

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**

CANDACE ANDERSEN, CHAIR, 2ND DISTRICT  
MARY N. PIEPHO, VICE CHAIR, 3RD DISTRICT  
JOHN GIOIA, 1ST 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,  
MAY BE LIMITED TO TWO (2) MINUTES.

A LUNCH BREAK MAY BE CALLED AT THE DISCRETION OF THE BOARD CHAIR.

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

**ANNOTATED AGENDA & MINUTES**  
**December 13, 2016**

**9:00 A.M. Convene and announce adjournment to closed session in Room 101.**  
**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 Employees International Union Local 2015; 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; Teamsters Local 856.

2. Agency Negotiators: David Twa.

Unrepresented Employees: All unrepresented employees.

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

1. *Maninder Wilhelm, et al. v. Contra Costa County, et al.*; Contra Costa County Superior Court Case No. C15-02174
2. *Pleasant Hill Recreation and Park District v. County of Contra Costa, et al.*, Contra Costa County Superior Court Case No. N16-0477
3. *Yolanda Dozier, et al., v. County of Contra Costa, et al.*, United States District Court, Northern District of California Case No. 16-cv-00950

**C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: 1700 and 1750 Oak Park Boulevard Pleasant Hill

Property: 1700 and 1750 Oak Park Boulevard, Pleasant Hill

Agency Negotiator: Karen Laws, Principal Real Property Agent

Negotiating Parties: Contra Costa County and Pleasant Hill Recreation & Park District

Under negotiation: Price and payment terms

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

Inspirational Thought- "I heard a bird sing in the dark of December, a magical thing and sweet to remember." ~ Oliver Herford

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

***There were no announcements from Closed Session.***

**CONSIDER CONSENT ITEMS** (Items listed as C.1 through C.72 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)**

- PR.1** PRESENTATION to recognize the Public Works Department for achieving the Certificate of Re-Accreditation, and the Flood Control and Water Conservation District for achieving the Certificate of Accreditation from the American Public Works Association, acknowledging their commitment to continuous improvement in the delivery of Public Works and Flood Control operations and services to the community. (Julie Bueren, Public Works Director)

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

- PR.2** PRESENTATION to recognize the Contra Costa County Fire Protection District for placing first in the Maritime section, and the Hazardous Materials Incident Response Team for placing second in the Hazardous Material Response section at the 2016 Urban Shield Exercise. (Randall Sawyer, Health Services Department)

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

### **DISCUSSION ITEMS**

- D. 1** CONSIDER Consent Items previously removed.

***There were no items removed for discussion.***

- D. 2** PUBLIC COMMENT (2 Minutes/Speaker)

*Dominique Yancey, Deputy District Attorney, announced that applications for the Summer Internship Program for high school seniors and college students will be accepted from January 1 to March 30, 2016. Interested students are encouraged to send a resume and cover-letter to Deputy District Attorney Dominique Yancey at [dyancey@contracostada.org](mailto:dyancey@contracostada.org) by March 31, 2016.*

*The following people spoke on problems at the Veterans Memorial Building at 968:*

*Dedan Kimathi Ji Jaga, Commander 761<sup>st</sup> Tank Battalion VFW Post 8399, expressed dissatisfaction with meetings with staff regarding conditions and difficulties with non-veteran non-profit agencies using the facility interfering with activities the center was designed for;*

*Leon Watkins, VFW Post 8399, Founder and Executive Director of The Walking Ghosts of Black History*



*and President of the Armed Forces Service and Support Group at Contra Costa College, spoke on encountering difficulties implementing historical and other community veteran's programs the site (handout attached)*

*Gloria Perkins, VFW Post 8399, founder of Perky's Personal Cheerleader low impact inspiration fitness program, spoke on disruptions and uncivil behavior at the post's meetings, and that she is looking to offer this program free of charge to Richmond residents if a site can be found;*

*Will Delaney, Founder and Executive Director of Vets4Chess Project, spoke on code violations and general disrepair that caused him to discontinue his program at the Veterans Building;*

*Supervisor Gioia's staff will set up a meeting with Public Works, Veterans Services and other appropriate people to address the concerns brought up today. Supervisor Glover or his representative will also attend this meeting. Theodore Wilson, spoke on the need to give greater support to incarcerated veterans upon their release.*

- D.3** CONSIDER report on winter storm preparedness in Contra Costa County, as recommended by the Chief Engineer, Flood Control & Water Conservation District, Countywide. (No fiscal impact) (Mike Carlson, Public Works Department)

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 introducing Ordinance No. 2016-24, which would require drug manufacturers to establish a stewardship program for the collection and disposal of unwanted pharmaceutical drugs, WAIVE reading, and FIX December 20, 2016, for adoption as recommended by the Family and Human Services Committee. (Daniel Peddycord, Public Health Director)

*Speakers: Andria Ventura, Clean Water Action; Melody LaBella, CCC Central Sanitation District; Angela Lowrey, Delta Diablo; Sue A. Stephenson, Dublin San Ramon Service District; Heide Sanborn, California Product Stewardship Council; Steve Linsley, West County Wastewater District; Jaime Rich, CCC MEDS Coalition (handout attached); Patty Hoyt, CCC MEDS Coalition (handout attached).*

*The following did not wish to speak but left written comments for the Board's consideration (attached): Nabila Sher, Alcohol, Marijuana Prescription Drug Coalition.*

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** HEARING to consider adopting Resolution No. 2016/548 authorizing two minor lot line adjustments, a 0.8-acre agricultural preserve boundary adjustment, and a Williamson Act contract rescission and approval on property owned by Ronald and Shirley Nunn in the Brentwood area, and related actions under the California Environmental Quality Act. (100% Applicant Fees) (John Osborne, Conservation and Development Department)

*CLOSED the public hearing; FOUND the proposed actions are consistent with the Williamson Act and the County's Williamson Act Program;*

*ADOPTED Resolution No. 2016/548 to:*

*A. ADOPT the seven (7) findings listed in Section B of this Board Order;*

*B. RESCIND the existing Land Conservation Contract No. 5-74 as to one legal parcel approximately 585 acres in size, comprised of Assessor's Parcel Nos. 003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018;*

*C. APPROVE Lot Line Adjustments LL15-0019 and LL15-0020, which adjust the boundaries of Agricultural Preserve 5-74;*

*D. APPROVE Land Conservation Contract AP16-0002 covering the newly configured parcel.*

*E. FIND the proposed actions are exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Sections 15305, 15317, and 15061 (b) (3);*

*F. DIRECT the Director of Conservation and Development, or his designee, to record on the deed for the reconfigured property Lot Line Adjustments LL15-0019 and LL15-0020, record Resolution No. 2016/548, and record Land Conservation Contract AP16-0002, with the County Clerk Recorder, and forward copies of the recorded documents to the California Department of Conservation, and the County Assessor's Office.*

*G. DIRECT the Director of Conservation and Development, or his designee, to file a CEQA Notice of Exemption with the County Clerk Recorder; and*

*AUTHORIZED the Chair of the Board of Supervisors to execute, on behalf of the County, Land Conservation Contract AP16-0002 with Owners Ronald and Shirley Nunn.*

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** HEARING to consider adopting amendments to the Land Use Element and Transportation and Circulation Element of the 2005-2020 Contra Costa County General Plan. (Will Nelson, Conservation and Development Department) (50% Measure J Return to Source Funds, 50% Local Road Funds)

*CLOSED the public hearing; FOUND the project is exempt from CEQA ; ADOPTED the proposed GPA, amending the Land Use Element and Transportation and Circulation Element of the 2005-2020 Contra Costa County General Plan, as the second consolidated GPA for calendar year 2016; and DIRECTED Department of Conservation and Development staff to file a CEQA Notice of Exemption 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.7** CONTINUED HEARING on appeals of the County Planning Commission decision to approve a land use permit for the Diablo MX Ranch Motocross Park project on Camino Diablo Road near Brentwood, and to consider related actions under the California Environmental Quality Act. (Law Offices of David W. Trotter, Appellant; John and Lori Ramirez, Applicants; James and Dorothy Schmidt, Owners) (John Kopchik, Department of Conservation and Development)

*By unanimous vote, the Board accepted additional new material on conditions of approval into the record. The Board also requested the notification list on any future matters regarding this property be enlarged from 300 feet of the property line to 500 feet.*

*CLOSED the public hearing; ADOPTED staff recommendations, incorporating the new proposed Conditions of Approval presented today (attached), using option 14d with minor modifications made today; and DIRECTED staff to incorporate language to require that the permit compliance review shall be completed within 365 days, with the applicant submitting the application and materials 45 days in advance.*

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. 8 CONSIDER reports of Board members.

*There were no items reported today.*

**11:00 A.M. 2016 CSAC Institute Credential Recipients Presentation**

**Closed Session**

**ADJOURN**

## **CONSENT ITEMS**

### **Road and Transportation**

- C. 1** APPROVE and AUTHORIZE the Public Works Director or designee to execute, on behalf of the County, a Memorandum of Understanding with the City of San Ramon, and to pay the City \$20,000 from the Dougherty Valley Regional Enhancement Fund, to participate in the San Ramon Valley Street Smarts Program for the period July 1, 2016 through June 30, 2017, as recommended by the Public Works Director. (100% Dougherty Valley Regional Enhancement Fund)

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

- C. 2** ACCEPT the 2016 status report from the Public Works Director on street light maintenance by Pacific Gas and Electric Company, in coordination with the Contra Costa Cities and the County, as recommended by the Transportation, Water and Infrastructure Committee, Countywide. (100% County Service Area L-100 funds)

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

- C. 3** ADOPT Traffic Resolution No. 2016/4450 to prohibit parking at all times on a portion of the east side of Alves Lane (Road No. 5384A), as recommended by the Public Works Director, Bay Point area. (No fiscal impact)

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

### **Special Districts & County Airports**

- C. 4** APPROVE and AUTHORIZE the Director of Airports, or designee, to submit Airport Improvement Program grant applications to the Federal Aviation Administration (FAA) for \$4,012,800 and to the California Department of Transportation-Division of Aeronautics (Caltrans) for \$100,320, to be used to perform design, engineering, bid procurement and construction of improvements to Runway 14L/32R; APPROVE and AUTHORIZE execution of acceptance documents. (95% FAA, 2.5% Caltrans, 2.5% Airport Enterprise Fund)

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

- C. 5** APPROVE and AUTHORIZE the Director of Airports, or designee, to submit Airport Improvement Program grant applications to the Federal Aviation Administration (FAA) for \$190,000 and to the California Department of Transportation-Division of Aeronautics (Caltrans) for \$4,750, to update the Airport Layout Plan, including a narrative study, for Buchanan Field Airport; APPROVE and AUTHORIZE execution of acceptance documents. (95% FAA, 2.5% Caltrans, 2.5% Airport Enterprise Fund)

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

- C. 6** APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a month-to-month hangar rental agreement with Benjamin White for a Large T-hangar at Buchanan Field Airport effective December 5, 2016 in the monthly amount of \$748.23, Pacheco area. (100% Airport Enterprise Fund)

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

- C. 7** APPROVE and AUTHORIZE the Director of Airports, or designee, to negotiate a long-term lease between the County, as landlord, and one of three parties, in priority ranking order, that have submitted a final property use proposal for 700 Sally Ride Drive at Buchanan Field Airport (100% Airport Enterprise Fund)

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

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

- C. 8** DENY claims filed by Javier Huerta and Eva Madoff.

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

### **Honors & Proclamations**

- C. 9** ADOPT Resolution No. 2016/671 recognizing Victoria Smith upon her retirement from the Orinda City Council, as recommended by Supervisor Andersen.

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

- C. 10** ADOPT Resolution No. 2016/674 honoring Mike Metcalf of the Moraga Town Council for his dedication, service and long standing commitment to the betterment of Moraga and Contra Costa County, as recommended by Supervisor Andersen.

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

- C. 11** ADOPT Resolution 2016/676 recognizing the Contra Costa County Hazardous Materials Incident Response Team for placing second in the Hazardous Material Response section at the 2016 Urban Shield Exercise, as recommended by the Health Services Director.

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

- C. 12** ADOPT Resolution No. 2016/675 recognizing Phil Arth of the Moraga Town Council for his dedication to his community and its residents, as recommended by Supervisor Andersen.

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

- C. 13** ADOPT Resolution No. 2016/678 recognizing the Contra Costa County Fire Protection District for placing first in the Maritime section at the 2016 Urban Shield Exercise, as recommended by the Health Services Director.

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

- C. 14** ADOPT Resolution No. 2016/683 recognizing the CSAC Institute graduates, as recommended by the 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

### **Ordinances**

- C. 15** ADOPT Ordinance 2016-26, amending Section 25-4.608 of the County Ordinance Code, to authorize the evaluation and consideration of competing public interests under Government Code section 6255 when responding to Public Records Act requests, as recommended by the 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

### **Appointments & Resignations**

- C. 16** ACCEPT resignation of Donald Snyder and DECLARE vacant the District IV seat on the County Planning Commission, as recommended by Supervisor Mitchoff.

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

- C. 17** APPROVE the medical staff, affiliates and tele-radiologist appointments and reappointments, privileges, department changes, advancements, voluntary resignations and an updated telephone Consultation Clinic Policy and Addiction Medicine Privilege, as recommend by the Medical Staff Executive Committee, at their November 21, 2016 meeting, and by the Health Services Director.

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

### **Appropriation Adjustments**

- C. 18** Sheriff's Office (0255): APPROVE Appropriations and Revenue Adjustment No. 5033 authorizing new revenue in the amount of \$19,500 in the Sheriff's Office (0255) and appropriating it for the purchase of 700 Hornady Tri-Point Lock Box Gun Safes for the Sheriff's Law Enforcement Training Center. (100% Narcotic Forfeiture Funds)

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

### **Personnel Actions**

- C. 19** ADOPT Position Adjustment Resolution No. 21996 to add one Criminalist III (represented) position and cancel one Deputy Sheriff - Criminalist III (represented) position in the Sheriff's Office - Forensics Division. (Cost savings)

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

- C. 20** ADOPT Position Adjustment Resolution No. 22002 to increase the hours of one part-time 32/40 Registered Nurse-Experienced Level position to full-time in the Health Services Department. (100% General Fund)

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

- C. 21** ADOPT Position Adjustment Resolution No. 21957 to decrease the hours of one Clerk–Senior Level (represented) position from full-time (40/40) to part-time (25/40) in the Sheriff's Office. (Cost savings)

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

- C. 22** APPROVE the Bridges to Success pilot program effective January 1, 2017, and ADOPT Position Adjustment Resolution No. 21998 to establish the classifications of Institutional Services Aide-Project (1KW4) and Institutional Services Worker-Project (1KV1), and ADD two (2) positions of each in the Health Services Department; ADD two (2) Library Aide-Exempt (3KW4) positions in the Library. (24% Library Salary Savings; 76% Health Services Salary Savings)

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

### **Grants & Contracts**

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

- C. 23** ADOPT Resolution No. 2016/669 to approve and authorize the Employment and Human Services Director, or designee, to apply for and accept Edward Byrne Memorial Justice Assistance Grant funding in an amount not to exceed \$981,202 to reduce crime and recidivism within the County, for the period January 1 through December 31, 2017. (100% State; no County match)

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

- C. 24** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with the City of Richmond, to accept funding in an amount not to exceed \$18,487, to provide Children's Interview Center services, for the period July 1, 2016 through June 30, 2017.

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

- C. 25** APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$5,000 from the California Endowment for the Humanities to provide support, guidance and resources to engage recent immigrants and to broaden community connections throughout the county, for the period January 1 through December 31, 2017. (No Library fund match)

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

- C. 26** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with the California Department of Community Services and Development, to pay the County an amount not to exceed \$224,650 to provide Community Services Block Grant program services for the period January 1 through December 31, 2017. (No County match)

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

- C. 27** APPROVE and AUTHORIZE the Child Support Services Director, or designee, to execute a contract with Riverside County, to pay the County an amount not to exceed \$50,000, for delinquent payment early intervention services for the period November 1, 2016 through September 30, 2016. (No County match)

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

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

- C. 28** APPROVE and AUTHORIZE the County Counsel or designee to execute, on behalf of the County and the Contra Costa County Water Agency, an amendment to the joint defense agreement with Natural Resources Defense Council and The Bay Institute, effective October 1, 2016, to increase the payment limit by \$10,000 to a new payment limit of \$20,000 for shared legal and advocacy expenses related to Firebaugh Canal Water District, et al. v. U.S. Department of Interior, Bureau of Reclamation, et al., and related cases. (100% Water Agency funds)

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

- C. 29** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a non-financial agreement containing modified indemnification language with 1st Northern California Credit Union, to provide auto loan services to CalWORKs participants through the Keeping Employment Equals Your Success (KEYS) Auto Loan Program, for the period November 1, 2016 through October 31, 2017.

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

- C. 30** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Louro Consulting Services, Inc., in an amount not to exceed \$169,400 to provide consulting services to the Contra Costa Health Plan, for the period January 1 through December 31, 2017. (100% Contra Costa Health Plan Enterprise Fund II)

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

- C. 31** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract including modified indemnification with the Crowne Plaza Hotel Concord in an amount not to exceed \$12,000 for the Heritage Project, Breaking Barriers training event scheduled for March 1, 2017. (100% State Foster Parent Recruitment, Retention and Support Grant)

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

- C. 32** APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a purchase order with Goodyear Tire in an amount not to exceed \$180,000 for tire supply services, for the period January 1 through December 31, 2017, Countywide. (100% General Fund)

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

- C. 33** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Contra Costa Crisis Center, in an amount not to exceed \$100,672 to provide crisis intervention, suicide prevention and mental health rehabilitative services for the period July 1, 2016 through June 30, 2017, with a six-month automatic extension through December 31, 2017 in an amount not to exceed \$50,336. (100% Mental Health Realignment)



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

- C. 34** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Rainbow Community Center of Contra Costa County in an amount not to exceed \$495,267 to provide specialized behavioral health treatment services to members of the lesbian, gay, bisexual, transgender, queer and questioning community and their families in Central and East Contra Costa County for the period July 1, 2016 through June 30, 2017, with a six-month automatic extension through December 31, 2017 in an amount not to exceed \$247,633. (16% Federal Financial Participation; 84% Mental Health Services Act)

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

- C. 35** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Carlos Zapata, M.D., in an amount not to exceed \$174,720 to provide outpatient psychiatric care to mentally ill adults in Central Contra Costa County, for the period December 1, 2016 through November 30, 2017. (100% Mental Health Realignment)

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

- C. 36** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Jack E. Dudler, M.D., in an amount not to exceed \$150,000 to continue providing primary care services to Contra Costa Health Plan members and County recipients, for the period December 1, 2016 through November 30, 2018. (100% Contra Costa Health Plan Enterprise Fund II)

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

- C. 37** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Touchstone Counseling Services, Inc., in an amount not to exceed \$160,000 to provide mental health services to CalWORKS recipients for the period July 1, 2016 through June 30, 2017, with a six-month automatic extension through December 31, 2017 in an amount not to exceed \$80,000. (100% State CalWORKS program fund)

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

- C. 38** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a novation contract with Stand! For Families Free of Violence, in an amount not to exceed \$139,500, to provide mental health services to CalWORKs participants, for the period from July 1, 2016 through June 30, 2017, with a six-month automatic extension through December 31, 2017, in an amount not to exceed \$69,750. (100% CalWORKs)

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

- C. 39** APPROVE and AUTHORIZE the Human Resources Director, or designee, to execute a contract amendment, effective December 1, 2016, with Massachusetts Mutual Life Insurance Company (MassMutual) to clarify the distribution process for the Reimbursement Budget Account associated with the County 457 Deferred Compensation Plan. (No fiscal impact)

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

- C. 40** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with R. Mason Coleman, M.D., Inc., effective February 1, 2017, to increase the payment limit by \$48,000 to a new payment limit of \$1,023,000 to provide additional hours of radiology services at Contra Costa Regional Medical Center and Health Centers, with no change in the original term of April 1, 2014 through March 31, 2017. (100% Hospital Enterprise Fund I)

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

- C. 41** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Uplift Family Services, a non-profit corporation, effective January 1, 2017, to increase the payment limit by \$6,750 to a new payment limit of \$756,750, to include respite care services for the period of July 1, 2016 through June 30, 2017. (100% State)

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

- C. 42** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Lutheran Social Services of Northern California, a non-profit corporation, effective February 1, 2017, to increase the payment limit by \$110,250 to a new payment limit of \$282,409, to provide additional transitional housing assistance for emancipated youth, for the period July 1, 2016 through June 30, 2017. (100% State)

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

- C. 43** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Groupware Technology, Inc., in an amount not to exceed \$524,903 for new and expanded ccLink electronic health record data storage equipment and three years of support services for the period October 31, 2016 through October 30, 2019. (100% Enterprise Fund I)

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

- C. 44** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order amendment with Beckman Coulter, Inc., to increase the payment limit by \$2,200,000 to a new payment limit of \$2,917,667 for rental of immunoassay analyzers and supplies and reagents for the clinical laboratory at the Contra Costa Regional Medical and Health Centers, with no change in the original term of May 15, 2013 through May 14, 2019. (100% Hospital Enterprise Fund I)

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

- C. 45** APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Valerie Gulyash in an amount not to exceed \$146,060 to provide consulting and technical assistance to the Department for the Keane Chargemaster Billing and EPIC Electronic Medical Record Systems used at Contra Costa Regional Medical Center, for the period January 1 through December 31, 2017. (100% Hospital Enterprise Fund I)

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

- C. 46** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Hyland Software, Inc., in an amount not to exceed \$165,000, for annual software maintenance and licensing for OnBase Document Management and Image Scanning Software for the period January 1 through December 31, 2017. (100% Hospital Enterprise Fund I)

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

- C. 47** APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order to Groupware Technology, Inc., in an amount not to exceed \$370,345 and execute a Rubrik Product Warranty and Support Services Policy with Rubrik, Inc., for new Rubrik R348 hardware and support services for the period November 1, 2016 through October 31, 2017. (100% Hospital Enterprise Fund I)

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

- C. 48** APPROVE and AUTHORIZE the County Administrator, or designee, to amend a contract with Nielsen Merksamer Parrinello Gross & Leoni LLP, effective January 1, 2017, to extend the term from December 31, 2016 through December 31, 2017 and increase the payment limit by \$180,000 to a new payment limit of \$900,000 for continued state advocacy services. (100% General Fund)

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

- C. 49** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with We Care Services for Children to increase the payment limit by \$11,088 to a new payment limit of \$232,445, to provide cost of living increases for State preschool services, with no change to term July 1, 2016 through June 30, 2017. (100% State)

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

- C. 50** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with First Baptist Church of Pittsburg, California in an amount not to exceed \$2,089,154, for Head Start Delegate Agency childcare services for the term January 1, 2017 through December 31, 2017. (100% Federal)

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

- C. 51** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Richmond Elementary School, Inc., to increase the payment limit by \$10,560 to a new payment limit of \$221,376, to provide cost of living expenses for State preschool services with no changes to term July 1, 2016 through June 30, 2017. (100% State)

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

- C. 52** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Little Angels Country School, LLC, to increase the payment limit by \$32,076 to a new payment limit of \$275,569, to provide cost of living increases for State Preschool services, with no change to term July 1, 2016 through June 30, 2017. (100% State)

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

- C. 53** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with First Baptist Church of Pittsburg, California, to increase the payment limit by \$44,614 to a new payment limit of \$387,878 to provide cost of living increases for Early Head Start Program Enhancement and State General Childcare Development services with no change to term July 1, 2016 through June 30, 2017.(63% State, 37% Federal)

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

- C. 54** APPROVE and AUTHORIZE the County Administrator, or designee, to amend a contract with Alcalde & Fay, effective January 1, 2017, to extend the term from December 31, 2016 through December 31, 2017 and increase the payment limit by \$103,000 to a new payment limit of \$308,392 for continued federal advocacy services. (100% General Fund)

***CORRECTED to READ: APPROVE and AUTHORIZE the County Administrator, or designee, to amend a contract with Alcalde & Fay, effective January 1, 2017, to extend the term from December 31, 2016 through December 31, 2017 and increase the payment limit by \$108,500 to a new payment limit of \$525,392 for continued federal advocacy services.***

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

- C. 55** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with First Baptist Church of Pittsburg, to increase the payment limit by \$101,192 to a new payment limit of \$1,019,100, to pass through the cost of living increase for State Preschool, Pre-kindergarten Literacy and Early Head Start Program services, with no change to term July 1, 2016 through June 30, 2017. (88% State, 12% Federal)

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

- C. 56** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with First Baptist Church of Pittsburg, California, to increase the payment limit by \$55,250 to a new amount not to exceed \$1,441,656, to provide childcare services at Fairgrounds Children's Center, with no change to term July 1, 2016 through June 30, 2017. (21% Federal, 79% State)

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

### **Other Actions**

- C. 57** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to issue a Request for Proposals in an amount not to exceed \$600,000 for the Family Preservation and Support Program for the period July 1, 2017 through June 30, 2018.

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

- C. 58** APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to issue a Request for Proposals in an amount not to exceed \$1,600,000 for the Differential Response Program, Path 2 Case Management services for the period July 1, 2017 through June 30, 2018.

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

- C. 59** APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute the Memorandum of Understanding designating Zone 7 of the Alameda County Flood Control and Water Conservation District as the local Groundwater Sustainability Agency under the Sustainable Groundwater Management Act for the portion of the Livermore-Amador Valley Groundwater Basin (No. 2-10) that lies within Contra Costa County, as recommended by the Transportation, Water and Infrastructure Committee. (No fiscal impact)

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

- C. 60** ADOPT Resolution No. 2016/670 granting a pipeline franchise to Plains Products Terminals LLC, 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 Martinez, as recommended by the Public Works Director. (Revenue accrues to the General Fund)

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

- C. 61** ACCEPT the North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee Annual Report for 2016, as recommended by the Conservation and Development Director. (No fiscal impact)

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

- C. 62** ACCEPT the recommendation of the Library Commission's revitalization ad hoc committee to REAUTHORIZE the Library Commission through December 31, 2019. (No fiscal impact)

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

- C. 63** APPROVE Conflict of Interest Code for the West County Wastewater District, as recommended by the County Counsel.

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

- C. 64** ACCEPT the Treasurer's Quarterly Investment Report as of September 30, 2016, as recommended by the Treasurer-Tax Collector.

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

- C. 65** APPROVE the delegation of authority to the County Treasurer for investing and reinvesting County funds and the funds of other depositors in the County treasury, or to sell or exchange securities so purchased, pursuant to section 53607 of the State Government Code.

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

- C. 66** DECLARE the candidates who filed for an office for which the number of candidates is equal to or less than the number required to be elected as "Appointed-in-Lieu of Election" or "Appointed" at the November 8, 2016 Presidential General Election, as recommended by the Clerk Recorder. (No fiscal impact)

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

- C. 67** ACCEPT the results of offices and county measures of the November 8, 2016 Presidential General Election, as recommended by the Clerk Recorder. (No fiscal impact)

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

- C. 68** APPROVE the list of providers recommended by Contra Costa Health Plan's Peer Review and Credentialing Committee on November 8, 2016, and by the Health Services Director, as required by the State Departments of Health Care Services and Managed Health Care, and the Centers for Medicare and Medicaid Services.

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

- C. 69** APPROVE the list of providers recommended by Contra Costa Health Plan's Medical Director on October 25, 2016, and by the Health Services Director, as required by the State Departments of Health Care Services and Managed Health Care, and the Centers for Medicare and Medicaid Services.

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

- C. 70** ACCEPT and APPROVE the revised Head Start Policy Council Bylaws for the Community Services Bureau, as recommended by the Employment and Human Services Director.

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

- C. 71** ACCEPT the 2016 Advisory Body Annual Report for the Affordable Housing Finance Committee, as recommended by the Conservation and Development Director. (No fiscal impact)

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

- C. 72** ACCEPT the Contra Costa County Fish and Wildlife Committee 2016 Annual Report, as recommended by the Fish and Wildlife Committee. (No fiscal impact)

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

## **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.

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

## STANDING COMMITTEES

The **Airport Committee** (Supervisors Karen Mitchoff and Mary N. Piepho) meets quarterly on the fourth Monday of the month at 12:30 p.m. at Director of Airports Office, 550 Sally Ride Drive, Concord.

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

The **Finance Committee** (Supervisors Federal D. Glover and John Gioia) meets on the second Monday of the month at 1:30 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Hiring Outreach Oversight Committee** (Supervisors John Gioia and Federal Glover) To be determined

The **Internal Operations Committee** (Supervisors Candace Andersen and Karen Mitchoff) meets on the second Monday of the month at 9:00 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Legislation Committee** (Supervisors Karen Mitchoff and Mary N. Piepho) meets on the first Thursday of the month at 11:00 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 11:00 a.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 Thursday of the month at 1:30 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.



Airports Committee			See above
Family & Human Services Committee			See above
Finance Committee			See above
Hiring Outreach Oversight Committee			See above
Internal Operations Committee			See above
Legislation Committee			See above
Public Protection Committee			See above
Transportation, Water & Infrastructure Committee			See above

**PERSONS WHO WISH TO ADDRESS THE BOARD DURING PUBLIC COMMENT OR WITH RESPECT TO AN ITEM THAT IS ON THE AGENDA, MAY BE LIMITED TO TWO (2) MINUTES**

**A LUNCH BREAK MAY BE CALLED AT THE DISCRETION OF THE BOARD CHAIR**

**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  
**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: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 13, 2016

Subject: PRESENTATION for Public Works Department and Flood Control and Water Conservation District Accreditation

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**RECOMMENDATION(S):**

RECOGNIZE the County's Public Works Department for achieving the Certificate of Re-Accreditation and the Flood Control and Water Conservation District for achieving the Certificate of Accreditation from the American Public Works Association (APWA), acknowledging their commitment to continuous improvement in the delivery of Public Works and Flood Control operations and services to the community, as recommended by the Public Works Director and Chief Engineer, Countywide.

**FISCAL IMPACT:**

No fiscal impact

**BACKGROUND:**

On August 16, 2016, the Public Works Department submitted the "Accreditation Report 2016" to the Board of Supervisors for Acceptance. As presented, in preparation for our 2016 site visit by the American Public Works Association (APWA), we reviewed all of our practices, policies and procedures. On October 3-5, 2016, APWA evaluators visited the Glacier Drive, Martinez facility and reviewed a large sampling of our work product to determine if we qualified for Re-Accreditation.

In addition

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Carrie Ricci, (925)  
313-2235

cc:

BACKGROUND: (CONT'D)

to the Public Works Department, the Flood Control and Water Conservation District also applied for independent accreditation by the APWA. During the same visit in October the APWA evaluators reviewed a large sampling of the District's work product to determine if they qualified on their own for Accreditation.

We are proud to inform the Board of Supervisors that as of October 14, 2016, the Public Works Department achieved our goal of Re-Accreditation, and especially proud to announce the first independent district Accreditation in California for the Contra Costa County Flood Control and Water Conservation District.

CONSEQUENCE OF NEGATIVE ACTION:

The District and Department will not be recognized for the completed Accreditation and Re-Accreditation, respectively, by the American Public Works Association.

ATTACHMENTS

Press Release

**FOR IMMEDIATE RELEASE:**

**CONTACT: Laura Bynum**  
**APWA Media Relations/Communications Manager**  
**(202) 218-6736**  
[lbynum@apwa.net](mailto:lbynum@apwa.net)

**Contra Costa County's Public Works Department Awarded Fourth Re-Accreditation -  
Flood Control and Water Conservation District Receives Accreditation**

**KANSAS CITY, MO. – November 14, 2016** – Initially accredited in July 2001, Contra Costa County's Public Works Department was recently awarded a prestigious fourth American Public Works Association (APWA) Re-Accreditation. Newer to the program, the Contra Costa County Flood Control and Water Conservation District was awarded an initial Accreditation; one of the first independent flood control districts to receive such accreditation by the APWA. The APWA Accreditation program recognizes public works agencies that go beyond the requirements of the management practices established nationally in the public works industry, as contained in the APWA Public Works Management Practices Manual.

"Contra Costa's APWA Re-Accreditation is a program that enhances the effectiveness of our Public Works Department, and that has been accomplished over a lengthy period of time with four APWA Re-Accreditations since our initial Accreditation in July, 2001," said Public Works Director, Julia Bueren. "With the APWA Re-Accreditation, the Public Works Department has updated and recommitted to concepts of continuous improvement and in-depth self-assessment of our agency's policies, procedures and practices," Bueren said.

The Contra Costa County Flood Control and Water Conservation District and the Public Works Department staff will be presented its initial Accreditation and Fourth Re-Accreditation plaques respectively by APWA President Ron Calkins, P.E., PWLF, of Ventura, CA on December 13, 2016 at the County Board of Supervisors meeting at 651 Pine Street, Martinez at 9:30 a.m.

The Contra Costa County Public Works Department provides for the construction, maintenance and improvement of public infrastructure within the unincorporated area of the county. Public Works maintains 660 miles of roads and 150 miles of streams channels and other drainage facilities, as well as maintenance of 93 county buildings. Key services include Capital Projects Management, Design/Construction, County Surveyor, Airports, Land Development Services, Flood Control, Landscaping, Parks and Recreation, Purchasing Services, Real Estate, Records, Street Lights, Street Sweeping, and Fleet Services.

The Flood Control and Water Conservation District covers all of Contra Costa County, including its cities and owns property throughout the county for the purpose of constructing and maintaining regional flood control basins, channels, and creeks. The District's key services include regional flood protection, and provides technical information and education to cities and residents.

For Contra Costa County's review, a team of public works professionals from Victoria, BC, Pierce County, WA and Kansas City, MO, completed a thorough evaluation of operations during their October, 2016 site visit. "It's great to have the Contra Costa County Public Works Department reach

full compliance for the fourth time with their practices. I commend their continued and renewed commitment to the detailed review of the agency's policies and procedures to qualify again," said APWA Director of Accreditation, Ann Daniels.

The Contra Costa County Public Works Department became the eighth agency in North America to receive Accreditation and was the first county to do so in the State of California. Contra Costa County is joined by other accredited California municipalities, including Alameda City and County, Bakersfield, Berkeley, Encinitas, Fresno, Oakland, Orange County, Palo Alto, Palmdale, San Francisco, San Luis Obispo County, Thousand Oaks, Vallejo.

For more information about the Contra Costa County Department of Public Works, contact Director Julia Bueren at [Julie.bueren@pw.cccounty.us](mailto:Julie.bueren@pw.cccounty.us) or Deputy Director Carrie Ricci at: [carrie.ricci@pw.cccounty.us](mailto:carrie.ricci@pw.cccounty.us). For more information about APWA Accreditation, please contact APWA Director of Accreditation, Ann Daniels at [adaniels@apwa.net](mailto:adaniels@apwa.net). For APWA media queries, please contact Laura Bynum, APWA Media Relations and Communications Manager at [lbynum@apwa.net](mailto:lbynum@apwa.net).

**About APWA**

The American Public Works Association ([www.apwa.net](http://www.apwa.net)) is a not-for-profit, international organization of more than 29,000 members involved in the field of public works. APWA serves its members by promoting professional excellence and public awareness through education, advocacy and the exchange of knowledge. APWA is headquartered in Kansas City, Missouri, has an office in Washington, D.C. and 63 chapters in North America.

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Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: 2016 Urban Shield Presentation

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**RECOMMENDATION(S):**

Presentation recognizing the Contra Costa County Fire Protection District for placing first in the Maritime section, and the Hazardous Materials Incident Response Team for placing second in the Hazardous Material Response section at the 2016 Urban Shield Exercise.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Contra Costa County Fire Protection District participated in the Maritime/Fire/Rescue section of Urban Shield 2016. Maritime/Fire/Rescue teams were presented with realistic, mentally and physically challenging training scenarios that required them to demonstrate their ability to operate in an "all risk" environment. Examples of "all-risk" include searching for persons reported overboard, in-water rescues, and responding to reports of an oil spill followed by the provision of EMS for sick and/or injured survivors. Boat handling, navigation, use of navigation aid, marlinspike seamanship and familiarity with maritime rescue tools and equipment were also evaluated.

The

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Randy Sawyer,  
925-335-3210

cc: Randy Sawyer, Marcy Wilhelm, Tasha Scott



## BACKGROUND: (CONT'D)

Health Services Hazardous Materials Response Team participated in the Hazardous Materials Response section of Urban Shield 2016. Hazardous materials response teams were required to demonstrate their abilities in a series of realistic, mentally and physically challenging, state-of-the-art training scenarios to respond to the uncontrolled releases of hazardous substances during transportation or at fixed facilities as well as incidents involving weapons of mass destruction. Six different areas of response were evaluated as follows:

- Biological – Response to an unknown biological weapon lab to determine with testing it was a botulism Lab.
- Chemical – Determine what agent a victim was exposed to based on signs and symptoms and testing, determine he was an innocent victim of a mustard agent exposure
- Radiological - Response to a home that was issued a search warrant due to possession of a stolen soil density gauge. House had radiological sources and an explosives lab, and a suspected radiological dispersion device
- Rail/chemical – Response to a railcar of hydrogen fluoride that was tampered with and releasing hydrogen fluoride and the assignment was to stop the leak
- Chemical Attack – Response to a nerve agent on a bus and the assignment was to find and inactivate dispersal device and rescue an unconscious victim from the bus
- Rail/Chemical – Develop and implement a plume model assignment to assess worst case scenario from the hydrogen fluoride railcar release and identifying the population of the potentially affected area

Each team was given two (2) hours to solve each scenario. Each Marine and HazMat Response Team was graded on their ability to assess the threat, determine an action plan to mitigate the situation, and exercising that plan. This annual competition challenges and prepares local Marine and HazMat response teams for an actual marine and a chemical/biological/nuclear incident in the San Francisco Bay Area.

The Contra Costa County Fire District Marine members included: Battalion Chief Jim Huntze, Captain Whit MacDonald, Captain Chuck Stark, Firefighter Wes Balthazar, and Firefighter Brandon Burruss.

The Contra Costa Hazardous Materials Incident Response Team has won this event twice and came in second and third in the same year another time. The team participating this year included: Maria Duazo (Hazardous Materials Response Team Lead), Daniel Vazquez, Trisha Asuncion, Hung Pham, David LeCount, Ellen Dempsey, and Seth Heller.

Contra Costa County Fire Protection District and the Health Services Hazardous Materials Programs are working closely together in responding to hazardous materials incidents. This includes how they will be dispatched to incidents, establishment of incident command at the incident, and developing protocols on responding to incidents within the Contra Costa County Fire Protection District's jurisdictional borders to hazardous materials incidents.



**Contra  
Costa  
County**

To: Contra Costa County Flood Control District Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: December 13, 2016

Subject: CONSIDER Report on Winter Storm Preparedness in Contra Costa County, Countywide.

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**RECOMMENDATION(S):**

CONSIDER Report on Winter Storm Preparedness in Contra Costa County, as recommended by the Chief Engineer, Flood Control & Water Conservation District, Countywide. (Mike Carlson, Public Works Department)

**FISCAL IMPACT:**

No fiscal impact

**BACKGROUND:**

To remind our communities throughout the County about awareness and preparations for this winter's rainy season, the Contra Costa County Flood Control and Water Conservation District (Flood Control District) has the following report:

**Agency Preparations:**

The County's Public Works and Flood Control District crews have been working hard to prepare for this winter, and they treat every winter as a potential heavy winter. Regional flood protection facilities and local drainage systems are ready and expected to perform well during large storms, as they have in the past. Key personnel are available to respond to emergencies at any time. As public agencies, we also value the eyes and ears of our residents to identify potential problems, so we have in place

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

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Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: June McHuen, Deputy

Contact: Tim Jensen, (925)  
313-2390

## BACKGROUND: (CONT'D)

24/7 reporting via phone or e-mail.

There are 14 Reclamation Districts responsible for the Delta area's levees in eastern Contra Costa County. They each perform a critical function to protect lives and property. Their staff has been preparing for this winter via inspections, maintenance, restocking supplies, and training. The levees and pumps are ready, and they have trained personnel on standby to respond to any issues that may arise. During storm events, levees will be closely monitored.

Key personnel throughout the County are trained and ready to respond to any emergency at any time. In preparation for this winter, the County's Office of Emergency Services has been coordinating with local, state, and federal agencies to ensure winter preparedness and disaster response. The various County agencies, such as Sheriff, Fire, Health Services, Public Works, Flood Control District, Reclamation Districts, and Animal Services, are partners in disaster preparedness and response. A workshop this fall brought these agencies together to coordinate preparations for whatever this winter brings. These activities keep our County in compliance with the National Weather Service's "storm ready" rating.

### Sandbag Stations:

Each year the County and cities provide free sand and sandbags to local residents for use in protecting their property from flooding. On December 21, 2015, a sandbag demonstration media event was hosted by Supervisor Gioia. Video footage from that event and a sandbag demonstration guide is available on our website. For more information, visit <http://www.cccounty.us/5983/Sandbags>.

### Creek and Channel Safety Awareness:

The County's Creek and Channel Safety Awareness Program annual events continue, including: 1) completing the annual outreach to schools in September; 2) refreshing and adding new warning signs in flood control channels this fall; and 3) coordinating with Contra Costa County Fire Protection District's Swiftwater Rescue operations. In November, Walnut Creek Intermediate School hosted their second "Stay Out! Stay Alive!" campaign regarding the flood control channel that traverses its campus. See [www.cccounty.us/creekandchannelsafety](http://www.cccounty.us/creekandchannelsafety) for more information.

### Media Outreach:

In an effort to get the word out to the public, we have worked with our Public Information Officer to send out regular media blasts all winter on flood or weather-related information that would be useful or interesting. Examples include determining if a property is in a flood-prone area, the location of sandbag stations, activities that people can undertake to protect their property from flooding, emergency preparedness, flood forecasting information, or a message from our Creek and Channel Safety Program.

### Newsletters:

Each Board member has a newsletter and e-mail blast they send out generally once a week. We are providing our winter preparation media outreach information to them, and it is distributed across the County through their channels.

### Website:

The Flood Control District has a webpage describing what citizens can do to prepare for this winter's rainy season. The webpage can be found at <http://www.cccounty.us/5906/Flood-Preparedness>.

### Flood Forecasting:

In our area, localized heavy rains can happen unexpectedly and streams can rise rapidly, so paying attention to the weather and utilizing forecasting resources is important. The Flood Control District monitors 29 rain gauges and six stream elevation gauges to provide information. We are in the process of installing several more stream gauges with state funding. Our data is used by the National Weather Service to inform their forecasts. We have a custom-made forecasting guide we call "7532 Flood!" We provided information about the guide online, discussed it at numerous agency and public meetings, and have produced a short video on the guide. This information helps public agencies and residents predict the potential for flooding in their community. The webpages are compatible with most mobile devices and can be found at <http://www.cccounty.us/RainMap>.

Resource for Cities:

Flood Control District staff has combined the above messages into the flood preparedness webpages as a resource for cities. Staff is also available to provide input on winter preparation messages produced by cities, as well as to speak on winter preparedness at city-hosted meetings.

The above information will be sent to media outlets and community sites to coincide with this Board action. Key staff members are available to answer questions, attend community meetings, or be interviewed upon request.

The Chief Engineer, Flood Control District recommends that the Board accept the above report, and the personally presented report, on flood preparedness in Contra Costa County.

CONSEQUENCE OF NEGATIVE ACTION:

If this Board Order is not adopted, members of the public may not receive important information about flood preparedness and creek and channel safety.

CHILDREN'S IMPACT STATEMENT:

The Flood Control District will continue to work with schools and youth-based groups within the County to educate children about safety regarding creeks and flood control channels.



Contra  
Costa  
County

To: Board of Supervisors  
From: FAMILY & HUMAN SERVICES COMMITTEE  
Date: December 13, 2016

Subject: Introduction of Ordinance No. 2016-24, establishing a pharmaceutical drug stewardship program in the unincorporated area

**RECOMMENDATION(S):**

1. INTRODUCE Ordinance No. 2016-24, which would require drug manufacturers to establish a stewardship program for the collection and disposal of unwanted drugs, WAIVE reading, and FIX December 20, 2016, for adoption.
2. DIRECT the Public Health Director to advocate the adoption of similar ordinances by the cities and towns in this county.
3. DIRECT the Public Health Director to consult with representatives of the drug manufacturers to be subject to Ordinance No. 2016-24 regarding the process for compliance with its terms.
4. DIRECT the Public Health Director to prepare and present a report to the Board on the status of implementation of Ordinance No. 2016-24, including city and town ordinance adoptions and manufacturer responses, by June 6, 2017.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/13/2016** ☐ 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: December 13, 2016

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

By: , Deputy

Contact: Enid Mendoza, (925)  
335-1039

cc: Daniel Peddycord, Sharon L. Anderson

### FISCAL IMPACT:

There is no anticipated impact to the County general fund. The proposed Safe Drug Disposal Ordinance would require the producers of covered drugs to fully fund the administrative and operational cost of an approved product stewardship program for the safe disposal of prescription drugs. Revenue from proposed fees to be paid by producers would cover costs incurred by the County health officer related to the inspection of stewardship plans and any related investigation, audits, enforcement and adjudication.

### BACKGROUND:

On April 27, 2010, the Board adopted a resolution supporting Extended Producer Responsibility. It was noted that local governments do not have the resources to adequately address the rising volume of discarded products and that there are significant environmental and health impacts associated with improper management of universal wastes, sharps and other products.

Extended producer responsibility (EPR) laws, sometimes referred to as product stewardship laws, assign responsibility for end-of-product life management of consumer products on the manufacturers of those products. Despite association between prescription opioid sales and the increase in accidental deaths from drug overdose there is currently no mandatory statewide drug stewardship program for unwanted household drugs in California.

In March 2012, Supervisor Mary Piepho presented a resolution to the Board declaring March as "Prescription Drug Abuse Awareness Month." Comment was made regarding the importance of safely storing and disposing of medications. Subsequently, at an April 28, 2012, Prescription Drug Take Back event, Supervisor Piepho noted that her office was working with County departments to review and evaluate a "Safe Medication Disposal" ordinance for Contra Costa County.

On March 3, 2015, the Board adopted a resolution recognizing March as Prescription Drug Awareness month to bring attention to the seriousness and significance of deaths associated with the misuse of prescription drugs. Supervisor Candace Andersen referenced the importance of disposing unwanted medications when they are no longer needed and Supervisor Piepho indicated that she hoped the County would soon be able to adopt a safe drug disposal ordinance, following Alameda County's lead.

### December 6, 2016 Board meeting

On December 6, 2016, a proposed Safe Drug Disposal Ordinance was presented to the Board for consideration. At the Board meeting, several public speakers urged the Board to expand the reach of the ordinance to include non-prescription drugs. The Board continued the item to December 13, 2016, to allow time for further staff study of problems related to non-prescription drugs in the unincorporated area that might be addressed by a revised ordinance.

Public Health staff has gathered data and other material relevant to the use of non-prescription drugs and determined that confirms that the unintentional consumption of non-prescription drugs by children in Contra Costa County is a significant problem. In 2015, 2,800 of 6,500 calls from within Contra Costa County to the State Poison Control Center involved children under 5 who had unintentionally overdosed on prescription or non-prescription drugs. The most common non-prescription drugs resulting in calls to the State Poison Control Center were ibuprofen, acetaminophen, antihistamines and dextromethorphan, a cough suppressant in many cough syrups. Consistent with the above findings, proposed Ordinance No. 2016-24 has been revised to require drug manufacturers to establish programs to take back both prescription and non-prescription medication.

### Ordinance Development

Additional background about the development of this ordinance is included in the December 6, 2016, Board Order from the Family and Human Services Committee.

### Summary of Ordinance

The proposed ordinance, which is similar to ordinances adopted by other counties, would require drug

manufacturers to establish and pay for a collection system. The goal would be to establish at least three drop-off sites in each of the five supervisorial districts in locations that allow for convenient and equitable access by residents of the unincorporated areas of those districts. If achievement of this goal is not feasible in a supervisorial district, the stewardship program would need to provide for a mail-back service and periodic take-back events that are at least six hours in length, held at least once per quarter and located in at least three locations in the district.

Under the proposed ordinance, preference would be given to having retail pharmacies and law enforcement agencies serve as collectors. In addition, mail-back services would need to be made available to individuals who are disabled or homebound.

If adopted, the proposed ordinance would require the producer of a covered drug to submit a product stewardship plan to the County health officer, describing how it would provide for the disposal options described above. Covered drugs include both prescription and non-prescription drugs. The proposed ordinance would allow a producer to satisfy its obligations either individually or jointly with other producers, in the form of a stewardship organization. As drafted, the ordinance would require producers to provide notice to all retail pharmacies and all law enforcement agencies located in the County of the opportunity to participate as collectors.

### Enforcement

Section 53069.4 of the Government Code authorizes the County to impose administrative fines for violation of any ordinance. This statute authorizes administrative fines of \$100 for a first violation, \$200 for a second violation within one year and \$500 for a third violation within a year. Acts or omissions in violation of an ordinance that continue from day to day would be considered separate violations on each day. For example, a producer's failure to file a timely stewardship plan would subject the producer to a \$100 fine the first day, \$200 fine the second day and \$500 every day thereafter until the plan is filed. If the violation continued for 30 days, the fine would be \$14,300.

The above administrative fine amounts are identical to the fines for criminal infractions. However, administrative fines are imposed administratively as opposed to prosecuting a violator in criminal court. Proposed Ordinance No. 2016-24 has been revised to include provisions for administrative fines.

As with other County ordinances, Ordinance No. 2016-24 could also be enforced under Division 14 of the County Ordinance Code. Under Chapter 14-8, a violation of Ordinance No. 2016-24 would be a criminal infraction, punishable by fines in the same amounts stated above, including fines for continuing violations. Infraction fines are set by statute. (Gov. Code, § 25132, subd. (b.)) Ordinance No. 2016-24 would amend Section 14-8.008 of the County Ordinance Code to authorize the Health Services director to issue infraction citations to violators of Ordinance No. 2016-24.

### CONSEQUENCE OF NEGATIVE ACTION:

If Ordinance No. 2016-24 is not introduced, the proposed drug stewardship program would not go into effect.

### CLERK'S ADDENDUM

*Speakers: Andria Ventura, Clean Water Action; Melody LaBella, CCC Central Sanitation District; Angela Lowrey, Delta Diablo; Sue A. Stephenson, Dublin San Ramon Service District; Heide Sanborn, California Product Stewardship Council; Steve Linsley, West County Wastewater District; Jaime Rich, CCC MEDS Coalition (handout attached); Patty Hoyt, CCC MEDS Coalition (handout attached). The following did not wish to speak but left written comments for the Board's consideration (attached): Nabila Sher, Alcohol, Marijuana Prescription Drug Coalition.*

### AGENDA ATTACHMENTS

Ordinance 2016 clean

Ordinance 2016 Redline

### MINUTES ATTACHMENTS

Correspondence Received





## **ORDINANCE NO. 2016-24**

### **(Safe Drug Disposal)**

The Contra Costa County Board of Supervisors ordains as follows:

**SECTION I. SUMMARY.** This ordinance adds Chapter 418-16 to the Contra Costa County Ordinance Code to establish a stewardship program for the collection and disposal of unwanted drugs.

**SECTION II. AUTHORITY.** This ordinance is adopted pursuant to Health and Safety Code section 101025, article XI, section 7 of the California Constitution and Government Code section 53069.4.

**SECTION III. FINDINGS.**

- (a) Pharmaceutical drugs allow people to live longer, healthier and more productive lives.
- (b) There is a lack of sufficient safe and convenient disposal locations for unwanted pharmaceutical drugs in this county.
- (c) As a result, unwanted pharmaceutical drugs are often left in homes, where they can be accidentally ingested by children, adults and the elderly, thus increasing their risk of poisoning and death.
- (d) In 2015, approximately 2,800 of more 6,500 calls to the California Poison Control System from locations within Contra Costa County concerned children under 5 who had unintentionally overdosed on prescription or non-prescription pharmaceutical drugs. Of the calls involving poisonings by non-prescription pharmaceutical drugs, the most common were ibuprofen (133 calls), acetaminophen (86 calls) and dextromethorphan, a cough suppressant (17 calls).
- (e) The improper or careless disposal of unwanted prescription drugs can also lead to illegal resales of drugs and drug addiction.
- (f) Nationwide, the drug overdose death rate increased by 137 percent from 2000 to 2014. Nearly 500,000 people died from drug overdoses in that time period. More than 50 percent of those deaths were related to overdoses of prescription drugs, primarily opioids.
- (g) The sales of, and overdose-related deaths from, prescription opioids quadrupled nationwide from 1999 to 2010. From 1999 to 2014, more than 165,000 people died from prescription opioid-related overdoses.
- (h) In Contra Costa County, 96 accidental drug overdose deaths were reported to the Contra Costa County Coroner's Office in 2014.
- (i) Opioid prescription guidelines have been developed and implemented at emergency rooms throughout Contra Costa County to limit the potential for opioid abuse. However, prescription limitations alone are not enough to curb the abuse of opioids, and do not address the misuse of non-prescription pharmaceutical drugs.
- (j) A survey conducted by the Contra Costa Health Services Public Health Division in 2016 revealed that 73 percent of 1,653 respondents reported having unused or leftover prescription drugs in their homes. Of 1,204 respondents, 43 percent said they hadn't gotten around to disposing of them, 38 percent said there was no convenient means of proper disposal and 18 percent were uncertain how to properly dispose of them.

(k) Accumulated pharmaceutical drugs pose a serious risk of misuse, abuse and death of residents of Contra Costa County.

(l) There is currently no mandatory statewide drug stewardship program for unwanted household pharmaceutical drugs in California.

(m) The West Contra Costa Integrated Waste Management Authority, Central Contra Costa Sanitary District and Delta Diablo Sanitation District currently provide collection bins at locations such as the County hospital, police stations and waste disposal facilities, but only for unwanted pharmaceutical drugs that are not controlled substances.

(n) Unused prescription opioids and other controlled pharmaceutical drugs, however, may be lawfully collected only by law enforcement and pharmacists, and to date collection options for these types of drugs are very limited. Only two police stations and two pharmacies in Contra Costa County collect unused controlled pharmaceutical drugs, and none is located in the unincorporated area. The U.S. Drug Enforcement Administration sponsors take-back events where controlled pharmaceutical drugs may be dropped off, but these events are held only a few times each year.

(o) Due to the locations and limitations of these collection options, the above measures do not go far enough to address the risks of misuse, addiction and death from pharmaceutical drugs, particularly those drugs that are controlled substances.

(p) Because existing programs to take back unused and unwanted pharmaceutical drugs are either too limited or not convenient, establishing the drug stewardship program described in this ordinance is necessary to preserve and protect the health of residents of Contra Costa County.

(q) The drug stewardship program described in this ordinance will benefit the public by significantly increasing convenient disposal options for county residents, enabling collection of larger quantities of unwanted pharmaceutical drugs and reducing the above risks to public health.

**SECTION IV.** Chapter 418-16 is added to the County Ordinance Code, to read:

### **Chapter 418-16 Safe Drug Disposal**

#### **418-16.202 Definitions.**

For purposes of this chapter, the following words and phrases have the following meanings:

(a) "Approved stewardship plan" means a stewardship plan approved by the health officer.

(b) "Approved stewardship program" means a stewardship program that is described in and operates in accordance with an approved stewardship plan.

(c) "Collector" means a person or government entity that collects unwanted covered drugs in an approved stewardship program.

(d) "County residents" means human beings who reside in the unincorporated area of the county.

(e) "Covered drug" means a drug as defined in subsection 418-16.202(f), except for the following:

- (1) Vitamins or supplements;
- (2) Herbal-based remedies and homeopathic drugs, products or remedies;
- (3) Cosmetics, shampoos, sunscreens, toothpaste, lip balm, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.);

(4) Drugs for which producers provide a pharmaceutical product stewardship or take-back program as part of a federal Food and Drug Administration-managed risk evaluation and mitigation strategy under section 355-1 of title 21 of the United States Code;

(5) Biological products as defined by 21 Code of Federal Regulations part 600.3(h) (2015) for which a producer provides a pharmaceutical product stewardship or take-back program; and

(6) Medical devices or their component parts or accessories.

(f) "Drug" means a drug defined in section 321(g)(1) of title 21 of the United States Code.

(g) "Drug wholesaler" means a person who engages in the sale or distribution of covered drugs to retailers or other entities located in the unincorporated area of the county but not individual consumers.

(h) "Mail-back service" means a collection method for the return of unwanted covered drugs that utilizes prepaid and preaddressed mailing envelopes.

(i) "Manufacturing" means the production, preparation or compounding of a drug, but does not include the repackaging or relabeling of a drug or the preparation, compounding, packaging, labeling, dispensing or distribution of a drug by a practitioner in the course of his or her professional practice.

(j) "Manufacturer" means a person engaged in manufacturing.

(k) "Pharmacy" means a place licensed by the State of California Board of Pharmacy where the practice of pharmacy is conducted.

(l) "Producer" means the manufacturer of a covered drug that is sold or distributed in any form in the unincorporated area of the county.

(m) "Retail pharmacy" means a pharmacy licensed by the State of California Board of Pharmacy for the retail sale and dispensing of drugs.

(n) "Stewardship plan" means a written document that describes a stewardship program.

(o) "Stewardship program" means a program operated by or on behalf of a producer that provides for the collection, transportation and disposal of unwanted covered drugs generated by county residents.

(p) "Stewardship organization" means a person designated by a producer to develop or implement a stewardship plan or operate a stewardship program on behalf of the producer.

(q) "Unwanted covered drug" means any covered drug that a county resident has obtained and intends to discard, or has discarded, or has abandoned. (Ord. 2016-24 § 4).

#### **418-16.204 Drug wholesalers.**

Within 60 days after the effective date of this chapter, and no later than April 1 of every year thereafter, a drug wholesaler shall submit written notification to the health officer of the names and manufacturers of all covered drugs that the drug wholesaler sells or distributes in the unincorporated area of the county. (Ord. 2016-24 § 4).

#### **418-16.206 Producers.**

A producer shall satisfy all of the obligations set forth in this section, either individually, jointly with other producers, or by and through a stewardship organization:

(a) Notice of intent.

(1) Within six months after the effective date of this chapter, a producer shall provide written notice to the health officer of the producer's intent to participate in a stewardship program.

(2) Within six months after the commencement of sale or distribution in the unincorporated area of the county of a covered drug manufactured by the producer, a producer that has not submitted the notice described in subsection 418-16.206(a)(1) shall submit that notice to the health officer.

(b) Identification of operator.

(1) Within nine months of the effective date of this chapter, a producer shall provide written notice to the health officer of the name of, and contact information for, a person who operates or will operate a stewardship program in which the producer intends to participate.

(2) Within nine months of commencement of sale or distribution in the unincorporated area of the county of a covered drug manufactured by the producer, a producer who has not submitted the notice described in subsection 418-16.206(b)(1) shall submit that notice to the health officer.

(c) Notification to retail pharmacies and law enforcement.

(1) Within nine months after the effective date of this chapter, a producer shall provide written notices to all retail pharmacies located in the county and all law enforcement agencies with jurisdiction in the county of the opportunity to participate as collectors. The notice must explain the process for entering into an agreement to participate in the stewardship program.

(2) Within nine months of commencement of sale in the unincorporated area of the county of a covered drug manufactured by the producer, a producer who has not provided the notices described in subsection 418-16.206(c)(1) shall provide those notices to the designated recipients.

(3) Annually after providing the notices required under subsections 418-16.206(c)(1) or 418-16.206(c)(2), a producer shall provide the same notices to all nonparticipating or new retail pharmacies located in the county.

(d) Plan submission; fee.

(1) Within one year after the effective date of this chapter, a producer shall submit to the health officer a stewardship plan that conforms to the requirements set forth in section 418-16.208, together with payment of a fee established by the board by resolution.

(2) Within one year after commencement of sale in the unincorporated area of the county of a covered drug manufactured by the producer, a producer who has not submitted a stewardship plan under subsection 418-16.206(d)(1) shall submit to the health officer a stewardship plan that conforms to the requirements set forth in section 418-16.208, together with payment of a fee established by the board by resolution. If a producer seeks to participate in an existing approved stewardship program in lieu of commencing a new stewardship program, the plan required by this subsection must be an amended stewardship plan, and the amended stewardship plan must be submitted by all of the producers identified in the amended plan.

(e) Plan implementation.

(1) Except as set forth in subsection 418-16.206(e)(2), within 90 days after the health officer's approval of a stewardship plan under subsection 418-16.210(b), a producer shall implement the plan by commencing operation of the stewardship program described in the plan. Commencement of operations of an approved stewardship program must include:

(A) Establishment of the drop-off sites and mail-back services identified in the approved stewardship plan.

(B) Public notice of the availability of unwanted covered drug collection services through postings at collection sites and advertising in local media.

(2) Changes to an approved stewardship program that are set forth in an amended stewardship plan that has been approved by the health officer under subsection 418-16.212(a)(1) must be implemented by the participating producer(s) within 10 business days after the approval.

(f) Program participation. A producer shall participate in an approved stewardship program by providing for the continued operation of an approved stewardship program in accordance with an approved stewardship plan. (Ord. 2016-24 § 4).

#### **418-16.208 Content of stewardship plans.**

A stewardship plan must fully describe a stewardship program. The plan must include all of the following:

- (a) Identification of and contact information for each participating producer.
- (b) Identification of and contact information for the person who will operate the stewardship program.
- (c) Description of a collection system that conforms to Section 418-16.214(a), including a list of all collection methods and collectors, a list of drop-off sites, a description of how any periodic take-back events will be scheduled and located, a description of how mail-back services will be provided and an example of the prepaid, preaddressed mailers that may be used.
- (d) Description of a system for transporting and disposing of the collected unwanted covered drugs that conforms to section 418-16.216, including identification of, and contact information for, transporters and disposal facilities to be used.
- (e) Description of the policies and procedures to be followed by persons handling collected unwanted covered drugs, including a description of (1) how the collected unwanted covered drugs will be safely and securely tracked from collection through final disposal; (2) how all persons participating in the stewardship plan will comply with all applicable federal and state laws, rules and guidelines, including but not limited to those of the U.S. Drug Enforcement Administration and State of California Board of Pharmacy.
- (f) Description of measures reasonably calculated to result in the use by county residents of the collection services to be offered under the stewardship program, such as public education and promotional materials, signage, standardized instructions and establishment of a toll-free number and website where collection options may be publicized.
- (g) The short-term and long-term goals of the stewardship program in terms of collection amounts, education, and promotion.
- (h) Description of how the stewardship program will consider:
  - (1) Use of existing providers of pharmaceutical waste services;
  - (2) Separation of covered drugs from packaging to the extent feasible to reduce transportation and disposal costs; and
  - (3) Recycling of drug packaging to the extent feasible. (Ord. 2016-24 § 4).

#### **418-16.210 Inspection, approval and rejection of stewardship plans.**

(a) Upon submission of a stewardship plan, the health officer will inspect it for the purpose of determining whether it satisfies the requirements set forth in section 418-16.208.

(b) Within 90 calendar days after submission of a stewardship plan, the health officer will either approve or reject the plan. If the plan conforms to the requirements set forth in section 418-16.208, the health officer will approve the plan and provide written notice to the producer of the approval.

(c) If the health officer rejects a stewardship plan, the health officer will provide to the producer written notice of the rejection that includes the reasons for the rejection.

(d) Within 60 calendar days after the date of the written notice of rejection of a stewardship plan for a new stewardship program, the producer shall submit to the health officer a revised stewardship plan that conforms to the requirements set forth in section 418-16.208, together with payment of a fee established by the board by resolution.

(e) If the health officer rejects a revised stewardship plan, each producer identified in the plan is in violation of this chapter and will remain in violation of this chapter until the producer commences participation in an approved stewardship program. (Ord. 2016-24 § 4).

#### **418-16.212 Changes to existing stewardship programs; new programs.**

(a) Changes.

(1) Substantive changes may be made to an existing approved stewardship program only with the prior written approval of the health officer. Substantive changes include changes in the location, number or operating hours of drop-off sites or periodic take-back events; changes in collection methods; changes in mail-back service procedures; changes in the policies or procedures to be followed by persons handling collected unwanted covered drugs; changes required in response to federal, state or local laws or regulations; and changes in stewardship program operators or participating producers. Except as set forth in subsection 418-16.206(d)(2), the participating producers identified in the approved stewardship plan shall submit any proposed substantive changes to the health officer in the form of an amended stewardship plan, along with a written explanation of the change(s) and payment of a fee established by the board by resolution. The health officer will approve an amended stewardship plan if it conforms to applicable requirements set forth in section 418-16.208. If an amended stewardship plan submitted to the health officer under this section is rejected by the health officer for non-conformance with the applicable requirements set forth in section 418-16.208, the approved stewardship program may continue to operate in accordance with the approved stewardship plan.

(2) The following non-substantive changes to an approved stewardship program may be made only with 20 days advance written notification by the program operator to the health officer: Changes in location of a collection kiosk within a retail pharmacy; changes in methods of distribution of prepaid, preaddressed mailers used for the mail-back of unwanted covered drugs; changes in contact information for the program operator and participating producers; and changes in the system described in Subsection 418-16.208(d).

(3) Other than the changes described in subsections 418-16.212(a)(1) and 418-16.212(a)(2), changes may be made to an approved stewardship program without the prior approval of or notification to the health officer.

(4) An approved stewardship plan that is changed in accordance with this section will be deemed an approved stewardship plan. An approved stewardship program that is changed in accordance with this section will be deemed an approved stewardship program.

(b) New programs. After implementation of an approved stewardship program, a participating producer may propose the formation of a new stewardship program by submitting to the health officer a stewardship plan that conforms to the requirements set forth in section 418-16.208, together with payment of a fee established by the board by resolution. (Ord. 2016-24 § 4).

**418-16.214      Collection of unwanted covered drugs.**

(a) Collection system requirements. A stewardship program's collection system must meet all of the following requirements:

(1) Provide safe and secure collection services within the unincorporated area.

(2) Provide for the operation of at least three drop-off sites in each supervisorial district for the collection of unwanted covered drugs, in locations that allow for convenient and equitable access by residents of the unincorporated areas of those districts, to the greatest extent feasible. If providing for the operation of at least three drop-off sites is not feasible in a supervisorial district, a stewardship program's collection system must provide for the operation of as many drop-off sites in the district as is feasible, in addition to both of the following methods of collection of unwanted covered drugs:

(A) A free mail-back service that allows for convenient and equitable access by all county residents in the district.

(B) Periodic take-back events that are at least six hours in length and held once per quarter of each calendar year in at least three locations in the district.

(3) Give preference to having retail pharmacies and law enforcement agencies serve as collectors.

(4) Include, as collectors, any retail pharmacy or any law enforcement agency that offers to serve as a collector of unwanted covered drugs and is able to meet the requirements of this chapter within three months of the offer.

(5) Make available free mail-back services to county residents who are disabled or homebound, in a manner that allows for convenient and equitable access to these services by these persons.

(b) Collector requirements.

(1) A collector shall operate a drop-off site in accordance with this chapter and all applicable state and federal laws and regulations applicable to the handling of covered drugs.

(2) A collector shall accept all unwanted covered drugs from county residents during all hours that the collector is normally open for business.

(3) A collector that is not a law enforcement agency shall utilize secure collection bins in compliance with all applicable legal requirements.

(c) Commencement. The collection of unwanted covered drugs under a stewardship program under this chapter may commence only after the stewardship plan under which the program will operate has been approved by the health officer.

(d) Nothing in this chapter shall be construed to require any person or government entity to serve as a collector under a stewardship plan. (Ord. 2016-24 § 4).

**418-16.216      Transport and disposal.**

(a) All unwanted covered drugs that are collected under an approved stewardship program must be transported only by a person who operates under all required permits and licenses.

(b) All unwanted covered drugs that are collected under an approved stewardship program must be disposed of only at a medical waste facility or hazardous waste facility that operates under all required permits and licenses. (Ord. 2016-24 § 4).

#### **418-16.218 Reporting.**

Within six months after the end of the first 12-month period of operation of an approved stewardship program, and annually thereafter, the program operator shall submit a report to the health officer that details the following information about program operations during the reporting period:

- (a) A list of all participating producers.
- (b) The weight of all unwanted covered drugs collected, including the weight of unwanted covered drugs collected using each collection method utilized in the program.
- (c) A list of all drop-off sites.
- (d) The number of mailers provided to county residents.
- (e) The locations where mailers were provided, if applicable.
- (f) The dates and locations of collection events held, if applicable.
- (g) A list of all transporters used.
- (h) A list of all facilities to which the collected unwanted covered drugs were transported.
- (i) Any safety or security problems that occurred during collection, transportation or disposal of unwanted covered drugs, and changes made or proposed to alleviate those problems.
- (j) A description of all public education and promotion activities.
- (k) A description of how collected packaging was recycled to the extent feasible; including identification of the recycling facilities used.
- (l) A discussion of the degree of success in meeting the short- and long-term goals of the approved stewardship program, and to the extent goals were not met, plans to achieve those goals in the next reporting period.
- (m) Total expenditures of the approved stewardship program. (Ord. 2016-24 § 4).

#### **418-16.220 Costs and fees.**

(a) The administrative and operational costs of an approved stewardship program will be the sole responsibility of the participating producer(s), except as set forth in subsection 418-16.220(c).

(b) No person may charge a point-of-sale fee or point-of-collection fee to recoup any costs of an approved stewardship program.

(c) Nothing in this chapter shall be construed to require a producer to pay for staff time provided by collectors who agree to participate in an approved stewardship program.

(d) Revenues from fees paid under this chapter may be used only to pay for the costs incurred by the health officer in the performance of investigations, inspections and audits under this chapter and the administrative enforcement and adjudication thereof. (Ord. 2016-24 § 4).

#### **418-16.222 Audits, inspections and investigations.**

(a) Audits. The health officer may audit the records of stewardship program for the purpose of enforcing the provisions of this chapter. Upon request of the health officer, the operator of the program shall provide the health officer with access to perform audits of the program's records at reasonable times.

(b) Inspections and investigations. Whenever it is necessary to inspect a drop-off site or other property to enforce the provisions of this chapter, or whenever the health officer has cause to believe that there exists on any property any violation of this chapter, the health officer may enter the property to inspect and gather evidence or perform the duties imposed on the health officer by this chapter. Entry may be made at any reasonable time upon advance notice to the



owner or occupant of the property. If entry is refused, the health officer is authorized to proceed pursuant to Code of Civil Procedure section 1822.50 and following, and pursue any and all other remedies provided by law, to secure entry. (Ord. 2016-24 § 4).

**418-16.224 Enforcement.**

(a) The health officer will enforce the provisions of this chapter.

(b) The health officer is authorized to determine whether a person has violated a provision of this chapter.

(c) If the health officer determines that any person has violated any provision of this chapter, the health officer will first serve a notice of violation on the person who violated it as specified in section 418-16.226, subsection (h), and provide an opportunity to the person to cure the violation before any other enforcement action is taken under section 418-16.226 or other provisions of this code. The notice of violation will include all of the following information:

(1) The date of the violation.

(2) The name of the violator.

(3) The address or location where the violation occurred.

(4) The code section(s) violated and a description of the violation.

(5) A description of how the violation can be corrected.

(6) A specified time period, beginning on the service date, within which the violation must be corrected.

(7) An advisement that the violator may be subject to an administrative fine under this article if the violation is not corrected by the effective date, and the amount of that fine.

(d) The person shall have 30 calendar days after receipt of the notice, or other time agreed to in writing by the person and the health officer, to correct the violation. (Ord. 2016-24 § 4).

**418-16.226 Administrative Penalties.**

(a) Applicability and Authorization.

(1) This section provides for administrative fines that the health officer may impose, enforce, and collect to address any violation of this chapter.

(2) Remedies under this section are in addition to any other remedy allowed by this code or applicable law.

(b) Definitions. For purposes of this section, the following words and phrases have the following meanings:

(1) "Effective date" means the date by which a violation must be corrected, as specified in a notice of violation.

(2) "Hearing examiner" means the Public Health Director.

(3) "Service date" means the date a notice or decision is served in accordance with subsection 418-16.226(h).

(4) "Responsible person" means a person who is determined by the health officer to have violated a provision of this chapter.

(c) Administrative Fines.

(1) Imposition. The health officer may impose an administrative fine on a responsible person if the violation has not been corrected in the time period specified in the notice of violation.

(2) Notice of fine. An administrative fine will be assessed by means of a notice of fine. The responsible person will be served with the notice of fine as specified in subsection 418-16.226(h). The notice of fine will include all of the following information:

- (A) The date of the violation.
- (B) The code section(s) violated and a description of the violation.
- (C) The amount of the fine.
- (D) An advisement of the right to request a hearing before the hearing examiner, contesting the imposition of the fine.

(3) Continuing violations. Acts, omissions, or conditions in violation of any section of this chapter that continue, exist or occur on more than one day constitute separate violations and offenses on each day. Violations continuing, existing, or occurring on the service date, the effective date, and each day between the service date and the effective date are separate violations.

(4) Fine amounts. The amount of the fine is one hundred dollars for a first violation, two hundred dollars for a second violation of the same provision of this chapter, and five hundred dollars for each additional violation of the same provision within one year.

(d) Appeals.

(1) Any person upon whom an administrative fine is imposed by the health officer may request a hearing pursuant to the procedures set forth in this subsection. The appellant must file a written appeal with the health officer within fifteen calendar days after the service date of the notice of fine. The written appeal must contain:

(A) A brief statement explaining who the appealing party is and what interest the appealing party has in challenging the imposition of the fine; and

(B) A brief statement of the material facts that the appellant claims supports his or her contention that no administrative fine should be imposed or that an administrative fine of a different amount is warranted.

(2) Notice of the hearing will be served on the appellant as specified in subsection 418-16.226(h). The health officer will set the hearing no sooner than twenty days and no later than forty-five days following the service date of the notice of hearing.

(3) An appeal of an administrative fine imposed for violations of this chapter will be heard by the hearing examiner.

(4) At the hearing, the appellant will be given the opportunity to testify, and present written and oral evidence.

(5) An appellant's failure to appear at the hearing shall constitute an abandonment of any defense the appellant may have to the administrative fine.

(6) After considering the testimony and evidence submitted at the hearing, or after the appellant has failed to appear at the hearing, the hearing examiner will issue a written decision to uphold, modify, or cancel the administrative fine and will list in the decision the reason or reasons for that decision. The decision will be served as specified in subsection 418-16.226(h).

(e) Final administrative order. The imposition of the administrative fine becomes a final administrative order at one of the following times:

(1) On the date the notice of fine is served, if the responsible person fails to file a written appeal to the health officer within the time specified.

(2) On the date the written decision by the hearing examiner is served, if the responsible person files a written appeal to the health officer within the time specified.

(f) Payment of the fine. The fine must be paid to the county within thirty days after the imposition of the administrative fine becomes a final administrative order. Payment of a fine under this article does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of fine. The payment of a fine does not bar the county from taking any other enforcement action regarding a violation that is not corrected.

(g) Collection. If the fine is not paid within thirty days after the imposition of the fine becomes a final administrative order, the county may collect the fine, the county's collection costs, and interest. An administrative fine accrues interest at the same annual rate as any civil judgment, beginning on the twentieth day after the fine becomes a final administrative order. The county may collect by using any available legal means, including but not limited to the following:

(1) The county may file a civil action. If a civil action is commenced, the county is entitled to recover all costs associated with the collection of the fine, including those costs set forth in Code of Civil Procedure section 1033.5.

(2) The county may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgments Law, California Code of Civil Procedure section 680.010 et seq.

(h) Service. All notices or decisions required to be served by this section or section 418-16.224 will be served by any of the methods specified below:

(1) First class mail. First class mail will be addressed to the responsible person at the address for service of process for the responsible person or to the last address provided by the responsible party to the health officer. Service is deemed complete upon the deposit of the notice or decision, postage pre-paid, in the United States mail.

(2) Personal service. Personal service is deemed complete on the date the notice or decision is personally served on the violator.

(i) Judicial Review. A final administrative order may be appealed to the superior court of the county in accordance with the provisions set forth in Government Code section 53069.4. (Ords. 2016-24 § 4).

#### **418-16.228 Regulations.**

The health officer may propose regulations to make more detailed or specific the provisions of this chapter. The regulations are not effective unless adopted by the board by resolution. Effective regulations will be deemed incorporated into this chapter by this reference. (Ord. 2016-24 § 4).

**SECTION V.** Section 14-8.008 of the County Ordinance Code is amended to read:

#### **14-8.008 - Infraction arrest and citation.**

(a) The following officers, or their designated subordinates, shall have and are hereby vested with the authority to arrest any person who violates the following provisions of this code and other codes as indicated, punishable as infractions:

- (1) Director of health services: Division 413, Division 445, Chapters 414-4, 414-6, 416-14, 418-2, 418-6, 418-12, 418-16, 420-2, 420-6, 450-6, and Labor Code Section 6404.5;
- (2) Director of building inspection: Title 7;
- (3) Director of community development: Title 8;
- (4) Director of public works: Divisions 1002, 1010, 1014, 1106 and 1110;

(5) Sheriff: Division 54, Chapter 54-2, and Divisions 410 and 1110.

(b) The above-listed officers, or their designated subordinates, may issue citations for infraction violations of the above-listed code provisions.

(c) The county administrator may by written order issue regulations to provide for administration, procedures and policy direction for this section. (Ords. 2016-24 § 5, 2006-66 § 8, 2004-30 § 2, 2003-01 § 5, 2002-48 § 2, 2001-03 § 1, 98-31 § 1, 98-22 § 2, 96-21 § 2, 95-36 § 1, 90-122 § 2, 86-80 § 2; Penal Code §§ 19.7, 836.5, and 853.6; Labor Code § 6404.5).

**SECTION VI. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published in the East Bay Times, a newspaper published in this County. This ordinance shall be published in a manner satisfying the requirements of Government Code section 25124, with the names of the supervisors voting for and against it.

PASSED on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

By: \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Board Chair

[seal]

LW/

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## ORDINANCE NO. 2016-24

### (Safe Drug Disposal)

The Contra Costa County Board of Supervisors ordains as follows:

**SECTION I. SUMMARY.** This ordinance adds Chapter 418-16 to the Contra Costa County Ordinance Code to establish a stewardship program for the collection and disposal of unwanted ~~prescription~~ drugs.

**SECTION II. AUTHORITY.** This ordinance is adopted pursuant to Health and Safety Code section 101025, ~~and~~ article XI, section 7 of the California Constitution and Government Code section 53069.4.

**SECTION III. FINDINGS.**

(a) ~~Pharmaceutical~~~~Prescription~~ drugs allow people to live longer, healthier and more productive lives.

(b) There is a lack of sufficient safe and convenient disposal locations for unwanted ~~prescription~~~~pharmaceutical~~ drugs in this county.

(c) As a result, unwanted ~~prescription~~~~pharmaceutical~~ drugs are often left in homes, where they can be accidentally ingested by children, adults and the elderly, thus increasing their risk of poisoning and death.

(d) In 2015, approximately 2,800 of more 6,500 calls to the California Poison Control System from locations within Contra Costa County concerned children under 5 who had unintentionally overdosed on prescription or non-prescription pharmaceutical drugs. Of the calls involving poisonings by non-prescription pharmaceutical drugs, the most common were ibuprofen (133 calls), acetaminophen (86 calls) and dextromethorphan, a cough suppressant (17 calls).

~~(e)~~ The improper or careless disposal of unwanted prescription drugs can also lead to illegal resales of drugs and drug addiction.

~~(f)~~ Nationwide, the drug overdose death rate increased by 137 percent from 2000 to 2014. Nearly 500,000 people died from drug overdoses in that time period. More than 50 percent of those deaths were related to overdoses of prescription drugs, primarily opioids.

~~(g)~~ The sales of, and overdose-related deaths from, prescription opioids quadrupled nationwide from 1999 to 2010. From 1999 to 2014, more than 165,000 people died from prescription opioid-related overdoses.

~~(h)~~ In Contra Costa County, ~~75 percent of the~~ 96 accidental drug overdose deaths ~~were~~ reported to the Contra Costa County Coroner's Office in 2014. ~~involved prescription drugs.~~

~~(i)~~ Opioid prescription guidelines have been developed and implemented at emergency rooms throughout Contra Costa County to limit the potential for opioid abuse. However, prescription limitations alone are not enough to curb the abuse of opioids, and do not address the misuse of non-prescription pharmaceutical drugs.

~~(j)~~ A survey conducted by the Contra Costa Health Services Public Health Division in 2016 revealed that 73 percent of 1,653 respondents reported having unused or leftover prescription drugs in their homes. Of 1,204 respondents, 43 percent said they hadn't gotten around to

disposing of them, 38 percent said there was no convenient means of proper disposal and 18 percent were uncertain how to properly dispose of them.

(k) ~~These~~ accumulated pharmaceutical drugs pose a serious risk of misuse, abuse and death of residents of Contra Costa County.

(l) There is currently no mandatory statewide drug stewardship program for unwanted household pharmaceutical drugs in California.

(m) The West Contra Costa Integrated Waste Management Authority, Central Contra Costa Sanitary District and Delta Diablo Sanitation District currently provide collection bins at locations such as the County hospital, police stations and waste disposal facilities, but only for unwanted pharmaceutical drugs that are not controlled substances.

(n) Unused prescription opioids and other controlled pharmaceutical drugs, however, may be lawfully collected only by law enforcement and pharmacists, and to date collection options for these types of drugs are very limited. Only two police stations and two pharmacies in Contra Costa County collect unused controlled pharmaceutical drugs, and none is located in the unincorporated area. The U.S. Drug Enforcement Administration sponsors take-back events where controlled pharmaceutical drugs may be dropped off, but these events are held only a few times each year.

(o) Due to the locations and limitations of these collection options, the above measures do not go far enough to address the risks of misuse, addiction and death from ~~prescription~~ pharmaceutical drugs, particularly those drugs that are controlled substances.

(p) Because existing programs to take back unused and unwanted ~~prescription~~ pharmaceutical drugs are either too limited or not convenient, establishing the drug stewardship program described in this ordinance is necessary to preserve and protect the health of residents of Contra Costa County.

(q) The drug stewardship program described in this ordinance will benefit the public by significantly increasing convenient disposal options for county residents, enabling collection of larger quantities of unwanted ~~prescription~~ pharmaceutical drugs and reducing the above risks to public health.

**SECTION IV.** Chapter 418-16 is added to the County Ordinance Code, to read:

### **Chapter 418-16 Safe Drug Disposal**

#### **418-16.202 Definitions.**

For purposes of this chapter, the following words and phrases have the following meanings:

(a) "Approved stewardship plan" means a stewardship plan approved by the health officer.

(b) "Approved stewardship program" means a stewardship program that is described in and operates in accordance with an approved stewardship plan.

(c) "Collector" means a person or government entity that collects unwanted covered drugs in an approved stewardship program.

(d) "County residents" means human beings who reside in the unincorporated area of the county.

(e) "Covered drug" means a ~~prescription~~ drug as defined in subsection 418-16.202(f), except for the following:-

(1) Vitamins or supplements;

(2) Herbal-based remedies and homeopathic drugs, products or remedies;

(3) Cosmetics, shampoos, sunscreens, toothpaste, lip balm, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.);

(4) Drugs for which producers provide a pharmaceutical product stewardship or take-back program as part of a federal Food and Drug Administration-managed risk evaluation and mitigation strategy under section 355-1 of title 21 of the United States Code;

(5) Biological products as defined by 21 Code of Federal Regulations part 600.3(h) (2015) for which a producer provides a pharmaceutical product stewardship or take-back program; and

(6) Medical devices or their component parts or accessories.

(f) “Drug” means a drug defined in section 321(g)(1) of title 21 of the United States Code, ~~but does not include any of the following:~~

~~(1) Vitamins or supplements;~~

~~(2) Herbal-based remedies and homeopathic drugs, products or remedies;~~

~~(3) Cosmetics, shampoos, sunscreens, toothpaste, lip balm, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.);~~

~~(4) Drugs for which producers provide a pharmaceutical product stewardship or take-back program as part of a federal Food and Drug Administration-managed risk evaluation and mitigation strategy under section 355-1 of title 21 of the United States Code;~~

~~(5) Biological products as defined by 21 Code of Federal Regulations part 600.3(h) (2015) for which a producer provides a pharmaceutical product stewardship or take-back program; and~~

~~(6) Medical devices or their component parts or accessories.~~

(g) “Drug wholesaler” means a person who engages in the sale or distribution of covered drugs to retailers or other entities located in the unincorporated area of the county but not individual consumers.

(h) “Mail-back service” means a collection method for the return of unwanted covered drugs that utilizes prepaid and preaddressed mailing envelopes.

(i) “Manufacturing” means the production, preparation or compounding of a drug, but does not include the repackaging or relabeling of a drug or the preparation, compounding, packaging, labeling, dispensing or distribution of a drug by a practitioner in the course of his or her professional practice.

(j) “Manufacturer” means a person engaged in manufacturing.

(k) “Pharmacy” means a place licensed by the State of California Board of Pharmacy where the practice of pharmacy is conducted.

~~(l) “Prescription drug” means a drug as defined in subsection 418-16.202(f) that is required by federal or state law or regulation to be dispensed by prescription only or is restricted to use by practitioners only.~~

~~(m) “Producer” means the manufacturer of a covered drug that is sold or distributed in any form in the unincorporated area of the county.~~

~~(n) “Retail pharmacy” means a pharmacy licensed by the State of California Board of Pharmacy for the retail sale and dispensing of drugs.~~

~~(o) “Stewardship plan” means a written document that describes a stewardship program.~~



(op) “Stewardship program” means a program operated by or on behalf of a producer that provides for the collection, transportation and disposal of unwanted covered drugs generated by county residents.

(pe) “Stewardship organization” means a person designated by a producer to develop or implement a stewardship plan or operate a stewardship program on behalf of the producer.

(qf) “Unwanted covered drug” means any covered drug that a county resident has obtained and intends to discard, or has discarded, or has abandoned. (Ord. 2016-24 § 4).

#### **418-16.204 Drug wholesalers.**

Within 60 days after the effective date of this chapter, and no later than April 1 of every year thereafter, a drug wholesaler shall submit written notification to the health officer of the names and manufacturers of all covered drugs that the drug wholesaler sells or distributes in the unincorporated area of the county. (Ord. 2016-24 § 4).

#### **418-16.206 Producers.**

A producer shall satisfy all of the obligations set forth in this section, either individually, jointly with other producers, or by and through a stewardship organization:

(a) Notice of intent.

(1) Within six months after the effective date of this chapter, a producer shall provide written notice to the health officer of the producer’s intent to participate in a stewardship program.

(2) Within six months after the commencement of sale or distribution in the unincorporated area of the county of a covered drug manufactured by the producer, a producer that has not submitted the notice described in subsection 418-16.206(a)(1) shall submit that notice to the health officer.

(b) Identification of operator.

(1) Within nine months of the effective date of this chapter, a producer shall provide written notice to the health officer of the name of, and contact information for, a person who operates or will operate a stewardship program in which the producer intends to participate.

(2) Within nine months of commencement of sale or distribution in the unincorporated area of the county of a covered drug manufactured by the producer, a producer who has not submitted the notice described in subsection 418-16.206(b)(1) shall submit that notice to the health officer.

(c) Notification to retail pharmacies and law enforcement.

(1) Within nine months after the effective date of this chapter, a producer shall provide written notices to all retail pharmacies located in the county and all law enforcement agencies with jurisdiction in the county of the opportunity to participate as collectors. The notice must explain the process for entering into an agreement to participate in the stewardship program.

(2) Within nine months of commencement of sale in the unincorporated area of the county of a covered drug manufactured by the producer, a producer who has not provided the notices described in subsection 418-16.206(c)(1) shall provide those notices to the designated recipients.

(3) Annually after providing the notices required under subsections 418-16.206(c)(1) or 418-16.206(c)(2), a producer shall provide the same notices to all nonparticipating or new retail pharmacies located in the county.

(d) Plan submission; fee.



(1) Within one year after the effective date of this chapter, a producer shall submit to the health officer a stewardship plan that conforms to the requirements set forth in section 418-16.208, together with payment of a fee established by the board by resolution.

(2) Within one year after commencement of sale in the unincorporated area of the county of a covered drug manufactured by the producer, a producer who has not submitted a stewardship plan under subsection 418-16.206(d)(1) shall submit to the health officer a stewardship plan that conforms to the requirements set forth in section 418-16.208, together with payment of a fee established by the board by resolution. If a producer seeks to participate in an existing approved stewardship program in lieu of commencing a new stewardship program, the plan required by this subsection must be an amended stewardship plan, and the amended stewardship plan must be submitted by all of the producers identified in the amended plan.

(e) Plan implementation.

(1) Except as set forth in subsection 418-16.206(e)(2), within 90 days after the health officer's approval of a stewardship plan under subsection 418-16.210(b), a producer shall implement the plan by commencing operation of the stewardship program described in the plan. Commencement of operations of an approved stewardship program must include:

(A) Establishment of the drop-off sites and mail-back services identified in the approved stewardship plan.

(B) Public notice of the availability of unwanted covered drug collection services through postings at collection sites and advertising in local media.

(2) Changes to an approved stewardship program that are set forth in an amended stewardship plan that has been approved by the health officer under subsection 418-16.212(a)(1) must be implemented by the participating producer(s) within 10 business days after the approval.

(f) Program participation. A producer shall participate in an approved stewardship program by providing for the continued operation of an approved stewardship program in accordance with an approved stewardship plan. (Ord. 2016-24 § 4).

#### **418-16.208 Content of stewardship plans.**

A stewardship plan must fully describe a stewardship program. The plan must include all of the following:

(a) Identification of and contact information for each participating producer.

(b) Identification of and contact information for the person who will operate the stewardship program.

(c) Description of a collection system that conforms to Section 418-16.214(a), including a list of all collection methods and collectors, a list of drop-off sites, a description of how any periodic take-back events will be scheduled and located, a description of how mail-back services will be provided and an example of the prepaid, preaddressed mailers that may be used.

(d) Description of a system for transporting and disposing of the collected unwanted covered drugs that conforms to section 418-16.216, including identification of, and contact information for, transporters and disposal facilities to be used.

(e) Description of the policies and procedures to be followed by persons handling collected unwanted covered drugs, including a description of (1) how the collected unwanted covered drugs will be safely and securely tracked from collection through final disposal; (2) how all persons participating in the stewardship plan will comply with all applicable federal and state laws, rules and guidelines, including but not limited to those of the U.S. Drug Enforcement Administration and State of California Board of Pharmacy.

(f) Description of measures reasonably calculated to result in the use by county residents of the collection services to be offered under the stewardship program, such as public education and promotional materials, signage, standardized instructions and establishment of a toll-free number and website where collection options may be publicized.

(g) The short-term and long-term goals of the stewardship program in terms of collection amounts, education, and promotion.

(h) Description of how the stewardship program will consider:

- (1) Use of existing providers of pharmaceutical waste services;
- (2) Separation of covered drugs from packaging to the extent feasible to reduce transportation and disposal costs; and
- (3) Recycling of drug packaging to the extent feasible. (Ord. 2016-24 § 4).

#### **418-16.210 Inspection, approval and rejection of stewardship plans.**

(a) Upon submission of a stewardship plan, the health officer will inspect it for the purpose of determining whether it satisfies the requirements set forth in section 418-16.208.

(b) Within 90 calendar days after submission of a stewardship plan, the health officer will either approve or reject the plan. If the plan conforms to the requirements set forth in section 418-16.208, the health officer will approve the plan and provide written notice to the producer of the approval.

(c) If the health officer rejects a stewardship plan, the health officer will provide to the producer written notice of the rejection that includes the reasons for the rejection.

(d) Within 60 calendar days after the date of the written notice of rejection of a stewardship plan for a new stewardship program, the producer shall submit to the health officer a revised stewardship plan that conforms to the requirements set forth in section 418-16.208, together with payment of a fee established by the board by resolution.

(e) If the health officer rejects a revised stewardship plan, each producer identified in the plan is in violation of this chapter and will remain in violation of this chapter until the producer commences participation in an approved stewardship program. (Ord. 2016-24 § 4).

#### **418-16.212 Changes to existing stewardship programs; new programs.**

(a) Changes.

(1) Substantive changes may be made to an existing approved stewardship program only with the prior written approval of the health officer. Substantive changes include changes in the location, number or operating hours of drop-off sites or periodic take-back events; changes in collection methods; changes in mail-back service procedures; changes in the policies or procedures to be followed by persons handling collected unwanted covered drugs; changes required in response to federal, state or local laws or regulations; and changes in stewardship program operators or participating producers. Except as set forth in subsection 418-16.206(d)(2), the participating producers identified in the approved stewardship plan shall submit any proposed substantive changes to the health officer in the form of an amended stewardship plan, along with a written explanation of the change(s) and payment of a fee established by the board by resolution. The health officer will approve an amended stewardship plan if it conforms to applicable requirements set forth in section 418-16.208. If an amended stewardship plan submitted to the health officer under this section is rejected by the health officer for non-conformance with the applicable requirements set forth in section 418-16.208, the approved stewardship program may continue to operate in accordance with the approved stewardship plan.

(2) The following non-substantive changes to an approved stewardship program may be made only with 20 days advance written notification by the program operator to the health officer: Changes in location of a collection kiosk within a retail pharmacy; changes in methods of distribution of prepaid, preaddressed mailers used for the mail-back of unwanted covered drugs; changes in contact information for the program operator and participating producers; and changes in the system described in Subsection 418-16.208(d).

(3) Other than the changes described in subsections 418-16.212(a)(1) and 418-16.212(a)(2), changes may be made to an approved stewardship program without the prior approval of or notification to the health officer.

(4) An approved stewardship plan that is changed in accordance with this section will be deemed an approved stewardship plan. An approved stewardship program that is changed in accordance with this section will be deemed an approved stewardship program.

(b) New programs. After implementation of an approved stewardship program, a participating producer may propose the formation of a new stewardship program by submitting to the health officer a stewardship plan that conforms to the requirements set forth in section 418-16.208, together with payment of a fee established by the board by resolution. (Ord. 2016-24 § 4).

#### **418-16.214 Collection of unwanted covered drugs.**

(a) Collection system requirements. A stewardship program's collection system must meet all of the following requirements:

(1) Provide safe and secure collection services within the unincorporated area.

(2) Provide for the operation of at least three drop-off sites in each supervisorial district for the collection of unwanted covered drugs, in locations that allow for convenient and equitable access by residents of the unincorporated areas of those districts, to the greatest extent feasible. If providing for the operation of at least three drop-off sites is not feasible in a supervisorial district, a stewardship program's collection system must provide for the operation of as many drop-off sites in the district as is feasible, in addition to both of the following methods of collection of unwanted covered drugs:

(A) A free mail-back service that allows for convenient and equitable access by all county residents in the district.

(B) Periodic take-back events that are at least six hours in length and held once per quarter of each calendar year in at least three locations in the district.

(3) Give preference to having retail pharmacies and law enforcement agencies serve as collectors.

(4) Include, as collectors, any retail pharmacy or any law enforcement agency that offers to serve as a collector of unwanted covered drugs and is able to meet the requirements of this chapter within three months of the offer.

(5) Make available free mail-back services to county residents who are disabled or homebound, in a manner that allows for convenient and equitable access to these services by these persons.

(b) Collector requirements.

(1) A collector shall operate a drop-off site in accordance with this chapter and all applicable state and federal laws and regulations applicable to the handling of covered drugs.

(2) A collector shall accept all unwanted covered drugs from county residents during all hours that the collector is normally open for business.

(3) A collector that is not a law enforcement agency shall utilize secure collection bins in compliance with all applicable legal requirements.

(c) Commencement. The collection of unwanted covered drugs under a stewardship program under this chapter may commence only after the stewardship plan under which the program will operate has been approved by the health officer.

(d) Nothing in this chapter shall be construed to require any person or government entity to serve as a collector under a stewardship plan. (Ord. 2016-24 § 4).

#### **418-16.216 Transport and disposal.**

(a) All unwanted covered drugs that are collected under an approved stewardship program must be transported only by a person who operates under all required permits and licenses.

(b) All unwanted covered drugs that are collected under an approved stewardship program must be disposed of only at a medical waste facility or hazardous waste facility that operates under all required permits and licenses. (Ord. 2016-24 § 4).

#### **418-16.218 Reporting.**

Within six months after the end of the first 12-month period of operation of an approved stewardship program, and annually thereafter, the program operator shall submit a report to the health officer that details the following information about program operations during the reporting period:

(a) A list of all participating producers.

(b) The weight of all unwanted covered drugs collected, including the weight of unwanted covered drugs collected using each collection method utilized in the program.

(c) A list of all drop-off sites.

(d) The number of mailers provided to county residents.

(e) The locations where mailers were provided, if applicable.

(f) The dates and locations of collection events held, if applicable.

(g) A list of all transporters used.

(h) A list of all facilities to which the collected unwanted covered drugs were transported.

(i) Any safety or security problems that occurred during collection, transportation or disposal of unwanted covered drugs, and changes made or proposed to alleviate those problems.

(j) A description of all public education and promotion activities.

(k) A description of how collected packaging was recycled to the extent feasible; including identification of the recycling facilities used.

(l) A discussion of the degree of success in meeting the short- and long-term goals of the approved stewardship program, and to the extent goals were not met, plans to achieve those goals in the next reporting period.

(m) Total expenditures of the approved stewardship program. (Ord. 2016-24 § 4).

#### **418-16.220 Costs and fees.**

(a) The administrative and operational costs of an approved stewardship program will be the sole responsibility of the participating producer(s), except as set forth in subsection 418-16.220(c).

(b) No person may charge a point-of-sale fee or point-of-collection fee to recoup any costs of an approved stewardship program.

(c) Nothing in this chapter shall be construed to require a producer to pay for staff time provided by collectors who agree to participate in an approved stewardship program.

(d) Revenues from fees paid under this chapter may be used only to pay for the costs incurred by the health officer in the performance of investigations, inspections and audits under this chapter and the administrative enforcement and adjudication thereof. (Ord. 2016-24 § 4).

#### **418-16.222 Audits, inspections and investigations.**

(a) Audits. The health officer may audit the records of stewardship program for the purpose of enforcing the provisions of this chapter. Upon request of the health officer, the operator of the program shall provide the health officer with access to perform audits of the program's records at reasonable times.

(b) Inspections and investigations. Whenever it is necessary to inspect a drop-off site or other property to enforce the provisions of this chapter, or whenever the health officer has cause to believe that there exists on any property any violation of this chapter, the health officer may enter the property to inspect and gather evidence or perform the duties imposed on the health officer by this chapter. Entry may be made at any reasonable time upon advance notice to the owner or occupant of the property. If entry is refused, the health officer is authorized to proceed pursuant to Code of Civil Procedure section 1822.50 and following, and pursue any and all other remedies provided by law, to secure entry. (Ord. 2016-24 § 4).

#### **418-16.224 Enforcement.**

(a) The health officer will enforce the provisions of this chapter.

(b) The health officer is authorized to determine whether a person has violated a provision of this chapter.

(c) If the health officer determines that any person has violated any provision of this chapter, the health officer will first serve a shall provide written notice of the violation onto the person who violated it as specified in section 418-16.226, subsection (h), and provide an opportunity to the person to cure the violation before the health officer takes any other enforcement action is taken under authorized by section 418-16.226 or other provisions of this code. The notice of violation will include all of the following information:

(1) The date of the violation.

(2) The name of the violator.

(3) The address or location where the violation occurred.

(4) The code section(s) violated and a description of the violation.

(5) A description of how the violation can be corrected.

(6) A specified time period, beginning on the service date, within which the violation must be corrected.

(7) An advisement that the violator may be subject to an administrative fine under this article if the violation is not corrected by the effective date, and the amount of that fine.

(d) The person shall have 30 calendar days after receipt of the notice, or other time agreed to in writing by the person and the health officer, to correct the violation. (Ord. 2016-24 § 4).

#### **418-16.226 Administrative Penalties.**

(a) Applicability and Authorization.

(1) This section provides for administrative fines that the health officer may impose, enforce, and collect to address any violation of this chapter.

(2) Remedies under this section are in addition to any other remedy allowed by this code or applicable law.

(b) Definitions. For purposes of this section, the following words and phrases have the following meanings:

(1) "Effective date" means the date by which a violation must be corrected, as specified in a notice of violation.

(2) "Hearing examiner" means the Public Health Director.

(3) "Service date" means the date a notice or decision is served in accordance with subsection 418-16.226(h).

(4) "Responsible person" means a person who is determined by the health officer to have violated a provision of this chapter.

(c) Administrative Fines.

(1) Imposition. The health officer may impose an administrative fine on a responsible person if the violation has not been corrected in the time period specified in the notice of violation.

(2) Notice of fine. An administrative fine will be assessed by means of a notice of fine. The responsible person will be served with the notice of fine as specified in subsection 418-16.226(h). The notice of fine will include all of the following information:

(A) The date of the violation.

(B) The code section(s) violated and a description of the violation.

(C) The amount of the fine.

(D) An advisement of the right to request a hearing before the hearing examiner, contesting the imposition of the fine.

(3) Continuing violations. Acts, omissions, or conditions in violation of any section of this chapter that continue, exist or occur on more than one day constitute separate violations and offenses on each day. Violations continuing, existing, or occurring on the service date, the effective date, and each day between the service date and the effective date are separate violations.

(4) Fine amounts. The amount of the fine is one hundred dollars for a first violation, two hundred dollars for a second violation of the same provision of this chapter, and five hundred dollars for each additional violation of the same provision within one year.

(d) Appeals.

(1) Any person upon whom an administrative fine is imposed by the health officer may request a hearing pursuant to the procedures set forth in this subsection. The appellant must file a written appeal with the health officer within fifteen calendar days after the service date of the notice of fine. The written appeal must contain:

(A) A brief statement explaining who the appealing party is and what interest the appealing party has in challenging the imposition of the fine; and

(B) A brief statement of the material facts that the appellant claims supports his or her contention that no administrative fine should be imposed or that an administrative fine of a different amount is warranted.

(2) Notice of the hearing will be served on the appellant as specified in subsection 418-16.226(h). The health officer will set the hearing no sooner than twenty days and no later than forty-five days following the service date of the notice of hearing.

(3) An appeal of an administrative fine imposed for violations of this chapter will be heard by the hearing examiner.



(4) At the hearing, the appellant will be given the opportunity to testify, and present written and oral evidence.

(5) An appellant's failure to appear at the hearing shall constitute an abandonment of any defense the appellant may have to the administrative fine.

(6) After considering the testimony and evidence submitted at the hearing, or after the appellant has failed to appear at the hearing, the hearing examiner will issue a written decision to uphold, modify, or cancel the administrative fine and will list in the decision the reason or reasons for that decision. The decision will be served as specified in subsection 418-16.226(h).

(e) Final administrative order. The imposition of the administrative fine becomes a final administrative order at one of the following times:

(1) On the date the notice of fine is served, if the responsible person fails to file a written appeal to the health officer within the time specified.

(2) On the date the written decision by the hearing examiner is served, if the responsible person files a written appeal to the health officer within the time specified.

(f) Payment of the fine. The fine must be paid to the county within thirty days after the imposition of the administrative fine becomes a final administrative order. Payment of a fine under this article does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of fine. The payment of a fine does not bar the county from taking any other enforcement action regarding a violation that is not corrected.

(g) Collection. If the fine is not paid within thirty days after the imposition of the fine becomes a final administrative order, the county may collect the fine, the county's collection costs, and interest. An administrative fine accrues interest at the same annual rate as any civil judgment, beginning on the twentieth day after the fine becomes a final administrative order. The county may collect by using any available legal means, including but not limited to the following:

(1) The county may file a civil action. If a civil action is commenced, the county is entitled to recover all costs associated with the collection of the fine, including those costs set forth in Code of Civil Procedure section 1033.5.

(2) The county may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgments Law, California Code of Civil Procedure section 680.010 et seq.

(h) Service. All notices or decisions required to be served by this section or section 418-16.224 will be served by any of the methods specified below:

(1) First class mail. First class mail will be addressed to the responsible person at the address for service of process for the responsible person or to the last address provided by the responsible party to the health officer. Service is deemed complete upon the deposit of the notice or decision, postage pre-paid, in the United States mail.

(2) Personal service. Personal service is deemed complete on the date the notice or decision is personally served on the violator.

(i) Judicial Review. A final administrative order may be appealed to the superior court of the county in accordance with the provisions set forth in Government Code section 53069.4. (Ords. 2016-24 § 4).

#### **418-16.2286 Regulations.**

The health officer may propose regulations to make more detailed or specific the provisions of this chapter. The regulations are not effective unless adopted by the board by resolution.

Effective regulations will be deemed incorporated into this chapter by this reference. (Ord. 2016-24 § 4).

**SECTION V. Section 14-8.008 of the County Ordinance Code is amended to read:**

**14-8.008 - Infraction arrest and citation.**

(a) The following officers, or their designated subordinates, shall have and are hereby vested with the authority to arrest any person who violates the following provisions of this code and other codes as indicated, punishable as infractions:

- (1) Director of health services: Division 413, Division 445, Chapters 414-4, 414-6, 416-14, 418-2, 418-6, 418-12, 418-16, 420-2, 420-6, 450-6, and Labor Code Section 6404.5;
- (2) Director of building inspection: Title 7;
- (3) Director of community development: Title 8;
- (4) Director of public works: Divisions 1002, 1010, 1014, 1106 and 1110;
- (5) Sheriff: Division 54, Chapter 54-2, and Divisions 410 and 1110.

(b) The above-listed officers, or their designated subordinates, may issue citations for infraction violations of the above-listed code provisions.

(c) The county administrator may by written order issue regulations to provide for administration, procedures and policy direction for this section. (Ords. 2016-24 § 5, 2006-66 § 8, 2004-30 § 2, 2003-01 § 5, 2002-48 § 2, 2001-03 § 1, 98-31 § 1, 98-22 § 2, 96-21 § 2, 95-36 § 1, 90-122 § 2, 86-80 § 2; Penal Code §§ 19.7, 836.5, and 853.6; Labor Code § 6404.5).

**SECTION VI. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published in the East Bay Times, a newspaper published in this County. This ordinance shall be published in a manner satisfying the requirements of Government Code section 25124, with the names of the supervisors voting for and against it.

PASSED on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

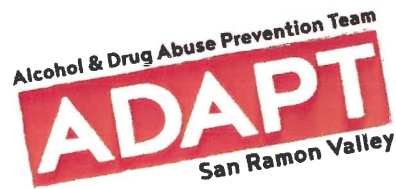
By: \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Board Chair

[seal]

LW/





December 12, 2016

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

Dear Supervisors Andersen, Gioia, Glover, Mitchoff and Piepho:

As coordinator of the Alcohol & Drug Abuse Prevention Team (ADAPT) San Ramon Valley, I would like to commend the Contra Costa County Board of Supervisors on addressing the serious problem of effectively managing pharmaceutical waste in our County. I wish to express our strong support for the Safe Drug Disposal ordinance that you are considering. I appreciate that you were sensitive to the testimony last week calling for the addition of over the counter medications and asked staff to re-introduce the ordinance to reflect that. Including over the counter medications will reduce consumer confusion on what can and cannot be dropped off, making it much more likely that they will properly dispose of all unwanted medications.

As you are aware, prescription drug abuse has become a national epidemic and one of the key contributors to this national health crisis is the easy access to potentially dangerous and addictive medication by drug seeking teens and adults. The Drug Disposal Ordinance that is being proposed would provide much needed disposal opportunities for medications that are causing an alarming number of addictions and overdoses in Contra Costa County and are polluting our water, which affects both humans and our wildlife.

While this ordinance only covers unincorporated Contra Costa County, ADAPT San Ramon Valley is hopeful that the board will follow the lead of every other county that has passed a Safe Disposal ordinance and include the county as a whole. This will ensure that every resident has access to convenient disposal of unwanted medications.

We applaud your efforts and offer our support in moving this ordinance forward through approval and implementation.

Respectfully,

Patty Hoyt  
ADAPT San Ramon Valley Coordinator  
Discovery Counseling Center  
115A Town and Country Drive  
Danville, CA 94526

December 12, 2016

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

Dear Supervisors Andersen, Gioia, Glover, Mitchoff and Piepho:

On behalf of the Center for Human Development, ADAPT (Alcohol and Drug Abuse Prevention Team) Lamorinda and the Contra Costa MEDS (Medicine Education Disposal Safety) Coalition, I would like to commend the Contra Costa County Board of Supervisors on addressing the serious problem of effectively managing pharmaceutical waste in our County. I was present at the first public discussion of the Ordinance at the Family and Human Services Committee meeting. I spoke then to the subject of access and the importance of reducing access to these often abused drugs. I also spoke to convenience and making safe disposal as easy as possible for consumers. The easier it is, the more likely that consumers will get rid of their unwanted drugs in responsible ways.

As you are aware, prescription drug abuse has become a national epidemic and one of the key contributors to this national health crisis is the easy access there is to potentially dangerous and addictive medication by drug seeking teens and adults. One of the goals of ADAPT Lamorinda (which has been in existence for seven years) is to reduce prescription drug abuse for all ages. The Drug Disposal Ordinance that is being proposed would provide much needed disposal opportunities for medications that are causing an alarming number of addictions and overdoses in Contra Costa County and are polluting our water, which affects both humans and our wildlife.

I was also at the reading of the ordinance to the full Board of Supervisors last Tuesday. I am all for working to make this bill as far reaching as possible. I believe that tomorrow the Board will hear more information on the inclusion of over the counter drugs in the language of the ordinance. These drugs definitely contribute to overdoses amongst all ages. I would also like to see the ordinance enlarged to include incorporated as well as unincorporated parts of the County.

Thank you for taking the lead in protecting both our people and our environment.

We applaud your efforts and invite you to let us know how we can be of support in moving this ordinance forward through approval and implementation.

Respectfully,

Jaime Rich  
Environmental Prevention Program Director  
Center for Human Development  
901 Sunvalley Blvd.  
Concord, 94520  
[Jaime@chd-prevention.org/925-349-7338](mailto:Jaime@chd-prevention.org/925-349-7338)

**REQUEST TO SPEAK FORM (2 minute limit)**

I wish to speak on Agenda Item # D4

Complete this form and place it in the upright box near the speaker's podium, and wait to be called by the Chair.

Date: 12/13/2016

*Personal information is optional. This speaker's card will be incorporated into the public record of this meeting.*

My comments will be: ☐ General  
☒ For  
☐ Against

NAME (Print) Nabila Sher  
*To ensure your name is announced correctly, you may include phonetic spelling.*

☐ I wish to speak on the subject of:

Address: \_\_\_\_\_

City: \_\_\_\_\_

Phone: \_\_\_\_\_

I am speaking for: ☐ Myself

☒ Organization: Alcohol, Marijuana,  
Prescription Drug  
Coalition

☒ I do not want to speak but would like to  
leave comments for the Board to consider.  
(Use the back of this form.)

**Information for Speakers:**

Deposit this form in the upright box next to the speaker's podium before the Board's consideration of your item.

Wait to be called by the Chair. Please speak into the microphone at the podium.

Begin by stating your name and your city or area of residence, and whether you are speaking for yourself or on behalf of an organization.

If you have handout materials, please give them to the Clerk.

Avoid repeating comments made by previous speakers.

In lieu of speaking, I wish to submit these comments:

After surveying Walgreen Stores  
throughout Contra Costa County we  
only found 2 that provided drop boxes  
for safe disposal. Our communities  
are in need of information, and  
access to more drop boxes in order  
to keep our communities safe,  
and

December 12, 2016

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

Dear Supervisors Andersen, Gioia, Glover, Mitchoff and Piepho:

On behalf of the Center for Human Development, ADAPT (Alcohol and Drug Abuse Prevention Team) Lamorinda and the Contra Costa MEDS (Medicine Education Disposal Safety) Coalition, I would like to commend the Contra Costa County Board of Supervisors on addressing the serious problem of effectively managing pharmaceutical waste in our County. I was present at the first public discussion of the Ordinance at the Family and Human Services Committee meeting. I spoke then to the subject of access and the importance of reducing access to these often abused drugs. I also spoke to convenience and making safe disposal as easy as possible for consumers. The easier it is, the more likely that consumers will get rid of their unwanted drugs in responsible ways.

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I was also at the reading of the ordinance to the full Board of Supervisors last Tuesday. I am all for working to make this bill as far reaching as possible. I believe that tomorrow the Board will hear more information on the inclusion of over the counter drugs in the language of the ordinance. These drugs definitely contribute to overdoses amongst all ages. I would also like to see the ordinance enlarged to include incorporated as well as unincorporated parts of the County.

Thank you for taking the lead in protecting both our people and our environment.

We applaud your efforts and invite you to let us know how we can be of support in moving this ordinance forward through approval and implementation.

Respectfully,

Jaime Rich  
Environmental Prevention Program Director  
Center for Human Development  
901 Sunvalley Blvd.  
Concord, 94520  
[Jaime@chd-prevention.org](mailto:Jaime@chd-prevention.org)/925-349-7338



**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 13, 2016

Subject: Williamson Act Contract AP16-0002 - Nunn /Contra Costa Water District Lot Line Adjustment

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**RECOMMENDATION(S):**

1. OPEN the public hearing regarding the proposed adjustment of the Agricultural Preserve 5-74 boundaries, RECEIVE testimony, and CLOSE the public hearing.
2. FIND the proposed actions are consistent with the Williamson Act and the County's Williamson Act Program.
3. ADOPT Resolution No. 2016/548 to:
  - A. ADOPT the seven (7) findings listed in Section B of this Board Order;
  - B. RESCIND the existing Land Conservation Contract No. 5-74 as to one legal parcel approximately 585 acres in size, comprised of Assessor's Parcel Nos. 003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018;
  - C. APPROVE Lot Line Adjustments LL15-0019 and LL15-0020, which adjust the boundaries of Agricultural Preserve 5-74;
  - D. APPROVE Land Conservation Contract AP16-0002 covering the newly configured parcel.
  - E. FIND the proposed actions are exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Sections 15305, 15317, and 15061 (b) (3);

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: June McHuen, Deputy

Contact: John Osborne 674-7793

cc:

#### RECOMMENDATION(S): (CONT'D)

>

F. DIRECT the Director of Conservation and Development, or his designee, to record on the deed for the reconfigured property Lot Line Adjustments LL15-0019 and LL15-0020, record Resolution No. 2016/548, and record Land Conservation Contract AP16-0002, with the County Clerk Recorder, and forward copies of the recorded documents to the California Department of Conservation, and the County Assessor's Office.

