

INTERNAL OPERATIONS COMMITTEE

RECORD OF ACTION FOR
June 11, 2018

Supervisor Diane Burgis, Chair
Supervisor Candace Andersen, Vice Chair

Present: Diane Burgis, Chair
Candace Andersen, Vice Chair

Staff Present: Julie DiMaggio Enea, Staff

Attendees: Lamar Anderson
Sathya Rao
Maureen Parkes, Conservation & Devel Dept
Emlyn Struthers, Clerk of the Board's Office
Chris Peterson
Jason Crapo, Conservation & Devel Dept
Mark Goodwin, District III Chief of Staff
Jonathan Kevles
Cindy, District III Student Intern

1. Introductions

Chair Burgis called the meeting to order 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).

None of the attendees requested to speak during the public comment period.

3. RECEIVE and APPROVE the Record of Action for the April 9, 2018 IOC meeting.

The Committee approved the record of action for the April 9, 2018 IOC meeting as presented.

AYE: Chair Diane Burgis, Vice Chair Candace Andersen
Passed

4. RECOMMEND to the Board of Supervisors the reappointment of Richard "Tom" Chapman to the At Large #2 seat on the Contra Costa County Fire Protection District Advisory Commission to a four-year term beginning July 1, 2018 and ending June 30, 2022.

The Committee approved the recommendation to reappoint Richard "Tom" Chapman to the At Large #2 seat on the Contra Costa County Fire Protection District Advisory Commission to a four-year term beginning July 1, 2018 and ending June 30, 2022, and directed staff to forward the recommendation to the Board of Supervisors.

AYE: Chair Diane Burgis, Vice Chair Candace Andersen

Passed

5. INTERVIEW candidates for the At Large #1 seat on the County Planning Commission and CONSIDER nomination to the Board of Supervisors for appointment to a four-year term beginning July 1, 2018 and ending June 30, 2022. (Julie DiMaggio Enea, IOC Staff)

The Committee interviewed Sathya Rao and Lamar Anderson and decided to recommend the appointment of Bhupen Amir to the At Large #1 seat on the County Planning Commission to a four-year term beginning July 1, 2018 and ending June 30, 2022, and directed staff to forward the recommendation to the Board of Supervisors.

AYE: Chair Diane Burgis, Vice Chair Candace Andersen

Passed

6. APPROVE recommendation from the Fish & Wildlife Committee for the off-cycle allocation of 2018 Fish and Wildlife Propagation Fund grant funds in the amount of \$7,811.49 to the Lindsay Wildlife Experience for equipment to be used in its triage wildlife hospital.

The Committee approved the recommendation from the Fish & Wildlife Committee for the off-cycle allocation of 2018 Fish and Wildlife Propagation funds in the amount of \$7,811.49 to the Lindsay Wildlife Experience for equipment to be used in its triage wildlife hospital, and directed staff to forward the recommendation to the Board of Supervisors.

AYE: Chair Diane Burgis, Vice Chair Candace Andersen

Passed

7. Staff recommends that the Committee recommend to the Board of Supervisors that the County's PACE program application process be streamlined by reducing County review of PACE program disclosure and financing practices and instead requiring confirmation that the PACE program has an active license to operate from the State Department of Business Oversight and that the PACE program meets the County's indemnification and insurance requirements.

Jason Crapo presented the staff report and recommendation, highlighting that more than 400 PACE loans had been made under the three programs operating in the County unincorporated area for an aggregate amount of approximately \$13 million and an average loan amount of \$33,000.

Chris Peterson and Jonathan Kevles commented on the report.

The Committee approved the staff recommendation that the County's PACE program application process be streamlined by reducing County review of PACE program disclosure and financing practices and instead requiring confirmation that the PACE program has an active license to operate from the State Department of Business Oversight and that the PACE program meets the County's indemnification and insurance requirements.

AYE: Chair Diane Burgis, Vice Chair Candace Andersen
Passed

8. The next meeting is currently scheduled for July 9, 2018.
9. Adjourn

Chair Burgis adjourned the meeting at 1:55 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: 06/11/2018

Subject: RECORD OF ACTION FOR THE APRIL 9, 2018 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

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 April 9, 2018 IOC meeting.

Recommendation(s)/Next Step(s):

RECEIVE and APPROVE the Record of Action for the April 9, 2018 IOC meeting.

Fiscal Impact (if any):

None.

Attachments

DRAFT IOC Record of Action 4-9-18

Minutes Attachments

No file(s) attached.



INTERNAL OPERATIONS COMMITTEE

RECORD OF ACTION FOR
April 9, 2018

Supervisor Diane Burgis, Chair
Supervisor Candace Andersen, Vice Chair

Present: Diane Burgis, Chair
Candace Andersen, Vice Chair

Staff Present: Julie DiMaggio Enea, Staff

Attendees: Edgar Grubb
Jack Weir
David Gould, Purchasing Services Manager
Jami Napier, Asst. Clerk of the Board
Maureen Toms, Deputy Director-Conservation & Devel
Phyllis Gordon
Maureen Parkes, Conservation & Devel Dept
Brice Bins, Chief Deputy Treasurer-Tax Collector
Bob Campbell, Auditor-Controller
Cathy Reed
Debbie Toth
Teri Leider
William Swenson
Joey Smith
Dr. Julianna Hynes
Argentina Dávila-Luévano
Susan Smith, County Administrator's Office
Patricia Ramirez
Emlyn Struthers, Clerk of the Board's Office
Mark Goodwin, District III Chief of Staff
Kirsten Upshaw
Rico Ramirez
Julia Halsey

DRAFT

1. Introductions

Chair Burgis convened the meeting at 1:02 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).

Joey Smith of the Commission for Women suggested that the meeting be adjourned in memory of Tique Lee Caul and asked the Committee to consider adjourning the next Board of Supervisors meeting in her memory.

3. RECEIVE and APPROVE the Records of Action for the February 12 and March 12, 2018 IOC meetings.

The Committee approved the Records of Action for the February 12 and March 12 IOC meetings as presented by staff.

AYE: Chair Diane Burgis, Vice Chair Candace Andersen
Passed

4.
 1. INTERVIEW candidates for the Public Member seat on the Countywide Redevelopment Successor Oversight Board and DETERMINE recommendation to the Board of Supervisors for appointment effective July 1, 2018.
 2. RECOMMEND to the Board of Supervisors a term of office for the Public Member seat of one to four years, beginning July 1, 2018.

The Committee interviewed Jack Weir and William Swenson and, after confirming with the Auditor-Controller that an Alternate Seat could be created, decided to recommend Jack Weir for appointment to the Public Member seat and William Swenson for appointment as an Alternate to the Public Member on the Countywide Redevelopment Successor Agency Oversight Board to four-year terms effective July 1, 2018 through June 30, 2022.

AYE: Chair Diane Burgis, Vice Chair Candace Andersen
Passed

5. INTERVIEW candidates for the Public Member #1 and #2 seats on the Treasury Oversight Committee for four-year terms effective May 1, 2018 through April 30, 2022, and DETERMINE recommendations for Board of Supervisors consideration.

The Committee interviewed Makalia Aga, Edgar Grubb, Dennis Reigle, Parm Sandhu, and Laura Sarapochillo in a group setting and concurred with the recommendation of the Treasurer-Tax Collector to recommend Dennis Reigle for appointment to the Public 1 seat and Edgar Grubb for reappointment to the Public 2 seat on the Treasury Oversight Committee to four year terms effective May 1, 2018 through April 30, 2022.

AYE: Chair Diane Burgis, Vice Chair Candace Andersen
Passed

AYE: Chair Diane Burgis, Vice Chair Candace Andersen

6. CONSIDER response from the Commission on Women to staff recommendations presented in February 2018.

Staff introduced the item by reviewing the prior direction given by the IOC in September 2017. The IOC had asked the Commission for Women to discuss reducing the number of At Large seats on the Commission from 15 to 10, which the CAO had recommended to address lack of quorum, and report back to the IOC in April 2018. The other four CAO recommendations to address Commission operational issues were to be tabled until the quorum issue was resolved and the Commission could meet to discuss them, and report back to the IOC in October 2018.

The current Commissioners submitted a written response, attached, to all of the CAO recommendations.

Vice Chair Andersen expressed a preference to reduce total Commission membership to 15 -- still a large membership. Chair Burgis again requested a proposed budget from the Commission, making no commitments of funding but wanting an estimate of funding that the Commission would need to function properly. She noted that the Commission website showed no meeting minutes since October 2016 and, of the minutes that were available, an average of five members were reported absent at each meeting. Staff reported that the Commission currently has 10 vacancies: two District seats and eight At Large seats. Chair Burgis commented that only members who could commit to the meeting schedule and level of activity should be considered for appointment.

Phyllis Gordon stated that the Commission has frozen recruitment efforts due to internal tension and objected to a reduction in membership. She stated that the members were very busy women with many responsibilities and that, consequently, many women are required to accomplish the work of the Commission. She added that it was often difficult to get members to take on higher obligations.

The Supervisors remained concerned about allegations that members were being required to fundraise. Several Commissioners highlighted some of the expenses incurred by the Commission, such as for trips to Washington, D.C. Phyllis Gordon commented that at one time the County provided funding and staff support for the Commission. She requested that the Commission be able to share what it needs from the County and the CAO liaison. Julia Halsey (President of the Friends group) asked what the County spends on its other advisory bodies and suggested that a commensurate amount should be allocated to the Commission.

Phyllis Gordon stated unequivocally that members are not required to fundraise, though some do so willingly. She dismissed the allegations of former members who resigned, stating that their report was biased and uninformed due to their short tenure with the Commission. Julia Halsey agreed and thought that too much credence was being given to the complainants.

Debbie Toth commented that she chose not to join the Commission due to the

negativity and drama surrounding the Commission, characterizing the situation as a "witch hunt". Argentina Davila-Luevano attributed the Commission's recent problems to two individuals who resigned.

Vice Chair Andersen commented that the individual that was appointed to represent her District is a well-regarded attorney.

The IOC decided to recommend to the Board of Supervisors a reduction in the number of At Large seats from 15 to 10, and directed the CAO liaison to meet with the Commission for Women to discuss the remaining CAO recommendations.

AYE: Chair Diane Burgis, Vice Chair Candace Andersen

Passed

7. APPROVE recommendations from the Fish & Wildlife Committee for the allocation of 2018 Fish and Wildlife Propagation Fund grant funds for ten projects totaling \$101,355.

Vice Chair Andersen approved the proposed 2018 allocation of Fish and Wildlife Propagation Funds and directed staff to forward the recommendations to the Board of Supervisors. (Chair Burgis had to leave prior to the conclusion of the meeting.)

AYE: Vice Chair Candace Andersen

Other: Chair Diane Burgis (ABSENT)

Passed

8. ACCEPT the Small Business Enterprise, Outreach and Local Bid Preference Programs Report, reflecting departmental program data for the period July 1 through December 31, 2017.

Vice Chair Andersen accepted the report and requested that the Purchasing Manager include three to five years of historical comparisons in future reports to help provide context for current year performance. She directed staff to forward the report to the Board of Supervisors.

(Supervisor Burgis had to leave prior to the conclusion of the meeting.)

AYE: Vice Chair Candace Andersen

Other: Chair Diane Burgis (ABSENT)

Passed

9. The next meeting is currently scheduled for May 14, 2018.

The Committee decided to cancel its regular meeting of May 14, 2018.

AYE: Chair Diane Burgis, Vice Chair Candace Andersen

Passed

10. Adjourn

Vice Chair Andersen adjourned the meeting in memory of Tique Lee Caul.

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: 06/11/2018
Subject: INTERVIEW CANDIDATES FOR THE CONTRA COSTA FIRE PROTECTION DISTRICT ADVISORY COMMISSION
Submitted For: David Twa, County Administrator
Department: County Administrator
Referral No.: IOC 18/5
Referral Name: Advisory Body Recruitment
Presenter: Julie DiMaggio Enea **Contact:**

Referral History:

On December 12, 2000, the Board of Supervisors approved a policy on the process for recruiting applicants for selected advisory bodies of the Board. This policy requires an open recruitment for all vacancies to At Large seats appointed by the Board. The Board also directed that the IOC personally conduct interviews of applicants for At Large seats on several boards, committees, and commissions including the Contra Costa County Fire Protection District Advisory Commission.

On June 30, 2018, the term for one Advisory Fire Commissioner will expire. The term of office for the vacant seat is July 1, 2018 - June 30, 2022.

The Contra Costa County Fire Protection District Advisory Fire Commission includes twelve (12) seats that are appointed by the Contra Costa County Board of Supervisors: Five (5) Supervisors District seats, each with an alternate, and two (2) At Large seats.

The Advisory Fire Commission's purpose is to review and advise on annual operations and capital budgets, review Fire District expenditures; advise the Fire Chief on district service matters; and serve as liaison between the Board of Supervisors and the community served by the fire district.

Referral Update:

At the direction of the Internal Operations Committee, staff initiated a five-week recruitment by issuing a press release (attached) on April 13th advertising the vacancies with an application deadline of May 18th. The recruitment garnered one application, attached, from incumbent Tom Chapman.

Recommendation(s)/Next Step(s):

RECOMMEND to the Board of Supervisors the reappointment of Richard "Tom" Chapman to the At Large #2 seat on the Contra Costa County Fire Protection District Advisory Commission to a four-year term beginning July 1, 2018 and ending June 30, 2022.

Attachments

Press Release CCCFPD Advisory Fire Commission

CCCFPD Advisory Fire Commission Roster May 2018

Candidate Application Tom Chapman CCCFPD Adv Comm

Minutes Attachments

No file(s) attached.



