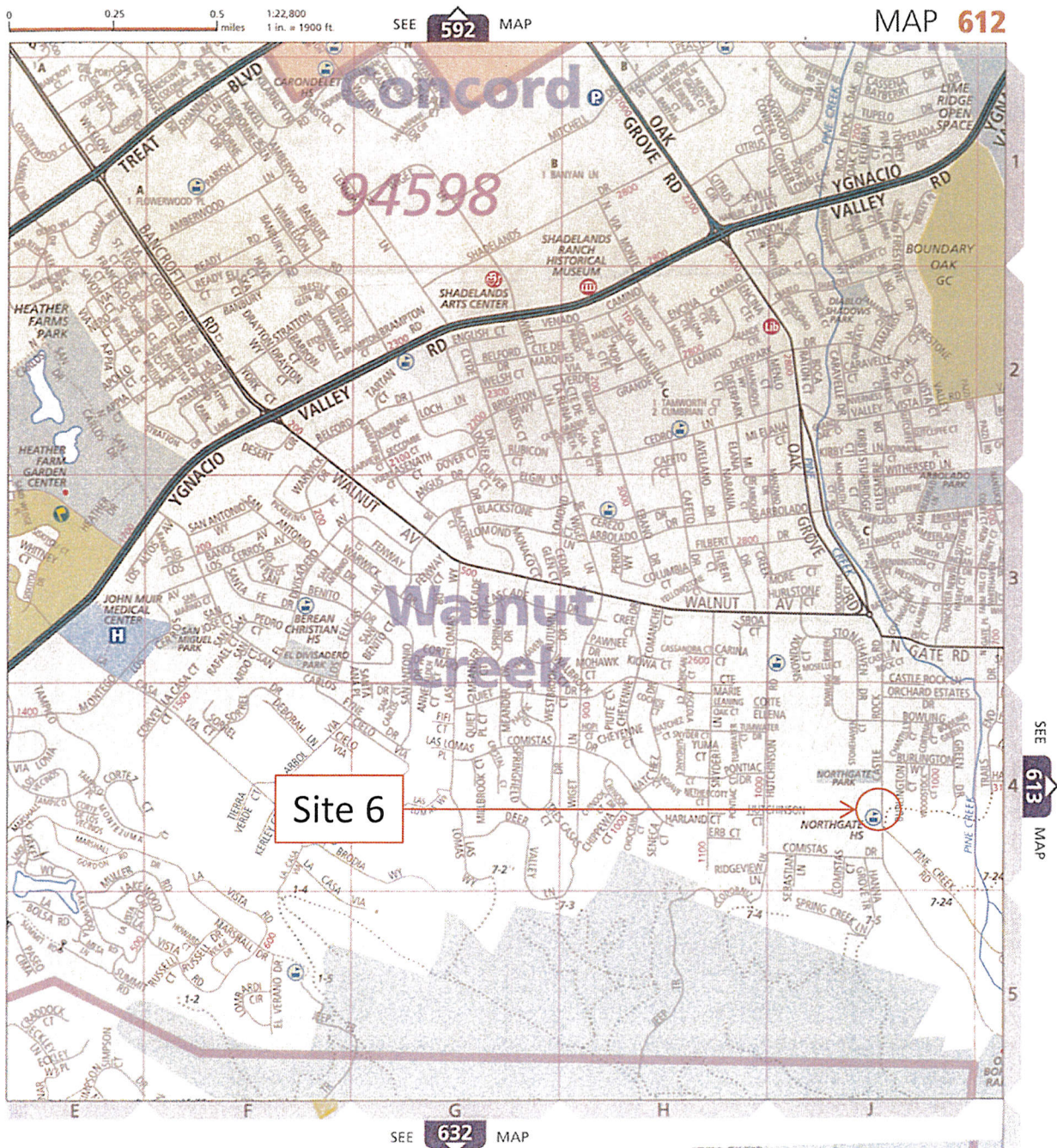


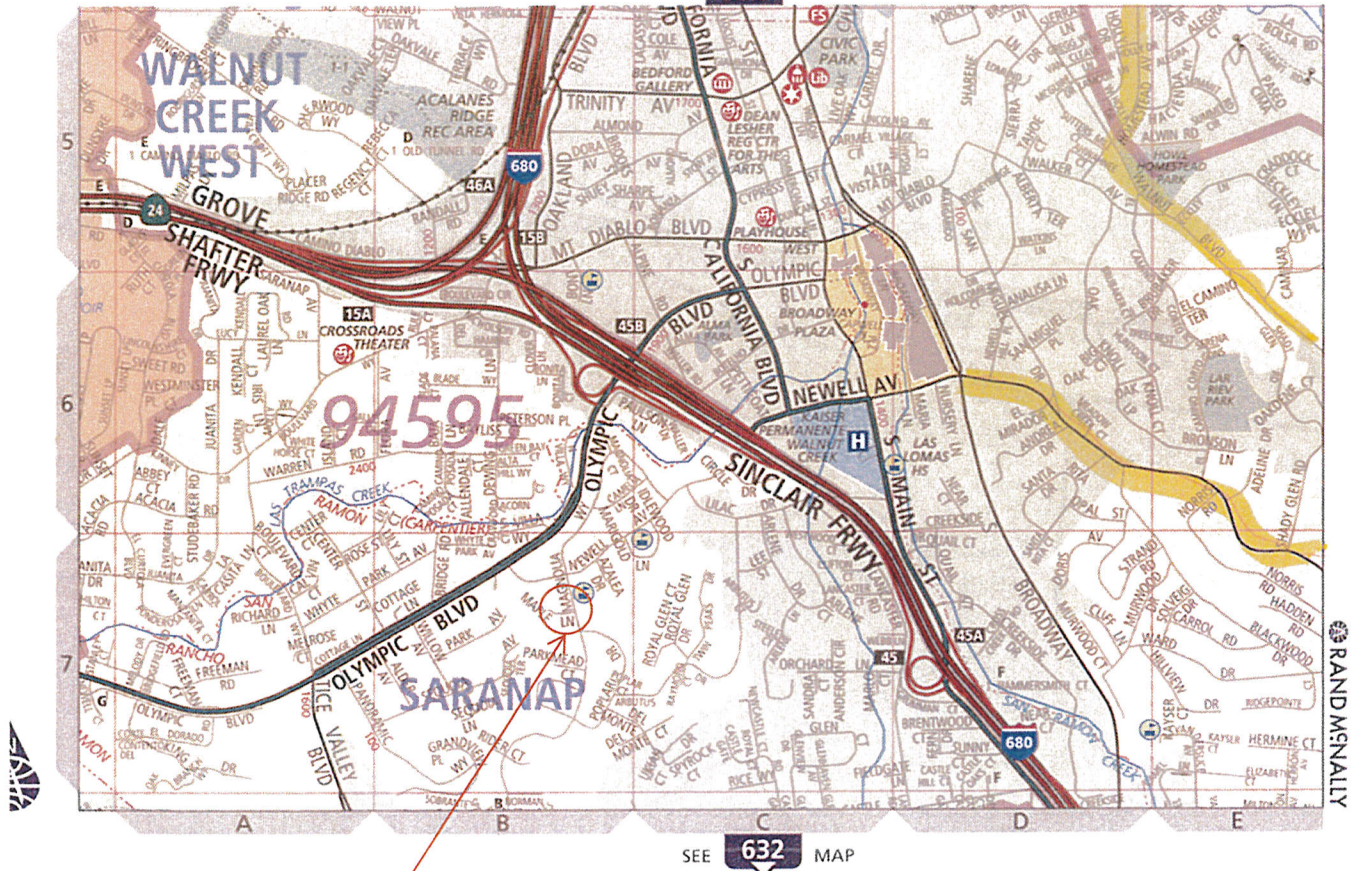
Figure 5

VICINITY MAP FOR RTI FOR PEDESTRIAN CROSSING ENHANCEMENTS (TDA GRANT 2014)

612 MAP

SEE 592 MAP

1:22,800
1 in. = 1900 ft
0 0.25 0.5
miles



Site 7

Figure 6

CALIFORNIA ENVIRONMENTAL QUALITY ACT
Notice of Exemption

To: [] Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
[] County Clerk
County of: Contra Costa
From: Contra Costa County
Dept. of Conservation & Development
30 Muir Road
Martinez, CA 94553

Project Title (Name & Number): Pedestrian Crossing Enhancements-East & Central Contra Costa County
Project No.# 0676-6P1025 / CP# 14-36
Project Applicant: Contra Costa County Public Works Department
Project Location - Specific: Knightsen & Discovery Bay (East); and, Bay Point & Walnut Creek (Central) Contra Costa County.
Project Location: East and Central Contra Costa County
Project Location - County: Contra Costa

Description of Nature, Purpose and Beneficiaries of Project: The purpose of this Project is to construct pedestrian crosswalk enhancements to improve pedestrian safety and accessibility, as well as increase driver awareness at existing crosswalks located near schools in East and Central Contra Costa County.

The Project consists of removing and replacing portions of existing curb and sidewalk; installing Americans with Disabilities Act (ADA) compliant curb ramps, bulb-outs, landings, paths, and extensions, as well as detectable warning surfaces, rectangular rapid flash beacons (RRFBs), and pedestrian activated buttons at pedestrian crossings; modifying / adjusting crosswalks, storm drain inlets; adjusting utilities; removing and replacing signage, and re-striping roadway. Project locations are as follows:

- Site 1 (Delta Road, Knightsen): Near Knightsen Elementary School on Delta Rd.
- Site 2 (Newport Drive, Discovery Bay): Near Timber Point Elementary School at the Newport Drive/Preston Dr. intersection; and, at the Newport Drive/Worthing Way intersection.
- Site 3 (Discovery Bay Blvd., Discovery Bay): Near Discovery Bay Elementary School near Discovery Bay Blvd./Willow Lake Rd. intersection.
- Site 4 (Marina Blvd., Bay Point): Near Shore Acres Elementary School at the Marina Blvd./Island View Dr. intersection; and, at the Marina Blvd./Lakeview Dr. intersection.
- Site 5 (Pacifica Ave., Bay Point): Near Riverview Middle School at the Pacifica Ave./Breaker Dr. intersection; and, at the Pacifica Ave./Delta Dr. intersection.
- Site 6 (Castle Rock Rd., Walnut Creek): Near North Gate High School, north of the Pine Creek Rd.
- Site 7 (Magnolia Way, Walnut Creek): Near Parkmead Elementary School at the Magnolia Way/Maple Lane intersection.

The Project will maintain the existing drainage pattern. Appropriate Best Management Practices will be implemented to protect storm drain inlets. Tree and shrubbery trimming may be necessary throughout the Project area. In order to minimize damage to trees, any roots exposed during construction activities will be clean cut and tree branches will be trimmed. No tree removal will be required. Emergency vehicles will have access at all times. Real property transactions including right-of-way may be necessary in support of the Project. General Plan Conformance may be necessary from the City of Walnut Creek for Site 6.

Name of Public Agency Approving Project: Contra Costa County
Name of Person or Agency Carrying Out Project: Contra Costa County Public Works Department

Exempt Status:
[] Ministerial Project (Sec. 21080(b) (1); 15268;
[] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[] Categorical Exemption: Class 1c
[] Other Statutory Exemption, Code No.:
[] General Rule of Applicability [Article 5, Section 15061 (b)(3)]

Reasons why project is exempt: The project involves the minor alteration of existing public facilities involving negligible or no expansion of use beyond previously existing pursuant to section 15301(c) of the CEQA guidelines. The project will not result in the removal of any scenic resource.

Lead Agency Contact Person: Trina R. Torres - Public Works Dept. Area Code/Telephone/Extension: (925) 313-2176

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [] Yes [] No

Signature: Date: Title:
[] Signed by Lead Agency [] Signed by Applicant

AFFIDAVIT OF FILING AND POSTING
I declare that on I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.
Signature Title

Applicant: Department of Fish and Game Fees Due
Public Works Department
255 Glacier Drive
Martinez, CA 94553
Attn: Trina R. Torres
Environmental Services Division
Phone: (925) 313-2176
[] EIR - \$3,069.75
[] Neg. Dec. - \$2,210.00
[] DeMinimis Findings - \$0
[] County Clerk - \$50
[] Conservation & Development - \$25
Total Due: \$ 75.00
Total Paid \$
Receipt #:



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 10, 2015

Subject: Contract Amendment with Hanna Engineering, Inc. (dba The Hanna Group), Rodeo area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute Contract Amendment No. 1 to the Consulting Services Agreement (CSA) with Hanna Engineering, Inc., dba The Hanna Group (Hanna), effective January 12, 2015, to increase the payment limit by \$45,000 to a new payment limit of \$379,000, for construction management services for the San Pablo Avenue at Rodeo Creek Bridge Replacement Project, Project No. 0662-6R4005/Federal Project No. BRLS-5928(067)

FISCAL IMPACT:

This project, including the CSA, is funded by 88.53% Federal Highway Bridge Program (HBP) Funds and 11.47% Local Road Funds.

BACKGROUND:

The Public Works Director, or designee, executed a CSA, dated July 8, 2014, with Hanna for construction management services for the San Pablo Avenue at Rodeo Creek Bridge Replacement Project. Proposed Contract Amendment No. 1 will amend the payment limit of the CSA so that the Consultant can be compensated for providing additional construction management services.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
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: February 10, 2015

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh,
925-313-2233

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The project would be delayed and Federal funds would 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: February 10, 2015

Subject: Notice of Completion of Contract for the Walnut Boulevard Pedestrian and Bicycle Project, Walnut Creek area.

RECOMMENDATION(S):

ADOPT Resolution No. 2015/48 accepting as complete the contracted work performed by Grade Tech, Inc. for the Walnut Boulevard Pedestrian and Bicycle Project, as recommended by the Public Works Director, Walnut Creek area. Project No. 0662-6R4176-14

FISCAL IMPACT:

Project was funded by 7% Transportation Development Act Grant Funds and 93% Central County Area of Benefit Funds.

BACKGROUND:

The Public Works Director reports that said work has been inspected and complies with the approved plans, special provisions and standard specifications and recommends its acceptance as complete as of January 21, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

The contractor will not be paid and acceptance notification will not be recorded.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
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: February 10, 2015

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh,
925-313-2233

cc:

CHILDREN'S IMPACT STATEMENT:

Not applicable.

AGENDA ATTACHMENTS

Resolution No. 2015/48

MINUTES ATTACHMENTS

Signed: Resolution No. 2015/48

Recorded at the request of: Clerk of the Board

Return To: Janet Dowling

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

Adopted this Resolution on 02/10/2015 by the following vote:

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

NO: ☐

ABSENT: Candace Andersen, District II Supervisor

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2015/48

In the Matter of Accepting and Giving Notice of Completion of Contract for the Walnut Boulevard Pedestrian and Bicycle Project, Walnut Creek area. Project No. 0662-6R4176-14

WHEREAS, the Board of Supervisors RESOLVES that on July 8, 2014, the County contracted with Grade Tech, Inc., for the work generally consisting of constructing a five-foot-wide pedestrian path along the northeast side of Walnut Boulevard near Walnut Heights Elementary School, from Bellows Court to Clarkin Court, and installing Class III bike route signage from Bellows Court to Mountain View Boulevard. Install two speed feedback signs near Sutherland Drive and a push-button operated crosswalk beacon at McConnell Lane in the Walnut Creek area, with Great American Insurance Company as surety, for work to be performed on the grounds of the County; and

The Public Works Director reports that said work has been inspected and complies with the approved plans, special provisions and standard specifications and recommends its acceptance as complete as of January 21, 2015.

NOW THEREFORE, BE IT RESOLVED said work is ACCEPTED as complete on said date, and the Clerk shall file with the County Recorder a copy of this resolution and Notice as a Notice of Completion for said contract.

Contact: Kevin Emigh, 925-313-2233

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

ATTESTED: February 10, 2015

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

By: Stacey M. Boyd, Deputy

cc:

Recorded at the request of: Clerk of the Board

Return To: Janet Dowling

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

Adopted this Resolution on 02/10/2015 by the following vote:

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

NO: ☐

ABSENT: Candace Andersen, District II Supervisor

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2015/48

In the Matter of Accepting and Giving Notice of Completion of Contract for the Walnut Boulevard Pedestrian and Bicycle Project, Walnut Creek area. Project No. 0662-6R4176-14

WHEREAS, the Board of Supervisors RESOLVES that on July 8, 2014, the County contracted with Grade Tech, Inc., for the work generally consisting of constructing a five-foot-wide pedestrian path along the northeast side of Walnut Boulevard near Walnut Heights Elementary School, from Bellows Court to Clarkin Court, and installing Class III bike route signage from Bellows Court to Mountain View Boulevard. Install two speed feedback signs near Sutherland Drive and a push-button operated crosswalk beacon at McConnell Lane in the Walnut Creek area, with Great American Insurance Company as surety, for work to be performed on the grounds of the County; and

The Public Works Director reports that said work has been inspected and complies with the approved plans, special provisions and standard specifications and recommends its acceptance as complete as of January 21, 2015.

NOW THEREFORE, BE IT RESOLVED said work is ACCEPTED as complete on said date, and the Clerk shall file with the County Recorder a copy of this resolution and Notice as a Notice of Completion for said contract.

Contact: Kevin Emigh, 925-313-2233



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

ATTESTED: February 10, 2015

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

By: Stacey M. Boyd, Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: February 10, 2015

Subject: APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a hangar rental agreement with Buchanan Field Airport Hangar tenant.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a month-to-month hangar rental agreement with Duane Allen, Audrey Morrison-Allen and Steven Marsh for a T-hangar at Buchanan Field Airport effective February 1, 2015 in the monthly amount of \$383.74, Pacheco area.

FISCAL IMPACT:

The Airport Enterprise Fund will realize \$4,604.88 annually.

BACKGROUND:

On September 1, 1970, Buchanan Airport Hangar Company entered into a 30-year lease with Contra Costa County for the construction of seventy-five (75) hangars and eighteen (18) aircraft shelters at Buchanan Field Airport. Buchanan Airport Hangar Company was responsible for the maintenance and property management of the property during that 30-year period.

On September 1, 2000, the County obtained ownership of the aircraft hangars and shelters, pursuant to the terms of the above lease.

On

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee, (844) 359-8687

cc:

BACKGROUND: (CONT'D)

February 13, 2007, Contra Costa County Board of Supervisors approved the new Large Hangar Lease Agreement for use with the larger East Ramp Hangars.

On February 3, 2008, Contra Costa County Board of Supervisors approved the amended T-Hangar Lease Agreement which removed the Aircraft Physical Damage Insurance requirement. The new amended T-hangar Lease Agreement will be used to enter into this aircraft rental agreement.

CONSEQUENCE OF NEGATIVE ACTION:

A negative action will cause a loss of revenue to the Airport Enterprise Fund.

CHILDREN'S IMPACT STATEMENT:

N/A

ATTACHMENTS

Hangar Rental Agreement

CONTRA COSTA COUNTY - BUCHANAN FIELD AIRPORT

T-HANGAR AND SHADE HANGAR RENTAL AGREEMENT

1. **PARTIES:** Effective 2/1/2015 ("**Effective Date**"), the COUNTY OF CONTRA COSTA, a political subdivision of the State of California ("**Airport**"), and Duane Allen, Audrey Morrison-Allen and Steven Marsh ("**Renter**"), hereby mutually agree and promise as follows:
 2. **RENTER AND AIRCRAFT INFORMATION:** Simultaneous with the execution of this T-Hangar and Shade Hangar Rental Agreement ("**Rental Agreement**") by Renter, Renter shall complete the Renter and Aircraft Information Form. A completed copy of the Renter and Aircraft Information Form is attached hereto as Exhibit "A" and incorporated herein. Renter must also provide to Airport at that time, for inspection and copying, (1) the original current Aircraft Registration or, if the aircraft described in Exhibit A is under construction, the plans for and proof of ownership of such aircraft; and (2) the insurance information required by Section 16 below.
 3. **PURPOSE:** The purpose of this Rental Agreement is to provide for the rental of a T-Hangar or Shade Hangar space at the Contra Costa County - Buchanan Field Airport for the storage of the aircraft described in the Renter and Aircraft Information Form ("**Renter's Aircraft**").
 4. **PREMISES:** For and in consideration of the rents and faithful performance by Renter of the terms and conditions set forth herein, Airport hereby rents to Renter and Renter hereby rents from Airport that T-Hangar or Shade Hangar shown as # E-03 on the T-Hangar and Shade Hangar Site Plan, attached hereto as Exhibit B and incorporated herein. This T-Hangar or Shade Hangar is part of the T-Hangar and Shade Hangar Site ("**T-Hangar Site**") and shall hereinafter be described as the "**T-Hangar**."
- Renter has inspected the T-Hangar and hereby accepts the T-Hangar in its present condition, as is, without any obligation on the part of Airport to make any alterations, improvements, or repairs in or about the T-Hangar.
5. **USE:** The T-Hangar shall be exclusively by Renter for the storage of Renter's Aircraft. In addition to the storage of Renter's Aircraft, Renter may use the T-Hangar for (1) the homebuilding, restoration and/or maintenance of Renter's Aircraft, provided that such homebuilding, restoration and/or maintenance is performed by Renter only and in conformance with all applicable statutes, ordinances, resolutions, regulations, orders, circulars (including but not limited to FAA Advisory Circular 20-27) and policies now in existence or adopted from time to time by the United States,

the State of California, the County of Contra Costa and other government agencies with jurisdiction over Buchanan Field Airport; (2) the storage of and materials directly related to the storage, construction of homebuilt planes homebuilding, restoration, and/or maintenance of Renter's Aircraft; (3) the storage of one boat, or one recreational vehicle, or one motorcycle, or one automobile, provided that Renter first provides to Airport proof of Renter's ownership and original registration of any stored boat or vehicle, for inspection and copying; and/or (4) the storage of comfort items (such as a couch, small refrigerator, etc.) that the Director of Airports, in his sole discretion, determines will not impede the use of the hangar for the storage of Renter's Aircraft, and are not prohibited by applicable building and fire codes. The T-Hangar shall not be used for any purpose not expressly set forth in this Section 5. Use.

The use of all or a portion of the T-Hangar for the storage of aircraft not owned or leased by Renter is prohibited. ("Aircraft not owned or leased by Renter" means any aircraft in which Renter does not have an ownership interest or which is not directly leased to Renter). Renter shall present proof of said ownership interest or lease to Airport upon request in addition to that information provided in Exhibit A.

If Renter's Aircraft is or becomes non-operational, it may be stored in the T-Hangar only if it is being homebuilt or restored by Renter. Prior to the commencement of any such homebuilding or restoration, Renter shall provide to Airport (1) a copy of the purchase agreement or (2) a valid federal registration number. If Renter's Aircraft is not registered as of the Effective Date, upon completion of construction, Renter shall register and apply for an airworthiness certificate for Renter's Aircraft in accordance with all applicable federal statutes and regulations and provide the original registration and certification to Airport, for inspection and copying, immediately upon receipt by Renter. On or before January 1 of each year, if the homebuilding or restoration has not been completed, Renter shall provide a written annual report to the Director of Airports that details the homebuilding or restoration activity performed, work still required to be completed and an estimate of time of completion.

6. **TERM:** This Rental Agreement shall be from month to month commencing February 1, 2015, and shall continue until terminated. This Rental Agreement may be terminated by any party upon thirty (30) days written notice to the other party.

7. **RENT:**

- A. **Monthly Rent and Additional Rent.** Renter shall pay \$383.74 in rent per month ("**Monthly Rent**") due and payable in advance on the first day of each calendar month, beginning on the commencement date of this Rental Agreement. Unless directed to do otherwise by Airport, Renter shall pay rent only in cash or by personal check, certified check, or money order. If the term of this Rental Agreement begins on a day other than the first day of the



Contra
Costa
County

To: Contra Costa County Flood Control District Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: February 10, 2015

Subject: Report on 2014 Status of Flood Protection Infrastructure, Countywide. (100% Flood Control District Funds) Project No. 7505-6F8135

RECOMMENDATION(S):

ACCEPT the attached report from the Contra Costa County Flood Control and Water Conservation District (Flood Control District) on the 2014 Status of Flood Protection Infrastructure and;

DIRECT the Chief Engineer, Flood Control District, or designee, to implement the Action Plans in the report, with a follow-up report to this Board annually and;

REFER the Flood Control District's efforts to develop sustainable funding for flood protection to the Transportation, Water and Infrastructure Committee (TWIC).

FISCAL IMPACT:

Preparation of this report cost \$25,000, which was funded by Flood Control District Funds. Implementation of the recommended action plans and assessment studies over the next fourteen years will cost approximately \$9,000,000 to be funded by Flood Control District and Flood Control Zone Funds, with efforts to offset expenses with grant funds.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 02/10/2015

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: Stacey M. Boyd, Deputy

Contact: Tim Jensen (925) 313-2390

BACKGROUND:

On November 5, 2013, the Flood Control District presented to the Board its first annual report on flood protection infrastructure in order to understand its history, condition, and future needs. The attached report entitled “2014 Status of Flood Protection Infrastructure” provides information regarding the Flood Control District’s accomplishments since the 2013 Annual Report and recommends pursuing sustainable funding for flood protection.

In summary, our community outreach events were successful, our capital programs made progress, and our studies of aging infrastructure and unsustainable service levels continued to highlight some major concerns, primarily regarding sustainability.

A more detailed look at the Flood Control District’s financial picture was performed this past year. Maintenance funding for regional Flood Control District facilities comes primarily from a percentage of the 1% ad valorem property tax. Maintenance funding for community drainage facilities comes from annual assessments from each stormwater utility area, formed in 1993. Prior to that time, the County’s community drainage maintenance was paid for out of County General Funds. Road system drainage maintenance is funded by a portion of the local share of gas tax. Each city funds their own community drainage systems, typically with their stormwater utility fees.

We found that the Flood Control District regional flood protection facilities and unincorporated community drainage facilities funding is inadequate. Historical expenditures have been capped due to limited revenue, resulting in service levels being at the bare minimum. After several years of this practice, the outcome has been poor facility conditions and an increasing backlog of deferred maintenance. The current funding level for our regional and community drainage maintenance is about \$5 million per year, which is about 0.4% of our infrastructure value. To meet the industry standard for sustainable maintenance of 2% of infrastructure value, the funding need is about \$24 million per year.

When regional planning, capital improvement, and capital replacement needs are added to the maintenance need, the annual funding shortfall is approximately \$78 million, as compared to the current revenue of about \$8.9 million. We are now including capital replacement needs in our financial planning, because in 2029, the first regional flood protection facility reaches its expected service life of 75 years and will need replacement or major rehabilitation soon thereafter.

Historically, Flood Control District regional flood protection has not needed County General Fund support. Inadequate funding has been managed by reduced service delivery, deferred maintenance, deferred capital improvements, and loans from the Flood Control District. This is not sustainable as the Flood Control District fund is projected to be depleted in less than 10 years. Once that occurs, there is no backstop source of revenue other than County General Funds. Due to increases in community drainage maintenance costs, the need for County General Funds (provided prior to 1993) has returned.

Most flood protection, drainage, and stormwater agencies statewide suffer from inadequate funding. Proposition 13 froze tax rates at low levels, and Proposition 218 made it difficult to increase revenue. The County has been working with the California State Association of Counties and the County Engineers Association of California on a Statewide Stormwater Funding Initiative to exempt stormwater agencies from Proposition 218 voter requirements, similar to the exemption that water and wastewater utility districts have. Support is building across the state, and legislation will be introduced in early 2015 to initiate this funding measure. We recommend that the County continue to support the legislative effort to get this funding measure into place.

The Flood Control District will continue implementation of the action plans outlined in the 2013 Annual Report. The key action for the next few years will be to focus on developing sustainable funding for regional flood protection and community drainage.

Staff recommends that the Board accept the attached 2014 Status of Flood Protection Infrastructure Report from the Flood Control District, direct the Chief Engineer to continue with the Action Plans recommended in the

Report, with a follow-up report to this Board annually, as well as refer the effort to develop sustainable funding for regional flood protection and community drainage to the TWIC.

CONSEQUENCE OF NEGATIVE ACTION:

The County's flood protection and community drainage infrastructure funding issues will not be adequately addressed, which will lead to lower levels of flood protection for our communities in the future.

CHILDREN'S IMPACT STATEMENT:

Not directly applicable.

ATTACHMENTS

2014 Status Report



Contra Costa County Flood Control & Water Conservation District



2014 Annual Report

Message from Julie Bueren, Chief Engineer

We have accomplished much in 2014, including community celebrations, native plantings, trash cleanups, creating a safety video, improving swiftwater rescue, receiving a quarter million dollars in grant funding for flood safety improvements, completing a \$14 million dollar flood protection basin, starting our pilot infrastructure assessment program, and evaluating our financial condition. Our diverse community outreach events engaged hundreds of people from across the County, helping to increase local support for the Flood Control District.

Financial reporting reinforced our concerns that our aging infrastructure and unsustainable service levels are headed for a crisis. Almost 40% of our \$1 billion of flood protection infrastructure will be over 50 years old by 2020. Our current funding only allows for maintenance service levels at 22% of what it should be per industry standard. To continue providing County-wide flood protection into the future, we need additional funds for maintenance, capital programs, and facility replacement. Our primary focus will be on additional funding until we have achieved financial sustainability.

Once again, 2014 found the Flood Control District in the community, and working not only for our residents, but with them. By partnering even more this year, we will increase community engagement to help build a sustainable future.

1.0 Summary of Accomplishments

Since the District's last report in November 2013 we have accomplished the following:

The District implemented the Giving the Natives a Chance program, which focused on engaging the community in the District's facilities. In December 2013, we partnered with the non-profit Restoration Trust and held our first planting in the Clayton Valley Drain. The event was well attended, and 90 volunteers planted 1,600 native grasses and sedges as part of an experiment to study ways to reduce invasive grasses and herbicide use in flood control channels. A follow-up event was held in December 2014. Thirty volunteers returned to plant 1,800 plugs to bolster the native grasses and sedges.

The next volunteer event was held when the District celebrated the completion of the Upper Sand Creek Basin project. A planting day was held in partnership with the Friends of Marsh Creek Watershed. In just a few hours, 150 volunteers planted 400 native plants from the Flood Control District's volunteer nursery in the 10-acre restored wetland area. This project was unique in that the native plant seeds were harvested from the site prior to construction, grown and cared for by District staff, and then returned to the site.

After years of legislative effort, Lower Walnut Creek was returned to local control when President Obama signed Water Resources Development Act 2014 in June. This removed the lowest four miles of Walnut and Pacheco Creeks from the Army Corps of Engineers control. This allows the District to move forward with a community-based restoration planning effort that incorporates flood protection, wetland restoration, and recreation opportunities. To celebrate, a media event was held in July at the Pacheco Marsh. Speakers included Congressman Mike Thompson, and representatives from the Board of Supervisors, East Bay Regional Park District, and Muir Heritage Land Trust.

A report was issued by the Army Corps of Engineers listing levee deficiencies in the stretch of Walnut Creek that remained under federal jurisdiction, which resulted in several unacceptable ratings and delisting from disaster relief funding. Our investigation found that the ratings were due to inaccurate data by the Corps, as well as reduced levels of maintenance from the District. Those issues will be resolved in 2015 allowing the Corps of Engineers to reinstate our disaster relief funding.

Thanks to the assistance of the County's Public Information Officer and CCTV the District continued developing our Communication and Outreach plan. This included planning and producing targeted media releases and creating an outreach video.

The Creek and Channel Safety Awareness Program remained a priority. We created a kid-friendly safety video with the students of Mt. Diablo High School's Digital Safari Academy in the spring. In the summer we worked with the Contra Costa County Fire Protection District Swiftwater Rescue Team to install improvements at their primary rescue site for the Walnut Creek channel, and provided funding for swiftwater rescue equipment for training and use in County waterways.

The consultant selection process was completed for the Conditions Assessment of Critical Infrastructure program, and we made significant progress on our pilot program to assess facilities in three watersheds.

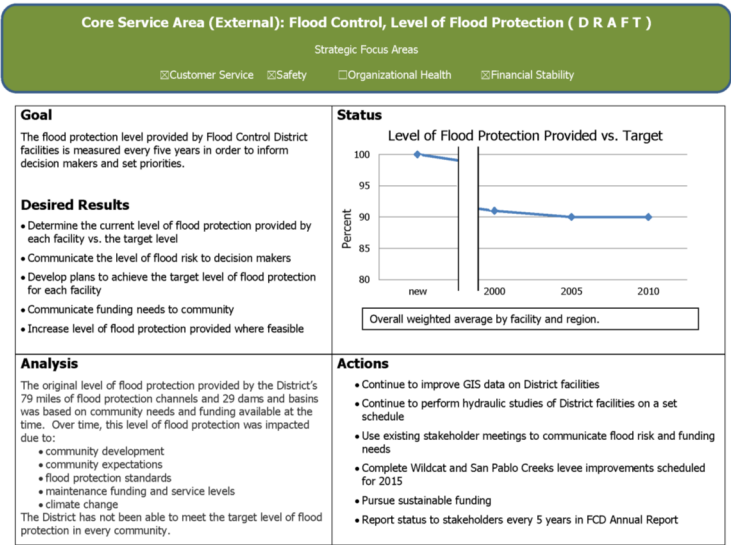
Progress was made on our capital projects. Upper Sand Creek Basin was completed in April. This \$14 million project was the largest locally-funded project in District history. Design of the Wildcat and San Pablo Creeks Critical Levee Repair Project is nearing completion. This project would not have been possible without a \$1.5 million grant obtained in 2013, or the State's 90% contribution, requiring only a 10% match. It will protect the community of North Richmond from flooding impacts, and meets strict Army Corps of Engineers and FEMA standards.

We received a \$250,000 grant from the State to install ten stream gages in critical areas which will provide better data for flood prediction and warning, improving community flood safety.

2.0 Performance Measures

In 2014 two new performance measures were adopted regarding; 1) the level of flood protection provided to communities, and 2) Flood Control District undesignated fund balance.

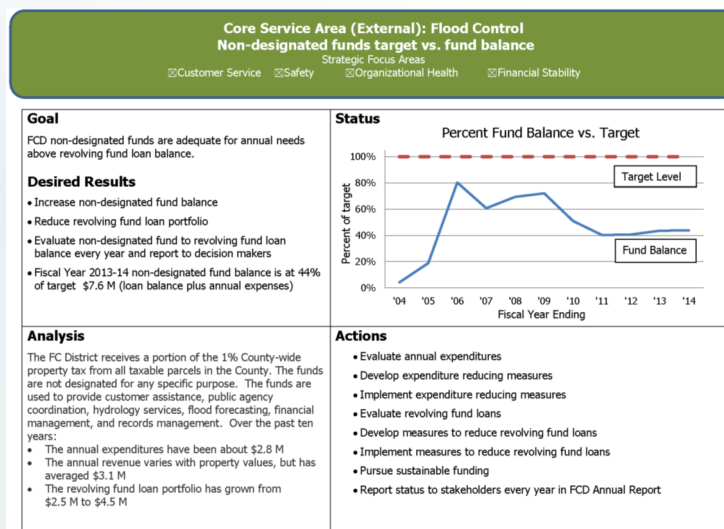
2.1 Level of Flood Protection: A composite view of the level of flood protection provided by all regional flood protection facilities showed that, on average, they provide 90% of the target level of flood protection. When these facilities were new, they provided 100% of their designed level of flood protection. Due to factors such as increased urbanization, higher flood protection standards, as well as decreased maintenance service and funding, the level of flood protection provided by our regional facilities has been in decline. The FC District will continue to evaluate this benchmark every five years and develop action plans to address the various factors involved, with the goal to return to 100% level of flood protection provided for all facilities.



Level of Flood Protection Performance Measure

2.2 Flood Control District Undesignated Fund Balance:

Funding for maintenance of regional flood protection facilities comes primarily from a percentage of the 1% ad valorem tax. Revenues have been capped as a result of Proposition 13 and 218, thus staff has had to redistribute revenue to fund basic maintenance for drainage area zones that have zero revenue or inadequate revenue. The redistribution of funds is achieved through the District's revolving fund loan program, typically borrowing funds from the District's undesignated fund. Over the years, the loan balance has grown to \$4.5 million, and the remaining undesignated fund balance has decreased to \$3.4 million. A target undesignated fund balance was set for 2014 at \$7.7 million to keep a buffer for annual operating expenses above the loan balance, so the \$3.4 million fund balance is currently only 44% of the target level.



Performance Measure: Undesignated Fund Balance

Continuing these loans, even when coupled with lower service levels, deferred maintenance, and deferred capital improvement, is not sustainable, and the undesignated fund is projected to be depleted in less than 10 years. Once that occurs, there is no backstop source of revenue, and County General Funds may be needed.

3.0 Financial Summary

The Flood Control District was formed in 1951 to provide regional flood protection for Contra Costa County. Since then, 79 miles of channels and 29 detention basins have been constructed. The estimated asset value is over \$1 billion (in 2010 dollars), and the facilities protect an estimated \$25 billion in property value in historic floodplains. Federal and State government programs funded 90 to 95 percent of the construction costs. These regional facilities collect stormwater from community drainage systems in the developed unincorporated County (and cities). Maintenance and capital funding for regional Flood Control District facilities comes primarily from a percentage of the 1% ad valorem property tax. Maintenance funding for community drainage facilities comes from stormwater utility assessments, which were established in 1993. Prior to that time, community drainage maintenance was paid for out of County General Funds. Road system drainage maintenance is funded by a portion of the local share of gas tax. Each city funds maintenance for their community drainage systems, typically with their stormwater utility fees.

Maintenance funding was established when facilities were brand new and little expense was required, then Proposition 13 froze those low rates. Since that time, expenditures have been capped due to limited revenue, resulting in service levels being at the bare minimum. After many years of this practice, the outcome has been poor facility conditions and an increasing backlog of deferred maintenance. The current funding level for our regional and community drainage maintenance is about \$5 million per year, which is about 0.4% of our infrastructure value (\$1.3 billion in 2010 dollars). To meet the industry standard for adequate maintenance which is 2% of infrastructure value, the funding need is about \$24 million per year. Our current funding level is about 22% of the need. The initial level of maintenance funding which may have been adequate for brand new facilities was not increased over time to the level necessary to adequately maintain aging facilities. Since about 40% of our facilities will be 50 years or older in 2020, the lack of maintenance funding is becoming more and more critical.

When regional planning, capital improvement, and capital replacement needs are added to the maintenance need, the annual funding need is approximately \$83 million, compared to the current revenue of about \$11.5 million. We are now including capital replacement needs in our financial planning because in 2029 the first regional flood protection facility reaches its expected service life of 75 years and will need replacement or major rehabilitation soon thereafter. Overall, our current revenue is 14% of the total estimated need. None of the regional flood protection funding zones have adequate funding, and three have zero revenue. For example, Wildcat Creek receives about \$69,000 annually, which is 9% of the \$800,000 maintenance funding needed, and 1% of the \$4.9 million total programs funding need.

Historically, FC District regional flood protection has not needed County General Fund support. Inadequate funding has been managed by reduced service delivery, deferred maintenance, deferred capital improvements, and loans from the FC District undesignated fund. This is not sustainable as the FC District undesignated fund is projected to be depleted in less than 10 years. Once that occurs, there is no backstop source of revenue other than County General Funds. Due to increases in community drainage maintenance costs, the need for County General Funds (provided prior to 1993) has returned.

Figure 1 below graphically shows the funding history and projected annual need for sustainable funding levels to adequately fund regional and community drainage programs. Please refer to our Financial Report on our web page for more detail.

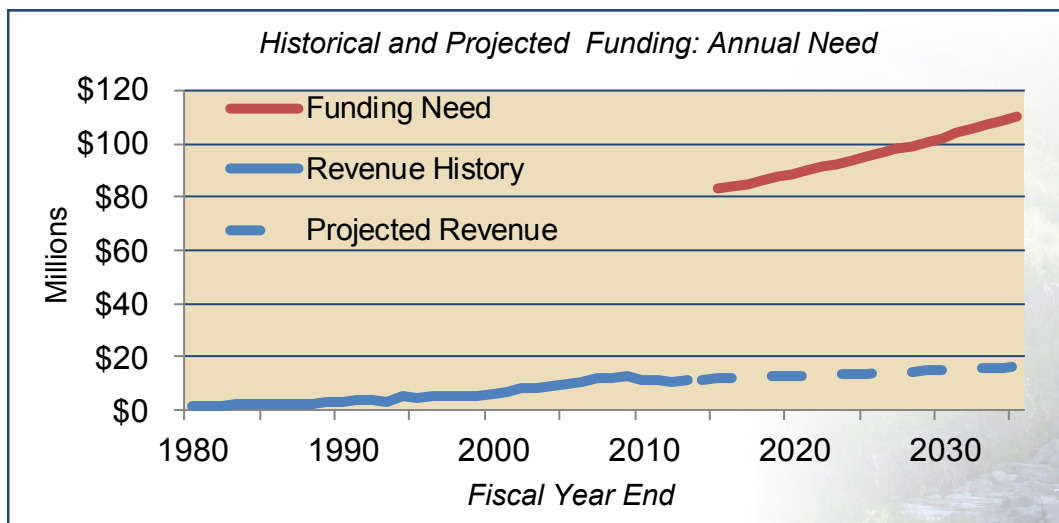


Figure 1. Regional and Community Drainage Funding Need – All Programs

4.0 Potential Funding

Most flood protection, drainage, and stormwater agencies statewide suffer from inadequate funding. Proposition 13 froze tax rates at low levels, and Proposition 218 has made it difficult to increase revenue. Staff has already been working with statewide organizations such as California State Association of Counties, County Engineers Association of California, and others on a Statewide Stormwater Funding Initiative to exempt stormwater agencies from Proposition 218 voter

requirements, similar to how water and wastewater utility districts are funded. Support is building across the state, and legislation will be introduced in early 2015 to initiate this funding measure. We recommend the County continue its support of the legislative effort to get this funding measure into place.

5.0 Action Plans Update

We have made progress on some of the action plans presented in our November 2013 Annual Report (items 1 – 8 in Figure 2 below) and thus reduced the cost of future programs to approximately \$9 million.

#	Action Plan Description	Cost Estimate	Time (years)	Start
1	Sediment Studies at Channel Mouths	\$250,000	8	February 2008
2	Study Level of Flood Protection	\$1,640,000	14	December 2008
3	Review and Report on Financial Status	\$50,000	1	June 2012
4	Develop Financing Plan	\$50,000	1	June 2012
5	Develop Communication and Outreach Plan	\$100,000	1	February 2013
6	Improve Flood Forecasting and Warning Systems	\$300,000	2	April 2013
7	Conditions Assessment of Critical Infrastructure	\$5,500,000	7 - 9	October 2013
8	Seismic Study of 5 Dams	\$1,250,000	4	2015
Assessments Total:		\$9,140,000	14	

Figure 2. Overall FC District Action Plans Cost and Schedule - 2014 Update

6.0 Conclusions and Recommendations

The Flood Control District's aging infrastructure and unsustainable service levels are major concerns that deserve attention, and in the near term we will focus primarily on seeking additional funding. Community outreach events increased local support for the Flood Control District. Those events should be continued as they are one of the key elements for building a sustainable future.

This effort to obtain sustainable funding sources is being referred to the Transportation, Water, and Infrastructure Committee for detailed study and recommendations.

For more information and previous Annual Reports, refer to our web page at www.cccounty.us/FCDReports, or contact Tim Jensen at tjens@pw.cccounty.us



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: February 10, 2015

Subject: Contract with Environmental Science Associates, Inc., for Lower Walnut Creek Restoration Project Study, Martinez area. Project No. 7520-6B8285

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation District (FC District), or designee, to execute a contract with Environmental Science Associates, Inc., in an amount not to exceed \$555,042 to provide services to complete the planning and project development phases of the Lower Walnut Creek Restoration Project, effective February 10, 2015 through February 10, 2017, Martinez area. (100% Flood Control District Zone 3B Funds)

FISCAL IMPACT:

This project is funded 100% by Flood Control Zone 3B (Walnut Creek watershed) funds.

BACKGROUND:

On June 25, 2013, the Board of Supervisors authorized the FC District to remove the lowest 4 miles of the Army Corps of Engineers' "Walnut Creek Project" from Corps oversight. The FC District sought this removal to return the facility to local control and permit the FC District to manage it in a more sustainable manner. Legislation was subsequently introduced by Congressman Mike Thompson to selectively deauthorize Lower Walnut Creek from the system.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: Stacey M. Boyd, Deputy

Contact: Paul Detjens (925)
313-2394

BACKGROUND: (CONT'D)

This legislation was approved by Congress and signed by President Obama on June 10, 2014.

With the facility under local control, the FC District has the ability to proceed with the Lower Walnut Creek Restoration Project, which encompasses the lowest 4 miles of Walnut Creek and Pacheco Creek. The objective of this project is to transform this stretch of channel to a sustainable flood control facility. On September 4, 2014, the FC District issued a request for qualifications (RFQ) for planning and project development services for the Lower Walnut Creek Restoration Project. Environmental Science Associates was determined to be the most qualified among the eight consultant teams that responded to the RFQ. This contract will engage Environmental Science Associates for a two-year period to provide the services needed to complete the planning and project development phases for the project.

CONSEQUENCE OF NEGATIVE ACTION:

Without the approval of the Board of Supervisors, the FC District will be unable to obtain the services of Environmental Science Associates to initiate the Lower Walnut Creek Restoration Project.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: February 10, 2015

Subject: APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a hangar rental agreement with Buchanan Field Airport Hangar tenant.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a month-to-month hangar rental agreement with Richard Conti for a T-hangar at Buchanan Field Airport effective February 13, 2015 in the monthly amount of \$383.74, Pacheco area.

FISCAL IMPACT:

The Airport Enterprise Fund will realize \$4,604.88 annually.

BACKGROUND:

On September 1, 1970, Buchanan Airport Hangar Company entered into a 30-year lease with Contra Costa County for the construction of seventy-five (75) hangars and eighteen (18) aircraft shelters at Buchanan Field Airport. Buchanan Airport Hangar Company was responsible for the maintenance and property management of the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee, (844) 359-8687

cc:

BACKGROUND: (CONT'D)

property during that 30-year period.

On September 1, 2000, the County obtained ownership of the aircraft hangars and shelters, pursuant to the terms of the above lease.

On February 13, 2007, Contra Costa County Board of Supervisors approved the new Large Hangar Lease Agreement for use with the larger East Ramp Hangars.

On February 3, 2008, Contra Costa County Board of Supervisors approved the amended T-Hangar Lease Agreement which removed the Aircraft Physical Damage Insurance requirement. The new amended T-hangar Lease Agreement will be used to enter into this aircraft rental agreement.

CONSEQUENCE OF NEGATIVE ACTION:

A negative action will cause a loss of revenue to the Airport Enterprise Fund.

CHILDREN'S IMPACT STATEMENT:

Not Applicable

ATTACHMENTS

Hangar Rental Agreement

CONTRA COSTA COUNTY - BUCHANAN FIELD AIRPORT

T-HANGAR AND SHADE HANGAR RENTAL AGREEMENT

1. **PARTIES:** Effective 2/13/2015 ("**Effective Date**"), the COUNTY OF CONTRA COSTA, a political subdivision of the State of California ("**Airport**"), and Richard Conti ("**Renter**"), hereby mutually agree and promise as follows:
 2. **RENTER AND AIRCRAFT INFORMATION:** Simultaneous with the execution of this T-Hangar and Shade Hangar Rental Agreement ("**Rental Agreement**") by Renter, Renter shall complete the Renter and Aircraft Information Form. A completed copy of the Renter and Aircraft Information Form is attached hereto as Exhibit "A" and incorporated herein. Renter must also provide to Airport at that time, for inspection and copying, (1) the original current Aircraft Registration or, if the aircraft described in Exhibit A is under construction, the plans for and proof of ownership of such aircraft; and (2) the insurance information required by Section 16 below.
 3. **PURPOSE:** The purpose of this Rental Agreement is to provide for the rental of a T-Hangar or Shade Hangar space at the Contra Costa County - Buchanan Field Airport for the storage of the aircraft described in the Renter and Aircraft Information Form ("**Renter's Aircraft**").
 4. **PREMISES:** For and in consideration of the rents and faithful performance by Renter of the terms and conditions set forth herein, Airport hereby rents to Renter and Renter hereby rents from Airport that T-Hangar or Shade Hangar shown as # D-10 on the T-Hangar and Shade Hangar Site Plan, attached hereto as Exhibit B and incorporated herein. This T-Hangar or Shade Hangar is part of the T-Hangar and Shade Hangar Site ("**T-Hangar Site**") and shall hereinafter be described as the "T-Hangar."
- Renter has inspected the T-Hangar and hereby accepts the T-Hangar in its present condition, as is, without any obligation on the part of Airport to make any alterations, improvements, or repairs in or about the T-Hangar.
5. **USE:** The T-Hangar shall be exclusively by Renter for the storage of Renter's Aircraft. In addition to the storage of Renter's Aircraft, Renter may use the T-Hangar for (1) the homebuilding, restoration and/or maintenance of Renter's Aircraft, provided that such homebuilding, restoration and/or maintenance is performed by Renter only and in conformance with all applicable statutes, ordinances, resolutions, regulations, orders, circulars (including but not limited to FAA Advisory Circular 20-27) and policies now in existence or adopted from time to time by the United States, the State of California, the County of Contra Costa and other government agencies

with jurisdiction over Buchanan Field Airport; (2) the storage of and materials directly related to the storage, construction of homebuilt planes homebuilding, restoration, and/or maintenance of Renter's Aircraft; (3) the storage of one boat, or one recreational vehicle, or one motorcycle, or one automobile, provided that Renter first provides to Airport proof of Renter's ownership and original registration of any stored boat or vehicle, for inspection and copying; and/or (4) the storage of comfort items (such as a couch, small refrigerator, etc.) that the Director of Airports, in his sole discretion, determines will not impede the use of the hangar for the storage of Renter's Aircraft, and are not prohibited by applicable building and fire codes. The T-Hangar shall not be used for any purpose not expressly set forth in this Section 5. Use.

The use of all or a portion of the T-Hangar for the storage of aircraft not owned or leased by Renter is prohibited. ("Aircraft not owned or leased by Renter" means any aircraft in which Renter does not have an ownership interest or which is not directly leased to Renter). Renter shall present proof of said ownership interest or lease to Airport upon request in addition to that information provided in Exhibit A.

If Renter's Aircraft is or becomes non-operational, it may be stored in the T-Hangar only if it is being homebuilt or restored by Renter. Prior to the commencement of any such homebuilding or restoration, Renter shall provide to Airport (1) a copy of the purchase agreement or (2) a valid federal registration number. If Renter's Aircraft is not registered as of the Effective Date, upon completion of construction, Renter shall register and apply for an airworthiness certificate for Renter's Aircraft in accordance with all applicable federal statutes and regulations and provide the original registration and certification to Airport, for inspection and copying, immediately upon receipt by Renter. On or before January 1 of each year, if the homebuilding or restoration has not been completed, Renter shall provide a written annual report to the Director of Airports that details the homebuilding or restoration activity performed, work still required to be completed and an estimate of time of completion.

6. **TERM:** This Rental Agreement shall be from month to month commencing 2/13/2015, and shall continue until terminated. This Rental Agreement may be terminated by any party upon thirty (30) days written notice to the other party.

7. **RENT:**

- A. **Monthly Rent and Additional Rent.** Renter shall pay \$ 383.74 in rent per month ("Monthly Rent") due and payable in advance on the first day of each calendar month, beginning on the commencement date of this Rental Agreement. Unless directed to do otherwise by Airport, Renter shall pay rent only in cash or by personal check, certified check, or money order. If the term of this Rental Agreement begins on a day other than the first day of the month, the Monthly Rent stated above for the first month shall be prorated



**Contra
Costa
County**

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: February 10, 2015

Subject: Approval of Consent to Assignment of Lease between C.C. County & Pacific Whole Foods Corp. & Excelsior JD Co for property at 2301 Meridian Park Blvd.

RECOMMENDATION(S):

APPROVE and **AUTHORIZE** the Director of Airports, or his designee, to execute on behalf of the County a Consent to Assignment that will permit the County's current tenant, Pacific Whole Foods Corporation, to assign its lease of the County-owned property located at 2301 Meridian Park Boulevard, Concord to Excelsior JD Co., Concord area.

FISCAL IMPACT:

There is no negative impact on the General Fund. The Airport Enterprise Fund will continue to receive lease and other revenues provided for in the Lease. The County General Fund will continue to receive property, sales and possessory interest tax revenues from the Lease.

BACKGROUND:

Under a ground lease dated October 1, 2010, the County leased the subject property to Caffino Express LLC for the purpose of providing gourmet coffee and espresso and related

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee (844) 359-8687

cc:

BACKGROUND: (CONT'D)

services at Buchanan Field Airport. The Board authorized a lease assignment from Caffino Express LLC to Rhone LLC on October 23, 2012. On June 24, 2014, the Board authorized the County's consent to an assignment of the lease from Rhone LLC to Pacific Whole Foods Corporation, which was effected by the merger of Rhone LLC with Pacific Whole Foods Corporation.

Pacific Whole Foods Corporation desires to assign all of its interest in the lease to Excelsior JD Co. An assignment of the lease requires the written consent of the County. This action authorizes consent to the assignment. This action does not amend or alter the terms of the existing lease.

CONSEQUENCE OF NEGATIVE ACTION:

The County will not consent to the assignment of the lease and Pacific Whole Foods Corporation will not be able to assign its interest in the lease.

CHILDREN'S IMPACT STATEMENT:

Not Applicable

ATTACHMENTS

Assignment

CONSENT TO ASSIGNMENT OF LEASE

This consent to assignment of lease ("Consent") is dated _____, 2015 and is between the COUNTY OF CONTRA COSTA, a political subdivision of the State of California ("County"), PACIFIC WHOLE FOODS CORPORATION, a California corporation ("Assignor"), and EXCELSIOR J D Co, a California limited liability company ("Assignee").

RECITALS

- A. The County owns and operates Buchanan Field, a public airport located at Concord, California (the "Airport"), as shown on the Airport Layout Plan, which plan is on file in the office of the County Director of Airports (the "Director of Airports").
- B. The County leased that portion of the Airport commonly known as 2301 Meridian Park Boulevard (the "Premises") to Caffino Express LLC ("Caffino") pursuant to a lease dated October 1, 2010 (the "Lease"). Caffino assigned its rights and obligations under the Lease (the "Leasehold Estate") to Rhone, LLC on October 23, 2012, pursuant to an Asset Purchase Agreement between Caffino and Rhone, LLC.
- C. Rhone, LLC and Assignor were parties to a Merger Agreement dated March 4, 2014. As a result of the merger, the separate corporate existence of Rhone, LLC ceased and Assignor became the surviving business. As a result, Rhone, LLC assigned its rights and obligations under the Lease to Assignor on June 24, 2014.
- D. Assignor now desires to assign all of its right, title, interest, and obligations, in, to and under the Lease and the Leasehold Estate to Assignee (the "Assignment"). Assignee desires to accept the Assignment.
- E. In consideration of all of the terms and conditions contained herein, County agrees to consent to the Assignment.

County, Assignor, and Assignee therefore agree as follows:

Agreement

1. Definitions. Defined terms used but not defined in this Consent have the meaning ascribed to them in the Lease.
2. Security Deposit. The County will continue to hold the security deposit previously paid to the County under the Lease in accordance with the terms of the Lease.
3. Representations and Warranties of Assignor and Assignee. Each of Assignor and Assignee hereby represents and warrants that:
 - a. Assignee's intended use of the Premises is consistent with Assignor's use of the Premises and is not inconsistent with the use permitted under the Lease and will not require alteration of the Premises.
 - b. Assignee is a California corporation in good standing.
 - c. Assignee has a good reputation in the business community in which it conducts its businesses and has a business reputation and business credit history that is consistent with other business conducted on the Premises.
 - d. Assignee is capable of operating a gourmet coffee/espresso business on the Premises as contemplated by the terms of the Lease and has business experience and management ability that is equal to or greater than that of Assignor.
 - e. Assignee's intended use of the Premises will not increase the use or storage of hazardous substances on the Premises (as compared with such use or storage by Assignor) and will not otherwise adversely affect the County's interest in the Premises.
 - f. Assignee's financial condition is sufficient to support the obligations of Tenant under the Lease.
 - g. The Assignment will not result in a reduction in the Rent paid under the Lease.
 - h. Assignor and Assignee have the legal right and authority to enter into this Agreement and each has received all necessary approvals to do so.
4. Assignment and Assumption Agreement. Assignor and Assignee are entering into an Asset Purchase Agreement under which the Assignment will be effected.
5. Conditions Precedent to Execution of Consent. County's consent to the Assignment is subject to the satisfaction of the following conditions:

- a. The Director of Airports must review and approve the form of the Asset Purchase Agreement.
 - b. The Director of Airports must receive an executed copy of the Asset Purchase Agreement.
 - c. The Director of Airports must receive (i) a copy of the Notice of Bulk Sale that relates to the sale of the business located at the Premises by Assignor to Assignee, and (ii) a copy of any notices pursuant to Section 6106.4 of the Uniform Commercial Code.
 - d. On or prior to the effective date of the Assignment, the Assignor shall pay all outstanding rent and fees that have become due under the Lease, including late fees and interest, and shall cure any existing default. As of January 29, 2015, the amount of outstanding rent and fees is \$0. Payment of all outstanding rent and fees is a condition precedent to the effectiveness of this Consent. At County's discretion, payment of any portion of such amounts may be deemed to have been made through the application of the Security Deposit in accordance with the terms of the Lease.
 - e. On or prior to the effective date of the Assignment, Assignor or Assignee shall pay County a Transaction Fee of \$2,500.00; the County acknowledges receipt of the \$2,500.00 Transaction Fee.
 - f. Unless a later date is agreed to by County, the Assignment must occur on or before March 4, 2015.
6. Consent of County. In reliance on the representations and warranties of Assignor and Assignee and upon satisfaction of the terms and conditions set forth herein, the County consents to the Assignment.
7. Consent to Assignment Only. This Consent does not amend the Lease. If there is any confusion or contradiction between any term of the Lease and this Consent, the terms of the Lease will prevail.
8. Governing Law. The laws of the State of California govern all matters arising out of this Consent, with venue in the Superior Court of the County of Contra Costa, California.
9. Survival. The provisions of this Consent shall survive both the execution and delivery of this Consent.
10. Recitals. The Recitals are true and correct and are incorporated herein by reference.

11. Notice. From and after the effective date of the Assignment, all notices given to Tenant under the Lease will be mailed to:

Excelsior J D Co., LLC
dba Java Detour
Attn: Mark Naify
172 Golden Gate Avenue
San Francisco, CA 84102

The parties are signing this Consent as of the date set forth in the introductory paragraph.

COUNTY

CONTRA COSTA COUNTY, a political
Subdivision of the State of California

ASSIGNOR

Pacific Whole Foods Co.

By _____
Keith Freitas
Director of Airports

By _____
Hector Escquivel
President

RECOMMENDED FOR APPROVAL:

By _____
Name:
Its:

By _____
Karen Laws
Principal Real Property Agent

ASSIGNEE

Excelsior J D Co., LLC

By _____
Beth Lee
Assistant Director of Airports

By _____
Mark Naify
President

APPROVED AS TO FORM:

By _____
Name:
Title:

By Sharon L. Anderson, County Counsel

By _____
Kathleen M. Andrus,
Deputy County Counsel



Contra Costa County

To: Board of Supervisors
 From: David Twa, County Administrator
 Date: February 10, 2015

Subject: claims

RECOMMENDATION(S):

DENY claims filed by Military Ocean Terminal Concord, Francis O'Leary, Progressive Insurance for Sandra Zufall, Gabriel Rodriguez and Christopher Wilson.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

*

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
 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: February 10, 2015

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

By: Stacey M. Boyd, Deputy

Contact: Joellen Balbas
 925.335.1906

cc:



Contra Costa County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 10, 2015

Subject: APPROVE the Board Meeting minutes for December 2014

RECOMMENDATION(S):

APPROVE Board meeting minutes for December 2014, as on file with the Office of the Clerk of the Board.

FISCAL IMPACT:

None.

BACKGROUND:

Government Code Section 25101(b) requires the Clerk of the Board to keep and enter in the minute book of the Board a full and complete record of the proceedings of the Board at all regular and special meetings, including the entry in full of all resolutions and of all decisions on questions concerning the allowance of accounts. The vote of each member on every question shall be recorded.

CONSEQUENCE OF NEGATIVE ACTION:

Contra Costa County will fail to meet the requirements of Government Code Section 25101(b).



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 02/10/2015



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: Stacey M. Boyd, Deputy

Contact: Joellen Balbas
925.335.1906

cc:

To: Board of Supervisors
 From: William Walker, M.D., Health Services Director
 Date: February 10, 2015



Contra
 Costa
 County

Subject: PRESENTATION Honoring Raul Martin Garro, Registered Nurse, for 25 years of service.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
 COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

Contact: Melissa Carofanello - 925-957-5248 -
 melissa.carofanello@hsd.cccounty.us

By: Stephanie L. Mello, Deputy

cc:

AGENDA ATTACHMENTS

Resolution No. 2015/44

Service Award

MINUTES ATTACHMENTS

Signed Resolution No.

2015/44

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

In the matter of:

Resolution No. 2015/44

Honoring Name Raul (Martin) Garro Upon The Occasion of 25 Years of Service With Contra Costa Health Services

WHEREAS, Martin began his career with Contra Costa County as a Charge Nurse in Health Services Psychiatric Emergency Services Unit on November 17, 1989. He worked there until November 2005 when he transferred to Juvenile Hall where he continued his work as a Charge Nurse.

