

## INTERNAL OPERATIONS COMMITTEE

RECORD OF ACTION FOR  
March 13, 2017

Supervisor Candace Andersen, Chair  
Supervisor Diane Burgis, Vice Chair

Present: Candace Andersen, Chair  
Diane Burgis, Vice Chair

Staff Present: Julie DiMaggio Enea, Staff

Attendees: Michael Kent, Health Services Department  
Nita Rivera, Public Works - Fleet  
Diana Oyler, Public Works - Finance  
Joe Yee, Deputy Public Works Director  
Carlos Velasquez, Public Works-Fleet Svcs Mgr  
Steve Burdo, Animal Services Department  
Jami Napier, Sr Deputy CAO, Clerk of the Board  
Allison Picard, Chief Asst CAO

### 1. Introductions

*Chair Andersen convened the meeting at 1:03 p.m. and self introductions were made around the room.*

### 2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

*No members of the public requested to speak during the public comment period.*

### 3. RECEIVE and APPROVE the Record of Action for the February 13, 2017 IOC meeting.

*The Committee approved the Record of Action for the February 13, 2017 IOC meeting as presented.*

AYE: Chair Candace Andersen, Vice Chair Diane Burgis  
Passed

### 4. APPROVE Contra Costa Taxpayers' Association nomination of Marjorie Leeds for appointment to the Business #3 Alternate seat on the Hazardous Materials Commission to a four-year term ending on December 31, 2020.

*The Committee approved the nomination of Marjorie Leeds for appointment to the Hazardous Materials Commission and directed staff to forward the recommendation to the Board of Supervisors.*

AYE: Chair Candace Andersen, Vice Chair Diane Burgis

Passed

5. ACCEPT 2015/16 annual report from the Public Works Director on the Internal Services Fund for the County's Vehicle Fleet.

*The report was presented by Joe Yee, Carlos Velasquez, and Diana Oyler. The Committee accepted the report, asked Public Works staff to estimate the dollar savings achieved by reducing the number of underutilized vehicles in the fleet, and directed staff to forward the report to the Board of Supervisors.*

AYE: Chair Candace Andersen, Vice Chair Diane Burgis

Passed

6. CONSIDER recommendations of the Animal Services Director to update the current Dog Barking Ordinance to authorize administrative penalties for animal noise violations and to prohibit the harboring of more than four roosters on private property, and DETERMINE action to be taken.

*Steve Burdo presented the staff report. Supervisor Andersen asked how the proposed ordinance related to the farm animal ordinance currently under development in the Conservation and Development Department. She commented that, if noise were a concern, it might be preferable to prohibit the harboring of roosters in residential areas altogether. Mr. Burdo responded that the proposed limit of up to four roosters per household was intended to address concerns about cockfighting as well as noise.*

*The Committee chose to take no action on the proposed ordinance at this time but directed ASD staff to consult with DCD staff regarding consistency with the farm animal ordinance currently under development, and report back to the IOC in April. Supervisor Andersen indicated a willingness to bifurcate the proposed ASD ordinance if the rooster issue was not resolved in April, to permit the barking dog portion of the ordinance to advance to the Board.*

7.
  1. ACCEPT the Phase II Triennial Advisory Body Review report.
  2. DIRECT staff to report back by May 2017 with a plan to increase outreach for filling vacant Board committee and commission seats that includes working with each Board office to advertise District seat openings with a goal of encouraging diverse representation on these bodies.
  3. REQUEST the First Five Commission update their by-laws and make a recommendation regarding the number of designated alternates.
  4. DIRECT the EEO Officer to work with the Advisory Council on Equal Employment Opportunity to update their by-laws to redefine their mission.
  5. DIRECT staff to report back to the IOC by July 2017 with a more detailed assessment of the status of Municipal Advisory Councils including by-laws and

annual reports, and to provide refresher training to employees staffing the MACs as well as CSAs on administrative procedures.

*The Committee approved the staff recommendations for Phase II of the triennial advisory body review and directed staff to forward the report and recommendations to the Board of Supervisors. Allison Picard advised the Committee that the Clerk of the Board's Office is updating the annual advisory body training curriculum for training later this year.*

AYE: Chair Candace Andersen, Vice Chair Diane Burgis

Passed

8. The next meeting is currently scheduled for April 10, 2017.

9. Adjourn

*Chair Andersen adjourned the meeting at 1:28 p.m.*

For Additional Information Contact:

Julie DiMaggio Enea, Committee Staff  
Phone (925) 335-1077, Fax (925) 646-1353  
julie.enea@cao.cccounty.us



# Contra Costa County Board of Supervisors

## Subcommittee Report

### INTERNAL OPERATIONS COMMITTEE

3.

**Meeting Date:** 03/13/2017

**Subject:** RECORD OF ACTION FOR THE FEBRUARY 13, 2017 IOC MEETING

**Submitted For:** David Twa, County Administrator

**Department:** County Administrator

**Referral No.:** N/A

**Referral Name:** RECORD OF ACTION

**Presenter:** Julie DiMaggio Enea, IOC  
Staff

**Contact:** Julie DiMaggio Enea (925)  
335-1077

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#### **Referral History:**

County Ordinance requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

#### **Referral Update:**

Attached is the Record of Action for the February 13, 2017 IOC meeting.

#### **Recommendation(s)/Next Step(s):**

RECEIVE and APPROVE the Record of Action for the February 13, 2017 IOC meeting.

#### **Fiscal Impact (if any):**

None.

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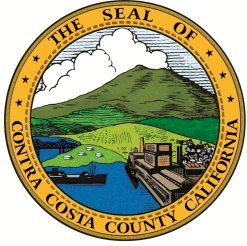
#### **Attachments**

DRAFT Record of Action for 2-13-2017 IOC Meeting

#### **Minutes Attachments**

*No file(s) attached.*

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## INTERNAL OPERATIONS COMMITTEE

RECORD OF ACTION FOR  
February 13, 2017

Supervisor Candace Andersen, Chair  
Supervisor Diane Burgis, Vice Chair

Present: Candace Andersen, Chair  
Diane Burgis, Vice Chair

Staff Present: Julie DiMaggio Enea, Staff

Attendees: Tanya Drlik, Health Services Dept.  
Jami Napier, Sr Deputy CAO, Clerk of the Board  
Elizabeth Verigin, Asst. Auditor-Controller  
Joanne Bohren, Chief Auditor  
Henrietta Brown, Auditor-Controller's Office  
Jonathan Bash, District III Chief of Staff  
Allison Picard, Chief Asst CAO  
David Gould, County Purchasing Services  
Manager  
Michael Kent, Health Services Department

DRAFT

1. Introductions

***Chair Andersen called the meeting to order at 1:00 p.m. and self-introductions were made around the room.***

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

***No persons requested to speak during the Public Comment period.***

3. CONSIDER future disposition of the seat designated for the Public and Environmental Health Advisory Board, which was abolished, on the Integrated Pest Management Advisory Committee.

***The Committee directed that the former PEHAB seat on the IPM Advisory Committee be redesignated for a member of the newly created Sustainability Advisory Committee.***

AYE: Chair Candace Andersen, Vice Chair Diane Burgis  
Passed

4. APPROVE Hazardous Materials Commission nominations to appoint the following individuals to the Commission to terms ending on December 31, 2020:

Action	Nominee	Seat	Nominated By
Reappoint	Steve Linsley	Environmental #3	Via open recruitment
Reappoint	Leslie Stewart	League of Women Voters	League of Women Voters
Appoint	Rita Xavier	League of Women Voters Alternate	League of Women Voters
Reappoint	Don Bristol	Business #3	CC Taxpayers Association

***The Committee unanimously approved the nominations.***

AYE: Chair Candace Andersen, Vice Chair Diane Burgis  
Passed

5. ACCEPT report on the Auditor-Controller's audit activities for 2016 and APPROVE the proposed schedule of financial audits for 2017.

***Chief Auditor Joanne Bohren presented the annual report and indicated that 37% of the findings were repeat findings from the previous year. Asst. Auditor-Controller Elizabeth Verigin advised that the Auditor's Office will reinstate periodic fiscal management training for the Municipal Advisory Councils, and strongly recommended a recommitment by Public Works-Purchasing to revive Procurement Card Training. Purchasing Services Manager David Gould advised that he has personally conducted one-on-one procurement card training during the last six months and is researching electronic tools to help monitor card use and identify misuse.***

***Ms. Bohren explained that her staff spends about one-third of the year exclusively on the Comprehensive Annual Financial Report but, even so, was able to complete all 2016 scheduled audits. She also highlighted that 2015 was the 34th straight year that the County has earned the distinction for excellence in financial reporting.***

***The Committee accepted the report and audit schedule as presented.***

AYE: Chair Candace Andersen, Vice Chair Diane Burgis  
Passed

6. ACCEPT follow-up report and recommendations on the Small Business Enterprise and Outreach Programs.

***The Committee accepted the staff report and directed staff to conduct a broad review of purchasing policies and programs and return to the IOC in six months with recommendations for any changes and revised policy and program documents.***

AYE: Chair Candace Andersen, Vice Chair Diane Burgis  
Passed

7. APPROVE the proposed plan and schedules for the recruitment to fill three Board of Supervisors seats on the Contra Costa County Employees' Retirement Association Board of Trustees that will become vacant on July 1, 2017, and two Board of Supervisors seats on the East Contra Costa Fire Protection District Board of Directors that will become vacant on February 5, 2018.

*The Committee approved the recruitment schedule as proposed.*

AYE: Chair Candace Andersen, Vice Chair Diane Burgis  
Passed

8. APPROVE the proposed 2017 Committee meeting schedule and work plan, or provide direction to staff regarding any changes thereto.

*The Committee approved the work plan and meeting schedule as proposed.*

AYE: Chair Candace Andersen, Vice Chair Diane Burgis  
Passed

9. The next meeting is currently scheduled for March 13, 2017.

10. Adjourn

*Chair Andersen adjourned the meeting at 1:37 p.m.*

For Additional Information Contact:

Julie DiMaggio Enea, Committee Staff  
Phone (925) 335-1077, Fax (925) 646-1353  
julie.enea@cao.cccounty.us

DRAFT



# Contra Costa County Board of Supervisors

## Subcommittee Report

### INTERNAL OPERATIONS COMMITTEE

4.

**Meeting Date:** 03/13/2017  
**Subject:** NOMINATIONS TO THE HAZARDOUS MATERIALS COMMISSION  
**Submitted For:** William Walker, M.D., Health Services Director  
**Department:** Health Services  
**Referral No.:** IOC 17/5  
**Referral Name:** Advisory Body Recruitment  
**Presenter:** Julie DiMaggio Enea      **Contact:** Michael Kent (925) 313-6712

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#### **Referral History:**

In 2013, IOC reviewed Board Resolution Nos. 2011/497 and 2011/498, which stipulate that applicants for At Large/Non Agency-Specific seats on specified bodies are to be interviewed by a Board Committee. The IOC made a determination that it would delegate the screening and nomination of Hazardous Materials Commission candidates to the Commission, for review by the IOC.