Contra Costa County

County Administrator's Office • 651 Pine Street, 10th Floor • Martinez, CA 94553 • www.co.contra-costa.ca.us

Media Release

FOR IMMEDIATE RELEASE

Friday, April 13, 2018

Contact: Julie DiMaggio Enea

Phone: (925) 335-1077

Email: julie.enea@cao.cccounty.us

WOULD YOU LIKE TO SERVE ON THE ADVISORY FIRE COMMISSION?

The Contra Costa County Board of Supervisors is seeking an individual to serve on the Contra Costa County Fire Protection District's Advisory Fire Commission. The Commission is responsible for reviewing the District's operations and budget, and advising the Fire Chief on District service matters. The Commission also serves as a liaison between the Board of Directors and the community, and may be asked to perform other duties by the Board of Directors. The appointment will be for a full four-year term ending June 30, 2022. Applicants must reside or work within the boundaries of the Fire District to be eligible for the appointment. Regular meetings of the Advisory Fire Commission are held on the second Monday of each even-numbered month at 7:00 p.m. in Concord.

Application forms can be obtained from the Clerk of the Board of Supervisors by calling (925) 335-1900 or by visiting the County webpage at www.co.contra-costa.ca.us.

Applications should be returned to the Clerk of the Board of Supervisors, Room 106, County Administration Building, 651 Pine Street, Martinez, CA 94553 **no later than Friday, May 18 by 5:00 p.m.** Applications will be reviewed, and invitations to interview with the Internal Operations Committee of the Board of Supervisors (Directors) will be extended to qualified candidates. Interviews will take place on **Monday, June 11 at 1:00 p.m.** in Room 101, County Administration Building, 651 Pine Street, Martinez, CA 94553. The appointment will be effective on July 1, 2018.

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Contra Costa County, CA

CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT - ADVISORY FIRE COMMISSION

BOARD ROSTER



RICHARD (TOM) CHAPMAN

Position At-Large 2

Term Apr 22, 2014 - Jun 30, 2018



DARRAN T MAZAIKA

Position District IV Alternate

Term Apr 10, 2018 - Jun 30, 2018

Email: [REDACTED]

Mobile: [REDACTED]

Address:
[REDACTED]
[REDACTED]



DEBRA GALEY

Position District IV

Term Jul 28, 2015 - Jun 30, 2019



MICHAEL EGAN

Position At-Large 1

Term Jul 01, 2016 - Jun 30, 2020



LISA BARTLEY

Position District I Alternate

Term Feb 27, 2018 - Jun 30, 2021

Email: [REDACTED]

Home: [REDACTED]

Address:
[REDACTED]
[REDACTED]



MATTHEW GUICHARD

Position District II

Term Jul 01, 2017 - Jun 30, 2021



NAT ROJANASATHIRA

Position District V

Term Aug 01, 2017 - Jun 30, 2021



WALTER FIELDS

Position District V Alternate

Term May 01, 2018 - Jun 30, 2021



EREL M BETSER

Position District I

Feb 27, 2018 - Feb 27, 2022

Email: [REDACTED]

Mobile: [REDACTED]

Address:
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



VACANCY

Position District II Alternate



VACANCY

Appointing Authority 11/3/2015

Position District III Alternate



VACANCY

Position District III



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:

Contra Costa Co. Fire Advisory Firm At Large Commissioner
PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION Commission PRINT EXACT SEAT NAME (if applicable)

1. Name: Chapman Richard Thomas
(Last Name) (First Name) (Middle Name)

2. Address: [Redacted] Pleasant Hill Ca. 94523
(No.) (Street) (Apt.) (City) (State) (Zip Code)

3. Phones: [Redacted] [Redacted] [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 ☒ G.E.D. Certificate ☐ California High School Proficiency Certificate ☐

Give Highest Grade or Educational Level Achieved 12th grade + 4+ years College

Names of colleges / universities attended	Course of Study / Major	Degree Awarded Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) <u>Diablo Valley</u>	<u>General Ed.</u>	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<u>60+</u>		<u>AA</u>	<u>1966</u>
B) <u>Sandhose State</u>	<u>Teacher Ed.</u>	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>60+</u>			
C) <u>[Redacted]</u>	<u>[Redacted]</u>	Yes No <input type="checkbox"/> <input type="checkbox"/>				
D) Other schools / training completed: <u>Diablo Valley</u>	Course Studied <u>Fire Science</u>	Hours Completed <u>N/A</u>	Certificate Awarded: Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			

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

<p>A) Dates (Month, Day, Year) From <u>6/22/10</u> To <u>Present</u> Total: Yrs. <u>7 yrs</u> Mos. <u>11 mo.</u> Hrs. per week <u> </u> . Volunteer <input checked="" type="checkbox"/></p>	<p>Title <u>Advisory Fire Commissioner</u> Employer's Name and Address <u>Contra Costa Co.</u> <u>651 Pine St</u> <u>Martinez, Ca</u></p>	<p>Duties Performed <u> liaison with the board, the Fire Dist. & Citizens</u> <u>Review + advise on Fire Dist. matters</u></p>
<p>B) Dates (Month, Day, Year) From <u>8/68</u> To <u>4/02</u> Total: Yrs. <u>34 yrs</u> Mos. <u>8 mo.</u> Hrs. per week <u>56</u> . Volunteer <input type="checkbox"/></p>	<p>Title <u>Fire Captain</u> Employer's Name and Address <u>Contra Costa Co</u> <u>Fire Protection Dist.</u> <u>4005 Port Chicago Hwy</u> <u>Suit 250</u> <u>Concord Ca.</u></p>	<p>Duties Performed <u>) Fire Fighting</u> <u>) Medical</u> <u>) rescue</u> <u>) crew commander</u> <u>) program Supervisor</u> <u>) Public Service</u></p>
<p>C) Dates (Month, Day, Year) From <u> </u> To <u> </u> Total: Yrs. <u> </u> Mos. <u> </u> Hrs. per week <u> </u> . Volunteer <input type="checkbox"/></p>	<p>Title <u> </u> Employer's Name and Address <u> </u></p>	<p>Duties Performed <u> </u></p>
<p>D) Dates (Month, Day, Year) From <u> </u> To <u> </u> Total: Yrs. <u> </u> Mos. <u> </u> Hrs. per week <u> </u> . Volunteer <input type="checkbox"/></p>	<p>Title <u> </u> Employer's Name and Address <u> </u></p>	<p>Duties Performed <u> </u></p>

7. How did you learn about this vacancy?

☐ CCC Homepage ☐ Walk-In ☐ Newspaper Advertisement ☐ District Supervisor ☒ Other Reappointment

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: _____

Date: _____

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.



Contra Costa County Board of Supervisors

Subcommittee Report

INTERNAL OPERATIONS COMMITTEE

5.

Meeting Date: 06/11/2018

Subject: INTERVIEW CANDIDATES FOR THE COUNTY PLANNING COMMISSION

Submitted For: David Twa, County Administrator

Department: County Administrator

Referral No.: IOC 18/5

Referral Name: Advisory Body Recruitment

Presenter: Julie DiMaggio Enea

Contact: Julie DiMaggio Enea 925.335.1077

Referral History:

On December 12, 2000, the Board of Supervisors approved a policy on the process for recruiting applicants for selected advisory bodies of the Board. This policy requires an open recruitment for all vacancies to At Large seats appointed by the Board. The Board also directed that the IOC personally conduct interviews of applicants for At Large seats on several boards, committees, and commissions including the Contra Costa County Planning Commission.

On June 30, 2018, the term for one Planning Commissioner will expire. The term of office for the vacant seat is July 1, 2018 - June 30, 2022.

The Planning Commission's powers and duties include:

- Exercise all powers and duties prescribed by law (statute, ordinance or board order), including consideration of matters referred to it by the zoning administrator except those powers and duties specifically reserved or delegated to other divisions of the planning agency;
- Initiate preparation of general plans, specific plans, regulations, programs and legislation to implement the planning power of the county;
- Be generally responsible for advising the legislative body of matters relating to planning, which, in the opinion of the commission, should be studied;
- Be the advisory agency as designated in Title 9 of this code for the purpose of passing on subdivisions;
- Hear and decide all applications or requests for proposed entitlements estimated to generate one hundred or more peak hour trips unless otherwise provided by this code or board order; and
- Hear and make recommendations regarding proposed development agreements when it is hearing the related project applications being processed concurrently with the development agreements.

Referral Update:

At the direction of the Internal Operations Committee, staff initiated a five-week recruitment by issuing a press release (attached) on April 13th advertising the vacancies with an application deadline of May 18th. The recruitment garnered three applications, attached. Incumbent Marvin Terrell chose not to apply. All candidates were invited to interview with the IO Committee today.

The candidates are as follows:

Bhupen Amin (Walnut Creek) - unable to attend due to travel
LaMar Anderson (Concord) - attendance confirmed
Sathya Rao (Alamo) - attendance confirmed

Recommendation(s)/Next Step(s):

INTERVIEW candidates for the At Large #1 seat on the County Planning Commission and CONSIDER nomination to the Board of Supervisors for appointment to a four-year term beginning July 1, 2018 and ending June 30, 2022. *(Julie DiMaggio Enea, IOC Staff)*

Fiscal Impact (if any):

Planning Commissioners receive a County-paid stipend of \$50 per meeting, not to exceed \$300 a month, plus mileage reimbursement.

Attachments

Press Release County Planning Commission

County Planning Commission Roster May 2018

Candidate Application Bhupen Amin Planning Commission

Candidate Application LaMar Anderson Planning Commission

Candidate Application Sathya Rao Planning Commission

Minutes Attachments

No file(s) attached.



Contra Costa County

County Administrator's Office • 651 Pine Street, 10th Floor • Martinez, CA 94553 • www.co.contra-costa.ca.us

Media Release

FOR IMMEDIATE RELEASE

Friday, April 13, 2018

Contact: Julie DiMaggio Enea
Phone: (925) 335-1077
Email: julie.enea@cao.cccounty.us

WOULD YOU LIKE TO SERVE ON THE COUNTY PLANNING COMMISSION?

The Contra Costa County Board of Supervisors is seeking an individual who is interested in serving on the County's Planning Commission. The Commission is responsible for hearing and deciding applications for proposed projects that generate more than 100 peak hour trips, and all appeals from decisions of the zoning administrator. The Commission also may initiate preparation of general plans, specific plans, regulations, programs, and legislation to implement the land use planning power of the county; is generally responsible for advising the Board of Supervisors of matters relating to planning; is the designated advisory agency for the purpose of passing on subdivisions; and hears and makes recommendations regarding proposed development agreements.

Meetings of the Planning Commission are generally held on the second and fourth Wednesdays of each month at 7:00 p.m. in Martinez. Members of the Planning Commission receive \$50 per meeting up to a monthly maximum of \$300, plus mileage expense. The appointment will be for a full four-year term ending June 30, 2022.

Application forms can be obtained from the Clerk of the Board of Supervisors by calling (925) 335-1900 or by visiting the County webpage at www.co.contra-costa.ca.us. Applications should be returned to the Clerk of the Board of Supervisors, Room 106, County Administration Building, 651 Pine Street, Martinez, CA 94553 **no later than Friday, May 18, 2018 by 5:00 p.m.** Applications will be reviewed, and invitations to interview with the Internal Operations Committee of the Board of Supervisors will be extended to qualified candidates. Interviews will take place on **Monday, June 11, 2018 at 1:00 p.m.** in Room 101, County Administration Building, 651 Pine Street, Martinez, CA 94553. The appointment will be effective on July 1, 2018.

###



Contra Costa County, CA

PLANNING COMMISSION

BOARD ROSTER



MARVIN TERRELL

Position At-Large 1



Jul 08, 2014 - Jun 30, 2018



JEFFREY WRIGHT

Position District I



Jun 09, 2015 - Jun 30, 2019



KEVIN VAN BUSKIRK

Position District IV



Mar 28, 2017 - Jun 30, 2019



RICHARD CLARK

Position At-Large 2



May 10, 2016 - Jun 30, 2020



DONNA ALLEN

Position District V



Oct 18, 2016 - Jun 30, 2020



RAND SWENSON

Position District II



Oct 24, 2017 - Jun 30, 2021



DUANE STEELE

Position District III



Dec 19, 2017 - Jul 01, 2021

Application Form

Profile

Which Boards would you like to apply for?

Planning Commission: Submitted

Assessment Appeals Board: Submitted

Seat Name (if applicable)

Describe why you are interested in serving on this advisory board/commission (please limit your response to one paragraph).

I want to continue to give back to our community and use whatever skill set I can offer.

This application is used for all boards and commissions

Bhupen

First Name

Amin

Last Name

Middle Initial

Email Address

Home Address

Suite or Apt

Walnut Creek

City

CA

State

94598

Postal Code

Primary Phone

Lotus Hotels, Inc.

Employer

Chief Operating Officer/General Counsel

Job Title

Occupation

Do you, or a business in which you have a financial interest, have a contract with Contra Costa Co.?

☐ Yes ☒ No

Is a member of your family (or step-family) employed by Contra Costa Co.?

☐ Yes ☒ No

Education History

Select the highest level of education you have received:

☒ Other

Juris Doctorate (Law Degree)

If "Other" was Selected Give Highest Grade or
Educational Level Achieved

College/ University A

UC Berkeley

Name of College Attended

Finance & Accounting

Course of Study / Major

Graduated

Units Completed

Type of Units Completed

☒ Semester

Degree Awarded?