WHEREAS, Martin transferred to Older Adult Mental Health in October of 2008 and has worked as a Registered Nurse – Advanced Level, to present date.

WHEREAS, Martin, during his many years of service for Contra Costa County, has served in many capacities. As a Charge Nurse in Contra Costa County's Regional Medical Center, he helped patients in Psychiatric Emergency Services. In addition, he has worked with young people at Juvenile Hall, and now provides essential mental health services to the older adult population at the Older Adult Mental Health Program.

WHEREAS, Martin has always gone the extra mile to assist consumers of this County and has done so in a warm, caring, and compassionate manner. His supportive demeanor comes across in his interactions, both in person and on the phone, with those who need psychiatric services.

Now, Therefore, Be It Resolved that Mr. (Raul) Martin Garro, be recognized and thanked for his contributions to the Contra Costa Mental Health Services and the residents of Contra Costa County whose health and safety have been improved by these efforts.

JOHN GIOIA

Chair,
District I Supervisor

CANDACE ANDERSEN

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: February 10, 2015

David J. Twa,

By: _____, Deputy

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

In the Matter of

RESOLUTION NO. _____

**Honoring Name Raul (Martin) Garro
Upon The Occasion of 25 Years of Service With Contra Costa Health Services**

WHEREAS, Martin began his career with Contra Costa County as a Charge Nurse in Health Services Psychiatric Emergency Services Unit on November 17, 1989. He worked there until November 2005 when he transferred to Juvenile Hall where he continued his work as a Charge Nurse.

WHEREAS, Martin transferred to Older Adult Mental Health in October of 2008 and has worked as a Registered Nurse – Advanced Level, to present date.

WHEREAS, Martin, during his many years of service for Contra Costa County, has served in many capacities. As a Charge Nurse in Contra Costa County’s Regional Medical Center, he helped patients in Psychiatric Emergency Services. In addition, he has worked with young people at Juvenile Hall, and now provides essential mental health services to the older adult population at the Older Adult Mental Health Program.

WHEREAS, Martin has always gone the extra mile to assist consumers of this County and has done so in a warm, caring, and compassionate manner. His supportive demeanor comes across in his interactions, both in person and on the phone, with those who need psychiatric services.

NOW, THEREFORE, IT IS BY THE BOARD RESOLVED that Martin, be recognized and thanked for his contributions to the Contra Costa Mental Health Services and the residents of Contra Costa County whose health and safety have been improved by these efforts.

PASSED by a unanimous vote of the Supervisors present this _____.

FEDERAL D. GLOVER
District V Supervisor

JOHN M. GIOIA
District I Supervisor

CANDICE ANDERSON
District II Supervisor

MARY N. PIEPHO, Chair
District III Supervisor

KAREN MITCHOFF
District IV Supervisor

RESOLUTION NO. _____

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

ATTESTED: (date)

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

By _____, Deputy

The Board of Supervisors of Contra Costa County, California

In the matter of honoring Raul "Martin" Garro upon the occasion of 25 years of service with Contra Costa Health Services

Resolution No. 2015/44

WHEREAS, Martin began his career with Contra Costa County as a Charge Nurse in Health Services Psychiatric Emergency Services Unit on November 17, 1989. He worked there until November 2005, when he transferred to Juvenile Hall, where he continued his work as a Charge Nurse; and

WHEREAS, Martin transferred to Older Adult Mental Health in October of 2008 and has worked as a Registered Nurse – Advanced Level, to present date; and

WHEREAS, Martin, during his many years of service for Contra Costa County, has served in many capacities. As a Charge Nurse in Contra Costa County's Regional Medical Center, he helped patients in Psychiatric Emergency Services. In addition, he has worked with young people at Juvenile Hall, and now provides essential mental health services to the older adult population at the Older Adult Mental Health Program; and

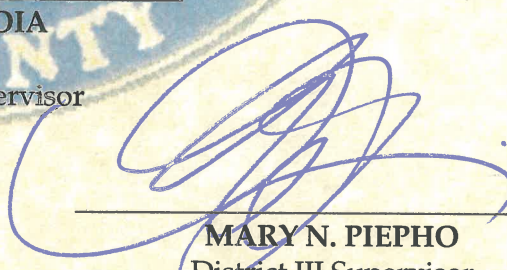
WHEREAS, Martin has always gone the extra mile to assist residents of this County and has done so in a warm, caring, and compassionate manner. His supportive demeanor comes across in his interactions, both in person and on the phone, with those who need psychiatric services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby recognize and thank Mr. Raul "Martin" Garro for his contributions to Contra Costa Mental Health Services and the residents of Contra Costa County whose health and safety have been improved by these efforts.

PASSED by a unanimous vote of the Board of Supervisors members present this 10th day of February, 2015.


JOHN GIOIA
Chair,
District I Supervisor

ABSENT
CANDACE ANDERSEN
District II Supervisor


MARY N. PIEPHO
District III Supervisor


KAREN MITCHOFF
District IV Supervisor

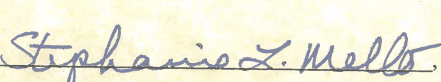

FEDERAL D. GLOVER
District V Supervisor



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: February 10, 2015

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By , Deputy



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Honoring Elmina Green, Community Health Worker Specialist, for 25 Years of Service

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II
Supervisor

By: Stephanie L. Mello, Deputy

Contact: Jo-Anne Linares, 957-5246

cc: ,

AGENDA ATTACHMENTS

Resolution No. 2015/47

MINUTES ATTACHMENTS

Signed Resolution No.

2015/47

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

In the matter of:

Resolution No. 2015/47

Recognizing and Celebrating 25 Years of Service by Elmina Green

WHEREAS, Elmina Green began her career with Contra Costa County as a Public Health Aide with the Prenatal Care Guidance Program (PCG) in the Family, Maternal and Child Health programs on April 17, 1989 and remains a dedicated home visitor supporting pregnant women and their families.

WHEREAS, Elmina Green, because of her level of skill and experience, was reclassified to a Community Health Worker II in 1999 and shortly after to a Community Health Worker Specialist and continues to be a leader among her peers.

WHEREAS, Elmina Green, has been committed to providing health education, resources and support to pregnant women and their families to ensure healthy mothers and babies as well as family wellbeing.

WHEREAS, Elmina Green has supported hundreds of families to navigate the health care system, gain access to medical and other needed services while addressing barriers to care.

WHEREAS, Elmina Green, through home visiting, has served as an exceptional health care leader linking West and Central County pregnant women and families to Health Services.

WHEREAS, Elmina Green has partnered with county and local clinic and agencies to support pregnant women and teens, especially those who are homeless or have multiple life stressors;

WHEREAS, Elmina Green has represented Contra Costa County as a member of the Regional Perinatal Homeless Conference planning committee for the past 18 years;

WHEREAS, Elmina Green has been a community advocate with a strong presence in West and Central County participating in Homeless Connect, health fairs and community events;

WHEREAS, Elmina Green, with commitment and conviction, has strengthened parents' understanding and abilities to nurture their newborns and encourage their children's development;

WHEREAS, Elmina Green has helped hundreds of families to welcome healthy newborns into the world by supporting their ability to gain access to basic child care item such as diapers and child safety seats;

WHEREAS, Elmina Green, through interviews on behalf of the Fetal Infant and Mortality Review program has offered grieving families support and resources;

WHEREAS, Elmina Green has inspired many colleagues and clients with her special gift as a singer, her enthusiasm for her work and her dedication to the community she serves;

WHEREAS, Elmina Green's dedication and commitment to public health service has benefitted the Contra Costa County Health Services and its clients;

Now, Therefore, Be It Resolved, that the Board of Supervisors of Contra Costa County COMMENDS AND THANKS Elmina Green for her twenty five years of service on behalf of the County and its citizens, and the Contra Costa Health Services Department.

JOHN GIOIA

Chair,
District I Supervisor

CANDACE ANDERSEN

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: February 10, 2015

David J. Twa,

By: _____, Deputy

The Board of Supervisors of Contra Costa County, California

In the matter of recognizing and celebrating 25 years of service
by Elmina Green

Resolution No. 2015/47

WHEREAS, Elmina Green began her career with Contra Costa County as a Public Health Aide with the Prenatal Care Guidance Program (PCG) in the Family, Maternal and Child Health programs on April 17, 1989 and remains a dedicated home visitor supporting pregnant women and their families; and

WHEREAS, Elmina Green, because of her level of skill and experience, was reclassified to a Community Health Worker II in 1999 and shortly after to a Community Health Worker Specialist, and continues to be a leader among her peers; and

WHEREAS, Elmina Green, has been committed to providing health education, resources and support to pregnant women and their families to ensure healthy mothers and babies as well as family wellbeing; and

WHEREAS, Elmina Green has supported hundreds of families to navigate the health care system, gain access to medical and other needed services while addressing barriers to care; and

WHEREAS, Elmina Green, through home visiting, has served as an exceptional health care leader linking West and Central County pregnant women and families to Health Services; and

WHEREAS, Elmina Green has partnered with county and local clinic and agencies to support pregnant women and teens, especially those who are homeless or have multiple life stressors; and

WHEREAS, Elmina Green has represented Contra Costa County as a member of the Regional Perinatal Homeless Conference planning committee for the past 18 years; and

WHEREAS, Elmina Green has been a community advocate with a strong presence in West and Central County participating in Homeless Connect, health fairs and community events; and

WHEREAS, Elmina Green, with commitment and conviction, has strengthened parents' understanding and abilities to nurture their newborns and encourage their children's development; and

WHEREAS, Elmina Green has helped hundreds of families to welcome healthy newborns into the world by supporting their ability to gain access to basic child care item such as diapers and child safety seats; and

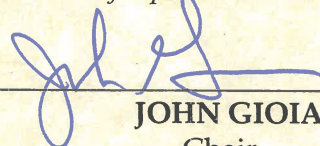
WHEREAS, Elmina Green, through interviews on behalf of the Fetal Infant and Mortality Review program has offered grieving families support and resources; and

WHEREAS, Elmina Green has inspired many colleagues and clients with her special gift as a singer, her enthusiasm for her work and her dedication to the community she serves; and

WHEREAS, Elmina Green's dedication and commitment to public health service has benefitted Contra Costa County Health Services and its clients.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby commend and thank Elmina Green for her 25 years of service on behalf of the County and its citizens, and the Contra Costa Health Services Department.


PASSED by a unanimous vote of the Board of Supervisors members present this 10th day of February, 2015.


JOHN GIOIA
Chair,

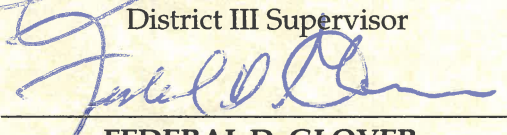
District I Supervisor

ABSENT

CANDACE ANDERSEN
District II Supervisor


KAREN MITCHOFF
District IV Supervisor


MARY N. PIEPHO
District III Supervisor

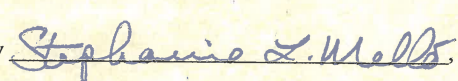

FEDERAL D. GLOVER
District V Supervisor



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: February 10, 2015

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By , Deputy



Contra
Costa
County

To: Board of Supervisors
From: John Gioia, District I Supervisor
Date: February 10, 2015

Subject: Declaring February 15-21, 2015 as People of African Descent Mental Health Awareness Week & February 20, 2015
"I'm A Winner Day" in Contra Costa County

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II
Supervisor

By: Stephanie L. Mello, Deputy

Contact: Kate Rauch 510-231-8691

cc:

AGENDA ATTACHMENTS

Resolution No. 2015/52

MINUTES ATTACHMENTS

Signed Resolution No.

2015/52

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

In the matter of:

Resolution No. 2015/52

Declaring February 15-21, 2015 as People of African Descent Mental Health Awareness Week and February 20, 2015 "I'm A Winner Day" in Contra Costa County.

WHEREAS, the Contra Costa County Board of Supervisors declares February 15-21, 2015 as People of African Descent Mental Health Awareness Week in Contra Costa County; and February 20, 2015 "I'm A Winner Day;" and

WHEREAS, there is a need to support the recovery process of African American clients/consumers and family members struggling with the challenges of mental health issues through the delivery of culturally responsive services, including but not limited to community defined practices; and

WHEREAS, mental health issues are among the leading causes of disability in America; and

WHEREAS, the 1999 Surgeon General's Report identified African Americans as one of the four major ethnic groups experiencing mental health disparities in this nation. The report cites African American mental health clients and consumers as often being served inappropriately and in the most restrictive settings, resulting in poor outcomes; and

WHEREAS, Contra Costa County Mental Health Services Department in an effort to respond to the concerns of this population has heeded the voice of the African American community by supporting a training on February 20, 2015, called "I'm a Winner Day," through collaboration with NAMI Contra Costa County and the Mental Health and Faith Consortium of Contra Costa County that is designed to empower the community, celebrate Black History Month, and highlight tools that will enhance restoration of mental health wellness; and

WHEREAS, clients/consumers, family members, providers, spiritual leaders and all other interested stakeholders can participate in efforts to unite in a collective effort to replace misinformation about mental health, erase prejudice and fear and blame thereby reducing stigma and disparities to the African American community.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors, County of Contra Costa declares February 15- 21, 2015 as People of African Descent Mental Health Awareness Week and February 20, 2015 "I'm A Winner Day" and encourages all residents to support consumers, clients, caregivers, and healthcare providers in their efforts to alleviate suffering and help all those affected by mental illness.

JOHN GIOIA

Chair,
District I Supervisor

CANDACE ANDERSEN

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: February 10, 2015

David J. Twa,

By: _____, Deputy

The Board of Supervisors of Contra Costa County, California

In the matter of declaring February 15-21, 2015 as "People of African Descent Mental Health Awareness Week" and February 20, 2015 as "I'm A Winner Day" in Contra Costa County

Resolution No. 2015/52

WHEREAS, there is a need to support the recovery process of African American clients/consumers and family members struggling with the challenges of mental health issues through the delivery of culturally responsive services, including but not limited to community defined practices; and

WHEREAS, mental health issues are among the leading causes of disability in America; and

WHEREAS, the 1999 Surgeon General's Report identified African Americans as one of the four major ethnic groups experiencing mental health disparities in this nation. The report cites African American mental health clients and consumers as often being served inappropriately and in the most restrictive settings, resulting in poor outcomes; and

WHEREAS, Contra Costa County Mental Health Services Department in an effort to respond to the concerns of this population has heeded the voice of the African American community by supporting a training on February 20, 2015, called "I'm a Winner Day", through collaboration with the National Alliance on Mental Illness (NAMI) Contra Costa County and the Mental Health and Faith Consortium of Contra Costa County that is designed to empower the community, celebrate Black History Month, and highlight tools that will enhance restoration of mental health and wellness; and

WHEREAS, clients/consumers, family members, providers, spiritual leaders and all other interested stakeholders can participate in efforts to unite in a collective effort to replace misinformation about mental health, erase prejudice, fear and blame, thereby reducing stigma and disparities to the African American community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby declare February 15- 21, 2015 as "People of African Descent Mental Health Awareness Week" and February 20, 2015 as "I'm A Winner Day", and encourages all residents to support consumers, clients, caregivers, and healthcare providers in their efforts to alleviate suffering and help all those affected by mental illness.

PASSED by a unanimous vote of the Board of Supervisors members present this 10th day of February, 2015.


JOHN GIOIA

Chair,
District I Supervisor

ABSENT

CANDACE ANDERSEN

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: February 10, 2015

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By Stephanie L. Mello, Deputy

Introduced by Supervisors Gioia and Glover



Contra
Costa
County

To: Board of Supervisors
From: Glenn E. Howell, Animal Services Director
Date: February 10, 2015

Subject: Robin Moran 25 Years Ceremonial Resolution

RECOMMENDATION(S):

ADOPT Resolution No. 2015/54 recognizing Robin Moran, Clerk Specialist Level with the Animal Services Department for 25 years of dedicated service to Contra Costa County, as recommended by Animal Services Director, Glenn Howell.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
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: February 10, 2015

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

By: Stephanie L. Mello, Deputy

Contact: Kathy O'Connell
925-335-8370

cc:

AGENDA ATTACHMENTS

Resolution No. 2015/54

MINUTES ATTACHMENTS

Signed Resolution No.

2015/54

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

In the matter of:

Resolution No. 2015/54

In the matter of: Recognizing Robin Moran, Clerk Specialist Level in the Animal Services Department, for 25 years of dedicated service to Contra Costa County.

WHEREAS Robin Moran began her career with the Contra Costa County Animal Services Department as an Animal Shelter Technician on December 19, 1989; and,

WHEREAS, Ms. Moran transferred to the clerical field on December 14, 1997 as an Experienced Level Clerk and, because of her dedication, hard work and efficiency, and,

WHEREAS Ms. Moran was promoted to Senior Clerk on June 1, 1999, and appointed as Acting Lead Clerk Specialist Level on April 2, 2002, which appointment was made permanent on November 1, 2003; and

WHEREAS, Ms. Moran's twenty-five years of knowledge and experience, both of law and of animals, has been and continues to be a valuable asset to the Animal Services Department; and,

WHEREAS, Ms. Moran has taken on multiple and varied tasks and assignments in her tenure at the Animal Services Department, such as payroll, purchasing, public records requests, with perseverance and commitment to excellence; and,

WHEREAS, in the face of a very fast-paced, stressful environment, Ms. Moran is able to prioritize and remain extremely conscientious in the performance of her duties; and,

WHEREAS, Ms. Moran has shown a dedication to serve the public in a courteous and professional manner with compassion and sensitivity; and,

WHEREAS, the Animal Services Department has been, and is, most fortunate to have a person of Ms. Moran's capabilities and dedication for the past twenty-five years of loyal service.

Now, Therefore Be It Resolved: The Contra Costa Board of Supervisors recognize ms. Robin Moran, Clerk Specialist Level at the Animal Services Department, for 25 years of dedicated service to Contra Costa County.

JOHN GIOIA

Chair,
District I Supervisor

CANDACE ANDERSEN

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: February 10, 2015

David J. Twa,

By: _____, Deputy

The Board of Supervisors of Contra Costa County, California

In the matter of recognizing Robin Moran, Clerk Specialist
Level in the Animal Services Department, for 25 years of
dedicated service to Contra Costa County

Resolution No. 2015/54

WHEREAS, Robin Moran began her career with the Contra Costa County Animal Services Department as an Animal Shelter Technician on December 19, 1989; and

WHEREAS, Ms. Moran transferred to the clerical field on December 14, 1997 as an Clerk Experienced Level; and

WHEREAS, because of her dedication, hard work and efficiency, Ms. Moran was promoted to Senior Clerk on June 1, 1999, and appointed as Acting Lead Clerk Specialist Level on April 2, 2002; the appointment was made permanent on November 1, 2003; and

WHEREAS, Ms. Moran's 25 years of knowledge and experience, both of law and of animals, has been and continues to be a valuable asset to the Animal Services Department; and

WHEREAS, Ms. Moran has taken on multiple and varied tasks and assignments in her tenure at the Animal Services Department, such as payroll, purchasing, and public records requests, with perseverance and commitment to excellence; and

WHEREAS, in the face of a very fast-paced, stressful environment, Ms. Moran is able to prioritize and remain extremely conscientious in the performance of her duties; and

WHEREAS, Ms. Moran has shown a dedication to serve the public in a courteous and professional manner with compassion and sensitivity; and

WHEREAS, the Animal Services Department has been, and is, most fortunate to have a person of Ms. Moran's capabilities and dedication for the past 25 years of loyal service.

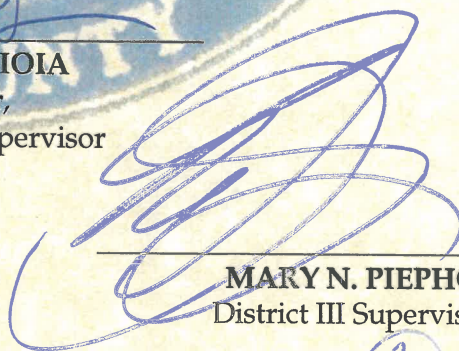
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby recognize Ms. Robin Moran, Clerk Specialist Level at the Animal Services Department, for 25 years of dedicated service to Contra Costa County.


PASSED by a unanimous vote of the Board of Supervisors members present this 10th day of February, 2015.

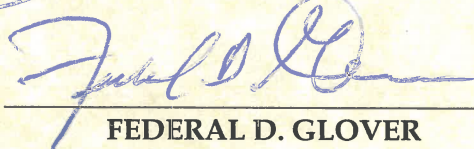

JOHN GIOIA
Chair,
District I Supervisor

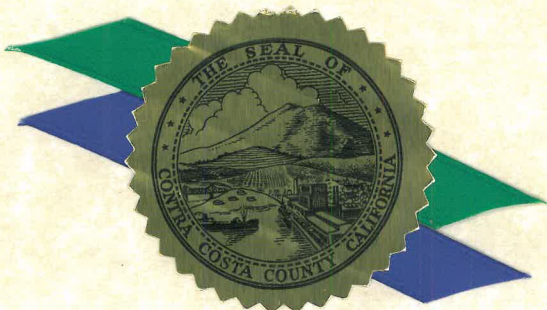
ABSENT

CANDACE ANDERSEN
District II Supervisor


MARY N. PIEPHO
District III Supervisor


KAREN MITCHOFF
District IV Supervisor

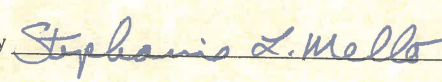

FEDERAL D. GLOVER
District V Supervisor



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: February 10, 2015

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By , Deputy



Contra
Costa
County

To: Board of Supervisors
From: Mary N. Piepho, District III Supervisor
Date: February 10, 2015

Subject: IN THE MATTER OF RECOGNIZING PILLARS OF HOPE

RECOMMENDATION(S):

Adopt Resolution No. 2015/56 recognizing the Pillars of Hope for their outstanding work in combating Human Trafficking.

FISCAL IMPACT:

None.

BACKGROUND:

Pillars of Hope was founded on September 17, 2010 by Ms. Debra Brown with a mission to combat the darkness of modern day slavery, also known as human trafficking. Pillars of Hope helps combat human trafficking through public awareness campaigns, intervention, prevention, safe transitional housing and reintegration programs for rescued victims that has plagued our Cities, States and Country.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
Supervisor

Contact: MELISSA MARGAIN
925-252-4500

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

ATTESTED: February 10, 2015

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

By: Stephanie L. Mello, Deputy

cc:

AGENDA ATTACHMENTS

Resolution No. 2015/56

MINUTES ATTACHMENTS

Signed Resolution No.

2015/56

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

Adopted this Resolution on 02/10/2015 by the following vote:

AYE:	<input type="text" value="4"/>	John Gioia Mary N. Piepho Karen Mitchoff Federal D. Glover
NO:	<input type="text"/>	
ABSENT:	<input type="text" value="1"/>	Candace Andersen
ABSTAIN:	<input type="text"/>	
RECUSE:	<input type="text"/>	



Resolution No. 2015/56

IN THE MATTER OF RECOGNIZING PILLARS OF HOPE FOR THEIR OUTSTANDING WORK IN COMBATING HUMAN TRAFFICKING

WHEREAS, Pillars of Hope was founded on September 17, 2010 by Ms. Debra Brown; and **WHEREAS**, the Mission for Pillars of Hope is to combat the darkness of modern day slavery, also known as human trafficking; and **WHEREAS**, even though slavery has been outlawed since 1865 in our country, human trafficking, which includes sex trafficking, is the world's fastest growing crime. California, and the Bay Area in particular, is near the epicenter; and **WHEREAS**, contrary to popular belief, the majority of the victims are not people from foreign countries. Most of the victims of human trafficking in America are from the United States. Seventy-two percent of human trafficking victims whose country of origin was identified are American, according to the 2012 State of Human Trafficking report from the Attorney General's Office; and **WHEREAS**, victims of Human Trafficking are often conditioned with starvation, rape, gang rape, physical abuse, confinement, threats of violence, forced drug use and shame; and **WHEREAS**, 30,000 victims of Human Trafficking die each year some as young as 6 years old; and **WHEREAS**, **WHEREAS** Pillars of Hope will help combat human trafficking through public awareness campaigns, intervention, prevention, safe transitional housing and reintegration programs for rescued victims that has plagued our Cities, States and Country; and **WHEREAS**, Pillars of Hope will continue to make a difference in the lives of survivors, by returning them to society and fulfilling their purpose of life.

NOW, THEREFORE, BE IT RESOLVED THAT the Contra Costa County Board of Supervisors, hereby recognizes Pillars of Hope for their commitment and dedication to restore the lives of those affected by Human Trafficking.

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

Contact: MELISSA MARGAIN
925-252-4500

ATTESTED: February 10, 2015

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

By: Stephanie L. Mello, Deputy

cc:

The Board of Supervisors of Contra Costa County, California

In the matter of recognizing Pillars of Hope for their
outstanding work in combating Human Trafficking

Resolution No. 2015/56

WHEREAS, Pillars of Hope was founded on September 17, 2010, by Ms. Debra Brown; and

WHEREAS, the mission for Pillars of Hope is to combat the darkness of modern day slavery, also known as Human Trafficking; and

WHEREAS, even though slavery has been outlawed since 1865 in our Country, Human Trafficking, which includes sex trafficking, is the world's fastest growing crime - with California, and the Bay Area in particular, near the epicenter; and

WHEREAS, contrary to popular belief, the majority of the victims are not people from foreign countries. Most of the victims of human trafficking in America are from the United States; seventy-two percent of human trafficking victims whose country of origin was identified are American, according to the 2012 State of Human Trafficking report from the Attorney General's Office; and

WHEREAS, victims of Human Trafficking are often conditioned with starvation, rape, gang rape, physical abuse, confinement, threats of violence, forced drug use and shame; and

WHEREAS, 30,000 victims of Human Trafficking die each year, some as young as 6 years old; and

WHEREAS, Pillars of Hope will help combat the Human Trafficking that has plagued our Cities, States and Country through public awareness campaigns, intervention, prevention, safe transitional housing and reintegration programs for rescued victims; and

WHEREAS, Pillars of Hope will continue to make a difference in the lives of survivors, by returning them to society and fulfilling their purpose of life.

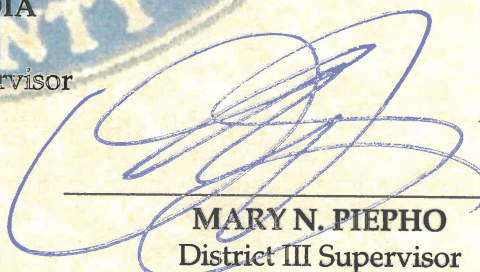
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby recognize Pillars of Hope for their commitment and dedication to restore the lives of those affected by Human Trafficking.

PASSED by a unanimous vote of the Board of Supervisors members present this 10th day of February, 2015.

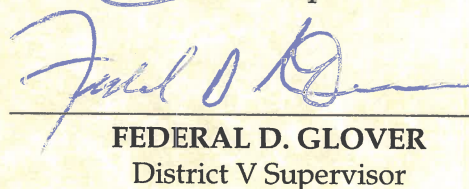

JOHN GIOIA
Chair,
District I Supervisor

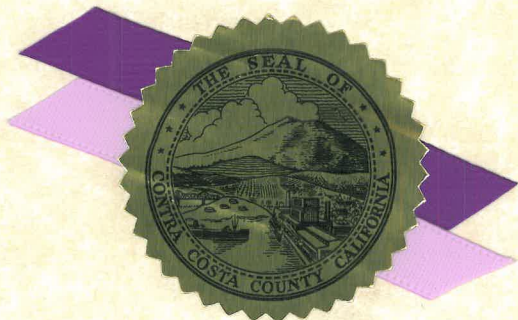
ABSENT

CANDACE ANDERSEN
District II Supervisor


MARY N. PIEPHO
District III Supervisor


KAREN MITCHOFF
District IV Supervisor

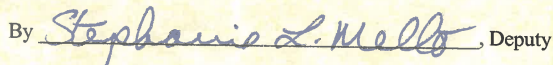

FEDERAL D. GLOVER
District V Supervisor



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: February 10, 2015

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By , Deputy

Introduced by Supervisor Piepho



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 10, 2015

Subject: Results of the 2014 Counties Care Holiday Food Fight

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
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: February 10, 2015

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

By: Stephanie L. Mello, Deputy

Contact: Dorothy Sansoe,
925-335-1009

cc:

AGENDA ATTACHMENTS

Resolution No. 2015/46

MINUTES ATTACHMENTS

Signed Resolution No.

2015/46

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

In the matter of:

Resolution No. 2015/46

*Recognizing the
EMPLOYEES OF CONTRA COSTA COUNTY
and the 2014 Counties Care Holiday Food Fight*

WHEREAS, with the true spirit of public servants, Contra Costa County departments and employees decisively rose to the annual challenge to raise funds for the Food Bank of Contra Costa and Solano during the 2014 holiday season with more energy than ever before; and

WHEREAS, this 12th Annual Contra Costa County Cares Challenge has become integral to the Food Bank of Contra Costa and Solano's successful holiday fundraising program, and

WHEREAS, in the 2014 drive Contra Costa County employees raised \$109,417.91, bringing their cumulative total raised in 12 years to over \$1,051,000, and

WHEREAS, with the 2014 Counties Care Holiday Food Fight Contra Costa County employees again secured the Big Apple and bragging rights through 2015; and

WHEREAS, because departments and team leaders entered the annual competition with enthusiasm despite their own financial challenges, we salute the following stellar standouts:

"MINI" DEPARTMENTS: Agriculture, Beth Slate and Larry Yost, Team Leaders;
SMALL DEPARTMENTS: County Counsel, Michielle Maurer, Mary Martinez, Wanda McAdoo, Eric Suits, Team Leaders;
MIDSIZED DEPARTMENTS: Assessor, Brooke Bahador and Ellie Ridolfi, Team Leaders;
LARGE DEPARTMENTS: Probation, Genny Maloney and Numerous Team Leaders;
SUPERVISORS' OFFICES: District III, Mary N. Piepho, Supervisor; and

WHEREAS, all County departments and team leaders showed special ingenuity and energy by raising copious funds and earning kudos and various special awards as determined by Food Fight organizers, including:

GAYLE B. UILKEMA [ULTIMATE] GOOD EGG: Lou Ann Texeira, Contra Costa LAFCO
24 CARROT SALUTE: Lori Braunesreither, CCHS/Environmental Health
MOST IMPROVED: Housing Authority, Elizabeth Campbell, Leader
BARREL RACE: Library, Shannon Ladage, Super Team Leader
ADDITIONAL RECOGNITION: KRISTIE HIRSCHENBERGER HEART AND SOUL,
CHIEF MECHANIC'S COMMENDATION, 100% (& Plus) CLUB, Etc., and

WHEREAS, this outstanding, over-the-top, year-round generosity was shown by employees of both Contra Costa and Solano counties, who raised a total of **\$140,231** in 2014, which will help the Food Bank of Contra Costa and Solano to provide more than **280,000 meals** to approximately 188,000 low-income residents of both counties throughout the months to come;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County hereby applauds all of the tireless department team leaders and congratulates all participating Contra Costa County departments, department heads, and employees for their inspired and inspiring efforts on behalf of their community and those in need; and **BE IT FURTHER RESOLVED** that the Board of Supervisors of Contra Costa County thanks all County employees and residents who participated in the 2014 Counties Care Holiday Food Fight and urges all citizens of Contra Costa County and their communities to recognize and match the generosity and public spirit of County employees by giving generously to the Food Bank of Contra Costa and Solano regularly and often, including the 2015 Counties Care Holiday Food Fight.

JOHN GIOIA

Chair,
District I Supervisor

CANDACE ANDERSEN
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: February 10, 2015

David J. Twa,

By: _____, Deputy

The Board of Supervisors of Contra Costa County, California

In the matter of recognizing the employees of Contra Costa County and the 2014 Counties Care Holiday Food Fight

Resolution No. 2015/46

WHEREAS, with the true spirit of public servants, Contra Costa County departments and employees decisively rose to the annual challenge to raise funds for the Food Bank of Contra Costa and Solano during the 2014 holiday season with more energy than ever before; and

WHEREAS, this 12th Annual Contra Costa County Cares Challenge has become integral to the Food Bank of Contra Costa and Solano's successful holiday fundraising program; and

WHEREAS, in the 2014 drive Contra Costa County employees raised \$109,417.91, bringing their cumulative total raised in 12 years to over \$1,051,000, and

WHEREAS, with the 2014 Counties Care Holiday Food Fight Contra Costa County employees again secured the Big Apple and bragging rights through 2015; and

WHEREAS, because departments and team leaders entered the annual competition with enthusiasm despite their own financial challenges, we salute the following stellar standouts:

"MINI" DEPARTMENTS: Agriculture, Beth Slate and Larry Yost, Team Leaders;

SMALL DEPARTMENTS: County Counsel, Michelle Maurer, Mary Martinez, Wanda McAdoo, Eric Suitos, Team Leaders;

MIDSIZED DEPARTMENTS: Assessor, Brooke Bahador and Ellie Ridolfi, Team Leaders;

LARGE DEPARTMENTS: Probation, Genny Maloney and Numerous Team Leaders;

SUPERVISORS' OFFICES: District III, Mary N. Piepho, Supervisor; and

WHEREAS, all County departments and team leaders showed special ingenuity and energy by raising copious funds and earning kudos and various special awards as determined by Food Fight organizers, including:

GAYLE B. UILKEMA [ULTIMATE] GOOD EGG: Lou Ann Texeira, Contra Costa LAFCO

24 CARROT SALUTE: Lori Braunesreither, CCHS/Environmental Health

MOST IMPROVED: Housing Authority, Elizabeth Campbell, Leader

BARREL RACE: Library, Shannon Ladage, Super Team Leader

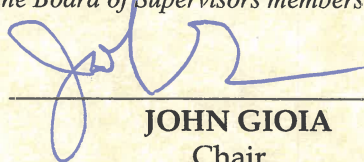
ADDITIONAL RECOGNITION: KRISTIE HIRSCHENBERGER HEART AND SOUL,

CHIEF MECHANIC'S COMMENDATION, 100% (& Plus) CLUB, Etc., and

WHEREAS, this outstanding, over-the-top, year-round generosity was shown by employees of both Contra Costa and Solano counties, who raised a total of \$140,231 in 2014, which will help the Food Bank of Contra Costa and Solano to provide more than 280,000 meals to approximately 188,000 low-income residents of both counties throughout the months to come.

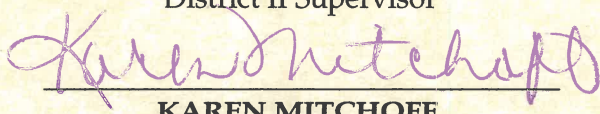
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby applaud all of the tireless department team leaders and congratulate all participating Contra Costa County departments, department heads, and employees for their inspired and inspiring efforts on behalf of their community and those in need; and BE IT FURTHER RESOLVED that the Board of Supervisors of Contra Costa County does hereby thank all County employees and residents who participated in the 2014 Counties Care Holiday Food Fight and urge all citizens of Contra Costa County and their communities to recognize and match the generosity and public spirit of County employees by giving generously to the Food Bank of Contra Costa and Solano regularly and often, including the 2015 Counties Care Holiday Food Fight.

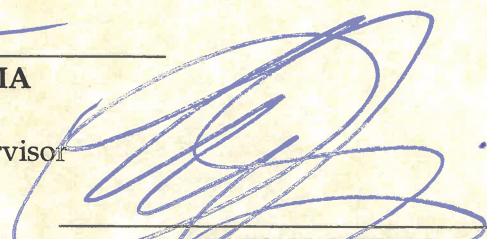
PASSED by a unanimous vote of the Board of Supervisors members present this 10th day of February, 2015.

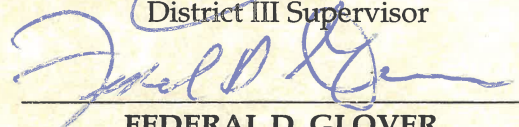

JOHN GIOIA
Chair,
District I Supervisor

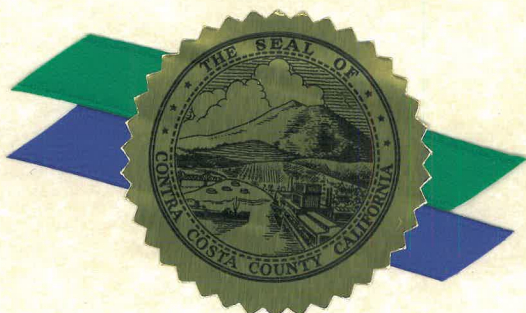
ABSENT

CANDACE ANDERSEN
District II Supervisor


KAREN MITCHOFF
District IV Supervisor


MARY N. PIEPHO
District III Supervisor

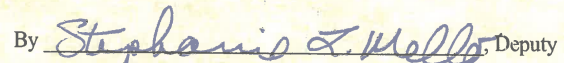

FEDERAL D. GLOVER
District V Supervisor



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: February 10, 2015

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By  Deputy



Contra
Costa
County

To: Board of Supervisors
From: Jason Crapo, County Building Official
Date: February 10, 2015

Subject: RATIFY Rodeo-Hercules Fire Protection District Ordinance No. 2014-01, adopting the 2013 California Fire Code

RECOMMENDATION(S):

RATIFY Rodeo-Hercules Fire Protection District Ordinance No. 2014-01, with the modifications attached to this Board Order.

DIRECT the Clerk of the Board of Supervisors to provide a certified copy of this Board Order to the Rodeo-Hercules Fire Protection District within 15 days of this ratification, pursuant to Health and Safety Code section 13869.7.

FISCAL IMPACT:

None

BACKGROUND:

Whenever a fire protection district adopts an ordinance that establishes building standards relating to fire safety that may be more stringent than State Fire Marshal and State Building Standards Code requirements, the fire protection district's regulations are not effective within the jurisdictional boundaries of the unincorporated area of the County unless and until the Board of Supervisors ratifies the ordinance. (Health and Saf. Code, § 13869.7.) This Board Order ratifies the Rodeo-Hercules Fire Protection District's adoption of the 2013 California Fire Code with the District's local amendments. This Board Order modifies the District's ordinance by providing for the retention of Board of Supervisors' discretion for final County approval of entitlements, completion of development improvements, and issuing of County stop work orders within the unincorporated areas of the County that are within the Rodeo-Hercules



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 02/10/2015



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Jason Crapo, (925)
674-7722

cc:

BACKGROUND: (CONT'D)

Fire Protection District. This Board Order also provides for the retention of the County's authority to regulate when State-adopted building standards codes and related codes are involved in order to achieve unincorporated area uniformity for matters such as park access, public road standards, and street names.

CONSEQUENCE OF NEGATIVE ACTION:

If the Rodeo-Hercules Fire Protection District Ordinance No. 2014-01 is not ratified, the ordinance would not be effective in the unincorporated area of the County within the District.

CHILDREN'S IMPACT STATEMENT:

None

ATTACHMENTS

R-H FPD Ordinance

R-H FPD Ordinance Modifications



RODEO - HERCULES FIRE PROTECTION DISTRICT

1680 REFUGIO VALLEY ROAD, HERCULES, CALIFORNIA 94547

(510) 799-4561 • FAX: (510) 799-0395



January 1, 2015

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

Dear Board of Supervisors:

Please find enclosed the District's Ordinance No. 2014-1 with regards to adoption of the 2013 California Fire Code with Amendments. This Ordinance is being forwarded to you for the Board of Supervisors ratification. Please inform the District when this item has been scheduled to be heard by the Contra Costa County Board of Supervisors.. Thank you for your assistance.

Very truly yours,

Donna Heymans
Administrative Services Officer

Encl



RODEO-HERCULES FIRE PROTECTION DISTRICT
1680 REFUGIO VALLEY ROAD, HERCULES, CALIFORNIA 94547
(510) 799-4561 FAX: (510) 799-0395

ORDINANCE # 2014-1

FIRE CODE

ORDINANCE OF THE RODEO-HERCULES FIRE PROTECTION DISTRICT ADOPTING THE 2013 CALIFORNIA FIRE CODE WITH AMENDMENTS.

The Board of Directors of the Rodeo-Hercules Fire Protection District, ordains as follows:

SECTION 1. ADOPTION OF THE CALIFORNIA FIRE CODE.

The Rodeo-Hercules Fire Protection District hereby adopts the 2013 California Fire Code based on the 2012 International Fire Code published by the International Code Council, including Appendix Chapter 4, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, and Appendix K, as amended by the changes, additions and deletions set forth in this ordinance. The California Fire Code, with the changes, additions, and deletions set forth this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of the fire code are controlling and enforceable within the limits of each jurisdiction.

SECTION 2. AMENDMENTS TO THE CALIFORNIA FIRE CODE.

The 2013 California Fire Code is amended by the changes, additions and deletions set forth in this Section 2. Chapter and Section numbers used below are those of the 2013 California Fire Code.

Chapter 1. Administration.

Chapter 1 is adopted in its entirety except as amended below.

Section 101.1 is amended as follows:

101.1 Title. The fire code of the Rodeo-Hercules Fire Protection District hereinafter referred to as "this code".

Section 102.1 is amended to add item 5 to read:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

5. Where not otherwise limited by law, the provisions of this Code shall apply to vehicles, ships, boats, and mobile vehicles when fixed in a specific location within the boundaries of this jurisdiction.

Section 105.6 is amended to read:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.53.

ORDINANCE NO. 2014-1

Section 105.6 is amended by adding subsections 105.6.48 through 105.6.53, to read:

105.6.48 Battery systems. A permit is required to operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L) pursuant to Section 608.

105.6.49 Christmas tree sales. A permit is required to use a property for the purpose of selling cut Christmas trees.

105.6.50 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 33 of this code.

105.6.51 Model rockets. A permit is required to sell or launch model rockets pursuant to California Code of Regulations, Title 19, Division 1, Article 17.

105.6.52 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Sections 1412.2 and 1412.3.

105.6.53 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m³) of tires inside buildings pursuant to Chapter 25.

Section 105.7 is amended to read:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.7.1 through 105.7.21.

Section 105.7 is amended by adding sections 105.7.17 through 105.7.22 as follows:

105.7.17 Access for fire apparatus. Plans shall be submitted and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by CFC. A permit is required to install a gate across a fire apparatus access road pursuant to Section 503.

105.7.18 Construction, alteration, or renovation of a building for which a building permit is required. Plans shall be submitted to the fire code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required.

105.7.19 Medical gas systems. A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 3006.

105.7.20 Refrigeration equipment. A permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6.

105.7.21 land Development, Subdivisions. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

105.7.22 Water supply for fire protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings or portions of buildings either constructed or moved into the District pursuant to Section 507.

Section 108.1 is amended to read:

108.1 Board of Appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals is comprised of the Board of Directors. The fire code official shall be an ex officio member of said board but shall have no vote on any manner before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

Section 109.4 is amended in its entirety to read:

109.4 Violation penalties. Every person who violates any provision of this fire code is guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions. This section is a declaration of Health and Safety Code section 13871 and is not intended to create a different or separate penalty.

Section 111.4 is amended to read:

111.4 Failure to comply. Any person who continues any work after having been served with a stop work order is subject to citation, except any work that a person is directed by the fire code official to perform to remove a violation or unsafe condition.

Chapter 2. Definitions

Chapter 2 is adopted in its entirety except as amended below.

Section 202 is amended by adding the following definitions to read:

Administrator. Fire Chief.

All-weather driving surface. A roadway with a minimum surface finish of one layer of asphalt or concrete that is designed to carry the imposed weight loads of fire apparatus.

Board of Directors. The Rodeo-Hercules Fire Protection District Board of Directors.

Driveway. A private roadway that provides access to no more than two (2) single-family dwellings.

Fire Code Official. The Fire Code Official is the Fire Chief or his/her designee.

Firebreak. A continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

Firetrail. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

Nuisance Fire Alarm. The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse, of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

Response time. The elapsed time from receipt of call to the arrival of the first unit on scene.

Rural area. An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

Rural residential area. An area generally designated for single-family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

Running time. The calculated time difference between leaving the first-due station and arriving on the emergency scene.

Sprinkler Alarm & Supervisory System (SASS): A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

Temporary fire department access road for construction. An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.

Temporary fire department access road for construction of one (1) residential (R3) unit. A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

Temporary water supply. Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

Tree litter. Any limbs, bark, branches and/or leaves in contact with other vegetation or left to gather on the ground.

Chapter 3. General Precautions Against Fire.

Chapter 3 is adopted in its entirety except as amended below.

Section 304.1.2 is amended to read:

304.1.2 Vegetation. Hazards created by the growth of weeds, grass, vines, trees or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section 319.

Section 304.1.4 is added to read:

304.1.4 Clothes Dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4 Exception 1 is amended to read:

Exception 1. Residential Occupancies.

ORDINANCE NO. 2014-1

Section 319 is added to read:

319 Exterior Fire Hazard Control.

319.1 General.

319.1.1 Jurisdictional Authority. The Board of Directors, as the supervising, legislative and executive authority of the jurisdiction, hereby delegates to the Board of Fire Commissioners of the jurisdiction all its powers, duties and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code, to clear or order the clearing of rubbish, litter or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of said Part 5 and this ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceedings under this ordinance and the Fire Protection District Law of 1987, the terms "Board of Directors" or "Board," when used in Part 5, means the Board of Fire Commissioners of this jurisdiction under this section; and the officers designated in Health and Safety Code Section 14890 are the employees of the jurisdiction.

319.1.2 Contract for Services. The Board of Directors reserves and retains the power to award a contract for fire hazard abatement work when the employees of the jurisdiction are not used to perform the abatement work.

319.2 Definitions.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds that are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.
5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

Rubbish. Waste matter, litter, trash, refuse, debris and dirt on streets, or private property within the jurisdiction, which may become, a fire hazard.

Streets. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, trails, easements, and fire trails.

Person. Includes individuals, firms, partnerships, and corporations.

Defensible Space. The area within the perimeter of a parcel providing the key point of defense from an approaching wildland or escaping structure fire.

Priority Hazard Zone. An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes amount of vegetation (native and ornamental) and other conditions favorable to fast moving fires.

Reduced Fuel Zone. The area that extends from thirty feet (30') to one hundred feet (100') or more away from the structure or to the property line, whichever is closer to the structure.

Cost of Abatement. Includes all expenses incurred by the jurisdiction in its work of abatement undertaken and administrative costs pursuant to Section 319.5 of this Ordinance.

319.3 Weeds and Rubbish a Public Nuisance. The Board hereby declares that all weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

319.4 Abatement of Hazard.

319.4.1 Prohibition. No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish, weeds, trees, or other vegetation that constitutes a fire hazard. Destruction by burning within this jurisdiction is unlawful unless the written permission of the fire chief is first obtained, and all other applicable permits are obtained from appropriate governing agencies or jurisdictions.

319.4.2 Specific Requirements. The District shall develop minimum abatement standards for land in residential, rural and/or rural residential, business, industrial areas, or land which is unused or vacant. Such standards may be modified periodically as circumstances dictate.

319.4.2.1 Clearance of Weeds from Streets. The Fire Code Official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of streets that are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so.

319.5 Abatement Procedures.

319.5.1 Abatement Order. The fire code official may order the abatement of the weeds and rubbish described in Sections 304.1.2 and 319.2. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

You are hereby notified that weeds and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You must remove the weeds and rubbish within fifteen (15) days from the date of this notice. If you fail to do so, the (jurisdiction) Fire Protection District will remove it, and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

ORDINANCE NO. 2014-1

You are further notified that the Board of Directors has declared that such weeds and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Directors of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of fire code official of name of jurisdiction)

319.5.2 Hearing Date. A date for hearing on the notice will be sent at least 15 days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show cause why the order should not be enforced. For good cause shown, the Board of Directors may extend the time for compliance with the order or may rescind the order.

319.5.3 Contract Award. If the owner fails to comply with the order, the fire code official may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Supervisors and the involved contractor.

319.5.4 Abatement Report of Costs. The fire code official or his or her designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Directors showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Directors, a copy of it will be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Directors will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Directors may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

319.5.5 Cost Assessments. Upon confirmation of the report of cost by the Board of Directors and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

319.6 Alternate Mitigation. In lieu of ordering abatement as provided in Section 319.5.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment.

The procedure set forth in Section 319.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

319.7 Subsurface Fires.

319.7.1 Peat Fire. It is the duty of each person, firm, corporation, or association not to permit a peat fire in or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

319.7.2 Fire Suppression Costs. If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter or vegetation, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code, §13009.)

Section 320 is added to Chapter 3 to read:

320 Automobile Wrecking Yards.

320.1 General. The operation of automobile wrecking yards shall be in accordance with this section.

320.2 Definitions.

Automobile Wrecking Yard. An area that stores or dismantles salvaged vehicles.

Automobile Dismantling. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

320.3 Requirements.

320.3.1 Permits. An operation permit is required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

320.3.2 Fire Apparatus Access Roads. Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

320.3.3 Welding and cutting. Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires and all other debris.

320.3.4 Housekeeping. Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

320.3.5 Fire Protection. Offices, storage buildings and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.

320.3.6 Tire storage. Tires shall be stored in racks or in a manner as approved by the fire code official.

320.3.6.1 Distance from Water Supply. Tire storage shall be located on-site and no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

320.3.7 Storage Piles. Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

320.3.8 Burning operations. The burning of salvaged vehicles and salvaged or waste materials is prohibited.

320.3.9 Motor vehicle fluids. Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

320.3.9.1 Mitigation of leaking fluids. Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems and transmissions shall be kept available on site. Single-use plugs, dikeing and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state and local requirements.

320.3.10 Fuel tanks. Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

320.3.10.1 Repair of vehicle fuel tanks. The repair of fuel tanks, including cutting, welding or drilling of any kind, is prohibited.

320.3.11 Lead acid batteries. Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

Chapter 4. Emergency Planning and Preparedness.

Chapter 4 is adopted in its entirety except as amended below.

Section 401.3.1 is amended by adding a new subsection 401.3.1.1 to read:

401.3.1.1 Nuisance Fire Alarm fee. A fee may be charged for false and/or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Chapter 5. Fire Service Features.

Chapter 5 is adopted in its entirety, except as amended below:

Section 503.1 is amended to add subsection 503.1.4 to read:

503.1.4 Access to Open Spaces. When existing access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended by adding the following exception:

Exception: A minimum sixteen-foot (16") wide driveway is acceptable for access to one or two single-family dwellings.

Section 505 is amended by adding Section 505.3, to read:

505.3 Street names and addressing. Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

Section 507.2 is amended by adding subsection 507.2.3, to read:

507.2.3 Suburban and rural water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 507.1.

Chapter 6. Building Services and Systems.

Chapter 6 is adopted in its entirety, except as amended below.

Section 603.6 is amended by adding subsection 603.6.6, to read:

603.6.6 Sparks from chimneys. A chimney that is used with either a fireplace or heating appliances in which solid or liquid fuel is used shall be maintained with spark arresters that are required for incinerators pursuant to the California Mechanical Code.

Chapter 8. Interior Finish, Decorative Materials and Furnishings.

Chapter 8 is adopted in its entirety, except as amended below:

Section 806 is amended by adding subsections 806.1.4, 806.1.5 and 806.1.6, to read:

806.1.4 Flame retardance. Cut trees shall be treated by a California State Fire Marshal licensed fire retardant applicator. Trees shall be properly treated with an approved flame retardant.

806.1.5 Tags. Trees shall bear a tag stating date of placement in the public building, type of flame-retardant treatment used, name of the person who applied the flame retardant, the name of the person affixing the tag, a permit expiration date and the name of the designated individual making daily tests.

806.1.6 Daily tests. A designated individual shall test trees daily. The test shall include a check for dryness and adequate watering.

Chapter 9. Fire Protection Systems.

Chapter 9 is adopted in its entirety, except as amended below:

Section 901.6.2.2 is added to read:

901.6.2.2 Inspection Records. Records of all Inspections, testing and maintenance for all water based fire suppression systems shall be completed on the forms found in annex B of NFPA 25, California Edition.

Section 902 is amended to add:

SUBSTANTIAL REMODEL Remodel or renovation of any structure where the addition of new fire area to the structure exceeds fifty percent of the existing fire area shall be deemed a “substantial remodel.”

Section 903.2 is adopted in its entirety except as amended below:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 5000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by firewalls of less than four hour fire resistance rating without openings.

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The fire area exceeds 5000 square feet
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

903.2.2.1 Group B. An automatic sprinkler system shall be provided for Group B occupancies where the fire area exceeds 5,000 square feet.

903.2.3 Group E. Except as provided for in Section 903.2.3.1 for a new public school campus an automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 5000 square feet in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.

3. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
4. Throughout any Group E structure greater than 10,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by firewalls of less than four hour fire resistance rating without openings.

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.

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3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5000 square feet.
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10000 square feet
4. A Group M occupancy is used for the display and sale of upholstered furniture.
5. The structure exceeds 10,000 square feet, contains more than one fire area containing Group M occupancy, and is separated into two or more buildings by firewalls of less than 4-hour fire-resistance rating.

903.2.8.2 Group R-3 Substantial Remodel. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial remodel occurs and the total fire area of the structure exceeds 3,600 square feet.

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5000 square feet
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10000 square feet.

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5000 square feet.
2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5000 square feet
3. Buildings with repair garages servicing vehicles parked in basements.

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the California Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds 5000 square feet; or
2. Where the enclosed parking garage is located beneath other occupancy groups.

Section 903.3.5 is amended to add subsection 903.3.5.3 to read:

903.3.5.3 Non-permissible water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.1.1.2 is added to read:

903.3.1.1.2 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent

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occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.8 is amended to read:

903.3.8. Floor control valves. Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.6 is amended by adding subsections 903.6.1 and 903.6.2 to read:

903.6.1 Substantial Remodels. In an existing building, if any substantial remodel occurs where the total fire area of the building exceeds 5000 square feet, the entire building shall be protected by an automatic sprinkler system.

903.6.2 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2 and Table 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 912.5 of the current edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 and Table 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). R-3.x occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.5.4 is added to read:

907.5.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station.

Section 907.5.2.3.1 is amended to read:

907.5.2.3.1 Public and common areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms and locker rooms.
2. Corridors, hallways, aisles with shelving and/or fixtures obstructing the required light intensity for that area.
3. Music practice rooms.
4. Band rooms.
5. Gymnasiums.

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6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies
10. Meeting/Conference rooms.
11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunch rooms
16. Copy or workrooms.
17. Computer server rooms exceeding 200 sq. ft.
18. File or Storage rooms exceeding 200 sq. ft.

Chapter 10. Means of Egress.

Chapter 10 is adopted in its entirety except as amended below.

Section 1027.6 is amended by adding a new subsection 1027.6.1 to read:

1027.6.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

Chapter 25. Fruit and Crop Ripening.

Chapter 25 is adopted in its entirety.

Chapter 26. Fumigation and Thermal Insecticidal Fogging.

Chapter 26 is adopted in its entirety.

Chapter 33. Fire Safety During Construction and Demolition.

Chapter 33 is adopted in its entirety.

Chapter 50. Hazardous Materials – General Provisions.

Chapter 50 is adopted in its entirety except as amended below:

Section 5001.5 is amended by adding subsection 5001.5.3 to read:

5001.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information may be required to be stored in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 5003.9.1 is amended by adding subsection 5003.9.1.2 to read:

5003.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter 56 Explosives and Fireworks.

Chapter 56 is adopted in its entirety except as amended below:

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Section 5601 is amended to add Sections 5601.2, 5601.3, 5601.4 and 5601.5, to read:

5601.2 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the District are prohibited.

Exceptions:

1. Fireworks may be temporarily stored only if they are aerial or theatrical piece fireworks stored in conjunction with an approved and permitted aerial or set display.
2. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

5601.2.1 Prohibited and Limited Acts. The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 5601.8.1 and 5601.8.1.1.

5601.3 Rocketry. The storage, handling and use of model and high-power rockets shall comply with the requirements of the California Code of Regulations, Title 19, Chapter 6, Article 17 and, when applicable, NFPA 1122, NFPA 1125, and NFPA 1127.

5601.3.1 Ammonium nitrate. The storage and handling of ammonium nitrate shall comply with the requirements of NFPA 490.

Exception: The storage of ammonium nitrate in magazines with blasting agents shall comply with the requirements of NFPA 495.

5601.4 Residential uses. No person shall keep or store, nor shall any permit be issued to keep or store, any explosives, fireworks or pyrotechnic material at any place of habitation, or within 100 feet (30 480mm) thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale.

5601.5 Sale and retail display. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials are prohibited.

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5608 is amended by adding Sections 5608.2 and 5608.3 to read:

5608.2 Permit required. A permit is required to conduct an aerial display in accordance with California Code of Regulations, Title 19, Chapter 6. (See Chapter 1, Section 105.6.52.)

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

5608.3 Financial responsibility. Before a permit is issued pursuant to Section 5608.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

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Chapter 57.

Chapter 57 is adopted in its entirety except as amended below:

Section 5704.2.9.6.1 is amended to read:

5704.2.9.6.1 Locations where aboveground tanks are prohibited. The storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706L) for Class I or II liquids, or 1,000 gallons (3785.412L) for Class III liquids.

Section 5706.2.4.4 is amended to read:

5706.2.4.4 Locations where aboveground tanks are prohibited. Storage of Class I and II liquids in aboveground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

Chapter 55.

Chapter 55 is adopted in its entirety except as amended below:

Section 5501.3 is added to read:

5501.3 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area that is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with section 5806.3 or 5806.4.

Chapter 61. Liquefied Petroleum Gases.

Chapter 61 is adopted in its entirety except as amended below:

Section 6103.2.1.7 is amended in its entirety to read:

6103.2.1.7 Use for food preparation. Individual portable L-P containers used, stored, or handled inside a building classified as a Group A or Group B occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the International Fuel Gas Code, the International Mechanical Code, and NFPA 58.

Section 6104.2 is amended to read:

6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

Appendix B. Fire-Flow Requirements for Buildings.

Appendix B is adopted in its except as amended below

Section B105.2 Exception 1 is amended to read:

Exception 1: A reduction in required fire-flow of 50 percent, as approved by the fire code official, when the building is provided with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1. The resulting fire-flow shall be not less than 1,500 gallons per minute (5678L/min) for the prescribed duration as specified in Table B105.1.

Appendix C. Fire Hydrant Locations and Distribution.

Appendix C is adopted in its entirety except as amended below

Table C105.1 footnote f and g are added to read:

f. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.

g. For infill projects within existing single-family residential developments refer to Sec. 507.5.1

Appendix D. Fire Apparatus Access Roads

Appendix D is adopted in its entirety except as amended below

Section D102.1 is amended to read:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other approved *all-weather driving surface* capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33 566 kg) in accordance with Cal Trans Design Standard HS-20-44.

Exception: *Driveways* serving one or two single-family *dwellings* may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.1 is deleted in its entirety.

Section D103.2 is deleted in its entirety and replaced by the following, to read:

D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000-pound (19 958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is deleted in its entirety and replaced by the following, to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716 mm) outside.

Table D103.4 is amended to read:

Table D103.4

**REQUIREMENTS FOR DEAD-END FIRE
APPARATUS ACCESS ROADS**

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0 – 150	20 ^a	None required
151 – 750	20 ^a	100-foot Hammerhead, 50-foot “Y”, 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1
Over 750		Special approval required ^b

- A *driveway* with a minimum width of 16 feet is acceptable for access to no more than two single-family *dwelling*s.
- Any fire apparatus access roadway or *driveway* that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outlets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outlet or turnout shall be of the following dimensions: an 8-foot wide turnout that extends at least 40 feet in length.

Figure D 103.1 is amended to read:

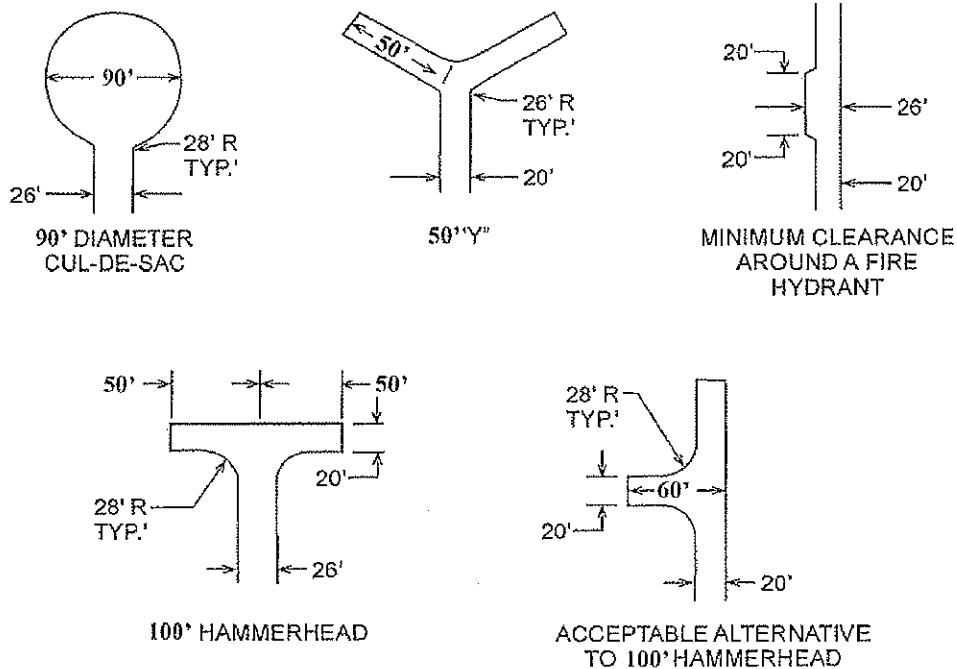


Figure D103.1

Dead-end Fire Apparatus Access Road Turnaround

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Section D103.5 is amended by amending criteria 1 and adding criteria 8, to read:

1. The minimum clear width shall be 20 feet (6096mm.)

Exception: For access to one or two single-family *dwelling*s, 16 feet clear width is acceptable.