G. DIRECT the Director of Conservation and Development, or his designee, to file a CEQA Notice of Exemption with the County Clerk Recorder.

4. AUTHORIZE the Chair of the Board of Supervisors to execute, on behalf of the County, Land Conservation Contract AP16-0002 with Owners Ronald and Shirley Nunn.

#### FISCAL IMPACT:

None. The Applicant is responsible for all application processing costs.

#### BACKGROUND:

Ronald and Shirley Nunn ("Owners") own one legal parcel, approximately 585-acres in size, consisting of Assessor's Parcel Nos. 033-010-016, 003-010-017, 007-140-006, 007-150-017 and 007-150-018 (collectively the "Property"), in the Brentwood area. The Property is located in Agricultural Preserve 5-74 (also known as Land Conservation Contract AP5-74), established by the Board of Supervisors on January 28, 1974 by Resolution No. 74/90. The Property is currently restricted under Land Conservation Contract 5-74 and is used for growing olive trees, cherry orchards, and vineyards. There are currently one small house and two barns on the Property. The Owners do not propose any new structures and intend to continue agricultural uses on the Property.

Contra Costa Water District (CCWD) owns adjacent property that it uses for its Old River Pipeline and a transfer facility. As explained in CCWD's letter (Attachment D), Owners inadvertently planted fruit trees on a small portion of CCWD's transfer facility site. Instead of requiring the removal of the trees, CCWD had agreed to exchange 0.8 acres of the transfer facility site for 0.8 acres of unused agricultural land at the intersection of the CCWD's Old River Pipeline and the County's Vasco Road right-of-way. The exchange would be effectuated by separate lot line adjustments applications which have been submitted to the County (County files LL15-0019 and LL15-0020 - Attachment A). The Owners request the following: (1) rescind existing Land Conservation Contract 5-74, (2) approve Lot Line Adjustments LL15-0019 and LL15-0020 with CCWD and (3) approve Land Conservation Contract AP16-0002 over the newly configured Property.

These actions will not change the existing use of the Property, or the portion of CCWD's property the Owners have planted and used. The requested actions will adjust the boundaries of the agricultural preserve within which the Property is located. The portions of the Property that will be conveyed to CCWD will be removed from the agricultural preserve, and the land acquired from CCWD will become part of the agricultural preserve. The existing land uses will not change as a result of these actions.

In accordance with Government Code Section 51232 and 51233, at least two weeks before the hearing, notice of this hearing was mailed by First Class U.S. Mail to the Owners, to each owner of land under a Williamson Act contract located within one mile of the Property and to Contra Costa County LAFCO.

#### Findings in Support of Owner's Requested Lot Line Adjustment

Under Government Code section 51257, an existing Williamson Act contract may be rescinded and replaced with a new Williamson Act contract to facilitate a lot line adjustment under Government Code section 66412, as long as the following seven findings are made. For the reasons explained below, the findings are supported.

(1) The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term at least as

long as the unexpired term of the rescinded contract or contracts, but not less than 10 years.

Land Conservation Contract AP16-0002 would enforceably restrict the adjusted boundaries of the Property for an initial term at least as long as the unexpired term of the rescinded contract, but not less than 10 years.

(2) There is no net decrease in the amount of the acreage restricted.

The Owners will exchange 0.8 acres of their Property for 0.8 acres of CCWD property. Because areas of equal size will be exchanged by the lot line adjustments, the new contract will encumber the same amount of land as the contract being rescinded.

(3) At least 90 percent of the land under the former contract or contracts remains under the new contract.

The approval of these lot line adjustments will remove 0.8 acres of the existing 585-acre Property covered under the Williamson Act contract. Therefore, over 99 percent of land under the current contract will remain under the new contract.

(4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

The Property is not considered prime agricultural land, so the minimum parcel size of compliance with Government Code section 51222 is 40 acres. The Property will remain one approximately 585-acre parcel after the lot line adjustments are approved.

(5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

The Property will continue to be used for agricultural purposes after the lot line adjustments are approved, and the new Williamson Act Contract encumbers the Property. The proposed actions will not change the existing use of the Property, or affect the long-term agricultural productivity of the Property.

(6) The lot line adjustments is not likely to result in the removal of adjacent land from agricultural use.

The approval of the lot line adjustment does not affect any adjacent land that is being used for agricultural purposes. The approval of the lot line adjustment only affects the Property and CCWD's property.

(7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Two parcels will be affected - one owned by CCWD and the Property. After the lot line adjustments, the same two parcels will exist, with slightly adjusted boundaries. The adjusted Property will remain consistent with the County's General Plan.

### **C. CEQA Review**

These actions are exempt from environmental review under CEQA. The approval of the minor lot line adjustments is exempt from CEQA pursuant to CEQA Guidelines section 15305. The rescission of a Williamson Act contract to accommodate the lot line adjustment will not change the existing land uses, and the approval of the new Williamson Act contract that will encumber the Property are exempt from CEQA under CEQA Guidelines sections 15317 and 15061 (b) (3).

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

If the Board does not approve the Lot Line Adjustments and the amendment to the Williamson Act the exchange of 0.80-acres between CCWD and the Nunns would not occur.

## CLERK'S ADDENDUM

***CLOSED the public hearing; FOUND the proposed actions are consistent with the Williamson Act and the County's Williamson Act Program;***

***ADOPTED Resolution No. 2016/548 to:***

***A. ADOPT the seven (7) findings listed in Section B of this Board Order; B. RESCIND the existing Land Conservation Contract No. 5-74 as to one legal parcel approximately 585 acres in size, comprised of Assessor's Parcel Nos. 003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018; C. APPROVE Lot Line Adjustments LL15-0019 and LL15-0020, which adjust the boundaries of Agricultural Preserve 5-74; D. APPROVE Land Conservation Contract AP16-0002 covering the newly configured parcel. E. FIND the proposed actions are exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Sections 15305, 15317, and 15061 (b) (3);***

***F. DIRECT the Director of Conservation and Development, or his designee, to record on the deed for the reconfigured property Lot Line Adjustments LL15-0019 and LL15-0020, record Resolution No. 2016/548, and record Land Conservation Contract AP16-0002, with the County Clerk Recorder, and forward copies of the recorded documents to the California Department of Conservation, and the County Assessor's Office. G. DIRECT the Director of Conservation and Development, or his designee, to file a CEQA Notice of Exemption with the County Clerk Recorder; and***

***AUTHORIZED the Chair of the Board of Supervisors to execute, on behalf of the County, Land Conservation Contract AP16-0002 with Owners Ronald and Shirley Nunn.***

## AGENDA ATTACHMENTS

Resolution No. 2016/548

Exhibit A - Legal Description

Attachment A - Lot Line Adjustments LL15-0019 & LL15-0020

Attachment B - Land Conservation Contract AP16-0002

Attachment C - Seven Required Findings for Lot Line Adjustment

Attachment D - April 8, 2016 letter from CCWD

## MINUTES ATTACHMENTS

Signed Resolution No. 2016/548

Signed Contract



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

Adopted this Resolution on 12/13/2016 by the following vote:

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



**Resolution No. 2016/548**

In the matter of minor lot line adjustments, 0.8-acre agricultural preserve boundary adjustment, and Williamson Act contract rescission and affecting Assessor's Parcel Nos. 003-010-016, 003-010-017, 007-140-006, 007-150-017 and 007-150-018, owned by Ronald and Shirley Nunn.

Whereas, Ronald and Shirley Nunn ("Owners") own one approximately 585-acre legal parcel in the Brentwood area, consisting of Assessor's Parcel Nos. 003-010-016, 003-010-017, 007-140-006, 007-150-017 and 007-150-018 (the "Property"). The Property is currently restricted under Land Conservation Contract 5-74, within Agricultural Preserve 5-74, and is used for growing olive trees, cherry orchards, and vineyards.

Whereas, Owners inadvertently planted fruit trees on a small portion of Contra Costa County Water District's (CCWD) Transfer Facility site adjacent to the Property. Instead of abating the trees, CCWD has agreed to exchange 0.8 acres of the Transfer Facility site for 0.8 acres of unused agricultural land at the intersection of the Old River Pipeline and Vasco Road rights-of-way. The exchange will be effectuated by lot line adjustments LL15-0019 and LL15-0020.

Whereas, the lot line adjustments will make minor adjustments to the existing boundaries of Agricultural Preserve 5-74, which requires a noticed hearing to be held in accordance with Government Code sections 51232 and 51233.

Whereas, Government Code Section 51257 allows the rescission of a Williamson Act contract and the simultaneous approval of a new contract to facilitate a minor lot line adjustment in accordance with Government Code section 66412, provided that certain findings are made.

Whereas, Land Conservation Contract AP16-0002 will enforceably restrict the adjusted boundaries of the Property for an initial term for at least as long as the unexpired term of the rescinded contract, but for not less than 10 years.

Whereas, the Owners will exchange 0.80 acres of their Property for 0.80 acres of CCWD property. Because areas of equal size will be exchanged by the lot line adjustments, the new contract will encumber the same amount of land as the contract to be rescinded.

Whereas, the approval of these lot line adjustments will remove 0.80 acres of the existing 585-acre Property covered under the current Williamson Act contract. Therefore, over 99 percent of land under the current contract will remain under the new contract.

Whereas, the Property is not considered prime agricultural land and its approximately-585-acre size after the lot line adjustments is larger than the minimum parcel size in Government Code section 51222 (40 acres).

Whereas, the Property will continue to be used for agricultural purposes after the lot line adjustments are approved, and the new Williamson Act contract encumbers the Property. The proposed actions will not change the existing use of the Property, or affect the long-term agricultural productivity of the Property or other lands under contract.

Whereas, the approval of the lot line adjustment does not affect any adjacent land that is being used for agricultural purposes. Department of Conservation and Development staff have determined that the Property with adjusted lot lines will remain consistent with the County's General Plan.

Whereas, two parcels currently exist – the Property and CCWD’s property. After the lot line adjustments, the same two parcels will exist, with slightly adjusted boundaries.

Whereas, a hearing was held, notice of which was given and published in accordance with Government Code section 51232 and 51233.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:

1. FINDS:

- A. Land Conservation Contract AP16-0002 will enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- B. There is no net decrease in the amount of the acreage restricted.
- C. At least 90 percent of the land under the former contract or contracts remains under the new contract.
- D. After the lot line adjustments, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
- E. The lot line adjustments will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- F. The lot line adjustments are not likely to result in the removal of adjacent land from agricultural use.
- G. The lot line adjustments do not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

2. RESCINDS Land Conservation Contract No. 5-74 establishing Agricultural Preserve 5-74, which is conterminous with the boundaries of the Property.

3. APPROVES Lot Line Adjustments LL15-0019 and LL15-0020, which adjust the boundaries of the Property and the agricultural preserve in which the Property is located.

4. APPROVES Land Conservation Contract AP16-0002 covering the Property and the adjusted boundaries of the agricultural preserve in which the Property is located. A map showing the adjusted boundaries of the agricultural preserve subject to Land Conservation Contract AP16-0002 is attached hereto as Exhibit A.

5. FINDS that the proposed actions are exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Sections 15305, 15317, and 15061 (b)(3).

6. DIRECTS the Director of Conservation and Development, or his designee, to record on the deed for the reconfigured property Lot Line Adjustments LL15-0019 and LL15-0020, and record this Resolution No.2016/548 and Land Conservation Contract AP16-0002, with the County Clerk-Recorder, and to forward copies of the recorded documents to the California Department of Conservation and the County Assessor’s Office.

7. DIRECTS the Director of Conservation and Development, or his designee, to file a CEQA Notice of Exemption with the County Clerk-Recorder, and to pay the \$50 filing fee.

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

**ATTESTED: December 13, 2016**

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

**Contact: John Osborne 674-7793**

By: June McHuen, Deputy

**cc:**

# THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 12/13/2016 by the following vote:

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

NO: ☐ /

ABSENT: ☐ /

ABSTAIN: ☐ /

RECUSE: ☐ /



## Resolution No. 2016/548

In the matter of minor lot line adjustments, 0.8-acre agricultural preserve boundary adjustment, and Williamson Act contract rescission and affecting Assessor's Parcel Nos. 003-010-016, 003-010-017, 007-140-006, 007-150-017 and 007-150-018, owned by Ronald and Shirley Nunn.

Whereas, Ronald and Shirley Nunn ("Owners") own one approximately 585-acre legal parcel in the Brentwood area, consisting of Assessor's Parcel Nos. 003-010-016, 003-010-017, 007-140-006, 007-150-017 and 007-150-018 (the "Property"). The Property is currently restricted under Land Conservation Contract 5-74, within Agricultural Preserve 5-74, and is used for growing olive trees, cherry orchards, and vineyards.

Whereas, Owners inadvertently planted fruit trees on a small portion of Contra Costa County Water District's (CCWD) Transfer Facility site adjacent to the Property. Instead of abating the trees, CCWD has agreed to exchange 0.8 acres of the Transfer Facility site for 0.8 acres of unused agricultural land at the intersection of the Old River Pipeline and Vasco Road rights-of-way. The exchange will be effectuated by lot line adjustments LL15-0019 and LL15-0020.

Whereas, the lot line adjustments will make minor adjustments to the existing boundaries of Agricultural Preserve 5-74, which requires a noticed hearing to be held in accordance with Government Code sections 51232 and 51233.

Whereas, Government Code Section 51257 allows the rescission of a Williamson Act contract and the simultaneous approval of a new contract to facilitate a minor lot line adjustment in accordance with Government Code section 66412, provided that certain findings are made.

Whereas, Land Conservation Contract AP16-0002 will enforceably restrict the adjusted boundaries of the Property for an initial term for at least as long as the unexpired term of the rescinded contract, but for not less than 10 years.

Whereas, the Owners will exchange 0.80 acres of their Property for 0.80 acres of CCWD property. Because areas of equal size will be exchanged by the lot line adjustments, the new contract will encumber the same amount of land as the contract to be rescinded.

Whereas, the approval of these lot line adjustments will remove 0.80 acres of the existing 585-acre Property covered under the current Williamson Act contract. Therefore, over 99 percent of land under the current contract will remain under the new contract.

Whereas, the Property is not considered prime agricultural land and its approximately-585-acre size after the lot line adjustments is larger than the minimum parcel size in Government Code section 51222 (40 acres).

Whereas, the Property will continue to be used for agricultural purposes after the lot line adjustments are approved, and the new Williamson Act contract encumbers the Property. The proposed actions will not change the existing use of the Property, or affect the long-term agricultural productivity of the Property or other lands under contract.

Whereas, the approval of the lot line adjustment does not affect any adjacent land that is being used for agricultural purposes. Department of Conservation and Development staff have determined that the Property with adjusted lot lines will remain consistent with the County's General Plan.

Whereas, two parcels currently exist – the Property and CCWD’s property. After the lot line adjustments, the same two parcels will exist, with slightly adjusted boundaries.

Whereas, a hearing was held, notice of which was given and published in accordance with Government Code section 51232 and 51233.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:

1. FINDS:

- A. Land Conservation Contract AP16-0002 will enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- B. There is no net decrease in the amount of the acreage restricted.
- C. At least 90 percent of the land under the former contract or contracts remains under the new contract.
- D. After the lot line adjustments, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
- E. The lot line adjustments will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- F. The lot line adjustments are not likely to result in the removal of adjacent land from agricultural use.
- G. The lot line adjustments do not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

2. RESCINDS Land Conservation Contract No. 5-74 establishing Agricultural Preserve 5-74, which is conterminous with the boundaries of the Property.

3. APPROVES Lot Line Adjustments LL15-0019 and LL15-0020, which adjust the boundaries of the Property and the agricultural preserve in which the Property is located.

4. APPROVES Land Conservation Contract AP16-0002 covering the Property and the adjusted boundaries of the agricultural preserve in which the Property is located. A map showing the adjusted boundaries of the agricultural preserve subject to Land Conservation Contract AP16-0002 is attached hereto as Exhibit A.

5. FINDS that the proposed actions are exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Sections 15305, 15317, and 15061 (b)(3).

6. DIRECTS the Director of Conservation and Development, or his designee, to record on the deed for the reconfigured property Lot Line Adjustments LL15-0019 and LL15-0020, and record this Resolution No.2016/548 and Land Conservation Contract AP16-0002, with the County Clerk-Recorder, and to forward copies of the recorded documents to the California Department of Conservation and the County Assessor’s Office.

7. DIRECTS the Director of Conservation and Development, or his designee, to file a CEQA Notice of Exemption with the County Clerk-Recorder, and to pay the \$50 filing fee.

I hereby certify that this 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 Osborne 674-7793

ATTESTED: December 13, 2016

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

By: June McHuen, Deputy

cc:

**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

- 4) THENCE NORTH 54°03'29" WEST 173.81 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22);

THENCE NORTHERLY ALONG THE EAST LINE OF VASCO ROAD AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING 5 COURSES:

- 1) NORTH 54°03'28" WEST 164.98 FEET;
- 2) SOUTH 47°45'06" WEST 41.78 FEET TO A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 935.24 FEET, FROM WHICH A RADIAL BEARS NORTH 47°01'01" EAST;
- 3) THENCE ALONG THE ARC OF AFOREMENTIONED CURVE 720.54 FEET, THROUGH A CENTRAL ANGLE OF 44°08'34";
- 4) THENCE NORTH 01°09'39" EAST 320.43 FEET;
- 5) THENCE NORTH 88°50'21" WEST 25.12 FEET MORE OR LESS TO THE EAST LINE OF WALNUT BOULEVARD ALSO BEING PARCEL 1 OF THE INTEREST CONVEYED TO CONTRA COSTA COUNTY "FOR USE AS A PUBLIC HIGHWAY", BY DEED FROM LAWRENCE J. DUTRA, ET AL, DATED JUNE 19, 1956 IN BOOK 2817 OF OFFICIAL RECORDS, PAGE 595;

THENCE NORTHERLY ALONG THE EAST LINE OF SAID WALNUT BOULEVARD NORTH 01°09'18" EAST 230.64 FEET MORE OR LESS TO THE SOUTH LINE OF THE PARCEL OF LAND DESCRIBED AS PARCEL 2 IN THE DEED FROM ARTHUR HUBBARD TO LOUIE W. FROST, ET UX, DATED MAY 14, 1929 AND RECORDED MAY 16, 1929 IN BOOK 193 OF OFFICIAL RECORDS, PAGE 28; THENCE EASTERLY AND NORTHERLY ALONG THE SOUTH AND EAST LINE OF SAID PARCEL 2 (193 OR 28) THE FOLLOWING 4 COURSES:

- 1) NORTH 72°39'30" EAST 202.03 FEET;
- 2) NORTH 19°01'30" EAST 202.20 FEET;
- 3) NORTH 65°22'30" EAST 178.70 FEET;
- 4) NORTH 00°02'04" WEST 306.46 FEET MORE OR LESS TO A POINT ON THE CENTERLINE OF KELLOGG CREEK AS SHOWN ON THE MAP ENTITLED "SUBDIVISION NUMBER TEN OF BRENTWOOD IRRIGATED FARMS", WHICH WAS FILED SEPTEMBER 11, 1917, IN VOLUME 16 OF MAPS AT PAGE 331 SAID POINT ALSO BEING ON THE BOUNDARY OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM ARTHUR HUBBARD TO LOUIE W. FROST, ET UX., DATED MAY 14, 1929, IN THE OFFICE OF THE RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ON MAY 16, 1929, IN VOLUME 193 OF OFFICIAL RECORDS, AT PAGE 28;

THENCE NORTHERLY ALONG SAID BOUNDARY LINE (193 OR 28) THE FOLLOWING 2 COURSES:

- 1) NORTH 00°14'58" WEST 53.54 FEET;
- 2) NORTH 34°19'52" EAST 159.72 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND GRANTED TO ERNEST CANNEAUX, DATED MARCH 20, 1950 AND RECORDED IN BOOK 1524 OF OFFICIAL RECORDS AT PAGE 414;

THENCE EASTERLY ALONG SAID SOUTH LINE SOUTH 87°37'51" EAST 1108.73 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF THE 10.14 ACRE PARCEL OF LAND

**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

DESCRIBED AS PARCEL ONE IN THE DEED FROM JESSIE JASON FARIA TO A. ALVES, DATED MARCH 11, 1950, RECORDED JUNE 7, 1950 IN BOOK 1570 OF OFFICIAL RECORDS, PAGE 404; THENCE ALONG THE SOUTH LINE OF SAID 10.14 ACRE PARCEL OF LAND (1570 OR 404) SOUTH 87°37'51" EAST 984.89 FEET MORE OR LESS TO THE SOUTHWEST LINE OF THE 40.45 ACRE PARCEL OF LAND DESCRIBED AS PARCEL 2 IN THE DEED FROM JESSIE JASON FARIA, ET AL, TO ALFRED ALVES, ET UX, DATED JANUARY 4, 1944, RECORDED MARCH 16, 1944 IN BOOK 767 OF OFFICIAL RECORDS, AT PAGE 458; THENCE ALONG SAID SOUTHWEST LINE THE FOLLOWING 6 COURSES:

- 1) SOUTH 32°59'13" EAST 123.20 FEET;
- 2) SOUTH 62°33'13" EAST 245.90 FEET;
- 3) SOUTH 82°05'13" EAST 257.00 FEET;
- 4) NORTH 82°30'57" EAST 394.50 FEET;
- 5) SOUTH 57°52'00" EAST 188.45 FEET;
- 6) SOUTH 36°16'00" EAST 301.18 FEET MORE OR LESS TO THE MOST WESTERLY CORNER OF THE 20 ACRE PARCEL OF LAND DESCRIBED AS PARCEL 3 IN SAID ALVES DEED (767 OR 458);

THENCE ALONG THE WEST AND SOUTH LINES OF SAID 20 ACRE PARCEL SOUTH 36°16'00" EAST 778.11 FEET; THENCE SOUTH 30°26'00" EAST 344.04 FEET MORE OR LESS TO THE NORTHWEST CORNER OF PARCEL A OF THE PARCEL MAP RECORDED JULY 17, 1974 IN BOOK 34 OF PARCEL MAPS AT PAGE 36; THENCE SOUTHERLY AND EASTERLY ALONG THE WEST AND SOUTH LINE OF SAID PARCEL A (34 PM 36) SOUTH 23°26'24" EAST 22.88 FEET; THENCE SOUTH 30°08'56" EAST 842.72; THENCE SOUTH 06°23'04" EAST 1467.90 FEET; THENCE SOUTH 89°13'37" EAST 294.39 FEET MORE OR LESS TO THE EAST LINE SECTION 31 (T1N R3E) SOUTH 00°53'51" WEST 456.24 FEET MORE OR LESS TO A GRANITE MONUMENT TAGGED "C.C.CO." AS SHOWN ON 34 PM 36, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SECTION 31 (T1N R3E) AND THE NORTHEAST CORNER OF SECTION 6 (T1S R3E); THENCE SOUTHERLY FROM SAID GRANITE MONUMENT ALONG THE EAST LINE OF SAID SECTION 6 (T1S R3E) SOUTH 01°06'38" WEST 345.18 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 357.17 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

**PARCEL 2**

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PROJECTED SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON RANCHO LOS MEGANOS RECORDED IN BOOK 9 OF MAPS AT PAGE 202, WHICH PORTION IS DESCRIBED AS FOLLOWS:

BEGINNING AT A GRANITE MONUMENT DESIGNATED AS LM NO. 9 AS SHOWN ON RECORD OF SURVEY NO. 2223 RECORDED IN BOOK 112 OF LAND SURVEYORS MAPS AT PAGE 22, SAID GRANITE MONUMENT ALSO BEING ON THE EAST LINE OF SECTION 6

**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

(T1SR3E) SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING THE EAST LINE OF SECTION 6 (T1SR3E) WESTERLY ALONG A LINE BETWEEN SAID GRANITE MONUMENT LM NO. 9 AND A GRANITE MONUMENT DESIGNATED AS LM NO. 10 AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) NORTH 89°17'59" WEST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 776.97 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE NORTHERLY ALONG THE EAST LINE OF VASCO ROAD AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING NINE COURSES:

- 1) NORTH 34°58'25" WEST 229.63 FEET TO AN ANGLE POINT;
- 2) NORTH 10°01'35" EAST 63.61 FEET;
- 3) NORTH 79°58'25" WEST 63.64 FEET;
- 4) NORTH 34°58'25" WEST 251.43 FEET;
- 5) NORTH 31°00'32" WEST 289.26 FEET;
- 6) NORTH 39°25'16" WEST 257.92 FEET;
- 7) NORTH 34°58'25" WEST 677.86 FEET;
- 8) NORTH 19°49'10" WEST 248.85 FEET;
- 9) NORTH 55°37'14" WEST 153.06 FEET TO THE SOUTHWEST CORNER OF PARCEL 3 (85' RIGHT OF WAY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00;

THENCE EASTERLY ALONG THE SOUTH LINE OF THAT CERTAIN FINAL ORDER OF CONDEMNATION (97-0098757-00) NORTH 58°57'38" EAST 794.34 FEET; THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF THAT CERTAIN FINAL ORDER OF CONDEMNATION NORTH 89°58'55" EAST 1378.56 FEET TO THE EAST LINE OF SECTION 6 (T1S,R3E); THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 6 (T1S,1R3E) SOUTH 01°06'38" WEST 2210.99 FEET THE TRUE POINT OF BEGINNING.

CONTAINING 74.16 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

**PARCEL 3**

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PROJECTED SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON RANCHO LOS MEGANOS RECORDED IN BOOK 9 OF MAPS AT PAGE 202, WHICH PORTION IS DESCRIBED AS FOLLOWS:

COMMENCING AT A GRANITE MONUMENT DESIGNATED AS LM NO. 9 AS SHOWN ON RECORD OF SURVEY NO. 2223 RECORDED IN BOOK 112 OF LAND SURVEYORS MAPS AT PAGE 22, SAID GRANITE MONUMENT ALSO BEING ON THE EAST LINE OF SECTION 6 (T1SR3E); THENCE LEAVING THE EAST LINE OF SECTION 6 (T1SR3E) WESTERLY ALONG A LINE BETWEEN SAID GRANITE MONUMENT LM NO. 9 AND A GRANITE



**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

MONUMENT DESIGNATED AS LM NO. 10 AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) NORTH 89°17'59" WEST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 776.97 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE CONTINUING WESTERLY ACROSS VASCO ROAD AS SHOWN RECORD OF SURVEY NO. 2223 (112 LSM 22) ALONG THE LINE BETWEEN LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 196.95 FEET TO THE TRUE POINT OF BEGINNING; THENCE WESTERLY CONTINUING ALONG SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 1672.09 FEET; THENCE LEAVING SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 48°05'59" WEST 485.66 FEET TO A POINT DESIGNATED AS "THE TRUE POINT OF BEGINNING" OF PARCEL 1 (TRANSFER FACILITY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00; THENCE ALONG THE SOUTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 41°54'01" EAST 600.00 FEET; THENCE CONTINUING ALONG THE SOUTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 48°05'59" WEST 575.45 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF PARCEL 2 (RIGHT OF WAY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL 2 (97-0098757-00) NORTH 58°57'38" EAST 501.53 FEET; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL 2 (97-0098757-00) NORTH 77°31'21" EAST 157.07 FEET; THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL 2 (97-0098757-00) NORTH 58°57'38" EAST 92.56 FEET THENCE LEAVING SAID SOUTH LINE SOUTH 82°35'06" EAST 390.33 FEET MORE OR LESS TO THE WEST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE SOUTHERLY ALONG THE WEST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING FOUR COURSES:

- 1) THENCE SOUTH 35°42'46" EAST 685.93 FEET;
- 2) THENCE SOUTH 35°59'38" EAST 562.01 FEET;
- 3) THENCE SOUTH 25°54'47" EAST 190.52 FEET;
- 4) THENCE SOUTH 34°58'25" EAST 344.81 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 45.02 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

**PARCEL 4**

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PROJECTED SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST AND SECTION 31 TOWNSHIP 1 NORTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON RANCHO LOS MEGANOS RECORDED IN BOOK 9 OF MAPS AT PAGE 202, WHICH PORTION IS DESCRIBED AS FOLLOWS:



**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

COMMENCING AT A GRANITE MONUMENT DESIGNATED AS LM NO. 9 AS SHOWN ON RECORD OF SURVEY NO. 2223 RECORDED IN BOOK 112 OF LAND SURVEYORS MAPS AT PAGE 22, SAID GRANITE MONUMENT ALSO BEING ON THE EAST LINE OF SECTION 6 (T1SR3E); THENCE LEAVING THE EAST LINE OF SECTION 6 (T1SR3E) WESTERLY ALONG A LINE BETWEEN SAID GRANITE MONUMENT LM NO. 9 AND A GRANITE MONUMENT DESIGNATED AS LM NO. 10 AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) NORTH 89°17'59" WEST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 776.97 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE CONTINUING WESTERLY ACROSS VASCO ROAD AS SHOWN RECORD OF SURVEY NO. 2223 (112 LSM 22) ALONG THE LINE BETWEEN LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 196.95 FEET; THENCE WESTERLY CONTINUING ALONG SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 1672.09 FEET; THENCE LEAVING SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 48°05'59" WEST 485.66 FEET TO A POINT DESIGNATED AS "THE TRUE POINT OF BEGINNING" OF PARCEL 1 (TRANSFER FACILITY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00; THENCE EASTERLY ALONG THE SOUTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 41°54'01" EAST 600.00 FEET; THENCE CONTINUING ALONG SAID PARCEL 1 (97-0098757-00) NORTH 48°05'59" WEST 706.20 FEET MORE OR LESS TO THE NORTHWEST CORNER OF PARCEL 2 (RIGHT OF WAY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00 SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG THE NORTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 48°05'59" WEST 1276.79 FEET; THENCE LEAVING SAID NORTHEAST LINE SOUTH 04°49'58" WEST 39.51 FEET; THENCE NORTH 80°43'11" WEST; THENCE SOUTH 73°52'35" WEST 285.87 FEET MORE OR LESS TO THE NORTHWESTERLY LINE OF SAID PARCEL 1 (97-0098757-00) THENCE CONTINUING WESTERLY ALONG SAID PARCEL 1 (97-0098757-00) NORTH 62°05'15" WEST 443.79 FEET MORE OR LESS TO THE EAST LINE OF WALNUT BOULEVARD ALSO BEING PARCEL 1 OF THE INTEREST CONVEYED TO CONTRA COSTA COUNTY "FOR USE AS A PUBLIC HIGHWAY", BY DEED FROM LAWRENCE J. DUTRA, ET AL, DATED JUNE 19, 1956 IN BOOK 2817 OF OFFICIAL RECORDS, PAGE 595 SAID POINT BEING ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1040.00 FEET, FROM WHICH A RADIAL BEARS NORTH 74°33'07" WEST; THENCE NORTHERLY ALONG THE EAST LINE OF SAID WALNUT BOULEVARD ALONG THE ARC OF THE AFOREMENTIONED CURVE 259.44 FEET THROUGH A CENTRAL ANGLE OF 14°17'31"; THENCE NORTHERLY ALONG THE EAST LINE OF SAID WALNUT BOULEVARD AND TANGENT TO THE AFOREMENTIONED CURVE NORTH 01°09'18" EAST 1490.76 FEET TO THE SOUTHWEST CORNER OF PARCEL TWO OF THE GRANT DEED TO STATE ROUTE 4 BYPASS AUTHORITY RECORDED DECEMBER 6, 2005 AS DOCUMENT NUMBER 2005-0468211-00; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL TWO (2005-0468211-00) THE FOLLOWING 6 COURSES:

- 1) SOUTH 88°50'24" EAST 91.61 FEET;
- 2) NORTH 37°01'33" EAST 641.09 FEET;
- 3) SOUTH 64°45'48" EAST 674.97 FEET;
- 4) SOUTH 52°47'16" EAST 689.09 FEET;
- 5) SOUTH 38°57'18" EAST 449.96 FEET;
- 6) NORTH 55°03'57" EAST 144.47 FEET TO THE WEST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22);

**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

THENCE SOUTHERLY ALONG THE WEST LINE OF VASCO ROAD AS SHOWN ON  
RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING 5 COURSES:

- 1) SOUTH 34°19'39" EAST 667.17 FEET;
- 2) SOUTH 22°32'32" EAST 98.20 FEET;
- 3) SOUTH 45°29'16" EAST 106.31 FEET;
- 4) SOUTH 34°37'35" EAST 725.56 FEET;
- 5) SOUTH 34°58'25" EAST 70.43 FEET TO THE NORTHEAST CORNER OF PARCEL 2  
(RIGHT OF WAY) (97-0098757-00);

THENCE WESTERLY ALONG THE NORTH LINE OF SAID PARCEL 2 (RIGHT OF WAY) (97-  
0098757-00) SOUTH 58°57'38" WEST 1057.14 FEET TO THE TRUE POINT OF BEGINNING.

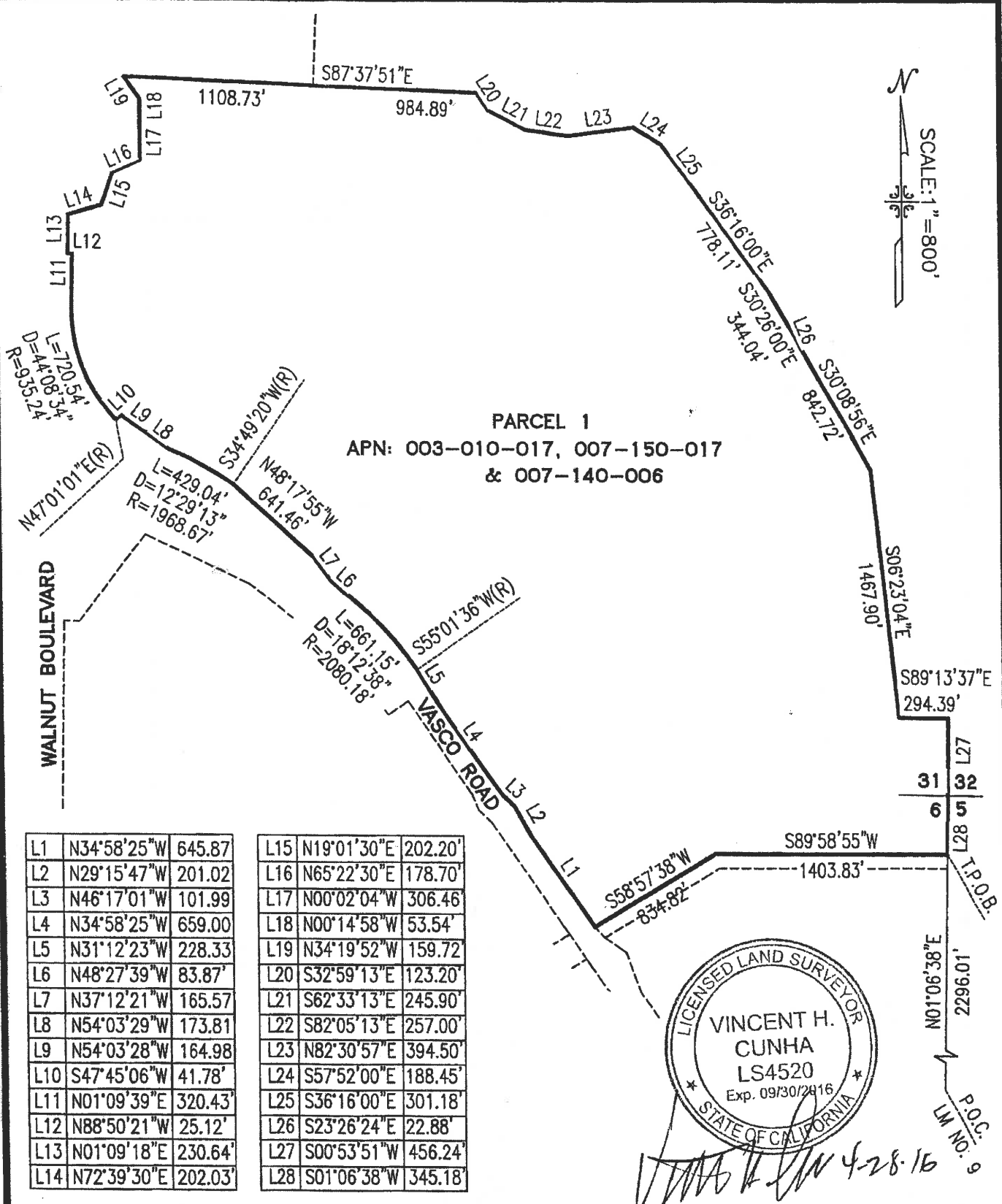
CONTAINING 109.29 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART  
HEREOF.



*[Handwritten signature]*  
4-28-16



L1	N34°58'25"W	645.87
L2	N29°15'47"W	201.02
L3	N46°17'01"W	101.99
L4	N34°58'25"W	659.00
L5	N31°12'23"W	228.33
L6	N48°27'39"W	83.87
L7	N37°12'21"W	165.57
L8	N54°03'29"W	173.81
L9	N54°03'28"W	164.98
L10	S47°45'06"W	41.78
L11	N01°09'39"E	320.43
L12	N88°50'21"W	25.12
L13	N01°09'18"E	230.64
L14	N72°39'30"E	202.03

L15	N19°01'30"E	202.20
L16	N65°22'30"E	178.70
L17	N00°02'04"W	306.46
L18	N00°14'58"W	53.54
L19	N34°19'52"W	159.72
L20	S32°59'13"E	123.20
L21	S62°33'13"E	245.90
L22	S82°05'13"E	257.00
L23	N82°30'57"E	394.50
L24	S57°52'00"E	188.45
L25	S36°16'00"E	301.18
L26	S23°26'24"E	22.88
L27	S00°53'51"W	456.24
L28	S01°06'38"W	345.18

CUNHA ENGINEERING INC. ■■■

701 BELMONT WAY, STE. A  
 PINOLE, CALIFORNIA 94564  
 (510) 741-8290

EXHIBIT B

BRENTWOOD

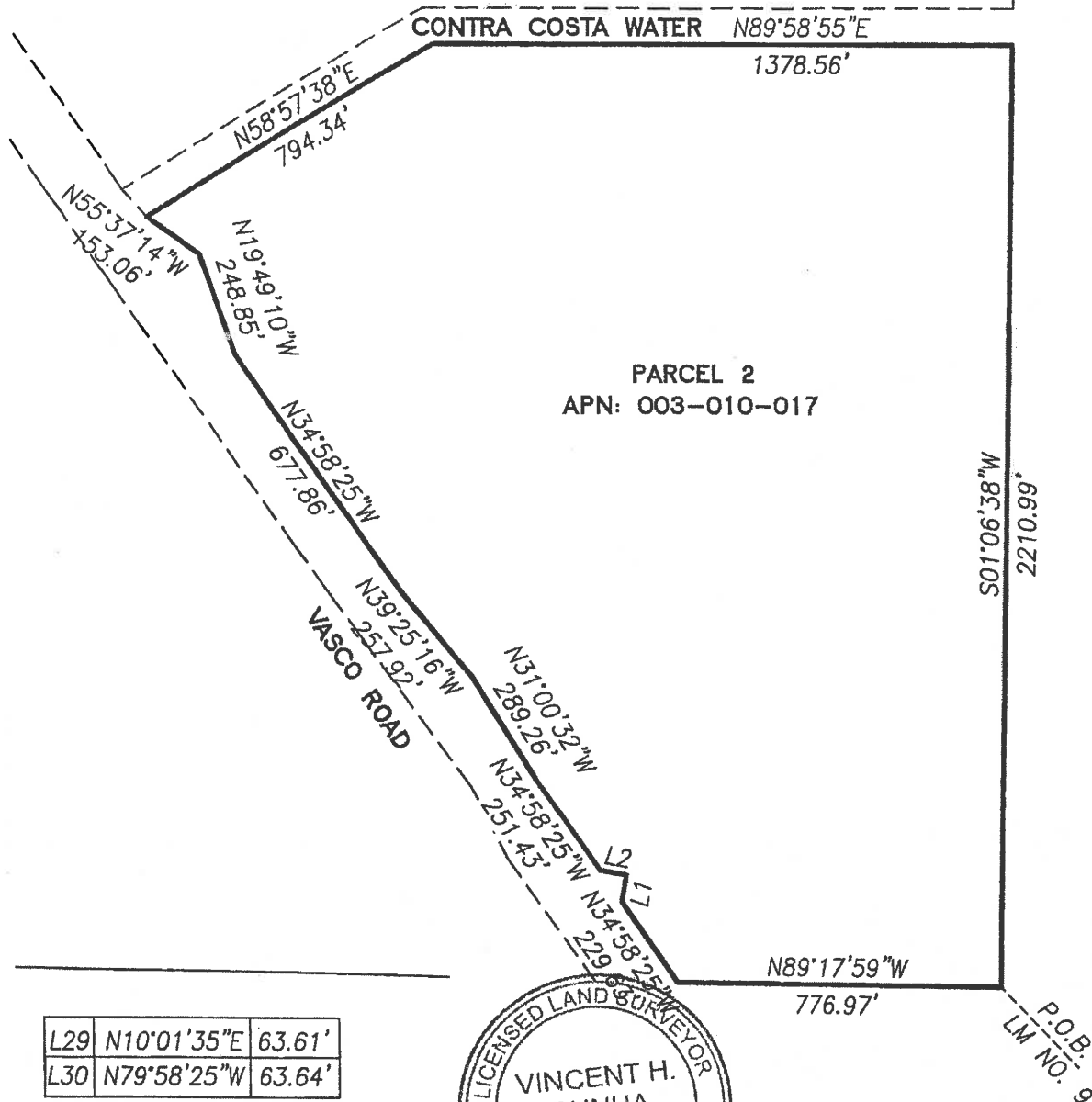
CALIFORNIA

SHEET

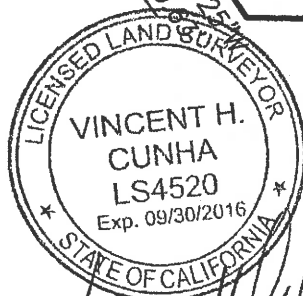
1 OF 4

JOB No.  
 215016

SCALE: 1" = 400'



L29	N10°01'35"E	63.61'
L30	N79°58'25"W	63.64'



*Handwritten signature and date 4.28.15*

CUNHA ENGINEERING INC. ■■■

701 BELMONT WAY, STE. A  
PINOLE, CALIFORNIA 94564  
(510) 741-8290

EXHIBIT B

BRENTWOOD

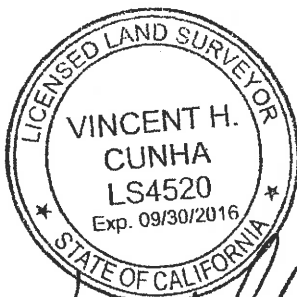
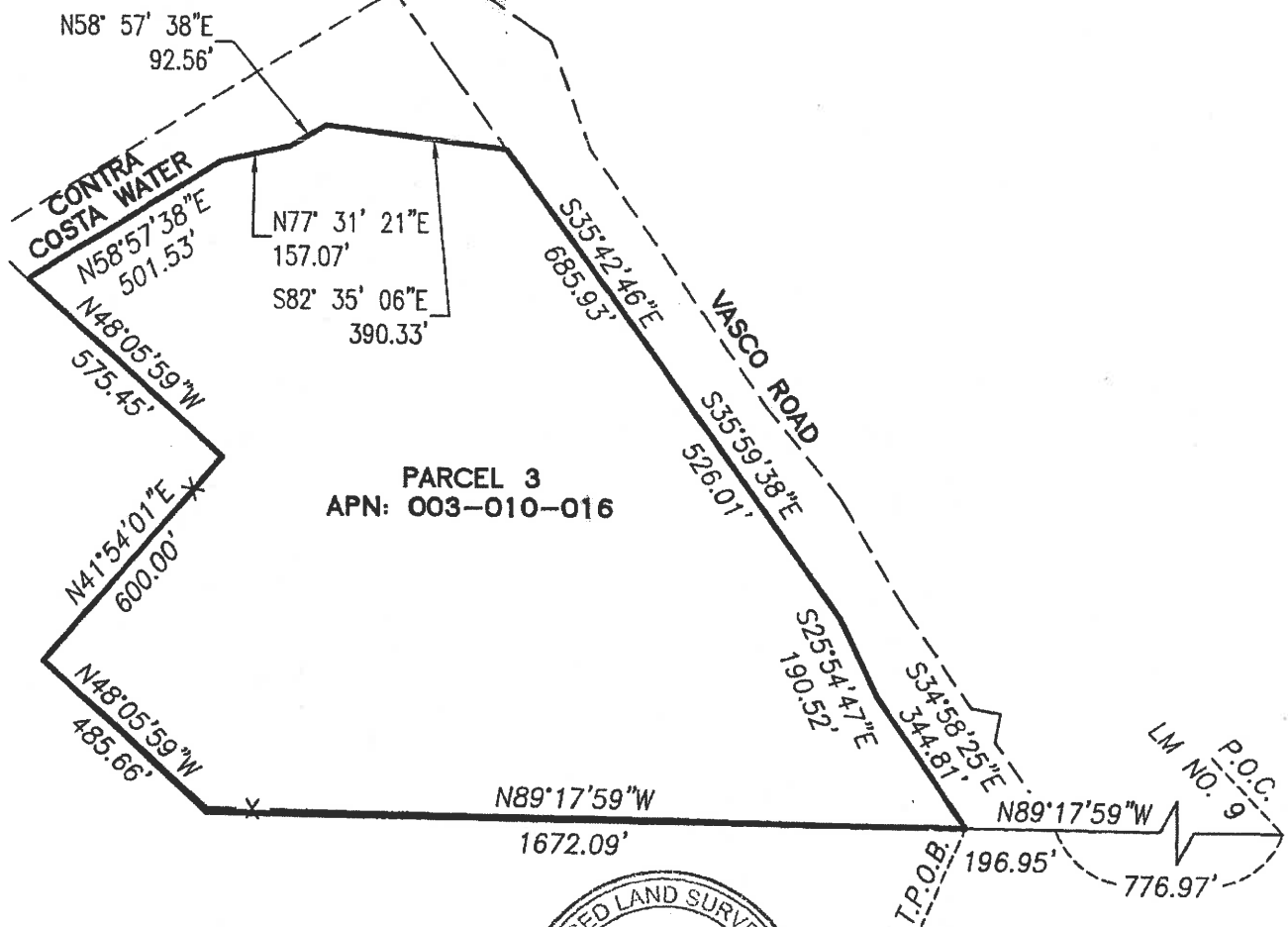
CALIFORNIA

SHEET

2 OF 4

JOB No. 215016

SCALE: 1"=400'



*Vincent H. Cunha 4-2-16*

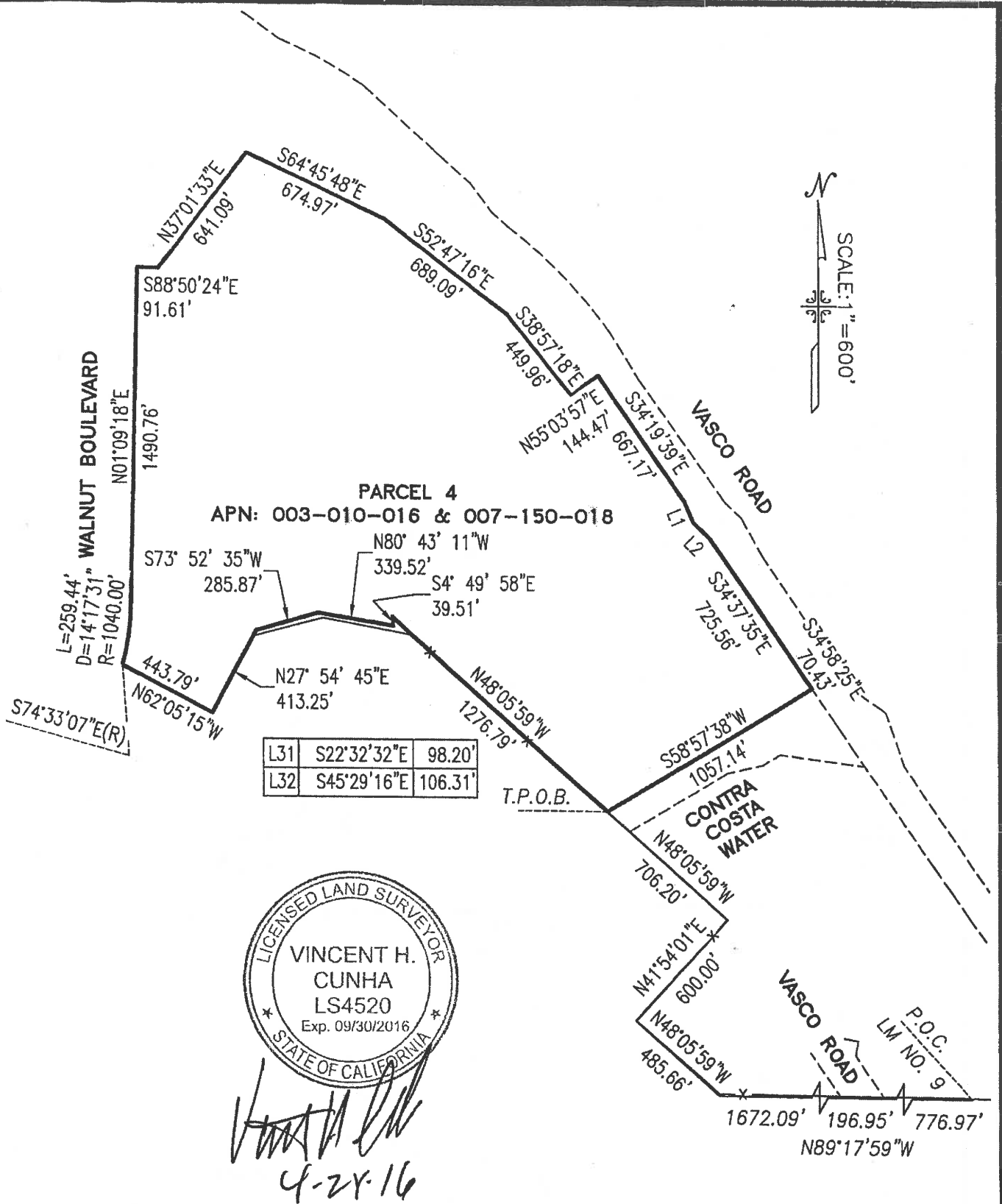
CUNHA ENGINEERING INC. ■■■  
701 BELMONT WAY, STE. A  
PINOLE, CALIFORNIA 94564  
(510) 741-8290

# EXHIBIT B

BRENTWOOD

CALIFORNIA

SHEET  
3 OF 4  
JOB No.  
215016



CUNHA ENGINEERING INC. ■■■

701 BELMONT WAY, STE. A  
 PINOLE, CALIFORNIA 94564  
 (510) 741-8280

**EXHIBIT B**

BRENTWOOD

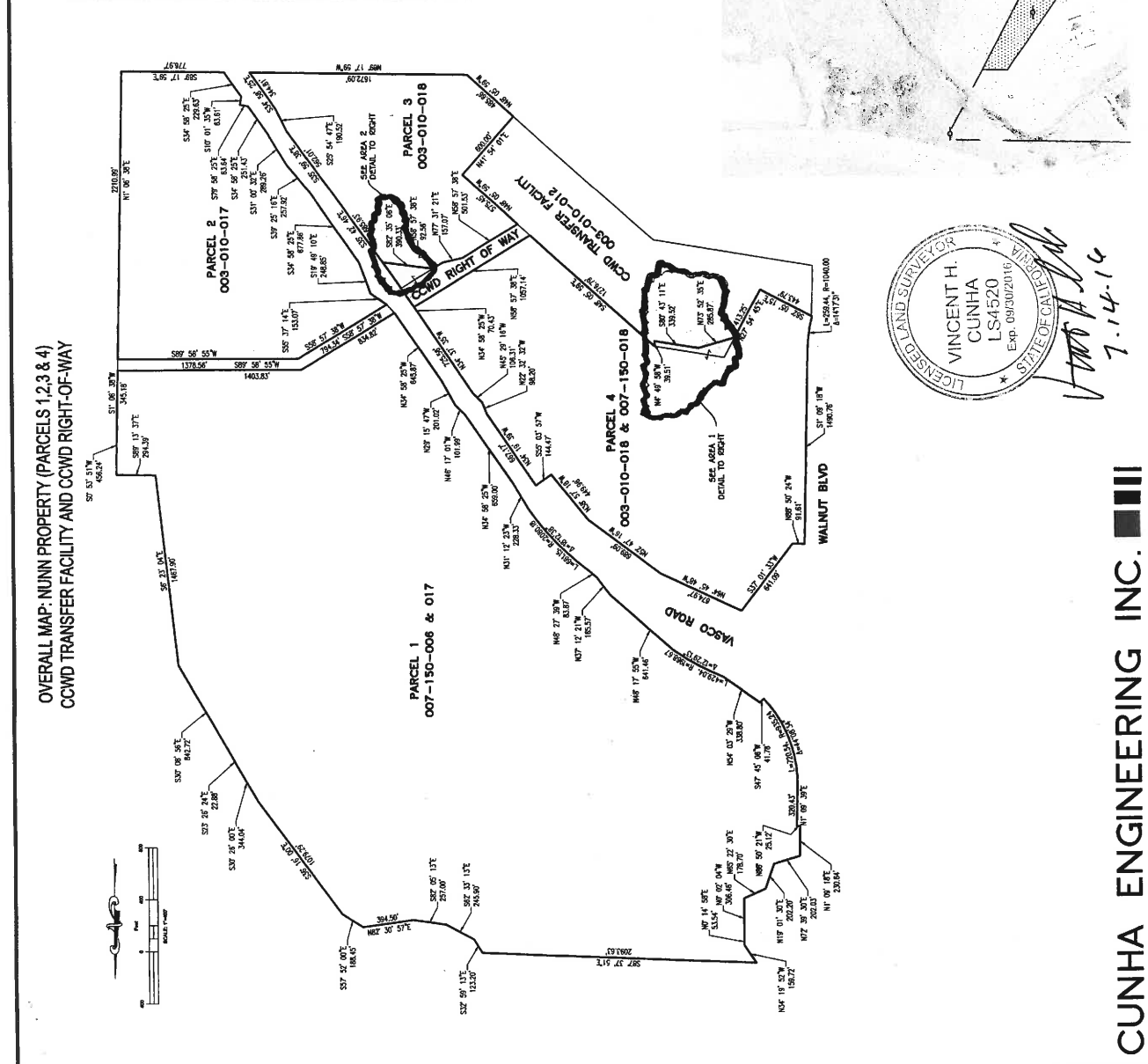
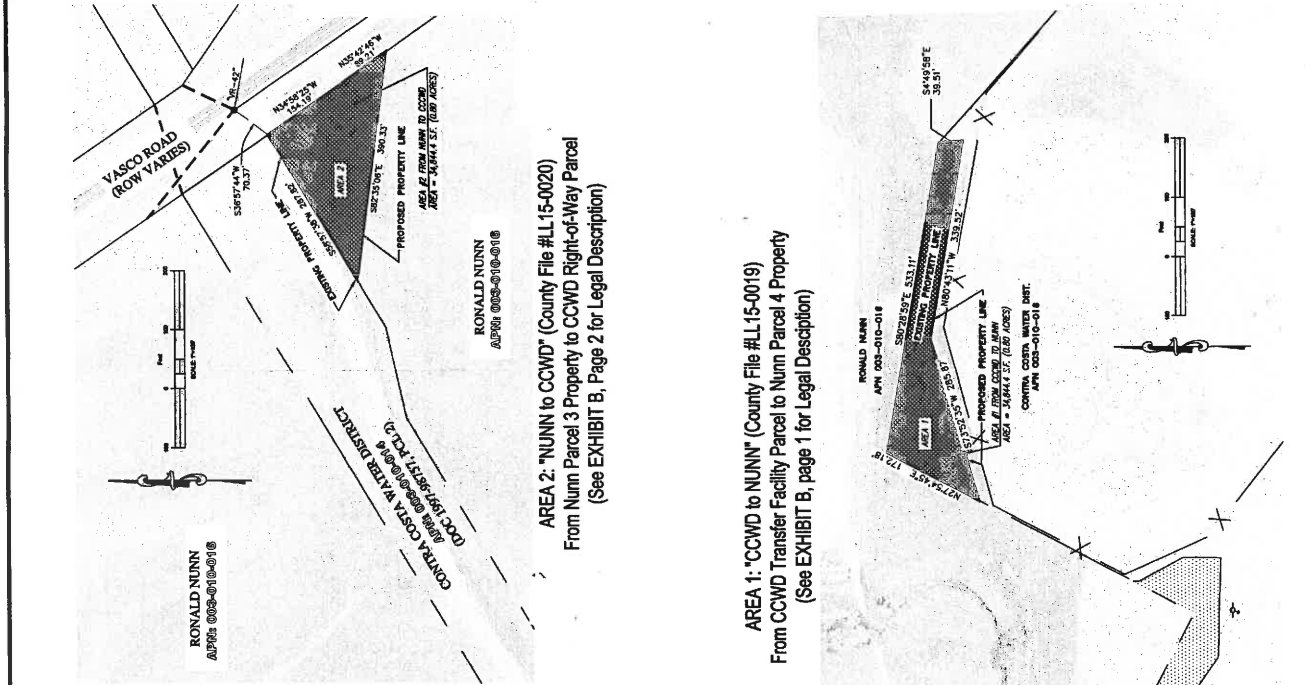
CALIFORNIA

SHEET

4 OF 4

JOB No.  
 215016

1	"CWD to NUNN" Lot line / "NUNN to CWD" Lot line	CONTRA COSTA COUNTY
SHEET NUMBER		1
OF 1 SHEETS		
DRAWING NO.		206014



CUNHA ENGINEERING INC. ■■■■

## ATTACHMENT B

LAND CONSERVATION CONTRACT NO. AP16-0002  
ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:  
003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018

1. Parties. BY THIS CONTRACT, made and entered into \_\_\_\_\_, 2016, Ronald E. Nunn and Shirley A. Nunn, husband and wife as joint tenants, hereinafter referred to as "Owners," and the County of Contra Costa, a political subdivision of the State of California, hereinafter referred to as "County," do mutually agree and promise as follows:

2. Property Description. Owners possess certain real property located within the County, which property is presently devoted to agricultural and compatible uses. The "Property" is described in Exhibit A, attached hereto and made a part of this contract.

3. Purpose. Both Owners and County desire to limit the use of said Property to agricultural uses and to compatible uses specified in this agreement in order to discourage premature and unnecessary conversion of such lands from agricultural uses, recognizing that such land has definite public value as open space and that the preservation of such land in agricultural production constitutes an important physical, social, aesthetics and economic asset to County to maintain the agricultural economy of County and the State of California.

4. Intent of Parties: Enforceable Restriction. Both Owners and County intend that the term, conditions and restrictions of this Contract be in accordance with the California Land Conservation Act of 1965, as amended, so as to be an enforceable restriction under the provisions of Division 1, Part 2, Chapter 3, Article 1.5 of the California Revenue and Taxation Code (Rev. & Tax Code § 421 et. seq.).

5. Intent of Parties: Effect on Property Value. It is the intent of the County and Owners that this Contract is conditioned upon the continued existence of legislation implementing Article XIII, § 8 of the California Constitution so the effect of the terms, conditions and restrictions of the Contract on property values for taxation purposes is substantially as favorable to Owners as the legislation existing on the last renewal date.

6. Governing Statutes and Ordinances. This Contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code commencing with Section 51200). This Contract further is made pursuant to and subject to Contra Costa County Ordinance Code, Chapter 84-42 and Chapters 810-2 through 810-4, and Resolutions of the Contra Costa County Board of Supervisors Numbers 68-635 and 69-763.

7. Land Use Restrictions. During the term of this Contract or any renewals thereof, the above described land shall not be used for any purpose, other than the production of food and fiber and compatible uses as listed in Contra Costa County Ordinance Code Chapter 84-42, which is



hereby incorporated by reference as if fully set forth herein; provided, however, that such additional agricultural or compatible uses as are set forth in Attachment C, which is attached hereto and is hereby incorporated by reference, shall also be permitted subject to the terms and conditions set forth herein. In case of conflict or inconsistency between the uses allowed in this Contract and those specified in said zoning ordinance, the provisions of the Contract as set forth in Attachment C shall prevail.

8. Modification of Restrictions. The Board of Supervisors of County may from time to time and during the term of this Contract or any extensions thereof, by amendment to Contra Costa County Ordinance Code Chapter 84-42, add to those uses listed in said ordinance. Such additional uses shall be limited to commercial agriculture and compatible uses and be subject to the density restrictions of Government Code § 51220.5. Said board shall not eliminate, without written consent of the Owner or his successors or assigns, a compatible use during the term of this Contract or any renewals thereof.

9. Term and Renewal. This Contract shall be effective commencing on the last day of \_\_\_\_\_, 2016, and shall remain in effect for a period of ten (10) years therefrom.

This Contract shall be automatically renewed and its terms extended for a period of one (1) year on the last day of \_\_\_\_\_ of each succeeding year during the term hereof, unless notice of non-renewal is given in the manner provided by section 51245 of the Government Code. At all times during the continuance of this Contract, as from time to time renewed, there shall be a ten (10) year term of restriction unless notice of non-renewal is given in the manner provided by Section 51245 of the Government Code. Under no circumstances shall a notice of renewal be required of either party to effectuate the automatic renewal of this paragraph.

10. Cancellation. (a) Except as provided in Section 11, the provisions of this Contract whereby Owners agree to restrict the use of the land described in Paragraph 2 may be canceled as to all or a portion of said land by mutual agreement of the County and Owners after a public hearing has been held in the manner provided by Section 51284 of the Government Code and upon a finding by the Board of Supervisors that such cancellation is not inconsistent with the purposes of the Land Conservation Act, or in the public interest, pursuant to Government Code Section 51282. It is understood by the parties that the existence of an opportunity for another use of said land shall not be sufficient reason for cancellation of the land use restrictions imposed herein and that the uneconomic character of the existing use will be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

(b) Upon cancellation of said portions of this Contract, Owners shall pay to the County Treasurer, as deferred taxes, a cancellation fee in an amount equal to the greater of twelve and one-half (12 ½%) percent or the current fee provided by state law of the cancellation value of the property being released from the terms of this Contract. Said cancellation value shall be determined in accordance with the provisions of Government Code Section 51283 (a) and (b). Under no circumstances shall the payment of said cancellation fee be waived, deferred, or made subject to any contingency whatever.

(c) Final cancellation shall be effectuated in accordance with the provisions of Government Code Section 51283.4.

11. Cancellation Upon Substitution of New Restrictions. This Contract may be canceled by mutual agreement of County and Owners without payment of deferred taxes or public hearing if it is replaced by an enforceable restriction authorized by Article XIII, § 8 of the California Constitution.

12. Eminent Domain Proceedings. (a) In accordance with the provisions of Government Code Section 51295, incorporated by reference herein, upon the filing of any action in eminent domain for the condemnation of the fee title of the land or any portion thereof subject to this Contract or upon acquisition of such land in lieu of eminent domain by public agency for a public improvement, the provisions of this Contract shall be null and void as to the land so condemned or acquired.

(b) If, subsequent to the filing of an action in eminent domain, the proposed condemnation is abandoned as to all or a portion of the land subject to the Contract, the restrictions on land use set forth in this Contract shall, without further agreement of the parties herein, be reinstituted and the terms of this contract shall be in full force and effect, subject to the cancellation provisions of Government Code Section 51295.

13. Remedies for Breach of Contract. (a) In the event that Owners fail to comply with the terms and conditions of this Contract and the effect of said breach is to render the use of land or a substantial portion thereof unfit for agricultural use, thereby negating the purpose and effect of this Contract, Owners shall pay to the County a sum equal to One Hundred Per Cent (100%) of the equalized assessed value of the real property described in Exhibit A, as established by the County Assessor on the lien date next following the date of breach, as liquidated and agreed damages, it having been agreed that actual damages will be impractical and extremely difficult to ascertain and that said measure of damages is a reasonable measure of the harm which would result from such failure of compliance. If, after the date the Contract was initially entered into, the publicly announced county ratio of assessment to full cash value is changed, the percentage payment in this subdivision shall be changed so no greater percentage of full cash value will be paid than would have been paid had there been no change of ratio.

(b) It is understood that nothing herein contained shall constitute a waiver of any right which the County may now or in the future have to seek specific performance of this Contract or other injunctive relief. The enforcement provisions of the Contra Costa County zoning ordinance shall also apply if the land which is the subject of this contract is used for purposes other than those provided in Ordinance Code Chapter 84-42 or this Contract.

14. Effect of Division of Property. Owners agree that division of the Property described in Exhibit A into two (2) or more parcels, whether by sale, gift, by operation of law or by any other means, upon a finding by the Board of Supervisors that said division is detrimental to the ultimate preservation of said property for exclusive agricultural use, be construed by the County as notice of non-renewal by the property owner as provided in Section 9 of this Contract.

15. New Contracts Upon Division. In the event the land under this Contract is divided, a Contract identical to the Contract then covering the original parcel shall be executed by Owners on each parcel created by the division at the time of the division. Any agency making an order of division or the County which has jurisdiction shall require, as a condition of the approval of the division, the execution of the Contracts provided for in this section, provided, however, that failure of Owners to execute Contracts upon division shall not affect the obligations of the heirs, successors and assigns of Owner as established in Section 16.

16. Contract to Run with Land. The within Contract shall run with the land described herein, and upon division, to all parcels created therefrom, and shall be binding upon the heirs, successors, and assigns of the Owners.

17. Consideration. Owners shall not receive any payment from County in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of the within Contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to Owner as a result of the effect on the method of determining the assessed value of land described herein and any reduction therein due to the imposition of the limitations on its use contained herein.

18. Income and Expense Information. The Owners shall annually furnish the County Assessor with such information as the Assessor may require to determine the valuation of the Owner's land.

19. Effect of Removing Preserve or Zoning Classification. Removal of any land under this Contract from an agricultural preserve or removing the agricultural preserve zoning classification thereof shall be the equivalent of notice of non-renewal by the County for purposes of Section 422 of the Revenue and Taxation Code.

ATTEST: COUNTY OF CONTRA COSTA

By: \_\_\_\_\_  
Chair, Board of Supervisors

DAVID TWA, County Administrator  
and Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

OWNERS

Ronald E. Nunn and Shirley A. Nunn, husband and wife as joint tenants

  
\_\_\_\_\_  
Ronald E. Nunn

  
\_\_\_\_\_  
Shirley A. Nunn

Approved as to Form:

Sharon L. Anderson, County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

NOTE: All signatures for Owners must be acknowledged.

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of CONTRA COSTA }

On September 19, 2016 before me, J. CANADA NOTARY PUBLIC,  
(Here insert name and title of the officer)

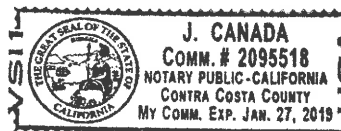
personally appeared RONALD E. NUNN AND SHIRLEY A. NUNN,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

J. Canada  
Notary Public Signature

(Notary Public Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

LAND CONSERVATION CONTRACT #APRIL 2003  
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

### CAPACITY CLAIMED BY THE SIGNER

- ☒ Individual (s)  
☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:  
003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

**Pursuant to Paragraph 2 of the Land Conservation Contract to which this exhibit is attached, the land described below is designated as the subject of said Contract. Said land is described as follows:**

**PARCEL 1**

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PROJECTED SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST AND SECTION 31 TOWNSHIP 1 NORTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON RANCHO LOS MEGANOS RECORDED IN BOOK 9 OF MAPS AT PAGE 202, WHICH PORTION IS DESCRIBED AS FOLLOWS:

COMMENCING AT A GRANITE MONUMENT DESIGNATED AS LM NO. 9 AS SHOWN ON RECORD OF SURVEY NO. 2223 RECORDED IN BOOK 112 OF LAND SURVEYORS MAPS AT PAGE 22, SAID GRANITE MONUMENT ALSO BEING ON THE EAST LINE OF SECTION 6 (T1SR3E); THENCE NORTHERLY ALONG THE EAST LINE OF SECTION 6 (T1S R3E) NORTH 01°06'38" EAST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 2296.01 FEET MORE OR LESS TO THE NORTHEAST CORNER OF PARCEL 3 (85' RIGHT OF WAY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE WESTERLY ALONG THE NORTH LINE OF THAT CERTAIN FINAL ORDER OF CONDEMNATION (97-0098757-00) SOUTH 89°58'55" WEST 1403.83 FEET; THENCE SOUTH 58°57'38" WEST 834.82 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE NORTHERLY ALONG THE EAST LINE OF VASCO ROAD AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING 7 COURSES:

- 1) NORTH 34°58'25" WEST 645.87 FEET;
- 2) NORTH 29°15'47" WEST 201.02 FEET;
- 3) NORTH 46°17'01" WEST 101.99 FEET;
- 4) NORTH 34°58'25" WEST 659.00 FEET;
- 5) NORTH 31°12'23" WEST 228.33 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 2080.18 FEET, FROM WHICH A RADIAL BEARS SOUTH 55°01'36" WEST;
- 6) THENCE ALONG THE ARC OF AFOREMENTIONED CURVE 661.15 FEET, THROUGH A CENTRAL ANGLE OF 18°12'38";
- 7) THENCE NORTH 48°27'39" WEST 83.87 FEET MORE OR LESS TO THE SOUTHERLY CORNER OF PARCEL ONE OF THE GRANT DEED TO STATE ROUTE 4 BYPASS AUTHORITY RECORDED DECEMBER 6, 2005 AS DOCUMENT NUMBER 2005-0468211-00;

THENCE NORTHWESTERLY ALONG THE NORTH LINE OF SAID PARCEL TWO (2005-0468211-00) THE FOLLOWING 4 COURSES:

- 1) NORTH 37°12'21" WEST 165.57 FEET;
- 2) NORTH 48°17'55" WEST 641.46 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1968.67 FEET, FROM WHICH A RADIAL BEARS SOUTH 34°49'20" WEST;
- 3) THENCE ALONG THE ARC OF AFOREMENTIONED CURVE 429.04 FEET, THROUGH A CENTRAL ANGLE OF 12°29'13";

RESOLUTION NO. 2016/548  
6



**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

- 4) THENCE NORTH 54°03'29" WEST 173.81 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22);

THENCE NORTHERLY ALONG THE EAST LINE OF VASCO ROAD AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING 5 COURSES:

- 1) NORTH 54°03'28" WEST 164.98 FEET;
- 2) SOUTH 47°45'06" WEST 41.78 FEET TO A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 935.24 FEET, FROM WHICH A RADIAL BEARS NORTH 47°01'01" EAST;
- 3) THENCE ALONG THE ARC OF AFOREMENTIONED CURVE 720.54 FEET, THROUGH A CENTRAL ANGLE OF 44°08'34";
- 4) THENCE NORTH 01°09'39" EAST 320.43 FEET;
- 5) THENCE NORTH 88°50'21" WEST 25.12 FEET MORE OR LESS TO THE EAST LINE OF WALNUT BOULEVARD ALSO BEING PARCEL 1 OF THE INTEREST CONVEYED TO CONTRA COSTA COUNTY "FOR USE AS A PUBLIC HIGHWAY", BY DEED FROM LAWRENCE J. DUTRA, ET AL, DATED JUNE 19, 1956 IN BOOK 2817 OF OFFICIAL RECORDS, PAGE 595;

THENCE NORTHERLY ALONG THE EAST LINE OF SAID WALNUT BOULEVARD NORTH 01°09'18" EAST 230.64 FEET MORE OR LESS TO THE SOUTH LINE OF THE PARCEL OF LAND DESCRIBED AS PARCEL 2 IN THE DEED FROM ARTHUR HUBBARD TO LOUIE W. FROST, ET UX, DATED MAY 14, 1929 AND RECORDED MAY 16, 1929 IN BOOK 193 OF OFFICIAL RECORDS, PAGE 28; THENCE EASTERLY AND NORTHERLY ALONG THE SOUTH AND EAST LINE OF SAID PARCEL 2 (193 OR 28) THE FOLLOWING 4 COURSES:

- 1) NORTH 72°39'30" EAST 202.03 FEET;
- 2) NORTH 19°01'30" EAST 202.20 FEET;
- 3) NORTH 65°22'30" EAST 178.70 FEET;
- 4) NORTH 00°02'04" WEST 306.46 FEET MORE OR LESS TO A POINT ON THE CENTERLINE OF KELLOGG CREEK AS SHOWN ON THE MAP ENTITLED "SUBDIVISION NUMBER TEN OF BRENTWOOD IRRIGATED FARMS", WHICH WAS FILED SEPTEMBER 11, 1917, IN VOLUME 16 OF MAPS AT PAGE 331 SAID POINT ALSO BEING ON THE BOUNDARY OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM ARTHUR HUBBARD TO LOUIE W. FROST, ET UX., DATED MAY 14, 1929, IN THE OFFICE OF THE RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ON MAY 16, 1929, IN VOLUME 193 OF OFFICIAL RECORDS, AT PAGE 28;

THENCE NORTHERLY ALONG SAID BOUNDARY LINE (193 OR 28) THE FOLLOWING 2 COURSES:

- 1) NORTH 00°14'58" WEST 53.54 FEET;
- 2) NORTH 34°19'52" EAST 159.72 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND GRANTED TO ERNEST CANNEAUX, DATED MARCH 20, 1950 AND RECORDED IN BOOK 1524 OF OFFICIAL RECORDS AT PAGE 414;

THENCE EASTERLY ALONG SAID SOUTH LINE SOUTH 87°37'51" EAST 1108.73 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF THE 10.14 ACRE PARCEL OF LAND

**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

DESCRIBED AS PARCEL ONE IN THE DEED FROM JESSIE JASON FARIA TO A. ALVES, DATED MARCH 11, 1950, RECORDED JUNE 7, 1950 IN BOOK 1570 OF OFFICIAL RECORDS, PAGE 404; THENCE ALONG THE SOUTH LINE OF SAID 10.14 ACRE PARCEL OF LAND (1570 OR 404) SOUTH 87°37'51" EAST 984.89 FEET MORE OR LESS TO THE SOUTHWEST LINE OF THE 40.45 ACRE PARCEL OF LAND DESCRIBED AS PARCEL 2 IN THE DEED FROM JESSIE JASON FARIA, ET AL, TO ALFRED ALVES, ET UX, DATED JANUARY 4, 1944, RECORDED MARCH 16, 1944 IN BOOK 767 OF OFFICIAL RECORDS, AT PAGE 458; THENCE ALONG SAID SOUTHWEST LINE THE FOLLOWING 6 COURSES:

- 1) SOUTH 32°59'13" EAST 123.20 FEET;
- 2) SOUTH 62°33'13" EAST 245.90 FEET;
- 3) SOUTH 82°05'13" EAST 257.00 FEET;
- 4) NORTH 82°30'57" EAST 394.50 FEET;
- 5) SOUTH 57°52'00" EAST 188.45 FEET;
- 6) SOUTH 36°16'00" EAST 301.18 FEET MORE OR LESS TO THE MOST WESTERLY CORNER OF THE 20 ACRE PARCEL OF LAND DESCRIBED AS PARCEL 3 IN SAID ALVES DEED (767 OR 458);

THENCE ALONG THE WEST AND SOUTH LINES OF SAID 20 ACRE PARCEL SOUTH 36°16'00" EAST 778.11 FEET; THENCE SOUTH 30°26'00" EAST 344.04 FEET MORE OR LESS TO THE NORTHWEST CORNER OF PARCEL A OF THE PARCEL MAP RECORDED JULY 17, 1974 IN BOOK 34 OF PARCEL MAPS AT PAGE 36; THENCE SOUTHERLY AND EASTERLY ALONG THE WEST AND SOUTH LINE OF SAID PARCEL A (34 PM 36) SOUTH 23°26'24" EAST 22.88 FEET; THENCE SOUTH 30°08'56" EAST 842.72; THENCE SOUTH 06°23'04" EAST 1467.90 FEET; THENCE SOUTH 89°13'37" EAST 294.39 FEET MORE OR LESS TO THE EAST LINE SECTION 31 (T1N R3E) SOUTH 00°53'51" WEST 456.24 FEET MORE OR LESS TO A GRANITE MONUMENT TAGGED "C.C.CO." AS SHOWN ON 34 PM 36, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SECTION 31 (T1N R3E) AND THE NORTHEAST CORNER OF SECTION 6 (T1S R3E); THENCE SOUTHERLY FROM SAID GRANITE MONUMENT ALONG THE EAST LINE OF SAID SECTION 6 (T1S R3E) SOUTH 01°06'38" WEST 345.18 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 357.17 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

**PARCEL 2**

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PROJECTED SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON RANCHO LOS MEGANOS RECORDED IN BOOK 9 OF MAPS AT PAGE 202, WHICH PORTION IS DESCRIBED AS FOLLOWS:

BEGINNING AT A GRANITE MONUMENT DESIGNATED AS LM NO. 9 AS SHOWN ON RECORD OF SURVEY NO. 2223 RECORDED IN BOOK 112 OF LAND SURVEYORS MAPS AT PAGE 22, SAID GRANITE MONUMENT ALSO BEING ON THE EAST LINE OF SECTION 6



**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

(T1SR3E) SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING THE EAST LINE OF SECTION 6 (T1SR3E) WESTERLY ALONG A LINE BETWEEN SAID GRANITE MONUMENT LM NO. 9 AND A GRANITE MONUMENT DESIGNATED AS LM NO. 10 AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) NORTH 89°17'59" WEST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 776.97 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE NORTHERLY ALONG THE EAST LINE OF VASCO ROAD AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING NINE COURSES:

- 1) NORTH 34°58'25" WEST 229.63 FEET TO AN ANGLE POINT;
- 2) NORTH 10°01'35" EAST 63.61 FEET;
- 3) NORTH 79°58'25" WEST 63.64 FEET;
- 4) NORTH 34°58'25" WEST 251.43 FEET;
- 5) NORTH 31°00'32" WEST 289.26 FEET;
- 6) NORTH 39°25'16" WEST 257.92 FEET;
- 7) NORTH 34°58'25" WEST 677.86 FEET;
- 8) NORTH 19°49'10" WEST 248.85 FEET;
- 9) NORTH 55°37'14" WEST 153.06 FEET TO THE SOUTHWEST CORNER OF PARCEL 3 (85' RIGHT OF WAY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00;

THENCE EASTERLY ALONG THE SOUTH LINE OF THAT CERTAIN FINAL ORDER OF CONDEMNATION (97-0098757-00) NORTH 58°57'38" EAST 794.34 FEET; THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF THAT CERTAIN FINAL ORDER OF CONDEMNATION NORTH 89°58'55" EAST 1378.56 FEET TO THE EAST LINE OF SECTION 6 (T1S,R3E); THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 6 (T1S,1R3E) SOUTH 01°06'38" WEST 2210.99 FEET THE TRUE POINT OF BEGINNING.

CONTAINING 74.16 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

**PARCEL 3**

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PROJECTED SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON RANCHO LOS MEGANOS RECORDED IN BOOK 9 OF MAPS AT PAGE 202, WHICH PORTION IS DESCRIBED AS FOLLOWS:

COMMENCING AT A GRANITE MONUMENT DESIGNATED AS LM NO. 9 AS SHOWN ON RECORD OF SURVEY NO. 2223 RECORDED IN BOOK 112 OF LAND SURVEYORS MAPS AT PAGE 22, SAID GRANITE MONUMENT ALSO BEING ON THE EAST LINE OF SECTION 6 (T1SR3E); THENCE LEAVING THE EAST LINE OF SECTION 6 (T1SR3E) WESTERLY ALONG A LINE BETWEEN SAID GRANITE MONUMENT LM NO. 9 AND A GRANITE

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

MONUMENT DESIGNATED AS LM NO. 10 AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) NORTH 89°17'59" WEST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 776.97 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE CONTINUING WESTERLY ACROSS VASCO ROAD AS SHOWN RECORD OF SURVEY NO. 2223 (112 LSM 22) ALONG THE LINE BETWEEN LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 196.95 FEET TO THE TRUE POINT OF BEGINNING; THENCE WESTERLY CONTINUING ALONG SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 1672.09 FEET; THENCE LEAVING SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 48°05'59" WEST 485.66 FEET TO A POINT DESIGNATED AS "THE TRUE POINT OF BEGINNING" OF PARCEL 1 (TRANSFER FACILITY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00; THENCE ALONG THE SOUTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 41°54'01" EAST 600.00 FEET; THENCE CONTINUING ALONG THE SOUTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 48°05'59" WEST 575.45 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF PARCEL 2 (RIGHT OF WAY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL 2 (97-0098757-00) NORTH 58°57'38" EAST 501.53 FEET; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL 2 (97-0098757-00) NORTH 77°31'21" EAST 157.07 FEET; THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL 2 (97-0098757-00) NORTH 58°57'38" EAST 92.56 FEET THENCE LEAVING SAID SOUTH LINE SOUTH 82°35'06" EAST 390.33 FEET MORE OR LESS TO THE WEST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE SOUTHERLY ALONG THE WEST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING FOUR COURSES:

- 1) THENCE SOUTH 35°42'46" EAST 685.93 FEET;
- 2) THENCE SOUTH 35°59'38" EAST 562.01 FEET;
- 3) THENCE SOUTH 25°54'47" EAST 190.52 FEET;
- 4) THENCE SOUTH 34°58'25" EAST 344.81 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 45.02 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

**PARCEL 4**

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PROJECTED SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST AND SECTION 31 TOWNSHIP 1 NORTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON RANCHO LOS MEGANOS RECORDED IN BOOK 9 OF MAPS AT PAGE 202, WHICH PORTION IS DESCRIBED AS FOLLOWS:

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

COMMENCING AT A GRANITE MONUMENT DESIGNATED AS LM NO. 9 AS SHOWN ON RECORD OF SURVEY NO. 2223 RECORDED IN BOOK 112 OF LAND SURVEYORS MAPS AT PAGE 22, SAID GRANITE MONUMENT ALSO BEING ON THE EAST LINE OF SECTION 6 (T1SR3E); THENCE LEAVING THE EAST LINE OF SECTION 6 (T1SR3E) WESTERLY ALONG A LINE BETWEEN SAID GRANITE MONUMENT LM NO. 9 AND A GRANITE MONUMENT DESIGNATED AS LM NO. 10 AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) NORTH 89°17'59" WEST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 776.97 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE CONTINUING WESTERLY ACROSS VASCO ROAD AS SHOWN RECORD OF SURVEY NO. 2223 (112 LSM 22) ALONG THE LINE BETWEEN LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 196.95 FEET; THENCE WESTERLY CONTINUING ALONG SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 1672.09 FEET; THENCE LEAVING SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 48°05'59" WEST 485.66 FEET TO A POINT DESIGNATED AS "THE TRUE POINT OF BEGINNING" OF PARCEL 1 (TRANSFER FACILITY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00; THENCE EASTERLY ALONG THE SOUTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 41°54'01" EAST 600.00 FEET; THENCE CONTINUING ALONG SAID PARCEL 1 (97-0098757-00) NORTH 48°05'59" WEST 706.20 FEET MORE OR LESS TO THE NORTHWEST CORNER OF PARCEL 2 (RIGHT OF WAY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00 SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG THE NORTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 48°05'59" WEST 1276.79 FEET; THENCE LEAVING SAID NORTHEAST LINE SOUTH 04°49'58" WEST 39.51 FEET; THENCE NORTH 80°43'11" WEST; THENCE SOUTH 73°52'35" WEST 285.87 FEET MORE OR LESS TO THE NORTHWESTERLY LINE OF SAID PARCEL 1 (97-0098757-00) THENCE CONTINUING WESTERLY ALONG SAID PARCEL 1 (97-0098757-00) NORTH 62°05'15" WEST 443.79 FEET MORE OR LESS TO THE EAST LINE OF WALNUT BOULEVARD ALSO BEING PARCEL 1 OF THE INTEREST CONVEYED TO CONTRA COSTA COUNTY "FOR USE AS A PUBLIC HIGHWAY", BY DEED FROM LAWRENCE J. DUTRA, ET AL, DATED JUNE 19, 1956 IN BOOK 2817 OF OFFICIAL RECORDS, PAGE 595 SAID POINT BEING ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1040.00 FEET, FROM WHICH A RADIAL BEARS NORTH 74°33'07" WEST; THENCE NORTHERLY ALONG THE EAST LINE OF SAID WALNUT BOULEVARD ALONG THE ARC OF THE AFOREMENTIONED CURVE 259.44 FEET THROUGH A CENTRAL ANGLE OF 14°17'31"; THENCE NORTHERLY ALONG THE EAST LINE OF SAID WALNUT BOULEVARD AND TANGENT TO THE AFOREMENTIONED CURVE NORTH 01°09'18" EAST 1490.76 FEET TO THE SOUTHWEST CORNER OF PARCEL TWO OF THE GRANT DEED TO STATE ROUTE 4 BYPASS AUTHORITY RECORDED DECEMBER 6, 2005 AS DOCUMENT NUMBER 2005-0468211-00; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL TWO (2005-0468211-00) THE FOLLOWING 6 COURSES:

- 1) SOUTH 88°50'24" EAST 91.61 FEET;
- 2) NORTH 37°01'33" EAST 641.09 FEET;
- 3) SOUTH 64°45'48" EAST 674.97 FEET;
- 4) SOUTH 52°47'16" EAST 689.09 FEET;
- 5) SOUTH 38°57'18" EAST 449.96 FEET;
- 6) NORTH 55°03'57" EAST 144.47 FEET TO THE WEST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22);

**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

THENCE SOUTHERLY ALONG THE WEST LINE OF VASCO ROAD AS SHOWN ON  
RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING 5 COURSES:

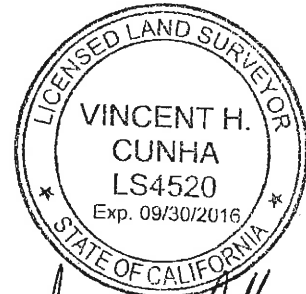
- 1) SOUTH 34°19'39" EAST 667.17 FEET;
- 2) SOUTH 22°32'32" EAST 98.20 FEET;
- 3) SOUTH 45°29'16" EAST 106.31 FEET;
- 4) SOUTH 34°37'35" EAST 725.56 FEET;
- 5) SOUTH 34°58'25" EAST 70.43 FEET TO THE NORTHEAST CORNER OF PARCEL 2  
(RIGHT OF WAY) (97-0098757-00);

THENCE WESTERLY ALONG THE NORTH LINE OF SAID PARCEL 2 (RIGHT OF WAY) (97-  
0098757-00) SOUTH 58°57'38" WEST 1057.14 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 109.29 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

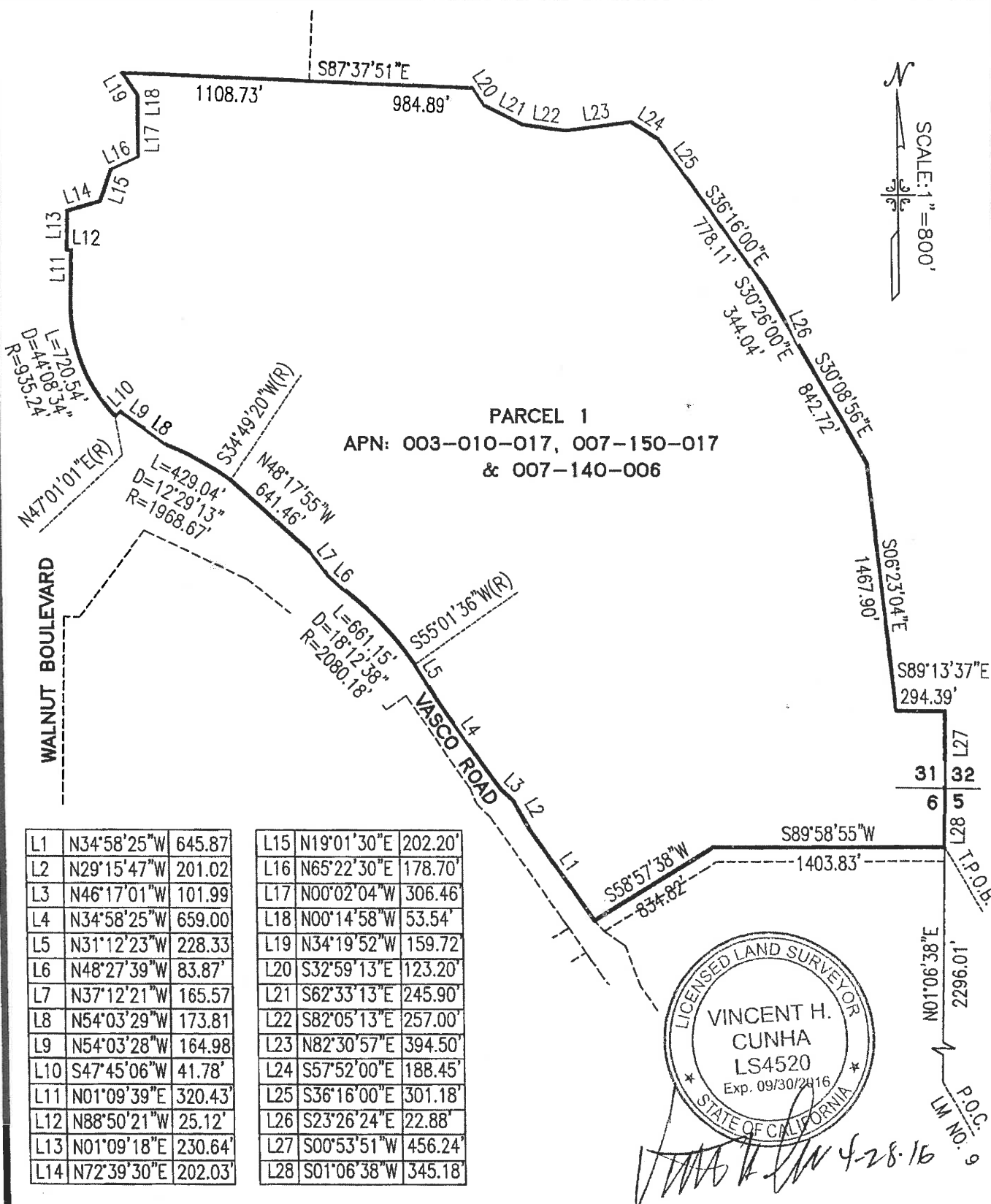
AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART  
HEREOF.



*[Handwritten signature]*  
4-28-16

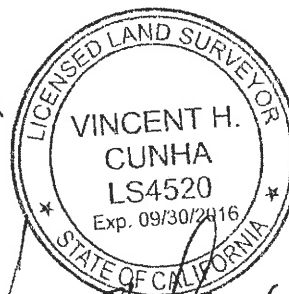


SCALE: 1" = 800'



L1	N34°58'25\"W	645.87'
L2	N29°15'47\"W	201.02'
L3	N46°17'01\"W	101.99'
L4	N34°58'25\"W	659.00'
L5	N31°12'23\"W	228.33'
L6	N48°27'39\"W	83.87'
L7	N37°12'21\"W	165.57'
L8	N54°03'29\"W	173.81'
L9	N54°03'28\"W	164.98'
L10	S47°45'06\"W	41.78'
L11	N01°09'39\"E	320.43'
L12	N88°50'21\"W	25.12'
L13	N01°09'18\"E	230.64'
L14	N72°39'30\"E	202.03'

L15	N19°01'30\"E	202.20'
L16	N65°22'30\"E	178.70'
L17	N00°02'04\"W	306.46'
L18	N00°14'58\"W	53.54'
L19	N34°19'52\"W	159.72'
L20	S32°59'13\"E	123.20'
L21	S62°33'13\"E	245.90'
L22	S82°05'13\"E	257.00'
L23	N82°30'57\"E	394.50'
L24	S57°52'00\"E	188.45'
L25	S36°16'00\"E	301.18'
L26	S23°26'24\"E	22.88'
L27	S00°53'51\"W	456.24'
L28	S01°06'38\"W	345.18'



*[Signature]* 4-28-16

CUNHA ENGINEERING INC. ■■■■

701 BELMONT WAY, STE. A  
PINOLE, CALIFORNIA 94564  
(510) 741-8290

EXHIBIT B

BRENTWOOD

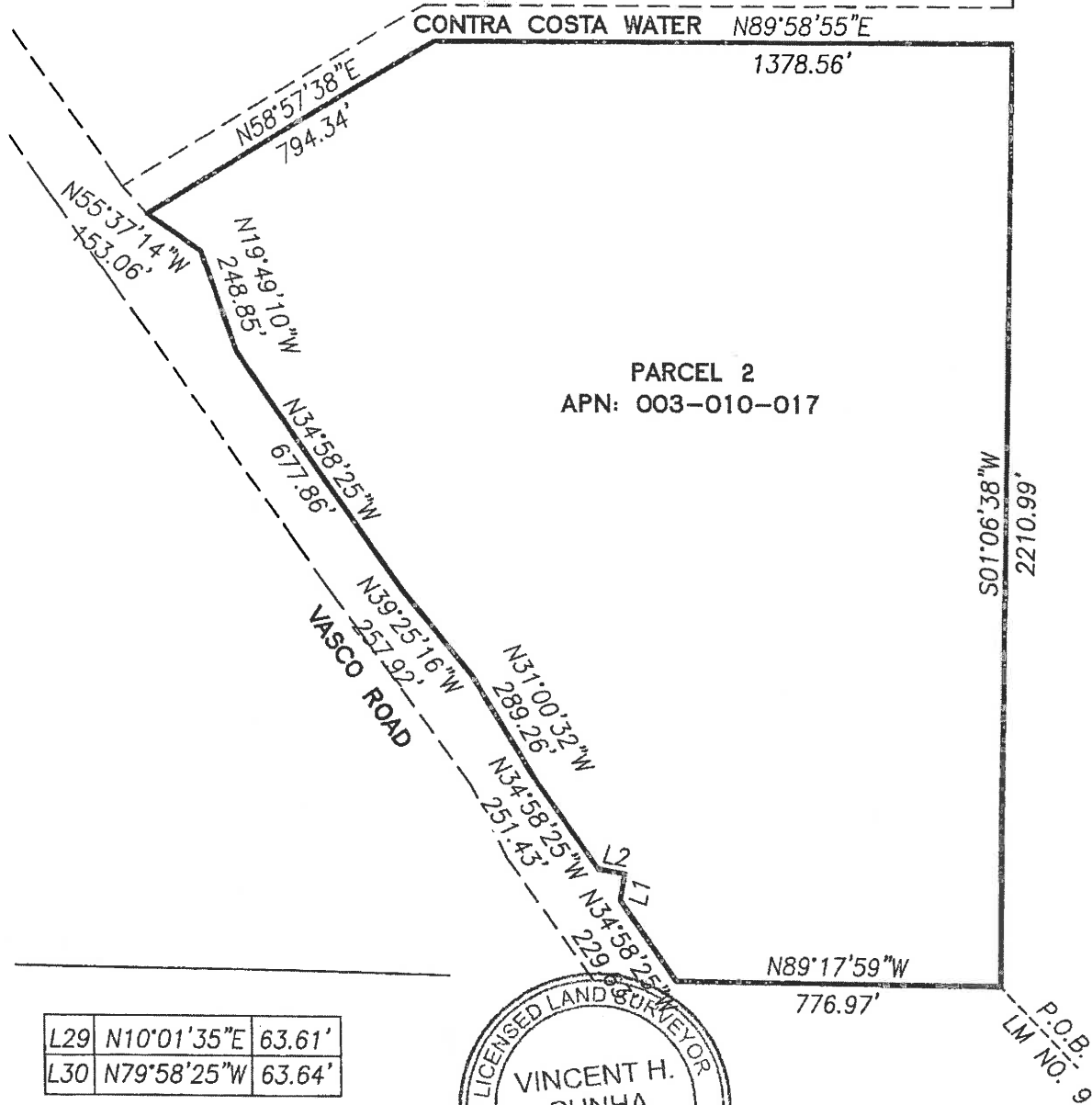
CALIFORNIA

SHEET

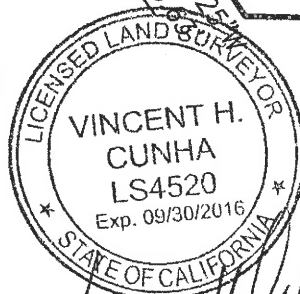
1 OF 4

JOB No. 215016

N  
SCALE: 1" = 400'



L29	N10°01'35"E	63.61'
L30	N79°58'25"W	63.64'



*Handwritten signature and date: 4.28.15*

CUNHA ENGINEERING INC. ■■■

701 BELMONT WAY, STE. A  
PINOLE, CALIFORNIA 94564  
(510) 741-8290

EXHIBIT B

BRENTWOOD

CALIFORNIA

SHEET

2 OF 4

JOB No. 215016

SCALE: 1"=400'

N58° 57' 38"E  
92.56'

CONTRA COSTA WATER  
N58°57'38"E  
501.53'

N48°05'59"W  
575.45'

N41°54'01"E  
600.00'

N48°05'59"W  
485.66'

N77° 31' 21"E  
157.07'  
S82° 35' 06"E  
390.33'

PARCEL 3  
APN: 003-010-016

S35°42'46"E  
685.93'

VASCO ROAD  
S35°59'38"E  
526.01'

S25°54'47"E  
190.52'

S34°58'25"E  
344.81'

N89°17'59"W  
1672.09'

N89°17'59"W  
196.95'

LM NO. 9  
P.O.C.  
776.97'

T.P.O.B.



*Vincent H. Cunha 4-2-16*

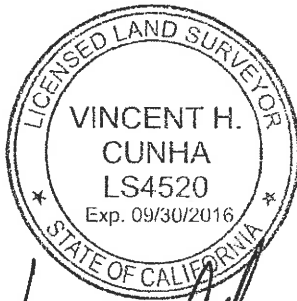
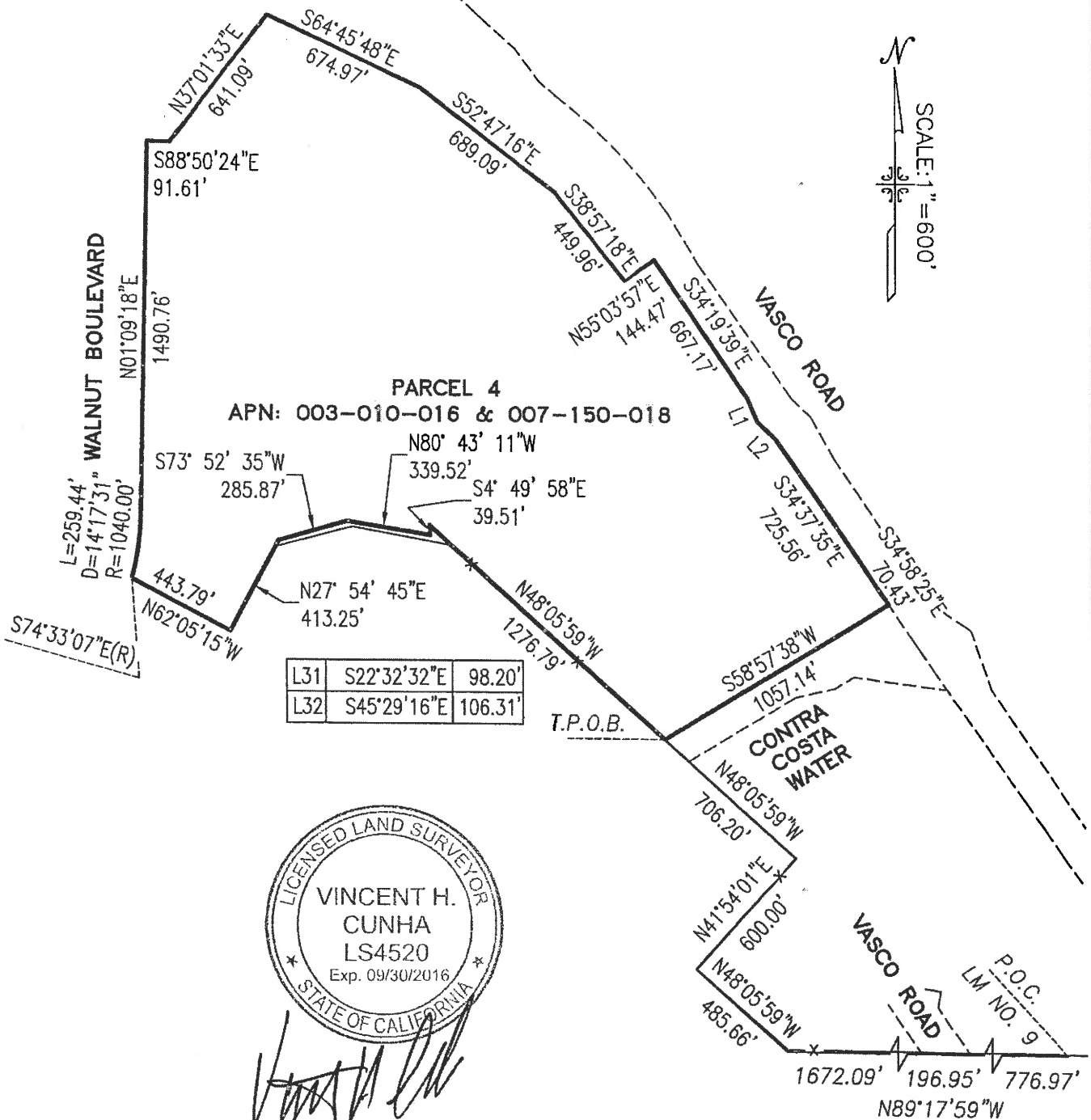
CUNHA ENGINEERING INC. ■■■  
701 BELMONT WAY, STE. A  
PINOLE, CALIFORNIA 94564  
(510) 741-8290

EXHIBIT B

BRENTWOOD

CALIFORNIA

SHEET  
3 OF 4  
JOB No.  
215016



*[Signature]*  
 4-28-16

CUNHA ENGINEERING INC. ■■■

701 BELMONT WAY, STE. A  
 PINOLE, CALIFORNIA 94564  
 (510) 741-8290

EXHIBIT B

BRENTWOOD

CALIFORNIA

SHEET

4 OF 4

JOB No.  
 215016



LAND CONSERVATION CONTRACT NO. AP16-0002  
ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:  
003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018

ATTACHMENT C

ALLOWABLE LAND USES

Pursuant to the provisions of Section 84-42.402 (2) of the Contra Costa County Ordinance Code and Paragraph 7 of the Land Conservation Contract, of which this exhibit is made a part, the land uses and structures described below are authorized without a land use permit subject to the terms and conditions set forth below. Said uses and structures shall be in conformance to those authorized by Section 84-42.402 (1) and Section 84-42.404 but shall be subject to Section 84-42.602 through Section 84-42.1402.404 of Chapter 84-42 of the County Ordinance Code.

1. Existing Non-conforming Structures

The following non-conforming structures are permitted, subject to the provisions of County Ordinance Code Chapter 82-8:

*None*

2. Existing Structures

*One single family residence, two barns*

3. Proposed Structures

*None*

4. Existing Land Use

*Orchard, row crops, vineyards, grazing*

5. Proposed Land Use

*Same*

## ATTACHMENT B

LAND CONSERVATION CONTRACT NO. AP16-0002  
ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:  
003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018

1. Parties. BY THIS CONTRACT, made and entered into December 13, 2016, Ronald E. Nunn and Shirley A. Nunn, husband and wife as joint tenants, hereinafter referred to as "Owners," and the County of Contra Costa, a political subdivision of the State of California, hereinafter referred to as "County," do mutually agree and promise as follows:
2. Property Description. Owners possess certain real property located within the County, which property is presently devoted to agricultural and compatible uses. The "Property" is described in Exhibit A, attached hereto and made a part of this contract.
3. Purpose. Both Owners and County desire to limit the use of said Property to agricultural uses and to compatible uses specified in this agreement in order to discourage premature and unnecessary conversion of such lands from agricultural uses, recognizing that such land has definite public value as open space and that the preservation of such land in agricultural production constitutes an important physical, social, aesthetics and economic asset to County to maintain the agricultural economy of County and the State of California.
4. Intent of Parties: Enforceable Restriction. Both Owners and County intend that the term, conditions and restrictions of this Contract be in accordance with the California Land Conservation Act of 1965, as amended, so as to be an enforceable restriction under the provisions of Division 1, Part 2, Chapter 3, Article 1.5 of the California Revenue and Taxation Code (Rev. & Tax Code § 421 et. seq.).
5. Intent of Parties: Effect on Property Value. It is the intent of the County and Owners that this Contract is conditioned upon the continued existence of legislation implementing Article XIII, § 8 of the California Constitution so the effect of the terms, conditions and restrictions of the Contract on property values for taxation purposes is substantially as favorable to Owners as the legislation existing on the last renewal date.
6. Governing Statutes and Ordinances. This Contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code commencing with Section 51200). This Contract further is made pursuant to and subject to Contra Costa County Ordinance Code, Chapter 84-42 and Chapters 810-2 through 810-4, and Resolutions of the Contra Costa County Board of Supervisors Numbers 68-635 and 69-763.
7. Land Use Restrictions. During the term of this Contract or any renewals thereof, the above described land shall not be used for any purpose, other than the production of food and fiber and compatible uses as listed in Contra Costa County Ordinance Code Chapter 84-42, which is

hereby incorporated by reference as if fully set forth herein; provided, however, that such additional agricultural or compatible uses as are set forth in Attachment C, which is attached hereto and is hereby incorporated by reference, shall also be permitted subject to the terms and conditions set forth herein. In case of conflict or inconsistency between the uses allowed in this Contract and those specified in said zoning ordinance, the provisions of the Contract as set forth in Attachment C shall prevail.

8. Modification of Restrictions. The Board of Supervisors of County may from time to time and during the term of this Contract or any extensions thereof, by amendment to Contra Costa County Ordinance Code Chapter 84-42, add to those uses listed in said ordinance. Such additional uses shall be limited to commercial agriculture and compatible uses and be subject to the density restrictions of Government Code § 51220.5. Said board shall not eliminate, without written consent of the Owner or his successors or assigns, a compatible use during the term of this Contract or any renewals thereof.

9. Term and Renewal. This Contract shall be effective commencing on the last day of December, 2016, and shall remain in effect for a period of ten (10) years therefrom.

This Contract shall be automatically renewed and its terms extended for a period of one (1) year on the last day of December of each succeeding year during the term hereof, unless notice of non-renewal is given in the manner provided by section 51245 of the Government Code. At all times during the continuance of this Contract, as from time to time renewed, there shall be a ten (10) year term of restriction unless notice of non-renewal is given in the manner provided by Section 51245 of the Government Code. Under no circumstances shall a notice of renewal be required of either party to effectuate the automatic renewal of this paragraph.

10. Cancellation. (a) Except as provided in Section 11, the provisions of this Contract whereby Owners agree to restrict the use of the land described in Paragraph 2 may be canceled as to all or a portion of said land by mutual agreement of the County and Owners after a public hearing has been held in the manner provided by Section 51284 of the Government Code and upon a finding by the Board of Supervisors that such cancellation is not inconsistent with the purposes of the Land Conservation Act, or in the public interest, pursuant to Government Code Section 51282. It is understood by the parties that the existence of an opportunity for another use of said land shall not be sufficient reason for cancellation of the land use restrictions imposed herein and that the uneconomic character of the existing use will be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

(b) Upon cancellation of said portions of this Contract, Owners shall pay to the County Treasurer, as deferred taxes, a cancellation fee in an amount equal to the greater of twelve and one-half (12 ½%) percent or the current fee provided by state law of the cancellation value of the property being released from the terms of this Contract. Said cancellation value shall be determined in accordance with the provisions of Government Code Section 51283 (a) and (b). Under no circumstances shall the payment of said cancellation fee be waived, deferred, or made subject to any contingency whatever.

(c) Final cancellation shall be effectuated in accordance with the provisions of Government Code Section 51283.4.

11. Cancellation Upon Substitution of New Restrictions. This Contract may be canceled by mutual agreement of County and Owners without payment of deferred taxes or public hearing if it is replaced by an enforceable restriction authorized by Article XIII, § 8 of the California Constitution.

12. Eminent Domain Proceedings. (a) In accordance with the provisions of Government Code Section 51295, incorporated by reference herein, upon the filing of any action in eminent domain for the condemnation of the fee title of the land or any portion thereof subject to this Contract or upon acquisition of such land in lieu of eminent domain by public agency for a public improvement, the provisions of this Contract shall be null and void as to the land so condemned or acquired.

(b) If, subsequent to the filing of an action in eminent domain, the proposed condemnation is abandoned as to all or a portion of the land subject to the Contract, the restrictions on land use set forth in this Contract shall, without further agreement of the parties herein, be reinstituted and the terms of this contract shall be in full force and effect, subject to the cancellation provisions of Government Code Section 51295.

13. Remedies for Breach of Contract. (a) The County may pursue all remedies allowed by law or in equity to enforce this contract and remedy any breach of this contract, including the remedies specified in Government Code Sections 51250 and 51251.

(b) The enforcement provisions of the Contra Costa zoning ordinance shall also apply if the land which is the subject of this contract is used for purposes other than those provided in Ordinance Code 84-42 or this Contract.

14. Effect of Division of Property. Owners agree that division of the Property described in Exhibit A into two (2) or more parcels, whether by sale, gift, by operation of law or by any other means, upon a finding by the Board of Supervisors that said division is detrimental to the ultimate preservation of said property for exclusive agricultural use, be construed by the County as notice of non-renewal by the property owner as provided in Section 9 of this Contract.

15. New Contracts Upon Division. In the event the land under this Contract is divided, a Contract identical to the Contract then covering the original parcel shall be executed by Owners on each parcel created by the division at the time of the division. Any agency making an order of division or the County which has jurisdiction shall require, as a condition of the approval of the division, the execution of the Contracts provided for in this section, provided, however, that failure of Owners to execute Contracts upon division shall not affect the obligations of the heirs, successors and assigns of Owner as established in Section 16.

16. Contract to Run with Land. The within Contract shall run with the land described herein, and upon division, to all parcels created therefrom, and shall be binding upon the heirs, successors, and assigns of the Owners.


17. Consideration. Owners shall not receive any payment from County in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of the within Contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to Owner as a result of the effect on the method of determining the assessed value of land described herein and any reduction therein due to the imposition of the limitations on its use contained herein.

18. Income and Expense Information. The Owners shall annually furnish the County Assessor with such information as the Assessor may require to determine the valuation of the Owner's land.

19. Effect of Removing Preserve or Zoning Classification. Removal of any land under this Contract from an agricultural preserve or removing the agricultural preserve zoning classification thereof shall be the equivalent of notice of non-renewal by the County for purposes of Section 422 of the Revenue and Taxation Code.

ATTEST: COUNTY OF CONTRA COSTA

By:

  
Chair, Board of Supervisors

DAVID TWA, County Administrator  
and Clerk of the Board of Supervisors

By:

\_\_\_\_\_  
Deputy Clerk

OWNERS

Ronald E. Nunn and Shirley A. Nunn, husband and wife as joint tenants

  
\_\_\_\_\_  
Ronald E. Nunn

  
\_\_\_\_\_  
Shirley A. Nunn

Approved as to Form:

Sharon L. Anderson, County Counsel

By:

  
\_\_\_\_\_  
Deputy County Counsel

NOTE: All signatures for Owners must be acknowledged.

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of CONTRA COSTA }

On September 19, 2016 before me, J. CANADA NOTARY PUBLIC,  
(Here insert name and title of the officer)

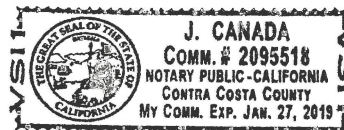
personally appeared RONALD E. NUSS AND SHIRLEY A. NUSS,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

J. Canada  
Notary Public Signature

(Notary Public Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

LAND CONSERVATION CONTRACT # APRIL 2008  
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

### CAPACITY CLAIMED BY THE SIGNER

- ☒ Individual (s)  
☐ Corporate Officer

\_\_\_\_\_  
(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.