The Hazardous Materials Commission was established in 1986 to advise the Board, County Staff and the mayor's council members, and staffs of the cities within the County, on issues related to the development, approval and administration of the County Hazardous Waste Management Plan. Specifically, the Board charged the Commission with drafting a Hazardous Materials Storage and Transportation Plan and Ordinance, coordinating the implementation of the Hazardous Materials Release Response Plan and inventory program, and analyzing and developing recommendations regarding hazardous materials issues with consideration to broad public input, and reporting back to the Board on Board referrals.

#### **Referral Update:**

The term for the Business #3 Alternate seat expired on December 31, 2016, creating a vacancy. The nominating agency for the Business #3 Alternate seat is the Contra Costa Taxpayers' Association, which has nominated Marjorie Leeds for this seat. The term of office would be for four years ending on December 31, 2020.

#### **Recommendation(s)/Next Step(s):**

APPROVE Contra Costa Taxpayers' Association nomination of Marjorie Leeds for appointment to the Business #3 Alternate seat on the Hazardous Materials Commission to a four-year term ending on December 31, 2020.

#### **Fiscal Impact (if any):**



No fiscal impact.

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**Attachments**

Candidate Application Marjorie Leeds HazMat Comm

CC Taxpayers Assoc Nomination Letter

**Minutes Attachments**

*No file(s) attached.*

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Contra Costa County

For Office Use Only
Date Received:

For Reviewers Use Only:
Accepted Rejected

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:
Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1292
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

Hazardous Materials Commission

[Empty box for seat name]

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. Name: Leeds Marjorie Brown
(Last Name) (First Name) (Middle Name)

2. Address: [Redacted] Martinez, CA 94553
(No.) (Street) (Apt.) (City) (State) (Zip Code)

3. Phones: [Redacted]
(Home No.) (Work No.) (Cell No.)

4. Email Address: [Redacted]

5. EDUCATION: Check appropriate box if you possess one of the following:

High School Diploma [X] G.E.D. Certificate [ ] California High School Proficiency Certificate [ ]

Give Highest Grade or Educational Level Achieved [Empty box]

Table with 6 columns: Names of colleges / universities attended, Course of Study / Major, Degree Awarded, Units Completed (Semester/Quarter), Degree Type, Date Degree Awarded. Row A: Texas A&M University, Industrial Engineering, Yes, B.S., 1980.

6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<p>A) Dates (Month, Day, Year) From <u>2013</u> To <u>2015</u> Total: Yrs. <u>2</u> Mos. <u>    </u> Hrs. per week <u>40</u> . Volunteer <input type="checkbox"/></p>	<p>Title <u>Learning Advisor</u> Employer's Name and Address <u>Royal Dutch Shell</u></p>	<p>Duties Performed <u>Developed Health &amp; Safety competence assurance for leadership of Royal Dutch Shell worldwide</u></p>
<p>B) Dates (Month, Day, Year) From <u>1996</u> To <u>2013</u> Total: Yrs. <u>17</u> Mos. <u>    </u> Hrs. per week <u>    </u> . Volunteer <input type="checkbox"/></p>	<p>Title <u>Plant Manager</u> Employer's Name and Address <u>Shell Chemical Martinez</u></p>	<p>Duties Performed <u>Managed small Chemical Plant ~100 people</u></p>
<p>C) Dates (Month, Day, Year) From <u>1991</u> To <u>1996</u> Total: Yrs. <u>5</u> Mos. <u>    </u> Hrs. per week <u>    </u> . Volunteer <input type="checkbox"/></p>	<p>Title <u>Health and Safety Mgr.</u> Employer's Name and Address <u>Shell Oil Martinez Refinery</u></p>	<p>Duties Performed <u>Managed Health &amp; Safety Dept.</u></p>
<p>D) Dates (Month, Day, Year) From <u>1980</u> To <u>1991</u> Total: Yrs. <u>    </u> Mos. <u>    </u> Hrs. per week <u>    </u> . Volunteer <input type="checkbox"/></p>	<p>Title <u>Industrial Hygienist</u> Employer's Name and Address <u>Shell Oil Martinez</u></p>	<p>Duties Performed <u>Industrial Hygienist including broad experience with hazardous chemicals</u></p>

7. How did you learn about this vacancy?

CCC Homepage  Walk-In  Newspaper Advertisement  District Supervisor  Other Taxpayers Assn.

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No  Yes

If Yes, please identify the nature of the relationship:

9. Do you have any financial relationships with the County such as grants, contracts, or other economic relations? No  Yes

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name [REDACTED] Date: January 22, 2017

**Important Information**

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).
2. Send the completed paper application to the Office of the Clerk of the Board at: **651 Pine Street, Room 106, Martinez, CA 94553.**
3. A résumé or other relevant information may be submitted with this application.
4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.
5. Members of boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.
7. Meeting dates and times are subject to change and may occur up to two days per month.
8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

# CocoTax

Contra Costa Taxpayers Association

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1401 Willow Pass Rd, Ste 880, Concord, CA 94520 ▪ 925.289.6900 ▪ [krishunt@cocotax.org](mailto:krishunt@cocotax.org) ▪ [www.cocotax.org](http://www.cocotax.org)

February 1, 2017

Mr. Michael Kent  
Contra Costa Health Services  
Hazardous Materials Ombudsman  
597 Center Ave., Suite 100  
Martinez, CA 94553

RE: Nomination for the Contra Costa Taxpayers Association Member on the Hazardous Materials Commission

Dear Mr. Kent:

The Contra Costa Taxpayers Association would like to nominate Mrs. Marj Leeds as our alternate representative on the Hazardous Materials Commission for a full term. Since Mrs. Leeds has served for more than 10 years we trust that she will be an appropriate alternate for Mr. Don Bristol. Her many years of experience in the Health and Safety field for Shell Oil Company provide her with an excellent background for the issues that face the Commission.

If you have any questions, please feel free to call me.

Sincerely,



Jack Weir  
Executive Director

Cc: Don Bristol



# Contra Costa County Board of Supervisors

## Subcommittee Report

### INTERNAL OPERATIONS COMMITTEE

5.

**Meeting Date:** 03/13/2017

**Subject:** RECOMMENDATIONS FOR DISPOSITION OF LOW MILEAGE FLEET VEHICLES

**Submitted For:** Julia R. Bueren, Public Works Director/Chief Engineer

**Department:** Public Works

**Referral No.:** IOC 17/3

**Referral Name:** Review of Annual Master Vehicle Replacement List and Disposition of Low-Use Vehicles

**Presenter:** Joe Yee, Deputy Public Works Director   **Contact:** Carlos Velasquez 925....

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#### **Referral History:**

In FY 2008/09, the Board approved the establishment of an Internal Services Fund (ISF) for the County Fleet, now administered by the Public Works Department. Each year, the Public Works Department Fleet Services Manager analyzes the fleet and annual vehicle usage, and makes recommendations to the IOC on the budget year vehicle replacements and on the intra-County reassignment of underutilized vehicles, in accordance with County policy. The Board requested the IOC to review annually the Public Works Department report on the fleet and on low-mileage vehicles.

Last year at the IOC's request, the Fleet Manager updated the County's Clean Air Vehicle Policy (attached hereto as County Administrative Bulletin 508.5) to also reflect current technology such as electric and hydrogen fuel cell vehicles, and current funding incentives; and began to segregate large construction vehicles from regular trucks and sedans in future annual reports to make the statistical reporting more meaningful.

To provide context for the 15/16 annual report, attached, below are some highlights from the 14/15 annual report:

- Only two low-mileage vehicles were identified, as compared to nine in the 13/14 year.
- 44 hybrid vehicles were purchased.
- Fleet Services added a mobile repair van to its array of services to save customer time in ferrying vehicles, keeping the vehicles in service longer.
- Fleet Services continued to install GPS telematic devices in the vehicles to track engine performance, location, vehicle speed, and idling time. The devices also qualify the vehicles for the State's continuous smog testing pilot program, making those vehicles exempt from the biennial smog testing requirement, which saves the County time and money. For those vehicles not equipped with telematic devices, Public Works gained the certification to perform its own smog testing.

- 75% of the fleet staff are now ASE (Automotive Service Excellence) Blue Seal-certified, which has increased technical competency and employee morale.
- Fleet Services leveraged purchasing incentives to lower the County cost for purchasing hybrid vehicles.

**Referral Update:**

Attached for the Committee's review is the 2015/16 annual report on the ISF and low-mileage vehicles, as prepared by the Public Works Department. The report indicates that only one low mileage vehicle was identified but require further analysis before a decision can be made.

**Recommendation(s)/Next Step(s):**

ACCEPT 2015/16 annual report from the Public Works Director on the Internal Services Fund for the County's Vehicle Fleet.

**Fiscal Impact (if any):**

Reassigning underutilized vehicles would increase cost efficiency, but the fiscal impact was not estimated.

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**Attachments**

FY 2015-26 Fleet/ISF Report

FY 2015-16 Fleet/ISF Report Attachments A-C

**Minutes Attachments**

*No file(s) attached.*

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## Memo

March 6, 2017

**TO:** Internal Operations Committee  
Supervisor Candace Andersen, District II, Chair  
Supervisor Diane Burgis, District III, Vice-Chair

**FROM:** Julia R. Bueren, Public Works Director

**SUBJECT:** FLEET INTERNAL SERVICE FUND FY 2015-16 REPORT

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### **MESSAGE:**

#### **Recommendation**

Accept the Internal Service Fund (ISF) Fleet Services report for FY 2015-16.

#### **Background**

The Fleet Services Division has operated as an Internal Service Fund since 2008 to ensure stable and long-term vehicle replacement funding.

Fleet Services provides various services to County departments including the acquisition, preventative maintenance, repair, and disposal of fleet vehicles and equipment. The division services the County's fleet of 1653 vehicles/equipment/trailers, of which, 934 vehicles are included in the ISF program.

#### **ISF Rate Structure**

There are three components to recover operational costs for vehicles in the ISF Fleet Services program which are charged to the departments. They are:

1. A fixed monthly cost to cover insurance, Fleet Services overhead, and vehicle depreciation / replacement
2. A variable cost based on miles driven to cover maintenance and repair costs
3. Direct costs for fuel

This rate structure enables the ISF to collect monthly payments from customer departments over the life-cycle of the units to fund operations and enable the systematic replacement of units at the end of a vehicle's useful life or when it becomes a cost-effective decision to do so.

The estimated fixed and variable rates are adjusted each year to develop ISF rates as close to actual costs as possible for each class of vehicle. Accordingly, the FY 2015-16 expenses were



reviewed to develop new rates for FY 2016-17, which went into effect September 1, 2016. Please refer to Attachment A accompanying this report for the ISF Fleet Rates Schedule.