8. All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a *fire lane*.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a *fire lane*.

Section D105.3 is amended to read:

D105.3 Proximity to Building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4577mm) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building with the largest vertical dimension while allowing access to each floor of the building.

Section D106.1 is amended to read:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads and shall meet the requirements of Section D104.3.

Exception: Deleted

Section D106.2 is deleted in its entirety.

SECTION 3. REPEAL OF FIRE CODE.

Ordinance No. 2010-1, adopting the 2010 California Fire Code with amendments, is hereby repealed.

SECTION 4. VALIDITY.

The Rodeo-Hercules Fire Protection District Board of Directors declares that if any section, paragraph, sentence or word of this ordinance or of the 2013 California Fire Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Rodeo-Hercules Fire Protection District Board of Directors that it would have passed all other portions or provisions of this ordinance independent of the elimination here from any portion or provision as may be declared invalid.

SECTION 5. MORE RESTRICTIVE REQUIREMENTS.

If the city of Hercules or the County of Contra Costa adopts requirements more restrictive than those in this fire code, those requirements will apply only within the jurisdiction adopting those requirements.

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SECTION 6. EFFECTIVE DATE.

This ordinance becomes effective 30 days after passage, and within 15 days of passage shall be published once with the names of supervisors voting for and against it in the Contra Costa Times, a newspaper published in this County.

Passed on 11/12/14, by the following vote:

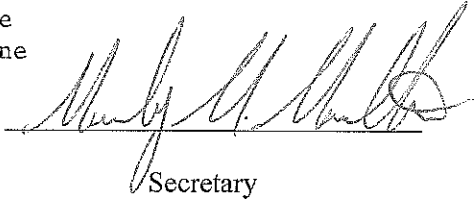
AYES: Prather, Mills, Bartke, Moulton, Williams

NOES: None

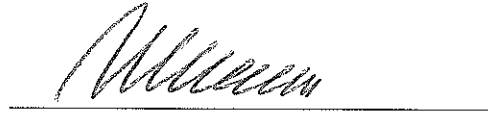
ABSENT: None

ABSTAIN: None

ATTEST:



Secretary
Board of Directors



President
Board of Directors

ORDINANCE NO. 2014-1

DEC 1 1 2014

CLERK BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

RODEO-HERCULES FIRE DISTRICT
1680 REFUGIO VALLEY RD.
HERCULES, CA 94547

To

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

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CONTRA COSTA COUNTY MODIFICATIONS TO
RODEO-HERCULES FIRE PROTECTION DISTRICT ORDINANCE NO. 2014-1

1. § 102 – Applicability. This section is modified to clarify that it does not mandate the performance or non-performance of any act by the County and its planning agency, officers and employees, and to clarify that the District has no legal authority to prescribe the governmental discretion and actions of the County and its officers and employees. County staff is hereby directed to cooperate to the greatest reasonable extent (subject to applicable County and State rules and regulations) with the District concerning the subjects of this section and Ordinance No. 2014-1.
2. § 111 – Stop orders. This section as modified and clarified does not mandate the county building inspector or other county official or agency to issue any stop work orders or to perform or not perform any act, and with this clarification is the same as § 102 above.
3. § 503 – Access. This section is modified to clarify that nothing in it shall prevent the County from legislating, taking administrative action and/or occupying this area of regulation to the extent allowed by law. This modification is made to retain the County's ability to require uniform unincorporated area regulations such as public road improvements, widths and access.
4. § 505 – Street names and addressing. This section is modified to clarify that the County fully retains its authority pursuant to law to determine unincorporated area street names and addresses.
5. § 507 – Water supplies. Same as § 503 except limited to the reservation of County discretion involving the provision of water for domestic use.
6. Section 5 – More restrictive requirements. This section is modified to clarify that nothing in it shall prevent the County from legislating in and/or occupying an area of regulation as hereinabove provided or otherwise allowed by law. In part, this modification is made to retain the County's ability to require uniform unincorporated area regulations.
7. Modified ordinance ratification. In ratifying Ordinance No. 2014-1, the Board of Supervisors has not reviewed and passed upon any "Findings of Need" that may have been prepared by the District or other documentation, nor has it reviewed and passed upon the scope of the district's Health and Safety Code regulatory authority.
8. Enforcement. The Chief of the Rodeo-Hercules Fire Protection District is authorized to enforce Rodeo-Hercules Fire Protection District Ordinance No. 2014-1 within those portions of the District located within the unincorporated area of Contra Costa County. (Health and Saf. Code, § 13869.7(h)(1)(A).)



Contra
Costa
County

To: Board of Supervisors
From: Candace Andersen, District II Supervisor
Date: February 10, 2015

Subject: REAPPOINTMENT TO THE CONTRA COSTA COUNTY AVIATION ADVISORY COMMITTEE

RECOMMENDATION(S):

APPOINT the following person to the District II Seat of the Contra Costa County Aviation Advisory Committee for a three-year term with an expiration date of March 1, 2018, as recommended by Supervisor Candace Andersen:

Roger Bass
3355 Rossmoor Parkway, #5
Walnut Creek, CA 94595

FISCAL IMPACT:

NONE.

BACKGROUND:

The Aviation Advisory Committee (AAC) was established by the Board of Supervisors to provide advice and recommendations to the Board of Supervisors on the aviation issues related to the economic viability and security of airports in Contra Costa County. The AAC is mandated to cooperate with local, state, and national aviation interests for the safe and orderly operation of airports; advance and promote the interests of aviation; and protect the general welfare of the

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Jill Ray, 925-957-8860

cc: District 2 Supervisor, Maddy Book, AAC, Appointee

BACKGROUND: (CONT'D)

people living and working near the airport and the County in general. The AAC may initiate discussions, observations, or investigations and may hear comments on airport and aviation matters from the public or other agencies in order to formulate recommendations to the Board. In conjunction with all of the above, the Aviation Advisory Committee provides a forum for the Director of Airports regarding policy matters at and around the airport.

The AAC is composed of 11 members who must be County residents: one appointed by each Supervisor; one from and nominated to the Board by the City of Concord; one from and nominated to the Board by the City of Pleasant Hill; one from and nominated to the Board by Diablo Valley College; one from and nominated to the Board by the Contra Costa County Airports Business Association; and two at large to represent the general community, to be nominated to the Internal Operations Committee by the Aviation Advisory Committee. At least one of the above shall be a member of the Airport Land Use Commission.

Terms for AAC seats are three years ending each March 1.

Supervisor Andersen is pleased with Roger Bass' work on the AAC and would like him to continue for another term.

CONSEQUENCE OF NEGATIVE ACTION:

The District II Seat will become vacant.

CHILDREN'S IMPACT STATEMENT:

NONE.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Medical Staff Appointments and Reappointments – January 2015

RECOMMENDATION(S):

Approve medical staff appointments and reappointments, privileges, advancements to permanent staff and voluntary resignations, as recommended by the Medical Executive Committee at their January 26, 2015 Meeting, and by the Health Services Director.

FISCAL IMPACT:

None

BACKGROUND:

The Joint Commission on Accreditation of Healthcare Organizations has requested that evidence of Board of Supervisors approval for each Medical Staff member will be placed in his or her Credentials File. The above recommendations for appointment/reappointment were reviewed by the Credentials Committee and approved by the Medical Executive Committee.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, Contra Costa Regional Medical and Contra Costa Health Centers' medical staff would not be appropriately credentialed and not be in compliance with the Joint Commission on Accreditation of Healthcare Organizations.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Anna Roth, 370-5101

cc: T Scott, C Rucker

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Attachment

Hospitalist privileges

A. New Medical Staff Members

Abdelaziz, Hala, MD	Pathology
Boutros, Shadi, DDS	Dental
Garrett, Wayne, DO	Pathology
Helfend, Lisa, MD	Pathology
Hubbell, Jared, MD	Emergency Medicine
Melny, Richard, MD	Psychiatry/Psychology
Murguia, Brandon, MD	Internal Medicine
Pap, Diane, MD	Diagnostic Imaging
Parvin, Nilofar, DDS	Dental
Tang, Edward, MD	Surgery
Walters, Walter, MD	Anesthesia

B. New Staff Affiliation

McDonald, Diana, FNP	Family Medicine
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C. Request for Additional Privileges

Jon Beauchamp, MD	Emergency Medicine
Alison Block, MD	Family Medicine
Priyanka Tulshian, MD	Internal Medicine

D. Advancement to Permanent Staff

Dan Barrett, DO	Psychiatry/Psychology
Harleen Sethi, DMD	Dental

E. Biennial Reappointments

Gloria Asuncion, MD	Pathology	C
Brea Bondi-Boyd, MD	Family Medicine	P/A
Grace Cavallaro, MD	Obstetrics & Gynecology	A
Alex Espinoza, MD	Pediatrics	C
Susan Feierabend, MD	Obstetrics & Gynecology	A
Imtiaz Ghor, MD	Pediatrics	A
Alexander Gorodetsky, MD	Psychiatry/Psychology	C
Karine Hajyan, DO	Obstetrics & Gynecology	A
Estela Hernandez, MD	Emergency Medicine	A
Malcolm Johnson, MD	Emergency Medicine	P/A
Paul Kwok, DO	Anesthesia	A
Stuart Lovett, MD	Obstetrics & Gynecology	C
Julie Nguyen, MD	Emergency Medicine	P/C
William Peterson, MD	Emergency Medicine	A
Michael Price, MD	Diagnostic Imaging	C
Charles Saldanha, MD	Psychiatry/Psychology	A
Vinod Sharma, MD	Psychiatry/Psychology	A
Lisa Wang, MD	Psychiatry/Psychology	A

Matthew White, MD	Psychiatry/Psychology	C
Mark Wille, MD	Internal Medicine	A
Peter Won, MD	Diagnostic Imaging	A

F. Biennial Renewal of Privileges

Phyllis Howard, NP	Family Medicine	Aff
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G. Teleradiology Renewal of Privileges

Jonathan Bold, MD	Diagnostic Imaging	C
Carla Lloyd, MD	Diagnostic Imaging	C
Michael Novick, MD	Diagnostic Imaging	C
Tara Otto, MD	Diagnostic Imaging	C
Susan Park, MD	Diagnostic Imaging	C
John Rule, MD	Diagnostic Imaging	C

H. Vountary Resignations

Jason Appel, MD	Surgery
Sara Banerjee, MD	Diagnostic Imaging (Teleradiologist)
Pil Choo, MD	Pathology
Tara Collins, MD	Psychiatry/Psychology
Jennifer Liu, DDS	Dental
Faisal Mirza, MD	Surgery
Linda Nakell, Phd	Psychiatry/Psychology
Gary Yee, DDS	Dental

I. Proposal for new Hospitalist privileges

New privileges form for Hospitalists (final draft) was reviewed and approved as written.
(Attachment 1)

Contra Costa Regional Medical Center Privileges Request Form

Practitioner Name: _____

Departments (s)	Number	Privilege Descriptions D= With Direct Supervision C= With Consultation U= Unrestricted	D/C/U	Training/ Education	Experience	Current Competence	Requested	Granted	D= Denied P= Pending CNM=Criteria Not Met
Hospitalist									
ANE CC DEN DIA EME FAM GER HOSP IM OBG PED SGN	ANE 3	Moderate (conscious) Sedation* Does NOT include use of ketamine or propofol.	D	CA Lic.	N/A	N/A			
			C	CA Lic. And Airway Management skills (ANE11 or inservice)	10	1 case in last 2 years			
			U		15	5 cases in last 2 years			
ANE CC DIA EME HOSP IM SGN	ANE 3A	Use of Ketamine for moderate (conscious sedation)*	D	CA Lic.	N/A	N/A			
			C	Unrestricted ANE 3 and written exam	5	1 case in last 2 years			
			U		10	5 cases in last 2 years			
ANE CC DIA EME HOSP IM SGN	ANE 3B	Use of Propofol for moderate (conscious sedation)*	D	CA Lic.	N/A	N/A			
			C	Unrestricted ANE 3 and written exam	5	1 case in last 2 years			
			U		10	5 cases in last 2 years			
ANE CC EME HOSP IM SGN	ANE 11	Endotracheal Intubation*	D	CA Lic or DDS or DMD	N/A	N/A			
			U	CA Lic.	10	2 cases in last 4 years			

Contra Costa Regional Medical Center Privileges Request Form

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CC HOSP IM	CC 2	<u>Ventilator Management of Critically Ill Patients*</u>	D	AN, EM, FP, IM, or Surg	N/A	N/A			
			C	AN, EM, FP, IM, or Surg	10	5 cases in last 4 years			
			U	AN, EM, FP, IM, or Surg	20	5 cases in last 2 years			
ANE CC HOSP IM	CC 5	Adult arterial line placement, monitoring and management	D	AN, EM, FP, IM, or Surg	N/A	N/A			
			C	AN, EM, FP, IM, or Surg	10	5 cases in last 4 years			
			U	AN, EM, FP, IM, or Surg	20	5 cases in last 2 years			
ANE CC EME HOSP IM	CC 6	<u>Adult Central Venous Line Placement, Monitoring and Management*</u>	D	AN, EM, FP, IM, or Surg	N/A	N/A			
			C	AN, EM, FP, IM, or Surg	10	5 cases in last 4 years			
			U	AN, EM, FP, IM, or Surg	20	5 cases in last 2 years			
CC HOSP	CC 10	<u>Limited bronchoscopy on Patients for Mucus Plug Washing or Localization of Bleeding*</u>	D	AN, EM, FP, IM, or Surg	N/A	N/A			
			C	AN, EM, FP, IM, or Surg	5	5 cases in last 4 years			
			U	AN, EM, FP, IM, or Surg	10	5 cases in last 2 years			
EME HOSP	EME 1	<u>Peritoneal Lavage*</u>	D	CA Lic.	N/A	N/A			
			U	CA Lic.	4	1 case or inservice in last 4 years			

Contra Costa Regional Medical Center Privileges Request Form

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Departments (s)	Number	Privilege Descriptions D= With Direct Supervision C= With Consultation U= Unrestricted	D/C/U	Training/ Education	Experience	Current Competence	Requested	Granted	D= Denied P= Pending CNM=Criteria Not Met
EME HOSP	EME 4	Incision & Drainage or needle aspiration of peritonsillar abscesses	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5	N/A			
EME HOSP	EME 5	Provision of general emergency care, including assessment, treatment and interpretation of lab and study results (e.g. x-rays EKGs, etc.), and basic microscopy 0 - 36 months	C	CA Lic.	N/A	N/A			
			U	CA Lic.	N/A	1 year in last 4 years			
EME HOSP	EME 6	Provision of general emergency care, including assessment, treatment and interpretation of lab and study results (e.g. x-rays EKGs, etc.), and basic microscopy 36 months - 21 years old	C	CA Lic.	N/A	N/A			
			U	CA Lic.	N/A	1 year in last 4 years			
EME HOSP	EME 7	Provision of general emergency care, including assessment, treatment and interpretation of lab and study results (e.g. x-rays EKGs, etc.), and basic microscopy 14 years old - 65 years old	C	CA Lic.	N/A	N/A			
			U	CA Lic.	N/A	1 year in last 4 years			
EME HOSP	EME 8	Provision of general emergency care, including assessment, treatment and interpretation of lab and study results (e.g. x-rays EKGs, etc.), and basic microscopy > 50 years old	C	CA Lic.	N/A	N/A			
			U	CA Lic.	N/A	1 year in last 4 years			
EME HOSP	EME 10	Bedside Testing in the ED (POCT) Stool Guaiac. Gastrocult.	U	CA Lic.	10	N/A			
CC EME HOSP IM PED	EME 11	Intraosseous Line Placement	D	CA Lic.	N/A	N/A			
			U	CA Lic.	N/A	2 cases in last 4 years or inservice in last 2 years			

Contra Costa Regional Medical Center Privileges Request Form

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EME HOSP	EME 12	Joint Aspiration and Joint Injection	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5	1 case in last 4 years			
EME HOSP	EME 13	Orthopedics: Closed reduction of mild to moderately displaced fractures of hand, forearm, ankle, etc. & Reduction of various dislocated joints	D	CA Lic.	N/A	N/A			
			C	CA Lic.	10	2 cases in last 4 years			
			U	CA Lic.	20	6 cases in last 4 years			
EME HOSP	EME 16A	Confirm intrauterine pregnancy (IUP), and detection of fetal heart tones and dating of pregnancy	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			
EME HOSP	EME 16B	Documentation and/or localization of fluid in the abdomen, chest, subcutaneous tissue and joints	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			
EME HOSP	EME 16C	Evaluation of abdominal aortic aneurysm (AAA)	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			

Contra Costa Regional Medical Center Privileges Request Form

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Departments (s)	Number	Privilege Descriptions D= With Direct Supervision C= With Consultation U= Unrestricted	D/C/U	Training/ Education	Experience	Current Competence	Requested	Granted	D= Denied P= Pending CNM=Criteria Not Met
EME HOSP	EME 16D	Evaluation of gallbladder for gallstones, common bile duct dilatation, gallbladder wall thickening, and sonographic Murphy's sign	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			
EME HOSP	EME 16E	Evaluation of renal track for hydronephrosis and bladder distension	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			
EME HOSP	EME 16F	Basic cardiac ultrasound to assess for pericardial effusion, global left ventricular contractility, right ventricle size, IVC diameter, and confirmation of pulseless electrical activity, and asystole	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			
EME HOSP	EME 16G	Localization of veins for central and peripheral venous access	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			
EME	EME 16H	Evaluation of lower extremities for deep venous thrombosis	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			

Contra Costa Regional Medical Center Privileges Request Form

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EME	EME 16I	Evaluation for pneumothorax	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			
EME	EME 16J	Evaluation of eye for detached retina and vitreous detachment	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			
EME	EME 16K	Localization of nerves for peripheral nerve block	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			
EME	EME 16L	Detection of foreign body	D	CA Lic.	N/A	N/A			
			U	CA Lic. & approved Sono Course or Residency Training	15	10 cases in last 2 years			
EME FAM HOSP	FAM 1	Minor laceration repair, finger and toenail trephination, I&D of abscesses, hematomas, acutely thrombosed hemorrhoids, debridement of burns, digital blocks, injections of tendon sheaths, ligaments, trigger points and bursae, and superficial foreign body removal.	D	CA Lic.	N/A	N/A			
			U	CA Lic.	30	10 cases in last 2 years			

Contra Costa Regional Medical Center Privileges Request Form

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DERM FAM HOSP	FAM 2	Skin Biopsy, Dermal Excision, Dermal Hyfercation and Dermal Cryotherapy (EME)	D	CA Lic.	N/A	N/A			
			U	CA Lic.	20	N/A			
FAM HOSP	FAM 3	Corneal Abrasions, Corneal Foreign Body Removal	D	CA Lic.	N/A	N/A			
			U	CA Lic.	10	N/A			
FAM HOSP	FAM 11	Bedside Testing in Family Medicine (POCT): KOH and Saline Prep, Vaginal pH, Fern Test, Amniotest and Urine Dipstick	U	CA Lic.	10	N/A			
CC FAM HOSP IM	MED 3	General Inpatient Care: Including healthcare maintenance, initial interpretation of lab and study results (e.g. x-rays, EKGs, etc.), excluding all cases where expected improvement is not soon apparent or specialized therapeutic or diagnostic techniques are needed 14 years - 65 years old	C	CA Lic.	N/A	N/A			
			U	FP or IM	N/A	6 mos. in last 4 years			
CC FAM GER HOSP IM	MED 4	General Inpatient Care: Including healthcare maintenance, initial interpretation of lab and study results (e.g. x-rays, EKGs, etc.), excluding all cases where expected improvement is not soon apparent or specialized therapeutic or diagnostic techniques are needed > 50 Years	C	CA Lic.	N/A	N/A			
			U	FP or IM	N/A	6 mos. In last 4 years			

Contra Costa Regional Medical Center Privileges Request Form

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Departments (s)	Number	Privilege Descriptions D= With Direct Supervision C= With Consultation U= Unrestricted	D/C/U	Training/ Education	Experience	Current Competence	Requested	Granted	D= Denied P= Pending CNM=Criteria Not Met
CC HOSP IM	MED 7	Complex Inpatient Medical Care: Physicians with these privileges are expected to have training and/or experience comparable to specialty training, although not necessarily at the level of the subspecialist. Such physicians may act as consultants to others and may, in turn be expected to request consultation when: A. diagnosis and/or management remain in doubt over an unduly long period of time especially in the presence of a life-threatening illness; B. Unexpected Complications arise which are outside level of competence; C. Specialization treatment or procedures are contemplated with which they are not familiar. 14 years - 65 years old	C	CA Lic.	N/A	N/A			
			U	FP or IM	1 year	1 year in last 2 years			
CC GER HOSP IM	MED 8	Complex Inpatient Medical Care as above... >50 years old	C	CA Lic.	N/A	N/A			
			U	IM	1 year	1 year in last 2 years			
CC EME FAM HOSP IM SGN	MED 9	Lumbar Puncture	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5	N/A			
FAM HOSP IM	MED 10	Bone Marrow Aspiration	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5	1 case in last 4 years			

Contra Costa Regional Medical Center Privileges Request Form

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CC HOSP IM	MED 11	<u>Pericardiocentesis*</u>	D	AN, EM, FP, IM, or Surg	N/A	N/A			
			C	AN, EM, FP, IM, or Surg	3	1 case in last 4 years			
			U	AN, EM, FP, IM, or Surg	3	1 case in last 2 years			
FAM HOSP IM OBG SGN	MED 12	Rigid Sigmoidoscopy	D	CA Lic.	N/A	N/A			
			U	CA Lic.	3	N/A			
FAM HOSP IM SGN	MED 18	Flexible Sigmoidoscopy	D	CA Lic.	N/A	N/A			
			U	CA Lic.	15	5 cases in last 4 years			
CC HOSP IM STH	MED 21	<u>Flexible Fiberoptic Bronchoscopy*</u>	D	AN, FP, IM or Surg	N/A	N/A			
			C	AN, FP, IM or Surg	30	5 cases in last 4 years			
			U	AN, FP, IM or Surg	80	5 cases in last 2 years			
CC HOSP IM	MED 23	Elective Cardioversion	D	AN, EM, FP or IM	N/A	N/A			
			C	AN, EM, FP or IM	3	1 case in last 4 years			
			U	AN, EM, FP or IM	5	1 case in last 4 years			

Contra Costa Regional Medical Center Privileges Request Form

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CC HOSP IM SGN	MED 24	<u>Tracheostomy Management*</u>	D	AN, EM, FP, IM, or Surg	N/A	N/A			
			C	AN, EM, FP, IM, or Surg	3	N/A			
			U	AN, EM, FP, IM, or Surg	5	1 case in last 2 years			
CC HOSP IM	MED 25	Continuous Renal Replacement Therapy	C	FP or IM	2 cases or Gambro intro classes, or CRRT conf. in last 2 years	1 case in last 2 years			
			U	Nephrology	N/A	2 cases in last 4 years			
HOSP IM	MED 28	Exercise Stress Test	D	FP or IM	N/A	N/A			
			U	FP or IM	"U" MED 26 & 20 exercise treadmills	1 year experience in last 4 years			
HOSP IM	MED 30	Pulmonary Function Interpretation	D	FP or IM	N/A	N/A			
			U	FP or IM	50	20 cases in last 4 years			
HOSP IM	MED 31	Cancer Chemotherapy	C	FP or IM	N/A	N/A			
			U	FP or IM	30	10 casses in last 2 years			

Contra Costa Regional Medical Center Privileges Request Form

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CC HOSP IM	MED 32	Medical Subspecialty: Cardiology Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			
HOSP IM	MED 33	Medical Subspecialty: Endocrinology Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			
HOSP IM	MED 34	Medical Subspecialty: Gastroenterology Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			
HOSP IM	MED 35	Medical Subspecialty: Hematology/Oncology Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			

Contra Costa Regional Medical Center Privileges Request Form

Practitioner Name: _____

Departments (s)	Number	Privilege Descriptions D= With Direct Supervision C= With Consultation U= Unrestricted	D/C/U	Training/ Education	Experience	Current Competence	Requested	Granted	D= Denied P= Pending CNM=Criteria Not Met
HOSP IM	MED 36	Medical Subspecialty: Infectious Disease Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			
HOSP IM	MED 37	Medical Subspecialty: Nephrology Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			
CC HOSP IM	MED 38	Medical Subspecialty: Pulmonary Medicine Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			
HOSP IM	MED 39	Medical Subspecialty: Rheumatology Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			

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Practitioner Name: _____

Departments (s)	Number	Privilege Descriptions D= With Direct Supervision C= With Consultation U= Unrestricted	D/C/U	Training/ Education	Experience	Current Competence	Requested	Granted	D= Denied P= Pending CNM=Criteria Not Met
CC HOSP IM	MED 40	Medical Subspecialty: Critical Care Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			
HOSP IM	MED 41	Medical Subspecialty: Allergy/Immunology Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			
DERM HOSP IM	MED 42	Medical Subspecialty: Dermatology Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			
HOSP IM	MED 43	Medical Subspecialty: Neurology Physicians with these privileges have the highest level of competence within a given field, on a par with that considered appropriate for a subspecialist. They are qualified to act as consultant and should, in turn, request consultation from within or outside the hospital staff whenever needed.	U	Completed Subspecialty training and BC/BE in that subspecialty	N/A	1 year experience in last 4 years			
				FP or IM	5 years	1 year experience in last 4 years			

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HOSP IM	MED 46	Cardiac Stress Testing Using Persantine	D	FP or IM	N/A	N/A			
			U	FP or IM	20 & MED 28	5 cases in last 2 years			
HOSP IM	MED 47	Cardiac Stress Testing Using Dobutamine	D	FP or IM	N/A	N/A			
			U	FP or IM	20 & MED 28	10 cases in last 2 years			
FAM HOSP OBG	OBG 6	<u>Basic 3rd Trimester Obstetrical Ultrasound Including: Viability, Placenta Location, Fetal Number, and Amniotic Fluid Index*</u>	D	CA Lic.	N/A	N/A			
			U	CA Lic.	10	4 cases in last 2 years			
FAM HOSP OBG	OBG 18	Nexplanon Insertion and Removal	U	CA Lic. and Company Training	N/A	N/A			
FAM HOSP OBG	OBG 19	IUD Insertion	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5	N/A			
FAM HOSP OBG	OBG 19A	Suction Endometrial Biopsy	D	MD	N/A	N/A			
			U	MD	5	N/A			
EME HOSP OBG	OBG 20	Culdocentesis	D	FP, OB, or EM	N/A	N/A			
			U	FP, OB, or EM	3	N/A			

Contra Costa Regional Medical Center Privileges Request Form

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Departments (s)	Number	Privilege Descriptions D= With Direct Supervision C= With Consultation U= Unrestricted	D/C/U	Training/ Education	Experience	Current Competence	Requested	Granted	D= Denied P= Pending CNM=Criteria Not Met
FAM HOSP OBG	OBG 34	Caring for and Discharging Uncomplicated Post Partum Patients (For Providers w/o Delivery Privileges)	C	CA Lic.	N/A	N/A			
			U	FP or OB	N/A	20 cases in last 2 years			
				CA Lic.	50	20 cases in last 2 years			
FAM HOSP OBG	OBG 35	Basic 1st and 2nd Trimester Ultrasound for Dating, Viability, and Location of Pregnancy	U	CA Lic. And 4 hours training in residency or ultrasound course	15	10 cases in last 2 years			
FAM HOSP PED	PED 11	Inpatient uncomplicated newborn care (e.g. normal term newborn and those with indirect bilirubin <15mg%); including Frenotomy	C	CA Lic.	N/A	N/A			
			U	CA Lic.	20	3 cases in last 2 years			
FAM HOSP PED	PED 12	Care of newborns with complicated but non-life-threatening problems (e.g. low birth weight, but > 2000gms.; total bilirubin <18mg%, transient hypoglycemia not requiring IV therapy; suspected sepsis or temperature instability, congenital anomalies without distress, anemia, uncomplicated TTN.)	C	CA Lic.	N/A	N/A			
			U	CA Lic.	20	3 cases in last 2 years			
EME ENT HOSP FAM	SEN 6	Complex Non-operative Diagnosis & Management of ENT Problems: Including complex removal of FB nose and ear, anterior post nasal packing, indirect laryngoscopy	D	FP or Peds	N/A	N/A			
			U	FP, Peds or ENT	5	5 cases in last 2 years			
FAM HOSP OBG SGN	SGN 1	Surgical Assisting	U	CA Lic.	20	N/A			

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CC EME FAM HOSP IM SGN	SGN 4	Thoracentesis	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5	1 case in last 4 years			
CC EME FAM HOSP IM SGN	SGN 5	Paracentesis	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5	1 case in last 4 years			
FAM HOSP IM OBG PATH SGN	SGN 7	FNA - Fine Needle Aspiration	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5	2 cases in last 4 years			
HOSP SGN	SGN 8	<u>Biopsy: Breast, Thyroid, Lymphnode, subcutaneous Nodule*</u>	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5	2 cases in last 4 years			
CC EME HOSP IM SGN	SGN 9	<u>Chest Tube Insertion*</u>	D	CA Lic.	N/A	N/A			
			U	AN, EM, FP, IM, or Surg	5	1 case or inservice in last 2 years			
EME HOSP PED SGN	SGN 10	Needle Thoracostomy and Thoracic Vent	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5	1 case or inservice in last 2 years			

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HOSP IM SGN	SGN 11	Fluoroscopy During Surgery	U	State License for Fluoroscopy	N/A	N/A			
EME FAM HOSP SGN	SGN 12	Basic diagnosis and management of surgical problems: Anoscopy, needle drain cysts, I&D abscesses, wound debridement, excision of moles and sebaceous cysts, initial management acute abdomen	D	CA Lic.	N/A	N/A			
			U	CA Lic.	20	N/A			
HOSP SGN	SGN 13	<u>Basic General Surgery</u> <u>Operative Procedures:*</u> I&D of prianal abscess, RX of anal fissures and hemorrhoids; appendectomy, herniorraphy, rigid sigmoidoscopy	D	FP	N/A	N/A			
			C	FP	10	6 cases in last 2 years			
			U	FP or Surg	15	6 cases in last 2 years			
EME HOSP SGN	SGN 17	Suprapubic Catheter Placement	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5	1 case or inservice in last 4 years			
EME HOSP SGN	SGN 18	Repair of Complex Lacerations and Extensor Tendon Repair	D	CA Lic.	N/A	N/A			
			C	CA Lic.	5	2 cases in last 2 years			
			U	CA Lic.	10	5 cases in last 4 years			
HOSP SGN	SGN 19	Non-operative Diagnosis and Management of Complex Breast Disease	D	FP, IM or Surg	N/A	N/A			
			C	FP, IM or Surg	10	N/A			
			U	FP, IM or Surg	20	N/A			

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HOSP SGN	SGN 20	<u>I&D of Complex Breast Abscesses, Open Biopsy, Needle Loc Biopsy*</u>	D	FP	N/A	N/A			
			C	FP	10	6 cases in last 2 years			
			U	FP or Surg	15	6 cases in last 2 years			
FAM HOSP IM OBG PATH SGN	SGN 26	Core Needle Biopsy	D	CA Lic.	N/A	N/A			
			U	CA Lic.	5 biopsies	2 cases in last 4 years			
EME FAM SGN ORTH	SOR 1	Orthopedics: Splints and Circumferential Casting, Reduction of Uncomplicated Dislocations	D	CA Lic.	N/A	N/A			
			C	CA Lic.	5	2 cases in last 4 years			
			U	CA Lic.	10	6 cases in last 4 years			

I certify that I have reviewed the Contra Costa Regional Medical Center Privilege Criteria, and that I meet the specified criteria for education/training, experience, and current competence for the privileges that I have indicated above.

Signature of Requesting Practitioner

Date

Signature of Division Chairperson

Date

Signature of Department Chairperson

Date



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 10, 2015

Subject: Appointments to the Managed Care Commission

RECOMMENDATION(S):

APPOINT Sheri Richards to the Member-at-Large Seat 8 for a term expiring on September 30, 2015 and Jeffrey Weiss to the Member-at-Large Seat 6 for a term expiring on September 30, 2016 on the Advisory Council on Aging as recommended by the Council.

FISCAL IMPACT:

None.

BACKGROUND:

At Large seat vacancies on the Advisory Council on Aging have been assigned for Family & Human Services Committee (F&HS) review since 2011. As a result of the transition of the Board of Supervisor's committees from 2014 to 2015, the Family and Human Services Committee will not be able to meet until March 2015. The Managed Care Commission has a meeting on February 4, 2015 and, if these appointments are not approved, the Council will be unable to achieve a quorum and convene in February.

In recognition of the need to fill the pending vacancies expeditiously, I am forwarding nominations for reappointment to four seats directly to the Board of Supervisors for consideration, which deviates from the standard practice.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Dorothy Sansoe,
925-335-1009

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If the appointments are not approved, the Council will be unable to achieve a quorum and convene a meeting.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Request Memo

Weiss Application

Richards Application

Contra Costa County California
Employment & Human Services

Kathy Gallagher, Director
40 Douglas Dr., Martinez, CA 94553 ★ Phone: (925) 313-1579 ★ Fax: (925) 313-1575 ★ www.cccounty.us/ehsd.

MEMORANDUM

DATE: 1/8/2014

TO: Family and Human Services Committee

CC: John Cottrell, Director Aging and Adult Services
Lori Larks, Division Manager, Area Agency on Aging

FROM: Jaime Ray, Secretary for the Area Agency on Aging

SUBJECT: Advisory Council on Aging – Appointments Requested

The Contra Costa Area Agency on Aging (AAA) recommends for immediate appointment to the Contra Costa Advisory Council on Aging (ACOA) the following applicants: Ms. Sheri Richards for Member at Large Seat # 8 and Jeffrey Weiss for Member At Large Seat #6. The term for MAL #8 expires on 9/30/2015. The Term for MAL #6 expires on 9/30/2016. Mr. Ron Tervelt who was serving in MAL #8 has transferred and now serves as the City of Clayton Representative. Beverly Wallace who previously occupied MAL #6 has resigned and both seats need to be filled.

Recruitment has been handled by both the Area Agency on Aging, the ACOA and the Clerk of the Board using CCTV. AAA staff has encouraged interested individuals including minorities to apply through announcements provided at the Senior Coalition meetings and at the regular monthly meetings of the ACOA. The Contra Costa County EHSD website contains dedicated web content where interested members of the public are encouraged to apply and are provided an application with instructions on whom to contact for ACOA related inquiries, including application procedure.

Mr. Wiess was interviewed by members of the ACOA Membership Committee at their October 15, 2014 meeting using the Council's standard informational interview format. Ms. Richards had applied and on June 20, 2012 she was interviewed and was later approved for an appointment by the Council but had withdrawn from consideration prior to her appointment. She has returned and resubmitted her application in 2014 and would now like to be appointed. The December minutes of the meeting record that the Council on Aging agreed by vote, to recommend both candidates for an immediate appointment; please find copies of the applications submitted for ACOA membership provided as separate attachments.

The Council has no other MAL applicants interested for an appointment at this time.

Thank You



Contra
Costa
County

For Office Use Only
Date Received:

For Reviewers Use Only:
Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:
Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Advisory Council on Aging

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. Name:	Weiss	Jeffrey	Conrad		
	(Last Name)	(First Name)	(Middle Name)		
2. Address:	201	Riley Drive	Pacheco	CA	94553
	(No.)	(Street)	(Apt.)	(State)	(Zip Code)
3. Phones:	925 676-4765		925 324-0852		
	(Home No.)	(Work No.)	(Cell No.)		
4. Email Address:	jconradw1@gmail.com				

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma ☒ G.E.D. Certificate ☐ California High School Proficiency Certificate ☐

Give Highest Grade or Educational Level Achieved _____

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) University of Oregon, Eugene	Sociology/History	Yes No <input type="checkbox"/> <input type="checkbox"/>		90		
B) University of California, Berkeley	History	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>		90	B.A.	6/76
C) California State University, Haywards	Health Sciences/Public Health	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>		45/45	M.P.A.	6/84
D) Other schools / training completed: UC Berkeley Extension	Course Studied Advanced Gerontology	Hours Completed 10 units	Certificate Awarded: Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

A) Dates (Month, Day, Year) <u>From</u> <u>To</u> May 2013 March 2014 Total: <u>Yrs.</u> <u>Mos.</u> 0 10 Hrs. per week <u>20-30</u> . Volunteer <input type="checkbox"/>	Title Aging & Adult Services Manager (Acting) Employer's Name and Address Sara Bedford, Director City of Oakland Department of Human Services 150 Frank H.Ogawa Plaza, 4th floor Oakland, CA 94612	Duties Performed Under contract, I filled two positions for the Department of Human Services, Aging & Adult Services Division. Acted as Program Manager for Assets Senior Employment Program and later as the Division Manager overseeing the MSSP, Senior Companion Program, Paratransit, and Senior Employment programs & 4 sr cntrs.
B) Dates (Month, Day, Year) <u>From</u> <u>To</u> Feb 2009 July 1013 Total: <u>Yrs.</u> <u>Mos.</u> 4 5 Hrs. per week <u>10-20</u> . Volunteer <input type="checkbox"/>	Title Director of Senior Transportation Employer's Name and Address Jamie Almanza, Director Bay Area Community Services 1814 Franklin, Street, 4th floor Oakland, CA 94612	Duties Performed Managed Senior Shopping Shuttle providing transportation from 26 senior residents once a week to shopping locations. Prepared grant, wrote reports. Provided special group trips. Prepared manifests for daily shopping trips. Made presentations to Commission on Aging, and PAPCO (paratransit advisory committee).
C) Dates (Month, Day, Year) <u>From</u> <u>To</u> July 1979 November 2008 Total: <u>Yrs.</u> <u>Mos.</u> 29 3 Hrs. per week <u>37.5</u> . Volunteer <input type="checkbox"/>	Title Senior Services Supervisor (final title) Employer's Name and Address Andrea Youngdahl, Director City of Oakland Department of Human Services 150 Frank H. Ogawa Plaza 4th floor Oakland, CA 94612	Duties Performed During my time with the City of Oakland, I was in many positions - Senior Companion Program, Volunteer Program Coordinator, Administrative Analyst for Personnel/ Classification, Planner for Department on Aging, Paratransit Manager. Wrote grants, made reports, supervised staff, resolved program complaints, etc.
D) Dates (Month, Day, Year) <u>From</u> <u>To</u> Total: <u>Yrs.</u> <u>Mos.</u> Hrs. per week _____ . Volunteer <input type="checkbox"/>	Title Employer's Name and Address 	Duties Performed

7. How did you learn about this vacancy?

☐ CCC Homepage ☐ Walk-In ☐ Newspaper Advertisement ☐ District Supervisor ☒ Other website

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No ☒ Yes ☐

If Yes, please identify the nature of the relationship: _____

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name: Jeffrey C. Weiss Date: 9/25/2014



Digitally signed by Jeffrey C. Weiss
DN: cn=Jeffrey C. Weiss, o=cc, email=jconradw1@gmail.com, c=US
Date: 2014.09.25 19:52:55 -0700

Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. Send the completed paper application to the Office of the Clerk of the Board at: **651 Pine Street, Room 106, Martinez, CA 94553.**
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

THIS FORM IS A PUBLIC DOCUMENT

Jeffrey C. Weiss

Objective find a management position serving seniors and persons with disabilities in the Oakland-Alameda County area

Experience 2013-2014 City of Oakland Oakland, CA
Temporary Service Contract Employee (Two 5 months contracts to act as ASSETS Senior Employment & Training Program Manager and Aging & Adult Services Division Manager)

- Managed Senior employment program, supervised staff and troubleshoot personnel issues, trained replacement
- Oversee Aging & Adult Services Programs (ASSETS Senior Employment, Oakland Paratransit, Linkages, Senior Companion Program and Multipurpose Senior Services Program MSSP.
- Troubleshoot personnel and budget issues for each program.
- Work with each supervisor on specific program issues and find resolutions.
- Meet with Director of Human Service, Managers Meetings, One-on-Ones with Program Supervisors.

2009—2013 Bay Area Community Services Oakland, CA
Senior Transportation Director (PT)

- Manage Oakland Senior Shopping Shuttle Program and Group Trips.
- Prepare manifests, work with over 20 service coordinators to sign up riders, maintain program records and prepare monthly, quarterly, semi-annual and annual reports.
- Prepare fiscal reports for City of Oakland and Alameda County Transportation Improvement Authority.

2010-2011 City of Oakland Oakland, CA
Temporary Service Contract Employee (Two 3 months contracts to act as Aging & Adult Services Division Manager)

- Oversee Aging & Adult Services Programs (ASSETS Senior Employment, Oakland Paratransit, Linkages, Senior Companion Program and Multipurpose Senior Services Program MSSP.
- Troubleshoot personnel and budget issues for each program.
- Work with each supervisor on specific program issues and find resolutions.
- Meet with Director of Human Service, Managers Meetings, One-on-Ones with Program Supervisors.

Jeffrey C. Weiss resume, page 2

1996–2009 City of Oakland Oakland, CA
Senior Services Supervisor for Oakland Paratransit for the Elderly and Disabled

- Prepared program budget, grant applications and monitored service contracts.
- Provided over 50,000 one way trips for seniors and persons with disabilities for over 1,000 Oakland residents annually.
- Prepared written reports for grants, and made presentations to Oakland City Council, Oakland Commission on Aging and Mayor's Commission on Persons with Disabilities.
- Supervised Program staff and Senior Aides.

1990–1996 City of Oakland Oakland, CA
Senior Programs Planning Specialist

- Prepared annual plan for Department on Aging.
- Set up, held and evaluated public hearings.
- Analyzed census data by census tract and Council District.
- Analyzed legislation impacting seniors for the Commission on Aging.

1985–1990 City of Oakland Oakland, CA
Administrative Analyst II (Classification)

Administrative Analyst I (Recruitment & Examination)

- Completed job evaluations within each City department.
- Prepared examinations for several non-sworn positions within the Police and Fire Departments.
- Completed salary surveys with similar jurisdictions.

1979–1985 City of Oakland. Oakland, CA
Volunteer Program Coordinator

- Recruited and placed community volunteers, student interns and special project volunteers for placements throughout the City of Oakland.
- Coordinated Senior Volunteer program focusing on volunteers for friendly visiting, community safety patrols and senior discount program.
- Trained and supervised Senior Companion volunteers.

Education

2001 Pepperdine University **Certificate** in Transit/Paratransit Management
1984 California State University, Hayward **M.P.A.**, Public Administration
1981 University of California Ext., Berkeley - **Certificate** Adv. Gerontology
 Studies
1976 University of California, Berkeley **B.A.**, History

Training

Communication skills, computer literacy, Microsoft Office Suite, grant writing, supervision skills. Served as IT Liaison and Floor Warden for several years for Department of Human Services.



Contra
Costa
County

For Office Use Only

Date Received:

For Reviewers Use Only:

Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:

Contra Costa County

CLERK OF THE BOARD

651 Pine Street, Rm. 106

Martinez, California 94553-1292

PLEASE TYPE OR PRINT IN INK

(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Advisory Council on Aging

Member-at-Large

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. **Name:** Richards (Last Name) Frances (First Name) Sheri (Middle Name)

2. **Address:** 340 Scottsdale Road (No.) Pleasant Hill, (Street) CA (State) 94523 (Zip Code)

3. **Phones:** (925) 825-4519 (Home No.) N/A (Work No.) (925) 351-7617 (Cell No.)

4. **Email Address:** sheririchards@comcast.net

5. **EDUCATION:** Check appropriate box if you possess one of the following:

High School Diploma ☐ G.E.D. Certificate ☐ California High School Proficiency Certificate ☐

Give Highest Grade or Educational Level Achieved Master of Science Degree

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) California State University Los Angeles	Counseling	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>		90	MS	1973
B) Loyola-Marymount University	Sociology	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	100		BA	1970
C) Antelope Valley Community College	Liberal Arts	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	90		AA	1968
D) Other schools / training completed:	Course Studied	Hours Completed	Certificate Awarded: Yes No <input type="checkbox"/> <input type="checkbox"/>			

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETING YOUR VOLUNTEER EXPERIENCE. If you are currently serving on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) <u>From</u> <u>To</u> May 2014 Present</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 5 Months</p> <p>Hrs. per week <u>6 hr/wk</u> . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Consolidated Planning & Advisory Workgroup</p> <p>Employer's Name and Address * Monthly Aging & Older Adult Comm * Monthly CPAW Orientation Meetings * Monthly CPAW Regular Meetings 2425 Bisso Lane, Concord, CA</p>	<p>Duties Performed Commitment to 12 month CPAW Orientation</p> <p>Attendance and Participation in orientation and regular meetings in response to appointment to act as liaison to ACOA Health Workgroup.</p> <p>Participation in A & OA Committee</p>
<p>B) Dates (Month, Day, Year) <u>From</u> <u>To</u> Oct 2013 Present</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 1 Yr 11 Mo</p> <p>Hrs. per week <u>2-4 hr/wk</u> . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Advisory Council on Aging</p> <p>Employer's Name and Address * Outreach & Education Workgroup Pleasant Hill, CA</p>	<p>Duties Performed Participation 2x monthly planning meetings for first annual Disaster Preparedness for Families of Older Adults, May 15, 2014</p> <p>Continued planning for future programs</p>
<p>C) Dates (Month, Day, Year) <u>From</u> <u>To</u> Fall 2012 Present</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 1 Yr 10 Mo</p> <p>Hrs. per week <u>2 hrs</u> . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Advisory Council on Aging</p> <p>Employer's Name and Address * Health Workgroup Pleasant Hill, CA</p>	<p>Duties Performed Participation in monthly meetings focus on emergency and Health Services for Older Adults Renew liaison with county agencies regarding Mental Health Issues for Older Adults Report Aging & Older Adult and CPAW information back to Health Workgroup with the plan of intentional advocacy and support</p>
<p>D) Dates (Month, Day, Year) <u>From</u> <u>To</u> Sept 1978 July 2011</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 33 yrs</p> <p>Hrs. per week <u>55</u> . Volunteer <input type="checkbox"/></p>	<p>Title Saint Mary's College of CA</p> <p>Employer's Name and Address SMC, Saint Mary's Rd, Moraga, CA</p> <p>Director of Counseling & Psychological Services</p>	<p>Duties Performed Administration & primary provider of full range of mental health, social & crisis intervention services for full-time undergrad students. Admin oversight of Alcohol & Other Drug Awareness programs, clinical Intern program, ind, couple & grp therapy, program design, outreach & psychoeduc'l presentations. Consultation & collaboration with faculty/staff/family</p>

7. How did you learn about this vacancy?

☐ CCC Homepage ☐ Walk-In ☐ Newspaper Advertisement ☐ District Supervisor ☒ Other refer'd: Dr. Robert Leasure &

\$ GAIL GARRET

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No ☒ Yes ☐

If Yes, please identify the nature of the relationship: _____

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name: (Frances) Sheri Richards Date: October 1, 2014
Frances Sheri Richards Dec 1, 2014

Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. Send the completed paper application to the Office of the Clerk of the Board at: 651 Pine Street, Room 106, Martinez, CA 94553.
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

Copy 12/3/14

December 1, 2014

TO: Clerk of the Board

FROM: Frances Sheri Richards

RE: Required Training and CA Form 700

Enclosed please see proof of

1. Public Ethics Training
2. Brown Act and Better Governance
3. CA Form 700 (correct agency name)

I have also re-submitted my original application from Oct 6 and my resume to clarify that I have submitted my application for membership for "Advisory Council on Aging" before.

Respectfully,

Frances Sheri Richards
Sheri Richards



**Contra
Costa
County**

To: Board of Supervisors
From: John Gioia, District I Supervisor
Date: February 10, 2015

Subject: MID-TERM APPOINTMENTS TO THE CONTRA COSTA COUNTY EMPLOYEES RETIREMENT
ASSOCIATION BOARD OF TRUSTEES AND BAYRICS BOARD OF DIRECTORS

RECOMMENDATION(S):

1. ACCEPT resignation of Supervisor Karen Mitchoff from the Board of Supervisors Appointee 6 seat on the Contra Costa County Employees Retirement Association Board of Trustees, effective February 28, 2015, and APPOINT, effective March 1, 2015, Supervisor Candace Andersen to complete the unexpired seat term ending June 30, 2017.
2. ACCEPT resignation of Supervisor Candace Andersen from the BayRICS (Bay Area Regional Interoperable Communications Systems) Authority Board of Directors, effective February 10, 2015 and APPOINT, effective February 11, 2015, Undersheriff Mike Casten to complete the unexpired seat term ending December 31, 2015; and APPOINT Assistant Sheriff Elise Warren as his alternate.
3. ADOPT Resolution No. 2015/28, superseding and replacing Resolution No. 2015/1, to update the Board's master list of Board of Supervisors committee assignments.
4. DIRECT the County Administrator to update the County's California Fair Political Practices Commission Form 806: Agency Report of Public Official Appointments to reflect the change in assignment.

FISCAL IMPACT:

No fiscal impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
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: February 10, 2015

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

By: June McHuen, Deputy

Contact: JOHN GIOIA (510)
231-8686

BACKGROUND:

Members of the Retirement Board have fiduciary responsibility for the assets, investments of monies, and administration of the Retirement System. The assets of the Retirement System are trust funds. The members of the Retirement Board must discharge their duties with the care, skill, prudence, and diligence that a prudent person acting in the same capacity and familiar with these matters would use. The Retirement Board's duty to its participants and their beneficiaries takes precedence over any other duty. As fiduciaries, members of the Retirement Board have a loyalty to members of the Retirement System. Persons appointed to the Retirement Board must be prepared to spend the amount of time necessary to properly perform their fiduciary duties.

Supervisor Mitchoff, who has served on the Retirement Board of Trustees as the Board of Supervisors Member representative since May 2013, will be resigning from the Board of Trustees effective February 28, 2015 to permit her to focus on her new responsibilities as a member of the Bay Area Air Quality District Board of Directors. As it is critical for the Board of Supervisors to be fully represented on the County Retirement Board, I am nominating Supervisor Candace Andersen to fulfill the remaining term of Seat #6, through June 30, 2017.

The Bay Area Regional Interoperable Communications System (BayRICS) is a 13-member Joint Powers Authority (JPA), representing the San Francisco Bay Area. BayRICS is responsible for funding, policy and oversight of regional public safety communications projects. BayRICS initially partnered with the private sector to build an independent public safety broadband network for Bay Area first responders. The subsequent creation of FirstNet, a nationwide wireless broadband network for public safety, ended the regional project (known as BayWEB) before it was completed. However, extensive work on BayWEB has laid the groundwork for implementing the FirstNet network in the Bay Area.

As the BayRICS Board of Directors is composed mostly by local law enforcement officials, Supervisor Andersen has resigned from the BayRICS Board to allow representation of our County by the Sheriff's Department. Consequently, I am recommending that Undersheriff Mike Casten be appointed to represent the County on the BayRICS Board of Directors with Assistant Sheriff Elise Warren serving as his alternate.

CHILDREN'S IMPACT STATEMENT:

N/A

ATTACHMENTS

Resolution No. 2015/28

2015 Board Member Assignments as of 2-10-15

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

Adopted this Resolution on 02/10/2015 by the following vote:

AYE:	<input checked="checked" type="checkbox"/>	John Gioia
	<input checked="checked" type="checkbox"/>	Mary N. Piepho
	<input checked="checked" type="checkbox"/>	Karen Mitchoff
	<input checked="checked" type="checkbox"/>	Federal D. Glover
NO:	<input type="checkbox"/>	
ABSENT:	<input checked="checked" type="checkbox"/>	Candace Andersen
ABSTAIN:	<input type="checkbox"/>	
RECUSE:	<input type="checkbox"/>	



Resolution No. 2015/28

IN THE MATTER OF APPOINTING A COUNTY SUPERVISOR TO THE CONTRA COSTA COUNTY EMPLOYEES RETIREMENT ASSOCIATION BOARD OF TRUSTEES AND ENSURING CONTINUING REPRESENTATION OF THE COUNTY ON BayRICS

WHEREAS adoption of a new Master Resolution with a complete roster of all appointments is required by Board policy whenever terms expire or new appointments are made; NOW, THEREFORE, THE BOARD OF SUPERVISORS RESOLVES TO:

1. ACCEPT the resignation of Supervisor Karen Mitchoff from the Contra Costa County Employees Retirement Association Board of Trustees, effective February 28, 2015;
2. APPOINT, effective March 1, 2015, Supervisor Candace Andersen to the Board of Supervisors Appointee 6 seat on the Contra Costa County Employees Retirement Association Board of Trustees to complete the unexpired seat term ending June 30, 2017.
3. ACCEPT the resignation of Supervisor Candace Andersen from the Bay Area Regional Interoperable Communications Systems Authority (BayRICS) Board of Directors and appoint Undersheriff Mike Casten to the Board of Directors and Assistant Sheriff Elise Warren as his alternate.
4. AFFIRM the appointments of Board members and other individuals to serve on Board committees, special county committees and regional boards / committees / commissions as specified on Attachment I, categorized as Type I for Board Standing Committee appointments; Type II for Other Internal Committee appointments, Type III for Regional Committee appointments, Type IV for Special Restriction Committee appointments, and Type V for Ad Hoc Committee appointments.
5. INDICATE that this RESOLUTION supersedes in its entirety Resolution No. 2015/1, which was adopted by the Board of Supervisors on January 6, 2015.

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

Contact: JOHN GIOIA (510) 231-8686

ATTESTED: February 10, 2015

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

By: June McHuen, Deputy

cc: Retirement Administrator, CAO, Supervisor Andersen, Clerk of the Board (Maddy Book), Undersheriff, Asst. Sheriff Warren, Sheriff

BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS FOR 2015

**ATTACHMENT I TO
RESOLUTION NO. 2015/28**

as adopted on February 20, 2015

			Term	
Type*	Committee Name	Appointee	Expiration	Stipend Information
I	Airport Committee, Chair	Karen Mitchoff	12/31/2015	NO STIPEND
I	Airport Committee, Vice Chair	Mary Piepho	12/31/2015	NO STIPEND
I	Family & Human Services Committee, Chair	Federal Glover	12/31/2015	NO STIPEND
I	Family & Human Services Committee, Vice Chair	Candace Andersen	12/31/2015	NO STIPEND
I	Finance Committee, Chair	Mary Piepho	12/31/2015	NO STIPEND
I	Finance Committee, Vice Chair	Federal Glover	12/31/2015	NO STIPEND
I	Hiring Outreach & Oversight Committee	Federal Glover	12/31/2015	NO STIPEND
I	Hiring Outreach & Oversight Committee	Karen Mitchoff	12/31/2015	NO STIPEND
I	Internal Operations Committee, Chair	Karen Mitchoff	12/31/2015	NO STIPEND
I	Internal Operations Committee, Vice Chair	John Gioia	12/31/2015	NO STIPEND
I	Legislation Committee, Chair	Karen Mitchoff	12/31/2015	NO STIPEND
I	Legislation Committee, Vice Chair	Federal Glover	12/31/2015	NO STIPEND
I	Public Protection, Chair	John Gioia	12/31/2015	NO STIPEND
I	Public Protection, Vice Chair	Federal Glover	12/31/2015	NO STIPEND
I	Transportation, Water & Infrastructure Committee, Chair	Candace Andersen	12/31/2015	NO STIPEND
I	Transportation, Water & Infrastructure Committee, Vice Chair	Mary Piepho	12/31/2015	NO STIPEND

Note: Type I: Internal Standing Committees; Type II: Internal appointments; Type III: Regional appointments; Type IV: Special/Restricted appointments

BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS FOR 2015

**ATTACHMENT I TO
RESOLUTION NO. 2015/28**

as adopted on February 20, 2015

			Term	
Type*	Committee Name	Appointee	Expiration	Stipend Information
II	Bay Area Counties Caucus	Karen Mitchoff	12/31/2015	NO STIPEND
II	Bay Area Counties Caucus, Alternate	Candace Andersen	12/31/2015	NO STIPEND
II	Bay Area Regional Interoperable Communications System (BayRICS) Authority	Mike Casten	12/31/2015	NO STIPEND
II	BayRICS Authority, Alternate	Elise Warren	12/31/2015	NO STIPEND
II	California Identification System Remote Access Network Board (Cal-ID RAN Board)	Mary Piepho	12/31/2015	NO STIPEND
II	Central Contra Costa Solid Waste Authority	Candace Andersen	12/31/2015	STIPEND of \$50/meeting; max of 2 paid/month
II	Central Contra Costa Solid Waste Authority	Karen Mitchoff	12/31/2015	STIPEND of \$50/meeting; max of 2 paid/month
II	City-County Relations Committee	Federal Glover	12/31/2015	NO STIPEND
II	City-County Relations Committee	Mary Piepho	12/31/2015	NO STIPEND
II	City-County Relations Committee, Alternate	Karen Mitchoff	12/31/2015	NO STIPEND
II	Contra Costa Health Plan Joint Conference Committee	Karen Mitchoff	12/31/2015	NO STIPEND
II	Contra Costa Health Plan Joint Conference Committee	Candace Andersen	12/31/2015	NO STIPEND
II	Dougherty Valley Oversight Committee	Mary Piepho	12/31/2015	NO STIPEND
II	Dougherty Valley Oversight Committee	Candace Andersen	12/31/2015	NO STIPEND
II	East Bay Regional Communication System (EBRCS) Authority Governing Board	Candace Andersen	12/31/2015	NO STIPEND
II	East Bay Regional Communication System (EBRCS) Authority Governing Board, Alternate	Karen Mitchoff	12/31/2015	NO STIPEND
II	East Contra Costa County Habitat Conservancy, Governing Board	Mary Piepho	12/31/2015	NO STIPEND
II	East Contra Costa County Habitat Conservancy, Governing Board, Alternate	Federal Glover	12/31/2015	NO STIPEND
II	East Contra Costa Regional Fee & Finance Authority	Mary Piepho	12/31/2015	NO STIPEND
II	East Contra Costa Regional Fee & Finance Authority, Alternate	Federal Glover	12/31/2015	NO STIPEND
II	East County Water Management Association	Mary Piepho	12/31/2016	STIPEND of \$170/meeting; max 6 per month
II	East County Water Management Association, Alternate	Federal Glover	12/31/2016	STIPEND of \$170/meeting; max 6 per month
II	eBART (Bay Area Rapid Transit) Partnership Policy Advisory Committee	Federal Glover	12/31/2015	NO STIPEND
II	eBART (Bay Area Rapid Transit) Partnership Policy Advisory Committee	Mary Piepho	12/31/2015	NO STIPEND
II	First 5 Children and Families Commission Alternate Member	Karen Mitchoff	12/31/2015	NO STIPEND
II	Hazardous Waste Management Facility Allocation Committee	Karen Mitchoff	12/31/2015	STIPEND of \$150 per meeting.

Note: Type I: Internal Standing Committees; Type II: Internal appointments; Type III: Regional appointments; Type IV: Special/Restricted appointments

BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS FOR 2015

**ATTACHMENT I TO
RESOLUTION NO. 2015/28**

as adopted on February 20, 2015

Type*	Committee Name	Appointee	Term Expiration	Stipend Information
II	Hazardous Waste Management Facility Allocation Committee, Alternate	Candace Andersen	12/31/2015	STIPEND of \$150 per meeting.
II	Library Needs Assessment Steering Committee	Karen Mitchoff	12/31/2015	NO STIPEND/inactive
II	Medical Services Joint Conference Committee, Chair	John Gioia	12/31/2015	NO STIPEND
II	Medical Services Joint Conference Committee, Vice Chair	Federal Glover	12/31/2015	NO STIPEND
II	North Richmond Waste and Recovery Mitigation Fee Committee	John Gioia	12/31/2015	NO STIPEND
II	North Richmond Waste and Recovery Mitigation Fee Committee, Alternate	Luz Gomez	12/31/2015	NO STIPEND
II	Open Space/Parks & East Bay Regional Parks District Liaison Committee, Chair	Federal Glover	12/31/2015	NO STIPEND
II	Open Space/Parks & East Bay Regional Parks District Liaison Committee, Vice Chair	Mary Piepho	12/31/2015	NO STIPEND
II	Pleasant Hill BART/Contra Costa Centre Joint Powers Authority Board of Trustees	Karen Mitchoff	12/31/2015	NO STIPEND
II	Pleasant Hill BART/Contra Costa Centre Joint Powers Authority Board of Trustees	Candace Andersen	12/31/2015	NO STIPEND
II	State Route 4 Bypass Authority	Mary Piepho	12/31/2015	NO STIPEND
II	State Route 4 Bypass Authority, Alternate	Federal Glover	12/31/2015	NO STIPEND
II	SWAT (Southwest Area Transportation Committee)	Candace Andersen	12/31/2015	NO STIPEND
II	SWAT, Alternate	Karen Mitchoff	12/31/2015	NO STIPEND
II	TRAFFIX (Measure J Traffic Congestion Relief Agency)	Candace Andersen	12/31/2015	NO STIPEND
II	TRAFFIX (Measure J Traffic Congestion Relief Agency), Alternate	Karen Mitchoff	12/31/2015	NO STIPEND
II	TRANSPAC (Central County Transportation Partnership and Cooperation)	Karen Mitchoff	12/31/2015	NO STIPEND
II	TRANSPAC, Alternate	Candace Andersen	12/31/2015	NO STIPEND
II	TRANSPLAN (East County Transportation Planning)	Mary Piepho	12/31/2015	NO STIPEND
II	TRANSPLAN, Alternate	Federal Glover	12/31/2015	NO STIPEND
II	Tri-Valley Transportation Council	Candace Andersen	12/31/2015	NO STIPEND
II	Urban Counties Caucus	Federal Glover	12/31/2015	NO STIPEND
II	Urban Counties Caucus, Alternate	Karen Mitchoff	12/31/2015	NO STIPEND
II	WCCTAC (West County Transportation Advisory Committee)	John Gioia	12/31/2015	NO STIPEND
II	WCCTAC, Alternate	Federal Glover	12/31/2015	NO STIPEND
II	West Contra Costa Integrated Waste Management Authority	Federal Glover	12/31/2015	STIPEND of \$50 per meeting.