**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:  
003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

Pursuant to Paragraph 2 of the Land Conservation Contract to which this exhibit is attached, the land described below is designated as the subject of said Contract. Said land is described as follows:

**PARCEL 1**

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PROJECTED SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST AND SECTION 31 TOWNSHIP 1 NORTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON RANCHO LOS MEGANOS RECORDED IN BOOK 9 OF MAPS AT PAGE 202, WHICH PORTION IS DESCRIBED AS FOLLOWS:

COMMENCING AT A GRANITE MONUMENT DESIGNATED AS LM NO. 9 AS SHOWN ON RECORD OF SURVEY NO. 2223 RECORDED IN BOOK 112 OF LAND SURVEYORS MAPS AT PAGE 22, SAID GRANITE MONUMENT ALSO BEING ON THE EAST LINE OF SECTION 6 (T1SR3E); THENCE NORTHERLY ALONG THE EAST LINE OF SECTION 6 (T1S R3E) NORTH 01°06'38" EAST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 2296.01 FEET MORE OR LESS TO THE NORTHEAST CORNER OF PARCEL 3 (85' RIGHT OF WAY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE WESTERLY ALONG THE NORTH LINE OF THAT CERTAIN FINAL ORDER OF CONDEMNATION (97-0098757-00) SOUTH 89°58'55" WEST 1403.83 FEET; THENCE SOUTH 58°57'38" WEST 834.82 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE NORTHERLY ALONG THE EAST LINE OF VASCO ROAD AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING 7 COURSES:

- 1) NORTH 34°58'25" WEST 645.87 FEET;
- 2) NORTH 29°15'47" WEST 201.02 FEET;
- 3) NORTH 46°17'01" WEST 101.99 FEET;
- 4) NORTH 34°58'25" WEST 659.00 FEET;
- 5) NORTH 31°12'23" WEST 228.33 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 2080.18 FEET, FROM WHICH A RADIAL BEARS SOUTH 55°01'36" WEST;
- 6) THENCE ALONG THE ARC OF AFOREMENTIONED CURVE 661.15 FEET, THROUGH A CENTRAL ANGLE OF 18°12'38";
- 7) THENCE NORTH 48°27'39" WEST 83.87 FEET MORE OR LESS TO THE SOUTHERLY CORNER OF PARCEL ONE OF THE GRANT DEED TO STATE ROUTE 4 BYPASS AUTHORITY RECORDED DECEMBER 6, 2005 AS DOCUMENT NUMBER 2005-0468211-00;

THENCE NORTHWESTERLY ALONG THE NORTH LINE OF SAID PARCEL TWO (2005-0468211-00) THE FOLLOWING 4 COURSES:

- 1) NORTH 37°12'21" WEST 165.57 FEET;
- 2) NORTH 48°17'55" WEST 641.46 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1968.67 FEET, FROM WHICH A RADIAL BEARS SOUTH 34°49'20" WEST;
- 3) THENCE ALONG THE ARC OF AFOREMENTIONED CURVE 429.04 FEET, THROUGH A CENTRAL ANGLE OF 12°29'13";

Resolution No. 2016/548  
6



**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

- 4) THENCE NORTH 54°03'29" WEST 173.81 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22);

THENCE NORTHERLY ALONG THE EAST LINE OF VASCO ROAD AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING 5 COURSES:

- 1) NORTH 54°03'28" WEST 164.98 FEET;
- 2) SOUTH 47°45'06" WEST 41.78 FEET TO A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 935.24 FEET, FROM WHICH A RADIAL BEARS NORTH 47°01'01" EAST;
- 3) THENCE ALONG THE ARC OF AFOREMENTIONED CURVE 720.54 FEET, THROUGH A CENTRAL ANGLE OF 44°08'34";
- 4) THENCE NORTH 01°09'39" EAST 320.43 FEET;
- 5) THENCE NORTH 88°50'21" WEST 25.12 FEET MORE OR LESS TO THE EAST LINE OF WALNUT BOULEVARD ALSO BEING PARCEL 1 OF THE INTEREST CONVEYED TO CONTRA COSTA COUNTY "FOR USE AS A PUBLIC HIGHWAY", BY DEED FROM LAWRENCE J. DUTRA, ET AL, DATED JUNE 19, 1956 IN BOOK 2817 OF OFFICIAL RECORDS, PAGE 595;

THENCE NORTHERLY ALONG THE EAST LINE OF SAID WALNUT BOULEVARD NORTH 01°09'18" EAST 230.64 FEET MORE OR LESS TO THE SOUTH LINE OF THE PARCEL OF LAND DESCRIBED AS PARCEL 2 IN THE DEED FROM ARTHUR HUBBARD TO LOUIE W. FROST, ET UX, DATED MAY 14, 1929 AND RECORDED MAY 16, 1929 IN BOOK 193 OF OFFICIAL RECORDS, PAGE 28; THENCE EASTERLY AND NORTHERLY ALONG THE SOUTH AND EAST LINE OF SAID PARCEL 2 (193 OR 28) THE FOLLOWING 4 COURSES:

- 1) NORTH 72°39'30" EAST 202.03 FEET;
- 2) NORTH 19°01'30" EAST 202.20 FEET;
- 3) NORTH 65°22'30" EAST 178.70 FEET;
- 4) NORTH 00°02'04" WEST 306.46 FEET MORE OR LESS TO A POINT ON THE CENTERLINE OF KELLOGG CREEK AS SHOWN ON THE MAP ENTITLED "SUBDIVISION NUMBER TEN OF BRENTWOOD IRRIGATED FARMS", WHICH WAS FILED SEPTEMBER 11, 1917, IN VOLUME 16 OF MAPS AT PAGE 331 SAID POINT ALSO BEING ON THE BOUNDARY OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM ARTHUR HUBBARD TO LOUIE W. FROST, ET UX., DATED MAY 14, 1929, IN THE OFFICE OF THE RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ON MAY 16, 1929, IN VOLUME 193 OF OFFICIAL RECORDS, AT PAGE 28;

THENCE NORTHERLY ALONG SAID BOUNDARY LINE (193 OR 28) THE FOLLOWING 2 COURSES:

- 1) NORTH 00°14'58" WEST 53.54 FEET;
- 2) NORTH 34°19'52" EAST 159.72 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND GRANTED TO ERNEST CANNEAUX, DATED MARCH 20, 1950 AND RECORDED IN BOOK 1524 OF OFFICIAL RECORDS AT PAGE 414;

THENCE EASTERLY ALONG SAID SOUTH LINE SOUTH 87°37'51" EAST 1108.73 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF THE 10.14 ACRE PARCEL OF LAND

**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

DESCRIBED AS PARCEL ONE IN THE DEED FROM JESSIE JASON FARIA TO A. ALVES, DATED MARCH 11, 1950, RECORDED JUNE 7, 1950 IN BOOK 1570 OF OFFICIAL RECORDS, PAGE 404; THENCE ALONG THE SOUTH LINE OF SAID 10.14 ACRE PARCEL OF LAND (1570 OR 404) SOUTH 87°37'51" EAST 984.89 FEET MORE OR LESS TO THE SOUTHWEST LINE OF THE 40.45 ACRE PARCEL OF LAND DESCRIBED AS PARCEL 2 IN THE DEED FROM JESSIE JASON FARIA, ET AL, TO ALFRED ALVES, ET UX, DATED JANUARY 4, 1944, RECORDED MARCH 16, 1944 IN BOOK 767 OF OFFICIAL RECORDS, AT PAGE 458; THENCE ALONG SAID SOUTHWEST LINE THE FOLLOWING 6 COURSES:

- 1) SOUTH 32°59'13" EAST 123.20 FEET;
- 2) SOUTH 62°33'13" EAST 245.90 FEET;
- 3) SOUTH 82°05'13" EAST 257.00 FEET;
- 4) NORTH 82°30'57" EAST 394.50 FEET;
- 5) SOUTH 57°52'00" EAST 188.45 FEET;
- 6) SOUTH 36°16'00" EAST 301.18 FEET MORE OR LESS TO THE MOST WESTERLY CORNER OF THE 20 ACRE PARCEL OF LAND DESCRIBED AS PARCEL 3 IN SAID ALVES DEED (767 OR 458);

THENCE ALONG THE WEST AND SOUTH LINES OF SAID 20 ACRE PARCEL SOUTH 36°16'00" EAST 778.11 FEET; THENCE SOUTH 30°26'00" EAST 344.04 FEET MORE OR LESS TO THE NORTHWEST CORNER OF PARCEL A OF THE PARCEL MAP RECORDED JULY 17, 1974 IN BOOK 34 OF PARCEL MAPS AT PAGE 36; THENCE SOUTHERLY AND EASTERLY ALONG THE WEST AND SOUTH LINE OF SAID PARCEL A (34 PM 36) SOUTH 23°26'24" EAST 22.88 FEET; THENCE SOUTH 30°08'56" EAST 842.72; THENCE SOUTH 06°23'04" EAST 1467.90 FEET; THENCE SOUTH 89°13'37" EAST 294.39 FEET MORE OR LESS TO THE EAST LINE SECTION 31 (T1N R3E) SOUTH 00°53'51" WEST 456.24 FEET MORE OR LESS TO A GRANITE MONUMENT TAGGED "C.C.CO." AS SHOWN ON 34 PM 36, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SECTION 31 (T1N R3E) AND THE NORTHEAST CORNER OF SECTION 6 (T1S R3E); THENCE SOUTHERLY FROM SAID GRANITE MONUMENT ALONG THE EAST LINE OF SAID SECTION 6 (T1S R3E) SOUTH 01°06'38" WEST 345.18 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 357.17 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

**PARCEL 2**

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PROJECTED SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON RANCHO LOS MEGANOS RECORDED IN BOOK 9 OF MAPS AT PAGE 202, WHICH PORTION IS DESCRIBED AS FOLLOWS:

BEGINNING AT A GRANITE MONUMENT DESIGNATED AS LM NO. 9 AS SHOWN ON RECORD OF SURVEY NO. 2223 RECORDED IN BOOK 112 OF LAND SURVEYORS MAPS AT PAGE 22, SAID GRANITE MONUMENT ALSO BEING ON THE EAST LINE OF SECTION 6

**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

(T1SR3E) SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING THE EAST LINE OF SECTION 6 (T1SR3E) WESTERLY ALONG A LINE BETWEEN SAID GRANITE MONUMENT LM NO. 9 AND A GRANITE MONUMENT DESIGNATED AS LM NO. 10 AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) NORTH 89°17'59" WEST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 776.97 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE NORTHERLY ALONG THE EAST LINE OF VASCO ROAD AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING NINE COURSES:

- 1) NORTH 34°58'25" WEST 229.63 FEET TO AN ANGLE POINT;
- 2) NORTH 10°01'35" EAST 63.61 FEET;
- 3) NORTH 79°58'25" WEST 63.64 FEET;
- 4) NORTH 34°58'25" WEST 251.43 FEET;
- 5) NORTH 31°00'32" WEST 289.26 FEET;
- 6) NORTH 39°25'16" WEST 257.92 FEET;
- 7) NORTH 34°58'25" WEST 677.86 FEET;
- 8) NORTH 19°49'10" WEST 248.85 FEET;
- 9) NORTH 55°37'14" WEST 153.06 FEET TO THE SOUTHWEST CORNER OF PARCEL 3 (85' RIGHT OF WAY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00;

THENCE EASTERLY ALONG THE SOUTH LINE OF THAT CERTAIN FINAL ORDER OF CONDEMNATION (97-0098757-00) NORTH 58°57'38" EAST 794.34 FEET; THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF THAT CERTAIN FINAL ORDER OF CONDEMNATION NORTH 89°58'55" EAST 1378.56 FEET TO THE EAST LINE OF SECTION 6 (T1S,R3E); THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 6 (T1S,1R3E) SOUTH 01°06'38" WEST 2210.99 FEET THE TRUE POINT OF BEGINNING.

CONTAINING 74.16 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

**PARCEL 3**

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PROJECTED SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON RANCHO LOS MEGANOS RECORDED IN BOOK 9 OF MAPS AT PAGE 202, WHICH PORTION IS DESCRIBED AS FOLLOWS:

COMMENCING AT A GRANITE MONUMENT DESIGNATED AS LM NO. 9 AS SHOWN ON RECORD OF SURVEY NO. 2223 RECORDED IN BOOK 112 OF LAND SURVEYORS MAPS AT PAGE 22, SAID GRANITE MONUMENT ALSO BEING ON THE EAST LINE OF SECTION 6 (T1SR3E); THENCE LEAVING THE EAST LINE OF SECTION 6 (T1SR3E) WESTERLY ALONG A LINE BETWEEN SAID GRANITE MONUMENT LM NO. 9 AND A GRANITE

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

MONUMENT DESIGNATED AS LM NO. 10 AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) NORTH 89°17'59" WEST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 776.97 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE CONTINUING WESTERLY ACROSS VASCO ROAD AS SHOWN RECORD OF SURVEY NO. 2223 (112 LSM 22) ALONG THE LINE BETWEEN LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 196.95 FEET TO THE TRUE POINT OF BEGINNING; THENCE WESTERLY CONTINUING ALONG SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 1672.09 FEET; THENCE LEAVING SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 48°05'59" WEST 485.66 FEET TO A POINT DESIGNATED AS "THE TRUE POINT OF BEGINNING" OF PARCEL 1 (TRANSFER FACILITY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00; THENCE ALONG THE SOUTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 41°54'01" EAST 600.00 FEET; THENCE CONTINUING ALONG THE SOUTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 48°05'59" WEST 575.45 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF PARCEL 2 (RIGHT OF WAY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL 2 (97-0098757-00) NORTH 58°57'38" EAST 501.53 FEET; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL 2 (97-0098757-00) NORTH 77°31'21" EAST 157.07 FEET; THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL 2 (97-0098757-00) NORTH 58°57'38" EAST 92.56 FEET THENCE LEAVING SAID SOUTH LINE SOUTH 82°35'06" EAST 390.33 FEET MORE OR LESS TO THE WEST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE SOUTHERLY ALONG THE WEST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING FOUR COURSES:

- 1) THENCE SOUTH 35°42'46" EAST 685.93 FEET;
- 2) THENCE SOUTH 35°59'38" EAST 562.01 FEET;
- 3) THENCE SOUTH 25°54'47" EAST 190.52 FEET;
- 4) THENCE SOUTH 34°58'25" EAST 344.81 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 45.02 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

**PARCEL 4**

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PROJECTED SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST AND SECTION 31 TOWNSHIP 1 NORTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON RANCHO LOS MEGANOS RECORDED IN BOOK 9 OF MAPS AT PAGE 202, WHICH PORTION IS DESCRIBED AS FOLLOWS:

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

COMMENCING AT A GRANITE MONUMENT DESIGNATED AS LM NO. 9 AS SHOWN ON RECORD OF SURVEY NO. 2223 RECORDED IN BOOK 112 OF LAND SURVEYORS MAPS AT PAGE 22, SAID GRANITE MONUMENT ALSO BEING ON THE EAST LINE OF SECTION 6 (T1SR3E); THENCE LEAVING THE EAST LINE OF SECTION 6 (T1SR3E) WESTERLY ALONG A LINE BETWEEN SAID GRANITE MONUMENT LM NO. 9 AND A GRANITE MONUMENT DESIGNATED AS LM NO. 10 AS SHOWN ON SAID RECORD OF SURVEY NO. 2223 (112 LSM 22) NORTH 89°17'59" WEST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 776.97 FEET MORE OR LESS TO THE EAST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22); THENCE CONTINUING WESTERLY ACROSS VASCO ROAD AS SHOWN RECORD OF SURVEY NO. 2223 (112 LSM 22) ALONG THE LINE BETWEEN LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 196.95 FEET; THENCE WESTERLY CONTINUING ALONG SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 89°17'59" WEST 1672.09 FEET; THENCE LEAVING SAID LINE BETWEEN GRANITE MONUMENTS LM NO. 9 AND LM NO. 10 NORTH 48°05'59" WEST 485.66 FEET TO A POINT DESIGNATED AS "THE TRUE POINT OF BEGINNING" OF PARCEL 1 (TRANSFER FACILITY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00; THENCE EASTERLY ALONG THE SOUTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 41°54'01" EAST 600.00 FEET; THENCE CONTINUING ALONG SAID PARCEL 1 (97-0098757-00) NORTH 48°05'59" WEST 706.20 FEET MORE OR LESS TO THE NORTHWEST CORNER OF PARCEL 2 (RIGHT OF WAY) OF EXHIBIT A-1 OF THE FINAL ORDER OF CONDEMNATION RECORDED JUNE 9, 1997 AS DOCUMENT NO. 97-0098757-00 SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG THE NORTHEAST LINE OF SAID PARCEL 1 (97-0098757-00) NORTH 48°05'59" WEST 1276.79 FEET; THENCE LEAVING SAID NORTHEAST LINE SOUTH 04°49'58" WEST 39.51 FEET; THENCE NORTH 80°43'11" WEST; THENCE SOUTH 73°52'35" WEST 285.87 FEET MORE OR LESS TO THE NORTHWESTERLY LINE OF SAID PARCEL 1 (97-0098757-00) THENCE CONTINUING WESTERLY ALONG SAID PARCEL 1 (97-0098757-00) NORTH 62°05'15" WEST 443.79 FEET MORE OR LESS TO THE EAST LINE OF WALNUT BOULEVARD ALSO BEING PARCEL 1 OF THE INTEREST CONVEYED TO CONTRA COSTA COUNTY "FOR USE AS A PUBLIC HIGHWAY", BY DEED FROM LAWRENCE J. DUTRA, ET AL, DATED JUNE 19, 1956 IN BOOK 2817 OF OFFICIAL RECORDS, PAGE 595 SAID POINT BEING ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1040.00 FEET, FROM WHICH A RADIAL BEARS NORTH 74°33'07" WEST; THENCE NORTHERLY ALONG THE EAST LINE OF SAID WALNUT BOULEVARD ALONG THE ARC OF THE AFOREMENTIONED CURVE 259.44 FEET THROUGH A CENTRAL ANGLE OF 14°17'31"; THENCE NORTHERLY ALONG THE EAST LINE OF SAID WALNUT BOULEVARD AND TANGENT TO THE AFOREMENTIONED CURVE NORTH 01°09'18" EAST 1490.76 FEET TO THE SOUTHWEST CORNER OF PARCEL TWO OF THE GRANT DEED TO STATE ROUTE 4 BYPASS AUTHORITY RECORDED DECEMBER 6, 2005 AS DOCUMENT NUMBER 2005-0468211-00; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL TWO (2005-0468211-00) THE FOLLOWING 6 COURSES:

- 1) SOUTH 88°50'24" EAST 91.61 FEET;
- 2) NORTH 37°01'33" EAST 641.09 FEET;
- 3) SOUTH 64°45'48" EAST 674.97 FEET;
- 4) SOUTH 52°47'16" EAST 689.09 FEET;
- 5) SOUTH 38°57'18" EAST 449.96 FEET;
- 6) NORTH 55°03'57" EAST 144.47 FEET TO THE WEST LINE OF VASCO ROAD AS SHOWN ON RECORD OF SURVEY NO. 2223 (112 LSM 22);

**Contra Costa County Land Conservation Contract No. AP16-0002**

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:**

**003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018**

THENCE SOUTHERLY ALONG THE WEST LINE OF VASCO ROAD AS SHOWN ON  
RECORD OF SURVEY NO. 2223 (112 LSM 22) THE FOLLOWING 5 COURSES:

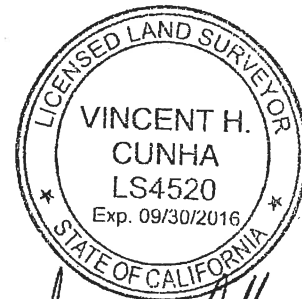
- 1) SOUTH 34°19'39" EAST 667.17 FEET;
- 2) SOUTH 22°32'32" EAST 98.20 FEET;
- 3) SOUTH 45°29'16" EAST 106.31 FEET;
- 4) SOUTH 34°37'35" EAST 725.56 FEET;
- 5) SOUTH 34°58'25" EAST 70.43 FEET TO THE NORTHEAST CORNER OF PARCEL 2  
(RIGHT OF WAY) (97-0098757-00);

THENCE WESTERLY ALONG THE NORTH LINE OF SAID PARCEL 2 (RIGHT OF WAY) (97-  
0098757-00) SOUTH 58°57'38" WEST 1057.14 FEET TO THE TRUE POINT OF BEGINNING.

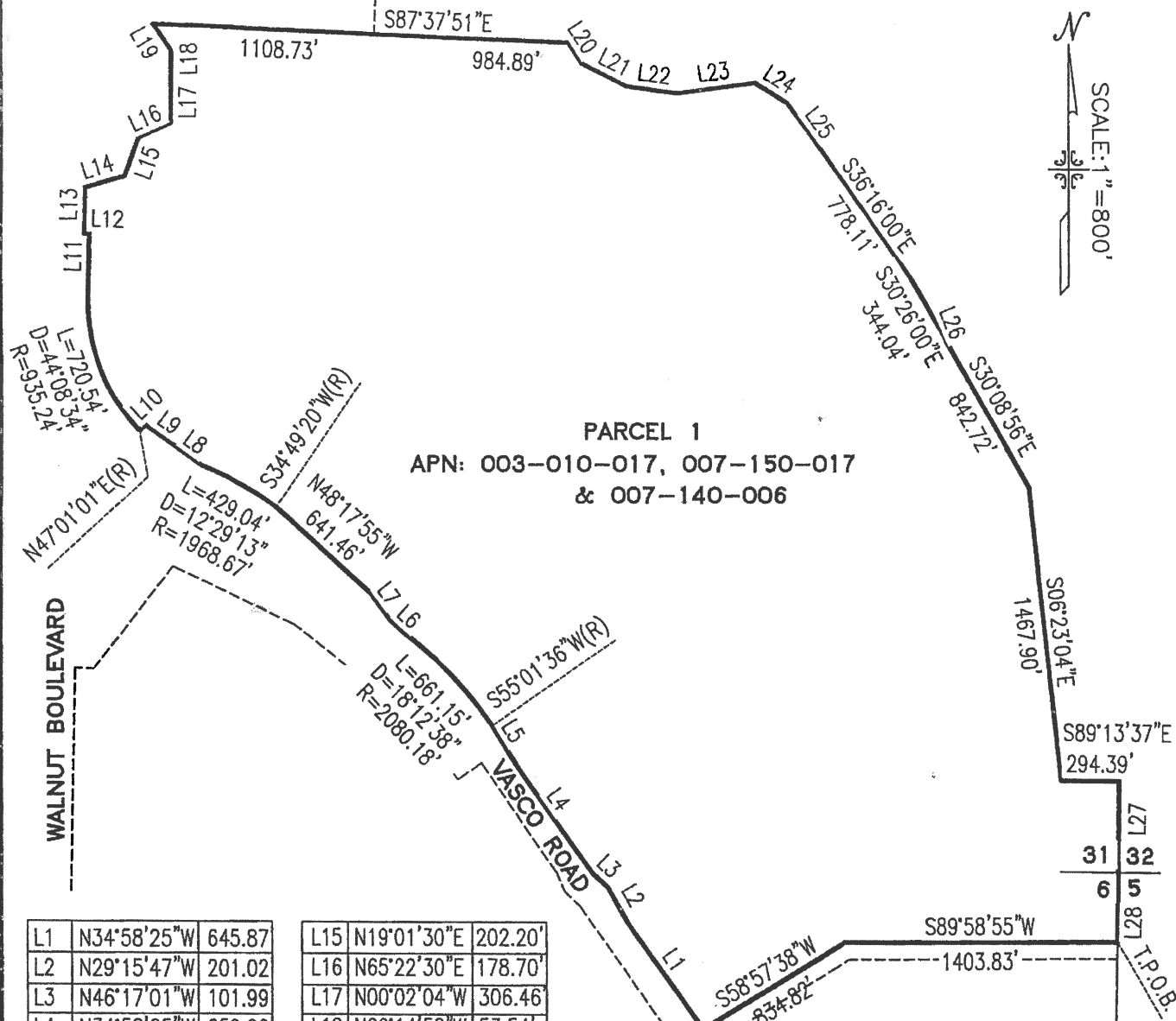
CONTAINING 109.29 ACRES MORE OR LESS.

ALL DISTANCES SHOWN HEREON ARE GROUND.

AS SHOWN ON EXHIBIT B ATTACHED HERETO AND BY REFERENCE MADE A PART  
HEREOF.

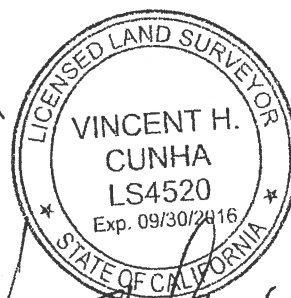


*[Handwritten signature]*  
4-28-16



L1	N34°58'25"W	645.87'
L2	N29°15'47"W	201.02'
L3	N46°17'01"W	101.99'
L4	N34°58'25"W	659.00'
L5	N31°12'23"W	228.33'
L6	N48°27'39"W	83.87'
L7	N37°12'21"W	165.57'
L8	N54°03'29"W	173.81'
L9	N54°03'28"W	164.98'
L10	S47°45'06"W	41.78'
L11	N01°09'39"E	320.43'
L12	N88°50'21"W	25.12'
L13	N01°09'18"E	230.64'
L14	N72°39'30"E	202.03'

L15	N19°01'30"E	202.20'
L16	N65°22'30"E	178.70'
L17	N00°02'04"W	306.46'
L18	N00°14'58"W	53.54'
L19	N34°19'52"W	159.72'
L20	S32°59'13"E	123.20'
L21	S62°33'13"E	245.90'
L22	S82°05'13"E	257.00'
L23	N82°30'57"E	394.50'
L24	S57°52'00"E	188.45'
L25	S36°16'00"E	301.18'
L26	S23°26'24"E	22.88'
L27	S00°53'51"W	456.24'
L28	S01°06'38"W	345.18'



4-28-16

CUNHA ENGINEERING INC. ■■■

701 BELMONT WAY, STE. A  
PINOLE, CALIFORNIA 94564  
(510) 741-8290

EXHIBIT B

BRENTWOOD

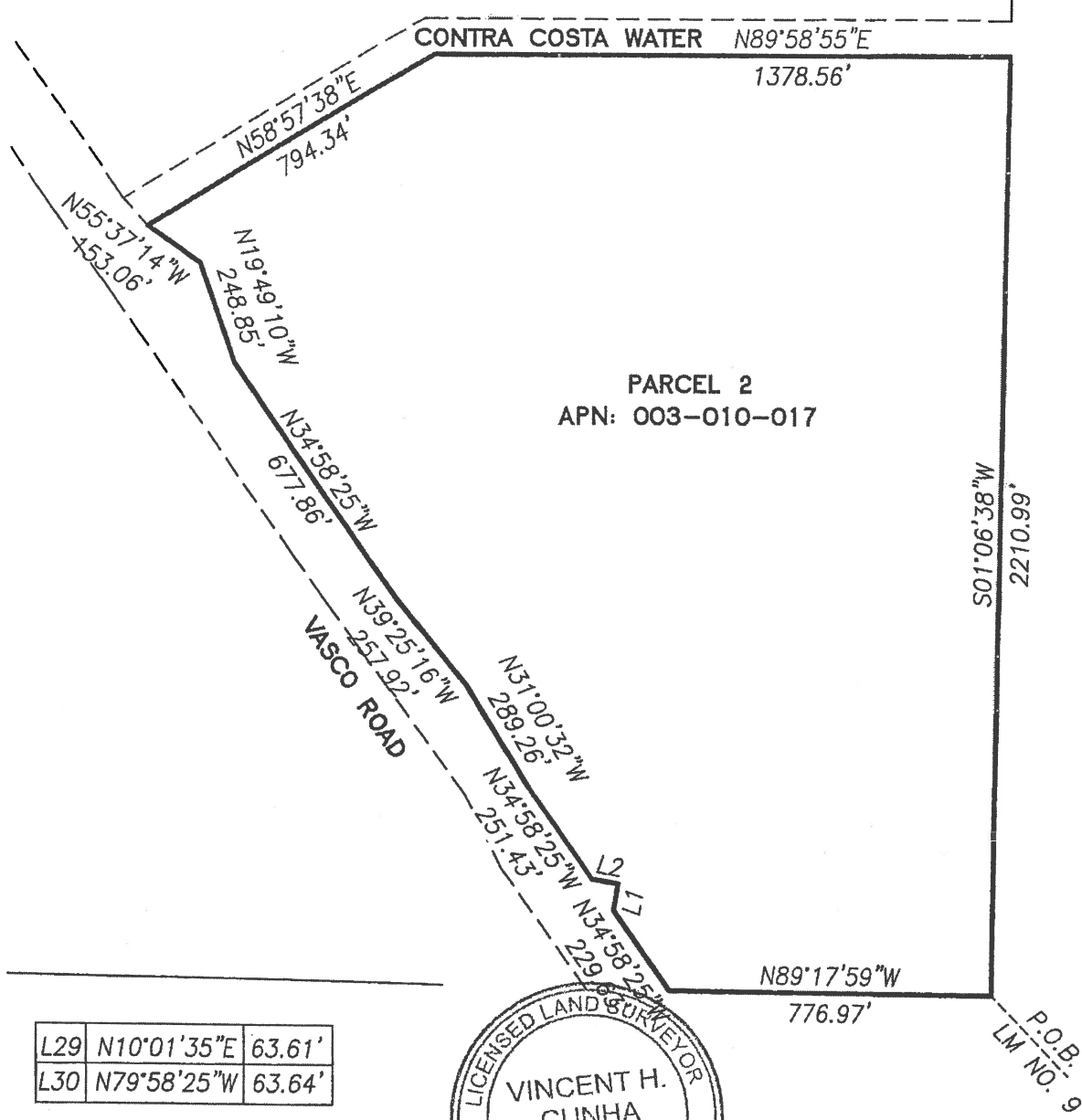
CALIFORNIA

SHEET

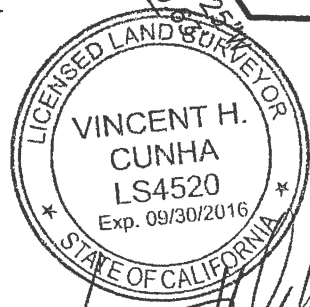
1 OF 4

JOB No.  
215016

SCALE: 1" = 400'



L29	N10°01'35"E	63.61'
L30	N79°58'25"W	63.64'



*Handwritten signature and date: 4.28.15*

CUNHA ENGINEERING INC. ■■■  
701 BELMONT WAY, STE. A  
PINOLE, CALIFORNIA 94564  
(510) 741-8290

# EXHIBIT B

BRENTWOOD

CALIFORNIA

SHEET  
2 OF 4  
JOB No. 215016



SCALE: 1"=400'

N58° 57' 38"E  
92.56'

CONTRA COSTA WATER  
N58°57'38"E  
501.53'  
N48°05'59"W  
575.45'

N77° 31' 21"E  
157.07'  
S82° 35' 06"E  
390.33'

S35°42'46"E  
685.93'

VASCO ROAD  
S35°59'38"E  
526.01'

S25°54'47"E  
190.52'

S34°58'25"E  
344.81'

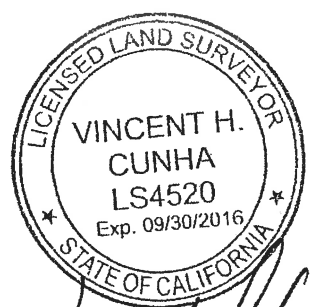
LM NO. 9  
P.O.C.

I.P.O.B.

N89°17'59"W  
1672.09'

N41°54'01"E  
600.00'  
N48°05'59"W  
485.66'

PARCEL 3  
APN: 003-010-016



*Vincent H. Cunha 4-2-16*

CUNHA ENGINEERING INC. ■■■  
701 BELMONT WAY, STE. A  
PINOLE, CALIFORNIA 94564  
(510) 741-8290

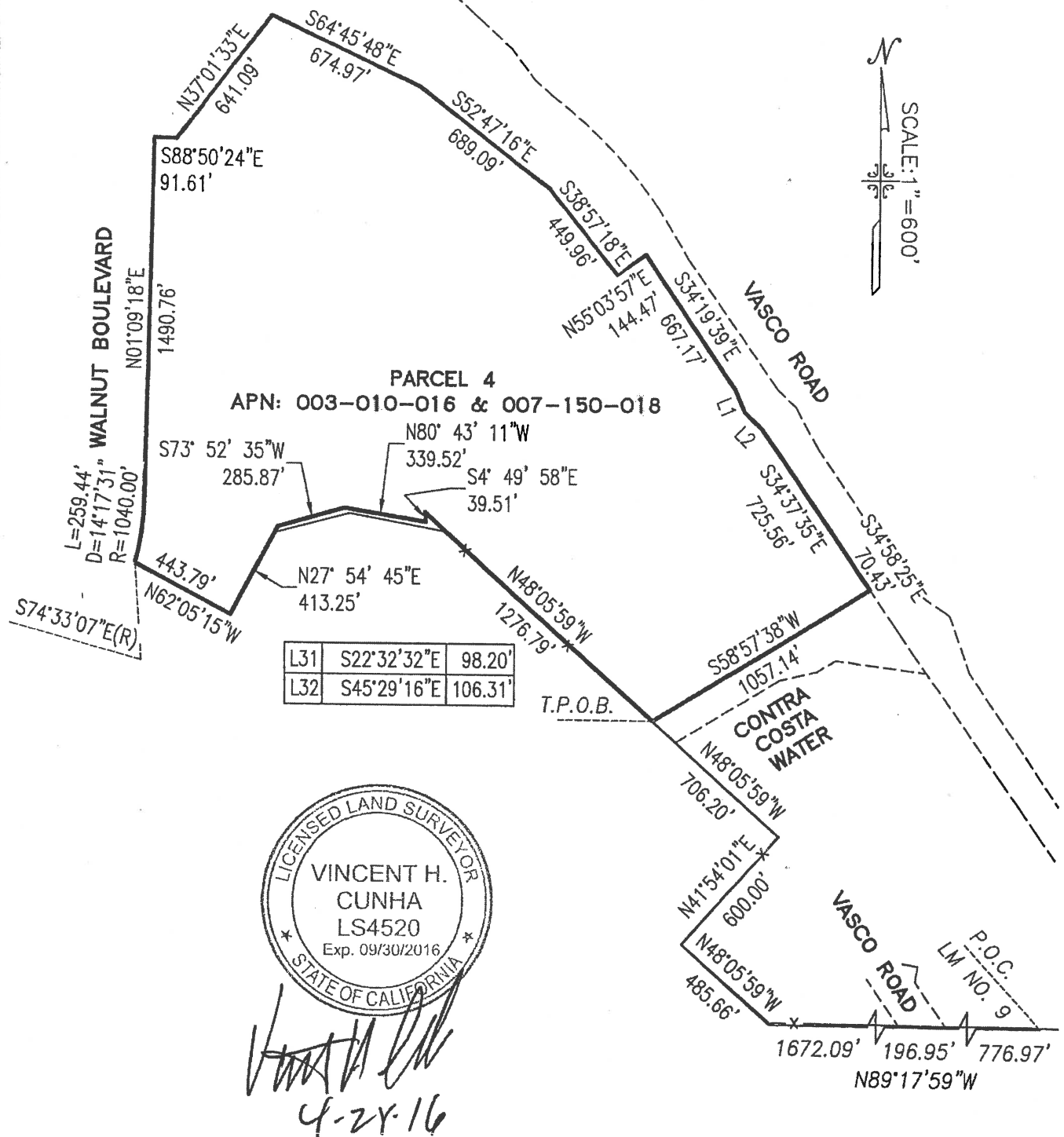
EXHIBIT B

BRENTWOOD

CALIFORNIA

SHEET  
3 OF 4  
JOB No. 215016

SCALE: 1" = 600'



**CUNHA ENGINEERING INC. ■■■**  
 701 BELMONT WAY, STE. A  
 PINOLE, CALIFORNIA 94564  
 (510) 741-8280

**EXHIBIT B**

BRENTWOOD

CALIFORNIA

**SHEET**  
 4 OF 4  
**JOB No.**  
 215016

LAND CONSERVATION CONTRACT NO. AP16-0002  
ONE LEGAL PARCEL CONSISTING OF FIVE TAX ASSESSOR PARCELS:  
003-010-016, 003-010-017, 007-140-006, 007-150-017 & 007-150-018

ATTACHMENT C

ALLOWABLE LAND USES

Pursuant to the provisions of Section 84-42.402 (2) of the Contra Costa County Ordinance Code and Paragraph 7 of the Land Conservation Contract, of which this exhibit is made a part, the land uses and structures described below are authorized without a land use permit subject to the terms and conditions set forth below. Said uses and structures shall be in conformance to those authorized by Section 84-42.402 (1) and Section 84-42.404 but shall be subject to Section 84-42.602 through Section 84-42.1402.404 of Chapter 84-42 of the County Ordinance Code.

1. Existing Non-conforming Structures

The following non-conforming structures are permitted, subject to the provisions of County Ordinance Code Chapter 82-8:

*None*

2. Existing Structures

*One single family residence, two barns*

3. Proposed Structures

*None*

4. Existing Land Use

*Orchard, row crops, vineyards, grazing*

5. Proposed Land Use

*Same*

## Attachment D

### Seven Required Findings for Lot Line Adjustment between Contra Costa Water District (CCWD) and the Nunn Property in Williamson Act Agricultural Preserve

51257. (a) To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

(1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

*Land Conservation Contract AP16-0002 would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract, but for not less than 10 years after Lot Line Adjustments (LL) LL15-0019 and LL15-0020..*

(2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

*There would be no net decrease in the amount of acreage restricted under Land Conservation Contract AP16-0002 as a result of LL15-0019 and LL15-0020. There would be an exchange of 0.80 acres between Contra Costa Water District and the Nunn property; therefore 0.80 acres would be removed from the restricted area and 0.80 acres would be added to the restricted area.*

(3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

*At least 90 percent of the land under existing Land Conservation Contract No. 5-74 would remain under the new Land Conservation Contract AP16-0002 after LL15-0019 and LL15-0020.*

(4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

*The subject property is not considered prime agricultural land, Therefore, the minimum parcel size for compliance with Section 51222 is 40 acres. The resulting land, after the lot line adjustments is over 500 acres, which, would be covered by Land Conservation Contract No. AP16-0002.*

(5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

*The Lot Line Adjustments would involve the exchange of 0.80 acres of land which would not compromise the long-term agricultural productivity of the land subject to new Land Conservation Contract AP16-0002.*

(6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

*The Lot Line Adjustments would not likely result in the removal of adjacent land from agricultural use.*

(7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

*The number of legal parcels before the lot line adjustment is two (2) and the number of parcels after the lot line adjustment is two (2), and both resultant parcels would be consistent with the General Plan. Therefore, the lot line adjustment does not result in a greater number of parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.*



**CONTRA COSTA  
WATER DISTRICT**

**Board of Directors**  
Lisa M. Borba, AICP  
*President*  
John A. Burgh  
*Vice President*  
Ernesto A. Avila, P.E.  
Bette Boatman  
Connstance Holdaway  
**General Manager**  
Jerry Brown

April 8, 2016

*RECEIVED  
04-11-16*

Contra Costa County  
Department of Conservation and Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553  
Attn: Jennifer Cruz

**Subject: Request for General Plan Conformity Determination – Lot Line Adjustments**  
APN: 003-010-012; 003-010-016, 017; 007-150-017, 018; 007-140-006  
County File #LL15-0019  
APN: 003-010-014, 015; 003-010-016, 017; 007-150-017, 018; and 007-140-006  
County File #LL15-0020

Dear Ms. Cruz:

Contra Costa Water District (CCWD) and Ronald E. Nunn have applied for the lot line adjustments referenced above and shown on the enclosed map. The purpose of the two adjustments is to remedy an inadvertent encroachment of Mr. Nunn's on CCWD property acquired for the Transfer Reservoir and Pump Station (Transfer Facilities) as part of the Los Vaqueros Project. In lieu of abating the encroachment by removing the fruit trees planted on CCWD property, we have agreed to exchange the encroached area (County file #LL15-0019) for the same amount of land owned by Mr. Nunn adjacent to CCWD's Old River Pipeline right-of-way (County file #LL15-0020). The property that will be added to the Old River Pipeline right-of-way will be used by CCWD for future facility improvements.

CCWD's acquisition of the Transfer Facility site, as well as the Old River Pipeline right-of-way, was found to be in conformance with the County General Plan by the East County Regional Planning Commission (ECRPC) on March 7, 1994 (see enclosed letter from Contra Costa County Community Development Department confirming the finding, the ECRPC agenda for March 7, 1994, and the initiating letter from CCWD (without attachments)).

The proposed lot line adjustments entail both the acquisition of real property for public purposes and the disposal of real property originally acquired for public purposes thus triggering the General Plan conformance requirements of Government Code section 55422. CCWD hereby requests that the County make a determination of conformity with the County General Plan for the following related actions:

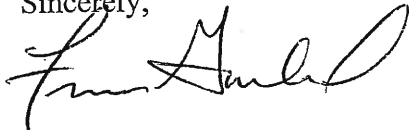
- 1) Disposal of 0.80 acre of property by CCWD via transfer to Ronald E. Nunn (County File #LL15-0019)

Contra Costa County  
Department of Conservation and Development  
Community Development Division  
Attn: Jennifer Cruz  
April 8, 2016  
Page 2

- a. Location: East of Walnut Boulevard and East of Vasco Road, south of Brentwood in unincorporated Contra Costa County.
  - b. Purpose: As part of an exchange of properties, this transfer remedies an encroachment on CCWD's Transfer Facilities site, part of the Los Vaqueros water system.
  - c. Disposal: CCWD will transfer fee title to Ronald E. Nunn.
- 2) Acquisition of 0.80 acre of property by CCWD via transfer from Ronald E. Nunn (County File #LL15-0020)
- a. Location: East of Walnut Boulevard and East of Vasco Road, south of Brentwood in unincorporated Contra Costa County.
  - b. Purpose: As part of an exchange of properties, this transfer remedies an encroachment on CCWD's Transfer Facilities site, part of the Los Vaqueros water system. The acquired property will be incorporated into the Old River Pipeline right of way which houses the Old River Pipeline and related appurtenances. The added property will be used for water system improvements as necessary.
  - c. Acquisition: Ronald E. Nunn will transfer fee title to CCWD.

Please provide a written response as to conformity of our proposed lot line adjustments with the County General Plan at your earliest convenience. If you have any questions or need additional information, please contact me at (925) 688-8312 or [fgarland@ccwater.com](mailto:fgarland@ccwater.com).

Sincerely,



Fran Garland  
Watershed and Environmental Planning Manager

FG/rlr

Enclosures

cc: Dino Angelosante, CCWD  
Ronald E. Nunn ✓



**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 13, 2016

Subject: General Plan Amendment Regarding Roadway Network Plan

---

**RECOMMENDATION(S):**

1. OPEN the public hearing, RECEIVE testimony, and CLOSE the public hearing.
2. FIND, on the basis of the whole record before the County, for purposes of compliance with the California Environmental Quality Act (CEQA), there is no possibility that the proposed project consisting of a General Plan Amendment [(GPA); County File #GP16-0006] will have a significant effect on the environment, and the project is therefore exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).
3. ADOPT the proposed GPA, amending the Land Use Element and Transportation and Circulation Element of the 2005-2020 Contra Costa County General Plan, as recommended by the County Planning Commission (CPC) in Resolution #15-2016 (Attachment 1), as the second consolidated GPA for calendar year 2016.
4. DIRECT Department of Conservation and Development staff to file a CEQA Notice of Exemption with the County Clerk.

**FISCAL IMPACT:**

No impact to the General Fund. The proposed GPA is being funded 50% from Measure J Return to Source Funds and 50% from Local Road Funds.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: June McHuen, Deputy

Contact: Will Nelson, (925)  
674-7791

cc:



## BACKGROUND:

### STAFF DISCUSSION AND ANALYSIS

The proposed project consists of a County-initiated GPA to update the Transportation and Circulation Element, Roadway Network Plan, regarding Camino Tassajara and the area of the proposed TriLink (aka State Route 239) and Vasco Road–Byron Highway Connector, and add a policy to the Land Use Element related to the TriLink and Connector.

#### Camino Tassajara

Camino Tassajara is a principal arterial in Contra Costa County running from the Town of Danville to the Contra Costa/Alameda County line, where the roadway name changes to Tassajara Road in the City of Dublin. Both the Contra Costa County and City of Dublin General Plans identify an ultimate six-lane road configuration in the vicinity of the County line. Since 2010, the County Public Works Department has been coordinating with the City of Dublin to realign the roadway between Windemere Parkway and Fallon Road as part of the Camino Tassajara/Tassajara Road Realignment Project.

In 2014 the County was approached by the City of Dublin regarding policies for Camino Tassajara in the vicinity of the County line. Specifically, Dublin asked if the County would participate in a study to determine if future traffic volumes warranted a six-lane Camino Tassajara/Tassajara Road. The County and Dublin then initiated the Tassajara Road/Camino Tassajara Capacity Analysis ("Analysis"). Roadway improvements in this area are subject to certain requirements in the Dougherty Valley Settlement Agreement (DVSA), one of which is consultation with the Town of Danville and City of San Ramon. Both jurisdictions were consulted on the Analysis and engaged in the process. The Analysis determined that reducing future Camino Tassajara/Tassajara Road from six to four lanes (two in each direction) would result in minimal traffic diversion to other roads, similar levels-of-service at area intersections, and minimal increase in travel times compared to a six-lane configuration.

Because of the DVSA requirements, on December 7, 2015, staff reported the above findings to the Dougherty Valley Oversight Committee, which adopted a motion to approve widening Camino Tassajara/Tassajara Road to four lanes instead of six.

Staff proposes amending the Roadway Network Plan to indicate a future four-lane roadway where a six-lane roadway is currently indicated (see Attachment 2 - Proposed Revisions to Roadway Network Plan). Such amendment is a policy change that will result in the Public Works Department eventually developing a Precise Alignment for a narrower right-of-way for the effected portion of Camino Tassajara (approximately 3,400 linear feet). There are several anticipated benefits:

- a. The costs to acquire land and construct the project will be lower.
- b. Construction of a narrower roadway presumably will result in fewer impacts to the natural environment.
- c. A narrower roadway would be more consistent with the rural character of the area.
- d. As building setbacks are typically measured from property lines, a narrower right-of-way will allow the seven private properties adjacent to the subject stretch of Camino Tassajara to retain and utilize more land.

#### TriLink and Vasco Road-Byron Highway Connector

The proposed Vasco Road-Byron Highway Connector would provide an east-west vehicular connection between Vasco Road and Byron Highway, thereby improving regional traffic flow in the southeastern portion of the County and access to Byron Airport. The Connector is considered part of the larger TriLink project, but has independent utility and can move ahead as a stand-alone project. CCTA has suggested that the County's General Plan make reference to the TriLink and Connector projects.

While the County's Roadway Network Plan currently indicates a proposed expressway in the area envisioned for the TriLink and Connector, final alignments have not been identified for these projects. These alignments will be determined based on several factors including physical constraints, cost, impacts to existing residents and land

uses, and impacts to biological and cultural resources. Given the uncertainty regarding the alignments, staff proposes amending the Roadway Network Plan to delete the existing reference to a proposed expressway and indicate a “Special Planning Area” where potential conflicts with the alignments should be considered in land use decisions (see Attachment 2).

Staff also proposes adding the following policy to the Land Use Element as Policy 3-77 under the *Policies for the Southeast County Area* subheading:

3-77. The TriLink (State Route 239) and Vasco Road–Byron Highway Connector (Airport Connector) projects are proposed in the Southeast Area of the County. The “Special Planning Area” indicated on the Roadway Network Plan encompasses the area of potential right-of-way alignments for these projects. Because the final alignments have not been determined, potential alignment conflicts within the Special Planning Area shall be considered in land use decisions.

The proposed policy requires consideration of potential conflicts, but does not prohibit development within the potential alignments. The intent is to make the public and decision makers aware of the issue, not to restrict use of private property.

If the proposed policy is adopted, then existing Policy 3-77 will become Policy 3-78 and all subsequent policies will be renumbered to conclude at Policy 3-217.

### **AGENCY COMMENTS**

The proposed GPA was circulated to the CCTA and the Regional Transportation Planning Committees (RTPCs) for the affected areas [Southwest Area Transportation Committee (SWAT) for Camino Tassajara and TRANSPLAN for the TriLink/Connector]. Neither CCTA nor the RTPCs submitted comments.

### **ENVIRONMENTAL REVIEW**

The proposed project consists of a group of minor revisions to the General Plan. A GPA qualifies as a project under CEQA and is therefore subject to environmental review. Staff has determined that the proposed project would not have a significant impact on the environment for the following reasons:

1. None of the proposed revisions to the General Plan confer a right or entitlement for development.
2. The specific projects discussed in the proposed revisions to the General Plan, namely the Camino Tassajara/Tassajara Road widening and the TriLink and Vasco Road-Byron Highway Connector, would be subject to their own CEQA reviews, allowing any project-specific environmental impacts to be studied at the time each project was undertaken.
3. The Tassajara Road/Camino Tassajara Capacity Analysis conducted by the County and City of Dublin, in consultation with the Town of Danville and City of San Ramon, determined that widening Camino Tassajara/Tassajara Road to four lanes (two in each direction) would result in minimal traffic diversion to other roads, similar levels-of-service at area intersections, and minimal increase in travel times compared to the previously-planned six-lane configuration.
4. Constructing a narrower Camino Tassajara/Tassajara Road would presumably result in fewer impacts to the natural environment, especially given the biological sensitivity of the project area.
5. The revisions regarding the TriLink and Vasco Road-Byron Highway Connector projects are informational and provide guidance on application processing; they do not impact the environment in any way.

Based on the foregoing, pursuant to CEQA Guidelines Section 15061(b)(3), the proposed project is exempt from CEQA because it can be seen with certainty that the project would not have a significant effect on the environment.

### **COUNTY PLANNING COMMISSION HEARING**

The CPC considered the proposed GPA at its hearing on October 25, 2016, and voted 6-0 to adopt a resolution

recommending that the Board of Supervisors approve the project. Public comments were received from Bill Newman of 7300 Camino Tassajara and Gretchen Logue of 1111 Country Lane, San Ramon.

Mr. Newman inquired as to whether it would be possible to restrict through-traffic on Camino Tassajara. The CPC responded that that was beyond the matter at hand and such a proposal could be directed to the supervisor for the area and/or appropriate County staff.

Ms. Logue commented that the CEQA finding for the project was inadequate because increasing the width of Camino Tassajara from two lanes to four would increase greenhouse gas emissions and air pollution, and would impact wildlife and local residents. Ms. Logue proposed retaining the two-lane road and adding bike lanes instead. Staff responded that the proposed project was actually to decrease the current planned width of Camino Tassajara from six lanes to four and project-specific impacts of the sort mentioned would be studied prior to commencing the widening to four lanes. Ms. Logue also proposed installing informational signage on Camino Tassajara at the entrances to Tassajara Valley (see Attachment 4). Staff responded that there was precedent for installing road signs highlighting a unique area of the county (Vasco Road Green Energy Corridor) and that too could be directed to the supervisor for the area and/or appropriate County staff.

### **CONCLUSION**

The proposed GPA would update and clarify the Transportation and Circulation Element and Land Use Element based on recently completed studies and would not result in significant environmental impacts. Therefore, staff recommends that the Board of Supervisors find the project to be exempt from CEQA and adopt the proposed GPA.

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

If the Board does not adopt the GPA, then the General Plan will: 1) continue to call for a six-lane configuration for the portion of Camino Tassajara between Windermere Parkway and the Contra Costa/Alameda County line where it has been established that only four lanes are necessary; and 2) remain ambiguous regarding future alignments for the Vasco Road-Byron Highway Connector and TriLink, potentially compromising the County's ability to make progress on these projects.

### **CLERK'S ADDENDUM**

***CLOSED the public hearing; FOUND the project is exempt from CEQA ; ADOPTED the proposed GPA, amending the Land Use Element and Transportation and Circulation Element of the 2005-2020 Contra Costa County General Plan, as the second consolidated GPA for calendar year 2016; and DIRECTED Department of Conservation and Development staff to file a CEQA Notice of Exemption with the County Clerk.***

### **ATTACHMENTS**

Attachment 1 - Adopted County Planning Commission Resolution #15-2016

Attachment 2 - Proposed Revisions to Roadway Network Plan

Attachment 3 - Staff Report to County Planning Commission October 25, 2016

Attachment 4 - Correspondence Received During County Planning Commission Hearing

Attachment 5 - Notification Materials

ATTACHMENT 1

Adopted County Planning Commission

Resolution #15-2016

**COUNTY PLANNING COMMISSION  
RESOLUTION NO. 15-2016**

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING RECOMMENDATIONS AND FINDINGS FOR ADOPTION OF A GENERAL PLAN AMENDMENT AFFECTING THE LAND USE ELEMENT AND TRANSPORTATION AND CIRCULATION ELEMENT OF THE GENERAL PLAN OF SAID COUNTY.**

WHEREAS, in 2014 the City of Dublin approached Contra Costa County regarding policies for Camino Tassajara in the vicinity of the Contra Costa/Alameda County line, which resulted in the jurisdictions jointly initiating the Tassajara Road/Camino Tassajara Capacity Analysis ("Analysis"); and

WHEREAS, because roadway improvements in the vicinity of the Dougherty Valley project are subject to certain requirements in the Dougherty Valley Settlement Agreement, the Town of Danville and City of San Ramon were consulted on the Analysis and engaged in the process; and

WHEREAS, the Analysis determined that widening Camino Tassajara/Tassajara Road to four lanes would result in minimal traffic diversion to other roads, similar levels-of-service at area intersections, and minimal increase in travel times compared to the previously planned six-lane configuration; and

WHEREAS, on December 7, 2015, staff reported the findings of the Analysis to the Dougherty Valley Oversight Committee, which adopted a motion to approve reconfiguration of Camino Tassajara/Tassajara Road to four lanes instead of the previously planned six; and

WHEREAS, in May 2014 the Contra Costa Transportation Authority released the *TriLink (State Route 239) Feasibility Study Final Report*, which among other things, identified several potential right-of-way alignments for the TriLink and Vasco Road-Byron Highway Connector (also known as the Airport Connector) projects; and

WHEREAS, in July 2015 the Contra Costa Transportation Authority and Caltrans released the *Project Study Report-Project Development Support* for the TriLink and Vasco Road-Byron Highway Connector projects, which identifies right-of-way alignments similar to those identified in the *TriLink (State Route 239) Feasibility Study Final Report*; and

WHEREAS, on October 18, 2016, the Board of Supervisors voted to authorize a General Plan Amendment study, County File #GP16-0006, to amend the General Plan Land Use Element and Transportation and Circulation Element to update and clarify information and policies regarding Camino Tassajara/Tassajara Road and the TriLink and Vasco Road-Byron Highway Connector projects; and

WHEREAS, for purposes of compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, the County, as Lead Agency, determined there is no possibility that the proposed General Plan Amendment will have a significant effect on the environment, and is therefore exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3); and

**COUNTY PLANNING COMMISSION  
RESOLUTION NO. 15-2016**

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on Tuesday, October 25, 2016, whereat all persons interested in the matter might appear and be heard; and

WHEREAS, on Tuesday, October 25, 2016, the County Planning Commission fully reviewed, considered, and evaluated all testimony and evidence submitted in this matter.

NOW, THEREFORE BE IT RESOLVED that the County Planning Commission recommends the Board of Supervisors:

1. FIND, on the basis of the whole record before the County, for purposes of compliance with CEQA, there is no possibility that the proposed amendment to the 2005-2020 Contra Costa County General Plan will have a significant effect on the environment, and the project is therefore exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3); and
2. FIND that adoption of the proposed General Plan Amendment would be in the public interest, pursuant to Government Code Section 65358, as it would update the General Plan with the most current information and relevant policies on Camino Tassajara and the TriLink and Vasco Road-Byron Highway Connector projects; and
3. FIND that the proposed General Plan Amendment would be compatible with the other goals, policies, and implementation measures described in the General Plan, allowing the General Plan to remain internally consistent, and would not cause a violation of any of the Growth Management Performance standards as described in the Growth Management Element; and
4. ADOPT the General Plan Amendment, County File #GP16-0006, amending the 2005-2020 Contra Costa County General Plan, as the 2<sup>nd</sup> Consolidated General Plan Amendment for calendar year 2016, as permitted under State law, described as follows:
  - A. Transportation and Circulation Element: Amend the Roadway Network Plan to indicate: 1) a four-lane ultimate roadway for Camino Tassajara between Windemere Parkway and the Contra Costa/Alameda County line, and 2) a "Special Planning Area" in the vicinity of the proposed TriLink and Vasco Road-Byron Highway Connector projects, as shown on Attachment A.
  - B. Land Use Element: Renumber existing Policy 3-77 as Policy 3-78, renumber all subsequent policies accordingly, and add the following new text as Policy 3-77:
    - 3-77. The TriLink (State Route 239) and Vasco Road-Byron Highway Connector (Airport Connector) projects are proposed in the Southeast Area of the County. The "Special Planning Area" indicated on the Roadway Network Plan encompasses the area of potential right-of-way alignments for these projects. Because the final alignments have not

**COUNTY PLANNING COMMISSION  
RESOLUTION NO. 15-2016**

been determined, potential alignment conflicts in the Special Planning Area shall be considered in land use decisions.

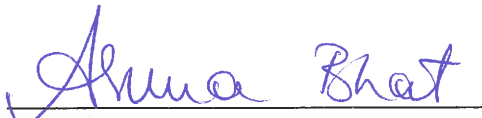
The instructions by the County Planning Commission to prepare this resolution were given by motion of said Commission on Tuesday, October 25, 2016, by the following vote:

AYES:	Commissioners -	Snyder, Terrell, Clark, Swenson, Wright, Steele
NOES:	Commissioners -	None
ABSENT:	Commissioners -	None
ABSTAIN:	Commissioners -	None

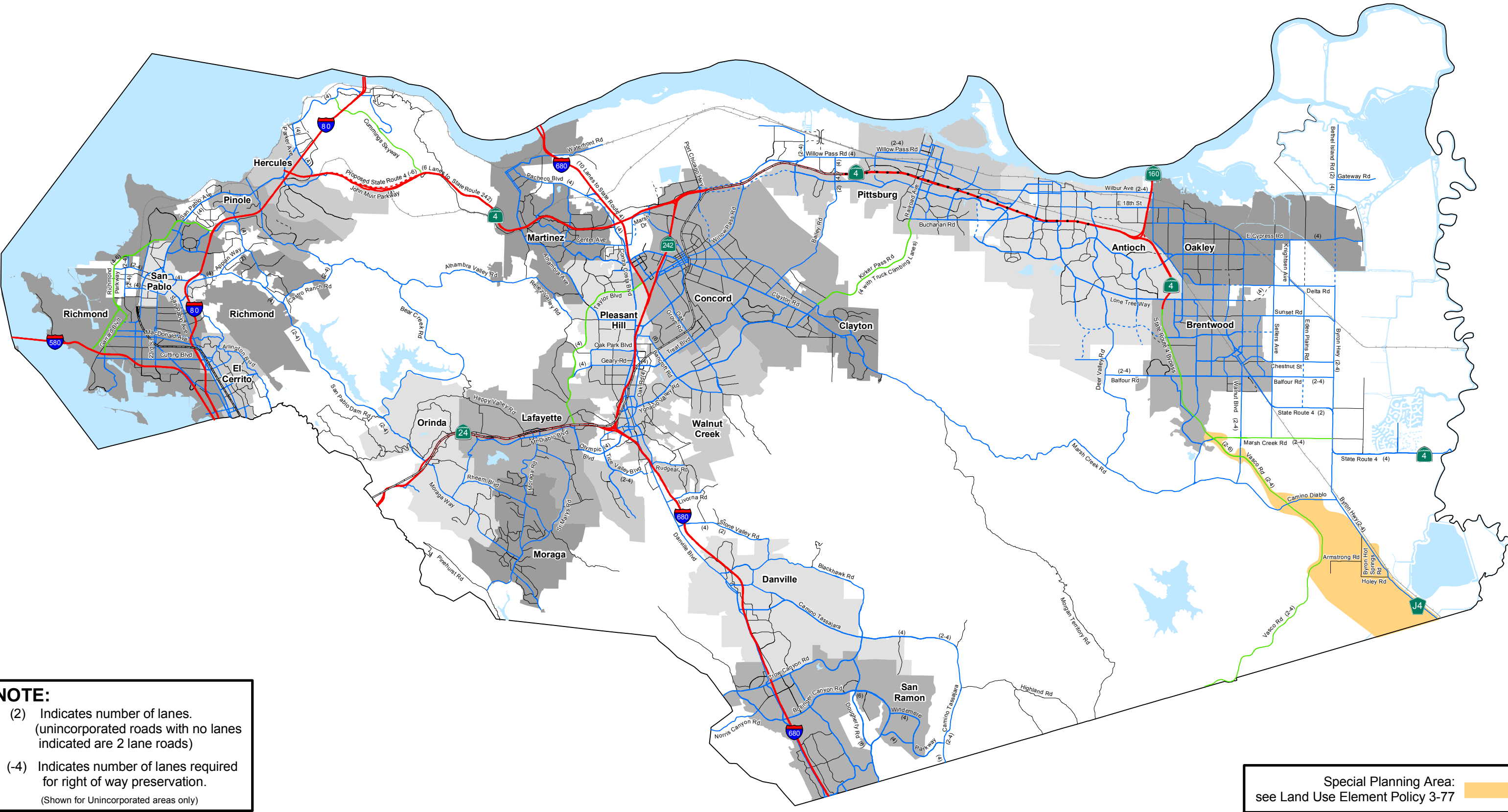
Duane Steele  
Chair of the Planning Commission  
County of Contra Costa  
State of California

I, Aruna Bhat, Secretary of the County Planning Commission, certify that the foregoing was duly called and approved on October 25, 2016.

ATTEST:

  
Aruna M. Bhat  
Secretary of the Planning Commission  
County of Contra Costa  
State of California

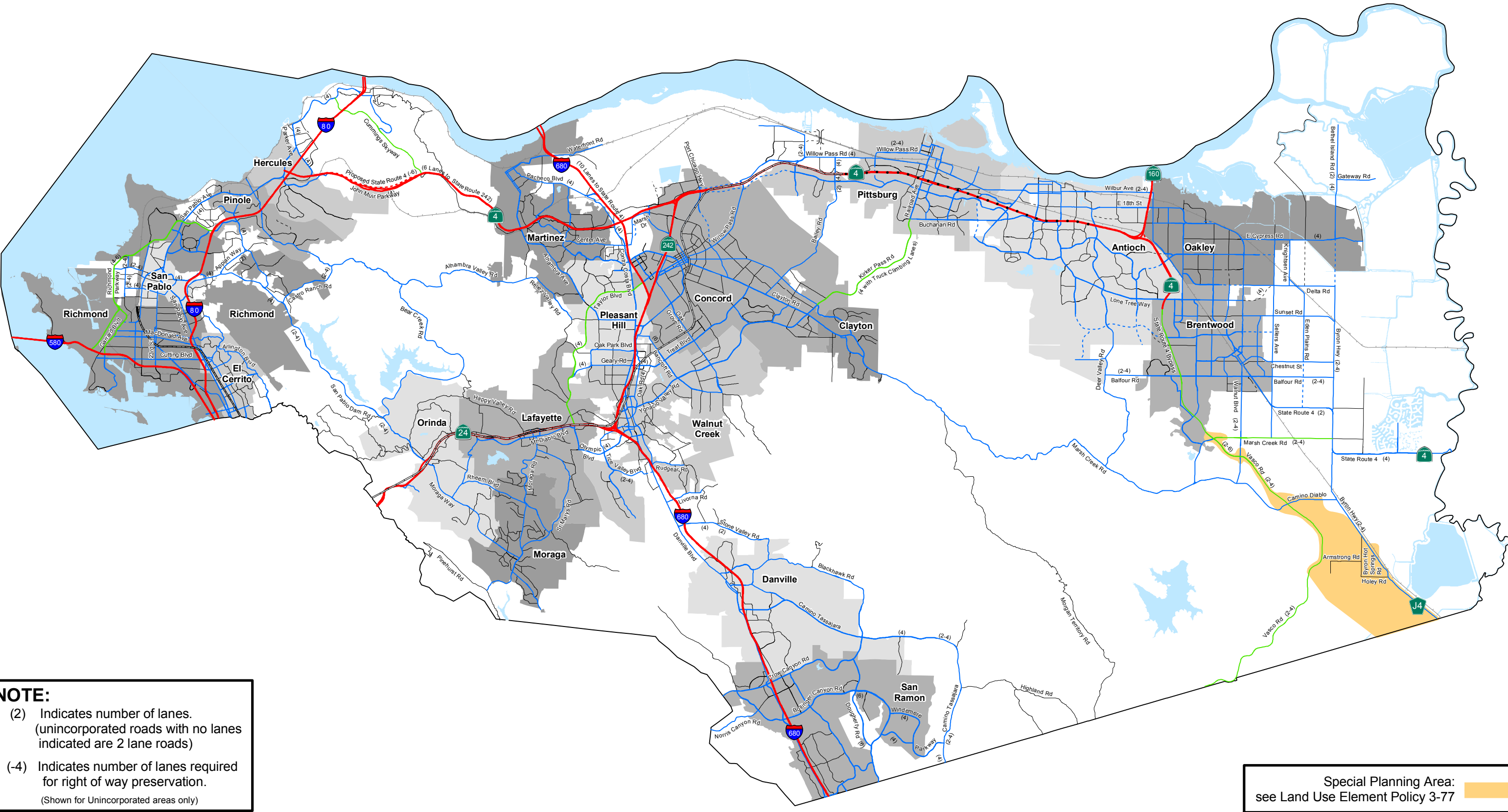
Attachment A: Roadway Network Plan - Proposed Revisions





## ATTACHMENT 2

### Proposed Revisions to Roadway Network Plan



## ATTACHMENT 3

Staff Report to County Planning Commission

October 25, 2016



# Department of Conservation and Development

## County Planning Commission

**Tuesday, October 25, 2016 – 7:00 .P.M.**

### **STAFF REPORT**

**Agenda Item: 3a**

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<b>Project Title:</b>	General Plan Amendments Regarding Camino Tassajara and the TriLink and Vasco Road-Byron Highway Connector Projects
<b>County File Number:</b>	GP16-0006
<b>Applicant/Owner:</b>	Contra Costa County
<b>Project Location:</b>	Camino Tassajara in the vicinity of the Contra Costa/Alameda County line and the Southeast County Area
<b>California Environmental Quality Act (CEQA) Status:</b>	Exempt pursuant to CEQA Guidelines Section 15061(b)(3)
<b>Project Planner:</b>	Will Nelson, Principal Planner, (925) 674-7791
<b>Staff Recommendation:</b>	Adopt a resolution recommending the Board of Supervisors adopt the proposed CEQA finding and General Plan Amendment. See full recommendation in Section II.

---

### **I. PROJECT SUMMARY**

The proposed project consists of a County-initiated General Plan Amendment (GPA) to update the Transportation and Circulation Element, Roadway Network Plan, regarding Camino Tassajara and the area of the proposed TriLink (aka State Route 239) and Vasco Road – Byron Highway Connector, and add a policy to the Land Use Element related to the TriLink and Connector.

### **II. RECOMMENDATION**

Staff recommends that the County Planning Commission (CPC) adopt a resolution (Attachment A, County Planning Commission Draft Resolution #15-2016) recommending the Board of Supervisors:

1. FIND, on the basis of the whole record before the County, for purposes of compliance with CEQA, that there is no possibility the proposed project will have a significant effect on the environment, and the project is therefore exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3); and
2. ADOPT the GPA, County File #GP16-0006, amending the Transportation and Circulation and Land Use Elements of the 2005-2020 Contra Costa County General Plan, as the second consolidated GPA for calendar year 2016.

### **III. BACKGROUND & STAFF ANALYSIS**

#### Camino Tassajara

Camino Tassajara is a principal arterial in Contra Costa County running from the Town of Danville to the Contra Costa/Alameda County line, where the roadway name changes to Tassajara Road in the City of Dublin. Both the Contra Costa County and City of Dublin General Plans identify an ultimate six-lane road configuration in the vicinity of the County line. Since 2010, the County Public Works Department has been coordinating with the City of Dublin to realign the roadway between Windemere Parkway and Fallon Road as part of the Camino Tassajara/Tassajara Road Realignment Project.

In 2014 the County was approached by the City of Dublin regarding policies for Camino Tassajara in the vicinity of the County line. Specifically, Dublin asked if the County would participate in a study to determine if future traffic volumes warranted a six-lane Camino Tassajara/Tassajara Road. The County and Dublin then initiated the Tassajara Road/Camino Tassajara Capacity Analysis ("Analysis"). Roadway improvements in this area are subject to certain requirements in the Dougherty Valley Settlement Agreement (DVSA), one of which is consultation with the Town of Danville and City of San Ramon. Both jurisdictions were consulted on the Analysis and engaged in the process. The Analysis determined that widening Camino Tassajara/Tassajara Road to four lanes (two in each direction) would result in minimal traffic diversion to other roads, similar levels-of-service at area intersections, and minimal increase in travel times compared to a six-lane configuration.

Because of the DVSA requirements, on December 7, 2015, staff reported the above findings to the Dougherty Valley Oversight Committee, which adopted a motion to approve reconfiguration of Camino Tassajara/Tassajara Road to four lanes instead of six.

Staff proposes amending the Roadway Network Plan to indicate a future four-lane roadway where a six-lane roadway is currently indicated (see Attachment A to the attached Draft CPC Resolution). Such amendment is a policy change that will result in the Public Works Department developing a Precise Alignment for a narrower right-of-way for the effected portion of Camino Tassajara (approximately 3,400 linear feet). There are several anticipated benefits:

- a. The costs to acquire land and construct the project will be lower.
- b. Construction of a narrower roadway presumably will result in fewer impacts to the natural environment.
- c. As building setbacks are typically measured from property lines, a narrower right-of-way will allow the seven private properties adjacent to the subject stretch of Camino Tassajara to retain and utilize more land.

### TriLink and Vasco Road-Byron Highway Connector

The proposed Vasco Road-Byron Highway Connector would provide an east-west vehicular connection between Vasco Road and Byron Highway, thereby improving regional traffic flow in the southeastern portion of the County and access to Byron Airport. The Connector was considered part of the larger TriLink (aka State Route 239) project, but is now identified as a stand-alone project in the Contra Costa Transportation Authority's (CCTA) new 30-year Transportation Expenditure Plan, which will appear as Measure X on the November 2016 ballot. The CCTA has suggested that the County's General Plan make reference to the TriLink and Connector projects.

While the County's Roadway Network Plan already indicates a proposed expressway in the area envisioned for TriLink and the Connector, final alignments have not been identified for these projects. These alignments will be determined based on several factors including physical constraints, cost, impacts to existing residents and land uses, and impacts to biological and cultural resources. Given the uncertainty regarding the alignments, staff proposes amending the Roadway Network Plan to delete the existing reference to a proposed expressway and indicate a "Special Planning Area" where potential conflicts with the alignments should be considered in land use decisions (see Attachment A to the attached Draft CPC Resolution).

Staff also proposes adding the following policy to the Land Use Element as Policy 3-77 under the *Policies for the Southeast County Area* subheading:

- 3-77. The TriLink (State Route 239) and Vasco Road-Byron Highway Connector (Airport Connector) projects are proposed in the Southeast Area of the County. The "Special Planning Area" indicated on the Roadway Network Plan encompasses the area of potential right-of-way alignments for these projects. Because the final alignments have not been determined, potential alignment conflicts within the Special Planning Area shall be considered in land use decisions.

The proposed policy requires consideration of potential conflicts, but does not prohibit development within the potential alignments. The intent is to provide awareness to the public and decision makers, not to restrict use of private property.

If the proposed policy is adopted, then existing Policy 3-77 will become Policy 3-78 and all subsequent policies will be renumbered to conclude at Policy 3-217.

## **IV. ENVIRONMENTAL REVIEW**

The proposed project consists of amendments to the General Plan. Such amendments qualify as projects under CEQA and are therefore subject to environmental review. Staff has determined that the proposed project would not have a significant impact on the environment for the following reasons:

1. None of the proposed revisions to the General Plan confer a right or entitlement for development.
2. The specific projects discussed in the proposed revisions to the General Plan, namely the Camino Tassajara/Tassajara Road widening and the TriLink and Vasco Road-Byron Highway Connector, would be subject to their own CEQA reviews, allowing any project-specific environmental impacts to be studied at the time each project was undertaken.
3. The Tassajara Road/Camino Tassajara Capacity Analysis conducted by the County and City of Dublin, in consultation with the Town of Danville and City of San Ramon, determined that widening Camino Tassajara/Tassajara Road to four lanes (two in each direction) would result in minimal traffic diversion to other roads, similar levels-of-service at area intersections, and minimal increase in travel times compared to the previously-planned six-lane configuration.
4. Constructing a narrower Camino Tassajara/Tassajara Road would presumably result in fewer impacts to the natural environment, especially given the biological sensitivity of the project area.
5. The revisions regarding the TriLink and Vasco Road-Byron Highway Connector projects are informational and provide guidance on application processing; they do not impact the environment in any way.

Based on the foregoing, pursuant to CEQA Guidelines section 15061(b)(3), the proposed project is exempt from CEQA because it can be seen with certainty that the project would not have a significant effect on the environment.

## **V. CONCLUSION**

The proposed General Plan Amendment would update and clarify the Transportation and Circulation and Land Use Elements based on recently completed studies and would not result in significant environmental impacts. Therefore, staff recommends that the County Planning Commission adopt Resolution #15-2016, recommending that the Board of Supervisors 1) find the project to be exempt from CEQA, and 2) adopt the proposed General Plan Amendment.

## **VI. ATTACHMENT**

- A. Draft County Planning Commission Resolution #15-2016

## ATTACHMENT 4

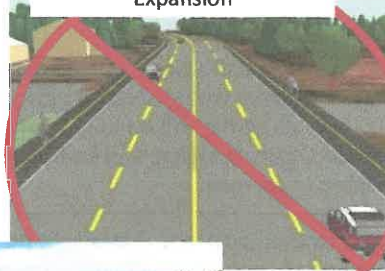
Correspondence Received at  
County Planning Commission Hearing  
October 25, 2016



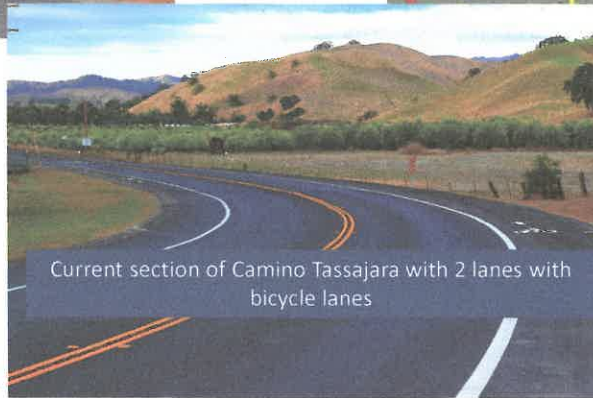
Example of Tassajara Valley Roads



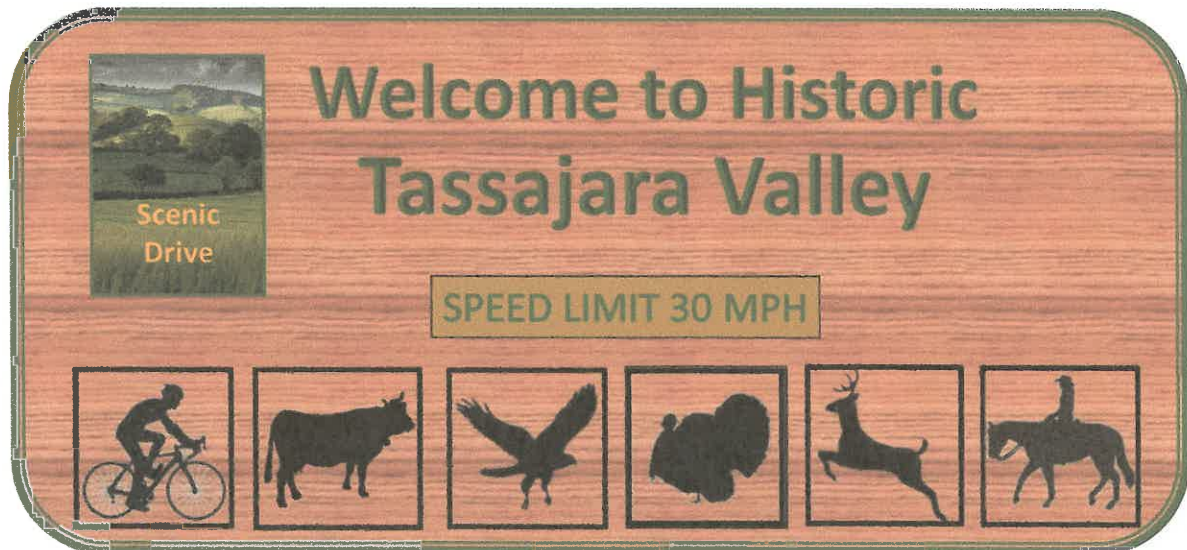
County Proposed 4 Lane Expansion



Proposal  
Continue Camino  
Tassajara from CC  
County Line to  
Lusitano Street



Current section of Camino Tassajara with 2 lanes with bicycle lanes



- Disagree with Staff's Findings that there is not a need for a CEQUA – 4 lanes will significantly increase car traffic from 580-680 - Air quality impact to CCC residents, Impact to Wildlife Corridor/Habitat, and environmental impact of building larger road.
- Alternative proposal that will benefit the most impacted residents of Contra Costa County – Tassajara Valley, Blackhawk and Danville
- Place sign at Contra Costa County Line on Camino Tassajara and Camino Tassajara/Lusitano Street
- Place stop sign/light at Camino Tassajara/Johnston and Camino Tassajara/Finley Road

Gretchen Logue

- 5<sup>th</sup> generation Californian
- Contra Costa County Resident, Tassajara Valley
- Email: [Logue.family1111@gmail.com](mailto:Logue.family1111@gmail.com)
- [www.tassajaravalleyppa.org](http://www.tassajaravalleyppa.org)

## ATTACHMENT 5

### Notification Materials

# Contra Costa Times

175 Lennon Lane, Suite 100  
Walnut Creek, CA 94598  
925-943-8019

Legal No.

0005831971

2002987

CCC COMMUNITY DEVELOPMENT  
ATTN: JEFF CARLTON  
30 MUIR RD  
MARTINEZ, CA 94553

## PROOF OF PUBLICATION

FILE NO. GP16-0006

In the matter of

### Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

10/13/2016

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 13th day of October, 2016.



Signature

# NOTICE OF A PUBLIC HEARING

You are hereby notified that on TUESDAY, OCTOBER 25, 2016, at 7:00 p.m. at 30 Muir Road, Martinez, California, the County Planning Commission will consider a GENERAL PLAN AMENDMENT application as described below:

AMENDMENTS TO THE CONTRA COSTA COUNTY GENERAL PLAN (County File #GP16-0006): This project consists of County-initiated amendments to the Land Use Element and Transportation and Circulation Element of the 2005-2020 Contra Costa County General Plan related to the Camino Tassajara right-of-way in the South County area, and the proposed TriLink and Vasco Road–Byron Highway Connector rights-of-way in the Southeast County area.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County at, or prior to, the public hearing.

For further details, contact the Contra Costa County Department of Conservation and Development, Community Development Division, 30 Muir Road, Martinez, California, or William Nelson at 925-674-7791.

John Kopchik, Director  
Department of Conservation and Development

**CCT #5831971; Oct. 13, 2016**



Contra  
Costa  
County

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 13, 2016

Subject: Appeal of County Planning Commission Approvals of County Files LP13-2095 & LP15-2040 (Diablo MX Ranch Motocross Park)

**RECOMMENDATION(S):**

1. DETERMINE that the Diablo MX Ranch Motocross Park project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15301 (existing facilities) and 15304 (minor alterations to land) and DIRECT the Department of Conservation and Development to file a CEQA Notice of Exemption with the County Clerk.
2. DENY the appeal by the Law Offices of David W. Trotter, representing project opponents, of the County Planning Commission's July 26, 2016 decision to approve a land use permit for the Diablo MX Ranch Motocross Park.
3. APPROVE a land use permit for the Diablo MX Ranch Motocross Park (County File #LP15-2040), including the permit's growth management performance standards, findings, and conditions of approval (Exhibit #1).
4. APPROVE the revised Diablo MX Ranch Motocross Park site plan received on October 8, 2015.
5. DETERMINE that the Board's approval of the Diablo MX Ranch Motocross Park land use permit satisfies the compliance review requirements of Motocross Park Use Permit #LP95-2020, and DENY the appeal by the Law Offices of David W. Trotter, representing project opponents, of the County Planning Commission's

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016**

☐ APPROVED AS  
RECOMMENDED

☒ OTHER

Clerks Notes:

See Addendum

**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: December 13, 2016

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

By: June McHuen, Deputy

Contact: Gary Kupp (925)  
674-7799

cc:

### RECOMMENDATION(S): (CONT'D)

May 12, 2015 compliance review decision on Motocross Park Use Permit #LP95-2020. (County File #LP13-2095.)

### FISCAL IMPACT:

None. The applicants/owners are required to pay any additional costs above the initial application deposit associated with processing the applications.

### BACKGROUND:

The Land Use Permit for the operation of the motorcycle park was approved by the County on November 2, 1998. The park operated prior to 1998 under a permit approved by the County on June 13, 1974. The property was purchased on March 28, 2014 by the current owners, James and Dorothy Schmidt and John and Lori Ramirez. The property owners intend to operate the park as a family business open to customers, as allowed by the current land use entitlement.

The applicants propose to modify County File #LP95-2020 for the continued operation of an off-road recreational motorcycle facility and seek approval of (1) a revised site plan to show the relocation of the central oval racetrack to an area on the property consistent with the location approved by LP95-2020, (2) to modify the conditions of approval for LP95-2020, and (3) a grading permit for 15,000 cubic yards of dirt for the relocation of the oval track and for abatement of non-permitted motorcycle tracks constructed by the original property owners.

On November 15, 2016, the Board of Supervisors opened the public hearing on the appeals of the County Planning Commission's decisions to approve Compliance Review #LP13-2095 and County File #LP15-2040. During the hearing, the Board received testimony from the appellants, applicants, and the general public. After hearing public testimony, the Board closed the public hearing and continued the item for deliberation. The Board directed staff to make various revisions and clarifications to the proposed conditions of approval for the Diablo MX Ranch land use permit.

Accordingly, staff is recommending revisions and clarifications to the conditions of approval (Exhibit #1). Staff has provided a comparison of the recommended conditions showing how they have changed since the November 15, 2016 Board hearing (Exhibit #2). A slide comparing the proposed operating hours to those currently in effect is shown in Exhibit #3.

The following is a list of key recommended changes to the conditions:

- Expansion of the notification radius to 1/2 mile for compliance reviews.
- Requirements for sound studies and possible corrective actions to accompany compliance reviews.
- Change the schedule for compliance reviews from years 1, 2, 3, 8, and every five years thereafter to years 1, 3, 5, 8, 12, 17, and every five years thereafter, to provide a more gradual increase to a five-year recurrence interval and to eliminate possible overlapping of the first three reviews.
- Incentives to expand use by using electric vehicles, including demonstration events and exceptions to limits on the number of riders.
- Various additional reductions in operating hours to more conservatively incorporate the assumptions of the sound study and to reduce impacts to neighbors.
- Clarification that no riding of any kind, even for personal use, is allowed outside permitted operating hours.
- Notification requirements for racing and night-time events.
- New and modified limitations on number of riders.
- Two new conditions that were recommended by the Flood Control District (see COAs #43 & #44).
- Clarification that retail sales, including food and drink sales, are not permitted.

### November 15, 2016 Board Order

A link to the November 15, 2016 board order and attachments is provided below. These materials are hereby incorporated by reference.

**Link to November 15, 2016 Board Order:** [http://64.166.146.245/agenda\\_publish.cfm?id=&mt=ALL&get\\_month=](http://64.166.146.245/agenda_publish.cfm?id=&mt=ALL&get_month=)

It was noted at the November 15, 2016 hearing, that on page 10 of the board order in the second-to-last sentence under Section (5) it reads that two "quite" days are provided. This is a typographical error that should read "quiet" days. Revised COA #8 correctly reflects this requirement.

#### **New Material Submitted by the Project Opponents on December 7, 2016**

On December 7, 2016, the project appellants submitted two letters. Due to the late arrival of these documents, they have not been reviewed, but are attached as Exhibits 4 & 5.

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

The applicants/owners will not be able to obtain a land use permit modification.

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

None. This Board Order is for an appeal of an application to modify the conditions of approval of an existing land use permit and will not affect children's programs in the County.

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

*By unanimous vote, the Board accepted additional new material on conditions of approval into the record. The Board also requested the notification list on any future matters regarding this property be enlarged from 300 feet of the property line to 500 feet. CLOSED the public hearing; ADOPTED staff recommendations, incorporating the new proposed Conditions of Approval presented today (attached), using option 14d with minor modifications made today; and DIRECTED staff to incorporate language to require that the permit compliance review shall be completed within 365 days, with the applicant submitting the application and materials 45 days in advance.*

#### **AGENDA ATTACHMENTS**

EXHIBIT #1: Proposed Conditions of Approval for LP15-2040

EXHIBIT #2: Comparison of Proposed Conditions to Those Considered at 11/15/2016 BOS Hearing

EXHIBIT #3: Table Comparing Currently Permitted Hours of Operation to Proposed New Operating Hours

EXHIBIT #4: Appellant Letter No. 1, Dated 12/7/2016

EXHIBIT #5: Appellant Letter No. 2, Dated 12/7/2016

#### **MINUTES ATTACHMENTS**

New Materials - DCD

New Proposed COA's 121316



**GROWTH MANAGEMENT PERFORMANCE STANDARDS, FINDINGS, AND  
CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

**A. Growth Management Performance Standards**

1. **Traffic:** The Growth Management Element of the County General Plan requires consideration of permanent traffic increases related to population growth. Growth is influenced by development that increases population by attracting new residents to the county. New residential and commercial developments are the primary causes of growth that can increase traffic in an area on a permanent basis. No residential or commercial development is proposed as part of this project that would require implementation of the requirements of the Growth Management Element. The project is a modification to an existing entitlement for the continued operation of an existing off-road motorcycle recreational park. The subject motorcycle recreational park has been in operation since 1973. The project will continue the operation of the facility in a manner consistent with the existing entitlements. No expansion or intensification of the use is approved; therefore, no changes in existing traffic levels associated with the operation of the facility are proposed.
2. **Water:** The subject property currently receives water from an existing onsite water well. No new residential or commercial construction is proposed that would require additional water service to the site.
3. **Sewage Disposal:** The subject property is serviced by an existing septic system. No new residential or commercial development is proposed that would require additional sewage facilities; therefore, the project will not impact water-quality standards or waste-discharge requirements.
4. **Fire Protection:** The site is currently served by the East Contra Costa Fire Protection District. The District has reviewed the project and provided their comments and conditions relating to the proposed project, and no new or increased fire protection services were required.
5. **Public Protection:** The Growth Management Element, Section 4.4 of the County General Plan requires 155 square feet of Sheriff's station area and support facilities for every 1,000 members of the population. Since there is no residential or commercial development proposed, which could induce population growth, the project would not increase the population up to or within this threshold, and therefore, the project would not increase the demand for police service facilities or require the construction of, or the need for new police substations within the area.
6. **Parks and Recreation:** The County General Plan requires that three acres of neighborhood parks be available for every 1,000 members of the population. The proposed project will not result in an increase in the County population. There will not be an impact on the demand for parks within the County, nor will there be an associated increase in the population as a result of the project. The project proposes no residential or commercial development that could induce population growth in the area.

7. **Flood Control and Drainage:** The project does not propose any drainage improvements or significant changes in existing grades or contours on the subject property that could affect existing drainage patterns. The subject site is not located within a 100-year flood hazard zone as determined by the Federal Emergency Management Agency. Therefore, the proposed project will not adversely impact or alter flood control or drainage patterns.

B. **Land Use Permit Findings**

1. ***The proposed project will not be detrimental to health, safety, and the general welfare of the County.***

**Project Finding:** The proposed Land Use Permit modification for the existing off-road motocross recreation park as conditioned will not pose a threat to the health, safety, or welfare of the County. All of the requirements of the Community Development Division, the Building Inspection Division, the Health Services Department, and the Fire District must be adhered to at all times. The continued operation of an existing motorcycle recreational facility will not impact the health, welfare, and safety of the County.

2. ***The proposed project will not adversely affect the orderly development of property within the County.***

**Project Finding:** The project does not propose any development, but rather to continue the operation of an existing off-road motocross recreation park. The land use is consistent with both the General Plan and Zoning designations for the subject agricultural property, and thus it will not adversely affect the orderly development of property within the County.

3. ***The project as conditioned will not adversely affect the preservation of property values and the protection of the tax base within the County.***

**Project Finding:** Typically, illegal land uses that are established in a manner inconsistent with the General Plan and the zoning code have the potential to degrade property values. Also, homes, properties, and buildings that are allowed to decline into a condition of disrepair can contribute to negative property values. The proposed Land Use Permit modification for the existing off-road motocross recreation park is consistent with both the General Plan and Zoning designations for the subject agricultural property, and the facility and property has been maintained in good condition by the current property owners. Once the facility is open to the public, its operation will contribute to the tax base of the County with taxes generated from revenue received by operation of the park. Therefore, it will not have a detrimental effect on property values or the County tax base.

4. *The project as conditioned will not adversely affect the policy and goals as set by the General Plan.*

**Project Finding:** The subject property has a General Plan designation of “Agricultural Lands” (AL), which states that extensive recreational facilities may be allowed in agricultural areas that are designated AL by issuance of a land use permit. The continued operation of the existing off-road motocross recreation park is consistent with the goals and policies of the General Plan.

5. *The project as conditioned will not create a nuisance and/or enforcement problem within the neighborhood or community.*

**Project Finding:** The primary potential nuisance that could be associated with this land use would be posed by loud noise generated from running motorcycles. The sound study prepared for the project predicted that noise levels at all the modeled property line locations is below the Noise Element guideline of 75 decibels, which is considered “normally acceptable” for areas with a General Plan designation of Agricultural Lands. As conditioned, and with the reduced hours of operation and by reducing the days open from 7 days to 5 days per week, the project will not create a nuisance and/or enforcement problem within the neighborhood or community.

6. *The proposed project will not encourage marginal development within the community.*

**Project Finding:** Development is controlled by zoning, the General Plan, and physical constraints. The existing motorcycle recreation park has been in operation since 1973 and has not contributed to marginal development in the surrounding community. In fact, the project proposes no new development, and therefore will not encourage or set precedence for marginal development within the community.

7. *That special conditions or unique characteristics of the subject property and its location or surroundings are established.*

**Project Finding:** The subject property is unique in that it has been the location of the only permitted off-road motorcycle recreational facility in the county since 1973. The property has unique and varied topography that makes it ideal for motorcycle sports. These characteristics, along with the proper zoning and General Plan designations, and the isolated location, make the subject property ideal for this kind of land use.

#### **CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

##### **Land Use Permit Approval**

1. A Land Use Permit is APPROVED for the operation of an off-road motorcycle recreation park based on the following documents:
  - Application and materials submitted to the Department of Conservation and Development, dated October 8, 2015
  - Site plan received on October 8, 2015
  - Noise Study prepared by Wilson Ihrig Consultants, dated March 8, 2016

This permit and conditions of approval supersede County File #LP95-2020 and is approved for mechanical recreation and related activities (i.e. motorcycle and go-cart racing, recreational riding, and practice). The only vehicles allowed on this site for commercial recreation use are motorcycles and go-carts. Mini-sprint vehicles are allowed if they are motorcycle powered (i.e. chain driven) only as long as the noise levels referenced in the March 8, 2016 project noise study are not exceeded. Any expansion, intensification of the use, change in hours of operation, or additional types of racing or other uses will require the approval of a new Land Use Permit.

All activities approved by this permit are restricted to the tracks and motocross areas as indicated on the October 8, 2015 site plan. The location of the main track as shown on the October 8, 2015 site plan should be interpreted as the general location of riding activities for that track, and is not to be strictly enforced as the required configuration of the track. Periodic routine minor changes to the configuration of the main track are allowed under this permit, as long as the changes occur in the general location shown on the approved site plan.

### **Application Costs**

2. This application is subject to an initial application deposit of \$2,700.00, 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 Reviews**

3. The park operator and/or property owners must submit an application for a compliance review 1, 3, 5, 8, and 12 years after issuance of this permit, then every five (5) years thereafter. A report detailing the steps taken to comply with the conditions of approval shall accompany the application. The applicant is responsible for costs associated with the compliance reviews. A deposit/fee in the amount of \$1000.00 (subject to time and materials) will be filed with the compliance review application to allow for review of the conditions of approval. Compliance will be determined by the Zoning Administrator in a public hearing with appropriate notice to property owners within a ½

mile of the site and to any individuals or parties expressing interest in the project.

A noise report based on a Type-1, unattended, 24-hour minimum sound study will be provided at the time of each compliance review. The purpose of the noise study is to determine if the noise levels do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). Each noise study shall be conducted on a race day selected by the Department of Conservation and Development Community Development Division. If no race days are scheduled during the calendar year of the compliance review, the Community Development Division shall determine the type activity and the date to be studied in lieu of a race day. Each noise study shall be conducted using the methodologies used in the March 8, 2016 report prepared by Wilson Ihrig, but will measure actual noise levels for the entire period rather than estimate the duration of activities. Each noise study shall be conducted at the 5 locations identified within the March 8, 2016 report prepared by Wilson Ihrig, and at an additional location on the frontage along Camino Diablo. If deemed necessary upon review of the report, the Community Development Division may require the sound consultant to prepare recommendations for reducing noise levels so that they do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). The applicant will be required to implement the consultant's recommendations in order to reduce noise so that the specified levels are not exceeded, as documented by a follow-up noise study conducted according to the same methodology during the next scheduled race (or other studied activity). The applicants and/or property owners will be responsible for all costs associated with the preparation, peer review, and staff review of the reports. The Department of Conservation and Development can require additional noise reports at any time deemed reasonably necessary to verify ongoing compliance with the 75 decibel land use compatibility standard in the Noise Element of the General Plan.

The applicant is encouraged, at the time of each compliance review, to assess advancements in technology relating to motorcycle use and noise, and make voluntary upgrades, where practical, that could contribute to lessening the obtrusiveness of sound generated by the facility. Promoting the use of electric vehicles and development of a proposal to install solar panels for track lighting is highly encouraged.

Each of the first three compliance reviews will be noticed and conducted as conditional use permit modification hearing, consistent with the authority provided by County Code Sections 26-2.2022 — 26-2.2030, to consider and establish potential modified conditions. The intent of this requirement is to enable the County to modify permit conditions to address technological innovations that would reduce noise or improve monitoring capability or other changes in circumstances. Nothing in this section is intended to limit the County's authority to convene a hearing at other times to modify,

suspend or revoke this land use permit consistent with the provisions of County Code Sections 26-2.2020 — 26-2.2030.

#### Electric Vehicle Demonstration Events

4. At least once a year during a formalized racing event, the applicant must hold a riding demonstration showcasing the use of electric motorcycles. If no racing events are held during the year, no demonstration will be required.

#### **Prior to First Formalized Competitive Racing Event**

5. Upon reconstruction of the oval track to the east-central portion of the property, notify the Community Development Division a minimum of 30 days in advance of the opening of the oval track for the first formalized weekend racing event and/or the first “Friday (or Saturday) Night Under The Lights” event.
6. At least 30 days prior to the first racing event, provide documentation to the Community Development Division that all Health Services Department requirements have been satisfied for that use.

#### **Hours of Operation**

7. Riding activities may occur only during the hours of operation allowed by this permit. Riding activities, including riding by customers and riding by or for the property owners’ private use, are prohibited at all other times.
8. Tuesdays and Wednesdays and Christmas and Thanksgiving will be “quiet days”. Riding activities, including riding by customers and riding by or for the property owners’ private use, are prohibited on all Tuesdays, all Wednesdays, Thanksgiving, and Christmas.
9. Recreational and Practice Riding Activities: Recreational and practice riding activities on the main track and the lighted oval track is permitted 5 days a week (Thursday through Monday) and will be limited to the following hours:
  - Mondays and Fridays: 12:00 P.M. to 6:00 P.M. or sundown, whichever comes first.
  - Fridays before racing events: 9:00 A.M. to 3:00 P.M. or 12:00 P.M. to 6:00 PM.
  - Thursdays: 12:00 P.M. to 7:00 P.M. or sundown, whichever comes first.
  - Weekends and holidays (other than Thanksgiving and Christmas): 9 A.M. to 6:00 P.M. or sundown, whichever comes first, provided that the facility may only operate for eight contiguous hours during this nine hour period (e.g., operate from 9 A.M. to 5:00 P.M. or 10 A.M. to 6 P.M.).

10. Friday (or Saturday) Night Under The Lights: The lighted oval track may be used for late night recreational riding until 10:00 P.M., but not more than two (2) days per each calendar month on a Friday or Saturday, and the park must be emptied by 11:00 P.M. The facility may not open before 2:00 P.M. and the main track will be closed and cannot be used on such days. There will be no formalized racing events allowed during any month with late night recreational riding events.

Both allotted late night recreational events may be conducted on one weekend (Friday and Saturday) or on separate weekends, not to exceed two days per month.

11. Formalized Racing Events *[A racing event is one that has registered contestants who have paid entry fees to compete in official competitive races on the site.]*  
All motorcycle racing events on the main track will be allowed on one day per weekend (Saturday or Sunday) and on holidays, but not to exceed two (2) racing events per calendar month. No motorcycle activity or racing will be allowed on Thanksgiving or Christmas. Racing hours will be limited from 9:00 A.M. to 6:00 P.M. or sundown, whichever comes first. The lighted oval track will be closed and cannot be used on race days. There will be no late night recreational riding events on the lighted oval track allowed during any month with a scheduled racing event.

Both allotted racing events may be conducted on one weekend (Saturday and Sunday) or on separate weekends, not to exceed two days per month.

### **Event Notification**

12. As soon as racing schedules are available, but not less than 2 months prior to any formalized racing event, e-mail notification must be sent to the Department of Conservation and Development, Community Development Division and any individuals or parties expressing interest in the project, notifying them of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of notification not less than 2 month in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled provided that email notification and proof of such notification are provided not less than one month prior to the rescheduled race date. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.
13. As soon as racing schedules are available, but not less than 2 months prior to any formalized racing event, an event schedule must be posted online on the facility's webpage and any social media site notifying the public of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of mailing not less than 2 months in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled provided that online posting and proof of such posting are provided not less than one month prior to the rescheduled race date.

Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.

### **Noise Emissions**

14. Average noise levels generated motorcycle/go-cart riding and racing activities must not exceed the community noise exposure level of 75 decibels specified by the General Plan for agricultural areas, and must not exceed those specified in the analysis of the March 8, 2016 project noise study.
15. For formalized racing events, no more than 25 riders will be allowed on the main track at a time, and no riding will be allowed on the oval track. The park operator must maintain a log of riders for all formalized racing events. Riders of electric motorcycles and/or go-carts shall not count against this limits.
16. For practice/recreational riding, the maximum number of riders will not exceed 45 on the main track and 25 on the oval track at any time, with the exception that riders of electric motorcycles and/or go-carts shall not count against these limits.
17. All individual motorcycles and/or go-carts using the park will be required to meet a noise standard of not more than 96 decibels when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287. Noise measurements must be taken on a daily basis prior to admission and use of the park for all motorcycles and/or go-carts seeking to use the park. Any measured vehicles not meeting this standard will not be allowed admission and use of the park.

### **Lighting for Oval Track**

18. Exterior lights for the oval racetrack must be deflected so that lights shine onto the applicant's property and not toward adjacent properties. Lighting must be reviewed for approval by the Community Development Division and the Building Inspection Division prior to installation and operation. If deemed necessary by the Building Inspection Division, a building permit must be issued prior to installation and operation of lighting.

### **Signage**

19. All signs will be subject to the review and approval of the Community Development Division prior to installation. The hours of operation must be clearly posted in a visible location at the park entrance.

### **Dust Control**

20. The off-street parking area must be sprayed with water to prevent the creation of dust. This will be done as needed to keep dust from causing nuisances to neighboring residences. On those days when there are 25 or more people present at one time on the



site to either run or observe recreational vehicles, the applicant will apply water as necessary to avoid fugitive dust impacts on nearby properties. The application of water will include motorcycle and go-cart track areas, parking lot, and driveways.

**Health and Safety Requirements for All Racing Events and for Practice/Recreational Riding Activities**

21. The following regulations for the operation of the motocross facility must be enforced by the park operator and/or property owners and made part of this permit as follows:
- A. All riders must wear helmets and boots.
  - B. Ambulance service, first aid, and fire-fighting equipment must be provided at all racing events, or as required by the fire district or Health Services Department.
  - C. Posted speed limits must be obeyed.
  - D. Smoking will be allowed only in designated areas or parking lots.
  - E. All vehicles must display current day's admission sticker.
  - F. All persons under the age of 18 must have a signed release from a parent or legal guardian.
  - G. All guest vehicles must be cleared from the grounds by closing time.
  - H. All trash must be put in receptacles, including all trash and debris around the perimeter of the park resulting from the use.
  - I. All children under the age of 12 must be accompanied by an adult at all times.
  - J. No open fires are allowed.
  - K. No wheel stands, spinning donuts, or racing in parking lots is allowed.
  - L. No riding on graded or filled banks around parking lots or main roads is allowed.
  - M. Anyone behaving in a manner dangerous to other persons or property will be asked to leave and not come back.
  - N. No riding in or near Kellogg Creek is allowed.
  - O. All motorcycles must have spark arrestors and silencers.

**Concerts/Live Music Prohibited**

22. Musical concerts and dances are prohibited.

**Overnight Camping Prohibited**

23. No overnight camping or sleeping by patrons of the park, race participants, or spectators is allowed on the property. The park premises must be cleared of visitors at the end of each day.

#### **Grading/Track Maintenance and Grooming**

24. Grading for routine track maintenance and grooming associated with the motorcycle park land use is exempt from the permit requirements of the grading ordinance. Extensive track reconfiguration will require the review and approval of the Community Development Division, and may require a grading permit.

#### **Retail Sales Prohibited**

25. There shall be no retail sales of any kind on the site, including but not limited to retail sale of food or drink.

#### **Buffer Planting**

26. Within 30 days of approval of this permit, a row of mature Leyland Cypress trees must be planted in a spacing pattern of no less than six feet apart along the fenceline adjacent to the arena and corral of APN 003-020-042 to serve as a physical buffer between the subject property and APN 003-020-042. Verification must be provided to the Community Development Division once the planting is completed and prior to the first formalized racing event.

#### **Indemnification**

27. The property owners must deliver an executed indemnification agreement between the property owners and Contra Costa County requiring the property owners to defend, indemnify, and hold harmless Contra Costa County against any expenses arising from or related to claims or litigating regarding the County's actions in reviewing or approving this Land Use Permit application (County File No. LP15-2040). The Director of the Department of Conservation and Development is authorized to execute the indemnification agreement on behalf of the County.

### **PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL FOR LP15-2040**

#### **General Requirements**

28. This development shall conform to the requirements of Division 914 (Drainage) and the remainder of Title 9 and Title 10 of the Subdivision Ordinance. Any exceptions therefrom must be specifically listed in this conditional approval statement.

29. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with the review and inspection fees, and security for all improvements required by the Ordinance Code or the conditions of approval for this project.

#### **Roadway Improvements (Frontage/On-site/Off-site)**

30. The applicant shall be permitted an exception from construction of full frontage improvements along the Camino Diablo Frontage of this property, at this time, provided that he improves the Camino Diablo entrance to this development to include at least a 6.1 meter (20-foot) wide paved driveway constructed to County private road standards from the edge of pavement to the proposed right-of-way line. The entrance shall also include paved tapers and flares designed and constructed in accordance with Figure 405.7 from the Caltrans Highway Design Manual from the edge of pavement along Camino Diablo to the right-of-way line (based on the basic 6.1 meter [20-feet] driveway width).

#### **Access to Adjoining Property**

31. Proof of Access/Acquisition  
Applicant shall furnish proof to the Public Works Department, Engineering Services Division, 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, road or drainage improvements.
32. Encroachment Permit  
Obtain an encroachment permit from the Application & Permit Center for construction of driveways, or other improvements within the right-of-way of Camino Diablo.
33. Restrict Access  
Restrict access along Camino Diablo, with the exception of the proposed access.

#### **Road Dedication**

34. Applicant shall convey to the County, by Offer of Dedication, additional right-of-way on Camino Diablo as required for the planned future width of 33.5 meters (110 feet) with at least a 457 meter (1,500 feet) centerline radius.

#### **Intersection Design/Sight Distance**

35. Provide a sight distance analysis, subject to the review of the Public Works Department, which analyzes the proposed Camino Diablo entrance to this development. Provide sight distance based on a design speed of 104 kilometers per hour (65 miles per hour) along Camino Diablo.

### **Drainage Improvements/Collect and Convey**

36. Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse.
37. Discharging concentrated storm water into roadside ditches is prohibited by the Ordinance Code. However, as roadside ditches are characteristic of the area, an exception from this requirement is granted provided the applicant verifies the adequacy of the downstream ditch system or constructs any necessary improvements to make this system adequate.

### **Miscellaneous Drainage Requirements**

38. The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets.

### **Utilities/Undergrounding**

39. An exception is permitted from undergrounding utility distribution facilities due to the rural nature of this area.

### **Traffic Control**

40. The applicant shall provide special traffic control personnel at the Camino Diablo access to this property for events involving more than 500 vehicles, unless the Zoning Administrator approves the special event without traffic control. Traffic Control may also be required for smaller events if significant traffic complaints substantiate a need.

### **Creek Structure Setbacks**

41. The applicant shall be required to observe the creek structure setback line in accordance with Section 914-14.012, "Structures Setback Lines for Unimproved Earth Channels" for any new structures on this property.

### **National Pollutant Discharge Elimination System (in addition to NPDES permit)**

42. Within 30 days of the effective date of this (1998) modified permit, the applicant shall ensure that he has complied with all components of this condition of approval.
  - A. Hazardous wastes, including but not limited to used motor oil, battery acid or antifreeze shall not be discharged onto the ground.

- B. All hazardous wastes shall be stored in appropriate containers on a covered concrete slab in an area which is not subject to inundation and shall be removed from the facility at least one each 90 days.
- C. The applicant shall pave, cover and contain the various vehicle repair pit areas to prevent contaminants from these areas from reaching the creek. The applicant shall obtain a Hazardous Waste Generator's Permit from the County Health Department to assure adequate maintenance of the vehicle repair pit areas and disposal of the hazardous wastes.
- D. The applicant shall provide an erosion control plan showing how the quantity of silt entering the creek from this property will be reduced. The erosion control plan shall be subject to the review of the Public Works.

NOTE: In the event that the improvements required by the Public Works Department have been constructed, the applicant shall provide the Public Works Department with evidence that these improvements have been completed.

- 43. Prior to issuance of a building permit, the applicant shall pay Drainage Area 130 (DA 130) fees.
- 44. Prior to issuance of a building permit, the applicant shall demonstrate that the grading work does not alter the existing drainage.

#### **ADVISORY NOTES**

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Additional requirements may be imposed by the East Contra Costa Fire Protection District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- C. Additional requirements may be imposed by the Contra Costa Health Services, Environmental Health Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- D. Additional requirements may be imposed by the Building Inspection Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- E. Additional requirements may be imposed by the Public Works Department. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.

**EXHIBIT #2: Comparison of Proposed Conditions to Those Considered at 11/15/2016**  
**BOS Hearing**

**GROWTH MANAGEMENT PERFORMANCE STANDARDS, FINDINGS, AND**  
**CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

A. **Growth Management Performance Standards**

1. **Traffic:** The Growth Management Element of the County General Plan requires consideration of permanent traffic increases related to population growth. Growth is influenced by development that increases population by attracting new residents to the county. New residential and commercial developments are the primary causes of growth that can increase traffic in an area on a permanent basis. No residential or commercial development is proposed as part of this project that would require implementation of the requirements of the Growth Management Element. The project is a modification to an existing entitlement for the continued operation of an existing off-road motorcycle recreational park. The subject motorcycle recreational park has been in operation since 1973. The project will continue the operation of the facility in a manner consistent with the existing entitlements. No expansion or intensification of the use is approved; therefore, no changes in existing traffic levels associated with the operation of the facility are proposed.
2. **Water:** The subject property currently receives water from an existing onsite water well. No new residential or commercial construction is proposed that would require additional water service to the site.
3. **Sewage Disposal:** The subject property is serviced by an existing septic system. No new residential or commercial development is proposed that would require additional sewage facilities; therefore, the project will not impact water-quality standards or waste-discharge requirements.
4. **Fire Protection:** The site is currently served by the East Contra Costa Fire Protection District. The District has reviewed the project and provided their comments and conditions relating to the proposed project, and no new or increased fire protection services were required.
5. **Public Protection:** The Growth Management Element, Section 4.4 of the County General Plan requires 155 square feet of Sheriff's station area and support

facilities for every 1,000 members of the population. Since there is no residential or commercial development proposed, which could induce population growth, the project would not increase the population up to or within this threshold, and therefore, the project would not increase the demand for police service facilities or require the construction of, or the need for new police substations within the area.

6. **Parks and Recreation:** The County General Plan requires that three acres of neighborhood parks be available for every 1,000 members of the population. The proposed project will not result in an increase in the County population. There will not be an impact on the demand for parks within the County, nor will there be an associated increase in the population as a result of the project. The project proposes no residential or commercial development that could induce population growth in the area.
7. **Flood Control and Drainage:** The project does not propose any drainage improvements or significant changes in existing grades or contours on the subject property that could affect existing drainage patterns. The subject site is not located within a 100-year flood hazard zone as determined by the Federal Emergency Management Agency. Therefore, the proposed project will not adversely impact or alter flood control or drainage patterns.

B. **Land Use Permit Findings**

1. ***The proposed project will not be detrimental to health, safety, and the general welfare of the County.***

**Project Finding:** The proposed Land Use Permit modification for the existing off-road motocross recreation park as conditioned will not pose a threat to the health, safety, or welfare of the County. All of the requirements of the Community Development Division, the Building Inspection Division, the Health Services Department, and the Fire District must be adhered to at all times. The continued operation of an existing motorcycle recreational facility will not impact the health, welfare, and safety of the County.

2. ***The proposed project will not adversely affect the orderly development of property within the County.***

**Project Finding:** The project does not propose any development, but rather to continue the operation of an existing off-road motocross recreation park. The land use is consistent with both the General Plan and Zoning designations for



the subject agricultural property, and thus it will not adversely affect the orderly development of property within the County.

3. ***The project as conditioned will not adversely affect the preservation of property values and the protection of the tax base within the County.***

**Project Finding:** Typically, illegal land uses that are established in a manner inconsistent with the General Plan and the zoning code have the potential to degrade property values. Also, homes, properties, and buildings that are allowed to decline into a condition of disrepair can contribute to negative property values. The proposed Land Use Permit modification for the existing off-road motocross recreation park is consistent with both the General Plan and Zoning designations for the subject agricultural property, and the facility and property has been maintained in good condition by the current property owners. Once the facility is open to the public, its operation will contribute to the tax base of the County with taxes generated from revenue received by operation of the park. Therefore, it will not have a detrimental effect on property values or the County tax base.

4. ***The project as conditioned will not adversely affect the policy and goals as set by the General Plan.***

**Project Finding:** The subject property has a General Plan designation of "Agricultural Lands" (AL), which states that extensive recreational facilities may be allowed in agricultural areas that are designated AL by issuance of a land use permit. The continued operation of the existing off-road motocross recreation park is consistent with the goals and policies of the General Plan.

5. ***The project as conditioned will not create a nuisance and/or enforcement problem within the neighborhood or community.***

**Project Finding:** The primary potential nuisance that could be associated with this land use would be posed by loud noise generated from running motorcycles. The sound study prepared for the project predicted that noise levels at all the modeled property line locations is below the Noise Element guideline of 75 decibels, which is considered "normally acceptable" for areas with a General Plan designation of Agricultural Lands. As conditioned, and with the reduced hours of operation and by reducing the days open from 7 days to 5 days per week, the

project will not create a nuisance and/or enforcement problem within the neighborhood or community.

6. ***The proposed project will not encourage marginal development within the community.***

**Project Finding:** Development is controlled by zoning, the General Plan, and physical constraints. The existing motorcycle recreation park has been in operation since 1973 and has not contributed to marginal development in the surrounding community. In fact, the project proposes no new development, and therefore will not encourage or set precedence for marginal development within the community.

7. ***That special conditions or unique characteristics of the subject property and its location or surroundings are established.***

**Project Finding:** The subject property is unique in that it has been the location of the only permitted off-road motorcycle recreational facility in the county since 1973. The property has unique and varied topography that makes it ideal for motorcycle sports. These characteristics, along with the proper zoning and General Plan designations, and the isolated location, make the subject property ideal for this kind of land use.

#### **CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

##### **Land Use Permit Approval**

1. A Land Use Permit is APPROVED for the operation of an off-road motorcycle recreation park based on the following documents:
  - Application and materials submitted to the Department of Conservation and Development, dated October 8, 2015
  - Site plan received on October 8, 2015
  - Noise Study prepared by Wilson Ihrig Consultants, dated March 8, 2016

This permit and conditions of approval supersede County File #LP95-2020 and is approved for mechanical recreation and related activities (i.e. motorcycle and go-cart racing, recreational riding, and practice). The only vehicles allowed on this site for commercial recreation use are motorcycles and go-carts. Mini-sprint vehicles are allowed if they are motorcycle powered (i.e. chain driven) only as long as the noise levels referenced in the March 8, 2016 project noise study are not exceeded. Any expansion, intensification of the use, change in hours of operation, or additional types of racing or other uses will require the approval of a new Land Use Permit.