☒ Yes ☐ No

Bachelor of Science

Degree Type

1992

Date Degree Awarded

College/ University B

UC Davis

Name of College Attended

Law Degree

Course of Study / Major

Graduated

Units Completed

Type of Units Completed

☒ Semester

Degree Awarded?

☒ Yes ☐ No

J.D.

Degree Type

1995

Date Degree Awarded

College/ University C

Name of College Attended

Course of Study / Major

Units Completed

Type of Units Completed

None Selected

Degree Awarded?

☐ Yes ☐ No

Degree Type

Date Degree Awarded

Other schools / training completed:

Course Studied

Hours Completed

Certificate Awarded?

☐ Yes ☐ No

Work History

Please provide information on your last three positions, including your current one if you are working.

1st (Most Recent)

1/1/1998- present

Dates (Month, Day, Year) From - To

Full Time

Hours per Week Worked?

Volunteer Work?

☐ Yes ☒ No

Chief Operating Officer/General
Counsel

Position Title

Employer's Name and Address

Lotus Hotels, Inc. 1839 Ygnacio Valley Rd, Suite 374 Walnut Creek, CA 94598

Duties Performed

Oversee operations of all hotel and investment properties.

2nd

08/01/1995 - 01/01/1998

Dates (Month, Day, Year) From - To

Full Time

Hours per Week Worked?

Volunteer Work?

☐ Yes ☒ No

Attorney

Position Title

Employer's Name and Address

Bowles & Verna Walnut Creek, CA

Duties Performed

Full time real estate and business litigation attorney.

3rd

Dates (Month, Day, Year) From - To

Hours per Week Worked?

Volunteer Work?

☐ Yes ☐ No

Position Title

Employer's Name and Address

Duties Performed

[Bhupen_Amin_bio_2017.pdf](#)

Upload a Resume

Final Questions

How did you learn about this vacancy?

☒ District Supervisor

Online notice

If "Other" was selected please explain

. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors?

☐ Yes ☒ No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the County such as grants, contracts, or other economic relations?

☐ Yes ☒ No

If Yes, please identify the nature of the relationship:



Bhupen B. Amin. Mr. Amin is President and Chief Operating Officer of Lotus Hotels & Investments in Walnut Creek, California. In his capacity, Mr. Amin is responsible for the development, management, financing and operations of several hotel properties, shopping centers and self-storage facilities. Prior to joining Lotus, Mr. Amin was an attorney at the Law Offices of Bowles & Verna in Walnut Creek, California with a focus on real estate litigation. He was a founder of an FDIC-insured bank in the South Bay Area, which he later helped consolidate into Bay Commercial Bank, a full service community bank with 18 West Coast branches and over \$1.2 billion in assets today. He continues to serve as a member of the Bank's board of directors and ALCO Committee. Mr. Amin also sits on the nominating committee and board of directors of the California Hotel & Lodging Association (CH&LA), and is an active member of the governmental affairs and scholarship committees of the American Hotel & Lodging Association (AH&LA) in Washington D.C. Mr. Amin became the first Indian-American to be elected Chairman of CH&LA, the largest state hotel association in the nation. Mr. Amin also acts as a Pro Tem Judge in the Alameda County Superior Courts and served on the board of the Brookside Community Health Center and finance committee of the non-profit Children's Hospital and Research Center in Oakland, CA. In 2016, The Contra Costa Board of Supervisors appointed Mr. Amin to serve on both the County's Economic Opportunity Council and Workforce Development Board, where he was recently elected as Vice Chairman. Mr. Amin earned his law degree from the University of California, Davis and secured his undergraduate degree with honors from the Haas School of Business at the University of California, Berkeley.



Contra
Costa
County



For Office Use Only
Date Received:

For Reviewers Use Only:
Accepted Rejected

Print Form

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:

Planning Commission

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. **Name:** ANDERSON LaMar
(Last Name) (First Name) (Middle Name)

2. **Address:** Concord California 94520
(No.) (Street) (Apt.) (State) (Zip Code)

3. **Phones:**
(Home No.) (Work No.) (Cell No.)

4. **Email Address:**

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

High School Diploma ☒ G.E.D. Certificate ☐ California High School Proficiency Certificate ☐

Give Highest Grade or Educational Level Achieved B.A. Degree Plus Graduate school and Law school

Names of colleges / universities attended	Course of Study / Major	Degree Awarded	Units Completed		Degree Type	Date Degree Awarded
			Semester	Quarter		
A) California Poltechnical University	Public Administration	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>		180	B.A	1973
B) New England College of law	Estates and Trusts	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>		9	LLM	
C)		Yes No <input type="checkbox"/> <input type="checkbox"/>				
D) Other schools / training completed: Institute of Business & Finance	Course Studied Estate Planning	Hours Completed	Certificate Awarded: Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>			

THIS FORM IS A PUBLIC DOCUMENT

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) <u>From</u> <u>To</u> 11-7-2017 Present</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 6</p> <p>Hrs. per week ____ . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Art & Culture Commission</p> <hr/> <p>Employer's Name and Address Contra Costa County</p>	<p>Duties Performed</p> <p>Our mission is to help create unity and cohesiveness in the community through art expression and promote culture awareness. I personally, as vice-chair, champion the about-face Veterans program throughout the county to assist veterans and their families express themselves through art and performance enhancement.</p>
<p>B) Dates (Month, Day, Year) <u>From</u> <u>To</u> 2-5-15 3-6-17</p> <p>Total: <u>Yrs.</u> <u>Mos.</u></p> <p>Hrs. per week ____ . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Planning Commissioner</p> <hr/> <p>Employer's Name and Address City of Concord</p>	<p>Duties Performed</p> <p>Attended 3 planning commission training academies on behalf of the largest City in Contra Costa County. 2 in Los Angeles 1 in San Ramon. Made recommendations to the City Council regarding building construction projects. zoning laws, municipal code amendments, permits> Naval Weapon Station reuse term sheets. etc.....</p>
<p>C) Dates (Month, Day, Year) <u>From</u> <u>To</u> 3-8-17 Current</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 2</p> <p>Hrs. per week ____ . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Executive Board Member</p> <hr/> <p>Employer's Name and Address City of Concord Concord Ambassadors</p>	<p>Duties Performed</p> <p>Sister City Representative. Kitakami, Japan 4th of July Parade participant on floats, cars and on January 22, 2018 appointed one member of the Mayors Emergency back-up team</p>
<p>D) Dates (Month, Day, Year) <u>From</u> <u>To</u> 3-20-18 5-8-2018</p> <p>Total: <u>Yrs.</u> <u>Mos.</u> 8 week course</p> <p>Hrs. per week ____ . Volunteer <input checked="" type="checkbox"/></p>	<p>Title Citizen Police Representative</p> <hr/> <p>Employer's Name and Address Community of Concord</p>	<p>Duties Performed</p> <p>Concord Emergency Response Team Member. Took and completed the City of Concord's Citizen's Police academy course. Attended and completed Crime prevention through environmental design course and took and completed Contra Costa Counties Mental Health for suicide prevention course.</p>

7. How did you learn about this vacancy?

☒ CCC Homepage ☐ Walk-In ☐ Newspaper Advertisement ☐ District Supervisor ☐ Other _____

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

If Yes, please identify the nature of the relationship: _____

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

Sign Name

Date: May 5, 2018

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.

Introducing LaMar Anderson

LaMAR ANDERSON

Concord Planning Commissioner

"I want to be able to live, work, learn and participate in my community."

As a lifelong Democrat I see that our values are being tested by circumstances of our times from both out of Washington and from our local challenges. As head coach at some of our state's premier High Schools: De LaSalle, Monte Visa, Ygnacio Valley and Berean Christian, for track & field, we went through victories and defeats on our way to many championships that enhanced the importance of teamwork that led to my being one of the winningest coaches in state history. In my career as a certified estate and trust specialist and a small businessman, I know and learned the satisfaction of hard work. Helping clients and families in difficult situations as well as weathering through stormy times, the ravages of the economic downturn and the misery of dealing with Red Tape, has rendered me pain neutral.



LaMar Anderson

My community service, a duty for which is my destiny, includes: Vice Chair of the Concord Pavilion Outreach Commission, I believe I was the first African American Democrat appointed to the City's Planning Commission, I have also been appointed to the Board of Directors of the Concord Ambassadors to our sister city Kitakami, Japan, I served 4 years on the Contra Costa County Economic Opportunity Commission, 10 years as an election inspector in Contra Costa County and volunteer for the adopt a street clean-up program. This stands well with my wife, Christine Chung of 12 years from Jakarta, Indonesia.

I was a Navy Lieutenant in a special operations unit, studied 3 years at Oregon State University, Oregon Track Team, California Polytechnic University. B.A, Degree, 2 years Western State University

College of Law, Doctorate of Jurisprudence from LaSalle University College of Law, studied Estate and Trusts law, LLM masters of law program new England College of Law. Estate and Trust Certification, Institute of Business and Finance. Medical and Mental First Aid Certification from Contra Costa County 2017 and completion of the City of Concord's Police Department's course on crime prevention through environmental design (2016).

Our City is swimming against strong currents of economic and social problems. The expectations of future needs to be bolstered and addressed by all of us who have not only survived but also time tested. One of the many challenges that face the City of Concord in the coming future must be met by men and women of our City who are willing to step up and face the challenges and have the necessary experience and qualification to do so.

Comes now, LaMar Anderson and Christine Chung.

Application Form

Profile

Which Boards would you like to apply for?

Planning Commission: Submitted

At-large 1

Seat Name (if applicable)

Describe why you are interested in serving on this advisory board/commission (please limit your response to one paragraph).

As a resident of Contra Costa County for over 18 years, and having built our home in last 7 years with a owner-builder permit, I have been involved and have worked various departments of county dealing with planning, conservation, and development. It is this realization that great communities requires careful planning and I could serve our community thru involvement in the area I am passionate about

This application is used for all boards and commissions

Sathya

First Name

Rao

Last Name

Middle Initial

Email Address

Home Address

Suite or Apt

Alamo

City

CA

State

94507

Postal Code

Primary Phone

Self employed

Employer

Consultant

Job Title

Software consulting

Occupation

Do you, or a business in which you have a financial interest, have a contract with Contra Costa Co.?

☐ Yes ☒ No

Is a member of your family (or step-family) employed by Contra Costa Co.?

☐ Yes ☒ No

Education History

Select the highest level of education you have received:

☒ Other

Bachelor of science (B.S)

If "Other" was Selected Give Highest Grade or
Educational Level Achieved

College/ University A

University of Mysore

Name of College Attended

Electrical Engineer

Course of Study / Major

4 years

Units Completed

Type of Units Completed

☒ Semester

Degree Awarded?

☒ Yes ☐ No

Bachelor of Science

Degree Type

1984

Date Degree Awarded

College/ University B

Name of College Attended

Course of Study / Major

Units Completed

Type of Units Completed

None Selected

Degree Awarded?

☐ Yes ☐ No

Degree Type

Date Degree Awarded

College/ University C

Name of College Attended

Course of Study / Major

Units Completed

Type of Units Completed

None Selected

Degree Awarded?

☐ Yes ☐ No

Degree Type

Date Degree Awarded

Other schools / training completed:

training, sexual harassment
training

Course Studied

40 hours

Hours Completed

Certificate Awarded?

☒ Yes ☐ No

Work History

Please provide information on your last three positions, including your current one if you are working.

1st (Most Recent)

04/01/2015 - 01/31/2018

Dates (Month, Day, Year) From - To

40 hours

Hours per Week Worked?

Volunteer Work?

☐ Yes ☒ No

Business Analyst

Position Title

Employer's Name and Address

Bykaudy International, CA - 94505

Duties Performed

Software design, Business analysis, development, training, deployment, support

2nd

Jan 2013 - Nov 2014

Dates (Month, Day, Year) From - To

60

Hours per Week Worked?

Volunteer Work?

☐ Yes ☒ No

Owner-Builder

Position Title

Employer's Name and Address

Self employed

Duties Performed

Design, engage architects, civil engineer, Structural engineer, tradesmen in building custom home in Alamo, CA. Worked with various agencies of Contra Costa County including Planning department, Conservation and development, building department, Public works, Fire district and other departments.

3rd

Aug 2007 - Jan 2013

Dates (Month, Day, Year) From - To

40

Hours per Week Worked?

Volunteer Work?

☐ Yes ☒ No

Director

Position Title

Employer's Name and Address

McKesson Corp 1 Post st San Francisco, CA

Duties Performed

Manage team of Architects and designers in IT organization. Strategic planning, defining roadmap, over seeing various IT projects. Tactical solutions for day to day operations. Budgeting, forecasting, mentoring of team members.

[Resume of Sathya Rao -
CCC_Planning_commissioner.docx](#)

Upload a Resume

Final Questions

How did you learn about this vacancy?

☒ Contra Costa County Homepage

If "Other" was selected please explain

. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors?

☐ Yes ☒ No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the County such as grants, contracts, or other economic relations?

☐ Yes ☒ No

If Yes, please identify the nature of the relationship:

Summary:

Senior software professional and mid-level executive having worked on strategic initiatives at large and medium organizations with over 25 years of enterprise IT experience, with 6+ year experience in Business Analytics experience, 8+ years of Business software application experience with 5 years of mid-level managerial experience. Knowledge of architectural foundations of business enterprise resource planning applications, data bases, and enterprise integration software. Multiple complex full cycle implementations, deployment, rollout, upgrade experience, management of IT organization.