Note: Type I: Internal Standing Committees; Type II: Internal appointments; Type III: Regional appointments; Type IV: Special/Restricted appointments

BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS FOR 2015

ATTACHMENT I TO
RESOLUTION NO. 2015/28

as adopted on February 20, 2015

			Term	
Type*	Committee Name	Appointee	Expiration	Stipend Information
II	West Contra Costa Integrated Waste Management Authority, Alternate	John Gioia	12/31/2015	STIPEND of \$50 per meeting.

BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS FOR 2015

**ATTACHMENT I TO
RESOLUTION NO. 2015/28**

as adopted on February 20, 2015

Type*	Committee Name	Appointee	Term Expiration	Stipend Information
III	ABAG Regional Planning Committee	Karen Mitchoff	12/31/2015	STIPEND of \$150 per meeting.
III	Bay Area Air Quality Management District Board of Directors	Karen Mitchoff	1/20/2016	Per diem of \$100/meeting + travel exp; max \$6,000
III	Bay Area Air Quality Management District Board of Directors	John Gioia	6/17/2017	Per diem of \$100/meeting + travel exp; max \$6,000
III	Central Contra Costa Transit Authority (CCCTA) Board of Directors	Candace Andersen	5/1/2015	STIPEND of \$100 per meeting; up to \$200 month
III	Central Contra Costa Transit Authority (CCCTA) Board of Directors Alternate	Karen Mitchoff	5/1/2015	STIPEND of \$100 per meeting; up to \$200 month
III	Contra Costa Transportation Authority Board of Commissioners (seat 1)	Federal Glover	1/31/2017	STIPEND of \$100 per meeting; up to \$400 month
III	Contra Costa Transportation Authority Board of Commissioners (Seat 2)	Karen Mitchoff	1/31/2016	STIPEND of \$100 per meeting; up to \$400 month
III	Contra Costa Transportation Authority Board of Commissioners, Alternate (Seat 1)	John Gioia	1/31/2017	STIPEND of \$100 per meeting; up to \$400 month
III	Contra Costa Transportation Authority Board of Commissioners, Second Alternate (Seat 1)	Candace Andersen	1/31/2017	STIPEND of \$100 per meeting; up to \$400 month
III	Contra Costa Transportation Authority Board of Commissioners, Third Alternate (Seat 1)	Mary Piepho	1/31/2017	STIPEND of \$100 per meeting; up to \$400 month
III	Contra Costa Transportation Authority, Alternate (Seat 2)	Candace Andersen	1/31/2016	STIPEND of \$100 per meeting; up to \$400 month
III	Local Agency Formation Commission	Federal D. Glover	5/7/2018	STIPEND of \$150 per meeting.
III	Local Agency Formation Commission	Mary N. Piepho	5/7/2018	STIPEND of \$150 per meeting.
III	Local Agency Formation Commission, Alternate	Candace Andersen	5/7/2016	STIPEND of \$150 per meeting.
III	Metropolitan Transportation Commission	Federal Glover	2/1/2019	STIPEND of \$100/meeting; up to \$500/month per agency.
III	Regional Airport Planning Committee	Karen Mitchoff	12/31/2015	inactive
III	San Joaquin Valley Rail Committee	Mary Piepho	12/31/2015	NO STIPEND
III	San Joaquin Valley Rail Committee	Federal Glover	12/31/2015	NO STIPEND
III	Tri Delta Transit Authority, Board of Directors (Seat 1)	Federal Glover	12/31/2016	STIPEND of \$100/month
III	Tri Delta Transit Authority, Board of Directors (Seat 2)	Mary N. Piepho	12/31/2015	STIPEND of \$100/month
III	Water Emergency Transportation Authority (WETA), Community Advisory Committee	Federal Glover	12/31/2015	NO STIPEND
III	WETA, Community Advisory Committee, Alternate	John Gioia	12/31/2015	NO STIPEND

Note: Type I: Internal Standing Committees; Type II: Internal appointments; Type III: Regional appointments; Type IV: Special/Restricted appointments

BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS FOR 2015

**ATTACHMENT I TO
RESOLUTION NO. 2015/28**

as adopted on February 20, 2015

Type*	Committee Name	Appointee	Term Expiration	Stipend Information
IV	ABAG (Association of Bay Area Counties) General Assembly	Federal Glover	12/31/2015	NO STIPEND
IV	ABAG Executive Board (Seat 1)	Karen Mitchoff	6/30/2016	STIPEND of \$150 per meeting.
IV	ABAG Executive Board (Seat 2)	Candace Andersen	6/30/2016	STIPEND of \$150 per meeting.
IV	ABAG Executive Board, Alternate 1	John Gioia	6/30/2016	STIPEND of \$150 per meeting.
IV	ABAG Executive Board, Alternate 2	Mary N. Piepho	6/30/2016	STIPEND of \$150 per meeting.
IV	ABAG General Assembly	Karen Mitchoff	12/31/2015	NO STIPEND
IV	ABAG General Assembly, Alternate	Candace Andersen	12/31/2015	NO STIPEND
IV	ABAG General Assembly, Alternate	John Gioia	12/31/2015	NO STIPEND
IV	Bay Conservation & Development Commission	John Gioia	12/31/2015	STIPEND of \$100 per meeting; max of 4 meetings.
IV	Bay Conservation & Development Commission, Alternate	Federal Glover	12/31/2015	STIPEND of \$100 per meeting; max of 4 meetings.
		Karen Mitchoff thru 2/28/15; Candace Andersen eff.		
IV	CCCERA (Contra Costa County Employees Retirement Association) Board of Trustees	3/1/15	6/30/2017	STIPEND of \$100 per meeting.
IV	Clayton Redevelopment Successor Agency Oversight Board	Karen Mitchoff	Unspecified	NO STIPEND
IV	Concord Redevelopment Successor Agency Oversight Board	Karen Mitchoff	Unspecified	NO STIPEND
IV	Contra Costa County Redevelopment Successor Agency Oversight Board	Federal Glover	Unspecified	NO STIPEND
IV	Contra Costa County Redevelopment Successor Agency Oversight Board	Karen Mitchoff	Unspecified	NO STIPEND
IV	CSAC (California State Association of Counties) Board of Directors	Federal D. Glover	12/31/2015	NO STIPEND
IV	CSAC Board of Directors, Alternate	Karen Mitchoff	12/31/2015	NO STIPEND
IV	Delta Diablo Sanitation District Governing Board	Federal Glover	12/31/2015	STIPEND of \$170 per meeting; max of 6 meetings.
IV	Delta Diablo Sanitation District Governing Board, Alternate	Karen Mitchoff	12/31/2015	STIPEND of \$170 per meeting; max of 6 meetings.
IV	Delta Protection Commission	Mary Piepho	12/31/2015	NO STIPEND
IV	Delta Protection Commission, Alternate	Karen Mitchoff	12/31/2015	NO STIPEND
IV	Doctors Medical Center Management Authority Governing Board	John Gioia	Unspecified	NO STIPEND
IV	First 5 Children and Families Commission Member	Candace Andersen	12/31/2015	NO STIPEND
IV	Kensington Solid Waste Coordinating Committee	John Gioia*	Unspecified	NO STIPEND
IV	Law Library Board of Trustees	Thomas Cain	12/31/2015	NO STIPEND

Note: Type I: Internal Standing Committees; Type II: Internal appointments; Type III: Regional appointments; Type IV: Special/Restricted appointments

BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS FOR 2015

**ATTACHMENT I TO
RESOLUTION NO. 2015/28**

as adopted on February 20, 2015

			Term	
Type*	Committee Name	Appointee	Expiration	Stipend Information
IV	Mental Health Commission	Candace Andersen	12/31/2015	NO STIPEND
IV	Mental Health Commission, Alternate	Mary Piepho	12/31/2015	NO STIPEND
IV	North Coast Shoreline Joint Powers Authority	Federal Glover	12/31/2015	NO STIPEND
IV	North Coast Shoreline Joint Powers Authority	John Gioia	12/31/2015	NO STIPEND
IV	Pittsburg Redevelopment Successor Agency Oversight Board	Federal D. Glover	Unspecified	NO STIPEND
IV	Pleasant Hill Redevelopment Successor Agency Oversight Board	Karen Mitchoff	Unspecified	NO STIPEND
IV	Sacramento-San Joaquin Delta Conservancy Board	Karen Mitchoff	Unspecified	NO STIPEND
IV	Sacramento-San Joaquin Delta Conservancy Board, Alternate	Mary N. Piepho	Unspecified	NO STIPEND
IV	San Pablo Redevelopment Successor Agency Oversight Board	John Gioia**	Unspecified	NO STIPEND
IV	Walnut Creek Redevelopment Successor Agency Oversight Board	Karen Mitchoff	Unspecified	NO STIPEND

Note: Type I: Internal Standing Committees; Type II: Internal appointments; Type III: Regional appointments; Type IV: Special/Restricted appointments

BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS FOR 2015

**ATTACHMENT I TO
RESOLUTION NO. 2015/28**

as adopted on February 20, 2015

			Term	
Type*	Committee Name	Appointee	Expiration	Stipend Information
V	Industrial Safety Ordinance/Community Warning System Ad Hoc Committee	John Gioia	Unspecified	NO STIPEND
V	Industrial Safety Ordinance/Community Warning System Ad Hoc Committee	Federal D. Glover	Unspecified	NO STIPEND
V	Northern Waterfront Economic Development Ad Hoc Committee	Federal D. Glover	Unspecified	NO STIPEND
V	Northern Waterfront Economic Development Ad Hoc Committee	Mary N. Piepho	Unspecified	NO STIPEND
V	Sustainability Ad Hoc Committee, Chair	John Gioia	Unspecified	NO STIPEND
V	Sustainability Ad Hoc Committee, Vice Chair	Federal D. Glover	Unspecified	NO STIPEND
		* or his designee		
		** Appointed by CCC Fire Protection District Board		

Note: Type I: Internal Standing Committees; Type II: Internal appointments; Type III: Regional appointments; Type IV: Special/Restricted appointments



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 10, 2015

Subject: Add one (1) Clerk-Senior Level position in EHSD/Administration Bureau .

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 21597 to add one (1) Clerk-Senior Level (JWXC) (represented) position at salary plan and grade 3RX 1033 (\$2,997 - \$3,827) in the Administrative Bureau of Employment and Human Services Department.

FISCAL IMPACT:

Upon approval of this position the total annual cost for salaries and benefits will increase by \$69,035. Net County cost will increase by \$6,904. Total annual pension cost is \$24,735. This position will be funded 45% Federal revenue, 45% State revenue, and 10% Net County Cost.

BACKGROUND:

This position will assist in procurement, accounts payable, obtaining case records and covering the Department's reception desk. The establishment of this position will improve service, cover essential functions and ensure continuity during peak times and when staff are absent

CONSEQUENCE OF NEGATIVE ACTION:

The inability to add and fill this position will result in slower purchasing and processing of payment documents to ensure timely acquisition of supplies and payment of vendors. It will also result in a decreased level of service to customers having business at the Department's central building

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Michelle Cabrera (925)
313-1510

CHILDREN'S IMPACT STATEMENT:

No impact.

AGENDA ATTACHMENTS

P-300 #21597

MINUTES ATTACHMENTS

Signed P300 21597

POSITION ADJUSTMENT REQUEST

NO. 21597
DATE 12/22/2014

Department Employment & Human Services Dept Department No./
Budget Unit No. 0501 Org No. 5101 Agency No. 19
Action Requested: Add one (1) Clerk-Senior Level (JWXC) position for the Administrative Support Services Bureau of EHSD.

Proposed Effective Date: 1/13/2015

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 \$69,035.00

Net County Cost \$6,904.00

Total this FY \$34,518.00

N.C.C. this FY \$3,452.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 45% Federal, 45% State, 10% County

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Michelle Cabrera 313.1510

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Kevin J. Corrigan

12/31/2014

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/28/2015

ADD one Clerk-Senior Level (JWXC) (represented) position, and allocate to salary schedule 3RX 1033 (\$2997 - \$3827) in EHSD/Administrative Bureau..

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.
☐ ____ (Date)

Otilia Parra

12/31/2014

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 2/3/2015

- ☒ 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 February 10 2015

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:

POSITION ADJUSTMENT REQUEST

NO. 21597
DATE 12/22/2014

Department Employment & Human Services Dept Department No./
Budget Unit No. 0501 Org No. 5101 Agency No. 19
Action Requested: Add one (1) Clerk-Senior Level (JWXC) position for the Administrative Support Services Bureau of EHSD.

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Net County Cost \$6,904.00

Total this FY \$34,518.00

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Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Michelle Cabrera 313.1510

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Kevin J. Corrigan

12/31/2014

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/28/2015

ADD one Clerk-Senior Level (JWXC) (represented) position, and allocate to salary schedule 3RX 1033 (\$2997 - \$3827) in EHSD/Administrative Bureau..

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ ____ (Date)

Otilia Parra

12/31/2014

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 2/3/2015

☒ 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 2/3/2015

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



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services
Date: February 10, 2015

Subject: Add one (1) Public Health Program Specialist I position in the Health Services Department

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No.21611 to add one (1) permanent full-time Public Health Program Specialist I (VBSD) (represented) position at salary plan and grade level ZA5-1602 (\$5,279 - \$6,416) in the Health Services Department.

FISCAL IMPACT:

Upon approval, this request has an annual cost of approximately \$128,366.88, which includes \$27,335.70 in pension costs, which is 100% offset by federally qualified health care revenue.

BACKGROUND:

The Health Services Department is requesting to add one (1) Public Health Program Specialist I position assigned to Public Health Division's Clinic Services. Due to the expansion of its school based services program, the sole program manager's workload has significantly increased and cannot be sustained. The new position is necessary in order to efficiently manage the increased staff and services. The two managers will have split responsibilities with reasonable workload to effectively manage the day-to-day operations of the services provided at 41 different school sites throughout the County.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, there is not sufficient staff to effectively manage Public Health's School Based Clinic Services.

☐ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact:

cc: , ,

AGENDA
ATTACHMENTS
P-300 #21611
MINUTES
ATTACHMENTS
Signed P300 21611

POSITION ADJUSTMENT REQUEST

NO. 21611
DATE 1/26/2015

Department Health Services

Department No./

Budget Unit No. 0540 Org No. 6418 Agency No. A18

Action Requested: Add one permanent full-time Public Health Program Specialist I (VBSD) position in the Health Services Department.

Proposed Effective Date: 2/11/2015

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 \$128,366.88

Net County Cost \$0.00

Total this FY \$53,486.20

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Federally Qualified Health Care 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

2/3/2015

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Exempt from Human Resources review under delegations of authority.

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 2/3/2015

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☒ Other: Approve as requested by Department

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:

POSITION ADJUSTMENT REQUEST

NO. 21611
DATE 1/26/2015

Department Health Services

Department No./

Budget Unit No. 0540 Org No. 6418 Agency No. A18

Action Requested: Add one permanent full-time Public Health Program Specialist I (VBSD) position in the Health Services Department.

Proposed Effective Date: 2/11/2015

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 \$128,366.88

Net County Cost \$0.00

Total this FY \$53,486.20

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Federally Qualified Health Care 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

2/3/2015

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

Exempt from Human Resources review under delegations of authority.

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 2/3/2015

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☒ Other: Approve as requested by Department

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 February 10 2015

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: Julia R. Bueren, Public Works Director/Chief Engineer

Date: February 10, 2015

Subject: APPROVE a subsurface oil and gas lease with Sunset Exploration, Inc. and related CEQA actions for 46 acres of District owned property, Antioch area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute a three-year subsurface oil and gas lease beginning December 1, 2014 and ending November 30, 2017, and EXERCISE any options to extend the lease between Sunset Exploration, Inc., and the Flood Control and Water Conservation District (District) for a maximum of thirty-five years, for approximately 46 acres of land in the Antioch area commonly known as Upper Sand Creek Detention Basin (Basin), for the exploration and extracting of oil and gas, under the terms and conditions set forth in the lease pursuant to Government Code Section 7051. Project No. WL83PV-FS1200128

DETERMINE that the lease will not substantially interfere with the public use of the Basin.

DETERMINE that this activity is not subject to the California Environmental Quality Act (CEQA), pursuant to Article 5, Section 15061 (b)(3) of the CEQA guidelines; and,

DIRECT the Director of the Department of Conservation and Development to file a Notice of Exemption with the County Clerk; and,

AUTHORIZE the Chief Engineer, or designee, to arrange for payment of a \$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: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
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: February 10, 2015

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

By: Stephanie L. Mello, Deputy

Contact: David Krammer (925)
313-2227

cc:

FISCAL IMPACT:

100% Applicant Fees.

BACKGROUND:

Sunset Exploration, Inc., has secured drilling permits and other oil and gas leases from the properties nearby and adjacent to the Basin and requires a subsurface lease from the District in order to include the Basin with the adjacent properties and extract the oil and gas from no less than 500 feet beneath the surface of the Basin. The lease includes largely boilerplate language typical of lease agreements of this type. No surface rights are included in the lease and no physical impacts will occur as a result of the lease. All surface drilling will be done from adjacent or nearby properties and Sunset Exploration, Inc., is responsible for obtaining all permits associated with its drilling permits at its sole cost.

The Flood Control District has received comment letters from Save Mount Diablo which, along with the District's responses, are attached to this Board Order. It is important to note that with or without this particular lease, Sunset Exploration, Inc., has the capability and the necessary rights to extract oil and gas from the Brentwood Oil Field, because they already hold a number of lease agreements with surrounding land owners as well as previously issued land-use authorizations that allow such drilling. Also attached to this Board Order is an example of an authorization the City of Antioch has granted for a drilling location associated with this particular oil field.

An upfront payment of \$15,513.00 has been received for the first year of the lease. During the remaining term of the lease, the District will receive minimum annual royalty payments of \$4,500 as well as additional royalty payments of 6.67% of the gross proceeds of all oil and gas produced from the Basin above the minimum annual royalty payments to Flood Control Zone 1 Funds.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve the lease may result in the District not receiving royalty payments.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Oil and Gas Lease

CEQA Documents

Example Authorization - City of Antioch

Letter 1 - Save Mt Diablo

Letter 2 - Save Mt Diablo

Letter 3 - Save Mt Diablo

Response - Sunset Exploration

Response - CCC Flood Control

OIL AND GAS LEASE
(Negotiated-Subsurface-Royalty)

This oil and gas lease is dated _____, 2015, and is between the Contra Costa County Flood Control and Water Conservation District, a flood control district existing under the laws of the State of California (the "**District**"), and Sunset Exploration Incorporated, a California corporation (the "**Lessee**").

Recitals

- A. The District owns approximately 46 acres of land in the City of Antioch, County of Contra Costa, State of California, which is commonly known as the Upper Sand Creek Detention Basin, as further described in Exhibit A (the "**Leased Land**").
- B. Lessee desires to extract oil and gas from the Leased Land through a well that is not located on the Leased Land. Accordingly, the parties desire to enter into a lease that grants Lessee subsurface rights only and that does not grant Lessee any surface rights.

The parties therefore agree as follows:

Agreement

- 1. Lease. The District hereby leases to the Lessee the right to extract oil and gas and their constituent products from beneath the Leased Land on the terms set forth in this lease. The rights granted under this lease are subsurface rights only; no surface rights are granted by this lease.
- 2. Term. This lease has a primary term of three years and a secondary term that will continue after the primary term for so long as (i) there is production in paying quantities from the Leased Land and the District is receiving a royalty from such production, or (ii) if the Leased Land is pooled with other property pursuant to Section 14 - Pooling, there is production in paying quantities from the combined properties and the District is receiving a royalty from such production.
 - a. Commencement Date. The primary term commences December 1, 2014 and ends November 30, 2017.
 - b. Termination for Failure to Produce. If the Lessee fails to commence drilling operations before, or to prosecute them diligently after, the expiration of the primary term, this lease is terminated. If the Leased Land ceases to produce oil, gas or their constituent products, the lease will continue in force for six months after production ceases, provided the Lessee commences within the six-month period, and prosecutes with reasonable diligence thereafter, well maintenance operations on the Leased Land to restore production, including drilling, deepening, repairing, or redrilling.

- c. Lease Termination. The District may terminate this lease if, after delivery of a 30-day written notice to Lessee, the Lessee fails to (i) pay any royalty payment properly due hereunder, (ii) perform any other material term of this lease, or (iii) comply with applicable statutes and regulations.
 - d. Maximum Term. Notwithstanding any other provision of this lease, this lease expires on the day immediately preceding the thirty-fifth anniversary of the date of this lease.
3. Rights Granted Lessee. The Lessee has the exclusive right to drill for and take oil and gas and their constituent products from any geological zone that is 500 feet or more beneath the Leased Land. The Lessee may not use any portion of the Leased Land that is less than five hundred feet below the surface of the Leased Land. Upon request from the District, the Lessee shall provide the District with drawings that show the exact location of any pipeline that is planned to be, or has been, installed on the Leased Land. The Lessee may not store gas or dispose of produced fluids or other wastes on the Leased Land or within the geological zones underlying the Leased Land. All drilling into or through the Leased Land must be done by directional drilling from adjacent or other nearby lands. This lease does not grant any privilege or right that is not expressly stated.
4. Reservations to the District. The District reserves the right to grant, upon its own terms, joint or several easements or rights of way upon, through or in the Leased Land as may be necessary or appropriate and consistent with this lease, and the right to allow, upon its own terms, the continued use of any existing easement or right of way upon, through or in the Leased Land, provided such easement or right of way does not adversely affect Lessee rights herein. The District reserves the right to lease, sell or otherwise dispose of its interest in the Leased Land.
5. Bond. The Lessee shall furnish upon execution of this lease and maintain a bond in favor of the Contra Costa County Flood Control and Water Conservation District in the sum of \$20,000.00 to guarantee the faithful performance by the Lessee of all provisions of this lease, Division 6 of the Public Resources Code and the regulations of the State of California, including, but not limited to, the plugging and abandonment of all wells and the removal of production facilities and the immediate elimination of any contamination or pollution caused by or resulting from operations under this lease. The bond shall require the surety to give at least one hundred fifty (150) days written notice of its intention to cease acting as guarantor. If a surety gives notice of its intention to cease acting as guarantor, the Lessee shall provide to the District within forty-five (45) days of such notice a replacement bond of equal value to become effective upon the expiration of the existing bond. Failure to provide such a replacement bond within the required time shall constitute a default entitling the District to levy against the entire amount of the existing bond.
6. Upfront Payment. In consideration for the rights granted under this lease during the first year of the primary term, the Lessee shall make a nonrefundable advance payment to the District in the amount of \$15,513.00. County hereby acknowledges receipt of such payment.

7. Royalty Payments. The Lessee shall pay the District a royalty based on the production of all oil, gas, and their constituent products that are allocable to the Leased Land. The royalty payment due to the District is equal to 6.67% of the gross proceeds of the production of all oil, gas, and their constituent products that are allocable to the Leased Land; provided, however, that in no event will the royalty payment due to the District for any one-year period be less than \$4,500 (the "**Minimum Royalty Payment**"). For each month in which the production of oil, gas, and their constituent products occurs from the Leased Land, royalty payments are due no later than the fifth day of the second calendar month following the calendar month in which the substance is produced.
- a. The gross proceeds derived from oil production are to be calculated using the current market price, which may not be less than the highest price in the nearest field at which oil of like gravity and quality is being sold in substantial quantities.
 - b. The net proceeds derived from gas substances are to be calculated using the current market price of all gas substances removed or sold from the Leased Land. Gas substances include dry gas, natural gasoline and other products extracted and saved from the gas produced from the Leased Land. The current market price may not be less than the higher of (i) the highest price in the nearest field at which gas substances of like quality are being sold in substantial quantities, and (ii) the net proceeds or exchange value derived by the Lessee from the gas substances removed or sold from the Leased Land.
 - c. All royalties are payable to the District without any deductions, including deductions for the cost of producing, gathering, separating, compressing, treating, dehydrating, processing, transporting and otherwise making the oil and gas substances marketable.
 - d. The Lessee shall pay royalty on all gas produced from the Leased Land. The Lessee has no right to free use of gas produced from the Leased Land for any purpose, including any operations under this lease.
 - e. The Lessee may not sell gas, oil or their constituent products to an affiliate of the Lessee without the prior written consent of the Lessor, which may not be unreasonably withheld. The term "affiliate of the Lessee," as used in this agreement, means and includes any individual, firm, corporation, partnership, limited liability company, association, joint stock company, pension fund, trust or trustee thereof, estate or executor thereof, unincorporated organization or joint venture, or any other legally recognizable entity (i) that directly or indirectly owns, controls or holds with power to vote 10% or more of the outstanding voting securities of the Lessee, (ii) 10% or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with power to vote by the Lessee, or (iii) that directly or indirectly controls, is controlled by or is under common control with the Lessee. If gas, oil or their constituent products are sold to an affiliate of the Lessee, the value of the sale will be determined using the current market price.

8. Royalty Statements. Once production begins, and continuing throughout the remaining term of this lease, the Lessee shall submit accurate royalty statements to the District each month. The statements must be in whatever form the District prescribes and must state, at a minimum, for the preceding month (i) the amount, gravity and market price of all oil removed or sold from the Leased Land, (ii) the amount and market price of all gas substances removed or sold from the Leased Land, and (iii) the number of days that each well affecting the Leased Land was in production.
9. Annual Reconciliation. If at the end of any calendar year (the "**Subject Year**"), Lessor has not received royalties in an amount equal to, or greater than, the Minimum Royalty Payment, Lessee shall on or before January 25 of the year immediately succeeding the Subject Year, pay to Lessor an amount equal to the result obtained by subtracting the amount of the royalties paid during the Subject Year from the Minimum Royalty Payment.
10. Late Payment. If the Lessee fails to pay any amount payable under this lease when due, then the Lessee shall pay to the District interest on the unpaid amount at the rate of the lesser of the maximum rate permitted by law and the prime rate charged by Mechanics Bank, plus two percent (2%) from the due date until the date of payment.
11. Taxes. The Lessee shall timely pay all taxes, assessments, fees, charges or other amounts levied for any reason under the laws and regulations of any state, county, city or the United States against the Lessee, the Lessee's interest in the Leased Land, improvements placed on the Leased Land by the Lessee or oil, gas or other products produced from the Leased Land. The Lessee may not deduct any tax, assessment, fee, charge or other amount from any amounts payable to the District under this lease.
12. Submission of Sales Contracts and Exchange Agreements. Within 60 days after their execution by all parties, the Lessee shall submit to the District a copy of each contract, or other agreement, related to the sale, exchange or other disposition of all oil and gas substances produced from the Leased Land. The Lessee shall certify that each copy is a true copy.
13. Examination of Records and Inspection of Premises.
 - a. The Lessee shall keep and have in its possession books and records showing the production and disposition of all oil, gas and their constituent products produced from the Leased Land and shall permit the District or its agents to examine such books and records at all reasonable times.
 - b. The District may audit the accounts and records of the Lessee, its successors and assigns, relating to Leased Land and its operations under this lease. This right may be exercised by the District by giving the Lessee written notice. An audit may only be conducted during normal business hours. If an audit reveals an underpayment, the Lessee shall pay the District the amount of the underpayment and reimburse the District for the costs of the audit.

14. Pooling.

- a. Lessee shall pool the Leased Land with adjoining land into one pooled unit containing no more than 320 acres (the "**Pooled Unit**"). Any Pooled Unit so created must include all of the Leased Land. The Lessee shall give the District written notice of the creation of a Pooled Unit. The notice must identify and describe the pooled acreage.

If any oil, gas or other hydrocarbon substance is obtained from a Pooled Unit created pursuant to this Section 14, the Lessee shall allocate to the District that portion of the production from the Pooled Unit that the number of acres of Leased Land bears to the total number of acres included in the Pooled Unit (the "**District's Proportionate Share**").

- b. If any oil, gas or other hydrocarbon substance is obtained from the Pooled Unit created pursuant to this Section 14, the Lessee shall calculate and pay the royalties and other payments due to the District under this lease, other than the upfront fee, based on the District's Proportionate Share, and otherwise in the same manner and subject to the same terms and conditions set forth in this lease.
- c. At any time while this lease is in force, the Lessee may not dissolve the Pooled Unit established under this Section 14 without the District's prior written consent, which may not be unreasonably withheld. If operations are being conducted for drilling on or production of oil or gas from any part of the Pooled Unit, these operations or production will be considered as operations for drilling on or production of oil and gas from the Leased Land.

15. Assignment.

- a. The Lessee may not assign or otherwise transfer operations under this lease to any entity without the prior written consent of the District, which may be withheld in the District's sole discretion. Unless approved by the District, no assignment or transfer is of any effect. The interest of the District hereunder may be assigned, mortgaged or transferred in whole or in part, but no change or division in ownership will have the effect of reducing the rights or enlarging the obligations of the Lessee hereunder.
- b. Any assignment or transfer by the Lessee will take effect on the first day of the month following (i) its approval by the District, and (ii) the filing with the District of an executed copy of the assignment or transfer. If the District approves an assignment or transfer, the assignee or transferee is bound by the terms of this lease to the same extent as if the assignee or transferee were the original lessee.
- c. The Lessee shall submit to the District documentation of any acquisition, merger, name change, corporate reorganization or any other organizational restructuring that affects the Lessee.

16. Designation of Operator. If the Lessee consists of more than one person or entity, the Lessee shall notify the District which person or entity is authorized and required to give and receive notices, make payments and submit all data and materials required by this lease.
17. Joint and Several Liability. If the Lessee consists of more than one person or entity, each person or entity comprising the Lessee is liable jointly and severally for the performance of all of the Lessee's obligations under this lease.
18. Prevention of Waste and Diligence. The Lessee shall use all reasonable precautions to prevent the waste of oil and gas in the Leased Land and to prevent water from entering the oil or gas-bearing geological zone of the Leased Land. The Lessee shall exercise reasonable diligence in its operation of the Leased Land while the products therefrom can be obtained in paying quantities and may not unreasonably or unnecessarily suspend operations. The Lessee shall cause its operations to be conducted in a proper and worker-like manner, in accordance with generally accepted good oil field practices and with the goal of protecting the safety and health of workers.
19. Environmental Review. If an environmental review is required under the California Environmental Quality Act (CEQA) in connection with the Lessee's use of the Leased Land, the Lessee shall pay the entire cost of the review and shall provide all documents and information necessary to complete the review. If mitigation measures are required as a result of a CEQA review, the Lessee shall carry out the mitigation measures at its expense. The Lessee shall obtain, at its expense, any permits required in connection with its use of the Leased Land.
20. Indemnification. The Lessee, its successors and assigns, agree to release, defend, indemnify, save, protect and hold harmless the District, its officers, agents, employees, successors and agents (together, the **"Indemnified Parties"**) from any and all costs, losses, claims, judgments, settlements and damages of every kind and character to real property, personal property or persons (including, without limitation, claims involving environmental laws and regulations, pollution, contamination of ground waters, personal injury and death), lawsuits and/or causes of action (including reasonable attorneys' fees, expert fees and court costs) (collectively **"Claims"**) that may be caused by the activities of the Lessee and the Lessee's agents, invitees, guests, contractors, oil or gas purchasers, oil or gas transporters, servants and employees, whether acting within the scope of their employment or not, and whether negligent or not, on the Leased Land, or any adjacent property, including, without limitation, any Claims arising from loss of subsurface support of the Leased Land, and any Claims arising from the production or transportation of oil or gas produced from the Leased Land or lands pooled therewith. For purposes of this Section 20 and Section 21 - Environmental Liability of this lease, environmental laws and regulations include, without limitation, the federal Oil Pollution Act (OPA), the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the federal Resource Conservation and Recovery Act (RCRA), the federal Clean Water Act and the federal, state and local rules, regulations, ordinances, orders and governmental directives implementing such statutes. The Lessee's obligations under this Section 20 shall survive the termination of this lease.

21. Environmental Liability.

- a. As used in this lease, the term "Hazardous Materials" means any substance or material defined or identified as hazardous, extra-hazardous , toxic or radioactive or subject to regulation as a solid waste or pollutant under any applicable federal, state or local statute or regulation including, without limitation, the environmental Laws and regulations referenced in Section 20 - Indemnification of this lease. "Remedial Work" means any site investigation or monitoring, any cleanup, containment , remediation, removal, or restoration work performed in response to any federal, state or local government authority or private party action ("action"), or pursuant to any federal, state or local statute, rule, regulation, ordinance , order governmental directive or other laws ("law").
- b. For the benefit of the District, the Lessee shall (i) remove from the Leased Land, if, as and when required by any action or law, any Hazardous Materials placed or released thereon by the Lessee (including its drillers and other contractors), (ii) perform any Remedial Work where the need therefor arises in connection with the Lessee's (including its drillers' and other contractors') operations or activities on the Leased Land or any adjacent property, and (iii) comply in all respects with all laws governing operations by the Lessee (including its drillers and other contractors) and Remedial Work on or associated with the Leased Land and any adjacent property. The Lessee shall cause Remedial Work to be performed by one or more contractors selected by the Lessee under the supervision of an engineer selected by the Lessee. The Lessee shall pay all costs and expenses of Remedial Work resulting from the Lessee's (including its drillers' and other contractors') operations , including, without limitation, the charges of such contractors and/or the consulting engineer and the District's reasonable attorneys' fees and costs incurred in connection with the monitoring or review of Remedial Work. If the Lessee fails to timely commence or cause to be commenced, or fails to diligently prosecute to completion, any Remedial Work, the District may (but is not required to), after first giving the Lessee fifteen (15) days notice of its failure and the Lessee's continued failure to perform, cause the Remedial Work to be performed and the Lessee shall reimburse all reasonable costs of same on demand.
- c. The provisions of this Section 21 do not constitute approval or obligate the District to consent to the imposition of any engineering or institutional control that would restrict or limit future use of the Leased Land for any purpose including, without limitation, any deed restriction or limitation on the use of groundwater or use of the property for residential purposes.
- d. The Lessee shall notify the District of any claim or governmental agency or third party involving the actual or alleged existence of Hazardous Materials on the Leased Land or any adjoining property and provide the District with copies of (i) any notice of any actual or threatened release of Hazardous Materials

given by the Lessee pursuant to any law and (ii) any report of any response to any such release, including all Remedial Work. The Lessee, its successors and assigns, in accordance with the provisions of this Section 21, will release, indemnify, pay and protect, defend and save the Indemnified Parties harmless from all claims, liabilities, fees and expenses of any kind (including reasonable attorneys' fees , expert fees and costs) that arise from the actual or alleged presence or release of any Hazardous Materials in connection with the operations of the Lessee and the Lessee's agents, invitees, guests, contracts, servants and employees on the Leased Land or any adjacent property. This indemnification includes, without limitation, costs in connection with any Remedial Work performed by the District, or any third party in response to any federal, state or governmental authority, laws or regulations, due and payable upon demand by the District. The Lessee's obligations under this Section 21 shall survive the termination of this lease.

22. Insurance. The Lessee agrees, at no cost to the District, to obtain and maintain during the term of this lease, comprehensive liability insurance with a minimum combined single-limit coverage of \$3,000,000.00 for all claims or losses due to bodily injury, sickness or disease or death to any person, or damage to property, and to name the Contra Costa County Flood Control and Water Conservation District, and Contra Costa County, their officers, agents and employees, as additional insureds thereunder. The coverage must provide for a 30-day written notice to the District of cancellation or lapse. Evidence of coverage must be furnished to the District upon execution of this lease.
23. Suspension of Operations.
 - a. The District may temporarily suspend production or any other operation by the Lessee under this lease when, ever the District finds that the operation , unless suspended, would pose an immediate and serious threat to life, health, property, the environment or natural resources. The suspension is effective immediately upon either oral or written notice from the District to the Lessee. The District will follow any oral notice of suspension with a written confirmation. The District may lift the suspension when the Distric t finds, on the basis of evidence submitted by the Lessee or otherwise available, that resumption of the suspended operation would not pose an immediate and serious threat to life, health, property, the environment or natural resources. If the District orders suspension of operations because their continuation would or might cause or aggravate subsidence of the Leased Land or other properties, the Lessee's operations may be resumed only in conformance with a District-approved program for subsidence prevention.
 - b. Upon the written request of the Lessee, the District may temporarily suspend production of any operation by the Lessee under this lease if the District determines, from evidence submitted by the Lessee or otherwise available, that the suspension will facilitate the assignment or unitization of this lease, will allow for negotiation for the use of hydrocarbon transportation facilities, will prevent waste of oil or gas, will provide time for compliance with Federal, State

or local statutes or regulations, will allow for remedying the effects of acts of God, or will otherwise facilitate the proper development of the Leased Land. The suspension will be on terms and conditions provided by the District and will be terminated whenever the District finds that the conditions warranting the suspension no longer exist. During any period of suspension, the Lessee shall immediately inform the District of any change in the conditions warranting suspension.

- c. No suspension ordered or approved under this Section 23 relieves the Lessee of any obligation under this lease, unless otherwise specifically provided in the terms of the suspension.
24. Quitclaim or Relinquishment. The Lessee may quitclaim or relinquish its rights under this lease in whole, but not in part. The quitclaim or relinquishment will be effective when it is accepted and recorded by the District. Notwithstanding the Lessee's quitclaim or relinquishment, the Lessee shall (i) pay the District all accrued royalties, (ii) restore the Leased Land in accordance with Section 25 - Obligations Upon Termination, and (iii) comply with all other terms of this lease. A quitclaim or relinquishment will not release the Lessee from liability for a breach of any obligation it has under this lease.
25. Obligations Upon Termination.
- a. Upon the expiration or sooner termination of this lease, the Lessee shall (i) surrender the Leased Land and restore the Leased Land to the condition it was in at the beginning of the lease, including any remediation required to avoid or eliminate subsidence, at no cost to the District, and (ii) deliver to the District a good and sufficient quitclaim deed.
 - b. The obligations contained in this Section 25 bind the heirs, successors, and assigns of the Lessee. The Lessee's obligations to the District under this Section 25 shall survive the termination of this lease.
26. Notices. Any notice required or permitted under this lease must be in writing and sent by overnight delivery service or registered or certified mail, postage prepaid and directed as follows:

To Lessor: Contra Costa County Flood Control and
Water Conservation District 255 Glacier Drive
Martinez, CA 94553
Attention: Public Works/Principal Real Property

Agent To Lessee: Sunset Exploration Incorporated
10500 Brentwood Boulevard
Brentwood, CA 94513
Attention: Robert E. Nunn

Either party may at any time designate in writing a substitute address for that set forth above and thereafter notices are to be directed to such substituted address. If sent in accordance with this Section 26, all notices will be deemed effective (i) the next business day, if sent by overnight courier, and (ii) three days after being deposited in the United States Postal system.

27. Successors and Assigns. This lease inures to the benefit of and binds the successors and assigns of the parties.
28. Failure to Enforce. The failure of the District to enforce any provision of this lease does not constitute a waiver by the District of that or any other provision.
29. No Warranty. The District makes no warranty of any kind with respect to title to the surface or mineral estate in the Leased Land or any portion of or interest therein. By accepting this lease, the Lessee acknowledges that it has been given full opportunity to investigate and has conducted sufficient investigation to satisfy itself as to the title to the Leased Land. The Lessee assumes all risk of title failures.
30. Noise. The Lessee shall cause noise levels associated with the Lessee's operations on any drill site utilized for the development of the Pooled Unit to be kept to a reasonable minimum.
31. Governing Law and Venue. The laws of the State of California govern this lease. Venue for any action to enforce this lease will lie in Contra Costa County, California.
32. Compliance with Laws. The Lessee covenants that it will strictly comply with all applicable laws, regulations and ordinances in conducting all operations under this lease.
33. Encumbrances. This lease is subject to all licenses, permits, easements, rights of way, surface leases, restrictive covenants, and other contracts of the District, or its predecessors in interest, affecting the Leased Land.
34. Counterparts. This lease may be executed in multiple counterparts, all of which will be deemed to constitute one instrument.

[Remainder of Page Intentionally Left Blank]

35. Discrimination. In the administration of this lease or the operation of the Leased Land, the Lessee may not discriminate against any person or entity on the basis of race, color, creed, national origin, sex, marital status, religious or political affiliation, ancestry, disability, age or sexual orientation.

The parties are signing this lease as of the date set forth in the introductory clause.

COUNTY OF CONTRA COSTA FLOOD
CONTROL AND WATER CONSERVATION
DISTRICT, a political subdivision of the
State of California

By: _____
Julia R. Bueren
Chief Engineer

RECOMMENDED FOR APPROVAL:

By: _____
Karen Laws
Principal Real Property Agent

By: _____
David Kramer
Senior Real Property Agent

SUNSET EXPLORATION

By: _____
Robert E. Nunn
President

By: _____
Shirley Nunn
Secretary

APPROVED AS TO FORM:
SHARON L. ANDERSON
COUNTY COUNSEL

By: _____
Kathleen Andrus
Deputy County Counsel

EXHIBIT “A”

Mineral Lease: CCCFC&WCD Parcels 1778, 1782, 5089, 5117

Real property in the City of Antioch, County of Contra Costa, State of California, being a portion of the Southwest one-quarter of Section 9, Township 1 North, Range 2 East, Mount Diablo Meridian, described as follows:

Beginning at the west one-quarter corner of said Section 9 (T.1 N, R.2E, M.D.M.), said quarter corner being the northwesterly corner of Parcel 1782 described in the grant deed to Contra Costa County Flood Control and Water Conservation District recorded April 1, 1996 as Document Number 96-058288, records of said County; thence easterly from said Point of Beginning along the northerly line of said Parcel 1782 (96-058288) south 89°36'57" east, 676.76 feet to the northeasterly corner of said Parcel 1782 (96-058288), also being the northwest corner of Parcel 5089 described in the grant deed to Contra Costa County Flood Control and Water Conservation District recorded July 19, 2011 as Document Number 2011-0142295-00, records of said County; thence continuing south 89°36'57" east, along the north line of said Parcel 5089 (2011-0142295-00), 133.66 feet to the northeast corner of said Parcel 5089 (2011-0142295-00); thence leaving said northerly line and continuing along the easterly line of said Parcel 5089 (2011-0142295-00) the following thirteen (13) courses: **1)** south 47°54'23" east, 471.72 feet; **2)** south 56°33'26" east, 298.66 feet; **3)** north 52°34'21" east, 13.73 feet; **4)** north 54°34'26" east, 124.70 feet; **5)** south 36° 07'26" east, 66.20 feet; **6)** south 53°52'34" west, 72.58 feet; **7)** south 16° 54' 20" east, 13.92 feet; **8)** south 26°41'55" east, 180.15 feet; **9)** south 14°26'21" west, 50.65 feet; **10)** south 16°03'59" west, 343.61 feet; **11)** south 34°57'28" west, 96.92 feet; **12)** south 36°33'10" west, 65.70 feet; **13)** south 1°28'07" east, 96.54 feet to a point on the northerly line of Parcel D as shown on the Map of Subdivision MS 55-83, filed May 14, 1985 in Book 116 of Parcel Maps at

page 1, records of said County and being the southeast corner of said Parcel 5089 (2011-0142295-00); thence westerly along the south line of said Parcel 5089 (2011-0142295-00) north 89°03'03" west, 37.48 feet to the northeast corner of Parcel 5117 described in the final order of condemnation for Contra Costa County Flood Control and Water Conservation District recorded August 16, 2012 as Document Number 2012-0198173-00, records of said County; thence leaving said Parcel 5089 (2011-0142295-00) and continuing along the easterly, southerly, westerly and northerly lines of said Parcel 5117 (2012-0198173-00) the following nineteen (19) courses: **1)** southerly along a non-tangent 480.00 foot radius curve concave to the east and from which a radial bears south 75°19'16" east, through a central angle of 24°10'40" an arc distance of 202.55 feet; **2)** south 11°23'50" east, 31.80 feet; **3)** southerly along a non-tangent 190.51 foot radius curve, concave to the west and from which a radial bears south 73°16'18" west, through a central angle of 56°19'05" an arc distance of 187.26 feet; **4)** south 46°15'00" west, 23.66 feet; **5)** south 56°41'39" west, 23.66 feet; **6)** south 63°23'31" west, 13.30 feet; **7)** south 68°08'03" west, 50.42 feet; **8)** westerly along a non-tangent 577.92 foot radius curve, concave to the north and from which a radial bears north 12°38'48" west, through a central angle of 22°32'20" an arc distance of 227.34 feet; **9)** north 75°14'29" west, 77.73 feet; **10)** north 66°20'47" west, 25.52 feet; **11)** north 59°55'19" west, 101.46 feet; **12)** north 59°41'25" west, 51.57 feet; **13)** north 65°49'24" west, 47.58 feet; **14)** north 74°58'40" west, 263.66 feet; **15)** north 88°42'12" west, 157.50 feet; **16)** north 73°06'04" west, 211.13 feet; **17)** south 58°47'50" west, 32.32 feet; **18)** south 90°00'00" west, 110.79 feet to the west line of said Section 9; **19)** along said west line north 1°23'02" east, 25.26 feet to the southwest corner of Parcel 1743 described in the grant deed to Contra Costa County Flood Control and Water Conservation District recorded October 14, 1993 as Document Number 93-287641, records of said County; thence easterly and northerly along the common line of said Parcel 5117 (2012-0198173-00) and Parcel 1743 (93-287641) the following two (2) courses: **1)** south 88°53'20" east, 804.90 feet; **2)** north 1°06'40" east, 229.90 feet to the south line of Parcel 1778 described in the grant deed to Contra Costa County Flood Control and Water Conservation District recorded June 2, 1995 as Document Number 95-087820, records of said County; thence leaving said common line of Parcel 5117

(2012-0198173-00) and Parcel 1743 (93-287641), westerly along the said north line of said Parcel 1743 (93-287641) and being the south line of said Parcel 1778 (95-087820), the following six (6) courses: **1)** north 88°58'29" west, 131.71 feet; **2)** north 60°57'14" west, 153.99 feet; **3)** north 88°36'42" west, 46.31 feet; **4)** south 62°19'26" west, 132.88 feet; **5)** south 81°18'59" west, 22.38 feet; **6)** north 89°35'08" west, 351.25 feet to the west line of said Parcel 1788 (95-087820), said west line being the west line of said Section 9; thence leaving said common line of Parcel 1743 (93-287641) and Parcel 1778 (95-087820), northerly along said common west line, north 1°23'02" east, 541.65 feet to the northwest corner of said Parcel 1778 (95-087820), being the southwest corner of said Parcel 1782 (96-058288); thence leaving said Parcel 1778 (95-087820), continuing northerly along said west line of said Section 9, being the west line of said Parcel 1782 (96-058288), north 1°23'02" east, 711.85 feet to the Point of Beginning.

Containing an area of 46.44 acres of land, more or less.

Exhibit "B" attached and by this reference made a part hereof.

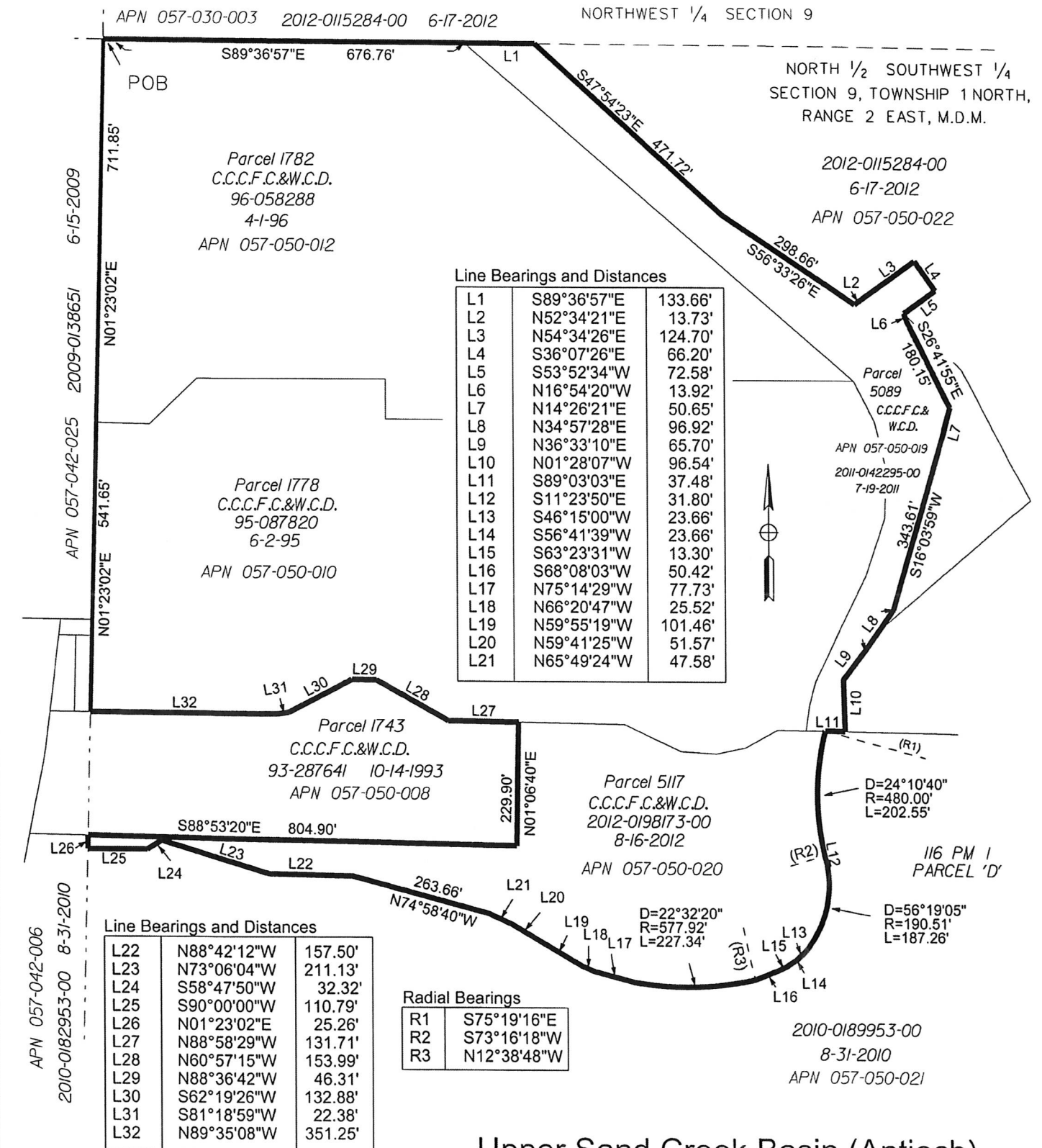
This real property description has been prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: Janet L. Hampton LS 7634
Licensed Land Surveyor
Contra Costa County Public Works

Date: Oct. 23, 2014



EXHIBIT "B"



Upper Sand Creek Basin (Antioch) Sunset Exploration Oil & Gas Lease

X=1,634,282 Y=526,933

Mineral License Upper Sand Creek Basin Pcls. 1778, 1782, 5089 & 5117

Drawn By	JLH	Checked By	KT	Date	October 2014	Scale	1"=250'	File	USCB Mineral License.dgn
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CALIFORNIA ENVIRONMENTAL QUALITY ACT

Notice of Exemption

To: ☐ Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: Contra Costa County
Dept. of Conservation & Development
30 Muir Road
Martinez, CA 94553

☒ County Clerk
County of: Contra Costa

Project Title: Upper Sand Creek Basin - Oil & Gas Subsurface Lease to Sunset Exploration, Inc.
WL83PV / FS1200128, CP#14-30

Project Applicant: Contra Costa County Public Works Department

Project Location – **Specific:** The activity is located off of Deer Valley Road in the Antioch area.

Project Location: east County

Project Location – County: Contra Costa

Description of Nature, Purpose and Beneficiaries of Project: This activity consists of the issuance of an "Oil and Gas Lease (Negotiated-Subsurface-Royalty)" with Sunset Exploration, Inc. for subsurface use of Contra Costa Flood Control & Water Conservation District (District) owned parcels [057-050-008, 057-050-010, 057-050-019, 057-050], Antioch area.

The purpose of this activity is for the District to execute a subsurface Oil & Gas Lease with Sunset Exploration, Inc. for the area approximately 500 feet (or lower) beneath Upper Sand Creek Basin in Antioch. The proposed subsurface lease does not conflict with the District's use of the land as a detention basin. This lease will give Sunset Exploration, Inc. the right to prospect, drill, produce, and take only oil, gas, and other hydrocarbon substances from the identified leased area/District-owned property. In return for these rights, Sunset Exploration, Inc. will pay the District rent for the use of the leased area/District-owned property, as well as royalty on any oil, gas, and/or other hydrocarbon substances obtained from the leased area/District-owned property. Sunset Exploration, Inc. will access the leased area/District-owned property by directional drilling. Any and all above ground activities, including the origination of the directional drilling, will be conducted from a location outside the leased area/District-owned property. No surface rights are included in the lease and no physical impacts will occur as a result of the lease.

This CEQA is for the real property transaction (lease) only. Execution of the lease does not provide any land use authorizations. Sunset Exploration, Inc. will be responsible for any compliance with applicable legal or regulatory requirements and further CEQA analysis necessary to address environmental impacts associated with any drilling activities.

General Plan Conformance from the City of Antioch is necessary for this activity.

Name of Public Agency Approving Project:

Contra Costa County

Name of Person or Agency Carrying Out Project:

Contra Costa County Public Works Department

Exempt Status:

- ☐ Ministerial Project (Sec. 21080(b)(1); 15268;
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption: _____
☐ Other Statutory Exemption, Code No.: _____
☒ **General Rule of Applicability [Article 5, Section 15061 (b)(3)]**

Reasons why project is exempt: This activity is not subject to the California Environmental Quality Act (CEQA) pursuant to **Article 5, Section 15061 (b) (3) of the CEQA Guidelines**. It can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

Lead Agency Contact Person: Trina R. Torres - Public Works Dept. Area Code/Telephone/Extension: (925) 313-2176

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: _____

☐ Signed by Lead Agency ☐ Signed by Applicant

AFFIDAVIT OF FILING AND POSTING

I declare that on _____ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature

Title

Applicant:

Public Works Department
255 Glacier Drive
Martinez, CA 94553
Attn: Trina R. Torres
Environmental Services Division
Phone: (925) 313-2176

Department of Fish and Game Fees Due

- ☐ EIR - \$3,069.75
☐ Neg. Dec. - \$2,210.00
☐ DeMinimis Findings - \$0
☒ County Clerk - \$50
☒ Conservation & Development - \$25

Total Due: \$ 75.00

Total Paid \$ _____

Receipt #: _____

**DETERMINATION THAT AN ACTIVITY
IS EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

FILE NO.: WL83PV / FS1200128

CP NO.: 14 - 30

ACTIVITY NAME: Upper Sand Creek Basin - Oil & Gas
Subsurface Lease to Sunset Exploration, Inc.

DATE: January 30, 2015

PREPARED BY: Trina R. Torres

This activity is not subject to the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061 (b) (3) of the CEQA Guidelines. It can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

DESCRIPTION OF THE ACTIVITY: This activity consists of the issuance of an "Oil and Gas Lease (Negotiated-Subsurface-Royalty)" with Sunset Exploration, Inc. for subsurface use of Contra Costa Flood Control & Water Conservation District (District) owned parcels [057-050-008, 057-050-010, 057-050-019, 057-050], Antioch area.

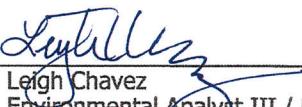
The purpose of this activity is for the District to execute a subsurface Oil & Gas Lease with Sunset Exploration, Inc. for the area approximately 500 feet (or lower) beneath Upper Sand Creek Basin in Antioch. The proposed subsurface lease does not conflict with the District's use of the land as a detention basin. This lease will give Sunset Exploration, Inc. the right to prospect, drill, produce, and take only oil, gas, and other hydrocarbon substances from the identified leased area/District-owned property. In return for these rights, Sunset Exploration, Inc. will pay the District rent for the use of the leased area/District-owned property, as well as royalty on any oil, gas, and/or other hydrocarbon substances obtained from the leased area/District-owned property. Sunset Exploration, Inc. will access the leased area/District-owned property by directional drilling. Any and all above ground activities, including the origination of the directional drilling, will be conducted from a location outside the leased area/District-owned property. No surface rights are included in the lease and no physical impacts will occur as a result of the lease.

This CEQA is for the real property transaction (lease) only. Execution of the lease does not provide any land use authorizations. Sunset Exploration, Inc. will be responsible for any compliance with applicable legal or regulatory requirements and further CEQA analysis necessary to address environmental impacts associated with any drilling activities.

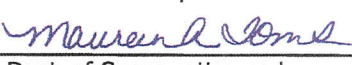
General Plan Conformance from the City of Antioch is necessary for this activity.

LOCATION:

The project is located off of Deer Valley Rd. in the Antioch area, eastern Contra Costa County (Figures 1 - 3).