All activities approved by this permit ~~shall be~~ restricted to the tracks and motocross areas as indicated on the October 8, 2015 site plan. The location of the main track as shown on the October 8, 2015 site plan should be interpreted as the general location of riding activities for that track, and is not to be strictly enforced as the required configuration of the track. Periodic routine minor changes to the configuration of the main track are allowed under this permit, as long as the changes occur in the general location shown on the approved site plan.

### Application Costs

2. This application is subject to an initial application deposit of \$2,700.00, 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 Reviews

3. The park operator and/or property owners ~~shall~~must submit an application for a compliance review ~~annually for three (1, 3), 5, 8, and 12~~ after issuance of this permit, then every five (5) years thereafter. A report detailing the steps taken to comply with the conditions of approval shall accompany the application. The applicant is responsible for costs associated with the compliance reviews. A deposit/fee in the amount of \$1000.00 (subject to time and materials) will be filed with the compliance review application to allow for review of the conditions of approval. Compliance ~~shall~~will be determined by the Zoning Administrator in a public hearing with appropriate notice to property owners within ~~300-feet~~ 1/2

mile of the site and to any individuals or parties expressing interest in the project.

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A noise report based on a Type-1, unattended, 24-hour minimum sound study will be provided at the time of each compliance review. The purpose of the noise study is to determine if the noise levels do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). Each noise study shall be conducted on a race day selected by the Department of Conservation and Development Community Development Division. If no race days are scheduled during the calendar year of the compliance review, the Community Development Division shall determine the type activity and the date to be studied in lieu of a race day. Each noise study shall be conducted using the methodologies used in the March 8, 2016 report prepared by Wilson Ihrig, but will measure actual noise levels for the entire period rather than estimate the duration of activities. Each noise study shall be conducted at the 5 locations identified within the March 8, 2016 report prepared by Wilson Ihrig, and at an additional location on the frontage along Camino Diablo. If deemed necessary upon review of the report, the Community Development Division may require the sound consultant to prepare recommendations for reducing noise levels so that they do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). The applicant will be required to implement the consultant's recommendations in order to reduce noise so that the specified levels are not exceeded, as documented by a follow-up noise study conducted according to the same methodology during the next scheduled race (or other studied activity). The applicants and/or property owners will be responsible for all costs associated with the preparation, peer review, and staff review of the reports. The Department of Conservation and Development can require additional noise reports at any time deemed reasonably necessary to verify ongoing compliance with the 75 decibel land use compatibility standard in the Noise Element of the General Plan.

The applicant is encouraged, at the time of each compliance review, to assess advancements in technology relating to motorcycle use and noise, and make voluntary upgrades, where practical, that could contribute to lessening the obtrusiveness of sound generated by the facility. Promoting the use of electric vehicles and development of a proposal to install solar panels for track lighting is highly encouraged.

Each of the first three compliance reviews will be noticed and conducted as conditional use permit modification hearing, consistent with the authority provided by County Code Sections 26-2.2022 — 26-2.2030, to consider and establish potential modified conditions. The intent of this requirement is to enable the County to modify permit conditions to address technological innovations that would reduce noise or improve monitoring capability or other changes in circumstances. Nothing in this section is intended to limit the County's authority to convene a hearing at other times to modify, suspend or revoke this land use permit consistent with the provisions of County Code Sections 26-2.2020 — 26-2.2030.

#### Electric Vehicle Demonstration Events

4. At least once a year during a formalized racing event, the applicant must hold a riding demonstration showcasing the use of electric motorcycles. If no racing events are held during the year, no demonstration will be required.

#### **Prior to First Formalized Competitive Racing Event**

45. Upon reconstruction of the oval track to the east-central portion of the property, notify the Community Development Division a minimum of 30 days in advance of the opening of the oval track for the first formalized weekend racing event and/or the first "Friday (or Saturday) Night Under The Lights" event.
56. At least 30 days prior to the first racing event, provide documentation to the Community Development Division that all Health Services Department requirements have been satisfied for that use.

#### **Hours of Operation**

67. Riding activities may occur only during the hours of operation allowed by this permit. Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited at all other times.
8. Tuesdays and Wednesdays and Christmas and Thanksgiving will be "quiet days". Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited on all Tuesdays, all Wednesdays, Thanksgiving, and Christmas.
9. Recreational and Practice Riding Activities ~~*["Friday or Saturday Night Under The Lights" is considered a recreational riding activity.]*~~

: Recreational and practice riding activities on the main track and the lighted oval track is permitted 5 days a week (Thursday through Monday) and ~~shall~~will be limited to the following hours ~~of 9:00 A.M. to 7:00 P.M. or sundown, whichever comes first.~~

- Mondays and Fridays: 12:00 P.M. to 6:00 P.M. or sundown, whichever comes first.
- Fridays before racing events: 9:00 A.M. to 3:00 P.M. or 12:00 P.M. to 6:00 P.M.
- Thursdays: 12:00 P.M. to 7:00 P.M. or sundown, whichever comes first.
- Weekends and holidays (other than Thanksgiving and Christmas): 9 A.M. to 6:00 P.M. or sundown, whichever comes first, provided that the facility may only operate for eight contiguous hours during this nine hour period (e.g., operate from 9 A.M. to 5:00 P.M. or 10 A.M. to 6 P.M.).

10. Friday (or Saturday) Night Under The Lights: The lighted oval track may be used for late night recreational riding until 10:00 P.M., but not more than two (2) days per each calendar month on a Friday or Saturday ~~if no racing events are scheduled in the same month~~, and the park ~~shall~~must be emptied by 11:00 P.M. The facility may not open before 2:00 P.M. and the main track will be closed and cannot be used on such days. There will be no formalized racing events allowed during any month with late night recreational riding events.

~~Tuesdays and Wednesdays shall be "quiet days" with no riding activities allowed by customers, or for the property owners' private use or otherwise.~~

7. Both allotted late night recreational events may be conducted on one weekend (Friday and Saturday) or on separate weekends, not to exceed two days per month.

11. Formalized Racing Events *[A racing event is one that has registered contestants who have paid entry fees to compete in official competitive races on the site.]* All motorcycle racing events on the main track ~~and the lighted oval track shall~~will be allowed on one ~~night~~day per weekend (Saturday or Sunday) and on holidays, but not to exceed two (2) racing events per calendar month. No motorcycle activity or racing ~~shall~~will be allowed on Thanksgiving or Christmas. Racing hours ~~shall~~will be limited from 9:00 A.M. to ~~7~~6:00 P.M. or sundown, whichever comes first, ~~except that the~~ The lighted oval track ~~may~~will be closed and cannot be used ~~until 10:00 P.M., and the site shall be emptied by 11:00 P.M. on race days.~~ There

~~shall~~will be no late night recreational riding events on the lighted oval track allowed during any month with a scheduled racing event.

Both allotted racing events may be conducted on one weekend (Saturday and Sunday) or on separate weekends, not to exceed two days per month.

### **Event Notification**

12. As soon as racing schedules are available, but not less than 2 months prior to any formalized racing event, e-mail notification must be sent to the Department of Conservation and Development, Community Development Division and any individuals or parties expressing interest in the project, notifying them of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of notification not less than 2 month in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled provided that email notification and proof of such notification are provided not less than one month prior to the rescheduled race date. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.
13. As soon as racing schedules are available, but not less than 2 months prior to any formalized racing event, an event schedule must be posted online on the facility's webpage and any social media site notifying the public of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of mailing not less than 2 months in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled provided that online posting and proof of such posting are provided not less than one month prior to the rescheduled race date. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.

### **Noise Emissions**

- ~~814.~~ Average noise levels generated motorcycle/go-cart riding and racing activities ~~shall~~must not exceed the community noise exposure level of 75 decibels specified by the General Plan for agricultural areas, and ~~shall~~must not exceed those specified in the analysis of the March 8, 2016 project noise study.

15. For formalized racing events, no more than 25 riders will be allowed on the main track at a time, and no ~~more than 13 riders riding~~ will be allowed on the oval track. The park operator ~~shall~~must maintain a log of riders for all formalized racing events. ~~Race heats shall be conducted on one track at a time to avoid simultaneous heats on both tracks in order to reduce noise levels~~Riders of electric motorcycles and/or go-carts shall not count against this limits.

916. For practice/recreational riding, the maximum number of riders will not exceed 45 on the main track and 25 on the oval track at any time, with the exception that riders of electric motorcycles and/or go-carts shall not count against these limits.

17. All individual motorcycles and/or go-carts using the park ~~shall~~will be required to meet a noise standard of not more than 96 decibels when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287. Noise measurements ~~shall~~must be taken on a daily basis prior to admission and use of the park for all motorcycles and/or go-carts seeking to use the park. Any measured vehicles not meeting this standard ~~shall~~will not be allowed admission and use of the park.

### **Lighting for Oval Track**

1018. Exterior lights for the oval racetrack ~~shall~~must be deflected so that lights shine onto the applicant's property and not toward adjacent properties. Lighting ~~shall~~must be reviewed for approval by the Community Development Division and the Building Inspection Division prior to installation and operation. If deemed necessary by the Building Inspection Division, a building permit must be issued prior to installation and operation of lighting.

### **Signage**

1119. All signs ~~shall~~will be subject to the review and approval of the Community Development Division prior to installation. The hours of operation ~~shall~~must be clearly posted in a visible location at the park entrance.

### **Dust Control**

1220. The off-street parking area ~~shall~~must be sprayed with water to prevent the creation of dust. This ~~shall~~will be done as



needed to keep dust from causing nuisances to neighboring residences. On those days when there are 25 or more people present at one time on the site to either run or observe recreational vehicles, the applicant will apply water as necessary to avoid fugitive dust impacts on nearby properties. The application of water will include motorcycle and go-cart track areas, parking lot, and driveways.

### **Health and Safety Requirements for All Racing Events and for Practice/Recreational Riding Activities**

1321. The following regulations for the operation of the motocross facility ~~shall~~must be enforced by the park operator and/or property owners and made part of this permit as follows:

- A. All riders ~~shall~~must wear helmets and boots.
- B. Ambulance service, first aid, and fire-fighting equipment ~~shall~~must be provided at all racing events, or as required by the fire district or Health Services Department.
- C. Posted speed limits ~~shall~~must be obeyed.
- D. Smoking ~~shall~~will be allowed only in designated areas or parking lots.
- E. All vehicles ~~shall~~must display current day's admission sticker.
- F. All persons under the age of 18 ~~shall~~must have a signed release from a parent or legal guardian.
- G. All guest vehicles ~~shall~~must be cleared from the grounds by closing time.
- H. All trash ~~shall~~must be put in receptacles, including all trash and debris around the perimeter of the park resulting from the use.
- I. All children under the age of 12 ~~shall~~must be accompanied by an adult at all times.
- J. No open fires are allowed.

- K. No wheel stands, spinning donuts, or racing in parking lots is allowed.
- L. No riding on graded or filled banks around parking lots or main roads is allowed.
- M. Anyone behaving in a manner dangerous to other persons or property ~~shall~~will be asked to leave and not come back.
- N. No riding in or near Kellogg Creek is allowed.
- O. All motorcycles ~~shall~~must have spark arrestors and silencers.

### **Concerts/Live Music Prohibited**

1422. Musical concerts and dances are prohibited.

### **Overnight Camping Prohibited**

1523. No overnight camping or sleeping by patrons of the park, race participants, or spectators is allowed on the property. The park premises must be cleared of visitors at the end of each day.

### **Grading/Track Maintenance and Grooming**

1624. Grading for routine track maintenance and grooming associated with the motorcycle park land use is exempt from the permit requirements of the grading ordinance. Extensive track reconfiguration will require the review and approval of the Community Development Division, and may require a grading permit.

### **Retail Sales Prohibited**

25. There shall be no retail sales of any kind on the site, including but not limited to retail sale of food or drink.

### **Buffer Planting**

~~1726.~~ Within 30 days of approval of this permit, a row of mature Leyland Cypress trees ~~shall~~must be planted in a spacing pattern of no less than six feet apart along the fenceline adjacent to the arena and corral of APN 003-020-042 to serve as a physical buffer between the subject property and APN 003-020-042. Verification ~~shall~~must be provided to the Community Development Division once the planting is completed and prior to the first formalized racing event.

### **Indemnification**

~~1827.~~ The property owners ~~shall~~must deliver an executed indemnification agreement between the property owners and Contra Costa County requiring the property owners to defend, indemnify, and hold harmless Contra Costa County against any expenses arising from or related to claims or litigating regarding the County's actions in reviewing or approving this Land Use Permit application (County File No. LP15-2040). The Director of the Department of Conservation and Development is authorized to execute the indemnification agreement on behalf of the County.

## **PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL FOR LP15-2040**

### **General Requirements**

~~1928.~~ This development shall conform to the requirements of Division 914 (Drainage) and the remainder of Title 9 and Title 10 of the Subdivision Ordinance. Any exceptions therefrom must be specifically listed in this conditional approval statement.

~~2029.~~ Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with the review and inspection fees, and security for all improvements required by the Ordinance Code or the conditions of approval for this project.

### **Roadway Improvements (Frontage/On-site/Off-site)**

~~2130.~~ The applicant shall be permitted an exception from construction of full frontage improvements along the Camino Diablo Frontage of this property, at this time, provided that he improves the Camino

Diablo entrance to this development to include at least a 6.1 meter (20-foot) wide paved driveway constructed to County private road standards from the edge of pavement to the proposed right-of-way line. The entrance shall also include paved tapers and flares designed and constructed in accordance with Figure 405.7 from the Caltrans Highway Design Manual from the edge of pavement along Camino Diablo to the right-of-way line (based on the basic 6.1 meter [20-foot] driveway width).

### **Access to Adjoining Property**

#### **2231.** Proof of Access/Acquisition

Applicant shall furnish proof to the Public Works Department, Engineering Services Division, 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, road or drainage improvements.

#### **2332.** Encroachment Permit

Obtain an encroachment permit from the Application & Permit Center for construction of driveways, or other improvements within the right-of-way of Camino Diablo.

#### **2433.** Restrict Access

Restrict access along Camino Diablo, with the exception of the proposed access.

### **Road Dedication**

#### **2534.** Applicant shall convey to the County, by Offer of Dedication, additional right-of-way on Camino Diablo as required for the planned future width of 33.5 meters (110 feet) with at least a 457 meter (1,500 feet) centerline radius.

### **Intersection Design/Sight Distance**

#### **2635.** Provide a sight distance analysis, subject to the review of the Public Works Department, which analyzes the proposed Camino Diablo entrance to this development. Provide sight distance based on a design speed of 104 kilometers per hour (65 miles per hour) along Camino Diablo.

## **Drainage Improvements/Collect and Convey**

2736. Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse.

2837. Discharging concentrated storm water into roadside ditches is prohibited by the Ordinance Code. However, as roadside ditches are characteristic of the area, an exception from this requirement is granted provided the applicant verifies the adequacy of the downstream ditch system or constructs any necessary improvements to make this system adequate.

## **Miscellaneous Drainage Requirements**

2938. The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets.

## **Utilities/Undergrounding**

3039. An exception is permitted from undergrounding utility distribution facilities due to the rural nature of this area.

## **Traffic Control**

3140. The applicant shall provide special traffic control personnel at the Camino Diablo access to this property for events involving more than 500 vehicles, unless the Zoning Administrator approves the special event without traffic control. Traffic Control may also be required for smaller events if significant traffic complaints substantiate a need.

## **Creek Structure Setbacks**

3241. The applicant shall be required to observe the creek structure setback line in accordance with Section 914-14.012, "Structures Setback Lines for Unimproved Earth Channels" for any new structures on this property.

**National Pollutant Discharge Elimination System (in addition to NPDES permit)**

3342. Within 30 days of the effective date of this (1998) modified permit, the applicant shall ensure that he has complied with all components of this condition of approval.

- A. Hazardous wastes, including but not limited to used motor oil, battery acid or antifreeze shall not be discharged onto the ground.
- B. All hazardous wastes shall be stored in appropriate containers on a covered concrete slab in an area which is not subject to inundation and shall be removed from the facility at least one each 90 days.
- C. The applicant shall pave, cover and contain the various vehicle repair pit areas to prevent contaminants from these areas from reaching the creek. The applicant shall obtain a Hazardous Waste Generator's Permit from the County Health Department to assure adequate maintenance of the vehicle repair pit areas and disposal of the hazardous wastes.
- D. The applicant shall provide an erosion control plan showing how the quantity of silt entering the creek from this property will be reduced. The erosion control plan shall be subject to the review of the Public Works.

NOTE: In the event that the improvements required by the Public Works Department have been constructed, the applicant shall provide the Public Works Department with evidence that these improvements have been completed.

43. Prior to issuance of a building permit, the applicant shall pay Drainage Area 130 (DA 130) fees.

44. Prior to issuance of a building permit, the applicant shall demonstrate that the grading work does not alter the existing drainage.

**ADVISORY NOTES**

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Additional requirements may be imposed by the East Contra Costa Fire Protection District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- C. Additional requirements may be imposed by the Contra Costa Health Services, Environmental Health Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- D. Additional requirements may be imposed by the Building Inspection Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- E. Additional requirements may be imposed by the Public Works Department. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.

# Hours of Operation

Existing Vs. Proposed

<u>Existing</u>	<u>Proposed</u>
<ul style="list-style-type: none"><li>• Open 7 Days Per Week</li><li>• Monday 8 AM to 7 PM or Sundown</li><li>• Tuesday 8 AM to 7 PM or Sundown</li><li>• Wednesday 8 AM to 7 PM or Sundown</li><li>• Thursday 8 AM to 7 PM or Sundown</li><li>• Friday 8 AM to 11 PM</li><li>• Saturday 8 AM to 11 PM</li><li>• Sunday 8 AM to 7 PM or Sundown</li><li>• Racing Allowed Saturdays 8 AM to 11 PM</li><li>• Racing Allowed Sundays 8 AM to 7 PM or Sundown</li><li>• Closed Christmas and Thanksgiving Day</li></ul>	<ul style="list-style-type: none"><li>• Open 5 Days Per Week</li><li>• Monday Noon to 6 PM</li><li>• Tuesday Closed</li><li>• Wednesday Closed</li><li>• Thursday Noon to 7 PM</li><li>• Friday 9 AM to 3 PM (Fridays Prior to Race Days can be 9 AM to 3 PM <u>OR</u> Noon to 6 PM)</li><li>• Saturday for only eight hours between 9 AM to 6 PM or Sundown</li><li>• Sundays for only eight hours between 9 AM to 6 PM or Sundown</li><li>• Two Racing Events Per Month (SAT and/or Sun or Holidays) <u>OR</u> Two Late Night Riding Events Per Month (FRI and/or SAT Nights ending at 10 PM)</li></ul>



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7 December 2016

David Trotter  
**Law Offices of David W. Trotter**  
119 Allen Court  
Moraga, CA 94556  
Email: david.trotter@dtrotterlaw.com

Subject: **Proposed Diablo MX Ranch Motocross Facility**  
**Follow-up Noise Comments**  
CSA Project: 15-0428

Dear Mr. Trotter:

As you know, we have reviewed ambient and projected future noise for the proposed Diablo MX Ranch motocross facility and provided the following letters:

- 20 October 2015 summary of our own ambient noise measurements and understanding of project noise standards.
- 25 July 2016 review of the Wilson Ihrig noise report dated 8 March 2016 (WI report).

We also attended the Contra Costa County Board of Supervisors hearing on 15 November 2016 and reviewed the associated staff report for the project. This letter summarizes our follow-up comments.

## SUMMARY

The proposed Diablo MX project and proposed conditions of approval do not include sufficient mitigation to reduce the potential severe noise impacts on the neighboring residences. Allowing noise to reach the County Agricultural/Industrial Land-Use noise standard of DNL 75 would severely impact the neighbors. We suggest that the County incorporate noise restrictions that are at least in-line with the Diablo MX projected noise levels to reduce the noise impact on neighboring residences, as follows:

- Limit race days to typical noise levels of DNL of 65 dB and hourly average levels of 70 dB.
- Limit practice and recreational riding days to typical DNL of 60 dB and hourly average levels of 65 dB.
- Limit quantity of simultaneous riders as appropriate to meet these limits.
- Incorporate additional mitigation as needed, to meet these limits.
- Consider a future phase-out of gas-powered bikes for practice activities (gas-powered vehicles would be allowed for racing events).

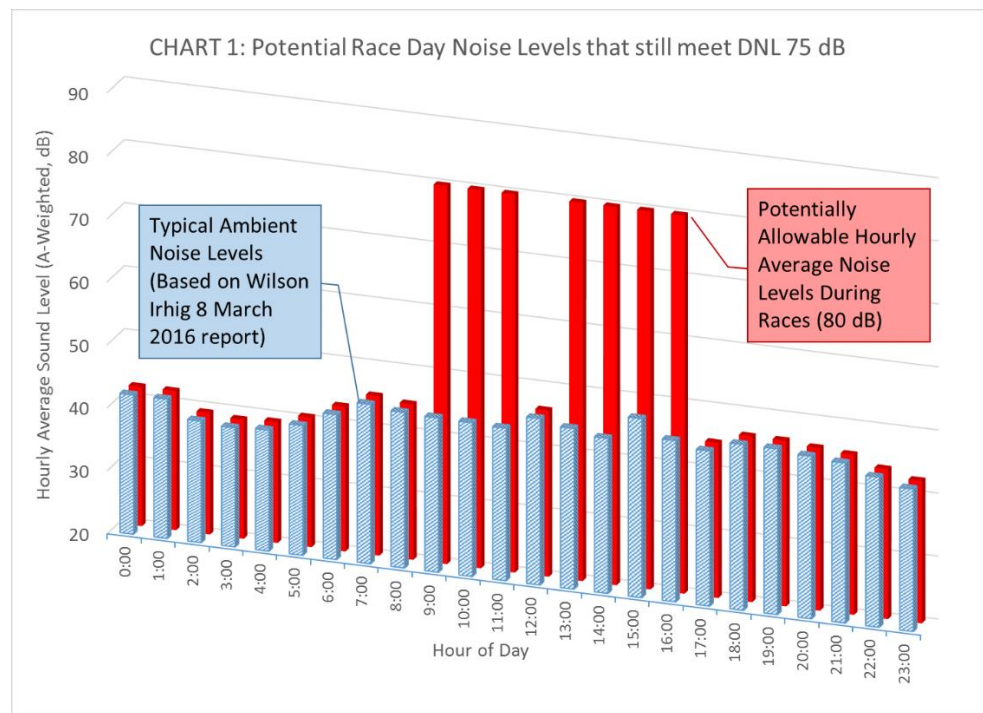
These limits could be considered a compromise between the reasonable operation of the Diablo MX facility and its noise impact on the quiet existing ambient noise environment of DNL 50 dB and hourly average noise levels of approximately 45 dB. These limits could be applied during future compliance monitoring by averaging the results around the perimeter of the site. Monitoring locations should be similar to those selected for the Wilson Ihrig study. The overall purpose is to avoid excessive noise that consistently exceeds these limits around the entire site. More details are provided below.

Charles M. Salter, PE  
David R. Schwind, FASA  
Eric (Broadhurst) Mori, PE  
Philip N. Sanders, LEED AP  
Thomas A. Schindler, PE  
Durand R. Begault, PhD, FAES  
Ken Graven, PE, RCDD, CTS-D  
Anthony P. Nash, PE  
Cristina L. Miyar  
Jason R. Duty, PE  
Lloyd B. Ranola  
Thomas J. Corbett, CTS  
Eric A. Yee  
Joshua M. Roper, PE, LEED AP  
Peter K. Holst, PE, LEED AP  
Ethan C. Salter, PE, LEED AP  
Craig L. Gillan, RCDD  
Alexander K. Salter, PE  
Jeremy L. Decker, PE  
Rob Hammond, PSP, NICET III  
Andrew J. McKee  
Steven A. Woods  
Josh J. Harrison  
Vinay C. Patel  
Valerie C. Smith, PE  
Benjamin D. Piper  
Elisabeth S. Kelson  
Ryan G. Raskop, AIA, NCARB  
Brian C. Wourms  
Diego Hernandez  
Ryan A. Schofield  
Alex T. Schiefer  
Abner E. Morales  
Adrian L. Lu  
Greg R. Enenstein  
Philip J. Perry, PMP  
Steve L. Leiby  
Kenneth W. Lim  
Felipe Tavera  
Blake M. Wells, LEED GA  
Katherine M. Moore  
Jordan L. Roberts  
Sybille M. Roth  
Bryce M. Graven  
Heather A. Salter  
Dee E. Garcia  
Catherine F. Spurlock

## DISCUSSION

Since the Diablo MX project and surrounding residences are located in an “agricultural” zone, the previous County staff report proposed that the motocross facility be allowed to generate noise up to DNL 75 dB. As we have stated before, this noise level is incompatible with residential land-use and would constitute a significant adverse noise impact on the neighbors. This is supported by the County’s own Land-Use Compatibility standards.

The adverse impacts associated with this issue are compounded by the fact that the DNL metric is based on a 24-hour day-night average of noise levels. Thus, quiet ambient noise levels would be averaged with much louder noise levels during the events to compute the DNL. To demonstrate this, we calculated the actual hourly average noise levels ( $L_{eq}$ ) that the Diablo MX project could generate during a race day and still meet the DNL 75 dB noise limit. The typical ambient levels at the site are approximately DNL 50 dB and hourly average levels are commonly 45 dB (approximately). In the WI report, they assumed “seven hours of races with one-hour break for lunch.”<sup>1</sup> We calculate that Diablo MX could generate hourly average noise levels of 80 dB at the property line for 7 hours and still meet the DNL 75 dB noise metric. This is a severe increase over the ambient noise levels of approximately 45 dB, as illustrated in Chart 1 below. The same concept applies to practice days, though the hours and allowable levels would vary slightly.



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For reference, pneumatic construction tools and train passbys also generate noise levels of 80 dB (at 50 feet away, see Figure 1 enclosed). Such levels would significantly interfere with speech communication, which is commonly 60 dB in face-to-face conversation and 65 dB to 70 dB for raised voices. Communication would likely require shouting (> 75 dB) in such an environment.

<sup>1</sup> See WI report Section 4.1, Page 8.

Allowing noise levels of 80 dB (hourly average) and DNL 75 dB are excessive. It is also important to recognize that noise levels would vary within each hour, likely above and below 80 dB. Therefore, at moments of loud activities, noise levels could certainly exceed 80 dB, perhaps to 85 dB to 95 dB during motocross bike passbys (see Table 5 at the end of this report).

Moreover, these potential average and DNL noise levels substantially exceed the projected noise levels determined by Wilson Ihrig and Diablo MX. The WI report measured the short-term average noise level of simulated motocross race and practice activity to be between 52 dB and 78 dB<sup>2</sup> at various locations around the property line. Averaged across all simulations and measurement locations, the typical racing noise level at the property line was 68 dB. The typical average practice noise level was 65 dB. For more information on these levels, see Table 1 below.

*Table 1: Measured  $L_{eq}$  during simulated DMXR Activity  
(based on Table 3 of WI report)*

Event Type	Source Track	Loc 1	Loc 2	Loc 3	Loc 4	Loc 5	AVERAGE $L_{eq}$ (over activities/locations)
Race	MX	66	74	69	78	65	<b>68</b>
	Oval	70	58	66	62	70	
Practice	MX + Oval	65	72	68	75	65	<b>65</b>
	MX	64	71	68	74	64	
	Oval	64	52	60	56	64	

Allowing Diablo MX to generate hourly average noise levels of 80 dB at all neighboring property lines is excessive and does not even line up with the proposed future motocross conditions (as outlined in the Wilson Ihrig report). Therefore, we recommend that the project conditions of approval be made more strict to be in-line with Diablo MX projections and to reduce the potential noise impact on neighbors. Typical hourly average noise levels could be limited to 70 dB on race days and 65 dB on practice and recreational riding days.

The same concept is evident in the evaluation of the projected future DNLs calculated in the WI report. Table 2 below summarizes the Wilson Ihrig calculated DNLs and overall site-average levels.

*Table 2: Modeled Property Line DNL during DMXR typical Operating Scenarios at various Locations  
(based on Table 4 of WI report)*

Scenario	Loc. 1	Loc. 2	Loc. 3	Loc. 4	Loc. 5	AVERAGE DNL (over activities/locations)
Weekend race	61	69	64	73	60	<b>65</b>
Weekend practice	58	64	60	68	58	<b>60</b>
Weekday practice	56	61	58	64	56	
Night under Lights	60	52	57	56	60	<b>57</b>

<sup>2</sup> See WI report Table 3, Page 7.

Again, Wilson Ihrig projected that typical future Diablo MX noise levels would be lower than the County standard of DNL 75 dB. A weekend Race day was projected to be DNL 65 dB, on average around the site. And practice days were projected to be approximately DNL 60 dB, on average. Therefore, it seems reasonable to limit average noise levels around the perimeter of the Diablo MX property to be in-line with these projected future levels (as listed in the Summary section above). In addition to "practice" activities, this noise limit should be applied to all non-race activities, such as recreational riding.

To reasonably measure average noise levels around the Diablo MX site, it would be appropriate to perform future compliance noise monitoring at various locations around the site. Locations similar to these selected for the Wilson Ihrig study might be considered. One purpose of utilizing several measurement locations is to avoid monitoring in a location where motocross noise levels are uniquely high or low that do not properly assess the noise impact on neighbors. Another goal is to avoid excessive noise that consistently exceeds these limits around the entire site. For example, a minor short-term exceedance at one particular location might not be objectionable.

By utilizing more reasonable noise limits in-line with Diablo MX projections, the many noise goals and policies of the County General Plan might be satisfied. These are listed below.

*Goal 11-A: To improve the overall environment in the County by reducing annoying and physically harmful levels of noise for existing and future residents and for all land uses.*

*Goal 11-B: To maintain appropriate noise conditions in all areas of the County.*

*Goal 11-C: To ensure that new developments will be constructed so as to limit the effects of exterior noise on the residents.*

*Goal 11-D: To recognize the economic impacts of noise control and encourage an equitable distribution of these costs.*

*Goal 11-E: To recognize citizen concerns regarding excessive noise levels, and to utilize measures through which the concerns can be identified and mitigated.*

*Policy 11-2: The standard for outdoor noise levels in residential areas is a DNL of 60 dB. However, a DNL of 60 dB or less may not be achievable in all residential areas due to economic or aesthetic constraints...*

*Policy 11-6: If an area is currently below the maximum "normally acceptable" noise level, an increase in noise up to the maximum should not be allowed necessarily.*

*Implementation Measure 11-a: Continue to require a review and analysis of noise-related impacts as part of the existing project development review procedures of the County.*

*Implementation Measure 11-b: Evaluate the noise impacts of a proposed project upon existing land uses in terms of the applicable Federal, State, and local codes, and the potential for adverse community response, based on a significant increase in existing noise levels.*

*Implementation Measure 11-d: Noise mitigation shall be incorporated into the design and construction of new projects or be required as conditions of project approval.*

## SUMMARY OF NOISE IMPACT ANALYSIS

For reference, the following Tables 3 through 5 summarize the projected noise impact of Diablo MX activity. The levels listed in Tables 3 and 4 are summarized from the Wilson Ihrig 8 March 2016 noise study report. These tables demonstrate that even with the more strict noise limits proposed above, the noise impact will not be eliminated to a less-than-significant level. Any increase by more than five decibels is commonly considered significant. However, the suggested limits above seem to be a reasonable compromise between noise impact and reasonable operation of the Diablo MX facility, particularly since the suggested limits are in-line with projected future Diablo MX noise levels.

*Table 3: Summary Comparison of Ambient and Projected Day-Night Average Noise Levels*

Scenario	Existing Ambient	Predicted with DMXR	Difference
Practice Day (average all locations)	DNL 50 dB	DNL 60 dB	+10 dB
Race Day (average all locations)		DNL 65 dB	+15 dB
Race Day (worst location)		DNL 73 dB	+23 dB

*Table 4: Summary Comparison of Ambient and Projected Hourly Average Noise Levels*

Scenario	Existing Ambient	Predicted with DMXR	Difference
Practice Day (average all locations)	Leq 45 dB	Leq 65 dB	+20 dB
Race Day (average all locations)		Leq 68 dB	+23 dB
Race Day (worst location)		Leq 75 dB	+30 dB

*Table 5: Summary Comparison of Ambient Levels and potential Maximum Noise Levels*

Motorcycle Measurement Location	Existing Ambient	Motorcycle Noise	Difference
At residence property lines	Leq 45 dB	L <sub>max</sub> 80 to 95 dB	+35 to 50 dB

The maximum "momentary" noise levels (i.e., L<sub>max</sub>) listed in Table 5 below are based on our measurements of motocross bikes at the site (see our 20 October 2015 letter) and at another facility in northern California (Honey Lake Motocross).

\*

\*

\*

We understand that our 20 October 2015 letter was peer reviewed by an independent consultant for the County. The County might also consider having our 25 July 2016 letter and this letter peer reviewed.

This concludes our follow-up comments on the proposed Diablo MX project. Should you have any questions, please call.

Sincerely,

**CHARLES M. SALTER ASSOCIATES**



Jeremy L. Decker, PE  
Principal Consultant

Glossary:

- A-Weighting – A standard frequency weighting that accounts for the sensitivity of human hearing to the range of audible frequencies. ANSI S1.4 defines A-weighting. People perceive a 10 dB increase in sound level to be twice as loud. All noise data in this report are A-weighted.
- DNL (Day-Night Average Sound Level) – A descriptor for a 24-hour A-weighted average noise level. DNL accounts for the increased acoustical sensitivity of people to noise during the nighttime hours. DNL penalizes sound levels by 10 dB during the hours from 10 PM to 7 AM. For practical purposes, the DNL and CNEL are usually interchangeable. DNL is sometimes written as  $L_{dn}$ .
- $L_{eq}$  – The equivalent steady-state A-weighted sound level that, in a stated period of time, would contain the same acoustic energy as the time-varying sound level during the same period.
- $L_{max}$  (Maximum Sound Level) – The maximum sound level for a specified measurement period of time as defined in ASTM E1686.

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A-WEIGHTED  
SOUND PRESSURE LEVEL,  
IN DECIBELS



(100') = DISTANCE IN FEET  
BETWEEN SOURCE  
AND LISTENER

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# TYPICAL SOUND LEVELS MEASURED IN THE ENVIRONMENT AND INDUSTRY

## FIGURE 1

1107 C  
MISC. 11.25.03

**Law Offices of  
DAVID W. TROTTER**  
119 Allen Court, Moraga, CA 94556  
(925) 876-1503  
david.trotter@dtrotterlaw.com

December 7, 2016

**VIA E-MAIL ONLY**

Ronald K. Mullin  
Mullin Law Firm  
1355 Willow Way  
Suite 110  
Concord, CA 94520

**Re: Proposed Diablo MX Motocross Park – Noise Mitigation Measures and  
Conditions of Approval**

Dear Mr. Mullin:

This matter will be coming back to the Board of Supervisors on December 13. Before that happens, I thought it might be constructive to see if we can make any progress in coming up with reasonable noise mitigation measures that would lessen the severe impacts of the proposed motocross facility on neighboring homes. Such measures would include the following:

1. Reducing the maximum allowable noise levels generated by the project from a DNL of 75 dB to those that were modeled and predicted in the noise study prepared for you by Wilson Irhig Associates, dated March 8, 2016 (the “WI report”). Most of the DNL results modeled by WI are significantly below DNL 75 dB. As you will recall, the WI report was peer reviewed by Illingworth Rodkin, which concluded that “the calculated noise levels were reasonable” based on the operating assumptions detailed in the WI report.

This point is analyzed in greater detail in a December 7, 2016 letter report by Jeremy Decker, P.E. of Charles M. Salter Associates, Inc., which I enclose herewith for your consideration. Based on the data and assumption used in the WI report, the maximum noise impacts of the Diablo MX project on adjacent residences may be limited as follows:



- (a) Limit race days to typical noise levels of DNL of 65 dB and hourly average levels of 70 dB.
  - (b) Limit practice and recreational riding days to typical DNL of 60 dB and hourly average levels of 65 dB; and
  - (c) Review and limit the quantity of simultaneous riders as appropriate to meet these limits.
2. Setting use parameters regarding use of the MX track and the oval track which are consistent with, and do not exceed, the numbers and assumptions that were used in the WI report.

In Sections 4.1 – 4.3 of its report, WI made the following assumptions for purposes of its noise modeling: (a) an average of 15 riders in each race on a weekend race day; (b) an average of 10 riders on the MX track over a period of four hours on a weekend practice day; (c) an average of five riders on the oval track over a period of two hours on a weekend practice day; (d) an average of five riders on the MX track over a period of 1.5 hours on a weekday practice day; and (e) an average of three riders on the oval track for one hour on a weekday practice day. These levels should be adhered to here.

- 3. With the exception of “Friday and Saturday Night Under the Lights”, setting operating hours for the Diablo MX facility from 9:00 a.m. to 6:00 p.m. or sundown, whichever comes first. This will restore peace and quiet enjoyment to Diablo MX’s neighbors an hour sooner each day. By 6:00 p.m., the residents around the facility will have returned home from work, and should be permitted to venture outside and enjoy their property in a quiet ambient environment after that time.
- 4. Diablo MX to undertake 24/7 noise monitoring during the first year of operations of the motocross facility, with measurements taken at residential locations adjacent to the Diablo MX property line. My clients are prepared to provide access to their properties for purposes of placing any monitoring equipment.
- 5. Providing a calendar of racing events to adjacent homeowners at least six months in advance. We would be open to having a discussion about noticing for the rescheduling any racing events that have to be cancelled due to adverse weather conditions.
- 6. Encouraging use of the motocross facility by quieter electric-powered motorcycles and equipment, and considering a future phase-out of gas-powered motorcycles for practice activities.

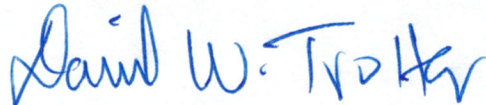


7. No use of the Diablo MX facility by motorcycles with much louder, two-stroke engines.
8. Agreeing that there will be no motocross facility operations or riding on APN 003-020-047, which is the parcel adjacent to the Morain/Glennon residence at 130 Walnut Boulevard. That parcel is outside the boundaries of the 1998 County use permit area as well as the current application. It also was the site of the recent fire which was the subject of testimony at the November 15 hearing before the Board of Supervisors. Any existing motocross tracks on APN 003-020-047 are unpermitted and should be removed.

In the proceedings before the County, Diablo MX and its owners have repeatedly expressed a desire to be good neighbors. Agreeing to these or similar noise mitigation conditions would go a long way toward demonstrating that this is a genuine desire on their part.

Please don't hesitate to call me to discuss further. Thank you.

Very truly yours,



David W. Trotter

Enclosure

cc: Hon Mary N. Piepho (w/encl.) – via e-mail  
Gary Kupp (w/encl.) – via e-mail  
Jeremy Decker, P.E. (w/encl.) – via e-mail  
Clients (w/encl.) – via e-mail



**CONTRA COSTA COUNTY  
DEPARTMENT OF CONSERVATION & DEVELOPMENT  
30 Muir Road  
Martinez, CA 94553**

**Telephone: (925) 674-7205**

---

**TO:** Members, Board of Supervisors

**FROM:** John Kopchik, Director

**DATE:** December 12, 2016

**SUBJECT:** Agenda Item D7 (Diablo Motocross) - Request to accept new material under the provisions of the Better Government Ordinance

---

County Code Section 25-2.206 (Better Government Ordinance) requires that *"all such staff material must be distributed to the policy body and be made available to the public 96 hours before the scheduled meeting."* The code allows the policy body, by a three-fourths vote, to waive these limits, *"when, in its judgment, it is essential to do so, providing that the County Administrator, appropriate Department head, or staff member furnishes to the Board of Supervisors or other body a written explanation as to why the material could not be provided to the Board or other policy and the general public within the above time limits."*

The Department of Conservation and Development has received a request from the applicants and the appellants to include their comments on the proposed conditions of approval in the official record. We respectfully request that the Board: 1) waive the time limits on the availability of staff materials for agenda items; and 2) accept the additional material for consideration.

cc: D. Twa, County Administrator  
S. Anderson, County Counsel

Attachments





# WILSON IHRIG

ACOUSTICS, NOISE & VIBRATION

CALIFORNIA  
WASHINGTON  
NEW YORK

WI #16-005

December 9, 2016

Gary Kupp, Planner II  
Conservation & Development  
30 Muir Road  
Martinez, CA 94553

Subject: Diablo MX Ranch COA

Dear Mr. Kupp,

I have been asked to review and comment on the Conditions of Approval for the Diablo MX Ranch (DMXR) Use Permit, specifically item No. 3 the Compliance Review. After reviewing this portion of the document, I just have a few comments to make.

- Reference is made to COA No. 14 (Noise Emission). While all probably understand that community noise exposure level refers to an Ldn, I would suggest that this be clarified in COA No. 14 where it is stated.
- Mention is made of a noise report based on an unattended, 24-hour minimum sound study. Presumably caution will be taken to ensure that the ambient noise occurring outside the hours when DMXR is open are representative and similar enough to the ambient levels measured in the March 8, 2016 Wilson Ihrig study.
- In addition to the five locations included in the Wilson Ihrig study, a sixth location has been added "on the frontage along Camino Diablo." Presumably this additional monitoring location is intended to measure noise from the motocross bike activity and traffic on Camino Diablo at a location closer to the roadway than the five locations included in the Wilson Ihrig noise study. I would recommend that the specific location of this additional noise measurement point be indicated to avoid confusion at the time of the noise study. I estimate that the closest of the adjacent residences is 75 feet from the edge of Camino Diablo. In my opinion this sixth location should be located at the same distance from Camino Diablo at a point along on the western property line of DMXR. This location would receive the same amount of noise from Camino Diablo and would be slightly closer to the MX track than at another location off the DMXR property.
- After the first noise study with six points of measurement it should be clear which location is the loudest. I would suggest that on the subsequent noise studies in following years two



measurement locations would be sufficient to demonstrate compliance with the noise standard of 75 Ldn applied to DMXR. I see no added value in measuring at more locations, although possibly for the second noise study three locations could be measured, after which two locations should be sufficient.

- It is stated that if noise reduction measures are deemed necessary (due to exceedance of the noise standard of Ldn 75), then a sound consultant should prepare recommendations for reducing noise levels. I would amend that to noise consultant. Further it is stated that applicant will be required to implement consultant's recommendations. I would amend that to say feasible and effective recommendations. The reason for this is that it would be best to experiment with noise control measures to determine which if any are most effective before implementing any and all recommendations.

Please feel free to contact me with any questions on this information.

Very truly yours,

WILSON IHRIG

Richard Carman, PhD, P.E.  
Senior Principal/Vice President

**GROWTH MANAGEMENT PERFORMANCE STANDARDS, FINDINGS, AND  
CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

A. **Growth Management Performance Standards**

1. **Traffic:** The Growth Management Element of the County General Plan requires consideration of permanent traffic increases related to population growth. Growth is influenced by development that increases population by attracting new residents to the county. New residential and commercial developments are the primary causes of growth that can increase traffic in an area on a permanent basis. No residential or commercial development is proposed as part of this project that would require implementation of the requirements of the Growth Management Element. The project is a modification to an existing entitlement for the continued operation of an existing off-road motorcycle recreational park. The subject motorcycle recreational park has been in operation since 1973. The project will continue the operation of the facility in a manner consistent with the existing entitlements. No expansion or intensification of the use is approved; therefore, no changes in existing traffic levels associated with the operation of the facility are proposed.
2. **Water:** The subject property currently receives water from an existing onsite water well. No new residential or commercial construction is proposed that would require additional water service to the site.
3. **Sewage Disposal:** The subject property is serviced by an existing septic system. No new residential or commercial development is proposed that would require additional sewage facilities; therefore, the project will not impact water-quality standards or waste-discharge requirements.
4. **Fire Protection:** The site is currently served by the East Contra Costa Fire Protection District. The District has reviewed the project and provided their comments and conditions relating to the proposed project, and no new or increased fire protection services were required.
5. **Public Protection:** The Growth Management Element, Section 4.4 of the County General Plan requires 155 square feet of Sheriff's station area and support facilities for every 1,000 members of the population. Since there is no residential or commercial development proposed, which could induce population growth, the project would not increase the population up to or within this threshold, and therefore, the project would not increase the demand for police service facilities or require the construction of, or the need for new police substations within the area.

6. **Parks and Recreation:** The County General Plan requires that three acres of neighborhood parks be available for every 1,000 members of the population. The proposed project will not result in an increase in the County population. There will not be an impact on the demand for parks within the County, nor will there be an associated increase in the population as a result of the project. The project proposes no residential or commercial development that could induce population growth in the area.
7. **Flood Control and Drainage:** The project does not propose any drainage improvements or significant changes in existing grades or contours on the subject property that could affect existing drainage patterns. The subject site is not located within a 100-year flood hazard zone as determined by the Federal Emergency Management Agency. Therefore, the proposed project will not adversely impact or alter flood control or drainage patterns.

B. **Land Use Permit Findings**

1. ***The proposed project will not be detrimental to health, safety, and the general welfare of the County.***

**Project Finding:** The proposed Land Use Permit modification for the existing off-road motocross recreation park as conditioned will not pose a threat to the health, safety, or welfare of the County. All of the requirements of the Community Development Division, the Building Inspection Division, the Health Services Department, and the Fire District must be adhered to at all times. The continued operation of an existing motorcycle recreational facility will not impact the health, welfare, and safety of the County.

2. ***The proposed project will not adversely affect the orderly development of property within the County.***

**Project Finding:** The project does not propose any development, but rather to continue the operation of an existing off-road motocross recreation park. The land use is consistent with both the General Plan and Zoning designations for the subject agricultural property, and thus it will not adversely affect the orderly development of property within the County.



3. ***The project as conditioned will not adversely affect the preservation of property values and the protection of the tax base within the County.***

**Project Finding:** Typically, illegal land uses that are established in a manner inconsistent with the General Plan and the zoning code have the potential to degrade property values. Also, homes, properties, and buildings that are allowed to decline into a condition of disrepair can contribute to negative property values. The proposed Land Use Permit modification for the existing off-road motocross recreation park is consistent with both the General Plan and Zoning designations for the subject agricultural property, and the facility and property has been maintained in good condition by the current property owners. Once the facility is open to the public, its operation will contribute to the tax base of the County with taxes generated from revenue received by operation of the park. Therefore, it will not have a detrimental effect on property values or the County tax base.

4. ***The project as conditioned will not adversely affect the policy and goals as set by the General Plan.***

**Project Finding:** The subject property has a General Plan designation of "Agricultural Lands" (AL), which states that extensive recreational facilities may be allowed in agricultural areas that are designated AL by issuance of a land use permit. The continued operation of the existing off-road motocross recreation park is consistent with the goals and policies of the General Plan.

5. ***The project as conditioned will not create a nuisance and/or enforcement problem within the neighborhood or community.***

**Project Finding:** The primary potential nuisance that could be associated with this land use would be posed by loud noise generated from running motorcycles. The sound study prepared for the project predicted that noise levels at all the modeled property line locations is below the Noise Element guideline of 75 decibels, which is considered "normally acceptable" for areas with a General Plan designation of Agricultural Lands. As conditioned, and with the reduced hours of operation and by reducing the days open from 7 days to 5 days per week, the project will not create a nuisance and/or enforcement problem within the neighborhood or community.

6. ***The proposed project will not encourage marginal development within the community.***

**Project Finding:** Development is controlled by zoning, the General Plan, and physical constraints. The existing motorcycle recreation park has been in operation since 1973 and has not contributed to marginal development in the surrounding community. In fact, the project proposes no new development, and therefore will not encourage or set precedence for marginal development within the community.

7. ***That special conditions or unique characteristics of the subject property and its location or surroundings are established.***

**Project Finding:** The subject property is unique in that it has been the location of the only permitted off-road motorcycle recreational facility in the county since 1973. The property has unique and varied topography that makes it ideal for motorcycle sports. These characteristics, along with the proper zoning and General Plan designations, and the isolated location, make the subject property ideal for this kind of land use.

#### **CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

##### **Land Use Permit Approval**

1. A Land Use Permit is APPROVED for the operation of an off-road motorcycle recreation park based on and consistent with the following documents:
- Application and materials submitted to the Department of Conservation and Development, dated October 8, 2015
  - Site plan received on October 8, 2015
  - Noise Study prepared by Wilson Ihrig Consultants, dated March 8, 2016

This permit and conditions of approval supersede County File #LP95-2020 and is approved for mechanical recreation and related activities (i.e. motorcycle and go-cart racing, recreational riding, and practice). The only vehicles allowed on this site for commercial recreation use are motorcycles and go-carts. Mini-sprint vehicles are allowed if they are motorcycle powered (i.e. chain driven) only as long as the noise levels referenced in the March 8, 2016 project noise

study are not exceeded. Any expansion, intensification of the use, change in hours of operation, or additional types of racing or other uses will require the approval of a new Land Use Permit.

All activities approved by this permit are restricted to the tracks and motocross areas as indicated on the October 8, 2015 site plan. The location of the main track as shown on the October 8, 2015 site plan should be interpreted as the general location of riding activities for that track, and is not to be strictly enforced as the required configuration of the track. Periodic routine minor changes to the configuration of the main track are allowed under this permit, as long as the changes occur in the general location shown on the approved site plan. There shall be no motorcycle riding or motocross activities on APN 003-020-047, and this parcel shall be fenced off from the area shown on the approved site plan.

### **Application Costs**

2. This application is subject to an initial application deposit of \$2,700.00, 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 Reviews**

3. The park operator and/or property owners must submit an application for a compliance review 1, 3, 5, 8, and 12 years after issuance of this permit, then every five (5) years thereafter. A report detailing the steps taken to comply with the conditions of approval shall accompany the application. The applicant is responsible for costs associated with the compliance reviews. A deposit/fee in the amount of \$1000.00 (subject to time and materials) will be filed with the compliance review application to allow for review of the conditions of approval. Compliance will be determined by the Zoning Administrator in a public hearing with appropriate notice to property owners within a ½ mile of the site and to any individuals or parties expressing interest in the project.

A noise report based on a Type-1, unattended, ~~24-hour~~ 5-day minimum continuous sound study will be provided at the time of each compliance review.

The purpose of the noise study is to determine if the noise levels do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). Each noise study shall be conducted on days of normal facility operations (i.e., Thursday through Monday) and shall include a race day selected by the Department of Conservation and Development Community Development Division. If no race days are scheduled during the calendar year of the compliance review, the Community Development Division shall determine the type activity and the date to be studied in lieu of a race day. Each noise study shall be conducted using the methodologies used in the March 8, 2016 report prepared by Wilson Ihrig, but will measure actual noise levels for the entire period rather than estimate the duration of activities. Each noise study shall be conducted at the 5 locations identified within the March 8, 2016 report prepared by Wilson Ihrig, and at an additional location on the frontage along Camino Diablo. If deemed necessary upon review of the report, the Community Development Division may require the sound consultant to prepare recommendations for reducing noise levels so that they do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). The applicant will be required to implement the consultant's recommendations in order to reduce noise so that the specified levels are not exceeded, as documented by a follow-up noise study conducted according to the same methodology during the next scheduled race (or other studied activity). The applicants and/or property owners will be responsible for all costs associated with the preparation, peer review, and staff review of the reports. The Department of Conservation and Development can require additional noise reports at any time deemed reasonably necessary to verify ongoing compliance with the ~~75 decibel land use compatibility standard in the Noise Element of the General Plan~~ noise levels specified in condition of approval #14 (Noise Emissions).

The applicant is encouraged, at the time of each compliance review, to assess advancements in technology relating to motorcycle use and noise, and make voluntary upgrades, where practical, that could contribute to lessening the obtrusiveness of sound generated by the facility. Promoting the use of electric vehicles and development of a proposal to install solar panels for track lighting is highly encouraged.

Each of the first three compliance reviews will be noticed and conducted as conditional use permit modification hearing, consistent with the authority provided by County Code Sections 26-2.2022 — 26-2.2030, to consider and establish potential modified conditions. The intent of this requirement is to enable the County to modify permit conditions to address technological innovations that would reduce noise or improve monitoring capability or other changes in circumstances. Nothing in this section is intended to limit the County's authority to convene a hearing at other times to modify, suspend or revoke this land use permit consistent with the provisions of County Code Sections 26-2.2020 — 26-2.2030.

#### Electric Vehicle Demonstration Events

4. At least once a year during a formalized racing event, the applicant must hold a riding demonstration showcasing the use of electric motorcycles. If no racing events are held during the year, no demonstration will be required.

#### **Prior to First Formalized Competitive Racing Event**

5. Upon reconstruction of the oval track to the east-central portion of the property, notify the Community Development Division a minimum of 30 days in advance of the opening of the oval track for the first formalized weekend racing event and/or the first "Friday (or Saturday) Night Under The Lights" event.
6. At least 30 days prior to the first racing event, provide documentation to the Community Development Division that all Health Services Department requirements have been satisfied for that use.

#### **Hours of Operation**

7. Riding activities may occur only during the hours of operation allowed by this permit. Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited at all other times.
8. Tuesdays and Wednesdays and Christmas, Easter and Thanksgiving will be "quiet days". Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited on all Tuesdays, all Wednesdays, Easter, Thanksgiving, and Christmas.

9. Recreational and Practice Riding Activities: Recreational and practice riding activities on the main track and the lighted oval track is permitted 5 days a week (Thursday through Monday) and will be limited to the following hours:

- Mondays and Fridays: 12:00 P.M. to 6:00 P.M. or sundown, whichever comes first.
- Fridays before racing events: 9:00 A.M. to 3:00 P.M. or 12:00 P.M. to 6:00 PM.
- Thursdays: 12:00 P.M. to 7:00 P.M. or sundown, whichever comes first.
- Weekends and holidays (other than Thanksgiving and Christmas): 9 A.M. to 6:00 P.M. or sundown, whichever comes first, provided that the facility may only operate for eight contiguous hours during this nine hour period (e.g., operate from 9 A.M. to 5:00 P.M. or 10 A.M. to 6 P.M.).\_\_\_\_\_

10. Friday (or Saturday) Night Under The Lights: The lighted oval track may be used for late night recreational riding until 10:00 P.M., but not more than two (2) days per each calendar month on a Friday or Saturday, and the park must be emptied by 11:00 P.M. The facility may not open before 2:00 P.M. and the main track will be closed and cannot be used on such days. There will be no formalized racing events allowed during any month with late night recreational riding events.

Both allotted late night recreational events may be conducted on one weekend (Friday and Saturday) or on separate weekends, not to exceed two days per month.

11. Formalized Racing Events *[A racing event is one that has registered contestants who have paid entry fees to compete in official competitive races on the site.]*  
All motorcycle racing events on the main track will be allowed on one day per weekend (Saturday or Sunday) and on holidays, but not to exceed two (2) racing events per calendar month. No motorcycle activity or racing will be allowed on Thanksgiving or Christmas. Racing hours will be limited from 9:00 A.M. to 6:00 P.M. or sundown, whichever comes first. The lighted oval track will be closed and cannot be used on race days. There will be no late night recreational riding events on the lighted oval track allowed during any month with a scheduled racing event.

Both allotted racing events may be conducted on one weekend (Saturday and Sunday) or on separate weekends, not to exceed two days per month.

### Event Notification

12. As soon as racing schedules are available, but not less than 2 six (6) months prior to any formalized racing event, e-mail notification must be sent to the Department of Conservation and Development, Community Development Division and any individuals or parties expressing interest in the project, notifying them of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of notification not less than 2 month in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled, provided that email notification and proof of such notification are provided not less than one month prior to the rescheduled race date, and not until after the operator and/or property owners meet and confer with individuals and parties on the email notification list regarding proposed rescheduled dates to minimize the impacts of such rescheduling on neighboring uses. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.
13. As soon as racing schedules are available, but not less than six (6) 2-months prior to any formalized racing event, an event schedule must be posted online on the facility's webpage and any social media site notifying the public of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of mailing not less than 2 months in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled provided that online posting and proof of such posting are provided not less than one month prior to the rescheduled race date, and not until after the operator and/or property owners meet and confer with individuals and parties on the email notification list regarding proposed rescheduled dates to minimize the impacts of such rescheduling on neighboring uses. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.

### Noise Emissions

14. Hourly Aaverage and day night average (DNL) noise levels generated by motorcycle/go-cart recreational riding, practice and racing activities must not exceed the community noise exposure level of 75 decibels specified by the General Plan for agricultural areas, and must not exceed those measured and predicted specified in the analysis of the March 8, 2016 project noise study.
15. For formalized racing events, no more than 25 riders will be allowed on the main track at a time, and no riding will be allowed on the oval track. The park operator must maintain a log of riders for all formalized racing events. Riders of electric motorcycles and/or electric go-carts shall not count against this limits.
16. For practice/recreational riding, the maximum number of riders will not exceed 1045 on the main track and 525 on the oval track at any time, with the exception that riders of electric motorcycles and/or electric go-carts shall not count against these limits.
17. All individual motorcycles and/or go-carts using the park will be required to meet a noise standard of not more than 96 decibels when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287. Noise measurements must be taken on a daily basis prior to admission and use of the park for all motorcycles and/or go-carts seeking to use the park. Any measured vehicles not meeting this standard will not be allowed admission and use of the park.

### **Lighting for Oval Track**

18. Exterior lights for the oval racetrack must be deflected so that lights shine onto the applicant's property and not toward adjacent properties. Lighting must be reviewed for approval by the Community Development Division and the Building Inspection Division prior to installation and operation. If deemed necessary by the Building Inspection Division, a building permit must be issued prior to installation and operation of lighting.

### **Signage**

19. All signs will be subject to the review and approval of the Community Development Division prior to installation. The hours of operation must be clearly posted in a visible location at the park entrance.

### **Dust Control**



20. The off-street parking area must be sprayed with water to prevent the creation of dust. This will be done as needed to keep dust from causing nuisances to neighboring residences. On those days when there are 25 or more people present at one time on the site to either run or observe recreational vehicles, the applicant will apply water as necessary to avoid fugitive dust impacts on nearby properties. The application of water will include motorcycle and go-cart track areas, parking lot, and driveways.

**Health and Safety Requirements for All Racing Events and for Practice/Recreational Riding Activities**

21. The following regulations for the operation of the motocross facility must be enforced by the park operator and/or property owners and made part of this permit as follows:
- A. All riders must wear helmets and boots.
  - B. Ambulance service, first aid, and fire-fighting equipment must be provided at all racing events, or as required by the fire district or Health Services Department.
  - C. Posted speed limits must be obeyed.
  - D. Smoking will be allowed only in designated areas or parking lots.
  - E. All vehicles must display current day's admission sticker.
  - F. All persons under the age of 18 must have a signed release from a parent or legal guardian.
  - G. All guest vehicles must be cleared from the grounds by closing time.
  - H. All trash must be put in receptacles, including all trash and debris around the perimeter of the park resulting from the use.
  - I. All children under the age of 12 must be accompanied by an adult at all times.
  - J. No open fires are allowed.
  - K. No wheel stands, spinning donuts, or racing in parking lots is allowed.

- L. No riding on graded or filled banks around parking lots or main roads is allowed.
- M. Anyone behaving in a manner dangerous to other persons or property will be asked to leave and not come back.
- N. No riding in or near Kellogg Creek is allowed.
- O. All motorcycles must have spark arrestors and silencers.

### **Concerts/Live Music Prohibited**

- 22. Musical concerts and dances are prohibited.

### **Overnight Camping Prohibited**

- 23. No overnight camping or sleeping by patrons of the park, race participants, ~~or~~ spectators, visitors or guests of the operator and/or property owners is allowed on the property. The park premises must be cleared of all such persons and visitors at the end of each day.

### **Grading/Track Maintenance and Grooming**

- 24. Grading for routine track maintenance and grooming associated with the motorcycle park land use is exempt from the permit requirements of the grading ordinance. Extensive track reconfiguration will require the review and approval of the Community Development Division, and may require a grading permit.

### **Retail Sales Prohibited**

- 25. There shall be no retail sales of any kind on the site, including but not limited to retail sale of food or drink.

### **Buffer Planting**

- 26. Within 30 days of approval of this permit, a row of mature Leyland Cypress trees must be planted in a spacing pattern of no less than six feet apart along

the fenceline adjacent to the arena and corral of APN 003-020-042 to serve as a physical buffer between the subject property and APN 003-020-042. The trees to be planted shall be no less than 24-inch box size, and the operator and/or property owners shall install an irrigation system to support the growth of the trees. Any dead trees shall be replaced to restore the buffer along the fenceline referred to above. Verification must be provided to the Community Development Division once the planting is completed and prior to the first formalized racing event.

### **Indemnification**

27. The property owners must deliver an executed indemnification agreement between the property owners and Contra Costa County requiring the property owners to defend, indemnify, and hold harmless Contra Costa County against any expenses arising from or related to claims or litigating regarding the County's actions in reviewing or approving this Land Use Permit application (County File No. LP15-2040). The Director of the Department of Conservation and Development is authorized to execute the indemnification agreement on behalf of the County.

### **PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL FOR LP15-2040**

#### **General Requirements**

28. This development shall conform to the requirements of Division 914 (Drainage) and the remainder of Title 9 and Title 10 of the Subdivision Ordinance. Any exceptions therefrom must be specifically listed in this conditional approval statement.
29. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with the review and inspection fees, and security for all improvements required by the Ordinance Code or the conditions of approval for this project.

#### **Roadway Improvements (Frontage/On-site/Off-site)**

30. The applicant shall be permitted an exception from construction of full frontage improvements along the Camino Diablo Frontage of this property, at this time, provided that he improves the Camino Diablo entrance to this development to include at least a 6.1 meter (20-foot) wide paved driveway constructed to County private road standards from the edge of pavement to the proposed

right-of-way line. The entrance shall also include paved tapers and flares designed and constructed in accordance with Figure 405.7 from the Caltrans Highway Design Manual from the edge of pavement along Camino Diablo to the right-of-way line (based on the basic 6.1 meter [20-feet] driveway width).

### **Access to Adjoining Property**

31. Proof of Access/Acquisition

Applicant shall furnish proof to the Public Works Department, Engineering Services Division, 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, road or drainage improvements.

32. Encroachment Permit

Obtain an encroachment permit from the Application & Permit Center for construction of driveways, or other improvements within the right-of-way of Camino Diablo.

33. Restrict Access

Restrict access along Camino Diablo, with the exception of the proposed access.

### **Road Dedication**

34. Applicant shall convey to the County, by Offer of Dedication, additional right-of-way on Camino Diablo as required for the planned future width of 33.5 meters (110 feet) with at least a 457 meter (1,500 feet) centerline radius.

### **Intersection Design/Sight Distance**

35. Provide a sight distance analysis, subject to the review of the Public Works Department, which analyzes the proposed Camino Diablo entrance to this development. Provide sight distance based on a design speed of 104 kilometers per hour (65 miles per hour) along Camino Diablo.

### **Drainage Improvements/Collect and Convey**

36. Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having

definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse.

37. Discharging concentrated storm water into roadside ditches is prohibited by the Ordinance Code. However, as roadside ditches are characteristic of the area, an exception from this requirement is granted provided the applicant verifies the adequacy of the downstream ditch system or constructs any necessary improvements to make this system adequate.

### **Miscellaneous Drainage Requirements**

38. The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets.

### **Utilities/Undergrounding**

39. An exception is permitted from undergrounding utility distribution facilities due to the rural nature of this area.

### **Traffic Control**

40. The applicant shall provide special traffic control personnel at the Camino Diablo access to this property for events involving more than 500 vehicles, unless the Zoning Administrator approves the special event without traffic control. Traffic Control may also be required for smaller events if significant traffic complaints substantiate a need.

### **Creek Structure Setbacks**

41. The applicant shall be required to observe the creek structure setback line in accordance with Section 914-14.012, "Structures Setback Lines for Unimproved Earth Channels" for any new structures on this property.

### **National Pollutant Discharge Elimination System (in addition to NPDES permit)**

42. Within 30 days of the effective date of this ~~(2016)~~1998 modified permit and prior to the commencement of any motorcycle riding or motocross activities on the property, the applicants shall ensure that ~~they~~he ~~have~~s complied with all components of this condition of approval.

- A. Hazardous wastes, including but not limited to used motor oil, battery acid or antifreeze shall not be discharged onto the ground.
- B. All hazardous wastes shall be stored in appropriate containers on a covered concrete slab in an area which is not subject to inundation and shall be removed from the facility at least one each 90 days.
- C. The applicant shall pave, cover and contain the various vehicle repair pit areas to prevent contaminants from these areas from reaching the creek. The applicant shall obtain a Hazardous Waste Generator's Permit from the County Health Department to assure adequate maintenance of the vehicle repair pit areas and disposal of the hazardous wastes.
- D. The applicant shall provide an erosion control plan showing how the quantity of silt entering the creek from this property will be reduced. The erosion control plan shall be subject to the review of the Public Works.

NOTE: In the event that the improvements required by the Public Works Department have been constructed, the applicant shall provide the Public Works Department with evidence that these improvements have been completed.

- 43. Prior to issuance of a building permit, the applicant shall pay Drainage Area 130 (DA 130) fees.
- 44. Prior to issuance of a building permit, the applicant shall demonstrate that the grading work does not alter the existing drainage.

#### **ADVISORY NOTES**

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Additional requirements may be imposed by the East Contra Costa Fire Protection District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- C. Additional requirements may be imposed by the Contra Costa Health Services, Environmental Health Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- D. Additional requirements may be imposed by the Building Inspection Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- E. Additional requirements may be imposed by the Public Works Department. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.





**GROWTH MANAGEMENT PERFORMANCE STANDARDS, FINDINGS, AND  
CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

**A. Growth Management Performance Standards**

1. **Traffic:** The Growth Management Element of the County General Plan requires consideration of permanent traffic increases related to population growth. Growth is influenced by development that increases population by attracting new residents to the county. New residential and commercial developments are the primary causes of growth that can increase traffic in an area on a permanent basis. No residential or commercial development is proposed as part of this project that would require implementation of the requirements of the Growth Management Element. The project is a modification to an existing entitlement for the continued operation of an existing off-road motorcycle recreational park. The subject motorcycle recreational park has been in operation since 1973. The project will continue the operation of the facility in a manner consistent with the existing entitlements. No expansion or intensification of the use is approved; therefore, no changes in existing traffic levels associated with the operation of the facility are proposed.
2. **Water:** The subject property currently receives water from an existing onsite water well. No new residential or commercial construction is proposed that would require additional water service to the site.
3. **Sewage Disposal:** The subject property is serviced by an existing septic system. No new residential or commercial development is proposed that would require additional sewage facilities; therefore, the project will not impact water-quality standards or waste-discharge requirements.
4. **Fire Protection:** The site is currently served by the East Contra Costa Fire Protection District. The District has reviewed the project and provided their comments and conditions relating to the proposed project, and no new or increased fire protection services were required.
5. **Public Protection:** The Growth Management Element, Section 4.4 of the County General Plan requires 155 square feet of Sheriff's station area and support facilities for every 1,000 members of the population. Since there is no residential or commercial development proposed, which could induce population growth, the project would not increase the population up to or within this threshold, and therefore, the project would not increase the demand for police service facilities or require the construction of, or the need for new police substations within the area.

6. **Parks and Recreation:** The County General Plan requires that three acres of neighborhood parks be available for every 1,000 members of the population. The proposed project will not result in an increase in the County population. There will not be an impact on the demand for parks within the County, nor will there be an associated increase in the population as a result of the project. The project proposes no residential or commercial development that could induce population growth in the area.
7. **Flood Control and Drainage:** The project does not propose any drainage improvements or significant changes in existing grades or contours on the subject property that could affect existing drainage patterns. The subject site is not located within a 100-year flood hazard zone as determined by the Federal Emergency Management Agency. Therefore, the proposed project will not adversely impact or alter flood control or drainage patterns.

B. **Land Use Permit Findings**

1. ***The proposed project will not be detrimental to health, safety, and the general welfare of the County.***

**Project Finding:** The proposed Land Use Permit modification for the existing off-road motocross recreation park as conditioned will not pose a threat to the health, safety, or welfare of the County. All of the requirements of the Community Development Division, the Building Inspection Division, the Health Services Department, and the Fire District must be adhered to at all times. The continued operation of an existing motorcycle recreational facility will not impact the health, welfare, and safety of the County.

2. ***The proposed project will not adversely affect the orderly development of property within the County.***

**Project Finding:** The project does not propose any development, but rather to continue the operation of an existing off-road motocross recreation park. The land use is consistent with both the General Plan and Zoning designations for the subject agricultural property, and thus it will not adversely affect the orderly development of property within the County.

3. ***The project as conditioned will not adversely affect the preservation of property values and the protection of the tax base within the County.***

**Project Finding:** Typically, illegal land uses that are established in a manner inconsistent with the General Plan and the zoning code have the potential to degrade property values. Also, homes, properties, and buildings that are allowed to decline into a condition of disrepair can contribute to negative property values. The proposed Land Use Permit modification for the existing off-road motocross recreation park is consistent with both the General Plan and Zoning designations for the subject agricultural property, and the facility and property has been maintained in good condition by the current property owners. Once the facility is open to the public, its operation will contribute to the tax base of the County with taxes generated from revenue received by operation of the park. Therefore, it will not have a detrimental effect on property values or the County tax base.

4. ***The project as conditioned will not adversely affect the policy and goals as set by the General Plan.***

**Project Finding:** The subject property has a General Plan designation of "Agricultural Lands" (AL), which states that extensive recreational facilities may be allowed in agricultural areas that are designated AL by issuance of a land use permit. The continued operation of the existing off-road motocross recreation park is consistent with the goals and policies of the General Plan.

5. ***The project as conditioned will not create a nuisance and/or enforcement problem within the neighborhood or community.***

**Project Finding:** The primary potential nuisance that could be associated with this land use would be posed by loud noise generated from running motorcycles. The sound study prepared for the project predicted that noise levels at all the modeled property line locations is below the Noise Element guideline of 75 decibels, which is considered "normally acceptable" for areas with a General Plan designation of Agricultural Lands. As conditioned, and with the reduced hours of operation and by reducing the days open from 7 days to 5 days per week, the project will not create a nuisance and/or enforcement problem within the neighborhood or community.

6. ***The proposed project will not encourage marginal development within the community.***

**Project Finding:** Development is controlled by zoning, the General Plan, and physical constraints. The existing motorcycle recreation park has been in operation since 1973 and has not contributed to marginal development in the surrounding community. In fact, the project proposes no new development, and therefore will not encourage or set precedence for marginal development within the community.

7. ***That special conditions or unique characteristics of the subject property and its location or surroundings are established.***

**Project Finding:** The subject property is unique in that it has been the location of the only permitted off-road motorcycle recreational facility in the county since 1973. The property has unique and varied topography that makes it ideal for motorcycle sports. These characteristics, along with the proper zoning and General Plan designations, and the isolated location, make the subject property ideal for this kind of land use.

#### **CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

##### **Land Use Permit Approval**

1. A Land Use Permit is APPROVED for the operation of an off-road motorcycle recreation park based on and consistent with the following documents:

- Application and materials submitted to the Department of Conservation and Development, dated October 8, 2015
- Site plan received on October 8, 2015
- Noise Study prepared by Wilson Ihrig Consultants, dated March 8, 2016

This permit and conditions of approval supersede County File #LP95-2020 and is approved for mechanical recreation and related activities (i.e. motorcycle and go-cart racing, recreational riding, and practice). The only vehicles allowed on this site for commercial recreation use are motorcycles and go-carts. Mini-sprint vehicles are allowed if they are motorcycle powered (i.e. chain driven) only as long as the noise levels referenced in the March 8, 2016 project noise

**Comment [RM1]:** The approval is based upon the documents in the file and nothing more. The documents speak for themselves and it is inappropriate to get into "consistency".

study are not exceeded. Any expansion, intensification of the use, change in hours of operation, or additional types of racing or other uses will require the approval of a new Land Use Permit.

All activities approved by this permit are restricted to the tracks and motocross areas as indicated on the October 8, 2015 site plan. The location of the main track as shown on the October 8, 2015 site plan should be interpreted as the general location of riding activities for that track, and is not to be strictly enforced as the required configuration of the track. Periodic routine minor changes to the configuration of the main track are allowed under this permit, as long as the changes occur in the general location shown on the approved site plan. There shall be no motorcycle riding or motocross activities on APN 003-020-047, and this parcel shall be fenced off from the area shown on the approved site plan.

**Comment [RM2]:** This is beyond the scope and not a part of the pending application

### Application Costs

2. This application is subject to an initial application deposit of \$2,700.00, 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 Reviews

3. The park operator and/or property owners must submit an application for a compliance review 1, 3, 5, 8, and 12 years after issuance of this permit, then every five (5) years thereafter. A report detailing the steps taken to comply with the conditions of approval shall accompany the application. The applicant is responsible for costs associated with the compliance reviews. A deposit/fee in the amount of \$1000.00 (subject to time and materials) will be filed with the compliance review application to allow for review of the conditions of approval. Compliance will be determined by the Zoning Administrator in a public hearing with appropriate notice to property owners within a ½ mile of the site and to any individuals or parties expressing interest in the project.

A noise report based on a Type-1, unattended, 24-hour-5-day minimum continuous sound study will be provided at the time of each compliance review.

**Comment [RC3]:** This seems unnecessary. A case might be made for extending the measurement over more than one day, but only if there were a sufficient amount of motorcycle activity. Otherwise both the applicant and the plaintiff have collected ample data on the ambient when there is no activity. Furthermore, since a race day will be the most active, it is not clear what the point of documenting a non-race day would be if the race day is in compliance with the noise standard.

The purpose of the noise study is to determine if the noise levels do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). Each noise study shall be conducted on days of normal facility operations (i.e., Thursday through Monday) and shall include a race day selected by the Department of Conservation and Development Community Development Division. If no race days are scheduled during the calendar year of the compliance review, the Community Development Division shall determine the type activity and the date to be studied in lieu of a race day. Each noise study shall be conducted using the methodologies used in the March 8, 2016 report prepared by Wilson Ihrig, but will measure actual noise levels for the entire period rather than estimate the duration of activities. Each noise study shall be conducted at the 5 locations identified within the March 8, 2016 report prepared by Wilson Ihrig, and at an additional location on the frontage along Camino Diablo. If deemed necessary upon review of the report, the Community Development Division may require the sound consultant to prepare recommendations for reducing noise levels so that they do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). The applicant will be required to implement the consultant's recommendations in order to reduce noise so that the specified levels are not exceeded, as documented by a follow-up noise study conducted according to the same methodology during the next scheduled race (or other studied activity). The applicants and/or property owners will be responsible for all costs associated with the preparation, peer review, and staff review of the reports. The Department of Conservation and Development can require additional noise reports at any time deemed reasonably necessary to verify ongoing compliance with the 75 decibel land use compatibility standard in the Noise Element of the General Plan noise levels specified in condition of approval #14 (Noise Emissions).

**Comment [RM4]:** See Mr. Carman's comments above.

**Comment [RM5]:** The standard is 75 DNL as set forth in the General Plan.

The applicant is encouraged, at the time of each compliance review, to assess advancements in technology relating to motorcycle use and noise, and make voluntary upgrades, where practical, that could contribute to lessening the obtrusiveness of sound generated by the facility. Promoting the use of electric vehicles and development of a proposal to install solar panels for track lighting is highly encouraged.

Each of the first three compliance reviews will be noticed and conducted as conditional use permit modification hearing, consistent with the authority provided by County Code Sections 26-2.2022 — 26-2.2030, to consider and establish potential modified conditions. The intent of this requirement is to enable the County to modify permit conditions to address technological innovations that would reduce noise or improve monitoring capability or other changes in circumstances. Nothing in this section is intended to limit the County's authority to convene a hearing at other times to modify, suspend or revoke this land use permit consistent with the provisions of County Code Sections 26-2.2020 — 26-2.2030.

#### Electric Vehicle Demonstration Events

4. At least once a year during a formalized racing event, the applicant must hold a riding demonstration showcasing the use of electric motorcycles. If no racing events are held during the year, no demonstration will be required.

#### Prior to First Formalized Competitive Racing Event

5. Upon reconstruction of the oval track to the east-central portion of the property, notify the Community Development Division a minimum of 30 days in advance of the opening of the oval track for the first formalized weekend racing event and/or the first "Friday (or Saturday) Night Under The Lights" event.
6. At least 30 days prior to the first racing event, provide documentation to the Community Development Division that all Health Services Department requirements have been satisfied for that use.

#### Hours of Operation

7. Riding activities may occur only during the hours of operation allowed by this permit. Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited at all other times.
8. Tuesdays and Wednesdays and Christmas, Easter and Thanksgiving will be "quiet days". Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited on all Tuesdays, all Wednesdays, Easter, Thanksgiving, and Christmas.

**Comment [RM6]:** Easter is not a national holiday. It is a Christian religion holiday only and this requirement violates the Establishment Clause of the First Amendment to the United State's Constitution.

9. Recreational and Practice Riding Activities: Recreational and practice riding activities on the main track and the lighted oval track is permitted 5 days a week (Thursday through Monday) and will be limited to the following hours:

- Mondays and Fridays: 12:00 P.M. to 6:00 P.M. or sundown, whichever comes first.
- Fridays before racing events: 9:00 A.M. to 3:00 P.M. or 12:00 P.M. to 6:00 P.M.
- Thursdays: 12:00 P.M. to 6:00 P.M. or sundown, whichever comes first.
- Weekends and holidays (other than Thanksgiving and Christmas): 9 A.M. to 6:00 P.M. or sundown, whichever comes first, provided that the facility may only operate for eight contiguous hours during this nine hour period (e.g., operate from 9 A.M. to 5:00 P.M. or 10 A.M. to 6 P.M.).

**Comment [RM7]:** The applicants have already cut back significantly the hours of operation to the point where the new hours will have an adverse effect on their ability to operate this business

10. Friday (or Saturday) Night Under The Lights: The lighted oval track may be used for late night recreational riding until 10:00 P.M., but not more than two (2) days per each calendar month on a Friday or Saturday, and the park must be emptied by 11:00 P.M. The facility may not open before 2:00 P.M. and the main track will be closed and cannot be used on such days. There will be no formalized racing events allowed during any month with late night recreational riding events.

Both allotted late night recreational events may be conducted on one weekend (Friday and Saturday) or on separate weekends, not to exceed two days per month.

11. Formalized Racing Events *[A racing event is one that has registered contestants who have paid entry fees to compete in official competitive races on the site.]* All motorcycle racing events on the main track will be allowed on one day per weekend (Saturday or Sunday) and on holidays, but not to exceed two (2) racing events per calendar month. No motorcycle activity or racing will be allowed on Thanksgiving or Christmas. Racing hours will be limited from 9:00 A.M. to 6:00 P.M. or sundown, whichever comes first. The lighted oval track will be closed and cannot be used on race days. There will be no late night recreational riding events on the lighted oval track allowed during any month with a scheduled racing event.



Both allotted racing events may be conducted on one weekend (Saturday and Sunday) or on separate weekends, not to exceed two days per month.

### Event Notification

12. As soon as racing schedules are available, but not less than 2 ~~six (6)~~ months prior to any formalized racing event, e-mail notification must be sent to the Department of Conservation and Development, Community Development Division and any individuals or parties expressing interest in the project, notifying them of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of notification not less than 2 month in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled, provided that email notification and proof of such notification are provided not less than one month prior to the rescheduled race date, and not until after the operator and/or property owners meet and confer with individuals and parties on the email notification list regarding proposed rescheduled dates to minimize the impacts of such rescheduling on neighboring uses. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.
13. As soon as racing schedules are available, but not less than ~~six (6)~~ 2-months prior to any formalized racing event, an event schedule must be posted online on the facility's webpage and any social media site notifying the public of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of mailing not less than 2 months in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled provided that online posting and proof of such posting are provided not less than one month prior to the rescheduled race date, and not until after the operator and/or property owners meet and confer with individuals and parties on the email notification list regarding proposed rescheduled dates to minimize the impacts of such rescheduling on neighboring uses. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.

**Comment [RM8]:** 6 months is unreasonable and the applicants are not able to comply with this requirement because of the "but not less than". The applicants can and will send notice when the events are scheduled, but no less than 2 months prior.

**Comment [RM9]:** The property owners are not in a position to authorize business decisions of the applicants. The applicants are willing to give notice so that the property owners are aware.

**Comment [RM10]:** Six months is unreasonable and impossible for the applicants to comply with.

### Noise Emissions

14. Hourly Average and day night average (DNL) noise levels generated by motorcycle/go-cart recreational riding, practice and racing activities must not exceed the community noise exposure level of 75 decibels specified by the General Plan for agricultural areas, and must not exceed those measured and predicted specified in the analysis of the March 8, 2016 project noise study.
15. For formalized racing events, no more than 25 riders will be allowed on the main track at a time, and no riding will be allowed on the oval track. The park operator must maintain a log of riders for all formalized racing events. Riders of electric motorcycles and/or electric go-carts shall not count against this limits.
16. For practice/recreational riding, the maximum number of riders will not exceed 1045 on the main track and 525 on the oval track at any time, with the exception that riders of electric motorcycles and/or electric go-carts shall not count against these limits.
17. All individual motorcycles and/or go-carts using the park will be required to meet a noise standard of not more than 96 decibels when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287. Noise measurements must be taken on a daily basis prior to admission and use of the park for all motorcycles and/or go-carts seeking to use the park. Any measured vehicles not meeting this standard will not be allowed admission and use of the park.

**Comment [RC11]:** This is not the standard. The standard is DNL of 75.

**Comment [RC12]:** The CC noise element uses the term Ldn. Rather than insert a new term, which might be confusing to some, it would be best to stick with Ldn.

**Comment [RC13]:** This would seem to exclude races from the noise standard. It is probably not what was intended, but a simply reading would not include races.

**Comment [RC14]:** I would strike this. The project noise study made certain assumptions to arrive at a conclusion about whether the proposed motorcycle activity (races, practices, etc.) would exceed Ldn 75 and under what conditions, laying out a possible scenario for each type of event. The noise standard doesn't mention anything about predictions or what was measured in a simulation to arrive at a conclusion that it could. If the standard on Ldn 75 is not exceeded, then the facility complies and that will be determined by measurement of actual events.

**Comment [RC15]:** These are conditions that are inconsistent with the noise standard of Ldn 75. The applicants will need to monitor activity to the extent that they don't exceed the noise standard.

### Lighting for Oval Track

18. Exterior lights for the oval racetrack must be deflected so that lights shine onto the applicant's property and not toward adjacent properties. Lighting must be reviewed for approval by the Community Development Division and the Building Inspection Division prior to installation and operation. If deemed necessary by the Building Inspection Division, a building permit must be issued prior to installation and operation of lighting.

### Signage

19. All signs will be subject to the review and approval of the Community Development Division prior to installation. The hours of operation must be clearly posted in a visible location at the park entrance.

### Dust Control

20. The off-street parking area must be sprayed with water to prevent the creation of dust. This will be done as needed to keep dust from causing nuisances to neighboring residences. On those days when there are 25 or more people present at one time on the site to either run or observe recreational vehicles, the applicant will apply water as necessary to avoid fugitive dust impacts on nearby properties. The application of water will include motorcycle and go-cart track areas, parking lot, and driveways.

**Health and Safety Requirements for All Racing Events and for Practice/Recreational Riding Activities**

21. The following regulations for the operation of the motocross facility must be enforced by the park operator and/or property owners and made part of this permit as follows:
  - A. All riders must wear helmets and boots.
  - B. Ambulance service, first aid, and fire-fighting equipment must be provided at all racing events, or as required by the fire district or Health Services Department.
  - C. Posted speed limits must be obeyed.
  - D. Smoking will be allowed only in designated areas or parking lots.
  - E. All vehicles must display current day's admission sticker.
  - F. All persons under the age of 18 must have a signed release from a parent or legal guardian.
  - G. All guest vehicles must be cleared from the grounds by closing time.
  - H. All trash must be put in receptacles, including all trash and debris around the perimeter of the park resulting from the use.
  - I. All children under the age of 12 must be accompanied by an adult at all times.
  - J. No open fires are allowed.
  - K. No wheel stands, spinning donuts, or racing in parking lots is allowed.

- L. No riding on graded or filled banks around parking lots or main roads is allowed.
- M. Anyone behaving in a manner dangerous to other persons or property will be asked to leave and not come back.
- N. No riding in or near Kellogg Creek is allowed.
- O. All motorcycles must have spark arrestors and silencers.

#### **Concerts/Live Music Prohibited**

- 22. Musical concerts and dances are prohibited.

#### **Overnight Camping Prohibited**

- 23. No overnight camping or sleeping by patrons of the park, race participants, ~~or spectators, visitors or guests of the operator and/or property owners~~ is allowed on the property. The park premises must be cleared of all such persons and visitors at the end of each day.

**Comment [RM16]:** This proposal goes beyond the operations of the motorcycle ranch and the applicants have the right to use their home and property consistent with the provisions of the Agricultural Zoning as set forth in the General Plan.

#### **Grading/Track Maintenance and Grooming**

- 24. Grading for routine track maintenance and grooming associated with the motorcycle park land use is exempt from the permit requirements of the grading ordinance. Extensive track reconfiguration will require the review and approval of the Community Development Division, and may require a grading permit.

#### **Retail Sales Prohibited**

- 25. There shall be no retail sales of any kind on the site, including but not limited to retail sale of food or drink.

#### **Buffer Planting**

- 26. Within 30 days of approval of this permit, a row of mature Leyland Cypress trees must be planted in a spacing pattern of no less than six feet apart along

the fenceline adjacent to the arena and corral of APN 003-020-042 to serve as a physical buffer between the subject property and APN 003-020-042. The trees to be planted shall be no less than 24-inch box size, and the operator and/or property owners shall install an irrigation system to support the growth of the trees. Any dead trees shall be replaced to restore the buffer along the fenceline referred to above. Verification must be provided to the Community Development Division once the planting is completed and prior to the first formalized racing event.

**Comment [RM17]:** The applicants have already installed thousands of dollars of cypress and other trees with irrigation as set forth in this proposed COA. There is no objection to replacing dead trees. The applicants did this without being required to, to be a good neighbor. This requirement is going to get into compliance issues of "was it a 24-inch box tree, or less?"

### **Indemnification**

27. The property owners must deliver an executed indemnification agreement between the property owners and Contra Costa County requiring the property owners to defend, indemnify, and hold harmless Contra Costa County against any expenses arising from or related to claims or litigating regarding the County's actions in reviewing or approving this Land Use Permit application (County File No. LP15-2040). The Director of the Department of Conservation and Development is authorized to execute the indemnification agreement on behalf of the County.

### **PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL FOR LP15-2040**

#### **General Requirements**

28. This development shall conform to the requirements of Division 914 (Drainage) and the remainder of Title 9 and Title 10 of the Subdivision Ordinance. Any exceptions therefrom must be specifically listed in this conditional approval statement.
29. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with the review and inspection fees, and security for all improvements required by the Ordinance Code or the conditions of approval for this project.

#### **Roadway Improvements (Frontage/On-site/Off-site)**

30. The applicant shall be permitted an exception from construction of full frontage improvements along the Camino Diablo Frontage of this property, at this time, provided that he improves the Camino Diablo entrance to this development to include at least a 6.1 meter (20-foot) wide paved driveway constructed to County private road standards from the edge of pavement to the proposed

right-of-way line. The entrance shall also include paved tapers and flares designed and constructed in accordance with Figure 405.7 from the Caltrans Highway Design Manual from the edge of pavement along Camino Diablo to the right-of-way line (based on the basic 6.1 meter [20-feet] driveway width).

#### **Access to Adjoining Property**

31. Proof of Access/Acquisition

Applicant shall furnish proof to the Public Works Department, Engineering Services Division, 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, road or drainage improvements.

32. Encroachment Permit

Obtain an encroachment permit from the Application & Permit Center for construction of driveways, or other improvements within the right-of-way of Camino Diablo.

33. Restrict Access

Restrict access along Camino Diablo, with the exception of the proposed access.

#### **Road Dedication**

34. Applicant shall convey to the County, by Offer of Dedication, additional right-of-way on Camino Diablo as required for the planned future width of 33.5 meters (110 feet) with at least a 457 meter (1,500 feet) centerline radius.

#### **Intersection Design/Sight Distance**

35. Provide a sight distance analysis, subject to the review of the Public Works Department, which analyzes the proposed Camino Diablo entrance to this development. Provide sight distance based on a design speed of 104 kilometers per hour (65 miles per hour) along Camino Diablo.

#### **Drainage Improvements/Collect and Convey**

36. Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having

definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse.

37. Discharging concentrated storm water into roadside ditches is prohibited by the Ordinance Code. However, as roadside ditches are characteristic of the area, an exception from this requirement is granted provided the applicant verifies the adequacy of the downstream ditch system or constructs any necessary improvements to make this system adequate.

#### **Miscellaneous Drainage Requirements**

38. The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets.

#### **Utilities/Undergrounding**

39. An exception is permitted from undergrounding utility distribution facilities due to the rural nature of this area.

#### **Traffic Control**

40. The applicant shall provide special traffic control personnel at the Camino Diablo access to this property for events involving more than 500 vehicles, unless the Zoning Administrator approves the special event without traffic control. Traffic Control may also be required for smaller events if significant traffic complaints substantiate a need.

#### **Creek Structure Setbacks**

41. The applicant shall be required to observe the creek structure setback line in accordance with Section 914-14.012, "Structures Setback Lines for Unimproved Earth Channels" for any new structures on this property.

#### **National Pollutant Discharge Elimination System (in addition to NPDES permit)**

42. Within 30 days of the effective date of this ~~(2016)1998~~ modified permit and prior to the commencement of any motorcycle riding or motocross activities on the property, the applicants shall ensure that ~~they~~ he ~~have~~ has complied with all components of this condition of approval.

**Comment [RM18]:** This is a modification of the 1998 permit

**Comment [RM19]:** The standard should be the "effective date of this 1998 permit"

**Comment [RM20]:** No objection

**Comment [RM21]:** No objection

- A. Hazardous wastes, including but not limited to used motor oil, battery acid or antifreeze shall not be discharged onto the ground.
- B. All hazardous wastes shall be stored in appropriate containers on a covered concrete slab in an area which is not subject to inundation and shall be removed from the facility at least one each 90 days.
- C. The applicant shall pave, cover and contain the various vehicle repair pit areas to prevent contaminants from these areas from reaching the creek. The applicant shall obtain a Hazardous Waste Generator's Permit from the County Health Department to assure adequate maintenance of the vehicle repair pit areas and disposal of the hazardous wastes.
- D. The applicant shall provide an erosion control plan showing how the quantity of silt entering the creek from this property will be reduced. The erosion control plan shall be subject to the review of the Public Works.

NOTE: In the event that the improvements required by the Public Works Department have been constructed, the applicant shall provide the Public Works Department with evidence that these improvements have been completed.

- 43. Prior to issuance of a building permit, the applicant shall pay Drainage Area 130 (DA 130) fees.
- 44. Prior to issuance of a building permit, the applicant shall demonstrate that the grading work does not alter the existing drainage.

#### **ADVISORY NOTES**

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.



Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Additional requirements may be imposed by the East Contra Costa Fire Protection District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- C. Additional requirements may be imposed by the Contra Costa Health Services, Environmental Health Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- D. Additional requirements may be imposed by the Building Inspection Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- E. Additional requirements may be imposed by the Public Works Department. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.



PROPOSED CONDITIONS REVISIONS AS OF 12/13/2016  
ITEM # D.7

**GROWTH MANAGEMENT PERFORMANCE STANDARDS, FINDINGS, AND  
CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

**A. Growth Management Performance Standards**

1. **Traffic:** The Growth Management Element of the County General Plan requires consideration of permanent traffic increases related to population growth. Growth is influenced by development that increases population by attracting new residents to the county. New residential and commercial developments are the primary causes of growth that can increase traffic in an area on a permanent basis. No residential or commercial development is proposed as part of this project that would require implementation of the requirements of the Growth Management Element. The project is a modification to an existing entitlement for the continued operation of an existing off-road motorcycle recreational park. The subject motorcycle recreational park has been in operation since 1973. The project will continue the operation of the facility in a manner consistent with the existing entitlements. No expansion or intensification of the use is approved; therefore, no changes in existing traffic levels associated with the operation of the facility are proposed.
2. **Water:** The subject property currently receives water from an existing onsite water well. No new residential or commercial construction is proposed that would require additional water service to the site.
3. **Sewage Disposal:** The subject property is serviced by an existing septic system. No new residential or commercial development is proposed that would require additional sewage facilities; therefore, the project will not impact water-quality standards or waste-discharge requirements.
4. **Fire Protection:** The site is currently served by the East Contra Costa Fire Protection District. The District has reviewed the project and provided their comments and conditions relating to the proposed project, and no new or increased fire protection services were required.
5. **Public Protection:** The Growth Management Element, Section 4.4 of the County General Plan requires 155 square feet of Sheriff's station area and support facilities for every 1,000 members of the population. Since there is no residential or commercial development proposed, which could induce population growth, the project would not increase the population up to or within this threshold, and therefore, the project would not increase the demand for police service facilities or require the construction of, or the need for new police substations within the area.

6. **Parks and Recreation:** The County General Plan requires that three acres of neighborhood parks be available for every 1,000 members of the population. The proposed project will not result in an increase in the County population. There will not be an impact on the demand for parks within the County, nor will there be an associated increase in the population as a result of the project. The project proposes no residential or commercial development that could induce population growth in the area.
7. **Flood Control and Drainage:** The project does not propose any drainage improvements or significant changes in existing grades or contours on the subject property that could affect existing drainage patterns. The subject site is not located within a 100-year flood hazard zone as determined by the Federal Emergency Management Agency. Therefore, the proposed project will not adversely impact or alter flood control or drainage patterns.

B. **Land Use Permit Findings**

1. ***The proposed project will not be detrimental to health, safety, and the general welfare of the County.***

**Project Finding:** The proposed Land Use Permit modification for the existing off-road motocross recreation park as conditioned will not pose a threat to the health, safety, or welfare of the County. All of the requirements of the Community Development Division, the Building Inspection Division, the Health Services Department, and the Fire District must be adhered to at all times. The continued operation of an existing motorcycle recreational facility will not impact the health, welfare, and safety of the County.

2. ***The proposed project will not adversely affect the orderly development of property within the County.***

**Project Finding:** The project does not propose any development, but rather to continue the operation of an existing off-road motocross recreation park. The land use is consistent with both the General Plan and Zoning designations for the subject agricultural property, and thus it will not adversely affect the orderly development of property within the County.

3. ***The project as conditioned will not adversely affect the preservation of property values and the protection of the tax base within the County.***

**Project Finding:** Typically, illegal land uses that are established in a manner inconsistent with the General Plan and the zoning code have the potential to degrade property values. Also, homes, properties, and buildings that are allowed to decline into a condition of disrepair can contribute to negative property values. The proposed Land Use Permit modification for the existing off-road motocross recreation park is consistent with both the General Plan and Zoning designations for the subject agricultural property, and the facility and property has been maintained in good condition by the current property owners. Once the facility is open to the public, its operation will contribute to the tax base of the County with taxes generated from revenue received by operation of the park. Therefore, it will not have a detrimental effect on property values or the County tax base.

4. ***The project as conditioned will not adversely affect the policy and goals as set by the General Plan.***

**Project Finding:** The subject property has a General Plan designation of "Agricultural Lands" (AL), which states that extensive recreational facilities may be allowed in agricultural areas that are designated AL by issuance of a land use permit. The continued operation of the existing off-road motocross recreation park is consistent with the goals and policies of the General Plan.

5. ***The project as conditioned will not create a nuisance and/or enforcement problem within the neighborhood or community.***

**Project Finding:** The primary potential nuisance that could be associated with this land use would be posed by loud noise generated from running motorcycles. The sound study prepared for the project predicted that noise levels at all the modeled property line locations is below the Noise Element guideline of 75 decibels, which is considered "normally acceptable" for areas with a General Plan designation of Agricultural Lands. As conditioned, and with the reduced hours of operation and by reducing the days open from 7 days to 5 days per week, the project will not create a nuisance and/or enforcement problem within the neighborhood or community.

6. ***The proposed project will not encourage marginal development within the community.***

**Project Finding:** Development is controlled by zoning, the General Plan, and physical constraints. The existing motorcycle recreation park has been in operation since 1973 and has not contributed to marginal development in the surrounding community. In fact, the project proposes no new development, and therefore will not encourage or set precedence for marginal development within the community.

7. ***That special conditions or unique characteristics of the subject property and its location or surroundings are established.***

**Project Finding:** The subject property is unique in that it has been the location of the only permitted off-road motorcycle recreational facility in the county since 1973. The property has unique and varied topography that makes it ideal for motorcycle sports. These characteristics, along with the proper zoning and General Plan designations, and the isolated location, make the subject property ideal for this kind of land use.

#### **CONDITIONS OF APPROVAL FOR COUNTY FILE #LP15-2040**

##### **Land Use Permit Approval**

1. A Land Use Permit is APPROVED for the operation of an off-road motorcycle recreation park based on the following documents:
  - Application and materials submitted to the Department of Conservation and Development, dated October 8, 2015
  - Site plan received on October 8, 2015
  - Noise Study prepared by Wilson Ihrig Consultants, dated March 8, 2016

This permit and conditions of approval supersede County File #LP95-2020 and is approved for mechanical recreation and related activities (i.e. motorcycle and go-cart racing, recreational riding, and practice). The only vehicles allowed on this site for commercial recreation use are motorcycles and go-carts. Mini-sprint vehicles are allowed if they are motorcycle powered (i.e. chain driven) only as long as the noise levels referenced in the March 8, 2016 project noise study are

not exceeded. Any expansion, intensification of the use, change in hours of operation, or additional types of racing or other uses will require the approval of a new Land Use Permit.

All activities approved by this permit are restricted to the tracks and motocross areas as indicated on the October 8, 2015 site plan. The location of the main track as shown on the October 8, 2015 site plan should be interpreted as the general location of riding activities for that track, and is not to be strictly enforced as the required configuration of the track. Periodic routine minor changes to the configuration of the main track are allowed under this permit, as long as the changes occur in the general location shown on the approved site plan. A fence must be installed and maintained around the perimeter of the site and any gates to adjacent properties kept closed while the park is operating to ensure uses allowed by this permit are confined to the subject property.

### **Application Costs**

2. This application is subject to an initial application deposit of \$2,700.00, 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 Reviews**

3. The park operator and/or property owners must submit an application for a compliance review 1, 3, 5, 8, and 12 years after issuance of this permit, then every five (5) years thereafter. A report detailing the steps taken to comply with the conditions of approval shall accompany the application. The applicant is responsible for costs associated with the compliance reviews. A deposit/fee in the amount of \$1000.00 (subject to time and materials) will be filed with the compliance review application to allow for review of the conditions of approval. Compliance will be determined by the Zoning Administrator in a public hearing with appropriate notice to property owners within a ½ mile of the site and to any individuals or parties expressing interest in the project.

A noise report based on a Type-1, unattended, 24-hour 5-day minimum continuous sound study will be provided at the time of each compliance review.

The purpose of the noise study is to determine if the noise levels do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). Each noise study shall be conducted on days of normal facility operations (i.e., Thursday through Monday) and shall include a race day selected by the Department of Conservation and Development Community Development Division. If no race days are scheduled during the calendar year of the compliance review, the Community Development Division shall determine the type activity and the date to be studied in lieu of a race day. Each noise study shall be conducted using the methodologies used in the March 8, 2016 report prepared by Wilson Ihrig, but will measure actual noise levels for the entire period rather than estimate the duration of activities. Each noise study shall be conducted at the 5 locations identified within the March 8, 2016 report prepared by Wilson Ihrig, and at an additional location on 75 feet from the frontage property line along Camino Diablo. No sooner than for the third required noise study, the Community Development Division may consider and approve a request by the applicant to reduce the number of stations monitored to include the two or three stations shown to be the loudest. If deemed necessary upon review of the report, the Community Development Division may require the sound/noise consultant to prepare recommendations for reducing noise levels so that they do not exceed the noise levels specified in condition of approval #14 (Noise Emissions). The applicant will be required to implement the consultant's recommendations in order to reduce noise so that the specified levels are not exceeded, as documented by a follow-up noise study conducted according to the same methodology during the next scheduled race (or other studied activity). The applicants and/or property owners will be responsible for all costs associated with the preparation, peer review, and staff review of the reports. The Department of Conservation and Development can require additional noise reports at any time deemed reasonably necessary to verify ongoing compliance with the 75 decibel land use compatibility standard in the Noise Element of the General Plan noise levels specified in condition of approval #14 (Noise Emissions).

The applicant is encouraged, at the time of each compliance review, to assess advancements in technology relating to motorcycle use and noise, and make voluntary upgrades, where practical, that could contribute to lessening the obtrusiveness of sound generated by the facility. Promoting the use of electric



vehicles and development of a proposal to install solar panels for track lighting is highly encouraged.

Each of the first three compliance reviews will be noticed and conducted as conditional use permit modification hearing, consistent with the authority provided by County Code Sections 26-2.2022 — 26-2.2030, to consider and establish potential modified conditions. The intent of this requirement is to enable the County to modify permit conditions to address technological innovations that would reduce noise or improve monitoring capability or other changes in circumstances. Nothing in this section is intended to limit the County's authority to convene a hearing at other times to modify, suspend or revoke this land use permit consistent with the provisions of County Code Sections 26-2.2020 — 26-2.2030.

#### **Electric Vehicle Demonstration Events**

4. At least once a year during a formalized racing event, the applicant must hold a riding demonstration showcasing the use of electric motorcycles. If no racing events are held during the year, no demonstration will be required.

#### **Prior to First Formalized Competitive Racing Event**

5. Upon reconstruction of the oval track to the east-central portion of the property, notify the Community Development Division a minimum of 30 days in advance of the opening of the oval track for the first formalized weekend racing event and/or the first "Friday (or Saturday) Night Under The Lights" event.
6. At least 30 days prior to the first racing event, provide documentation to the Community Development Division that all Health Services Department requirements have been satisfied for that use.

#### **Hours of Operation**

7. Riding activities may occur only during the hours of operation allowed by this permit. Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited at all other times.
8. Tuesdays and Wednesdays and Christmas and Thanksgiving will be "quiet days". Riding activities, including riding by customers and riding by or for the property owners' private use, are prohibited on all Tuesdays, all Wednesdays, Thanksgiving, and Christmas.

9. Recreational and Practice Riding Activities: Recreational and practice riding activities on the main track and the lighted oval track is permitted 5 days a week (Thursday through Monday) and will be limited to the following hours:
- Mondays and Fridays: 12:00 P.M. to 6:00 P.M. or sundown, whichever comes first.
  - Fridays before racing events: 9:00 A.M. to 3:00 P.M. or 12:00 P.M. to 6:00 P.M.
  - Thursdays: 12:00 P.M. to 7:00 P.M. or sundown, whichever comes first.
  - Weekends and holidays (other than Thanksgiving and Christmas): 9 A.M. to 6:00 P.M. or sundown, whichever comes first, provided that the facility may only operate for eight contiguous hours during this nine hour period (e.g., operate from 9 A.M. to 5:00 P.M. or 10 A.M. to 6 P.M.).
10. Friday (or Saturday) Night Under The Lights: The lighted oval track may be used for late night recreational riding until 10:00 P.M., but not more than two (2) days per each calendar month on a Friday or Saturday, and the park must be emptied by 11:00 P.M. The facility may not open before 2:00 P.M. and the main track will be closed and cannot be used on such days. There will be no formalized racing events allowed during any month with late night recreational riding events.
- Both allotted late night recreational events may be conducted on one weekend (Friday and Saturday) or on separate weekends, not to exceed two days per month.
11. Formalized Racing Events *[A racing event is one that has registered contestants who have paid entry fees to compete in official competitive races on the site.]* All motorcycle racing events on the main track will be allowed on one day per weekend (Saturday or Sunday) and on holidays, but not to exceed two (2) racing events per calendar month. No motorcycle activity or racing will be allowed on Thanksgiving or Christmas. Racing hours will be limited from 9:00 A.M. to 6:00 P.M. or sundown, whichever comes first. The lighted oval track will be closed and cannot be used on race days. There will be no late night recreational riding events on the lighted oval track allowed during any month with a scheduled racing event.

Both allotted racing events may be conducted on one weekend (Saturday and Sunday) or on separate weekends, not to exceed two days per month.

## Event Notification

12. As soon as racing schedules are available, but not less than 2 months prior to any formalized racing event, e-mail notification must be sent to the Department of Conservation and Development, Community Development Division and any individuals or parties expressing interest in the project, notifying them of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of notification not less than 2 month in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled provided that email notification and proof of such notification are provided not less than one month prior to the rescheduled race date. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.
13. As soon as racing schedules are available, but not less than 2 months prior to any formalized racing event, an event schedule must be posted online on the facility's webpage and any social media site notifying the public of the latest scheduled racing events. The operator and/or property owners shall provide to the Community Development Division proof of mailing not less than 2 months in advance of each scheduled event for which notice is required under this condition. If a scheduled race is cancelled due to rain, it may be rescheduled, provided that online posting and proof of such posting are provided not less than one month prior to the rescheduled race date. Late night riding events, such as Friday Night Under The Lights, are also subject to this noticing requirement.

## Noise Emissions

### VERSION A (CURRENT)

14. Average noise levels generated motorcycle/go-cart riding and racing activities must not exceed the community noise exposure level of 75 decibels specified by the General Plan for agricultural areas, and must not exceed those specified in the analysis of the March 8, 2016 project noise study.

VERSION B (PROPOSED BY MR. TROTTER)

14. Hourly Average and day night average (DNL) noise levels generated by motorcycle/go-cart recreational riding, practice and racing activities must not exceed the community noise exposure level of 75 decibels specified by the General Plan for agricultural areas, and must not exceed those specified measured and predicted in the analysis of the March 8, 2016 project noise study.

VERSION C (CLARIFICATION RETAINING FOCUS ON 75 DECIBEL GP STANDARD)

14. Average noise levels generated by motorcycle/go-cart riding and racing activities must not exceed the community noise exposure level (Ldn) of 75 decibels specified by the General Plan for agricultural areas, and must not exceed those that level when measured as specified in the analysis of the March 8, 2016 project noise study.

VERSION D (HYBRID)

14. Average noise levels generated motorcycle/go-cart recreational riding, practice and racing activities must not exceed the community noise exposure level (Ldn) of 75 decibels specified by the General Plan for agricultural areas, and must shall be operated with a goal of not exceeding those levels measured and predicted specified in the analysis of the March 8, 2016 project noise study and of continually reducing the noise generated by facility. Exceedance of the 75 decibel level may be grounds for permit revocation. Exceedance by more than 5% of those levels measured and specified in the March 8, 2016 project noise study shall require adherence to mitigation measures recommended by a noise consultant and may be grounds for permit modification.
15. For formalized racing events, no more than 25 riders will be allowed on the main track at a time, and no riding will be allowed on the oval track. The park operator must maintain a log of riders for all formalized racing events. Riders of electric motorcycles and/or electric go-carts shall not count against this limits.
16. For practice/recreational riding, the maximum number of riders will not exceed 45 on the main track and 25 on the oval track at any time, with the exception that riders of electric motorcycles and/or electric go-carts shall not count against these limits.
17. All individual motorcycles and/or go-carts using the park will be required to meet a noise standard of not more than 96 decibels when measured from a distance of 20 inches using test procedures established by the Society of Automotive

Engineers under Standard J-1287. Noise measurements must be taken on a daily basis prior to admission and use of the park for all motorcycles and/or go-carts seeking to use the park. Any measured vehicles not meeting this standard will not be allowed admission and use of the park.

### **Lighting for Oval Track**

18. Exterior lights for the oval racetrack must be deflected so that lights shine onto the applicant's property and not toward adjacent properties. Lighting must be reviewed for approval by the Community Development Division and the Building Inspection Division prior to installation and operation. If deemed necessary by the Building Inspection Division, a building permit must be issued prior to installation and operation of lighting.

### **Signage**

19. All signs will be subject to the review and approval of the Community Development Division prior to installation. The hours of operation must be clearly posted in a visible location at the park entrance.

### **Dust Control**

20. The off-street parking area must be sprayed with water to prevent the creation of dust. This will be done as needed to keep dust from causing nuisances to neighboring residences. On those days when there are 25 or more people present at one time on the site to either run or observe recreational vehicles, the applicant will apply water as necessary to avoid fugitive dust impacts on nearby properties. The application of water will include motorcycle and go-cart track areas, parking lot, and driveways.

### **Health and Safety Requirements for All Racing Events and for Practice/Recreational Riding Activities**

21. The following regulations for the operation of the motocross facility must be enforced by the park operator and/or property owners and made part of this permit as follows:
  - A. All riders must wear helmets and boots.

- B. Ambulance service, first aid, and fire-fighting equipment must be provided at all racing events, or as required by the fire district or Health Services Department.
- C. Posted speed limits must be obeyed.
- D. Smoking will be allowed only in designated areas or parking lots.
- E. All vehicles must display current day's admission sticker.
- F. All persons under the age of 18 must have a signed release from a parent or legal guardian.
- G. All guest vehicles must be cleared from the grounds by closing time.
- H. All trash must be put in receptacles, including all trash and debris around the perimeter of the park resulting from the use.
- I. All children under the age of 12 must be accompanied by an adult at all times.
- J. No open fires are allowed.
- K. No wheel stands, spinning donuts, or racing in parking lots is allowed.
- L. No riding on graded or filled banks around parking lots or main roads is allowed.
- M. Anyone behaving in a manner dangerous to other persons or property will be asked to leave and not come back.
- N. No riding in or near Kellogg Creek is allowed.
- O. All motorcycles must have spark arrestors and silencers.

### **Concerts/Live Music Prohibited**

- 22. Musical concerts and dances are prohibited.

### **Overnight Camping Prohibited**

- 23. No overnight camping ~~or sleeping by patrons of the park, race participants, or spectators of any kind~~ is allowed on the property. The park premises must be cleared of visitors at the end of each day.



### **Grading/Track Maintenance and Grooming**

24. Grading for routine track maintenance and grooming associated with the motorcycle park land use is exempt from the permit requirements of the grading ordinance. Extensive track reconfiguration will require the review and approval of the Community Development Division, and may require a grading permit.

### **Retail Sales Prohibited**

25. There shall be no retail sales of any kind on the site, including but not limited to retail sale of food or drink.

### **Buffer Planting**

26. Within 30 days of approval of this permit, a row of mature Leyland Cypress trees must be planted in a spacing pattern of no less than six feet apart along the fenceline adjacent to the arena and corral of APN 003-020-042 to serve as a physical buffer between the subject property and APN 003-020-042. Many buffer trees have already been planted. All newThe trees to be planted shall be no less than 24-inch box size, and the operator and/or property owners shall maintain proper grown and health of the trees over time. Any dead trees will be immediately replaced to restore the buffer along the fenceline referred to above. Verification must be provided to the Community Development Division once the planting is completed and prior to the first formalized racing event.

### **Indemnification**

27. The property owners must deliver an executed indemnification agreement between the property owners and Contra Costa County requiring the property owners to defend, indemnify, and hold harmless Contra Costa County against any expenses arising from or related to claims or litigating regarding the County's actions in reviewing or approving this Land Use Permit application (County File No. LP15-2040). The Director of the Department of Conservation and Development is authorized to execute the indemnification agreement on behalf of the County.

## **PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL FOR LP15-2040**

### **General Requirements**

28. This development shall conform to the requirements of Division 914 (Drainage) and the remainder of Title 9 and Title 10 of the Subdivision Ordinance. Any exceptions therefrom must be specifically listed in this conditional approval statement.
29. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with the review and inspection fees, and security for all improvements required by the Ordinance Code or the conditions of approval for this project.

### **Roadway Improvements (Frontage/On-site/Off-site)**

30. The applicant shall be permitted an exception from construction of full frontage improvements along the Camino Diablo Frontage of this property, at this time, provided that he improves the Camino Diablo entrance to this development to include at least a 6.1 meter (20-foot) wide paved driveway constructed to County private road standards from the edge of pavement to the proposed right-of-way line. The entrance shall also include paved tapers and flares designed and constructed in accordance with Figure 405.7 from the Caltrans Highway Design Manual from the edge of pavement along Camino Diablo to the right-of-way line (based on the basic 6.1 meter [20-feet] driveway width).

### **Access to Adjoining Property**

31. Proof of Access/Acquisition  
Applicant shall furnish proof to the Public Works Department, Engineering Services Division, 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, road or drainage improvements.
32. Encroachment Permit  
Obtain an encroachment permit from the Application & Permit Center for construction of driveways, or other improvements within the right-of-way of Camino Diablo.



33. Restrict Access

Restrict access along Camino Diablo, with the exception of the proposed access.

**Road Dedication**

34. Applicant shall convey to the County, by Offer of Dedication, additional right-of-way on Camino Diablo as required for the planned future width of 33.5 meters (110 feet) with at least a 457 meter (1,500 feet) centerline radius.

**Intersection Design/Sight Distance**

35. Provide a sight distance analysis, subject to the review of the Public Works Department, which analyzes the proposed Camino Diablo entrance to this development. Provide sight distance based on a design speed of 104 kilometers per hour (65 miles per hour) along Camino Diablo.

**Drainage Improvements/Collect and Convey**

36. Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse.
37. Discharging concentrated storm water into roadside ditches is prohibited by the Ordinance Code. However, as roadside ditches are characteristic of the area, an exception from this requirement is granted provided the applicant verifies the adequacy of the downstream ditch system or constructs any necessary improvements to make this system adequate.