### **Fleet Services Goals and Objectives**

- Continue to provide cost-effective services that meet or exceed our customers' needs and expectations by evaluating additional services and new technologies to increase efficiencies.
- Continue to evaluate and recommend for replacement all vehicles and fleet equipment that are due for replacement based on a predetermined schedule and/or a time when it is most cost-effective to do so and in accordance with Administrative Bulletin 508.5. This increases vehicle availability through reduced down time associated with an older fleet.
- Continue to maintain a newer fleet focusing on preventative maintenance thus reducing repair costs typically associated with an older fleet.
- Continue to purchase clean air vehicles whenever feasible and to grow the number of electric vehicles in the fleet as existing equipment requires replacement. Fleet Services continues to seek grant funding opportunities to expand the electric vehicle charging station infrastructure to support County and personal vehicles.
- Continue to ensure that all County vehicles are maintained and repaired in a timely, safe, and cost effective manner in order to provide departments with safe, reliable vehicles and equipment.
- Continue to work with departments to identify vehicles and equipment that are underutilized in an effort to maximize fleet utilization, identify departmental actual needs, and reduce fleet costs.

### **Highlights**

- In FY 2015-16, 79 new vehicles were purchased, 32% less than FY 2014-2015, and 13% less than were purchased in FY 2013-14.
- Fleet continually reviews vehicle usage in an effort to reduce underutilized vehicles according to Administrative Bulletin 508.5. During the most recent review in February 2016, one unit was identified that required further analysis for possible reclassification or reassignment which is down from two in the previous year.
- Fleet Services continues to promote building a "Green Fleet" by purchasing 51 hybrid vehicles as replacement vehicles.
- Placed into operation 3 new partially grant funded HINO Class 4 195 Hybrid Trucks which reduce fuel consumption by 30% over a conventionally powered truck. Fleet Services took advantage of the California Hybrid and Zero-Emission Truck and Bus

Voucher Incentive Project to reduce the overall acquisition cost of the truck by \$23,000 per truck.

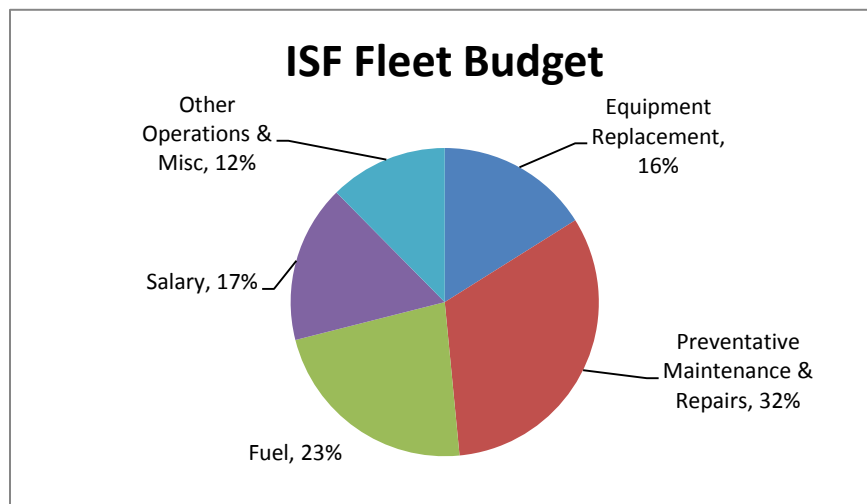
- Fleet Services continues to install telematics GPS devices, where appropriate, to help improve fleet utilization, identify vehicle locations in the event of an emergency, reduce costs by identifying and immediately reporting operational issues with the vehicle, and improve accuracy of mileage meter readings. Department users of vehicles equipped with the telematics GPS devices also have access to standard reports which they can use to review incidences of speeding, excessive idling, vehicle utilization, etc. to help reduce departmental fleet cost. Over 500 vehicles in the County fleet are equipped with these devices.
- 429 light vehicles equipped with the telematics GPS device are enrolled in the State Continuous Smog Testing Pilot Program excluding them from the mandatory biennial physical smog test which reduces cost and vehicle downtime. The telematics device continuously monitor emissions performance and will send a notification immediately when a fault is detected so repairs can be made.

### Summary

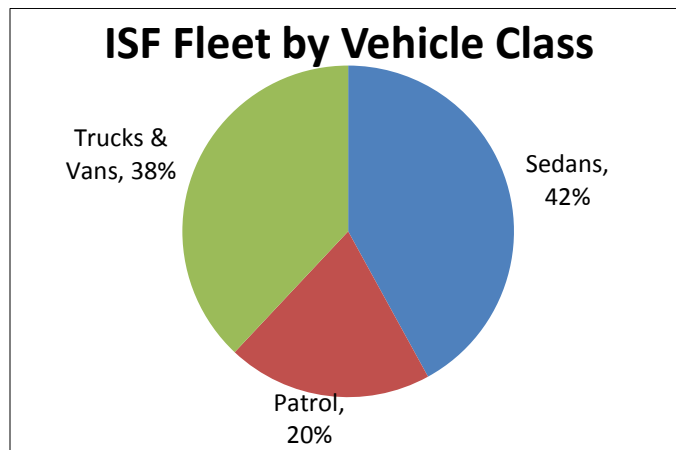
The Fleet Services Division operates as an Internal Service Fund (ISF), providing services to a variety of County Departments. As an ISF, Fleet is responsible to fully recover the cost of providing services and the cost of capital purchases. Key responsibilities of the Division are vehicle preventative maintenance and repair, fueling, replacement analysis, specification review, acquisition, new vehicle up-fitting, and preparation of surplus vehicles for disposal.

In FY 2015-16, Fleet Services had a staff of 18 Administration and Operations employees. The Administration section consists of one Fleet Manager, one Fleet Equipment Specialist and one Clerk. The Operations section consists of one Lead Fleet Technician, three Equipment Services Workers, nine Equipment Mechanics, two Equipment Service Writers and one Student Worker.

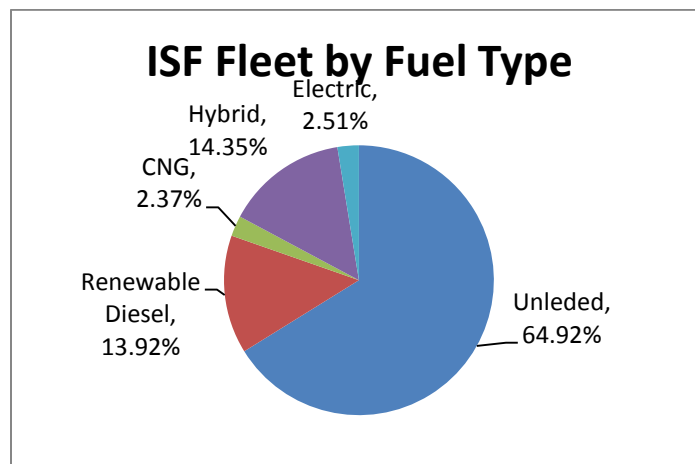
The FY 2015-16 budget of \$13,457,916 included: \$2,164,441 for salaries; \$4,358,000 for vehicle repairs; \$3,038,600 for fuel; and \$2,227,562 for the replacement of fleet vehicles and equipment. The ending ISF Fund Balance for FY 2015-16 is \$12,002,754.



The ISF fleet has 934 vehicles, comprised of sedans, patrol vehicles, and trucks/vans.



Fleet Services continues to purchase clean air vehicles whenever feasible and plans to grow the number of electric vehicles in the fleet as existing equipment requires replacement. All diesel vehicles use renewable fuel and all sedans must have a PZEV rating or greater by the California Air Resources Board.



Fleet Services continues to work to achieve the primary goals and objectives of providing County departments with vehicles and equipment that are safe, reliable, economically sustainable, and consistent with departmental needs and requirements at the lowest possible cost. The Division will continue to monitor vehicle use to optimize new vehicle acquisition and better utilize existing vehicle assets.

**Attachments**

- A ISF Rates Schedule
- B ISF Fund Balance
- C ISF Net Assets

**Internal Service Fund - Fleet Services**  
**ISF Fleet Rates Schedule**  
**FY 2015-16**

Category	FY 2013-14		FY 2014-15		FY 2015-16		FY 2016-17		% Change	
	Monthly Rate	Mileage Charge	Monthly Rate	Mileage Charge	Monthly Rate	Mileage Charge	Monthly Rate	Mileage Charge	Monthly Rate	Mileage Charge
ISF-Sedan	\$ 257.92	\$ 0.145	\$ 284.83	\$ 0.167	\$ 264.33	\$ 0.200	\$ 349.83	\$ 0.220	32.3%	10.0%
ISF-Cargo Van	205.92	0.249	239.75	0.290	435.33	0.210	434.67	0.306	-0.2%	45.7%
ISF-Passenger Van	201.92	0.191	220.75	0.306	315.33	0.280	356.50	0.262	13.1%	-6.4%
ISF-Patrol	454.83	0.393	427.33	0.462	445.00	0.410	576.92	0.635	29.6%	54.9%
ISF-Sports Utility Vehicle	311.33	0.294	307.42	0.272	374.50	0.200	406.67	0.241	8.6%	20.5%
ISF-Truck, Compact	194.67	0.190	194.33	0.221	223.50	0.290	254.25	0.217	13.8%	-25.2%
ISF-Truck, Fullsize	238.25	0.249	233.50	0.388	335.08	0.410	496.33	0.254	48.1%	-38.0%
ISF-Truck, Utility	305.25	0.256	381.50	0.329	316.42	0.550	403.08	0.285	27.4%	-48.2%

**Internal Service Fund - Fleet Services  
Fund Balance  
For the Year Ended June 30, 2016**

	FY 2014-15	FY 2015-16
<b>Beginning Fund Balance</b>	<b>\$ 11,233,276</b>	<b>\$ 11,510,328</b>
<b>Expenses</b>		
Salaries & Benefits	2,202,121	2,164,397
Services and Supplies, Other Charges	6,707,489	6,735,541
Depreciation	1,915,405	2,163,592
<b>Total Expenses</b>	<b>\$ 10,825,015</b>	<b>\$ 11,063,530</b>
<b>Revenues</b>		
Charges for services	\$ 9,868,739	\$ 10,494,462
Transfers In/(Out)	588,791	414,730
Sale of Surplus Vehicles	199,283	261,775
Indemnifying Proceeds (Accidents)	445,254	384,989
<b>Total Revenue</b>	<b>\$ 11,102,067</b>	<b>\$ 11,555,956</b>
<b>Change in Fund Balance</b>	<b>\$ 277,052</b>	<b>\$ 492,426</b>
<b>FY Ending Fund Balance</b>	<b>\$ 11,510,328</b>	<b>\$ 12,002,754</b>

**Internal Service Fund - Fleet Services  
Balance Sheet (Fund 150100)  
As of June 30, 2016**

		<u>FY 2014-15</u>	<u>FY 2015-16</u>
<b>Assets</b>			
Current Assets:			
0010	Cash	\$ 3,692,800	\$ 3,014,494
0100	Accounts Receivable	3,119	59,731
0170	Inventories	331,085	360,839
0180	Due From Other Funds	1,120,686	1,267,490
0250	Prepaid Expense	10,317	(16,908)
	Total Current Assets	<u>\$ 5,158,007</u>	<u>\$ 4,685,646</u>
Noncurrent Assets:			
0340	Equipment	19,916,589	21,960,461
0360	Construction In Progress	1,736,583	1,214,291
0370	Reserve For Depreciation	(13,793,923)	(14,902,463)
	Total Noncurrent Assets	<u>\$ 7,859,250</u>	<u>\$ 8,272,290</u>
	<b>Total Assets</b>	<u><b>\$ 13,017,257</b></u>	<u><b>\$ 12,957,935</b></u>
<b>Liabilities</b>			
0500	Accounts Payable	\$ 834,879	\$ 355,679
0540	Due To Other Funds	592,431	536,928
0640	Employee Fringe Benefit Pay	79,618	62,573
	<b>Total Liabilities</b>	<u><b>\$ 1,506,928</b></u>	<u><b>\$ 955,181</b></u>
<b>Net Position</b>			
	Capital Assets, Net of Debt	\$ 7,859,250	\$ 8,272,290
	Working Capital (Current Assets Net Current Liabilities)	3,651,079	3,730,465
	<b>Total Net Position</b>	<u><b>\$ 11,510,328</b></u>	<u><b>\$ 12,002,754</b></u>



# Contra Costa County Board of Supervisors

## Subcommittee Report

### INTERNAL OPERATIONS COMMITTEE

6.

**Meeting Date:** 03/13/2017  
**Subject:** Rooster and Barking Dog Ordinance  
**Submitted For:** Beth Ward, Animal Services Director  
**Department:** Animal Services  
**Referral No.:** IOC 17/11  
**Referral Name:** Rooster and Barking Dog Ordinance  
**Presenter:** Jane Andreotti and Steve Burdo      **Contact:** Beth Ward 925-335-8370

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#### **Referral History:**

On December 6, 2016, the Board of Supervisors referred to the Internal Operations Committee development of an ordinance to authorize administrative penalties for barking dogs and other noisy animals, and to limit the number of roosters on private property in the county unincorporated areas. After receiving feedback from Contra Costa County residents, the Animal Services Department found that the current Dog Barking Ordinance was insufficient and needed to be strengthened. The Animal Services Department also found that the County lacks a Rooster Ordinance governing the number of roosters a resident could own. After researching ordinances around the Bay Area and the State, the Animal Services Director found that Orange and Solano Counties' noise ordinances had the best practices to serve their community needs around noisy animals.

#### **Referral Update:**

Today will be the first discussion of the proposed ordinance update. Attached is a clean copy of the proposed ordinance update and also a version with tracked changes.

Deputy Animal Services Director, Captain Jane Andreotti, will present the report along with Steve Burdo, on behalf of Animal Services Director Beth Ward.

#### **Recommendation(s)/Next Step(s):**

CONSIDER recommendations of the Animal Services Director to update the current Dog Barking Ordinance to authorize administrative penalties for animal noise violations and to prohibit the harboring of more than four roosters on private property, and DETERMINE action to be taken.

#### **Fiscal Impact (if any):**

The fiscal impact is yet to be determined.

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#### **Attachments**

**Minutes Attachments**

*No file(s) attached.*

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ORDINANCE NO. 2016-21

AMENDMENTS TO DIVISION 416 (ANIMALS) OF THE COUNTY ORDINANCE CODE

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 Division 416 of the County Ordinance Code to authorize administrative penalties for any violation of Division 416, including barking dogs and noisy animals, and to prohibit the harboring of more than four roosters on private property.

**SECTION II.** Article 416-6.6 is repealed in its entirety.

**SECTION III.** Article 416-4.8 is added to the County Ordinance Code, to read:

**Article 416-4.8 Administrative Penalties**

**416-4.800 Applicability and Authorization.**

- (a) This article provides for administrative fines that the animal services department may impose, enforce, and collect to address any violation of this ~~chapter~~division.
- (b) Remedies under this article are in addition to any other remedy allowed by this code or applicable law.
- (c) This article is authorized by California Government Code Section 53069.4. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.802 Definitions.** For purposes of this article, the following words and phrases have the following meanings:

- (a) “Complainant” means a person who reports a violation of any section of Division 416 to the department.
- (b) “Department” means the animal services department.
- (c) “Effective date” means the date by which a violation must be corrected, as specified in a notice of violation.

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(ed) “Hearing examiner” means the animal services director, or the animal services director’s designee. Formatted: Indent: Left: 0", Hanging: 0.5"

(d) ~~“Owner” means an owner of a dog or cat, for which a license is required under this chapter.~~

(e) “Responsible Person” means any of the following:

(1) A person who possesses, has title to, has an interest in, or has control, custody or possession of an animal or the property on which an animal is kept.

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(2) A person who allows, or whose agent, employee, or contractor allows, a barking dog or other noisy animal violation to exist, whether through action, failure to act, or failure to exercise proper control over a barking dog or other noisy animal.

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(3) For purposes of this article, there may be more than one responsible person for a barking dog or other noisy animal violation.

(ef) “Service date” means the date a notice or decision is served in accordance with Section 416-6-6144.816. (Ords. 2016-21 § 3, 2014-14 § 2.)

#### **416-4.804 Administrative Fines.**

(a) Notice of violation. If a violation is a continuing violation, such as the failure to obtain a dog or cat license, if an owner fails to obtain a license in accordance with this chapter, the department may will first serve a notice of violation on the owner-responsible person as specified in Section 416-6-6144.816. The notice of violation will include all of the following information:

(1) The date of the violation.

(2) The name of the responsible person.

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

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

(35) Whether the violation(s) were established by inspection or by complaint, if applicable.

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

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(74) A specified time period of at least ten calendar days, beginning on the service date, within which the violation must be corrected.

(58) An advisement that the owner 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.

(b) The department may impose an administrative fine on a responsible person if any of the following occur:

- (1) The violation is not a continuing violation, such as a violation of the animal noise ordinance.
- (2) The continuing if the violation has not been corrected in the time period specified in the notice of violation.
- (3) The continuing violation was corrected as specified in the notice of violation, but a violation of the same section continues, exists, or occurs within one year after the effective date.

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(c) Notice of fine. An administrative fine will be assessed by means of a notice of fine. The ~~owner~~ responsible party will be served with the notice of fine as specified in Section 416-6.6144.816. The notice of fine will include all of the following information:

- (1) The date of the violation.
- (2) The code section(s) violated and a description of the violation.
- (3) The amount of the fine.
- (4) An advisement of the right to request a hearing before the hearing examiner, contesting the imposition of the fine.

(d) For a continuing violation, the amount of the fine will be one hundred dollars for the first notice of fine. If the owner fails to ~~obtain a license~~ correct the violation after the first notice of fine, and a second notice of fine is issued in the same year, the amount of the fine in the second notice ~~will be~~ two hundred dollars. If the owner still fails to ~~obtain a license~~ correct the violation after the second notice of fine, the amount of the fine ~~will be~~ five hundred dollars for each additional notice of fine that is sent within one year.

(e) If the violation is not a continuing violation, the amount of the fine is one hundred dollars for a first violation, two hundred dollars for a second violation of the same section within one year, and five hundred dollars for each additional violation of the same ordinance within one year. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.806 AppealsHearings.**

- (a) Any person upon whom an administrative fine is imposed by the department may appeal the fine pursuant to the procedures set forth in this section. The appellant must file a written appeal with the department within fifteen calendar days ~~of~~ after the service date of the notice of fine. The written appeal must contain:
  - (1) A brief statement explaining who the appealing party is and what interest the appealing party has in challenging the imposition of the ~~penalty~~ fine; and
  - (2) A brief statement of the material facts that the appellant claims supports his or her contention that no administrative ~~penalty~~ fine should be imposed or that an administrative penalty of a different amount is warranted.
- (b) Notice of the ~~appeal~~ hearing will be served on the appellant and the complainant, if any, as specified in Section ~~416-6-6144.816~~ and The department will set the ~~appeal~~ hearing no sooner than twenty days and no later than forty-five days following the service date of the notice of ~~appeal~~ hearing.
- (c) ~~An appeal~~ The hearing of an administrative fine imposed for violations of this ~~code~~ division will be heard by the hearing examiner.
- (d) At the hearing, the appellant and complainant, if any, will be given the opportunity to testify, and present written and oral evidence.
- (e) An appellant's failure to appear at the hearing shall constitute an abandonment of any defense the appellant may have to the administrative fine.
- (f) Where applicable, a complainant's failure to appear at the hearing shall constitute an abandonment of the complaint and shall be grounds for a dismissal of the administrative fine.
- (eg) After considering the testimony and evidence submitted at the hearing, or after the appellant or complainant 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 Section ~~416-6-6144.816~~. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.808 Final Administrative Order.** The imposition of the administrative fine becomes a final administrative order at one of the following times:

- (a) On the date the notice of fine is served, if the ~~owner~~ responsible party fails to file a written appeal to the department within the time specified.

- (b) On the date the written decision by the hearing examiner is served, if the ~~owner~~ responsible party files a written appeal to the department within the time specified. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.810 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~~ chapter 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. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.812 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:

- (a) 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.
- (b) 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. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.814 Service.** All notices or decisions required to be served by this ~~chapter~~ article will be served by ~~either any of the methods specified below in subsections (a) and (b).~~

- (a) First class mail. First class mail will be addressed to the ~~owner~~ responsible person at the address shown on the last equalized assessment roll, at the address where the violation occurred, or as otherwise known. Service is deemed completed upon the deposit of the notice or decision, postage pre-paid, in the United States mail.
- (b) Personal service. Personal service is deemed complete on the date the notice or decision is personally served on the responsible person. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.816 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. 2016-21 § 3, 2014-14 § 2.)

**SECTION IV.** Section 416-12.202 is repealed in its entirety and replaced with a new Section 416-12.202 to read:

**416-12.202 Animal Noise**

(a) No person shall ~~may~~ own, possess, harbor, control, or keep on any premises, any ~~barking dog or other noisy animal, fowl, or other animal, that barks, bays, cries, howls, or makes any other noise so continuously or incessantly as to unreasonably disturb the peace or quiet of any two persons living in different households within three hundred feet of the location of the disturbance.~~

(b) “Barking dog” means a dog that barks, bays, cries, howls or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. An “extended period of time” means incessant barking for thirty minutes or more in any twenty-four hour period, or intermittent barking for sixty minutes or more in any twenty-four hour period. A dog shall not be deemed a “barking dog” for purposes of this section if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property where the dog is situated, or when the dog is being teased or provoked.

(c) “Noisy animal” means an animal that makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the animal is physically situated in or upon private property. An “extended period of time” means incessant noise for thirty minutes or more in any twenty-four hour period, or intermittent noise for sixty minutes or more in any twenty-four hour period.

(d) Enforcement. The department may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this section based on either or both of the following:

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(1) An observation of the violation by a department employee.

—A complaint, signed under penalty of perjury, lodged by a person who has been disturbed by the barking dog or noisy animal. (Ords. 2016-21 §4, 80-97 §2.)

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**SECTION V.** Article 416-12.10 is added to the County Ordinance Code to read:

**Article 416-12.10 Roosters**

**416-12.1002 Definition.** For purposes of this article, “rooster” means any male chicken who:

- (a) Is six months or older; or
- (b) Has full adult plumage; or
- (c) Is capable of crowing. (Ord. 2016-21 § 5.)

**416-12.1004 Rooster Keeping.**

- (a) No person may keep, maintain, or harbor four or more roosters on any property.
- (b) This section does not apply to any of the following:
  - (1) Commercial poultry ranches whose primary commodity is the production of eggs or meat for sale as permitted by the county.
  - (2) Public or private schools as registered with the California Department of Education.
  - (3) FFA or 4-H sponsored projects.
  - (4) Legitimate poultry hobbyists as approved in writing by the animal services director.
- (c) Each individual rooster on a property beyond the three rooster limitation is a separate violation of this section.
- (d) A rooster enclosure must be set back at least fifty feet from all adjacent residences.
- (e) Notwithstanding any other provision of law, no person may maintain any rooster by means of a tether attached to an object. Each individual rooster so tethered is a separate violation of this section.
- (f) Nothing in this section is to be construed as authorizing the keeping of any poultry in violation of any applicable statute, zoning ordinance, or other law.
- (g) At all times, roosters shall be provided all of the following:
  - (1) Access to water.
  - (2) Shelter from the elements, including rain, wind, and direct sun.
  - (3) Sufficient room to spread both wings fully and to be able to turn in a complete circle without any impediment and without touching the side of an enclosure.
  - (4) Clean and sanitary premises that are kept in good repair. (Ord. 2016-21 § 5.)

**416-12.1006 Enforcement.** In addition to any other remedy allowed by this code or applicable law, the animal services director may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this article. (Ord. 2016-21 § 5.)

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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

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

[SEAL]

CJR:  
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ORDINANCE NO. 2016-21



ORDINANCE NO. 2016-21

AMENDMENTS TO DIVISION 416 (ANIMALS) OF THE COUNTY ORDINANCE CODE

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 Division 416 of the County Ordinance Code to authorize administrative penalties for any violation of Division 416, including barking dogs and noisy animals, and to prohibit the harboring of more than four roosters on private property.

**SECTION II.** Article 416-6.6 is repealed in its entirety.

**SECTION III.** Article 416-4.8 is added to the County Ordinance Code, to read:

**Article 416-4.8 Administrative Penalties**

**416-4.802 Applicability and Authorization.**

- (a) This article provides for administrative fines that the animal services department may impose, enforce, and collect to address any violation of this division.
- (b) Remedies under this article are in addition to any other remedy allowed by this code or applicable law.
- (c) This article is authorized by California Government Code Section 53069.4. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.804 Definitions.** For purposes of this article, the following words and phrases have the following meanings:

- (a) “Complainant” means a person who reports a violation of any section of Division 416 to the department.
- (b) “Department” means the animal services department.
- (c) “Effective date” means the date by which a violation must be corrected, as specified in a notice of violation.

- (d) “Hearing examiner” means the animal services director, or the animal services director’s designee.
- (e) “Responsible Person” means any of the following:
  - (1) A person who possesses, has title to, has an interest in, or has control, custody or possession of an animal or the property on which an animal is kept.
  - (2) A person who allows, or whose agent, employee, or contractor allows, a barking dog or other noisy animal violation to exist, whether through action, failure to act, or failure to exercise control over a barking dog or other noisy animal.
  - (3) For purposes of this article, there may be more than one responsible person for a barking dog or other noisy animal violation.
- (f) “Service date” means the date a notice or decision is served in accordance with Section 416-4.816. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.806 Administrative Fines.**

- (a) **Notice of violation.** If a violation is a continuing violation, such as the failure to obtain a dog or cat license, the department will first serve a notice of violation on the responsible person as specified in Section 416-4.816. The notice of violation will include all of the following information:
  - (1) The date of the violation.
  - (2) The name of the responsible person.
  - (3) The address or location where the violation occurred.
  - (4) The code section(s) violated and a description of the violation.
  - (5) Whether the violation(s) were established by inspection or by complaint, if applicable.
  - (4) A description of how the violation can be corrected.
  - (7) A specified time period of at least ten calendar days, beginning on the service date, within which the violation must be corrected.
  - (8) An advisement that the owner 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.

- (b) The department may impose an administrative fine on a responsible person if any of the following occur:
  - (1) The violation is not a continuing violation, such as a violation of the animal noise ordinance.
  - (2) The continuing violation has not been corrected in the time period specified in the notice of violation.
  - (3) The continuing violation was corrected as specified in the notice of violation, but a violation of the same section continues, exists, or occurs within one year after the effective date.
- (c) **Notice of fine.** An administrative fine will be assessed by means of a notice of fine. The responsible party will be served with the notice of fine as specified in Section 416-4.816. The notice of fine will include all of the following information:
  - (1) The date of the violation.
  - (2) The code section(s) violated and a description of the violation.
  - (3) The amount of the fine.
  - (4) An advisement of the right to request a hearing before the hearing examiner, contesting the imposition of the fine.
- (d) For a continuing violation, the amount of the fine is one hundred dollars for the first notice of fine. If the owner fails to correct the violation after the first notice of fine, and a second notice of fine is issued in the same year, the amount of the fine in the second notice is two hundred dollars. If the owner still fails to correct the violation after the second notice of fine, the amount of the fine is five hundred dollars for each additional notice of fine that is sent within one year.
- (e) If the violation is not a continuing violation, the amount of the fine is one hundred dollars for a first violation, two hundred dollars for a second violation of the same section within one year, and five hundred dollars for each additional violation of the same ordinance within one year. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.808 Hearings.**

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

- (1) A brief statement explaining who the appealing party is and what interest the appealing party has in challenging the imposition of the fine; and
  - (2) 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.
- (b) Notice of the hearing will be served on the appellant and the complainant, if any, as specified in Section 416-4.816. The department 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.
  - (c) The hearing of an administrative fine imposed for violations of this division will be heard by the hearing examiner.
  - (d) At the hearing, the appellant and complainant, if any, will be given the opportunity to testify, and present written and oral evidence.
  - (e) An appellant's failure to appear at the hearing shall constitute an abandonment of any defense the appellant may have to the administrative fine.
  - (f) Where applicable, a complainant's failure to appear at the hearing shall constitute an abandonment of the complaint and shall be grounds for a dismissal of the administrative fine.
  - (g) After considering the testimony and evidence submitted at the hearing, or after the appellant or complainant 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 Section 416-4.816. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.810 Final Administrative Order.** The imposition of the administrative fine becomes a final administrative order at one of the following times:

- (a) On the date the notice of fine is served, if the responsible party fails to file a written appeal to the department within the time specified.
- (b) On the date the written decision by the hearing examiner is served, if the responsible party files a written appeal to the department within the time specified. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.812 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. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.814 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:

- (a) 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.
- (b) 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. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.816 Service.** All notices or decisions required to be served by this article will be served by any of the methods specified below:

- (a) First class mail. First class mail will be addressed to the responsible person at the address shown on the last equalized assessment roll, at the address where the violation occurred, or as otherwise known. Service is deemed completed upon the deposit of the notice or decision, postage pre-paid, in the United States mail.
- (b) Personal service. Personal service is deemed complete on the date the notice or decision is personally served on the responsible person. (Ords. 2016-21 § 3, 2014-14 § 2.)

**416-4.818 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. 2016-21 § 3, 2014-14 § 2.)

**SECTION IV.** Section 416-12.202 is repealed in its entirety and replaced with a new Section 416-12.202 to read:

**416-12.202 Animal Noise**

- (a) No person may own, possess, harbor, control, or keep on any premises, a barking dog or other noisy animal.
- (b) "Barking dog" means a dog that barks, bays, cries, howls or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. An

“extended period of time” means incessant barking for thirty minutes or more in any twenty-four hour period, or intermittent barking for sixty minutes or more in any twenty-four hour period. A dog shall not be deemed a “barking dog” for purposes of this section if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property where the dog is situated, or when the dog is being teased or provoked.

- (c) “Noisy animal” means an animal that makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the animal is physically situated in or upon private property. An “extended period of time” means incessant noise for thirty minutes or more in any twenty-four hour period, or intermittent noise for sixty minutes or more in any twenty-four hour period.
- (d) Enforcement. The department may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this section based on either or both of the following:
  - (1) An observation of the violation by a department employee.
  - (2) A complaint, signed under penalty of perjury, lodged by a person who has been disturbed by the barking dog or noisy animal. (Ords. 2016-21 § 4, 80-97 § 2.)

**SECTION V.** Article 416-12.10 is added to the County Ordinance Code to read:

**Article 416-12.10     Roosters**

**416-12.1002 Definition.** For purposes of this article, “rooster” means any male chicken who:

- (a) Is six months or older; or
- (b) Has full adult plumage; or
- (c) Is capable of crowing. (Ord. 2016-21 § 5.)

**416-12.1004 Rooster Keeping.**

- (a) No person may keep, maintain, or harbor four or more roosters on any property.
- (b) This section does not apply to any of the following:
  - (1) Commercial poultry ranches whose primary commodity is the production of eggs or meat for sale as permitted by the county.
  - (2) Public or private schools as registered with the California Department of Education.
  - (3) FFA or 4-H sponsored projects.

- (4) Legitimate poultry hobbyists as approved in writing by the animal services director.
- (c) Each individual rooster on a property beyond the three rooster limitation is a separate violation of this section.
- (d) A rooster enclosure must be set back at least fifty feet from all adjacent residences.
- (e) Notwithstanding any other provision of law, no person may maintain any rooster by means of a tether attached to an object. Each individual rooster so tethered is a separate violation of this section.
- (f) Nothing in this section is to be construed as authorizing the keeping of any poultry in violation of any applicable statute, zoning ordinance, or other law.
- (g) At all times, roosters shall be provided all of the following:
  - (1) Access to water.
  - (2) Shelter from the elements, including rain, wind, and direct sun.
  - (3) Sufficient room to spread both wings fully and to be able to turn in a complete circle without any impediment and without touching the side of an enclosure.
  - (4) Clean and sanitary premises that are kept in good repair. (Ord. 2016-21 § 5.)

**416-12.1006 Enforcement.** In addition to any other remedy allowed by this code or applicable law, the animal services director may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this article. (Ord. 2016-21 § 5.)

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

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

AYES:

NOES:

ABSENT:s

ABSTAIN:

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

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

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

[SEAL]

CJR:  
H:\Ordinances\Rooster and Barking Dog Ordinance\FINAL Rooster and Barking Dog ASD Ordinance 101016.doc





# Contra Costa County Board of Supervisors

## Subcommittee Report

### INTERNAL OPERATIONS COMMITTEE

7.

**Meeting Date:** 03/13/2017  
**Subject:** Advisory Body Triennial Review - Phase II  
**Submitted For:** David Twa, County Administrator  
**Department:** County Administrator  
**Referral No.:** IOC 17/7  
**Referral Name:** Advisory Body Triennial Review  
**Presenter:** Allison Picard                      **Contact:** Jami Napier (925) 335-1908

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#### **Referral History:**

The Board of Supervisors is the governing authority for a large number of boards, commissions and committees serving a variety of governmental functions, both mandatory and advisory. The Board approved Resolutions (2012/497 and 2012/498) which formalized a "triennial sunset review process" of these bodies so that a third of these bodies are reviewed annually. The Board approved Phase I of this review on December 5, 2016.

#### **Referral Update:**

Attached for consideration are the Phase II report and recommendations prepared by Chief Assistant County Administrator Allison Picard, who will also present the report.

#### **Recommendation(s)/Next Step(s):**

1. ACCEPT the Phase II Triennial Advisory Body Review report.
2. DIRECT staff to report back by May 2017 with a plan to increase outreach for filling vacant Board committee and commission seats that includes working with each Board office to advertise District seat openings with a goal of encouraging diverse representation on these bodies.
3. REQUEST the First Five Commission update their by-laws and make a recommendation regarding the number of designated alternates.
4. DIRECT the EEO Officer to work with the Advisory Council on Equal Employment Opportunity to update their by-laws to redefine their mission.
5. DIRECT staff to report back to the IOC by July 2017 with a more detailed assessment of the status of Municipal Advisory Councils including by-laws and annual reports, and to provide refresher training to employees staffing the MACs as well as CSAs on administrative procedures.

#### **Fiscal Impact (if any):**

None.

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**Attachments**

Phase II Triennial Advisory Body Review - Report and Recommendations

**Minutes Attachments**

*No file(s) attached.*

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**County of Contra Costa**  
**OFFICE OF THE COUNTY ADMINISTRATOR**  
**MEMORANDUM**

DATE: March 6, 2017

TO: **Internal Operations Committee**  
Supervisor Candace Anderson, Chair  
Supervisor Diane Burgis, Vice-Chair

FROM: Allison Picard, Chief Assistant CAO

SUBJECT: **Triennial Review – Phase II Report**

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**RECOMMENDATION:**

**ACCEPT the Triennial Review Phase II Report and the specific recommendations summarized below:**

- 1) Direct staff to report back by May 2017 with a plan to increase outreach for filling vacant Board committees and commissions that includes working with each Board office to advertise openings in their specific District with a goal of encouraging diverse representation on these bodies.**
- 2) Request the First Five Commission update their by-laws and make a recommendation regarding the number of designated alternates.**
- 3) Refer to the Board’s Hiring Outreach Oversight Committee an update of the by-laws for the Advisory Council on Equal Employment Opportunity.**
- 4) Direct staff to report back to the Committee by July 2017 with a more detailed assessment of the status of Municipal Advisory Councils including by-laws and annual reports, and to provide refresher training to employees staffing the MACs as well as CSAs on administrative procedures and fiscal requirements.**

**OVERVIEW**

The Board of Supervisors is the governing authority for a large number of boards, commissions and committees serving a variety of governmental functions, both mandatory and advisory. The Board approved Resolutions (2012/497 and 2012/498) which formalized a "triennial sunset review process" of these bodies so that a third of these

bodies are reviewed annually. The Board approved Phase I of this review on December 5, 2016.

### Summary Findings for Phase II

All of the bodies reviewed in this period are fulfilling their function and no major changes are recommended. A number of bodies requested assistance in filling their vacancies and promoting diversity in these appointments. It is recommended that the Deputy Clerk to the Board, whose office tracks Board appointments, work with each Board office in improving outreach when vacancies are identified for this purpose, and report back on their efforts.

An update of the by-laws for both the First Five Commission (focusing on the number of Commission alternates appointed) and the Advisory Council on Equal Employment (redefining their mission) is recommended.

Not all Municipal Advisory Committees are active, and there were inconsistent responses to the review questionnaire making it difficult to fully assess their effectiveness. The review also demonstrated that the by-laws for these bodies should be updated to reflect current Board policy in areas such as conflict of interest, budget and other procedures. For this reason, it is recommended that staff return to the committee with specific by-law recommendations as well as provide refresher training to the staff supporting these bodies on administrative procedures related to making an annual report of activities, tracking meeting agendas and minutes as well as budget oversight and general record keeping.

Below is a list of bodies included in the Phase II review that are either mandated to exist or are discretionary to the Board. A more detailed description of each body follows that describes its purpose, whether the current membership and meeting frequency is appropriate to carry out its mission, and if any changes to operating policies or by-laws are recommended by staff.

#### A) Mandated Boards, Commissions, or Committees:

1. Contra Costa In-Home Supportive Services (IHSS) Public Authority Advisory Committee
2. Contra Costa County Planning Commission
3. First 5 Children and Families Commission
4. Local Planning and Advisory Council for Early Care and Education
5. Contra Costa Mental Health Commission

#### B) Discretionary Boards, Commission, or Committees

1. Advisory Council on Equal Employment Opportunity

2. Family & Children's Trust Committee
3. Contra Costa Council on Homelessness
4. Municipal Advisory Committees (MACs):
  - Alamo
  - Bay Point
  - Bethel Island
  - Byron
  - Contra Costa Centre
  - Diablo
  - El Sobrante
  - Kensington
  - Knightsen (Town)
  - North Richmond
  - Pacheco
  - Rodeo

County Service Areas (CSAs):

- County Service Area P-2A; Blackhawk – Public Protection services
- County Service Area P-2B; Alamo – Public Protection services
- County Service Area P-5; Round Hill – Public Protection Services
- County Service Area P-6; countywide unincorporated excluding Kensington –  
Extended police protection services
- County Service Area R-10; Rodeo – Recreation services

## **A. MANDATED BOARDS, COMMISSIONS OR COMMITTEES**

### **A-1: Contra Costa In-Home Supportive Services Public Authority Advisory Committee**

**Target Population:** In Home Supportive Services recipients and care providers

#### Background

The In Home Supportive Services (IHSS) Program is outlined in the California Welfare and Institutions Code and provides essential support services to elderly, blind and/or disabled persons who lack full independence, and who require support services to assist them with daily activities.

The Contra Costa County Board of Supervisors is the Board of Directors for the Contra Costa In-Home Support Services Public Authority. The committee reports that no significant changes have occurred in its mandate since the committee was established.

The committee provides a forum for discussion among care-givers, persons served by IHSS programs, and community advocates to discuss issues relevant to in home supportive services. The committee's policies and procedures indicate the committee also participates in 'making final decisions regarding removal of providers or consumers from the [IHSS] Registry.'

The committee receives updates from the County's Employment and Human Services Department concerning items such as training activities available for IHSS care providers and consumers, budget and legislative changes or advocacy issues affecting the State IHSS program and its constituencies, and anti-fraud and quality assurance initiatives.

The committee's current focus, in addition to its usual activities, is to increase its membership. The advisory committee reports that of 11 authorized seats members, the committee has averaged approximately 7 filled seats despite marketing efforts.

#### Discussion

The agendas and minutes that were submitted for the last three years are in good order. The minutes reflect that the committee has met regularly pursuant to the California Brown Act and County Better Government Ordinance, and has worked consistently toward its identified objectives. The committee does not recommend any changes to its bylaws, membership requirements, or seat structure.

**An evaluation of the amount and type of support provided by the County for its appropriateness, consistency and cost.**

The committee is currently staffed by the Employment and Human Services department. The committee's level of activity is appropriate for the advisory body's scope and legislative mandate.

**Whether there is a need to clarify the policies and procedures under which the advisory body operates.**

The committee appears to be operating effectively according to written policies and procedures that were approved in 2010.

**Department Staff Liaison and Department Head recommendations**

The IHSS Advisory Committee is mandated under the State Welfare and Institutions Code 12301.6. No changes are recommended by staff.

**CAO Recommendation**

No changes are needed to the In Home Supportive Services Advisory Committee. The committee is mandated, and is consistent with the Board of Supervisor's election to serve as the governing body of IHSS.

## **A-2: Contra Costa County Planning Commission**

**Target Population:** The Planning Commission reviews planning activities that occur in unincorporated areas of Contra Costa County

### Background

The Planning Commission is an example of an independent, decision-making public entity that is mandated by the State of California to perform certain local duties for the citizens of Contra Costa County. Because the Planning Commission is authorized under State law to make "administrative decisions" on relevant subject matter that are independent from the decisions of the Board of Supervisors, it is often referred to as an "independent" commission.

The Planning Commission is responsible for planning matters prescribed by law within the unincorporated area of Contra Costa County and hears all appeals from the Zoning Administrator. The Commission consists of 7 members appointed by the Board of Supervisors with one from each Supervisorial District and two appointed by the Board as a whole.

### Discussion

The agendas and minutes that were submitted for the last three years are in good order. The minutes reflect that the committee has met regularly pursuant to the California Brown Act and County Better Government Ordinance, and has performed substantial public hearing duties as described in the California Government Code and the County Ordinance Code. The Planning Commission does not recommend any changes to its membership or seat structure.

### **An evaluation of the amount and type of support provided by the County for its appropriateness, consistency and cost.**

The Planning Commission is currently staffed by the Department of Conservation and Development (DCD). The Planning Commission is funded by annual appropriations in DCD's budget as approved by the Board of Supervisors.

### **Whether there is a need to clarify the policies and procedures under which the Planning Commission (or agency) operates.**

The Planning Commission appears to be acting effectively with no request for clarification of policy or procedures.

### **Department Staff Liaison and Department Head recommendations**

Staff has no recommendations regarding the Commission.



**CAO Recommendation**

The Planning Commission is a mandated body and no changes are recommended by staff.

### **A3. First 5 Children and Families Commission**

**Target Population:** Children ages 0 to 5 years old and their families in Contra Costa County

#### Background

The First 5 Commission was established pursuant to the California Constitution following approval by the voters of Proposition 10 in November 1998. Proposition 10 set aside State tobacco tax revenues received to fund local child care services, early education and child development programs, and family support services that are coordinated and managed by local "First 5 Commissions."

Under Proposition 10 and its enabling legislation, the First Five commissions are independent local bodies. They are independent local agencies, separate from County government. First 5 Commissioners (board members) are appointed by the Board of Supervisors. The structure and functions of the Commission are determined by Health and Safety Code 130140.1. One Member of the Family and Children's Commission is required to be the Chair of the Board of Supervisors or another Board member designated by the Chair. The County Health Officer is also required to be a member of the Commission.

The Commission's recent activities have included work to establish a Quality Rating and Improvement System (QRIS) to assess the quality of service provided by more than 100 public and private providers of early learning services to low-income/high-need children; promoting early developmental screening of all children and assisting parents to locate appropriate resources for early childhood development as needed; and continuing development of "First Five" centers which serve over 2000 families with young children each year.

The Commission's current focus is the implementation of a new Strategic Plan for 2016-20, and taking an increasing role in advocacy for organizational change, policies that support young children and their families, and sustainable funding.

#### Discussion

The First Five Commission agendas and minutes that were submitted for the last three years are in good order. The minutes reflect that the Commission has met regularly pursuant to the California Brown Act and County Better Government Ordinance, and has worked consistently toward implementing the Strategic Plan that is currently in effect.

**An evaluation of the amount and type of support provided by the County for its appropriateness, consistency and cost.**

The Commission has its own staff subject to the discretion of the First 5 Commission as the executive board for the agency. The Commission's costs are funded by the State.

**Whether there is a need to clarify the policies and procedures under which the advisory body operates.**

No changes recommended.

**Department Staff Liaison and Department Head recommendations**

The Commission's membership consists of nine Commissioners and nine Alternate Commissioners, making it the largest county First Five Commission in the State. The Executive Director recommends reducing the number of alternates from 9 to perhaps 2 or 3 at large members. He recommends reviewing this with the Commission and bringing a recommendation back to the Board of Supervisors for consideration.

**CAO Recommendation**

This Commission is mandated and therefore must continue to exist. Staff concurs with the recommendation to review the number of Commission alternates.

#### **A4. Local Planning and Advisory Council for Early Care and Education**

**Target Population:** Community agencies and stakeholders working to support low income children and families, public agencies, educational institutions and other community stakeholders that provide services to families and young children

##### Background

The Local Planning and Advisory Council for Early Care and Education (LPC) was established to administer Federal funds provided by the California Department of Education (through the Federal Child Care and Development Block Grant Program) for local child care planning activities, and, in particular, to identify local priorities among geographic areas for the development of increased or enhanced child care, early childhood education, child development, and family support services. The County Superintendent of Schools and the Board of Supervisors serve as the governing and appointing bodies of the Council.

Education Code Section 8499.3 further describes the mandates of the Council which include in part:

- Conduct an assessment of child care needs no less than every 5 years;
- Prepare comprehensive countywide plans to mobilize public and private resources;
- Conduct local forums to encourage public input; and
- Foster local partnerships with public and private entities performing related services

The LPC recent activities have included, in addition to its regular meetings and program planning activities, the annual Young Children's Forum; a professional development program for child care providers and early childhood educators; and review and discussion of plans for new child care facilities in the County.

The LPC current focus is to continue to identify child care priorities in Contra Costa County in order to allocate Federal child care grant funds, as required by its mandate. The planning and advisory council is focused heavily on training early childhood educators and improving programs in early childhood education and child development.

##### Discussion

The agendas and minutes that were submitted for the last three years are in good order. The minutes reflect that the LPC has met regularly pursuant to the California Brown Act and County Better Government Ordinance, and has worked consistently toward its identified objectives to coordinate local child care resources pursuant to the Federal Child Care and Development Block Grant Program.

**Whether the advisory body's focus and membership is consistent with its purpose.  
Whether the meeting frequency is appropriate for the advisory body's workload.**

The LPC does not recommend any changes to its bylaws, membership requirements, or seat structure. The LPC has recently revised its bylaws to create subcommittees to increase effectiveness. The information provided by staff reflects an active and collaborative LPC that works closely with other planning agencies and advisory committees in the County on a continuous basis.

**An evaluation of the amount and type of support provided by the County for its appropriateness, consistency and cost.**

The LPC is funded by Federal funds provided through the State Department of Education.

**Whether there is a need to clarify the policies and procedures under which the advisory body operates.**

The LPC was organized to identify local funding priorities for Federal funds to provide or expand child care services, especially to under-served areas or populations. This federal mandate gives clear direction to Council activities, which are also subject to State and Federal oversight. Therefore no changes appear to be necessary in the LPC operating procedures.

The Council has expressed concern about difficulty it has experienced filling its vacant seats. Membership on the Council has been reduced from 30 seats that were designated at inception in 1991, to 25 seats in 2003, and then to 20 seats in 2012. Nonetheless, the Council reports that it struggles to identify potential members and fill vacancies. The Council has asked for more support from the Board of Supervisors, "to identify and recommend individuals" for appointment.

**CAO Recommendation**

The LPC is required by law for the allocation of Federal child care funds under the Block Grant program. No changes are recommended for this mandated body.

## A5. Mental Health Commission

**Target Population:** Severely and persistently mentally ill individuals and their family members in Contra Costa County

### Background:

The Mental Health Commission is mandated in the California Welfare and Institutions Code, Section 5604, which requires the establishment of a "local mental health services board." Under State law, one member of the "local mental health board" shall be a Member of the Board of Supervisors.

The purpose of the Mental Health Commission is to review and evaluate the community's mental health needs, services, facilities, and special problems; to review any County agreements entered into pursuant to Section 5650 of the Welfare and Institutions Code; to advise the governing body and local mental health director as to any aspect of the local mental health program; to submit an annual report to the Board of Supervisors; review and make recommendations regarding the appointment of a local director of mental health services; review the County's performance outcome data and communicate its findings to the State Mental Health Commission; and assess the impact of the realignment of services from the State to the County on services delivered to clients and the local community.

The committees' recent activities have included ongoing mental health services planning and coordination as specified in State law. The Mental Health Commission's four subcommittees are: Executive Committee; Criminal Justice Committee; Mental Health Services Act/Finance Committee; and Quality of Care Committee. The Mental Health Commission was recently involved in the implementation of "Laura's Law" in Contra Costa County, and continues to advocate for more housing with embedded treatment for the seriously mentally ill, additional services for children as well as those individuals who are incarcerated or on probation.

The committee's current focus is mental health services planning and coordination as specified in State law. The Chair and Vice Chair of the Mental Health Commission meet at least monthly with the Director of Behavioral Health of the Health Services Department.

### Discussion

The agendas and minutes submitted for the last three years are in good order. The minutes reflect that the committee has met regularly pursuant to the California Brown Act and County Better Government Ordinance, and has created detailed minutes of its extensive strategic planning and community engagement activities.

**An evaluation of the amount and type of support provided by the County for its appropriateness, consistency and cost**

The committee is currently staffed by the Health Services Department which develops and distributes materials, organizes meetings, plans agendas, etc.

**Whether there is a need to clarify the policies and procedures under which the advisory body operates**

The Mental Health Commission is a well-organized and fully operational local mental health board, and includes a Member of the Board of Supervisors who participates in its programs and services.

**CAO Recommendation**

No changes are recommended to this mandated body.

## **Discretionary Boards, Commissions, or Committees**

### **B1. Advisory Council on Equal Employment Opportunity**

**Target Population:** County employees hired, promoted or terminated to ensure the goal of equal opportunity and a workforce that is reflective of the community

#### **Background**

The purpose of the committee, as originally established, was to review County workforce characteristics (statistics) to identify disparities in representation among groups, based on County demographics, and to expand outreach which is further described in the County's "Affirmative Action Plan." This originally was the result of a court order to ensure that the County diligently worked toward having a workforce that is reflective of its community. That court order has since been vacated. However, it is recommended that the Council still exist for this important purpose.

The committee's current focus continues to be the review of workforce demographic statistics, and meeting with departments and outside organizations to increase outreach for employment to groups that are under-represented in the County workforce. However, the Advisory Council has requested clarification of its current mission and priorities due to the termination of the consent decree under which it was originally established.

#### **Discussion**

The agendas and minutes that were submitted for the last three years are in good order. The minutes reflect that the committee has met regularly pursuant to the California Brown Act and County Better Government Ordinance.

#### **An evaluation of the amount and type of support provided by the County for its appropriateness, consistency and cost**

The committee is currently staffed by the EEO Officer through the Risk Management Division of the County Administrator's Office.

#### **Whether there is a need to clarify the policies and procedures under which the advisory body operates**

No changes to policies or procedures are recommended.

#### **Department Staff Liaison and Department Head recommendations**

The EEO Officer recommends that the Advisory Council's by-laws be updated to reflect a renewed mission and direct its future activities and goals.



**CAO Recommendation**

The by-laws were last modified in 1992 and an update is appropriate.

## **B2. Family and Children's Trust Committee (FACT)**

**Target Population:** Prevention and Treatment of child abuse and neglect for children and families in Contra Costa County

### Background

The Family and Children's Trust Committee (FACT) was established in 1985 to make funding recommendations on the allocation of specific funds for the prevention and treatment of child abuse and neglect, and to provide supportive services for families and children.

FACT reports its current role as providing supplemental funding for programs and agencies that support child abuse prevention, intervention and treatment as well as related family services, based on a bi-annual needs analysis.

FACT currently issues a flyer that is sent with annual property tax bills to inform property owners of FACT and to request donations. The contributions are allocated to the Ann Adler Family and Children's Trust Fund.

The committee reports that no significant changes have occurred in its mandate since the committee was established.

The committees' recent activities have included a bi-annual needs survey of agencies and families (or guardians), issuing Request for Proposals for distribution of available funds, monitoring contracts, and performing site visits to contracted agencies or providers.

The committee's current focus has included discussion of possible new fund-raising activities in addition to the statutory funds received to support of program expansion and public awareness of the committee and its services.

### Discussion

The agendas and minutes that were submitted for the last three years are in good order. The minutes reflect that the committee has met regularly pursuant to the California Brown Act and County Better Government Ordinance, and has worked consistently toward its identified objectives.

**Whether the advisory body's focus and membership is consistent with its purpose.  
Whether the meeting frequency is appropriate for the advisory body's workload.**

Staff does not recommend any changes to the committee membership requirements or meeting schedule.

**An evaluation of the amount and type of support provided by the County for its appropriateness, consistency and cost.**

FACT is currently staffed by the Employment and Human Services Department. The Committee has requested that additional dedicated EHSD staff be assigned to assist with the mission of the Committee. However, the cost for increased administrative costs would be deducted from funding direct services to the community. Therefore the department recommends no change in dedicated staffing.

The Committee reported:

- FACT has annual revenues of approximately \$615,000 annually comprised of \$50,000 from the Ann Adler Family and Children's Trust Fund; \$200,000 from the County's Children's Trust Fund (from a portion of birth certificate fees); \$25,000 from the California Kids' Plate Fund (from license plate fees paid to the State); \$300,000 from the Child Abuse Prevention Intervention and Treatment Program (CAPIT), a State-funded program; and \$40,000 from the Community Based Child Abuse Prevention Program (CBCAP), a State-funded program.
- FACT has discussed increasing "innovation" in the provision of child abuse prevention and family support services by awarding "innovation funding awards... to smaller agencies that serve unique populations or that provide novel education and intervention approaches..."

**Whether there is a need to clarify the policies and procedures under which the advisory body operates.**

The committee does not recommend any changes to its bylaws or policies.

**Department Staff Liaison and Department Head recommendations**

Staff made no recommendations for any changes to this committee.

**CAO Recommendation**

No changes are recommended to this committee.

### **B3. Contra Costa Council on Homelessness**

**Target Population:** People who are homeless or at risk of homelessness

#### Background

The "Continuum of Care" is a Federal program enacted in 1997 which distributes Federal Funds through the U.S. Department of Housing and Urban Development (HUD) to local and/or regional planning agencies that serve as fiscal agents. These planning agencies then contract with non-profit agencies to provide services and programs to serve the homeless, or to prevent homelessness.

The "Continuum of Care Advisory Board" was established by the Board of Supervisors by Board Order on May 20, 1997 based on recommendations from the Director of Public Health, to assist the Health Services Department to monitor the County's Homeless Plan and assist in the establishment of annual priorities based on the Homeless Plan.

After the Advisory Committee was created in 1997, it was renamed and restructured based on program revisions. In 2004 the Board approved "Ending Homelessness in Ten Years," a county-wide plan for the communities of Contra Costa. In 2008, the Board approved the merger of the Homeless Continuum of Care Advisory Board with the Homeless Inter-jurisdictional Interdepartmental Work Group (the initial group responsible for overseeing the implementation of the 10-year plan). It is now called the Contra Costa Inter-Jurisdictional Council on Homelessness (IJCH). A Consumer Board was also created to provide valuable information to the Council on the effectiveness of programs and the gaps in services.

In June 2013 the IJCH bylaws were amended to revise the committee seat structure and make other necessary changes. The bylaws also added a requirement that the IJCH appointed members a complete financial disclosure form pursuant to a Conflict of Interest Code adopted by the Council. In 2016 the IJCH bylaws were revised to rename the Interjurisdictional Council on Homelessness as the "Contra Costa Council on Homelessness".

The purpose of the Contra Costa Council on Homelessness, as stated in the bylaws approved in 2016, is to act as the planning body that coordinates the community's policy, strategies, and activities toward preventing and ending homelessness. The revised bylaws now specify the role of the Council on Homelessness as follows:

- (1) to be the governing body for the Contra Costa Continuum of Care;
- (2) to provide advice and input on the operations of homeless services, program operations, and program development efforts;
- (3) to establish the local process for applying, reviewing and prioritizing project applications for funding in HUD Homeless Assistance Grant Competitions, including the Continuum of Care program and the Emergency Solutions Grant Program;

- (4) to review, update and approve the Council on Homelessness Governance Charter at least annually; and
- (5) to provide a forum for the Continuum of Care to communicate about the implementation of strategies to prevent and end homelessness.

The Council on Homelessness has been most active recently in updating the County's strategic planning process to prevent and end homelessness. In 2014, the Health Services Department submitted a Strategic Plan update entitled, "Forging Ahead Towards Preventing and Ending Homelessness."

The committee's current focus is on implementation of the updated Strategic Plan. In the past three years, the committee has participated in the development of a Coordinated Entry System and provided recommendations on funding priorities resulting in the award of over \$11 million in Continuum of Care program funds to Contra Costa homeless providers.

### Discussion

The agendas and minutes that were submitted for the last three years are in good order. The minutes reflect that the Council on Homelessness has met regularly pursuant to the California Brown Act and County Better Government Ordinance, and has been actively engaged in planning and coordinating a wide range of homeless services with input from stakeholders and the community.

### **Whether the advisory body's focus and membership is consistent with its purpose. Whether the meeting frequency is appropriate for the advisory body's workload.**

Staff does not recommend any changes to the committee membership requirements or meeting schedule.

### **An evaluation of the amount and type of support provided by the County for its appropriateness, consistency and cost.**

The committee is currently staffed by the Health Services Department.

### **Whether there is a need to clarify the policies and procedures under which the advisory body operates.**

Staff does not recommend any further changes to its bylaws, membership requirements or seat structure at this time. However, there may be future changes to the by-laws to reflect that Federal Health Resources and Services Administration (HRSA) regulations no longer require the Council on Homelessness to provide oversight to health care for the homeless. A subcommittee of the Council on Homelessness will be convened to discuss these potential changes and bring any necessary by-law changes to the Board for approval.

### **Department Staff Liaison and Department Head recommendations**

The Director of Health, Housing and Homeless Services recommends that the advisory committee continue to exist. The committee is a significant asset to the community and not only is an advisory body to the Board of Supervisors but also provides important feedback and input for the Homeless Program staff.

### **CAO Recommendation**

It is recommended that the Council on Homelessness continue in its current form.

## B4. **Municipal Advisory Councils**

Alamo  
Bay Point  
Bethel Island  
Byron  
Contra Costa Centre  
Diablo  
El Sobrante  
Kensington  
Knightsen (Town)  
North Richmond  
Pacheco  
Rodeo

### Background

The Board of Supervisors is authorized under the California Government Code 31010 to create Municipal Advisory Councils (MACs) to represent the interest of residents of defined unincorporated areas of the County in order to improve the coordination and provision of County services and benefits to specific areas. MACs are designed to be flexible and to be structured by the Board of Supervisors and local residents to best fit the needs of the local residents living in the unincorporated area. MAC's have no fiscal or administrative authority and therefore seek to accomplish its goals through county government. These advisory bodies are staffed by the Board of Supervisors office in which they are located.

MACs face two ways: towards the County offering views of the community to staff and the Board; and toward the community, supplying information about County proposals and a place where individuals can air opinions on community problems and perhaps receive assistance and guidance. MACs hold public meetings, survey community opinion and speak for the community to the Board of Supervisors.

The most common subject of activity is land use planning but may also include parks and recreation, lighting and landscaping, land use and code enforcement, public safety, transportation or other infrastructure. For land use purposes, MACs provide a vehicle for local residents to comment on variances, subdivisions and certain other discretionary land use permits before those permits are decided upon by the County Zoning Administrator or Planning Commission.

### Discussion

New establishing Resolutions were approved by the Board of Supervisors for each Municipal Advisory Council on August 4, 2009. Together, these resolutions updated and synchronized the different establishing resolutions that had been previously approved for each of the Municipal Advisory Councils. On April 16, 2016 the Board approved amending

the by-laws of all MACs to delete any reference to Conflict of Interest Codes as it was determined that they are not legally required to have this provision or file annual financial disclosure statements (Form 700). However MAC members are still required to follow Resolution 2002/376 which is a policy for Board appointees concerning conflicts of interest and open meetings which states: "All Board Appointees should conduct the public business as to avoid even any appearance of conflict of interest".

Currently, the following language is included in MAC 2009 Resolutions regarding County financial support:

*"a. Until such a time that the Board of Supervisors determines there is sufficient budgetary capacity, the Board shall provide no ongoing professional or clerical staff support to the Council or funds to pay for any of the Council's operating costs."*

The Board of Supervisors subsequently approved the allocation of \$3,000 annually to each Municipal Advisory Council. The MAC Resolutions should be amended to reflect this change.

Some of the MACs are very active and meet regularly and provided reports on their activities. Others have been dormant with no meetings called. It is recommended that for those MACs not meeting regularly that staff discuss with each Board office if the Council still needs to formally exist, if a modification of the meeting schedule might be appropriate (e.g. quarterly instead of monthly) or if other administrative support is necessary. Refresher training should be also be provided to the staff supporting the Councils regarding making an annual report to the Board of Supervisors, the Brown Act, tracking meetings, budget expenses, etc.

### **CAO Staff Recommendation**

The authorizing Resolutions should be updated to reflect current Board policy and operational procedures. Additionally, it is recommended that staff work with each Board office to discuss the activities of each MAC and provide refresher training to support staff on administrative procedures. CAO and Auditor staff has already begun meeting to update the training provided to all advisory bodies which will include the specific fiscal requirements for MACs.

### **County Service Areas (CSAs)**

- CSA P-2A: Blackhawk– Public Protection services
- CSA P-2B: Alamo – Public Protection services
- CSA P-5: Round Hill – Public Protection Services
- CSA P-6: Countywide unincorporated excluding Kensington –  
Extended police protection services
- CSA R-10: Rodeo – Recreation services



## Background

County Service Areas (CSAs) are special districts within the County that provide specific extended benefits or services to residents within the defined area. CSAs are a funding mechanism to provide specific services such as water, transit, streetlight, or parks and recreation services through a tax assessment of the residents authorized via a special election. The County Board of Supervisors acts as the governing board for these dependent special districts with Public Works providing staff support when applicable. When appropriate, Supervisorial Districts may request comment or input from MACs on how to spend CSA funds.

County Ordinance Section 1012 and County Service Area Law (Government Code Section 24210.3) outline the authority and requirements for CSA formation and operation. Depending on the CSA's revenue and formation (e.g. assessment versus ad valorem tax revenue), Public Works presents an annual report to the Board of Supervisors for confirmation so the annual assessment can be placed on the tax roll. Below is a summary of each CSA included in this review period:

### **CSA P-2A Citizens Advisory Committee**

The Board established CSA P-2 on November 18, 1969 (Res. No. 69/765) to advise the Board on the needs of the Alamo/Danville community for extended police services. On July 24, 1984, the Board established Zone A of CSA P-2 (Res. No. 84/440) encompassing the Blackhawk area and authorized the formation of a Citizens Advisory committee for Zone A. The Committee's membership comprises seven (7) members for two-year terms ending December 31<sup>st</sup>.

### **Alamo Police Services Advisory Committee**

The Board established Zone B of CSA P-2 on September 10, 1985 (Res. No. 85/537) for purposes of providing for the implementation and administration of additional extended police services in the Alamo area and authorized the formation of a Citizens Advisory committee for Zone B. The CSA P-2 Citizens Advisory Committee at the time was reconstituted and appointed as the Zone B Citizens Advisory Committee. The Committee has since been renamed the Alamo Police Services Advisory Committee. The Committee's current membership comprises nine (9) members for two-year terms ending December 31<sup>st</sup>.

### **CSA P-5 Citizens Advisory Committee**

The Board established CSA P-5 on April 18, 1972 (Res. No. 72/257) for the purpose of financing police services in the Round Hill area of Alamo. The Board appointed the first five members to the Citizens Advisory Committee on February 13, 1973. The Committee's current membership comprises nine (9) members and two (2) alternates for two-year terms ending December 31<sup>st</sup>.

**CSA P-6 Discovery Bay Zones Citizens Advisory Committee**

The Board established CSA P-6 in 1983 for purposes of providing extended police protection services for most of the unincorporated areas within the County. On June 23, 2009 (item C.124), the Board authorized the formation of a P-6 Citizens Advisory Committee for Zones 500, 501, 502, 503 and 504 within the Discovery Bay area. The Committee's membership comprises five (5) members who reside within the P-6 Discovery Bay Zones 500-504, with no more than two appointees residing within any one Zone. Appointees serve two-year terms ending December 31<sup>st</sup>.

**CSA R-10: Rodeo**

This CSA was formed in 1987 for the purpose of recreation services through the operation of the Lefty Gomez Community Center and its baseball fields. It serves approximately 7.37 square miles and the Citizens Advisory Committee meets regularly. Administrative oversight is provided by staff from the Board of Supervisors District V office.

Discussion

The Citizens Advisory Committees' focus and membership continue to be consistent with their intended purpose. At this time, staff recommends maintaining the Committees, including their membership requirements and seat structure as they currently stand in order to continue advising the Board of Supervisors on the police or recreation services needs of these communities.

**CAO Recommendation**

Similar to the MACs, it is recommended that refresher training be provided to the staff supporting these bodies on administrative procedures.