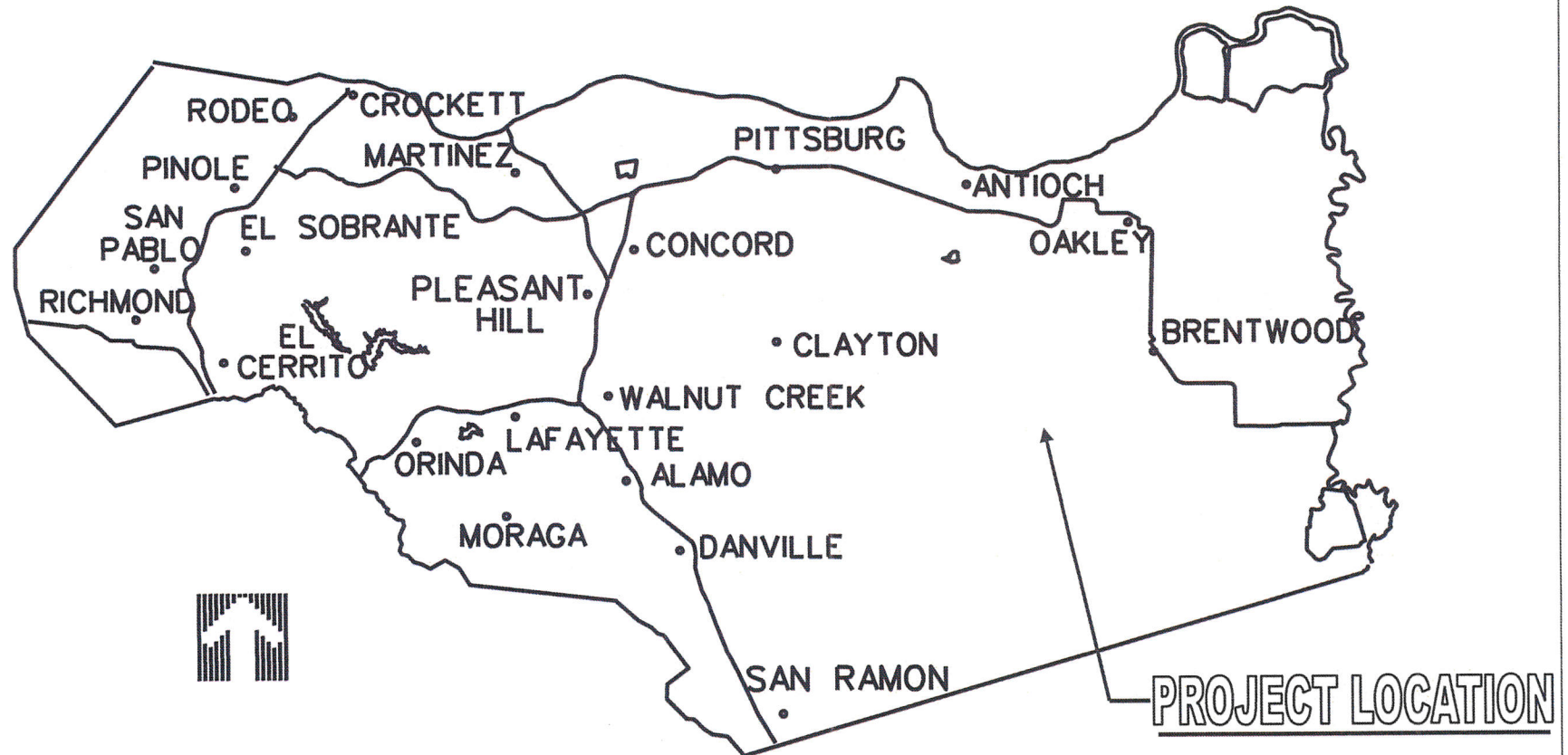
REVIEWED BY: 
Leigh Chavez
Environmental Analyst III / Division Manager
Environmental Services
Public Works Department

DATE: 01/29/15

APPROVED BY: 
Dept. of Conservation and
Development Representative

DATE: 1-30-15

CONTRA COSTA COUNTY CALIFORNIA



July 29, 2014

LOCATION MAP: Upper Sand Creek Basin Oil & Gas Lease

Figure 1

VICINITY MAP: Upper SAND CREEK BASIN OIL & GAS LEASE

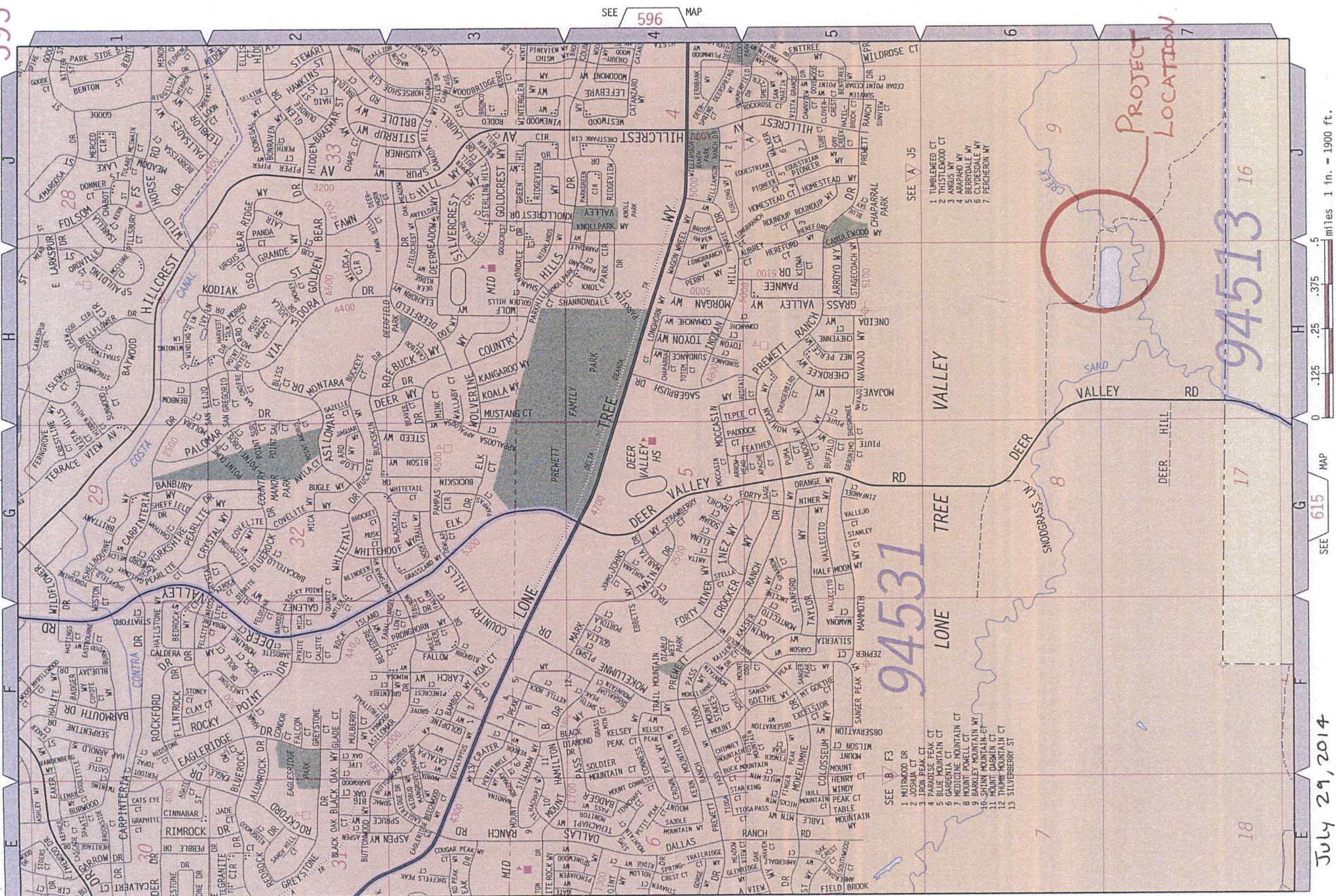


Figure 2

S 1/2 SEC 9 T1N R2E MDBM

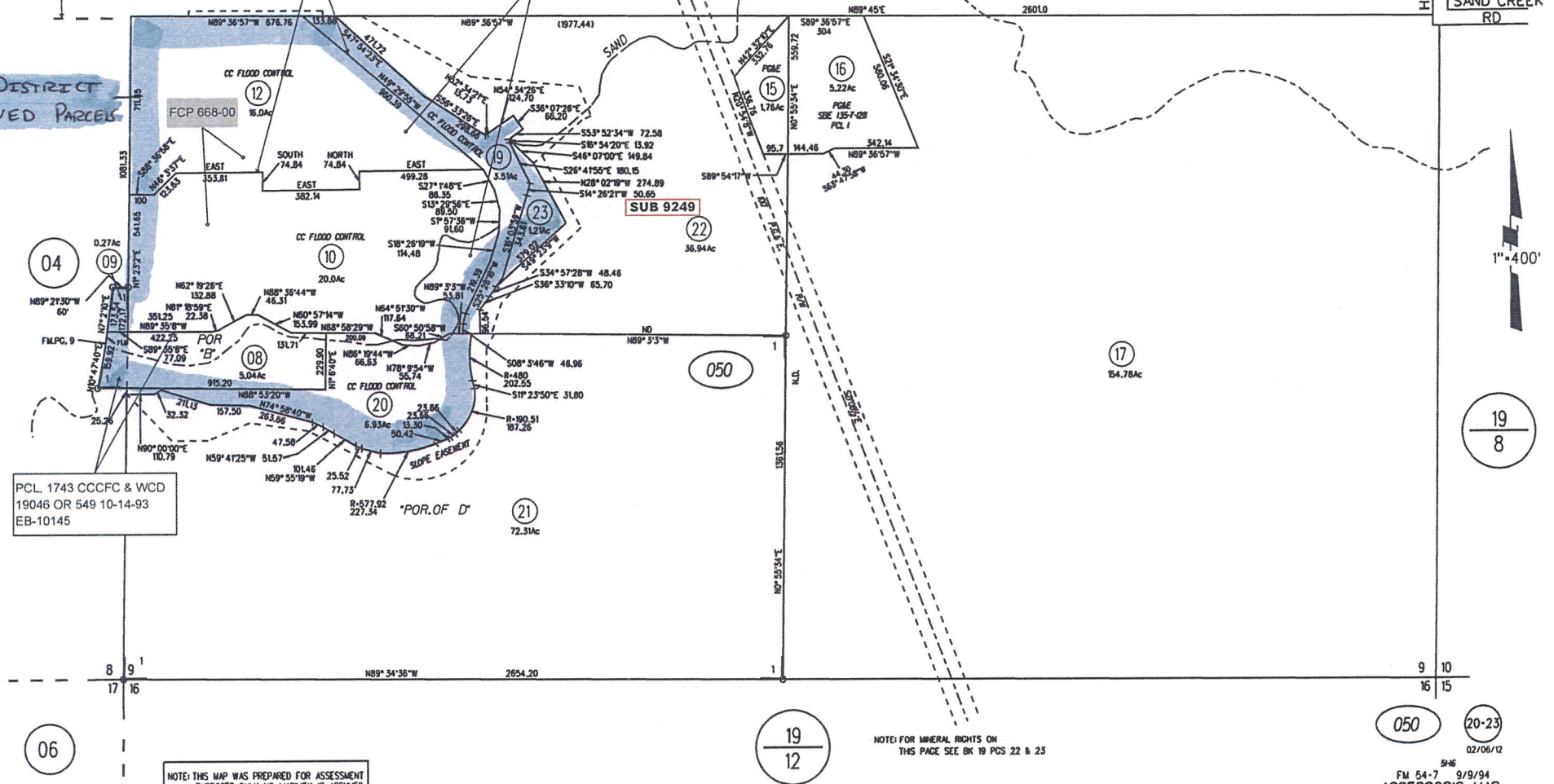
1-POR 116PM1-3 5-14-85

DA 104 PCL. 1743 B
30' FCD ACCESS & UTIL. EASE.
19046 OR 549
10-14-93
EB-10145

DA 104 UPPER SAND CRK. BASIN
PCL. 1782 CCCFC & WCD
96-058288
4-01-96
ED-10194

PCL. 1778 CCCFC & WCD
95-087820
6-02-95
ED-10192

FC DISTRICT
OWNED PARCELS



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.

FM 54-7 9/9/94
ASSESSOR'S MAP
BOOK 57 PAGE 5
CONTRA COSTA COUNTY, CALIF.

Figure 3

RESOLUTION NO. 2008/16

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ADOPTING A USE PERMIT TO ALLOW OIL AND GAS
EXPLORATION/EXTRACTION WITHIN A PORTION OF THE SAND CREEK
FOCUS AREA (APN# 057-021-003) AS A TEMPORARY USE, CONTINGENT
UPON THE ADOPTION OF THE ZONING ORDINANCE AMENDMENT FOR
SUNSET EXPLORATION**

WHEREAS, the City of Antioch received a request from Sunset Exploration requesting approval of a use permit to allow them to drill and operate an oil/gas well as a temporary use on a 158 acre parcel located south of the existing homes on Mammoth Way, west of Deer Valley Road, and each of Empire Mine Road. The proposed oil/gas well location is approximately 1500 feet south of the back fences of the homes that front on Mammoth Way; and

WHEREAS, the Planning Commission on December 19, 2007, duly held a public hearing, received and considered evidence, both oral and documentary; and recommended approval, and

WHEREAS, the City Council duly gave notice of public hearing as required by law; and duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan were adopted for this project; and

WHEREAS, the City Council hereby makes the following findings for approval of a Use Permit:

1. That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;
2. That the use applied for at the location indicated is properly one for which a use permit is authorized;
3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, spaces, walls, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood with the conditions of approval;
4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use; and

5. That the granting of such use permit will not adversely affect the comprehensive General Plan.

NOW THEREFORE BE IT RESOLVED that the City Council hereby **APPROVES** a Use Permit to allow oil and gas exploration/extraction within a portion of the Sand Creek Focus Area (APN# 057-021-003) as a Temporary Use, contingent upon the adoption of the zoning ordinance amendment to allow such use subject to the following conditions:

STANDARD CONDITIONS

1. That the City of Antioch Municipal Code be complied with.
2. That the applicant pay all applicable fees.
3. That all proposed improvements be constructed to City standards.
4. That City staff inspect the site for compliance with conditions of approval prior to final inspection approval.
5. That the proposed plans conform to the conditions of this case, and all standards and requirements of the City of Antioch, prior to any submittal for a building permit. No building permits will be issued unless the site plan meets the requirements stipulated by the review authority and standards of the City.
6. That this approval expires two years from the date of approval (Expires February 13, 2010), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
7. That the project be in compliance with and supply all the necessary documentation for AMC 6-3.2: Construction and demolition debris recycling.
8. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement or the zoning amendment upon which this use permit is contingent.
9. That black vinyl clad chain link fencing shall be provided.
10. That the following requirements of the Federally mandated NPDES program be complied with, or as required by the City Engineer:

- a) That an application for a State of California "General Construction Activity Storm Water Permit" be submitted to the Regional Resources Control Board, and a copy of the Notice of Intent be submitted to the City, prior to any construction activity on this site;
- b) Limiting construction access routes and stabilizing access points;
- c) Stabilizing areas denuded due to construction) prior to wet season, October 1 through May 1) by using suitable practices including, but not limited to temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, plastic covering, application of ground base on areas to be paved;
- d) Protecting adjacent properties by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures or other appropriate measures;
- e) Delineating clearing limits, easements, setbacks, sensitive or critical areas and their buffers, trees and drainage courses by marking them in the field;
- f) Stabilizing and preventing erosion from temporary conveyance channels and outlets;
- g) Using sediment controls and filtration to remove sediment from water generated by dewatering;
- h) Using proper construction materials and construction waste storage, handling and disposal practices;
- i) Using proper vehicle and equipment cleaning, fueling and maintenance practices;
- j) Controlling and preventing discharge of all potential pollutants, including but not limited to, pesticides, petroleum products, nutrients, solid wastes, and construction chemicals, that occur on site during construction;
- k) Preparing a contingency plan in the event of unexpected rain or BMP failure including but not limited to, an immediate response plan, storing extra or alternative control materials on-site (Stakes, fences, hay bales), notifying the local agency, etc.;
- l) Education and Training – For developments with no property owner association or community association, practical information materials on good housekeeping of hazardous products, proper use and disposal for hazardous products, and prohibited discharge practices and materials must be provided, initially by the developer, to the first occupant/tenants, and thereafter by the City public education program.
- m) Labeling Storm Drain Facilities – The phrase "No Dumping – Drains to River" must be embossed/stamped on all new storm drain inlets to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Watercourses should be similarly labeled by posting signs.

- n) Runoff Control – to the extent practicable, maintain post-development peak runoff rate and average volume of runoff at levels that are similar to pre-development levels. The developer must design the proposed project accordingly.
11. That the developer provide an adequate and reliable water supply for fire protection, and appropriate access roadways with all-weather driving surfaces prior to any combustible construction. [8704.1] UFC.
12. That the project comply with the building code in effect at the time of building permit issuance.
13. Prior to construction of the proposed improvements, the City of Antioch shall require the application of standard best management practices (BMPs) to control dust during construction. As required by the BMP's, daily log sheets showing the BMPs used and any variances found shall be recorded to insure compliance.

PROJECT SPECIFIC CONDITIONS

14. That prior to any drilling operations that the applicant shall meet with the City's Building Official to determine the type of City permits that are required for the various aspects of the proposed project, and shall make application with the City for all required permits.
15. That the applicant shall provide notice to all property owners located within 300 lineal feet of the subject parcel, and to all properties within the Deer Hill Lane neighborhood a minimum of 10 days prior to the commencement of any drilling operations. Such notice shall state the date, time, and estimated duration of any drilling. Such notice shall include the applicants contact information.
16. Prior to issuance of building permits, the City shall confirm the location of all exterior light fixtures and verify that all project light fixtures are directed towards the ground, and do not illuminate or spill over onto adjacent properties.
17. If suitable avian nesting habitat is intended to be removed during the nesting season, from February 1 through August 31, a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, a 250-foot buffer shall be required around the nests. No vegetation removal or ground disturbance shall occur within the 250-foot buffer. For raptor species—birds of prey such as hawks and owls—this buffer shall be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests

are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor.

18. If a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. Any previously undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. Potentially significant cultural resources consist of, but are not limited to stone, bone, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites.
19. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the Contra Costa County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
20. Prior to activation of the compressor, the applicant shall provide documentation to the Director of Community Development verifying that the compressor is equipped with sufficient mufflers and surrounded with a noise protection barrier sufficient to mitigate noise levels at the boundary of the project to 60CNEL.
21. That a sound engineer be on site during drilling to determine sound levels and make recommendations to further mitigate sound as necessary in order to meet City noise standards. Such mitigation measures shall be implemented as determined by the Director of Community Development.
22. Properties within 3000 lineal feet of the 2.75 acre drill site that are currently on well water, including properties within the Deer Hill Lane neighborhood, shall be named by endorsement as additional insured on the general liability policy of Sunset Exploration's insurance policy in order to safeguard such well water for the duration of the drilling and operation of the oil/gas well. The applicant shall provide documentation to the satisfaction of the City Attorney verifying that this requirement has been met prior to the commencement of any drilling operations.

23. That the proposed facilities shall be screened from off site view using hay bales and other appropriate screening materials as determined by the Director of Community Development.
24. That any vehicles servicing the site shall be limited to day time hours only.


* * * * *


I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a meeting thereof held on the 13th day of February, 2008.

AYES: Council Members Kalinowski, Davis, Moore, Simonsen and Mayor Freitas

NOES: None

ABSENT: None


L. JOLENE MARTIN, City Clerk





December 2nd, 2014

Board of Directors

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President

Amara Morrison
Secretary

Burt Bassler
Treasurer

Heath Bartosh
Joe Canciamilla
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Land Trust Alliance
California Council of Land Trusts
Bay Area Open Space Council

Contra Costa County Board of Supervisors
651 Pine St.
Room 107
Martinez, CA 94553

RE: Request that Consent Item C.60 be removed from the December 2nd Board of Supervisors Meeting Consent Calendar and Continued to a Later Date

Dear Contra Costa County Board of Supervisors (Board),

Save Mount Diablo (SMD) is a non-profit conservation organization founded in 1971 which acquires land for addition to parks on and around Mount Diablo and monitors land use planning which might affect protected lands. We build trails, restore habitat, and are involved in environmental education. In 1971 there was just one park on Mount Diablo totaling 6,778 acres; today there are almost 50 parks and preserves around Mount Diablo totaling 110,000 acres. We include more than 8,000 donors and supporters.

We respectfully request that Consent Item C.60 on the Board's agenda for its December 2nd meeting be removed from the Consent Item list and continued for discussion to a later date.

This project is subject to CEQA, and the CEQA exemption proposed doesn't apply, because there are numerous potentially significant environmental impacts. Additional CEQA review is required.

According to the documents attached to the lease the county has decided that the lease is not subject to CEQA, pursuant to Section 15061(b)(3) of the CEQA Guidelines. However that exemption doesn't apply here where there are numerous potentially significant environmental effects that could be caused by oil and gas exploration on the property.

The purpose of this potential execution of a subsurface oil and gas lease with Sunset Explorations Inc. is to allow oil and gas drilling. A number of environmental impacts could result from this including, but not limited to:

1. Loss of potential habitat for threatened species including California tiger salamander, California red-legged frog, and San Joaquin kit fox.
2. Contamination of groundwater and Sand Creek.
3. Changing the hydrology of Sand Creek.
4. Contamination of the air and potential impacts to nearby sensitive receptors (the area that would be subject to the lease is near a hospital).
5. Emission of greenhouse gases.
6. Cumulative impacts when considered together with the approved neighboring Aviano development and proposed Antioch Promenade development.
7. Compliance with the Antioch General Plan should be examined.
8. The potential for impacts to soil stability and seismicity.
9. Aesthetic impacts of drilling infrastructure in this generally flat area.

Even though the lease is simply a real property transaction, the purpose of the lease is to allow for oil and gas extraction, and so that is a reasonably foreseeable result of the lease. Additional CEQA review is required.

We appreciate the opportunity to comment on this item.

Regards,

Juan Pablo Galván
Land Use Planner



December 19th, 2014

RECEIVED

DEC 24 2014

BY PUBLIC WORKS DEPT.
REAL ESTATE SERVICES

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Sue Ohanian

Marty Reed

Malcolm Sproul

Directors

Contra Costa County Public Works Department

Attn: David Kramer

255 Glacier Dr.

Martinez, CA 94553

RE: Potential Impacts of Sunset Explorations Inc. Subsurface Lease of Upper Sand Creek Basin

Dear Contra Costa County Public Works Department,

Save Mount Diablo (SMD) is a non-profit conservation organization founded in 1971 which acquires land for addition to parks on and around Mount Diablo and monitors land use planning which might affect protected lands. We build trails, restore habitat, and are involved in environmental education. In 1971 there was just one park on Mount Diablo totaling 6,778 acres; today there are almost 50 parks and preserves around Mount Diablo totaling 110,000 acres. We include more than 8,000 donors and supporters.

Thank you for reaching out and discussing our concerns related to the potential Sunset Explorations Inc. subsurface lease of the Upper Sand Creek Basin, owned by Contra Costa County.

Staff Directors

Ronald Brown

Executive Director

Seth Adams

Land Conservation Director

Julie Seelen

Advancement Director

Monica E. Oei

Finance Director

Meredith Hendricks

Land Programs Director

Founders

Arthur Bonwell

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Bay Area Open Space Council

As discussed during our meeting on Thursday December 11th, 2014 please see below a list of items included in the oil and gas lease that we believe could potentially cause impacts to the environment, and as such be subject to CEQA.

The materials provided to the public aren't sufficient to understand the scope of the proposed action, it's relation to the larger coordinated drilling program and possible cumulative impacts.

A summary of existing permits and CEQA review that have already been completed related to this drilling program would be very useful in determining what environmental review, if any, would be necessary for this proposal.

Although the applicant claimed at our meeting that the county property would simply be subject to offsite slant drilling and therefore there couldn't possibly be any impacts, in fact the proposed oil and gas lease includes a variety of clauses which suggest otherwise, such as possible remediation, effects of releases, subsidence, noise, etc.

He also suggested that whether the county participated with this lease or not, it would not affect his drilling plans.

He referred to a variety of existing and proposed permits and various CEQA compliance that may have taken place on more than 1,000 acres. While impacts on the County's small acreage or of various other parcels on which drills might be located might be less than significant, overall impacts cumulatively might be significant. CEQA discourages "piecemealing" of project review, and supports review at the earliest stages of overall programs.

As we mentioned in our letter dated December 2nd, according to the documents attached to the lease the county has decided that the lease is not subject to CEQA, pursuant to Section 15061(b)(3) of the CEQA Guidelines. However that exemption doesn't apply here where there are numerous potentially significant environmental effects that could be caused by oil and gas exploration on the property.

The purpose of this potential execution of a subsurface oil and gas lease with Sunset Explorations Inc. is to allow oil and gas drilling. A number of environmental impacts could result from this including, but not limited to:

1. Loss of potential habitat for threatened species including California tiger salamander, California red-legged frog and San Joaquin kit fox.
2. Contamination of groundwater and Sand Creek.
3. Changing the hydrology of Sand Creek.
4. Contamination of the air and potential impacts to nearby sensitive receptors (the area that would be subject to the lease is near a hospital and medical high school).
5. Emission of greenhouse gases.
6. Cumulative impacts when considered together with the approved neighboring Aviano development and proposed Antioch Promenade development—or of other existing or contemplated drilling permits such as the ones Mr. Nunn referred to at our meeting on a total of approximately 1000 acres.
7. Compliance with the Antioch General Plan should be examined.
8. The potential for impacts to soil stability and seismicity.
9. Aesthetic impacts of drilling infrastructure in this generally flat area.

Our meeting didn't convince us that these potential impacts aren't still potentially significant. From the materials we've examined, we still can't tell.

As we stated at the meeting, the oil and gas lease agreement attached to the county staff report refers to a number of Potential sources of impact. You asked us to submit a letter detailing these concerns.

While the agreement might include a variety of boiler plate, which might or might not be germane to this project or parcel, it nonetheless refers to a variety of potential impacts. In the absence of a defined project description, program summary or previous permitting, land use plan compliance and CEQA review, we can't tell whether these potential impacts are likely.

Clause 3: "...Lessee shall provide the District with drawings that show the exact location of any pipeline that is planned to be, or has been, installed on the Leased Land."

- a. So the potential exists for a pipeline to be installed on the Leased Land? That would clearly be subject to CEQA review and might have surface impacts.

Clause 14: "Lessee shall pool the Leased Land with adjoining land into one pooled unit containing no more than 320 acres..."

- a. The applicant stated that more than 1,000 acres of land have been leased. There is the potential for a cumulative significant impact under CEQA, where each project/lease/drill site reviewed individually may not be significant by itself.

Clause 21b: "...any Hazardous Materials placed or released thereon by the Lessee..."

- a. The lease contemplates that toxics might be released on the County parcel, intentionally or by accident. This should call for CEQA review.

Clause 23a: "...operation, unless suspended, would pose an immediate and serious threat to life, health, property, the environment or natural resources...continuation would or might cause or aggravate subsidence of the Leased Land..."

- a. The agreement contemplates environmental impacts, such as subsidence, which might have surface impacts, or might result in changes in the geological situation which might affect water, hydrology, surface fractures, etc. These should be considered.

Clause 23b: "...prevent waste of oil or gas..."

- a. The agreement contemplates waste oil or gas. These potential impacts should be discussed and reviewed.

Clause 25a: "...any remediation required...eliminate subsidence..."

- a. The agreement contemplates remediation or subsidence. These potential impacts should be discussed and reviewed.

Clause 30: "noise levels associated with...operations..."

- a. The agreement contemplates noise impacts. These potential impacts should be discussed and reviewed.

These are the items in the proposed subsurface oil and gas lease agreement that made us question whether or not there would be impacts associated with the subsurface lease and whether therefore this action should be subject to CEQA review.

As we stated previously and at the meeting, we don't have an opinion about whether this is a good or bad project, or has significant impacts. There isn't enough information being provided to the public to tell.

A summary of existing permits and CEQA review that has already been completed related to this proposal would be very useful in determining what environmental review, if any, would be necessary for this proposal.

Regards,

A handwritten signature in cursive script, appearing to read "Juan Pablo Galván".

Juan Pablo Galván
Land Use Planner



January 27, 2015

Contra Costa County Public Works Department
Attn: David Kramer
255 Glacier Dr.
Martinez, CA 94553

Board of Directors

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RE: Additional Potential Impacts of Sunset Explorations Inc. Subsurface Lease of Upper Sand Creek Basin

Dear Contra Costa County Public Works Department,

Thank you for continuing to discuss our concerns related to the potential Sunset Explorations Inc. subsurface lease of the Upper Sand Creek Basin, owned by Contra Costa County.

As we have previously stated, we don't have an opinion about whether this is a good or bad project, or if it has significant impacts. There isn't enough information being provided to the public to tell.

We believe that, at a minimum, the County should provide the public with a summary of existing permits and CEQA review that has already been completed related to this project in the area of Sand Creek/ the Brentwood Oil Field (including County, Antioch and Brentwood lands) to determine what environmental review, if any, would be necessary for this proposal.

We suspect that this overall 1,000+ acre project has been piecemealed and segmented, and has either avoided CEQA review or been given exemptions that, while perhaps appropriate for individual parts of the project, cannot be justified cumulatively.

Even though the applicant claims this current lease proposal includes no potential for significant impacts because it would not include surface rights, the documents provided to the public cloud those suggestions by referring to surface activities.

Since we're not experts about oil and gas, we consulted with retired Chevron Senior Petrophysicist Bruce Bilodeau and retired Senior Geophysicist Deborah Wechsler. They reviewed the county documents, online production records, and a Contra Costa Times article about Sunset and the project, which discusses the scope of the project (Appendix A).

They identified and described additional potential impacts of this project, regardless of whether it included surface drilling on this particular parcel, and agree that cumulatively the project could include significant impacts.



This area in southern Antioch and northeast Brentwood was actively drilled from the 1970s to the early 1990s. There is a capped well that appears to be on the County parcel in question (see <http://maps.conservation.ca.gov/doggr/index.html#close> for a California Department of Conservation online well mapping tool, and http://opi.consrv.ca.gov/opi/opi.dll/Search?UsrP_ID=100100100&WMtr_APINumber=01300073 for specific well information; screenshot Figure 1 below), and found that from 1977 to 1993 the well produced 168,071 barrels of oil, 167,577 cubic feet of natural gas and more than 1.3 million barrels of likely saline, toxic wastewater.

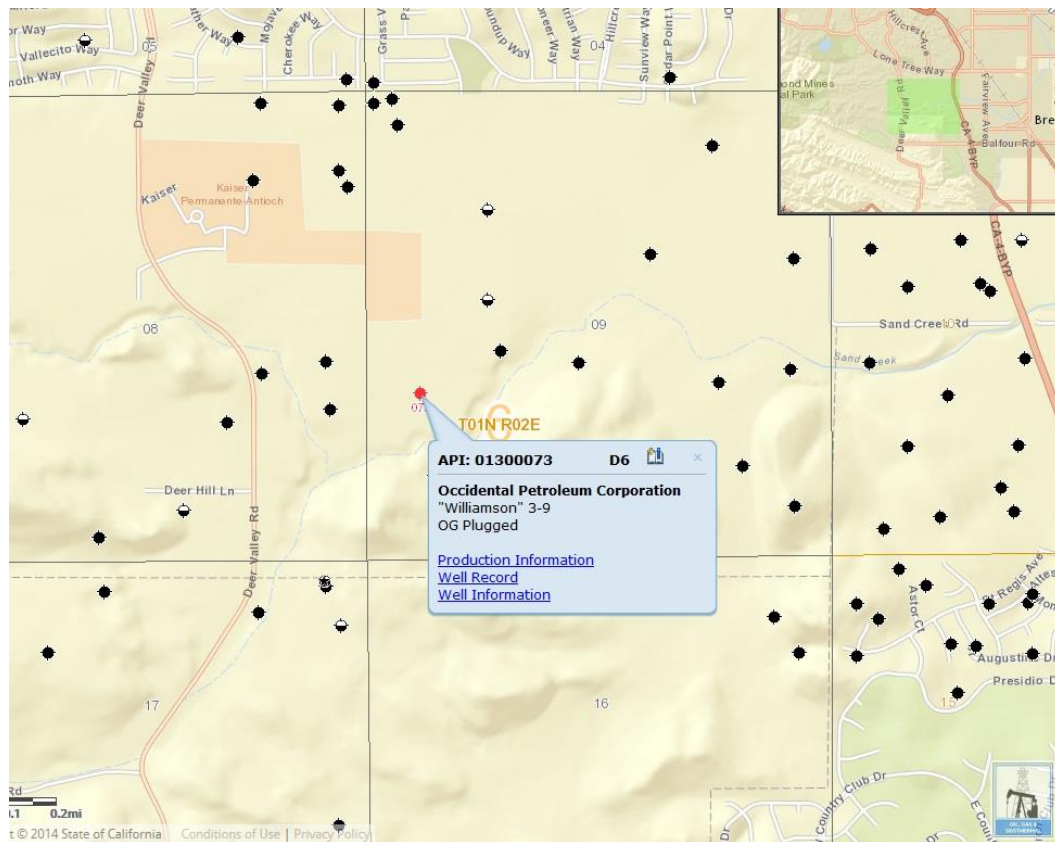


Figure 1. Location of plugged well likely on County-owned Upper Sand Creek Basin. Black dots are other plugged or abandoned wells in the area.

It appears that the wells were not actually dropping in production when operations ceased, but when oil prices began to drop in 1992, the wells became less profitable. They were capped or abandoned - possibly because of an unusually high amount of wastewater that needs to be disposed of somewhere.

Aside from four notable dips that have typically lasted about five months each, oil prices have generally been rising for the past 15 years. Higher oil prices may have made drilling profitable again (note that prices have been falling since June 2014).

In addition to the list of items that could potentially cause impacts to the environment that was discussed during our meeting on Thursday December 11th, 2014 and our letter to you dated December 19th, 2014, with the help of Mr. Bilodeau and Ms. Wechsler we have identified some additional potential impacts that could result from allowing oil and gas drilling in the area. These include, but are not limited to:

- 1) A significant volume of drilled material which has to be disposed of somewhere for wells of this depth.
- 2) A large amount of toxic, salty wastewater which has to be piped somewhere to be disposed of or re-injected into the aquifer or geologic strata. Mr. Bilodeau and Ms. Wechsler could see from the production records that old wells in the area include a very high amount of toxic, salty wastewater produced by each well. For the well on the County property, an average of 77,427 barrels of wastewater every year. A barrel is 42 gallons (US liquid), which is more than 3.25 million gallons of wastewater per well per year. That's about 10 acre feet, or enough water to cover an acre ten feet deep. It may be that this site is for reinjection/disposal of the wastewater from other wells.
- 3) Fracking, which may be used, presents another unknown set of potentially significant impacts
- 4) If newer horizontal drilling techniques are used, amounts of petrochemicals and wastewater could increase dramatically.
- 5) Spills and leaks are often associated with pipelines and drilling, including the collection of pipes that would run from production wells to a separator, storage tanks and injection wells. Materials of concern include petroleum substances and saltwater that could leak from pipes. If existing pipelines are to be used, what is the age and condition of these pipelines?
- 6) Subsidence could change the hydrology of Sand Creek. Even if the amount of subsidence potentially caused by drilling or production is limited to a few inches, would this be enough to change local hydrology?
- 7) The potential use of water for operations beyond the wastewater that would be pumped from the ground and re-injected into disposal wells. Where would this water come from and would its use change local hydrology, or deplete local aquifers?

In summary, currently there is not enough information being provided to the public to determine if this project has significant impacts, though the potential for them to occur seems to be there. At a minimum, the County should provide the public with a summary of existing permits and CEQA review that has already been completed related to this project in the area of Sand Creek and the Brentwood Oil Field.

Regards,

Juan Pablo Galván
Land Use Planner

CC:

John Kopchick, Interim Director of Contra Costa County Department of
Conservation and Development
Julia R. Bueren, Director of Contra Costa County Public Works Department
Seth Adams, Land Conservation Director of Save Mount Diablo

Appendix A

http://www.contracostatimes.com/ci_23218607/pipe-dreams-developer-tapping-into-antioch-hills-quest

Pipe dreams: Developer tapping into Antioch hills on quest for oil

By Paul Burgarino Contra Costa Times

POSTED: 05/10/2013

04:12:51 PM

ANTIOCH -- This struggling city once envisioned a seemingly endless row of homes dotting its southeast hills that would fuel its continued growth and prosperity. But with the housing boom gone bust, a new vision for the landscape has emerged: oil rigs.

Antioch, which long ago abandoned its petroleum roots as its population boomed, is once again looking for a little Texas Tea to pump up its finances.

Sunset Exploration drilled an exploratory well deep into the ground the past two weeks hoping to find pockets of oil hundreds of feet below the surface. While it's still too early to tell whether significant oil reserves will be found, optimism is growing that Antioch could soon become one of the few Bay Area cities pulling petroleum out of the ground.

The property that Sunset is leasing from Shea Homes and Dividend Homes is about a half-mile west of Kaiser Permanente's medical center and is on the fringe of what was known as the Brentwood Oil Field. Once drilled by Shell Oil Co. and Occidental Petroleum Corp., the site boomed in the 1960s and produced 9.8 million barrels of oil, the most of any field in Northern California.

"The easiest place to find acorns is under an oak tree, so we're hoping that the easiest place to find oil is where it's been found before," Sunset President Bob Nunn said. "(The area) used to be pretty prolific."

While oil drilling is common in Southern California and the San Joaquin Valley, it is almost unheard of in the Bay Area.

"From a historic perspective, it's fairly rare," said Tim Kustic, the state's supervisor of the Oil, Gas and Geothermal Resources, a division of the Department of Conservation.

With the exception of some wells in outlying parts of the Bay Area -- including Brentwood and far east Contra Costa County, Rio Vista, the hills east of Livermore and along the coast

near Half Moon Bay -- the region is relatively untapped. The likely reason is the area's geology and subsurface foundation, Kustic said.

Further, Kustic said, petroleum excavation tends to occur in Southern California, whereas Northern California wells primarily produce natural gas.

"(Northern California) has never been a major oil-producing province," Kustic said.

The first crack at finding black gold didn't hit pay dirt. But Nunn says there are "some encouraging signs" that oil could be there.

After digging a 4,000-foot-deep hole at a 30-degree angle (to keep machinery far away from a nearby subdivision), the sand below the layers of shale was thicker than anticipated. It had some "minor hydrocarbon shows," or traces of oil, Nunn said.

"We think we found something worth pursuing," he said.



The next step, Nunn said, is to further study the geology of the area based on information gathered from the dig and come back in a couple months to drill another bore nearby.

When Antioch annexed part of the field in 1994, the wells were defunct. The city banned mineral extraction in anticipation of residential and commercial growth.

City leaders repealed the ban in 2005 when development plans stalled.

"It's an interesting opportunity," Councilman Gary Agopian said. "Here's an example of where the community has been challenging us to find ways to improve economic development, and maybe this could help generate a little revenue for the city. There might not be anything there, but then again, hopefully, there might."

"It's not going to be a budget maker," adds City Manager Jim Jakel, "but it could bring in some money, no doubt about it."

Antioch's zoning administrator granted a temporary permit in March for Sunset to drill on 157 acres west of where oil companies once tapped the ground, renewing a 2008 city approval.

Arne Simonsen, Antioch's city clerk and a city councilman from 2000 to 2008, says he supported the drilling as a way to reduce foreign dependence on oil and natural gas.

Simonsen said the hills between Antioch and Brentwood, now covered with homes, were full of oil derricks when he moved to Antioch in the 1970s.

"They may as well take advantage of the open space to extract minerals while they can, before the housing boom comes back eventually," Simonsen said.

Sunset did not move right away on the previous approval because other projects in Southern California took priority, Nunn said.

Sunset is hoping to take advantage of an increase in California crude oil prices, which now top \$100 a barrel, especially given that it costs the same to drill for less-lucrative natural gas. That spike has led many companies in the state to invest in more wells, particularly at or near sites that have paid off in the past.

Nunn says the western area of the field has yet to be tapped, which he hopes means there's still oil far below the surface.

"It's an exciting play," he said.

If oil is found, it would be stored in a tank on-site, with the liquid inside drained and taken off-site by trucks once a day. The gas would be funneled through existing underground lines that run under Deer Valley Road.

Before starting to dig, a public meeting was held to vet concerns, particularly those from residents who live about 1,500 feet away in homes on Mammoth Way. In the past, residents there have expressed concern about noise and soil contamination. Only one person attended the meeting.

A recent visit to the site found that the 100-foot-high rig and other heavy machinery were relatively loud on the site but cannot be heard from Mammoth or Deer Valley.

"We're trying to be good neighbors," Nunn said.

Contact Paul Bugarino at 925-779-7164. Follow him at [Twitter.com/paulbugarino](https://twitter.com/paulbugarino).

Albany
Atlanta
Brussels
Denver
Los Angeles
Miami
New York

McKenna Long & Aldridge^{LLP}

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Orange County
Rancho Santa Fe
San Diego
San Francisco
Seoul
Washington, DC

MICHAEL PATRICK DURKEE
415.356.4622

EMAIL ADDRESS
mdurkee@mckennalong.com

January 7, 2015

Via Email

Bob Nunn
Nunn Farms
10500 Brentwood Boulevard
Brentwood, CA 94513

Re: *Sunset Exploration, Inc. – Subsurface Lease with
Contra Costa County Flood Control and Water Conservation District*

Dear Bob:

I hope this letter finds you and your family well, and that you had a warm and gratifying holiday season. I understand that Sunset Exploration, Inc. ("Sunset") has negotiated a three-year Subsurface Oil & Gas Lease ("Lease") with the Contra Costa County Flood Control and Water Conservation District ("District") which would allow Sunset to engage in subsurface drilling activities on the District's land no closer than 500 feet from the surface of the District's land. The actual oil and gas well and related facilities will be placed on Sunset's land (i.e., on land not owned by the District), some distance away, and will be subject to discretionary review and approval (and CEQA compliance) by public agencies other than the District.

I also understand that the hearing on the approval, originally set for December 2, 2014, was continued by the District in response to a letter submitted by Save Mount Diablo delivered that same day, and that Save Mount Diablo submitted a second letter regarding the Lease to the District dated December 19, 2014.

You have requested our evaluation of the District's compliance with the requirements of the California Environmental Quality Act ("CEQA") vis-à-vis the Lease. As part of our analysis, we have reviewed the Lease, Save Mount Diablo's comment letters, and applicable California legal authorities. As explained below, we believe the District's CEQA approach is correct, and that the Lease is exempt from CEQA.

■ **The "Common Sense" Exemption.**

In its environmental review, the District evaluated the Lease, as well as the existing conditions on the District's property and the property owned by Sunset, and concluded that the Lease is exempt from further CEQA review pursuant to the "common sense exemption" set forth in CEQA Guidelines § 15061(b)(3). We concur with this conclusion, and find the District staff's decision to be supported by substantial evidence in the record.

In brief, CEQA's "common sense exemption" applies to actions that can be seen with certainty to not create significant impacts on the environment. See CEQA Guidelines § 15061(b)(3); *Muzzy Ranch Co. v. Solano Cnty. Airport Land Use Comm'n*, (2007) 41 Cal.4th 372, 388 (discussing exemption). As the Supreme Court in *Muzzy Ranch* made clear, "whether a project qualifies for the common sense exemption need not necessarily be preceded by detailed or extensive factfinding" but instead "depends on a multitude of factors, including, but not limited to, the nature of the project, the directness or indirectness of the contemplated impact and the ability to forecast the actual effects the project will have on the physical environment." *Id.* (internal quotation marks and citations omitted).

I understand that the Lease only affords Sunset the limited right to conduct subsurface "directional" drilling activities using Sunset's own existing facilities, including a well located exclusively on land owned or otherwise controlled by Sunset. No activities affecting the surface of any of the District's land (nor any land within 500 feet of the surface) is permitted under the Lease. Section 18 of the Lease further provides that additional CEQA review will be performed as required by law if Sunset seeks rights in the future (e.g., if Sunset seeks additional permits, etc.). The Lease is purely a transactional document, and is not a permit or similar authorization by the District for Sunset to actually conduct drilling or any other activities. Section 3 of the Lease makes this clear by stating the Lease "does not grant any privilege or right that is not expressly stated." Additionally, pursuant to the Lease, Sunset's drilling on the District's land – if pursued – would occur more than 500 feet beneath the surface of the District's lands. Such directional drilling would not affect the District's use of the surface of the land as a detention basin or any other use.

Given this evidence, we concur with District staff's conclusion that the Lease will not create any significant environmental impacts.

Although the comment letters submitted by Save Mount Diablo speculates that the Lease could result in environmental impacts such as habitat loss, air quality impacts, and so on, no evidence supporting those conclusions was submitted. There is simply no explanation as to how the Lease's granting to Sunset of limited rights to conduct directional drilling no less than 500 feet below the surface of the District's land could create such enumerated impacts.

Pursuant to Public Resources Code § 21082.2, if no substantial evidence exists that an activity or approval may have a significant impact on the environment, then CEQA does not

apply. That section further provides that neither the "existence of a public controversy" nor "[a]rgument, speculation, unsubstantiated opinion or narrative" are sufficient to show a potentially significant impact. Indeed, Save Mount Diablo's second comment letter dated December 19, 2014, expressly states that they "don't have an opinion about whether this is a good or bad project, *or has significant impacts.*" No showing has thus been made that the limited activity authorized by the Lease will result in potentially significant impacts on the environment.

Instead, their concerns appear to have been occasioned by certain language in the Lease itself which Save Mount Diablo wonders whether or not may result in potential environmental impacts. These concerns are misplaced and largely result from taking certain Lease provisions out of context. Each of the specific concerns identified in their December 19, 2014, letter are addressed below in the order in which they appear.

First, Save Mount Diablo's concern about a "pipeline" and potential "surface impacts" results from a misreading of Section 3 of the Lease, which authorizes Sunset to conduct limited subsurface directional drilling only. It is true that the Lease allows the District to request drawings showing the exact location of any pipeline installed on the Leased Land. But the reference to "pipeline" refers to the "casing pipe" installed more than 500 feet below the surface and used for directional drilling. Save Mount Diablo's concern about "surface impacts" arising from some other type of "pipeline" are therefore unfounded.

Second, the Lease does not have the potential for cumulative impacts, and Save Mount Diablo appears to misunderstand the "pooling" provision in Section 14 of the Lease. That "pooling" provision only concerns how Sunset's adjacent acreage (and the Leased Land) is treated for purposes of calculating royalties (money). As to the potential for cumulative impacts, any additional land that may be leased by Sunset elsewhere is not affected by the limited scope of the Lease which only authorizes limited subsurface directional drilling rights.

Third, Save Mount Diablo states that Section 21 of the Lease "contemplates that toxics might be released on the County parcel, intentionally or by accident." Not so. That section addresses Environmental Liability, and is a mere boilerplate clause intended to provide the District with the same contractual protections that would exist by operation of law. Section 21(b), cited by Save Mount Diablo, thus provides that "Lessee shall (i) remove from the Leased Land, *if, as and when required by any action or law*, any Hazardous Materials placed or released thereon by the Lessee. . ." This is standard lease language that occurs in virtually all lease agreements involving the use of land, irrespective of the particular details of a given project. Here, the Lease does not authorize any surface activities whatsoever, and so this provision is surplusage in addition to being redundant of applicable law.

Fourth, Section 23 of the Lease, addressing Suspension of Operations, is similar boilerplate and provides the District the right to temporarily suspend Sunset's subsurface directional drilling operations under certain remote circumstances, such as threats to life, health

or property. Again, this provision does not mean that the enumerated circumstances are direct, indirect or reasonably foreseeable impacts of the limited activities authorized by the Lease.

Fifth, Save Mount Diablo states that the Lease "contemplates waste oil or gas," citing Section 23(b) of the Lease. This concern results from a misreading of the provision, which allows Sunset to request that the District agree to a suspension of subsurface drilling under certain circumstances, including "prevent[ing] waste of oil or gas." For example, if Sunset wishes to install more efficient equipment or make equipment repairs on its land, then the Lease authorizes the District to temporarily suspend operations (and thus forego collection of royalties) pending the upgrade or repair.

Sixth, Section 25(a) only obligates Sunset to return the Leased Land in the same condition it was in at the beginning of the Lease and deliver a quitclaim deed. This language does not mean that remediation or subsidence is a reasonably foreseeable impact of the Lease.

Finally, as to Save Mount Diablo's concerns regarding noise impacts, Section 30 only provides that Sunset agrees to keep noise from its operations at a reasonable minimum. Notably, Section 32 of the Lease, Compliance with Laws, requires Sunset to strictly comply with all applicable laws, regulations, and ordinances in conducting its operations under the Lease, such as common law nuisance, and related laws such as General Plan policies, zoning regulations, and the County's own ordinances regulating noise. Requiring Sunset to keep noise to a "reasonable minimum" is redundant of existing and controlling law. Lastly, there are no sensitive receptors near the Leased Land who could be affected by noise in any event. Therefore, there is simply no evidence of reasonably foreseeable noise impacts arising from subsurface drilling more than 500 feet below the surface.

In sum, Save Mount Diablo's articulated concerns result largely from a mischaracterization of certain provisions in the Lease agreement itself. But these concerns, especially in light of Save Mount Diablo's admission that they "don't have an opinion about whether this is a good or bad thing, or has significant impacts," do not meet the test of requiring further environmental review. *See, Muzzy Ranch* 41 Cal.4th at 388 ("whether a project qualifies for the common sense exemption need not necessarily be preceded by detailed or extensive factfinding" but instead "depends on a multitude of factors, including, but not limited to, the nature of the project, the directness or indirectness of the contemplated impact and the ability to forecast the actual effects the project will have on the physical environment." [internal quotation marks and citations omitted]).

□ **CEQA's Timing Considerations.**

A related concept is the basic CEQA principle that a balancing must occur as to the appropriate "timing" of the preparation of an environmental document. *See, e.g., CEQA Guidelines* § 15004(b). As the California Supreme Court decisions in *Laurel Heights Improvement Assn. v. Regents of University of California*, (1988) 47 Cal.3d 376, and *Save Tara*

Bob Nunn
January 7, 2015
Page 5

v. City of West Hollywood, (2008) 45 Cal.4th 116, explain, the timing of CEQA review matters because of the tension between CEQA compliance occurring too early in the process before specific project details can be known, and CEQA compliance occurring too late in the process such that the agency's ability to adopt alternatives would be prejudiced.

With respect to the Lease between the District and Sunset Exploration, the document clearly indicates that no surface rights are granted and that the District is not authorizing Sunset to drill a well at all, let alone in any particular location. We also understand that the parties do not know how or whether Sunset will ultimately ever use the subsurface area beneath the District's property. Further, and perhaps most important, we understand that no disturbance of the surface of the District's land is allowed under the Lease, and that no disturbance of any surface environment is allowed under controlling land use regulations without a discretionary use permit approval from a public agency other than the District, after CEQA review and compliance. Section 18 of the Lease is clear that no work will occur unless and until Sunset secures any and all necessary permits and approvals, including CEQA compliance, and that any such work must be performed in accordance with those approvals. *See, Concerned McCloud Citizens v. McCloud Community Services District*, (2007) 147 Cal.App.4th 181.

Accordingly, based on the evidence that has been presented by District staff, including the Lease itself and its express terms and conditions, we concur with District staff that it can be seen with certainty that there is no possibility that the limited three-year subsurface rights encompassed by the Lease could create significant impacts on the environment, and that therefore the "common sense" exemption applies.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Durkee', with a long horizontal flourish extending to the right.

Michael Patrick Durkee

MPD/tlm



Contra Costa County
Flood Control
& Water Conservation District

Julia R. Bueren,
ex officio Chief Engineer
Steve Kowalewski,
Deputy Chief Engineer

February 5, 2015

Mr. Juan Pablo Galvan
Save Mount Diablo
1901 Olympic Boulevard #320
Walnut Creek, CA 94596

RE: Response to Comments
Our File: Upper Sand Creek Basin Subsurface Oil and Gas Lease

Dear Mr. Galvan:

This responds to Save Mount Diablo's three comment letters dated December 2, 2014; December 19, 2014; and January 27, 2014. Your letters express concerns with the proposed subsurface oil and gas lease between the Contra Costa County Flood Control and Water Conservation District (the "District") and Sunset Exploration, Inc. ("Sunset").

The action scheduled to go before the Board of Supervisors is the proposed lease agreement between Sunset and the District for the Flood Control District's Upper Sand Creek Basin property. This property is approximately 36 acres of land located in the City of Antioch. This property is located within a larger area commonly known as the Brentwood Oil Field. Sunset has informed District staff that it already possesses rights to tap into the Brentwood Oil Field at various locations through several other lease agreements with surrounding land owners and through previously issued permits that allow drilling.

The rights granted to Sunset under the proposed lease are stated in Section 1 and Section 3 of the lease. Under Section 1, the District leases to Sunset the right to extract oil and gas and their constituent products from beneath the District's property. The rights granted under the lease are subsurface rights only. Under Section 3, Sunset may only drill and take oil and gas from any geological zone that is at least 500 feet below the surface of the land. Sunset may not use any portion of the leased land that is less than 500 feet below the surface of the land. As stated in the lease recital, Sunset will extract oil and gas through a well that is not located on District property. Because the lease only authorizes limited subsurface directional drilling rights at least 500 feet below the surface, and it is not a permit to actually conduct drilling, County staff has concluded that the lease is exempt from CEQA under CEQA Guidelines Section

15061(b)(3). Staff has concluded that it can be seen with certainty that there is no possibility that the lease may have a significant effect on the environment.

Your letters express concern about various lease provisions and suggest that these provisions require an analysis of potential impacts. However, the sections referenced in your letters do not authorize any activity beyond the rights granted to Sunset in Section 1 and Section 3 of the lease.

Your first concern is with Section 3 of the lease and its reference to a pipeline. Under Section 3, if Sunset has installed a pipeline, or will install a pipeline, then Sunset must provide a drawing of the pipeline to the District. However, Section 3 does not authorize any pipeline above the ground. Since the lease is a limited subsurface directional drilling lease and does not provide any authorization to drill, there will be no pipeline that would have surface impacts as a result of the lease.

Your next concern is with Section 14 of the lease, which refers to "pooling." In general, pooling is the combination of all or portions of multiple oil and gas leases to form a unit for the drilling of a single well. Section 14 specifies how royalty payments to the District will be calculated if a pooled unit is created under other leases Sunset already holds. Additional payment provisions are contained in Section 6 and Section 7 of the lease.

Your next concern is with Section 21(b) of the lease, which requires Sunset to remove any hazardous materials if they are released during drilling and to pay for all costs associated with their removal. This section specifies Sunset's responsibilities in the event of a release of hazardous materials, and is intended to protect the District in case something goes wrong if subsurface drilling actually occurs under the lease.

Your next concern is with Section 23(b) of the lease, which authorizes the District to temporarily suspend production under a variety of circumstances. This is another lease provision that is intended to protect the District in the event of various remote circumstances.

Your next concern is with Section 25(a), which requires Sunset to restore the land to the condition it was at the beginning of the lease, including any remediation required to

avoid or eliminate subsidence. This is a provision that is intended to protect the District when the lease ends.

Your final concern is with Section 30 of the lease, which requires Sunset to minimize any noise levels associated with its operations on any drill site used to develop the pooled unit. This must be read in conjunction with Section 32 of the lease, which requires Sunset to comply with all applicable laws, regulations, and ordinances. These laws, regulations, and ordinances would be those of the agency that has jurisdiction over Sunset's surface operations.

In short, the lease is a real estate transaction that only authorizes limited subsurface directional drilling rights 500 feet or more below the surface and is not an authorization to actually drill. Because the lease provides no land use authorizations, no physical impacts will occur as a result of the lease.

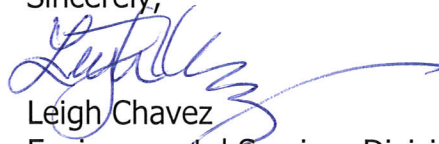
Your December 19, 2014 letter also expressed concern that approval of the lease could be "piecemealing" of a larger project. "Piecemealing" occurs when an agency splits a larger project into two or more segments. The lease is not part of a larger District project. As noted above, the District's property is located within a larger area commonly known as the Brentwood Oil Field. Sunset has informed District staff that it already possesses rights to tap into the Brentwood Oil Field at various locations, through several other lease agreements with surrounding land owners and through previously issued permits that allow drilling. The lease is the only transaction proposed between the District and Sunset. It only authorizes directional drilling rights 500 feet or more below the surface. It does not authorize Sunset to drill any wells on any District property. Any products extracted from beneath the surface under this lease would be from a well not located on District property. A well that is not located on District property is not within the jurisdiction of the District to regulate. Section 19 of the lease requires Sunset to obtain any permits required in connection with its use of the District's subsurface property, and to pay the cost of any CEQA review that may be required in connection with those permits.

Finally, you requested a summary of existing permits and CEQA review that has been completed. Attached are materials associated with a City of Antioch approval from

2013. These materials include Use Permit No. 13-01 issued by the City, a City staff report, a City Zoning Administrator resolution, and a Mitigated Negative Declaration.

If you have any questions, please call me at (925) 313-2366 or email me at lchav@pw.cccounty.us. Thank you!

Sincerely,

A handwritten signature in blue ink, appearing to read "Leigh Chavez", with a long horizontal flourish extending to the right.

Leigh Chavez
Environmental Services Division Manager

LC:tr

g:\engsvc\enviro\flood control\upper sand crk. basin-oil & gas subsurface lease to sunset exploration\smd response letter\revised letter 02-05-15 (final).docx

c: J. Kopchik, DCD
J. Bueren, Administration
S. Kowalewski, Administration
D. Kramer, Real Estate



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Grant Award #28-871 from the National Association of County and City Health Official (NACCHO)

RECOMMENDATION(S):

Approve and authorize the Health Services Director or his designee, to accept, on behalf of the County, Grant Award #2014-112021 (County #28-871) from the National Association of County and City Health Official (NACCHO), to pay the County an amount not to exceed \$23,600, for County's Family, Maternal and Child Health Program, Reducing Disparities in Breastfeeding project, for the period from January 15, 2015 through June 30, 2015.

FISCAL IMPACT:

Acceptance of this Grant Award will result in an amount not to exceed \$23,600 from National Association of County and City Health Official (NACCHO) for the Reducing Disparities in Breastfeeding Project. No County match required.

BACKGROUND:

The Contra Costa WIC Program within Family, Maternal and Child Health Programs has been nominated to receive a national award from the National Association of County and City Health Officials to reduce disparities in breastfeeding through peer and professional support. This project will allow the County to improve breastfeeding rate among low-income African American families in East County.

Approval

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Wendel Brunner, MD,
313-6712

BACKGROUND: (CONT'D)

of the Grant Award #28-871 will provide support to County's Family, Maternal and Child Health Program, Reducing Disparities in Breastfeeding project through June 30, 2015, including agreeing to hold harmless and indemnify the grantor from any claims arising out of County's performance under this Contract

CONSEQUENCE OF NEGATIVE ACTION:

If this grant is not approved, the County's Family, Maternal and Child Health Program, will not receive funding to support its Reducing Disparities in Breastfeeding project.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Standard Agreement (Amendment) #29-772-29 with the State of California, Department of

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Standard Agreement (Amendment) State #04-36067, A-16 (#29-772-29) with the State of California, Department of Health Care Services (DHCS), effective December 31, 2014, to amend Agreement #29-772-13 (as amended by subsequent amendments #29-772-14 through #29-772-28), to make technical adjustments to the capitation rates, with no change in the original amount payable to the County not to exceed \$317,472,000 and to extend the term from December 31, 2014 through October 31, 2015.

FISCAL IMPACT:

Approval of this amendment will reflect no change in the original amount payable to County of \$317,472,000 for the Medi-Cal Managed Care Local Initiative Project. No County match required.

BACKGROUND:

On April 26, 2005, the Board of Supervisors approved Standard Agreement #29-772-13 (as amended by subsequent Amendments #29-772-14 through #29-772-28) with the State of California, DHCS, for the Medi-Cal Local Initiative Health Plan, for the period from April 1, 2005 through

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Patricia Tanquary
(313-6004)

BACKGROUND: (CONT'D)

December 31, 2014. Approval of this Standard Agreement (Amendment) #29-772-29 will make technical adjustments to the budget capitation rates for the Low Income Health Program, Mental Health and Diagnosis Related Groups, through October 31, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, the County will not be able incorporate new language and rates as required by the State to continue the Medi-Cal Managed Care Local Initiative Project.

CHILDREN'S IMPACT STATEMENT:

NOT APPLICABLE



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Grant Awards #29-549 and #29-549-1 from John Muir Health

RECOMMENDATION(S):

Approve and authorize the Health Services Director or his designee, to accept, on behalf of the County, Grant Awards #29-549 and #29-549-1 from John Muir Health, to pay the County an amount not to exceed \$100,000 for the County's Behavior Health Services Division/Homeless support to the Philip Dorn Respite Center, for the period from January 1, 2014, through December 31, 2015.

FISCAL IMPACT:

Acceptance of these Grant Awards will result in an amount not to exceed \$100,000 (\$50,000 for each calendar year) from John Muir Health for support to the Philip Dorn Respite Center through December 31, 2015. No County match required.

BACKGROUND:

The Philip Dorn Respite Center, as a Community Benefit Program, located in Concord, is a respite care program for homeless

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Cynthia Belon, 957-5120

cc: Jacqueline Pigg, C Rucker

BACKGROUND: (CONT'D)

adults who are discharging from local hospitals and require medical stabilization services. Respite care refers to recuperative services for those homeless persons who may not meet medical criteria for hospitalization, but who are too sick or medically vulnerable to reside in an emergency shelter and cannot be returned to the streets. The goal of the program is to get all homeless persons off the street and help them to achieve their highest level of self-sufficiency.

Approval of these Grant Awards #29-549 and #29-549-1 will allow the County to receive support for the Philip Dorn Respite Center through December 31, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

N/A

CHILDREN'S IMPACT STATEMENT:

N/A



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 10, 2015

Subject: APPROVE a Purchase Order with Golden Gate Petroleum

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Public Works Director, a purchase order with Golden Gate Petroleum in an amount not to exceed \$375,000 for diesel and unleaded fuels for the period of February 1, 2015 through January 31, 2016, Countywide.

FISCAL IMPACT:

This cost is to be funded through the Public Works Fleet Internal Service Fund. (100% Internal Service Fund - Fleet)

BACKGROUND:

Public Works Fleet Services is responsible for the County fueling station on Waterbird Way in Martinez. The Materials Management Division (Materials) purchases fuel for the station by accepting daily bids from fuel distributors. There are five vendors currently submitting bids. Materials is set up to purchase from all five of them. Any local vendors interested in supplying fuel to the County are encouraged to visit the Public Works Materials Management Division and get the necessary information to start submitting daily bids. Golden Gate Petroleum has recently begun submitting bids. Southern Counties is the County's primary vendor, followed by Ramos Oil Co., Inc., Northbay Petroleum, Mansfield Oil and Hunt & Sons, Inc. This request is to add Golden Gate Petroleum to this list and provide a purchase order for them.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Stan Burton, 925-313-7077

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If the purchase order is not approved, the purchase of diesel and unleaded fuel through Golden Gate Petroleum will not occur.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #24-721-1 with Indu Talwar, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #24-721-1 with Indu Talwar, M.D., a sole proprietor, in an amount not to exceed \$236,600, to provide psychiatric services at the West County Mental Health Clinic for the period from March 1, 2015 through February 29, 2016.

FISCAL IMPACT:

This Contract is funded 100% by Mental Health Realignment. (No rate increase)

BACKGROUND:

On February 25, 2014, the Board of Supervisors approved Contract #24-721 with Indu Talwar, M.D. for the provision of professional psychiatric services for mentally ill adults at the West County Mental Health Clinic for the period from March 1, 2014 through February 28, 2015.

Approval of Contract #24-721-1 will allow the Contractor to continue to provide psychiatric services at the West County Mental Health Clinic through February 29, 2016.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Cynthia Belon,
925-957-5201

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring psychiatric mental health services will not have access to Contractor's services, which may result in a reduction in the overall levels of service to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #26-358-6 with the California Transplant Donor Network

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26 358-6 with the California Transplant Donor Network, for the provision of organ procurement services, for the period from November 1, 2014 through October 31, 2019.

FISCAL IMPACT:

Non-financial agreement.