**Miscellaneous Drainage Requirements**

38. The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets.

**Utilities/Undergrounding**

39. An exception is permitted from undergrounding utility distribution facilities due to the rural nature of this area.

**Traffic Control**

40. The applicant shall provide special traffic control personnel at the Camino Diablo access to this property for events involving more than 500 vehicles, unless the Zoning Administrator approves the special event without traffic control. Traffic Control may also be required for smaller events if significant traffic complaints substantiate a need.

#### **Creek Structure Setbacks**

41. The applicant shall be required to observe the creek structure setback line in accordance with Section 914-14.012, "Structures Setback Lines for Unimproved Earth Channels" for any new structures on this property.

#### **National Pollutant Discharge Elimination System (in addition to NPDES permit)**

42. Within 30 days of the effective date of this (~~1998~~2016) modified permit and prior to the commencement of any motorcycle riding activities on the property, the applicant shall ensure that he has complied with all components of this condition of approval.
  - A. Hazardous wastes, including but not limited to used motor oil, battery acid or antifreeze shall not be discharged onto the ground.
  - B. All hazardous wastes shall be stored in appropriate containers on a covered concrete slab in an area which is not subject to inundation and shall be removed from the facility at least one each 90 days.
  - C. The applicant shall pave, cover and contain the various vehicle repair pit areas to prevent contaminants from these areas from reaching the creek. The applicant shall obtain a Hazardous Waste Generator's Permit from the County Health Department to assure adequate maintenance of the vehicle repair pit areas and disposal of the hazardous wastes.
  - D. The applicant shall provide an erosion control plan showing how the quantity of silt entering the creek from this property will be reduced. The erosion control plan shall be subject to the review of the Public Works.

NOTE: In the event that the improvements required by the Public Works Department have been constructed, the applicant shall provide the Public Works Department with evidence that these improvements have been completed.

43. Prior to issuance of a building permit, the applicant shall pay Drainage Area 130 (DA 130) fees.
44. Prior to issuance of a building permit, the applicant shall demonstrate that the grading work does not alter the existing drainage.

#### **ADVISORY NOTES**

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Additional requirements may be imposed by the East Contra Costa Fire Protection District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- C. Additional requirements may be imposed by the Contra Costa Health Services, Environmental Health Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- D. Additional requirements may be imposed by the Building Inspection Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.

- E. Additional requirements may be imposed by the Public Works Department. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.



**Contra  
Costa  
County**

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: December 13, 2016

Subject: Execute a Memorandum of Understanding with the City of San Ramon to participate in the San Ramon Valley Street Smarts Program. District II

**RECOMMENDATION(S):**

APPROVE AND AUTHORIZE the Public Works Director, or designee, to execute, on behalf of the County, a Memorandum of Understanding with the City of San Ramon, and to pay the City \$20,000 from the Dougherty Valley Regional Enhancement Fund, to participate in the San Ramon Valley Street Smarts Program for the period of July 1, 2016 through June 30, 2017, as recommended by the Public Works Director. (District II);

ALLOCATE a total of \$20,000 from the Dougherty Valley Regional Enhancement Fund to pay the City of San Ramon for San Ramon Valley Street Smarts Program support under the MOU (\$10,000), and for program-related administrative support (\$10,000), for the period from July 1, 2016, through June 30, 2017; and

DIRECT the Auditor-Controller to issue a warrant, payable to the City of San Ramon, to pay \$20,000 from Dougherty Valley Regional Enhancement Fund monies.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Monish Sen, (925)  
313-2187

### FISCAL IMPACT:

The County's participation in the San Ramon Valley Street Smarts Program is fully funded by the Dougherty Valley Regional Enhancement Fund. The total contribution is \$20,000 for fiscal year 2016/2017. Ten thousand dollars (\$10,000) is contributed directly to the San Ramon Valley Street Smarts Program for general support services by the City of San Ramon, and \$10,000 is provided to the City of San Ramon for the costs of administering the San Ramon Valley Street Smarts Program.

### BACKGROUND:

The San Ramon Valley Street Smarts Program is a collaborative effort among the County, the City of San Ramon, the Town of Danville, the San Ramon Unified School District, and the San Ramon Valley Fire Protection District. During Fiscal Year 2016-2017, the City of San Ramon will administer the program and has requested that the County fund a total of \$20,000 for program support (\$10,000) and administrative support services (\$10,000). The San Ramon Valley multi-agency education campaign is implemented through the collaborative effort of the Street Smarts Advisory Committee ("Advisory Committee"), which meets periodically to implement program components.

The Advisory Committee has adopted several large-scale programs to be implemented. They include:

**Street Smarts Media Annual Press Release:** An annual press release will be sent out at the beginning of the program year outlining the upcoming Street Smarts Program. The release will encourage members of the media and the public to learn about Street Smarts' traffic safety education activities for the upcoming school year.

**Street Smarts Storybook Poster Contest:** Each year, hundreds of elementary school students compete to have their artwork be part of a traffic safety storybook. The final book is unveiled at an awards ceremony held at the Dougherty Performing Arts Center, and thousands of copies of the book are distributed to San Ramon Valley schools, community centers, and public libraries.

**Traffic Safety Assemblies:** Street Smarts devised an elementary school assembly designed to teach students the basics of pedestrian and bicycle safety. Street Smarts assemblies educate students about the basic lessons of traffic safety in a fun and entertaining environment. Students learn how to safely navigate street crossings and intersections, as well as the importance of wearing a helmet when riding a bike, skateboard and scooter.

**Bike Rodeos:** As a component of Street Smarts' Safe Routes to School efforts, bike rodeos are an after-school activity that allows elementary school students to practice their cycling and traffic safety skills in a controlled, supervised environment. Bike rodeos include an interactive bicycling course, bike maintenance station and individual helmet check to ensure a proper fit. These activities reinforce street safety concepts

**"BMX" Middle School Bike Safety Program:** The Street Smarts Program is introducing a new educational bike safety program to middle school students in the San Ramon Valley by delivering an informative and entertaining message to middle school students through a combination of BMX skills and a visual bike and helmet safety message.

**Street Smarts "Be Reel!" Video Contest:** Middle school students are encouraged to work individually or in teams of up to four students to create 60-second public service announcement (PSA) video on a specific traffic safety theme. Approximately 10 finalist videos are chosen from these submissions to be premiered at the contest awards ceremony, which will be held at the Danville Village Theatre.

**CHP "Start Smart" Teen Driver Safety Program:** Street Smarts has partnered with the California Highway Patrol to bring the "Start Smart" Program to local high schools. "Start Smart" is a free two-hour, highly impactful and interactive safety class to educate new drivers and their parents about safe driving practices.

**Community Outreach Efforts:** Street Smarts staff attends over two dozen community events as part of its outreach efforts. At the events, Street Smarts representatives staff an informational booth with traffic safety educational

program material and activities for children, and teen drivers.

Street Smarts Web Site: To advance its community outreach efforts, the Street Smarts web site ([www.street-smarts.com](http://www.street-smarts.com)) will continue to serve as a resource for the community to learn about traffic safety and ongoing Street Smarts programs. In August 2016, a revised and updated web site was released for the benefit of parents, students and the general public in order to view program information and bike and pedestrian safety resources. The new web site is not only web user friendly, but also mobile phone friendly.

The program advances traffic, bicyclists, and pedestrian safety within the San Ramon Valley. For these reasons, the Public Works Department recommends that the Board of Supervisors approve participating in the program during Fiscal Year 2016-2017, and funding a total of \$20,000 for program support and administrative services.

CONSEQUENCE OF NEGATIVE ACTION:

Contra Costa County will no longer be a participant in the program.

CHILDREN'S IMPACT STATEMENT:

The San Ramon Valley Street Smarts Program is an educational campaign to promote traffic safety awareness to elementary, middle, and high school-aged children.

ATTACHMENTS

2016-2017 Street Smarts Program MOU

2016-2017 MOU Attachments A and B



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## CITY OF SAN RAMON

7000 BOLLINGER CANYON RD  
SAN RAMON, CALIFORNIA 94583  
PHONE: (925) 973-2500  
WEB SITE: [www.sanramon.ca.gov](http://www.sanramon.ca.gov)

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November 9, 2016

Julie Bueren  
Director, Public Works  
Contra Costa County Public Works Department  
255 Glacier Drive  
Martinez, CA 94553

RE: 2016/2017 Street Smarts Program  
Program Development and Administration Staffing Services  
Memorandum of Understanding

Dear Ms. Bueren:

The City of San Ramon (the "City") is pleased to continue to partner with Contra Costa County (the "County") in the implementation of programs, such as the Street Smarts Program, that are of San Ramon Valley-wide importance and on issues which do not recognize political boundaries.

This Memorandum of Understanding (MOU) outlines the apportionment of duties and responsibilities between the City and the County regarding the provision of Street Smarts Program development, material, and administrative staffing services for the 2016/2017 Program Year.

### 1. Program Background

The Street Smarts Program is a traffic safety public education campaign that is implemented valley-wide through the collaborative efforts of the City of Danville, City of San Ramon, Contra Costa County, San Ramon Valley Unified School District and the San Ramon Valley Fire Protection District.

The program is funded and directed by the five primary public agencies listed above, with additional funds provided by private sponsors, including the San Ramon Valley Council of PTAs. The federal Safe Routes to School Program will fund significant components of the Street Smarts efforts during 2016/2017 program year. On an annual basis, each of the four public agencies appropriate funds for program development, material, and administrative costs.



This MOU outlines the provision of program development, material, and program administrative services to the County, by the City, for the 2016/2017 Program Year.

## **2. Responsibilities of the City and the County**

### **A. The City shall:**

- a. Program staffing services within unincorporated Contra Costa County (in the geographic area known as the San Ramon Valley and as defined by the San Ramon Valley Unified School District) as outlined in the Street Smarts Program 2016/2017 Work Plan (Attachment A) and 2016/2017 Financial Plan (Attachment B).
- b. Continue to participate in the Street Smarts Advisory Committee and contribute staff time towards the ongoing implementation of the program.

### **B. The County shall:**

- a. Contribute Ten Thousand Dollars (\$10,000.00) in funds to the City of San Ramon for its share of the program administrative staffing costs outlined in Attachments A and B for Program Year 2016/2017.
- b. Contribute Ten Thousand Dollars (\$10,000.00) in funds to the City of San Ramon for its share of the program general support costs for Program Year 2016/2017.
- c. Continue to participate in the Street Smarts Program Advisory Committee and contribute staff time towards the ongoing implementation of the program during Program Year 2016/2017.

## **3. Unsanctioned Programs**

A public agency partner may choose to conduct programs or activities within their jurisdiction using the Street Smarts brand. These are known as “unsanctioned programs” and are individual agencies’ efforts to promote traffic safety education or enhance the Street Smarts brand beyond those identified in the 2016/2017 Work Plan.

Examples of unsanctioned programs include the Town of Danville’s efforts to include the Street Smarts logo on traffic safety education pamphlets at schools or the City of San Ramon’s Street Smarts/My Beat My School Officer Program.

All financial and human resources used to implement unsanctioned programs must be borne by the sponsoring agency. The valley-wide Street Smarts program budget and other resources shall not be used.

#### 4. Modifications

The program Work Plan may be augmented at any time during the program year, subject to the review and agreement of both parties. All Work Plan modifications shall be documented in writing and shall be executed with an amended MOU.

#### 5. Termination

This MOU is in effect beginning July 1, 2016 and ending June 30, 2017.

#### 6. Renewal

This MOU may be renewed for Program Year 2016/2017 and beyond, subject to the review and agreement of both parties. All MOU renewals shall be documented in writing and shall be executed with an amended MOU.

If you agree to the terms and conditions above, please execute this MOU on both originals to indicate your acceptance and return one original for our files.

We look forward to continuing our collaboration on programs of regional significance. Please do not hesitate to contact us at (925) 973-2581 if you have any questions.



Maria Fierner, Director  
Public Works  
City of San Ramon

X

Julie Bueren, Director  
Public Works  
Contra Costa County

Date:

11/9/16

Date:



---

## CITY OF SAN RAMON

2226 CAMINO RAMON  
SAN RAMON, CALIFORNIA 94583  
PHONE: (925) 973-2500  
WEB SITE: [www.sanramon.ca.gov](http://www.sanramon.ca.gov)

---

October 6, 2016

Mark A. de la O, P.E.  
Civil Engineer, Traffic Engineering  
Contra Costa County Public Works Department  
255 Glacier Drive  
Martinez, CA 94553

Subject: Invoice for Street Smarts Contribution, FY 2016/17

Dear Mr. de la O:

We appreciate the County of Contra Costa's ongoing financial contribution to the City of San Ramon to assist with general program support, as well as, administrative support for the San Ramon Valley Street Smarts Traffic Safety Education Programs/Campaign.

Enclosed please find an invoice in the amount of \$30,000, which includes \$20,000 for Street Smarts administrative services consistent with the attached Memorandum of Understanding (MOU) between the County of Contra Costa and the City of San Ramon, and \$10,000 for Street Smarts general support services for FY2016/17, to be paid to the City of San Ramon.

If you have any questions regarding this invoice, please contact me at (925) 973-2581 or email me at [dpita@sanramon.ca.gov](mailto:dpita@sanramon.ca.gov).

Thank you again for your continued support.

Sincerely,

Dolores Pita  
San Ramon Valley Street Smarts

Attachments:

MOU

Work Plan (Attachment A)

Financial Plan (Attachment B)

Invoice No. 5300



---

## CITY OF SAN RAMON

2226 CAMINO RAMON  
SAN RAMON, CALIFORNIA 94583  
PHONE: (925) 973-2500  
WEB SITE: [www.sanramon.ca.gov](http://www.sanramon.ca.gov)

---

September 23, 2016

Julie Bueren  
Director, Public Works  
Contra Costa County Public Works Department  
255 Glacier Drive  
Martinez, CA 94553

RE: 2016/2017 Street Smarts Program  
Program Development and Administration Staffing Services  
Memorandum of Understanding

Dear Ms. Bueren:

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- b. Continue to participate in the Street Smarts Advisory Committee and contribute staff time towards the ongoing implementation of the program.

### **B. The County shall:**

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- b. Continue to participate in the Street Smarts Program Advisory Committee and contribute staff time towards the ongoing implementation of the program during Program Year 2016/2017.

## **3. Unsanctioned Programs**

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Examples of unsanctioned programs include the Town of Danville's efforts to include the Street Smarts logo on traffic safety education pamphlets at schools or the City of San Ramon's Street Smarts/My Beat My School Officer Program.

All financial and human resources used to implement unsanctioned programs must be borne by the sponsoring agency. The valley-wide Street Smarts program budget and other resources shall not be used.

## **4. Modifications**

The program Work Plan may be augmented at any time during the program year, subject to the review and agreement of both parties. All Work Plan modifications shall be documented in writing and shall be executed with an amended MOU.

**5. Termination**

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**6. Renewal**

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If you agree to the terms and conditions above, please execute this MOU on both originals to indicate your acceptance and return one original for our files.

We look forward to continuing our collaboration on programs of regional significance. Please do not hesitate to contact us at (925) 973-2581 if you have any questions.

x 

Maria Fierner, Director  
Public Works  
City of San Ramon

X

Julie Bueren, Director  
Public Works  
Contra Costa County

Date: 10/3/16

Date: \_\_\_\_\_





San Ramon Valley

**2016/2017 PROGRAM WORK PLAN**

Revised: July 1, 2016

**PROGRAM AREA****1. Elementary School Storybook Poster Contest*****Roles & Responsibilities for Street Smarts Coordinator:***

- Serve as the primary point of contact and personal interface with the community (including schools) for the Storybook Poster Contest
- Serve as the lead in the development of Storybook Poster Contest guidelines, announcements, and public relations materials
- Serve as lead in coordinating storybook text with author and publication of final storybook
- Purchase prizes and supplies

***Roles & Responsibilities for Safe Routes to School Contractor(s):***

- Disseminate poster contest information and collect storybook poster contest submittals
- Provide assistance with data entry for poster contest and related special events
- Create and print contestant certificates, name badges, table displays, etc.

***Roles & Responsibilities for Town of Danville Staff:***

- Town of Danville staff will provide support at annual Awards Ceremony at the Dougherty Valley Performing Arts Center.

***Roles & Responsibilities for Street Smarts Assistant:***

- Provide assistance with dissemination of Storybook Poster Contest information and entry forms
- Provide assistance with data entry for Storybook Poster Contest and related special events

***Roles & Responsibilities for Advisory Committee Members:***

- Advisory Committee will continue to serve as lead in obtaining raffle prizes.

**2. Middle School "Be Reel" Video Contest*****Roles & Responsibilities for Street Smarts Coordinator:***

- Serve as the primary point of contact and personal interface with the community (including schools and cable stations) for the Video Contest
- Serve as the lead in coordinating Video Contest submittals, issuing invitations, etc.
- Coordinate, plan, and implement the Video Contest Awards Ceremony at the Danville Village Theatre
- Purchase awards and prizes.

***Roles & Responsibilities for Street Smarts Assistant:***

- Provide assistance with dissemination of Video Contest information and collection of banners
- Provide assistance with data entry for Video Contest and related special events

***Roles & Responsibilities for Advisory Committee Members:***

- Advisory Committee will continue to serve as lead in obtaining raffle prizes.

**3. High School "It Happens" Campaign**

***Roles & Responsibilities for Street Smarts Coordinator:***

- Supervise the contractor delivering the "It Happens" Campaign
- Schedule and organize CHP "Start Smart" events at local high schools
- Coordinate the dissemination of high school program information, website maintenance, incentive program administration, marketing and promotion, etc.,
- San Ramon staff will serve as lead in purchasing awards, services, and prizes, subject to approval of the Street Smarts Coordinator.

***Roles & Responsibilities for Street Smarts Assistant:***

- Serve as the primary point of contact and personal interface with the community (including schools, leadership classes, teen councils, etc.) for the "It Happens" campaign, under the direction of the Street Smarts Coordinator
- Work directly with leadership classes to organize on-campus events
- Make regular posts to social media accounts, including Facebook

***Roles & Responsibilities for City of San Ramon Staff:***

- San Ramon police will attend on-campus "It Happens" and CHP "Start Smart" events, when possible.

***Roles & Responsibilities for Town of Danville Staff:***

- Danville police will attend on-campus "It Happens" and CHP "Start Smart" events, when possible.

***Roles & Responsibilities for Advisory Committee Members:***

- Advisory Committee will aid in securing rewards and prizes, when possible.

**4. Safe Routes to School Component**

***Roles & Responsibilities for Street Smarts Coordinator:***

- Serve as the primary point of contact for Street Smarts' federally funded Safe Routes to School education and encouragement program components (assemblies, bike rodeos, Walk/Bike Challenge, etc.).
- Manage a temporary part-time employee who oversees the contractors and delivery of Safe Routes to School program components, such as bike rodeos and assemblies, as well as community outreach.
- Serve as the primary point of contact for administration of the federal Safe Routes to School grants
- Coordinate fulfillment of the federal Safe Routes to School grant requirements
- Manage components of Street Smarts' Safe Routes to School efforts, including contractors, staff, school-site efforts, and the administration of valley wide programs
- San Ramon will contract with additional independent consultants to deliver the Safe Routes to School program components and community outreach.

***Roles & Responsibilities for Street Smarts Assistant:***

- Implement bike rodeos, assemblies, encouragement, and education program components, under the direction of the Street Smarts Coordinator
- Train additional contractors to deliver assemblies and bike rodeos
- Develop Safe Routes to School toolkits for assemblies and bike rodeos, for use by



community members, community groups, schools, and PTAs

***Roles & Responsibilities for City of San Ramon Staff:***

- San Ramon police will attend on-campus educational events, such as assemblies and bike rodeos, when possible.

***Roles & Responsibilities for Town of Danville Staff:***

- Danville police will attend on-campus educational events, such as assemblies and bike rodeos, when possible.

***Roles & Responsibilities for Safe Routes to School Contractor(s):***

- ***Primary Safe Routes to School Contractor:***
  - Deliver assemblies and bike rodeos, as needed
  - Develop more efficient delivery models for Safe Routes to School program components, including assemblies and rodeos, under the direction of the Street Smart Coordinator
  - Implement other outreach programs, such as middle school assemblies and walking school buses, as appropriate
- ***Additional Safe Routes to School Contractors:***
  - Deliver assemblies and bike rodeos, and conduct community outreach

**5. Community Marketing: News Articles & Media**

***Roles & Responsibilities for Street Smarts Coordinator:***

- Serve as the primary Street Smarts Program newsletter article and press release writer
- Serve as coordinator to distribute press releases to the media
- Serve as the primary editor for written work of contractors
- Serve as the primary Street Smarts Program website editor and coordinator

***Roles & Responsibilities for Advisory Committee Members:***

- Serve as internal editors to modify generic newsletter articles to suit their agencies' needs
- Forward news articles to their IT departments for upload onto agency websites

**6. Community Marketing: Community Events**

***Roles & Responsibilities for Street Smarts Coordinator:***

- Determine which events Street Smarts will participate in
- Manage inventory of promotional and informational items

***Roles & Responsibilities for Street Smarts Assistant:***

- Schedule Street Smarts contractors at community events
- Serve as the primary Street Smarts personnel responsible for distributing program materials to public places, such as community centers and libraries

***Roles & Responsibilities for Safe Routes to School Contractor(s):***

- Serve as Street Smarts personnel at community events; distribute promotional items and Street Smarts information at such events

***Roles & Responsibilities for Advisory Committee Members:***

- Attend community events as Street Smarts representatives, when possible

**7. Administration**

***Roles & Responsibilities for Street Smarts Coordinator:***

- Serve as primary contact person for the Street Smarts Program

- Lead the generation of the Street Smarts Financial Plan
- Maintain and update the Street Smarts website
- Oversee the social media elements of the Street Smarts Program
- Coordinate fundraising efforts on an as-needed basis with the City of San Ramon
- Attend meetings valley wide:
  - Town of Danville: Approximately 12 hrs per year (including transportation staff meetings and one (1) Transportation Advisory Committee meeting)
  - Contra Costa County: Approximately 12 hrs per year

***Roles & Responsibilities for City of San Ramon Staff:***

- Serve as treasurer for Street Smarts Program (holds Street Smarts funds)
- Process invoices, donations, and financial transactions
- Maintain inventory of Street Smarts program supplies



Prior Year Carry-over (Est.)

Revenue (Est.)

## 4100-00 - Public Agency Contributions

4101-00 - City of San Ramon	10,000	10,000	10,000
4102-00 - County of Contra Costa	10,000	10,000	10,000
4103-00 - San Ramon Valley USD	10,000	10,000	10,000
4104-00 - Town of Danville	10,000	10,000	10,000
4106-00 - San Ramon Valley Fire Protection District	10,000	10,000	10,000
4105-00 - San Ramon Valley Council of PTAs	500	500	500

## Total 4100-00 - Public Agency Contributions

193,719	184,869	159,286
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## 4200-00 - Corporate Contributions

4201-00 - Elementary School Efforts	2,500	2,500	2,500
4202-00 - Middle School Efforts	0	0	0
4203-00 - High School Efforts	5,000	5,000	10,000
4204-00 - General Efforts	0	3,000	0

## Total 4200-00 - Corporate Contributions

7,500	10,500	12,500
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## 4300-00 - Cash Donations

50	50	20
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4400-00 - Safe Routes to School Grant<sup>1,2</sup>

127,800	100,000	\$ 100,000
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Total Revenue

185,850	\$ 161,050	163,020
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Expense

## 7100-00 - Elementary Sch. Poster Contest

7101-00 - Storybook Develop./Production	6,100	4,672	6,100
7102-00 - Contest Marketing	4,000	2,082	4,000
7103-00 - Awards Ceremony	4,000	748	4,000
7104-00 - Contest Incentives	1,300	300	1,300

## Total 7100-00 - Elementary Sch. Poster Contest

15,400	7,802	15,400
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## 7200-00 - Middle School Video Contest

7201-00 - Contest Marketing	2,000	300	2,000
7202-00 - PSA Production	1,000	1,000	1,000
7203-00 - Awards Ceremony	1,500	1,480	1,500
7204-00 - Contest Incentives	3,500	1,226	3,500
7205-00 - Judging	500	225	500

## Total 7200-00 - Middle School Video Contest

8,500	4,231	8,500
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## 7200-00 - Middle School BMX Assemblies

7201-00 - Contractor - Peter Brandt			3,200
7202-00 - SRTS Contractor			1,200
7204-00 - Participant Rewards			1,000

## Total 7200-00 - Middle School BMX Assemblies

5,400
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## 7300-00 - High School "It Happens"

7301-00 - Web Site	600	600	600
7302-00 - Marketing	2,500	2,500	2,500
7303-00 - Rewards	1,500	1,500	1,500

7304-00 · Video/Photography Production Services	0	0	0
7305-00 · Salaries	5,000	5,000	5,000
<b>Total 7300-00 · High School "It Happens"</b>	<b>9,600</b>	<b>9,600</b>	<b>9,600</b>
<b>7400-00 · Community Outreach</b>			
7401-00 · Web Site	15,000	15,000	15,000
7402-00 · Supplies	1,200	1,200	1,200
7403-00 · Media/Public Relations	6,600	6,600	6,600
7404-00 · Promotions	10,000	10,000	10,000
7405-00 · Media Kick-off Event	100	100	100
<b>Total 7400-00 · Community Outreach</b>	<b>32,900</b>	<b>32,900</b>	<b>32,900</b>
<b>7500-00 · Operations</b>			
7501-00 · Equipment/Supplies	1,000	1,000	1,000
7502-00 · Software	1,400	1,400	1,400
7503-00 · Postage	1,000	1,000	1,000
7504-00 · Meetings	2,400	2,400	2,400
<b>Total 7500-00 · Operations</b>	<b>5,800</b>	<b>5,800</b>	<b>5,800</b>
<b>7600-00 · Additional SRTS Programs</b>			
<b>7601-00 · SRTS Program Leaders</b>			
7601-01 · Salaries	48,000	48,000	48,000
7601-02 · Recruitment	1,500	0	0
7601-03 · Equipment	1,500	1,500	1,500
7601-04 · Mileage	2,000	1,200	2,000
7601-05 · Independent Contractors	30,000	51,600	51,600
<b>Total 7601-00 · SRTS Program Leaders</b>	<b>83,000</b>	<b>102,300</b>	<b>103,100</b>
7602-00 · Assemblies	4,000	4,000	4,000
7604-00 · Classroom Safety Videos	1,000	1,000	1,000
7605-00 · Print Materials	3,500	3,500	3,500
7608-00 · Bike Rodeos	15,000	15,000	15,000
7609-00 · Walk/Bike Challenge	5,000	0	5,000
7610-00 · Walking School Bus/Bike Train	0	0	0
7611-00 · Middle School Ad Campaign	0	0	0
7612-00 · Street Banners	500	0	0
7613-00 · Transit Shelters	0	0	0
7614-00 · Before & After Evaluations	0	0	0
<b>Total 7600-00 · Additional SRTS Programs</b>	<b>29,000</b>	<b>23,500</b>	<b>28,500</b>
<b>7700-00 · Miscellaneous</b>	<b>500</b>	<b>500</b>	<b>500</b>
<b>Total Expense</b>	<b>184,700</b>	<b>186,633</b>	<b>209,700</b>
<b>Fund Balance</b>	<b>184,869</b>	<b>159,286</b>	<b>112,606</b>

**Notes:**

1. MTC CMAQ SR2S Grant (\$365,000) is a multi-year grant (88.53% reimbursable) ending in June 2017. Estimated remaining funds at end of FY 15/16 will be utilized this year.

2. Federal Cycle 3 SRTS Grant (\$225,500) is a multi-year grant (66.91% reimbursable) ending in June 2018, but closing out in December 2017. Estimated remaining funds as of January 1, 2016 is approximately \$247,000.

## INVOICE

Page 1 of 1

## CITY OF SAN RAMON

ATTN: ACCOUNTS RECEIVABLE 7000 BOLLINGER CANYON ROAD SAN RAMON, CA 94583 (925) 973-2521

To: CONTRA COSTA PUBLIC WORKS DEPT  
ATTN: MARK A. DE LA O  
255 GLACIER DRIVE  
MARTINEZ, CA 94553

Invoice No: 5300  
Date: 07/12/16

Customer No: 1782/1801

Type: MI MISCELLANEOUS

Quantity	Description	Unit Price	Extended Price
1.00	STREET SMARTS		10,000.00
		10,000.00	
1.00	ADMINISTRATION SERVICES		10,000.00
	STREET SMARTS		
		10,000.00	
	GENERAL PROGRAM SUPPORT		

Total Due: \$20,000.00

*Please detach and send this copy with remittance.*

Due Date: 08/11/16  
Name: CONTRA COSTA PUBLIC WORKS  
DEPT

Customer No: 1782/1801  
Type: MI - MISCELLANEOUS

Total Due: \$20,000.00

Invoice No: 5300

Terms: Net 30 Days

Remit and make check payable to:  
CITY OF SAN RAMON

ATTN: ACCOUNTS RECEIVABLE  
7000 BOLLINGER CANYON ROAD  
SAN RAMON, CA 94583 (925) 973-2521

0000017820000018012000000



**Contra  
Costa  
County**

To: Board of Supervisors  
From: TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE  
Date: December 13, 2016

Subject: ACCEPT the 2016 Status Report on Street Light Maintenance by Pacific Gas and Electric (PG&E).

---

**RECOMMENDATION(S):**

ACCEPT the 2016 status report from the Public Works Director on street light maintenance by Pacific Gas and Electric Company (PG&E) in coordination with the Cities and the County.

**FISCAL IMPACT:**

100% County Service Area L-100 funds.

**BACKGROUND:**

Each year, the TWIC reviews and monitors the implementation of the Letter of Understanding with PG&E for the maintenance of PG&E streetlights in Contra Costa County. The Letter of Understanding (LOU), dated February 2008, from PG&E to the County, states the commitment of PG&E for open communication and responsive service levels and actions in resolving issues related to street light performance. Communication channels have continued to remain open by conducting regular discussions at street light coordination meetings with the County, its constituent Cities and Towns and regularly reporting to TWIC.

On November 10, 2016, Public Works staff submitted and discussed with the TWIC committee the attached annual status report on PG&E Coordination with Cities and County for Street Light Maintenance (Attachment A). The Committee requested that this report be forwarded to the Board of Supervisors.

In 2015 there was a change in the frequency of the meetings from monthly to quarterly at the request of PG&E due to low participation of Cities' staff. There were meetings in January, March and April 2015, but no meetings since that

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☒ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

Contact: John Cunningham (925)  
674-7883

By: Stacey M. Boyd, Deputy

cc:

### BACKGROUND: (CONT'D)

>

time. The County distributed a survey to the 19 Cities in the County and 15 Cities responded with the desire to continue the Street Light Coordination meetings (Attachment B).

The County and PG&E completed an LED Street Light Conversion Project, countywide, in the summer of 2016, an effort that started in the spring of 2015.

Recommendations approved by TWIC include the following:

1. Resume the Street Light Coordination meetings.
2. Continue the process to review the LOU and reflect the challenges of 2017 and beyond.
3. Provide update to TWIC toward the end of 2017.

### CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors would not accept the report as recommended by the Transportation, Water and Infrastructure Committee in November 2016.

### ATTACHMENTS

Attachment A - Status Rpt

Attachment B - Questionnaire, Survey, Report



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

8.

**Meeting Date:** 11/10/2016

**Subject:** RECEIVE the Report on PG&E Coordination with Cities and County for Street Light Maintenance and MONITOR Implementation of the Letter of Understanding.

**Submitted For:** Julia R. Bueren, Public Works Director/Chief Engineer

**Department:** Public Works

**Referral No.:** 13

**Referral Name:** Monitor implementation of the Letter of Understanding with PG&E for the maintenance of PG&E streetlights in Contra Costa County.

**Presenter:** Jason Chen, Department of Public Works

**Contact:** Jason Chen  
(925)313-2299

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#### **Referral History:**

The Transportation, Water and Infrastructure Committee (TWIC) committee accepted the 2015 status report on street light maintenance by PG&E in coordination with Cities (Countywide) on December 7, 2015.

#### **Referral Update:**

The TWIC committee requested Public Works staff to report annually on the status of street light maintenance coordination efforts with PG&E. Staff reported at the December 7, 2015 meeting regarding this item.

#### ***Background:***

The Letter of Understanding (LOU), dated February 2008, between PG&E and County, states the commitment of PG&E for open communication and responsive service levels and actions in resolving issues related to street light performance. A way to keep communication channels open was by conducting regular discussions at Street Light Coordination meetings with the County, its constituent, Cities and Towns. However, in 2015 there was a change in the frequency of these meetings at the request of PG&E due to low participation of Cities' staff.

Continuing the effort initiated in May 2008, the County Public Works Department, PG&E and Cities met in January, March, and April 2015. There were no meetings held in July and October as County prepared to reach out to Cities staff for their feedback. Since reporting to TWIC on December 7, 2015 there have been no meetings in 2016.



The PG&E, Cities, and County Street Light Coordination meetings allowed communication among those present to address issues related to street light maintenance, operations, increased efficiencies and LED conversions, and rates.

As Public Works staff prepares an update to the LOU with more current and relevant topics, the priority focus was to assemble a survey to cities, reviewed by PG&E. The goal of this survey was to determine if Cities and the County would like to continue to meet and discuss street light issues. The survey was distributed to the 19 cities in the County and 15 Cities responded.

PG&E and County Public Works staff agree that the survey results indicate that the cities want to continue the Street Light Coordination meetings. County will coordinate with PG&E to resume the Street Light Coordination meetings starting in early 2017.

Another major effort that occurred in 2016 was the LED Street Light Conversion Projects. This project launched in spring 2015, with the majority of the street lights converted in 2016. This project converted about 5,600 PG&E street lights countywide. PG&E street light conversion project team was well organized and completed the work in a time efficient manner. PG&E's team included public outreach team that mailed notifications letters and respond to inquiries from residents.

The next steps for 2017 will be to:

- 1) Resume the Street Light Coordination meetings.
- 2) Continue the process to review the LOU and reflect the challenges of 2017 and beyond.
- 3) Provide update to TWIC toward the end of 2016.

**Recommendation(s)/Next Step(s):**

RECEIVE this status report on the street light coordination effort between Pacific Gas and Electric Company (PG&E), the County Public Works Department (County), and Cities for street light maintenance and provide direction as appropriate.

**Fiscal Impact (if any):**

No impact on the general fund. All costs for street lights are funded by County Service Area L-100 or Community Facilities District 2010-1.

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**Attachments**

*No file(s) attached.*

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Contra Costa County  
**Public Works**  
Department

Julia R. Bueren, Director  
Deputy Directors  
Brian M. Balbas  
Stephen Kowalewski  
Joe Yee

## MEMO

September 12, 2016

**TO:** Transportation, Water, and Infrastructure Committee  
Supervisor Candace Andersen, District II, Chair  
Supervisor Mary N. Piepho, District III, Vice Chair

**FROM:** Jason Chen, Senior Civil Engineer, Special Districts

**SUBJECT:** **Report on PG&E, Cities and County Street Light Coordination Meetings**

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### REFERRAL HISTORY

During the December 7, 2015 TWIC meeting, County Public Works staff was directed to report the result of the survey.

### REFERRAL UPDATE

#### *Background:*

The Letter of Understanding (LOU), dated February 2008, between PG&E and County, states the commitment of PG&E for open communication and responsive service levels and actions in resolving issues related to street light performance. A way to keep communication channels open was by conducting regular discussions at Street Light Coordination meetings with the County, its constituent, Cities and Towns. However, in 2015 there was a change in the frequency of these meetings at the request of PG&E due to low participation of Cities staff.

Continuing the effort initiated in May 2008, the County Public Works Department, PG&E, and Cities met in January, March, and April 2015. There were no meetings held in July and October as County prepared to reach out to Cities staff for their feedback. Since reporting to TWIC on December 7, 2015 there have been no meetings in 2016.

The PG&E, Cities, and County Street Light Coordination meetings allowed communication among those present to address issues related to street light maintenance, operations, increased efficiencies and LED conversions, and rates.

Because of the generally low City attendance at the meetings, County Public Works assembled a survey to cities which was reviewed by PG&E. The goal of this survey was to determine if Cities and the County would like to continue to meet and discuss street light issues and if so, to determine the best way to conduct the meetings, who should attend, how

often should meetings be held, identify topics to discuss that would be of value, etc.

County Public Works staff developed a 10 question survey that listed choice answers and

also the opportunity to add a choice statement per question, listed as "Other" (see attached). County Public Works sent the survey to identified representatives of the 19 cities in the County by email in mid-March and requested a response by the end of March. County Public Works received survey responses from 15 cities.

### *Survey Results:*

A total of 15 cities responded to the survey. In almost all of the questions the participant cities could vote for one or more answers. The survey tally shows that the majority (13) preferred to continue with On-site meetings. The majority (9) also preferred PG&E Street Light Coordination meetings to be held quarterly with varied locations such as agency or PG&E offices considering non rush hours as well as the importance to have technical presentations. See Charts 1, 2 and 3.

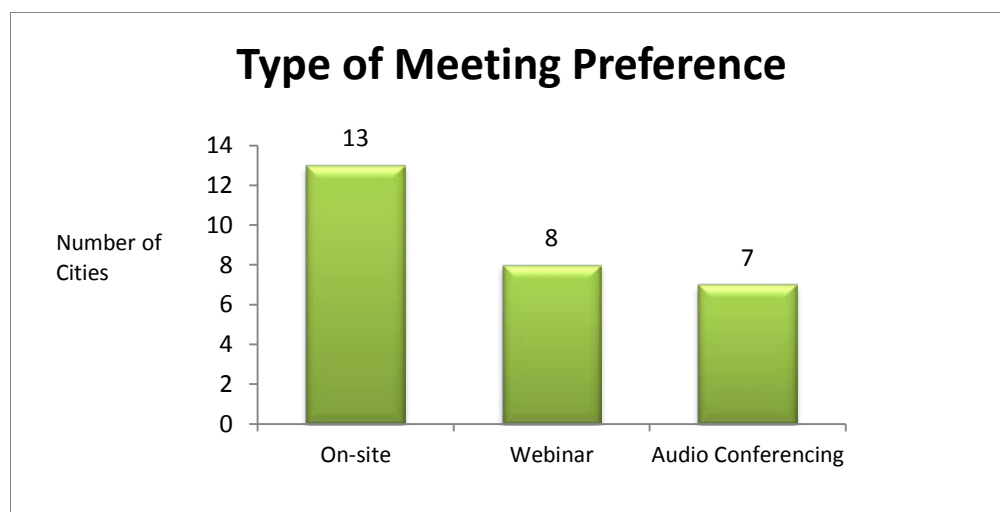


Chart 1 (Question 3)

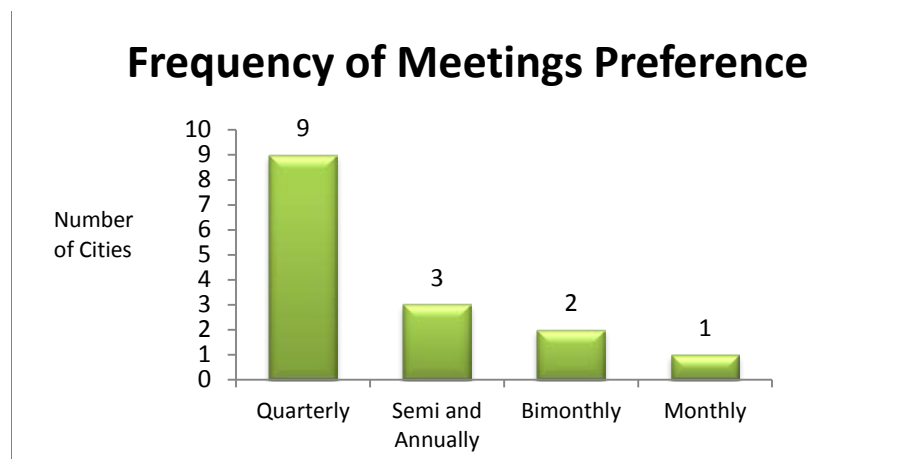


Chart 2 (Question 8)

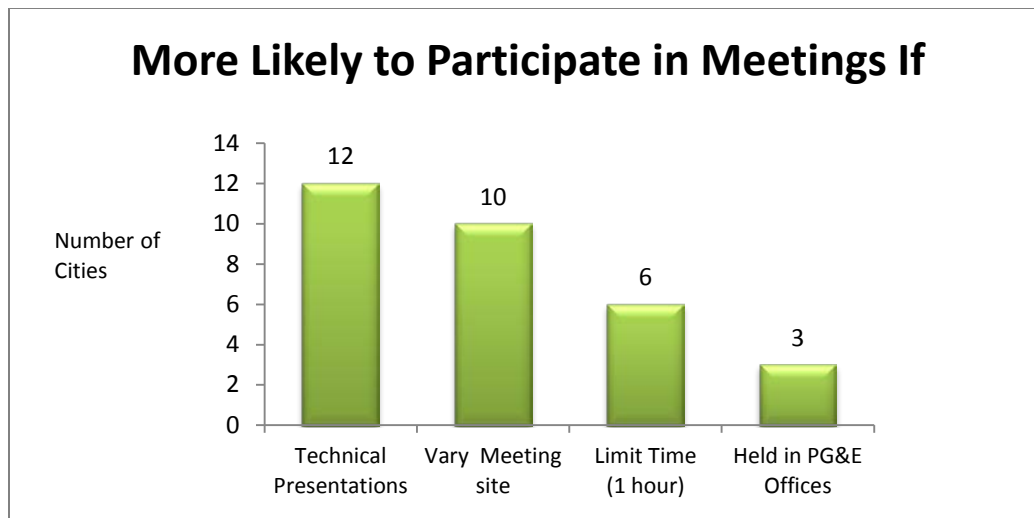


Chart 3 (Question 7)

The cities representatives indicated that there would be benefits in meeting with PG&E and other city representatives to discuss customer service issues, network and problem solve regional issues, learn about LED street light conversion rebate and loans, stay current on the latest technologies, better understand of PG&E services, help upgrading of lighting quality and levels, have input on PG&E costs, help improve system inventory including asset and maintenance history and reporting, and learn and receive feedback from other cities as some may have dealt with issues previously.

Other topics of interest to cities representatives include; LED conversion technology, Wire theft, Photo-cell controls technology, PG&E related maintenance plans, future projects affecting the cities, PG&E related maintenance plans, and changes in street light tariffs. See Chart 4.

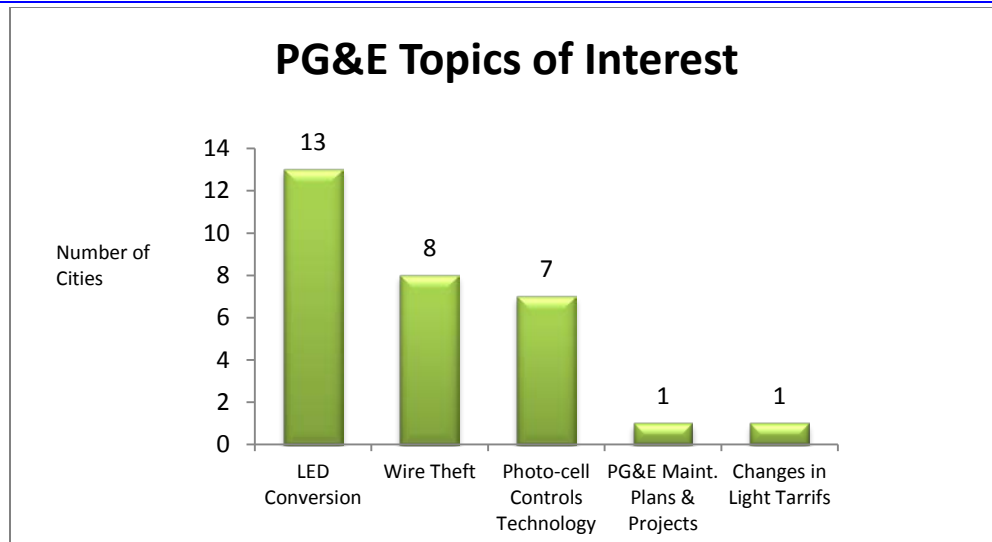


Chart 4 (Question 1)

Cities representatives also mentioned they would benefit from learning about specific PG&E services such as; street light inventory review, fixture and pole repair (cleaning and painting), fixture and pole cleaning, single billing, status or regular and EC 90-day outages, trimming around street light poles and fixtures and upgrading non-traditional street lights to LED similar to park and parking lot lights. See Chart 5.

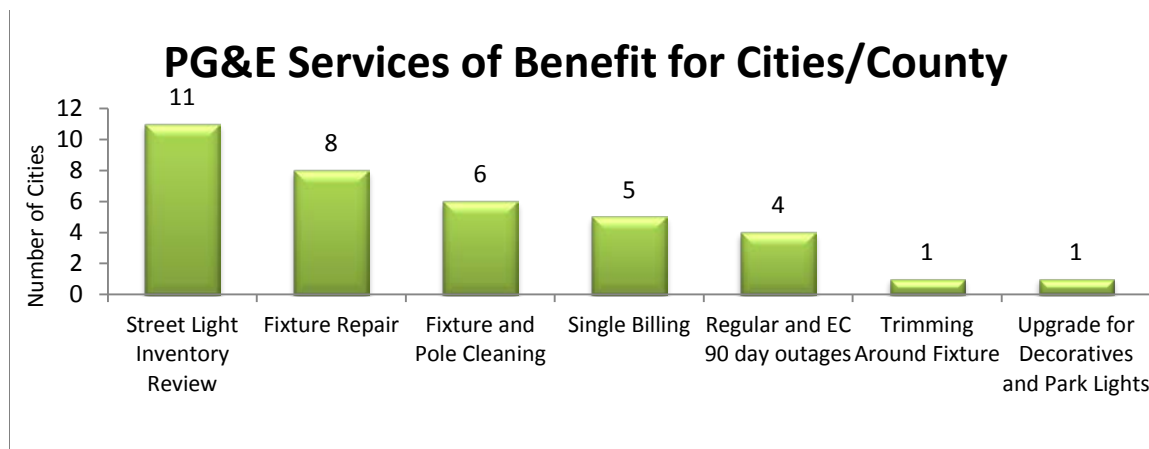


Chart 5 (Question 2)

In past years during Street Light Coordination meetings, Cities and County representatives discussed many PG&E Services topics. Based on responses to Question 5, the topics found of most interest about specific PG&E services among Cities and County staff are ranked below:

- Maintenance and tracking systems (10)
- Pole knockdowns (9)
- Standard maintenance cycles (9)
- Burn out lamps replacements (9)
- Painting of street light poles (8)

- Repair of routine outages (7)
- Repair of non-routine outages (7)
- Repair of non-burnout outages (7)
- Replacement of deteriorated facilities (6)
- New product choices - cobra heads (6)
- Decorative street lights (6)
- Group lamp replacements (5)
- Streamlined processes (5)
- Tree trimming around fixture (1)
- Park lights owned and maintained by PG&E (1)

Information updates from the California Public Utilities Commission (CPUC) is also a topic that many cities representatives find of interest, specifically about rates for energy usage, rebates, legislation approvals, emerging technologies and tariffs since the decisions they make affect the work that PG&E is funded to do. See Chart 6.

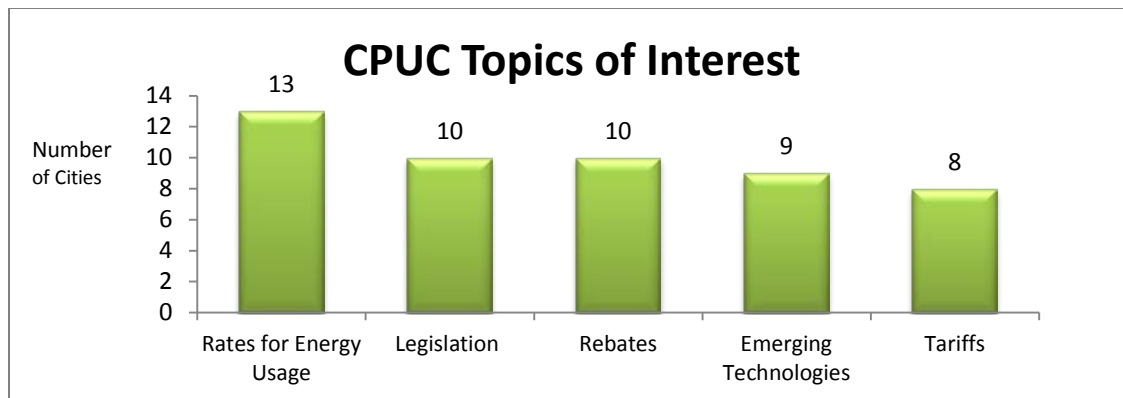


Chart 6 (Question 4)

*Conclusion:*

PG&E and County staff agree the survey shows cities that want to continue the Street Light Coordination meetings. These meetings would be held quarterly, include presentations, and be conducted at various rotating governmental locations. Meeting locations and topics would be decided at the end of each meeting for the next meeting. Meeting participants can use the survey results as suggestions for meeting topics.

County will coordinate with PG&E to resume the Street Light Coordination meetings starting in early 2017.

**RECOMMENDATION**

ACCEPT this status report on the street light coordination survey.

**FISCAL IMPACT**

No impact on the general fund. All costs for street lights are funded by County Service Area L-100 or Community Facilities District 2010-1.

JD:JC:nt

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Enclosures:

- Survey Questionnaire Emailed to Cities Contacts
- Cities Survey Contacts
- Survey Questions Tallied

C:   Members, Board of Supervisors  
      D. Twa, CAO  
      B. Balbas, Deputy Public Works Director  
      W. Lai, Assistant Public Works Director, Engineering Services  
      J. Cunningham, Department of Conservation and Development  
      T. Guarino, Pacific Gas & Electric

## City/County Street Light Survey

I am writing to you because we are surveying all of the 19 cities in the County about the City/County PG&E Street Light Coordination Meetings.

The goal of this survey is to determine if Cities and the County should continue to meet to discuss street light issues and if so, to determine how to best to conduct the meetings, who should attend, how often should meetings be held, identifying topics to discuss, would another format, e.g. an annual street light symposium, be of value, and more. Your input is greatly appreciated.

When PG&E was recently ready to roll out the LED replacement project, a meeting held in March 2015 at Public Works was well attended by the Cities. Quarterly street light coordination meetings have been attended by City staff but at lower levels of participation. Questions have surfaced as to the need to have the meetings, the frequency and format of the meetings, and the topics discussed at the meetings.

The attached survey includes questions have been designed in order to address the PG&E City/County Street Light Coordination meetings. At the end of the survey, there is space to add any thoughts or suggestions from your City.

Below, please find the questions to respond to by **March 24, 2016**:

1) What topics would you like to learn more about via the City/County street light coordination meetings (mark as many items as you wish)?

- a) LED conversion technology
  - b) Photo-cell controls technology
  - c) Wire theft
  - d) Other (please describe)
- 

2) Which of these PG&E services are of interest to you (mark as many items as you wish)?

- a) Regular and EC 90 day outages
  - b) Single Billing
  - c) Street Light Inventory Review
  - d) Fixture Repair
  - e) Fixture and Pole Cleaning
  - f) Other (please describe)
- 

3) What type of street light coordination meetings would you prefer?

- a) On-site meetings
- b) Webinar meetings
- c) Audio conferencing (phone only)



- 4) California Public Utilities Commission (CPUC) decisions affect the work that PG&E is funded to do and other issues related to street lighting. What types of CPUC updates would be of value to you (mark as many topics as you like)?
- a) Legislation (for example, AB 719)
  - b) Rebates
  - c) Tariffs
  - d) Rates for energy usage
  - e) Emerging technologies
  - f) Other (please describe)
- 
- 5) PG&E street light services have been discussed at City/County Coordination meetings. Please help us know which topics are of interest to your City. (Mark as many items as you wish.)
- a) Burnout Lamp Replacements
  - b) Group Lamp Replacements
  - c) Standard Maintenance Cycles
  - d) Replacement of Deteriorated Facilities
  - e) Streamlined Processes
  - f) New Product Choices – cobra heads
  - g) Decorative Street Lights
  - h) Maintenance and Tracking systems
  - i) Repair of Routine Outages
  - j) Repair of Non-Burnout Outages
  - k) Knockdowns
  - l) Painting of Street Light Poles
  - m) Other (please describe)
- 
- 6) How do you envision the street light coordination meetings helping to address improvements in street lighting in your City?
- 
- 7) Would City staff be more likely to participate in meetings if they were (mark as many responses as you wish)
- a) Limited to one hour in duration
  - b) Held in various locations around the County (City offices, corporation yards)
  - c) Held at PG&E offices (Detroit St. in Concord)
  - d) To include technical presentations (e.g. on luminaires, control facilities, support arms, service wiring, poles or posts, foundations, underground/overhead wiring)
  - e) Other (please describe)
- 
- 8) How often would City staff attend City/County street light coordination meetings?
- a) Monthly
  - b) Bimonthly
  - c) Quarterly
  - d) Semi-annually
  - e) Annually

- 9) Future Meetings of City/County Street Light Personnel
- a) Would another format, e.g. an annual City/County street light symposium, be of value? (circle one) YES NO
  - b) Does your City prefer to address street light issues via one on one meetings with PG&E customer service staff? (circle one) YES NO
- 10) Please add any suggestions or comments that will assist the Cities, PG&E and the County on street light related matters.

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## Cities Survey Contacts

### Survey Sent To

CITY OF ANTIOCH  
Public Works Director  
Ron Bernal  
779-6950

CITY OF BRENTWOOD  
Public Works Director  
Chris Ehler  
516-6000

CITY OF CLAYTON  
City Engineer  
Rick Angrisani, John Johnston  
363-7433

CITY OF CONCORD  
Public Works Director  
Justin Ezell  
671-3231

TOWN OF DANVILLE  
Development Services Director  
Steve Lake  
314-3319

TOWN OF DISCOVERY BAY  
Landscape and Facilities Manager  
Brian Miller

CITY OF EL CERRITO  
Public Works Director / City Engineer  
Yvetteh Ortiz  
(510) 215-4382

CITY OF HERCULES  
City Engineer  
Mike Roberts  
(510) 799-8241

CITY OF LAFAYETTE  
Public Works Director  
Mike Moran  
934-3908

CITY OF MARTINEZ  
Public Works Director  
Tim Tucker  
372-3562

TOWN OF MORAGA  
Public Works Director  
Edric Kwan  
888-7025

CITY OF OAKLEY  
City Engineer  
Kevin Rohani  
625-7003

CITY OF ORINDA  
Public Works Director  
Charles Swanson  
253-4231

### Survey Returned By

CITY OF ANTIOCH  
Public Works Director  
Ron Bernal  
779-6950

CITY OF BRENTWOOD  
Public Works Assistant Director  
Jagtal Dhaliwal  
516-6000

CITY OF CLAYTON  
City Engineer  
Rick Angrisani, John Johnston  
363-7433

CITY OF CONCORD  
Public Works Director  
Justin Ezell  
671-3231

TOWN OF DANVILLE  
Development Services Director  
Steve Lake  
314-3319

TOWN OF DISCOVERY BAY  
Landscape and Facilities Manager  
Brian Miller

CITY OF EL CERRITO  
Public Works Director / City Engineer  
Yvetteh Ortiz  
(510) 215-4382

CITY OF HERCULES  
City Engineer  
Jeff Brown  
(510) 799-8241

CITY OF LAFAYETTE  
Public Works Director  
Mike Moran  
934-3908

CITY OF MARTINEZ  
Public Works Director  
Tim Tucker  
372-3562

TOWN OF MORAGA  
Public Works Director  
KC Bowman  
888-7025

CITY OF OAKLEY  
City Engineer  
Kevin Rohani  
625-7003

CITY OF ORINDA  
Public Works Director  
Charles Swanson  
253-4231

### Survey Sent To

CITY OF PINOLE  
Public Works Director/City Engineer  
Tamara Miller  
724-9010

CITY OF PITTSBURG  
City Managers Admin Officer  
Laura Wright  
252-4114

CITY OF PLEASANT HILL  
Maintenance Supervisor  
Mike Moore  
671-5265

CITY OF RICHMOND  
Public Works Director  
Yader Bermudez  
774-6300

CITY OF SAN PABLO  
Public Works Director  
Barbara Hawkins  
215-3061

CITY OF SAN RAMON  
Program Manager  
Patrick Gutierrez  
973-3200

CITY OF WALNUT CREEK  
Public Works Manager  
Rich Payne  
256-3586

### Survey Returned By

CITY OF PINOLE  
Public Works Director/City Engineer  
Tamara Miller  
724-9010

CITY OF PITTSBURG  
City Managers Admin Officer  
Laura Wright  
252-4114

CITY OF PLEASANT HILL  
Maintenance Supervisor  
Mike Moore  
671-5265

CITY OF RICHMOND  
Environmental Manager  
Adam Lenz  
774-6300

CITY OF SAN PABLO  
Public Works Director  
Barbara Hawkins  
215-3061

CITY OF SAN RAMON  
Program Manager  
Patrick Gutierrez  
973-3200

CITY OF WALNUT CREEK  
Public Works Manager  
Rich Payne  
256-3586

## City/County Street Light Survey Tally

1) What topics would you like to learn more about via the City/County street light coordination meetings (mark as many items as you wish)?

- a) LED conversion technology (13)
- b) Photo-cell controls technology (7)
- c) Wire theft (8)
- d) Other (please describe)

\* PG&E related maintenance plans, future projects affecting the city.  
(Walnut Creek)

\* Changes in street light tariffs. (El Cerrito)

2) Which of these PG&E services are of interest to you (mark as many items as you wish)?

- a) Regular and EC 90 day outages (4)
- b) Single Billing (5)
- c) Street Light Inventory Review (11)
- d) Fixture Repair (8)
- e) Fixture and Pole Cleaning (6)
- f) Other (please describe)

\* Trimming around the fixture. (Pleasant Hill)

\* PG&E upgrading remaining street lights – decorative and park lights.  
They currently do not have an application for an approved tariff.  
(Richmond)

3) What type of street light coordination meetings would you prefer?

- a) On-site meetings (13)
- b) Webinar meetings (13)
- c) Audio conferencing (phone only) (20)

4) California Public Utilities Commission (CPUC) decisions affect the work that PG&E is funded to do and other issues related to street lighting. What types of CPUC updates would be of value to you (mark as many topics as you like)?

- a) Legislation (for example, AB 719) (10)
- b) Rebates (10)
- c) Tariffs (8)
- d) Rates for energy usage (13)
- e) Emerging technologies (9)
- f) Other (please describe)

\* A regular CPUC update is very important (El Cerrito)

5) PG&E street light services have been discussed at City/County Coordination meetings. Please help us know which topics are of interest to your City. (Mark as many items as you wish.)

- a) Burnout Lamp Replacements (8)
- b) Group Lamp Replacements (5)
- c) Standard Maintenance Cycles (9)
- d) Replacement of Deteriorated Facilities (7)
- e) Streamlined Processes (5)
- f) New Product Choices – cobra heads (6)
- g) Decorative Street Lights (6)
- h) Maintenance and Tracking systems (10)
- i) Repair of Routine Outages (7)
- j) Repair of Non-Burnout Outages (7)
- k) Knockdowns (9)
- l) Painting of Street Light Poles (8)
- m) Other (please describe)

\* Tree trimming away from the fixture. Since these are resident's trees, why doesn't P.G.&E. notify the resident that it is their responsibility to trim their trees instead of telling them to contact the City? A simple door hanger would save time and numerous phone calls. (Pleasant Hill)

\* Park lights owned and maintained by PG&E. (Richmond)

6) How do you envision the street light coordination meetings helping to address improvements in street lighting in your City?

- \* Ability to network and problem solve regional issues (Walnut Creek)
- \* I think important since this is a large part of funds from L&L and the more efficient and better tracked L&L can be used elsewhere (Pittsburg)
- \* I rarely attend. I personally don't think they are needed. (Martinez)
- \* Better response to our customers by knowing what PG&E is doing. Better coordination with conflicting projects that may affect outcomes. Discussion of future programs and changes at PG&E. (Danville)
- \* LED street light conversion rebate and loans (Brentwood)
- \* Networking to solve problems or concerns that others might have already dealt with. (Pleasant Hill)
- \* Staying current on the latest technologies and rebate programs; Maintaining good working relationships with PG&E and neighboring agencies. (Concord)
- \* Request improved services from PG&E & information sharing. (Richmond)
- \* PG&E could serve as a contractor resource or bulk buyer for cities and let this be known at meetings. (Lafayette)
- \* By providing service and information to residents. (Moraga)
- \* Better understanding of PG&E services. (Orinda)
- \* Major upgrade of LED projects. (Oakley)
- \* Help upgrading lighting quality and levels, control PG&E costs, system inventory including asset and maintenance history and reporting, learn from others. (El Cerrito)
- \* Stream line process for reporting and repairs, in addition, finding out new PG&E policies and procedures, including new upcoming projects and programs. (San Ramon)

- 7) Would City staff be more likely to participate in meetings if they were (mark as many responses as you wish)
- a) Limited to one hour in duration (6)
  - b) Held in various locations around the County (City offices, corporation yards) (10)
  - c) Held at PG&E offices (Detroit St. in Concord) (3)
  - d) To include technical presentations (e.g. on luminaires, control facilities, support arms, service wiring, poles or posts, foundations, underground/overhead wiring) (12)
  - e) Other (please describe)
    - \* May depend on how often the group meets and the topics. (Pittsburg)
    - \* Hold meetings in Martinez or during a time that doesn't put people on the road during rush hour, because getting from West County to Central County (Concord/ Walnut Creek) during rush hour can be quite time consuming. Up to 2 hour meeting is fine. (El Cerrito)
- 8) How often would City staff attend City/County street light coordination meetings?
- a) Monthly (1)
  - b) Bimonthly (2)
  - c) Quarterly (9)
  - d) Semi-annually (3)
  - e) Annually (3)
- 9) Future Meetings of City/County Street Light Personnel
- a) Would another format, e.g. an annual City/County street light symposium, be of value? (circle one) YES (7) NO (5) OTHER (1)
  - b) Does your City prefer to address street light issues via one on one meetings with PG&E customer service staff? (circle one) YES (7) NO (1) OTHER (4)
- 10) Please add any suggestions or comments that will assist the Cities, PG&E and the County on street light related matters.
- \* Having these meetings were very helpful in that they provided a forum for City Staff to discuss issues with other Cities. They help gain perspective in learning of the challenges that other Cities experiencing related to Streetlights and PG&E. (Walnut Creek)
  - \* We need an easier way to get GIS information about our street lights. While the "BRIO" Excel Spreadsheets are OK, importing GIS information directly would be better. (Danville)
  - \* We just completed our L.E.D. Conversions so a life expectancy and maintenance topic could be helpful. (Pleasant Hill)
  - \* Meeting annually seems about reasonable for streetlight coordination for Lafayette. We just do not have that many PG&E-owned streetlights. (Lafayette)

\* Can PG&E provide a GIS map or something similar to show where all streetlights are and a map of when things were given maintenance. Maybe an updated map each quarter. And maybe a base map that we can import into our system. (El Cerrito)

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Contra  
Costa  
County

To: Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: December 13, 2016

Subject: ADOPT Traffic Resolution No. 2016/4450 to prohibit parking at all times on a portion of the east side of Alves Lane (Road No. 5384A)

**RECOMMENDATION(S):**

ADOPT Traffic Resolution No. 2016/4450 to prohibit parking at all times on a portion of the east side of Alves Lane (Road No. 5384A), from a point 17 feet south of the south curblineline of Hill Street (Road No. 5385M), and continuing southerly for a distance of 20 feet, as recommended by the Public Works Director, Bay Point area. (District V)

**FISCAL IMPACT:**

No fiscal impact

**BACKGROUND:**

Upon receiving residents concerns regarding obscured sight lines for motorists entering Alves Lane from Medanos Avenue due to parked vehicles at the corner, Traffic Engineering staff conducted a subsequent investigation. The investigation revealed parked vehicles obscured sight lines as well as a collision history at the intersection. It was concluded that restricting parking on the northeast corner of the intersection would improve sight lines and improve traffic safety.

**CONSEQUENCE OF NEGATIVE ACTION:**

Parking will remain unrestricted at this location.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: 12/13/2016

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Monish Sen, (925)  
313-2187

AGENDA ATTACHMENTS

Alves Lane No Parking

MINUTES ATTACHMENTS

Signed: Traffic Resolution No.  
2016/4450

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

Adopted this Traffic Resolution on December 13, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**RESOLUTION NO. 2016/4450**  
**Supervisory District V**

SUBJECT: Prohibit parking at all times on a portion of Alves Lane (Road No. 5384A),  
Bay Point area. (District V)

The Contra Costa County Board of Supervisors RESOLVES that:

Based on the recommendations by the County Public Works Department's Transportation Engineering Division and pursuant to County Ordinance Code Sections 46-2.002 – 46-2.012, the following traffic regulation is established:

Pursuant to Section 22507 and 21458 of the California Vehicle Code, parking is hereby declared to be prohibited at all times on the east side of Alves Lane (Road No. 5384A), beginning at a point 17 feet south of the south curb line of Hill Street (Road No. 5385M) and continuing southerly for 20 feet, Bay Point area.

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

MO:nn

Orig. Dept.: Public Works (Traffic)  
Contact: Monish Sen (925-313-2187)

c: California Highway Patrol  
Sheriff's Department

ATTESTED: \_\_\_\_\_  
DAVID TWA, Clerk of the Board of Supervisors and  
County Administrator

By \_\_\_\_\_,  
Deputy

G:\transeng\2016\BO - TR\TR Alves Lane no parking.doc

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

Adopted this Traffic Resolution on December 13, 2016 by the following vote:

AYES: Gioia, Andersen, Piepho, Mitchoff, Glover

NOES: None

ABSENT: None

ABSTAIN: None

**RESOLUTION NO. 2016/4450**  
**Supervisory District V**

**SUBJECT:** Prohibit parking at all times on a portion of Alves Lane (Road No. 5384A),  
Bay Point area. (District V)

The Contra Costa County Board of Supervisors **RESOLVES** that:

Based on the recommendations by the County Public Works Department's Transportation Engineering Division and pursuant to County Ordinance Code Sections 46-2.002 – 46-2.012, the following traffic regulation is established:

Pursuant to Section 22507 and 21458 of the California Vehicle Code, parking is hereby declared to be prohibited at all times on the east side of Alves Lane (Road No. 5384A), beginning at a point 17 feet south of the south curb line of Hill Street (Road No. 5385M) and continuing southerly for 20 feet, Bay Point area.

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

MO:nn

Orig. Dept.: Public Works (Traffic)  
Contact: Monish Sen (925-313-2187)

c: California Highway Patrol  
Sheriff's Department

G:\transeng\2016\BO - TR\TR Alves Lane no parking.doc

ATTESTED: December 13, 2016

DAVID TWA, Clerk of the Board of Supervisors and  
County Administrator

By   
Deputy



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Keith Freitas, Airports Director  
Date: December 13, 2016

Subject: Acceptance of Federal Aviation Administration Grant Funding for Airfield Runway Pavement Reconstruction and Lighting Enhancements at Buchanan Field

---

**RECOMMENDATION(S):**

AUTHORIZE the Director of Airports, or designee, to submit an Airport Improvement Program (AIP) grant application to both the Federal Aviation Administration (FAA) and the California Department of Transportation-Division of Aeronautics (Caltrans) for a total of approximately \$4,012,800 and \$100,320, respectively, to perform the design, engineering, and construction bid package plus the pavement and lighting improvements of Runway 14L/32R at Buchanan Field, Pacheco area (District IV).

APPROVE and AUTHORIZE the Chair of the Board of Supervisors to sign a Statement of Acceptance with the Federal Aviation Administration for grant funds to perform environmental analysis, design, engineering and maintenance/reconstruction of Runway 14L/32R at Buchanan Field in the total amount of approximately \$4,012,800.

APPROVE and AUTHORIZE the Director of Airports, or designee, to sign an acceptance of funds under the California Aid to Airports Program Grant Agreement-Federal AIP Matching Funds grant program to perform environmental analysis, design, engineering and maintenance/reconstruction of Runway 14L/32R at Buchanan Field Airport in the total amount of approximately \$100,320.00.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee, (925) 681-4200

cc:

#### FISCAL IMPACT:

On April 22, 2014, the Board authorized the submittal and acceptance of FAA and Caltrans grants for this project. The estimated project amount was approximately \$3,785,000. Since that Board action, the FAA has requested Airport staff separate the project into two discrete components (one for the design, engineering and construction bid package and the other for the construction of improvements) that could be funded in one or two total federal grant(s). The project total estimate has also been increased to approximately \$4,224,000 to reflect current costs but final project total cost may differ due to construction bids.

This Board action will authorize submitting and accepting FAA and Caltrans grants for the higher estimated total project amount for both project components. There is no impact on the County General Fund. The total project amount will be approximately \$4,224,000; of which about 95% (or \$4,012,800.00) will be from the FAA, approximately 2.5% (or \$100,320.00) will be from Caltrans, and about 2.5% (or \$110,950.00) will be from the Airport Enterprise Fund.

#### BACKGROUND:

The FAA has requested Airport staff separate the project into two discrete components (one for the design, engineering and construction bid package and the other for the construction of improvements) that could be funded in one or two total federal grant(s). The total project amount for both components is estimated at \$4,224,000, of which approximately \$264,000 is related to the design, engineering, and construction bid package phase. The balance of the estimated total, approximately \$3,960,000, is for the construction of improvements.

This FAA grant funding request is consistent with the Buchanan Field Airport Master Plan adopted by the Board of Supervisors on October 28, 2008. The adopted Airport Master Plan identified, within the Implementation Plan section, upgrades to various airfield pavements that have exceeded their designed useful life. Specifically, the Runway 14L/32R pavement is more than 27 years old and has experienced a high number of pavement failures and associated repairs during the last several years.

#### CONSEQUENCE OF NEGATIVE ACTION:

The County will not receive the FAA and Caltrans Grant funding necessary to reconstruct and resurface the pavement on Runway 14L/32R and may result in the closure of the runway until sufficient funds are accumulated by the Airport Enterprise Fund to perform the necessary improvements.



Contra  
Costa  
County

To: Board of Supervisors  
From: Keith Freitas, Airports Director  
Date: December 13, 2016

Subject: Acceptance of Federal Aviation Administration Grant Funding to Update the Airport Layout Plan for Buchanan Field

---

**RECOMMENDATION(S):**

AUTHORIZE the Director of Airports, or designee, to submit an Airport Improvement Program (AIP) grant application to both the Federal Aviation Administration (FAA) and the California Department of Transportation-Division of Aeronautics (Caltrans) for a total of approximately \$190,000 and \$4,750, respectively, to update the Airport Layout Plan, including a narrative study, for Buchanan Field, Pacheco area (District IV).

APPROVE and AUTHORIZE the Chair of the Board of Supervisors to sign a Statement of Acceptance with the Federal Aviation Administration for grant funds to perform an Airport Layout Plan update for Buchanan Field in the total amount of approximately \$190,000.

APPROVE and AUTHORIZE the Director of Airports, or designee, to sign an acceptance of funds under the California Aid to Airports Program Grant Agreement-Federal AIP Matching Funds grant program to perform an Airport Layout Plan update for Buchanan Field Airport in the total amount of approximately \$4,750.00.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee, (925) 681-4200

cc:

#### FISCAL IMPACT:

There will be no direct costs to the County's General Fund. This Board action will authorize submitting and accepting FAA and Caltrans grants for an estimated total project amount of \$200,000.00, of which about 95% (or \$190,000.00) will be from the FAA, approximately 2.5% (or \$4,750.00) will be from Caltrans, and about 2.5% (or \$5,250.00) will be from the Airport Enterprise Fund.

#### BACKGROUND:

The Buchanan Field Airport Master Plan, which was adopted by the Board of Supervisors on October 28, 2008, includes a FAA approved Airport Layout Plan (ALP). Per FAA guidance, the ALP should be updated as needed to reflect changes in the built environment (such as new buildings, fences, and the like). In addition, the ALP process should assess and amend, as necessary, the designation for land usage on the airport. The ALP update should also include a narrative study that would detail assumptions and changes.

The Airport has experienced change since the Master Plan was adopted. Further, based on estimated demand and economic indicators, it is anticipated that land use designations shown on the Airport ALP will be amended to reflect changes to land designated for aviation and aviation-related uses. Revisions to the ALP will be reviewed and discussed with stakeholders, the Aviation Advisory Committee, and the Airport Committee prior to submittal to the Board of Supervisors for review and consideration.

This FAA grant funding request is consistent with the Buchanan Field Airport Master Plan adopted by the Board of Supervisors on October 28, 2008, plus governing FAA grant assurances and policies.

#### CONSEQUENCE OF NEGATIVE ACTION:

The County will not receive the FAA and Caltrans Grant funding necessary to update the Airport Layout Plan which may result in the inability to receive future FAA funding until the ALP is updated as required.





Contra  
Costa  
County

To: Board of Supervisors  
From: Keith Freitas, Airports Director  
Date: December 13, 2016

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 Benjamin White for a Large T-hangar at Buchanan Field Airport effective December 5, 2016 in the monthly amount of \$748.23, Pacheco area. (District IV)

**FISCAL IMPACT:**

The Airport Enterprise Fund will realize \$8,978.76 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

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee, (925) 681-4200

cc:

**BACKGROUND: (CONT'D)**

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.

**ATTACHMENTS**

Hangar Agreement-Benjamin White

## CONTRA COSTA COUNTY - BUCHANAN FIELD AIRPORT

### LARGE AIRCRAFT HANGAR RENTAL AGREEMENT

1. **PARTIES:** Effective December 5, 2016 (the "**Effective Date**"), the COUNTY OF CONTRA COSTA, a political subdivision of the State of California ("**Airport**"), and Benjamin White ("**Renter**"), hereby mutually agree and promise as follows:
2. **RENTER AND AIRCRAFT INFORMATION** Simultaneous with the execution of this Large Aircraft Hangar Rental Agreement (this "**Rental Agreement**") by Renter, Renter shall complete a Renter and Aircraft Information Form attached hereto as Exhibit A for each of the aircraft to be stored in Renter's Large Aircraft Hangar. 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 for each of Renter's Aircraft or, if any of Renter's 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 for each of Renter's Aircraft.
3. **PURPOSE:** The purpose of this Rental Agreement is to provide for the rental of a large aircraft hangar space at the Contra Costa County - Buchanan Field Airport for the storage of the aircraft described in the Renter and Aircraft Information Form attached hereto as Exhibit A (individually or collectively, as the case may be, "**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 large aircraft hangar shown as # F-03 on the Large Aircraft Hangar Site Plan, attached hereto as Exhibit B and incorporated herein (hereinafter referred to as the "**Large Aircraft Hangar**").  
  
Renter has inspected the Large Aircraft Hangar and hereby accepts the Large Aircraft 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 Large Aircraft Hangar.
5. **USE:** The Large Aircraft Hangar shall be used exclusively by Renter for the storage of Renter's Aircraft. In addition to the storage of Renter's Aircraft, Renter may use the Large Aircraft 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 Large Aircraft 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 Large Aircraft Hangar for the storage of aircraft not owned or leased by Renter is prohibited. (the term "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 Large Aircraft 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 validly registered with the FAA as of the Effective Date, upon completion of construction, Renter shall register such aircraft and apply for an airworthiness certificate for Renter's Aircraft in accordance with all applicable federal statutes and regulations and provide the original registration and certification to Airport, for inspection and copying, immediately upon receipt by Renter. On or before January 1 of each year, if the homebuilding or restoration has not been completed, Renter shall provide a written annual report to the Director of Airports that details the homebuilding or restoration activity performed, work still required to be completed and an estimate of time of completion.

6. **TERM:** This Rental Agreement shall be from month to month commencing **December 5, 2016**, 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 \$ 748.23 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 based on a thirty-day month and shall be due and payable at the time the Renter signs this Rental Agreement.

The Monthly Rent shall be adjusted annually by the change in Consumer Price Index ("**CPI**"), as defined hereinbelow, for the latest one year period ending December 31 of each year. CPI, as used herein, shall mean the Consumer Price Index for all Urban Consumers, All Items, for the San Francisco-Oakland-San Jose Metropolitan Area, as published by the Bureau of Labor Statistics of the U.S. Department of Labor, or its successor. Notwithstanding anything in the foregoing to the contrary, (1) at no time will the Monthly Rent be decreased by CPI adjustment; and (2) no single increase in Monthly Rent shall exceed 6 percent of the applicable Monthly Rent. The new Monthly Rent will take effect thirty (30) days after Airport gives written notice to Renter of the new Monthly Rent amount.

All other payments due from Renter to Airport under this Rental Agreement, including, but not limited to, administrative late charges, interest, and returned check charges, shall be deemed additional rent ("**Additional Rent**"). Airport shall apply any moneys received from Renter to the oldest amount due on Renter's account. Any amounts owed by Renter to Airport prior to the execution of this Rental Agreement shall be deemed due under this Rental Agreement on the commencement date of this Rental Agreement.

- i. **Administrative Late Charge and Interest.** If Renter fails to pay Monthly Rent or Additional Rent by the fifth day after it is due, Renter shall be liable for an administrative late charge in the amount of fifty dollars (\$50.00), plus interest at the rate of 1.5% per month, which shall be due and payable seven (7) days after Airport gives Renter an invoice of said demand for payment of Monthly Rent or Additional Rent that is not paid on its due date. Airport and Renter hereby agree that it



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Keith Freitas, Airports Director  
Date: December 13, 2016

Subject: Contra Costa Airports-Authorization to Negotiate Grnd Lease Terms for County-owned property located at 700 Sally Ride Drive at Buchanan Field Airport

**RECOMMENDATION(S):**

**APPROVE** and **AUTHORIZE** the Director of Airports, or designee, to **NEGOTIATE** a long-term lease between the County, as Landlord, and one of three parties, in priority ranking order, that have submitted a final property use proposal for the approximately 5.3 acres located at 700 Sally Ride Drive, at the Buchanan Field Airport.

**FISCAL IMPACT:**

There is no negative impact on the General Fund. The Airport Enterprise Fund would receive lease and other revenues provided for in a Lease. The County General Fund would receive property, sales and possessory interest tax revenues from a Lease.

**BACKGROUND:**

TDMC, LLC (Tenant) and the County are parties to a ground lease dated April 5, 2005 (Lease) under which the Tenant leased 5.3 acres at 700 Sally Ride Drive (Premises). The rent received from the Lease represents approximately 5% of the Airport Enterprise Fund's annual revenue.

As permitted by the Lease, the original tenant under the Lease constructed an approximately 39,000 square foot hangar on the Premises. Also as permitted by the Lease, on December 31, 2015, the Tenant gave written notice terminating the Lease effective December 31, 2016. In response to the termination of the Lease, on November 9, 2016, Airports staff broadly distributed (over 800 printed mail and emails) a marketing advertisement for the upcoming aircraft hangar availability. As a response to the aggressive marketing effort, Airports Division staff received a letter of interest to lease the Premises on November 9, 2016, and another on November 11, 2016.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee, (925) 681-4200

cc: Robert Campbell, County Auditor-Controller

## BACKGROUND: (CONT'D)

>

The approved selection process by the Board of Supervisors on May 23, 2006, for projects with a competitive interest includes: (1) request for project information submittals and development/lease deposit; (2) convening a selection committee; (3) reviewing, interviewing, if deemed necessary, and ranking the proposals; (4) seeking Board approval of ranking order and authorization to negotiate lease terms; (5) facilitating meetings between project developer/sponsor and stakeholders; and (6) seeking Board approval of final lease.

Upon receipt of the letters of interest, on November 15, 2016, Airports staff initiated the selection process by sending notices for competitive interest to lease the Premises to businesses at both airports and to our interested party list. The solicitation provided a response deadline of 5:00 p.m. on Tuesday, December 6, 2016.

Competitive interest responses were required to include specified detailed information related to the proposed use of the Premises, the proposed business use or other business activities, desired lease term details and supplemental information, proposed building improvements, and a performance guarantee cashier's check in the amount of \$10,000. The performance guarantee would be returned to unsuccessful party(ies) at the completion of the selection process. For the successful candidate, the guarantee would be applied to cover the cost of the projects' lease development process and any remaining funds could be applied to the ground rent or refunded. The solicitation also advised recipients that the County may elect to negotiate with another candidate, in priority ranked order, if we are unable to consummate a lease with the top ranked candidate.

The County received three (3) complete competitive interest information response proposals by the deadline. A selection committee (comprised of County staff, an Aviation Advisory Committee member and a District IV staff) reviewed and ranked the proposals. All proposals were excellent and worthy of consideration which made the ranking determination difficult for selection committee members. The proposal ranking outcome was determined by the following factors:

- Compatibility of proposed use(s) with governing policies
- Proposed financial and lease terms (to provide the highest positive impact to the Airport Enterprise Fund)
- Proposed enhancements to the Premises
- Track record and experience relative to proposed use of the Premises
- Proposed schedule and timing

Applying the above factors, the proposal submitted by The Conco Companies was top ranked by the selection committee. Pacific States Aviation was ranked second and Blackhawk Aviation and the Vietnam Helicopters Museum was ranked third.

Selection of a leasehold tenant would expand economic development activity at the Buchanan Field Airport and lead to increased revenues to the Airport Enterprise Fund and County General Fund. The proposed use of the Premises must be consistent with the Airport Master Plan for consideration. The proposed use and location are consistent with the Buchanan Field Airport Master Plan and the Mitigated Negative Declaration that was adopted by the Board of Supervisors on October 24, 2008.

Unless and until a final lease agreement is fully executed by all parties, this Board Order, any draft lease agreement, other communications or conduct of the parties shall have absolutely no legal effect, may not be used to impose any legally binding obligation on the County and may not be used as evidence of any oral or implied agreement between the parties or as evidence of the terms and conditions of any implied agreement.

## CONSEQUENCE OF NEGATIVE ACTION:

Delay in approving the lease term negotiations will result in a delay of securing a tenant for the Premises which will negatively impact the Airport Enterprise Fund.



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: December 13, 2016

Subject: Claims

---

**RECOMMENDATION(S):**

DENY claims filed by Javier Huerta and Eva Madoff.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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: Candace Andersen, District II Supervisor  
Date: December 13, 2016

Subject: Resolution recognizing Victoria Smith of the Orinda City Council

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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

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ATTESTED: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Lauri Byers, (925)  
957-8860

cc:

AGENDA ATTACHMENTS

Resolution No. 2016/671

MINUTES ATTACHMENTS

Signed Resolution No.

2016/671

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

In the matter of:

**Resolution No. 2016/671**

recognizing Victoria Smith upon her retirement from the the Orinda City Council.

**Whereas**, Mayor Victoria Smith was elected to the Orinda City Council in November, 2004, and re-elected to two more terms in 2008 and 2012, serving as Mayor Pro Tem in 2007, Vice Mayor in 2012 and Mayor in 2008, 2013 and 2016; and

**Whereas**, Victoria has been a dedicated volunteer in Orinda schools, serving on the Parents' Club Boards of Sleepy Hollow, Wagner Ranch, Orinda Intermediate School and Miramonte; and

**Whereas**, Victoria's service to the community has been varied and expansive, she has served on the Orinda Planning Commission, as a Boy Scout Leader, on the Contra Costa County Family and Children's Trust Committee, and on the Contra Costa County Bar Association Women's Section Board; and

**Whereas**, Victoria has aided greatly in maintaining Orinda's balanced budget, ensuring a great future for the community; she has worked hard to repair the city roads and was a driving force in completing the Monteverde low-income senior housing development; and

**Whereas**, Victoria has been an exceptional agent of the public trust, continuing to serve as a thoughtful, energetic member of an effective council; and

**Whereas**, Victoria has lived in Orinda for 28 years, where she and her husband raised their two sons, with both attending Orinda's fine schools.

that the Board of Supervisors of Contra Costa County does hereby honor and thank **Victoria Smith** for her many years of dedication and loyalty to Orinda and its residents.

\_\_\_\_\_  
**CANDACE ANDERSEN**

Chair,  
District II Supervisor

\_\_\_\_\_  
**JOHN GIOIA**

District I Supervisor

\_\_\_\_\_  
**MARY N. PIEPHO**

District III Supervisor

\_\_\_\_\_  
**KAREN MITCHOFF**

District IV Supervisor

\_\_\_\_\_  
**FEDERAL D. GLOVER**

District V Supervisor

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

ATTESTED: December 13, 2016

David J. Twa,

By: \_\_\_\_\_, Deputy

C.9

*Board of Supervisors of  
Contra Costa County, California*

**IN THE MATTER OF RECOGNIZING VICTORIA SMITH  
UPON HER RETIREMENT FROM THE ORINDA CITY  
COUNCIL**

**RESOLUTION NO. 2016/671**

WHEREAS, Mayor Victoria Smith was elected to the Orinda City Council in November, 2004, and re-elected to two more terms in 2008 and 2012, serving as Mayor Pro Tem in 2007, Vice Mayor in 2012 and Mayor in 2008, 2013 and 2016; and

WHEREAS, Victoria has been a dedicated volunteer in Orinda schools, serving on the Parents' Club Boards of Sleepy Hollow, Wagner Ranch, Orinda Intermediate School and Miramonte; and

WHEREAS, Victoria's service to the community has been varied and expansive, she has served on the Orinda Planning Commission, as a Boy Scout Leader, on the Contra Costa County Family and Children's Trust Committee, and on the Contra Costa County Bar Association Women's Section Board; and

WHEREAS, Victoria has aided greatly in maintaining Orinda's balanced budget, ensuring a great future for the community; she has worked hard to repair the city roads and was a driving force in completing the Monteverde low-income senior housing development; and

WHEREAS, Victoria has been an exceptional agent of the public trust, continuing to serve as a thoughtful, energetic member of an effective council; and

WHEREAS, Victoria has lived in Orinda for 28 years, where she and her husband raised their two sons, with both attending Orinda's fine schools.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby honor and thank

*Victoria Smith*

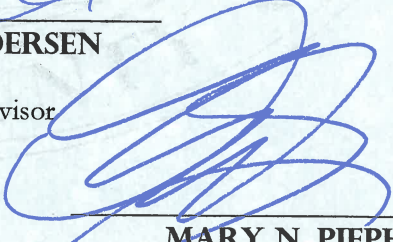
for her many years of dedication and loyalty to Orinda and its residents.

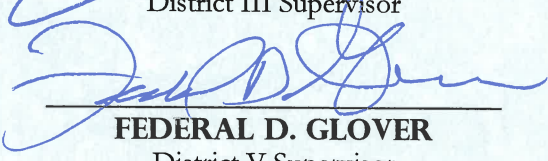
PASSED by a unanimous vote of the Board of Supervisors members present this 13<sup>th</sup> day of December, 2016.

  
CANDACE ANDERSEN  
Chair,  
District II Supervisor

  
JOHN GIOIA  
District I 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: December 13, 2016

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By Stephanie Mello, Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: Candace Andersen, District II Supervisor  
Date: December 13, 2016

Subject: Resolution recognizing Mike Metcalf of the Moraga Town Council

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Lauri Byer, (925)  
957-8860

cc:

AGENDA ATTACHMENTS

Resolution No. 2016/674

MINUTES ATTACHMENTS

Signed Resolution No.

2016/674



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

In the matter of:  
recognizing Mike Metcalf of the Moraga Town Council.

**Resolution No. 2016/674**

Whereas, Mayor Mike Metcalf began his local government career in May of 1999 when he served as a member of the Moraga Planning Commission until December of 2004; and

Whereas, Mayor Metcalf was elected to the Moraga Town Council in 2004, serving as Mayor in 2007, 2012 and 2016; and

Whereas, while serving on the Town Council, Mike played a major role in seeing a number of positive issues and projects move forward, including the Moraga Center Specific Plan, the Revenue Enhancement Committee's 2009 final report, Revenue Outreach to neighbors in 2010, and work toward the success of Measure K which passed in 2012; and

Whereas, during his career in public service, Mike also served on the Audit and Finance Committee in 2008, 2011 – 2013, and 2016 and helped bring about significant improvement to the Town's Financial and Budgeting System; and

Whereas, Mike has dedicated himself to a number of committees, including the Budget Committee, Specific Plan and Specific Plan Subcommittee, RECON/Infrastructure Subcommittee, Hillside and Ridgeline Steering Committee, and the Joint Facilities Planning Subcommittee, Southwest Area Transportation Committee, and the Contra Costa Transportation Authority; and

Whereas, Mike has served as a liaison for the Acalanes Union High School District, the Moraga-Orinda Fire District, the Citizen CORPS Council, the East Bay Municipal Utilities District, and also provided tremendous service in conjunction with the Kiwanis Club of Moraga Valley; and

Whereas, Mike worked for Chevron from 1980-1999 and he and his wife Sharon, daughter Vanessa, and son Scott moved to Moraga in 1985 following his distinguished career as a commissioned officer with the US Navy Civil Engineer Corps, serving two tours with the Seabees in Vietnam during 1965-68, and as an officer in charge of construction in Thailand until 1970; and his earning a doctorate degree in engineering from Stanford, and he and Sharon sailing around the world for a year.

the Contra Costa Board of Supervisors does hereby honor and thank **MIKE METCALF** for this dedication, service and long standing commitment to the betterment of Moraga and Contra Costa County.

\_\_\_\_\_  
**CANDACE ANDERSEN**

Chair,  
District II Supervisor

\_\_\_\_\_  
**JOHN GIOIA**  
District I Supervisor

\_\_\_\_\_  
**MARY N. PIEPHO**  
District III Supervisor

\_\_\_\_\_  
**KAREN MITCHOFF**  
District IV Supervisor

\_\_\_\_\_  
**FEDERAL D. GLOVER**  
District V Supervisor

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

ATTESTED: December 13, 2016

David J. Twa,

By: \_\_\_\_\_, Deputy



# Board of Supervisors of Contra Costa County, California

C.10

## IN THE MATTER OF RECOGNIZING MIKE METCALF OF THE MORAGA TOWN COUNCIL

RESOLUTION NO. 2016/674

WHEREAS, Mayor Mike Metcalf began his local government career in May of 1999 when he served as a member of the Moraga Planning Commission until December of 2004; and

WHEREAS, Mayor Metcalf was elected to the Moraga Town Council in 2004, serving as Mayor in 2007, 2012 and 2016; and

WHEREAS, while serving on the Town Council, Mike played a major role in seeing a number of positive issues and projects move forward, including the Moraga Center Specific Plan, the Revenue Enhancement Committee's 2009 final report, Revenue Outreach to neighbors in 2010, and work toward the success of Measure K which passed in 2012; and

WHEREAS, during his career in public service, Mike also served on the Audit and Finance Committee in 2008, 2011 – 2013, and 2016 and helped bring about significant improvement to the Town's Financial and Budgeting System; and

WHEREAS, Mike has dedicated himself to a number of committees, including the Budget Committee, Specific Plan and Specific Plan Subcommittee, RECON/Infrastructure Subcommittee, Hillside and Ridgeline Steering Committee, and the Joint Facilities Planning Subcommittee, Southwest Area Transportation Committee, and the Contra Costa Transportation Authority; and

WHEREAS, Mike has served as a liaison for the Acalanes Union High School District, the Moraga-Orinda Fire District, the Citizen CORPS Council, the East Bay Municipal Utilities District, and also provided tremendous service in conjunction with the Kiwanis Club of Moraga Valley; and

WHEREAS, Mike worked for Chevron from 1980-1999 and he and his wife Sharon, daughter Vanessa, and son Scott moved to Moraga in 1985 following his distinguished career as a commissioned officer with the US Navy Civil Engineer Corps, serving two tours with the Seabees in Vietnam during 1965-68, and as an officer in charge of construction in Thailand until 1970; and his earning a doctorate degree in engineering from Stanford, and he and Sharon sailing around the world for a year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby honor and thank

*Mike Metcalf*

for this dedication, service and long standing commitment to the betterment of Moraga and Contra Costa County.

PASSED by a unanimous vote of the Board of Supervisors members present this 13<sup>th</sup> day of December, 2016.

*Candace Andersen*  
CANDACE ANDERSEN

Chair,  
District II Supervisor

*John Gioia*  
JOHN GIOIA

District I Supervisor

*Karen Mitchoff*  
KAREN MITCHOFF

District IV Supervisor

*Mary N. Piepho*  
MARY N. PIEPHO

District III Supervisor

*Federal D. Glover*  
FEDERAL D. GLOVER

District V Supervisor



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

ATTESTED: December 13, 2016

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By *Stephanie Mello*, Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: 2016 Urban Shield Exercise - HazMat Resolution

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**RECOMMENDATION(S):**

Adopt Resolution 2016/676 recognizing the Contra Costa County Hazardous Materials Incident Response Team for placing second in the Hazardous Materials Response section at the 2016 Urban Shield Exercise.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Contra Costa County Fire Protection District participated in the Maritime/Fire/Rescue section of Urban Shield 2016. Maritime/Fire/Rescue teams were presented with realistic, mentally and physically challenging training scenarios that required them to demonstrate their ability to operate in an “all risk” environment. Examples of “all-risk” include searching for persons reported overboard, in-water rescues, and responding to reports of an oil spill followed by the provision of EMS for sick and/or injured survivors. Boat handling, navigation, use of navigation aid, marlinspike seamanship and familiarity with maritime rescue tools and equipment were also evaluated.

The Health Services Hazardous Materials Response Team participated in the Hazardous Materials Response

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Randy Sawyer, 335-3210

cc: Tasha Scott, Marcy Wilhelm, Randy Sawyer

## BACKGROUND: (CONT'D)

section of Urban Shield 2016. Hazardous materials response teams were required to demonstrate their abilities in a series of realistic, mentally and physically challenging, state-of-the-art training scenarios to respond to the uncontrolled releases of hazardous substances during transportation or at fixed facilities as well as incidents involving weapons of mass destruction. Six different areas of response were evaluated as follows:

- Biological – Response to an unknown biological weapon lab to determine with testing it was a botulism Lab.
- Chemical – Determine what agent a victim was exposed to based on signs and symptoms and testing, determine he was an innocent victim of a mustard agent exposure
- Radiological - Response to a home that was issued a search warrant due to possession of a stolen soil density gauge. House had radiological sources and an explosives lab, and a suspected radiological dispersion device
- Rail/chemical – Response to a railcar of hydrogen fluoride that was tampered with and releasing hydrogen fluoride and the assignment was to stop the leak
- Chemical Attack – Response to a nerve agent on a bus and the assignment was to find and inactivate dispersal device and rescue an unconscious victim from the bus
- Rail/Chemical – Develop and implement a plume model assignment to assess worst case scenario from the hydrogen fluoride railcar release and identifying the population of the potentially affected area

Each team was given two (2) hours to solve each scenario. Each Marine and HazMat Response Team was graded on their ability to assess the threat, determine an action plan to mitigate the situation, and exercising that plan. This annual competition challenges and prepares local Marine and HazMat response teams for an actual marine and a chemical/biological/nuclear incident in the San Francisco Bay Area.

The Contra Costa County Fire District Marine members included: Battalion Chief Jim Huntze, Captain Whit MacDonald, Captain Chuck Stark, Firefighter Wes Balthazar, and Firefighter Brandon Burruss.

The Contra Costa Hazardous Materials Incident Response Team has won this event twice and came in second and third in the same year another time. The team participating this year included: Maria Duazo (Hazardous Materials Response Team Lead), Daniel Vazquez, Trisha Asuncion, Hung Pham, David LeCount, Ellen Dempsey, and Seth Heller.

Contra Costa County Fire Protection District and the Health Services Hazardous Materials Programs are working closely together in responding to hazardous materials incidents. This includes how they will be dispatched to incidents, establishment of incident command at the incident, and developing protocols on responding to incidents within the Contra Costa County Fire Protection District's jurisdictional borders to hazardous materials incidents.

## AGENDA ATTACHMENTS

Resolution No. 2016/676

## MINUTES ATTACHMENTS

Signed Resolution No. 2016/676



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

In the matter of:

**Resolution No. 2016/676**

**Recognizing Contra Costa Hazardous Materials Incident Response Team Urban Shield Second Place**

Whereas, Urban Shield has grown into a comprehensive, full-scale regional preparedness exercise assessing the overall Bay Area Urban Areas Security Initiative Region's response capabilities related to multi-discipline planning, policies, procedures, organization, equipment and training; and  
Whereas, Urban Shield tests regional integrated systems for prevention, protection, response and recovery in regions high-threat, high-density urban area; and  
Whereas, Urban Shield exercise evaluates our existing level of preparedness and capabilities, identifying not only what is being done well, but areas in need of improvement; and  
Whereas, twelve different teams participated in the hazardous materials incident response portion of Urban Shield; and  
Whereas, Contra Costa Health Services Hazardous Materials Programs has the primary hazardous materials incident response team in Contra Costa County; and  
Whereas, Contra Costa Hazardous Materials Incident Response Team second place in the hazardous response portion of the Urban Shield Exercise for 2016; and  
Whereas, the Urban Shield second place Contra Costa Hazardous Materials Incident Response Team consisted of 43% woman members.

Now, Therefore, Be It Resolved that the Contra Costa County Board of Supervisors recognizes the importance of having a strong and well prepared hazardous materials incident response team and recognizes the Contra Costa Hazardous Materials Incident Response Team's excellence in the 2016 Urban Shield exercise.

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**CANDACE ANDERSEN**

Chair,  
District II Supervisor

---

**JOHN GIOIA**

District I Supervisor

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**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: December 13, 2016

David J. Twa,

By: \_\_\_\_\_, Deputy

C.11

*Board of Supervisors of  
Contra Costa County, California*

**IN THE MATTER OF RECOGNIZING CONTRA COSTA  
HAZARDOUS MATERIALS INCIDENT RESPONSE TEAM  
URBAN SHIELD SECOND PLACE**

**RESOLUTION NO. 2016/676**

WHEREAS, Urban Shield has grown into a comprehensive, full-scale regional preparedness exercise assessing the overall Bay Area Urban Areas Security Initiative Region's response capabilities related to multi-discipline planning, policies, procedures, organization, equipment and training; and

WHEREAS, Urban Shield tests regional integrated systems for prevention, protection, response and recovery in regions high-threat, high-density urban area; and

WHEREAS, Urban Shield exercise evaluates our existing level of preparedness and capabilities, identifying not only what is being done well, but areas in need of improvement; and

WHEREAS, twelve different teams participated in the hazardous materials incident response portion of Urban Shield; and

WHEREAS, Contra Costa Health Services Hazardous Materials Programs has the primary hazardous materials incident response team in Contra Costa County; and

WHEREAS, Contra Costa Hazardous Materials Incident Response Team second place in the hazardous response portion of the Urban Shield Exercise for 2016; and

WHEREAS, the Urban Shield second place Contra Costa Hazardous Materials Incident Response Team consisted of 43% woman members.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does recognize the importance of having a strong and well-prepared hazardous materials incident response team and does recognize the

*Contra Costa Hazardous Materials Incident Response Team's*  
excellence in the 2016 Urban Shield exercise.

PASSED by a unanimous vote of the Board of Supervisors members present this 13<sup>th</sup> day of December, 2016.

  
CANDACE ANDERSEN

Chair,  
District II Supervisor

  
JOHN GIOIA

District I Supervisor

  
KAREN MITCHOFF

District IV Supervisor

  
MARY N. PIEPHO

District III Supervisor

  
FEDERAL D. GLOVER

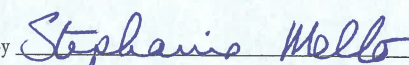
District V Supervisor



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: December 13, 2016

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By , Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: Candace Andersen, District II Supervisor  
Date: December 13, 2016

Subject: Resolution recognizing Phil Arth of the Moraga Town Council

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Lauri Byers, (925)  
957-8860

cc:

AGENDA ATTACHMENTS

Resolution No. 2016/675

MINUTES ATTACHMENTS

Signed Resolution No.

2016/675



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

In the matter of:  
recognizing Phil Arth of the Moraga Town Council.

**Resolution No. 2016/675**

Whereas Phil Arth was elected to the Moraga Town Council in December 2012; and

Whereas, Phil served on various committees during his tenure as Councilmember, the Audit and Finance committee from 2014 – 2016, the Traffic Safety Advisory Ad-Hoc Committee from 2013-2014, the Saint Mary's College Subcommittee 2013-2016, and the Moraga Country Club Golf Course Lease Negotiating Team in 2014; and

Whereas, Phil dedicated his time to serving as a liaison to the Association of Bay Area Governments, the Moraga Chamber of Commerce Liaison, the Acalanes Union High School District, the Moraga Orinda Fire District and the Citizen CORPS Council; and

Whereas, Phil and his wife, Gretchen, have lived in Moraga for over 45 years, during which time they have seen their three children through Rheem Elementary School, Joaquin Moraga Intermediate School, and Campolindo High School; Phil is a recent past president of Moraga Movers, and a past Big SIR of Sons In Retirement Branch 171.

Now, Therefore, Be It Resolved that the Contra Costa County Board of Supervisors honors and recognizes PHIL ARTH for his dedication to his community and it's residents.

\_\_\_\_\_  
**CANDACE ANDERSEN**

Chair,  
District II Supervisor

\_\_\_\_\_  
**JOHN GIOIA**  
District I Supervisor

\_\_\_\_\_  
**MARY N. PIEPHO**  
District III Supervisor

\_\_\_\_\_  
**KAREN MITCHOFF**  
District IV Supervisor

\_\_\_\_\_  
**FEDERAL D. GLOVER**  
District V Supervisor

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

ATTESTED: December 13, 2016

David J. Twa,

By: \_\_\_\_\_, Deputy



C.12

*Board of Supervisors of  
Contra Costa County, California*

**IN THE MATTER OF RECOGNIZING PHIL ARTH OF THE  
MORAGA TOWN COUNCIL.**

**RESOLUTION NO. 2016/675**

WHEREAS, Phil Arth was elected to the Moraga Town Council in December 2012; and

WHEREAS, Phil served on various committees during his tenure as Councilmember, the Audit and Finance committee from 2014 – 2016, the Traffic Safety Advisory Ad-Hoc Committee from 2013-2014, the Saint Mary's College Subcommittee 2013-2016, and the Moraga Country Club Golf Course Lease Negotiating Team in 2014; and

WHEREAS, Phil dedicated his time to serving as a liaison to the Association of Bay Area Governments, the Moraga Chamber of Commerce Liaison, the Acalanes Union High School District, the Moraga Orinda Fire District and the Citizen CORPS Council; and

WHEREAS, Phil and his wife, Gretchen, have lived in Moraga for over 45 years, during which time they have seen their three children through Rheem Elementary School, Joaquin Moraga Intermediate School, and Campolindo High School; Phil is a recent past president of Moraga Movers, and a past Big SIR of Sons In Retirement Branch 171.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Contra Costa County does honor and recognize

*PHIL ARTH*

for his dedication to his community and its residents.

**PASSED** by a unanimous vote of the Board of Supervisors members present this 13<sup>th</sup> day of December, 2016.

*Candace Andersen*  
**CANDACE ANDERSEN**  
Chair,  
District II Supervisor

*John Gioia*  
**JOHN GIOIA**  
District I Supervisor

*Mary N. Piepho*  
**MARY N. PIEPHO**  
District III Supervisor

*Karen Mitchoff*  
**KAREN MITCHOFF**  
District IV Supervisor

*Federal D. Glover*  
**FEDERAL D. GLOVER**  
District V Supervisor



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

ATTESTED: December 13, 2016

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By *Stephanie Heller*, Deputy



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: 2016 Urban Shield Exercise - CCCFPD Resolution

---

**RECOMMENDATION(S):**

Adopt Resolution No. 2016/678 recognizing the Contra Costa County Fire Protection District for placing first in the Maritime section at the 2016 Urban Shield Exercise.

**BACKGROUND:**

The Contra Costa County Fire Protection District participated in the Maritime/Fire/Rescue section of Urban Shield 2016. Maritime/Fire/Rescue teams were presented with realistic, mentally and physically challenging training scenarios that required them to demonstrate their ability to operate in an "all risk" environment. Examples of "all-risk" include searching for persons reported overboard, in-water rescues, and responding to reports of an oil spill followed by the provision of EMS for sick and/or injured survivors. Boat handling, navigation, use of navigation aid, marlinspike seamanship and familiarity with maritime rescue tools and equipment were also evaluated.

The Health Services Hazardous Materials Response Team participated in the Hazardous Materials Response section of Urban Shield 2016. Hazardous materials response teams were required to demonstrate their abilities in a series of realistic, mentally and physically challenging, state-of-the-art training

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Randy Sawyer,  
925-335-3210

cc: Tasha Scott, Marcy Wilhelm, Randy Sawyer

## BACKGROUND: (CONT'D)

scenarios to respond to the uncontrolled releases of hazardous substances during transportation or at fixed facilities as well as incidents involving weapons of mass destruction. Six different areas of response were evaluated as follows:

- Biological – Response to an unknown biological weapon lab to determine with testing it was a botulism Lab.
- Chemical – Determine what agent a victim was exposed to based on signs and symptoms and testing, determine he was an innocent victim of a mustard agent exposure
- Radiological - Response to a home that was issued a search warrant due to possession of a stolen soil density gauge. House had radiological sources and an explosives lab, and a suspected radiological dispersion device
- Rail/chemical – Response to a railcar of hydrogen fluoride that was tampered with and releasing hydrogen fluoride and the assignment was to stop the leak
- Chemical Attack – Response to a nerve agent on a bus and the assignment was to find and inactivate dispersal device and rescue an unconscious victim from the bus
- Rail/Chemical – Develop and implement a plume model assignment to assess worst case scenario from the hydrogen fluoride railcar release and identifying the population of the potentially affected area

Each team was given two (2) hours to solve each scenario. Each Marine and HazMat Response Team was graded on their ability to assess the threat, determine an action plan to mitigate the situation, and exercising that plan. This annual competition challenges and prepares local Marine and HazMat response teams for an actual marine and a chemical/biological/nuclear incident in the San Francisco Bay Area.

The Contra Costa County Fire District Marine members included: Battalion Chief Jim Huntze, Captain Whit MacDonald, Captain Chuck Stark, Firefighter Wes Balthazar, and Firefighter Brandon Burruss.

The Contra Costa Hazardous Materials Incident Response Team has won this event twice and came in second and third in the same year another time. The team participating this year included: Maria Duazo (Hazardous Materials Response Team Lead), Daniel Vazquez, Trisha Asuncion, Hung Pham, David LeCount, Ellen Dempsey, and Seth Heller.

Contra Costa County Fire Protection District and the Health Services Hazardous Materials Programs are working closely together in responding to hazardous materials incidents. This includes how they will be dispatched to incidents, establishment of incident command at the incident, and developing protocols on responding to incidents within the Contra Costa County Fire Protection District's jurisdictional borders to hazardous materials incidents.

## AGENDA ATTACHMENTS

Resolution No. 2016/678

## MINUTES ATTACHMENTS

Signed Resolution No. 2016/678



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

In the matter of:

**Resolution No. 2016/678**

**Recognizing Contra Costa County Fire Protection District Marine/Fire/Rescue Team Urban Shield Win**

Whereas, Urban Shield has grown into a comprehensive, full-scale regional preparedness exercise assessing the overall Bay Area Urban Areas Security Initiative Region's response capabilities related to multi-discipline planning, policies, procedures, organization, equipment and training; and  
Whereas, Urban Shield tests regional integrated systems for prevention, protection, response and recovery in regions high-threat, high-density urban area; and  
Whereas, Urban Shield exercise evaluates our existing level of preparedness and capabilities, identifying not only what is being done well, but areas in need of improvement; and  
Whereas, sixteen different teams participated in the Marine/Fire/Rescue portion of Urban Shield; and  
Whereas, Contra Costa County Fire Protection District Team is the primary Marine/Fire/Rescue team in Central and North Contra Costa County; and  
Whereas, Contra Costa County Fire Protection District Team won the Marine/Fire/Rescue section of the Urban Shield Exercise for 2016.

Now, Therefore, Be It Resolved that the Contra Costa County Board of Supervisors recognizes the importance of having a strong and well prepared Marine/Fire/Rescue team and recognizes the Contra Costa County Fire Protection District team's excellence in the 2016 Urban Shield exercise.

\_\_\_\_\_  
**CANDACE ANDERSEN**  
Chair,  
District II Supervisor

\_\_\_\_\_  
**JOHN GIOIA**  
District I Supervisor

\_\_\_\_\_  
**MARY N. PIEPHO**  
District III Supervisor

\_\_\_\_\_  
**KAREN MITCHOFF**  
District IV Supervisor

\_\_\_\_\_  
**FEDERAL D. GLOVER**  
District V Supervisor

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

ATTESTED: December 13, 2016

David J. Twa,

By: \_\_\_\_\_, Deputy

C.13

*Board of Supervisors of  
Contra Costa County, California*

**IN THE MATTER OF RECOGNIZING CONTRA COSTA  
COUNTY FIRE PROTECTION DISTRICT  
MARINE/FIRE/RESCUE TEAM URBAN SHIELD WIN**

**RESOLUTION NO. 2016/678**

WHEREAS, Urban Shield has grown into a comprehensive, full-scale regional preparedness exercise assessing the overall Bay Area Urban Areas Security Initiative Region's response capabilities related to multi-discipline planning, policies, procedures, organization, equipment and training; and

WHEREAS, Urban Shield tests regional integrated systems for prevention, protection, response and recovery in regions high-threat, high-density urban area; and

WHEREAS, Urban Shield exercise evaluates our existing level of preparedness and capabilities, identifying not only what is being done well, but areas in need of improvement; and

WHEREAS, sixteen different teams participated in the Marine/Fire/Rescue portion of Urban Shield; and

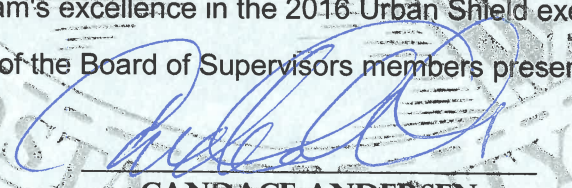
WHEREAS, Contra Costa County Fire Protection District Team is the primary Marine/Fire/Rescue team in Central and North Contra Costa County; and

WHEREAS, Contra Costa County Fire Protection District Team won the Marine/Fire/Rescue section of the Urban Shield Exercise for 2016.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby recognize the importance of having a strong and well prepared Marine/Fire/Rescue team and does recognize the

*Contra Costa County Fire Protection District*  
team's excellence in the 2016 Urban Shield exercise.

PASSED by a unanimous vote of the Board of Supervisors members present this 13<sup>th</sup> day of December, 2016.

  
CANDACE ANDERSEN

Chair,

District II Supervisor

  
JOHN GIOIA

District I 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: December 13, 2016

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By Stephanie Mello, Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: December 13, 2016

Subject: CSAC Institute Graduates

---

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Jami Napier (925)  
335-1908

cc:

AGENDA ATTACHMENTS

Resolution No. 2016/683

MINUTES ATTACHMENTS

Signed Resolution No.

2016/683



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

In the matter of:

**Resolution No. 2016/683**

**IN THE MATTER OF recognizing thirty-seven (37) County employees who completed the inaugural 2016 Contra Costa County CSAC Institute**

**WHEREAS**, the members of the Board of Supervisors of Contra Costa County are pleased to extend congratulations to Candace Andersen, Eric Angstadt, Brian Balbas, Aruna Bhat, Brice Bins, Donté Blue, Lewis Broschard, Julie Bueren, Sonia Bustamante, Joseph Canciamilla, Jeffrey Carman, Michael Casten, Deborah Cooper, Barbara Dunmore, Sharon Hymes-Offord, Gayle Israel, Nathan Johnson, Scott Konopasek, John Kopchik, Stephen Kowalewski, Robin Lipetzky, Lisa Lopez, Dorette McCollumn, Victoria Mejia, Enid Mendoza, Jami Napier, Allison Picard, Camilla Rand, Denise Rojas, Scott Sullivan, Adrienne Todd, Arlene Trimble, David Twa, Nicholas Villasenor, Tri Vo, Sarah (Beth) Ward, Russell Watts and Joseph Yee for earning their CSAC California County Supervisor or CSAC California County Senior Executive Credentials; and

**WHEREAS**, the California State Association of Counties (CSAC) Institute For Excellence in County Government was created to provide a continuing education resource for new and experienced California county officials and senior staff and to meet demands from county supervisors and senior executives who have few accessible opportunities for professional continuing education; and

**WHEREAS**, County officials recognize they don't have the luxury of time to learn on-the-job and can't afford to be without the best leadership and knowledge capacities to be as effective as possible; and

**WHEREAS**, there are few available learning opportunities where participants can interact with their peers, share experiences and learn from each other.

**WHEREAS**, CSAC Institute courses are designed specifically to meet the continuing education needs of County Supervisors and Senior Executives and Staff; and

**WHEREAS**, CSAC Institute courses are a cost-effective resource designed to help participants ask better questions to get the information needed to quickly understand issues and make better decisions, to give better answers to questions and more clearly interpret county government and policy issues to constituents, the community, employees, and to strengthen leadership practices and knowledge competencies throughout the county organization and help prepare emerging leaders; and

**WHEREAS**, the Institute offers two credential opportunities to those who complete thirty (30) credits, the *Credentialed California County Supervisor* (for elected county supervisors) and *Credentialed California County Senior Executive* (for senior executives: CAO/CEO, deputy or assistant CAO/CEO, elected and appointed department heads, senior analysts and other senior managers); and

**WHEREAS**, Contra Costa County in partnership with the CSAC Institute created the Contra Costa County CSAC Institute, the inaugural offering beginning in January, 2016, consisting of ten (10) courses, and running for ten (10) consecutive months through October, 2016; and

**NOW, THEREFORE, BE IT RESOLVED** that thirty-seven (37) County employees completed the inaugural 2016 Contra Costa County CSAC Institute and earned their credentials.