General

- Open minded, culturally sensitive individual with excellent oral, written and presentation skills; communicate effectively with diverse people at various organization levels with right level of detail; Proven ability to train, coach, and mentor team members; experienced with root cause analysis; Self-motivated in both independent and collaborative environment; Steer clear of ambiguity; ability to build relationship, trust and confidence in peers; active listening skills; effective meeting management skills; Acute interest in emerging technologies; Abreast of past, current and future road maps of software platforms.
- Procured a vacant land in Alamo, developed it, engaged architect, engineers, contractors to build a custom home. Worked with various departments of Contra Costa County such as conservation and development, building department, Public works and other departments for execution of the project. Obtained permit as owner-builder to build the home.

Managerial experience

- Over 5 years of managerial experience as director of design and architecture in IT organization.
- Managed team of designers and architects.
- Strategic planning, budgeting, resourcing defining road maps of short and long term objectives. Collaborate with business units in aligning and prioritizing goals.

Business analytics

- Design, develop analytics solution as needed by the business units in the existing IT environment as well as using new and cutting edge technologies.
- Architect core landscape, design data flows per client business requirements, integrate with various source systems, cost estimation, budgeting and execute projects in analytics platforms.

Project experiences-

Method 360, San Francisco, CA

Apr 2015-Jan 2018

Implementation Partner, SAP America.

Clients –

Carefusion (division of BD), San Diego, CA

Business analyst/Designer

- As a consultant, studied and recommended appropriate software platform for the medical device design documents. Architected and designed software solution for new business process and for analytics of such data.
- Oversaw the implementation of project, deployment and initial support for the business users

McKesson Corp, San Francisco, CA

SME/Architect/Designer

- Project involved sun setting of legacy data ware house which not only supported special analytics needs but also supported some of the non-SAP operational systems.
- Study and prepare architectural path and design solution to move existing solutions in non-SAP data warehouse into existing SAP BI platform.

Sephora, San Francisco, CA

Designer/developer

- Project required exposing some of SAP HCM data in a specific format with many transformations using both SAP standard configuration data as well as custom data in SAP.
- Designed, developed a non-standard APIs in ECC to be leveraged by ETL tool for extracting standard and custom data from ECC. Uploaded extracted data to both SAP BI as well as corporate data lake.

Sabbatical

Jan 2013- Nov 2014

Owner-builder, custom home construction

- Procured/bought vacant lot in Alamo. Developed the lot for utilities. Designed a custom home. Engaged architect, structural engineer, civil engineer, surveyor, trades men to build the house. Worked with conservation and development, public works, fire district, county building department in obtaining permit. Studied ordinances relevant to the project, studied building code necessary for a residential building. Executed the project as owner-builder. Completed the project within budget while learning pitfalls of building construction, cost control and stipulations of land use per ordinances.

McKesson Corp, San Francisco, CA

Aug 2007- Jan 2013

Director, Department of Architecture

- As a director of Architecture department, managed team of designers and architects. Responsibilities included strategic planning, forecasting of business needs of near and long term needs for software solution, budgeting of new architectural needs, planning of execution, migration of platforms, tactical solutions for day to day activities, mentoring of team members, work with senior management in effectively translating organization mission into tasks and deliverables. Monitor for new technologies, study feasibility and benefits of such technologies for the organization and prepare and propose such technologies while working closely with vendors of such technologies.

McKesson Corporation, San Francisco, CA.

Apr 2001 –Jul 2007

Solution designer/developer

- Designed and developed Sales order processing using BAPIs via integration tool WebMethods for Front end order processing system (FEOP). Developed fail recovery processes, acknowledgement processes to synchronize and track performance with FEOP for a very high performance integration.
- Developed various pricing procedures for sales order processing. Designed a very complex process of pricing by integrating Mainframe application for customer contracts using WebMethods during pricing of sales order in real-time.
- Integrated 36 distribution centers' AS/400 application for warehouse management with central SAP system for delivery, pick, pack, and goods issue process. Designed system to be flexible using queued IDOC/BAPI design, yet reliable and fast solution using acknowledgement process and self-recovering system.
- As part of BI implementation team, activated, modified, standard content and custom data extractors to suit the Analytics team needs. Used customer exits in data extraction to enhance data quality.
- Designed and developed a unique custom extractor for sales order pricing data with dynamic scalability using parallel processing in ECC.
- Developed BI solutions with data transformations. Developed start routines, transfer routines. Design PSA, DSOs and other layers of BI application.
- Worked on time dependent and time independent master data in BI and made master data. Designed several hierarchy data solutions in BI
- Worked on Order to cash and procure to pay processes to generate various reports/queries using BEx tools.
- Developed open hub solution for data transfer from BW to non-SAP platforms.



Contra Costa County Board of Supervisors

Subcommittee Report

INTERNAL OPERATIONS COMMITTEE

6.

Meeting Date: 06/11/2018

Subject: Out of Cycle Fish & Wildlife Propagation Allocation Recommendation

Submitted For: John Kopchik, Director, Conservation & Development Department

Department: Conservation & Development

Referral No.: IOC 18/6

Referral Name: Allocation of Propagation Funds by the Fish and Wildlife Committee

Presenter: Maureen Parkes, Conservation &
Development Dept

Contact: Maureen Parkes
925.674.7831

Referral History:

On November 22, 2010, the IOC received a status report from Department of Conservation and Development (DCD) regarding the allocation of propagation funds by the Fish and Wildlife Committee (FWC). The IOC accepted the report along with the recommended modifications to improve the grant process in the future. The modifications included (1) updating the FWC Conflict of Interest Code, which was accomplished, and; (2) having the IOC conduct a preliminary review of annual FWC grant recommendations prior to Board of Supervisors review, which is now a standing referral to the IOC.

Referral Update:

The FWC requests that the Internal Operations Committee consider an out-of-cycle Fish and Wildlife Propagation Fund (Fund) grant request from Lindsay Wildlife Experience (LWE). LWE has identified an acute and urgent need for physiologic monitoring equipment which will be used in their triage wildlife hospital. The FWC is requesting that the IO Committee consider recommending to the Board of Supervisors approval of this off-cycle grant funding recommendation. The attached memo provides background on the grant program, explains the review process performed by the FWC and documents the FWC's reasons for recommending grant funding for the equipment.

Recommendation(s)/Next Step(s):

APPROVE recommendation from the Fish & Wildlife Committee for the off-cycle allocation of 2018 Fish and Wildlife Propagation Fund grant funds in the amount of \$7,811.49 to the Lindsay Wildlife Experience for equipment to be used in its triage wildlife hospital.

Fiscal Impact (if any):

The recommendation will have no impact on the County General Fund. The FWC is proposing to allocate \$7,811.49 of the \$227,856 propagation funds available. Fish and wildlife propagation funds are restricted to costs for the protection, conservation, propagation, and preservation of fish and wildlife, pursuant to Fish and Game Code section 13100, and are budgeted in the Fish and Game Fund (110200).

Attachments

F&W Committee Recommended Allocation to Lindsay Wildlife Experience

Minutes Attachments

No file(s) attached.



**CONTRA COSTA COUNTY
FISH AND WILDLIFE COMMITTEE**
c/o Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Telephone: 925-674-7203 Fax: 925-674-7250

TO: Internal Operations Committee
Supervisor Diane Burgis, Chair
Supervisor Candace Andersen, Vice Chair

FROM: From: Daniel Pellegrini, Chair
Fish and Wildlife Committee
By: Maureen Parkes, Planning Technician III
Staff to Fish and Wildlife Committee *Maureen Parkes*

DATE: May 22, 2018

SUBJECT: **Out-of-Cycle Grant Funding Recommendation from the Contra Costa County Fish and Wildlife Committee**

The Contra Costa County Fish and Wildlife Committee (FWC) requests that the Internal Operations Committee (IO) consider an out-of-cycle Fish and Wildlife Propagation Fund (Fund) grant request from Lindsay Wildlife Experience (LWE). LWE has identified an acute and urgent need for physiologic monitoring equipment which will be used in their triage wildlife hospital. The FWC is requesting that the IO Committee consider the funding recommendation and make their own recommendation for consideration by the full Board of Supervisors (Board). This memo provides background on the grant program, explains the review process performed by the FWC and documents the FWC's reasons for recommending grant funding for the equipment.

I. Background

Fish and Wildlife Propagation Fund

The Fish and Wildlife Propagation Fund was established in accordance with the California Fish and Game Code (Code) 13100 as a repository for fines collected for certain violations of the Code and other regulations related to fish and game. The most common fines are small (\$25-\$150) and are processed through the four Superior Courts in Contra Costa County. The fines typically stem from hunting or fishing violations (e.g. not possessing a valid license), illegal take and illegal dumping. Occasionally there are larger fines that result from larger violations, including failure to obtain appropriate permits for activities such as streambed alteration. A portion of the various fines are deposited into the Fish and Wildlife Propagation Fund. As of May 11, 2018, the Fund had an available balance of \$141,883.91.

Summary of Request

Lindsay Wildlife Experience submitted an out-of-cycle grant request for a Fish and Wildlife Propagation Fund grant to assist with the purchase of physiologic monitoring equipment to be used in their triage wildlife hospital. Contemporary physiologic monitors track multiple vital indicators that preemptively and concurrently signal a patient's decline, rather than having to wait for "big signs" (e.g. heart and respiratory rates) to present. Due to the onset of the intensely busy six-month long 'baby season' (April 1st through August 31st), and acute and immediate need for a veterinary monitor, LWE purchased the equipment prior to the approval of the grant application, and requests that the purchase be reimbursed with Fish and Wildlife Propagation fund grant funds.

LWE's ability to monitor wildlife patient heart and respiratory rate had been precarious. Their grant application, which is attached, details the reasons for the urgent need to purchase the physiologic monitoring equipment.

II. Reason for Recommendation/Background

Since 1996, the Fish and Wildlife Committee (FWC) has implemented a structured process for reviewing funding requests. The intent of this structured review process was to replace case-by-case decision-making with a grant process that enables comparative and efficient review of applications.

Occasionally the Committee receives requests for funds outside of the regular grant cycle. These proposals must meet all the regular requirements of applications as well as justify why the funding request should be considered outside the regular cycle.

On May 21, 1997, the FWC approved the following criteria for reviewing grant requests outside the normal grant review cycle:

The majority of projects will be reviewed simultaneously once per year. Projects can be reviewed individually, outside the annual review cycle if:

- the project is a FWC-initiated project;
- delaying review of the project until the annual review cycle would cause substantial harm to the fish and wildlife resources of the County;
- the project cannot be performed at all unless funding is received from the Fish and Wildlife Propagation Fund sooner than would be possible under the annual review cycle; or
- the project has substantial matching funds which will expire unless funding is received from the Fish and Wildlife Propagation Fund sooner than would be possible under the annual review cycle.

The Fish and Wildlife Committee discussed the LWE grant application at their April 18, 2018 meeting and determined that the request was urgent because LWE has the only wildlife hospital in the area and the equipment was needed to save the lives of their patients. The FWC unanimously approved the following recommendation:

- 1) Appropriate \$7,811.49 to Lindsay Wildlife Experience for critically needed physiologic monitoring equipment, with the understanding that LWE will purchase the equipment immediately due to the urgent need, and will only be reimbursed with Fish and Wildlife Propagation Funds if the grant application is approved by the Board of Supervisors. [6 ayes/0 noes]
- 2) Further, the FWC also recommended that within a year of grant funding approval, or within one month of project completion, whichever comes sooner, recipient must submit a final project report which includes invoices and receipts documenting how funds were spent and the results of the project. Details will be outlined in the grant award packet if funding is approved. [6 ayes/0 noes]

Members in attendance and voting on the grant request were: Judy Bendix (District I), Clark Dawson (District III), Kathleen Jennings (At-large), Susan Heckly (District II), Daniel Pellegrini (District V), and Heather Rosmarin (At-large).

Please contact Maureen Parkes at 925-674-7831 or Abigail Fateman at 925-674-7820 with any questions.

Attachments:

- Grant Application
- Grant Application Packet for Fish and Wildlife Propagation Funds

**Contra Costa County
2018 Fish and Wildlife Propagation Fund
Application Cover Page**

Office Use Only:

Project title: Physiologic Monitoring Equipment Needs in a Triage Wildlife Hospital

Organization/Individual applying: Lindsay Wildlife Museum (dba Lindsay Wildlife Experience)

(Organization type: please check one -- government, ☒ non-profit, for-profit, other (explain))

Address: 1931 First Avenue, Walnut Creek, CA 94597

Telephone: (925) 627-2919

Fax: (925) 935-8015

E-mail: cmccormick@lindsaywildlife.org

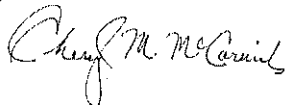
Name and title of contact person: Cheryl M. McCormick, Ph.D.

One sentence summary of proposal: LWE requests an off-cycle grant to purchase critically-needed physiologic monitoring equipment

Requested grant: **\$7,811.49**

Proposal prepared by (name & title): Cheryl M. McCormick, Ph.D., Executive Director

Signature (*Typing your name does not count as a signature. If this section is empty, your proposal will not be considered*):



Signed on March 12, 2018

Clear Form

Project Description

Avian and mammalian wildlife patients can be acutely challenging to treat and monitor anesthetically, relative to domestic felines and canines. LWE specializes in treating passerines, raptors, and small mammals, many of which are considered high-risk patients by virtue of their rapid and unpredictable physiologic responses to stress. Additionally, many are too small to be fitted with a standard blood pressure cuff and/or have highly specialized anatomical features that make intubation difficult, if not impossible in some species of wildlife. Consequently, many standard monitoring devices fail their intended use when applied in wildlife veterinary medicine. When they are employed, all other variables must be easily controlled and highly predictable.