BACKGROUND:

Under the National Organ and Tissue Donation initiative, hospitals must notify an organ procurement organization of all deaths that occur in the hospital. In addition, hospitals must have agreements with organ transplant centers, and tissue and eye banks to cooperate in the retrieval, processing, preservation, storage and distribution of organ and tissue donations, to ensure that all usable organs, tissues and corneas are procured from potential donors. The California Transplant Donor Network provides 24-hour organ procurement services which include: on-site assessment and evaluation of each potential organ donor for medical suitability; a skilled and sensitive approach to each family regarding the option to consider donation; appropriate clinical management of

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Anna Roth, 925-370-5101

cc: K Cyr, C Rucker

BACKGROUND: (CONT'D)

the potential donor to ensure optimum organ viability, and organ allocation consistent with national policy. On March 10, 2009, the Board of Supervisors approved Contract #26-358-5 with the California Transplant Donor Network, to provide services for the period from November 1, 2009 through October 31, 2014.

Approval of this Contract #26-358-6 will allow the Department to continue to meet the requirements for participation in Medicare and Medicaid programs, provide broader access to various organs and tissues needed by surgeons and patients, and ultimately streamline the donation process, through October 31, 2019.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County will not be able to receive organ procurement services from this Contractor.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #27-955 with Healthsparq, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-955 with Healthsparq, Inc., a corporation, in an amount not to exceed \$110,000, to provide automation software and related services for the period from November 1, 2014, through October 31, 2015.

FISCAL IMPACT:

This Contract is funded 100% by Enterprise Fund III

BACKGROUND:

Under Contract #27-955 with Healthsparq, Inc., the Contractor will provide software and services related to automating the Contra Costa Health Plan's Provider Network including, but not limited to, electronic standardization of provider data in accordance with State requirements and developing an on-line provider network to be accessed by County staff and Contra Costa Health Plan members, through October 31, 2015.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE:

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: February 10, 2015

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

ABSENT:

Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Patricia Tanquary,
313-6004

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County staff will not be able to meet State requirements for providing an on-line provider network.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 10, 2015

Subject: Payment Authorization

RECOMMENDATION(S):

Ratify purchase of services from the Pittsburgh Funeral Chapel and Serenity Cemeteries IV, LLC, and AUTHORIZE the Auditor-Controller to pay \$7,204 through the California Works Information Network (CalWIN) system for funeral services provided to the Employment and Human Services Department during December 2014.

FISCAL IMPACT:

\$7,204: 69% State, 31% County.

BACKGROUND:

The Board Order authorizes the Auditor-Controller to pay \$7,204 for funeral service expenses provided for a child who was a client of the Child Welfare system. Services were provided by the Pittsburgh Funeral Chapel in the amount of \$2,836 and Serenity Cemeteries IV, LLC, in the amount of \$4,368. The California State Department of Social Services (CDSS) will reimburse \$5,000 through the foster care system with the remaining amount of \$2,204 is to be paid through County funds.

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: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Elaine Burres, 313-1717

cc:



Contra
Costa
County

To: Board of Supervisors
From: Mark Peterson, District Attorney
Date: February 10, 2015

Subject: Purchase Order with Dell Computers to refresh Desktop Computers at the District Attorney's office

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the District Attorney's office a purchase order with Dell Computers in an amount not to exceed \$130,000 for the purchase of desktop computers to replace outdated computers and improve efficiency and productivity.

FISCAL IMPACT:

100% Venture Capital Funds.

BACKGROUND:

The District Attorney's office has not refreshed the desktop computers for close to five fiscal cycles. The current platform is out of warranty, and has reached the end of its useful life by industry standards. Traditionally, the department operates with no IT budget. Equipment can only be purchased with whatever funds may become available via cost savings throughout the fiscal year. While maintaining other hardware needs within the department, there has not been an opportunity to complete a department wide upgrade. The current computers experience periods of latency are not able to keep the pace of work required. The new case management system that is to be implemented in the 2014 calendar year will put a greater strain on already dated equipment.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 02/10/2015



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
Supervisor

Contact: Cherie Mathisen (925)
957-2234

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

ATTESTED: February 10, 2015

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

By: June McHuen, Deputy

cc:

BACKGROUND: (CONT'D)

Expected Immediate and On-Going Benefits:

The new Desktop computers will result in an increase in efficiency and productivity, and a reduction in frustration for staff. There is also an opportunity to move the department towards a greener computing model. Computers on market today comply with Energy Star 5.0 standards and the department will realize some efficiency in overall energy use.

CONSEQUENCE OF NEGATIVE ACTION:

The District Attorney will be unable to execute the purchase order and secure new desktop computers.

CHILDREN'S IMPACT STATEMENT:

No impact.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #27-659-5 with San Pablo Optometric Center, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-659-5 with San Pablo Optometric Center, Inc., a corporation, in an amount not to exceed \$210,000, to provide professional optometry services for Contra Costa Health Plan members for the period from January 1, 2015 through December 31, 2016.

FISCAL IMPACT:

This Contract is funded 100% by Contra Costa Health Plan Enterprise Fund III. (Rate increase)

BACKGROUND:

The Health Plan has an obligation to provide certain specialized professional health care services for its members under the terms of their Individual and Group Health Plan membership contracts with the County. On January 11, 2013, the Board of Supervisors approved Contract



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 02/10/2015



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE:

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: February 10, 2015

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

ABSENT:

Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Patricia Tanquary,
313-6004

BACKGROUND: (CONT'D)

#27-659-4 with Juan Anaya, OD (dba San Pablo Optometric Center, Inc.), for the period from January 1, 2013 through December 31, 2014, to provide optometry services, to Contra Costa Health Plan members.

Approval of Contract #27-659-5 will allow the Contractor to continue to provide optometry services through December 31, 2016.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, certain specialized professional health care services for its members under the terms of their Individual and Group Health Plan membership contracts with the County will not be provided.

CHILDREN'S IMPACT STATEMENT:

Not Applicable



**Contra
Costa
County**

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: February 10, 2015

Subject: Accepting and Giving Notice of Completion for Demolition Contract for 1422 Humboldt Ave. and 5303 Riverside Ave. in San Pablo.

RECOMMENDATION(S):

ADOPT Resolution No. 2015/45 accepting as complete the contracted work performed by Donald R. Lemings (dba D.R. Lemings Construction Company), for demolition of Assessor's Parcel Nos. 417-041-005 and 417-041-006 also identified as 1422 Humboldt Avenue and 5303 Riverside Avenue in San Pablo for the I-80 San Pablo Dam Road Interchange Improvement Project, as recommended by the Public Works Director. (Project No.: 4660-6X4170)

FISCAL IMPACT:

Funded by 100% Contra Costa Transportation Authority Funds.

BACKGROUND:

The Public Works Director reports that said work has been inspected and complies with the special provisions and standard specifications and recommends its acceptance as complete as of January 9, 2015, for Assessor's Parcel Nos. 417-041-005 and 417-041-006 also identified as 1422 Humboldt Avenue and 5303 Riverside Avenue in San Pablo.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Angela Bell (925) 313-2337

CONSEQUENCE OF NEGATIVE ACTION:

Donald R. Lemings (dba D.R. Lemings Construction Company) will not be paid and acceptance notification will not be recorded.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

AGENDA ATTACHMENTS

Resolution No. 2015/45

MINUTES ATTACHMENTS

Signed Resolution No. 2015/45

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

Adopted this Resolution on 02/10/2015 by the following vote:

AYE:	<input type="text" value="4"/>	John Gioia Mary N. Piepho Karen Mitchoff Federal D. Glover
NO:	<input type="text"/>	
ABSENT:	<input type="text" value="1"/>	Candace Andersen
ABSTAIN:	<input type="text"/>	
RECUSE:	<input type="text"/>	



Resolution No. 2015/45

IN THE MATTER OF: Accepting and Giving Notice of Completion for Demolition of Assessor's Parcel Numbers 417-041-005 and 417-041-06, also identified as 1422 Humboldt Avenue and 5303 Riverside Avenue in San Pablo. Project No.: 4660-6X4170

WHEREAS, the County of Contra Costa on November 12, 2014 and December 18, 2014 issued a Notice to Proceed to Donald R. Lemings (dba D.R. Lemings Construction Company) for the I-80 San Pablo Dam Road Interchange Improvement Project for abatement and demolition work to be performed on the ground of Contra Costa County property; and WHEREAS, the Public Works Director reports that said work has been inspected and complies with the approved special provisions and standard specifications and recommends its acceptance as complete as of January 9, 2015.

NOW, THEREFORE, BE IT RESOLVED said work is ACCEPTED as complete on said date, and the Real Estate Division of Public Works shall file with the County Recorder a copy of this Resolution and Notice as a Notice of Completion for said contract.

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

Contact: Angela Bell (925) 313-2337

ATTESTED: February 10, 2015

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

By: June McHuen, Deputy

cc: Auditor/Controller, D.R. Lemmings Construction Company

C.36

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

Adopted this Resolution on 02/10/2015 by the following vote:

AYE: ☒ 4 **John Gioia**
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

NO: ☐

ABSENT: ☒ 1 **Candace Andersen**

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2015/45

IN THE MATTER OF: Accepting and Giving Notice of Completion for Demolition of Assessor's Parcel Numbers 417-041-005 and 417-041-06, also identified as 1422 Humboldt Avenue and 5303 Riverside Avenue in San Pablo. Project No.: 4660-6X4170

WHEREAS, the County of Contra Costa on November 12, 2014 and December 18, 2014 issued a Notice to Proceed to Donald R. Lemings (dba D.R. Lemings Construction Company) for the I-80 San Pablo Dam Road Interchange Improvement Project for abatement and demolition work to be performed on the ground of Contra Costa County property; and WHEREAS, the Public Works Director reports that said work has been inspected and complies with the approved special provisions and standard specifications and recommends its acceptance as complete as of January 9, 2015.

NOW, THEREFORE, BE IT RESOLVED said work is ACCEPTED as complete on said date, and the Real Estate Division of Public Works shall file with the County Recorder a copy of this Resolution and Notice as a Notice of Completion for said contract.

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

Contact: Angela Bell (925) 313-2337

ATTESTED: February 10, 2015

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

By: *June McHuen*
June McHuen, Deputy

cc: Auditor/Controller, D.R. Lemmings Construction Company



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 10, 2015

Subject: Amend Blanket Purchase Order #F30659 with Sharp Business Systems

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Employment and Human Services Department, to execute an amendment to blanket purchase order #F30659 with Sharp Business Systems, increasing the payment limit by \$160,000 to a new total payment limit of \$3,240,000 for equipment and print management services, and extending the term to April 30, 2015.

FISCAL IMPACT:

\$3,240,000: 100% Administrative Overhead (10% County; 45% State; 45% Federal).

BACKGROUND:

Sharp Business Systems was selected through sole source justification to provide copier equipment and print management services. This Purchase Order amendment will allow for continued services during the completion of open bid process currently in process for these services.

CONSEQUENCE OF NEGATIVE ACTION:

The Employment and Human Services Department will be unable to pay for equipment and print management services.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Earl Maciel 3-1648

cc:

CHILDREN'S IMPACT STATEMENT:

None



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #27-239-12 with Varujan A. Keledjian, M.D., Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-239-12 with Varujan A. Keledjian, M.D., Inc., a corporation, in an amount not to exceed \$110,000, to provide gastroenterology services for Contra Costa Health Plan members, for the period from January 1, 2015 through December 31, 2016.

FISCAL IMPACT:

This Contract is funded 100% by Contra Costa Health Plan Enterprise Fund III. (No rate increase)

BACKGROUND:

In March 2013, the County Administrator approved and the Purchasing Services Manager executed Contract #27-239-11 with Varujan A. Keledjian, M.D., Inc. for the provision of gastroenterology services for Contra Costa Health Plan (CCHP) members for the period from January 1, 2013 through December 31, 2014.

Approval of Contract #27-239-12 will allow Contractor to continue providing gastroenterology services to CCHP members through December 31, 2016.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE:

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: February 10, 2015

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

ABSENT:

Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Patricia Tanquary,
925-313-6004

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, certain specialized professional health care services for its members under the terms of their Individual and Group Health Plan membership contracts with the County will not be provided.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #27-686-5 with Michael P. Sherman, M.D., Ph.D., A Medical Corporation

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or designee, to execute, on behalf of the County, Contract #27-686-5 with Michael P. Sherman, M.D., Ph.D., A Medical Corporation, in an amount not to exceed \$625,000, to provide oncology services to Contra Costa Health Plan members. for the period from February 1, 2015 through January 31, 2017.

FISCAL IMPACT:

This Contract is funded 100% Contra Costa Health Plan Enterprise Funds III. (No rate increase)

BACKGROUND:

On May 7, 2013, the Board of Supervisors approved Contract #27-686-4 with Michael P. Sherman, M.D., Ph.D., A Medical Corporation, for the provision of oncology services to Contra Costa Health Plan members for the period from February 1, 2013 through January 31, 2015.

Approval of Contract #27-686-5 will allow Contractor to continue providing oncology services through January 31, 2017.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Patricia Tanquary 313-6004

cc: A Floyd, C Rucker

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, certain specialized professional health care services for its members under the terms of their Individual and Group Health Plan membership contracts with the County will not be provided.

CHILDREN'S IMPACT STATEMENT:

NOT APPLICABLE



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 10, 2015

Subject: Warrant Request for AB 109 East/Central Network gift cards

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to purchase, on behalf of the Chief Probation Officer, transit passes and supermarket gift cards in an amount not to exceed \$7,043 for returning citizens' transportation and grocery purchases as part of their participation in the AB 109 East and Central County Networked System of Services, for the period February 1, 2015 through June 30, 2015.

FISCAL IMPACT:

100% State Public Safety Realignment.

BACKGROUND:

The AB 109 East and Central County Networked System of Services is funded 100% by State Public Safety Realignment funds. The program provides formerly incarcerated citizens with services and support to assist in their reentry and reintegration into their communities.

390 County Connection and Tri-Delta Transit bus passes will provide returning citizens with transportation for appointments, programs, treatment and other personal business. Single-ride, 12-ride, 20-ride and 24-hour passes are being purchased.

☐ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Lara DeLaney, 925
335-1097

BACKGROUND: (CONT'D)

>

COUNTY CONNECTION:

100 Single Ride passes at \$2.00 each for a total of \$200.00

60 12-Ride Passes at \$20.00 each for a total of \$1,200.00

TRI-DELTA TRANSIT:

150 24-Hour passes at \$3.35 each for a total of \$502.50

80 20-Ride passes at \$33.00 each for a total of \$2,640.00

Additionally, 102-\$25 Safeway gift cards will provide returning citizens who are in need with food, toiletries and other items for purchase at the supermarket, not including alcohol and tobacco products.

The total cost for bus passes and gift cards is \$7,042.50 and is 100% funded by State Public Safety Realignment. No County Match is required.

CONSEQUENCE OF NEGATIVE ACTION:

The County will not be able to provide food and transportation to AB 109 returning citizens.

CHILDREN'S IMPACT STATEMENT:

No impact.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Novation Contract #74-301-7 with Desarollo Familiar, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-301-7 with Desarollo Familiar, Inc., a non-profit corporation, in an amount not to exceed \$207,096, to provide implementation of the Mental Health Services Act (MHSA) Community Services and Supports Program, for the period from July 1, 2014 through June 30, 2015. This Contract includes a six-month automatic extension through December 31, 2015 in an amount not to exceed \$103,548.

FISCAL IMPACT:

This Contract is funded 23% by Federal Financial Participation and 77% by State Mental Health Services Act (Prop 63). (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Cynthia Belon, 957-5201

BACKGROUND: (CONT'D)

implementation of MHSA Community Services and Supports Program, including providing community-based services, personal services coordination, medication support, crisis intervention, and other mental health services to eligible adult clients in Contra Costa County.

On December 10, 2013, the Board of Supervisors approved Contract #74-301-6 with Desarrollo Familiar, Inc., for the period from July 1, 2013 through June 30, 2014, which included a six month automatic extension through December 31, 2014 to provide implementation of the MHSA Community Services and Supports Program.

Approval of Novation Contract #74-301-7 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, there will be fewer services provided to eligible adult clients in Contra Costa County through the MHSA Community Services and Support Program.

CHILDREN'S IMPACT STATEMENT:

Not Applicable



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #24-708-1 with Select, Inc. (dba Select Practice Opportunity)

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #24-708-1 with Select, Inc. (dba Select Practice Opportunity), a corporation, in an amount not to exceed \$110,000, to provide recruitment services for psychiatrists for Behavioral Health Services Division/Mental Health's Adult Outpatient Psychiatry Program, for the period from December 1, 2014 through November 30, 2015.

FISCAL IMPACT:

This Contract is funded 100% by Mental Health Realignment. (No rate increase)

BACKGROUND:

On March 11, 2014, the Board of Supervisors approved Contract #24-708 with the Contractor to provide recruitment services for psychiatrists for Behavioral Health Services Division/Mental Health's Adult Outpatient Psychiatry Program including, but not limited to, recruiting, screening and interviewing qualified psychiatrists who the County may hire for permanent placement, through November 30, 2014.

Approval of Contract #24-708-1 will allow the Contractor to continue providing recruitment services,

☒ APPROVE

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ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II Supervisor

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ATTESTED: February 10, 2015

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

By: June McHuen, Deputy

Contact: Cynthia Belon, 957-5201

BACKGROUND: (CONT'D)

through November 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County will not have access to Contractor's psychiatrist recruitment services for permanent psychiatrists and Department would have to rely more heavily on temporary staffing contracts.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #74-483 with Richard Melny, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-483 with Richard Melny, M.D., a self-employed individual, in an amount not to exceed \$133,120, to provide psychiatric services for the period from February 1, 2015 through January 31, 2016.

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 Mental Health Specialists to provide specialized services, which are not otherwise available.

Under Contract #74-483, Richard Melny, M.D. will provide psychiatric services for Seriously Emotionally Disturbed Adolescents for the First Hope Program, through January 31, 2016.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's clients will not have access to Contractor's outpatient psychiatric services.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS



OTHER

RECOMMENDED

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Cynthia Belon, 957-5201

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #26-700-7 with Jaison James, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director or his designee, to execute, on behalf of the County, Contract #26-700-7 with Jaison James, M.D., a self-employed individual, in an amount not to exceed \$660,000, to provide orthopedic services at Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period from February 1, 2015 through January 31, 2016.

FISCAL IMPACT:

This Contract is funded 100% by Enterprise Fund I. (No rate increase)

BACKGROUND:

On October 21, 2014 the Board of Supervisors approved Contract #26-700-6 with Jaison James, M.D., for the provision of orthopedic services at Contra Costa Regional Medical Center and Contra Costa Health Centers, (CCRMC) including but not limited to consultation, training, on-call coverage and medical/surgical procedures, for the period from October 1, 2014 through January 31, 2015.

Approval of Contract #26-700-7 will allow the Contractor to provide orthopedic services at CCRMC through January 31, 2016.



APPROVE



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RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE:

John Gioia, District I Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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ATTESTED: February 10, 2015

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

ABSENT:

Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: David Goldstein, MD,
370-5525

CONSEQUENCE OF NEGATIVE ACTION:

If this Contract is not approved, patients requiring orthopedic services at CCRMC will not have access to Contractor's services, which may result in a reduction in the overall levels of service to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Hill-Rom, Inc., Purchase Order Amendment

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute an amendment to Purchase Order #F49294 with Hill-Rom, Inc., to add \$440,000 to a new total of \$655,605.22 for maintenance of specialty hospital beds and regular hospital beds for Contra Costa Regional Medical Center (CCRMC) with no change in the original term of November 1, 2013 through October 31, 2016.

FISCAL IMPACT:

100% funding is included in Enterprise Fund I Budget.

BACKGROUND:

Hill-Rom Inc. is the only supplier for the specialty beds used at CCRMC. They provide all services, repairs, and replacement of the specialty beds.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, CCRMC will be unable to provide the specialized care required by mid to high acuity patients, and will be unable to obtain beds that offer state-of-the-art technology designed to prevent caregiver injury.



APPROVE



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RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS



OTHER

RECOMMENDED

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II Supervisor

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ATTESTED: February 10, 2015

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

By: June McHuen, Deputy

Contact: Anna Roth, 370-5101

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Reliance Wholesale, Inc., Purchase Order Amendment

RECOMMENDATION(S):

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute an amendment to Purchase Order #53180 with Reliance Wholesale, Inc., to add \$90,010 for a new total of \$175,000 for Intravenous (IV) and Pharmaceutical drugs and supplies to be used at the Contra Costa Regional Medical Center and Contra Costa Health Centers, with no change in the original term of August 1, 2014 through July 31, 2015.

FISCAL IMPACT:

100% funding is included in the Enterprise Fund I Budget.

BACKGROUND:

Reliance Wholesale, Inc., is a pharmaceutical company that provides the Contra Costa Regional Medical Center and Health Centers with medications and pharmaceutical products unavailable through the contracted wholesaler Cardinal or the direct manufacturer of these products.



APPROVE



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RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS



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Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Anna Roth, 370-5101

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, County will not be able to provide pharmaceutical services to the patient population at Contra Costa Regional Medical Center and Health Centers.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Novation Contract #24-728-84 with Rubicon Programs Incorporated

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #24-728-84 with Rubicon Programs Incorporated, a non-profit corporation, in an amount not to exceed \$1,345,200, to provide mental health program services for mentally ill adults in West County, for the period from July 1, 2014 through June 30, 2015. This Contract includes a six-month automatic extension through December 31, 2015, not to exceed \$672,600.

FISCAL IMPACT:

This Contract is funded 48% by Federal Medi-Cal, 52% by Mental Health Realignment. (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing outreach services for vocational programs, independent living residential treatment services, and rehabilitative day treatment program services for mentally ill adults. These services are a vital and important part of the County's continuum of mental health services for seriously and persistently mentally ill adults. On July 9, 2013, the Board of Supervisors approved Contract #24-728-83

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ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Cynthia Belon, 957-5201

BACKGROUND: (CONT'D)

with Rubicon Programs Incorporated, for the period from July 1, 2013 through June 30, 2014 with a six month automatic extension through December 31, 2014, for the provision of mental health program services for mentally ill adults in West County.

Approval of Contract #24-728-84 will replace the six month automatic extension under prior contract and will allow the Contractor to continue providing mental health program services for mentally ill adults in West County through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, there will be fewer medical rehabilitative programs for mentally ill adults

CHILDREN'S IMPACT STATEMENT:

NOT APPLICABLE



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #27-249-5 with Armen Serebrakian, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-249-5 with Arman Serebrakian, M.D., a self-employed individual, in an amount not to exceed \$170,000, to provide Otolaryngology services for Contra Costa Health Plan (CCHP) members, for the period from January 1, 2015 through December 31, 2016.

FISCAL IMPACT:

This Contract is funded 100% by Contra Costa Health Plan Enterprise Funds III. (No rate increase)

BACKGROUND:

On March 12, 2013, the Board of Supervisors approved Contract #27-249-4 with Arman Serebrakian, M.D., for the provision of Otolaryngology services, to CCHP members, for the period from January 1, 2013 through December 31, 2014.

Approval of Contract #27-249-5 will allow Contractor to continue providing Otolaryngology services through December 31, 2016.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Patricia Tanquary 313-6004

cc: A Floyd, C Rucker

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, certain specialized professional health care services for its members under the terms of their Individual and Group Health Plan membership contracts with the County will not be provided.

CHILDREN'S IMPACT STATEMENT:

NOT APPLICABLE



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #27-640-7 with Noel T.D. Chiu, M.D., A Medical Corporation

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or designee to execute on behalf of the County, Contract #27-640-7 with Noel T.D. Chiu, M.D., A Medical Corporation, in an amount not to exceed \$480,000, to provide dermatology services to Contra Costa Health Plan (CCHP) members for the period from February 1, 2015 through January 31, 2017.

FISCAL IMPACT:

This Contract is funded 100% by Contra Costa Health Plan Enterprise Fund III. (No rate increase)

BACKGROUND:

The Health Plan has an obligation to provide certain specialized professional health care services for its members under the terms of their Individual and Group Health Plan membership contracts with the County. On February 26, 2013, the Board of Supervisors approved Contract #27-640-5 (as amended by Amendment Agreement #27-640-6) with Noel T.D. Chiu, M.D., A Medical Corporation for the period from February 1, 2013 through January 31, 2015, to provide dermatology services for Contra Costa Health Plan members.

Approval of Contract #27-640-7 will allow the Contractor to continue to provide dermatology services through January 31, 2017.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE:

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: February 10, 2015

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

ABSENT:

Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Patricia Tanquary,
925-313-6004

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring dermatology services at CCHP will not have access to Contractor's services, which may result in a reduction in the overall levels of service to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015
Subject: Contract #26-657-7 with Amarjit Dosanjh, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-657-7 with Amarjit Dosanjh, M.D., a sole proprietor, in an amount not to exceed \$1,815,000, to provide plastic and hand surgery services at Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC), for the period from February 1, 2015 through January 31, 2018.

FISCAL IMPACT:

This Contract is funded 100% by Enterprise Fund I. No rate increase.

BACKGROUND:

On October 16, 2012, the Board of Supervisors approved Contract #26-657-3 (as amended by Amendment Agreements #26-657-5, and #26-657-6) with Amarjit Dosanjh, M.D. for the period from October 1, 2011 through January 31, 2015, for the provision of plastic and hand surgery services including consultation, training, on-call coverage and medical and/or surgical procedures services at CCRMC. Approval of Contract #26-657-7 will allow Contractor to continue providing plastic and hand surgery services through January 31, 2018.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
Supervisor

Contact: David Goldstein, M.D.,
925-370-5525

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

ATTESTED: February 10, 2015

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

By: June McHuen, Deputy

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring plastic and hand surgery services at CCRMC will not have access to Contractor's services, which may result in a reduction in the levels of service to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #26-306-24 with Per Diem Staffing Systems, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #26-306-24 with Per Diem Staffing Systems, Inc., a corporation, in an amount not to exceed \$1,000,000, to provide temporary respiratory therapists, nursing services and a host of additional classifications at Contra Costa Regional Medical Center and Contra Costa Health Centers (CCRMC), for the period from February 1, 2015 through June 30, 2016.

FISCAL IMPACT:

This Contract is funded 100% by Enterprise Fund I. (Classifications include rate increase)

BACKGROUND:

On February 25, 2014 the Board of Supervisors approved Contract #26-306-22 (as amended by Amendment Agreement #26-306-23) with Per Diem Staffing Systems, Inc., for the period from February 1, 2014 through January 31, 2015, for the provision of professional temporary respiratory therapists, nursing services and a host of classifications to cover employee sick leaves, vacations and workers compensation leaves, at CCRMC. Approval of Contract #26-306-24 will allow the Contractor to continue providing professional temporary services through June 30, 2016.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015**

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Anna Roth, 925-370-5101

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, patients requiring respiratory therapists, nursing and additional medical personnel services at CCRMC will not have access to Contractor's services, which may result in a reduction in the levels of service to the community.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Amendment #24-243-56 with R.E.A.C.H. Project

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Amendment #24-243-56 with R.E.A.C.H. Project, a non-profit corporation, effective July 1, 2014, to amend Contract #24-243-55, to increase the payment limit by \$26,249, from \$712,988 to a new payment limit of \$739,237, with no change in the original term of July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

This amendment is funded 60% by Federal Substance Abuse Prevention and Treatment Set-Aside Grants; 18% Drug Medi-Cal Realignment; 18% Federal Drug Medi-Cal; 4% Probation Department. (Rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing specialized substance abuse treatment and prevention programs to help clients to achieve and maintain sobriety and to experience the associated benefits of self-sufficiency, family reunification, cessation of criminal activity and productive engagement in the community.

On September 23, 2014, the Board of Supervisors approved

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Cynthia Belon, 957-5201

BACKGROUND: (CONT'D)

Novation Contract #24-243-55 with R.E.A.C.H. Project, for the provision of drug abuse prevention and treatment services at Contractor's facilities throughout East County, for the period from July 1, 2014 through June 30, 2015, which included a six-month automatic extension through December 31, 2014. In October 2014, the County received new instructions on drug medical reimbursement of County administrative expenses.

Approval of Contract Amendment Agreement #24-243-56 will allow the Contractor to provide additional drug abuse prevention and treatment services through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, County's Clients will not receive additional substance abuse treatment services from Contractor, resulting in an overall reduction of services to a community at risk for incarceration.

CHILDREN'S IMPACT STATEMENT:

This prevention and treatment program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include addicted youth being provided an opportunity to prevent or recover from the effects of alcohol or other drug use, become self-sufficient, and return to their families as productive individuals.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #74-438-6 with Vasanta Venkat Giri, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-438-6 with Vasanta Venkat Giri, M.D., a self-employed individual, in an amount not to exceed \$267,040, for the provision of outpatient psychiatric services at County Mental Health Clinics throughout Contra Costa County for the period from February 1, 2015 through January 31, 2016.

FISCAL IMPACT:

This Contract is funded 16% Mental Health Services Act; 84% Mental Health Realignment. (No rate increase)

BACKGROUND:

On February 25, 2014, the Board of Supervisors approved, Contract #74-438-5 with Vasanta Venkat Giri, M.D. for the provision of outpatient psychiatric services, for the period from February 1, 2014 through January 31, 2015. Approval of Contract #74-438-6 will allow Contractor to continue providing professional outpatient psychiatric services at Mental Health Clinics throughout Contra Costa County through January 31, 2016.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's clients will not have access to Contractor's services, which may result in a reduction in the overall levels of service to the community.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE:

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: February 10, 2015

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

ABSENT:

Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Cynthia Belon,
925-957-5201

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Novation Contract #74-443-5 with Ujima Family Recovery Services

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-443-5 with Ujima Family Recovery Services, a non-profit corporation, in an amount not to exceed \$650,000, to provide trauma therapy, case management, and assessment services for SAMHWorks Clients for the period from July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

This Contract is funded 69% by CalWORKS Alcohol and Other Drugs Services and 31% by CalWORKs Mental Health. (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing mental health and substance abuse assessment and referral services as well as trauma therapy and case management services for SAMHWorks Clients. On February 11,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Cynthia Belon, 957-5201

cc: J pigg, C Rucker

BACKGROUND: (CONT'D)

2014, the Board of Supervisors approved Novation Contract #74-443-3 (as amended by Contract Amendment Agreement #74-443-4) with Ujima Family Recovery Services for the period July 1, 2013 through June 30, 2014, which included a six-month automatic extension through December 31, 2014, Trauma therapy, case management, and assessment services.

Approval of Novation Contract #74-443-5 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services, through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's SAMHWorks Clients will not have access to Contractor's treatment, assessment services, and counseling programs necessary for successful participation in the SAMHWorks program

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Amendment/Extension #26-590-14 with The Greeley Company, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee to execute on behalf of the County, Amendment Agreement #26-590-14 with The Greeley Company, Inc., a corporation, effective January 8, 2015, to amend Contract #26-590-11 (as amended by Contract amendment/extensions # 26-590-12 and #26-590-13), to increase the payment limit by \$45,000 from \$594,800 to a new total payment limit of \$639,800, to provide additional consulting services for the Psychiatric Emergency Services at Contra Costa Regional Medical Center, with no change in the original term of September 1, 2103 through December 31, 2015.

FISCAL IMPACT:

This Amendment is 100% funded by salary savings and member premiums. (Rate increase)

BACKGROUND:

On January 14, 2014, the County Administrator approved and Purchasing Services Manager executed Contract #26-590-11 (as amended by Contract Amendment/Extension Agreements #26-590-12 and #26-590-13) with dba The Greeley Company, Inc., for the period from September 1, 2013 through December 31, 2015, to provide consultation services with regard to meeting regulatory compliance



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE:

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: February 10, 2015

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

ABSENT:

Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Patrick Godley,
925-357-5410

BACKGROUND: (CONT'D)

of the Centers for Medicare and Medicaid Services at Contra Costa Regional Medical Center and Contra Costa Health Centers, including, but not limited to conducting an on-site nursing management and data analysis services, and providing suggested modifications to various policies and procedures and providing an on-site nurse management and Interim Utilization Review/Referral Management Director services.

Approval of Contract Amendment Agreement #26-590-14 will allow the Contractor to provide additional services to include an assessment of Psychiatric Emergency Services at Contra Costa Regional Medical Center, through December 31, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, the County will not meet regulatory compliance of the Centers for Medicare and Medicaid Services at Contra Costa Regional Medical Center and Contra Costa Health Centers and the Health Plan.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra
Costa
County

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Amendment #24-718-2 with Recovery Innovations, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #24-718-2 with Recovery Innovations, Inc., a corporation, effective September 18, 2014, to amend Contract #24-718-1, to increase the payment limit by \$85,000, from \$1,032,058 to a new payment limit of \$1,117,058, with no change in the original term of July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

This amendment is funded 78% by Mental Health Services Act and 22% Mental Health Realignment. (No rate increase)

BACKGROUND:

On June 24, 2014, the Board of Supervisors approved Contract #24-718-1 with Recovery Innovations, Inc. for the operation of Wellness and Recovery Centers in East, Central and West County, as well as, for the organization and operation of the SPIRIT program to provide training to Clients interested in working with in the local mental health service delivery system, for the period from July 1, 2014 through June 30, 2015.

Approval of Contract Amendment Agreement #24-718-2 will allow the Contractor to



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS



OTHER

RECOMMENDED

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Cynthia Belon, 957-5201

BACKGROUND: (CONT'D)

provide additional services, to include access to van transportation services for Community Center Programing, through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, Contractor will not be able provide van services to recipients of the program.

CHILDREN'S IMPACT STATEMENT:

N/A



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Amendment #25-066-6 with Shelter, Inc. of Contra Costa County

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #25-066-6 with Shelter, Inc. of Contra Costa County, a non-profit corporation, effective September 1, 2014, to amend Contract #25-066-5, to increase the payment limit by \$1,035,850, from \$173,567 to a new payment limit of \$1,209,417, with no change in the original term of July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

This amendment is funded 14% by Federal Department of Housing and Urban Development (HUD) and 86% Employment and Human Services Department. (No rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing support services to Contra Costa County families that are homeless, including case management, benefits advocacy, employment services, job training and education services, and short-term rental

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Cynthia Belon 957-5201

BACKGROUND: (CONT'D)

assistance.

On September 9, 2014, the Board of Supervisors approved Contract #25-066-5 with Shelter, Inc. of Contra Costa County, for the period from July 1, 2014 through June 30, 2015, for the provision of supportive housing services for homeless families.

At the time of negotiations, the payment limit was based on target levels of utilization. However, the utilization during the term of the agreement was higher than originally anticipated.

Approval of Contract Amendment Agreement #25-066-6 will allow the Contractor to provide additional supportive housing services through June 30, 2015.

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, homeless families in Contra Costa County will not receive the housing assistance services provided by Contractor.

CHILDREN'S IMPACT STATEMENT:

NOT APPLICABLE



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #24-403-13 with Jon Whalen, M.D.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #24-403-13 with Jon Whalen, M.D., a self-employed individual, in an amount not to exceed \$300,800, to provide outpatient psychiatric services to minors for the period from February 1, 2015 through January 31, 2016.

FISCAL IMPACT:

This Contract is funded 50% by Mental Health Realignment Funds and 50% Federal Financial Participation. (No rate increase)

BACKGROUND:

For a number of years the County has contracted with Medical, Dental and mental Health Specialists to provide specialized professional services. On January 14, 2014, the Board of Supervisors approved Contract #24-403-12 with Jon Whalen, M.D., for the provision of professional outpatient psychiatric services for the period from February 1, 2014 through January 31, 2015.

Approval of Contract #24-403-13 will allow Contractor to continue providing outpatient psychiatric services through January 31, 2016.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE:

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: February 10, 2015

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

ABSENT:

Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Cynthia Belon 925 957 5201

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's clients will not have access to Contractor's professional outpatient psychiatric services, which may result in a reduction in overall services to the community.

CHILDREN'S IMPACT STATEMENT:

NOT APPLICABLE



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Amendment/Extension #23-566-1 with Huron Consulting Services, Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment/Extension Agreement #23-566-1 with Huron Consulting Services, Inc., a corporation, effective February 1, 2105, to amend Contract #23-566, to increase the payment limit by \$850,000, from \$350,000 to a new payment limit of \$1,200,000 and extend the term from June 30, 2015 through June 30, 2016.

FISCAL IMPACT:

This Amendment is funded 100% by Enterprise Fund I. (rate increase)

BACKGROUND:

On July 8, 2014, the Board of Supervisors approved Contract #23-566, with Huron Consulting Services, Inc. for the provision of consulting, technical support, training, and project management for the Department's Information Systems at Contra Costa County Health Services for the period from May 1, 2014 through June 30, 2015.

Approval of Contract Amendment/Extension Agreement #23-566-1 will allow the Contractor to provide additional services to the Health Services Director through June 30, 2016.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: David Runt, 925-313-6228

CONSEQUENCE OF NEGATIVE ACTION:

If this extension is not approved, the County will not be able to receive expanded services from this Contractor.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 10, 2015

Subject: Contract #74-479 with David R. Ruecker, M.D., Inc.

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-479 with David R. Ruecker M.D., Inc., a corporation in an amount not to exceed \$300,800, to provide psychiatric services for seriously emotionally, disturbed children and adolescents in Central County for the period from January 1, 2015 through December 31, 2015.

FISCAL IMPACT:

This Contract is funded 50% by Federal Financial Participation and 50% Mental Health Realignment.

BACKGROUND:

For a number of years the County has contracted with Mental Health Specialists to provide specialized services, which are not otherwise available.

Under this Contract #74-479, David R. Ruecker M.D., Inc. will provide psychiatric services for seriously emotionally disturbed children and adolescents in Central County, through December 31, 2015.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE:

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: February 10, 2015

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

ABSENT:

Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: CYNTHIA BELON,
957-5201

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's clients will not have access to Contractor's professional outpatient psychiatric services.

CHILDREN'S IMPACT STATEMENT:

This service support seriously and emotionally disturbed children.



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: February 10, 2015

Subject: Conflict of Interest Code of the West County Wastewater District

RECOMMENDATION(S):

Approve amendments to the Conflict of Interest Code for the West County Wastewater District to substitute the attached as said code.

FISCAL IMPACT:

None.

BACKGROUND:

The West County Wastewater District has amended its Conflict of Interest Code and has submitted the amended Code to the Board for approval pursuant to Government Code sections 87306 and 87306.5. The Code has been revised to include new designated positions and eliminate old designated positions. These changes are shown on the attached reline version of the Code, Attachment A. A clean version of the Code also is attached.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
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: February 10, 2015

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

By: Stephanie L. Mello, Deputy

Contact: Stephen Sitproth, (925)
335-1800

ATTACHMENTS

Attachment A

Attachment B

CONFLICT OF INTEREST CODE
OF THE
WEST COUNTY WASTEWATER DISTRICT
OF CONTRA COSTA COUNTY

The Political Reform Act of 1974, California Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs., Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs., Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the West County Wastewater District of Contra Costa County.

Designated employees shall file statements of economic interest with the agency which will make the statements available to public inspection and reproduction. (Government Code Section 81008). Upon receipt of the statements of the West County Wastewater District Directors, General Manager, District Counsel (Board Attorney) and ~~Manager of Financial and Administrative Services~~ **Business Services Manager**, the District shall make and retain a copy and forward the original of these statements to the code reviewing body. Original statements for all other designated employees will be retained by the Agency.

APPENDIX A

Positions¹

Disclosure Categories

• Directors	Section 87200
• General Manager	Section 87200
• District Counsel (Board Attorney)	Section 87200
• Manager of Financial and Administrative Services Business Services Manager	Section 87200

Designated Employees

District Engineer Engineering Services Manager	2 and 3
Senior Engineer	3
Associate Engineer	3
District Inspector	1 and 2
Collection System Operations Supervisor	2
WPCP Plant Superintendent Water Quality Manager	2
Environmental Compliance Supervisor	2
Environmental Compliance Inspector	3
Plant Operations Supervisor	2
Plant Maintenance Supervisor	2
Finance Supervisor	1 and 2
Procurement Specialist	2
Secretary to the Board	2
Consultants* ²	

*1 It has been determined that these positions manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200.

*2. Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation. The General Manager may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply or fully comply with the disclosure requirements described in this Appendix. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Disclosure Categories for Designated Employees

General Rule for Designated Employees

An investment, interest in real property, source of income or income is reportable if the business entity in which the investment is held, the interest in real property, the income or source of income may foreseeably be affected materially by any decision made or participated in by the Designated Employee by virtue of the Designated Employee's position.

Designated Employees in Category "1" Must Report:

Investments, interests in real property and income, including gifts, loans and travel payments, and any business entity in which the Designated Employee is a director, officer, partner, trustee, employee, or holds a position of management. Financial interests are reportable only if located within the West County Wastewater District or if the business entity is doing business or planning to do business in the District (and such plans are known by the Designated Employee) or has done business within the District at any time during the two years prior to the filing of the statement.

Designated Employees in Category "2" Must Report:

Investments in any business entity, and income from any source, including gifts, loans and travel payments, and status as a director, officer, partner, trustee, employee, or holder of a management position in any business entity, which has within the last two years contracted, or foreseeably may contract, with the West County Wastewater District to provide goods, services, supplies, materials, machinery, facilities, vehicles or equipment to the District.

Designated Employees in Category "3" Must Report:

All investments, business positions and income, including gifts, loans and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before the District.

CONFLICT OF INTEREST CODE
OF THE
WEST COUNTY WASTEWATER DISTRICT
OF CONTRA COSTA COUNTY

The Political Reform Act of 1974, California Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs., Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs., Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the West County Wastewater District of Contra Costa County.

Designated employees shall file statements of economic interest with the agency which will make the statements available to public inspection and reproduction. (Government Code Section 81008). Upon receipt of the statements of the West County Wastewater District Directors, General Manager, District Counsel (Board Attorney) and Business Services Manager, the District shall make and retain a copy and forward the original of these statements to the code reviewing body. Original statements for all other designated employees will be retained by the Agency.

APPENDIX A

Positions¹

- Directors
- General Manager
- District Counsel (Board Attorney)
- Business Services Manager

Disclosure Categories

Section 87200
Section 87200
Section 87200
Section 87200

Designated Employees

Engineering Services Manager	2 and 3
Senior Engineer	3
Associate Engineer	3
District Inspector	1 and 2
Collection System Operations Supervisor	2
Water Quality Manager	2
Environmental Compliance Supervisor	2
Environmental Compliance Inspector	3
Plant Operations Supervisor	2
Plant Maintenance Supervisor	2
Finance Supervisor	1 and 2
Procurement Specialist	2
Secretary to the Board	2
Consultants ^{*2}	

*1 It has been determined that these positions manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200.

*2. Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation. The General Manager may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply or fully comply with the disclosure requirements described in this Appendix. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Disclosure Categories for Designated Employees

General Rule for Designated Employees

An investment, interest in real property, source of income or income is reportable if the business entity in which the investment is held, the interest in real property, the income or source of income may foreseeably be affected materially by any decision made or participated in by the Designated Employee by virtue of the Designated Employee's position.

Designated Employees in Category "1" Must Report:

Investments, interests in real property and income, including gifts, loans and travel payments, and any business entity in which the Designated Employee is a director, officer, partner, trustee, employee, or holds a position of management. Financial interests are reportable only if located within the West County Wastewater District or if the business entity is doing business or planning to do business in the District (and such plans are known by the Designated Employee) or has done business within the District at any time during the two years prior to the filing of the statement.

Designated Employees in Category "2" Must Report:

Investments in any business entity, and income from any source, including gifts, loans and travel payments, and status as a director, officer, partner, trustee, employee, or holder of a management position in any business entity, which has within the last two years contracted, or foreseeably may contract, with the West County Wastewater District to provide goods, services, supplies, materials, machinery, facilities, vehicles or equipment to the District.

Designated Employees in Category "3" Must Report:

All investments, business positions and income, including gifts, loans and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before the District.



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: February 10, 2015

Subject: Conflict of Interest Code of the Board of Retirement of the Contra Costa County Employees' Retirement Association

RECOMMENDATION(S):

Approve amendments to the Board of Retirement of the Contra Costa County Employees' Retirement Associations' Conflict of Interest Code to substitute the attached as said code.

FISCAL IMPACT:

None.

BACKGROUND:

The Board of Retirement of the Contra Costa County Employees' Retirement Association has amended its Conflict of Interest Code and submitted the amended code to the Board for approval pursuant to Government Code Section 87306 and 87306.5. The Board of Retirement has revised the Disclosure Categories in the Code, and has made other revisions to the Code related to the filing of Statements of Financial Interests. Also, the list of designated positions has been revised to delete old positions and add new positions. These changes are shown on the attached 'red-line' version of the code, Attachment A. A clean version of the Code is attached as Attachment B.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/10/2015**



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: Stephanie L. Mello, Deputy

Contact: Stephen Siptroth, (925)
335-1800

ATTACHMENTS

Attachment A

Attachment B

**BOARD OF RETIREMENT
OF THE
CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
CONFLICT OF INTEREST CODE**

Adopted: 02/24/76

Amended: 11/06/02, 11/17/04, 4/8/09, 12/8/10, / /14

Section 100, Purpose

Pursuant to the provisions of Government Code Sections 87300, et seq., the Board of Retirement of the Contra Costa County Employees' Retirement Association adopts this Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Secs. 81000 et seq.) The provisions of this Code are in addition to the laws pertaining to conflicts of interest, including but not limited to Government Code Section 87100 which provides that: "No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest." Except as otherwise indicated, the definitions of the Political Reform Act and regulations adopted pursuant thereto, including specifically but not limited to FPPC Regulation 18730, are incorporated herein, and this Code shall be interpreted consistently therewith. Pursuant to Government Code sections 87303 and 82011(b), this Conflict of Interest Code and any amendments thereto become effective upon approval by the Contra Costa County Board of Supervisors.

Section 200, Designated Positions and Employees

The positions listed in Exhibit "A" (attached hereto) are "designated positions". Every incumbent of these is a "designated employee", and is deemed to make, or participate in the making of, decisions which could affect his or her personal economic interests.

Section 300, Disclosure, Statements

Designated positions shall be assigned to one or more of the disclosure categories set forth in Exhibit "B". Each designated employee shall file an annual statement disclosing that employee's interest in investments, business positions, real property and income designated as reportable under the category to which the employee's position is assigned.

Agency positions that manage public investments for purposes of Section 87200 of the Government Code are listed in Exhibit "C", as required pursuant to Government Code section 87314. Each Retirement Board member and CCCERA employee listed as a Section 87200 filer must file an annual statement of economic interest with the Contra Costa County Clerk - Elections Division.

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Disclosure statements are public records pursuant to Government Code section 81008(a).

A76-1

Section 400, Place and Time of Filing

- (a) Every designated employee shall file the original of his or her statement of financial interests with the ~~Retirement Administration Manager in the Retirement office~~ Contra Costa County Clerk of the Board of Supervisors.
- (b) ~~The Retirement Administration Manager~~ Every position listed in Exhibit "C" shall ~~make and retain a copy, and forward~~ file the original ~~to of his or her statement of financial interests with the~~ Contra Costa County Clerk of the Board of Supervisors. ~~Recorder.~~
- (c) Employees appointed, promoted or transferred to designated positions shall file initial statements within 30 days thereafter, and shall disclose any reportable investments, business positions and interests in real property held on, and income received during the 12 months before the effective date of the amendment, appointment, transfer or promotion.
- (d) Every designated employee shall file annual statements during March covering the preceding calendar year.
- (e) A designated employee required to file a statement of financial interest under any other agency's conflict of interest code, or under Article 2 of Chapter 7 of the Political Reform Act for a jurisdiction contained within the territorial jurisdiction of this agency may comply with the provisions of this Code by filing a duplicate copy of that statement and an expanded statement which covers reportable interests in that portion of this agency's jurisdiction which differs from the jurisdiction described in the other statement.

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Section 500, Disclosure Statement, Form and Content

- (a) ~~Clerk of the Board of Supervisors'~~ Forms. Disclosure statements shall be made on forms supplied by the Clerk of the Board of Supervisors or the Clerk-Recorder.
- (b) Content. The disclosure statement shall contain the following information:
 - (1) Investment or Interest in Real Property. When an investment or an interest in real property is required to be reported, the statement shall contain: a statement of the nature of the investment or interest, the name of the business entity in which each investment is held, a general description of the business activity in which the business entity is engaged, and the address or other precise location of the real property. The statement shall also contain a statement whether the fair market value of the investment or interest in real property equals or exceeds ~~one~~ two thousand dollars (\$~~1~~2,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), or whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is solely the principal residence of the filer or any other property which the filer utilizes exclusively as the personal residence of the filer.

- (2) Personal Income. When income is required to be reported under this article, the statement shall contain: the name and address of each source of income aggregating ~~twofive~~ hundred ~~fifty~~ dollars (~~\$250~~~~500~~) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source. The statement shall also contain a statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was ~~at least two hundred fifty dollars (\$250) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not or less, greater than ten thousand dollars (\$10,000), or whether it was \$1,000, greater than ten thousand dollars (\$10,000), or greater than \$100,000;~~ and a description of the consideration, if any, for which the income was received. In the case of a loan, the statement shall contain the annual interest rate and the security, if any, given for the loan.
- (3) In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made, a description of the gift, the amount or value of the gift, and the date on which the gift was received.
- (4) Business Entity. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain: the name, address, and a general description of the business activity of the business entity, and the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).
- (5) Business Position. When business positions are required to be reported, a designated person shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated person's position with the business entity.
- (6) Acquisition or Disposal During Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 600, Disqualifications.

Designated employees must disqualify themselves from making or participating in the making of any decisions or using their official position to influence the making of any decision in which they have a reportable financial interest, when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the employee, a member of his or her immediate family or on any other interest indicated in Government Code section 87103. No designated

A76-1

employee shall be required to disqualify him or herself with respect to any matter which could not be legally acted upon or decided without his or her participation, provided the "rule of necessity" appropriately applies to the circumstances.

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All other provisions of this Code notwithstanding, the following provisions hereafter apply:

1. No designated person shall accept any honorarium.

Government Code Section 89502 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506 or other provision of law.

2. No designated employee shall accept any gifts with a total value in a calendar year from any single source that exceeds the limitations set forth in Government Code section 89503.

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EXHIBIT "A"Position Categories

<u>Designated Positions</u>	<u>Disclosure Category</u>
Retirement Deputy Chief Executive Officer	General
Retirement Accounting Manager	1
Retirement Administration/ Human Resources Coordinator <u>Manager</u>	2
Retirement <u>General Counsel</u>	<u>1</u>
<u>Retirement Assistant</u> General Counsel	1
Retirement Investment Analyst	1
Outside fiduciary counsel	1
Outside investment consultant	1

- Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Chief Executive Officer may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

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EXHIBIT "B"

Disclosure Categories

General:

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Designated Employees in Category 1:

Employees designated in Category 1 of Exhibit A shall complete all schedules of Form 700 unless there are no reportable interests for that schedule. A "reportable interest" shall be any business entity or source of income of a type in which the Board is authorized to invest.

Designated Employees in Category 2:

Employees designated in Category 2 of Exhibit A shall complete all schedules of Form 700 except those relating to interests in real property (Form 700, Schedules B and C), unless there are no reportable interests for a schedule. A "reportable interest" shall be any business entity or source of income which, within the filing period has contracted, or in the foreseeable future may contract with the Board to provide products or services, to the Retirement System or the Retirement Office.

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EXHIBIT "C"

Agency Positions that Manage Public Investments
For Purposes of Section 87200 of the Government Code

The following is a list of each position with the Retirement Board and CCCERA for which an individual occupying the position is required to file a Statement of Economic Interests as a public official who manages public investments within the meaning of Government Code Section 87200:

Members of the Board of Retirement, including Alternate Members
Retirement Chief Executive Officer
Retirement Chief Investment Officer

**BOARD OF RETIREMENT
OF THE
CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
CONFLICT OF INTEREST CODE**

Adopted: 02/24/76

Amended: 11/06/02, 11/17/04, 4/8/09, 12/8/10, __/__/14

Section 100, Purpose

Pursuant to the provisions of Government Code Sections 87300, et seq., the Board of Retirement of the Contra Costa County Employees' Retirement Association adopts this Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Secs. 81000 et seq.) The provisions of this Code are in addition to the laws pertaining to conflicts of interest, including but not limited to Government Code Section 87100 which provides that: "No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest." Except as otherwise indicated, the definitions of the Political Reform Act and regulations adopted pursuant thereto, including specifically but not limited to FPPC Regulation 18730, are incorporated herein, and this Code shall be interpreted consistently therewith. Pursuant to Government Code sections 87303 and 82011(b), this Conflict of Interest Code and any amendments thereto become effective upon approval by the Contra Costa County Board of Supervisors.

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The positions listed in Exhibit "A" (attached hereto) are "designated positions". Every incumbent of these is a "designated employee", and is deemed to make, or participate in the making of, decisions which could affect his or her personal economic interests.

Section 300, Disclosure, Statements

Designated positions shall be assigned to one or more of the disclosure categories set forth in Exhibit "B". Each designated employee shall file an annual statement disclosing that employee's interest in investments, business positions, real property and income designated as reportable under the category to which the employee's position is assigned.

Agency positions that manage public investments for purposes of Section 87200 of the Government Code are listed in Exhibit "C", as required pursuant to Government Code section 87314. Each Retirement Board member and CCCERA employee listed as a Section 87200 filer must file an annual statement of economic interest with the Contra Costa County Clerk – Elections Division.

Disclosure statements are public records pursuant to Government Code section 81008(a).

Section 400, Place and Time of Filing

- (a) Every designated employee shall file the original of his or her statement of financial interests with the Contra Costa County Clerk of the Board of Supervisors.
- (b) Every position listed in Exhibit "C" shall file the original of his or her statement of financial interests with the Contra Costa County Clerk-Recorder.
- (c) Employees appointed, promoted or transferred to designated positions shall file initial statements within 30 days thereafter, and shall disclose any reportable investments, business positions and interests in real property held on, and income received during the 12 months before the effective date of the amendment, appointment, transfer or promotion.
- (d) Every designated employee shall file annual statements during March covering the preceding calendar year.
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aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source. The statement shall also contain a statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000; and a description of the consideration, if any, for which the income was received. In the case of a loan, the statement shall contain the annual interest rate and the security, if any, given for the loan.

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All other provisions of this Code notwithstanding, the following provisions hereafter apply:

1. No designated person shall accept any honorarium.

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Retirement Administration Manager	2
Retirement General Counsel	1
Retirement Assistant General Counsel	1
Retirement Investment Analyst	1
Outside fiduciary counsel	1
Outside investment consultant	1

- Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Chief Executive Officer may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

EXHIBIT "B"

Disclosure Categories

General:

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EXHIBIT "C"

Agency Positions that Manage Public Investments
For Purposes of Section 87200 of the Government Code

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Members of the Board of Retirement, including Alternate Members
Retirement Chief Executive Officer
Retirement Chief Investment Officer



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Interim Director, Conservation & Development Department
Date: February 10, 2015

Subject: Conversion of Current Fish and Wildlife Committee Two-Year Terms to Four-Year Terms with Staggered Term Expiration Dates

RECOMMENDATION(S):

APPROVE plan and schedule to convert the terms of the Contra Costa County Fish and Wildlife Committee (FWC) from two-year terms to four-year terms with staggered term expiration dates, as recommended by the Fish and Wildlife Committee.

FISCAL IMPACT:

None.

BACKGROUND:

On December 1, 2014, the Board of Supervisors' Internal Operations Committee directed staff to develop a plan to convert the current Fish and Wildlife Committee two-year term appointments to four-year term appointments with staggered term expiration dates. At their January 21, 2015 meeting, the FWC discussed and unanimously approved recommending a phased-in approach as each of the current terms expire. The recommendations are reflected in Exhibit A, attached, and described below.

- The District II and District III seat appointments have a one-time three-year appointment from February 28, 2015 through February 28, 2018, then four-year appointments thereafter.
- The At-large 1 and At-large 2 seat appointments have a one-time three-year appointment from December 31, 2015 through December 31, 2018, then four-year appointments thereafter.
- All other seats would convert to four-year terms upon the expiration of their current terms.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: June McHuen, Deputy

Contact: Maureen Parkes,
925-674-7831

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The Fish and Wildlife Committee would continue to have two-year terms with several terms expiring on the same date.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Exhibit A

**Proposed Plan to Convert the Current Fish and Wildlife Committee
Two-Year Terms to Four-Year Terms**

	<u>Current Term Expiration Date</u>	<u>Proposed Phase-In of Four-Year Terms</u>	<u>Subsequent 4-Year Terms</u>
District I	February 28, 2016	February 28, 2016 – February 28, 2020	February 28, 2020 – February 28, 2024
District II	February 28, 2015	February 28, 2015 – February 28, 2018 (one-time three-year term)	February 28, 2018 – February 28, 2022
District III	February 28, 2015	February 28, 2015 – February 28, 2018 (one-time three-year term)	February 28, 2018 – February 28, 2022
District IV	February 28, 2015	February 28, 2015 - February 28, 2019	February 28, 2019 – February 28, 2023
District V	February 28, 2015	February 28, 2015 - February 28, 2019	February 28, 2019 – February 28, 2023
At-large 1	December 31, 2015	December 31, 2015 - December 31, 2018 (one-time three-year term)	December 31, 2018 – December 31, 2022
At-large 2	December 31, 2015	December 31, 2015 - December 31, 2018 (one-time three-year term)	December 31, 2018 – December 31, 2022
At-large 3	December 31, 2016	December 31, 2016 - December 31, 2020	December 31, 2020 – December 31, 2024
At-large 4	December 31, 2016	December 31, 2016 - December 31, 2020	December 31, 2020 – December 31, 2024
At-large Alternate 1	December 31, 2016	December 31, 2016 - December 31, 2020	December 31, 2020 – December 31, 2024



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 10, 2015

Subject: Granting of a Pipeline Franchise to Golden State Water Company

RECOMMENDATION(S):

ADOPT Resolution No. 2015/49 granting a pipeline franchise to Golden State Water Company pursuant to the terms and conditions of County Ordinance No. 2013-19 and County Resolution No. 2013/305 for pipelines located in the unincorporated area of the County, as recommended by the Public Works Director.

FISCAL IMPACT:

The pipeline franchise will generate approximately \$70,000 per year in calendar year 2015. In each subsequent calendar year the franchisee will pay the County two percent (2%) of the gross annual receipts of the grantee arising from the use, operation or possession of the franchise; provided, however, that such payment shall in no event be less than one percent (1%) of the grantee's gross annual receipts derived from the sale within the limits of the County of the utility service for which the franchise is awarded.

BACKGROUND:

On August 13, 2013, this Board adopted Ordinance No. 2013-19 (establishing regulations for granting pipeline franchises in County rights-of-way), and Resolution No. 2013/305 (establishing pipeline franchise fee amounts).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: Stephanie L. Mello, Deputy

Contact: Carrie Ricci, 925-313-2235

cc:

BACKGROUND: (CONT'D)

Golden State Water Company has filed a written application with the County, dated January 13, 2014, wherein it has requested the granting of a pipeline franchise for the transportation of water pursuant to the terms and conditions of County Ordinance No. 2013-19. Golden State Water Company also provided the \$5,000 deposit to cover all administrative costs associated with the granting of this pipeline franchise, as required by Ordinance No. 2013-19 and Resolution No. 2013/305.

Approval of Resolution No. 2015/49 will grant a pipeline franchise to Golden State Water Company for the pipelines located within the County's rights of way for a term of ten years.

On December 14, 1965, the County Board of Supervisors adopted Ordinance 1953 which granted a pipeline franchise to Bay Water Company for a period of 40 years. Bay Water Company provided potable water to residents located with portions of the unincorporated County. On November 29, 1966, the County Board of Supervisors adopted Resolution 5776 approving the assignment of the pipeline franchise from Bay Water Company to Southern California Water Company. In 2005 Southern California Water Company changed its name to Golden State Water Company. Golden State Water Company provides water service to Bay Point residents.

CONSEQUENCE OF NEGATIVE ACTION:

Golden State Water Company will not obtain the required authorization to operate and maintain their pipelines within the County right-of-way.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

AGENDA ATTACHMENTS

Resolution No. 2015/49

MINUTES ATTACHMENTS

Signed Resolution No. 2015/49

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

Adopted this Resolution on 02/10/2015 by the following vote:

AYE:	<input checked="checked" type="checkbox"/>	John Gioia
	<input checked="checked" type="checkbox"/>	Mary N. Piepho
	<input checked="checked" type="checkbox"/>	Karen Mitchoff
	<input checked="checked" type="checkbox"/>	Federal D. Glover
NO:	<input type="checkbox"/>	
ABSENT:	<input checked="checked" type="checkbox"/>	Candace Andersen
ABSTAIN:	<input type="checkbox"/>	
RECUSE:	<input type="checkbox"/>	



Resolution No. 2015/49

IN THE MATTER OF a resolution of the Board of Supervisors of the County of Contra Costa authorizing the granting of a Pipeline Franchise to Golden State Water Company. The Board of Supervisors of the County of Contra Costa finds and declares:

WHEREAS, on August 13, 2013, this Board adopted Ordinance No. 2013-19 (establishing regulations for granting pipeline franchises in County rights-of-way), which became effective September 12, 2013, and Resolution No. 2013/305 (establishing pipeline franchise fee amounts).

WHEREAS, Golden State Water Company has filed a written application with the County, dated January 13, 2014, wherein it has requested the granting of a pipeline franchise pursuant to the terms and conditions of County Ordinance No. 2013-19 and County Resolution No. 2013/305.

WHEREAS, Golden State Water Company, a California corporation regulated by the California Public Utilities Commission, has pipelines located within the County's right of ways in the Bay Point area of the unincorporated County.