\_\_\_\_\_  
**CANDACE ANDERSEN**

Chair,  
District II Supervisor

\_\_\_\_\_  
**JOHN GIOIA**  
District I Supervisor

\_\_\_\_\_  
**MARY N. PIEPHO**  
District III Supervisor

\_\_\_\_\_  
**KAREN MITCHOFF**  
District IV Supervisor

\_\_\_\_\_  
**FEDERAL D. GLOVER**  
District V Supervisor

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



ATTESTED: December 13, 2016

David J. Twa,

By: \_\_\_\_\_, Deputy

# Board of Supervisors of Contra Costa County, California

C.14

## IN THE MATTER OF RECOGNIZING THIRTY-SEVEN (37) COUNTY EMPLOYEES WHO COMPLETED THE INAUGURAL 2016 CONTRA COSTA COUNTY CSAC INSTITUTE

RESOLUTION NO. 2016/683

WHEREAS, the members of the Board of Supervisors of Contra Costa County are pleased to extend congratulations to Candace Andersen, Eric Angstadt, Brian Balbas, Aruna Bhat, Brice Bins, Donté Blue, Lewis Broschard, Julie Bueren, Sonia Bustamante, Joseph Canciamilla, Jeffrey Carman, Michael Casten, Deborah Cooper, Barbara Dunmore, Sharon Hymes-Offord, Gayle Israel, Nathan Johnson, Scott Konopasek, John Kopchik, Stephen Kowalewski, Robin Lipetzky, Lisa Lopez, Dorette McCollum, Victoria Mejia, Enid Mendoza, Jamí Napier, Allison Picard, Camilla Rand, Denise Rojas, Scott Sullivan, Adrienne Todd, Arlene Trimble, David Twa, Nicholas Villaseñor, Tri Vo, Sarah (Beth) Ward, Russell Watts and Joseph Yee for earning their CSAC California County Supervisor or CSAC California County Senior Executive Credentials; and

WHEREAS, the California State Association of Counties (CSAC) Institute For Excellence in County Government was created to provide a continuing education resource for new and experienced California county officials and senior staff and to meet demands from county supervisors and senior executives who have few accessible opportunities for professional continuing education; and

WHEREAS, County officials recognize they don't have the luxury of time to learn on-the-job and can't afford to be without the best leadership and knowledge capacities to be as effective as possible; and

WHEREAS, there are few available learning opportunities where participants can interact with their peers, share experiences and learn from each other; and

WHEREAS, CSAC Institute courses are designed specifically to meet the continuing education needs of County Supervisors and Senior Executives and Staff; and

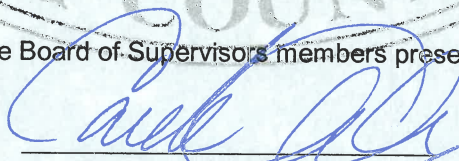
WHEREAS, CSAC Institute courses are a cost-effective resource designed to help participants ask better questions to get the information needed to quickly understand issues and make better decisions, to give better answers to questions and more clearly interpret county government and policy issues to constituents, the community, employees, and to strengthen leadership practices and knowledge competencies throughout the county organization and help prepare emerging leaders; and

WHEREAS, the Institute offers two credential opportunities to those who complete thirty (30) credits, the Credentialed California County Supervisor (for elected county supervisors) and Credentialed California County Senior Executive (for senior executives: CAO/CEO, deputy or assistant CAO/CEO, elected and appointed department heads, senior analysts and other senior managers); and

WHEREAS, Contra Costa County in partnership with the CSAC Institute created the Contra Costa County CSAC Institute, the inaugural offering beginning in January, 2016, consisting of ten (10) courses, and running for ten (10) consecutive months through October, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby recognize that thirty-seven (37) County employees completed the inaugural 2016 Contra Costa County CSAC Institute and earned their credentials.

PASSED by a unanimous vote of the Board of Supervisors members present this 13<sup>th</sup> day of December, 2016.

  
CANDACE ANDERSEN

Chair,  
District II Supervisor

  
JOHN GIOIA

District I 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: December 13, 2016

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By , Deputy



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: December 13, 2016

Subject: Amendment of County Ordinance Code to Authorize Consideration of Competing Public Interests under Government Code section 6255

---

**RECOMMENDATION(S):**

ADOPT Ordinance No. 2016-26, amending Section 25-4.608 of the County Ordinance Code to authorize the evaluation and consideration of competing public interests under Government Code section 6255 when responding to Public Records Act requests.

**FISCAL IMPACT:**

Fiscal impacts are unknown.

**BACKGROUND:**

The California Public Records Act (PRA), codified in Government Code section 6250 et seq., was enacted in 1968 to give the public a tool to monitor the functioning of their government. To this end, the PRA gives the public the right to inspect or obtain a copy of identifiable public records, provided that the request for records is both specific and focused. In 1995, this County enacted the Better Government Ordinance (BGO) to provide greater rights of access to records than those afforded by state law. Over the past 20 years, this County has had the opportunity to see which aspects of the ordinance are working and which would benefit from further revision.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 12/13/2016 ☒ 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: December 13, 2016

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

Contact: David Twa, County  
Administrator 925-335-1086

By: June McHuen, Deputy

cc: David Twa, County Administrator, Sharon L. Anderson, County Counsel



## BACKGROUND: (CONT'D)

>

This County places great importance on providing the public with timely and complete information. In furtherance of that objective, the County trains staff to help those seeking records to focus their requests so that information can be quickly provided in a convenient format. In most cases we believe we achieve that goal. Because the PRA contains few limitations on its use, it can be, and sometimes is, used for improper or illegal purposes such as the disruption or delay of governmental operations, intimidation of public employees, fraud, coercion, or worse. Over the past 20 years, safety concerns have increased, both in terms of individual safety and technological security. From time to time, the County receives requests for information about a specific individual, inquiring their whereabouts or activities, raising serious concerns about the named individual's safety. Additionally, there are times when the County receives requests for information, which if released, potentially could threaten the security of the County's detention facilities or the County's technological capabilities.

The PRA permits records to be withheld when the public interest in nondisclosure is outweighed by the public interest in disclosure (Gov. Code, § 6255). For example, under the PRA, courts have found that the public interest is served by the nondisclosure of records when the release of records could compromise the safety of an individual or the agency; stifle the information gathering process of policy makers; or when the scope of the request is so unduly burdensome that it undermines the ability of the responding agency to operate efficiently and effectively. The BGO eliminated this protection. As a result, there are times when the County cannot fully protect itself against the disclosure of sensitive records, the unreasonable use of taxpayer resources, a potential risk to individual safety, or a threat to the County's ability to operate.

On December 6, 2016, the Board introduced Ordinance No. 2016-26, waived its reading and fixed adoption of the ordinance for December 13, 2016. The Board's action today adopts the ordinance. The ordinance amends the BGO to allow the County, its policy bodies, delegated bodies and permanent advisory committees, to assert the public interest balancing test exemption permitted by Government Code section 6255, in those rare circumstances when the County Counsel's Office authorizes its use. As the County's chief legal officer the County Counsel's Office is best able to evaluate the competing public interests in disclosing records versus nondisclosure, while controlling the use of the exemption to ensure it is applied in a proper, consistent, and legal manner.

## CONSEQUENCE OF NEGATIVE ACTION:

If the Better Government Ordinance is not amended the County's ability to ensure that the public interest is adequately considered before records are released will remain hindered.

## ATTACHMENTS

Clean Copy of Ordinance

Redline Copy of Ordinance

**ORDINANCE NO. 2016-26**  
**(Allowing Use of the Public-Interest Balancing Test Exemption under Certain  
Circumstances in Responding to Public Records Act Requests)**

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

**SECTION I. SUMMARY.** This ordinance amends Section 25-4.608 of the County Ordinance Code to authorize the consideration of competing public interests under Government Code section 6255 when responding to Public Records Act requests, following review and approval by the County Counsel's Office.

**SECTION II.** Section 25-4.608 of the County Ordinance Code is amended to read:

Section 25-4.608 Justification of withholding.

Any refusal to disclose a public record shall be justified in writing as follows:

- (a) A withholding under a permissive exemption in the California Public Records Act, this ordinance or other law shall cite that authority and explain in practical terms, citing one or more examples, as to how the public interest would be harmed by disclosure.
- (b) No records or information shall be withheld on the basis of the public interest balancing test in Government Code Section 6255 or by citing any case law application of that statute, without review and written approval from county counsel.
- (c) A withholding on the basis that disclosure is prohibited by law shall cite the statutory authority in the Public Records Act or elsewhere.
- (d) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any statutory or case law, supporting that position.

(Ords. 2016-26, § 2; 95-6).

**SECTION III. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage and within 15 days after passage shall be published once with the names of

supervisors voting for and against it in the EAST BAY TIMES, a newspaper published in this county.

PASSED on December 13, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

By: \_\_\_\_\_  
Deputy Clerk

Board Chair

[SEAL]

RJH

H:\PRA, Subpoenas\6255\ 2016 Ordinance (1).doc

**ORDINANCE NO. 2016-26**

**ORDINANCE NO. 2016-26**  
**(Allowing Use of the Public-Interest Balancing Test Exemption under Certain Circumstances in Responding to Public Records Act Requests)**

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

**SECTION I. SUMMARY.** This ordinance amends Section 25-4.608 of the County Ordinance Code to authorize the consideration of competing public interests under Government Code section 6255 when responding to Public Records Act requests, following review and approval by the County Counsel's Office.

**SECTION II.** Section 25-4.608 of the County Ordinance Code is amended to read:

Section 25-4.608 Justification of withholding.

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- (a) A withholding under a permissive exemption in the California Public Records Act, this ordinance or other law shall cite that authority and explain in practical terms, citing one or more examples, as to how the public interest would be harmed by disclosure.
- (b) No records or information shall be withheld on the basis of the public interest balancing test in Government Code Section 6255; or by citing any case law application of that statute, without review and written approval from county counsel.
- (c) A withholding on the basis that disclosure is prohibited by law shall cite the statutory authority in the Public Records Act or elsewhere.
- (d) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any statutory or case law, supporting that position.

(Ords. 2016-26, § 2; 95-6).

**SECTION III. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage and within 15 days after passage shall be published once with the names of

**ORDINANCE NO. 2016-26**

supervisors voting for and against it in the EAST BAY TIMES, a newspaper published in this county.

PASSED on December 13, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

By: \_\_\_\_\_  
Deputy Clerk

Board Chair

[SEAL]

RJH

H:\PRA, Subpoenas\6255\ 2016 Ordinance (1).doc

**ORDINANCE NO. 2016-26**





Contra  
Costa  
County

To: Board of Supervisors

From: Karen Mitchoff, District IV Supervisor

Date: December 13, 2016

Subject: ACCEPT resignation of Donald Snyder, DECLARE vacant the District IV seat on the County Planning Commission

---

**RECOMMENDATION(S):**

ACCEPT resignation of Donald Snyder, DECLARE a vacancy in the District IV seat on the County Planning Commission, and DIRECT the Clerk of the Board to post the vacancy.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The Commissioner notified Supervisor Mitchoff of his resignation effective December 15, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

The seat will remain vacant.

**CHILDREN'S IMPACT STATEMENT:**

None.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

---

Action of Board On: **12/13/2016**



APPROVED AS



OTHER

RECOMMENDED

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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Lisa Chow, (925)  
521-7100

cc:



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Medical Staff Appointments and Reappointments – November 2016

---

**RECOMMENDATION(S):**

Approve the medical staff, affiliates and tele-radiologist appointments and reappointments, privileges, department changes, advancements, voluntary resignations and an updated telephone Consultation Clinic Policy and Addiction Medicine Privilege, as recommend by the Medical Staff Executive Committee, at their November 21, 2016 meeting, and by the Health Services Director.

**FISCAL IMPACT:**

Not applicable.

**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 and updated policies and privileges to accommodate any changes in the facility. 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, the 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: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Anna Roth, 925-370-5101

cc: Tasha Scott, Sana Salman, Marcy Wilhelm

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Attachment

Addiction Medicine Privilege

TCC Policy

**A. New Medical Staff Members**

Mounir Belcadi, MD	Psychiatry/Psychology
Alexander Cardenas, MD	Psychiatry/Psychology
Sadi Dalieh, MD	Emergency Medicine
Nina Eisenberg, Ph.D	Psychiatry/Psychology
Jane Himmelvo, MD	Family Medicine- Detention Facility
Esther Kwon, DPM	Surgery
Michael Massa, MD	Psychiatry/Psychology
Emily Watters, MD	Psychiatry/Psychology

**B. New Teleradiologist Staff Members**

Kenneth Chong, MD	Diagnostic Imaging
Alison Haimes, MD	Diagnostic Imaging
Adam Hecht, MD	Diagnostic Imaging
Kendall Jones, MD	Diagnostic Imaging
Richard Kaplan, MD	Diagnostic Imaging
Sushila Kompala, MD	Diagnostic Imaging
Brian Morrow, MD	Diagnostic Imaging
John Nwankwo, MD	Diagnostic Imaging

**C. Application for Staff Affiliation**

Michelle Fahlsing, FNP	OB/GYN
------------------------	--------

**D. Request for Additional Privileges**

	Department	Requesting
Laura Emily Cotter, MD	Hospitalist	Family Medicine
Alexandra Duque-Silva, MD	Pediatrics	Nexplanon

**E. Request to change Primary Department**

	Original Department	Requesting Department
Jessica Hamilton, MD	Emergency Medicine	Family Medicine

**F. Advance to Non-Provisional**

Robin Asher, MD	Psychiatry/Psychology	A
Michael Braaton, MD	Diagnostic Imaging	C
Benjamin Graham, MD	Hospitalist	C
Aazaz Haq, MD	Psychiatry/Psychology	A

**G. Biennial Reappointments**

Joseph Barger, MD	Administration	Admin
Kevin Beadles, MD	Surgery/Ophthalmology	A
Judith Bliss, MD	OB/GYN	A
Shadi Boutros, DDS	Dental	A
Shweta Das, MD	Pathology	A
John Echols, MD	Psychiatry/Psychology	A
Michael Gynn, MD	Surgery-General	A
Sharon Hiner, MD	Internal Med/Oncology	A
Liam Keating, MD	Surgery/ENT	A

Richard Melny, MD	Psychiatry/Psychology	A
Margaret Miller, MD	Psychiatry/Psychology	A
Jack Rosenfeld, DDS	Dental	A
David Schwartz, MD	Psychiatry/Psychology	C
Edward Tang, MD	Surgery/Orthopedic	A
Mark Van Handel, MD	Internal Medicine/Neurology	A
Janet Young, MD	Internal Med/Nephrology	P
Lili Wang, MD	Internal Medicine/Oncology	A

**H. Biennial Renew of Privileges**

Anitra Billops, NP	Pediatrics
Sandra Murguia, NP	OB/GYN
Lauren Pak, NP	Pediatrics

**I. Biennial Reappointment for Teleradiologist (VRAD)**

Kirsten Menn, MD  
 Brendan Miner, MD  
 Frank Welte, MD  
 Richard Hollis, DO

**J. Voluntary Resignations**

Gilbert Holtzman, MD	Psychiatry/Psychology
Daniel Wei, MD	Pediatrics

Departments (s)	Number	Privilege Descriptions	D/C/U	Training/ Education	Experience	Current Competence	Requested	Granted	D= Denied P= Pending CNM=Criteria Not Met
PSI	PSI 18	<b><u>Medical Subspecialty:</u></b> <b><u>Addiction Medicine</u></b> 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 or Board Certified in that subspecialty	N/A	1 year in last 4 yrs.			
				CA Lic.	5 Years	1 year in last 4 yrs.			

**Credentials to Work a Telephone Consultation Clinic**

**I. PURPOSE**

Define the criteria for providers to work Telephone Consultation Clinics (TCC) and it's relation to maintaining privileges.

**II. REFERENCES**

October 7, 2015 Credentials Committee Meeting

**III. POLICY**

To work a Telephone Consultation Clinic a provider must have unrestricted outpatient or Emergency Medicine privileges (**FAM 12, 13, 14 and 15**, MED 1, 2, and PED 1, 2 or EME 5, 6, 7, 8) in order to work a TCC. TCC does not contribute towards maintaining unrestricted outpatient or Emergency Medicine privileges.

**IV. AUTHORITY/RESPONSIBILITY**

Department Heads, Medical Staff Coordinator, and Credentials Committee

**V. PROCEDURE**

A Medical Staff Coordinator will verify the provider has unrestricted **FAM 12, 13, 14, 15, or** MED 1, 2, and PED 1, 2 or EME 5, 6, 7, 8 privileges before scheduling a TCC clinic. When a provider is requesting privileges at any time TCC clinics does not contribute towards current competency criteria.

**VI. ATTACHMENTS(S)/FORMS USED**

Privilege Request Form

**VII. APPROVED BY**

Credentials Committee

Medical Executive Committee

CCRMC/HC Joint Conference Committee 3/28/2016

**VIII. REVIEWED/REVISED**

Credentials Committee 10/7/2015

Medical Executive Committee 10/19/2015



Contra  
Costa  
County

To: Board of Supervisors  
From: David O. Livingston, Sheriff-Coroner  
Date: December 13, 2016

Subject: Appropriation Adjustment - Purchase Gun Safes Adamson

---

**RECOMMENDATION(S):**

APPROVE Appropriations and Revenue Adjustment No. 5033 authorizing new revenue in the amount of \$19,500 in the Office of the Sheriff (0255) and appropriating it for the purchase of 700 Hornady Tri-Point Lock Box Gun Safes for the Sheriff's Law Enforcement Training Center.

**FISCAL IMPACT:**

This action increases revenue and appropriations by \$19,500 with no change in net county cost. The new revenue is from the Sheriff Narcotic Forfeiture Fund (0253).

**BACKGROUND:**

Asset Forfeiture Funds are equitably shared funds which can be used by law enforcement agencies for law enforcement purposes. This includes the costs associated with the purchase, lease, maintenance or operation of law enforcement equipment for use by law enforcement personnel that supports law enforcement activities.

On September 26, 2016, the California State Legislator and Governor signed Senate Bill No. 869 into law. The law addresses and provides specific direction regarding the securing of handguns

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Liz Arbuckle,  
925-335-1529



#### BACKGROUND: (CONT'D)

in vehicles. As an agency, since we issue handguns to our sworn personnel, they will now be required to secure their firearms in a locked container and place the locked container in the trunk or out of plain view if they leave their firearm unattended in their vehicle. Failure to follow the new law is now a crime (infraction) and is punishable by a fine not exceeding one thousand dollars. The Office of the Sheriff researched the available products and narrowed them down to the top two. The Hornady Tri-Point Lockbox/gun safe was selected. The purchase of the 700 units will facilitate the issuance of one to each member of the organization who is issued a firearm. The lock boxes are serialized and will be inventoried and issued to specified personnel. The units will remain the property of the Office of the Sheriff and will be collected upon separation from service and reissued.

#### CONSEQUENCE OF NEGATIVE ACTION:

The new estimated revenue will not be appropriated for use by the Office of the Sheriff's Training Unit.

#### CHILDREN'S IMPACT STATEMENT:

No impact.

#### AGENDA ATTACHMENTS

Appropriations and Revenue Adjustment No. 5033

#### MINUTES ATTACHMENTS

Signed: Appropriations and Revenue Adjustment No. 5033

CONTRA COSTA COUNTY  
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS

☐ COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: Sheriff's Office (0255)			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
2501	2479	OTHER SPECIAL DPMTAL EXP			19,500 00
TOTALS			0	00	19,500 00

APPROVED

AUDITOR-CONTROLLER:

BY: Marie Pulido DATE 12/1/16

COUNTY ADMINISTRATOR:

BY: Thyler Ewell DATE 12/8/16

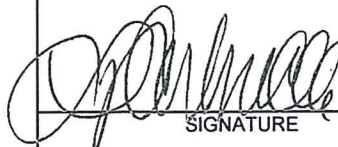
BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To appropriate new revenue to Training for the purchase of  
gun safes from Asset Forfeiture funds.



Fiscal Officer

SIGNATURE

TITLE

11/28/2016

DATE

APPROPRIATION

APOO

5033

ADJ. JOURNAL NO.

BY: \_\_\_\_\_ DATE \_\_\_\_\_

CONTRA COSTA COUNTY  
ESTIMATED REVENUE ADJUSTMENT  
T/C 24

ACCOUNT CODING		BUDGET UNIT: (0255) Sheriff's Office			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
2501	9951	REIMBURSEMENTS GOV/GOV	19,500	00	
TOTALS			19,500	00	0 00

APPROVED

AUDITOR-CONTROLLER:

BY: Marie Pulido DATE 12/1/16

COUNTY ADMINISTRATOR:

BY: [Signature] DATE 12/8/16

BOARD OF SUPERVISORS:

YES:

NO:

EXPLANATION OF REQUEST

To appropriate new revenue to Training for the purchase of  
gun safes from Asset Forfeiture funds.

[Signature]  
SIGNATURE

Fiscal Officer

TITLE

11/29/2016

DATE

BY: \_\_\_\_\_ DATE \_\_\_\_\_

REVENUE ADJ.  
JOURNAL NO.

RAOO

5033

CONTRA COSTA COUNTY  
APPROPRIATION ADJUSTMENT

T/C 27

## AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

☒ BOARD OF SUPERVISORS☐ COUNTY ADMINISTRATOR

ACCOUNT CODING		BUDGET UNIT: Sheriff's Office (0255)			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
2501	2479	OTHER SPECIAL DPMTAL EXP			19,500 00
TOTALS			0 00		19,500 00

APPROVED

AUDITOR-CONTROLLER:

BY: Marie Pulido DATE 12/1/16

COUNTY ADMINISTRATOR:

BY: Thy M. Enell DATE 12/8/16

BOARD OF SUPERVISORS:

YES: Gioia, Andersen, Piepho, Mitchoff, Glover

NO: None

EXPLANATION OF REQUEST

To appropriate new revenue to Training for the purchase of  
gun safes from Asset Forfeiture funds.BY: Stacy M. Boyd DATE 12/13/2016  
(M129 Rev 2/86)


Fiscal Officer

SIGNATURE

TITLE

11/28/2016

DATE

APPROPRIATION

APOO

5033

ADJ. JOURNAL NO.

CONTRA COSTA COUNTY  
ESTIMATED REVENUE ADJUSTMENT  
T/C 24

C.18 cont.

ACCOUNT CODING		BUDGET UNIT: (0255) Sheriff's Office			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
2501	9951	REIMBURSEMENTS GOV/GOV	19,500	00	
TOTALS			19,500	00	0 00

APPROVED

EXPLANATION OF REQUEST

AUDITOR-CONTROLLER:

BY: Maria Pulido DATE 12/1/16

To appropriate new revenue to Training for the purchase of gun safes from Asset Forfeiture funds.

COUNTY ADMINISTRATOR:

BY: Walter E. E. E. DATE 12/8/16

BOARD OF SUPERVISORS:

YES: Gioia, Andersen, Piepho, Mitchoff, Gloyer

NO: None



SIGNATURE

Fiscal Officer

TITLE

11/29/2016

DATE

BY: Stacy M. Boyd DATE 12/13/2016

(M 8134 Rev. 2/86)

REVENUE ADJ.  
JOURNAL NO.

RA00

5033



Contra  
Costa  
County

To: Board of Supervisors  
From: David O. Livingston, Sheriff-Coroner  
Date: December 13, 2016

Subject: Cancel one (1) Deputy Sheriff Criminalist III (6DTB) position # 2528, Add one (1) Criminalist III (6DTA) position to the Forensics Division,

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21996 to cancel one (1) Deputy Sheriff-Criminalist III (6DTB)(represented) vacant position #2528 at salary plan and grade VHX 1965 (\$7,997-\$9,963), and add one (1) Criminalist III (6DTA) (represented) position at salary plan and grade VN5 1922 (\$7,990-\$9,712) to the Office of the Sheriff's, Forensics Division – Support Services Bureau.

**FISCAL IMPACT:**

An annual cost savings of \$82,933 to the Sheriff's General Fund, and \$64,453 retirement annual savings.

**BACKGROUND:**

This vacancy is due to the recent promotion of a Deputy Sheriff-Criminalist III to a Deputy Sheriff Forensic Supervisor. The Forensics Division would like to fill this position with a non-sworn Criminalist III, at a cost savings to the department.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: June McHuen, Deputy

Contact: Lori Brown (925)  
335-1552

cc: Robyn Hanson

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, it will impede the Forensic Division's ability to fill its vacancy in a cost effective and timely manner. This will affect staff workload, which negatively effects processing of time sensitive evidence.

CHILDREN'S IMPACT STATEMENT:

No impact.

AGENDA ATTACHMENTS

P300 No. 21996

MINUTES ATTACHMENTS

Signed P300 21996

# POSITION ADJUSTMENT REQUEST

NO. 21996  
DATE 11/10/2016

Department Office of the Sheriff Department No./  
Budget Unit No. 0255 Org No. 2515 Agency No. 25  
Action Requested: Cancel one (1) Deputy Sheriff Criminalist III (6DTB) position # 2528, and add one (1) Criminalist III (6DTA) position to the Forensics Division – Support Services Bureau.

Proposed Effective Date: 12/7/2016

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: N/A

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost (\$82,933.00)

Net County Cost (\$82,933.00)

Total this FY (\$41,467.00)

N.C.C. this FY (\$41,467.00)

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Savings to the Office of the Sheriff General Fund

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Mary Jane Robb

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Timothy M. Ewell

11/28/2016

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 12/2/2016

Cancel one (1) Deputy Sheriff-Criminalist III (6DTB)(represented) vacant position #2528 and add one (1) Criminalist III (6DTA)(represented) position in the Office of the Sheriff.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

Tanya Williams

12/2/2016

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/8/2016

☒ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

Timothy M. Ewell

(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 12/8/2016

No. xxxxxx

1. Project Positions Requested:
2. Explain Specific Duties of Position(s)
3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)
4. Duration of the Project: Start Date \_\_\_\_\_ End Date \_\_\_\_\_  
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.
5. Project Annual Cost
  - a. Salary & Benefits Costs: \_\_\_\_\_
  - b. Support Costs: \_\_\_\_\_  
(services, supplies, equipment, etc.)
  - c. Less revenue or expenditure: \_\_\_\_\_
  - d. Net cost to General or other fund: \_\_\_\_\_
6. Briefly explain the consequences of not filling the project position(s) in terms of:
  - a. potential future costs
  - b. legal implications
  - c. financial implications
  - d. political implications
  - e. organizational implications
7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.
8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted
9. How will the project position(s) be filled?
  - ☐ a. Competitive examination(s)
  - ☐ b. Existing employment list(s) Which one(s)? \_\_\_\_\_
  - ☐ c. Direct appointment of:
    - ☐ 1. Merit System employee who will be placed on leave from current job
    - ☐ 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

## POSITION ADJUSTMENT REQUEST

NO. 21996  
DATE 11/10/2016Department Office of the Sheriff

Department No./

Budget Unit No. 0255 Org No. 2515 Agency No. 25

Action Requested: Cancel one (1) Deputy Sheriff Criminalist III (6DTB) position # 2528, and add one (1) Criminalist III (6DTA) position to the Forensics Division – Support Services Bureau.

Proposed Effective Date: 12/7/2016Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐Total One-Time Costs (non-salary) associated with request: N/A

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost (\$82,933.00)Net County Cost (\$82,933.00)Total this FY (\$41,467.00)N.C.C. this FY (\$41,467.00)SOURCE OF FUNDING TO OFFSET ADJUSTMENT Savings to the Office of the Sheriff General FundDepartment must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Mary Jane Robb

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Timothy M. Ewell

11/28/2016

Deputy County Administrator

Date

## HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 12/2/2016

Cancel one (1) Deputy Sheriff-Criminalist III (6DTB)(represented) vacant position #2528 and add one (1) Criminalist III (6DTA)(represented) position in the Office of the Sheriff.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.☐ \_\_\_\_ (Date)

Tanya Williams

12/2/2016

(for) Director of Human Resources

Date

## COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/8/2016

- ☒
- Approve Recommendation of Director of Human Resources
- 
- ☐
- Disapprove Recommendation of Director of Human Resources
- 
- ☐
- Other: \_\_\_\_\_

Timothy M. Ewell

(for) County Administrator

## BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐David J. Twa, Clerk of the Board of Supervisors  
and County AdministratorDATE December 13 2016BY [Signature]

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION  
Adjust class(es) / position(s) as follows:



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services  
Date: December 13, 2016

Subject: Increase position hours of a Registered Nurse-Experienced Level in the Health Services Department

---

**RECOMMENDATION(S):**

Adopt Position Adjustment Resolution No. 22002 to increase the hours of Registered Nurse-Experienced Level (VWXD) position #10491 from 32/40 to 40/40 at salary level L32-1878 (\$8,049 - \$8,972) in the Health Services Department. (Represented)

**FISCAL IMPACT:**

Upon approval, there is an annual cost of approximately \$31,652, which includes estimated pension costs of \$7,644. The cost will be entirely offset with budgeted General Fund funds.

**BACKGROUND:**

The Health Services Department is requesting to increase the hours of one (1) position, as per the Memorandum of understanding with the California Nurses Association. The position is Registered Nurse-Experienced

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☐ 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: December 13, 2016

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

Contact: Jacqueline F. Kidd,  
925-957-5240

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Level position #10491, which the department is requesting to increase the hours from 32/40 to 40/40. The incumbent has been working the increased hours for the past six months to prevent mandatory overtime and these hours are certified by the manager as being operationally necessary to continue the mandated functions of the department, to ensure patient care at the Martinez Detention Facility.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Martinez Detention Facility of the Health Services Department will not have adequate staffing to meet the demand and volume of patient care for those we serve.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

AGENDA ATTACHMENTS

P300 No. 22002 HSD

MINUTES ATTACHMENTS

Signed P300 22002

# POSITION ADJUSTMENT REQUEST

NO. 22002  
DATE 11/17/2016

Department Health Services

Department No./

Budget Unit No. 0540 Org No. 5700 Agency No. A18

Action Requested: Increase the hours of one permanent Registered Nurse-Experienced Level (VWXD) position #10491 from 32/40 to permanent full-time 40/40 in the Health Services - Martinez Detention Facility.

Proposed Effective Date: 1/1/2017

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 \$31,652.04

Net County Cost \$0.00

Total this FY \$20,142.21

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% GENERAL FUND

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Jacqueline Kidd

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Enid Mendoza

12/6/2016

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Exempt from Human Resources review under delegated 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

12/6/2016

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☒ Other: Approve as recommended by the department.

Enid Mendoza

(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 12/6/2016

No. xxxxxx

1. Project Positions Requested:
2. Explain Specific Duties of Position(s)
3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)
4. Duration of the Project: Start Date \_\_\_\_\_ End Date \_\_\_\_\_  
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.
5. Project Annual Cost
  - a. Salary & Benefits Costs: \_\_\_\_\_
  - b. Support Costs: \_\_\_\_\_  
(services, supplies, equipment, etc.)
  - c. Less revenue or expenditure: \_\_\_\_\_
  - d. Net cost to General or other fund: \_\_\_\_\_
6. Briefly explain the consequences of not filling the project position(s) in terms of:
  - a. potential future costs
  - b. legal implications
  - c. financial implications
  - d. political implications
  - e. organizational implications
7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.
8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted
9. How will the project position(s) be filled?
  - ☐ a. Competitive examination(s)
  - ☐ b. Existing employment list(s) Which one(s)? \_\_\_\_\_
  - ☐ c. Direct appointment of:
    - ☐ 1. Merit System employee who will be placed on leave from current job
    - ☐ 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

## POSITION ADJUSTMENT REQUEST

NO. 22002  
DATE 11/17/2016Department Health Services

Department No./

Budget Unit No. 0540 Org No. 5700 Agency No. A18

Action Requested: Increase the hours of one permanent Registered Nurse-Experienced Level (VWXD) position #10491 from 32/40 to permanent full-time 40/40 in the Health Services - Martinez Detention Facility.

Proposed Effective Date: 1/1/2017Classification 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 \$31,652.04Net County Cost \$0.00Total this FY \$20,142.21N.C.C. this FY \$0.00SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% GENERAL FUNDDepartment must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Jacqueline Kidd

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Enid Mendoza

12/6/2016

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE \_\_\_\_\_

Exempt from Human Resources review under delegated 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

12/6/2016☐ Approve Recommendation of Director of Human Resources☐ Disapprove Recommendation of Director of Human Resources☒ Other: Approve as recommended by the department.

Enid Mendoza

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐David J. Twa, Clerk of the Board of Supervisors  
and County AdministratorDATE December 13 2016BY June M. Khan

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: David O. Livingston, Sheriff-Coroner  
Date: December 13, 2016

Subject: Decrease the hours of one full-time Clerk-Senior Level position to part-time 25/40 in the Office of the Sheriff

---

**RECOMMENDATION(S):**

ADOPT Position Adjustment Resolution No. 21957 to decrease the hours of one (1) Clerk–Senior Level (JWXC)(represented) position (#13479) from 40/40 to 25/40 at salary plan and grade 3RX 1033 (\$3,210-\$4,100) in the Office of the Sheriff.

**FISCAL IMPACT:**

An annual cost savings of \$21,847 to the Sheriff’s General Fund, and \$4,669 retirement annual savings.

**BACKGROUND:**

The Office Sheriff is requesting to decrease the hours of position number 13479 from full-time 40/40 to part-time 25/40 to accommodate an employee request for reduced hours. When the position is vacated by its current incumbent, the Office of the Sheriff will request to increase the hours to full-time.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: June McHuen, Deputy

Contact: Lori Brown (925)  
335-1552



CONSEQUENCE OF NEGATIVE ACTION:

If this request is not approved, the employees request will not be honored.

CHILDREN'S IMPACT STATEMENT:

No impact.

AGENDA ATTACHMENTS

P300 No. 21957

MINUTES ATTACHMENTS

Signed P300 21957

# POSITION ADJUSTMENT REQUEST

NO. 21957  
DATE 11/22/2016

Department Office of the Sheriff Department No./  
Budget Unit No. 2545 Org No. 2545 Agency No. 25  
Action Requested: Decreases the hours of one Clerk – Senior Level (JWXC) position (13479), from FTE 40 hours per week to P/T 25 hours per week. The position will revert to a 40/40 position when vacated by the incumbent.

Proposed Effective Date: 1/1/2017

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: \_\_\_\_\_

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost (\$21,847.00) Net County Cost (\$21,847.00)

Total this FY (\$10,924.00) N.C.C. this FY (\$10,924.00)

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Savings to the Office of the Sheriff

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Mary Jane Robb

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Timothy M. Ewell

11/29/2016

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 12/2/2016

Decrease the hours of one (1) Clerk–Senior Level (JWXC)(represented) position (#13479) from 40/40 to 25/40 at salary plan and grade 3RX 1033 (\$3,210-\$4,100) in the Office of the Sheriff.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☐ Day following Board Action.

☒ 9/14/2016(Date)

Tanya Williams

12/2/2016

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 12/8/2016

- ☒ Approve Recommendation of Director of Human Resources  
☐ Disapprove Recommendation of Director of Human Resources  
☐ Other: \_\_\_\_\_

Timothy M. Ewell

(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 12/8/2016

No. xxxxxx

1. Project Positions Requested:
2. Explain Specific Duties of Position(s)
3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)
4. Duration of the Project: Start Date \_\_\_\_\_ End Date \_\_\_\_\_  
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.
5. Project Annual Cost
  - a. Salary & Benefits Costs: \_\_\_\_\_
  - b. Support Costs: \_\_\_\_\_  
(services, supplies, equipment, etc.)
  - c. Less revenue or expenditure: \_\_\_\_\_
  - d. Net cost to General or other fund: \_\_\_\_\_
6. Briefly explain the consequences of not filling the project position(s) in terms of:
  - a. potential future costs
  - b. legal implications
  - c. financial implications
  - d. political implications
  - e. organizational implications
7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.
8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted
9. How will the project position(s) be filled?
  - ☐ a. Competitive examination(s)
  - ☐ b. Existing employment list(s) Which one(s)? \_\_\_\_\_
  - ☐ c. Direct appointment of:
    - ☐ 1. Merit System employee who will be placed on leave from current job
    - ☐ 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

## POSITION ADJUSTMENT REQUEST

NO. 21957  
DATE 11/22/2016Department Office of the Sheriff

Department No./

Budget Unit No. 2545 Org No. 2545 Agency No. 25

Action Requested: Decrease the hours of one Clerk – Senior Level (JWXC) position (13479), from FTE 40 hours per week to P/T 25 hours per week. The position will revert to a 40/40 position when vacated by the incumbent.

Proposed Effective Date: 1/1/2017Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: \_\_\_\_\_

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost (\$21,847.00)Net County Cost (\$21,847.00)Total this FY (\$10,924.00)N.C.C. this FY (\$10,924.00)SOURCE OF FUNDING TO OFFSET ADJUSTMENT Savings to the Office of the SheriffDepartment must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Mary Jane Robb

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Timothy M. Ewell

11/29/2016

Deputy County Administrator

Date

## HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 12/2/2016

Decrease the hours of one (1) Clerk–Senior Level (JWXC)(represented) position (#13479) from 40/40 to 25/40 at salary plan and grade 3RX 1033 (\$3,210-\$4,100) in the Office of the Sheriff.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☐ Day following Board Action.☒ 9/14/2016(Date)

Tanya Williams

12/2/2016

(for) Director of Human Resources

Date

## COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

12/8/2016

- ☒
- Approve Recommendation of Director of Human Resources
- 
- ☐
- Disapprove Recommendation of Director of Human Resources
- 
- ☐
- Other: \_\_\_\_\_

Timothy M. Ewell

(for) County Administrator

## BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐David J. Twa, Clerk of the Board of Supervisors  
and County AdministratorDATE December 13 2016BY [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: HIRING OUTREACH OVERSIGHT COMMITTEE  
Date: December 13, 2016

Subject: APPROVE "Bridge to Success" pilot program for hiring individuals with developmental disabilities

---

**RECOMMENDATION(S):**

APPROVE the Bridges to Success pilot program effective January 1, 2017, as described in the attached overview, which will encourage hiring of individuals with developmental disabilities, and ADOPT Position Adjustment Resolution No. 21998 to establish the classifications of Institutional Services Aide-Project (1KW4) at salary plan/grade TB5 0828 (\$2,627.88-\$3,194.21) and Institutional Services Worker-Project (1KV1) at salary plan/grade TB5 0922 (\$2,884.21- \$3,505.78), and add two (2) positions of each in the Health Services Department. Add two (2) Library Aide-Exempt (3KW4) positions at salary plan/grade F85 0288 (\$1,733.33-\$2,106.88) in the Library.

**FISCAL IMPACT:**

This action will result in a total annual cost of \$293,874.00 for the positions added: 24% of the cost will be absorbed by the Library and 76% will be absorbed by the Health Services Department. The Human Resources Department will coordinate the program during the two-year pilot program, and as part of the evaluation of the pilot, will evaluate whether additional staffing is needed in the department to maintain the program.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: June McHuen, Deputy

Contact: Allison Picard, (925)  
335-1096

### BACKGROUND:

The Bridge to Success (BTS) program is an alternative employment process for persons with developmental disabilities. It is designed to minimize the adverse impact of the traditional selection process by providing an alternate means of assessing the qualifications and skills of job applicants with disabilities. This two-year proposed pilot is modeled on a similar program in place in Alameda County, which has shown great success in diversifying their workforce. This program is possible due to a partnership with local Community Based Organizations serving individuals with developmental disabilities who will assist the County Human Resources Department in identifying and assisting applicants through both the selection process and will also assist the participating departments and candidates with post-hire job coaching. In order for an individual to participate in this program, the individual must meet the definition of an "Individual with a Disability," as defined by the Fair Employment and Housing Act (Government Code section 12926), and be certified eligible by a Department of Rehabilitation Counselor as having a developmental disability. Candidates must successfully demonstrate their ability to perform the essential functions of the job, with or without a reasonable accommodation, in order to successfully complete their BTS evaluation.

Attached is a program outline which explains the hiring process in detail. The Hiring Outreach Oversight Board Committee reviewed this proposed pilot program on August 8, 2016 and recommended forwarding it to the full Board for approval.

### CONSEQUENCE OF NEGATIVE ACTION:

The BTS Program is consistent with the County's overall commitment to equal opportunity and diversification of our workforce by ensuring people with developmental disabilities are offered opportunities for employment. If this pilot is not approved, the Human Resources Department will continue to work with Community Based Organizations serving individuals with disabilities to promote County employment, however, the job coaching and assistance with the hiring and selection process will not be available.

### AGENDA ATTACHMENTS

Admin Bulletin 416.3

Bridges to Success Program

P300 #21998

### MINUTES ATTACHMENTS

Signed P300 21998

CONTRA COSTA COUNTY  
Office of the County Administrator

ADMINISTRATIVE BULLETIN

Number: 416.3  
Date: 9-1-15  
Section: Personnel

SUBJECT: Project Positions

**I. APPLICABILITY**

This bulletin is applicable to all County departments regarding creating project positions.

**II. PURPOSE:**

Establish a policy for the creation and administration of project positions.

**III. AUTHORITY:**

In accordance with the provisions of Contra Costa County Ordinance Code Section 24-4.008, the County Administrator has the authority and the responsibility to establish and enforce personnel policies in County departments and agencies, including project positions.

**IV. POLICY:**

Departments shall confer with the Office of the County Administrator and the Human Resources Director, or designee, on all matters pertaining to project positions.

County Ordinance Code No. 33-5.323 exempts project positions from the merit system as follows:

"Employees in positions (project positions) established by the board for a specific limited period as part of an approved project are excluded. The county administrator and the director of personnel shall develop procedures, to be approved by the board, for designating these positions and employing persons to fill them."

Project positions shall be designated by the County Administrator upon request of the department head when such positions are created to implement a specific project of limited duration financed in whole or in part by grants from federal, state, or private agencies.

Project positions shall be created and allocated to class titles by resolution (generally Position Adjustment Request Form P300) of the Board of Supervisors as recommended by the County Administrator.

Terms and conditions of employment expressed in the Salary Regulations, Resolution No. 2015/3 or applicable Memoranda of Understanding shall apply as the general rules of employment in project positions.

**V. PROCEDURE:**

I. In requesting the creation of a project position, the department and the County Administrator will provide the Board with specific information identifying the purpose and duration of the project, the funding sources for the project, the expected outcome and cost/benefit of the project, the specific duties of the project position and the method in which the project position is



to be filled. This information will be provided with the Position Adjustment Request in accordance with instructions entitled "Request for Project Positions" on the reverse of the P300 form.

II. In recommending to the Board of Supervisors the manner in which a project position is to be filled, departments and the County Administrator, in consultation with the Director of Human Resources, or designee, shall address the following questions:

- a. Are circumstances present which support exemption from the normal testing procedures and use of a direct appointment? Considerations should include:

Is the staff time needed to formulate and administer a competitive examination justifiable for the position(s) in question?

Would the eligible list resulting from the examination be used to fill several positions and/or be used by several departments?

How many candidates are expected to apply? (Difficult to recruit project positions may be best filled by direct appointment and the administration of an examination to fill a project position that will attract several hundred applicants may not be practical.)

Can a project position requiring unique skills and abilities that are not readily available in the job market be filled by placing a current merit system employee on leave of absence into the project position?

Will the continuity of a project be disrupted by hiring an individual(s) who is unfamiliar with the scope, organization and work being performed in the project?

How quickly does the project position(s) need to be filled? Do the funding conditions of the project position(s) require that it be filled immediately?

What is the likelihood that the project position(s) will be transferred into the merit system? (If it is highly likely that the position would be transferred, consideration should be given to administering an examination.)

What are the Affirmative Action implications, including representation in the current workforce, representation in the available marketplace, representation in the job class(es) in question and timetables and goals for the job class(es)?

- b. If a direct appointment is requested by a department, such direct appointment shall be in accordance with Resolution No. 96/293 "Policy on Avoiding Conflicts of Interest in Appointments by Department Heads to Authorized Positions," adopted by the Board of Supervisors on June 11, 1996.

III. The department head shall provide the Board of Supervisors with an updated cost/benefit analysis of each project position at the halfway point of the project duration. The reporting date for each position shall be estimated and established by the department in which the position is located at the time it is created by the Board of Supervisors. The Human Resources Department shall monitor the timely submittal of the report.

IV. The Human Resources Director shall maintain a classification plan and administer competitive examinations and selection processes for employment in project positions similar to those for positions in the merit service. The County's Affirmative Action commitments shall apply. At least three identified persons shall be interviewed for any project position, unless this requirement is waived in writing by the Director of Human Resources, with documentation on



the outcome of selection interviews to fill project positions, including the names of all interviewees, the names of all persons who waived an interview and the name(s) of the person(s) appointed.

  
David Twa  
County Administrator

Orig. Dept.: Human Resources Department

References: Ordinance Code 33-5.323  
Salary Regulations  
Resolution No. 2015/3

**CONTRA COSTA COUNTY**

**BRIDGE TO SUCCESS PILOT PROGRAM**

**Submitted by: Human Resources Department**



## **SECTION I: PROGRAM OVERVIEW**

The Bridge to Success (BTS) program is an alternative employment process for persons with developmental disabilities. It is designed to minimize the adverse impact of the traditional selection process by providing an alternate means of assessing the qualifications and skills of job applicants with disabilities. The BTS program will be launched as a two-year pilot on January 1, 2017. During the pilot, Human Resources (HR) and Risk Management will evaluate the program and make recommendations for its future.

The Human Resources Department will act as lead for the program and will designate a BTS Coordinator to oversee its implementation and provide assistance to County departments and applicants. BTS outreach, within the County and to community partners, will be led by the EEO Officer within Risk Management.

Positions in the BTS Program are non-Merit System positions within Contra Costa County (the County). These positions are classified as Exempt and Project positions. Project positions are governed by Administrative Bulletin 416.3 (attached). Candidates filling the BTS positions are subject to a one-year evaluation period. If assigned to a project position and if the candidate performs the essential functions of the job satisfactorily during the evaluation period, he or she may be transitioned to a permanent and classified Merit System position, following approval by the Board of Supervisors.

Most adults with developmental disabilities receive job placement and coaching services through state programs, called Supported Employment. The HR/BTS Coordinator will partner with these programs including the State of California Department of Rehabilitation (DOR) and local Community-Based Organizations (CBO's) serving people with developmental disabilities. The job coach's function is to support the employee as-needed, including helping he or she master job skills and functions, as well as assisting the manager/supervisor regarding the needs of the employee. The County does not pay for the job coach; the coach is paid through the DOR or the Regional Center, the state agency that manages services for people with developmental disabilities.

The BTS Program is consistent with the County's overall commitment to equal opportunity and diversifications of our workforce by ensuring people with developmental disabilities are offered opportunities for employment. This program was modeled on similar successful programs such as in Alameda County's Step-up Program, and with input from Supported Employment experts in this field.

## **SECTION II: ELIGIBILITY**

In order for an individual to participate in this program, the candidate must meet the definition of an “Individual with a Disability,” as defined by the Fair Employment and Housing Act (Government Code section 12926), and be certified eligible by a DOR Counselor as having a developmental disability. The DOR certification documentation must be signed by both a DOR counselor and the person seeking to participate in the program. The candidate must also meet the minimum qualifications for the classification.

## **SECTION III: HIRING PROCESS**

The following guidelines explain the proposed selection process and program design.

### **A. Designation of Positions**

The classifications that have been identified for the pilot program are: Institutional Services Worker and Institutional Services Aide in the Health Department, and Library Aide in the County Library. During the pilot program, two BTS project positions will be created for the Institutional Services Aide and Worker classifications and two Library Aide - Exempt positions will be also created. The positions may be filled on either a full or part-time basis. Human Resources will develop job specifications for the project classifications which are specific to the eligibility requirements of the BTS program.

If during the pilot, vacancies in these classifications become available in permanent positions, additional BTS positions may be authorized by County Administration upon request of the hiring department. However, existing permanent employees must first be given the opportunity to request reassignment to the vacant permanent positions in the same classification or in the same level of their deep classification pursuant to the appropriate Memoranda of Understanding (MOU) with County employee organizations. If no permanent employee chooses to bid on the vacancies, the hiring process identified in this section may be followed for a BTS appointment.

### **B. Requesting Applications**

When a BTS vacancy is available to be filled, HR will inform the DOR and CBO's and request that they identify any candidates who may meet the minimum qualifications, and notify the HR/BTS Coordinator. These individuals will be asked to complete a County application and submit it to the HR/BTS Coordinator within 10 business days of the notification. If no applications are received, the EEO Officer and HR/BTS Coordinator will continue outreach efforts.

### C. Application Review

The HR/BTS Coordinator will screen all applicants for minimum qualifications and eligibility for participation. If more than five (5) qualified applicants are identified for a vacancy, the HR/BTS Coordinator will work with the department (and job coaches as appropriate) to determine if additional screening criteria should be applied. Departments will interview all BTS candidates referred by HR.

### D. Interview Process

Interviews will be scheduled by the hiring department. Any accommodation requests from candidates should be handled in accordance with the County's ADA policy. The departments will work with the County ADA Coordinator and the departmental ADA representative to address accommodation requests, as is the current practice.

Candidates may utilize an advocate or job coach for the interview and selection process. This individual must be identified at the time of application with contact information (telephone, email address) for the HR/BTS Coordinator. The HR/BTS Coordinator will manage communication with the candidate and his or her designated advocate or job coach, and the department.

At this stage, the advocate or job coach may serve in one or more of the following ways:

- Provide interview preparation assistance
- Be present and provide "moral" support to the applicant during the interview process
- Ask for clarification of questions from the panel members
- Re-state interview question(s) to better assist the applicant in answering
- Prompt the candidate to respond as appropriate and necessary.

The BTS candidates, along with their identified advocate or job coach, will be provided with interview questions at least one day prior to the interview. This provides the candidate time to prepare for the interview, working with their job coach or advocate, as needed.

After the completion of scheduled interviews, departments may select a qualified candidate and will advise the HR/BTS Coordinator who will assist the departmental Personnel Officer in notifying candidates who were not selected. Since this is a project position specifically created for the BTS pilot, if not filled, the department will maintain the opening until a suitable BTS candidate is found.

### E. Placement

The department will make an offer of employment to the selected candidate and inform

the HR/BTS Coordinator who will assist in facilitating any accommodation needs for the candidate with the County and department ADA Coordinators as needed.

#### **SECTION IV: EMPLOYMENT STATUS**

All individuals selected for the Institutional Service Aide or Worker classification under this program will be appointed to positions as project employees. The project appointment status will last for the duration of the evaluation period, which is one year unless ended sooner if the appointment is not deemed successful by County standards. During the evaluation period, BTS employees will receive the same salary and benefits as any other similarly situated project employee.

Candidates who are selected for the Library Aide - Exempt classification will be designated as permanent; however they will have an evaluation period, which is one year unless ended sooner if the appointment is not deemed successful by County standards. BTS employees will receive the same salary as any other similarly situated Library Aide - Exempt employee; however, these positions may not be eligible for benefits.

If the BTS employee successfully passes his or her evaluation period, the project position will be converted to a classified Merit System position. If a permanent position vacancy does not exist at that time for this purpose, the department will request approval from the Board of Supervisors to convert the project position under the BTS program to a permanent position.

#### **SECTION V: EVALUATION PERIOD**

The purpose of the one year on-the-job performance evaluation period is to assess the knowledge, skills and abilities of individuals who have been selected for project employment. Candidates must successfully demonstrate their ability to perform the essential functions of the job, with or without a reasonable accommodation, in order to successfully complete their BTS evaluation. The HR/BTS Coordinator will work with Risk Management to create a form for this purpose.

Many BTS employees will be working with a job coach through the DOR or a CBO. The job coach will work directly with the supervisor and the employee, and may also receive assistance from the County ADA Coordinator in Risk Management.

The supervisor is responsible for monitoring the progress of the candidate during the evaluation period. The supervisor must evaluate the BTS candidate every month during the evaluation period and document this on the evaluation form. The evaluation will contain the supervisor's assessment of the candidate's performance, including skills and abilities as well as behaviors appropriate for the position such as attendance.

Problematic areas should be discussed with the candidate and the job coach who will assist the employee in understanding the nuances of the job and evaluate potential solutions. Additional training can be provided as well as needed reasonable accommodations for the employee. Job coaches can also assist departments in communicating with employees if a placement is deemed unsuccessful and will be concluded.

## **SECTION VI: TERMINATION PROCESS**

The termination process for BTS project employees is the same as it is for other project employees pursuant to Administrative Bulletin 416.3. Terms and conditions of employment expressed in the Salary Regulations, resolution No. 2015/3 or applicable Memoranda of Understanding shall apply as the general rules of employment in project positions.

Candidates in exempt positions are at-will and the termination process is the same as it is for other employees in County exempt positions.

# POSITION ADJUSTMENT REQUEST

NO. 21998  
DATE 11/29/2016

Department Human Resources/HSD/Library

Department No./  
Budget Unit No. \_\_\_\_\_ Org No. \_\_\_\_\_ Agency No. \_\_\_\_\_

Action Requested: Establish the classifications of Institutional Services Aide-Project (1KW4) at salary plan/grade TB5 0828 (\$2,627.88-3,194.21) Institutional Services Worker-Project (1KV1) at salary plan/grade TB5 0922 (\$2,884.21- \$3,505.78) and add two (2) positions of each in the Health Services Department. Add two (2) Library Aide-Exempt (3KW4) positions at salary plan/grade f85 0288 (\$1,733.33-\$2,106.88) in the Library.

Proposed Effective Date: 1/1/2017

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☐ No ☐

Total One-Time Costs (non-salary) associated with request: \_\_\_\_\_

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$293,874.00

Net County Cost \_\_\_\_\_

Total this FY \$171,427.00

N.C.C. this FY \_\_\_\_\_

SOURCE OF FUNDING TO OFFSET ADJUSTMENT \_\_\_\_\_

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Allison Picard

\_\_\_\_\_  
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Allison Picard

11/29/16

\_\_\_\_\_  
Deputy County Administrator

\_\_\_\_\_  
Date

## HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 11/29/2016

Establish the classifications of Institutional Services Aide-Project (1KW4) at salary plan/grade TB5 0828 (\$2,627.88-3,194.21) Institutional Services Worker-Project (1KV1) at salary plan/grade TB5 0922 (\$2,884.21- \$3,505.78) and add two (2) positions of each in the Health Services Department. Add two (2) Library Aide-Exempt (3KW4) positions at salary plan/grade f85 0288 (\$1,733.33-\$2,106.88) in the Library

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.

☐ \_\_\_\_\_(Date)

Gladys Scott Reid

11/29/2016

\_\_\_\_\_  
(for) Director of Human Resources

\_\_\_\_\_  
Date

## COUNTY ADMINISTRATOR RECOMMENDATION:

DATE \_\_\_\_\_

☐ Approve Recommendation of Director of Human Resources

☐ Disapprove Recommendation of Director of Human Resources

☐ Other: \_\_\_\_\_

\_\_\_\_\_  
(for) County Administrator

## BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☐ DISAPPROVED ☐

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

DATE \_\_\_\_\_

BY \_\_\_\_\_

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:



## REQUEST FOR PROJECT POSITIONS

Department \_\_\_\_\_

Date 12/2/2016

No. xxxxxx

1. Project Positions Requested:
2. Explain Specific Duties of Position(s)
3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)
4. Duration of the Project: Start Date \_\_\_\_\_ End Date \_\_\_\_\_  
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.
5. Project Annual Cost
  - a. Salary & Benefits Costs: \_\_\_\_\_
  - b. Support Costs: \_\_\_\_\_  
(services, supplies, equipment, etc.)
  - c. Less revenue or expenditure: \_\_\_\_\_
  - d. Net cost to General or other fund: \_\_\_\_\_
6. Briefly explain the consequences of not filling the project position(s) in terms of:
  - a. potential future costs
  - b. legal implications
  - c. financial implications
  - d. political implications
  - e. organizational implications
7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.
8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted
9. How will the project position(s) be filled?
  - ☐ a. Competitive examination(s)
  - ☐ b. Existing employment list(s) Which one(s)? \_\_\_\_\_
  - ☐ c. Direct appointment of:
    - ☐ 1. Merit System employee who will be placed on leave from current job
    - ☐ 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

## POSITION ADJUSTMENT REQUEST

NO. 21998  
DATE 11/29/2016Department Human Resources/HSD/LibraryDepartment No./  
Budget Unit No. \_\_\_\_\_ Org No. \_\_\_\_\_ Agency No. \_\_\_\_\_

Action Requested: Establish the classifications of Institutional Services Aide-Project (1KW4) at salary plan/grade TB5 0828 (\$2,627.88-3,194.21) Institutional Services Worker-Project (1KV1) at salary plan/grade TB5 0922 (\$2,884.21- \$3,505.78) and add two (2) positions of each in the Health Services Department. Add two (2) Library Aide-Exempt (3KW4) positions at salary plan/grade f85 0288 (\$1,733.33-\$2,106.88) in the Library.

Proposed Effective Date: 1/1/2017Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☐ No ☐

Total One-Time Costs (non-salary) associated with request: \_\_\_\_\_

Estimated total cost adjustment (salary / benefits / one time): \_\_\_\_\_

Total annual cost \$293,874.00

Net County Cost \_\_\_\_\_

Total this FY \$171,427.00

N.C.C. this FY \_\_\_\_\_

SOURCE OF FUNDING TO OFFSET ADJUSTMENT \_\_\_\_\_

Department must initiate necessary adjustment and submit to CAO.  
Use additional sheet for further explanations or comments.

Allison Picard

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Allison Picard

11/29/16

Deputy County Administrator

Date

## HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 11/29/2016

Establish the classifications of Institutional Services Aide-Project (1KW4) at salary plan/grade TB5 0828 (\$2,627.88-3,194.21) Institutional Services Worker-Project (1KV1) at salary plan/grade TB5 0922 (\$2,884.21- \$3,505.78) and add two (2) positions of each in the Health Services Department. Add two (2) Library Aide-Exempt (3KW4) positions at salary plan/grade f85 0288 (\$1,733.33-\$2,106.88) in the Library

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.☐ \_\_\_\_\_(Date)

Gladys Scott Reid

11/29/2016

(for) Director of Human Resources

Date

## COUNTY ADMINISTRATOR RECOMMENDATION:

DATE \_\_\_\_\_

- ☐ Approve Recommendation of Director of Human Resources  
☐ Disapprove Recommendation of Director of Human Resources  
☐ Other: \_\_\_\_\_

(for) County Administrator

## BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ☒ DISAPPROVED ☐David J. Twa, Clerk of the Board of Supervisors  
and County AdministratorDATE December 13 2016BY June McQueen

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: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: Edward Byrne Memorial Justice Assistance Grant (JAG) Funding

---

**RECOMMENDATION(S):**

ADOPT Resolution Number 2016/669 to approve and authorize the Employment and Human Services Director, or designee, to apply for and accept Edward Byrne Memorial Justice Assistance Grant funding, in an amount not to exceed \$981,202, to reduce violent crime and recidivism within the County for the period January 1, 2017 through December 31, 2017.

**FISCAL IMPACT:**

County to receive an amount not to exceed \$981,202. (100% State) (No County match)

**BACKGROUND:**

The Edward Byrne Memorial Justice Assistance Grant (JAG) program is the primary provider of federal criminal justice funding to state and local jurisdictions. The JAG Program provides critical funding necessary to support state and local initiatives to include, but not limited to: technical assistance, strategic planning, research and evaluation (including forensics), data collection, training, and criminal justice information systems. The JAG Program in California supports three (3) program purpose areas designed by federal statute: law enforcement programs; courts; prosecution and defense programs, including indigent defense; and, prevention and education programs.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Elaine Burres,  
925-313-1717

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Without funding, designed services to reduce violent crime and recidivism rates could not be implemented.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

AGENDA ATTACHMENTS

Resolution No. 2016/669

MINUTES ATTACHMENTS

Signed: Resolution No. 2016/669

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

Adopted this Resolution on 12/13/2016 by the following vote:

		<b>John Gioia</b>
		<b>Candace Andersen</b>
<b>AYE:</b>	<input type="text" value="5"/>	<b>Mary N. Piepho</b>
		<b>Karen Mitchoff</b>
		<b>Federal D. Glover</b>
<b>NO:</b>	<input type="text"/>	
<b>ABSENT:</b>	<input type="text"/>	
<b>ABSTAIN:</b>	<input type="text"/>	
<b>RECUSE:</b>	<input type="text"/>	



**Resolution No. 2016/669**

In The Matter Of: The Edward Byrne Memorial Justice Assistance Grant (JAG) Program for 2017.

WHEREAS, the County of Contra Costa desires to participate in the Edward Byrne Memorial Justice Assistance Grant Program supported by federal Formula Grant funds and administered by the Board of State and Community Corrections (hereafter referred to as BSCC).

Now, Therefore, Be It Resolved: that the Contra Costa County Employment and Human Services Department Director, or designee, is authorized on behalf of the Board of Supervisors to submit the grant proposal to this funding and sign the Grant Agreement with the BSCC, including any amendments thereof; and,

Be It Further Resolved: that the federal grant funds received hereunder shall not be used to supplant expenditures controlled by this body; and,

Be It Further Resolved: that the County agrees to abide by the statutes and regulations governing the federal Formula Grants Program as well as the terms and conditions of the Grant Agreement as set forth by the BSCC.

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

**ATTESTED: December 13, 2016**

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

**Contact: Elaine Burres, 925-313-1717**

By: Stacey M. Boyd, Deputy

**cc:**

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

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

Adopted this Resolution on 12/13/2016 by the following vote:

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

**NO:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**



**Resolution No. 2016/669**

In The Matter Of: The Edward Byrne Memorial Justice Assistance Grant (JAG) Program for 2017.

WHEREAS, the County of Contra Costa desires to participate in the Edward Byrne Memorial Justice Assistance Grant Program supported by federal Formula Grant funds and administered by the Board of State and Community Corrections (hereafter referred to as BSCC).

Now, Therefore, Be It Resolved: that the Contra Costa County Employment and Human Services Department Director, or designee, is authorized on behalf of the Board of Supervisors to submit the grant proposal to this funding and sign the Grant Agreement with the BSCC, including any amendments thereof; and,

Be It Further Resolved: that the federal grant funds received hereunder shall not be used to supplant expenditures controlled by this body; and,

Be It Further Resolved: that the County agrees to abide by the statutes and regulations governing the federal Formula Grants Program as well as the terms and conditions of the Grant Agreement as set forth by the BSCC.

I hereby certify that this 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: Elaine Burres, 925-313-1717

**ATTESTED: December 13, 2016**

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

By: *Stacey M. Boyd*  
 Stacey M. Boyd, Deputy

cc:



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: City of Richmond Funding, Children's Interview Center

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with the City of Richmond, to accept funding in an amount not to exceed \$18,487, to provide Children's Interview Center services, for the period July 1, 2016 through June 30, 2017.

**FISCAL IMPACT:**

County to receive an amount not to exceed \$18,487 from City of Richmond.

**BACKGROUND:**

Employment and Human Services to provide a trained Forensic Interviewer during investigations at the Children's Interview Center where a child has been sexually abused, physically abused and/or otherwise neglected, and conduct non-acute exams on child victims.

**CONSEQUENCE OF NEGATIVE ACTION:**

Urgently needed child victim services could not be provided at the Children's Interview Center.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Elaine Burres,  
925-313-1717

cc:

**CHILDREN'S IMPACT STATEMENT:**

Funding would support one (1) of the five (5) community outcomes established in the Children's Report Card: "2) Children and Youth Healthy and Preparing for Productive Adulthood" by providing a safe and supportive environment at the Children's Interview Center.





Contra  
Costa  
County

To: Board of Supervisors  
From: Melinda Cervantes, County Librarian  
Date: December 13, 2016

Subject: California Endowment for the Humanities Grant

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Librarian, or designee, to apply for and accept a grant in the amount of \$5,000 from the California Endowment for the Humanities to provide support, guidance and resources to engage recent immigrants and to broaden community connections throughout the county, for the period January 1 through December 31, 2017.

**FISCAL IMPACT:**

No Library Fund match.

**BACKGROUND:**

California Endowment for the Humanities has provided several grants to the Contra Costa County Library in the past. The purpose of this grant is to build the capacity of Library staff to reach and engage recent immigrants in order to deepen and broaden community connections. If funded, this grant opportunity will enable the library to participate in a 12-month process of individual and group learning and discovery that will include instruction from library and humanities field experts. Funds from the grant will be used to develop new programming for immigrants that may serve as models for other libraries to replicate in the future.

**CONSEQUENCE OF NEGATIVE ACTION:**

Staff will not be able to take advantage of the training and programming opportunity.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: 925-608-7790

cc:



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher  
Date: December 13, 2016

Subject: 2017 Community Services Block Grant (CSBG) revenue contract

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to accept funding from California Department of Community Services and Development, including modified indemnification language, in an amount not to exceed \$224,650, for Community Services Block Grant program services during the term January 1, 2017 through December 31, 2017.

**FISCAL IMPACT:**

100% Federal funding via  
California Department of Community Services & Development  
Pass through of Federal funds / CFDA # 93.569  
No County match

State: 17F-2007  
County: 39-813-43

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: CSB (925) 681-6345

cc: Christina Reich, Nancy Sparks, Sam Mendoza, Cassandra Youngblood

#### BACKGROUND:

The Department received notification of funding from California Department of Community Services and Development on November 22, 2016. As the County's Community Action Agency, the Department's Community Services Bureau regularly receives Community Services Block Grant (CSBG) funding to operate self-sufficiency programs under the advisement of the County's Economic Opportunity Council (EOC). The funding amount is based on the County's low-income population which meets federal poverty guidelines. This initial award for the 2017 program year is a partial allocation based on the partial grant award received by the State from the federal government for CSBG. The County will receive its remaining allocation once the State receives the funding from the federal department of Health and Human Services.

#### CONSEQUENCE OF NEGATIVE ACTION:

If not approved, the Department will be hampered in its ability to meet the needs of the community, and to establish partnerships with community based agencies and public organizations.

#### CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Linda Dippel, Child Support Services Director  
Date: December 13, 2016

Subject: Interagency Agreement with Riverside County Department of Child Support Services

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Director of Child Support Services, or designee, to execute an Interagency Agreement with Riverside County Department of Child Support Services, a government agency, to pay the County an amount not to exceed \$50,000, to provide Early Intervention Services for the period of November 1, 2016 through September 30, 2017.

**FISCAL IMPACT:**

Approval of this Interagency Agreement will result in a total payment to the County, not to exceed \$50,000 during the term of the agreement. No County matching funds required.

**BACKGROUND:**

The California State Department of Child Support Services has issued a statewide mandate for local child support agencies to focus on early intervention efforts to prevent payment delinquency and increase collections. The Department of Child Support Services has a contract with Maximus Human Services, Inc. to provide early intervention services. The pricing structure in the County's contract with Maximus includes discounts based on the volume of cases. Riverside County Department of Child Support Services has requested to submit their cases, with Contra Costa

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Sarah Bunnell,  
925-313-4433

cc:

**BACKGROUND: (CONT'D)**

County to increase the volume of cases submitted and thereby reduce the per case cost. This is a collaborative effort to address the State mandate and to accomplish this task in a cost efficient manner by leveraging the buying power of multiple agencies.

**CONSEQUENCE OF NEGATIVE ACTION:**

Riverside County would not be able to pay Contra Costa County to act as an intermediary and as a result, neither county could benefit from the discount offered.

**CHILDREN'S IMPACT STATEMENT:**

Approval of this action will help the Department of Child Support Services collect child support payments and pass these collections on to the home for the benefit of the children associated with cases within this Department.



Contra  
Costa  
County

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 13, 2016

Subject: Amendment to the Joint Defense Agreement among County, Water Agency, Natural Resources Defense Council & Bay Institute

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Counsel, or designee, to execute, on behalf of the County and the Contra Costa County Water Agency, an amendment to the joint defense agreement with Natural Resources Defense Council and The Bay Institute, effective October 1, 2016, to increase the payment limit by \$10,000, to a new payment limit of \$20,000, for shared legal and advocacy expenses related to *Firebaugh Canal Water District, et al. v. U.S. Department of Interior, Bureau of Reclamation, et al.*, and related cases.

**FISCAL IMPACT:**

In 2012, the Water Agency paid The Bay Institute \$10,000 for legal expenses in the above litigation. This amendment will authorize the Water Agency to pay The Bay Institute an additional \$10,000 for expenses related to the litigation. 100% Water Agency funds.

**BACKGROUND:**

In 2012, Contra Costa County, the Contra Costa County Water Agency, the Natural Resources Defense Council ("NRDC"), and The Bay Institute of San Francisco ("Bay Institute") entered into a joint defense agreement related to the litigation entitled *Firebaugh Canal Water District, et al. v. U.S. Department of Interior, Bureau of Reclamation, et al.* (Ninth Circuit Court of Appeals Case No. 11-17715) ("*Firebaugh* appeal"). Under the joint defense agreement, the Water Agency paid Bay Institute \$10,000 for legal expenses that Bay Institute incurred advocating for the parties'

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

Contact: Stephen Siptroth (925)  
335-1817

By: Stacey M. Boyd, Deputy

#### BACKGROUND: (CONT'D)

>

shared interests in the *Firebaugh* appeal. The Ninth Circuit Court of Appeals issued a decision in the *Firebaugh* appeal in favor of the Bureau of Reclamation (“Reclamation”). The United States District Court, Eastern District of California has retained jurisdiction of the underlying actions to enforce an order requiring Reclamation to provide drainage to lands within the San Luis Unit of the Central Valley Project, including lands within the Westlands Water District (“Westlands”). Westlands, NRDC, Bay Institute, the County, and the Water Agency are intervenors in those cases, entitled *Firebaugh Canal Water District, et al. v. U.S. Department of Interior, Bureau of Reclamation, et al.*, Eastern District of California Case Nos. CV-F-88-634-LJO/DLB and CV-F-91-048-LJO/DLB (the “Drainage Cases”). Westlands also has filed two other lawsuits against Reclamation related to drainage.

Reclamation and Westlands have negotiated a settlement of the two Drainage Cases and the two other drainage-related lawsuits. The proposed settlement would relieve Reclamation of its drainage obligations under the San Luis Act, a federal law, and would require Westlands to be responsible for agricultural drainage within its service area, which could adversely impact the water quality of the San Joaquin River and the Sacramento-San Joaquin Delta. The proposed settlement depends on Congress amending the San Luis Act.

As intervenors in the Drainage Cases, the parties to the joint defense agreement have a shared interest in advocating against the proposed settlement and amendment to the San Luis Act. The parties desire to coordinate their advocacy activities by having Bay Institute advocate on their behalf. Water Agency staff recommend that the Board authorize the County Counsel, or designee, to negotiate and execute an amendment to the joint defense agreement, to provide for an additional \$10,000 payment to Bay Institute for advocacy expenses Bay Institute incurs between October 1, 2016, and the earlier of (1) the date that Congress enacts legislation to effectuate the settlement between Reclamation and Westlands, or (2) the date the Court’s jurisdiction in the Drainage Cases ends.

#### CONSEQUENCE OF NEGATIVE ACTION:

The County and Water Agency would need to pay for separate legal representation in the Drainage Cases and legislative advocacy at a cost that could exceed \$10,000.

#### CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: Contract with 1st Northern California Credit Union for KEYS Auto Loan Services

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a non-financial agreement with 1st Northern California Credit Union, a Non-Profit Corporation, including modified mutual indemnification language, to provide auto loan services for the Keeping Employment Equals Your Success (KEYS) Auto Loan Program, for the period of November 1, 2016 through October 31, 2017.

**FISCAL IMPACT:**

None

**BACKGROUND:**

The Employment and Human Services Department created the Keeping Employment Equals Your Success (KEYS) Auto Loan Program for California Work Opportunity and Responsibility to Kids Act (CalWORKs) participants who need a personal automobile to complete their transition to self-sufficiency. The KEYS Auto Loan Program targets CalWORKs participants and in coordination with the 1st Northern California Credit Union (Credit Union), provides automobile loans for participants who meet loan criteria. This contract outlines the Credit Union's no-fee facilitation responsibilities. The KEYS Auto Loan Program is successful at helping participating CalWORKs clients remain employed and well on the road to self-sufficiency. The mutual indemnification clause of Contra Costa County General Conditions modifications have been approved by Contra Costa County Risk Management.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

---

Action of Board On: **12/13/2016**



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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Gina Chenoweth  
925-313-1648

cc:



CONSEQUENCE OF NEGATIVE ACTION:

The Employment and Human Services Department will be unable to provide an automobile loan to qualified CalWORKs participants who have been unable to obtain an automobile loan through conventional means.

CHILDREN'S IMPACT STATEMENT:

The services provided under this contract support all five of Contra Costa County's community outcomes: (1) "Children Ready for and Succeeding in School"; (2) "Children and Youth Healthy and Preparing for Productive Adulthood"; (3) "Families that are Economically Self-Sufficient"; (4) "Families that are Safe, Stable and Nurturing"; and (5) "Communities that are Safe and Provide a High Quality of Life for Children and Families" by providing transportation opportunities to qualified CalWORKs participants.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Contract #27-603-14 with Louro Consulting Services, Inc.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute on behalf of the County, Contract #27-603-14 with Louro Consulting Services, Inc., a corporation, in an amount not to exceed \$169,400, to provide consulting to the Contra Costa Health Plan (CCHP) for Health Plan committees, member benefits, and member services for the period from January 1, 2017 through December 31, 2017.

**FISCAL IMPACT:**

This Contract is funded 100% Contra Costa Health Plan Enterprise Fund II. (Rate increase)

**BACKGROUND:**

On November 10, 2015, the Board of Supervisors approved Contract #27-603-13 with Louro Consulting Services, Inc., for the provision of consulting services to the CCHP Health Plan committees, member benefits and member services, for the period from January 1, 2016 through December 31, 2016. Approval of Contract #27-603-14 will allow Contractor to continue providing services through December 31, 2017.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, the Health Plan will not receive Contractor's historical perspective and technical expertise on issues related to Health Plan member benefits and services.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

Contact: Patricia Tanquary,  
925-313-6004

By: Stacey M. Boyd, Deputy

cc: K Cyr, M Wilhelm

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: Heritage Project, Options for Recovery, Breaking Barriers Training Event

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract with the Crowne Plaza Hotel Concord, for the Heritage Project, Breaking Barriers training event scheduled for March 1, 2017, in an amount not to exceed \$12,000, and requiring the County's assumption of liability for damage caused by attendees.

**FISCAL IMPACT:**

\$12,000: 100% State Foster Parent Recruitment, Retention, and Support Grant.

**BACKGROUND:**

County receives an allocation from the California Department of Social Services (CDSS) for the Heritage Project. However, this year's annual event will be funded with a special grant (see Fiscal Impact above). One of the requirements for the funding is cross-training. The cross-training is for foster parents, community partners, alcohol and drug providers, mental health providers, and County staff. The goals and objectives of the cross-training are to educate, increase collaboration between alcohol and drug treatment partners and social workers, decrease barriers that prevent agencies from working collaboratively, assist families and staff in creating practical

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Elaine Burres,  
925-313-1717

cc:

**BACKGROUND: (CONT'D)**

solutions for change, case conferencing, and case collaboration.

On March 1, 2017, the Employment and Human Services Department, Children and Family Services Bureau, will host a cross-training event, entitled "Breaking Barriers Training" for foster parents, caregivers, service providers, and County staff. Crowne Plaza Concord has requested the Board of Supervisors approval in advance of the event. Provision of food and beverage service during the event is allowable under the Heritage Project funding guidelines, the Foster Parent Recruitment, Retention and Support Grant and will be consistent with the County Administrative Bulletin No. 614, paragraph IV B. "appropriated funds are not available to provide food and/or beverage to County employees or members of County committees".

The contract for this event includes language that requires the County to indemnify the hotel at which the training event is held for injuries or damage caused by the County during the event, including attorney's fees.

**CONSEQUENCE OF NEGATIVE ACTION:**

The federal requirement for Heritage Project. Options for Recovery Program specialized training would not be provided and may impact funding.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 13, 2016

Subject: APPROVE a Purchase Order with Goodyear Tire

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a purchase order with Goodyear Tire in an amount not to exceed \$180,000, for tire supply services, for the period of January 1, 2017 through December 31, 2017, Countywide.

**FISCAL IMPACT:**

This cost is to be funded through Public Works Fleet Services budget. (100% General Fund)

**BACKGROUND:**

Fleet Services is responsible for vehicle maintenance. Tires are a necessary commodity for this maintenance. Goodyear tires have been established as the County's standard. Goodyear tires can be purchased through any Goodyear dealer at government prices. Goodyear has also been awarded National Joint Purchasing Alliance (NJPA) contract # 041712-GTC for the purchase of Goodyear tires by government agencies. Goodyear Tire & Rubber in Benicia is the local Goodyear warehouse. Fleet Services uses Goodyear Tire & Rubber and East Bay Tire in Pittsburg for tire needs. Fleet Services is requesting this purchase order be approved, for a period covering the next 12 months.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 12/13/2016

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Stan Burton, (925)  
313-7077

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If this purchase order is not approved, tire supply services with Goodyear Tire will not proceed.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Novation Contract #24-700-65 with Contra Costa Crisis Center

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #24-700-65 with Contra Costa Crisis Center, a non-profit corporation, in an amount not to exceed \$100,672, to provide crisis intervention, suicide prevention and mental health rehabilitative services for the period July 1, 2016 through June 30, 2017. This contract includes a six-month automatic extension through December 31, 2017, in an amount not to exceed \$50,336.

**FISCAL IMPACT:**

This Contract is funded 100% Mental Health Realignment. This contract Includes a 3% Cost of Living Adjustment [COLA].

**BACKGROUND:**

In December 2015, the County Administrator approved and the Purchasing Services Manager executed Novation Contract #24-700-64 with Contra Costa Crisis Center, a non-profit corporation, for the provision of crisis intervention, suicide prevention and mental health rehabilitative services, for the period from July 1, 2015 through June 30, 2016, which included a six-month automatic extension through December 31, 2016.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Cynthia Belon,  
925-957-5201



**BACKGROUND: (CONT'D)**

Approval of Novation Contract #24-700-65 replaces the automatic extension under the prior Contract and allows Contractor to continue providing services through June 30, 2017.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, County residents needing crisis and suicide prevention, and intervention services will not have access to Contractor's services

**CHILDREN'S IMPACT STATEMENT:**

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Novation Contract #74-468-3 with Rainbow Community Center of Contra Costa County

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #74-468-3 with Rainbow Community Center of Contra Costa County, a non-profit corporation, in an amount not to exceed \$495,267, to provide specialized behavioral health treatment services to members of the lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ-2S) community and their families in Central and East County, for the period from July 1, 2016 through June 30, 2017. This Contract includes a six-month automatic extension through December 31, 2017, in an amount not to exceed \$247,633.

**FISCAL IMPACT:**

This Contract is funded 14% Federal Financial Participation; 86% Mental Health Services Act (MHSA). (Rate increase)

**BACKGROUND:**

On October 6, 2015, the Board of Supervisors approved Novation Contract #74-468-2 with Rainbow Community Center of Contra Costa County to provide specialized behavioral health treatment services to members of the lesbian,

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☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Cynthia Belon  
925-957-5201

**BACKGROUND: (CONT'D)**

gay, bisexual, transgender, queer and questioning (LGBTQ-2S) community and their families in Central and East County, for the period from July 1, 2015 through June 30, 2016, which include a six-month automatic extension through December 31, 2016.

Approval of Novation Contract #74-468-3, replaces the automatic extension under the prior Contract and allows the Contractor to continue providing specialized behavioral services through June 30, 2017.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, clients will not receive specialized behavioral health services provided by Rainbow Community Center of Contra Costa County.

**CHILDREN'S IMPACT STATEMENT:**

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Contract #74-527 with Carlos Zapata, M.D.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #74-527 with Carlos Zapata, M.D., an individual, in an amount not to exceed \$174,720, to provide outpatient psychiatric care to mentally ill adults in Central County, for the period from December 1, 2016 through November 30, 2017.

**FISCAL IMPACT:**

This Contract is funded 100% Mental Health Realignment.

**BACKGROUND:**

Under Contract #74-527, the Contractor will provide outpatient psychiatric care, including, but not limited to: diagnosing, counseling, evaluating, and providing medical and therapeutic treatment for mentally ill adults in Central Contra Costa County for the period December 1, 2016 through November 30, 2017.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this contract is not approved, patients requiring outpatient psychiatric care will not have access to Contractor's services.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: 12/13/2016



APPROVED AS



OTHER

RECOMMENDED

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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Cynthia Belon,  
925-957-5201



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Contract #27-517-11 with Jack E. Dudler, M.D.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #27-517-11 with Jack E. Dudler, M.D., an individual, in an amount not to exceed \$150,000, to provide primary care services for the period from December 1, 2016 through November 30, 2018.

**FISCAL IMPACT:**

This Contract is funded 100% Contra Costa Health Plan Enterprise Fund II (No rate increase)

**BACKGROUND:**

On November 25, 2014, the Board of Supervisors approved Contract #27-517-10 with Jack Dudler, M.D for the provision of primary care services to Contra Costa Health Plan (CCHP) members and County recipients, for the period from December 1, 2014 through November 30, 2016.

Approval of Contract #27-517-11 will allow Contractor to continue providing services through November 30, 2018.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/13/2016**



APPROVED AS



OTHER

RECOMMENDED

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

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ATTESTED: December 13, 2016

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

Contact: Patricia Tanquary,  
925-313-6004

By: Stacey M. Boyd, Deputy

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, certain specialized 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: December 13, 2016

Subject: Novation Contract #24-960-25 with Touchstone Counseling Services, Inc.

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #24-960-25 with Touchstone Counseling Services, Inc., a non-profit corporation, in an amount not to exceed \$160,000, to provide mental health services to recipients of the CalWORKS Program, for the period from July 1, 2016 through June 30, 2017. This Contract includes a six-month automatic extension through December 31, 2017, in an amount not to exceed \$80,000.

**FISCAL IMPACT:**

This Contract is funded 100% State CalWORKS Program fund. (Rate increase)

**BACKGROUND:**

On October 6, 2015, the Board of Supervisors approved Novation Contract #24-960-24 with Touchstone Counseling Services, Inc., for the provision of mental health services to recipients of the CalWORKS Program, for the period of July 1, 2015 through June 30, 2016, which included a six-month automatic extension through December 31, 2016.

Approval of Novation Contract #24-960-25 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing mental health services through June 30, 2017.

☒ APPROVE

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☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016** ☒ 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

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ATTESTED: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Cynthia Belon,  
925-957-5201

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, CalWORKS recipients will not have access to Contractor's services.

CHILDREN'S IMPACT STATEMENT:

Not applicable.





**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Novation #24-959-29 with Stand! For Families Free of Violence

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Novation Contract #24-959-29 with Stand! For Families Free of Violence, a non-profit corporation, in an amount not to exceed \$139,500, to provide mental health services to CalWORKs participants to reduce barriers to employment, for the period from July 1, 2016 through June 30, 2017. This contract includes a six-month automatic extension through December 31, 2017, in an amount not to exceed \$69,750.

**FISCAL IMPACT:**

This Contract is funded 100% CalWORKs (No rate increase)

**BACKGROUND:**

In January 2016, the County Administrator approved and Purchasing Services Manager executed Contract #24-959-27, (as amended by Contract Amendment Agreement #24-959-28) with Stand! For Families Free of Violence for the provision of mental health services, including individual, group and family collateral counseling, case management, and medication management services to CalWORKs participants to reduce barriers to employment, for the period from July 1, 2015 through June 30, 2016, which included a six-month automatic extension through December 31, 2016.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Cynthia Belon 957-5201

cc: E Suisala, M Wilhelm

BACKGROUND: (CONT'D)

Approval of Novation Contract #24-959-29 replaces the automatic extension under the prior Contract and allows the Contractor to continue providing services through June 30, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, CalWORKs participants will not receive mental health services.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: Dianne Dinsmore, Human Resources Director  
Date: December 13, 2016

Subject: APPROVE and AUTHORIZE the Director of Human Resources, or designee, to execute a contract amendment with Massachusetts Mutual Life Insurance Company

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Director of Human Resources, or designee, to execute a contract amendment effective December 1, 2016 with Massachusetts Mutual Life Insurance Company (MassMutual) to clarify the distribution process for the Reimbursement Budget Account (RBA) associated with the County 457 Deferred Compensation Plan.

**FISCAL IMPACT:**

This contract amendment will allow the County to request an annual disbursement from the Reimbursement Budget Account (RBA) for allowable administrative fees and distribute the excess funds to plan participants. (No Fiscal Impact)

**BACKGROUND:**

MassMutual and the County have agreed upon a Target Net Annual Revenue for administrative services with respect to the plan of 0.10% of plan assets, or 0.025% per calendar Quarter. In the event that MassMutual's calculated net revenue for administrative services for any Quarterly period exceeds the Quarterly per Participant charge payable to MassMutual, they will credit the difference to the RBA for the plan. The plan consistently exceeds this threshold and

☒ APPROVE

☐ OTHER

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ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Ann Elliott, (925)  
335-1747

BACKGROUND: (CONT'D)

>

the resulting funds cannot be allowed to accumulate without a plan for distribution. The original contract with MassMutual, implemented in 2014, left the distribution of the RBA and processing of administrative fees unresolved and marked that section of the contract with the place holder of “TBD”. With this amendment, once the County has requested a reimbursement for administrative fees, the balance of the RBA will be distributed pro-rata per participant in compliance with the contract provisions.

CONSEQUENCE OF NEGATIVE ACTION:

If the contract is not amended, the County will not be able to claim reimbursement for administrative fees and the 457 Deferred Compensation Plan will not be able to properly distribute the Reimbursement Budget Account to plan participants in compliance with Department of Labor guidelines.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Amendment #26-517-6 with R. Mason Coleman, M.D., Inc.

---

**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #26-517-6, with R. Mason Coleman, M.D., Inc., a professional corporation, effective February 1, 2017, to amend Contract #26-517-5, to increase the payment limit by \$48,000, from \$975,000 to a new payment limit of \$1,023,000, with no change in the original term of April 1, 2014 through March 31, 2017.

**FISCAL IMPACT:**

This amendment is funded 100% Hospital Enterprise Fund I (No rate increase)

**BACKGROUND:**

On April 22, 2014, the Board of Supervisors approved Contract #26-517-5 with R. Mason Coleman, M.D., Inc., for the provision of radiology services, including, but not limited to: clinic coverage, consultation, on call coverage, training and medical procedures at Contra Costa Regional Medical Center and Health Centers (CCRMC), for the period from April 1, 2014 through March 31, 2017. Approval of Contract Amendment Agreement #26-517-6 will allow the Contractor to provide additional hours of radiology services through March 31, 2017.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this amendment is not approved, Contractor will not provide additional hours of radiology services at CCRMC.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

Contact: Samir Shah, M.D.,  
925-370-5525

By: Stacey M. Boyd, Deputy

cc: K Cyr, M Wilhelm

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: Contract Amendment with Uplift Family Services

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Uplift Family Services, a non-profit corporation, effective January 1, 2017, to increase the payment limit by \$6,750 to a new payment limit of \$756,750, for respite care services for the period of July 1, 2016 through June 30, 2017. (100% State)

**FISCAL IMPACT:**

\$756,750: 100% State Kinship Support Services

**BACKGROUND:**

Uplift Family Services was selected from a competitive procurement, Request for Proposal (RFP) #1141 to provide Family Enhancement Collaborative (FEC) services to the Children and Family Services (CFS) Bureau. Services under the Family Enhance Collaborative include shared family care, kinship, and family preservation. The Kinship Support Services Program provides multiple support services to help relative caregivers and children remain safe, healthy, and nurturing. Kinship services include site based mentoring services where parents with children in the Child Welfare System live with mentor families and receive a variety of professional services so the family can become self-sufficient, safe, and remain together.

This amendment is providing respite care services.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: V. Kaplan, 925-313-1514

cc:

**CONSEQUENCE OF NEGATIVE ACTION:**

The Employment and Human Services Department will be unable to provide valuable services to help children remain safe, healthy, and nurtured.

**CHILDREN'S IMPACT STATEMENT:**

This contract supports all five community outcomes established in the Children's Report Card: (1) "Children Ready for and Succeeding in School"; (2) "Children and Youth Healthy and Preparing for Productive Adulthood"; (3) "Families that are Economically Self Sufficient"; (4) "Families that are Safe, Stable and Nurturing"; and (5) "Communities that are Safe and Provide a High Quality of Life for Children and Families" by providing family support, stability, and safety of children, thereby preventing out-of-home placements.





**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: Contract Amendment with Lutheran Social Services of Northern California

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Lutheran Social Services of Northern California, a non-profit corporation, effective February 1, 2017, to increase the payment limit by \$110,250 to a new payment limit of \$282,409, to provide additional transitional housing assistance for emancipated youth, for the period July 1, 2016 through June 30, 2017. (100% State)

**FISCAL IMPACT:**

No County Costs: \$282,409: 100% State Transitional Housing Program - Plus Funding

**BACKGROUND:**

Lutheran Social Services of Northern California provides Transitional Housing Program (THP) - Plus support services to emancipated foster youth up to age 21 who have been referred by the Independent Living Skills Program (ILSP) staff. AB427 authorized THP - Plus funds to counties who are interested in providing transitional housing services to emancipating foster youth. The State THP - Plus program funding provides for cost reimbursement for providing transitional housing services.

This amendment provides additional transitional housing assistance for emancipated youth.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: V. Kaplan, 925-313-1514

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Housing and support services will not be available to assist youth transitioning from foster care to independent living.

CHILDREN'S IMPACT STATEMENT:

This contract supports all five community outcomes established in the Children's Report Card: (1) "Children Ready for and Succeeding in School"; (2) "Children and Youth Healthy and Preparing for Productive Adulthood"; (3) "Families that are Economically Self Sufficient"; (4) "Families that are Safe, Stable and Nurturing"; and (5) "Communities that are Safe and Provide a High Quality of Life for Children and Families" by providing safe housing and support to assist youth while transitioning from foster care to independent living.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Purchase Order with Groupware Technology for Pure Storage Upgrade

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**RECOMMENDATION(S):**

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute a Purchase Order with Groupware Technology, Inc., in an amount not to exceed \$524,903, for new Pure Storage Flash Arrays and 3 years Advanced Maintenance with 24x7 Support, for the period from October 31, 2016 through October 30, 2019.

**FISCAL IMPACT:**

100% funding is included in the Hospital Enterprise Fund I Budget.

**BACKGROUND:**

Health Services Information Technology currently owns Pure Storage Arrays, which stores ccLink electronic health records (EHR) data. This purchase is for new Pure Storage m50 equipment. This hardware will expand Epic Cache Storage and includes 3 years Advanced Maintenance and support 24x7. Additional disc storage will expand the amount of online medical record data available to providers and provide a faster storage system.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this Purchase Order is not approved, then additional disc storage will not be met and this will directly affect EPIC EHR patient data.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

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Action of Board On: **12/13/2016**



APPROVED AS



OTHER

RECOMMENDED

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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: David Runt,  
925-335-8700



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Amendment to Purchase Order with Beckman Coulter Inc.

**RECOMMENDATION(S):**

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute an amendment to the purchase order with Beckman Coulter Inc. to add \$2,200,000 for a new total payment limit of \$2,917,667 for the rental of immunoassay analyzers and supplies and reagents for the Clinical Laboratory at the Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Centers, with no change in the original term of May 15, 2013 through May 14, 2019.

**FISCAL IMPACT:**

100% funding is included in the Hospital Enterprise Fund I Budget.

**BACKGROUND:**

The Clinical Laboratory at CCRMC needs to rent immunoassay analyzers. It also needs to purchase Remisol middleware, supplies, and reagents for the analyzers. The Health Services Department uses the analyzers to perform various chemistry tests for patients of CCRMC. The current analyzers were purchased back in 2006 and are now past their useful life. The new equipment will allow the Department to use current technology and cut down on false test results which leads

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☒ RECOMMENDATION OF CNTY  
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☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Anna Roth, 925-370-5101

cc: Tasha Scott, Marcy Wilhelm, Crystal Grayson

BACKGROUND: (CONT'D)

to less manual intervention.

When the original purchase order was established, it only accounted for the first year's costs of \$717,666. The equipment was installed earlier this year. The department will continue to utilize the equipment through the end of the purchase order's term of May 14, 2019, which results in the need to increase the purchase order by \$2.2 mil.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved the Clinical Laboratory will be unable to perform patient testing, thus impacting patient care.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Contract #23-463-9 with Valerie Gulyash

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**RECOMMENDATION(S):**

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract #23-463-9 with Valerie Gulyash, an individual, in an amount not to exceed \$146,060, to provide consulting and technical assistance for the Keane Chargemaster Billing and EPIC Electronic Medical Record Systems used at Contra Costa Regional Medical Center, for the period from January 1, 2017 through December 31, 2017.

**FISCAL IMPACT:**

This Contract is funded 100% Hospital Enterprise Fund I. (No rate increase)

**BACKGROUND:**

On December 15, 2015, the Board of Supervisors approved Contract #23-463-8 with Valerie Gulyash, for the period January 1, 2016 through December 31, 2016, to provide consulting and technical assistance for the Department's Chargemaster Billing and EPIC Electronic Medical Record Systems including; providing systems review, written reports and recommendations as requested by the County.

Approval of Contract #23-463-9 will allow Contractor to continue providing consulting and technical assistance services through December 31, 2017.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016**

☒ 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

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ATTESTED: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Patrick Godley,  
925-957-5405

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County will not be able to ensure that the coding standards are current and conform with current regulations for the Keane Chargemaster System and EPIC System at Contra Costa Regional Medical Center.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Purchase Order for Hyland Software, Inc.

**RECOMMENDATION(S):**

Approve and authorize the Purchasing Agent, on behalf of the Health Services Department, to execute a Purchase Order with Hyland Software, Inc., in an amount not to exceed \$165,000, for annual software maintenance and licensing for OnBase Document Management and Image Scanning Software for the period January 1, 2017 through December 31, 2017.

**FISCAL IMPACT:**

100% Funding is included in the Hospital Enterprise Fund I Budget.

**BACKGROUND:**

OnBase software maintenance is a critical component of our Electronic Health Record (EHR) and the enterprise-wide document management solution. OnBase facilitates the capture, management, archive, storage, and retrieval of electronic and paper documents including all EHR-related reports used by Finance and Patient Accounting, and archived records for other Health Services Divisions including Behavioral Health Services, Contracts and Grants, Contra Costa Health Plan, Environmental Health, and Hazardous Materials.



APPROVE



OTHER



RECOMMENDATION OF CNTY



RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/13/2016**



APPROVED AS



OTHER

RECOMMENDED

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

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ATTESTED: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: David Runt,  
925-335-8700

cc: Tasha Scott, Marcy Wilhelm, Renee Nunez



CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, the workflows associated with the above-stated functions would be adversely impacted. Hyland provides real-time OnBase application support to Contra Costa Health Services (CCHS) Information Technology department for ccLink (Epic) scanning, workflow management, and reporting solutions. If that support ceases, the integrity of data from integration of internal scanning and printing hardware interfaced to the EHR application via web services and other interfaces could be compromised. Connectivity failures in any of these areas could potentially result in incorrect or incomplete data capture and management, loss of critical archived data due to inability to perform system functions, and non-compliance with future Epic releases.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Purchase Order with Groupware Technology for Rubrik Hardware/Support

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**RECOMMENDATION(S):**

Approve and Authorize the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Groupware Technology, Inc., in an amount not to exceed \$370,345, and execute a Rubrik Product Warranty and Support Services Policy with Rubrik, Inc., for new Rubrik R348 storage hardware and support services for a period from November 1, 2016 through October 31, 2017.

**FISCAL IMPACT:**

100% funding is included in the Hospital Enterprise Fund I Budget.

**BACKGROUND:**

Health Services Information Technology Division currently owns Rubrik R348 storage hardware. Contra Costa Health Services Department uses the Rubrik backup system which holds data for the Epic Electronic Health Records (EHR) System. The division requires additional storage hardware to backup EPIC patient data. The purchase of the additional backup appliances and support services will allow the division to backup EPIC patient data.

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ADMINISTRATOR

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COMMITTEE

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Action of Board On: **12/13/2016**

☒ 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

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ATTESTED: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: David Runt,  
925-335-8700

cc: Tasha Scott, Marcy Wilhelm, Renee Nunez

CONSEQUENCE OF NEGATIVE ACTION:

If this purchase order and support policy agreement are not approved, it will directly affect EPIC EHR patient data.

CHILDREN'S IMPACT STATEMENT:

Not applicable.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: December 13, 2016

Subject: Amend & Extend State Legislative Contract with Nielsen Merksamer Parrinello Gross & Leoni LLP

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Administrator, or designee to amend a contract with Nielsen Merksamer Parrinello Gross & Leoni LLP, effective January 1, 2017, to extend the term from December 31, 2016 through December 31, 2017 and increase the payment limit by \$180,000 to a new payment limit of \$900,000 for continued state advocacy services.

**FISCAL IMPACT:**

Funding for state advocacy services is included in the FY 2016-17 budget. (100% General Fund)

**BACKGROUND:**

The law firm of Nielsen, Merksamer, Parrinello, Gross & Leoni ("Nielsen Merksamer") has extensive experience in the field of governmental advocacy regarding legislative, administrative and legal issues directly affecting counties. Nielsen Merksamer is recognized for its expertise in the broad area of state and county relations, particularly fiscal relationships. The firm has been instrumental in the development and advancement of the County's state legislative platform.

The contract terms specified in the RFP indicated a two year contract with three one-year renewal options. This request would be the third one-year renewal request.

**CONSEQUENCE OF NEGATIVE ACTION:**

The County would not have state advocacy services.

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☐ OTHER

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☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016**

☒ 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

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ATTESTED: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Lara DeLaney (925)  
335-1097



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: 2016-17 We Care Services for Children State Preschool Services Contract Amendment #1

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Department Director, or designee, to execute a contract amendment with We Care Services for Children, to increase the payment limit by \$11,088 to a new amount not to exceed \$232,445, to provide State Preschool services, with no change to term July 1, 2016 through June 30, 2017.

**FISCAL IMPACT:**

100% State funds from the California Department of Education  
No County match

**BACKGROUND:**

Contra Costa County receives funds California Department of Education (CDE) to provide State Preschool and Pre-kindergarten Family Literacy services to program eligible County residents. The State requires an indemnification clause with County subcontractors wherein the subcontractor holds harmless the State and its officers for any losses. In order to provide a wider distribution of services to County residents, the Department contracts with a number of community-based organizations. The Board approved the 2016-17 contract on August 2, 2016 (C.73). The State routinely

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016** ☒ 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

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ATTESTED: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: CSB (925) 681-6346

cc: Carolyn Nguyen, Ressie Dayco, Cassandra Youngblood

**BACKGROUND: (CONT'D)**

amends contracts during the program year to provide cost of living increases. This amendment is to pass through the cost of living increase approved by the County from the State on September 13, 2016 (C. 76).

**CONSEQUENCE OF NEGATIVE ACTION:**

If not approved, County will not be able to more widely distribute childcare availability through partnership with community based agencies.

**CHILDREN'S IMPACT STATEMENT:**

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: 2017 Head Start Delegate Agency Contract Renewal

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment & Human Services Department Director, or designee, to execute a contract with First Baptist Church of Pittsburg, California, in an amount not to exceed \$2,089,154 for Head Start Delegate Agency childcare services for the term January 1, 2017 through December 31, 2017.

**FISCAL IMPACT:**

100% Federal funds / CFDA #93.600

Program is federally funded by U.S. Department of Health and Human Services, Administration for Children and Families (ACF).

County will fund \$2,089,154 from the ACF allocation; Contractor is responsible for the local, non-cash, in-kind match of \$522,289.

No pension costs.

33-499-46

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☐ OTHER

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☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: CSB (925) 681-6346

cc: Carolyn Nguyen, Haydee Ilan, Cassandra Youngblood

**BACKGROUND:**

On August 18, 2015 (C.60), the Board approved and authorized the submission of the 2017 Head Start grant application to the U.S. Department of Health and Human Services, Administration for Children and Families (ACF), to continue the provision of Head Start services in Contra Costa County. The grant included the plan submitted by the County's Head Start Delegate Agency, First Baptist Church of Pittsburg, California. This board order approves the funding for the delegate agency for the 2017 program year.

**CONSEQUENCE OF NEGATIVE ACTION:**

If not approved, contract will not be executed.

**CHILDREN'S IMPACT STATEMENT:**

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.





**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: 2016-17 Richmond Elementary School, Inc. State Preschool Childcare Services Contract Amendment #1

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Department Director, or designee, to execute a contract amendment with Richmond Elementary School, Inc., to increase the payment limit by \$10,560 to a new amount not to exceed \$221,376, to provide State Preschool services with no changes to term July 1, 2016 through June 30, 2017.

**FISCAL IMPACT:**

100% State funds  
California Department of Education

**BACKGROUND:**

Contra Costa County receives funds from California Department of Education to provide State Preschool services to program eligible County residents. In order to provide a wider distribution of services to County residents, the Department contracts with a number of community-based organizations. The State requires an indemnification clause with County subcontractors wherein the subcontractor holds harmless the State and its officers for any losses. The board approved the 2016-17 contract on August 2, 2016 (C.74). The State routinely amends contracts during the program year to provide cost of living increases. This amendment is to pass through the cost of living increase approved by the County from the State on September 13, 2016 (C. 76).

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☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: CSB (925) 681-6346

cc: Carolyn Nguyen, Ressie Dayco, Cassandra Youngblood

**CONSEQUENCE OF NEGATIVE ACTION:**

If not approved, County will not be able to more widely distribute childcare availability through partnership with community based agencies.

**CHILDREN'S IMPACT STATEMENT:**

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: 2016-17 Little Angels Country School, LLC State Preschool Childcare Contract Amendment #1

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Little Angels Country School, LLC, to increase the payment limit by \$32,076, to a new limit not to exceed \$275,569, to provide State Preschool services, with no change to term July 1, 2016 through June 30, 2017.

**FISCAL IMPACT:**

100% State funds  
California Department of Education

**BACKGROUND:**

Contra Costa County receives funds from the Administration for Children and Families (ACF) to provide Head Start and Early Head Start services to program eligible County residents. Contra Costa also receives funds from California Department of Education (CDE) to provide State Preschool services to program eligible County residents. The State requires an indemnification clause with County subcontractors wherein the subcontractor holds harmless the State and its officers for any losses.

In order to provide a wider distribution of services to County

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☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016** ☒ 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

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ATTESTED: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: CSB (925) 681-6346

cc: Carolyn Nguyen, Ressie Dayco, Cassandra Youngblood

**BACKGROUND: (CONT'D)**

residents, the Department subcontracts with a number of community-based organizations. The board approved the 2016-17 contract on July 12, 2016 (C.108). The State routinely amends contracts during the program year to provide cost of living increases. This amendment is to pass through the cost of living increase approved by the County from the State on September 13, 2016 (C. 76).

**CONSEQUENCE OF NEGATIVE ACTION:**

If not approved, County will not be able to more widely distribute childcare availability through partnership with community based agencies.

**CHILDREN'S IMPACT STATEMENT:**

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: 2016-17 First Baptist Early Head Start Enhancement & General Childcare Program contract amendment #1

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with First Baptist Church of Pittsburg, California, to increase the payment limit by \$44,614 to a new limit not to exceed \$387,878 to provide Early Head Start Program Enhancement and State General Childcare Development services with no change to term July 1, 2016 through June 30, 2017.

**FISCAL IMPACT:**

\$142,920 Federal funds / CFDA # 93.600 (37%)  
Administration for Children and Families

\$244,958 State funds (63%)  
California Department of Education

**BACKGROUND:**

The Department, through the Community Services Bureau, manages a childcare operation that include Early Head Start and State General Childcare Development programs. In order

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☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016** ☒ 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

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ATTESTED: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: CSB (925) 681-6346

cc: Carolyn Nguyen, Haydee Ilan, Ressie Dayco, Cassandra Youngblood

BACKGROUND: (CONT'D)

to reach a wider community, the Bureau sub-contracts with community based agencies to provide services. The board approved the 2016-17 contract on July 12, 2016 (C.109). The State routinely amends contracts during the program year to provide cost of living increases. This amendment is to pass through the cost of living increase approved by the County from the State on September 13, 2016 (C. 76).

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, County will not be able to more widely distribute childcare availability through partnership with community based agencies.

CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: December 13, 2016

Subject: Amend & Extend Federal Legislative Contract with Alcalde & Fay

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Administrator, or designee, to amend a contract with Alcalde & Fay, effective January 1, 2017, to extend the term from December 31, 2016 through December 31, 2017 and increase the payment limit by \$108,500 to a new payment limit of \$525,392 for continued federal advocacy services.

**FISCAL IMPACT:**

County General Funds have been budgeted for these legislative advocacy services.

**BACKGROUND:**

Alcalde & Fay, minority-controlled/employee-owned firm, is the County's current federal representative. Paul Schlesinger, the County's point person at Alcalde & Fay, has established the County's presence in Washington, D.C. and developed excellent relationships with staff of our congressional delegation. The result has been a very positive "return on investment" for the County for its appropriation and authorization requests.

The contract terms specified in the RFP indicated a two-year contract with three one-year renewal options. Therefore, this contract amendment would be the third one-year renewal option request.

**CONSEQUENCE OF NEGATIVE ACTION:**

The County will not have representation by a firm for federal advocacy services.

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ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Lara DeLaney, 925  
335-1097

CLERK'S ADDENDUM

***CORRECTED to READ: APPROVE and AUTHORIZE the County Administrator, or designee, to amend a contract with Alcalde & Fay, effective January 1, 2017, to extend the term from December 31, 2016 through December 31, 2017 and increase the payment limit by \$108,500 to a new payment limit of \$525,392 for continued federal advocacy services.***





**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: 2016-17 First Baptist Church Kids' Castle and E. Leland Childcare Contract Amendment #1

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with First Baptist Church of Pittsburg, to increase the payment limit by \$101,192, to new amount not to exceed \$1,019,100, to provide State Preschool, Pre-kindergarten Literacy and Early Head Start Program services, with no change to term July 1, 2016 through June 30, 2017.

**FISCAL IMPACT:**

\$126,000 (12%) in Federal funds /CFDA #93.600  
Administration for Children & Families

\$893,100 (88%) in State funds  
California Department of Education

**BACKGROUND:**

Contra Costa County receives funds from the Administration for Children and Families (ACF) to provide Head Start and Early Head Start services to program eligible County

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: CSB 925-681-6346

cc: Carolyn Nguyen, Ressie Dayco, Haydee Ilan, Cassandra Youngblood

**BACKGROUND: (CONT'D)**

residents. Contra Costa also receives funds from California Department of Education (CDE) to provide State Preschool services to program eligible County residents. The State requires an indemnification clause with County subcontractors wherein the subcontractor holds harmless the State and its officers for any losses. In order to provide a wider distribution of services to County residents, the Department contracts with a number of community-based organizations. The board approved the 2016-17 contract on September 13, 2016 (C.151). The State routinely amends contracts during the program year to provide cost of living increases. This amendment is to pass through the cost of living increase approved by the County from the State on September 13, 2016 (C. 76).

**CONSEQUENCE OF NEGATIVE ACTION:**

If not approved, County will not be able to more widely distribute childcare availability through partnership with community based agencies.

**CHILDREN'S IMPACT STATEMENT:**

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



Contra  
Costa  
County

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: 2016-17 Fairgrounds Center Childcare Services Operation Contract Amendment #1

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with First Baptist Church of Pittsburg, California, to increase the payment limit by \$55,250 to a new amount not to exceed \$1,441,656, to provide childcare services at Fairgrounds Children's Center, with no change to term July 1, 2016 through June 30, 2017.

**FISCAL IMPACT:**

\$306,118 (21%) Federal funds / CFDA # 93.600  
Administration for Children and Families

\$1,135,538 (79%) State funds  
California Department of Education / Child Development

**BACKGROUND:**

On September 25, 2007, the Board approved the award of the operation of childcare services at the County-owned facility, Fairgrounds Children's Center, as a result

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 12/13/2016 ☒ 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: December 13, 2016

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

By: Stacey M. Boyd, Deputy

Contact: CSB (925) 681-6346

cc: Carolyn Nguyen, Ressie Dayco, Haydee Ilan, Cassandra Youngblood

#### BACKGROUND: (CONT'D)

of a Request for Proposal (RFP). First Baptist Church of Pittsburg was the successful respondent to the RFP. The first nine (9) months of the contract was approved by the Board on the above date, and the contract has been renewed annually since. This board order renews the contract for the 2016-17 program year.

Contra Costa County receives funds from the Administration for Children and Families (ACF) to provide Head Start program services to program eligible County residents. The County also receives funds from the California Department of Education (CDE) Child Development program for State Preschool, and General Childcare and Development program services. The State requires an indemnification clause with County subcontractors wherein the subcontractor holds harmless the State and its officers for any losses.

The board approved the 2016-17 contract with First Baptist on September 13, 2016 (C.152). As the State Department of Education routinely adds funds to the State Preschool and General Childcare Development contracts throughout the program year, this amendment is to pass through cost-of-living increases received by the County from the State. The County approved the State contract amendment on September 13, 2016 (C.76).

#### CONSEQUENCE OF NEGATIVE ACTION:

If not approved, County will not be able to more widely distribute childcare availability through partnership with community based agencies.

#### CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: Issue Request for Proposals (RFP) for the Family Preservation and Support Program

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to issue Request for Proposals #1148 in an amount not to exceed \$600,000, for the Family Preservation and Support Program for the period July 1, 2017 through June 30, 2018.

**FISCAL IMPACT:**

\$600,000: County 30%, State 70%.

**BACKGROUND:**

The Family Preservation and Support Program (FPSP) provides ongoing case management services that engage and establish a positive rapport with families referred from existing Child Welfare cases who are experiencing multiple stressors impacting their ability to parent effectively, and who are consequently at risk of having their children placed in out of home care.

FPSP services are community based to provide intensive short term, in-home case management services to families, including teen parents, adoptive and extended families, with active child welfare cases. FPSP services are designed to intensively engage and treat families that are referred to Child Welfare Services for child abuse and

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Elaine Burres,  
925-313-1717

cc:

BACKGROUND: (CONT'D)

neglect in an effort to stabilize the family and where possible, prevent foster care placements. Services include, but are not limited to case management, psychosocial assessments, family needs assessments, and twenty-four (24) hour emergency response.

CONSEQUENCE OF NEGATIVE ACTION:

Without Board of Supervisors authorization to do so, the pending open bid process would not continue, resulting in the lack of funding released to the community.

CHILDREN'S IMPACT STATEMENT:

Contracts resulting from this Request for Proposals will support all five of the community outcomes established in the Children's Report Card: 1) "Children Ready for and Succeeding in School"; 2) "Children and Youth Healthy and Preparing for Productive Adulthood"; 3) "Families that are Economically Self Sufficient"; 4) "Families that are Safe, Stable and Nurturing"; and, 5) "Communities that are Safe and Provide a High Quality of Life for Children and Families" by providing ongoing case management services to address multiple family stressors impacting the ability to parent effectively.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services Director  
Date: December 13, 2016

Subject: Issue Request for Proposals for the Differential Response Program

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**RECOMMENDATION(S):**

Approve and authorize the Employment and Human Services Director, or designee, to issue Request for Proposal #1147 in an amount not to exceed \$1,600,000, for the Differential Response Program, Path 2 Case Management services for the period July 1, 2017 through June 30, 2018.

**FISCAL IMPACT:**

\$1,600,000: 100% State

**BACKGROUND:**

The Differential Response Program, Path 2 Case Management provides early intervention in the lives of families who have had a report of abuse or neglect. The Differential Response Program will work with community-based and/or faith-based organizations to provide case management and home visiting services to high risk families to address the issues that brought the family to the attention of Children and Family Services. The goal is to provide services to impact the family's ability to safely care for their children and avoid the further need for interaction with and further investigation by Children and Family Services.

**CONSEQUENCE OF NEGATIVE ACTION:**

Without Board of Supervisors authorization, the open bid process would not continue, resulting in the lack of funding released to the community.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Elaine Burres,  
925-313-1717

cc:

**CHILDREN'S IMPACT STATEMENT:**

Contracts resulting from this Request for Proposals will support all five of the community outcomes established in the Children's Report Card: 1) "Children Ready for and Succeeding in School"; 2) "Children and Youth Healthy and Preparing for Productive Adulthood"; 3) "Families that are Economically Self Sufficient"; 4) Families that are Safe, Stable and Nurturing"; and, 5) "Communities that are Safe and Provide a High Quality of Life for Children and Families" by providing community based services to families to deter continued Children and Family Services intervention.





**Contra  
Costa  
County**

To: Board of Supervisors  
From: TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE  
Date: December 13, 2016

Subject: Memorandum of Understanding Designating Zone 7 as the Local Groundwater Sustainability Agency

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute the Memorandum of Understanding designating Zone 7 of the Alameda County Flood Control and Water Conservation District as the local Groundwater Sustainability Agency under the Sustainable Groundwater Management Act for the portion of the Livermore-Amador Valley Groundwater Basin (No. 2-10) that lies within Contra Costa County.

**FISCAL IMPACT:**

None to the General Fund. To date, the Water Agency has absorbed the costs to review the MOU, meet with County departments and coordinate the County's response with Zone 7. The MOU does not require the County take on any new specific responsibility related to the Sustainable Groundwater Management Act but any future plans related to groundwater sustainability will likely require the review of the Department of Conservation and Development (land use authority) and Environmental Health (well permitting authority) for consistency with the County's existing authority.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☒ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

Contact: Ryan Hernandez, (925)  
674-7824

By: Stephanie Mello, Deputy

## BACKGROUND:

The Sustainable Groundwater Management Act (SGMA) became effective on January 1, 2015. SGMA requires all high- and medium-priority basins, as designated by the California Department of Water Resources (DWR), be managed by a Groundwater Sustainability Agency (GSA). SGMA stipulates that a GSA be established for priority basins prior to July 1, 2017. As reported in March, a local public agency, or combination of local public agencies overlying a designated basin, may become a GSA if the agency(ies) has(ve) water supply, water management or land use responsibilities within a groundwater basin.

The Livermore Valley (LV) basin, referred to by DWR in Bulletin 118 as the "Livermore-Amador Valley Groundwater Basin, Number 2-10", is a medium-priority groundwater basin. The majority of the LV basin underlies Alameda County with a small portion of the basin extending into Contra Costa County, see Attachment 1 & 2. SGMA designates Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7) as the GSA for the portion of the LV basin within Alameda County. Zone 7 currently manages the LV basin under a Groundwater Management Plan, which was adopted in 2005.

The Contra Costa County portion of the LV basin underlies the jurisdictions of the County, City of San Ramon, Contra Costa County Water Agency, East Bay Municipal Utility District (EBMUD) and the Dublin San Ramon Services District (DSRSD). Zone 7 proposes to serve as the GSA for the portion of the LV basin within Contra Costa County; but to do so must enter into an agreement with the parties that currently have water supply/management or land use jurisdiction.

To that end, Zone 7 has prepared a draft Memorandum of Understanding (MOU), see Attachment 3, designating them as the Groundwater Sustainability Agency for the remaining portion of the LV basin in Contra Costa County. The MOU delegates "...all functions, powers, duties, and authority of a GSA conferred by SGMA."

Notwithstanding the MOU, the County maintains its well permitting and land use authority and EBMUD, DSRSD and the City of San Ramon also maintain their existing authorities as it relates to providing water service and land use. The MOU does not require the County to take on any new specific responsibilities related to SGMA for the LV basin and includes a provision that allows any party to terminate the agreement at any time.

To date, all parties other than the County have received their Boards' approval to execute the MOU. County Counsel, Environmental Health Division of Health Services, the Department of Conservation and Development, and the Contra Costa County Water Agency were consulted prior to the preparation of this report.

The Transportation, Water and Infrastructure Committee recommends the Board designate Zone 7 the local Groundwater Sustainability Agency for the portion of the Livermore Valley basin that lies within Contra Costa County and directed staff to provide an update to the Committee on the sustainable management of the LV basin every two years.

## CONSEQUENCE OF NEGATIVE ACTION:

Absent Zone 7 becoming the Groundwater Sustainability Agency, the County may be found in violation of the Sustainable Groundwater Management Act.

## ATTACHMENTS

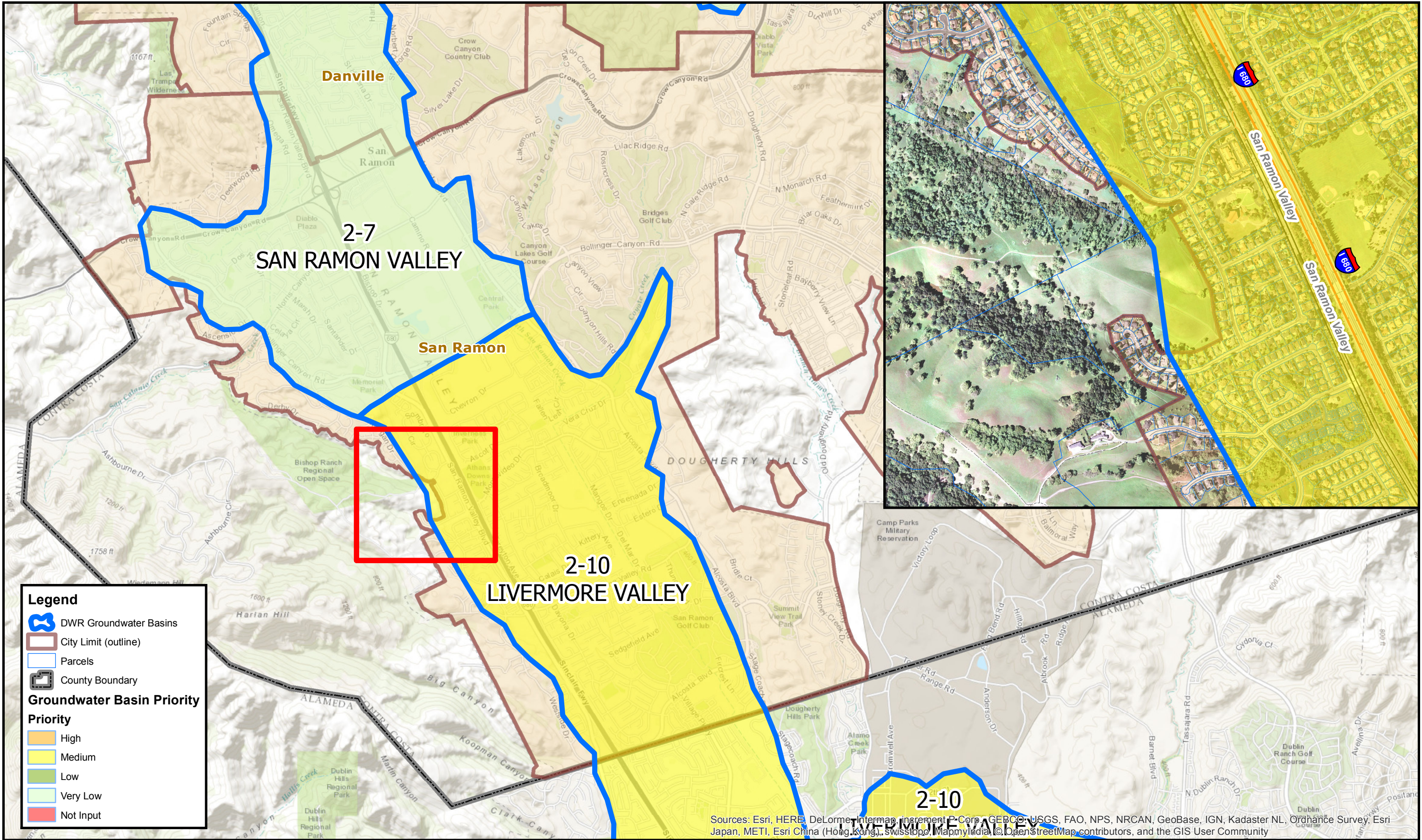
LV Basin 2-10

LV Basin 2-10 CCC

LV Basin 2-10 MOU









**MEMORANDUM OF UNDERSTANDING  
AMONG  
ZONE 7 OF THE ALAMEDA COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT,  
CONTRA COSTA COUNTY,  
CONTRA COSTA COUNTY WATER AGENCY,  
CITY OF SAN RAMON,  
EAST BAY MUNICIPAL UTILITY DISTRICT  
AND  
DUBLIN SAN RAMON SERVICES DISTRICT**

This memorandum of understanding (MOU) is made and entered among Contra Costa County (CCC), Contra Costa County Water Agency (CCCWA), the City of San Ramon (San Ramon), the East Bay Municipal Utility District (EBMUD) and the Dublin San Ramon Services District (DSRSD) (together, the Five Parties) and Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7) in consideration of the factual recitals and mutual obligations contained herein.

**W I T N E S S T H**

**WHEREAS**, the Sustainable Groundwater Management Act of 2014 (SGMA) requires the formation of Local Groundwater Sustainability Agencies (GSAs) and the adoption of Groundwater Sustainability Plans for high- and medium-priority basins within five to seven years; and

**WHEREAS**, while the majority of the Livermore-Amador Valley Groundwater Basin (DWR Groundwater Basin No. 2-10, hereinafter referred to as "Basin No. 2-10"), a medium priority basin, lies within the boundaries of Alameda County and the jurisdiction of Zone 7, portions lie within the boundaries of Contra Costa County and the jurisdictions of CCC, CCCWA, San Ramon, DSRSD, and EBMUD; and

**WHEREAS**, SGMA identified Zone 7 as the exclusive local agency to be the GSA for managing groundwater within its statutory boundaries (Water Code, § 10723, subd. (c)(1)(A)), and those statutory boundaries include the portion of Basin No. 2-10 lying within Alameda County, which comprises the majority of the basin; and

**WHEREAS**, the Five Parties agree it would be prudent for Zone 7 to also manage the small remaining portion of Basin No. 2-10 that lies within the jurisdictions of CCC, CCCWA, San Ramon, DSRSD, and EBMUD to achieve effective groundwater management; and

**WHEREAS**, it is in the interests of the Five Parties and Zone 7 to maintain current levels of jurisdictional authority while striving for holistic, sustainable groundwater basin management; and

**WHEREAS**, it is mutually beneficial to create this agreement to establish a delegation of authority to allow Zone 7 to be the GSA for the remaining portion of Basin No. 2-10 within the jurisdictions of CCC, CCCWA, San Ramon, DSRSD, and EBMUD to assure sustainable groundwater management;

**NOW, THEREFORE**, the Five Parties and Zone 7 do hereby agree as follows:

1. Purposes of MOU. The purposes of this MOU are (1) for each of the Five Parties to agree to confer to Zone 7 certain Delegated Authority (as that term is defined in Paragraph 2.A below) within the Delegated Area (as that term is defined in Paragraph 3 below), and (2) for Zone 7 to agree to exercise the Delegated Authority within the Delegated Area.
2. Authority and Responsibility.
  - A. Upon execution of this MOU, and upon final approval by California Department of Water Resources recognizing Zone 7 as the GSA responsible for the portion of Basin No. 2-10 lying within the area described in Paragraph 3 of this MOU, the Five Parties agree to delegate to Zone 7 all functions, powers, duties, and authority of a GSA conferred by SGMA. Notwithstanding any other provision of this MOU, the following authority shall not be delegated to Zone 7: (1) CCC shall continue to be the well permitting agency for all areas within its jurisdiction, (2) San Ramon and CCC shall continue to be the land use agencies for all areas within their respective jurisdictions, and (3) EBMUD and DSRSD shall continue to be the water supply agencies for all areas within their respective jurisdictions. The authority delegated by this Paragraph 2.A is referred to herein as the "Delegated Authority".
  - B. Zone 7 agrees to assume and exercise all responsibilities required of a GSA, and to enforce all provisions and requirements contained in the Groundwater Sustainability Plan to be adopted for Basin No. 2-10 in accordance with SGMA. Zone 7 shall continue to monitor groundwater elevations within the Designated Area and to enter data into CASGEM as required in order to maintain grant eligibility.
3. Geographic Extent of Delegated Authority. The Delegated Authority shall have effect in that portion of Basin No. 2-10 which lies within the jurisdictional boundaries of each of the Five Parties, which portion is depicted in Exhibit A and is referred to herein as the "Delegated Area".
4. Records. Zone 7 shall provide each of the Five Parties copies of all documents, reports, studies and other records created in the course of its exercise of the Delegated Authority which affects or relates to groundwater management within the Delegated Area. CCC shall provide Zone 7 with copies of all well permits issued or environmental reports received (including well completion reports) and any water level measurements taken within the Delegated Area. Zone 7 and the Five Parties shall cooperate and coordinate in responding to requests made under the California Public Records Act regarding records related to groundwater management within the Delegated Area.
5. Term. This MOU becomes valid and effective immediately upon execution by each of the Five Parties and Zone 7 and shall remain in effect unless terminated pursuant to Paragraph 9, below.
6. Entire Agreement. This MOU shall constitute the entire agreement among the Five Parties and Zone 7 relating to the delegation of authority provided by SGMA as relates to Basin No. 2-10. This MOU supersedes and merges all previous understandings, and all other agreements, written or oral, between the parties and sets forth the entire

understanding of the parties regarding the subject matter thereof.

7. Counterparts and Copies. This MOU may be executed in any number of counterparts, each of which may be deemed an original and all of which collectively shall constitute a single instrument. Photocopies, facsimile copies, and PDF copies of this MOU shall have the same force and effect as a wet ink original signature on this MOU.
8. Amendment. This MOU may be amended at any time by a written agreement duly executed by each of the Five Parties and Zone 7.
9. Termination.
  - A. This MOU may be voluntarily terminated in full at any time by a writing signed by each of the Five Parties and Zone 7.
  - B. Any of the Five Parties may elect to terminate its participation in this MOU at any time. Termination of such party's participation in this MOU shall not become effective until after both of the following have occurred: (1) the terminating party provides written notice to all other signatories to this MOU of its intent to terminate its participation, and (2) one year has elapsed following the date of such written notice, during which time the terminating party may make efforts to assume the GSA role for the portion of the Delegated Area within the terminating party's jurisdiction. The termination of any of the Five Parties' participation in this MOU shall not affect the continuing validity of the MOU with respect to the remaining signatories.
  - C. Zone 7 may provide written notice to each of the Five Parties of its intent to terminate the Agreement, and the MOU shall cease to be of further effect one year following delivery of Zone 7's notice, during which time Zone 7 shall continue to exercise the Delegated Authority within the Delegated Area to allow adequate time for the Five Parties to address GSA related requirements for their respective portions of the Delegated Area.
10. Signatures. The individuals executing this MOU represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

**IN WITNESS WHEREOF**, the parties hereto have executed this MOU as follows:

CONTRA COSTA COUNTY

ZONE 7 OF THE ALAMEDA  
COUNTY FLOOD CONTROL &  
WATER CONSERVATION DISTRICT

By: \_\_\_\_\_  
President, BOS                      Dated: \_\_\_\_\_

By:  \_\_\_\_\_ 21 Apr 2016  
G.F. Duerig                      Dated: \_\_\_\_\_

CONTRA COSTA WATER AGENCY

CITY OF SAN RAMON

By: \_\_\_\_\_

By: \_\_\_\_\_

DUBLIN SAN RAMON SERVICES  
DISTRICT

EAST BAY MUNICIPAL UTILITY  
DISTRICT

By: \_\_\_\_\_

By: \_\_\_\_\_

Richard Sykes      Dated:  
Director of Water  
and Natural Resources





**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: December 13, 2016

Subject: Granting of a Pipeline Franchise to Plains Products Terminals LLC

---

**RECOMMENDATION(S):**

ADOPT Resolution No. 2016/670 granting a pipeline franchise to Plains Products Terminals LLC 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 Martinez, as recommended by the Public Works Director.

**FISCAL IMPACT:**

The pipeline franchise will generate approximately \$24,500 per year in revenue to the General Fund, commencing with calendar year 2016. The annual franchise payment will be calculated at the rate of \$1.77 per cubic foot of pipeline within the County right-of-way. The number of cubic feet of pipeline subject to the franchise fee rate will be calculated by taking the area of the inside diameter of the pipeline plus 1" and multiplying it by the length of the pipeline within the County right-of-way. The annual franchise fee rate of \$1.77 per cubic foot will be increased annually by the change in the Consumer Price Index, all Urban Consumers for the San Francisco-Oakland-San Jose Area (1982-84 = 100), with December 2012 (239.53) as the base CPI month.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Carrie Ricci (925)  
313-2235

cc:

**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).

Plains Products Terminals LLC has filed a written application with the County, dated February 3, 2014 wherein it has requested the granting of a pipeline franchise for the transportation of gasoline, natural gas, and petroleum products pursuant to the terms and conditions of County Ordinance No. 2013-19 and County Resolution No. 2013/305. Plains Products Terminals LLC also provided a \$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. 2016/670 will grant a pipeline franchise to Plains Products Terminals LLC for the pipelines shown in the table below for an initial term of 10 years. The pipelines were previously covered under existing County pipeline franchise agreements which have since expired.

<b>Pipeline Name</b>	<b>Type</b>	<b>Diameter</b>	<b>Length</b>
Line 191	Gasoline	12"	3,351 ft
PG&E Connection to Martinez Terminal	Natural Gas	6"	3,523 ft
Line 929	Petroleum	12"	3,523 ft
Line 930	Petroleum	16"	3,523 ft

**CONSEQUENCE OF NEGATIVE ACTION:**

Plains Products Terminals LLC will not obtain the required authorization to operate and maintain their pipelines within the County right-of-way.

**CHILDREN'S IMPACT STATEMENT:**

**AGENDA ATTACHMENTS**

Resolution No. 2016/670

Plains Products Exhibit 1

**MINUTES ATTACHMENTS**

Signed Resolution No. 2016/670

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

Adopted this Resolution on 12/13/2016 by the following vote:

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



**Resolution No. 2016/670**

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 Plains Products Terminals LLC. 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, Plains Products Terminals LLC has filed a written application with the County, dated February 3, 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, Plains Products Terminals LLC has identified four pipelines to be covered under the proposed pipeline franchise as:

1. Line 191 – 12 inch diameter, 3,351 feet Gasoline,
2. PG&E Connection to Martinez Terminal – 6 inch diameter, 3,523 feet Natural Gas,
3. Line 929 – 12 inch diameter, 3,523 feet Petroleum,
4. Line 930– 16 inch diameter, 3,523 feet Petroleum,

WHEREAS, the pipelines to be covered under the pipeline franchise were covered under previous County pipeline franchises that have expired. WHEREAS, the County has reviewed the application as well as relevant documents, staff reports and recommendation and it is the intent of the Board to grant a pipeline franchise to Plains Products Terminals LLC pursuant to Ordinance 2013-19 and Resolution 2013/305.

NOW, THEREFORE, BE IT RESOLVED:

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 a 12-inch diameter gasoline pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,351 feet (Line 191) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
3. Pursuant to Ordinance No. 2013-19, a franchise to operate a 6-inch diameter natural gas pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,523 feet (PG&E Connection to Martinez Terminal) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
4. Pursuant to Ordinance No. 2013-19, a franchise to operate a 12-inch diameter petroleum pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,523 feet (Line 929) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
5. Pursuant to Ordinance No. 2013-19, a franchise to operate a 16-inch diameter petroleum pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,523 feet (Line 930) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
6. The general location of the pipelines is depicted on the map attached hereto as Exhibit 1.
7. The annual franchise payment to be paid pursuant to County Resolution 2013/305 shall be calculated at the rate of \$1.77

per cubic foot of pipeline within the County right-of-way. The number of cubic feet of pipeline subject to the franchise fee rate will be calculated by taking the area of the inside diameter of the pipeline plus 1” and multiplying it by the length of the pipeline within the County right-of-way. The annual franchise fee rate of \$1.77 per cubic foot will be increased annually by the change in the Consumer Price Index, all Urban Consumers for the San Francisco-Oakland-San Jose Area (1982-84 = 100), with December 2012 (239.53) as the base CPI month.

8. The Director of Public Works, or her designee, is authorized to administer the pipeline franchise granted pursuant to this resolution.

9. The Resolution shall take effect upon the following:

Within 30 days of the date of this Resolution, Plains Products Terminals LLC 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; 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: December 13, 2016**

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

By: Stephanie Mello, Deputy

**cc:**

# THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 12/13/2016 by the following vote:

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

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



## Resolution No. 2016/670

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 Plains Products Terminals LLC. 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, Plains Products Terminals LLC has filed a written application with the County, dated February 3, 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, Plains Products Terminals LLC has identified four pipelines to be covered under the proposed pipeline franchise as:

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WHEREAS, the pipelines to be covered under the pipeline franchise were covered under previous County pipeline franchises that have expired. WHEREAS, the County has reviewed the application as well as relevant documents, staff reports and recommendation and it is the intent of the Board to grant a pipeline franchise to Plains Products Terminals LLC pursuant to Ordinance 2013-19 and Resolution 2013/305.

NOW, THEREFORE, BE IT RESOLVED:

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 a 12-inch diameter gasoline pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,351 feet (Line 191) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
3. Pursuant to Ordinance No. 2013-19, a franchise to operate a 6-inch diameter natural gas pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,523 feet (PG&E Connection to Martinez Terminal) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
4. Pursuant to Ordinance No. 2013-19, a franchise to operate a 12-inch diameter petroleum pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,523 feet (Line 929) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
5. Pursuant to Ordinance No. 2013-19, a franchise to operate a 16-inch diameter petroleum pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,523 feet (Line 930) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
6. The general location of the pipelines is depicted on the map attached hereto as Exhibit 1.
7. The annual franchise payment to be paid pursuant to County Resolution 2013/305 shall be calculated at the rate of \$1.77

per cubic foot of pipeline within the County right-of-way. The number of cubic feet of pipeline subject to the franchise fee rate will be calculated by taking the area of the inside diameter of the pipeline plus 1" and multiplying it by the length of the pipeline within the County right-of-way. The annual franchise fee rate of \$1.77 per cubic foot will be increased annually by the change in the Consumer Price Index, all Urban Consumers for the San Francisco-Oakland-San Jose Area (1982-84 = 100), with December 2012 (239.53) as the base CPI month.

8. The Director of Public Works, or her designee, is authorized to administer the pipeline franchise granted pursuant to this resolution.

9. The Resolution shall take effect upon the following:

Within 30 days of the date of this Resolution, Plains Products Terminals LLC 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; insurance coverage as required by Ordinance 2013-19.

Contact: Carrie Ricci (925) 313-2235

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

ATTESTED: December 13, 2016

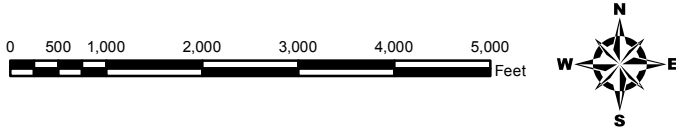
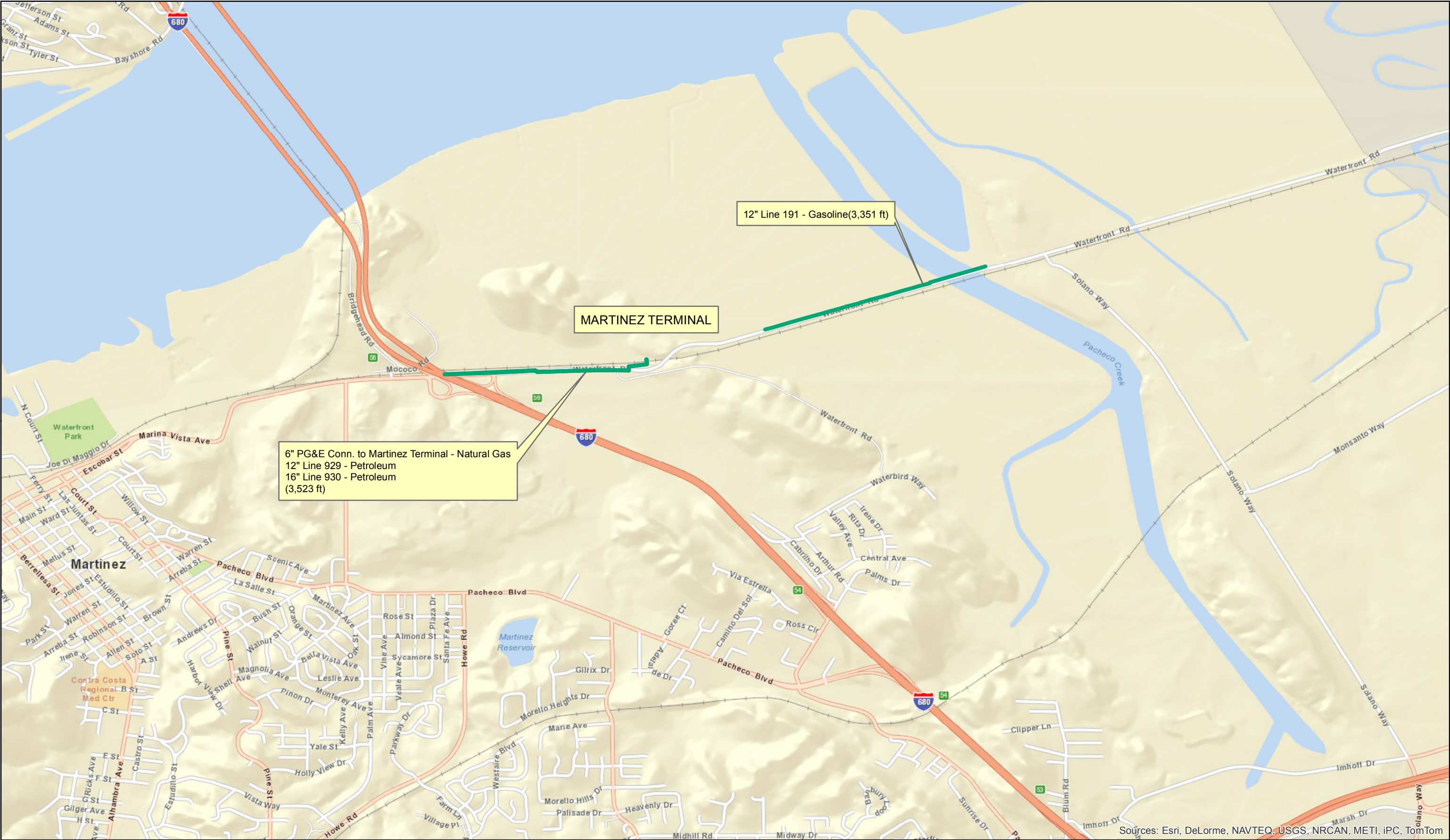
David J. Twa, County Administrator and Clerk of the Board of Supervisors

*Stephanie Mello*  
By: Stephanie Mello, Deputy



cc:





CONTRA COSTA COUNTY FRANCHISE MAP

PLAINS PRODUCTS TERMINALS LLC	1:24,000
EXHIBIT 1	Sheet No.: 1/1



**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 13, 2016

Subject: Board Advisory Body Annual Report For 2016 - North Richmond Mitigation Fee Joint Expenditure Planning Committee

**RECOMMENDATION(S):**

ACCEPT the North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee Annual Report for 2016 (Exhibit A).

**FISCAL IMPACT:**

There is no fiscal impact anticipated as a result of approving the North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee Annual Report for 2015.

**BACKGROUND:**

On June 18, 2002, the Board of Supervisors adopted Resolution No. 2002/377, which requires that each regular and ongoing board, commission, or committee shall annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year, on the second Tuesday in December.

The 2016 Annual Report for the North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee (Committee) is attached as Exhibit A. This Committee was formed in 2006, pursuant to the terms of a Memorandum of Understanding between the County and the City of Richmond. This Committee was formed to develop recommendations for the use of funding derived from the collection of the North Richmond Waste & Recovery Mitigation Fee, which is subject to the joint-control of the City and County.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Justin Sullivan (925)  
674-7812

cc:



## BACKGROUND: (CONT'D)

>

The Waste & Recovery Mitigation Fee was established by the City and County as permitting conditions of approval to mitigate potential impacts on North Richmond from the proposed expansion of waste processing and resource recovery operations located at the foot of Parr Boulevard in North Richmond ("Project"). One of the mitigation measures in the 2003 Environmental Impact Report (EIR) for this project called for the establishment of a Mitigation Fee to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond and adjacent areas.

This Committee is charged with preparing an Expenditure Plan to facilitate joint administration of this funding for the benefit of unincorporated and incorporated North Richmond. Each Expenditure Plan recommended by the Committee is subject to the final approval of the Richmond City Council and the Contra Costa County Board of Supervisors. A copy of the current Expenditure Plan for 2016/2017 (covering July 2016 thru June 2017), is attached as Exhibit B. A recommendation by the Committee on a new Expenditure Plan for the 2017/2018 fiscal year is expected to be made in May 2017.

## CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors would not formally accept the report containing information about activities conducted by the North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee in calendar year 2016.

## ATTACHMENTS

Exhibit A: NRMFC 2016 Advisory Body Annual Report

Exhibit B: 2016/2017 North Richmond Mitigation Fee Expenditure Plan

## 2016 Advisory Body Annual Report

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**Advisory Body Name:**

North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee (NRMFC)

**Advisory Body Meeting Time/Location:**

Meetings are regularly scheduled for twice a year, with special meetings scheduled from time to time at the discretion of the Committee. The meeting dates and times for the 2016 calendar year are identified in Section 3 of this document (page 1 and 2). This year, all meetings were held at Richmond City Hall located at 440 Civic Center Drive in Richmond.

**Chair (during the reporting period):**

Edwardo Martinez, Richmond City Councilmember

**Staff persons (during the reporting period):**

Contra Costa County Department of Conservation & Development:

- Demian Hardman & Justin Sullivan

Richmond City Manager's Office:

- Lori Reese-Brown & LaShonda Wilson

**Reporting Period:** January 1, 2016 – December 31, 2016

**1. Activities**

The NRMFC made recommendations to the County Board of Supervisors and Richmond City Council on the use of money collected through a Waste & Recovery Mitigation Fee established as result of an Environmental Impact Report to mitigate impacts from the expansion of the West Contra Costa Sanitary Landfill (WCCSL) Bulk Materials Processing Center (BMPC) located in the North Richmond area. The Committee provided feedback to City/County Committee staff about recommended uses of the mitigation fee for the purpose of defraying the annual costs associated with the collection and disposal of illegally dumped waste in the North Richmond area as a result of the BMPC expansion.

**2. Accomplishments**

In 2016, the Committee provided direction to County/City staff to release a Funding Request Proposal for strategy numbers nine (Community-Based Projects) and twelve (Community Garden Projects). Committee staff evaluated all proposals and the Committee decided which non-profit projects to recommend for funding under strategy numbers nine and twelve. The County Board of Supervisors and Richmond City Council approved these recommendations, which are reflected in the 2016/2017 Expenditure Plan (attached as Exhibit B).

The NRMFC also received a Tonnage & Revenue update along with information reports on all expenditure plan strategies. Projected tonnage revenue reports indicated an unusually higher revenue at the end of the 2015/16 fiscal year. Staff indicated some concern with the unusually higher projected revenue and recommended the contingency line item be increase as a safety net to address any shortfalls in case actual revenue did not reflect what was projected. Based on these reports and recommendations the Committee recommended relatively minor changes to the annual budget to be included in the 2016/17 Expenditure Plan, with the most substantial changes being made to the budget amounts for strategy numbers nine and twelve. The changes to the 2016/2017 Expenditure Plan are listed in the table below:

Expenditure Plan Strategy	Budget Changes in the 2016/17 Expenditure Plan
Strategy 1 – Bulky Item Pick-ups	Increased budget by \$425.00
Strategy 2 – Neighborhood Clean-ups	No Change
Strategy 3 – Prevention Service Coordinator	No Change
Strategy 4 – City/County Right-of-Way Pick-up & Tagging Abatement	No Change
Strategy 5 – Code Enforcement (County)	No Change
Strategy 6 – Illegal Dumping Law Enforcement	No Change
Strategy 7 – Surveillance Cameras	Reduced budget by \$835.00
Strategy 8 – Community Services Coordinator	No Change
Strategy 9 – Community-Based Projects	Increased budget by \$20,000.00
Strategy 10 – North Richmond Green Community Service Programs	No Change
Strategy 11 – North Richmond Green Campaign	No Change
Strategy 12 – Community Garden Projects	Increased budget by \$8,006.26
Contingency	Increased budget by \$631.37

### 3. Attendance/Representation

The seven member Committee is comprised of three Richmond City Council members, one member of the Board of Supervisors, two North Richmond Municipal Advisory Council (MAC) members that are residents of unincorporated North Richmond, and one incorporated North Richmond (NR) resident. Bylaws were approved for this Committee in 2008, which included designation of alternates and procedures for removal of members based upon number of absences without prior notification. The level of participation for each Committee member is outlined in the table below as well as the status of a quorum being achieved for each meeting date.

During the meeting held in February 2016, Committee members voted to elect Edwardo Martinez as the new Chair and Beverly Scott as the new Vice Chair. Staff also informed the Committee that the Mayor's office wants to have Annie King-Meredith represent the Incorporated North Richmond Resident seat. Committee staff has yet to receive official City approval of Annie King-Meredith as the appointed representative for the Incorporated North Richmond Resident seat. The Alternate seats for the incorporated North Richmond Resident and North Richmond MAC Member remain vacant. The City & County will continue seeking volunteers that can be appointed to fill the vacant seats in 2017.

#### 2016 Meeting Dates & Attendance

Committee Members & Alternates	Feb 19 2-4 pm	June 3* 2-5 pm	Appointed By
Dr. Henry Clark – North Richmond MAC	No	No	County
Jovanka Beckles – Richmond City Councilmember	No	Yes	City
Edwardo Martinez, CHAIR – Richmond City Councilmember	Yes	No	City
John Gioia, Supervisor – Board of Supervisors	No	No	County
Gayle McLaughlin – Richmond City Councilmember	Yes	Yes	City
Beverly Scott, VICE CHAIR – North Richmond MAC	Yes	Yes	County
VACANT– Incorporated N. Richmond Resident	VACANT	VACANT	City
Nathaniel Bates – Richmond City Council,	No	No	City

Alternate			
Robert Rogers – Board of Supervisors, Alternate	Yes	Yes	County
N. Richmond MAC Member, Alternate	VACANT	VACANT	County
Incorporated N. Richmond Resident, Alternate	VACANT	VACANT	City
<b><i>Quorum achieved</i></b>	<b>Yes</b>	<b>Yes</b>	

\*Meeting date was rescheduled

#### **4. Training/Certification**

The County appointed Committee Members/Alternates and County Committee Staff are current on all required trainings.

#### **5. Proposed Work Plan/Objectives for Next Year**

The Committee will have its next meeting on February 17, 2017. Anticipated topics to be discussed at this meeting are likely to include budget planning for the next Expenditure Plan cycle (FY 2017/2018), including future revenue projections, proposed funding allocations for existing and potential new strategies. On May 26, 2017, the Committee is expected to receive updates about mitigation funded strategies from the Community Service Coordinator and currently funded non-profits. The committee will also consider recommending approval of a new 2017/2018 Expenditure Plan to the County Board of Supervisors and Richmond City Council.

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## North Richmond Waste & Recovery Mitigation Fee 2016/17 Expenditure Plan

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The Waste & Recovery Mitigation Fee was established as a result of the Environmental Impact Report (EIR) dated November 2003 for the WCCSL Bulk Materials Processing Center (BMPC) and Related Actions (Project). The Project involved new and expanded processing and resource recovery operations on both the incorporated and unincorporated area of the Project site, which the EIR concluded would impact the host community. To mitigate this impact Mitigation Measure 4-5 called for a Mitigation Fee to benefit the host community, described as follows:

“Mitigation Fee. The facility operator shall pay a Mitigation Fee of an amount to be determined by the applicable permitting authority(ies) ***to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond and adjacent areas.*** The mitigation fee should be subject to the joint-control of the City and County and should be collected on all solid waste and processible materials received at the facility consistent with the existing mitigation fee collected at the Central IRRF.”

In July 2004, the City of Richmond and Contra Costa County entered into a Memorandum of Understanding (MOU) agreeing to jointly administer Mitigation Fee monies collected from the BMPC for the benefit of the incorporated and unincorporated North Richmond area. This North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee (Committee) was formed pursuant to the terms of the MOU for the specific purpose of preparing a recommended Expenditure Plan. This Expenditure Plan provides a means to jointly administer the Mitigation Fee funding for the benefit of the host community, as described in the EIR. The Expenditure Plan is subject to final approval of the Richmond City Council and the Contra Costa County Board of Supervisors.

By approving this Expenditure Plan, the City Council and Board of Supervisors authorize the use of Mitigation Fee funding for only the purposes and in the amounts specified herein. The City and County have each designated their respective staff persons responsible for administering the development and implementation of the approved Expenditure Plan, which includes responsibility for drafting and interpreting Expenditure Plan language. However, the City and County have not delegated to the Committee or to staff the authority to expend funding for purposes not clearly identified in the Expenditure Plan document officially approved by their respective decision-making bodies.

Activities which can be funded in this Expenditure Plan period with the Mitigation Fee amounts specified within this Expenditure Plan are described herein as “Strategies” or “Staff Costs”. Strategies are categorized as either “Core Services” or “Supplemental Enhancements”. Core Services includes the higher funding priority strategies that most directly address the intended purpose of this City/County approved Mitigation Fee, *“to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond”*.

All references to the “Mitigation Fee Primary Funding Area” or “Mitigation Fee Funding Area” pertain to the geographic area shown in the attached map (Attachment 6).

### Expenditure Plan Period:

July 1, 2016 - June 30, 2017  
(unless otherwise specified herein)

## BUDGET

The funding allocation amounts included in this document apply to the Expenditure Plan Period specified on the first page unless otherwise specified herein. The total amount of funding allocated in the Expenditure Plan Budget is based on revenue projections provided by the BMPC operator, Republic Service, which are dependant upon multiple variables (e.g. number of tons of recovered materials vs. solid waste, per ton gate rate charged and amount of CPI-adjusted per ton Mitigation Fee). Actual Mitigation Fee revenue may deviate from revenue projections provided by Republic and used to prepare this Budget. A "Contingency" line item is included in the Budget to help accommodate variations between projected and actual revenue. Excess funding allocated to strategies and not expended by the end of each Expenditure Plan period is treated as "roll-over" funding for reallocation in a subsequent Expenditure Plan period.

The Budget includes some line items that are based on fixed costs, however there are other line items which are scalable and/or dependant on utilization thereby providing flexibility to reallocate amounts if and when a significant need is identified. Allocated funding may remain unspent due to under-utilization of a particular program. If the amount allocated to a particular line item is determined to exceed needs based upon usage, the remaining funding can only be reallocated by officially amending the Expenditure Plan. This Expenditure Plan may only be adjusted upon official action taken by both the City and County. Although there has been some interest in allowing flexibility for staff to adjust funding allocations under specific circumstances, the authority to approve or modify the Expenditure Plan rests solely with the City Council and Board of Supervisors.

Annual fiscal year Expenditure Plan cycle is expected to reduce margin of error of Mitigation Fee revenue projects, streamline financial reconciliation/budgeting process and minimize need to amend Expenditure Plans mid-cycle. Amending Expenditure Plans involve administrative burden and costs due to the joint approval needed from both the Richmond City Council and County Board of Supervisors. In order to minimize the amount of funding needed to cover staff costs incurred to amend the Expenditure Plan, staff will only recommend changes to the Expenditure Plan when necessary to address a significant and time-sensitive need.

# NORTH RICHMOND MITIGATION FEE EXPENDITURE PLAN BUDGET

	#	Expenditure Plan (EP) Strategy (EP Cycle: July 1, 2016 thru June 30, 2017)	Recommended Allocations
Core Services	1	Bulky Item Pick-ups & Disposal Vouchers	\$ 2,000.00
	2	Neighborhood Clean-ups	\$ 10,500.00
	3	Prevention Services Coordinator	\$ 30,870.00
	4	City/County Right-of-Way Pick-up & Tagging Abatement	\$ 17,850.00
	5	Code Enforcement - County	\$ 97,196.40
	6	Illegal Dumping Law Enforcement	\$ 186,046.88
	7	Surveillance Cameras	\$ 2,000.00
Supplemental Enhancements	8	Community Services Coordinator	\$ 63,258.14
	9	Community-Based Projects <sup>1</sup>	\$ 120,000.00
	10	North Richmond Green Community Service Programs	\$ 41,090.00
	11	North Richmond Green Campaign	\$ 10,500.00
	12	Neighborhood Community Garden Project(s)	\$ 58,006.26
		Contingency (approx. 9% of Projected Revenue)	\$ 58,482.44
Subtotal (without Committee Staffing)			\$ 697,800.12
	x	Committee Administration/Staffing	\$ 61,140.22
Total Projected Revenue in 2016/17 <sup>2</sup>			\$ 648,993.00
Unobligated (Not Spent) Carry-Over Funding from 2014/2015 Expenditure Plan <sup>3</sup>			\$ 114,588.84
Obligated funding from 2015/16 Expenditure Plan to carry over into the 2016/2017 Expenditure Plan <sup>4</sup>			\$ 161,104.94
Total 2016/17 Expenditure Plan Budget			\$ 920,045.28

<sup>1</sup> Funding allocation(s) for Community-Based Projects under Strategy 9 of this Expenditure Plan are incorporated into the 2016/17 Community Based Projects Table ( **Attachment 2** ). Funding allocation(s) for Neighborhood Community Garden Project(s) under Strategy 12 are incorporated into the 2016/17 Neighborhood Community Garden Projects Table ( **Attachment 4** ). Both are included as part of the 2016/2017 Expenditure Plan.

<sup>2</sup> Total Projected Revenue shown above reflects the amount projected to be received between July 1, 2016 and June 30, 2017.

<sup>3</sup> Amount shown includes roll-over funding of \$114,588.84 not spent or obligated to be spent from the prior 2014/15 Expenditure Plan. Amount allocated (\$114,588.84) is \$1,517.56 less than what was provided to Committee because the amount available as carry-over funding had to be reduced to account for actual Agency Contracting costs from the period covered under the 2013/14 Expenditure Plan. Contingency funding was reduced accordingly (by \$1,517.56) to accommodate this change and this correction is also reflected in the recommended Amended 2014/15 Expenditure Plan.

<sup>4</sup> Funding obligated for the previously approved under Community Based Project Strategy (See **Attachment 3 - Allocating \$119,843.09**) and Neighborhood Community Garden Project(s) Strategy (See **Attachment 5 - Allocating \$41,261.85**) for a total of \$161,104.94 recommended to be carried over into the 2016/17 Expenditure Plan since activities are not expected to be completed by June 30, 2016.

## DESCRIPTION OF STRATEGIES RECOMMENDED FOR FUNDING

Funding allocation amounts for each strategy are specified in the Budget table on page 3. The following Strategies describe the activities allowed to be funded with the amounts allocated to each in the Budget (associated allowable agency staff costs are described in the Staff Costs section). Strategies are grouped based on relative funding priority levels and the “Core Services” category contains higher priority Strategies than the “Supplemental Enhancements” category. Higher funding priority Strategies are those which best address the Fee’s intended purpose, ***“to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond”***) and “Supplemental Enhancements”.

### Level 1 Priority - PRIMARY CORE SERVICES STRATEGIES

- 1 - Bulky Item Pick-ups & Disposal Vouchers
- 2 - Neighborhood Clean-up Events
- 4 - City/County Right-of-Way Trash & Tagging Removal
- 5 - Code Enforcement - County
- 6 - Illegal Dumping Law Enforcement

### Level 2 Priority - SECONDARY CORE SERVICES STRATEGIES

- 3 - Prevention Services Coordinator
- 7 - Surveillance Cameras

### Level 3 Priority - PRIMARY SUPPLEMENTAL ENHANCEMENTS STRATEGIES

- 8 - Community Services Coordinator
- 9 - Community Based Projects (SOME)
- 11 - North Richmond Green Campaign
- 12 – Neighborhood Community Garden Project(s)

### Level 4 Priority - SECONDARY SUPPLEMENTAL ENHANCEMENTS STRATEGIES

- 9 - Community Based Projects (SOME)
- 10 - North Richmond Green Community Service Programs

## **CORE SERVICES**

### **1. Bulky Item Pick-ups & Disposal Vouchers**

Provide residents in the Mitigation Fee Primary Funding Area, who prove eligibility consistent with City/County procedures, with the option of choosing to:

- Request up to one on-call pick-up service per household per calendar year for bulky items that are not accepted in the current on-call clean-ups through Richmond Sanitary Service (RSS), only available to those with an active account with RSS; or
- Request up to twelve \$5 vouchers per household for disposal at Republic’s transfer station on Parr Blvd. per calendar year (vouchers expire after six months, Mitigation Fees only pay for vouchers that are actually redeemed).

[See “Staff Costs” section for agency activities that may also be funded under this Strategy.]



Administering Agency: City of Richmond

Implementing Entity(ies):

Community Housing Development Corporation (*processes requests and issues Disposal Vouchers/arranges Bulky Item Pick-ups*)

Republic Services - Golden Bear Transfer Station & Richmond Sanitary Service (*reimbursed for Disposal Vouchers redeemed and Bulky Item Pick-ups provided*)

Reporting/Payment Requirements: Effective July 1, 2012, CHDC and Republic Services shall provide required data pertinent to Strategy 1 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments.

## **2. Neighborhood Clean-ups**

Provide at least one neighborhood and/or creek clean-up event in the Mitigation Fee Funding Area; additional clean-up event may be scheduled as funding allows. [See "Staff Costs" section for agency activities that may also be funded under this Strategy.]

Administering Agency: City of Richmond

Implementing Entity(ies):

City Manager's Office (*coordinates scheduling of clean-up dates and associated arrangements in conjunction with partner entities*)

Republic Services - Richmond Sanitary Service (*reimbursed for providing/servicing clean-up boxes and disposing of debris placed in clean-up boxes*)

Reporting/Payment Requirements: Effective July 1, 2012, the City Manager's Office and Republic Services shall provide required data pertinent to Strategy 2 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments (funding transfers).

## **3. Prevention Services Coordinator**

Fund at least a portion of a Prevention Services Coordinator (PSC) position (including salary/benefits/overhead and administering agency contracting charge<sup>1</sup>) on a contract basis to assist the City and County in implementing Strategy 1 as the point of contact for community members interested in claiming Disposal Vouchers or Bulky-Item Pick ups. Assist community members interested in reporting illegal dumping and seeking referral/resources. Track and report data related to illegally dumped waste collected by Republic Services Hot Spot Crew and handle associated referrals to applicable public agencies, including right-of-way referrals for Strategy 4.

<sup>1</sup> Administering agency contracting charge applies (\$3,000 per contract)

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: City of Richmond

Implementing Entity: Community Housing Development Corporation (CHDC)  
(reimbursed actual cost for part-time position and issues  
Disposal Vouchers/arranges Bulky Item Pick-ups)

Reporting/Payment Requirements: Effective July 1, 2012, CHDC shall provide required data pertinent to Strategy 1 and Strategy 3 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments.

**4. City/County Right-of-Way Pick-up & Tagging Abatement**

Fund consolidated pick-up program (including personnel, mileage, equipment rental and administrative costs) for removal of illegal dumping and tagging abatement\* in the public right-of-way located within the unincorporated & incorporated Mitigation Fee Primary Funding Area. Removal of illegal dumping is intended to occur based upon referrals from the Prevention Services Coordinator for items/debris not collected by the designated Republic Services Hot Spot Route crew.

\* Allocation of funding under this Strategy for this Expenditure Plan cycle is primarily intended to cover the cost incurred for City/County Right-of-Way Pick-up activities throughout the Primary Funding Area. Funds for Tagging Abatement **were** not allocated in this Expenditure Plan cycle.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: City of Richmond

Implementing Entity: Richmond Police Department's Code Enforcement Division

Reporting/Payment Requirements: Effective July 1, 2012, the Richmond Police Department's Code Enforcement Division shall provide required data pertinent to Strategy 4 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments (funding transfers).

**5. Code Enforcement Staff - County**

Fund at least a portion of County code enforcement position (including salary/benefits and related vehicle and equipment costs), to assist with vacant/abandoned lot abatements and fencing as well as other health/building/zoning violations related to illegal dumping and blight throughout the unincorporated Mitigation Funding Area.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: Contra Costa County

Implementing Entity: County Department of Conservation & Development's Building Inspection Division

Reporting/Payment Requirements: Effective July 1, 2012, the County Department of Conservation & Development's Building Inspection Division shall provide required data pertinent to Strategy 5 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments (funding transfers).

**6. Illegal Dumping Law Enforcement**

Fund majority of a full-time Sheriff Deputy (between 90-100% of salary/benefits, overtime, uniform and related cell phone, equipment, and vehicle costs) to assist with law enforcement investigations and patrols to combat illegal dumping within the Mitigation Fee Primary Funding Area.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: Contra Costa County

Implementing Entity: County Sheriff's Office

Reporting/Payment Requirements: Effective July 1, 2012, the County Sheriff's Office shall provide required data pertinent to this Strategy based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments (funding transfers).

**7. Surveillance Cameras**

Fund the purchase of cameras, camera infrastructure, camera signage and costs related to maintenance, warranty, repair & relocation of surveillance camera system equipment within the Mitigation Fee Primary Funding Area to assist the dedicated Illegal Dumping Law Enforcement officer in targeting specific locations where illegal dumping occurs most regularly.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: Contra Costa County

Implementing Entity(ies):

Richmond Police Department *(operate, move and maintain eight Pan-Tilt-Zoom wireless video surveillance cameras and associated camera system infrastructure throughout NR -AND- install/clean/move FlashCam cameras located within the incorporated NR area if funding is available)*

County Sheriff's Department *(coordinate monitoring of FlashCams located throughout NR and identify/request relocation of surveillance cameras throughout NR as needed)*

County Public Works Department *(install/clean/move FlashCam cameras located within the unincorporated NR area upon request if funding is available)*

Reporting/Payment Requirements: Effective July 1, 2012, each Implementing Entity shall provide required data pertinent to each entity's applicable Strategy 8 responsibilities based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments (funding transfers) now or in the future.

## **SUPPLEMENTAL ENHANCEMENTS**

### **8. Community Services Coordinator**

Fund at least a portion of a Community Services Coordinator (CSC) position to be staffed on a contract basis (including salary/benefits/overhead and administering agency contracting charge<sup>2</sup>). The CSC shall:

- serve as a link between the community of North Richmond, the City of Richmond, and Contra Costa County for issues related to beautification, illegal dumping, and blight;
- coordinate outreach activities related to illegal dumping and beautification within the Primary Funding area, as specified by the City/County, including North Richmond Green community service programs and outreach activities described under Strategies 10 & 11; and
- be bilingual in order to assist with Spanish translation as needed.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agency: City of Richmond

Implementing Entity: Neighborhood House of North Richmond (NHNR).

Reporting/Payment Requirements: Effective July 1, 2012, NHNR shall provide required data pertinent to Strategies 8, 10 & 11 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments.

### **9. Community Based Projects**

Fund the development, implementation and oversight of a variety of community-based projects with specific focuses on anti-littering, environmental stewardship, blight reduction and/or beautification (including personnel/labor, administrative oversight, materials, equipment and related maintenance costs plus administering agency contracting charges<sup>3</sup>). Rather than funding stipend programs separately (including stipends, administrative oversight and related materials/equipment), new community-based projects/programs should include component for stipends, where appropriate, to pay local youth and/or other community members for assisting with illegal dumping prevention/abatement or beautification activities within the Mitigation Fee Primary Funding Area. Community Based Projects to be funded were solicited through an open Funding Request Proposal & Application process. Examples of potential project types that may be funded include but are not limited to:

<sup>2</sup>Administering agency contracting charge is \$3,000 per contract.

<sup>3</sup>Administering agency contracting charge is \$3,000 per contract if directly contracting with City or County.

- a. Neighborhood Landscaping Improvements
- b. Community Art Projects (e.g. Tile Art, Murals or Safe Routes/Popsicle Project)
- c. Stipend Beautification Programs

Details, including recommended allocation amounts, for each of the **selected** Community Based Projects to be funded under this Expenditure Plan are contained in the Community Based Projects Tables included as Attachments 2 & 3. Funding for carry-over Projects in Attachment 3 is not included in the amount listed under Strategy 9 in the Budget.

*[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]*

Administering Agencies: Contra Costa County and City of Richmond and/or Community Housing Development Corporation (CHDC) on behalf of the City or County. CHDC may, under contract with either the City or County as a Administering Agency, administer Community Based Project contracts funded under this Strategy for some or all of the new Community Based Projects selected for funding in the 2016/2017 Expenditure Plan cycle. CHDC shall use no more than twenty (20) percent (%) of the total amount awarded to each Community-Based Project (after subtracting City/County contracting cost) listed in Attachment 2 to oversee project implementation, including facilitating review/assessment of reports' and deliverables. Payments to Implementing Entities for Community-Based Projects shall not be issued by CHDC without the written approval of City and County Committee Staff.

Implementing Entity: Various Non-Profit Organizations (see Community Based Projects Tables in Attachments 2 and 3)

Reporting/Payment Requirements: Any Community Based Project contracts issued or amended by the City/County shall incorporate Reporting & Invoicing Requirements generally consistent with those shown in Attachment 1. Community-Based Project contracts being administered by CHDC on behalf of either the City or County shall also incorporate Reporting and Invoicing Requirements generally consistent with those shown in Attachment 1. Attachment 1 only applies to Community-Based Project contracts with the Implementing Entities. The City and/or County will issue advance payments to CHDC, as needed, to ensure there is adequate funding available to payments requested by Implementing Entities if and when authorized by City and County Staff. Additionally, CHDC would be subject to contractual payment and reporting provisions that differ from those in Attachment 1 due to the nature of the services to be provided.

#### **10. North Richmond Green Community Services Programs**

Fund the following North Richmond Green programs on a contract basis<sup>4</sup> to the extent the specific details submitted are determined to align with the purpose of the Mitigation Fee and Expenditure Plan:

- *NR Little League Baseball Program* - Includes cost of registration and uniforms with customized North Richmond Green patches for up to 5-6

<sup>4</sup> Administering agency contracting charge applies (\$3,000 per contract)

teams, season kick-off event/parade, equipment, stipends for game monitoring and oversight, food and transportation.

- *NR Adult Softball program* - Includes cost of registration, jerseys with North Richmond Green patches and hats for the men's and women's team.
- *NR Youth Twilight Basketball Program* - Includes cost of registration and uniforms with North Richmond Green patches for up to 5-6 teams, equipment, stipends for game monitoring and oversight, food and transportation.
- *NR Youth Eco Academy* - Youth projects to include school gardens, recycling efforts, habitat restoration, creek/bay/ocean water quality monitoring, beach/creek/neighborhood clean-ups and ecological field trips. May fund the cost of materials, transportation and fees associated with pre-approved community beautification projects such landscaping and murals.

[See "Staff Costs" section for agency activities that may also be funded under this Strategy.]

Administering Agency: City of Richmond & Contra Costa County

Implementing Entity: Neighborhood House of North Richmond (NHNR).

Reporting/Payment Requirements: Effective July 1, 2012, NHNR shall provide required data pertinent to Strategies 8, 10 & 11 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments.

## **11. North Richmond Green Campaign**

Fund the design, printing and/or distribution of education and outreach materials on a contract basis<sup>5</sup> which must align with the purpose of the Mitigation Fee and Expenditure Plan and be pre-approved by Committee Staff. Outreach materials must include "Jointly funded by City of Richmond & Contra Costa County" unless otherwise specified herein. Outreach materials may be any of the types specified below, however must clearly intend to directly:

- Inform the community about Mitigation Fee funded programs/efforts,
- Increase participation in Mitigation funded programs/efforts,
- Reduce illegal dumping and blight in the Mitigation Fee Funding Area, and/or
- Promote beautification in the Mitigation Fee Funding Area.

The following type of outreach material expenditures may be funded if reviewed and pre-approved by Committee Staff:

- **STIPENDS** – Pay local community members (youth and adults) to distribute printed outreach materials door-to-door to promote mitigation-funded strategies (*Jointly Funded text not applicable to stipend expenses, only materials*)
- **HANDOUTS/MAILERS** – Newsletters, flyers, brochures or other documents intended to be handed out or mailed to local residents/organizations.
- **T-SHIRTS** - Shirts shall include the NRGreen.org website to encourage people to learn more about Mitigation funded programs/efforts (*local phone number should also be included when possible, however inclusion of Jointly Funded text may not be required*)

<sup>5</sup> Administering agency contracting charge applies (\$3,000 per contract) with the County or City

- NR GREEN FESTIVAL – Event held once per year and generally include information booths to raise awareness about mitigation-funded efforts and other local beautification efforts as well as fun activities for kids and food. Materials promoting the event shall include the NRGreen.org website as well as a local phone number.
- SIGNAGE – Printed or manufactured signage, which includes promotional banners for local events/parades, which should include the NRGreen.org website for Community members to learn more about Mitigation funded programs/efforts. Repair, replacement and removal of NRMF-funded Light Pole Banners.

*[See “Staff Costs” section for agency activities that may also be funded under this Strategy.]*

Administering Agency: City of Richmond & Contra Costa County

Implementing Entity: Neighborhood House of North Richmond (NHNR).

Reporting/Payment Requirements: Effective July 1, 2012, NHNR shall provide required data pertinent to Strategies 8, 10 & 11 based upon the strategy-specific invoicing/reporting parameters and schedule developed/maintained by Committee Staff in order to receive NRMF-funded payments.

## **12. Neighborhood Community Garden Project(s)**

Fund on-going maintenance and up-keep of existing community gardens within the Primary Funding Area, which may include a component for stipends, where appropriate, to pay local youth and/or other community members for assisting with Community Garden upkeep and maintenance.

Neighborhood Community Garden Projects to be funded were solicited through an open Funding Request Proposal & Application process. Projects selected under this Strategy could be funded on an on-going basis if separately awarded funding in multiple Expenditure Plan cycles.

Details, including recommended allocation amounts, for each of the selected Neighborhood Community Garden Projects are included in Attachment 4. Funding for carry-over Projects in Attachment 5 is not included in the amount listed under Strategy 12 in the Budget.

*[See “Staff Costs” section for agency activities that may also be funded under this Strategy.]*

Administering Agencies: Contra Costa County, City of Richmond and/or Community Housing Development Corporation (CHDC)<sup>6</sup> on behalf of the City or County. CHDC may, under contract with either the City or County as the Administering Agency, administer Neighborhood Community Garden Project contracts being funded under this Strategy for some or all of the Neighborhood Community Garden Project non-profit organizations selected for funding in the 2016/2017 Expenditure Plan cycle. CHDC shall use no more than twenty (20) percent (%) of the total amount awarded to each Project to oversee project implementation, including facilitating review/assessment of reports and

<sup>6</sup> Administering agency contracting charge applies (\$3,000 per contract) with the County or City

deliverables. Payments to Implementing Entities for Neighborhood Community Garden Projects shall not be issued by CHDC without the written approval of both City and County Committee Staff.

Implementing Entity: Various Non-Profit Organizations (see Neighborhood Community Garden Projects Table in Attachments 4 and 5)

Reporting/Payment Requirements: Any Neighborhood Community Garden Project contracts issued or amended by the City/County shall incorporate Reporting & Invoicing Requirements generally consistent with those shown in Attachment 1. Neighborhood Community Garden Project contracts being administered by CHDC on behalf of either the City or County shall also incorporate Reporting & Invoicing Requirements generally consistent with those shown in Attachment 1. Attachment 1 only applies to the Neighborhood Community Garden Project contracts with the Implementing Entities. CHDC would be subject to contractual payment and reporting provisions that differ from those in Attachment 1 due to the nature of the services to be provided. The City and/or County will issue advance payments to CHDC, as needed, to ensure there is adequate funding available to payments requested by Implementing Entities if and when authorized by City and County Staff.

## **STAFF COSTS**

**Committee Administration/Staffing Funding:** The funding allocated for Committee Administration/Staffing may not be adequate to cover the full cost of staff time necessary for jointly staffing the North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee as well as developing, administering and overseeing this Expenditure Plan for the specified period. Supplemental funding allocation may be necessary upon determining actual costs exceed the amount budgeted to cover the intended City/County costs for joint staffing.

**Strategy-Specific Funding:** The cost of City/County staff time spent providing direct implementation assistance and/or coordination for specific Strategies may be covered with a portion of the NRMF funding budgeted for each applicable Strategy. Additionally, a portion of the NRMF funding budgeted for Strategies will be used to pay fixed administering agency contracting charge for each applicable contract (\$3,000 per contract) unless otherwise specified herein.



**Community-Based Project & Neighborhood Community Garden Project Reporting and Invoicing Requirements**

***Substantially equivalent language to be included in all NRMF-funded Community Project Agreements/Amendments***

Contractor shall submit Progress Reports, using attached City/County provided template, in conjunction with each invoice covering the period since last report/invoice submitted, consistent with the Payment Provisions (Specify the Section of the Service Plan of the Agreement). Contractor shall monitor, document, and report all Participants activities and other costs for which reimbursement will be requested. Upon completion of work, Contractor shall submit a Final Report, using attached City/County provided template, in conjunction with the final invoice.

**Authorized Advance Payments:** In order to receive any potential payment in advance, such must be authorized for the specified Project in Attachment 2 of the Expenditure Plan approved by both the County Board of Supervisors and Richmond City Council. No Contractor authorized for advance payment may receive more than ten (10) percent (%) of the approved Implementing Entity Award for this Project. In order to seek potential payment in advance, the Contractor shall submit a written request to both the City and County Committee Staff detailing the reason(s) advance payment is necessary and the amount of funding requested in advance (not to exceed 10% of total award) specifying which applicable allowable expenses would be covered by such payment.

Contractor shall submit invoices and required supporting documentation requesting reimbursement for allowed costs in the Budget contained in the “Eligible Costs” Section, which together may not total more than \$ (enter applicable contract amount).

1. **Invoices:** Invoices shall contain the following information in sufficient detail and be submitted in a form which adequately demonstrates consistency with this Service Plan. Invoices shall be accompanied by the applicable Required Supporting Documentation described in the following subsection.
  - a. Number of hours per staff member being billed for which stipends have been paid,
  - b. Number of hours Contractor staff performed work per Task described herein at the rates allowed in the “Eligible Costs” Section, and
  - c. Separately identify number of hours spent attending North Richmond Green Meetings (Attendance Required at least Quarterly).
  - d. Itemization of any other direct costs (e.g. supplies, travel, operating expenses, etc.) incurred for which reimbursement is being requested within that invoice period.
2. **Required Supporting Documentation:** The following Required Supporting Documentation must be submitted with invoices when applicable as described below.
  - a. Every invoice must be accompanied by a Progress Report, with the exception of the final invoice which must be accompanied by a Final Report. Both types of Reports must contain all of the information specified in the City/County provided Report templates.
  - b. If stipends are included in an invoice, such invoice must be accompanied by copies of Interns daily logs or timesheets covering all stipend hours for which reimbursement is being requested.
  - c. If staff time is included in an invoice, such invoice must be accompanied by copies of timesheets covering all staff hours for which reimbursement is being requested.

- d. If an invoice is requesting reimbursement of any other direct costs (any costs other than staff time or stipends), such invoice must be accompanied by copies of actual itemized invoices or receipts for all applicable direct costs (bus transportation or curriculum materials). If an invoice is requesting reimbursement for copying or printing, at least one copy of the printed item should accompany the invoice.

City/County shall review submitted invoices and supporting documentation within a reasonable period of time and remit payment to Contractor promptly upon determining the purpose and amount of payment requested are authorized under this Agreement.

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## Attachment 2 - Community Based Projects Table (Strategy 9)

### 2016/2017 Expenditure Plan Funding Allocations for *Projects* recommended for City/County approval by the North Richmond Mitigation Fee Committee

In June 2016, the NRMF Committee recommended an allocation of **\$120,000 for 2016/17 Community Based Projects** . Allocation of funding are based on a Funding Request Proposal released on January 12, 2016 by Committee Staff and Proposals that were submitted by eligible non-profit organizations on February 2, 2016. The project selections, funding recommendations and number of non-profits selected by the Committee are shown below for the 2016/17 Expenditure Plan.

<b><i>New Community Based Projects Recommended for Funding in 2016/2017</i></b>								
<b>Organization / Fiscal Sponsor (if applicable)</b>	<b>Project Title</b>	<b>Advance Payment Allowed (Up to 10% of Implementer Award Amount) Yes/No</b>	<b>Requested Amount</b>	<b>Total Award Amount</b>	<b>County Contracting Cost to Contract with CHDC<sup>1</sup></b>	<b>CHDC Contracting Cost (20%) to Manage Non-Profits</b>	<b>Non-Profit Implementer Award Amount for Project</b>	<b>Notes</b>
City of Richmond	Love Your Block	No	\$ 20,000.00	\$ 20,000.00	\$ 500.00	\$ 3,900.00	\$ 15,600.00	Selected organization(s) may be asked to submit scaled-back versions of their Scope of Work describing what element(s) of their selected project they are proposing to complete with the amount available.
Davis Chapel Christian Methodist Episcopal Church	Davis Chapel Community Impact	Yes	\$ 30,000.00	\$ 25,000.00	\$ 625.00	\$ 4,875.00	\$ 19,500.00	
Reach Fellowship International	North Richmond Cleanup Project	Yes	\$ 30,000.00	\$ 25,000.00	\$ 625.00	\$ 4,875.00	\$ 19,500.00	
Urban Tilth	Richmond Tool Lending Library	Yes	\$ 29,943.00	\$ 25,000.00	\$ 625.00	\$ 4,875.00	\$ 19,500.00	
Verde Eco-Stewards Voyage / West Contra Costa Public Education Fund	Community Working Together	Yes	\$ 30,521.00	\$ 25,000.00	\$ 625.00	\$ 4,875.00	\$ 19,500.00	
<b>Total Funding Requested/Allocated</b>				<b>\$ 120,000.00</b>	<b>\$ 3,000.00</b>	<b>\$ 23,400.00</b>	<b>\$ 93,600.00</b>	

<sup>1</sup> Costs to have 3rd party organization (CHDC) manage and oversee contracts with Organizations selected for funding is up to twenty (20) percent (%) of award amount after first taking out City/County Contracting cost for \$3,000 for City/County to contract directly with CHDC to have CHDC administer non-profit contracts.

### Attachment 3 - Community Based Projects Table (Strategy 9)

Obligated funding allocated for Community Based Projects in the 2015/16 Expenditure Plan recommended to be included in the 2016/2017 Expenditure Plan to allow completion of work beyond June 30, 2016.

#### Community Based Projects Carried Over From 2014/2015 and 2015/16 Expenditure Plans

Organization / Fiscal Sponsor (if applicable)	Project Title	Advance Payment Allowed (Up to 10% of Award)	Total Requested Amount	Non-Profit Award for Project	County Contracting Agency Allocation	County Contracting Cost in 2014/15 <sup>2</sup>	CHDC Contracting Allocation (20%) to Manage Non-Profits	CHDC Contracting Cost in 2014/15	Total for Project Award & Contract	Non-Profit Award Amount Spent/Invoices Approved	Non-profit Amount Remaining to be Spent	Total Amount Remaining to be Spent	Notes
McGlothen Temple Educational Community Center	McGlothen Temple Educational Community Center	No	\$20,000.00	\$20,000.00	\$674.89	\$0.00	\$5,000.00	\$2,462.67	\$25,674.89	\$5,022.13	\$14,977.87	\$18,190.09	Same projects were awarded for 2014/15 and 2015/16 Expenditure Plans. Amounts shown are totals from both fiscal years. Projects are expected to continue through the 2016/17 Expenditure Plan
Neighborhood House of North Richmond (NHNR)	North Richmond Green Team	Yes	\$50,000.00	\$37,202.78	\$1,257.77	\$0.00	\$9,300.69	\$4,410.05	\$47,761.24	\$16,455.45	\$20,747.33	\$26,895.74	
Reach Fellowship International	Reach Clean Up Initiative	Yes	\$50,000.00	\$37,202.78	\$1,257.77	\$0.00	\$9,300.69	\$4,410.05	\$47,761.24	\$11,732.47	\$25,470.31	\$31,618.72	
Contra Costa County Service Integration Team (SIT)/North Richmond Economic Development Corporation	Contra Costa County Service Integration, Family Service Center, Build Men and Women	No	\$19,428.00	\$19,428.00	\$655.59	\$0.00	\$4,857.00	\$2,392.25	\$24,940.59	\$7,057.68	\$12,370.32	\$15,490.66	
The Remember Us People Project (TRUPP) / Self-Sustaining Communities	Beautification, food and community building project	Yes	\$50,000.00	\$37,202.78	\$1,257.77	\$0.00	\$9,300.69	\$4,410.05	\$47,761.24	\$15,703.31	\$21,499.47	\$27,647.88	
2014/15 & 2015/16 Community Based Project SUBTOTAL:			\$ 189,428.00	\$ 151,036.34	\$ 5,103.79	\$0.00	\$ 37,759.07	\$18,085.07	\$ 193,899.20	\$ 55,971.04	\$ 95,065.30	\$119,843.09	
Total Obligated Community Based Project Funding to be Carried Over Into 2016/2017 EP <sup>1</sup>												\$119,843.09	

<sup>1</sup> Amount shown is the total of Community-Based Projects funding for Strategy 9 not spent in the previous 2014/15 and 2015/2016 Expenditure Plans carried over into the 2016/17 Expenditure Plan.

<sup>2</sup> County contracting cost from 2014/2015 Expenditure Plan for Community-Based Projects was not needed and therefore rolled over into the 2016/17 EP budget as unobligated funds. See Summary of Expenditures for 2014/15 EP Close-out for details from February 2016 Committee Meeting.

## Attachment 4 - Neighborhood Community Garden Projects (Strategy 12)

### Funding Allocations for New 2016/17 Neighborhood Community Garden Projects recommended for City/County approval by the North Richmond Mitigation Fee Committee

In June 2016, the NRMF Committee recommended an allocation of **\$58,006.26 for Neighborhood Community Garden Projects**. The Committee recommended allocation of this funding based on a Funding Request Proposal released on January 12, 2016 by Committee Staff and Proposals submitted by eligible non-profit organizations by February 2, 2016. The project selections and funding recommendations made by the Committee are shown in the below Table.

<b>New Neighborhood Community Garden Projects Recommended for Funding in 2016/2017</b>								
<b>Implementing Entity / Fiscal Sponsor (if applicable)</b>	<b>Project Title</b>	<b>Advance Payment Allowed (Up to 10% of Implementer Award Amount) Yes/No</b>	<b>Requested Amount</b>	<b>Total Award Amount</b>	<b>County Contracting Cost with CHDC<sup>1</sup></b>	<b>CHDC Contracting Cost (20%) to Manage Non-Profits</b>	<b>Non-Profit Implementer Award Amount for Project</b>	<b>Notes</b>
Communities United Restoring Mother Earth (CURME) / Greater Richmond Interfaith Program	Lots of Crops	No	\$ 20,000.00	\$ 15,000.00	\$ 775.78	\$ 2,844.84	\$ 11,379.38	Selected organization(s) may be asked to submit scaled-back Scope of Work describing what element(s) of their selected project they are proposing to complete with the amount available.
Urban Tilth	Cultivating Hope: Maintaining North Richmond Gardens	Yes	\$ 20,000.00	\$ 15,000.00	\$ 775.78	\$ 2,844.84	\$ 11,379.38	
Neighborhood House of North Richmond	North Richmond Native Plant Communities Garden Project: Gardent Care Team	Yes	\$ 20,000.00	\$ 13,006.26	\$ 672.66	\$ 2,466.72	\$ 9,866.88	
Davis Chapel	DCNET Community Garden	Yes	\$ 20,000.00	\$ 10,000.00	\$ 517.19	\$ 1,896.56	\$ 7,586.25	
Contra Costa County Service Integration Team (SIT) / Community Housing Development Corporation (CHDC)	Contra Costa County Service Integration, Family Service Center, Build Men and Women	No	\$ 10,500.50	\$ 5,000.00	\$ 258.59	\$ 948.28	\$ 3,793.13	
<b>Total Funding Requested/Allocated</b>			<b>\$ 90,500.50</b>	<b>\$ 58,006.26</b>	<b>3,000.00</b>	<b>11,001.25</b>	<b>\$ 44,005.01</b>	

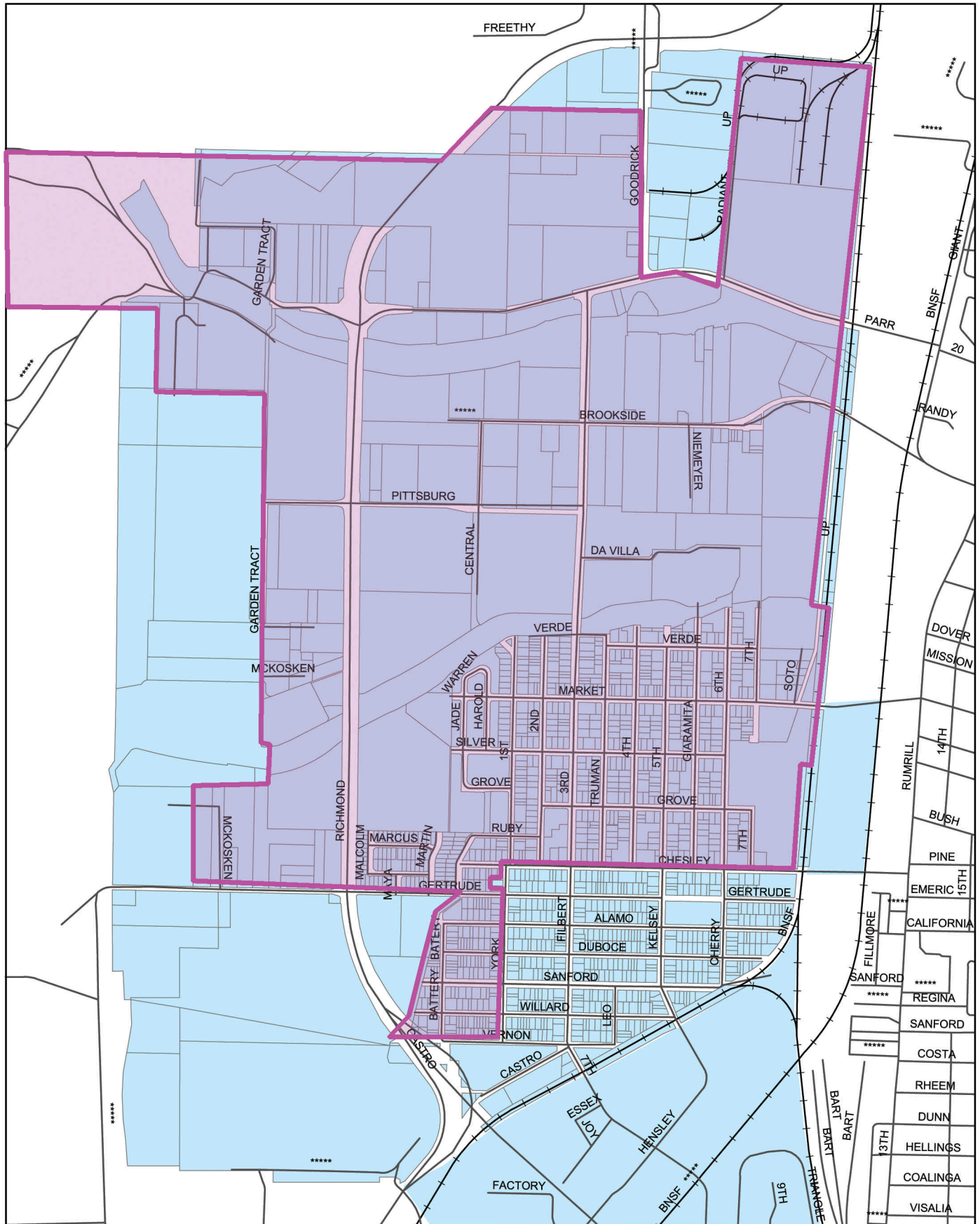
<sup>1</sup> Costs to have 3rd party organization (CHDC) manage and oversee contracts with Organizations selected for funding is up to twenty (20) percent (%) of award amount after first taking out City/County Contracting cost of \$3,000 for City/County to contract directly with CHDC to have CHDC administer non-profit contracts.

## Attachment 5 - Neighborhood Community Garden Projects (Strategy 12)

*Obligated funding allocated for Community Garden Projects in the 2014/15 and 2015/16 Expenditure Plan recommended to be included in the 2016/2017 Expenditure Plan to allow completion of work beyond June 30, 2016.*

<b>Community Garden Projects Carried Over From 2014/2015 and 2015/16 Expenditure Plans</b>											
<b>Implementing Entity / Fiscal Sponsor (if applicable)</b>	<b>Project Title</b>	<b>Total Allocated Amount</b>	<b>Non-Profit Implementer Award Amount for Project</b>	<b>County Contracting Agency Allocation<sup>1</sup></b>	<b>County Contracting Cost in 2014/15<sup>2</sup></b>	<b>CHDC Contracting Cost (20%) to Manage Non- Profits</b>	<b>CHDC Contracting Cost in 2014/15</b>	<b>Non-Profit Award Amount Spent/Invoices Approved</b>	<b>Non-profit Amount Remaining to be Spent</b>	<b>Amount Remaining to be Spent</b>	<b>Notes</b>
Communities United Restoring Mother Earth (CURME) / Greater Richmond Interfaith Program	Lots of Crops	\$ 27,199.42	\$ 20,716.69	\$ 1,303.55	\$ -	\$ 5,179.17	\$ 2,648.90	\$ 10,184.32	\$ 10,532.37	\$ 14,366.20	Selected organization(s) may be asked to submit scaled- back Scope of Work describing what element(s) of their selected project they are proposing to complete with the amount available.
Urban Tilth	Cultivating Hope: Maintaining North Richmond Gardens	\$ 25,567.41	\$ 19,422.65	\$ 1,289.10	\$ -	\$ 4,855.66	\$ 2,489.21	\$ 12,517.58	\$ 6,905.07	\$ 10,560.62	
Davis Chapel Neighborhood Enhancement Team (DCNET)	Davis Chapel A. Moore NR Community Garden	\$ 27,199.42	\$ 20,716.69	\$ 1,303.55	\$ -	\$ 5,179.17	\$ 2,648.90	\$ 8,215.49	\$ 12,501.20	\$ 16,335.03	
<b>2014/15 &amp; 2015/16 Community Garden Project SUBTOTAL:</b>		<b>\$ 79,966.24</b>	<b>\$ 60,856.03</b>	<b>\$ 3,896.20</b>	<b>\$ -</b>	<b>\$ 15,214.01</b>	<b>\$7,787.00</b>	<b>\$ 30,917.39</b>	<b>\$ 29,938.64</b>	<b>\$ 41,261.85</b>	
<b>Total Obligated Community Garden Project Funding to be Carried Over Into 2016/2017 EP</b>										<b>\$ 41,261.85</b>	

**Unincorporated (County)**

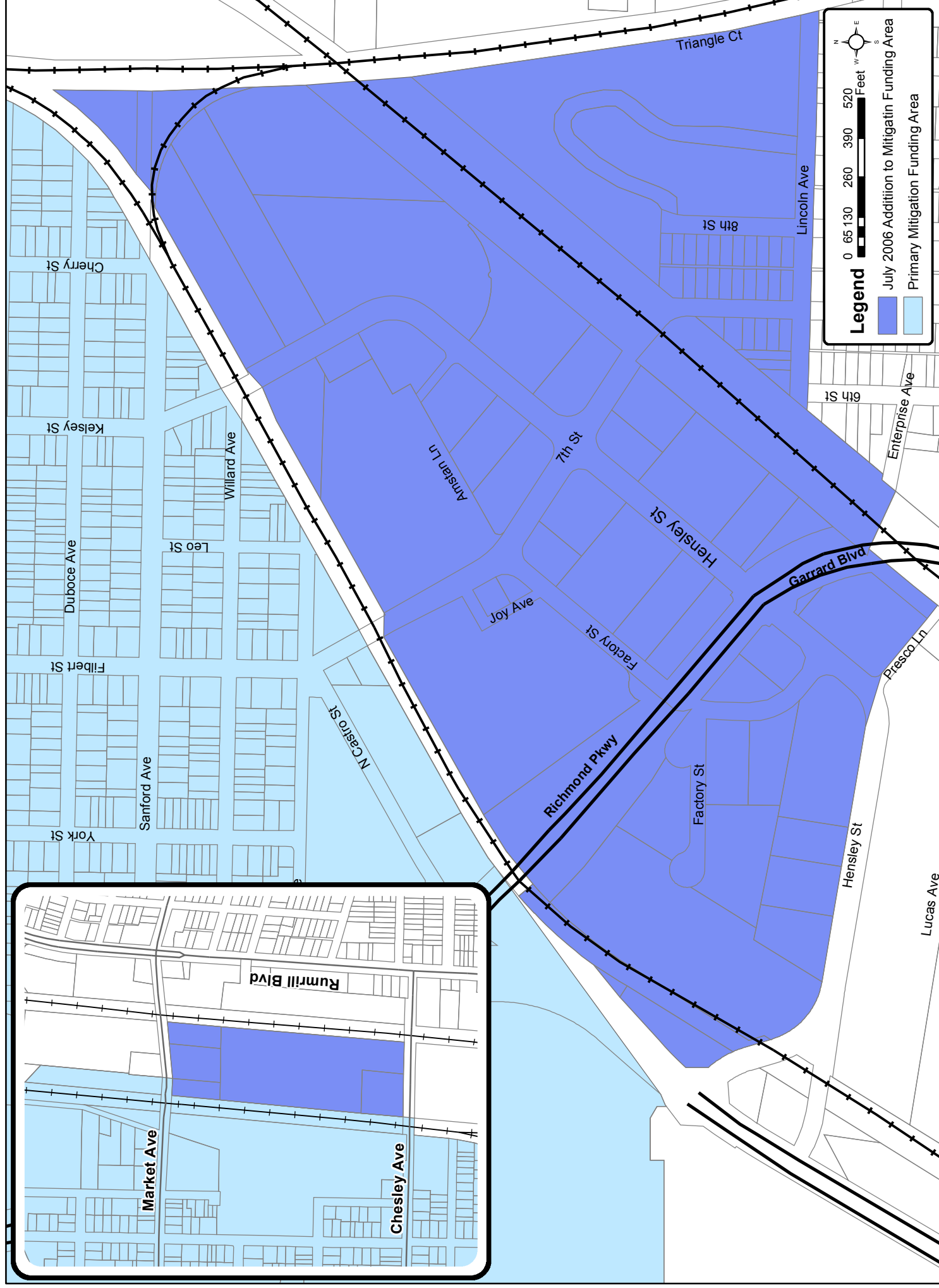


*Southern boundary* ☐  
*shown on back side*

**Map contains copyrighted information  
Revised on 7/28/2006**



# Committee Approved Additions to Primary Mitigation Funding Area







Contra  
Costa  
County

To: Board of Supervisors  
From: Melinda Cervantes, County Librarian  
Date: December 13, 2016

Subject: Library Commission Report Recommending Reauthorization through December 2019

---

**RECOMMENDATION(S):**

ACCEPT the recommendation of the report of the Library Commission's revitalization sub-subcommittee to REAUTHORIZE the Library Commission through December 31, 2019.

**FISCAL IMPACT:**

There is no fiscal impact to the Library budget.

**BACKGROUND:**

In accordance with the Board of Supervisor's policy, a Triennial Review of the Library Commission was conducted in 2015 by former County Librarian, Jessica Hudson. The review was prepared with and co-signed by the then-Chair of the Commission, Rodger Lum. The recommendations in the Triennial Report were listed, but not heard, on the Library Commission agenda in November, 2015. The topic was listed again and recommendations were presented verbally by Ms. Hudson at the Library Commission's January, 2016 meeting. The written report was provided to Library Commission members at the March 24, 2016 Library Commission meeting and the Internal Operations Committee (IOC) on March 28, 2016.

The Triennial Report recommended the IOC consider two alternatives: either sunseting the Library Commission entirely, or, reauthorizing it with fewer members (by eliminating the alternate members and/or the 5 Special Representatives) and developing a renewed charge, mission and work plan.

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☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☒ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

Contact: Melinda Cervantes,  
925-608-7701

By: Stephanie Mello, Deputy

cc:

## BACKGROUND: (CONT'D)

>

At the March IOC meeting Supervisors determined that the Commission should continue in operation through the end of 2016, for a review of its charge, mission, proposed work, membership structure, and continuation going past 2016. In May 2016, the Board of Supervisors extended the Commission until the end of December 2016 to allow the Commission, The Mayors Conference and staff the time needed to conduct this review.

At its May, 2016 meeting, the Contra Costa Mayors Conference also approved the extension of the Library Commission through the end of 2016. The Conference established an ad hoc committee of Mayors to review the matter and make further recommendations about the Library Commission to the Board of Supervisors and the Mayors. The County Librarian emailed an update to the Mayors Conference in December 2016 and a report will be presented at the January 2017 meeting.

The IOC received an update at their September 26, 2016 meeting and also a copy of the Library Commission's draft revitalization report and a summary from the Interim County Librarian. The IOC reviewed and agreed with the recommendations from the Mayors Conference ad hoc committee, the Library Commission and the Library administration and CAO staff to reauthorize the Commission until the end of December, 2019, and directed library and county staff to bring reauthorization of the Commission and action a finalized Revitalization Report to the Board of Supervisors before the end of 2016.

Recommendations of the IOC and proposed changes adopted by the Library Commission at their November 17, 2016 meeting are attached.

## CONSEQUENCE OF NEGATIVE ACTION:

If Library Commission is not reauthorized, cities and various agencies will not be represented and the Library will no longer benefit from their advice.

## ATTACHMENTS

Library Commission Ad Hoc Revitalization Committee Final Report

**CONTRA COSTA COUNTY LIBRARY COMMISSION  
AD-HOC REVITALIZATION COMMITTEE REPORT  
November 17, 2016 FINAL**

**INTRODUCTION**

In 2012, the Contra Costa County Board of Supervisors (Board) instituted a triennial review process of all county boards and commissions. The review for the Contra Costa County Library Commission (Commission) was delayed from 2014 as the county librarian was new to that position.

A report was written in Q4 2015 (approximately November as the report is undated). It was provided to the Commission at its March 24, 2016 meeting. It was then discussed at the County Internal Operations Committee (IOC) at its March 28, 2016 meeting.

In response to the Triennial Report (Report), the Commission established an Ad Hoc Revitalization Committee. The Committee met three times on June 9, June 30 and August 18, 2016. The Committee members include: Alan B. Smith Chair, Kathy Gilcrest, Laura Canciamilla, Mary Ann Hoisington, Katherine Bracken, Brian Miller, and Peter Wilson.

This report provides background on the Commission, results of the Committee's deliberations including changes to the standard agenda and bylaws. Note: Bylaw changes must be approved by a two-thirds vote of the Commission, with the concurrence of the Board. The Commission can discuss revisions at this meeting. However, the Commission must wait at least one meeting before approving them.

**EXECUTIVE SUMMARY OF RECOMMENDED CHANGES**

This report focuses on the following recommendations:

**Agendas:**

- Eliminate Commission Bookshelf
- "Items from the public" should be "Public Comment".
- Show on the agenda if an item is for "Action", "Discussion" etc.

**Bylaws:**

- Commission to be "reinstated" (reauthorized)
- Revise membership and voting
- Continue six meetings per year
- Retain alternates
- Add new purpose to provide community level support and advocacy for Library services
- Technical revisions including revising duties
- Streamline minutes

## **“REINSTATEMENT”**

The Commission’s term was set to expire June 30, 2016. At the March 28 IOC meeting, library staff was requested to prepare a Board Order extending the Commission to December 31, 2016 pending the Commission’s work on revising its bylaws etc. The full Board approved the extension in May. The Contra Costa Mayors Conference concurred at its June 2 meeting. The IOC received a report from library staff at its September 26 meeting.

## **COMMISSION BACKGROUND**

The Commission was established in March 1991 for a two-year period. It has been “reinstated” (reauthorized) continuously since then. Originally, the Commission had 28 positions:

- One for each of the 18 cities including Richmond
- One for each of five Board of Supervisory districts
- Special representatives from the Friends Council, Central Labor Council, Office of Education, Contra Costa Council, and the Countywide Youth Commission
- Oakley was added after its July 1, 1999 incorporation, thus bringing the total positions to its present 29
- The Countywide Youth Commission was sunsetted in 2010 and was replaced in 2012 by the Contra Costa Community College District
- The Contra Costa Council changed its name to the East Bay Leadership Council

## **RECOMMENDED CHANGES**

Agenda Revisions:

The following are the three agenda revisions the Committee recommends. They can be approved immediately by the Commission.

- Eliminate “The Commission Bookshelf”. This item has been on the agenda for at least 19 years. It was intended as an “ice breaker” for any commissioners who were shy about talking; as well as using time until a quorum was reached. Due to present meeting rules, it has outlived its purpose.
- “Items from the Public” will be renamed “Public Comment”. This is the term used by most other agencies (e.g. cities and the Board of Supervisors). By showing public comment, the public will more clearly understand their input is welcomed.
- Mark all agenda items as “Action”, Discussion” etc. on the agenda. Presently the word “action” is only shown on the green pages between the attachments. Not all know to look there, and the green page can be hard to read on-line. With this change, both commissioners and the public will know which items are for action.

## Responses to Report (Bylaws)

The Report made several recommendations as follows:

1. Sunset the Commission

The Commission voted at its January 29, 2016 meeting that it wanted to continue in existence. The IOC at its March 28 meeting did not concur with sunsetting the Commission and instructed library staff to proceed with a reinstatement board order as outlined above.

2. Bylaws Changes

The Report states that library staff did not recommend any changes to the bylaws. The IOC and the Ad Hoc Committee recommend the following bylaws revisions.

3. Membership Reduction and Voting

Both IOC and library staff recommended reducing membership. Thus, a letter was written toward that end by the Interim County Librarian and the Commission Chair and signed by the Chair. The letters were sent to the Special Representatives and the mayor of Richmond. They were mailed the week of June 20. They were asked if they wanted to 1) retain a voting membership, 2) be an ex-officio member without voting rights, or 3) no membership. The results are:

Entity	Regular Membership	Ex-officio Membership	No Membership
City of Richmond			X
College District		X	
East Bay Leadership Council		X	
Friends Council		X	
Office of Education		X	
Central Labor Council	X		

These changes will bring regular membership to 24. As a result the number of commissioners needed for a quorum will be 13. The Central Labor Council will be the only remaining Special Representative with a vote. When and if the Friends' Council is reconstituted, the by-laws can be revised to also include them with a vote. However, since the Friends' Council does not presently exist, it is not possible to include them as a voting member.

It is recommended that voting be by simple majority of all commissioners present when a quorum is achieved. The current method of voting by those representing city representatives and county representatives has never made any difference in the results.

4. Number of Meetings per Year

The present bylaws state the Commission is to meet at least quarterly. The Committee recommends the number be retained at six. The Committee believes with a proper focus, there is adequate work for the Commission to continue as is.

5. Alternate Commissioners

The Report stated that on average 35-40 Commissioners are at each meeting. The following shows the number of Commissioners attending the past nine meetings averages 27 including alternates.

Meeting Date	# Vacant	# Alternates	# Reg. Comm. Present	# Alt. Present	# Total Comm.
11/14	4	13	24	7	31
1/15	3	13	21	9	30
3/15	5	13	19	7	26
5/15	2	14	19	7	26
7/15	3	14	21	8	29
9/15	3	14	16	8	24
11/15	3	13	18	7	25
1/16	5	14	22	8	30
3/16	5	12	15	5	20

Source: Commission attendance roster from the minutes.

Observations:

- At no point has the number attending been as high as shown in the Report.
- About half of the positions have alternates.
- About half of the alternates usually attend.

The Committee voted to continue the practice of having alternates. It observed that some alternates are as active, or are more active than the regular commissioner. Also, by having alternates attend meetings the alternate is in a position to assume the regular voting position when required. Alternates also assist in achieving a quorum if the appointed commissioner is not present. It was noted, however, that given the smaller meeting room in the new location, alternates may need to sit in the audience.

## Commission Purpose

The Report states: “The Library Commission...provides community level support and advocacy for Library services.” It is proposed that this become “Purpose F.”

## Technical Revisions

Duties have been grouped under five topics as shown below.

### IV. DUTIES

The Commission shall perform the following advisory functions:

#### A. Planning

1. Participate in short and long range planning activities for libraries.
2. Monitor progress made in achieving goals set forth in plans adopted by the Board. Report and make recommendations to the Board and the County Librarian in this regard.

#### B. Policy Review

1. Assist in the development of policies that the Commission and the County Librarian determine will improve the operations of, and services available, through the County Library.
2. Discuss and make recommendations on major policy issues.

#### C. Finance

1. If the Commission has concerns or questions regarding the library budget, the Commission may make recommendations to the Board and the County Librarian.
2. Advocate and recommend the funding necessary to provide each level of service (e.g. hours of operation, check-out laptops, or other resources) proposed by the Commission, the Board, or the County Librarian, as the case may be.
3. Explore alternative methods of establishing stable and adequate funding for each level of service. Report the Commission's findings, along with any related recommendations, to the Board or County Librarian.

#### D. Community Outreach

1. Hold meetings that encourage the expression of community views on matters related to the County Library.
2. Participate in community activities supporting the library, such as friends of the library and library foundations, or city/town library advisory groups.
3. Provide community feedback to the County Librarian and Board of Supervisors.

#### E. Other

1. Oversee the actions of committees of the Commission.
2. Submit reports to the Board and County Librarian when the Commission deems such reports to be timely and appropriate.
3. Performs other tasks and assignments that are referred to the Commission by the Board or County Librarian.

Note: The Library Commission is specifically prohibited from undertaking any inquiry or investigation into the (i) personnel policies and practices, and (ii) day-to-day administrative operations of the County Library.

#### Agenda Packets

- Current bylaws state that Commission packets are to be mailed. This will change to: "Commission packets will be provided electronically unless otherwise requested."

#### Elections

- Whenever the chair and/or vice chair position becomes vacant, an election to fill the vacancy shall occur at the next regularly scheduled commission meeting.

#### Streamline Minutes

- The minutes will become shorter with the elimination of the Commission Bookshelf.
- Presently each time a commissioner is named in the minutes, the entity they represent is repeated. Since their entity represented is shown in the roster section, the entity does not need to be repeated throughout the minutes
- Minutes can use bullet points

#### Commissioner Communications with Staff

- It is recognized staff time is limited. So as to help staff be as efficient as possible, communications for information shall be routed through the chair or a committee chair to the county librarian or designated staff.

#### Commission Work Plan and Annual Report

- This document will be aligned with the Commission's Purpose and Duties.

#### Reinstatement

- During the Triennial Review of the Library Commission, when the term is extended, it is said to be "Reinstated." The word "Reinstated" sounds as though the term has lapsed. It is proposed the word be changed to "Reauthorized."



## **CONCLUSION**

The Contra Costa County Library Commission is the only entity in the county whose sole purpose is to advise, advocate and support the County Librarian and the Board of Supervisors to provide library services.

Adoption of the above revisions will facilitate a strong Commission and improve its ability to fulfill its Purposes and Duties.

Note: This report including all revisions was approved by the Library Commission at its meeting of November 17, 2016.

*“NEVER TAKE YOUR LIBRARY FOR GRANTED” (anonymous)*

Report prepared by Alan B. Smith, with valuable assistance from Kathy Gilcrest and Peter Wilson.



Contra  
Costa  
County

To: Board of Supervisors  
From: Sharon L. Anderson, County Counsel  
Date: December 13, 2016

Subject: Conflict of Interest Code for the West County Wastewater District

---

**RECOMMENDATION(S):**

APPROVE amended Conflict of Interest Code for the West County Wastewater District ("District"), including the list of designated positions.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The District has amended its Conflict of Interest Code and submitted the revised code, attached as Exhibit A, to the Board for approval pursuant to Government Code section 87306 and 87306.5.

The changes include the addition and elimination of positions designated to file conflict of interest statements. These changes will ensure that the Conflict of Interest Code accurately reflects the current positions and organizational structure in use by the District. A strike-out version of the Conflict of Interest Code is attached as Exhibit B.

**CONSEQUENCE OF NEGATIVE ACTION:**

None.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 12/13/2016 ☒ 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: December 13, 2016

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

Contact: Cynthia Schwerin, Deputy County Counsel, (925) 335-1800

By: Stephanie Mello, Deputy

## ATTACHMENTS

Ex. A - WCWD COI Code

Ex. B - WCWD COI Code

STRIKEOUT

**RESOLUTION OF THE BOARD OF DIRECTORS OF WEST COUNTY  
WASTEWATER DISTRICT, COUNTY OF CONTRA COSTA, CALIFORNIA**

**RESOLUTION NO. 16-072**

**ADOPTING AMENDED CONFLICT OF INTEREST CODE**

WHEREAS, Government Code Section 87306.5 requires that in each even-numbered year local agencies having Conflict of Interest Codes approved by the County Board of Supervisors are required to review codes for updating; and

WHEREAS, the District's Conflict of Interest Code has been updated as required and is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the West County Wastewater District, Contra Costa County, California hereby approves and adopts the amended Conflict of Interest Code attached to this Resolution.

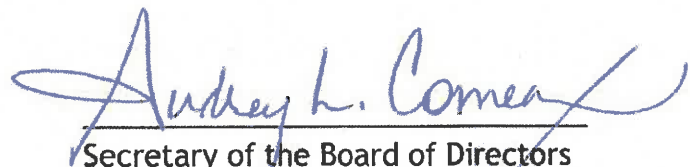
\*

\*

\*

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted by the Board of Directors of the West County Wastewater District, Contra Costa County, California, at a regular meeting thereof held on the 16<sup>th</sup> day of November, 2016, by the following vote:

AYES:           Granzella, Toler, Caine, Comeaux, McNeil  
NOES:           None  
ABSENT:       None



Secretary of the Board of Directors  
West County Wastewater District  
Contra Costa County, California

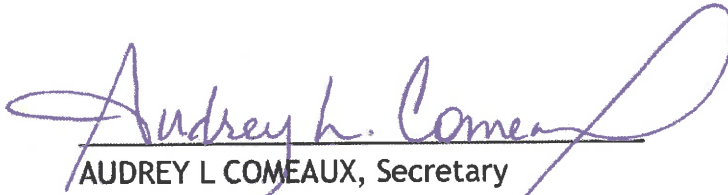
CONFLICT OF INTEREST CODE  
OF THE  
WEST COUNTY WASTEWATER DISTRICT  
OF CONTRA COSTA COUNTY

The agency designated above hereby submits the following Conflict of Interest Code to the code reviewing body, Contra Costa County Board of Supervisors, for approval.

Dated: November 16, 2016



LEONARD L. MCNEIL, President  
West County Wastewater District



AUDREY L. COMEAUX, Secretary  
West County Wastewater District

Received on behalf of the code reviewing body, Contra Costa County Board of Supervisors:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Board of Supervisors  
County of Contra Costa

The following Conflict of Interest Code, having been submitted by the agency designated above, was approved by order of the code reviewing body on

\_\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_

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

### Positions <sup>1</sup>

- 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
Capital Projects Manager	2
Engineer I/II/III	3
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
Administration Supervisor	2
Consultants* <sup>2</sup>	

\*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 agency designated above hereby submits the following Conflict of Interest Code to the code reviewing body, Contra Costa County Board of Supervisors, for approval.

Dated: November 16, 2016

---

LEONARD L. MCNEIL, President  
West County Wastewater District

---

AUDREY L. COMEAUX, Secretary  
West County Wastewater District

Received on behalf of the code reviewing body, Contra Costa County Board of Supervisors:

Dated: \_\_\_\_\_

---

Clerk of the Board of Supervisors  
County of Contra Costa

The following Conflict of Interest Code, having been submitted by the agency designated above, was approved by order of the code reviewing body on

\_\_\_\_\_.

\_\_\_\_\_

| \_\_\_\_\_

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

### Positions <sup>1</sup>

### Disclosure Categories

• Directors	Section 87200
• General Manager	Section 87200
• District Counsel (Board Attorney)	Section 87200
• Business Services Manager	Section 87200

### Designated Employees

Engineering Services Manager	2 and 3
Senior Engineer	3
Associate Engineer	3
District Inspector	1 and 2
Capital Projects Manager	2
Engineer I/II/III	3
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 Administration Supervisor

2

Consultants<sup>\*2</sup>

\*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.

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Contra  
Costa  
County

To: Board of Supervisors  
From: Russell Watts, Treasurer-Tax Collector  
Date: December 13, 2016

Subject: Treasurer's Quarterly Investment Report as of September 30, 2016

---

**RECOMMENDATION(S):**

ACCEPT the Treasurer's Quarterly Investment Report ("the 'Report'") as of September 30, 2016, as recommended by the County Treasurer-Tax Collector.

**FISCAL IMPACT:**

None

**BACKGROUND:**

Government Code Section 53646 requires the County Treasurer to prepare quarterly reports to the Board of Supervisors describing County investments including type, par value, cost, and market value. Attached please find the report covering the period July 1, 2016 through September 30, 2016.

As of September 30, 2016, the par value, cost, and market value of Contra Costa County Investment Pool were \$2,665,942,010.76, \$2,664,640,891.92, and \$2,670,163,410.27, respectively. The weighted yield to maturity was 0.90% and the weighted average days to maturity were 248 days.

As of September 30, 2016, The Treasurer's investment portfolio was in compliance with Government Code 53600 et. seq. and with the Treasurer's current investment policy. Historical activities combined with future cash flow projections indicate that the County has sufficient liquidity to meet its obligations for the next six months. However, the State's deferral policies and budget deficit could have a significant impact on the County's cash flow for the next six months.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016**

☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Ronda Boler, (925)  
957-2806

cc:





Contra  
Costa  
County

To: Board of Supervisors  
From: Russell Watts, Treasurer-Tax Collector  
Date: December 13, 2016

Subject: Delegation of Investment Authority to the County Treasurer for Calendar Year 2017

---

**RECOMMENDATION(S):**

APPROVE the delegation of authority to the County Treasurer for investing and reinvesting County funds and the funds of other depositors in the County treasury, or to sell or exchange securities so purchased, pursuant to section 53607 of the State Government Code.

**FISCAL IMPACT:**

The County Treasurer manages and invests the funds of all County agencies, 21 Special Districts, 19 School Districts and one Community College District. Centralizing this function creates a dedicated staff of investment professionals and creates greater efficiency, economies of scale and greater investment power.

**BACKGROUND:**

State law provides that the Board of Supervisors may delegate to the County Treasurer the authority "to invest or to reinvest funds of a local agency, or to sell or exchange securities so purchased" for a one year period. It is recommended that this delegation be renewed through the calendar year 2017.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Ronda Boler, 957-2806

cc:

CONSEQUENCE OF NEGATIVE ACTION:

If the Delegation of Authority is not approved, each of the County Agencies, 21 Special Districts, 19 School Districts and one Community College District would have to manage their own funds. This would be less cost efficient for all entities.





Contra  
Costa  
County

To: Board of Supervisors  
From: Joseph E. Canciamilla, Clerk-Recorder  
Date: December 13, 2016

Subject: Declare Candidates "Appointed-in-Lieu of Election" or "Appointed"

---

**RECOMMENDATION(S):**

DECLARE the candidates, listed on the attached reports, "Appointed-in-Lieu of Election" or "Appointed" at the November 8, 2016 Presidential General Election.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

Elections Code 10515 requires that candidates who file for an office for which the number of candidates is equal to or less than the number required to be elected, be "Appointed-in-Lieu of Election" by the Board of Supervisors as if they were elected. Candidates that are recommended by the respective Districts, are "Appointed" by the Board when there are an insufficient number of candidates to fill the number of vacancies for the election.

**CONSEQUENCE OF NEGATIVE ACTION:**

These candidates will not be sworn in as provided by law.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Rosa Mena, 925.335.7806

cc:

## ATTACHMENTS

District

Recommendations

Appointments in Lieu

## RECOMMENDATIONS BY DISTRICTS FOR INSUFFICIENT NOMINEES

If by 5:00 pm on the 83<sup>rd</sup> day before the election, there are fewer candidates than vacancies, it is necessary to request recommendations from the district. The districts below provided the following names:

### **CASTLE ROCK COUNTY WATER DISTRICT**

#### FULL TERM

J. Fred Allen  
Robert L. Deinhammer  
Matthew K. Smith

### **GREEN VALLEY REC. AND PARK DISTRICT**

#### FULL TERM

Adam Glimme  
Gina Glimme

#### SHORT TERM

Ryan Langdon  
Mark Epes  
Jill Watson

### **KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT**

#### FULL TERM

Greg Williams  
Kim Carone

#### SHORT TERM

Vacant

### **RODEO SANITARY DISTRICT**

#### SHORT TERM

Terry Tigh

### **ROLLINGWOOD-WILART PARK RECREATION**

#### FULL TERM (2)

No Recommendations



## Winning Candidates By Contest

### Presidential General Election - 11/8/2016

#### All Contests

#### Appointed Winners Only

Winning Candidate	Party	Election Results	Email Address
<b>3206 Co Co Cmtv College Gov Bd, Ward 2</b>			
VICKI GORDON		Appointed Winner	vcgordon@hotmail.com
<b>3356 San Ramon Vlv Unif Sch Gov Bd</b>			
GREG MARVEL		Appointed Winner	gmarver@pacbell.net
MARK ALLAN JEWETT		Appointed Winner	jewett4SRVUSD@yahoo.com
<b>3376 Livermore Vlv Jt Unif Gov Bd</b>			
CHARLES "CHUCK" ROGGE		Appointed Winner	
CHRIS WENZEL		Appointed Winner	
<b>3406 Acalanes Union High Sch Gov Bd</b>			
KATHLEEN R. COPPERSMITH (KATHY)		Appointed Winner	KCoppersmith@acalan.es.k12.ca.us
CRAIG CHESLOG		Appointed Winner	craig@cheslog.com
<b>3506 Brentwood Union Sch Gov Bd</b>			
CARLOS P. SANABRIA		Appointed Winner	xipecps@pacbell.net
JAMES CUSHING		Appointed Winner	forleasing@gmail.com
<b>3526 Canyon Elementary Sch Gov Bd</b>			
KAYA SEQUOIA WESTLING		Appointed Winner	kswestling@gmail.com
BRIAN M COYLE		Appointed Winner	brmcoyl@gmail.com
<b>3552 Moraqa School District Governing Board Member.</b>			
JIM OBSITNIK		Appointed Winner	jobsitnik@gmail.com
<b>3581 Walnut Creek Sch Gov Bd</b>			
ELIZABETH STEWART BETTIS		Appointed Winner	LIZBETTIS@ME.COM
CATHERINE MCELROY PEÑA		Appointed Winner	katie.pena1@gmail.com
<b>5406 Town of Danville Member, Town Council</b>			
RENEÉ S. MORGAN		Appointed Winner	
NEWELL ARNERICH		Appointed Winner	arnerichforcouncil@gmail.com
LISA BLACKWELL		Appointed Winner	lsblackwell@aol.com
<b>6202 City of Pinole Member, City of Pinole S</b>			
MAUREEN TOMS		Appointed Winner	maureen.toms@comcast.net
<b>6206 City of Pinole Member, City Council</b>			
ROY V. SWEARINGEN		Appointed Winner	soloroy@comcast.net
PETER MURRAY		Appointed Winner	pjmpinole@aol.com
<b>7002 Crockett Community Servi Director - Short Term</b>			
ALICIA L. JOHNSON		Appointed Winner	pomonastreetproperty@gmail.com
<b>7006 Crockett Community Svcs Director</b>			
LUIGI A. BARASSI		Appointed Winner	luigi@barassi.net
KENT PETERSON		Appointed Winner	kent2peterson@gmail.com
<b>7032 Dublin San Ramon Service Director - Short Term</b>			
DWIGHT L. "PAT" HOWARD		Appointed Winner	dwright.howard@comcast.net
<b>7036 Dublin-San Ramon Svcs Director</b>			

Winning Candidate	Party	Election Results	Email Address
<b>7036 Dublin-San Ramon Svcs Director</b>			
EDWARD (ED) DUARTE		Appointed Winner	eduarte566@aol.com
RICH HALKET		Appointed Winner	
MADELYNE MISHELOFF		Appointed Winner	
<b>7102 Kensington Fire Protecti Director - Short Term</b>			
JOSEPH I. DEVILLE		Appointed Winner	coupedeville36@comcast.net
<b>7106 Kensington Fire Prot Director</b>			
LAURENCE NAGEL		Appointed Winner	lwn@att.net
DON DOMMER		Appointed Winner	don@dondommer.com
<b>7116 Moraqa-Orinda Fire Prot Director, Div 2</b>			
JOHN A. JEX		Appointed Winner	mjjex@yahoo.com
<b>7141 Rodeo-Hercules Fire Prot Director</b>			
MARC THORPE		Appointed Winner	
ANDREW VENTO GABRIEL		Appointed Winner	andrew.gabriel1020@gmail.com
<b>7151 San Ramon Vlv Fire Prot Director</b>			
SHAWN ROBERT STARK		Appointed Winner	shawnrstark@me.com
H. JAY KERR		Appointed Winner	hjaykerr@gmail.com
MATT STAMEY		Appointed Winner	stamey@pacbell.net
<b>7206 Los Medanos Cmtv HC Director</b>			
J. VERN CROMARTIE		Appointed Winner	j_vern_cromartie@yahoo.com
EMMANUEL OGUNLEYE		Appointed Winner	law@disabilityfiles.com
<b>7226 West Co Co HC Director</b>			
DEBORAH CAMPBELL		Appointed Winner	
<b>7511 East Bay Reg Park Director, Ward 1</b>			
WHITNEY DOTSON		Appointed Winner	
<b>7546 Pleasant Hill Rec &amp; Park Director</b>			
ANDREW PIERCE		Appointed Winner	andrewdevonpierce@gmail.com
JENNIFER ORTEGA		Appointed Winner	jortega.ph@gmail.com
<b>7602 Bvron Sanitary Dist. Director - Short Term</b>			
DANIEL LEE KELLEY		Appointed Winner	kdaniel14@hotmail.com
<b>7606 Bvron Sanitary Director</b>			
RANDY KNAUS		Appointed Winner	randy.knaus@whitinig-turner.com
BRIAN NERI		Appointed Winner	brianneri@comcast.net
MICHAEL ALAN NISEN		Appointed Winner	m-dnisen@comcast.net
<b>7626 Ironhouse Sanitary Director</b>			
DOUG SCHEER		Appointed Winner	doug.scheer@secv.com
DAWN MORROW		Appointed Winner	dawnmorrow66@gmail.com
PETER W. ZIRKLE		Appointed Winner	petez94561@yahoo.com
<b>7636 Mt View Sanitary Director</b>			
ELMER J. SCHAAAL		Appointed Winner	bevandal@comcast.net
BRIAN DANLEY		Appointed Winner	director.danley@mvsd.org
DAVID P. MAGGI		Appointed Winner	maggifam5@sbcglobal.net
<b>7642 Rodeo Sanitary District Director - Short Term</b>			
ANGELA NOBLE		Appointed Winner	
<b>7656 Stege Sanitary Director</b>			

Winning Candidate	Party	Election Results	Email Address
<b>7656 Stege Sanitary Director</b>			
BEATRICE O'KEEFE		Appointed Winner	bea.okeefe15@gmail.com
PAUL GILBERT-SNYDER		Appointed Winner	twinpop@comcast.net
<b>7711 AC Transit Director, Ward 1</b>			
JOE LOUIS WALLACE		Appointed Winner	transithopeful@yahoo.com
<b>7806 Bvron-Bethany Irrigation Director, Div 2</b>			
MARK MAGGIORE		Appointed Winner	markmaggiore1@icloud.com
<b>7846 Co Co Water Director, Div 3</b>			
ERNIE AVILA		Appointed Winner	eavila4ccwd@gmail.com
<b>7856 Co Co Water Director, Div 5</b>			
CONNSTANCE HOLDAWAY		Appointed Winner	choldawaywaterdistrict@gmail.com
<b>7866 Diablo Water Director</b>			
EDWARD GARCIA		Appointed Winner	eztc2004@sbcglobal.net
JOHN H. DE FREMERY		Appointed Winner	
<b>7872 East Contra Costa Irriga Director, Div. 1 - Short</b>			
RONALD M. ENOS		Appointed Winner	
<b>7876 East Co Co Irrigation Director, Div 2</b>			
MARK DWELLEY		Appointed Winner	
<b>7881 East Co Co Irrigation Director, Div 3</b>			
GLENN STONEBARGER		Appointed Winner	
<b>7891 East Co Co Irrigation Director, Div 5</b>			
GEORGE S. NUNN JR		Appointed Winner	

Total Winners: 65



Contra  
Costa  
County

To: Board of Supervisors  
From: Joseph E. Canciamilla, Clerk-Recorder  
Date: December 13, 2016

Subject: ACCEPT RESULTS OF THE NOVEMBER 8, 2016 PRESIDENTIAL GENERAL ELECTION

---

**RECOMMENDATION(S):**

ACCEPT the results of offices and county measures of the November 8, 2016 Presidential General Election.

**FISCAL IMPACT:**

None

**BACKGROUND:**

Elections Code 15372 requires that the Elections Official prepare a Certified Statement of Results of the election and submit it to the Board of Supervisors to declare successful candidates "Elected" to the offices for which the candidates ran. A Certified Statement of Votes is attached to this Board Order.

**CONSEQUENCE OF NEGATIVE ACTION:**

Those "Elected" will not be sworn in as provided by law.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: Stephanie Mello, Deputy

Contact: Rosa Mena, 925.335.7806

cc:

## ATTACHMENTS

Measure X

Measure Y

16Nov08 CC

SOV



Administration  
925.335.7899  
925.335.7893 fax

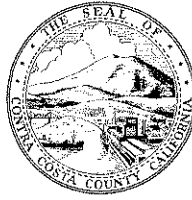
Elections Division  
925.335.7800  
925.335.7836 fax

**Contra Costa County**  
**Clerk-Recorder-Elections Department**

555 Escobar Street  
Martinez, CA 94553

Joseph E. Canciamilla  
County Clerk-Recorder  
and Registrar of Voters

Scott O. Konopasek  
Assistant County Registrar



December 6, 2016

David Twa, County Administrator  
Contra Costa County  
651 Pine Street, 10<sup>th</sup> Floor  
Martinez, CA 94553

Dear David Twa:

Enclosed are the following documents pertaining to the November 8, 2016 General Election in the Contra Costa Transportation Authority for Measure X:

Certificate of Results  
Statement of Votes  
Copy-Voter Information Pamphlet

The Statement of the Vote containing precinct-by-precinct results is also available on our website:  
[www.cocovote.us](http://www.cocovote.us).

If you have any questions, please contact me at (925) 335-7804.