LWE's need for a veterinary monitor is *acute* and *immediate*, given current circumstances and the onset of the intensely busy six-month long 'baby season' (April 1st through August 31st), during which approximately 75% of our annual patient caseload is received. Our ability to monitor wildlife patient heart- and respiratory rate is currently precarious. LWE's capnograph is significantly outdated - it is no longer serviceable and its battery has expired. The manufacturer has issued a recall for the unit's battery and, consequently, we are unable to use the unit.

Our 'back up' monitoring equipment is a pulse-oximeter. The unit cannot maintain its charge and fails to function consistently, even in less sensitive patients, such as medium-sized mammals (raccoons, bobcats, etc). In addition, LWE has a Doppler, which began short-circuiting 18 months ago and was re-wired by a volunteer who had experience in electrical systems. This machine only registers heart rate, and is the only electronic piece of equipment on which veterinary staff can rely. Our current reality is that clinical caregivers in LWE's hospital are almost exclusively relying upon manual esophageal stethoscopes, from which one can derive heart rate and, occasionally, respiratory rate. Caveats to successful use of stethoscopes include: 1) monitoring respiratory rates is difficult in taxa/species with naturally elevated respiration rates (e.g., birds, small mammals); 2) use in reptiles is virtually impossible; 3) respiration rate is difficult to monitor manually because it is slow and unpredictable during anesthesia; 4) earpieces must be in at all times, confounding a veterinarian's ability to multi-task and effectively communicate in a triage environment.

With patient caseload likely to increase and peak in June-July, we are facing an urgent situation. Our current equipment cannot register respiratory rate, and heart rate may continue even following respiratory arrest. Our clinical staff currently relies heavily on visual assessment of respiratory rate, significantly increasing the potential for human error. Additionally, manual methodologies for monitoring for heart- and respiratory rates severely limits veterinarians' awareness of the multitude of continually dynamic variables involved in an anesthetized patient's condition. Consequently she must heavily rely upon technicians, increasing human error. Contemporary physiologic monitors track multiple vital indicators that *preemptively* and *concurrently* signal a patient's decline, rather than having to wait for "big signs" (e.g., heart- and respiratory rates) to present. At that point, it's usually too late to recover the patient.

LWE's current lack of refined physiological monitoring abilities recently resulted in the loss of a Western Screech Owl (patient D-5170). In this patient, the "big signs" (heart- and respiratory rate) precipitously declined faster than the veterinarian's ability to respond. A preemptive indicator would have been blood pressure dropping prior to a decrease in heart rate. This unfortunate case was particularly frustrating for LWE's veterinarian, who had nearly completed the surgical procedure, when patient loss is more likely to occur and also following a significant investment of time, effort, and resources.

Project Schedule

Given the urgency of the need, LWE will immediately purchase the requested equipment prior to approval of its grant application, with the understanding that there can be no guarantee that the

application will be approved. If approved, LWE will submit receipts to the CCCFWC for reimbursement. A final report will be submitted at the termination of the 2018 busy season (September), detailing the impact of the equipment.

Project Budget

A budget for the units and installation is as follows:

Qty	Model	Description of Item	Order Price
1	LW9xVESNITD	LifeWindow 9 Physiologic Monitor, with 3 LEAD ECG + Masimo SET technology, SPO ₂ + Suntech VETBP NIBP + 1 temperature + touch screen + networking + dual capnography side stream and main stream	\$9,945.00
		<i>Shipping and handling</i>	\$85.00
		SUBTOTAL	\$10,030.00
		Sales Tax (8.25%)	\$817.49
		TOTAL	\$10,847.49
		Contribution from Alliance (LWE auxiliary)	\$2,500
		Individual contributions	\$500
Total Funding Request to CCC-FWC			\$7,847.49

Annual Budget of Organization: \$2.5M

Organizational Background

LWE has been caring for sick, injured and orphaned California native wildlife since its inception in 1955 and as a formal wildlife rehabilitation hospital since 1972. Recognized as the first of its kind in the country, Lindsay's hospital currently accepts approximately 5,500 (+/- 10%) wild mammals, birds, reptiles, and amphibians annually. In 2016, 5,444 animals were treated (25 amphibians; 3,581 birds; 1,747 mammals; 91 reptiles), of which 2,201 (40.4%) were released back into habitats across Contra Costa County, contributing to genetic diversity, gene flow, and healthy population structure and function of native species. Lindsay does not charge a fee to the Good Samaritans who rescue sick, injured, or orphaned animals.

More than 320 volunteers support the hospital, working on-site or providing palliative home care for injured, abandoned, and/or sick wildlife. The hospital is managed by a full-time, state-licensed veterinarian, rehabilitation manager, wildlife rehabilitation technicians and interns. The hospital's activities are regulated under the U.S. Fish and Wildlife and the California Department of Fish and Wildlife. LWE's reputation for its staff's expertise in treating and surgically repairing delicate flight mechanisms of raptor species has elevated its status among peer organizations. What we learn from caring for and rehabilitating wildlife in the hospital informs LWE's exhibits and educational programs. Focal areas of LWE's Rehabilitation Hospital comprise the following:

Conservation: We provide veterinary care for sick, injured and abandoned native wildlife from California and surrounding states. The ultimate goal of our conservation medicine efforts are to rehabilitate and release animals back to the wild so they can contribute to the genetic diversity of wild populations.

Education: We provide veterinary students, interns, and externs with educational opportunities and mentoring in the field of wildlife medicine. Skills learned while working with wildlife species are directly

applicable to captive exotic species and are part of the training to become skilled veterinarians. Additionally, our skilled veterinarians teach college-level workshops and give educational presentations aimed at the general public. These presentations carry the message of wildlife conservation and provide an avenue for children and adults to become aware of issues affecting native wildlife species.

Research: We collaborate with researchers to support species- and/or population-level studies with a focus on wildlife preservation and conservation.

This proposed project meets the requirements of Section 13103(b) of the *California Fish and Game Code* (i.e., Temporary emergency treatment and care of injured and orphaned wildlife).

FY18-19 Board of Officers and Directors

Statutory (Voting) Members - Officers

Rosanne Siino, Ph.D., President Adjunct faculty, Stanford Business School	Marilyn Fowler, Vice President Probation Supervisor, CCC Probation Dept (retired)
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David Shunick, Treasurer VP, Operations Natural Alternatives Intl (retired)	Julie Ross, Secretary Freelance Writer (retired)
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Statutory (Voting) Members - Directors

Lou Eber General Counsel UBS Financial Services (retired)	Laura Johnson Manager Construction & Equipment, EBMUD
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Marc Kaplan Commercial developer and writer (retired)	Matthew Lawson Partner, Price Waterhouse Cooper
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Elizabeth McWhorter, Ph.D. University of California Office of the President	Ryan Misasi Executive Vice President F&M Bank
--	--

James Pezzaglia Attorney, trusts and real property law (retired)	Jeremy Seymour Deputy District Attorney Contra Costa County
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Heather Stead Homemaker	Gabe Togneri, President VP, Investor Relations, PG&E (retired)
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List of Individuals Responsible for Overseeing the Project

Cheryl M. McCormick, Ph.D. Executive Director cmccormick@lindsaywildlife.org 925-627-2919 (office) 831-238-8305 (mobile)	Amber S. Engle Wildlife Rehabilitation Manager aengle@lindsaywildlife.org 925-627-2942 (office) 510-529-8489 (mobile)	Allison Daugherty, DVM Staff Veterinarian adaugherty@lindsaywildlife.org 925-627-2953 (office) 314-249-7334 (mobile)
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Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone: 1-855-323-2626

Contra Costa County



John Kopchik
Director

Aruna Bhat
Deputy Director

Jason Crapo
Deputy Director

Maureen Toms
Deputy Director

Kara Douglas
Assistant Deputy Director

August 30, 2017

Dear Fish and Wildlife Propagation Fund Grant Applicants:

The Contra Costa County Fish and Wildlife Committee is pleased to announce that completed funding applications are now being accepted for consideration for the Contra Costa County Fish and Wildlife Propagation Fund (Fund). All application materials and guidelines are attached. Proposals must be received by 5:00 p.m. on Monday, January 8, 2018 (a postmark of January 8, 2018, does not satisfy the submission deadline). Proposals may be emailed or mailed. Any applications that are received after the due date or without a signature will not be considered. The recommendations of the Fish and Wildlife Committee will be forwarded to the Contra Costa County Board of Supervisors, which maintains final decision-making authority for expenditures from the Fund.

The Contra Costa County Fish and Wildlife Propagation Fund is entirely supported by fine revenues resulting from violations of the Fish and Game Code and Title 14 of the California Code of Regulations in Contra Costa County (County). Projects awarded from the Fund must benefit the fish and wildlife resources of the County and must meet the requirements of Section 13103 of the Fish and Game Code (attached). If your project is eligible under Section 13103 (d), (h), (i), or (m) please send a copy of your draft proposal to Maureen Parkes at maureen.parkes@dcd.cccounty.us by November 1, 2017. Staff will coordinate with the California Department of Fish and Wildlife to confirm the project's eligibility to receive funds. See Instructions for more details. All applications that satisfy the requirements listed in the funding application instructions will be considered.

The Fish and Wildlife Committee strongly encourages applications related to:

- improving habitat
- scientific research
- public education
- threatened and endangered species
- resolving human/wildlife interaction issues

In addition to the above areas of interest, the Fish and Wildlife Committee wishes to fund one or more projects that increase collaboration with law enforcement agencies, the court, and community cultural organizations on enforcement issues and education focusing on communities that may be unaware of local fish and game laws. Projects that provide multilingual signage and educational materials are encouraged.

The Fish and Wildlife Committee awards grants to non-profit organizations, schools and government agencies. The Committee generally does not recommend funding for operating costs and overhead, such as staff salaries, benefits or utilities. If an hourly rate is listed, costs need to be itemized separately (see grant guidelines for more details). The Committee generally gives preference to funding material expenses (e.g. purchase of equipment and materials).

The Committee expects to recommend awards to several applicants. However, it is possible that a particularly excellent proposal will be recommended to receive a large portion of the total available funds. During the 2017 grant cycle a total of \$102,184.92 was awarded to 16 projects. The awards ranged from \$800 to \$21,019.53. Successful applicants may anticipate receiving notification of funding awards by the late spring or early summer of 2018.

The grant award funds will be disbursed on a cost reimbursement basis.* (See below for exceptions.) Within a year of grant funding approval, or within one month of project completion, whichever comes sooner, recipients must submit a final project report which includes invoices and receipts documenting how funds were spent and the results of the project. Fish and Wildlife Propagation fund grants will be disbursed after receipt and approval of the final project report. Details will be outlined in the grant packet to all successful applicants.

***Exception For Non-Profit Organizations That Can Demonstrate Financial Hardship:** Private, non-profit entities that can demonstrate that providing Fish and Wildlife Propagation grant funding on a cost reimbursement basis will create a financial hardship and be detrimental to the operation of the program will be eligible to receive up to ½ of the grant amount after the grant is awarded. The remaining amount of the grant will be disbursed after the entity has submitted information including invoices and receipts documenting how the initial disbursement was spent. Within a year of initial notification of the grant funding award (i.e. spring or summer of 2019), or within one month of project completion, whichever comes sooner, the entity will be required to submit information including invoices and receipts documenting how the second disbursement was spent, and provide a final project report documenting the results of the project.

***Exception For Small Projects Under \$1,000:** Grant funding may be disbursed to private, non-profit entities prior to the beginning of the project if the award is under \$1,000 and the entity has provided documentation that the project could only be initiated with advance funding. Within a year of grant funding, or within one month of project completion, whichever comes sooner, recipients must submit a final project report which includes invoices and receipts documenting how funds were spent and the results of the project.

The Committee appreciates your interest in this opportunity to improve the fish and wildlife resources in Contra Costa County. Should you have any questions about the Fish and Wildlife Committee or this funding program, please contact me at 925-674-7831 or maureen.parkes@dcd.cccounty.us.

Sincerely,



Maureen Parkes

Fish and Wildlife Committee Staff

INSTRUCTIONS

What Must Be Included in Your Proposal (not to exceed 4 pages):

- 1) Signed Application Cover Page (see attached)
- 2) Description of the project for which funding is requested. Please include an explanation of:
 - how this project will benefit the fish and wildlife of Contra Costa County
 - how this project meets the requirements of Section 13103 of the Fish & Game Code (attached) which defines the eligibility requirements for projects requesting funding from the Fish and Wildlife Propagation Fund. Indicate which letter(s) of the Section 13103 is/are satisfied.

NEW REQUIREMENT: If your proposal is eligible under Section 13103 (d), (h), (i)*, or (m), a copy of your draft proposal must be sent to the attention of Maureen Parkes at maureen.parkes@dcd.cccounty.us or at the address listed on Page 2 and received by November 1, 2017. Staff will coordinate with the California Department of Fish and Wildlife to confirm the project's eligibility to receive funds.

*If your project is eligible under Section 13103 (i), and a scientific collection permit is required and issued by the California Department of Fish and Wildlife, this will indicate that the project is eligible to receive Fish and Wildlife Propagation funds. Please send the scientific collection permit along with your grant application by the January 8, 2018 - 5:00 P.M. grant submission deadline. Scientific collection permits are not included in the grant application page limit.

*The Fish and Wildlife Committee wishes to be acknowledged for its financial support of the project. FWC or staff review may be required prior to printing any written materials that receive funding. Please refer to the guidelines listed below:

 - Grant recipients agree to obtain advance written approval from the FWC of any communication/written material that may reasonably be understood to represent the views of the FWC and to provide the FWC with reasonable opportunity to review, comment and approve the communication/written material in advance. Grant recipients may use the following standard language in making attributions for funding by the FWC:
 - Attribution for full Grant funding: "This (research, publication, project, Web site, report, etc.) was funded by the Contra Costa County Fish and Wildlife Committee."
 - Attribution for partial Grant funding: "This (research, publication, project, Web site, report, etc.) is funded in part by the Contra Costa County Fish and Wildlife Committee."
- 3) **Project schedule - The project must be completed within a year from the date you receive notification of funding (by Spring/Summer 2019).**
- 4) Project budget (itemized). The Fish and Wildlife Committee generally does not recommend funding for operating costs and overhead. Examples for these include staff salaries, health insurance, and operation costs such as electricity to run an office. If an hourly rate is listed, overhead costs need to be itemized separately. The Committee generally gives preferences to funding material expenses (e.g. purchase of equipment and materials).
- 5) Annual budget for the applying organization (not itemized).
- 6) Statement describing the applying organization, listing the Board of Directors and officers of the organization, and listing all affiliated organizations.
- 7) Statement describing the qualifications of the sponsoring organization and participating individuals for completing the project.
- 8) List of individuals responsible for performing project and of individuals responsible for overseeing project.
- 9) Statement describing the status of permit approvals necessary to perform project (if applicable).
- 10) Request for an exception to the grant funding cost reimbursement requirement due to financial hardship or an exception for a small project under \$1,000. (This request does not count toward your page limit and is only required if requesting an exception.)

Format:

- Your proposal packet, including cover sheet and any attachments must not exceed four single-sided pages or two double-sided pages, 8.5 by 11 inches in size. Please use 11 point font or larger and ½ inch margins or larger on your pages. *If you submit more than 3 pages plus required cover sheet, your proposal may be disqualified without review.*
- **NEW REQUIREMENT:** If your project is eligible under Section 13103 (d), (h), (i), or (m) a copy of your draft proposal must be sent to the attention of Maureen Parkes at maureen.parkes@dcd.cccounty.us and received by November 1, 2017. (See exception for Section 13103 (i) above.) Do not attach an additional cover letter, brochures, posters, publications, CDs, DVDs, large maps or yellow-sticky paper (e.g. Post-It™).
- Your complete application packet including signature must **arrive by 5:00 p.m. on Monday, January 8, 2018 (Pacific Standard Time)** to be considered for funding. (Please note: A postmark of January 8, 2018 does not satisfy the submission deadline. If submitted after the deadline, your proposal will be disqualified).

Your complete application should be:

Emailed: maureen.parkes@dcd.cccounty.us

or

Mailed: Contra County Fish & Wildlife Committee
c/o Contra Costa County Dept. of Conservation and Development
30 Muir Road
Martinez, CA 94553-4601
Attn: Maureen Parkes

If you wish to hand deliver, contact Maureen by email or at 925-674-7831.

Final Checklist Before You Submit Your Proposal:

Please note that your proposal will not be considered if you provide more materials than required below:

- Signed Cover page (your proposal will be disqualified if it does not have your original signature on the cover page).
- 3 pages or less on your project description (any extra attachments such as a map and an organization budget will be counted as one of the three page limit.)
- If your project qualifies under Section 13013 (i) and you have been issued a scientific collection permit from the California Department of Fish and Wildlife please include it. (This is not a part of the page limit listed above.)
- Request for an exception to the grant funding cost reimbursement requirement due to financial hardship or an exception for a small project under \$1,000. (This is not a part of the page limit listed above and is only required if requesting an exception).

If you have questions regarding the Contra Costa County Fish and Wildlife Propagation Fund grant process, please contact Maureen Parkes: maureen.parkes@dcd.cccounty.us / (925) 674-7831.

California Fish and Game Code Section 13103.

Expenditures from the fish and wildlife propagation fund of any county may be made only for the following purposes:

- (a) Public education relating to the scientific principles of fish and wildlife conservation, consisting of supervised formal instruction carried out pursuant to a planned curriculum and aids to education such as literature, audio and video recordings, training models, and nature study facilities.
- (b) Temporary emergency treatment and care of injured or orphaned wildlife.
- (c) Temporary treatment and care of wildlife confiscated by the department as evidence.
- (d) Breeding, raising, purchasing, or releasing fish or wildlife which are to be released upon approval of the department pursuant to Sections 6400 and 6401 onto land or into waters of local, state, or federal agencies or onto land or into waters open to the public.
- (e) Improvement of fish and wildlife habitat, including, but not limited to, construction of fish screens, weirs, and ladders; drainage or other watershed improvements; gravel and rock removal or placement; construction of irrigation and water distribution systems; earthwork and grading; fencing; planting trees and other vegetation management; and removal of barriers to the migration of fish and wildlife.
- (f) Construction, maintenance, and operation of public hatchery facilities.
- (g) Purchase and maintain materials, supplies, or equipment for either the department's ownership and use or the department's use in the normal performance of the department's responsibilities.
- (h) Predator control actions for the benefit of fish or wildlife following certification in writing by the department that the proposed actions will significantly benefit a particular wildlife species.
- (i) Scientific fish and wildlife research conducted by institutions of higher learning, qualified researchers, or governmental agencies, if approved by the department. ★
- (j) Reasonable administrative costs, excluding the costs of audits required by Section 13104, for secretarial service, travel, and postage by the county fish and wildlife commission when authorized by the county board of supervisors. For purposes of this subdivision, "reasonable cost" means an amount which does not exceed 3 percent of the average amount received by the fund during the previous three-year period, or three thousand dollars (\$3,000) annually, whichever is greater, excluding any funds carried over from a previous fiscal year.
- (k) Contributions to a secret witness program for the purpose of facilitating enforcement of this code and regulations adopted pursuant to this code.
- (l) Costs incurred by the district attorney or city attorney in investigating and prosecuting civil and criminal actions for violations of this code, as approved by the department.
- (m) Other expenditures, approved by the department, for the purpose of protecting, conserving, propagating, and preserving fish and wildlife.

★ A scientific collection permit, if required and issued by the California Department of Fish and Wildlife, indicates that the project is eligible to receive Fish and Wildlife Propagation funds.

California Fish and Game Code Section 711.2. (a)

"For purposes of this code, unless the context otherwise requires, "wildlife" means and includes all wild animals, birds, plants, fish, amphibians, reptiles, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability ..."

**Contra Costa County
2018 Fish and Wildlife Propagation Fund
Application Cover Page**

Office Use Only:

Project title:

Organization/Individual applying:

(Organization type: please check one – government, non-profit, for-profit, other (explain))

Address:

Telephone:

Fax:

E-mail:

Name and title of contact person:

One sentence summary of proposal:

Requested grant:

Proposal prepared by (name & title):

Signature (*Typing your name does not count as a signature. If this section is empty, your proposal will not be considered*):

Signed on _____



Contra Costa County Board of Supervisors

Subcommittee Report

INTERNAL OPERATIONS COMMITTEE

7.

Meeting Date: 06/11/2018
Subject: PACE FINANCING
Submitted For: John Kopchik, Director, Conservation & Development Department
Department: Conservation & Development
Referral No.:
Referral Name: Property Assessed Clean Energy (PACE)
Presenter: Jason Crapo, DCD **Contact:** Jason Crapo 925-674-7722

Referral History:

The topic of PACE Financing is an ongoing referral to the Internal Operations Committee. The last previous staff report was provided in May 2016.

Referral Update:

Summary

This is an update on the status of PACE financing in Contra Costa County. In 2015, the Board of Supervisors directed the Department of Conservation and Development to develop and administer an application process for PACE programs seeking to operate within the County's jurisdiction. Subsequently, the Board authorized 3 PACE programs to operate within the unincorporated area after completing the County's application process. Hundreds of home owners in the unincorporated area have since used PACE financing to fund energy and water efficiency improvements to their property.

In 2017, two new State laws (AB 1284 and SB 242) became effective that add significant new State regulatory requirements for PACE programs, including the requirement that all PACE programs obtain a license to operate in California from the State Department of Business Oversight by January 1, 2019.

The new regulatory requirements now being implemented by the State are intended to achieve objectives similar to the County's PACE application process. A common objective is to protect consumers of PACE financing through disclosure of information and restrictions on excessive property-secured borrowing. However, the State's regulatory requirements are more comprehensive and detailed than the County's requirements for PACE programs. Therefore, staff recommends the County's PACE application process be streamlined by accepting a PACE program's State license in place of the County's current disclosure and underwriting requirements. Staff recommends the County continue to have a PACE application process to ensure PACE programs seeking to operate within the County's jurisdiction have an active State license and that they meet the County's other requirements, including indemnification and

insurance requirements.

What is PACE Financing?

California law allows cities, counties, and other authorized public agencies, such as some joint powers authorities (JPA) to establish voluntary financing districts to facilitate energy and water efficiency improvements to existing residential and commercial properties. Such financing is commonly referred to as Property Assessed Clean Energy (PACE) financing. Once established, property owners within the boundaries of such a financing district can voluntarily enter into a contract to borrow funds from the district to make energy or water efficiency improvements to their property. The assessment is then repaid in installments on the property tax bill.

PACE financing programs are generally not operated directly by cities or counties. Rather, the common model that has emerged in California is that PACE programs are established by a JPA that contracts with a private financial services firm to administer day-to-day operations of the program. The PACE program becomes available to property owners within a local jurisdiction if that city or county is a member of the JPA and the city council or board of supervisors adopts a resolution authorizing the JPA to operate its PACE program within the local jurisdiction.

Benefits and Risks of PACE

PACE financing offers environmental and economic benefits to County residents, and is consistent with County policy objectives to improve energy efficiency and reduce greenhouse gas emissions. Improved energy efficiency on private property reduces greenhouse gas emissions and the associated negative impacts of climate change, consistent with the County's Climate Action Plan. Construction of energy and water efficiency improvements on private property also stimulates the local economy, expanding employment and increasing tax revenue for the County.

However, PACE financing also involves risks to property owners and the County. PACE financing is a complex financial product, similar in many ways to a mortgage or a home equity line of credit. The contractual terms of PACE loans are complicated, and can be difficult to understand. Therefore, as with mortgages and other complex financial products, there is a risk that consumers may not fully understand the products they are buying, potentially resulting in the purchase of a loan that is not in the best interest of the consumer.

PACE not only shares the risks to consumers typically associated with other complex financial products, but also has additional risks to consumers resulting from regulatory intervention by the federal government to discourage the use of PACE financing. In 2010, the Federal Housing Financing Agency (FHFA), the federal agency that regulates the mortgage industry, took actions to prevent Fannie Mae and Freddie Mac from purchasing mortgages for properties with PACE liens. This negatively impacts consumers, resulting in circumstances where home owners have been forced to pay off their PACE loans in order to sell their home or refinance their existing mortgage.

The risks for consumers associated with PACE financing also result in risks for the County. Although the County does not directly operate PACE programs, the Board of Supervisors must authorize the operation of PACE programs within the County's jurisdiction. Therefore, the County is at risk of being named in law suits that may arise from the actions of PACE financing programs and their impacts on consumers.

PACE in Contra Costa County

To facilitate the environmental and economic benefits of PACE financing while also managing the risks such programs represent to home owners and the County, on June 16, 2015, the Board of Supervisors approved the recommendation of the Internal Operations Committee to direct the Department of Conservation and Development (DCD) to establish an application process and accept applications from PACE providers to operate within the unincorporated area of the County. The Board also approved the form of an Operating Agreement the County would require PACE providers to enter into with the County as a condition of operations.

The purpose of the County's PACE application process is to provide protection to property owners by ensuring disclosure of risks and costs to PACE consumers and to protect the County by indemnifying the County from legal claims associated with the operation of PACE programs authorized to operate within the County's jurisdiction.

Following the Board's direction in June 2015 that County staff establish a PACE application process, DCD has received and processed PACE applications from three PACE financing programs: HERO, CaliforniaFirst and Ygrene. The Board of Supervisors adopted resolutions authorizing these three PACE programs to operate within the unincorporated area of the County. To date, approximately 400 PACE loans have been issued to residential property owners in the unincorporated area, representing over \$13 million in financed improvements.

Recent State Action Concerning PACE

Although Contra Costa County and several other cities and counties within California have established local requirements intended to protect consumers from risks associated with PACE financing, most cities and counties have not done so. As a result, PACE has until recently remained a lightly regulated corner of the financial services industry compared to other complex lending products. But that has now changed significantly.

As the PACE financing industry has grown rapidly in California over the past 5 years, thousands of home owners across the State have benefited from PACE as a means of financing improvements to their property. But there have also been numerous complaints from consumers concerning the complexity of PACE financing, and in some cases, allegations of misinformation and deceit committed by PACE providers and their agents as a means of securing loans from consumers.

These concerns came to a head in 2017 with the passage of two new State laws that establish a robust role for the State in regulating the PACE industry: AB 1284 and SB 242. Both laws became effective in October 2017. These two new laws regulate PACE financing in much the same way as mortgages and other complex consumer lending products are regulated in California. Some of the key provisions of these two laws that are now in effect include:

- PACE program administrators must obtain a State license to operate from the Department of Business Oversight by January 1, 2019, similar to other financial lenders and brokers
- PACE administrators must make a good-faith determination that the property owner has the reasonable ability to repay the PACE loan
- Establishes State-wide criteria concerning the credit history and current indebtedness of property owners seeking PACE loans
- PACE administrators must provide oral confirmation (typically a phone call) that the property owner has received required loan documents and disclosures and is aware of the

- main financial terms of the PACE loan prior to executing a PACE financing contract
- Such oral confirmation must be made available in multiple languages, including Spanish, Chinese, and Korean
- Borrowers are now granted additional rights to terminate a PACE financing contract, including an unconditional 3-day right to cancel
- The business and financial relationships between PACE program administrators and contractors working on their behalf are now regulated so as to reduce conflicts of interest

New State Regulations Reduce Need for County-level Review

Taken together, these new State requirements represent a much more comprehensive and detailed regulatory framework of consumer protections than those adopted by the County through its PACE application process. These regulatory requirements provide significant additional protections to PACE consumers, and such requirements are now consistent across all local jurisdictions in California.

With the State's new role providing comprehensive regulatory oversight for PACE, the need for County-level consumer protections has been substantially reduced. Therefore, staff recommends that the Board approve streamlining the County's PACE application process by accepting a valid PACE operating license from the State Department of Business Oversight as satisfying the County's disclosure and financial requirements for PACE financing providers.

Recommendation(s)/Next Step(s):

Staff recommends that the Committee recommend to the Board of Supervisors that the County's PACE program application process be streamlined by reducing County review of PACE program disclosure and financing practices and instead requiring confirmation that the PACE program has an active license to operate from the State Department of Business Oversight and that the PACE program meets the County's indemnification and insurance requirements.

Fiscal Impact (if any):

There is no fiscal impact associated with accepting this report.

Attachments

Summary of Operative Dates for PACE Laws

County PACE Application

County PACE Operating Agreement

Minutes Attachments

No file(s) attached.



Home : Licensees : PACE : Operative Dates

Summary of Operative Dates for PACE Laws

Listed below is a summary of the operative dates and provisions of AB 1284 (Chapter 475, Statutes of 2017) and SB 242 (Chapter 484, Statutes of 2017). It is not an exhaustive list, but is intended to provide a general overview for compliance. A program administrator should review the law to ensure compliance with the specific requirements on the dates they become operative.

A PACE program administrator must comply with the law upon its operative date. The Department will review a program administrator's compliance with the law as of its operative date during the licensing process, during regulatory examinations, and as part of investigations and enforcement actions, where applicable.

Operative October 4, 2017

- The name of the California Finance Lenders Law changed to the California Financing Law.
- Financial Code section 22000.

Operative January 1, 2018

- A program administrator may not approve an assessment contract unless certain underwriting criteria are satisfied, using specific valuation models.
- A program administrator must orally confirm with the key terms and conditions of the assessment contract with a property owner, in the preferred language of the property owner, as provided.
- A program administrator must submit two reports annually to the public agencies for which they administer PACE programs.
- A contractor may not begin work under an assessment agreement until after a property owner's three-day right to cancel expires, except as provided.
- A program administrator may not waive or defer the first payment on an assessment contract.
- A program administrator may only arrange with a contractor or other third party to advertise the availability of assessment contracts and to solicit property owners on behalf of the program administrator if the contractor is in good standing with the Contractors State License Board, and the contractor agrees to comply with all applicable laws.
- A program administrator may not pay a contractor to solicit homeowners, and a program administrator may not pay a homeowner to enter into an assessment contract.

- A program administrator and a contractor may not represent the tax deductibility of an assessment contract unless the representation is consistent with the law.
- A program administrator may not disclose to a PACE contractor the amount of financing that a property owner is approved to obtain.
- A PACE contractor may not charge a homeowner a higher price for using PACE financing than if the property owner paid in cash.
- For each assessment contract, a program administrator must verify the following:
 - The property taxes are current.
 - The property has no lien over \$1,000.
 - The property has no current recorded notices of default.
 - The property owner has not been a party in a bankruptcy proceeding in the past seven years, except as provided.
 - Mortgage debt is current.
 - The property owner has not been more than 30 days late on a single mortgage payment in the past 12 months.
 - The property and property improvements are eligible for PACE financing.
 - The financing is less than 15 percent of the property value, except as provided.
 - After PACE financing, total mortgage-related debt will not exceed 97 percent of the property value.
 - The term of the agreement doesn't exceed the useful life of the property improvement for which the greatest portion of funds are disbursed.
 - Whether the property has other PACE assessments.
- A program administrator must verify a property's market value through the methods provided by law, and disclose this information to the property owner.

Operative April 1, 2018

- A program administrator may not approve an assessment contract for funding unless the program administrator determines the property owner has the ability to pay, as provided.
- Program administrators must comply with the California Financial Information Privacy Act regarding the duty to safeguard nonpublic personal information.

Operative January 1, 2019

- Program administrators are required to be licensed by the Department of Business Oversight.
- Program administrators are subject to an inspection, examination, or investigation by the Commissioner.
- Program administrators filing a license application must pay \$100 for the investigation of the application, plus the cost of fingerprint processing and the criminal background check, and an application fee of \$200 for the application.
- Program administrators must have a net worth of at least \$25,000.
- Program administrators must maintain a surety bond of at least \$25,000.
- Program administrators must submit an annual report by March 15.

- Program administrators must preserve accounts, and records for at least three years after recording the extinguishment of a PACE assessment.
- Program administrators who want to do business in a new location must submit an application to the Commissioner and pay the required fee at least 10 days before engaging in business at that location.
- A program administrator is prohibited from making materially false or misleading statements or representations to a property owner about the terms or conditions of an assessment contract.
- The Commissioner is authorized to investigate the assessment contracts and examine the books, accounts, records, and files used in the business of every program administrator for the purposes of discovering violations of law.
- The Commissioner may suspend a license or bar a person from being employed with a licensee if that the person has willfully misled the public regarding his or her qualifications or experience.
- Program administrators, solicitors, and solicitor agents are exempt from certain sections of the Civil Code that apply to brokers, escrow agents, and lenders.
- Program administrators must have an enrollment process for solicitors and solicitor agents, a compliance evaluation process, an enrollment cancellation process, and a complaint response process.
- Program administrators must establish training programs acceptable to the Commissioner for solicitor agents.
- Program administrators must notify the Commissioner of each solicitor and solicitor agent that enrolls with the program administrator and each solicitor and solicitor agent whose enrollment is cancelled or withdrawn.
- Program administrators are prohibited from permitting PACE solicitors to violate the law.
- A program administrator must provide a property owner copies of the key documents in the same language as the oral confirmation of terms.

Key Consumer Links

- [What Consumers Need to Know about Student Loan Servicers](#)
- [File a Complaint](#)
- [Search for DBO Licensees](#)
- [Search for DBO Actions and Orders](#)
- [Consumer Alerts](#)
- [Consumer Advisories](#)
- [Resources and Online Tools](#)

News and Information

- [Payday Lending Data](#)
- [Consumer Finance Lender Data](#)
- [Mortgage Lender Data](#)
- [Financial Data on Banks/Other Financial Institutions](#)
- [Bank Officer and Director Compensation Data](#)
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el Acceso de Idioma](#)

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Property Assessed Clean Energy (PACE) Financing Provider Application

Thank you for your interest in partnering with Contra Costa County to provide Property Assessed Clean Energy (PACE) financing to the unincorporated residents of Contra Costa County.

Please complete and submit the attached application form. Application materials should be submitted in electronic format and be organized so as to clearly indicate which materials are responsive to the various sections of the application form.

Please email the completed application to pace@dcd.cccounty.us

All application require a \$5,000 PACE application deposit check payable to "Department of Conservation and Development" and mailed to the following address:

Contra Costa County
Department of Conservation and Development
30 Muir Rd
Martinez, CA 94553

Pace financing providers that successfully complete the application process will be required to enter into an Operating Agreement with the County.

For most recent information and program application, please visit www.cccounty.us/pace

If you have any questions, please contact Jason Crapo, Deputy Director at (925) 674-7723

Contra Costa County
Department of
Conservation and Development
 30 Muir Road, Martinez, CA 94553
 PHONE: 925-674-7723



**PROPERTY ASSESSED CLEAN
 ENERGY (PACE)
 PROGRAM APPLICATION
 FORM**

APPLICANT INFORMATION

Applicant (PACE Financing Joint Powers Authority):
 Program Name:

Statutory Authority for PACE Financing and Contractual Assessments (check one):

- ☐ The Improvement Act of 1911 (Streets and Highways Code section 5898.10 et seq. AB 811)
☐ The Mello-Roos Community Facilities Act (Government Code section 53311 et seq. SB 555)

Mailing Address:

Program Site (if different):

Primary Contact:

Title:

Phone:

Email:

REQUIRED INFORMATION

1. Contra Costa County requires PACE programs to participate in the State of California's PACE Loss Reserve Program, administered by CAEATFA. Please provide evidence of your current participation in this program, and a copy of all application materials submitted to CAEATFA. Please update this information if changes have been made since your application materials were submitted to CAEATFA. Information should be submitted to the County in the same sequence as listed on the CAEATFA PACE Program Application form.
2. In addition to the PACE Loss Reserve Program application materials in 1. above, please describe how your program addresses the following topics: Program Eligibility; Underwriting Criteria; Contractor Restrictions; Energy Audit Requirements; Treatment of State or Federal Rebate or Incentive Programs; Eligible Costs to be Financed; Minimum and Maximum Assessment Amounts; Financing Term (time duration of financing); Current Interest Rates; Fees Assessed to Property Owners; Program Reserve Fund.
3. Contra Costa County requires PACE programs to disclose all financial risks to potential program participants, including risks associated with Federal Housing Finance Agency (FHFA) regulation of mortgage financing. Please describe how disclosure information is provided to program participants and provide copies of supporting materials.
4. Provide the following: the form of Resolution and any other documents requiring approval by the County to initiate the County's participation in the proposed PACE program; the form of the contractual assessment required of participating property owners; executed agreements between the public agency sponsoring the PACE financing district and parties responsible for administering the PACE program on behalf of the sponsoring agency; and any relevant Joint Powers Authority agreement.

ADDITIONAL PROGRAM REQUIREMENTS

- ☐ PACE Providers operating PACE programs in Contra Costa County are required to enter into an Operating Agreement with the County. A copy of the form Operating Agreement is attached to this application form. Initial here to indicate your acknowledgment of this requirement _____.
- ☐ PACE program applicants are required to provide an initial deposit of \$5,000 to process the application. Please initial here to acknowledge that your deposit payment is attached to this form _____.

Signature (PACE Financing Joint Powers Authority):_____ Title:_____ Date:_____

**OPERATING AGREEMENT BETWEEN
CONTRA COSTA COUNTY AND PACE PROVIDER FOR
PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING**

This agreement ("Agreement"), dated as of _____, 2017 ("Effective Date"), is by and between Contra Costa County, a political subdivision of the State of California (the "County"), and _____, a California limited joint powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following (the "PACE Provider").

RECITALS

A. Property Assessed Clean Energy (PACE) financing is a method of providing loans to property owners to finance permanent energy efficiency improvements on real property. A property owner who obtains a PACE loan repays the loan by entering into an agreement that allows an assessment to be levied on the property. These assessments are known as voluntary contractual assessments.

B. Voluntary contractual assessments that are utilized to finance the installation of energy efficiency improvements on real property are authorized by (1) the Improvement Act of 1911, as amended by AB 811 (Streets and Highways Code Section 5898.10 et seq.) ("Improvement Act") and (2) the Mello-Roos Community Facilities Act of 1982, as amended by SB 555 (Government Code Section 53311 et seq. ("Mello-Roos Act").

C. The PACE Provider is a joint exercise of powers authority that has created one or more PACE financing programs (each, a "PACE Program"). The PACE Provider has established one or more PACE Programs to allow the financing of certain renewable energy, energy efficiency and water efficiency improvements that are permanently affixed to real property through the levy of assessments voluntarily agreed to by property owners participating in a PACE Program. Under each PACE Program, the PACE Provider accepts applications from eligible property owners, conducts assessment proceedings, and levies assessments.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties agree as follows:

AGREEMENT

1. **Definitions.** As used in this Agreement, the following terms have the following meanings:

- a. "PACE Administrator" means an independent contractor of the PACE Provider that markets, administers and carries out the PACE Program on behalf of the PACE Provider.

- b. "Eligible Improvement" is a renewable energy improvement, energy efficiency improvement or other improvement authorized by the Improvement Act, the Mello-Roos Act or other state law pertaining to voluntary contractual assessments.
- c. "Non-residential Property" means a property with four or more residential units or any commercial, agricultural, or industrial property that is otherwise eligible for PACE Financing.
- d. "Participating Contractor" is any contractor that installs Eligible Improvements that are funded by a PACE Provider.
- e. "Program Participant" is a property owner who enters into a voluntary contractual assessment with the PACE Provider.
- f. "Property Assessed Clean Energy (PACE) Financing" is a means of financing Eligible Improvements as authorized by the Improvement Act, the Mello-Roos Act, or other state law pertaining to voluntary contractual assessments.
- g. "Residential Property" means a property with three or fewer residential units.
- h. "Value" means the greater of: (1) assessed value; or (2) fair market value, as determined either by an automated valuation model or an appraisal.

2. General Requirements.

- a. PACE Provider's Specified Services. The PACE Provider may offer and provide Property Assessed Clean Energy Financing to property owners in the unincorporated areas of the County. The PACE Provider is solely responsible for the formation, operation and administration of the PACE Program, including the conduct of assessment proceedings, the levy and collection of assessments, and the offer, sale and administration of any bonds issued by the PACE Provider on behalf of the PACE Program.
- b. Cooperation with County. The PACE Provider shall independently operate its program and cooperate with the County and County staff as described in this Agreement.
- c. Performance Standard. The PACE Provider shall provide PACE Financing in a manner consistent with the level of competency and standard of care normally observed by an organization providing PACE Financing pursuant to the Improvement Act or Mello-Roos Act.

3. Disclosure Requirements.

The PACE Provider shall do all of the following:

- a. Disclose in writing to potential Program Participants the financial risks associated with PACE Financing, including the risks associated with federal regulation and administration of mortgage financing and the position of the Federal Housing Finance Agency (FHFA) on PACE lending. The disclosure materials must include the disclosures contained in _____, which is attached and incorporated herein as Attachment A.
- b. Require potential Program Participants to sign a written acknowledgment of the Federal Housing Finance Agency (FHFA) position on PACE liens.
- c. Require Program Participants who own non-residential properties to obtain written consent to participate in the PACE Program from lenders who have made loans to the Program Participant where the property serves as security for the loan.
- d. Provide federal Truth in Lending Act disclosure details to the applicant specific to the requested amount of the financing. The details shall be provided to the applicant in the _____, which is attached and incorporated herein as Attachment B, and in the _____, which is attached and incorporated herein as Attachment C.
- e. Advise potential Program Participants of available state or federal rebate or incentive programs.
- f. Require each Program Participant to obtain from the County all building permits for improvements.
- g. The PACE Provider may recommend that property owners consult with a tax professional prior to claiming any tax deductions associated with the project.

4. Financial Requirements.

- a. The PACE Provider shall administer and review Program Participant eligibility and determine the Eligible Improvement costs to be financed.
- b. The PACE Provider shall establish its own interest rates, payback terms and fees.

- c. The PACE Provider shall participate in the State of California's PACE Loss Reserve Program, administered by the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA), and provide evidence of current participation and copies of all application materials submitted to CAEATFA. If the State discontinues the PACE Loss Reserve Program, or if the County determines that the State's PACE Loss Reserve Program does not provide adequate coverage, then the County may terminate this Agreement unless the County is satisfied with coverage by an alternative loan loss reserve program.
- d. For residential properties, the PACE Provider will ensure that the loan amount to a Program Participant does not exceed 15% of the value of the property up to the first \$700,000 of the value of the property, and is for less than 10% of the remaining value of the property above \$700,000.
- e. The PACE Provider shall ensure that the combined amount of any loans existing prior to the proposed PACE lien and the amount of the PACE lien itself, have an aggregate amount of no more than 95% of the value of the property, including all mortgage-related debt as determined as of the date the assessment contract is executed.
- f. The PACE Provider shall ensure that the total property taxes and assessments for each property that will have PACE Financing will not exceed 5% of the value of the property as determined as of the date the assessment contract is executed.
- g. The PACE Provider shall verify that each Program Participant is current on all property taxes and has not made late payments in the past three years, and verify that each Program Participant has not filed for bankruptcy in the past three years.
- h. It is the PACE Provider's obligation to coordinate with the Auditor-Controller's Office each year regarding delinquent assessments.

5. Reports.

For each property that has entered into a voluntary contractual assessment through the PACE Provider, the PACE Provider shall provide project information and data in an accessible electronic format to the County on a monthly and annual basis and upon request, including but not limited to the following:

- a. The Assessor's Parcel Number (APN) and property type (residential or non-residential) of the property.
- b. The amount of the contractual assessment.
- c. All installed Eligible Improvements financed through PACE Financing.

- d. The solar STC-DC rating in watts or kilowatts of each Eligible Improvement.
 - e. The expected financial and energy savings associated with each Eligible Improvement.
 - f. For each property with a limited subordinate agreement, the effective date of that agreement.
6. Participating Contractor Obligations. The PACE Provider shall ensure that each Participating Contractor agrees to and abides by the following terms and conditions:
- a. Each Participating Contractor shall have all required California State License Board licenses and all other required State and County licenses.
 - b. Each Participating Contractor's bonding must be in good standing.
 - c. Each Participating Contractor shall hold harmless, indemnify and defend the County as set forth in Section 9(c).
 - d. Each Participating Contractor shall have insurance as required in Section 12(b).
 - e. Participating Contractors and their representatives, employees, and agents shall not represent themselves as agents, representatives, contractors, subcontractors, or employees of the County or the Department of Conservation and Development or claim association or affiliation with the County or Department of Conservation and Development.
7. Agreement with County Auditor-Controller. The PACE Provider will enter into a separate agreement with the Contra Costa County Auditor-Controller for the administration of property tax assessments placed on properties through the PACE Financing program.
8. Agreement with Program Participant. Each voluntary contractual assessment between the PACE Provider and a Program Participant shall require the Program Participant to hold harmless, indemnify and defend the County in accordance with the terms set forth in Attachment D, attached hereto. The terms set forth in Attachment D shall be incorporated into the PACE Provider's voluntary contractual assessment with each Program Participant for PACE Financing.

9. Indemnification and Release.

a. Indemnification Obligation of the PACE Provider. To the fullest extent not prohibited by applicable law, the PACE Provider shall defend, indemnify, protect, save, and hold harmless the County, the County Auditor-Controller, the County Treasurer-Tax Collector, their respective employees, agents, attorneys, officers, divisions, related agencies and entities, affiliates, successors and assigns (collectively and individually the "Indemnitees"), from any and all claims, cost, loss, liability, expense, damage (including consequential damages), or other injury, claim, action or proceeding (collectively "Liability") arising out of or connected with this Agreement or activities taken by the parties pursuant to this Agreement, including: (i) any claim, action or proceeding to attack, set aside, void, abrogate, rescind or annul this Agreement or the actions of either party under this Agreement; (ii) the placement or collection of assessments on participating properties; or (iii) the acts, errors or omissions of the PACE Provider, its officers, employees, agents, contractors, subcontractors, or any person under its direction or control in connection with this Agreement; and will make good to and reimburse Indemnitees for any expenditures, including reasonable attorney's fees, the Indemnitees may make by reason of such matters. If requested by any of the Indemnitees, the PACE Provider will defend any such suits at the sole cost and expense of the PACE Provider with counsel selected or approved by the Contra Costa County Counsel.

The PACE Provider's obligations under this section will exist regardless of concurrent negligence or willful misconduct on the part of any Indemnatee or any other person; provided, however, that the PACE Provider will not be required to indemnify Indemnitees for the proportion of Liability a court determines is attributable to the sole negligence or willful misconduct of the County, its governing body, officers or employees. This indemnification clause shall survive the termination or expiration of this Agreement.

b. PACE Provider's Release. To the fullest extent not prohibited by applicable law, the PACE Provider hereby releases and forever discharges the County, the County Auditor-Controller, the County Treasurer-Tax Collector, their respective employees, agents, attorneys, officers, divisions, related agencies and entities, affiliates, successors and assigns (collectively "Released Parties"), from any and all claims, cost, loss, liability, expense, damage (including consequential damages), or other injury, claim, action or proceeding (including without limitation, attorneys fees and expenses), which the PACE Provider now has or could assert in any manner arising out of or connected with this Agreement, the subject matter of this Agreement, or activities taken by the parties pursuant to this Agreement, including any claim, action or proceeding to attack, set aside, void, abrogate, rescind or annul this Agreement or the actions of either party under this Agreement. The PACE Provider knowingly waives the right to make any claim against the Released Parties for such damages and expressly waives all rights provided by section 1542 of the California Civil Code, which provides as follows:

“A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.”

The rights and obligations contained in this paragraph will survive termination of this Agreement.

c. Indemnification and Release Obligations of Participating Contractors. The PACE Provider must require each Participating Contractor to release, defend, indemnify, protect, save, and hold harmless the County, the County Auditor-Controller, the County Treasurer-Tax Collector, their respective employees, agents, attorneys, officers, divisions, related agencies and entities, affiliates, successors and assigns, from any and all liability, claims, losses, costs, expenses, penalties, fines, forfeitures, judgments and damages, including attorneys' fees and costs, arising out of or connected with the Participating Contractor's actions under the PACE Program, including the installation of any Eligible Improvement.

10. Term of Agreement. The term of this Agreement shall be from the Effective Date until termination in accordance with the provisions of Section 11, Termination.

11. Termination.

- a. Termination without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, the County or PACE Provider shall have the right, in its sole discretion, to terminate this Agreement by giving 30 days' written notice to the other Party of this Agreement. This Agreement may be cancelled immediately by written mutual consent.
- b. Termination for Cause. Notwithstanding any other provision of this Agreement, if the PACE Provider fails to uphold any of its obligations under this Agreement, or otherwise violates any of the terms of this Agreement, the County may immediately terminate this Agreement by giving the PACE Provider written notice of such termination, stating the reason for termination.
- c. Discontinuation of PACE Program. Upon 24 hours' notice from the County, the PACE Provider shall immediately discontinue its residential PACE Program in the County's unincorporated area if the Federal Housing Finance Authority (FHFA) takes any action in California pertaining to PACE Financing, as it relates to Fannie Mae and Freddie Mac mortgages, that the County determines will create an undue liability to the County or Program Participants.

- d. Delivery of Data and Information upon Termination. In the event of termination and within 14 days following the date of termination, the PACE Provider must deliver to County all data and information for all properties with contractual assessments, as specified in Section 5, Reports.
- e. Effect of Termination. If the Board of Supervisors terminates this agreement pursuant to this Section 11, the PACE Provider may not solicit new assessment contracts within the unincorporated areas of the County.
- f. Upon termination of this Agreement or the discontinuance of the PACE Program, the PACE Provider shall continue to administer all voluntary assessment contracts that exist at the time of the termination.

12. Insurance.

- a. The PACE Provider is self-insured, and shall provide the County with a letter of self-insurance within 30 days after the effective date of this Agreement.
- b. The PACE Provider will ensure that the following insurance requirements are incorporated into all contracts entered into by the PACE Provider with each PACE Administrator and Participating Contractor, or their respective contractors, subcontractors or assigns, in connection with this Agreement: (1) each PACE Administrator and Participating Contractor must maintain workers' compensation insurance pursuant to state law; (2) each PACE Administrator and Participating Contractor must maintain commercial general liability insurance, including contractual liability (or blanket contractual) coverage, owners' and contractors' protective coverage, and broad form property damage coverage, with a minimum of \$1 million per occurrence; (3) each PACE Administrator and Participating Contractor must maintain vehicle liability insurance with a minimum combined single-limit coverage of \$500,000 per occurrence; and (4) each PACE Administrator shall maintain Professional Liability Errors and Omissions Insurance coverage at \$1,000,000 per occurrence or aggregate limit. Each PACE Administrator and Participating Contractor shall provide certificates of insurance to the County, copies of policies, or endorsements evidencing the above insurance coverage and requiring at least 30 days' written notice to the County of policy lapse, cancellation, or material change in coverage.

13. Miscellaneous Provisions.

- a. Independent Contractor Status. The parties intend that the PACE Provider, in implementing and operating the PACE Program, is an independent contractor, and that the PACE Provider will control the work and the manner in which it is performed. This Agreement is not to be construed to create a relationship between the parties of agent, servant, employee,

partnership, joint venture, or association. The PACE Provider is not a County employee. This Agreement does not give the PACE Provider any right to participate in any pension plan, workers' compensation plan, insurance, bonus, or similar benefits County provides to its employees.

- b. Compliance with the Law. The PACE Provider is subject to and must comply with all applicable federal, state, and local laws and regulations with respect to its performance under this Agreement, including but not limited to, licensing, employment, and purchasing practices; and wages, hours, and conditions of employment, including nondiscrimination.
- c. Authorization. The PACE Provider represents and warrants that it has full power and authority to enter into this Agreement and to perform the obligations set forth herein.
- d. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented. This Agreement binds the heirs, successors, assigns and representatives of the PACE Provider.
- e. Method and Place of Giving Notice. All notices shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices shall be addressed as follows:

TO COUNTY:

Contra Costa County
Department of Conservation and Development
Deputy Director, Building Inspection Division
30 Muir Road
Martinez, CA 94553

TO PACE PROVIDER:

The effective date of notice is the date of deposit in the mail or other delivery, except that the effective date of notice to the County is the date of receipt by the Deputy Director, Building Inspection Division, Department of Conservation and Development. Changes may be made in the names and

addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

- f. Inspection. Upon the County's request, the County or its designee shall have the right at reasonable times and intervals to inspect the PACE Provider's financial and program records at the premises of the PACE Provider and the PACE Administrator. The PACE Provider or the PACE Administrator shall maintain all PACE Program records for a period of four years following termination of the Agreement, and shall make them available for copying upon the County's request at the County's expense.
- g. No Waiver of Breach. The waiver by the County of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.
- h. Construction. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. The PACE Provider and the County acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other.
- i. Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.
- j. No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create, and the parties do not intend to create, any rights in third parties.
- k. Choice of Law. This Agreement is made in Contra Costa County and is governed by, and must be construed in accordance with, the laws of the State of California.
- l. Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

- m. Survival of Terms. All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion, expiration or termination for any reason.
- n. Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.
- o. Entire Agreement. This Agreement contains all the terms and conditions agreed upon by the parties. Except as expressly provided herein, no other understanding, oral or otherwise, regarding the subject matter of this Agreement will be deemed to exist or to bind any of the parties hereto.
- p. Duplicate Counterparts. This Agreement may be executed in duplicate counterparts. The Agreement shall be deemed executed when it has been signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

PACE PROVIDER

CONTRA COSTA COUNTY

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____