WHEREAS, the County has reviewed the application as well as relevant documents, staff reports and recommendations, and it is the intent of the Board to grant a pipeline franchise to Golden State Water Company pursuant to Ordinance 2013-19 and Resolution 2013/305.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board of Supervisors of Contra Costa County finds and declares that the foregoing recitals are true and correct.
2. Pursuant to Ordinance No. 2013-19, a franchise to operate pipelines within certain County rights of way with respect to Golden State Water Company's Bay Point system located in the unincorporated area of the County is hereby granted to Golden State Water Company for a term of ten years.
3. The County shall provide notices to Golden State Water Company in writing and delivered by hand or certified mail or by overnight delivery to the following address (or such other addresses as may specified in writing by Golden State Water Company to the County):

Northern General Manager, 630 E. Foothill Blvd., San Dimas, CA 91773; With copy to: Northern General Manager, Golden State Water Company, 3005 Gold Canal Drive, Rancho Cordova, CA 95670

4. The Director of Public Works, or her designee, is authorized to administer the pipeline franchise granted pursuant to this Resolution.
5. The franchise granted pursuant to this Resolution will take effect upon the following:

Within 30 days of the date of this Resolution, Golden State Water Company must file with the Public Works Department the following: (1) a written acceptance of the terms and conditions of the franchise granted pursuant to this Resolution, Ordinance No. 2013-19, and Resolution No. 2013/305; (2) a performance bond in the form approved by the Board; and (3) insurance coverage as required by Ordinance 2013-19.

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

Contact: Carrie Ricci, 925-313-2235

ATTESTED: February 10, 2015

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

By: Stephanie L. Mello, Deputy

cc:

C.64

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 02/10/2015 by the following vote:

AYE: ☒ 4 **John Gioia**
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

NO: ☐

ABSENT: ☒ 1 **Candace Andersen**

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2015/49

IN THE MATTER OF a resolution of the Board of Supervisors of the County of Contra Costa authorizing the granting of a Pipeline Franchise to Golden State Water Company. The Board of Supervisors of the County of Contra Costa finds and declares:

WHEREAS, on August 13, 2013, this Board adopted Ordinance No. 2013-19 (establishing regulations for granting pipeline franchises in County rights-of-way), which became effective September 12, 2013, and Resolution No. 2013/305 (establishing pipeline franchise fee amounts).

WHEREAS, Golden State Water Company has filed a written application with the County, dated January 13, 2014, wherein it has requested the granting of a pipeline franchise pursuant to the terms and conditions of County Ordinance No. 2013-19 and County Resolution No. 2013/305.

WHEREAS, Golden State Water Company, a California corporation regulated by the California Public Utilities Commission, has pipelines located within the County's right of ways in the Bay Point area of the unincorporated County.

WHEREAS, the County has reviewed the application as well as relevant documents, staff reports and recommendations, and it is the intent of the Board to grant a pipeline franchise to Golden State Water Company pursuant to Ordinance 2013-19 and Resolution 2013/305.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board of Supervisors of Contra Costa County finds and declares that the foregoing recitals are true and correct.
2. Pursuant to Ordinance No. 2013-19, a franchise to operate pipelines within certain County rights of way with respect to Golden State Water Company's Bay Point system located in the unincorporated area of the County is hereby granted to Golden State Water Company for a term of ten years.
3. The County shall provide notices to Golden State Water Company in writing and delivered by hand or certified mail or by overnight delivery to the following address (or such other addresses as may specified in writing by Golden State Water Company to the County):

Northern General Manager, 630 E. Foothill Blvd., San Dimas, CA 91773; With copy to: Northern General Manager, Golden State Water Company, 3005 Gold Canal Drive, Rancho Cordova, CA 95670

4. The Director of Public Works, or her designee, is authorized to administer the pipeline franchise granted pursuant to this Resolution.
5. The franchise granted pursuant to this Resolution will take effect upon the following:

Within 30 days of the date of this Resolution, Golden State Water Company must file with the Public Works Department the following: (1) a written acceptance of the terms and conditions of the franchise granted pursuant to this Resolution, Ordinance No. 2013-19, and Resolution No. 2013/305; (2) a performance bond in the form approved by the Board; and (3) insurance coverage as required by Ordinance 2013-19.

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

ATTESTED: February 10, 2015

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

Contact: Carrie Ricci, 925-313-2235

By: Stephanie L. Mello, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: February 10, 2015

Subject: Conflict of Interest Code of Contra Costa Transportation Authority

RECOMMENDATION(S):

Approve amendment to the Contra Costa Transportation Authority Conflict of Interest Code to substitute the attached Exhibit A as said code.

FISCAL IMPACT:

None.

BACKGROUND:

The Contra Costa Transportation Authority has amended its code and submitted the amended code to the Board for approval pursuant to Government Code section 87306 and 87306.5. The Authority rewrote its Conflict of Interest Code to achieve compliance with state law and FPPC regulations. The final version of the amended Conflict of Interest Code is attached as Exhibit A. No red-line version is available. The Authority's Resolution approving the amended Conflict of Interest Code is attached as Exhibit B.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

Contact: Cynthia A. Schwerin, Deputy County Counsel, (925) 335-1800

By: Stephanie L. Mello, Deputy

ATTACHMENTS

COI CCTA Exhibit

A

COI CCTA Exhibit

B

ATTACHMENT A

CHAPTER 4

CONFLICT OF INTEREST CODE

OF THE

CONTRA COSTA TRANSPORTATION AUTHORITY

Chapter 4

CONFLICT OF INTEREST CODE OF THE CONTRA COSTA TRANSPORTATION AUTHORITY

(Adopted November 19, 2014)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730) that contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation (attached) and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the **Contra Costa Transportation Authority (the "Authority")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Executive Secretary** as the Authority's Filing Officer. The **Executive Secretary** shall make and retain a copy of all statements filed by the Members of the Authority and Executive Director and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Contra Costa. The **Executive Secretary** shall retain the original statements filed by all other officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
CONTRA COSTA TRANSPORTATION AUTHORITY

(Adopted November 19, 2014)

PART "A"

Authority Officials who manage public investments, as defined by 2 Cal. Code of Regs. §18720, are NOT subject to the Authority's Code but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)]

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below are Authority Officials who manage public investments¹. These positions are listed here for informational purposes only.

Commissioners and Alternates, including Ex Officios
Chief Financial Officer
Financial Consultant

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS
GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>Designated Positions</u> <u>Title or Function</u>	<u>Disclosure Category</u> <u>Assigned</u>
Associate Engineer	2, 3, 5
Associate Transportation Analyst	2, 3, 5
Associate Transportation Planner	2, 3, 5
Executive Director	1 & 2
Deputy Executive Director, Projects	1 & 2
Director, Projects	2, 3, 5
Deputy Executive Director, Planning	1 & 2
Director, External Affairs	1 & 2
Engineering Manager	2, 3, 5
Finance Manager	4
General Counsel	1, 2
Program Manager	2, 5, 6
Senior Engineer	2, 3, 5
Senior Transportation Planner	2, 3, 5

Designated Positions'
Title or Function

Disclosure Category
Assigned

Members of Boards, Committees &
Commissions

Citizens Advisory Committee	1, 2
Countywide Bicycle and Pedestrian Advisory Committee	2, 5, 7
Paratransit Coordinating Council	5, 7
Regional Transportation Planning Committee	1, 2
Technical Coordinating Committee	1, 2

Consultants and New Positions²

² Individuals serving as a consultant as defined in FPPC Reg 18701 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Executive Director may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.³ Such economic interests are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the Authority.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that do business or own real property within the jurisdiction of the Authority.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of the Authority.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the Authority.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Authority.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, or income from a nonprofit or other organization, if the source is of the type to receive grants or other monies from or through the Authority or its subdivisions.

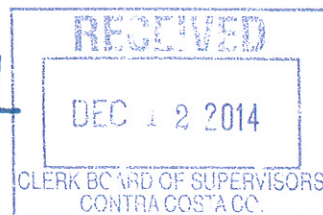
Category 7: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, of the type to receive program funds from the Authority or its subdivisions, or participate in any Authority programs or projects.

³ This Conflict of Interest Codes does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

Category 8: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, if such entities or sources have filed claims against the Authority in the past 2 years, or have a claim pending before the Authority.



ORIGINAL



**CONTRA COSTA TRANSPORTATION AUTHORITY
ORDINANCE 14-01**

AMENDING THE AUTHORITY'S CONFLICT OF INTEREST CODE

WHEREAS, the Contra Costa Transportation Authority adopted the Administrative Code as Ordinance No. 90-01 on February 21, 1990 as amended through December 21, 2011; and

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. ("Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, members, employees and consultants of the Contra Costa Transportation Authority ("Authority") and requires all public agencies to adopt and promulgate a Conflict of Interest Code ("Code"); and

WHEREAS, the Authority adopted a Code in compliance with the Act as set forth in Chapter 4 of the Administrative Code; and

WHEREAS, subsequent changed circumstances within the Authority have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Authority's Code.

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Authority of, the proposed amended Code was provided each affected designated position and publicly posted for review at the offices of the Authority; and

WHEREAS, a public meeting was held upon the proposed amended Conflict of Interest Code at a regular meeting of the Authority November 19, 2014, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

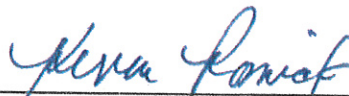
1. Chapter 4 of the Administrative Code is amended to read in full as set forth in Attachment A, which Attachment is incorporated by reference herein as if fully set forth; and
2. This Ordinance was approved by the necessary vote of the Board of the Authority and amendments to the Code shall become effective upon approval by the Contra Costa County Board of Supervisors.

Passed and adopted by the Contra Costa Transportation Authority on November 19, 2014, by the following vote:

AYES: Hudson, Latygin, Piepho, Butt, Abelson, Romick, Pierce, Haskew,
Arnerich, Taylor

NOES: 0

ABSENT: Mitchoff



Kevin Romick, Chair

This ORDINANCE was entered into at a meeting of the Contra Costa Transportation Authority held on November 19, 2014, in Walnut Creek, California, and became effective forthwith.

Attest: 

Danice J. Rosenbohm, Executive Secretary



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 10, 2015

Subject: APPROVE Notice of Intention to Convey Real Property to the East Contra Costa Fire Protection District.

RECOMMENDATION(S):

APPROVE Notice of Intention (NOI) to Convey Real Property attached hereto to the East Contra Costa Fire Protection District for fire station purposes, pursuant to Government Code Section 25365. (Project No.: 1200-6G5815)

DECLARE that this Board will meet on March 3, 2015 at 9:00 a.m. or thereafter, in the Board's Chambers, County Administration Building, 651 Pine Street, Martinez, California, to consummate the conveyance.

DIRECT the Real Estate Division of Public Works to publish the attached NOI in the Contra Costa Times pursuant to Government Code Section 6061.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

In 2002, the Bethel Island, East Diablo and Oakley-Knightsen Fire Districts

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: Stacey M. Boyd, Deputy

Contact: Angela Bell (925) 313-2337

cc:

BACKGROUND: (CONT'D)

merged to form the East Contra Costa Fire Protection District (District) under Board of Supervisor's Resolution No. 2002/358.

Prior to the merger and dissolution of the above mentioned fire districts, several fire stations were conveyed by Deed to Contra Costa County. The District is requesting that those fire stations previously conveyed to the County be transferred to the District.

This is a conveyance of title only, the use and operation of the property will remain the same.

CONSEQUENCE OF NEGATIVE ACTION:

Without approval from the Board of Supervisors, title of the fire stations will not be in the name of the appropriate jurisdiction.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Exhibit A

Notice of Intention to Convey Real Property

EXHIBIT "A"

STATION NUMBER	ASSESSOR'S PARCEL NUMBER	ADDRESS
Station 54	013-091-001	739 First Street, Brentwood
Station 57	002-130-002	3024 First Street, Byron
Station 58	008-200-010	1535 Discovery Bay Blvd, Discovery Bay
Station 94	020-072-001	15 A First Street, Knightsen
Station 95	031-033-022	3045 Ranch Lane, Bethel Island

AB:mr

g:\realprop\board orders\2015\02-february\2-10-15\fire dist\exhibita.docx

**CONTRA COSTA COUNTY
PUBLIC WORKS DEPARTMENT
255 Glacier Drive
Martinez, CA 94553**

NOTICE OF INTENTION TO CONVEY REAL PROPERTY

The Board of Supervisors of Contra Costa County declares its intention to convey to East Contra Costa Fire Protection District, various fire station sites in Bethel Island, Brentwood, Byron, Discovery Bay and Knightsen, California. A description of the proposed areas to be conveyed are available at the Contra Costa County Public Works Department, 255 Glacier Dr., Martinez, CA. The Board Order dated February 10, 2015, declares that the Board will meet on March 3, 2015, at 9:00 a.m. or thereafter, in its Chambers, County Administration Building, 651 Pine Street, Martinez, California, to consummate the conveyance.

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

By _____, Deputy



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Interim Director, Conservation & Development Department
Date: February 10, 2015

Subject: Affordable Housing and Sustainable Communities (AHSC) Program

RECOMMENDATION(S):

ACCEPT a report on the Affordable Housing and Sustainable Communities portion of the Greenhouse Gas Reduction Fund and potential application for the Heritage Point Project in North Richmond.

FISCAL IMPACT:

There is no impact to the General Fund. Staff costs to cover the cost to submit an application are budgeted through Housing Successor funds.

BACKGROUND:

On January 30, 2015 the Strategic Growth Council (SGC) and the Department of Housing and Community Development (HCD) announced the availability of approximately \$120 million in funding for the Affordable Housing and Sustainable Communities (AHSC) Program. The AHSC Program furthers the purposes of AB 32 (Chapter 488, Statutes 2006) and SB 375 (Chapter 728, Statutes, 2008) by investing in projects that reduce GHG emissions by supporting more compact, infill development patterns, encouraging active transportation and transit usage, and protecting agricultural land from sprawl development. Funding for the AHSC Program is provided from the Greenhouse Gas Reduction Fund (GGRF), an account established to receive Cap-and-Trade auction proceeds.

The AHSC Program is administered by SGC. HCD will implement the transportation, housing and infrastructure component of the AHSC Program. SGC will coordinate efforts with HCD, working with the California Air Resources Board (ARB), to administer the broader AHSC Program, which includes the Sustainable Agricultural Land

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: Stacey M. Boyd, Deputy

Contact: Maureen Toms, 674-7878

cc:

BACKGROUND: (CONT'D)

>

Conservation (SALC) Program. Concept proposals are due on February 19, 2015 and complete applications are due on April 15, 2015.

The AHSC Program will assist Project Areas, as defined, by providing loans or grants, or any combination thereof, to projects that will achieve GHG emissions reductions and benefit Disadvantaged Communities through increasing accessibility of affordable housing, employment centers and key destinations via low-carbon transportation resulting in fewer vehicle miles traveled (VMT) through shortened or reduced trip length or mode shift from Single Occupancy Vehicle (SOV) use to transit, bicycling or walking.

Two Project Area types have been identified to implement this strategy:

1. Transit Oriented Development (TOD) Project Areas, or
2. Integrated Connectivity Project (ICP) Project Areas

Department of Conservation and Development staff have reviewed the program guidelines and have identified a proposed affordable housing project in North Richmond, Heritage Point, that may be a competitive ICP project because it is in a disadvantaged community and the project is close enough to "shovel ready" to be competitive. The Heritage Point development site is a land assemblage of 0.75 acre assembled by the former Redevelopment agency in 2009-2011. The site is now an asset of the Housing Successor (County). The County is working with Community Housing Development Corporation (CHDC) of North Richmond on predevelopment activities. The development proposal includes a request for the following entitlements from the County:

1. approval of a Preliminary and Final Development Plan to construct a 4-story, 42-unit, multi-family affordable housing development with small retail and office uses on the ground level. Also proposed are incidental frontage improvements which include modifications to the median strip in Fred Jackson Way to provide more room for emergency vehicles. To accomplish this applicant is also requesting;
2. a General Plan Amendment to change the land use designation from Commercial (CO) to Mixed Use (MU) and
3. a Vesting Tentative Map to combine seven existing lots into two lots.

The development application was submitted May 14, 2014 and the Notice of Intent to Adopt a Mitigated Negative Declaration is expected to be issued in February 2015. A public hearing with the Planning commission is anticipated to occur in late March/early April of 2015.

CHDC plans to submit a concept proposal for the AHSC program. County staff are assisting and the County is proposed to be named as a co-applicant, possibly along with the City of Richmond. CHDC also proposes to seek financing from the following sources: County funds as follows: Housing Successor; HOME Investment Partnerships Act (federal); Community Development Block Grant (federal), and State funds as follows: Greenhouse Gas Reduction Funds (Affordable Housing and Sustainable Communities), and other possible sources. If CHDC is invited to submit an application for funding through the AHSC program, DCD staff will return to the Board of Supervisors on March 31, 2015 to provide a status update and seek approvals, as necessary.

In addition, since the AHSC grant program is expected to continue or expand in the future, DCD staff will work to develop additional project concepts to respond to future requests for proposals.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Notice of Funding Availability

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 500, 95833
P. O. Box 952054
Sacramento, CA 94252-2054
(916) 263-2771 / FAX (916) 263-2763
www.hcd.ca.gov



January 30, 2015

MEMORANDUM FOR: ALL POTENTIAL APPLICANTS

FROM: Laura A. Whittall-Scherfee, Deputy Director
Division of Financial Assistance

**SUBJECT: NOTICE OF FUNDING AVAILABILITY - \$120 MILLION
AFFORDABLE HOUSING AND SUSTAINABLE
COMMUNITIES (AHSC) PROGRAM**

The Department of Housing and Community Development (HCD) is pleased to announce the availability of approximately \$120 million in funding for the Affordable Housing and Sustainable Communities (AHSC) Program (Program). The AHSC Program furthers the purposes of [AB 32](#) (Chapter 488, Statutes 2006) and [SB 375](#) (Chapter 728, Statutes, 2008) by investing in projects that reduce GHG emissions by supporting more compact, infill development patterns, encouraging active transportation and transit usage, and protecting agricultural land from sprawl development. Funding for the AHSC Program is provided from the Greenhouse Gas Reduction Fund (GGRF), an account established to receive Cap-and-Trade auction proceeds.

A complete original concept proposal must be submitted to HCD using the Financial Assistance Application Submittal Tool (FAAST) system no later than **5:00 p.m. on Thursday, February 19, 2015**. Invited applicants must submit a complete original full application, plus one copy, to HCD no later than **5:00 p.m. on Wednesday, April 15, 2015**.

No facsimiles, late applications, incomplete applications, application revisions, electronically transmitted, or walk in application packages will be accepted.

The AHSC Program's full application forms, workshop details, and related program information, will be posted on its website at <http://www.hcd.ca.gov/fa/ahsc>. Questions may be directed to the AHSC Program at (916) 263-2771 or emailed to ahsc@hcd.ca.gov.

Attachment

AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM

FY 2014-15 FUNDING ROUND Notice of Funding Availability



**State of California
Governor Edmund G. Brown Jr.**

**Claudia Cappio, Director
Department of Housing and Community Development
Division of Financial Assistance**

Laura A. Whittall-Scherfee, Deputy Director
Eugene Lee, Section Chief

P.O. Box 952054, Sacramento, CA 94254-2054
Phone: (916) 263-2771; Fax (916) 263-3394
Website: www.hcd.ca.gov/fa/ahsc
E-mail address: ahsc@hcd.ca.gov

AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM NOTICE OF FUNDING AVAILABILITY

PROGRAM DESCRIPTION

A. Introduction

The Strategic Growth Council (Council or SGC) and the Department of Housing and Community Development (HCD) are announcing the availability of approximately \$120 million in funding for the Affordable Housing and Sustainable Communities (AHSC) Program. The AHSC Program furthers the purposes of [AB 32](#) (Chapter 488, Statutes 2006) and [SB 375](#) (Chapter 728, Statutes, 2008) by investing in projects that reduce GHG emissions by supporting more compact, infill development patterns, encouraging active transportation and transit usage, and protecting agricultural land from sprawl development. Funding for the AHSC Program is provided from the Greenhouse Gas Reduction Fund (GGRF), an account established to receive Cap-and-Trade auction proceeds.

The AHSC Program is administered by SGC. HCD will implement the transportation, housing and infrastructure component of the AHSC Program. SGC will coordinate efforts with HCD, working with the California Air Resources Board (ARB), to administer the broader AHSC Program, which includes the Sustainable Agricultural Land Conservation (SALC) Program.

B. Program Summary

The AHSC Program will assist Project Areas, as defined, by providing loans or grants, or any combination thereof, to projects that will achieve GHG emissions reductions and benefit Disadvantaged Communities through increasing accessibility of affordable housing, employment centers and key destinations via low-carbon transportation resulting in fewer vehicle miles traveled (VMT) through shortened or reduced trip length or mode shift from Single Occupancy Vehicle (SOV) use to transit, bicycling or walking. Two Project Area types have been identified to implement this strategy:

- Transit Oriented Development (TOD) Project Areas, or
- Integrated Connectivity Project (ICP) Project Areas.

Available funds are subject to the AHSC Program Guidelines issued by SGC and dated January 20, 2015 (Guidelines). These Guidelines include detailed information on eligibility requirements and application selection criteria, and may be accessed at <http://www.hcd.ca.gov/fa/ahsc>.

C. Eligible Applicants

Eligible applicant entities shall include any of the following:

1. A Locality, public housing authority, redevelopment successor agency, transit agency or transit operator, Regional Transportation Planning Agency (RTPA), local Transportation Commissions, Congestion Management Agencies, Joint Powers

Authority (JPA), school district, facilities district, University or Community College District.

2. A Developer or Program Operator.

Where a Public Agency has a financial or real property interest in the proposed Project, the application will be required to either include the Public Agency as a co-applicant or otherwise include a commitment to enter into a contractual agreement to develop the Project, if it is awarded.

D. Loan and Grant Amounts

The assistance terms and limits are set forth in Section 104 of the Guidelines. They include, but are not limited to, the following requirements:

1. The maximum AHSC Program loan or grant award, or combination thereof, for a TOD Project Area is \$15 million with a minimum award of at least \$1 million.
2. The maximum AHSC Program award for an ICP Project Area is \$8 million with a minimum award of at least \$500,000.
3. The maximum AHSC Program award(s) within the geographic boundary of a Locality is limited to \$15 million per NOFA funding cycle.
4. A single Developer may receive no more than \$15 million per NOFA funding cycle.

The limitations set forth in (3) and (4) above may be waived by HCD if necessary to meet statutorily required Affordable Housing and Disadvantaged Community set-asides as detailed in Section 105(d)(3)(A) and (B).

AHSC Loan Summary

Loans for rental Affordable Housing Developments, or the rental portions of an Affordable Housing Development, are subject to the following terms:

1. AHSC Program funds will be provided as a loan for permanent financing by HCD to the owner of the Affordable Housing Development, with the same terms as HCD's Multifamily Housing (MHP) Program financing as set forth in 25 CCR 7308.
2. The base loan amount shall be calculated pursuant to 25 CCR 7307 based on the number of Restricted Units in the Affordable Housing Development, affordability, unit sizes, and location according to the 2014 MHP HERA and non-HERA loan limits posted on the HCD website <http://www.hcd.ca.gov/hpd/hrc/rep/state/incNote.html>.
3. For Affordable Housing Developments receiving 4% low-income housing tax credits, \$30,000 per Restricted Unit may be added to the base amount for loan limit calculation purposes.

AHSC Grant Summary

1. The total Housing-Related Infrastructure Capital Project grant amount is \$35,000 per residential unit in the proposed Affordable Housing Development, and \$50,000 per Restricted Unit as defined in the Guidelines.
2. The total Transportation-Related Infrastructure Capital Project grant amount is based on the award limits set forth in Section 104(a) through (d).
3. The total grant amount for Planning Costs within a Project Area shall not exceed 15 percent of the funding request for the overall Project up to \$250,000.
4. The total grant amount for Program Costs within a Project Area shall not exceed 30 percent of the funding request for the overall Project up to \$500,000.
5. The total grant amount for homeownership Affordable Housing Developments shall be calculated pursuant to the provisions of the BEGIN Guidelines dated April 21, 2009 located at http://www.hcd.ca.gov/fa/begin/2009_BEGIN_Guidelines.pdf.

E. Application Scoring

Applications shall be evaluated based on the criteria set forth in Sections 102 through 107 of the AHSC Program Guidelines.

Applications are ineligible if construction has commenced as of the application due date set forth in this NOFA.

Applicants invited to submit a full application must complete an AHSC Self-Scoring Worksheet and provide documentation acceptable to HCD that adequately supports the self-score provided. **Full applications that do not include a Self-Scoring Worksheet will not be considered for funding.** Self-Scoring Worksheets must be included within the application at the time of submittal to HCD. No additional information may be added to a full application after it has been submitted.

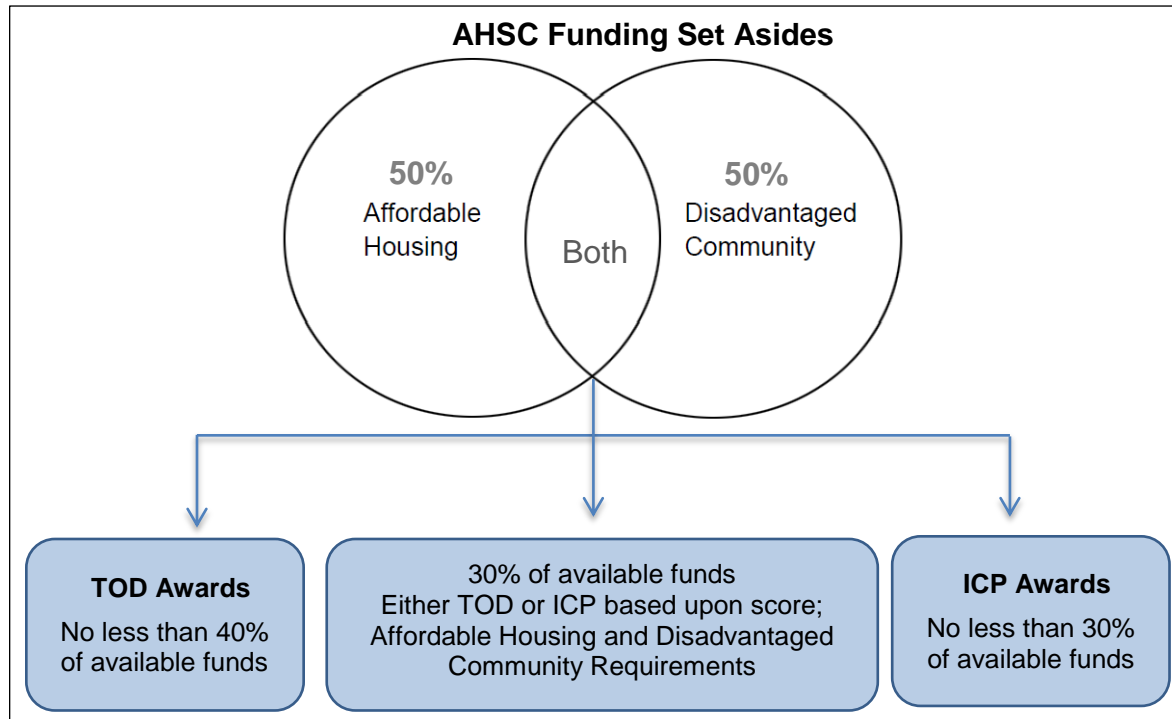
The highest scoring applications that meet all threshold requirements shall be recommended to the Council for funding. Applications will be funded in descending order. SGC may make adjustments in this procedure to meet the following distribution objectives specified in Section 105(d)(3):

1. At least fifty (50) percent of AHSC Program expenditure for Projects benefitting Disadvantaged Communities (Refer to Appendix E of the Program Guidelines for additional information).
2. At least fifty (50) percent of the annual proceeds appropriated for the AHSC Program shall be expended for affordable housing.¹ For the purposes of this set-aside, expenditures

¹ The requirements detailed in items 1 and 2 are not mutually exclusive.

related to Affordable Housing Development and Housing-Related Infrastructure Capital Projects shall count toward this requirement.

3. No less than forty (40) percent of funds available as designated in the NOFA will be allocated to TOD Project Area applications.
4. No less than thirty (30) percent of funds available as designated in the NOFA will be allocated to ICP Project Area applications.



5. To the extent applications received are not sufficient to meet TOD Project Area or ICP Project Area set-aside detailed in (3) and (4) above, the SGC reserves the right to waive these requirements and recommend funding a greater percentage of applications in either of the two identified Project Area types.

Tie Breaker Criteria

In the event two or more applications have the same rating and ranking scores, the following bonus points will be awarded pursuant to Section 105 (d)(7) in this order of priority until there is no longer a tie:

- (1) 5 bonus points will be awarded to the application with the highest value (rounded to three decimal places) resulting from the following formula:

$$\frac{(\text{Total Restricted Units}/\text{Total Residential Units})}{(\text{Average AMI of the Total Restricted Units})}$$

- (2) 3 bonus points will be awarded to the application located within a Disadvantaged Community with the highest percentage range as represented in CalEnviroscreen 2.0.

- (3) 1 bonus point will be awarded to the application with the highest score in Section 107(b) through (d).

APPLICATION PROCEDURES AND DEADLINE

A. Application Process

1. Concept Proposals

All applicants must submit a concept proposal by no later than 5:00 p.m. on February 19, 2015 for review and evaluation by HCD which contains the required contents as stated in Figure 5 of Section 105(c) of the Guidelines. HCD will notify and invite applicants by no later than March 11, 2015 to submit a full application based on the ranking of concept proposals, the cumulative amount of requested funds from all applicants, and its consideration in satisfying the statutorily required Affordable Housing and Disadvantaged Community set-asides and TOD/ICP set-asides stated in Section 105(d)(3)(A) through (D) of the Guidelines.

2. Full Applications

Applicants who have submitted a concept proposal and have been invited to submit a full application must submit a full and complete application by no later than 5:00 PM on April 15, 2015. HCD will evaluate competitive applications for compliance with all requirements in Sections 105 and 106 of the Guidelines, and will score eligible applications based on the criteria in Section 107. HCD will contact applicants recommended for funding.

The full application will be released no later than March 11, 2015 and will be available on HCD's website.

The anticipated date of Program awards is no later than July 15, 2015.

The ultimate awarding of Program funds is subject to the approval of the Council. The decision of the Council is final.

B. Application Packaging and Submittal

1. Concept Proposals

Applicants must complete and submit the proposal using the Financial Assistance Application Submittal Tool (FAAST) system according to the following instructions:

- Access the FAAST online application tool at:
https://faast.waterboards.ca.gov/User_Registration/SignUpOrgSearch.aspx.
- You will be prompted to develop a login name and password to use the FAAST tool. Application information will be entered into FAAST by typing information into text boxes, selecting choices from preset lists, and uploading attachments.

- Sign up for and explore the FFAST tool before beginning work on your application. Then prepare answers in an unformatted text document for editing. Finally, cut and paste information into the online application and ensure that your content is displaying correctly and responses are not cut off.
- Review Concept Proposal instructions to submit all required attachments and documentation.
- Be sure to save your work often. The FFAST tool starts a 90-minute timer each time a user logs into their account. The timer resets to 90 minutes each time a user saves their work to the system. When working in FFAST, you can save work-in-progress at any point, and you can then return to your application at another time.
- Use only basic formatting. Extra symbols or layout designs can interfere with completion of the online application.
- Concept Proposals must be submitted via the FFAST system by no later than 5:00 p.m. on February 19, 2015.

2. Full Applications

Unlike the Concept Proposals, HCD will only accept hard copy full applications through a mail carrier service such as U.S. Postal Service, UPS, Fed Ex or other carrier services that provide date stamp verification confirming delivery to HCD's offices at:

AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM

Department of Housing and Community Development

Division of Financial Assistance

2020 W. El Camino Avenue, Suite 650

Sacramento, CA 95833

A complete original application, plus one copy, must be received by HCD no later than **5:00 p.m. on the April 15, 2015.**

Facsimiles, late applications, incomplete applications, application revisions, electronically transmitted, or walk in application packages will NOT be accepted.

Applications must meet all eligibility requirements upon submission. Applications having material internal inconsistencies will not be rated and ranked.

The AHSC Program will utilize an application with attachments. **The application forms and instructions will be available on HCD's website.** Modification of the application forms by the applicant is prohibited.

It is the applicant's responsibility to ensure that the application is clear, complete and accurate. After the application deadline, HCD staff may request clarifying information or inquire as to where in the application specific information is located provided that such information does not affect the competitive rating of the application. No information, whether written or oral, will be solicited or accepted if this information would result in a competitive

advantage to an applicant or a competitive disadvantage to other applicants. No applicant may appeal the evaluation of another applicant's application.

C. Application Workshop

To assist applicants in preparation of concept proposals, HCD will conduct Application Workshops. Detailed information regarding workshop dates and locations as well as an RSVP form will be available on [SGC's website](http://www.sgc.ca.gov/s_ahscprogram.php) at http://www.sgc.ca.gov/s_ahscprogram.php. HCD may provide full application technical assistance upon request.

D. State Prevailing Wages

AHSC Program funds will be considered to be public funds pursuant to State Prevailing Wage Law: Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720, unless exempt by the terms of that statute. See Labor Code Section 1720, subdivisions (c) and (d).

The nature and extent of prevailing wage obligations will depend on the financial structure of each project receiving or supported by AHSC Program assistance. Applicants are urged to seek professional advice as to how this law may affect their application.

E. Disclosure of Application

Information provided in the application will become a public record available for review by the public pursuant to the Public Records Act. As such, any materials provided will be disclosable to any person making a public records request. HCD cautions applicants to use discretion in providing information that is not specifically requested, including but not limited to, bank account numbers, personal phone numbers and home addresses. By providing this information to HCD, the Applicant is waiving any claim of confidentiality and consents to the disclosure of all submitted material upon request.

F. Other Information

The AHSC Program's application forms, workshop details, and related program information, will be posted on HCD's website at <http://www.hcd.ca.gov/fa/ahsc>.

Questions may be directed to the AHSC Program at (916) 263-2771 or ahsc@hcd.ca.gov.



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 10, 2015

Subject: UPDATED OPERATING PROCEDURES FOR BOARD OF SUPERVISORS MEETINGS

RECOMMENDATION(S):

ADOPT Resolution No. 2015/55 to update the operating procedures for Board of Supervisors meetings as directed by the Board on January 27, 2015.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

More than five years have passed since the Board last updated the procedures for the conduct of its meetings. The attached rules generally reflect current practices. The rules are expected to facilitate the orderly, efficient, and fair conduct of Board meetings, and provide more clarity for members of the public and thus further the Board's goal of transparency and open government. The modifications include:

- the goal of limiting the number of weekly presentations to three
- the combining of the Short Discussion and Deliberation agenda categories into a new Discussion category
- clarifying that public speakers are not required to state their address
- clarifying that the Chair may reduce the amount of time allotted to each public speaker or set a maximum time for all testimony on an item, depending upon the number of speakers and the business of the day
- updating the website address at which public comment may be mailed
- clarifying the procedure to register a vote by a Supervisor who was absent from all or part of a meeting.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

, County Administrator and Clerk of the Board of Supervisors

ABSENT: Candace Andersen, District II
Supervisor

By: June McHuen, Deputy

Contact: JULIE DiMAGGIO ENEA
925.335.1077

CONSEQUENCE OF NEGATIVE ACTION:

Should the Board of Supervisors elect not to approve the updated procedures, the procedures will continue to be outdated and will not reflect changes in practice that have occurred since 2009.

AGENDA ATTACHMENTS

Resolution No. 2015/55

Attach A to Res 2015/55: Board of Supervisors Operating Procedures

Attach B: Updated Procedures - REDLINE VERSION

MINUTES ATTACHMENTS

Signed Resolution No. 2015/55

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

Adopted this Resolution on 02/10/2015 by the following vote:

AYE:	<input type="text" value="4"/>	John Gioia Mary N. Piepho Karen Mitchoff Federal D. Glover
NO:	<input type="text"/>	
ABSENT:	<input type="text" value="1"/>	Candace Andersen
ABSTAIN:	<input type="text"/>	
RECUSE:	<input type="text"/>	



Resolution No. 2015/55

IN THE MATTER OF UPDATING THE OPERATING PROCEDURES FOR BOARD OF SUPERVISORS MEETINGS

WHEREAS, the Board of Supervisors is committed to continue conducting its meetings in a manner that provides ample opportunity for members of the public to participate; and

WHEREAS, more than five years have passed since the Board adopted procedures for the conduct of its meetings, and occasionally matters have arisen that suggest that the procedures should be reviewed and modified to address procedural questions that do not appear to be answered in the current procedures;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County hereby adopts the attached Rules of Procedures for the conduct of its meetings.

BE IT FURTHER RESOLVED that this Resolution supersedes Resolution Nos. 2009/12 and 1996/35.

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

Contact: JULIE DiMAGGIO ENEA
925.335.1077

ATTESTED: February 10, 2015
_____, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

cc: District I Supervisor, District II Supervisor, District III Supervisor, District IV Supervisor, District V Supervisor, CAO, County Counsel, DCD Director

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 02/10/2015 by the following vote:

AYE: ☒ 4 **John Gioia**
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

NO: ☐

ABSENT: ☒ 1 **Candace Andersen**

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2015/55

IN THE MATTER OF UPDATING THE OPERATING PROCEDURES FOR BOARD OF SUPERVISORS MEETINGS

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Contact: JULIE DiMAGGIO ENEA
925.335.1077

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

ATTESTED: February 10, 2015

, County Administrator and Clerk of the Board of Supervisors

By:  June McHuen, Deputy

cc: District I Supervisor, District II Supervisor, District III Supervisor, District IV Supervisor, District V Supervisor, CAO, County Counsel, DCD Director

RULES OF PROCEDURES FOR BOARD OF SUPERVISORS MEETINGS

POLICY

It is the policy of the Board of Supervisors to hold public meetings in accordance with the requirements of the Ralph M. Brown Act and all other applicable governing legislation. The Board strives to govern and work together in an effective, efficient, ethical and courteous manner in the highest tradition of public service and in the best interests of the County of Contra Costa and its residents. This resolution supersedes Resolution Nos. 2009/12 and 96-35.

PROCEDURE

GENERAL PROVISIONS

Rule 1. Applicability of Rules

1.1 These Rules of Procedure (“Rules”) are adopted pursuant to Government Code Section 25003. The rules apply to the Board of Supervisors of the County of Contra Costa whether sitting as the Board of Supervisors of the County or as the governing body of any other district, authority, or board.

1.2 The Rules are deemed to be procedural only. Except as otherwise provided by law, the failure to strictly observe application of the Rules shall not affect the jurisdiction of the Board or invalidate any action taken at a meeting that is otherwise held in conformity with law.

1.3 Except as otherwise provided by law, these Rules, or any one of them, may be suspended by order of the Chair and will be deemed suspended by actions taken by or with the consent of the Chair or a majority of the Board members.

Rule 2 . Definitions

2.1 “Board” means the Board of Supervisors of the County of Contra Costa, whether sitting as the Board of Supervisors of the County or as the governing body of any other district, authority or board;

2.2 “Chair” and “Vice Chair” mean the Board members elected to those respective offices. “Chair” also means the presiding officer acting in the absence of the elected Chair.

2.3 “Clerk” means the Clerk of the Board or a Deputy Clerk of the Board;

2.4 “County Counsel” means the Board’s attorney, appointed pursuant to Ordinance Code section 24-12.002.

MEETINGS

Rule 3. Organization Meeting

The Organization Meeting of the Board shall be held on its first regular meeting in January of each year, at which time there shall be an election of officers.

Rule 4. Regular Meetings

4.1 All regular meetings shall be held by the Board, in all its capacities, in its chambers in the Contra Costa County Administration Building, at 651 Pine Street, Martinez, California. Regular meetings shall commence at 9:00 a.m., or as otherwise prescribed by the Chair. Regular meetings generally shall be held on every Tuesday of the month. However, the Board of Supervisors shall not be required to hold a regular meeting (1) on any Tuesday that is the fifth Tuesday of a calendar month, (2) on any Tuesday following a Monday holiday; (3) that is canceled pursuant to the annual calendar adopted by the Board or (4) that is canceled by the Chair when no quorum is expected to be present.

4.2 Holidays, fifth Tuesdays, and periodic breaks, which result in a canceled meeting, will be determined by the Board and posted annually.

Rule 5. Absence of a Quorum, Adjournment

5.1 In the absence of a quorum, the remaining members or (if no member is present) the Clerk may adjourn the meeting to another date and time in accordance with Government Code Section 54955 and shall post a Notice of Adjournment.

5.2 In the event a Supervisor leaves the hearing room, momentarily causing a lack of quorum, he or she should notify the Chair of his or her intended absence, and the Chair may call a recess.

ELECTION, POWERS AND DUTIES OF CHAIR AND VICE CHAIR

Rule 6. Annual Selection of Chair and Vice Chair

At its Organization Meeting, the Board shall nominate and elect from its membership a Chair and Vice Chair to serve until the next year’s Organization Meeting, or until the selection of their successors, whichever occurs later.

Rule 7. Powers and Duties of Chair

The Chair shall serve as presiding officer of the Board, rule on questions of procedure, nominate for Board approval representatives to Board committees whose appointment is not otherwise provided for, sign resolutions, ordinances, contracts, leases and other official documents approved by the Board, preserve order and decorum, and decide all questions of order. The Chair may consult with County Counsel in making such rulings. Decisions of the Chair may be overruled by a majority vote of the Board of Supervisors.

Rule 8. Powers and Duties of the Vice-Chair

The Vice-Chair shall have and exercise all powers and duties of the Chair at the meetings at which the Chair is absent.

Rule 9. Selection of a Chair Pro Tempore

If neither the Chair nor the Vice-Chair is present at a Board meeting, the Board members present shall select one of their members to act as the Chair Pro Tempore. The Chair Pro Tempore shall have and exercise all the powers and duties of the Chair for that particular meeting only.

ORDER AND CONDUCT OF BUSINESS

Rule 10. Order of Business

The order of business at each regular meeting, except for such times as may be set apart for consideration of special items (or as otherwise prescribed by the Chair), shall be as follows:

10.1 Call to Order

The presiding officer initiates the proceedings by bringing the meeting to order.

10.2 Roll Call

The Clerk calls the roll and records by name all members present or absent. During the course of the meeting the Clerk records the arrival of any member listed as absent and the departure of any member listed as present.

10.3 Inspirational Thought

The Board hears an inspirational thought as set forth on the agenda.

10.4 Pledge of Allegiance to the Flag of the United States of America.

The Chair designates a person to lead those present in reciting the Pledge.

10.5 Agenda Review

The Chair inquires whether Board members or the County Administrator wish to make any agenda revisions or request any items to be continued or removed from the Consent agenda.

10.6 Added Items

The Board may take action on items of business not appearing on the posted agenda under any of the following circumstances:

10.6.1 Upon a determination by a majority vote that an emergency situation exists, as defined in Government Code Section 54956.5;

10.6.2 Upon a determination by a two-thirds vote, or, if fewer than two-thirds of the members are present, by unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being posted;

10.6.3 The item was posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

10.7 Consent Agenda Items

Consent agenda items are routine in nature and do not require individual consideration. All consent items are approved by a single vote as recommended without discussion unless an item is removed and continued or considered during the regular agenda for separate action at the request of a Board member, staff member, or a member of the public.

10.8 Presentations

Each presentation will last no more than five minutes, unless this time is extended by the Chair. A maximum of three presentations may be scheduled at each meeting except that the Chair may authorize an additional presentation(s). The subject of the presentations should be of countywide interest and significance.

10.9 Public Comment

Public Comment is that period of time set aside for members of the public to address the Board on items of County business not listed on the agenda (“off-agenda”). The Public Comment item shall be deemed to constitute the opportunity for members of the public to address the Board in compliance with Government Code Section 54954.3. See Rule 11.1 and 11.2.

10.10 Discussion Items

Discussion items include items previously removed from the consent calendar.

10.11 Closed Session

Closed session discussion items are intended to be heard at the specified time(s) but may be heard earlier or later, in the discretion of the Chair.

10.12 Adjournment

Any Board member may request that the meeting be adjourned in memory of a recently deceased person.

Rule 11. Conduct of Meetings

11.1 Addressing the Board—General

11.1.1 Before the meeting, or during the meeting before the agenda item to be addressed, a person wishing to address the Board should fill out a yellow speaker card and deposit it in the box near the podium.

11.1.2 When called upon, the person should come to the podium, state his or her name for the record, and, if speaking for an organization or other group, identify the organization or group represented.

11.1.3 All remarks should be addressed to the Board as a whole, not to individual members, to the staff, or to the audience. Each person speaking from the floor shall obtain permission from the Chair.

11.1.4 Questions, if any, should be addressed to the Chair, who will determine whether or by whom an answer will be provided.

11.1.5 Each speaker will have three minutes. This time may be extended or reduced, in the discretion of the Chair.

11.1.6 All speakers, especially those who anticipate making oral presentations or comments exceeding three minutes, are encouraged to submit comments in writing, in advance, to the Clerk for distribution to the Board and other interested parties at the earliest feasible time before the meeting, but no later than 8:00 a.m. on the day of the meeting. Written comments may be submitted either by mail or via email: clerkoftheboard@cob.cccounty.us. The Board requests that a person providing written materials to the Board during a meeting submit an original and 10 copies. Such written comments will be distributed to members of the Board and staff.

11.1.7 In order to maintain a public meeting environment conducive to receiving public testimony from all sides of any issue, it is the Board's policy that the audience will be discouraged from engaging in audible or emotional displays of support or opposition to testimony provided. Behavior such as clapping, booing, hissing, and cheering can create an intimidating environment for people interested in giving public testimony and can unnecessarily lengthen Board meetings. Consequently, such behavior is discouraged.

11.1.8 Speakers should not present the same or substantially the same items or argument to the Board as presented by earlier speakers, or be profane in presenting their oral comments.

11.1.9 In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject matter, the Chair may request that a spokesperson be chosen by the group to comment on its behalf.

11.1.10 To minimize distractions during public meetings, all personal communication devices, such as mobile phones and pagers, will be turned off or put in a non-audible mode during Board meetings.

11.1.11 Any of the foregoing rules may be waived by the Chair or by a majority vote of the Board members present when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

11.1.12 The rules set forth above are not exclusive and do not limit the inherent power and general legal authority of the Board, or of its presiding officer, to govern the conduct of Board meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the County.

11.2 Addressing the Board—Public Comment

Comments under Public Comment are limited to subjects within the subject matter jurisdiction of the County but not on the agenda. Such comments are limited to no more than three minutes per speaker. If numerous persons wish to make comments, the Chair may limit the Public Comment period to a specific amount of time, *e.g.* 30 minutes total for all speakers, and/or may reduce the time limit per speaker, *e.g.* 2 minutes per speaker. Speakers are encouraged to submit written comments, either by mail or via email: clerkoftheboard@cob.cccounty.us. Written comments must be received by the Clerk of the Board before 8:00 a.m. on the day of the meeting in order to be considered at the meeting.

11.3 Addressing the Board—Items Removed from Consent Calendar

Members of the public addressing the Board in connection with more than one item that has been removed from consent calendar at a single meeting are limited to a cumulative total of not to exceed 12 minutes for all of their oral presentations at such meeting, unless otherwise allowed by the Chair. The purpose of this provision is to ensure that all members of the public who wish to speak during a meeting have an opportunity to do so and to permit the effective and orderly conduct of the County's business.

11.4 Addressing the Board—Public Hearings

11.4.1 Any member of the public wishing to address the Board orally on a public hearing on the Board agenda may do so before or during the hearing, or as otherwise specified by the Chair.

11.4.2 Any person desiring to have a hearing transcribed by a stenographic reporter at his or her own expense may do so, provided that he or she consults the Clerk to arrange facilities for such reporting prior to commencement of the hearing and advises the Clerk of the full name, business address, and telephone number of the reporter being used.

11.5 Use of Acronyms

The Board discourages the use of acronyms, abbreviations, and industry-specific language in its meetings and written materials.

Rule 12. Public Hearings for Planning and Zoning Matters—(Land Use Matters)

12.1 Order of Procedure

Unless the Chair in his or her discretion directs otherwise, the order for presentation of testimony on particular land use items shall be as follows:

12.1.1 Presentation by staff.

12.1.2 Documents. The Chair acknowledges receipt of any documents offered as evidence and filed with the Clerk before the hearing.

12.1.3 First Presentation. If the item is presented for Board approval (e.g., rezoning, development plan), the first presentation is by the project applicant, followed by public testimony. If the item is an appeal from a decision of a lower body (e.g., subdivision, land use permit), the first presentation is by the appellant, followed by the presentation by the project applicant. This presentation (or each presentation, if the item is an appeal) shall not exceed 10 minutes or the approximate length of the staff presentation, whichever is greater.

12.1.4 Public testimony. Each speaker shall have no more than three minutes.

12.1.5 Rebuttal. A rebuttal not exceeding five minutes may be made by the person making the first presentation.

12.1.6 Closing comments by staff.

12.1.7 Board discussion and decision.

12.2 Conduct of Hearings

12.2.1 Witnesses' Testimony. Witnesses will not be sworn.

12.2.2 Rules of Evidence. The hearing will not be conducted according to technical judicial rules of evidence. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The Chair may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings ensuring basic fairness and a full airing of the issues involved.

12.3 Exhibits.

12.3.1 Subject to paragraph 12.3.2, all exhibits, including documentary materials such as photographs, drawings, maps, charts, letters, petitions and other physical evidence, presented at a land use hearing shall be retained in the Board of Supervisors files as part of the record of the hearing.

12.3.2 Any staff exhibit (e.g., a general plan or area map) that has been or will be used in other land use hearings will be preserved by the Community Development Department for future reference. A notation indicating its location shall be made in the case file in any matter in which it has been used.

12.4 Questioning of Speakers and Staff.

Any person desiring to direct a question to a speaker or staff member shall submit the question to the Chair, who shall determine whether the question is relevant to the subject of the hearing and whether or not it need be answered by the speaker or staff member.

12.5 Overriding Fairness. Notwithstanding the provisions of paragraph 12.1, the Board is committed to provide an applicant, appellant, or other person or entity with a substantial, direct property interest in an item, a full and fair hearing, based on the facts and circumstances of the particular matter, the nature and complexity of the particular issue, the number of persons wishing to be heard, and similar due process considerations. Toward this end, the Chair, in his or her discretion, may extend the time limits set forth in paragraph 12.1 and consider other procedural mechanisms.

12.6 Absent From Hearing. A Supervisor who was absent from all or part of a hearing may vote on the matter if the Supervisor states for the record that he or she has reviewed all evidence received during the absence and also states that he or she has either: (1) listened to the Clerk's recording, (2) watched the video, or (3) read a complete transcript of the proceedings that occurred during his or her absence.

Rule 13. Nuisance Abatement Hearings

A hearing on an appeal from the County Abatement Officer's Notice and Order to Abate shall be held in accordance with the provisions of County Ordinance Code section 14-6.418, as well as with these Procedures. In the event of a conflict, the provisions of County Ordinance Code section 14-6.418 shall prevail.

Rule 14. Disruption of Meeting

If any meeting is willfully interrupted by a group or groups of persons so that the orderly conduct of the meeting becomes infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Chair may order the meeting room cleared, as authorized by law (Gov. Code, § 54957.9), recess the meeting, or adjourn the meeting.

RULES OF PROCEDURES FOR
BOARD OF SUPERVISORS MEETINGS

POLICY

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~~No. 96/35.~~

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PROCEDURE

GENERAL PROVISIONS

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1.3 Except as otherwise provided by law, these Rules, or any one of them, may be suspended by order of the Chair and will be deemed suspended by actions taken by or with the consent of the Chair or a majority of the Board members.

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2.1 “Board” means the Board of Supervisors of the County of Contra Costa, whether sitting as the Board of Supervisors of the County or as the governing body of any other district, authority or board;

2.2 “Chair” and “Vice Chair” mean the Board members elected to those respective offices. “Chair” also means the presiding officer acting in the absence of the elected Chair.

2.3 “Clerk” means the Clerk of the Board or a Deputy Clerk of the Board;

2.4 “County Counsel” means the Board’s attorney, appointed pursuant to Ordinance Code section 24-12.002.

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MEETINGS

Rule 3. Organization Meeting

The Organization Meeting of the Board shall be held on its first regular meeting in January of each year, at which time there shall be an election of officers.

Rule 4. Regular Meetings

4.1 All regular meetings shall be held by the Board, in all its capacities, in its chambers in the Contra Costa County Administration Building, at 651 Pine Street, Martinez, California. Regular meetings shall commence at 9:00 a.m., or as otherwise prescribed by the Chair. Regular meetings generally shall be held on every Tuesday of the month. However, the Board of Supervisors shall not be required to hold a regular meeting (1) on any Tuesday that is the fifth Tuesday of a calendar month, (2) on any Tuesday following a Monday holiday; (3) that is canceled pursuant to the annual calendar adopted by the Board or (4) that is canceled by the Chair when no quorum is expected to be present.

4.2 Holidays, fifth Tuesdays, and periodic breaks, which result in a canceled meeting, will be determined by the Board and posted annually.

Rule 5. Absence of a Quorum, Adjournment

5.1 In the absence of a quorum, the remaining members or (if no member is present) the Clerk may adjourn the meeting to another date and time in accordance with Government Code Section 54955 and shall post a Notice of Adjournment.

5.2 In the event a Supervisor leaves the hearing room, momentarily causing a lack of quorum, he or she should notify the Chair of his or her intended absence, and the Chair may call a recess.

ELECTION, POWERS AND DUTIES OF CHAIR AND VICE CHAIR

Rule 6. Annual Selection of Chair and Vice Chair

At its Organization Meeting, the Board shall nominate and elect from its membership a Chair and Vice Chair to serve until the next year's Organization Meeting, or until the selection of their successors, whichever occurs later.

Rule 7. Powers and Duties of Chair

The Chair shall serve as presiding officer of the Board, rule on questions of procedure, nominate for Board approval representatives to Board committees whose appointment is not otherwise provided for, sign resolutions, ordinances, contracts, leases and other official documents approved by the Board, preserve order and decorum, and decide all questions of order. The Chair may consult with County Counsel in making such rulings. Decisions of the Chair may be overruled by a majority vote of the Board of Supervisors.

Rule 8. Powers and Duties of the Vice-Chair

The Vice-Chair shall have and exercise all powers and duties of the Chair at the meetings at which the Chair is absent.

Rule 9. Selection of a Chair Pro Tempore

If neither the Chair nor the Vice-Chair is present at a Board meeting, the Board members present shall select one of their members to act as the Chair Pro Tempore. The Chair Pro Tempore shall have and exercise all the powers and duties of the Chair for that particular meeting only.

ORDER AND CONDUCT OF BUSINESS

Rule 10. Order of Business

The order of business at each regular meeting, except for such times as may be set apart for consideration of special items (or as otherwise prescribed by the Chair), shall be as follows:

10.1 Call to Order

The presiding officer initiates the proceedings by bringing the meeting to order.

10.2 Roll Call

The Clerk calls the roll and records by name all members present or absent. During the course of the meeting the Clerk records the arrival of any member listed as absent and the departure of any member listed as present.

10.3 Inspirational Thought

The Board hears an inspirational thought as set forth on the agenda.

10.4 Pledge of Allegiance to the Flag of the United States of America.

The Chair designates a person to lead those present in reciting the Pledge.

10.5 Agenda Review

The Chair inquires whether Board members or the County Administrator wish to make any agenda revisions or request any items to be continued or removed from the Consent agenda.

10.6 Added Items

The Board may take action on items of business not appearing on the posted agenda under any of the following circumstances:

10.6.1 Upon a determination by a majority vote that an emergency situation exists, as defined in Government Code Section 54956.5;

10.6.2 Upon a determination by a two-thirds vote, or, if fewer than two-thirds of the members are present, by unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being posted;

10.6.3 The item was posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

10.7 Consent Agenda Items

Consent agenda items are routine in nature and do not require individual consideration. All consent items are approved by a single vote as recommended without discussion unless an item is removed and continued or considered during the regular agenda for separate action at the request of a Board member, staff member, or a member of the public.

10.8 Presentations

Each presentation will last no more than five minutes, unless this time is extended by the Chair. A maximum of three presentations may be scheduled at each meeting except that the Chair may authorize an additional presentation(s). The subject of the presentations should be of countywide interest and significance.

10.9 Public Comment

Public Comment is that period of time set aside for members of the public to address the Board on items of County business not listed on the agenda ("off-agenda"). The Public Comment item shall be deemed to constitute the opportunity for members of the public to address the Board in compliance with Government Code Section 54954.3. See Rule 11.1 and 11.2.

10.10 ~~Short~~ Discussion Items

Short Discussion Items are expected to last no more than five minutes each~~Discussion items -~~
~~These~~ include items previously removed from the consent calendar.

~~10.11~~ Deliberation Items

~~10.11~~ 12 Closed Session

Closed session discussion items are intended to be heard at the specified time(s) but may be heard earlier or later, in the discretion of the Chair.

10.1~~2~~ 3 Adjournment

Any Board member may request that the meeting be adjourned in memory of a recently deceased person.

Rule 11. Conduct of Meetings

11.1 Addressing the Board—General

11.1.1 Before the meeting, or during the meeting before the agenda item to be addressed, a person wishing to address the Board should fill out a yellow speaker card and deposit it in the box near the podium.

11.1.2 When called upon, the person should come to the podium, state his or her name ~~and address~~ for the record, and, if speaking for an organization or other group, identify the organization or group represented.

11.1.3 All remarks should be addressed to the Board as a whole, not to individual members, to the staff, or to the audience. Each person speaking from the floor shall obtain permission from the Chair.

11.1.4 Questions, if any, should be addressed to the Chair, who will determine whether or by whom an answer will be provided.

11.1.5 Each speaker will have three minutes. This time may be extended or reduced, in the discretion of the Chair.

11.1.6 All speakers, especially those who anticipate making oral presentations or comments exceeding three minutes, are encouraged to submit comments in writing, in advance, to the Clerk for distribution to the Board and other interested parties at the earliest feasible time before the meeting, but no later than 8:00 a.m. on the day of the meeting. Written comments may be submitted either by mail or ~~through the County's web site~~ via email: clerkoftheboard@cob.cccounty.us ~~http://www.cccounty.us~~. The Board requests that a person providing written materials to the Board during a meeting submit an original and 10 copies. Such written comments will be distributed to members of the Board and staff.

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11.1.7 In order to maintain a public meeting environment conducive to receiving public testimony from all sides of any issue, it is the Board's policy that the audience will be discouraged from engaging in audible or emotional displays of support or opposition to testimony provided. Behavior such as clapping, booing, hissing, and cheering can create an intimidating environment for people interested in giving public testimony and can unnecessarily lengthen Board meetings. Consequently, such behavior is discouraged.

11.1.8 Speakers should not present the same or substantially the same items or argument to the Board as presented by earlier speakers, or be profane in presenting their oral comments.

11.1.9 In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject matter, the Chair may request that a spokesperson be chosen by the group to comment on its behalf.

~~11.1.10 If any meeting is willfully interrupted by one or more individuals so that the orderly conduct of the meeting becomes infeasible, the Chair may order the removal of those~~

~~individuals from the meeting, as authorized by law (Gov. Code, § 54957.9) or recess the meeting.~~

11.1.1~~01~~ To minimize distractions during public meetings, all personal communication devices, such as mobile phones and pagers, will be turned off or put in a non-audible mode during Board meetings.

11.1.1~~12~~ Any of the foregoing rules may be waived by the Chair or by a majority vote of the Board members present when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

11.1.1~~23~~ The rules set forth above are not exclusive and do not limit the inherent power and general legal authority of the Board, or of its presiding officer, to govern the conduct of Board meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the County.

11.2 Addressing the Board—Public Comment

Comments under Public Comment are limited to subjects within the subject matter jurisdiction of the County but not on the agenda. Such comments are limited to no more than three minutes per speaker. If numerous persons wish to make comments, the Chair may limit the Public Comment ~~period to a specific amount of time, e.g. to no more than~~ 30 minutes total for all speakers, ~~and/or may reduce the time limit per speaker, e.g. 2 minutes per speaker, with each speaker given no more than three minutes.~~ Speakers are encouraged to submit written comments, either by mail or via email: clerkoftheboard@cob.cccounty.us ~~mail or through the County's web site: <http://www.cccounty.us>~~. Written comments must be received by the Clerk of the Board before 8:00 a.m. on the day of the meeting in order to be considered at the meeting.

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11.3 Addressing the Board—Items Removed from Consent Calendar

Members of the public addressing the Board in connection with more than one item that has been removed from consent calendar at a single meeting are limited to a cumulative total of not to exceed 12 minutes for all of their oral presentations at such meeting, unless otherwise allowed by the Chair. The purpose of this provision is to ensure that all members of the public who wish to speak during a meeting have an opportunity to do so and to permit the effective and orderly conduct of the County's business.

11.4 Addressing the Board—Public Hearings

11.4.1 Any member of the public wishing to address the Board orally on a public hearing on the Board agenda may do so before or during the hearing, or as otherwise specified by the Chair.

11.4.2 Any person desiring to have a hearing transcribed by a stenographic reporter at his or her own expense may do so, provided that he or she consults the Clerk to arrange facilities for such reporting prior to commencement of the hearing and advises the Clerk of the full name, business address, and telephone number of the reporter being used.