Respectfully,  
JOSEPH E. CANCIAMILLA, County Clerk

A handwritten signature in black ink, appearing to read "Olga Hernandez".

Olga Hernandez  
Elections Services Specialist

Enclosures

CERTIFICATE OF COUNTY CLERK AS TO THE RESULTS OF THE CANVASS OF THE  
CONTRA COSTA TRANSPORTATION AUTHORITY  
MEASURE X

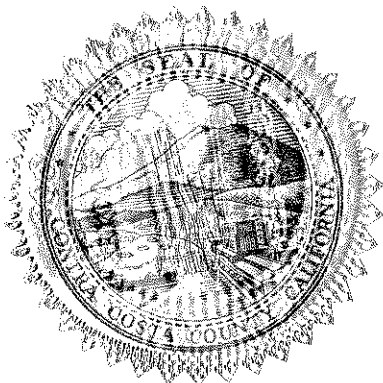
NOVEMBER 8, 2016 GENERAL ELECTION

State of California                    )  
  )  
County of Contra Costa            )       ss.

I, JOSEPH E. CANCIAMILLA, County Clerk of Contra Costa County, State of California, do hereby certify that I did canvass the returns of the votes cast at the November 8, 2016, **Contra Costa Transportation Authority, Measure X**, Election. I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in said County, and the whole number of votes cast for and against the measure in said County and in each respective precinct therein, and that the totals of the respective columns and the totals as shown for and against the measure are full, true and correct.

WITNESS my hand and official seal this 6th day of December, 2016.

JOSEPH E. CANCIAMILLA, County Clerk



By Rosa Mena  
Rosa Mena, Deputy Clerk

Administration  
925.335.7899  
925.335.7893 fax

Elections Division  
925.335.7800  
925.335.7836 fax

**Contra Costa County**  
**Clerk-Recorder-Elections Department**

555 Escobar Street  
Martinez, CA 94553

Joseph E. Canclamilla  
County Clerk-Recorder  
and Registrar of Voters

Scott O. Konopasek  
Assistant County Registrar



December 6, 2016

David Twa, County Administrator  
Contra Costa County  
651 Pine Street, 10<sup>th</sup> Floor  
Martinez, CA 94553

Dear David Twa:

Enclosed are the following documents pertaining to the November 8, 2016 General Election in the County Service Area R-7A for Measure Y:

Certificate of Results  
Statement of Votes  
Copy-Voter Information Pamphlet

The Statement of the Vote containing precinct-by-precinct results is also available on our website: [www.cocovote.us](http://www.cocovote.us).

If you have any questions, please contact me at (925) 335-7804.

Respectfully,  
JOSEPH E. CANCIAMILLA, County Clerk

A handwritten signature in black ink, appearing to read "Olga Hernandez", is written over the printed name.

Olga Hernandez  
Elections Services Specialist

Enclosures

CERTIFICATE OF COUNTY CLERK AS TO THE RESULTS OF THE CANVASS OF THE  
COUNTY SERVICE AREA R-74  
MEASURE Y

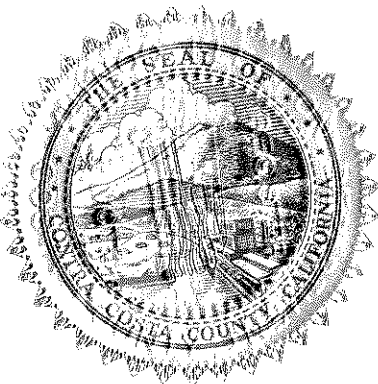
NOVEMBER 8, 2016 GENERAL ELECTION

State of California                    )  
  )  
County of Contra Costa            )       ss.

I, JOSEPH E. CANCIAMILLA, County Clerk of Contra Costa County, State of California, do hereby certify that I did canvass the returns of the votes cast at the November 8, 2016, **County Service Area R-74, Measure Y**, Election. I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in said County, and the whole number of votes cast for and against the measure in said County and in each respective precinct therein, and that the totals of the respective columns and the totals as shown for and against the measure are full, true and correct.

WITNESS my hand and official seal this 6th day of December, 2016.

JOSEPH E. CANCIAMILLA, County Clerk

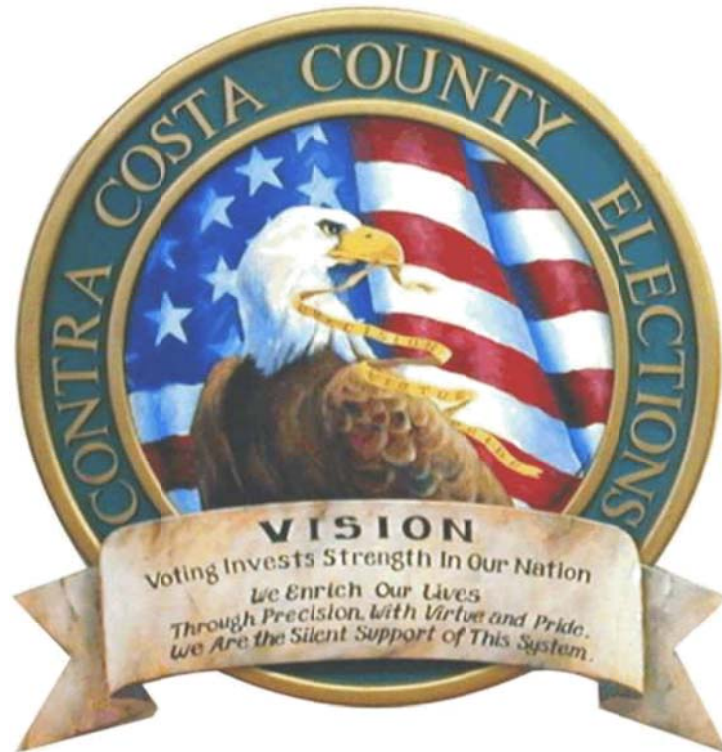


By Rosa Mena  
Rosa Mena, Deputy Clerk

# STATEMENT OF VOTES CAST

## Presidential General Election

November 8, 2016



JOSEPH E. CANCIAMILLA, COUNTY CLERK-RECORDER-REGISTRAR  
CONTRA COSTA COUNTY, CALIFORNIA



**CERTIFICATION OF COUNTY CLERK / REGISTRAR OF  
VOTERS TO THE RESULTS OF THE CANVASS OF THE  
NOVEMBER 8, 2016 PRESIDENTIAL GENERAL ELECTION**

STATE OF CALIFORNIA

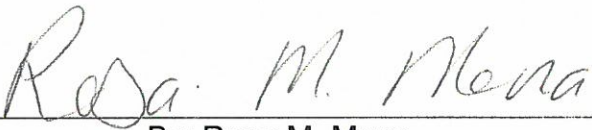
COUNTY OF CONTRA COSTA

} ss.

I, **JOSEPH E. CANCIAMILLA**, County Clerk/Registrar of Voters of said county, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the Presidential General Election held in said County on November 8, 2016, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast to which this certificate is attached, is full, true and correct.

I hereby set my hand and official seal this 6th day of December 2016, at the  
County of Contra Costa.



  
By: Rosa M. Mena  
Elections Processing Supervisor

County of Contra Costa  
State of California

**HELP AMERICA VOTE ACT OF 2002**  
**CERTIFICATION OF ELECTIONS OFFICIAL**

STATE OF CALIFORNIA

COUNTY OF Contra Costa

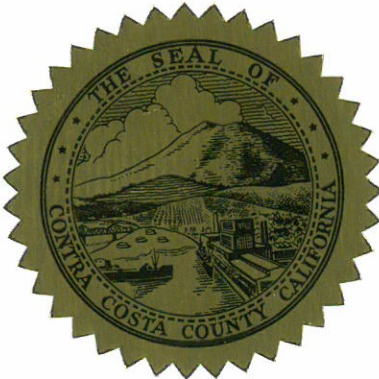
} ss.

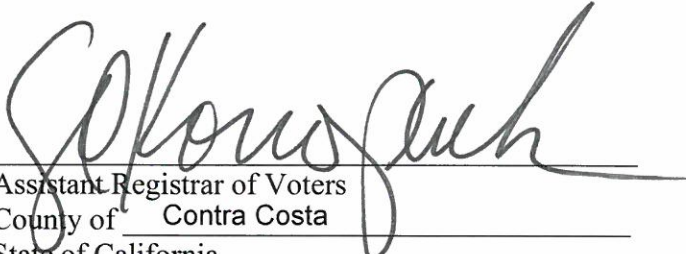
I, Scott Konopasek, Assistant Registrar of Voters for

the County of Contra Costa, State of California, hereby certify  
that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of  
Regulations for the Federal election held on the 8<sup>th</sup> day of November 2016, in the  
County of Contra Costa, State of California, and all elections consolidated  
therewith.

I hereby set my hand and official seal this 6th day of December

2016 at the County of Contra Costa.



  
Assistant Registrar of Voters  
County of Contra Costa  
State of California

RUN DATE:12/06/16 08:37 AM

REPORT-EL45A PAGE 001

	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
PRECINCTS COUNTED (OF 656) . . . . .	656	100.00		
REGISTERED VOTERS - TOTAL . . . . .	607,515			
BALLOTS CAST - TOTAL . . . . .	481,355		172,036	309,319
VOTER TURNOUT - TOTAL . . . . .		79.23		
President and Vice President				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
JILL STEIN (GRN) . . . . .	8,637	1.83	3,361	5,276
HILLARY CLINTON (DEM) . . . . .	319,287	67.50	113,667	205,620
GLORIA ESTELA LA RIVA (PFR) . . . . .	1,566	.33	572	994
DONALD J. TRUMP (RAI) . . . . .	115,956	24.51	42,497	73,459
GARY JOHNSON (LIB) . . . . .	16,123	3.41	5,431	10,692
WRITE-IN. . . . .	11,445	2.42	3,592	7,853
Total . . . . .	473,014		169,120	303,894
United States Senator				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
LORETTA L. SANCHEZ (DEM) . . . . .	124,731	30.62	48,372	76,359
KAMALA D. HARRIS (DEM) . . . . .	282,587	69.38	95,377	187,210
Total . . . . .	407,318		143,749	263,569
US Representative 5th District				
Vote for 1				
(WITH 62 OF 62 PRECINCTS COUNTED)				
CARLOS SANTAMARIA (REP). . . . .	8,552	23.18	3,275	5,277
MIKE THOMPSON (DEM) . . . . .	28,349	76.82	10,533	17,816
Total . . . . .	36,901		13,808	23,093
US Representative 9th District				
Vote for 1				
(WITH 107 OF 107 PRECINCTS COUNTED)				
ANTONIO C. "TONY" AMADOR (REP) . . . . .	28,629	39.49	10,404	18,225
JERRY MCNERNEY (DEM). . . . .	43,867	60.51	15,894	27,973
Total . . . . .	72,496		26,298	46,198
US Representative 11th District				
Vote for 1				
(WITH 449 OF 449 PRECINCTS COUNTED)				
MARK DESAULNIER (DEM) . . . . .	214,868	72.05	73,062	141,806
ROGER ALLEN PETERSEN (REP). . . . .	83,341	27.95	28,884	54,457
Total . . . . .	298,209		101,946	196,263
US Representative 15th District				
Vote for 1				
(WITH 38 OF 38 PRECINCTS COUNTED)				
ERIC SWALWELL (DEM) . . . . .	21,572	67.88	6,904	14,668
DANNY R. TURNER (REP) . . . . .	10,206	32.12	3,639	6,567
Total . . . . .	31,778		10,543	21,235



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TOTAL VOTES % ELECTION DAY VOTE BY MAIL

## State Senate 3rd District

Vote for 1

(WITH 62 OF 62 PRECINCTS COUNTED)

BILL DODD (DEM)	22,028	64.45	7,721	14,307
MARIKO YAMADA (DEM)	12,153	35.55	4,412	7,741
Total	34,181		12,133	22,048

## State Senate 7th District

Vote for 1

(WITH 459 OF 459 PRECINCTS COUNTED)

JOSEPH ALEXANDER RUBAY (REP)	102,131	32.55	36,218	65,913
STEVE GLAZER (DEM)	211,679	67.45	70,870	140,809
Total	313,810		107,088	206,722

## State Senate 9th District

Vote for 1

(WITH 135 OF 135 PRECINCTS COUNTED)

NANCY SKINNER (DEM)	58,146	67.80	21,503	36,643
SANDRE R. SWANSON (DEM)	27,613	32.20	11,028	16,585
Total	85,759		32,531	53,228

## State Assembly 11th District

Vote for 1

(WITH 127 OF 127 PRECINCTS COUNTED)

DAVE MILLER (REP)	28,898	34.26	10,665	18,233
JIM FRAZIER (DEM)	55,455	65.74	20,388	35,067
Total	84,353		31,053	53,300

## State Assembly 14th District

Vote for 1

(WITH 222 OF 222 PRECINCTS COUNTED)

MAE CENDANA TORLAKSON (DEM)	46,051	38.32	16,197	29,854
TIM GRAYSON (DEM)	74,110	61.68	28,111	45,999
Total	120,161		44,308	75,853

## State Assembly 15th District

Vote for 1

(WITH 125 OF 125 PRECINCTS COUNTED)

CLAIRE CHIARA (REP)	11,657	13.72	4,336	7,321
TONY THURMOND (DEM)	73,313	86.28	27,429	45,884
Total	84,970		31,765	53,205

## State Assembly 16th District

Vote for 1

(WITH 182 OF 182 PRECINCTS COUNTED)

CHERYL COOK-KALLIO (DEM)	61,717	44.22	18,019	43,698
CATHARINE BAKER (REP)	77,858	55.78	23,929	53,929
Total	139,575		41,948	97,627

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TOTAL VOTES % ELECTION DAY VOTE BY MAIL

Contra Costa County BOE  
Governing Board, Area 1  
Vote for 1

(WITH 107 OF 107 PRECINCTS COUNTED)

FATIMA S ALLEYNE . . . . .	29,291	46.15	11,353	17,938
ELAINE R MERRIWEATHER . . . . .	16,496	25.99	6,864	9,632
PAM MIRABELLA . . . . .	17,445	27.49	5,565	11,880
WRITE-IN. . . . .	231	.36	79	152
Total . . . . .	63,463		23,861	39,602

Contra Costa County BOE  
Governing Board, Area 3  
Vote for 1

(WITH 133 OF 133 PRECINCTS COUNTED)

LEON RAYMOND SLOAN . . . . .	22,827	32.62	8,416	14,411
VIKKI JANEEN CHAVEZ . . . . .	23,466	33.54	9,113	14,353
DANIEL A. GOMES . . . . .	23,206	33.16	8,324	14,882
WRITE-IN. . . . .	473	.68	178	295
Total . . . . .	69,972		26,031	43,941

Contra Costa Comm Coll District  
Governing Board, Ward 5  
Vote for 1

(WITH 115 OF 115 PRECINCTS COUNTED)

FERNANDO SANDOVAL. . . . .	24,580	39.75	10,581	13,999
GREG ENHOLM. . . . .	36,986	59.82	13,628	23,358
WRITE-IN. . . . .	265	.43	97	168
Total . . . . .	61,831		24,306	37,525

Chabot-Las Positas Comm Coll District  
Governing Board, Area 7  
Vote for 1

(WITH 5 OF 5 PRECINCTS COUNTED)

EDRALIN "ED" J MADULI . . . . .	419	64.86	124	295
WILLIAM MACEDO. . . . .	226	34.98	69	157
WRITE-IN. . . . .	1	.15	0	1
Total . . . . .	646		193	453

Antioch Unified School District  
Governing Board  
Vote for 3

(WITH 57 OF 57 PRECINCTS COUNTED)

CRYSTAL SAWYER-WHITE. . . . .	13,834	20.47	5,289	8,545
FERNANDO C. NAVARRO . . . . .	8,501	12.58	3,133	5,368
GARY HACK . . . . .	11,151	16.50	3,984	7,167
DIANE GIBSON-GRAY. . . . .	12,080	17.87	4,296	7,784
ALONZO TONY TERRY. . . . .	4,935	7.30	1,630	3,305
JOY MOTTS . . . . .	10,281	15.21	3,524	6,757
MIKE BURKHOLDER . . . . .	6,588	9.75	2,084	4,504
WRITE-IN. . . . .	216	.32	74	142
Total . . . . .	67,586		24,014	43,572

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TOTAL VOTES      %      ELECTION DAY      VOTE BY MAIL

John Swett Unified School District  
Governing Board

Vote for 3

(WITH 11 OF 11 PRECINCTS COUNTED)

BARBARA VARGEN-KOTCHEVAR . . . . .	1,722	18.60	640	1,082
SHANE REINHART. . . . .	2,528	27.31	855	1,673
MARINA RAMOS . . . . .	2,627	28.38	998	1,629
MICHAEL JOSEPH HOESLY . . . . .	670	7.24	231	439
JERROLD "JERRY" PARSONS. . . . .	1,626	17.57	535	1,091
WRITE-IN. . . . .	84	.91	29	55
Total . . . . .	9,257		3,288	5,969

Martinez Unified School District  
Governing Board

Vote for 3

(WITH 32 OF 32 PRECINCTS COUNTED)

JONATHAN T. WRIGHT . . . . .	5,893	26.16	1,929	3,964
EVELYN CENTENO. . . . .	5,309	23.57	1,666	3,643
JOHN L. FULLER. . . . .	5,684	25.23	1,806	3,878
KATHI MCLAUGHLIN . . . . .	5,510	24.46	1,695	3,815
WRITE-IN. . . . .	131	.58	43	88
Total . . . . .	22,527		7,139	15,388

Mt. Diablo Unified School District  
Governing Board

Vote for 2

(WITH 159 OF 159 PRECINCTS COUNTED)

CHERISE MARIE KHAUND. . . . .	33,660	25.08	11,184	22,476
JOANNE DURKEE . . . . .	41,128	30.64	14,184	26,944
HERBERT K. LEE. . . . .	22,735	16.94	8,329	14,406
BRIAN THOMAS LAWRENCE . . . . .	35,901	26.75	11,939	23,962
WRITE-IN. . . . .	809	.60	296	513
Total . . . . .	134,233		45,932	88,301

Pittsburg Unified School District  
Governing Board

Vote for 2

(WITH 28 OF 28 PRECINCTS COUNTED)

NETTIE ASIASI . . . . .	2,881	13.60	1,153	1,728
LAURA CANCIAMILLA. . . . .	10,220	48.26	4,014	6,206
GEORGE H. MILLER . . . . .	7,981	37.68	3,229	4,752
WRITE-IN. . . . .	97	.46	38	59
Total . . . . .	21,179		8,434	12,745

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TOTAL VOTES % ELECTION DAY VOTE BY MAIL

West Contra Costa Unified School District  
Governing Board  
Vote for 2

(WITH 125 OF 125 PRECINCTS COUNTED)

MIRIAM STEPHANIE SEQUEIRA . . . . .	19,777	15.98	7,512	12,265
MISTER PHILLIPS . . . . .	28,018	22.63	10,324	17,694
TOM PANAS . . . . .	22,990	18.57	7,905	15,085
DON GOSNEY . . . . .	8,468	6.84	2,807	5,661
AYANA K. YOUNG. . . . .	15,529	12.55	5,478	10,051
CARLOS TABOADA. . . . .	13,683	11.05	5,117	8,566
ANTONIO ALVAREZ MEDRANO. . . . .	14,954	12.08	5,195	9,759
WRITE-IN. . . . .	363	.29	144	219
Total . . . . .	123,782		44,482	79,300

Liberty Union High School District  
Governing Board  
Vote for 2

(WITH 73 OF 73 PRECINCTS COUNTED)

RAYMOND VALVERDE . . . . .	16,207	28.11	5,310	10,897
DARON SPEARS . . . . .	16,078	27.89	5,250	10,828
SPENCER SMITH . . . . .	8,525	14.79	2,943	5,582
YOLANDA C. PENA MENDREK. . . . .	16,609	28.81	5,056	11,553
WRITE-IN. . . . .	238	.41	75	163
Total . . . . .	57,657		18,634	39,023

Byron Union School District  
Governing Board  
Vote for 2

(WITH 12 OF 12 PRECINCTS COUNTED)

SUSAN E. VINYARD . . . . .	4,092	51.36	1,312	2,780
MARSHALL HARRIS . . . . .	1,422	17.85	425	997
DAVID W. TURNER . . . . .	2,397	30.09	710	1,687
WRITE-IN. . . . .	56	.70	11	45
Total . . . . .	7,967		2,458	5,509

Knightsen Elementary School District  
Governing Board  
Vote for 3

(WITH 5 OF 5 PRECINCTS COUNTED)

JANICE SMITH . . . . .	704	33.96	214	490
STEFANI PROVAN. . . . .	456	22.00	125	331
SHAWNDELL L. MCCALL . . . . .	329	15.87	100	229
THOMAS E BALDOCCHI JR . . . . .	576	27.79	166	410
WRITE-IN. . . . .	8	.39	3	5
Total . . . . .	2,073		608	1,465

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
<b>Lafayette School District</b>				
Governing Board				
Vote for 2				
(WITH 26 OF 26 PRECINCTS COUNTED)				
MARK KINDHOUSE. . . . .	8,882	40.49	2,428	6,454
CHARLES "ROBERT" STURM . . . . .	5,339	24.34	1,425	3,914
MEREDITH MEADE. . . . .	7,618	34.73	2,140	5,478
WRITE-IN. . . . .	95	.43	24	71
Total . . . . .	21,934		6,017	15,917
<b>Moraga School District</b>				
Governing Board				
Vote for 2				
(WITH 9 OF 9 PRECINCTS COUNTED)				
RICHARD SEVERY. . . . .	4,388	38.33	995	3,393
JOSEPH R ROSENBAUM . . . . .	4,014	35.07	931	3,083
DAVID HARRISON. . . . .	2,992	26.14	715	2,277
WRITE-IN. . . . .	53	.46	10	43
Total . . . . .	11,447		2,651	8,796
<b>Oakley Union Elementary School District</b>				
Governing Board				
Vote for 2				
(WITH 18 OF 18 PRECINCTS COUNTED)				
LAURENCE J. POLK . . . . .	4,200	25.56	1,503	2,697
LISA BRIZENDINE . . . . .	8,244	50.17	3,006	5,238
KAREN BERGENHOLTZ. . . . .	3,921	23.86	1,290	2,631
WRITE-IN. . . . .	66	.40	16	50
Total . . . . .	16,431		5,815	10,616
<b>Orinda Union School District</b>				
Governing Board				
Vote for 2				
(WITH 21 OF 21 PRECINCTS COUNTED)				
HILLARY WEINER. . . . .	6,343	38.46	1,551	4,792
CARA RUBINSTEIN HOXIE . . . . .	5,283	32.04	1,210	4,073
SARAH GENN BUTLER. . . . .	4,769	28.92	1,054	3,715
WRITE-IN. . . . .	96	.58	13	83
Total . . . . .	16,491		3,828	12,663
<b>3rd Supervisorial District</b>				
Vote for 1				
(WITH 129 OF 129 PRECINCTS COUNTED)				
DIANE BURGIS . . . . .	45,413	60.24	16,610	28,803
STEVE BARR . . . . .	29,783	39.50	10,266	19,517
WRITE-IN. . . . .	195	.26	54	141
Total . . . . .	75,391		26,930	48,461

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
5th Supervisorial District				
Vote for 1				
(WITH 130 OF 130 PRECINCTS COUNTED)				
FEDERAL GLOVER. . . . .	36,371	53.07	13,530	22,841
ANAMARIA AVILA FARIAS . . . . .	31,856	46.48	12,782	19,074
WRITE-IN. . . . .	311	.45	107	204
Total . . . . .	68,538		26,419	42,119

## City of Antioch

## Mayor

## Vote for 1

(WITH 49 OF 49 PRECINCTS COUNTED)				
LORI OGORCHOCK. . . . .	7,232	21.63	2,759	4,473
SEAN WRIGHT. . . . .	11,497	34.39	4,873	6,624
WADE HARPER. . . . .	11,433	34.19	4,374	7,059
GIL MURILLO. . . . .	3,186	9.53	1,317	1,869
WRITE-IN. . . . .	88	.26	38	50
Total . . . . .	33,436		13,361	20,075

## City of Antioch

## Member, City Council

## Vote for 2

(WITH 49 OF 49 PRECINCTS COUNTED)				
MONICA E WILSON . . . . .	11,655	23.62	4,143	7,512
KARL DIETZEL . . . . .	2,964	6.01	1,061	1,903
FREDERICK ROUSE . . . . .	2,754	5.58	920	1,834
MARY HELEN ROCHA . . . . .	10,318	20.91	3,796	6,522
LAMAR THORPE . . . . .	13,427	27.21	5,495	7,932
KEN TURNAGE II. . . . .	8,109	16.43	2,957	5,152
WRITE-IN. . . . .	119	.24	51	68
Total . . . . .	49,346		18,423	30,923

## City of Antioch

## City Clerk

## Vote for 1

(WITH 49 OF 49 PRECINCTS COUNTED)				
ARNE SIMONSEN . . . . .	26,417	98.54	10,232	16,185
WRITE-IN. . . . .	391	1.46	173	218
Total . . . . .	26,808		10,405	16,403

## City of Antioch

## City Treasurer

## Vote for 1

(WITH 49 OF 49 PRECINCTS COUNTED)				
DONNA CONLEY . . . . .	26,040	98.77	10,027	16,013
WRITE-IN. . . . .	325	1.23	139	186
Total . . . . .	26,365		10,166	16,199

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
City of Brentwood				
Mayor				
Vote for 1				
(WITH 30 OF 30 PRECINCTS COUNTED)				
ROBERT TAYLOR . . . . .	19,031	92.58	6,589	12,442
WRITE-IN. . . . .	1,526	7.42	504	1,022
Total . . . . .	20,557		7,093	13,464

City of Brentwood				
Member, City Council				
Vote for 2				
(WITH 30 OF 30 PRECINCTS COUNTED)				
MARK STOIBER . . . . .	4,064	12.19	1,328	2,736
CLAUDETTE STATON . . . . .	11,284	33.85	3,457	7,827
ROBERT (LEO) RODGERS. . . . .	1,791	5.37	666	1,125
KAREN RAREY. . . . .	9,466	28.40	2,985	6,481
JOHN D. FINK . . . . .	6,598	19.79	2,154	4,444
WRITE-IN. . . . .	130	.39	35	95
Total . . . . .	33,333		10,625	22,708

City of Clayton				
Member, City Council				
Vote for 3				
(WITH 7 OF 7 PRECINCTS COUNTED)				
JIM DIAZ. . . . .	3,861	29.31	1,294	2,567
JULIE PIERCE . . . . .	4,447	33.75	1,530	2,917
TUIJA CATALANO. . . . .	3,053	23.17	1,044	2,009
ALLEN LAMPO. . . . .	1,671	12.68	594	1,077
WRITE-IN. . . . .	143	1.09	45	98
Total . . . . .	13,175		4,507	8,668

City of Concord				
Member, City Council				
Vote for 2				
(WITH 66 OF 66 PRECINCTS COUNTED)				
CARLYN OBRINGER . . . . .	18,341	27.77	6,112	12,229
HARMESH KUMAR . . . . .	11,728	17.76	4,741	6,987
GLORIA CASILLAS . . . . .	4,214	6.38	1,586	2,628
EDUARDO G. MANUEL. . . . .	2,743	4.15	1,019	1,724
PABLO BENAVENTE . . . . .	5,072	7.68	1,908	3,164
ED BIRSAN . . . . .	13,984	21.17	4,984	9,000
HOPE JOHNSON . . . . .	9,691	14.67	3,514	6,177
WRITE-IN. . . . .	280	.42	98	182
Total . . . . .	66,053		23,962	42,091

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TOTAL VOTES      %      ELECTION DAY      VOTE BY MAIL

City of El Cerrito  
Member, City Council  
Vote for 3

(WITH 13 OF 13 PRECINCTS COUNTED)

PARKER J. SHIRAZI. . . . .	2,153	8.29	749	1,404
NICHOLAS ARZIO. . . . .	3,971	15.28	1,242	2,729
ROCHELLE PARDUE-OKIMOTO. . . . .	6,919	26.63	2,089	4,830
GREG LYMAN . . . . .	6,903	26.57	2,000	4,903
PAUL FADELLI . . . . .	5,921	22.79	1,830	4,091
WRITE-IN. . . . .	114	.44	37	77
Total . . . . .	25,981		7,947	18,034

City of Hercules  
Member, City Council  
Vote for 3

(WITH 13 OF 13 PRECINCTS COUNTED)

ALEXANDER BRANDON WALKER-GRIFFIN. . . . .	2,563	13.68	1,028	1,535
DAN ROMERO . . . . .	6,511	34.75	2,485	4,026
ROLAND ESQUIVIAS . . . . .	3,706	19.78	1,306	2,400
BRIAN CAMPBELL-MILLER . . . . .	2,814	15.02	983	1,831
GERARD BOULANGER . . . . .	3,026	16.15	967	2,059
WRITE-IN. . . . .	118	.63	38	80
Total . . . . .	18,738		6,807	11,931

City of Lafayette  
Member, City Council  
Vote for 3

(WITH 17 OF 17 PRECINCTS COUNTED)

MIKE ANDERSON . . . . .	8,261	34.12	2,165	6,096
MARK J. MITCHELL . . . . .	7,985	32.98	2,096	5,889
CAMERON (CAM) BURKS . . . . .	7,503	30.99	1,932	5,571
WRITE-IN. . . . .	465	1.92	143	322
Total . . . . .	24,214		6,336	17,878

Town of Moraga  
Member, Town Council  
Vote for 3

(WITH 8 OF 8 PRECINCTS COUNTED)

KYMBERLEIGH KORPUS . . . . .	4,371	24.84	974	3,397
ROGER WYKLE. . . . .	5,418	30.78	1,243	4,175
GRAIG CROSSLEY. . . . .	3,777	21.46	848	2,929
JEANETTE FRITZKY . . . . .	3,906	22.19	910	2,996
WRITE-IN. . . . .	128	.73	27	101
Total . . . . .	17,600		4,002	13,598



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TOTAL VOTES      %      ELECTION DAY      VOTE BY MAIL

City of Martinez  
Member, City Council  
Vote for 2

(WITH 27 OF 27 PRECINCTS COUNTED)

COURTNEY MASELLA-O'BRIEN . . . . .	5,773	22.38	1,909	3,864
JOHN STEVENS . . . . .	4,777	18.52	1,628	3,149
MARK ROSS . . . . .	7,742	30.01	2,581	5,161
NORALEA GIPNER. . . . .	7,401	28.69	2,577	4,824
WRITE-IN. . . . .	107	.41	30	77
Total . . . . .	25,800		8,725	17,075

City of Martinez  
City Clerk  
Vote for 1

(WITH 27 OF 27 PRECINCTS COUNTED)

R. GARY HERNANDEZ. . . . .	12,031	98.28	4,027	8,004
WRITE-IN. . . . .	210	1.72	86	124
Total . . . . .	12,241		4,113	8,128

City of Martinez  
City Treasurer  
Vote for 1

(WITH 27 OF 27 PRECINCTS COUNTED)

CAROLYN L. ROBINSON . . . . .	9,210	65.01	2,962	6,248
CHARLES MARTIN. . . . .	4,912	34.67	1,901	3,011
WRITE-IN. . . . .	44	.31	12	32
Total . . . . .	14,166		4,875	9,291

City of Oakley  
Member, City Council  
Vote for 3

(WITH 18 OF 18 PRECINCTS COUNTED)

BRUNO KORBMACHER . . . . .	2,633	9.72	952	1,681
PAUL S. SEGER . . . . .	3,294	12.16	1,256	2,038
MICHAEL DUPRAY. . . . .	3,091	11.41	1,006	2,085
STEPHEN DEMARCO . . . . .	2,326	8.59	759	1,567
KEVIN ROMICK . . . . .	3,935	14.53	1,295	2,640
DOUG HARDCASTLE . . . . .	4,708	17.38	1,595	3,113
RANDI JILL ADLER . . . . .	1,296	4.79	422	874
CLAIRE ALAURA . . . . .	3,441	12.71	1,158	2,283
DEZI PINA . . . . .	2,290	8.46	851	1,439
WRITE-IN. . . . .	68	.25	18	50
Total . . . . .	27,082		9,312	17,770

City of Orinda  
Member, City Council  
Vote for 2

(WITH 13 OF 13 PRECINCTS COUNTED)

LINDA DELEHUNT. . . . .	2,586	14.32	589	1,997
DARLENE K. GEE. . . . .	5,551	30.74	1,187	4,364
BRUCE R. LONDON . . . . .	3,717	20.58	900	2,817
INGA MILLER. . . . .	6,145	34.03	1,462	4,683
WRITE-IN. . . . .	61	.34	12	49
Total . . . . .	18,060		4,150	13,910

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
City of Pittsburg				
Member, City Council				
Vote for 2				
(WITH 33 OF 33 PRECINCTS COUNTED)				
JELANI KILLINGS . . . . .	7,274	26.56	3,111	4,163
MARK GARGALIKIS . . . . .	5,842	21.34	2,135	3,707
JUAN ANTONIO BANALES. . . . .	7,512	27.43	2,947	4,565
BEN JOHNSON. . . . .	6,666	24.34	2,359	4,307
WRITE-IN. . . . .	88	.32	33	55
Total . . . . .	27,382		10,585	16,797

City of Pleasant Hill				
Member, City Council				
Vote for 3				
(WITH 19 OF 19 PRECINCTS COUNTED)				
MATTHEW RINN . . . . .	6,214	21.03	2,124	4,090
KEN CARLSON. . . . .	9,173	31.05	3,048	6,125
JONATHON S. FEIT . . . . .	3,857	13.05	1,252	2,605
TIM FLAHERTY . . . . .	10,124	34.27	3,514	6,610
WRITE-IN. . . . .	178	.60	58	120
Total . . . . .	29,546		9,996	19,550

City of Pleasant Hill				
Treasurer				
Vote for 1				
(WITH 19 OF 19 PRECINCTS COUNTED)				
MARK W. CELIO . . . . .	9,340	98.69	3,194	6,146
WRITE-IN. . . . .	124	1.31	48	76
Total . . . . .	9,464		3,242	6,222

City of Richmond				
Member, City Council				
Vote for 3				
(WITH 53 OF 53 PRECINCTS COUNTED)				
MELVIN LEE WILLIS JR. . . . .	12,137	16.15	4,919	7,218
JIM ROGERS . . . . .	8,540	11.36	3,219	5,321
UCHE JUSTIN UWAHEMU . . . . .	5,225	6.95	2,014	3,211
VINAY PIMPLE . . . . .	6,074	8.08	1,854	4,220
CESAR ZEPEDA . . . . .	7,745	10.30	2,950	4,795
BEN CHOI. . . . .	10,490	13.95	3,900	6,590
JAEI MYRICK. . . . .	9,793	13.03	3,113	6,680
COURTLAND "CORKY" BOOZE. . . . .	6,494	8.64	2,584	3,910
NATHANIEL BATES . . . . .	8,495	11.30	3,056	5,439
WRITE-IN. . . . .	179	.24	77	102
Total . . . . .	75,172		27,686	47,486

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TOTAL VOTES % ELECTION DAY VOTE BY MAIL

City of San Pablo  
Member, City Council  
Vote for 3

(WITH 10 OF 10 PRECINCTS COUNTED)

RICH KINNEY. . . . .	3,353	29.21	1,239	2,114
CECILIA VALDEZ. . . . .	3,628	31.61	1,328	2,300
ARTURO CRUZ. . . . .	2,325	20.26	870	1,455
KATHY MEUY SENG CHAO ROTHBERG. . . . .	2,104	18.33	619	1,485
WRITE-IN. . . . .	68	.59	27	41
Total . . . . .	11,478		4,083	7,395

City of San Ramon  
Mayor

Vote for 1

(WITH 35 OF 35 PRECINCTS COUNTED)

BILL CLARKSON . . . . .	25,920	96.89	8,616	17,304
WRITE-IN. . . . .	831	3.11	304	527
Total . . . . .	26,751		8,920	17,831

City of San Ramon  
Member, City Council

Vote for 2

(WITH 35 OF 35 PRECINCTS COUNTED)

PHILIP O'LOANE. . . . .	16,175	36.11	4,622	11,553
SUSMITA NAYAK . . . . .	5,648	12.61	2,198	3,450
SCOTT PERKINS . . . . .	14,727	32.88	4,344	10,383
SABINA ZAFAR . . . . .	8,077	18.03	2,829	5,248
WRITE-IN. . . . .	169	.38	52	117
Total . . . . .	44,796		14,045	30,751

City of Walnut Creek  
Member, City Council

Vote for 3

(WITH 48 OF 48 PRECINCTS COUNTED)

JUSTIN WEDEL . . . . .	17,346	25.40	4,732	12,614
KEVIN WILK . . . . .	19,409	28.42	5,349	14,060
BOB SIMMONS. . . . .	13,785	20.18	3,607	10,178
LOELLA HASKEW . . . . .	17,278	25.30	4,380	12,898
WRITE-IN. . . . .	479	.70	139	340
Total . . . . .	68,297		18,207	50,090

Town of Discovery Bay Comm Serv District  
Director

Vote for 2

(WITH 8 OF 8 PRECINCTS COUNTED)

MARIANNE B. WIESEN . . . . .	1,766	19.39	564	1,202
MARK SIMON . . . . .	2,015	22.12	594	1,421
BILL PEASE . . . . .	3,178	34.88	998	2,180
BILL MAYER . . . . .	2,120	23.27	660	1,460
WRITE-IN. . . . .	31	.34	4	27
Total . . . . .	9,110		2,820	6,290

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
Kensington Police Protection Services District				
Director				
Vote for 2				
(WITH 4 OF 4 PRECINCTS COUNTED)				
DAVID P. SPATH. . . . .	1,093	17.99	340	753
EILEEN M. NOTTOLI. . . . .	2,073	34.12	659	1,414
SYLVIA HACAJ . . . . .	1,892	31.14	616	1,276
CHUCK TOOMBS . . . . .	918	15.11	301	617
SIMON BRAFMAN . . . . .	87	1.43	20	67
WRITE-IN. . . . .	12	.20	4	8
Total . . . . .	6,075		1,940	4,135

Moraga-Orinda Fire Protection District				
Director, Division 5				
Vote for 1				
(WITH 9 OF 9 PRECINCTS COUNTED)				
VICTORIA SMITH. . . . .	1,857	47.07	421	1,436
CRAIG JORGENS . . . . .	2,079	52.70	572	1,507
WRITE-IN. . . . .	9	.23	1	8
Total . . . . .	3,945		994	2,951

Bethel Island Municipal Improvement District				
Director				
Vote for 3				
(WITH 1 OF 1 PRECINCTS COUNTED)				
LISA KIRK . . . . .	384	25.38	154	230
TORENA B. QUINN . . . . .	204	13.48	77	127
ROBERT AMRINE JR.. . . . .	319	21.08	113	206
DEAN MORELAND . . . . .	209	13.81	89	120
ANTHONY JOSEPH BERZINAS. . . . .	274	18.11	98	176
WRITE-IN. . . . .	123	8.13	48	75
Total . . . . .	1,513		579	934

East Bay Municipal Utilities District				
Director, Ward 1				
Vote for 1				
(WITH 91 OF 91 PRECINCTS COUNTED)				
SARITA L. EVANS . . . . .	21,075	41.81	9,761	11,314
LESA R. MCINTOSH . . . . .	29,141	57.81	10,100	19,041
WRITE-IN. . . . .	195	.39	81	114
Total . . . . .	50,411		19,942	30,469

Ambrose Recreation & Park District				
Director				
Vote for 2				
(WITH 14 OF 14 PRECINCTS COUNTED)				
MARCIA LESSLEY. . . . .	1,366	17.68	510	856
STEVE HOAGLAND. . . . .	2,379	30.79	900	1,479
EVA GRACIELA GARCIA . . . . .	2,556	33.08	1,155	1,401
LEE MASON . . . . .	1,392	18.01	483	909
WRITE-IN. . . . .	34	.44	12	22
Total . . . . .	7,727		3,060	4,667

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
East Bay Regional Park District				
Director, Ward 2				
Vote for 1				
(WITH 59 OF 59 PRECINCTS COUNTED)				
DEE ROSARIO. . . . .	15,463	41.40	3,462	12,001
JOHN ROBERTS . . . . .	3,761	10.07	1,033	2,728
KENT L. FICKETT . . . . .	9,214	24.67	2,565	6,649
AUDREE V. JONES-TAYLOR . . . . .	8,816	23.61	2,141	6,675
WRITE-IN. . . . .	93	.25	22	71
Total . . . . .	37,347		9,223	28,124

Central Contra Costa Sanitary District				
Director				
Vote for 3				
(WITH 239 OF 239 PRECINCTS COUNTED)				
SUSAN NOE WELSH . . . . .	49,847	17.88	15,684	34,163
JAMES A. NEJEDLY . . . . .	76,508	27.44	21,797	54,711
TAD J. PILECKI. . . . .	72,372	25.96	18,521	53,851
PAUL HERBERT CAUSEY . . . . .	78,832	28.28	20,619	58,213
WRITE-IN. . . . .	1,211	.43	381	830
Total . . . . .	278,770		77,002	201,768

Rodeo Sanitary District				
Director				
Vote for 3				
(WITH 4 OF 4 PRECINCTS COUNTED)				
JANET CALLAGHAN . . . . .	1,319	25.93	473	846
RICHARD BURKE FRAKES. . . . .	1,433	28.17	508	925
TERRY L TIGH . . . . .	878	17.26	286	592
CONNIE BATCHELDER. . . . .	1,418	27.87	455	963
WRITE-IN. . . . .	39	.77	19	20
Total . . . . .	5,087		1,741	3,346

West County Wastewater District				
Director				
Vote for 2				
(WITH 51 OF 51 PRECINCTS COUNTED)				
HARRY WIENER . . . . .	11,089	28.63	3,874	7,215
SHERRY ANN STANLEY . . . . .	12,806	33.06	4,623	8,183
MICHAEL TAYLOR CAINE. . . . .	8,448	21.81	2,780	5,668
BURL TOLER JR.. . . . .	6,277	16.20	1,986	4,291
WRITE-IN. . . . .	115	.30	51	64
Total . . . . .	38,735		13,314	25,421

West County Wastewater District				
Director, Short-Term				
Vote for 1				
(WITH 51 OF 51 PRECINCTS COUNTED)				
DAVID ALVARADO. . . . .	15,146	69.61	5,371	9,775
LEN BATTAGLIA . . . . .	6,547	30.09	2,442	4,105
WRITE-IN. . . . .	66	.30	22	44
Total . . . . .	21,759		7,835	13,924

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
Alameda Contra Costa Transit District				
Director, At Large				
Vote for 1				
(WITH 92 OF 92 PRECINCTS COUNTED)				
H.E. CHRISTIAN (CHRIS) PEEPLES . . . . .	33,721	61.88	11,433	22,288
DOLLENE C. JONES . . . . .	20,584	37.77	8,762	11,822
WRITE-IN. . . . .	191	.35	77	114
Total . . . . .	54,496		20,272	34,224

SF BART District				
Director, District 1				
Vote for 1				
(WITH 276 OF 276 PRECINCTS COUNTED)				
DEBORA ALLEN . . . . .	103,697	64.51	34,038	69,659
GAIL MURRAY. . . . .	56,381	35.08	17,353	39,028
WRITE-IN. . . . .	666	.41	220	446
Total . . . . .	160,744		51,611	109,133

SF BART District				
Director, District 3				
Vote for 1				
(WITH 54 OF 54 PRECINCTS COUNTED)				
REBECCA SALTZMAN . . . . .	14,753	40.81	4,211	10,542
VARUN PAUL . . . . .	5,298	14.66	1,425	3,873
KEN CHEW. . . . .	14,720	40.72	3,814	10,906
WORTH FREEMAN . . . . .	1,276	3.53	453	823
WRITE-IN. . . . .	103	.28	29	74
Total . . . . .	36,150		9,932	26,218

SF BART District				
Director, District 7				
Vote for 1				
(WITH 117 OF 117 PRECINCTS COUNTED)				
LATEEFAH SIMON. . . . .	30,849	45.58	12,585	18,264
WILL ROSCOE. . . . .	12,858	19.00	5,081	7,777
ROLAND EMERSON. . . . .	4,024	5.95	1,872	2,152
ZAKHARY MALLETT . . . . .	19,757	29.19	6,556	13,201
WRITE-IN. . . . .	195	.29	77	118
Total . . . . .	67,683		26,171	41,512

Contra Costa Water District				
Director, Division 4				
Vote for 1				
(WITH 51 OF 51 PRECINCTS COUNTED)				
ANTONIO MARTINEZ . . . . .	13,254	45.98	5,655	7,599
BETTE BOATMUN . . . . .	15,478	53.69	5,440	10,038
WRITE-IN. . . . .	94	.33	35	59
Total . . . . .	28,826		11,130	17,696

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
<b>Proposition 51</b>				
K-12 and Community College Facilities - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	253,389	55.88	93,533	159,856
No. . . . .	200,091	44.12	67,281	132,810
Total . . . . .	453,480		160,814	292,666
<b>Proposition 52</b>				
Medi-Cal Hospital Fee Program - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	315,435	70.34	106,300	209,135
No. . . . .	133,026	29.66	51,920	81,106
Total . . . . .	448,461		158,220	290,241
<b>Proposition 53</b>				
Voter Approval of Revenue Bonds - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	202,237	45.70	71,284	130,953
No. . . . .	240,321	54.30	84,448	155,873
Total . . . . .	442,558		155,732	286,826
<b>Proposition 54</b>				
Legislative Procedure Requirements - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	278,107	62.92	97,828	180,279
No. . . . .	163,890	37.08	57,429	106,461
Total . . . . .	441,997		155,257	286,740
<b>Proposition 55</b>				
Tax Extension for Education and Healthcare - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	291,824	64.34	101,094	190,730
No. . . . .	161,760	35.66	59,011	102,749
Total . . . . .	453,584		160,105	293,479
<b>Proposition 56</b>				
Cigarette Tax - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	319,269	68.84	110,457	208,812
No. . . . .	144,498	31.16	54,062	90,436
Total . . . . .	463,767		164,519	299,248

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
Proposition 57				
Criminal Sentence & Juvenile Crime - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	311,352	69.23	107,786	203,566
No. . . . .	138,363	30.77	51,322	87,041
Total . . . . .	449,715		159,108	290,607

Proposition 58				
English Proficiency Multilingual Education - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	340,013	76.05	117,667	222,346
No. . . . .	107,062	23.95	40,235	66,827
Total . . . . .	447,075		157,902	289,173

Proposition 59				
Corporate Political Spending Advisory - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	245,794	57.73	81,744	164,050
No. . . . .	179,953	42.27	67,318	112,635
Total . . . . .	425,747		149,062	276,685

Proposition 60				
Adult Film Condom Requirements - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	189,007	43.41	67,039	121,968
No. . . . .	246,343	56.59	87,277	159,066
Total . . . . .	435,350		154,316	281,034

Proposition 61				
State Prescription Drug Purchase Standards - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	227,285	51.29	81,386	145,899
No. . . . .	215,815	48.71	75,542	140,273
Total . . . . .	443,100		156,928	286,172

Proposition 62				
Repeal of Death Penalty - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	230,039	50.49	78,806	151,233
No. . . . .	225,545	49.51	82,096	143,449
Total . . . . .	455,584		160,902	294,682



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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
<b>Proposition 63</b>				
Firearms and Ammunition Sales - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	319,173	69.43	109,174	209,999
No. . . . .	140,534	30.57	53,498	87,036
Total . . . . .	459,707		162,672	297,035
<b>Proposition 64</b>				
Marijuana Legalization - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	281,832	60.72	99,387	182,445
No. . . . .	182,350	39.28	65,692	116,658
Total . . . . .	464,182		165,079	299,103
<b>Proposition 65</b>				
Carryout Bag Charges - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	215,564	47.75	75,640	139,924
No. . . . .	235,857	52.25	83,702	152,155
Total . . . . .	451,421		159,342	292,079
<b>Proposition 66</b>				
Death Penalty Procedure Time Limits - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	208,825	48.52	72,955	135,870
No. . . . .	221,586	51.48	78,279	143,307
Total . . . . .	430,411		151,234	279,177
<b>Proposition 67</b>				
Ban on Single-use Plastic Bags - Majority				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	264,671	58.18	89,855	174,816
No. . . . .	190,246	41.82	70,465	119,781
Total . . . . .	454,917		160,320	294,597
<b>Measure X - CCTA</b>				
Transaction and Use Tax - 2/3				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	278,098	63.45	99,861	178,237
No. . . . .	160,165	36.55	54,128	106,037
Total . . . . .	438,263		153,989	284,274

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
<b>Measure RR - SF BART</b>				
Bond - 2/3				
Vote for 1				
(WITH 656 OF 656 PRECINCTS COUNTED)				
Yes . . . . .	262,499	60.36	93,867	168,632
No. . . . .	172,396	39.64	59,469	112,927
Total . . . . .	434,895		153,336	281,559
<b>Measure P - John Swett USD</b>				
Bond - 55%				
Vote for 1				
(WITH 11 OF 11 PRECINCTS COUNTED)				
Bonds Yes . . . . .	3,373	62.13	1,376	1,997
Bonds No. . . . .	2,056	37.87	742	1,314
Total . . . . .	5,429		2,118	3,311
<b>Measure Q - John Swett USD</b>				
Bond - 55%				
Vote for 1				
(WITH 11 OF 11 PRECINCTS COUNTED)				
Bonds Yes . . . . .	3,570	65.86	1,488	2,082
Bonds No. . . . .	1,851	34.14	623	1,228
Total . . . . .	5,421		2,111	3,310
<b>Measure R - Martinez USD</b>				
Bond - 55%				
Vote for 1				
(WITH 32 OF 32 PRECINCTS COUNTED)				
Bonds Yes . . . . .	9,287	67.72	3,226	6,061
Bonds No. . . . .	4,427	32.28	1,449	2,978
Total . . . . .	13,714		4,675	9,039
<b>Measure S - Pittsburg USD</b>				
Parcel Tax - 2/3				
Vote for 1				
(WITH 28 OF 28 PRECINCTS COUNTED)				
Yes . . . . .	11,292	67.97	5,146	6,146
No. . . . .	5,321	32.03	1,876	3,445
Total . . . . .	16,613		7,022	9,591
<b>Measure T - West Contra Costa USD</b>				
Special Tax - 2/3				
Vote for 1				
(WITH 125 OF 125 PRECINCTS COUNTED)				
Yes . . . . .	64,358	76.33	25,264	39,094
No. . . . .	19,956	23.67	6,596	13,360
Total . . . . .	84,314		31,860	52,454

## Official Results

CONTRA COSTA COUNTY  
PRESIDENTIAL GENERAL ELECTION  
TUESDAY, NOVEMBER 8, 2016

Final

RUN DATE:12/06/16 08:37 AM

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
<b>Measure U - Liberty UHSD</b>				
Bond - 55%				
Vote for 1				
(WITH 73 OF 73 PRECINCTS COUNTED)				
Bonds Yes . . . . .	26,237	61.04	9,374	16,863
Bonds No. . . . .	16,745	38.96	5,337	11,408
Total . . . . .	42,982		14,711	28,271
<b>Measure V - Moraga School District</b>				
Bond - 55%				
Vote for 1				
(WITH 9 OF 9 PRECINCTS COUNTED)				
Bonds Yes . . . . .	6,252	72.70	1,579	4,673
Bonds No. . . . .	2,348	27.30	588	1,760
Total . . . . .	8,600		2,167	6,433
<b>Measure W - Oakley UESD</b>				
Bond - 55%				
Vote for 1				
(WITH 18 OF 18 PRECINCTS COUNTED)				
Bonds Yes . . . . .	7,855	64.76	3,041	4,814
Bonds No. . . . .	4,275	35.24	1,472	2,803
Total . . . . .	12,130		4,513	7,617
<b>Measure Y - County Service Area R-7A</b>				
Appropriations Limit - Majority				
Vote for 1				
(WITH 12 OF 12 PRECINCTS COUNTED)				
Yes . . . . .	5,721	71.02	1,514	4,207
No. . . . .	2,334	28.98	761	1,573
Total . . . . .	8,055		2,275	5,780
<b>Measure Z - City of Brentwood</b>				
Utility Users Tax - Majority				
Vote for 1				
(WITH 30 OF 30 PRECINCTS COUNTED)				
Yes . . . . .	8,988	39.13	3,092	5,896
No. . . . .	13,979	60.87	4,697	9,282
Total . . . . .	22,967		7,789	15,178
<b>Measure A - City of Brentwood</b>				
Advisory - Majority				
Vote for 1				
(WITH 30 OF 30 PRECINCTS COUNTED)				
Yes . . . . .	16,977	75.73	5,657	11,320
No. . . . .	5,441	24.27	1,926	3,515
Total . . . . .	22,418		7,583	14,835

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
<b>Measure B - City of El Cerrito</b>				
Bond - 2/3				
Vote for 1				
(WITH 13 OF 13 PRECINCTS COUNTED)				
Yes . . . . .	7,910	62.96	2,614	5,296
No. . . . .	4,653	37.04	1,456	3,197
Total . . . . .	12,563		4,070	8,493
<b>Measure C - City of Lafayette</b>				
Transactions and Use Tax - Majority				
Vote for 1				
(WITH 17 OF 17 PRECINCTS COUNTED)				
Yes . . . . .	6,002	41.81	1,682	4,320
No. . . . .	8,352	58.19	2,460	5,892
Total . . . . .	14,354		4,142	10,212
<b>Measure D - City of Martinez</b>				
Transaction and Use Tax - 2/3				
Vote for 1				
(WITH 27 OF 27 PRECINCTS COUNTED)				
Yes . . . . .	12,793	71.96	4,543	8,250
No. . . . .	4,985	28.04	1,737	3,248
Total . . . . .	17,778		6,280	11,498
<b>Measure E - City of Oakley</b>				
Utility Users Tax - Majority				
Vote for 1				
(WITH 18 OF 18 PRECINCTS COUNTED)				
Yes . . . . .	4,294	32.95	1,661	2,633
No. . . . .	8,737	67.05	3,143	5,594
Total . . . . .	13,031		4,804	8,227
<b>Measure G - City of Oakley</b>				
Advisory - Majority				
Vote for 1				
(WITH 18 OF 18 PRECINCTS COUNTED)				
Yes . . . . .	9,181	73.71	3,289	5,892
No. . . . .	3,274	26.29	1,214	2,060
Total . . . . .	12,455		4,503	7,952
<b>Measure H - City of Pittsburg</b>				
City Clerk Elected to Appointed - Majority				
Vote for 1				
(WITH 33 OF 33 PRECINCTS COUNTED)				
Yes . . . . .	7,064	36.63	2,925	4,139
No. . . . .	12,223	63.37	4,829	7,394
Total . . . . .	19,287		7,754	11,533

RUN DATE:12/06/16 08:37 AM

REPORT-EL45A PAGE 022

	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
<b>Measure J - City of Pittsburg</b>				
Business Tax - Majority				
Vote for 1				
(WITH 33 OF 33 PRECINCTS COUNTED)				
Yes . . . . .	13,693	68.27	5,496	8,197
No. . . . .	6,364	31.73	2,732	3,632
Total . . . . .	20,057		8,228	11,829
<b>Measure K - City of Pleasant Hill</b>				
Transactions and Use Tax - Majority				
Vote for 1				
(WITH 19 OF 19 PRECINCTS COUNTED)				
Yes . . . . .	10,772	67.09	3,910	6,862
No. . . . .	5,284	32.91	1,957	3,327
Total . . . . .	16,056		5,867	10,189
<b>Measure L - City of Richmond</b>				
Rent Control - Majority				
Vote for 1				
(WITH 53 OF 53 PRECINCTS COUNTED)				
Yes . . . . .	21,380	65.27	8,826	12,554
No. . . . .	11,378	34.73	3,921	7,457
Total . . . . .	32,758		12,747	20,011
<b>Measure M - City of Richmond</b>				
General Tax - Majority				
Vote for 1				
(WITH 53 OF 53 PRECINCTS COUNTED)				
Yes . . . . .	9,287	28.59	4,020	5,267
No. . . . .	23,198	71.41	8,706	14,492
Total . . . . .	32,485		12,726	19,759
<b>Measure C1 - AC Transit</b>				
Special Tax - 2/3				
Vote for 1				
(WITH 92 OF 92 PRECINCTS COUNTED)				
Yes . . . . .	50,539	79.18	19,312	31,227
No. . . . .	13,286	20.82	4,704	8,582
Total . . . . .	63,825		24,016	39,809
<b>Measure N - East Co Co Fire</b>				
Board Member Appointed to Elected - Majority				
Vote for 1				
(WITH 76 OF 76 PRECINCTS COUNTED)				
Yes . . . . .	27,001	62.43	8,979	18,022
No. . . . .	16,252	37.57	5,755	10,497
Total . . . . .	43,253		14,734	28,519

Official Results

CONTRA COSTA COUNTY  
PRESIDENTIAL GENERAL ELECTION  
TUESDAY, NOVEMBER 8, 2016

Final

RUN DATE:12/06/16 08:37 AM

REPORT-EL45A PAGE 023

TOTAL VOTES      %      ELECTION DAY      VOTE BY MAIL

Measure 0 - Rodeo-Hercules Fire

Special Tax - 2/3

Vote for 1

(WITH 19 OF 19 PRECINCTS COUNTED)

Yes	. . . . .	10,206	78.15	4,115	6,091
No.	. . . . .	2,854	21.85	1,070	1,784
Total	. . . . .	13,060		5,185	7,875



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Approve New and Recredentialing CCHP Providers November 8, 2016

---

**RECOMMENDATION(S):**

Approve the list of providers recommended by Contra Costa Health Plan's Peer Review and Credentialing Committee on November 8, 2016, and by the Health Services Director, as required by the State Departments of Health Care Services and Managed Health Care, and the Centers for Medicare and Medicaid Services.

**FISCAL IMPACT:**

Not applicable.

**BACKGROUND:**

The National Committee on Quality Assurance (NCQA) requires that evidence of Board Approval must be contained within each CCHP provider's credentials file. Approval of this list of providers as recommended by the CCHP Medical Director will enable the Contra Costa Health Plan to comply with this requirement.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this action is not approved, Contra Costa Health Plan's Providers would not be appropriately credentialed and not be in compliance with the NCQA.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 12/13/2016

☒ 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: December 13, 2016

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

Contact: Patricia Tanquary,  
925-313-6004

By: June McHuen, Deputy

cc: Heather Wong, Tasha Scott, Marcy Wilhelm

ATTACHMENTS

Attachment



**Contra Costa Health Plan**  
**Providers Approved by Peer Review and Credentialing Committee**  
**November 8, 2016**

<b>CREDENTIALING PROVIDERS NOVEMBER 2016</b>	
<b>Name</b>	<b>Specialty</b>
Bell, David, M.D.	Orthopaedic Surgery Orthopaedic Sports Medicine
Carter, Kristine, NP	Mid-Level OB/GYN
Gilliam, David, M.D.	Primary Care Family Medicine
Low, Sarah, BCBA	Behavior Analysis
Machkovsky, Elvira, NP	Primary Care Family Medicine
Neuberger, Stefanie, BCBA	Behavior Analysis
Nickels, Elizabeth, PsyD	Mental Health Services
Patin, Kelli, RD	Dietitian
Rice, Bruce, M.D.	Otolaryngology
Ritterman, Irene, NP	Primary Care Family Medicine
White, Tracy, M.D.	Primary Care Family Medicine
Wood, Michael, PhD	Mental Health Services
Yastro, Kalynn, NP	Primary Care Family Medicine
Yoon, Jin, BCBA	Behavior Analysis

<b>CREDENTIALING ORGANIZATIONAL PROVIDER NOVEMBER 2016</b>		
<b>Provider Name</b>	<b>Provide the Following Services</b>	<b>Location</b>
Care Center of Rossmoor, LLC, dba: Kindred Transitional Care & Rehabilitation - Walnut Creek	Skilled Nursing Facility	Walnut Creek

<b>RE-CREDENTIALING PROVIDERS NOVEMBER 2016</b>	
<b>Name</b>	<b>Specialty</b>
Ally, Zahora, M.D.	Radiation Oncology
Bader, Semon, M.D.	Orthopaedic Surgery
Barocio, Azucena, PA	Primary Care Family Medicine

<b>RECREREDENTIALING PROVIDERS NOVEMBER 2016</b>	
<b>Name</b>	<b>Specialty</b>
Beebe, Angela, NP	Mid-Level Family Planning
Bolick, Alice, PA	Mid-Level Pain Management
Brandel, Joseph, M.D.	Surgery – General
Britt, Denise, DC	Chiropractic Medicine
Chang, Soter-Ming, M.D.	Primary Care Pediatrician
Cherry, Suraj, M.D.	Ophthalmology
Curbelo, Gustavo, M.D.	Primary Care Family Medicine
Enz, Jose, M.D.	Primary Care Pediatrician
Etwaru, Gupta, M.D.	Ophthalmology
Fahlsing, Michelle, NP	Mid-Level Family Planning
Falsafi, Sassan, M.D.	Otolaryngology
Hopkins, Frederick, M.D.	Family Planning
Iota-Herbei, Claudia, M.D.	Nephrology
Jumper, James, M.D.	Ophthalmology
Lockwood, Lauren, CNM	Midwife
Mariotti, Eric, M.D.	Surgery – Plastic
Massullo, Vincent, M.D.	Radiation Oncology
Piatt, Bradford, M.D.	Diagnostic Radiology
Said, Bassem, M.D.	Otolaryngology
Shah, Nishant, M.D.	Family Planning
Toner, Rebecca, MFT	Mental Health Services
Tracy, Ryan, M.D.	Primary Care Pediatrician
Yang, Lucia, M.D.	Primary Care Pediatrician
Yu, John, M.D.	Primary Care Family Medicine
Zink, John, M.D.	Surgery - General

<b>RECREDENTIALING ORGANIZATIONAL PROVIDERS NOVEMBER 2016</b>		
<b>Provider Name</b>	<b>Provide the Following Services</b>	<b>Location</b>
George Mark Children's House dba: George Mark Children's House	Pediatric Skilled Nursing Facility and Hospice	San Leandro
Orinda Care Center, LLC dba: Orinda Rehabilitation and Convalescent Hospital	Skilled Nursing Facility	Orinda
Windsor Convalescent and Rehabilitation Center of Concord, LLC dba: Windsor Manor Rehabilitation Center of Concord	Skilled Nursing Facility	Concord

bopl-November 8, 2016



Contra  
Costa  
County

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: December 13, 2016

Subject: Approve New and Recredentialing CCHP Providers - October 25, 2016

---

**RECOMMENDATION(S):**

Approve the list of providers recommended by Contra Costa Health Plan's Medical Director on October 25, 2016, and by the Health Services Director, as required by the State Departments of Health Care Services and Managed Health Care, and the Centers for Medicare and Medicaid Services.

**FISCAL IMPACT:**

Not applicable.

**BACKGROUND:**

The National Committee on Quality Assurance (NCQA) requires that evidence of Board of Supervisors approval must be contained within each CCHP provider's credentials file. Approval of this list of providers as recommended by the CCHP Medical Director will enable the Contra Costa Health Plan to comply with this requirement.

**CONSEQUENCE OF NEGATIVE ACTION:**

If this action is not approved, Contra Costa Health Plan's Providers would not be appropriately credentialed and not be in compliance with the NCQA.

**CHILDREN'S IMPACT STATEMENT:**

Not applicable.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

Contact: Patricia Tanquary,  
925-313-6004

By: June McHuen, Deputy

cc: Tasha Scott, Marcy Wilhelm, Heather Wong

ATTACHMENTS

Attachment

**Contra Costa Health Plan**  
**Providers Approved by Medical Director**  
**October 25, 2016**

<b>CREDENTIALING PROVIDERS OCTOBER 2016</b>	
<b>Name</b>	<b>Specialty</b>
Berjis, Sahar, RD	Dietitian
Bottomley, Sarah, NP	Primary Care Internal Medicine
Chang, Yu-Ming, M.D	Gastroenterology
Chen, Xiaochuan, M.D.	Primary Care Internal Medicine
Cohen, Nathan, M.D	Psychiatry
Fong, Karen, M.D.	Otolaryngology
Guptill, Marie, LAc	Acupuncture
Henneberg, Christine, M.D.	Family Planning
Jazwin, Robert, PA	Primary Care Family Medicine
Jenkins, Brian, BCBA	Behavior Analysis
Keeney, Cierra, RBT	Behavior Analysis
Khashayar, Ramin, M.D.	Pulmonary Disease
Kram, Jerrold, M.D.	Sleep Medicine
Malhotra, Akshiv, M.D.	Hematology/ Oncology
Oommen, Santosh, M.D.	Cardiovascular Disease
Orden, Roy, M.D.	Allergy & Immunology
Quan, Patricia, BCBA	Behavior Analysis
Reinganum, Sara, M.D.	Surgery - General
Reynosa, Kimberly, M.D.	Primary Care Internal Medicine
Ruddy, John, M.D.	Sleep Medicine
Shalaby, Mostafa, M.D.	Pulmonary Disease
Sharma, Gauri, DO	Hematology/ Oncology
Sharma, Rishi, M.D.	Gastroenterology
Sutton, Brenda, OD	Optometry
Volpe-Johnstone, Theresa, PhD	Mental Health Services

<b>CREDENTIALING ORGANIZATIONAL PROVIDERS OCTOBER 2016</b>		
<b>Provider Name</b>	<b>Provide the Following Services</b>	<b>Location</b>
CareOne Home Health - Bay Area, Inc.	Home Health	Pleasanton

<b>CREDENTIALING ORGANIZATIONAL PROVIDERS OCTOBER 2016</b>		
<b>Provider Name</b>	<b>Provide the Following Services</b>	<b>Location</b>
1125 Sir Francis Drake Boulevard Operating Company, LLC dba: Kentfield Hospital San Francisco	Long-Term Acute Care Hospital	San Francisco

<b>RECREREDENTIALING PROVIDERS OCTOBER 2016</b>	
<b>Name</b>	<b>Specialty</b>
Agolia, Lindsay, M.D.	Primary Care Family Medicine
Aguilar, Gabriel, PA	Primary Care Family Medicine
Akera, Chika, M.D.	Primary Care Family Medicine
Buenviaje, Sarah, NP	Mid-Level Oncology
Castillo, Vanessa, LCSW	Mental Health Services
Eaglin, Olga, PA	Primary Care Family Medicine
Ford, Lloyd, M.D.	Otolaryngology
Frankland, Michelle, NP	Mid-Level Oncology
Fulkerson, Eric, M.D.	Surgery – Orthopaedics
Giessman, Dale, D.C.	Chiropractic Medicine
Goodman, Suzan, M.D.	Family Planning
Huber, Cheyenne, O.D.	Optometry
Jensen, Kirk, M.D.	Surgery – Orthopaedic
Kronick, John, M.D.	Orthopaedic Surgery
Neuman, Raymond, MFT	Mental Health Services
Phillips, Tracy, M.D.	OB/GYN
Ramachandra, Srinivas, M.D.	Surgery – General Vascular
Seaver, Margaret, M.D.	Hematology/ Oncology
Skarda, Stephen, D.C.	Chiropractic Medicine
Toma, Louay, M.D.	Orthopaedic Surgery
Toranto, Terry, M.D.	Psychiatry
Vertudez, Janice, NP	Primary Care Family Medicine
Wood, Monica, MFT	Mental Health Services

<b>RECREDENTIALING ORGANIZATIONAL PROVIDER OCTOBER 2016</b>		
<b>Provider Name</b>	<b>Provide the Following Services</b>	<b>Location</b>
RAI Care Centers of Northern California I, LLC dba: RAI Ceres Ave Chico	Dialysis	Chico

Bopl-October 25, 2016





**Contra  
Costa  
County**

To: Board of Supervisors  
From: Kathy Gallagher, Employment & Human Services  
Date: December 13, 2016

Subject: Approval of Head Start Policy Council Bylaws

---

**RECOMMENDATION(S):**

ACCEPT and APPROVE the revised Head Start Policy Council Bylaws for the Community Services Bureau as recommended by the Employment & Human Services Department.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

This board order accepts the Head Start Policy Council Bylaws for the Community Services Bureau of the Employment & Human Services Department. Head Start Performance Standards 1304.50(d)(1)(ii) require annual Board approval of the Bylaws. The Bylaws were reviewed for approval by the Head Start Policy Council on September 24, 2016.

---

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: June McHuen, Deputy

Contact: CSB (925) 681-6303

cc: Sung Kim, Nelly Escobar, Cassandra Youngblood

BACKGROUND: (CONT'D)

Summary of changes to Head Start Policy Council Bylaws:

Current Bylaw	Bylaw Modification	Rationale
<u>III. Executive Committee</u> The Executive officers will be elected annually at the Policy Council Orientation / general meeting in October.	<u>III. Executive Committee</u> (Added sentence) Executive members may teleconference for the executive board meeting.	To allow opportunity to participate in the meeting if not able to be physically present.
<u>III. Executive Committee</u> E. Election Officers No more than two current parents and two past parents may serve on the Executive Committee at any given time unless in the event that we are not able to fill the position.	<u>III. Executive Committee</u> No more than three past parents may serve on the Executive Committee.	To allow opportunity for other parents to serve on the executive committee.

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, Department will not be in compliance with Head Start regulations.

CHILDREN'S IMPACT STATEMENT:

The Employment & Human Services Department Community Services Bureau supports three of Contra Costa County's community outcomes - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.

ATTACHMENTS

2016-17 HS PC Bylaws redline

2016-17 HS PC Bylaws clean

2016-17 HS PC Bylaws Appendix 1 clean

2016-17 HS PC Bylaws Appendix 2 clean

CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU  
HEAD START/EARLY HEAD START BYLAWS

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## CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

### I. Name

The name of this council is the Contra Costa County Head Start and Early Head Start Policy Council, hereinafter referred to as the Policy Council.

### II. Purpose

The purpose of the Policy Council is to serve as a governing body using a shared decision making process with the County Board of Supervisors in all matters relating to the planning and coordination of the Head Start and Early Head Start programs operated by the Community Services Bureau. The Policy Council serves as the link among public and private organizations, the Grantee and Delegate Agencies, the communities served, and the parents of enrolled children.

The Policy Council will comply with the existing Head Start Performance Standards requirements and the 2007 Head Start legislation. Any changes in the Head Start Performance Standards that will affect Policy Council bylaws will be brought to the Policy Council for explanation and approval.

### III. Executive Committee

The Executive officers will be elected annually at the Policy Council Orientation/general meeting in September. The role of the Executive officers is to plan general meetings, review previous month minutes, set the agenda, and help staff in the overall planning. Executive officers shall attend all Policy Council and Executive Committee meetings. Exec members may teleconference for the Executive meeting. No more than two absences total from both Policy Council and Executive Committee meeting for the full term will be allowed. Arriving 15 or more minutes late to an Executive Committee meeting will be considered an unexcused absence.

#### A. Chairperson

The Chairperson shall preside at all Policy Council meetings. He or she has the authority to call special meetings, maintain order, and appoint chairperson ad-hoc committees. The Chairperson shall enforce the observance of order and decorum among the members, recognize members, staff and visitors who wish to speak and make official written communication.

#### B. Vice-Chairperson

The Vice-Chairperson shall assist the Chairperson and assume all the obligations and authority if the Chairperson is absent. The Vice Chair will be responsible for reviewing the desired outcomes and meeting rules during the Policy Council meetings.

#### C. Secretary

The Secretary shall declare whether a quorum exists at the beginning of each meeting. The Secretary shall monitor attendance. He or she shall read any correspondence at Policy Council meetings. He or she shall check for any corrections or clarification on previous month's minutes, and seek approval of minutes. The Secretary shall also help prepare minutes of the meeting and ensure that the meeting is recorded.

#### D. Parliamentarian

The Parliamentarian assists the Chairperson in maintaining order during meetings. He or she states and reviews the principles of conduct and expected behaviors during meetings. He or she acts a timekeeper

## CONTRA COSTA COUNTY EHSB COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

of the agenda items and notifies the Chairperson when time is an issue. He or she is the Chairperson of the Bylaws subcommittee.

### E. Election of Officers

The officers shall be elected annually at the September general meeting. Nominations for the officers shall be made by the general membership. Current Head Start and Early Head Start parents and past parents may be nominated as candidates. All votes are cast by closed ballot. No more than ~~two~~four current parents and ~~two~~three past parents may serve on the Executive Committee. ~~at any given time unless in the event we aren't able to fill the position.~~

### F. Removal from Office

Executive officers may be removed from office by a two-thirds (2/3) vote at any regular meeting for reasons of misconduct or excessive absenteeism.

### G. Officer Vacancies

The chairperson of the Policy Council fills the vacancy by appointment and the Policy Council ratifies or elects a new nominee to fill the vacancy. If the Chairperson's position is vacated, the Vice-Chair assumes all the obligations and authority of the Chair.

## IV. Policy Council Membership

The Policy Council is comprised of parents of currently enrolled children and community agency representatives. At least 51 percent of the members must be the parents of currently enrolled Head Start or Early Head Start children (see 45 CFR 1306.3(h) for the definition of Head Start parent). No grantee, delegate or child care partner agency staff members or their immediate family (spouse, co-parent) may serve on the Policy Council.

### A. Composition

Policy Council composition is reviewed annually to ensure that it meets the general membership guidelines of Head Start Performance Standards and that the compositions of representatives are proportionately selected according to program option (Head Start, Early Head Start, Full Day, Part Day, and Home Base).

#### 1. Currently Enrolled Parents

Currently enrolled parent representatives are elected by center parent committees and must have one or more children currently enrolled in the Head Start or Early Head Start programs.

#### 2. Past Parent Representatives

Former Head Start and Early Head Start parents may request to participate on the Policy Council, provided they have not exceeded the term limit. See the Policy Council handbook for application procedure.

#### 3. Community Agency Representatives

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## CONTRA COSTA COUNTY EHSB COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

The Policy Council determines which community agencies it would like to invite to participate. Agencies are drawn from the local community and are familiar with resources and services for low-income children and families.

### **B. Term of Membership**

Term of membership is for one year, September-August. Members are elected each year for a maximum of three years. This limit applies to primary and alternate representatives who are listed on the Policy Council roster as a center representative at any time during the term. Currently Enrolled Parent Policy Council Members are expected to serve the full term, even if their program option closes for the summer.

### **C. Alternates**

When an elected Policy Council member is unable to attend a meeting, he or she must secure an alternate to attend the meeting on his or her behalf. The alternate will participate fully including voting on action items. Each center shall maintain a list of alternates.

### **D. Absences**

Policy Council members are required to attend all meetings. If a member will be absent, he or she shall secure an alternate. The member shall give twenty-four hour notice to the alternate and program staff.

If a currently enrolled parent has two unexcused absences (failed to notify CSB staff or an Executive Officer of the absence) the center will be notified and the parent committee may choose to terminate the parent's membership. The center must notify the Secretary of any changes in representation and in cases of excessive absenteeism, provide a response about the course of action the parent committee would like to take.

If a past parent or community representative has two unexcused absences the Policy Council may choose to terminate his or her membership.

### **E. Resignation**

If a member resigns from the Policy Council or is no longer eligible to serve due to enrollment status, the member must submit his or her resignation in writing to staff. If the member is an Executive Officer or Chair of a committee, the vacancy shall be filled as outlined in section III.G of the Policy Council Bylaws.

### **F. Termination**

A Policy Council membership may be terminated by a two-thirds (2/3) vote at any regular meeting for reasons of misconduct or excessive absenteeism. If the termination is in regards to excessive absenteeism, this vote will take place only after a notice has been sent to the center and the center has provided a response as to the course of action. The member will be notified in writing of his or her termination from the Policy Council.

### **G. Vacancy**

A vacancy at a center will be filled by an alternate until a new representative can be elected by the center parent committee. If a vacancy occurs by a community agency representative, the agency must appoint a replacement as soon as possible. Filling past parent member vacancies are outlined in Section IV.A of the Policy Council Bylaws.

## CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

### V. Subcommittees

The Policy Council has four standing subcommittees: Fiscal Committee, Self-Assessment Committee, Personnel/Interview Panel Committee, and Ongoing Monitoring/Program Services Committee. The Policy Council has two Ad-Hoc subcommittees: By-laws Committee, and Policies and Procedures Committee. Executive Officers must sit on at least one subcommittee.

Each subcommittee must maintain at least four members at all times. The Policy Council Chair appoints subcommittee leads and the Policy Council must ratify all appointments. Subcommittees must keep minutes, and reports must be presented to the Policy Council.

### VI. Conferences

Policy Council representatives may be selected to attend conferences. Upon return from a conference, attendees must present a conference report to the Executive Officers and the Policy Council. Attendees will be given a per diem allotment for meals, ground transportation and child care expenses. All receipts must be submitted to staff no more than seven (7) days after return from travel. Conference attendance guidelines are outlined in the Policy Council Handbook.

### VII. Standards of Conduct

All Policy Council members must sign and adhere to the Contra Costa County Code of Conduct, Community Service's Bureau Standards of Conduct, and abide by policies and procedures for reporting to Child Protective Services and State Community Care Licensing.

Any Policy Council Member in violation of any standards of conduct may be temporarily dismissed from his or her duties while the misconduct is under investigation. Staff and the Policy Council Executive Committee will hold a closed-session meeting and review the nature of the misconduct and make recommendations to the Policy Council to resume or remove membership.

### VIII. Meetings

Meeting notices shall comply with the Brown Act, the County's Better Government Ordinance, and all applicable local and state meetings laws.

#### A. Regular Meetings

The Policy Council will hold a minimum of nine (9) meetings per year. Notice of meetings is provided 96 hours in advance of meetings and will be scheduled to encourage parent participation. All meetings of the Policy Council and its committees will be held in accordance with the Brown Act and the Contra Costa County Better Government Ordinance.

#### B. Special Meetings

A special meeting may be called at any time by the Chairperson. A twenty-four hour notice must be given to Policy Council members unless written notice has been waived.

#### C. Emergency Meetings

The Executive Officers may conduct business in emergency matters or if a majority of the Policy Council members cannot meet. A quorum (51% of the Executive Committee) is required to make a decision on

CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU  
HEAD START/EARLY HEAD START BYLAWS

behalf of the Policy Council. All decisions made during an Emergency Meeting must be ratified at the next regularly scheduled Policy Council meeting.

**D. Quorum**

A quorum is 25% of the full Policy Council membership. At least 51% of the total number of authorized Policy Council members of which a majority in attendance must be Currently Enrolled Parents.

**E. Voting**

Only a Policy Council member or his or her alternate is permitted to vote on any Policy Council action. The Chairperson votes only in the case of a tie.

**F. Agenda**

The agenda shall comply with the Ralph M. Brown Act and the County Better Government Ordinance and all applicable laws.

**IX. Reimbursement**

Policy Council members will be reimbursed for child care and mileage for approved Policy Council activities according to the standard approved rates. Current standard rates and procedures for requesting reimbursement are outlined in the Policy Council Handbook.

**X. Amendments**

Proposed amendments of these bylaws may be initiated by action of the Policy Council. Proposed amendments must be presented to members at least one general meeting prior to action.



CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU  
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# CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

## **I. Name**

The name of this council is the Contra Costa County Head Start and Early Head Start Policy Council, hereinafter referred to as the Policy Council.

## **II. Purpose**

The purpose of the Policy Council is to serve as a governing body using a shared decision making process with the County Board of Supervisors in all matters relating to the planning and coordination of the Head Start and Early Head Start programs operated by the Community Services Bureau. The Policy Council serves as the link among public and private organizations, the Grantee and Delegate Agencies, the communities served, and the parents of enrolled children.

The Policy Council will comply with the existing Head Start Performance Standards requirements and the 2007 Head Start legislation. Any changes in the Head Start Performance Standards that will affect Policy Council bylaws will be brought to the Policy Council for explanation and approval.

## **III. Executive Committee**

The Executive officers will be elected annually at the Policy Council Orientation/general meeting in September. The role of the Executive officers is to plan general meetings, review previous month minutes, set the agenda, and help staff in the overall planning. Executive officers shall attend all Policy Council and Executive Committee meetings. Exec members may teleconference for the Executive meeting. No more than two absences total from both Policy Council and Executive Committee meeting for the full term will be allowed. Arriving 15 or more minutes late to an Executive Committee meeting will be considered an unexcused absence.

### **A. Chairperson**

The Chairperson shall preside at all Policy Council meetings. He or she has the authority to call special meetings, maintain order, and appoint chairperson ad-hoc committees. The Chairperson shall enforce the observance of order and decorum among the members, recognize members, staff and visitors who wish to speak and make official written communication.

### **B. Vice-Chairperson**

The Vice-Chairperson shall assist the Chairperson and assume all the obligations and authority if the Chairperson is absent. The Vice Chair will be responsible for reviewing the desired outcomes and meeting rules during the Policy Council meetings.

### **C. Secretary**

The Secretary shall declare whether a quorum exists at the beginning of each meeting. The Secretary shall monitor attendance. He or she shall read any correspondence at Policy Council meetings. He or she shall check for any corrections or clarification on previous month's minutes, and seek approval of minutes. The Secretary shall also help prepare minutes of the meeting and ensure that the meeting is recorded.

### **D. Parliamentarian**

The Parliamentarian assists the Chairperson in maintaining order during meetings. He or she states and reviews the principles of conduct and expected behaviors during meetings. He or she acts a timekeeper

# CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

of the agenda items and notifies the Chairperson when time is an issue. He or she is the Chairperson of the Bylaws subcommittee.

## **E. Election of Officers**

The officers shall be elected annually at the September general meeting. Nominations for the officers shall be made by the general membership. Current Head Start and Early Head Start parents and past parents may be nominated as candidates. All votes are cast by closed ballot. No more than three past parents may serve on the Executive Committee.

## **F. Removal from Office**

Executive officers may be removed from office by a two-thirds (2/3) vote at any regular meeting for reasons of misconduct or excessive absenteeism.

## **G. Officer Vacancies**

The chairperson of the Policy Council fills the vacancy by appointment and the Policy Council ratifies or elects a new nominee to fill the vacancy. If the Chairperson's position is vacated, the Vice-Chair assumes all the obligations and authority of the Chair.

# **IV. Policy Council Membership**

The Policy Council is comprised of parents of currently enrolled children and community agency representatives. At least 51 percent of the members must be the parents of currently enrolled Head Start or Early Head Start children (see 45 CFR 1306.3(h) for the definition of Head Start parent). No grantee, delegate or child care partner agency staff members or their immediate family (spouse, co-parent) may serve on the Policy Council.

## **A. Composition**

Policy Council composition is reviewed annually to ensure that it meets the general membership guidelines of Head Start Performance Standards and that the compositions of representatives are proportionately selected according to program option (Head Start, Early Head Start, Full Day, Part Day, and Home Base).

### **1. Currently Enrolled Parents**

Currently enrolled parent representatives are elected by center parent committees and must have one or more children currently enrolled in the Head Start or Early Head Start programs.

### **2. Past Parent Representatives**

Former Head Start and Early Head Start parents may request to participate on the Policy Council, provided they have not exceeded the term limit. See the Policy Council handbook for application procedure.

### **3. Community Agency Representatives**

The Policy Council determines which community agencies it would like to invite to participate. Agencies are drawn from the local community and are familiar with resources and services for low-income children and families.

# CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU

## HEAD START/EARLY HEAD START BYLAWS

### **B. Term of Membership**

Term of membership is for one year, September-August. Members are elected each year for a maximum of three years. This limit applies to primary and alternate representatives who are listed on the Policy Council roster as a center representative at any time during the term. Currently Enrolled Parent Policy Council Members are expected to serve the full term, even if their program option closes for the summer.

### **C. Alternates**

When an elected Policy Council member is unable to attend a meeting, he or she must secure an alternate to attend the meeting on his or her behalf. The alternate will participate fully including voting on action items. Each center shall maintain a list of alternates.

### **D. Absences**

Policy Council members are required to attend all meetings. If a member will be absent, he or she shall secure an alternate. The member shall give twenty-four hour notice to the alternate and program staff.

If a currently enrolled parent has two unexcused absences (failed to notify CSB staff or an Executive Officer of the absence) the center will be notified and the parent committee may choose to terminate the parent's membership. The center must notify the Secretary of any changes in representation and in cases of excessive absenteeism, provide a response about the course of action the parent committee would like to take.

If a past parent or community representative has two unexcused absences the Policy Council may choose to terminate his or her membership.

### **E. Resignation**

If a member resigns from the Policy Council or is no longer eligible to serve due to enrollment status, the member must submit his or her resignation in writing to staff. If the member is an Executive Officer or Chair of a committee, the vacancy shall be filled as outlined in section III.G of the Policy Council Bylaws.

### **F. Termination**

A Policy Council membership may be terminated by a two-thirds (2/3) vote at any regular meeting for reasons of misconduct or excessive absenteeism. If the termination is in regards to excessive absenteeism, this vote will take place only after a notice has been sent to the center and the center has provided a response as to the course of action. The member will be notified in writing of his or her termination from the Policy Council.

### **G. Vacancy**

A vacancy at a center will be filled by an alternate until a new representative can be elected by the center parent committee. If a vacancy occurs by a community agency representative, the agency must appoint a replacement as soon as possible. Filling past parent member vacancies are outlined in Section IV.A of the Policy Council Bylaws.

# CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

## **V. Subcommittees**

The Policy Council has four standing subcommittees: Fiscal Committee, Self-Assessment Committee, Personnel/Interview Panel Committee, and Ongoing Monitoring/Program Services Committee. The Policy Council has two Ad-Hoc subcommittees: By-laws Committee, and Policies and Procedures Committee. Executive Officers must sit on at least one subcommittee.

Each subcommittee must maintain at least four members at all times. The Policy Council Chair appoints subcommittee leads and the Policy Council must ratify all appointments. Subcommittees must keep minutes, and reports must be presented to the Policy Council.

## **VI. Conferences**

Policy Council representatives may be selected to attend conferences. Upon return from a conference, attendees must present a conference report to the Executive Officers and the Policy Council. Attendees will be given a per diem allotment for meals, ground transportation and child care expenses. All receipts must be submitted to staff no more than seven (7) days after return from travel. Conference attendance guidelines are outlined in the Policy Council Handbook.

## **VII. Standards of Conduct**

All Policy Council members must sign and adhere to the Contra Costa County Code of Conduct, Community Service's Bureau Standards of Conduct, and abide by policies and procedures for reporting to Child Protective Services and State Community Care Licensing.

Any Policy Council Member in violation of any standards of conduct may be temporarily dismissed from his or her duties while the misconduct is under investigation. Staff and the Policy Council Executive Committee will hold a closed-session meeting and review the nature of the misconduct and make recommendations to the Policy Council to resume or remove membership.

## **VIII. Meetings**

Meeting notices shall comply with the Brown Act, the County's Better Government Ordinance, and all applicable local and state meetings laws.

### **A. Regular Meetings**

The Policy Council will hold a minimum of nine (9) meetings per year. Notice of meetings is provided 96 hours in advance of meetings and will be scheduled to encourage parent participation. All meetings of the Policy Council and its committees will be held in accordance with the Brown Act and the Contra Costa County Better Government Ordinance.

### **B. Special Meetings**

A special meeting may be called at any time by the Chairperson. A twenty-four hour notice must be given to Policy Council members unless written notice has been waived.

### **C. Emergency Meetings**

The Executive Officers may conduct business in emergency matters or if a majority of the Policy Council members cannot meet. A quorum (51% of the Executive Committee) is required to make a decision on

# CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

behalf of the Policy Council. All decisions made during an Emergency Meeting must be ratified at the next regularly scheduled Policy Council meeting.

## **D. Quorum**

A quorum is 25% of the full Policy Council membership. At least 51% of the total number of authorized Policy Council members of which a majority in attendance must be Currently Enrolled Parents.

## **E. Voting**

Only a Policy Council member or his or her alternate is permitted to vote on any Policy Council action. The Chairperson votes only in the case of a tie.

## **F. Agenda**

The agenda shall comply with the Ralph M. Brown Act and the County Better Government Ordinance and all applicable laws.

## **IX. Reimbursement**

Policy Council members will be reimbursed for child care and mileage for approved Policy Council activities according to the standard approved rates. Current standard rates and procedures for requesting reimbursement are outlined in the Policy Council Handbook.

## **X. Amendments**

Proposed amendments of these bylaws may be initiated by action of the Policy Council. Proposed amendments must be presented to members at least one general meeting prior to action.

CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU  
HEAD START/EARLY HEAD START BYLAWS

**Appendix I**

**I. Appendix 1: Head Start Performance Standards: Governance and Policy Council**

Policy Council must approve or disapprove actions before they are finalized or actions can be taken about program changes. The Policy Council must also have been consulted in the decision-making process prior to the point of seeking approval for the items outlined below.

- |                      |  |
|----------------------|--|
| 1304.50(d)(1)(i)     | All funding applications and amendments to funding applications for Early Head Start and Head Start, including administrative services, prior to the submission of such applications to the grantee (in the case of Policy Committees) or to HHS (in the case of Policy Councils);   |
| 1304.50(d)(1)(ii)    | Procedures describing how the governing body and the appropriate policy group will implement shared decision-making;   |
| 1304.50(d)(1)(iv)    | The program's philosophy and long and short range program goals and objectives (see 45CFR 1304.51(a) and 45CFR 1305.3 for additional requirements regarding program planning);   |
| 1304.50(d)(1)(v)     | The selection of delegate agencies and their service areas (this regulation is binding on Policy Councils exclusively)(see 45 CFR 1301.33 and 45 CFR 1305.3(a) for additional requirements about delegate agency and service area selection, respectively);  |
| 1304.50(d)(1)(vi)    | The composition of the Policy Council or the Policy Committee and the procedures by which policy group members are chosen;   |
| 1304.50(d)(1)(vii)   | Criteria for defining recruitment, selection, and enrollment priorities, in accordance with the requirements of 45 CFR part 1305;  |
| 1304.50(d)(1)(viii)  | The annual self-assessment of the grantee or delegate agency's progress in carrying out the programmatic and fiscal intent of its grant application, including planning or other actions that may result from the review of the annual audit and findings from the Federal monitoring review (see 45 CFR 1304.51(l) for additional requirements about the annual self-assessment); |
| 1304.50(d)(1)(ix)    | Program Personnel policies and subsequent changes to those policies, in accordance with 45 CFR 1301.31, including standards of conduct for program staff consultants, and volunteers;  |
| 1304.50(d)(1)(x)(xi) | Decisions to hire or terminate the Early Head Start or Head Start director of the grantee or delegate agency; and decisions to hire or terminate any person who works primarily for the Early Head Start or Head Start program of the grantee or delegate agency.  |

Head Start Performance Standards on Policy Council activities:

CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU  
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- 1304.50(d)(2)(i)      Serve as a link to the Parent Committees, grantee and delegate agency governing bodies, public and private organizations, and the communities they serve;
- 1304.50(d)(2)(ii)    Assist Parent Committees in communicating with parents enrolled in all program options to ensure that they understand their rights, responsibilities, and opportunities in Early Head Start and Head Start to encourage their participation in the program;
- 1304.50(d)(2)(iii)    Assist Parent Committees in planning, coordinating, and organizing program activities for parents with the assistance of staff, and ensuring that funds set aside from program budgets are used to support parent activities;
- 1304.50(d)(2)(iv)    Assist in recruiting volunteer services from parents, community residents, and community organizations, and assist in the mobilization of community resources to meet identified needs; and
- 1304.50(d)(2)(v)    Establish and maintain procedures for working with the grantee or delegate agency to resolve community complaints about the program.

Head Start Performance Standards on Policy Council Membership:

- 1304.50(b)(2)      Policy Councils and Policy Committees must be comprised of two types of representatives: parents of currently enrolled children and community representatives. At least 51 percent of the members of these policy groups must be the parents of currently enrolled Head Start/Early Head Start children (see 45 CFR 1306.3(h) for a definition of a Head Start parent).
- 1304.50(a)(3)      All Policy Councils, Policy Committees, and Parent Committees must be established as early in the program year as possible. Grantee Policy Councils and delegate Policy Committees may not be dissolved until successor Councils or Committees are elected and seated.
- 1304.50(a)(4)      When a grantee has delegated the entire Head Start program to one delegate agency, it is not necessary to have a Policy Committee in addition to a grantee agency Policy Council.
- 1304.50(b)(3)      Community representatives must be drawn from the local community: businesses; public or private community, civic, and professional organizations; and others who are familiar with resources and services for low-income children and families, including, for example, the parents of formerly enrolled children.
- 1304.50(a)(5)      The governing body, (Board of Supervisors) (the group with legal and fiscal responsibility for administering the Early Head Start or Head Start program) and the Policy Council or Policy Committee must not have identical memberships and functions.
- 1304.50(b)(5)      Policy Councils and Policy Committees must limit the number of one-year terms any individual may serve on either body to a combined total of three terms.



CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU  
HEAD START/EARLY HEAD START BYLAWS

- 1304.50(b)(1)(6) No grantee or delegate agency staff (or members of their immediate families) may serve on Policy Councils or Policy Committees except parents who occasionally substitute for regular Early Head Start or Head Start staff. In the case of Tribal grantees, this exclusion applies only to Tribal staff who work in areas directly related to or which directly impact upon any Early Head Start or Head Start administrative, fiscal or programmatic issues.
- 1304.50(b)(1)(7) Parents of children currently enrolled in all program options must be proportionately represented on established policy groups.

Head Start Performance Standards on reimbursement:

- 1304.50(f) Policy Council, Policy Committee, and Parent Committee reimbursement. Grantee and delegate agencies must enable low-income members to participate fully in their group responsibilities by providing, if necessary, reimbursements for reasonable expenses incurred by the members (i.e. childcare and transportation).

CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU  
HEAD START/EARLY HEAD START BYLAWS

**Appendix 2**

**I. Appendix 2: Head Start Performance Standards Appendix A**

The following chart outlines the shared responsibilities between the Board of Supervisors, Policy Council, Head Start Director and EHSD Director.

FUNCTION	BOARD OF SUPERVISORS	POLICY COUNCIL	HS* PROGRAM DIRECTOR	AGENCY DIRECTOR
I PLANNING 1304.50(d)(1)(iii)				
(a) 1304.50(d)(1)(iii) Procedures for program planning in accordance with this Part and the requirements of 45 CFR 1305.3 (this regulation is binding on Policy Councils exclusively).	A & C	C	B	C
(b) 1304.50(d)(1)(iv) The program's philosophy and long - and short - range program goals and objectives (see 45 CFR 1304.51(a) and 45 CFR 1305.3 for additional requirements regarding program planning).	A & C	C	B	C
(c) 1304.50(d)(1)(v) The selection of delegate agencies and their service areas (this regulation is binding on Policy Councils exclusively) (see 45 CFR 1301.33 and 45 CFR 1305.3(a) for additional requirements about delegate agency and service area selection, respectively).	A & C	C	B	C
(d) 1304.50(d)(1)(vii) Criteria for defining recruitment, selection, and enrollment priorities in accordance with the requirements of 45 CFR Part 1305.	A	C	B	(Review Only)
(e) 1304.50(d)(1)(i)	A & C	C	B	C

# CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

All funding applications and amendments to funding applications for Early Head Start and Head Start, including administrative services, prior to the submission of such applications to the grantee (in the case of Policy Councils).				
(f) 1304.50(f)	A	C	B	(Review Only)
Policy Council, Policy Committee, and Parent Committee reimbursement. Grantee and delegate agencies must enable low income members to participate fully in their group responsibilities by providing, if necessary, reimbursements for reasonable expenses incurred by the members.				
(g) 1304.50(d)(1)(viii)	A	C	B	C
The annual self-assessment of the grantee or delegate agency's progress in carrying out the programmatic and fiscal intent of its grant application, including planning or other actions that may result from the review of the annual audit and findings from the federal monitoring review (see 45 CFR 1304.51(i)(1) for additional requirements about the annual self-assessment).				

# CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

FUNCTION	BOARD OF SUPERVISORS	POLICY COUNCIL	HS* PROGRAM DIRECTOR	AGENCY DIRECTOR
<b>II GENERAL PROCEDURES 1304.50 (d)(1)(vi)</b>				
(a) 1304.50(d)(1)(vi) The composition of the Policy Council or the Policy Committee and the procedures by which policy group members are chosen.	A & C	C	B	C
(b) 1304.50(g)(1) Grantee and delegate agencies must have written policies that define roles and responsibilities of the governing body members and that inform them of the management procedures and functions necessary to implement a high quality program.	A & C	C	N/A	C
(c) 1304.50(d)(1)(ii) Procedures describing how the governing body and the appropriate policy group will implement shared decision-making.	A & C	C	B	C
(d) 1304.50(h) Internal dispute resolution. Each grantee and delegate agency and Policy Council or Policy Committee jointly must establish written procedures for resolving internal disputes, including impasse procedures, between the governing body and policy group.	A & C	C	B	C
(e) 1304.50(d)(2)(v) Establish and maintain procedures for hearing and working with the grantee or delegate agency to resolve community complaints about the program.	B	B	B	B
(f) 1304.50(g)(2) Grantee and delegate agencies must ensure that appropriate internal controls are established and implemented to safeguard federal funds in accordance with 45 CFR 1301.13.	A	N/A	B	B
(g) 1304.50(d)(1)(ix) The annual independent audit that must be conducted in accordance with 45 CFR 1301.12.	A & C	N/A	B	B

# CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

FUNCTION	BOARD OF SUPERVISORS	POLICY COUNCIL	HS* PROGRAM DIRECTOR	AGENCY DIRECTOR
<b>III HUMAN RESOURCES MANAGEMENT 1304.50(d)(1)(x)</b>				
(a) 1304.50(d)(1)(x) Program personnel policies and subsequent changes to those policies, in accordance with 45 CFR 1301.31, including standards of conduct for program staff, consultants, and volunteers.	A & C	C	B	B
(b) 1304.50(d)(1)(xi) Decisions to hire or terminate the Early Head Start or Head Start Director of the grantee agency.	A & C	C	N/A	B
(c) 1304.50(d)(1)(xii) Decisions to hire or terminate any person who works primarily for the Early Head Start or Head Start program of the grantee agency.	C	C	B (Grantee Only)	C
(d) 1304.50(d)(1)(xi) Decisions to hire or terminate the Early Head Start or Head Start Director of the delegate agency.	N/A	N/A	N/A	B
(e) 1304.50(d)(1)(xii) Decisions to hire or terminate any person who works primarily for the Early Head Start or Head Start program of the delegate agency.	N/A	N/A	B (Delegate Only)	C

## KEY AND DEFINITIONS AS USED IN CHART

\* When a grantee or delegate agency operates an Early Head Start program only and not an Early Head Start and a Head Start program, these responsibilities apply to the Early Head Start Director.

A. General Responsibility. The group with legal and fiscal responsibility that guides and oversees the carrying out of the functions described through the individual or group given operating responsibility.

B. Operating responsibility. The individual or group that is directly responsible for carrying out or performing the functions consistent with the general guidance and oversight from the group holding general responsibility.

C. Must Approve or Disapprove. The group must be involved in the decision-making process prior to the point of seeking approval. If it does not approve, a proposal cannot be adopted, or the proposed action taken, until agreement is reached between the disagreeing groups.

D. Determined locally. Management staff functions as determined by the local governing body and in accordance with all Head Start regulations.

(Existing Appendix A requirements PLUS the added ones from the 2007 HS legislation)\*\*

Procedure/Plan/Application	Approval Required		Frequency of Approval
	Board of Directors	Policy Council	
Planning Procedure (Road Map)	X	X	Annually

# CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

Goals and Objectives	X	X	Annually
Child Recruitment/Selection Procedures	X (added)	X	Annually
Budget and Grant Application	X	X	Annually - and as needed for supplements
Self Assessment and Plan for Corrections	X (added)	X	Annually
Board Composition Requirements for non-governmental agencies	X (added)	—	One-time (until changed)
Board and PC Conflict of Interest requirements	X (added)	X (added)	One-time (until changed)
Board approval of PC Composition Procedure for how PC members are selected	X X (added)	— X (added)	One-Time (until changed)
Policy defining roles/ responsibilities of governing board members for implementing a high quality program	X	—	One-Time (until changed)
Procedures describing how shared governance is implemented	X	X	One-Time (until changed)
Dispute Resolution & Impasse Procedure (OHS will issue procedure)	X	X	One-Time (until changed)
Procedures to resolve community complaints, conduct investigations.	X  Previously “operating” role	Previously “operating” role	One-Time (until changed)
Personnel Policies & Procedures (Revisions to	X	X	As Needed

# CONTRA COSTA COUNTY EHSD COMMUNITY SERVICES BUREAU HEAD START/EARLY HEAD START BYLAWS

originally approved)			
Service Area Plans	—	X	Annually
Financial Management Accounting & Reporting Policies including audit	X (added)	—	One-Time (until changed)
Board: Hiring/Termination procedures for Executive, Head Start, Fiscal, and HR Directors	X (added)	—	One-Time (until changed)
Policy Council: Hiring and firing criteria for program staff.		X (added)	

Required Reports	To Board	To PC	Frequency
Budget and Program Reports	X	X	Periodic
Budget Reports	X	X	Monthly
Credit Card Expense Reports	X	X	Monthly
USDA Meals/Snacks	X	X	Monthly
Program Information Summaries	X	X	Monthly
Enrollment Reports	X	X	Monthly

\*\* Additional clarifications and revised regulations will be forthcoming from OHS.



**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 13, 2016

Subject: 2016 Advisory Body Annual Report for the Affordable Housing Finance Committee (AHFC)

---

**RECOMMENDATION(S):**

ACCEPT the 2016 Advisory Body Annual Report for the Affordable Housing Finance Committee (AHFC).

**FISCAL IMPACT:**

No General Fund impact. Costs to staff the committee were paid by Community Development Block Grant and HOME Investment Partnerships Act funds.

**BACKGROUND:**

Board policy requires that regular and ongoing boards, commissions, or committees shall annually report on activities, accomplishments, membership attendance, required training/certification, and proposed work plan or objectives for the following year.

**ANNUAL REPORT**

1. Activities: The committee met on February 9, 2016, to consider eight applications for nearly \$6 million in Community Development Block Grant (CDBG), and HOME Investment Partnerships Act (HOME) funds. Final funding recommendations included construction of 105 affordable apartments in two multifamily apartment projects located in El Cerrito and North Richmond. The committee also recommended funds for a homeless day program within a new housing project in Walnut Creek, and 30 units of veterans housing in Pittsburg. Additional recommendations were to fund the Neighborhood Preservation Program, which provides rehabilitation loans and grants to low income homeowners.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: June McHuen, Deputy

Contact: Kara Douglas  
925-674-7880

cc:



## BACKGROUND: (CONT'D)

2. Accomplishments: The AHFC reviewed eight applications and provided funding recommendations to support construction or rehabilitation of 304 units of affordable housing to the Board of Supervisors through the Department of Conservation and Development. Committee members provide a critical review of the projects which ensures substantial leverage of CDBG and HOME funds.

3. Attendance/Representation: The AHFC committee achieved a quorum at its one meeting. There are two current vacancies. The current members primarily represent West and Central County. The AHFC strives to have a diverse committee. Kara Douglas staffed the committee.

4. Training/Certification: There has not been any special training in the past year. Staff provides information to committee members on webinars that provide information on related topics.

5. Proposed Work Plan/Objectives for Next Year: In 2017, the AHFC may meet twice. One meeting will be in February or March and additional meetings will be held if applications are received during the year.

## CONSEQUENCE OF NEGATIVE ACTION:

The Board would not have a 2016 report on the Affordable Housing Finance Committee.

## CHILDREN'S IMPACT STATEMENT:

The AHFC reviews and makes recommendations on many types of affordable housing projects. Some of these meet Goal 3 on the Children's Report Card: Families are Economically Self Sufficient.



Contra  
Costa  
County

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: December 13, 2016

Subject: Fish and Wildlife Committee 2016 Annual Report

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**RECOMMENDATION(S):**

ACCEPT the Contra Costa County Fish and Wildlife Committee 2016 Annual Report, as recommended by the Fish and Wildlife Committee.

**FISCAL IMPACT:**

None

**BACKGROUND:**

On June 18, 2002, the Board of Supervisors adopted Resolution No. 2002/377, which requires that each regular and ongoing board, commission, or committee report annually to the Board of Supervisors. The attached report presented for Board consideration was approved by the Fish and Wildlife Committee on November 16, 2016.

**CONSEQUENCE OF NEGATIVE ACTION:**

The annual reporting requirement to the Board of Supervisors would not be fulfilled.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/13/2016** ☒ 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: December 13, 2016

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

By: June McHuen, Deputy

Contact: Maureen Parkes,  
925-674-7831

cc:

## ATTACHMENTS

Fish and Wildlife Committee 2016 Annual  
Report

**Advisory Body Name:** Contra Costa County Fish and Wildlife Committee

**Advisory Body Meeting Time/Location:** 3<sup>rd</sup> Wednesday of every month, 3 – 5 pm

2475 Waterbird Way County Public Works Department Road Maintenance Division lunch room

**Chair:** Daniel Pellegrini

**Staff:** Maureen Parkes and Abigail Fateman

**Reporting Period:** January 2016 – December 2016

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**1. Activities and Accomplishments:** The Fish and Wildlife Committee (FWC) met monthly to discuss matters related to fish and wildlife issues in Contra Costa County (CCC). The Committee is responsible for running a grant program that expends the Fish and Wildlife Propagation Funds (funds that are collected by the CA Department of Fish and Wildlife for code violations). The Committee also hosts an annual Fall Forum to raise awareness among people working in law enforcement, environmental restoration, education and outreach about fish and wildlife issues.

**Grant Program:** The Committee received 16 proposals requesting Fish and Wildlife Propagation Fund grant funds during the regular grant cycle. The Committee reviewed the proposals, interviewed applicants and selected 6 of the 16 proposals for full or partial funding totaling \$22,449.51 to recommend to the Board of Supervisors. Grant awards ranged from \$975 to \$ 7,567.51 each. The Committee reviewed progress and final reports from previous grant cycles and extended invitations to grantees to give presentations.

**Outreach:** The Committee hosted the annual Fall Forum on September 22nd, which is open to the public and encourages people involved in fish and wildlife law enforcement issues in CCC to attend. Invited attendees included representatives of the California Department of Fish and Wildlife, Sheriff's Department, District Attorney's Office, Superior Court, Public Defender's Office, the East Bay Regional Park District Police, the Board of Supervisors and members of the public. Participants have indicated that the Fall Forums have been helpful in raising awareness and fostering cooperation on fish and wildlife issues and law enforcement. Approximately 95 people attended the event.

**Volunteer Activities:** Several members volunteer in the community with other organizations that are interested in fish and wildlife issues. Martha Berthelsen - Steering Committee for SPAWNERS; Rhonda Gehlke - Delta Protection Commission's Leadership Committee, Aquarium in the Classroom Program and Director of the Delta Science Center; Susan Heckly - Lindsay Wildlife Experience, CCC Master Gardener, International Wildlife Rehabilitation Council and the FWC representative on the CCC Integrated Pest Management Advisory Committee; Kathleen Jennings - Co-chair of the Peyton Slough Wetlands Advisory Committee; Danny Pellegrini - Contra Costa Mosquito and Vector Control District Board of Trustees, East Bay Regional Park District Park Advisory Committee, Sheriff's Posse of CCC (Barbeque Captain) and the Martinez Sportsmen's Club.

**Brochure:** The Committee finalized the "Wildlife in Your Backyard" brochure.

Committee members were regularly updated on activities related to fish and wildlife in CCC which included seven presentations and updates by guest speakers and grant recipients. An eighth presentation is tentatively scheduled for December.

The presentations and updates are listed below:

- Update on the Alternative 4A (California WaterFix) (Ryan Hernandez, Department of Conservation and Development)
- Update from the East Contra Costa County Habitat Conservancy on acquisition and restoration projects (Abigail Fateman, ECCC HCP/NCCS)
- Presentation on weeds and invasive plants in Contra Costa County (Bob Case, California Invasive Plant Council)
- Presentation on the "Bees of Brentwood" project (Dr. Gordon Frankie, University of California, Berkeley)
- Presentation at the Fall Forum "Presentation on the Lower Walnut Creek Historical Ecology Study (Scott Dusterhoff, San Francisco Estuary Institute)
- Update on the activities of the CCC Integrated Pest Management Advisory Committee (Tanya Drlik, Contra Costa Health Services Department)
- Presentation on the River Otter Ecology Project (Megan Isadore, River Otter Ecology Project)
- It is anticipated that there will be a presentation at the December meeting on wildlife matters managed by the CCC Animal Services Department (Lt. Doug DeVries, CCC Animal Services Department)

**2. Attendance/Representation** The FWC is composed of ten members. Each Supervisor appoints a member and the Internal Operations Committee appoints four At-large members and one At-large Alternate. The Committee meets monthly. As of the writing of this annual report, the FWC met eight times at which a quorum was always present. It is anticipated that the Committee will meet again in December. The members were: Martha Berthelsen (D-I) through February 1, 2016, Susan Heckly (D-II), Clark Dawson (D-III), Brett Morris (D-IV), Daniel Pellegrini (D-V), Rhonda Gehlke (At-large), Kathleen Jennings (At-large), Jeff Skinner (At-large) and Scott Stephan (At-large). Derek Jansen was the At-large Alternate member through March 30, 2016. Dawn Manley was appointed to the At-large Alternate seat on September 13, 2016.

**3. Training/Certification** At monthly meetings Committee members were regularly updated on activities related to fish and wildlife in CCC which included seven presentations/updates from guest speakers and grant applicants. An eighth presentation is tentatively scheduled for December (see Activities/ Accomplishments). All members have viewed the required videos: "The Brown Act and Better Government Ordinance – What You Need to Know as a Commission, Board or Committee Member" and "Ethics Orientation for County Officials." Certifications are on file for all of the members.

#### **4. Proposed Work Plan/Objectives for Next Year**

**(1) FWC Operations:**

- Develop and refine Work Plan (working document).
- Maintain FWC membership by advertising vacancies and forwarding applications to the Internal Operations Committee.
- Seek to coordinate with other Fish and Wildlife Committees on regional matters.
- Coordinate with the Contra Costa Watershed Forum.

**(2) Make recommendations to the Board of Supervisors via the Internal Operations Committee for the appropriation of funds from the Fish and Wildlife Propagation Fund to support fish and wildlife projects in the community:**

- Conduct grant program to solicit proposals, evaluate their relative merits, and recommend funding for projects which will contribute most to the fish and wildlife resources of the County.
- Develop and advertise FWC grant program by: 1) Reviewing past Request for Proposals (RFP), funding applications; and 2) Developing new RFP, funding application deadline, and funding priorities; and 3) posting to the County website, distributing these materials to the media, the FWC mailing list and RFP mailing list, and to anyone who requests them.
- Work with agencies, organizations, and individuals to help them plan and develop projects suitable for support from the Fish and Wildlife Propagation Fund.
- Monitor the efficiency and effectiveness of the grant disbursement process.
- Review funding applications received. Make recommendations to the Board of Supervisors via the Internal Operations Committee for the awarding of grants.
- Follow-up on projects that receive funding to assure that projects proceed as proposed. One way the FWC will do this is to extend invitations to prior Fish and Wildlife Propagation Fund Grant recipients to future meetings to give status reports, outcomes and presentations regarding their projects.
- Send out a letter to grant recipients requesting project status reports.

**(3) FWC priorities for 2017:**

- Make recommendations to the Board to approve Fish and Wildlife Propagation Fund grant applications for projects that increase collaboration with law enforcement agencies, the court, and community cultural organizations on enforcement issues and increase education focusing on communities that may be unaware of local fish and game laws.
- Provide public forum opportunities for open discussion on wildlife issues that affect CCC residents and impact natural resources in our County, increase outreach efforts and provide advisory updates to Board of Supervisors as needed.
- Disseminate “Wildlife in Your Backyard” booklet and develop other projects for involvement of the FWC and the community in CCC.

**(4) FWC projects (develop and prioritize a list of projects for potential FWC involvement; select projects for FWC involvement and provided appropriate support, including: initiation, planning, consultation, and/or funding):**

- Make recommendations to the Board on awarding Certificates of Appreciation for significant contributions to the fish and wildlife resources of the County.
- Consider hosting a forum about wildlife.

**(5) Improve enforcement of fish and game laws and regulations; increase flow of money into the Fish and Wildlife Propagation Fund:**

- Review status reports on Fish and Game Code enforcement in the County. Consider advising the Board on trends.
- Help assure that, when appropriate, a portion of fines from violations of laws designed to protect fish and wildlife resources is deposited in the Fish and Wildlife Propagation Fund. Promote awareness of the harm caused by violation of fish and wildlife regulations and the value of enforcement.
- Host a Fall Forum with law enforcement officials (CA Dept. of Fish and Wildlife, Sheriff’s Dept., District Attorney’s Office, Superior Court, Public Defender’s Office, the East Bay Regional Park District Police) to discuss fish and wildlife issues and enforcement.

**(6) Monitor and advise the Board on projects that may affect fish and wildlife resources in the county:**

- Attend field trips to see major restoration projects and prior Fish and Wildlife Propagation Fund Grant recipients’ projects in the County.
- Consider tours of East CCC Habitat Conservancy properties, Marsh Creek Fish Ladder, Walnut Creek Drop Structure, Dow Wetlands and Chelsea Wetlands at Pinole.

**(7) Develop policy recommendations (“white papers”) on fish and wildlife issues:**

- Discuss impacts of invasive species.
- Discuss wildlife and human interaction / interface.
- Discuss public education on reducing the impact of free-roaming cats on wildlife.
- Discuss the California WaterFix and proposal for water conveyance tunnels.