11.5 Use of Acronyms

The Board discourages the use of acronyms, abbreviations, and industry-specific language in its meetings and written materials.

Rule 12. Public Hearings for Planning and Zoning Matters—(Land Use Matters)

12.1 Order of Procedure

Unless the Chair in his or her discretion directs otherwise, the order for presentation of testimony on particular land use items shall be as follows:

12.1.1 Presentation by staff.

12.1.2 Documents. The Chair acknowledges receipt of any documents offered as evidence and filed with the Clerk before the hearing.

12.1.3 First Presentation. If the item is presented for Board approval (e.g., rezoning, development plan), the first presentation is by the project applicant, followed by public testimony. If the item is an appeal from a decision of a lower body (e.g., subdivision, land use permit), the first presentation is by the appellant, followed by the presentation by the project applicant. This presentation (or each presentation, if the item is an appeal) shall not exceed 10 minutes or the approximate length of the staff presentation, whichever is greater.

12.1.4 Public testimony. Each speaker shall have no more than three minutes.

12.1.5 Rebuttal. A rebuttal not exceeding five minutes may be made by the person making the first presentation.

12.1.6 Closing comments by staff.

12.1.7 Board discussion and decision.

12.2 Conduct of Hearings

12.2.1 Witnesses' Testimony. Witnesses will not be sworn.

12.2.2 Rules of Evidence. The hearing will not be conducted according to technical judicial rules of evidence. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The Chair may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings ensuring basic fairness and a full airing of the issues involved.

12.3 Exhibits.

12.3.1 Subject to paragraph 12.3.2, all exhibits, including documentary materials such as photographs, drawings, maps, charts, letters, petitions and other physical evidence, presented at a land use hearing shall be retained in the Board of Supervisors files as part of the record of the hearing.

12.3.2 Any staff exhibit (e.g., a general plan or area map) that has been or will be used in other land use hearings will be preserved by the Community Development Department for future reference. A notation indicating its location shall be made in the case file in any matter in which it has been used.

12.4 Questioning of Speakers and Staff.

Any person desiring to direct a question to a speaker or staff member shall submit the question to the Chair, who shall determine whether the question is relevant to the subject of the hearing and whether or not it need be answered by the speaker or staff member.

12.5 Overriding Fairness. Notwithstanding the provisions of paragraph 12.1, the Board is committed to provide an applicant, appellant, or other person or entity with a substantial, direct property interest in an item, a full and fair hearing, based on the facts and circumstances of the particular matter, the nature and complexity of the particular issue, the number of persons wishing to be heard, and similar due process considerations. Toward this end, the Chair, in his or her discretion, may extend the time limits set forth in paragraph 12.1 and consider other procedural mechanisms.

12.6 Absent From Hearing. A Supervisor who was absent from all or part of a hearing may vote on the matter if the Supervisor states for the record that he or she has reviewed all evidence received during the absence and also states that he or she has either: (1) listened to the Clerk's recording, (2) watched the video, or (3) has listened to the Clerk's recording, watched the video, or read a complete transcript of the proceedings that occurred during his or her absence.

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Rule 13. Nuisance Abatement Hearings

A hearing on an appeal from the County Abatement Officer's Notice and Order to Abate shall be held in accordance with the provisions of County Ordinance Code section 14-6.418, as well as with these Procedures. In the event of a conflict, the provisions of County Ordinance Code section 14-6.418 shall prevail.

Rule 14. Disruption of Meeting

If any meeting is willfully interrupted by a group or groups of persons so that the orderly conduct of the meeting becomes infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Chair may order the meeting room cleared, as authorized by law (Gov. Code, § 54957.9), recess the meeting, or adjourn the meeting.



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 10, 2015

Subject: APPROVE Notice of Intention to Purchase Real Property from Art A. Pakpour and Mehrzad M. Pakpour.

RECOMMENDATION(S):

APPROVE the attached Notice of Intention to Purchase Real Property ("NOI") in San Pablo known as Lot 1 of Subdivision 9331 recorded October 30, 2014 in Book 521 of Maps at Page 41, Contra Costa County Clerk Recorder, for the sum of \$850,000, pursuant to Government Code Section 25350. Project No.: WLP 847

SET Tuesday, March 10, 2015 at 9:00 a.m., or thereafter, in the Board's Chambers, County Administration Building, 651 Pine Street, Martinez, California, as the date and time for the Board to meet to consummate the purchase.

DIRECT the Real Estate Division of the Public Works Department to publish the attached NOI in the Contra Costa Times pursuant to Government Code Section 6063.

FISCAL IMPACT:

100% Hospital Enterprise Fund.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II
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: February 10, 2015

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

By: Stacey M. Boyd, Deputy

Contact: Carmen Pina-Sandoval,
925-313-2012

cc:

BACKGROUND:

In 2010 Contra Costa County (County) purchased a portion of property from the former City of San Pablo Redevelopment Agency, and then built the West County Health Center (WCHC) and a parking garage. In 2011, the City of San Pablo adopted a plan to develop the remainder of the properties. The plan divided the site into several Lots. Lot 1 is adjacent to the WCHC and fronts San Pablo Avenue. Lot 1 is approximately 40,783 square feet (.93-acres) in size.

Health Services Department staff has determined that Lot 1 is a suitable site for future Health Services Department facilities.

CONSEQUENCE OF NEGATIVE ACTION:

The County would not be able to move forward with the acquisition.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Notice of Intention to Purchase Real Property

**CONTRA COSTA COUNTY
PUBLIC WORKS DEPARTMENT
255 Glacier Drive
Martinez, CA 94553**

NOTICE OF INTENTION TO PURCHASE REAL PROPERTY

The Board of Supervisors of Contra Costa County declares its intention to purchase from Art A. Pakpour and Mehrzad M. Pakpour at a price of \$850,000.00, the real property site containing approximately 40,783 square feet of land known as Lot 1 of Subdivision 9331 recorded October 30, 2014 in Book 521 of Maps at Page 41, Contra Costa County Clerk Recorder, San Pablo, California. The Board Order dated February 10, 2015 declares that the Board will meet on March 10, 2015 at 9:00 a.m., or thereafter, in its Chambers, County Administration Building, 651 Pine Street, Martinez, California, to consummate the purchase.

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

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

By _____, Deputy

Publication Dates:



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 10, 2015

Subject: 2014 ANNUAL REPORT OF THE LAW LIBRARY

RECOMMENDATION(S):

RECEIVE the 2014 Annual Report submitted by the Contra Costa County Law Library Board of Trustees.

FISCAL IMPACT:

No fiscal impact.

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.

The attached report fulfills this requirement for the Law Library.

CONSEQUENCE OF NEGATIVE ACTION:

Not applicable.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 02/10/2015



APPROVED AS
RECOMMENDED



OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Candace Andersen, District II 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: February 10, 2015

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

By: Stacey M. Boyd, Deputy

Contact: Carey Rowan (925)
646-2783

cc:

ATTACHMENTS

2014 Law Library Annual
Report

**CONTRA COSTA COUNTY PUBLIC LAW LIBRARY
ADVISORY BODY 2014 ANNUAL REPORT
TO CONTRA COSTA COUNTY BOARD OF SUPERVISORS**

ADVISORY BODY: Contra Costa County Public Law Library Board of Trustees

MEETING TIME: 12:15 p.m. on the last Thursday of each month is the normal meeting time. In the case of a meeting date conflicting with a holiday, the meeting is scheduled one week earlier in the month.

LOCATION: Contra Costa County Public Law Library
1020 Ward Street, Floor 1
Martinez, CA 94553

PRESIDENT DURING REPORTING PERIOD: Hon. Susanne Fenstermacher

STAFF PERSON: Carey Rowan, Library Director

REPORTING PERIOD: January 1- December 31, 2014

I. ACTIVITIES / ACCOMPLISHMENTS:

Administration:

- ✓ The Board of Trustees met publicly during each month of the year. No meetings were cancelled.

Service:

- ✓ Serving Contra Costa County out of 3 locations, law library staff interacted with 42,239 users seeking services, either by telephone, email, fax, or in person. This represents an 18% increase over the previous year.
- ✓ The law library hosted 60 programs, including 39 Guardianship clinics and workshops, 12 Lawyer in the Library clinics, and 9 Conservatorship workshops during the year.
- ✓ Five hundred and thirty-one people attended our self-help clinics and workshops (Guardianship, Conservatorship, and Lawyer in the Library).

Staffing:

- ✓ Staffing for the 3 full-time branches consists of 5 full-time staff members. This will change in 2015, due to 2 full-time employee retirements. Budget constraints caused by decreased revenues dictate that the positions be filled with temporary, part-time workers, rather than permanent, full-time employees.
- ✓ Extra help (hourly) workers are used to supplement the full-time staff, especially in times of staff absence. Use of extra help will increase in 2015, since there will be 3 full-time employees instead of 5, covering the 3 sites.

Outreach:

- ✓ Once again, the library targeted senior citizens for outreach. Library employees staffed a table at the annual Richmond Senior Health and Information Fair, which afforded the opportunity to meet hundreds of seniors and other people within the community, and distribute brochures and other information about the law library.
- ✓ The Library Director collaborated with the Director of the Alameda County Law Library and Alameda County Bar Association's Trial Practice Section to provide a series of articles on public law library service in the bay area, with emphasis on the resources and services available at the Contra Costa County Public Law Library and the Alameda County Law Library.

TRUSTEE	II. ATTENDANCE/REPRESENTATION				III. TRAINING/CERTIFICATION		
	Monthly Board Meeting Attendance				County-Mandated Training for Trustees		
	Cancelled	Attended	Absent	Not Appointed	Completed	Certificate	
Mark Armstrong, Esq.	0	2	10		Yes	On file	
Hon. Lewis Davis	0	9	3		Yes	On file	
David Del Simone, Esq.	0	6	6		Yes	On file	
Hon. Susanne Fenstermacher	0	10	2		Yes	On file	
Hon. Barbara Hinton	0	11	1		Yes	On file	
Hon. George Spanos/ (Proxy Joyce Cram	0	8	4		Yes/Yes	On file	
Hon. Charles "Steve" Treat	0	11	1		Yes	On file	

IV. PROPOSED WORK PLAN / OBJECTIVES FOR 2015

A. The library's goals as specified in the 2009-2012 Strategic Plan, are still in effect:

- Provide free access to legal information throughout the county and work with the courts, government, public libraries, educational institutions and the community to expand services to all users groups.
- Provide a relevant, integrated, balanced collection of material in a variety of formats designed to meet the needs of all user groups, and provide trained staff to assist users in accessing the using the material.
- Ensure adequate infrastructure within the library, including providing and maintaining reliable, up-to-date technology to meet the diverse needs of library staff and library users.
- Develop and provide specific collections, programs and services designed to meet the needs of self-represented litigants.
- Strengthen community awareness of the role and value of the law library.
- Work with public libraries throughout the county to make certain that all libraries are equipped to provide basic legal reference and research assistance to users.
- Ensure long-term funding for the county law library system.

B. The following areas have been identified for concentrated effort during 2015:

- Public service to the bar, the bench and the community will remain the law library's top priority.
- The law library will continue to engage in outreach, so as to increase visibility and awareness among the people of Contra Costa County.
- Collection development and collection analysis will be ongoing throughout the year.
- The providing of court forms packets transferred from the court to the law library in 2014. Such an approach is more centralized, since patrons purchasing forms often also need to use library resources. This expansion of service is one of the reasons library use increased by 18% this year. The law library will continue to provide forms and packets to users in 2015.
- Collaborative efforts with other law library professionals for the purpose of achieving solutions to California law libraries' declining revenues will be a critical focus during the year. Like other county law libraries in California, the Contra Costa County Public Law Library needs a solution to decreased funding resulting from sharp revenue declines in order to continue its long tradition of service to the people of Contra Costa County.

C. The law library is prepared to meet the challenges of 2015.



Contra
Costa
County

To: Successor to the Contra Costa County Redevelopment Agency
From: John Kopchik, Interim Director, Conservation & Development Department
Date: February 10, 2015

Subject: Recognized Obligation Payment Schedule (ROPS) 2015-16A

RECOMMENDATION(S):

1. FIND that the approval of the administrative budget for the Successor Agency for the period July 1, 2015 through December 31, 2015 ("Administrative Budget") and the Recognized Obligation Payment Schedule for the period of July 1, 2015 - December 31, 2015, ("ROPS 15-16A") are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines; and
2. ADOPT Resolution No. 2015/51, approving the Administrative Budget and the ROPS 15-16A, both of which are attached as Exhibit A and Exhibit B, respectively.
3. DIRECT the Conservation and Development Director to file a Notice of Exemption with the County Clerk and pay the filing fee.

FISCAL IMPACT:

None to the General Fund. Since dissolution of the Contra Costa County Redevelopment Agency (the "Dissolved RDA"), tax increment is now deposited in the Redevelopment Property Tax Trust Fund ("RPTTF"), which is administered by the County Auditor-Controller on behalf of the County in its capacity as Successor Agency to the Dissolved RDA. RPTTF distributions are made semi-annually from the RPTTF by the County Auditor-Controller to the Successor Agency to fund the Successor Agency's administrative budget and Recognized Obligation Payment Schedule. These funds are distinct and separate from other funds used by the Department of Conservation and Development. According to state law, any obligation of the Successor Agency that cannot be funded by the RPTTF would not be an obligation of the County.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/10/2015** ☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: 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: February 10, 2015

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

ABSENT: Candace Andersen, District II Supervisor

By: June McHuen, Deputy

Contact: Maureen Toms, 674-7878

cc:

BACKGROUND:

Administrative Budget

According to Health & Safety Code Section 34177 of Assembly Bill x126 (the "Dissolution Act"), the Successor Agency staff prepares a draft administrative budget and submits it to the Oversight Board for approval. Prior to the Oversight Board's approval of the administrative budget, the Board of Supervisors, acting in the capacity as the governing board of the Successor Agency for the Contra Costa County Redevelopment Agency, has an opportunity to review and approve the proposed administrative budget.

The state statute specifies a minimum administrative cost allowance to the Successor Agency for its administrative costs, using a percentage of property tax revenue allocated by the County Auditor-Controller to the Successor Agency to meet enforceable obligations. The County Auditor-Controller calculates the allowance using three percent of the distribution to be received by the Successor Agency from the RPTTF or \$250,000 for the fiscal year, whichever amount is greater. The County Auditor-Controller general practice has been to provide all successor agencies in the County with the statutory minimum administrative cost allowance in the amount of \$250,000 along with the July 1st RPTTF distribution.

The County Auditor Controller will distribute a supplemental administrative cost allowance along with the January 2nd RPTTF distribution in cases where three percent of a successor agency's RPTTF distribution for the fiscal year is greater than \$250,000.

In February 2015, the Fiscal Year 2015-16 administrative budget estimated that the Successor Agency would receive an administrative cost allowance equal to three percent of the Successor Agency's RPTTF distribution or approximately \$311,728 for the entire Fiscal Year 2015-16. Some Successor Agency staff costs are project-related and charged to non-administrative enforceable obligations (e.g. management of construction projects) shown on the Recognized Obligation Payment Schedules (ROPSs). These non-administrative and project management costs are now estimated to contribute \$35,000 in revenue for the administrative budget in ROPS 15-16A period. The administrative budget is attached as Exhibit A.

Recognized Obligation Payment Schedule 15-16A

Beginning in Fiscal Year 2013-14, the Department of Finance ("DOF") implemented a new naming convention for ROPS prepared for each six-month spending period. The ROPS for the July 1, 2015 to December 31, 2015 time period is the eighth ROPS prepared by the Successor Agency and is named "ROPS 15-16A" according to the DOF naming convention. This naming convention helps the DOF determine which six-month period of the fiscal year is covered by a ROPS. ROPS 15-16A covers the first half of Fiscal Year 15-16 and ROPS 15-16B will cover the second half of the 15-16 Fiscal Year.

Resolution No. 2015/51 adopts ROPS 15-16A, which is included as Exhibit B to this report. After adoption by the Successor Agency, ROPS 15-16A will be submitted to the Oversight Board for approval. The Oversight Board is scheduled to meet on February 25, 2015. As required under Health and Safety Code Section 34179.6, ROPS 15-16A will be submitted to the County Administrator, the State Controller's Office, DOF and the County Auditor-Controller, and will be posted on the Successor Agency's website. The DOF must receive ROPS 15-16A no later than March 2, 2015.

Assembly Bill 1484, the Dissolution Act "clean-up" legislation, became effective on June 27, 2012. It provides a 45-day review period for the DOF once the Oversight Board has approved the ROPS. Within five business days of the DOF decision on a ROPS, a Successor Agency may request a meet and confer with the DOF to discuss any disputed items.

ROPS 15-16A authorizes all payments to be made by the Successor Agency for enforceable obligations for the six-month time period between July 1, 2015 and December 31, 2015. The payments noted on the ROPS are estimates. In most cases, assumptions made for 15-16A were based on actual expenditures in the prior ROPS and expected expenditures 15-16A and 15-16B.

The title page of ROPS 15-16A shows enforceable obligations require a \$5,571,867 distribution from the Successor Agency's RPTTF. This amount assumes the RPTTF has already set aside pass-through payments to taxing entities and administrative costs for the County Auditor-Controller. In cases where the Auditor-Controller determines that RPTTF revenue is not sufficient to meet ROPS obligations, the Auditor-Controller will make distributions from the RPTTF according to the priorities established by the Dissolution Act. These priorities are as follows: 1) tax allocation bond debt service payments, 2) pass thru payments, 3) other ROPS obligations, and 4) administrative allowance. In a case where there is residual RPTTF after payment of these priorities, this residual revenue would be distributed to the taxing entities based on their tax rates for properties located within the project area.

On July 18, 2013, the Department of Finance issued the Successor Agency a "Finding of Completion" pursuant to Health and Safety Code Section 34179.7. As a result of the issuance of the Finding of Completion, the Successor Agency is authorized to: (1) place loan agreements between the dissolved RDA and the County on the ROPS; (2) utilize proceeds derived from non-housing bonds issued prior to January 1, 2011, in a manner consistent with the original bond covenants; and (3) dispose of properties owned by the Former RDA pursuant to a long-range property management plan approved by the Successor Agency's Oversight Board and the DOF.

There are currently two outstanding loans from the County that need repayment, including the State Supplemental Educational Revenue Fund (SERAF) repayment (#74) in an amount of \$502,175, payable pursuant to Health and Safety Code Section 34176(e)(6)(B); and the Housing Asset Fund Obligation under Health and Safety Code Section 34191.4(b)(2)(C) in the approximate amount of \$5,004 and the Montalvin Manor loan (#59) in the amount of \$250,277 to repay the outstanding obligation payable pursuant to Health and Safety Code Section 34191.4(b)(2)(A). According to Section 34191.4.(b)(2)(A), the maximum repayment amount authorized each fiscal year for repayments must be equal to one-half of the increase between the amount of residual distributions distributed to the taxing entities in a particular fiscal year and the amount of residual distributions distributed to taxing entities pursuant to that paragraph in the 2012–13 base year. In the base year of 2012-13, the County Auditor-Controller made a total residual distribution of \$359,755.05 to taxing entities for FY 12-13, which is considered the "base year". The County Auditor-Controller made a total residual distribution of \$359,395.52 for FY 13-14. The residual distribution for FY 14-15 was \$2,527,914, an increase of \$2,168,159. The available funds for loan repayment is 50 percent of the increase of distribution which is \$1,084,080.50. There is adequate funding available to repay the two loans in the ROPS 15-16A period and retire the obligations. Pursuant to Section 34191.4(b)(2)(B), the repayment of the SERAF loan and the Housing Asset Fund Obligation take priority over repayments of the Montalvin Manor loan.

ROPS 15-16A also relisted the Fiscal Agreement with the East Bay Regional Park District (EBRPD) (see Line 65). The DOF again denied this item in ROPS 13-14B and 15-16A, but indicated it would be eligible for reimbursement after the improvements proposed for the EBRPD's Lone Tree Point property are completed. The enforceable obligation is listed on ROPS 15-16A with \$9,856 of RPTTF funds requested.

Environmental Review

The actions set forth in Resolution No. 22015/51 as summarized above, are exempt under Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (the "CEQA") in that it can be seen with a certainty that the actions will not have a significant adverse impact on the environment. The actions are required to continue a governmental funding mechanism for financial obligations of the former Redevelopment Agency and to perform the statutorily mandated unwinding of the assets, liabilities, and functions of the Dissolved RDA pursuant to the Dissolution Act. A Notice of Exemption will be filed with the County Clerk in accordance with the CEQA guidelines.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to adopt the resolution would require the Board to consider other options for providing and funding staff support for the Successor Agency. Without approving the Recognized Obligation Payment Schedule for the period July through December 2015, the County Auditor-Controller would not be able to allocate funds to the Successor Agency for staffing services and payment of recognized obligations during this six-month period, and the Successor Agency would risk defaulting on enforceable obligations.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

AGENDA ATTACHMENTS

Resolution No. 2015/51

Exhibit A - Administrative Budget

Exhibit B - ROPS 15-16A

MINUTES ATTACHMENTS

Signed Resolution No. 2015/71

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

Adopted this Resolution on 02/10/2015 by the following vote:

AYE:	<input checked="" type="checkbox"/>	John Gioia
	<input checked="" type="checkbox"/>	Mary N. Piepho
	<input checked="" type="checkbox"/>	Karen Mitchoff
	<input checked="" type="checkbox"/>	Federal D. Glover
NO:	<input type="checkbox"/>	
ABSENT:	<input checked="" type="checkbox"/>	Candace Andersen
ABSTAIN:	<input type="checkbox"/>	
RECUSE:	<input type="checkbox"/>	



Resolution No. 2015/51

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY FOR THE CONTRA COSTA COUNTY REDEVELOPMENT, A SEPARATE LEGAL ENTITY, APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JULY THROUGH DECEMBER 2015 ("ROPS 15-16A") AND THE ADMINISTRATIVE BUDGET FOR THE 2015-16 FISCAL YEAR, AND DIRECTING THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE REQUIREMENTS ASSOCIATED WITH THIS APPROVAL

WHEREAS, pursuant to ABx1 26 as amended by AB 1484 (the "Dissolution Act"), the separate legal entity known as the Successor Agency of the Contra Costa County Redevelopment Agency (the "Successor Agency") must prepare "Recognized Obligation Payment Schedules" ("ROPS") that enumerates the enforceable obligations and expenses of the Successor Agency for each successive six-month fiscal period until the wind down and disposition of assets of the dissolved Contra Costa County Redevelopment Agency (the "Dissolved RDA") has been completed; and

WHEREAS, the Successor Agency staff has prepared a ROPS for the six-month fiscal period commencing on July 1, 2015 and continuing through December 31, 2015 ("ROPS 15-16A"); and

WHEREAS, the Successor Agency received a Finding of Completion on July 18, 2013 from the Department of Finance pursuant to Health and Safety Code Section 34179.7 and as result of the Issuance of the Finding of Completion, the Successor Agency is authorized to, among others, place loan agreements between the dissolved RDA and the County on the ROPS 15-16A; and

WHEREAS, the Successor Agency will request that the Oversight Board, as part of the approval of ROPS 15-16A, to make the requisite findings and adopt a repayment schedule for the repayment of the following outstanding obligations:

1. The SERAF Loan in the principal amount of \$502,175 due to the County as Housing Successor to repay funds borrowed from the Dissolved RDA's Low and Moderate Income Housing Fund, payable pursuant to Health and Safety Code Section 34176(e)(6)(B); and
2. The Housing Asset Fund Obligation under Health and Safety Code Section 34191.4(b)(2)(C) in the approximate amount of \$5,004 and the Montalvin Manor Loan in the principal amount of \$250,277, payable pursuant to Health and Safety Code Section 34191.4(b)(2)(A).

WHEREAS, the Successor Agency staff has prepared an administrative budget for the fiscal period commencing on July 1, 2015 and continuing through June 30, 2016 ("FY 15-16 Administrative Budget"); and

WHEREAS, the Successor Agency is entitled to an administrative cost allowance (the "Administrative Cost Allowance") pursuant to Health and Safety Code Sections 34171(b) and 34183(a)(3) in the approximate amount of \$311,728 for the 2015-16 fiscal year of which approximately \$250,000 will be disbursed during the ROPS 15-16A period; and

WHEREAS, under the Dissolution Act, ROPS 15-16A and the FY 15-16 Administrative Budget must be approved by the Successor Agency's oversight board (the "Oversight Board") to enable the Successor Agency to continue to make payments on enforceable obligations and to pay for administrative costs of the Successor Agency; and

WHEREAS, the Board of Supervisors, acting as the Governing Board of the Successor Agency, has considered and desires to approve the following documents, copies of which are on file with the Clerk of the Board of Supervisors (acting on behalf of the

Successor Agency); 1. The ROPS 15-16A; and 2. The FY 15-16 Administrative Budget; and

WHEREAS, the ROPS 15-16A and the FY 15-16 Administrative Budget will be submitted by the Successor Agency to the Oversight Board for the Oversight Board's approval in accordance with Health and Safety Code Sections 34177 and 34180(g); and

WHEREAS, the ROPS 15-16A and the FY 15-16 Administrative Budget will also be submitted by the Successor Agency to the Contra Costa County Administrative Officer, the Contra Costa County Auditor-Controller, and the State Department of Finance in accordance with Health and Safety Code Section 34179.6; and

WHEREAS, approval of the ROPS 15-16A and the FY 15-16 Administrative Budget is exempt from the requirements of the California Environmental Quality Act and the applicable state and local implementing guidelines ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3); and

WHEREAS, the accompanying staff report provides supporting information upon which the actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, acting as the Governing Board of the Successor Agency and in accordance with the Dissolution Act, hereby finds, resolves, and determines that the foregoing recitals are true and correct, and, together with information provided by the Successor Agency staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below; and

BE IT FURTHER RESOLVED that the Board of Supervisors finds and determines that its approval of the ROPS 15-16A and the FY 15-16 Administrative Budget is exempt from the requirements of CEQA, and the Successor Agency Executive Director, or the Executive Director's designee, is authorized to file the appropriate notice of exemption with respect to the approval of the ROPS 15-16A and the FY 15-16 Administrative Budget in accordance with CEQA; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby approves the ROPS 15-16A and the FY 15-16 Administrative Budget, in the respective forms on file with the Clerk of the Board of Supervisors (acting on behalf of the Successor Agency); and

BE IT FURTHER RESOLVED that the Successor Agency is authorized and directed to enter into any agreements and amendments to agreements consistent with the Dissolution Act and necessary to memorialize and implement the agreements and obligations in ROPS 15-16A and the FY 15-16 Administrative Budget as herein approved by the Successor Agency; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes and directs the Successor Agency staff, acting on behalf of the Successor Agency, to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with the approval of the ROPS 15-16A and the FY 15-16 Administrative Budget, and to take any other actions necessary to ensure the validity of the ROPS 15-16A and the validity of any enforceable obligation listed thereon and the validity of the FY 15-16 Administrative Budget and corresponding Administrative Cost Allowance. In addition, the Board of Supervisors authorizes and directs the Successor Agency staff to make such non-substantive revisions to ROPS 15-16A as may be necessary to submit ROPS 15-16A in any modified form required by the DOF, and ROPS 15-16A as so modified shall thereupon constitute ROPS 15-16A as approved by the Board of Supervisors pursuant to this Resolution; and

BE IT FURTHER RESOLVED that nothing in this Resolution shall abrogate, waive, impair or in any other manner affect the right or ability of the County, as a political subdivision of the State of California, or the Successor Agency, as a separate legal entity, to initiate and prosecute any litigation with respect to any agreement or other arrangement of the Dissolved RDA, including, without limitation, any litigation contesting the purported invalidity of such agreement or arrangement pursuant to the Dissolution Act; and

BE IT FURTHER RESOLVED that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

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

ATTESTED: February 10, 2015

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

Contact: Maureen Toms, 674-7878

By: June McHuen, Deputy

cc:

EXHIBIT A- Administrative Budget

	<u>line</u>	15-16A	15-16B	Total
Admin/Non Admin Staff Expenses				
Space Rent		\$16,200	\$16,200	\$32,400
Salary/Overhead		56,826	56,826	\$113,652
Various Admin Expenses		\$117,500	\$117,500	\$235,000
TOTAL ADMIN EXPENSES		\$190,526	\$190,526	\$381,052
Revenue				
Administrative Cost Allowance	94	\$250,000	\$61,728	\$311,728
EO (Non Admin + Project Mgmt)		<u>\$35,000</u>	<u>\$35,000</u>	\$70,000
TOTAL ADMIN REVENUES		\$285,000	\$96,728	\$381,728
SURPLUS/(DEFICIT)		\$94,474	-\$93,798	\$676
Project Management Enforceable Obligations				
Transit Village Project Management	89	\$15,000	\$15,000	\$30,000
IH Remediation Project Management	105	\$20,000	\$0	\$20,000
		\$35,000	\$15,000	\$50,000

Various Admin Expenses	
Goldfarb	30000
MGO	50000
Fraser	4000
County Counsel	3000
contingency	30500
	117500

	RPTTF	
15-16A	\$5,571,867	
15-16B	\$4,819,055	
	\$10,390,922	\$311,728 3%
		-250000 15-16A
		\$61,728 15-16B

Recognized Obligation Payment Schedule (ROPS 15-16A) - Summary

Filed for the July 1, 2015 through December 31, 2015 Period

Name of Successor Agency:	Contra Costa County
Name of County:	Contra Costa

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding		
A	Enforceable Obligations Sources (B+C+D):	\$ 2,134,288
B	Bond Proceeds Funding (ROPS Detail)	1,484,970
C	Reserve Balance Funding (ROPS Detail)	649,318
D	Other Funding (ROPS Detail)	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 5,821,867
F	Non-Administrative Costs (ROPS Detail)	5,571,867
G	Administrative Costs (ROPS Detail)	250,000
H	Current Period Enforceable Obligations (A+E):	\$ 7,956,155

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I	Enforceable Obligations funded with RPTTF (E):	5,821,867
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	(321,293)
K	Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 5,500,574

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L	Enforceable Obligations funded with RPTTF (E):	5,821,867
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
N	Adjusted Current Period RPTTF Requested Funding (L-M)	5,821,867

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (m) of the Health and Safety code, I
hereby certify that the above is a true and accurate Recognized
Obligation Payment Schedule for the above named agency.

Name	Title
/s/	
Signature	Date

Recognized Obligation Payment Schedule (ROPS 15-16A) - ROPS Detail July 1, 2015 through December 31, 2015 (Report Amounts in Whole Dollars)															
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Funding Source					Six-Month Total
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	
								\$ 219,025,904		\$ 1,484,970	\$ 649,318	\$ -	\$ 5,571,867	\$ 250,000	\$ 7,956,155
4	1:9 Youth Homes Facility	OPA/DDA/Constructi	6/25/2008	12/29/2028	Contra Costa County	Relocation costs	BP	55,037	N		55,037				\$ 55,037
10	2:3 Placemaking Transit Village	OPA/DDA/Constructi on	12/19/2005	7/10/2026	AvalonBay	Placemaking improvements (e.g, parks, etc)	C	565,733	N	565,733					\$ 565,733
14	2:8 Re-authorized Contract for Capital Imprv	Improvement/Infrastr ucture	4/18/2012	7/10/2026	Contra Costa County	CCC Infrastructure improvements	C	913,616	N	913,616					\$ 913,616
17	2:12 Re-authorized Contract for Improvements	Improvement/Infrastr ucture	4/18/2012	7/14/2028	Contra Costa County	NR Industrial infrastructure improv	NR		Y	-					\$ -
21	2:18 Re-authorized Contract for Improvements	Improvement/Infrastr ucture	4/18/2012	7/10/2031	Contra Costa County	RO obsolete infrastructure elements	R	5,296	N	5,296					\$ 5,296
28	3:29 Property holding costs	Property Maintenance	7/10/1984	6/30/2013	CCC Public Works	Property maintenance	ALL	5,682	N	325	5,357				\$ 5,682
46	5:24 Placemaking Transit Village	OPA/DDA/Constructi on	12/19/2005	7/10/2026	AvalonBay	Placemaking improvements (ie parks, etc)	C	384,213	N		384,213				\$ 384,213
54	7:1 1999 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	4/20/1999	8/1/2018	US Bank NA	Bonds issue to fund non-housing projects. Put note bal as of 2/1/14	C/BP/NR/R	11,722,877	N				422,237		\$ 422,237
55	7:2 1999 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	4/20/1999	8/1/2018	US Bank NA	Bonds issue to fund housing projects. Put note bal as of 2/1/14	C/BP/NR/R	131,020	N				4,197		\$ 4,197
56	7:3 2003A Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	8/22/2003	8/1/2033	US Bank NA	Bonds issue to fund non-housing projects.	C	10,288,286	N				250,759		\$ 250,759
57	7:4 2007A/AT/B Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	5/30/2007	8/1/2037	US Bank NA	Bonds issue to fund non-housing projects.	ALL	115,267,034	N				2,608,537		\$ 2,608,537
58	7:5 2007A/AT/B Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	5/30/2007	8/1/2037	US Bank NA	Bonds issue to fund housing projects.	ALL	24,244,470	N				477,789		\$ 477,789
59	7:6 Montalvin Manor Project Start Up Loan	City/County Loans On or Before	6/30/2003	7/8/2034	Contra Costa County	Loan for project administration	M	250,277	N				250,277		\$ 250,277
60	7:7 Bond-License agreement	Professional Services	3/31/2006	3/31/2038	DAC	Document repository for bond issues	ALL	4,600	N		2,500				\$ 2,500
61	7:8 Bond-Treasurer fees	Fees	7/10/1984	8/1/2037	CCC Treasurer	Cash management for bond issues	ALL	5,025	N		591				\$ 591
63	7:11 Hookston Station Remediation	Litigation	11/5/1997	8/1/2037	Bank Of Amer, Trustee	Remediation of hazardous material	C	1,286,000	N		10,000				\$ 10,000
65	7:13 Fiscal Agreement	Improvement/Infrastr ucture	5/8/1990	7/10/2031	EBRPD	Project improvement	R	500,000	N				9,856		\$ 9,856
68	7:16 Trustee fees	Fees	4/20/1999	8/1/2018	US Bank	Annual administration fees 99TAB	C/BP/NR/R	31,837	N		45		2,375		\$ 2,420
69	7:17 Trustee fees	Fees	8/22/2003	8/1/2033	US Bank	Annual administration fees 03ATAB	C/BP/NR/R	68,028	N		-		3,025		\$ 3,025
71	7:19 Trustee fees	Fees	5/30/2007	8/1/2037	US Bank	Annual administration fees 07TAB	ALL	122,205	N		880		4,130		\$ 5,010
74	7:22 SERAF	SERAF/ERAF	5/10/2010	7/10/2031	Housing Fund	SERAF fy 2010-11 payment	BP/R	502,175	N				502,175		\$ 502,175
76	7:24 Financial Assistance	OPA/DDA/Constructi on	5/23/1989	5/1/2017	Park Regency	Agency assistance	C	2,200,000	N		-		275,000		\$ 275,000
77	7:25 Financial Assistance	OPA/DDA/Constructi on	11/1/1998	11/1/2053	Bridge Housing	Agency assistance	C	1,600,000	N		50,000		50,000		\$ 100,000
78	7:26 Financial Assistance	OPA/DDA/Constructi on	12/19/2005	5/1/2064	AvalonBay	Agency assistance.	C	41,464,457	N				663,906		\$ 663,906
82	8:19 I H Trail/Hookston Sttn Remediatn	Litigation	8/15/2012	12/31/2013	Goldfarb Lipman	Remediation of I H corridor parcels	C	45,568	N		46,268				\$ 46,268
83	8:20 I H Trail/Hookston Sttn Remediatn	Litigation	8/15/2012	5/1/2064	Contra Costa County	Remediation of I H corridor parcels	C	24,119	N		24,119				\$ 24,119
85	8:22 Technical Assistance	Professional Services	7/10/1984	7/10/2031	Public Works Department	Technical Assist for non-housing projects	ALL	30,000	N		30,000				\$ 30,000
87	8:24 Iron Horse Trail properties	Project Management Costs	1/1/2013	5/1/2064	Contra Costa County	Payroll for employeesProject management costs.	C	-	Y						\$ -
88	8:25 Transit Village	OPA/DDA/Constructi on	8/15/2012	12/31/2013	Goldfarb & Lipman	Transit Village implementation	C	34,474	N		20,000				\$ 20,000
89	8:26 Transit Village	OPA/DDA/Constructi on	8/15/2012	5/1/2064	Contra Costa County	Payroll for employeesProject management costs.	C	55,000	N				15,000		\$ 15,000
91	8:28 Hookston Station Remediation	Litigation	1/23/2012	6/15/2015	Ensafe	Administrator of haz-mat remediation fund.	C	26,014	N		8,400		2,600		\$ 11,000
94	6:0 Adminstrative Allowance	Admin Costs	7/1/2013	5/1/2064	Contra Costa County	Administrative Allowance ROPS 2014- 15A	All	6,742,000	N					250,000	\$ 250,000

Recognized Obligation Payment Schedule (ROPS 15-16A) - ROPS Detail July 1, 2015 through December 31, 2015 (Report Amounts in Whole Dollars)															
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Funding Source					Six-Month Total
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	
104	10:02 Iron Horse (IH) Corridor Remediation and property management	Remediation	7/1/2013	5/1/2064	Contra Costa County	Management of IH Corridor properties, including maintenance, remediation, and preparation of property transfer.		169,601	N				-		\$ -
105	10:03 IH Corridor Remediation and property management	Remediation	7/1/2013	5/1/2064	Contra Costa County	Management of IH Corridor properties, including maintenance, remediation, and preparation of property transfer.		20,000	N				20,000		\$ 20,000
108	10:06 Litigation Costs for Defaulted Loans	Litigation	6/30/2011	7/10/2031	CCC Counsel	Litigation costs to collect on default SA outstanding notes receivables (from Vallero, Keefe).	ALL	5,000	N		5,000				\$ 5,000
109	10:07 Bond Arbitrage Rebate Reporting Compliance	Fees	7/1/2011	6/30/2014	BLX Group LLC	Arbitrage Rebate Compliance Services	ALL	69,256	N		2,900				\$ 2,900
110	10:08 Disclosure Statements Reporting Compliance	Fees	4/20/1999	3/1/2038	Jones Hall	Disclosure Statements Compliance Services	ALL	142,000	N		4,008				\$ 4,008
123	Financial Advisor	Professional Services	3/3/2015	6/30/2016	Montague DeRose & Associates	Independent Registered Municipal Advisor	ALL	40,000	N				5,000		\$ 5,000
124	LMIHAF Deposit for loan Repayment (Line 59)	LMIHF Loans	6/30/2003	7/8/2034	CCC Housing Successor	20% deposit to the LMIHF related to loan repayment	ALL	5,004	N				5,004		\$ 5,004
125									N						\$ -
126									N						\$ -
127									N						\$ -
128									N						\$ -
129									N						\$ -
130									N						\$ -
131									N						\$ -
132									N						\$ -
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164									N						\$ -
165									N						\$ -

Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Cash Balances
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see https://rad.dof.ca.gov/rad-sa/pdf/Cash_Balance_Agency_Tips_Sheet.pdf.

A	B	C	D	E	F	G	H	I
	Cash Balance Information by ROPS Period	Fund Sources						Comments
		Bond Proceeds		Reserve Balance		Other	RPTTF	
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin	
ROPS 14-15A Actuals (07/01/14 - 12/31/14)								
1	Beginning Available Cash Balance (Actual 07/01/14)	5,901,206		1,126,431	50,000	-	748,148	H-1: \$748,148=Unspent balance - ROPS 1314-A
2	Revenue/Income (Actual 12/31/14) RPTTF amounts should tie to the ROPS 14-15A distribution from the County Auditor-Controller during June 2014	850		-	-	5	5,191,654	G-2: \$5-LAIF INTEREST INCOME. This will become
3	Expenditures for ROPS 14-15A Enforceable Obligations (Actual 12/31/14) RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q	1,940,112		12,246	50,000		3,899,239	H3-RPTTF Admin= \$250,000 + RPTTF Non-Admin=\$3,649,239 = Total of \$3,899,239
4	Retention of Available Cash Balance (Actual 12/31/14) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	2,476,974					971,122	C4: Debt service due to bond holders on 8/2014 was prepaid in 6/2014 (stranded bond proceeds) and paid to bondholders in Aug 2014. H4: Retention Item#76=\$275,000 + Item # 78=\$696,122 = \$971,122.
5	ROPS 14-15A RPTTF Prior Period Adjustment RPTTF amount should tie to the self-reported ROPS 14-15A PPA in the Report of PPA, Column S	No entry required					321,293	H5: Unspent balance - ROPS14-15A
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 1,484,970	\$ -	\$ 1,114,186	\$ -	\$ 5	\$ 748,148	Unspent Balance =\$1,292.414 (ROPS1415-A) +\$784,148 (ROPS 13-14A) = \$2,076,562
ROPS 14-15B Estimate (01/01/15 - 06/30/15)								
7	Beginning Available Cash Balance (Actual 01/01/15) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 3,961,944	\$ -	\$ 1,114,186	\$ 971,122	\$ 5	\$ 1,069,441	C7-Available bal at Fiscal agent; H7-Unspent balance for ROPS13-14A + Unspent balance for ROPS 14-15A=\$321,293.
8	Revenue/Income (Estimate 06/30/15) RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015						4,871,820	
9	Expenditures for ROPS 14-15B Enforceable Obligations (Estimate 06/30/15)	2,377,042		606,540	971,122		3,900,698	\$606,540 estimated exp for ROPS14-15B period
10	Retention of Available Cash Balance (Estimate 06/30/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)						971,122	
11	Ending Estimated Available Cash Balance (7 + 8 - 9 -10)	\$ 1,584,902	\$ -	\$ 507,646	\$ -	\$ 5	\$ 1,069,441	

Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Prior Period Adjustments																												
Reported for the ROPS 14-15A (July 1, 2014 through December 31, 2014) Period Pursuant to Health and Safety Code (HSC) section 34186 (a) (Report Amounts in Whole Dollars)																												
ROPS 14-15A Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS 14-15A (July through December 2014) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 15-16A (July through December 2015) period will be offset by the SA's self-reported ROPS 14-15A prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.																				ROPS 14-15A CAC PPA: To be completed by the CAC upon submittal of the ROPS 15-16A by the SA to Finance and the CAC. Note that CACs will need to enter their own formulas at the line item level pursuant to the manner in which they calculate the PPA. Also note that the Admin amounts do not need to be listed at the line item level and may be entered as a lump sum.								
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	
Item #	Project Name / Debt Obligation	Non-RPTTF Expenditures						RPTTF Expenditures											SA Comments	RPTTF Expenditures							Net CAC Non-Admin and Admin PPA (Amount Used to Offset ROPS 15-16A Requested RPTTF)	CAC Comments
		Bond Proceeds		Reserve Balance		Other Funds		Non-Admin					Admin							Non-Admin CAC			Admin CAC					
		Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 07/1/14)	Net Lesser of Authorized / Available	Actual	Difference (If K is less than L, the difference is zero)	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 07/1/14)	Net Lesser of Authorized / Available	Actual	Difference (If total actual exceeds total authorized, the total difference is zero)	Net Difference (M+R)		Net Lesser of Authorized / Available	Actual	Difference	Net Lesser of Authorized / Available	Actual	Difference	Net Difference		
		\$ 1,483,011	\$ 917,278	\$ 1,130,470	\$ 62,246	\$ -	\$ -	\$ 4,941,654	\$ 4,941,654	\$ 4,941,654	\$ 4,620,361	\$ 321,293	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ -	\$ 321,293				\$ -			\$ -	\$ -		
1	1:4 Contract for	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
2	1:5 Homebuyer	-	-	8,500	8,500	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
4	1:9 Youth Homes Facility	-	-	55,037	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
5	1:11 Heritage Point Prop Disposn Exp	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
7	1:14 Contracts - Relocation/Maintenance	-	-	20,856	217	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
10	2:3 Placemaking Transit Village	565,733	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
14	2:8 Re-authorized Contract for Capital Imprv	162,193	162,193	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
17	2:12 Re-authorized Contract for Improvements	5,510	5,510	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
20	2:17 Contract for Sewer Improvements	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
21	2:18 Re-authorized Contract for Improvements	729,575	729,575	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
22	2:22 Bond Project Management	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
23	2:23 Bond Project Management	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
24	2:24 Bond Project Management	20,000	20,000	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
28	3:29 Property holding costs	-	-	5,357	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
32	4:4 Contract for Planning Activities	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
34	4:9 Hookston Business Relocation	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
45	5:23 Placemaking Transit Village	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
46	5:24 Placemaking Transit Village	-	-	384,213	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
54	7:1 1999 Tax Allocation Bonds	-	-	-	-	-	-	451,270	451,270	\$ 451,270	451,270	\$ -	-	-	-	-	-	\$ -										
55	7:2 1999 Tax Allocation Bonds	-	-	-	-	-	-	15,473	15,473	\$ 15,473	15,473	\$ -	-	-	-	-	-	\$ -										
56	7:3 2003A Tax Allocation Bonds	-	-	-	-	-	-	251,634	251,634	\$ 251,634	251,634	\$ -	-	-	-	-	-	\$ -										
57	7:4 2007A/AT/B Tax Allocation Bonds	-	-	-	-	-	-	2,289,386	2,289,386	\$ 2,289,386	2,289,386	\$ -	-	-	-	-	-	\$ -										
58	7:5 2007A/AT/B Tax Allocation Bonds	-	-	-	-	-	-	476,855	476,855	\$ 476,855	476,855	\$ -	-	-	-	-	-	\$ -										
59	7:6 Montalvin Manor Project Start Up Loan	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
60	7:7 Bond-License agreement	-	-	2,000	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
61	7:8 Bond-Treasurer fees	-	-	594	3	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
63	7:11 Hookston Station Remediation	-	-	-	-	-	-	10,000	10,000	\$ 10,000	-	\$ 10,000	-	-	-	-	-	\$ 10,000										
65	7:13 Fiscal Agreement	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
67	7:15 Trustee fees	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
68	7:16 Trustee fees	-	-	205	-	-	-	2,260	2,260	\$ 2,260	2,215	\$ 45	-	-	-	-	-	\$ 45										
69	7:17 Trustee fees	-	-	312	312	-	-	2,483	2,483	\$ 2,483	2,483	\$ -	-	-	-	-	-	\$ -										
70	7:18 Trustee fees	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
71	7:19 Trustee fees	-	-	895	895	-	-	4,995	4,995	\$ 4,995	4,115	\$ 880	-	-	-	-	-	\$ 880										
74	7:22 SERAF	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
76	7:24 Financial Assistance	-	-	500,000	-	-	-	275,000	275,000	\$ 275,000	275,000	\$ -	-	-	-	-	-	\$ -	\$500,000 - per Moses, do not delete even if incorrectly populated.. \$275,000 - Retention-SEE INSTRUCTION									
77	7:25 Financial Assistance	-	-	50,000	50,000	-	-	50,000	50,000	\$ 50,000	50,000	\$ -	-	-	-	-	-	\$ -										
78	7:26 Financial Assistance	-	-	-	-	-	-	696,122	696,122	\$ 696,122	696,122	\$ -	-	-	-	-	-	\$ -	\$696,122- Retention and shld be in Col L as actual,									
81	7:32 Property maintenance costs	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
82	8:19 I H Trail/Hookston Sttn Remediatn	-	-	47,672	1,404	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
83	8:20 I H Trail/Hookston Sttn Remediatn	-	-	24,829	710	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										
84	8:21 I H Trail/Hookston Sttn Remediatn	-	-	-	-	-	-	-	-	\$ -	-	\$ -	-	-	-	-	-	\$ -										

Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Prior Period Adjustments																													
Reported for the ROPS 14-15A (July 1, 2014 through December 31, 2014) Period Pursuant to Health and Safety Code (HSC) section 34186 (a) (Report Amounts in Whole Dollars)																													
ROPS 14-15A Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS 14-15A (July through December 2014) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 15-16A (July through December 2015) period will be offset by the SA's self-reported ROPS 14-15A prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.																					ROPS 14-15A CAC PPA: To be completed by the CAC upon submittal of the ROPS 15-16A by the SA to Finance and the CAC. Note that CACs will need to enter their own formulas at the line item level pursuant to the manner in which they calculate the PPA. Also note that the Admin amounts do not need to be listed at the line item level and may be entered as a lump sum.								
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB		
Item #	Project Name / Debt Obligation	Non-RPTTF Expenditures						RPTTF Expenditures											SA Comments	RPTTF Expenditures							Net CAC Non-Admin and Admin PPA (Amount Used to Offset ROPS 15-16A Requested RPTTF)	CAC Comments	
		Bond Proceeds		Reserve Balance		Other Funds		Non-Admin					Admin							Non-Admin CAC			Admin CAC						
		Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 07/1/14)	Net Lesser of Authorized / Available	Actual	Difference (If K is less than L, the difference is zero)	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 07/1/14)	Net Lesser of Authorized / Available	Actual	Difference (If total actual exceeds total authorized, the total difference is zero)	Net Difference (M+R)		Net Lesser of Authorized / Available	Actual	Difference	Net Lesser of Authorized / Available	Actual	Difference	Net Difference			
		\$ 1,483,011	\$ 917,278	\$ 1,130,470	\$ 62,246	\$ -	\$ -	\$ 4,941,654	\$ 4,941,654	\$ 4,941,654	\$ 4,620,361	\$ 321,293	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ -	\$ 321,293				\$ -		\$ -	\$ -				
85	8:22 Technical Assistance	-				-		-		-									\$ -	\$30,000 not populated by DOF, but approved for this period. Moses said do not input amts on "Authorized" col. Just report only actual expenditures. (Email-1/14/2015)						\$ -			
87	8:24 Iron Horse Trail properties	-		-		-		5,000	5,000	\$ 5,000	5,000	\$ -						\$ -											
88	8:25 Transit Village	-		20,000	-	-		-		\$ -		\$ -						\$ -											
89	8:26 Transit Village	-		-		-		15,000	15,000	\$ 15,000	15,000	\$ -						\$ -											
91	8:28 Hookston Station Remediation	-		-		-		8,400	8,400	\$ 8,400		\$ 8,400						\$ 8,400											
92	8:29 Tri City Remediation	-		-		-		10,000	10,000	\$ 10,000	10,000	\$ -						\$ -											
94	6:0 Administrative Allowance	-		-		-		-		\$ -		\$ -						\$ -											
100	9:01 Tri City Remediation (7:12) Phase II	-		-		-		-		\$ -		\$ -						\$ -											
103	10:01 Return of funds	-		-		-		-		\$ -		\$ -						\$ -											
104	10:02 Iron Horse (IH) Corridor Remediation and property management	-		-		-		-		\$ -		\$ -						\$ -											
105	10:03 IH Corridor Remediation and property management	-		-		-		-		\$ -		\$ -						\$ -											
106	10:04 Return of Funds	-		-		-		-		\$ -		\$ -						\$ -											
107	10:05 Return of funds	-		-		-		-		\$ -		\$ -						\$ -											
108	10:06 Litigation Costs for Defaulted Loans	-		-		-		-		\$ -		\$ -						\$ -	\$5,000 not populated by DOF, but approved for this period. Moses said do not input amts on "Authorized" col. Just report only actual expenditures. (Email-1/14/2015)										
109	10:07 Bond Arbitrage Rebate Reporting Compliance	-		5,000		-		-		\$ -		\$ -						\$ -											
110	10:08 Disclosure Statements Reporting Compliance	-		5,000		-		-		\$ -		\$ -						\$ -											
111	10:09 Bay Point Housing Project (Orbisonia Heights) Management	-		-		-		-		\$ -		\$ -						\$ -											
112	10:10 Rodeo Housing Project (Town Center) Management	-		-		-		-		\$ -		\$ -						\$ -											
113	10:11 North Richmond Housing Project (Heritage Point) Management	-		-		-		-		\$ -		\$ -						\$ -											
114	10:12 Montalvin Manor Housing Project Management	-		-		-		-		\$ -		\$ -						\$ -											
115	10:13 Infrastructure/Project Management	-		-		-		-		\$ -		\$ -						\$ -											
116	10:14 Bay Point Restricted Unspent Bond Proceeds	-		-		-		-		\$ -		\$ -						\$ -											
117	10:15 North Richmond Restricted Unspent Bond Proceeds	-		-		-		-		\$ -		\$ -						\$ -											
118	10:16 Rodeo Restricted Unspent Bond Proceeds	-		-		-		-		\$ -		\$ -						\$ -											
119	10:17 Return of Funds to LMIHAF (Housing Successor)	-		-		-		-		\$ -		\$ -						\$ -											
120	10:18 Return of funds to LMIHAF (Housing Successor)	-		-		-		-		\$ -		\$ -						\$ -											
121	10:19 Unfunded approved administrative costs allowance	-		-		-		-		\$ -		\$ -						\$ -											

Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Prior Period Adjustments																													
Reported for the ROPS 14-15A (July 1, 2014 through December 31, 2014) Period Pursuant to Health and Safety Code (HSC) section 34186 (a)																													
(Report Amounts in Whole Dollars)																													
ROPS 14-15A Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS 14-15A (July through December 2014) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 15-16A (July through December 2015) period will be offset by the SA's self-reported ROPS 14-15A prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.																				ROPS 14-15A CAC PPA: To be completed by the CAC upon submittal of the ROPS 15-16A by the SA to Finance and the CAC. Note that CACs will need to enter their own formulas at the line item level pursuant to the manner in which they calculate the PPA. Also note that the Admin amounts do not need to be listed at the line item level and may be entered as a lump sum.									
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB		
Item #	Project Name / Debt Obligation	Non-RPTTF Expenditures						RPTTF Expenditures										SA Comments	RPTTF Expenditures							CAC Comments			
		Bond Proceeds		Reserve Balance		Other Funds		Non-Admin					Admin						Net SA Non-Admin and Admin PPA (Amount Used to Offset ROPS 15-16A Requested RPTTF)			Non-Admin CAC			Admin CAC			Net CAC Non-Admin and Admin PPA (Amount Used to Offset ROPS 15-16A Requested RPTTF)	
		Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 07/1/14)	Net Lesser of Authorized / Available	Actual	Difference (If K is less than L, the difference is zero)	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 07/1/14)	Net Lesser of Authorized / Available	Actual	Difference (If total actual exceeds total authorized, the total difference is zero)		Net Difference (M+R)	Net Lesser of Authorized / Available	Actual	Difference	Net Lesser of Authorized / Available	Actual	Difference		Net Difference		
		\$ 1,483,011	\$ 917,278	\$ 1,130,470	\$ 62,246	\$ -	\$ -	\$ 4,941,654	\$ 4,941,654	\$ 4,941,654	\$ 4,620,361	\$ 321,293	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ -	\$ 321,293				\$ -		\$ -	\$ -				
122	10:20 Unfunded (approved) Enforceable Obligations from ROPS 13-14B	-		-		-		377,776	377,776	377,776	75,808	301,968						301,968											
										\$ -		\$ -						\$ -											
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THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 02/10/2015 by the following vote:

AYE: ☒ 4 **John Gioia**
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

NO: ☐

ABSENT: ☒ 1 **Candace Andersen**

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2015/51

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY FOR THE CONTRA COSTA COUNTY REDEVELOPMENT, A SEPARATE LEGAL ENTITY, APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JULY THROUGH DECEMBER 2015 ("ROPS 15-16A") AND THE ADMINISTRATIVE BUDGET FOR THE 2015-16 FISCAL YEAR, AND DIRECTING THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE REQUIREMENTS ASSOCIATED WITH THIS APPROVAL

WHEREAS, pursuant to ABx1 26 as amended by AB 1484 (the "Dissolution Act"), the separate legal entity known as the Successor Agency of the Contra Costa County Redevelopment Agency (the "Successor Agency") must prepare "Recognized Obligation Payment Schedules" ("ROPS") that enumerates the enforceable obligations and expenses of the Successor Agency for each successive six-month fiscal period until the wind down and disposition of assets of the dissolved Contra Costa County Redevelopment Agency (the "Dissolved RDA") has been completed; and

WHEREAS, the Successor Agency staff has prepared a ROPS for the six-month fiscal period commencing on July 1, 2015 and continuing through December 31, 2015 ("ROPS 15-16A"); and

WHEREAS, the Successor Agency received a Finding of Completion on July 18, 2013 from the Department of Finance pursuant to Health and Safety Code Section 34179.7 and as result of the Issuance of the Finding of Completion, the Successor Agency is authorized to, among others, place loan agreements between the dissolved RDA and the County on the ROPS 15-16A; and

WHEREAS, the Successor Agency will request that the Oversight Board, as part of the approval of ROPS 15-16A, to make the requisite findings and adopt a repayment schedule for the repayment of the following outstanding obligations:

1. The SERAF Loan in the principal amount of \$502,175 due to the County as Housing Successor to repay funds borrowed from the Dissolved RDA's Low and Moderate Income Housing Fund, payable pursuant to Health and Safety Code Section 34176(e)(6)(B); and
2. The Housing Asset Fund Obligation under Health and Safety Code Section 34191.4(b)(2)(C) in the approximate amount of \$5,004 and the Montalvin Manor Loan in the principal amount of \$250,277, payable pursuant to Health and Safety Code Section 34191.4(b)(2)(A).

WHEREAS, the Successor Agency staff has prepared an administrative budget for the fiscal period commencing on July 1, 2015 and continuing through June 30, 2016 ("FY 15-16 Administrative Budget"); and

WHEREAS, the Successor Agency is entitled to an administrative cost allowance (the "Administrative Cost Allowance") pursuant to Health and Safety Code Sections 34171(b) and 34183(a)(3) in the approximate amount of \$311,728 for the 2015-16 fiscal year of which approximately \$250,000 will be disbursed during the ROPS 15-16A period; and

WHEREAS, under the Dissolution Act, ROPS 15-16A and the FY 15-16 Administrative Budget must be approved by the Successor Agency's oversight board (the "Oversight Board") to enable the Successor Agency to continue to make payments on enforceable obligations and to pay for administrative costs of the Successor Agency; and

WHEREAS, the Board of Supervisors, acting as the Governing Board of the Successor Agency, has considered and desires to approve the following documents, copies of which are on file with the Clerk of the Board of Supervisors (acting on behalf of the

Successor Agency): 1. The ROPS 15-16A; and 2. The FY 15-16 Administrative Budget; and

WHEREAS, the ROPS 15-16A and the FY 15-16 Administrative Budget will be submitted by the Successor Agency to the Oversight Board for the Oversight Board's approval in accordance with Health and Safety Code Sections 34177 and 34180(g); and

WHEREAS, the ROPS 15-16A and the FY 15-16 Administrative Budget will also be submitted by the Successor Agency to the Contra Costa County Administrative Officer, the Contra Costa County Auditor-Controller, and the State Department of Finance in accordance with Health and Safety Code Section 34179.6; and

WHEREAS, approval of the ROPS 15-16A and the FY 15-16 Administrative Budget is exempt from the requirements of the California Environmental Quality Act and the applicable state and local implementing guidelines ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3); and

WHEREAS, the accompanying staff report provides supporting information upon which the actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, acting as the Governing Board of the Successor Agency and in accordance with the Dissolution Act, hereby finds, resolves, and determines that the foregoing recitals are true and correct, and, together with information provided by the Successor Agency staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below; and

BE IT FURTHER RESOLVED that the Board of Supervisors finds and determines that its approval of the ROPS 15-16A and the FY 15-16 Administrative Budget is exempt from the requirements of CEQA, and the Successor Agency Executive Director, or the Executive Director's designee, is authorized to file the appropriate notice of exemption with respect to the approval of the ROPS 15-16A and the FY 15-16 Administrative Budget in accordance with CEQA; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby approves the ROPS 15-16A and the FY 15-16 Administrative Budget, in the respective forms on file with the Clerk of the Board of Supervisors (acting on behalf of the Successor Agency); and

BE IT FURTHER RESOLVED that the Successor Agency is authorized and directed to enter into any agreements and amendments to agreements consistent with the Dissolution Act and necessary to memorialize and implement the agreements and obligations in ROPS 15-16A and the FY 15-16 Administrative Budget as herein approved by the Successor Agency; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes and directs the Successor Agency staff, acting on behalf of the Successor Agency, to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with the approval of the ROPS 15-16A and the FY 15-16 Administrative Budget, and to take any other actions necessary to ensure the validity of the ROPS 15-16A and the validity of any enforceable obligation listed thereon and the validity of the FY 15-16 Administrative Budget and corresponding Administrative Cost Allowance. In addition, the Board of Supervisors authorizes and directs the Successor Agency staff to make such non-substantive revisions to ROPS 15-16A as may be necessary to submit ROPS 15-16A in any modified form required by the DOF, and ROPS 15-16A as so modified shall thereupon constitute ROPS 15-16A as approved by the Board of Supervisors pursuant to this Resolution; and

BE IT FURTHER RESOLVED that nothing in this Resolution shall abrogate, waive, impair or in any other manner affect the right or ability of the County, as a political subdivision of the State of California, or the Successor Agency, as a separate legal entity, to initiate and prosecute any litigation with respect to any agreement or other arrangement of the Dissolved RDA, including, without limitation, any litigation contesting the purported invalidity of such agreement or arrangement pursuant to the Dissolution Act; and

BE IT FURTHER RESOLVED that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

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

ATTESTED: February 10, 2015

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

By: June McHuen, Deputy

Contact: Maureen Toms, 674-7878

cc: