

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

JOHN GIOIA, CHAIR, 1ST DISTRICT
CANDACE ANDERSEN, VICE CHAIR, 2ND DISTRICT
DIANE BURGIS, 3RD DISTRICT
KAREN MITCHOFF, 4TH DISTRICT
FEDERAL D. GLOVER, 5TH DISTRICT

DAVID J. TWA, CLERK OF THE BOARD AND COUNTY ADMINISTRATOR, (925) 335-1900

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

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

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

ANNOTATED AGENDA & MINUTES
February 4, 2020

9:00 A.M. Convene and announce adjournment to closed session in Room 101.

Closed Session

A. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code § 54957.6)

1. Agency Negotiators: David Twa and Richard Bolanos.

Employee Organizations: Public Employees Union, Local 1; AFSCME Locals 512 and 2700; California Nurses Assn.; SEIU Locals 1021 and 2015; District Attorney Investigators' Assn.; Deputy Sheriffs Assn.; United Prof. Firefighters I.A.F.F., Local 1230; Physicians' & Dentists' Org. of Contra Costa; Western Council of Engineers; United Chief Officers Assn.; Contra Costa County Defenders Assn.; Contra Costa County Deputy District Attorneys' Assn.; Prof. & Tech. Engineers IFPTE, Local 21; and Teamsters Local 856.

2. Agency Negotiators: David Twa.

Unrepresented Employees: All unrepresented employees.

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

1. *Architectural Preservation Foundation of Contra Costa County, et al. v. Contra Costa County, et al.*, Contra Costa County Superior Court Case No. N17-0946

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 650 Pine St., Martinez

Agency Negotiators: Eric Angstadt, Chief Assistant County Administrator

Karen Laws, Principal Real Property Agent

Negotiating Parties: County of Contra Costa and City of Martinez

Under Negotiation: Price and terms

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

Inspirational Thought- *"If you want the cooperation of humans around you, you must make them feel they are important, and you do that by being genuine and humble."* ~ Nelson Mandela

Present: John Gioia, District I Supervisor; Candace Andersen, District II Supervisor; Diane Burgis, District III Supervisor; Karen Mitchoff, District IV Supervisor; Federal D. Glover, District V Supervisor

Staff Present: David Twa, County Administrator

Attendees:

There were no Closed Session announcements.

CONSIDER CONSENT ITEMS (Items listed as C.1 through C.62 on the following agenda) – Items are subject to removal from Consent Calendar by request of any Supervisor or on request for discussion by a member of the public. **Items removed from the Consent Calendar will be considered with the Discussion Items.**

PRESENTATIONS (5 Minutes Each)

PR.1 PRESENTATION from Health Services providing an update on the 2019 Novel Coronavirus. (Anna Roth, Health Services Director)

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

DISCUSSION ITEMS

D. 1 CONSIDER Consent Items previously removed.

There were no items removed for discussion.

D. 2 PUBLIC COMMENT (2 Minutes/Speaker)

There were no requests to speak at public comment.

D.3 CONSIDER appointment of Deborah Cooper to the position of Contra Costa County Clerk-Recorder effective February 4, 2020 to fill the unexpired term of Joseph Canciamilla. (David Twa, County Administrator)

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

HEARING to consider an appeal of the County Planning Commission’s approval of a land use permit to construct and operate a 225,950 square foot warehouse located northwest of Evora Road in the Bay Point area, and to consider adoption of a mitigated negative declaration and related actions.(Ware Malcomb – Applicant; CP Logistics Willow Pass, LLC – Owner; DeNova Homes, Inc.—Appellant) (Stanley Muraoka, Department of Conservation and Development) (**Continued to February 11, 2020**)

Continued to February 11, 2020 at 9:30 a.m.

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

D.5 HEARING to consider approving the 18320 Bollinger Canyon Road Project, a two-lot minor subdivision in the San Ramon area, including adopting a rezoning ordinance and adopting a mitigated negative declaration, as recommended by the County Planning Commission. (Lauren and Aaron Locey – Applicant, Frances Farr - Owner) (Aruna Bhat and Stanley Muraoka, Department of Conservation and Development)

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

D.6 ACCEPT report on “Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability” and DIRECT staff to take the actions necessary to further evaluate and implement the recommendations in the report. (John Kopchik and Jennifer Cruz, Conservation and Development Department)

Speakers: Jan Rix, Kamyar Aram, UC Cooperative; Jeff Weidemann, Weidemann Ranch; Kathy Griffin; Zoe Siegel, Greenbelt Alliance; Barbara Frantz, Tess' Community Farm; Rebecca Courchesne, Frog Hollow Farm; Juan Pablo Bavan, Save Mount Diablo; John Viano, CC Farm Bureau; Karen Rarey, Brentwood City Council.

The Supervisors expressed particular interest in staff addressing: Guidelines for farm-to-table cafes, such as a particular percentage of the food served originating from the farm, and the required amount of acreage to have a permit for café or bed and breakfast being manageable; Further examination of whether mitigation fees are an appropriate choice for the agricultural area or an economic burden; Retaining sustainable agriculture and the rural nature of the area.

ACCEPTED the report on "Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability" and DIRECTED staff to take the actions necessary to further evaluate and implement the recommendations in the report, including returning to the Board for any and all necessary authorizations and approvals.

D. 7 CONSIDER reports of Board members.

Supervisor Burgis reminded everyone that the US Census will soon be arriving in the mail, and to make sure you are counted.

Closed Session

ADJOURN in memory of
Doug Kovacich
retired Probation Officer
and
Shirley Darling
President of the Oakley Senior Citizens

Adjourned today's meeting at 11:35 a.m.

CONSENT ITEMS

Road and Transportation

C.1 ADOPT Resolution No. 2020/27 to approve the Delta De Anza Trail Crossing Improvements at Alves Lane Project and take related actions under the California Environmental Quality Act, and AUTHORIZE the Public Works Director, or designee, to advertise the Project and submit a 2020/2021 Transportation Development Grant Application to the Metropolitan Transportation Commission in the total amount of \$100,000, for fiscal year 2020/2021, Bay Point area. (55% Local Road Funds and 45% Transportation Development Act Funds)

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

C.2 APPROVE and AUTHORIZE the Chair, Board of Supervisors, to execute an amendment to the Real Property Services Agreement with the City of Vallejo, to increase the amount payable to Contra Costa County by \$35,000, to a new payment limit of \$110,000, and to extend the term from December 31, 2019 to December 31, 2020, for additional services in connection with the Sacramento Bridge Replacement Project, as recommended by the Public Works Director, Vallejo area. (100% General Fund)

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

C.3 APPROVE the Jersey Island Road Bridge Project contingency fund increase of \$100,000 for a new contingency fund total of \$158,204, and a new payment limit of \$740,239, effective February 4, 2020, as recommended by the Public Works Director; Oakley Area. (100% Local Road Funds)

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

C.4 APPROVE and AUTHORIZE the Public Works Director, or designee, to advertise for the 2020 On-Call Facilities Pavement Services Contract(s) for maintenance and repair of existing pavement at County facilities, Countywide. (100% General Fund)

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

Engineering Services

C.5 ADOPT Resolution No. 2020/24 approving the Stormwater Management Facilities Operation and Maintenance Agreement for development plan permits DP16-03023 and DP17-03037, for a commercial project being developed by MNCVAD-IND Richmond CA LLC, as recommended by the Public Works Director, Richmond area. (No fiscal impact)

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

Special Districts & County Airports

C.6 APPROVE and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation District, or designee, to execute a funding agreement with the California Department of Water Resources in an amount not to exceed \$374,000, for analysis and preparation of flood-stage elevations for 12 existing stream gauges, West and Central County areas. (100% California Department of Water Resources: Flood Emergency Response Projects Grants Program Funds)

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

C.7 APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract with Park Engineering, Inc., in an amount not to exceed \$400,000 for construction management services for the Buchanan Field Airport Runway 14L/32 Rehabilitation Project, for the period February 4, 2020 through June 30, 2021, Concord area. (90% Federal Aviation Administration, 5% Caltrans, and 5% Airport Enterprise Fund)

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

C.8 APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a contract amendment with Mead & Hunt, Inc., to extend the term of the contract by eleven months, to June 30, 2021, and increase the payment limit by \$162,872 to a new payment limit of \$299,872 in order to allow Mead & Hunt, Inc. to perform additional sampling and testing work pursuant to State Regional Water Board Order WQ 2019-0005-DWQ. (100% Airport Enterprise Funds)

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

C.9 APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a month-to-month hangar rental agreement with Paragon Analysis Corporation for a T-hangar at Buchanan Field Airport effective February 7, 2020 in the monthly amount of \$350.00. (100% Airport Enterprise Fund)

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

Claims, Collections & Litigation

C. 10 DENY claims filed by Allstate, a subrogee of Harriett Means and Mirtau Voltaire.

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

Ordinances

C. 11 ADOPT Ordinance No. 2020-03, requiring zoning verification before a business license is issued, as recommended by the County Treasurer-Tax Collector.

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

C. 12 INTRODUCE Ordinance No. 2020-05, prohibiting the transfer and assignment of cannabis permits, and allowing certain ownership changes in commercial cannabis businesses, WAIVE reading, and FIX February 25, 2020 for adoption, as recommended by the Conservation and Development Director. (No fiscal impact)

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

Hearing Dates

C. 13 FIX a public hearing on February 25, 2020 at 9:30 a.m., to consider adopting a resolution for an 18-month temporary closure of portions of Market Street, Silver Avenue, Jade Street, Harrold Street, and Warren Drive, as recommended by the Public Works Director, North Richmond area. (No fiscal impact)

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

Appointments & Resignations

C. 14 REAPPOINT Kevin Van Buskirk to the District IV Seat of the Contra Costa County Planning Commission, as recommended by Supervisor Mitchoff.

C. 15 ADOPT Resolution 2020/45 designating Risk Manager Karen Caoile and Assistant Risk Manager Denise Rojas, as official representative and alternate, respectively, to act on behalf of Contra Costa County with regard to official matters of the California State Association of Counties (CSAC) Excess Insurance Authority (EIA), as recommended by the County Administrator.

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

Appropriation Adjustments

C. 16 Information Technology (0147) & Telecommunications (0060): APPROVE Appropriation Adjustment No.005042 authorizing the transfer of \$125,000 in appropriations from the Department of Information Technology (0147) to Telecommunications (0060). (100% General Fund)

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

C. 17 Agriculture/Weights & Measures (0335): APPROVE Appropriations and Revenue Adjustment No. 005041 authorizing new revenue in the amount of \$17,521 from the California Department of Food & Agriculture and appropriating it for the purchase of two all-terrain vehicles in the Department of Agriculture-Weights & Measures. (100% State)

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

C. 18 Department of Child Support Services (0249): APPROVE Appropriations and Revenue Adjustment No. 005043 to reduce appropriations and estimated revenue in the amount of \$216,014 in the Child Support Operating Fund to reflect the reduction in the Fiscal Year 2019-20 Final Budget Allocation from the California State Department of Child Support Services. (100% State)

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

C. 19 Animal Services (0366): APPROVE Appropriations and Revenue Adjustment No.005037 authorizing new revenue in the amount of \$15,000 from California Department of Food and Agriculture and appropriating it to provide low-cost spay and neuter services for resident pet owners in the Animal Services Department. (100% State)

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

Personnel Actions

C. 20 ADOPT Position Adjustment Resolution No. 22535 to reclassify one Information Systems Assistant II (represented) and its incumbent to Clerk-Senior Level (represented) in the Department of Conservation and Development. (100% Land Development Fund)

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

C. 21 ADOPT Position Adjustment Resolution No. 22564 to add one Librarian Specialist (represented) position and cancel one Librarian (represented) position in the Library Department. (100% Library Fund)

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

C. 22 ADOPT Position Adjustment Resolution No. 22577 to add one Mental Health Community Support Worker II (represented) position and cancel one Dual Diagnosis Program Specialist (represented) position in the Health Services Department. (Cost Savings)

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

C. 23 ADOPT Position Adjustment Resolution No. 22575 to increase the hours of one Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) from part-time (20/40) to part-time (24/40) and to decrease the hours of one Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) from part-time (20/40) to part-time (16/40) in the Board of Supervisors, District I Office. (Cost neutral)

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

C. 24 ADOPT Position Adjustment Resolution No. 22576 to reclassify one Board of Supervisors Assistant-General Secretary (unrepresented) position (#2489) and its incumbent to Board of Supervisors Assistant-Specialist in the Board of Supervisors, District III. (100% General Fund)

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

C. 25 ADOPT Position Adjustment Resolution No. 22578 to add one Network Technician II (LNVA) (represented) and cancel one Network Administrator I (LNSA) (represented) in the Department of Information Technology. (100% Department User Fees)

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

Leases

C. 26 APPROVE and AUTHORIZE the Public Works Director, or designee, to execute an amendment to the lease agreement with DS PROPERTIES 17 LP, to extend the lease from January 1, 2020 to December 31, 2024, for continued use of approximately 3,000 square feet of office space located at 150 Alamo Plaza, Suites B and C, Alamo, at an initial annual rate of \$104,400 for the first year and annual increases thereafter. (100% General Fund)

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

C. 27 APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a revenue lease renewal with Bi-Bett Corporation, commencing on July 1, 2019 for approximately 3,138 square feet of rentable space at 4639 Pacheco Blvd., Martinez, at the initial annual rate of \$29,730 for the first year with annual increases thereafter. (100% General Fund)

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

C. 28 APPROVE and AUTHORIZE the County Counsel, or her designee, to execute on behalf of the County a conflict waiver and consenting to Schiff Hardin LLP representing the County as disclosure counsel in connection with the issuance of the County of Contra Costa Public Finance Authority 2020A Lease Revenue Bonds. (No fiscal impact)

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

Grants & Contracts

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

C. 29 ADOPT Resolution No. 2020/28 to approve and authorize the Employment and Human Services Director, or designee, to execute a contract amendment with California Department of Aging to increase the payment limit to pay County by \$768,136 to a new limit of \$5,696,914, to provide services to low-income older County residents, with no change in term July 1, 2019 through June 30, 2020. (18% State, 82% Federal, \$196,678 County match)

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

C. 30 APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to apply for and accept grant funding in an amount not to exceed \$500,000 from the Department of Justice, Office of Justice Programs, Office for Victims of Crime to support housing assistance for victims of all forms of human trafficking for the period May 1, 2020 through April 30, 2023. (97% Federal, 3% County match)

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

C. 31 Acting as the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to apply for and accept grant funding from the Federal Emergency Management Agency, U.S. Department of Homeland Security, California Governor's Office of Emergency Services, State Homeland Security Grant Program (SHSGP), in an amount not to exceed \$96,000 for the purchase of a towable emergency power generator. (100% Federal)

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

C. 32 Acting as the Governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to apply for and accept grant funding from the State Homeland Security Grant Program (SHSGP), in an amount not to exceed \$141,600 for the purchase of a portable radio cache. (100% Federal)

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

C. 33 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with the U.S. Department of Housing and Urban Development, for McKinney-Vento Act funds, to pay County an amount not to exceed \$427,033 to provide housing and support services for the County's Continuum of Care Project for the period December 1, 2019 through November 30, 2020. (75% Federal, 25% County match)

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

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

C. 34 APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Department of Information Technology, to execute a purchase order with Integrated Archive Systems in the amount not to exceed \$739,549, to procure backup appliances and support for the period of February 1, 2020 through January 31, 2023. (100% General Fund)

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

C. 35 APPROVE and AUTHORIZE the County Counsel, or designee, to execute a contract with Baker & O'Brien, Inc., in an amount not to exceed \$700,000 to provide refining industry analyses in connection with refinery property tax appeals, for the period January 1 through December 31, 2020. (100% General Fund)

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

C. 36 APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Public Works Director, a purchase order with George Reed, Inc., in an amount not to exceed \$2,000,000 for aggregate and rock product for the Road Surface Treatment Program, for the period February 1, 2020 through January 31, 2024, Countywide. (100% Local Road Funds)

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

C. 37 APPROVE and AUTHORIZE the Chief Information Officer, or designee, to purchase emergency resources in an amount not to exceed \$475,000 for the County Library to restore critical services and implement a secure email environment; and APPROVE and AUTHORIZE the Chief Information Officer, or designee, to engage the Microsoft Incident Response Team to restore critical services at the County Library in an amount not to exceed \$237,000 and to purchase Office 365 licensing for a three year period in the amount of \$238,000 in order to implement a secure email environment. (100% County Library Fund)

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

C. 38 APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Animal Services Director, a purchase order with Covetrus North America in an amount not to exceed \$500,000 for veterinary pharmaceutical supplies and chemicals for the Animal Services Department for the period January 1, 2020 through June 30, 2021. (37% User Fees, 54% City Revenue, 9% General Fund)

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

C. 39 APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Probation Department, to purchase gift cards in the total amount of \$5,000 to use to support the Probation Department's Evidence Based Incentives Program for adult and juvenile probationers who have attained rehabilitative goals. (50% State Revenue; 50% County General Fund)

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

C. 40 APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract amendment with FCS International, Inc. (dba FirstCarbon Solutions/Michael Brandman Associates), to increase the payment limit by \$54,867 to a new payment limit of \$353,986, to complete the environmental study of the proposed 284-unit Del Hombre apartment complex in Walnut Creek. (100% Applicant Fees)

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

C. 41 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Insight Digestive Health Care, effective March 1, 2020, to add anesthesiology services with no increase in the payment limit of \$600,000 and no change in the term of January 1, 2019 through December 31, 2020. (100% Contra Costa Health Plan Enterprise Fund I)

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

C. 42 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Vista Staffing Solutions, Inc., in an amount not to exceed \$450,000 to provide temporary locum tenens physicians at Contra Costa Regional Medical Center and Health Centers for the period December 1, 2019 through November 30, 2022. (100% Hospital Enterprise Fund I)

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

C. 43 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Resource Development Associates, Inc., in an amount not to exceed \$413,970 to provide consultation and technical assistance with regard to assisted outpatient treatment, assertive community treatment and forensic assertive community treatment for persons with serious mental illness who demonstrate resistance to voluntarily participating in services offered and who are involved with the criminal justice system for the period December 1, 2019 through June 30, 2023. (100% State Mental Health Services Act)

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

C. 44 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Mauricio Kuri, M.D., P.C., in an amount not to exceed \$225,000 to provide plastic and reconstructive surgery services to Contra Costa Health Plan members for the period April 1, 2020 through March 31, 2022. (100% Contra Costa Health Plan Enterprise Fund II)

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

C. 45 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Muhammad Raees, M.D., in an amount not to exceed \$525,000 to provide pulmonary services to Contra Costa Health Plan members for the period March 1, 2020 through February 28, 2022. (100% Contra Costa Health Plan Enterprise Fund II)

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

C. 46 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Stephen Arnold, M.D., in an amount not to exceed \$1,318,000 to provide cardiology services at Contra Costa Regional Medical Center and Health Centers for the period March 1, 2020 through February 28, 2023. (100% Hospital Enterprise Fund I)

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

C. 47 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Liam Keating, M.D., in an amount not to exceed \$1,098,000 to provide otolaryngology services at Costa Regional Medical Center and Health Centers for the period March 1, 2020 through February 28, 2023. (100% Hospital Enterprise Fund I)

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

C. 48 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Edward Y. Tang, M.D., Inc., in an amount not to exceed \$1,230,000 to provide orthopedic services at Contra Costa Regional Medical Center and Health Centers for the period March 1, 2020 through February 28, 2023. (100% Hospital Enterprise Fund I)

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

C. 49 APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Creekside Operating Company, LP (dba Creekside Healthcare Center), in an amount not to exceed \$400,000 to provide skilled nursing services for Contra Costa Health Plan Members for the period March 1, 2020 through February 28, 2021. (100% Contra Costa Health Plan Enterprise Fund II)

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

C. 50 APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Beckman Coulter, Inc., in an amount not to exceed \$1,500,000 for the rental of immunoassay analyzers, supplies, and reagents for the Clinical Laboratory at the Contra Costa Regional Medical Center and Contra Costa Health Centers, for the period May 15, 2020 through May 14, 2021. (100% Hospital Enterprise Fund I)

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

C. 51 APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Arthrex, Inc., in an amount not to exceed \$870,000 for the purchase of instruments, supplies, and medical devices for Contra Costa Regional Medical Center, for the period February 1, 2020 through January 31, 2022. (100% Hospital Enterprise Fund I)

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

C. 52 APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order amendment with Watermark Medical, Inc., to increase the payment limit by \$100,000 to a new payment limit of \$626,000 to expand Home Sleep Study services at West County Health Center, for the period September 1, 2019 through August 31, 2021. (100% Hospital Enterprise Fund I)

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

C. 53 APPROVE and AUTHORIZE the Director of Risk Management to execute a contract with Contra Costa County Schools Insurance Group in an amount not to exceed \$198,500 to perform medical billing reviews for the period effective January 1, 2020 through December 31, 2020. (100% Workers' Compensation Internal Service Fund)

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

Other Actions

C. 54 ADOPT Resolution No. 2020/25 authorizing the issuance of multifamily housing revenue bonds in an amount not to exceed \$18,000,000 to finance the acquisition and new construction of Veterans Square Apartments, a 30-unit residential rental housing development located at 901 Los Medanos Street and 295 East 10th Street in Pittsburg, California as recommended by the Conservation and Development Director. (100% Special Revenue Fund)

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

C. 55 ACCEPT report on the Employee Commute Survey, as recommended by the Sustainability Committee.

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

C. 56 ACCEPT the 2019 Annual Report on the activities of the Family and Children's Trust Committee.

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

C. 57 ACCEPT the monetary donation report from the Animal Services Department, which describes the source and value of each gift received by Animal Services from October 1, 2019 through December 31, 2019. (100% Animal Benefit Fund)

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

C. 58 APPROVE and AUTHORIZE the Purchasing Agent, or designee, on behalf of the Sheriff-Coroner, to execute a purchase order and related documents with Life Technologies Corporation, , in an amount of \$95,142 for the purchase of GeneMapper ID-X Software. (100% Federal)

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

C. 59 APPROVE amended list of designated positions for the Conflict of Interest Code for the Office of the District Attorney, as recommended by County Counsel.

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

C. 60 APPROVE amended Conflict of Interest Code for the Contra Costa Community College District, including the list of designated positions, as recommended by County Counsel.

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

C. 61 APPOINT Supervisor Candace Andersen as the Board of Supervisors representative and Dr. Chris Farnitano as County Health Services Department representative to the Contra Costa Transportation Authority's Policy Advisory Committee for the Accessible Transportation Strategic Plan, AUTHORIZE the Chair of the Board of Supervisors to sign two letters to the Contra Costa Transportation Authority providing notification of the County's appointments and also requesting an appointment from the Authority to the Iron Horse Corridor Management Program Advisory Committee pursuant to Assembly Bill 1025 (2019-Grayson), as recommended by the Transportation, Water, and Infrastructure Committee.

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

C. 62 APPROVE recommendations from the Hazardous Materials Commission and the Transportation, Water, and Infrastructure Committee on pipeline safety, and DIRECT staff to implement the recommendations through the appropriate processes, as recommended by the Transportation, Water, and Infrastructure Committee. (No fiscal impact)

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

GENERAL INFORMATION

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

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to a majority of the members of the Board of Supervisors less than 72 hours prior to that meeting are available for public inspection at 651 Pine Street, First Floor, Room 106, Martinez, CA 94553, during normal business hours.

All matters listed under CONSENT ITEMS are considered by the Board to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Board or a member of the public prior to the time the Board votes on the motion to adopt.

Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Chair calls for comments from those persons who are in support thereof or in opposition thereto. After persons have spoken, the hearing is closed and the matter is subject to discussion and action by the Board. Comments on matters listed on the agenda or otherwise within the purview of the Board of Supervisors can be submitted to the office of the Clerk of the Board via mail: Board of Supervisors, 651 Pine Street Room 106, Martinez, CA 94553; by fax: 925-335-1913.

The County will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Clerk of the Board at least 24 hours before the meeting, at (925) 335-1900; TDD (925) 335-1915. An assistive listening device is available from the Clerk, Room 106.

Copies of recordings of all or portions of a Board meeting may be purchased from the Clerk of the Board. Please telephone the Office of the Clerk of the Board, (925) 335-1900, to make the necessary arrangements.

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

Applications for personal subscriptions to the weekly Board Agenda may be obtained by calling the Office of the Clerk of the Board, (925) 335-1900. The weekly agenda may also be viewed on the County's Internet Web Page:

www.co.contra-costa.ca.us

STANDING COMMITTEES

The **Airport Committee** (Supervisors Karen Mitchoff and Diane Burgis) meets quarterly on the second Wednesday of the month at 11:00 a.m. at the Director of Airports Office, 550 Sally Ride Drive, Concord.

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

The **Finance Committee** (Supervisors John Gioia and Karen Mitchoff) meets on the fourth Monday of the month at 9:00 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

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

The **Internal Operations Committee** (Supervisors Candace Andersen and Diane Burgis) meets on the second Monday of the month at 1:00 p.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

The **Legislation Committee** (Supervisors Karen Mitchoff and Diane Burgis) meets on the second Monday of the month at 10:30 a.m. in Room 101, County Administration Building, 651 Pine Street, Martinez.

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

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

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

Airports Committee	February 12, 2020	11:00 a.m.	See above
Family & Human Services Committee	February 24, 2020	9:00 a.m.	See above
Finance Committee	March 2, 2020 Canceled April 6, 2020	9:00 a.m.	See above
Hiring Outreach Oversight Committee	March 2, 2020	10:30 a.m.	See above
Internal Operations Committee	February 10, 2020	10:30 a.m.	See above
Legislation Committee	February 10, 2020	1:00 p.m.	See above
Public Protection Committee	February 24, 2020	10:30 a.m.	See above
Sustainability Committee	February 2, 2019 Special Meeting	1:00 p.m.	See above
Transportation, Water & Infrastructure Committee	February 10, 2020	9:00 a.m.	See above

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

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

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

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

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

AB Assembly Bill
ABAG Association of Bay Area Governments
ACA Assembly Constitutional Amendment
ADA Americans with Disabilities Act of 1990
AFSCME American Federation of State County and Municipal Employees
AICP American Institute of Certified Planners
AIDS Acquired Immunodeficiency Syndrome
ALUC Airport Land Use Commission
AOD Alcohol and Other Drugs
ARRA American Recovery & Reinvestment Act of 2009
BAAQMD Bay Area Air Quality Management District
BART Bay Area Rapid Transit District
BayRICS Bay Area Regional Interoperable Communications System
BCDC Bay Conservation & Development Commission
BGO Better Government Ordinance
BOS Board of Supervisors
CALTRANS California Department of Transportation
CalWIN California Works Information Network
CalWORKS California Work Opportunity and Responsibility to Kids
CAER Community Awareness Emergency Response
CAO County Administrative Officer or Office
CCCPCD (ConFire) Contra Costa County Fire Protection District
CCHP Contra Costa Health Plan
CCTA Contra Costa Transportation Authority
CCRMC Contra Costa Regional Medical Center
CCWD Contra Costa Water District
CDBG Community Development Block Grant
CFDA Catalog of Federal Domestic Assistance
CEQA California Environmental Quality Act
CIO Chief Information Officer
COLA Cost of living adjustment
ConFire (CCCPCD) Contra Costa County Fire Protection District
CPA Certified Public Accountant
CPI Consumer Price Index
CSA County Service Area
CSAC California State Association of Counties
CTC California Transportation Commission
dba doing business as
DSRIP Delivery System Reform Incentive Program
EBMUD East Bay Municipal Utility District
ECCPCD East Contra Costa Fire Protection District
EIR Environmental Impact Report
EIS Environmental Impact Statement
EMCC Emergency Medical Care Committee
EMS Emergency Medical Services
EPSDT Early State Periodic Screening, Diagnosis and Treatment Program (Mental Health)
et al. et alii (and others)
FAA Federal Aviation Administration
FEMA Federal Emergency Management Agency
F&HS Family and Human Services Committee
First 5 First Five Children and Families Commission (Proposition 10)
FTE Full Time Equivalent
FY Fiscal Year

GHAD Geologic Hazard Abatement District
GIS Geographic Information System
HCD (State Dept of) Housing & Community Development
HHS (State Dept of) Health and Human Services
HIPAA Health Insurance Portability and Accountability Act
HIV Human Immunodeficiency Syndrome
HOV High Occupancy Vehicle
HR Human Resources
HUD United States Department of Housing and Urban Development
IHSS In-Home Supportive Services
Inc. Incorporated
IOC Internal Operations Committee
ISO Industrial Safety Ordinance
JPA Joint (exercise of) Powers Authority or Agreement
Lamorinda Lafayette-Moraga-Orinda Area
LAFCo Local Agency Formation Commission
LLC Limited Liability Company
LLP Limited Liability Partnership
Local 1 Public Employees Union Local 1
LVN Licensed Vocational Nurse
MAC Municipal Advisory Council
MBE Minority Business Enterprise
M.D. Medical Doctor
M.F.T. Marriage and Family Therapist
MIS Management Information System
MOE Maintenance of Effort
MOU Memorandum of Understanding
MTC Metropolitan Transportation Commission
NACo National Association of Counties
NEPA National Environmental Policy Act
OB-GYN Obstetrics and Gynecology
O.D. Doctor of Optometry
OES-EOC Office of Emergency Services-Emergency Operations Center
OPEB Other Post Employment Benefits
OSHA Occupational Safety and Health Administration
PARS Public Agencies Retirement Services
PEPRA Public Employees Pension Reform Act
Psy.D. Doctor of Psychology
RDA Redevelopment Agency
RFI Request For Information
RFP Request For Proposal
RFQ Request For Qualifications
RN Registered Nurse
SB Senate Bill
SBE Small Business Enterprise
SEIU Service Employees International Union
SUASI Super Urban Area Security Initiative
SWAT Southwest Area Transportation Committee
TRANSPAC Transportation Partnership & Cooperation (Central)
TRANSPLAN Transportation Planning Committee (East County)
TRE or **TTE** Trustee
TWIC Transportation, Water and Infrastructure Committee
UASI Urban Area Security Initiative
VA Department of Veterans Affairs
vs. versus (against)
WAN Wide Area Network
WBE Women Business Enterprise
WCCTAC West Contra Costa Transportation Advisory Committee



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 4, 2020

Subject: Health Services Update on the 2019 Novel Coronavirus (2019-nCoV)

RECOMMENDATION(S):

Receive presentation from Health Services providing an update on the 2019 Novel Coronavirus.

FISCAL IMPACT:

Not applicable.

BACKGROUND:

Verbal presentation from Health Services providing an update on the 2019 Novel Coronavirus.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

Contact: Anna M. Roth, Health Director (925) 957-5403 By: , Deputy

cc: Anna Roth, Director of Health Services



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 4, 2020

Subject: Consider Appointment of Deborah Cooper as Contra Costa County Clerk-Recorder

RECOMMENDATION(S):

-Consider appointment of Deborah Cooper to the position of Contra Costa County Clerk-Recorder effective February 4, 2020 to fill the unexpired term of Joseph Canciamilla, and
-Set the salary at the current salary schedule of \$210,686.04 (\$17,557.17 per month) plus the elected Department Head benefits as provided under the Management Resolution (2019/507) identified under Section III – Benefits for Elected and Appointed Department Heads.

FISCAL IMPACT:

No additional fiscal impact. Appointment to existing budgeted positions.

BACKGROUND:

With the resignation of Clerk-Recorder Joe Canciamilla on October 31, 2019, the office became vacant. Government Code section 25304 authorizes the Board of Supervisors to fill the vacancy created by the resignation. The Board of Supervisors established a process for recruitment of applicants. The application process closed on December 16, 2019. Twenty-two applicants met the minimum qualification to be considered for the position of Contra Costa County Clerk-Recorder. The statutory requirements for the position are that individuals must be 18 years of age, a citizen of California, and a resident and registered voter of Contra Costa County at the time of appointment.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

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

By: June McHuen, Deputy

cc: Sharon Anderson, County Counsel

BACKGROUND: (CONT'D)

>

The Board of Supervisors established the next steps in the timeline to fill the position of Clerk-Recorder. On Friday, December 20, 2019, Copies of the applications were given to the Board of Supervisors and all applications that met the minimum qualifications were made available to the public on the County Website at www.contracosta.ca.gov/7694 and the Clerk of the Board's Office at 651 Pine Street, 1st Floor, Room 106, Martinez, CA 94553.

On Tuesday, January 14, 2020, the Board of Supervisors selected six Finalists to interview. On January 16, 2020, Karen Mitchoff withdrew her application. The remaining five Finalists - Catherine Baker; Kristin Connelly; Deborah Cooper; Mark Friedman; and Scott Konopasek Were interviewed on Tuesday, January 21, 2020, starting at 1:00 PM, by the five members of the Board of Supervisors.

Upon completion of the interviews the Board of Supervisors selected Deborah Cooper as the finalist for the Clerk-Recorder position. At that time, the Board of Supervisors also directed the County Administrator to conduct a social media check, and a criminal background check on Deborah Cooper and to obtain fingerprints and an Economic Disclosure Statement (Form 700) from her. The background check has been completed. A search of records in the Federal Bureau of Investigations and the State Bureau of Criminal Information and Analysis files indicated no information meeting dissemination criteria or that would cause concern regarding Deborah Cooper was found. The County Administrator also reports that there were no results from the social media check that would prevent the Board of Supervisors from appointing Deborah Cooper to the position of Clerk-Recorder. Finally, attached is the Economic Disclosure Statement (Form 700) as requested by the Board of Supervisors.

Deborah Cooper is currently a resident of Contra Costa County and a registered voter in Contra Costa County. Consequently, the Board of Supervisors could appoint Deborah Cooper to the position of Contra Costa County Clerk-Recorder at the Board meeting on February 4, 2020.

AGENDA ATTACHMENTS

Deborah Cooper Economic Disclosure Statement (Form 700)

MINUTES ATTACHMENTS

Correspondence Received

STATEMENT OF ECONOMIC INTERESTS
COVER PAGE

Date Initial Filing Received

Filing Official Use Only

 E-Filed
 01/24/2020
 08:30:06

 Filing ID:
 185727629

Please type or print in ink.

NAME OF FILER	(LAST)	(FIRST)	(MIDDLE)
Cooper, Deborah R.			

1. Office, Agency, or Court

Agency Name (Do not use acronyms)

Contra Costa County

Division, Board, Department, District, if applicable

Your Position

Contra Costa County Clerk-Recorder-Elections Department

County Clerk-Recorder

▶ If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: _____

Position: _____

2. Jurisdiction of Office (Check at least one box) State Judge, Retired Judge, Pro Tem Judge, or Court Commissioner
(Statewide Jurisdiction) Multi-County _____ County of Contra Costa City of _____ Other _____**3. Type of Statement (Check at least one box)** **Annual:** The period covered is January 1, 2019 through
December 31, 2019 **Leaving Office:** Date Left ____/____/____
(Check one circle)

-or-

The period covered is ____/____/____, through
December 31, 2019 The period covered is January 1, 2019 through the date of
leaving office. **Assuming Office:** Date assumed 02 / 04 / 2020 The period covered is ____/____/____, through the date
of leaving office. **Candidate:** Date of Election _____ and office sought, if different than Part 1: _____**4. Schedule Summary (must complete) ▶ Total number of pages including this cover page: 4****Schedules attached** **Schedule A-1 - Investments** – schedule attached **Schedule C - Income, Loans, & Business Positions** – schedule attached **Schedule A-2 - Investments** – schedule attached **Schedule D - Income – Gifts** – schedule attached **Schedule B - Real Property** – schedule attached **Schedule E - Income – Gifts – Travel Payments** – schedule attached

-or-

 None - No reportable interests on any schedule**5. Verification**

MAILING ADDRESS	STREET	CITY	STATE	ZIP CODE
(Business or Agency Address Recommended - Public Document)				
		Danville	CA	94526

DAYTIME TELEPHONE NUMBER	E-MAIL ADDRESS
()	

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

 Date Signed 01/24/2020
 (month, day, year)

 Signature Deborah R. Cooper
 (File the originally signed paper statement with your filing official.)

SCHEDULE A-1

Investments

Stocks, Bonds, and Other Interests

(Ownership Interest is Less Than 10%)

Investments must be itemized.

Do not attach brokerage or financial statements.

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION

Name _____
Cooper, Deborah R.

▶ NAME OF BUSINESS ENTITY
Charles Schwab
 GENERAL DESCRIPTION OF THIS BUSINESS
Financial

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY
Charter Communications
 GENERAL DESCRIPTION OF THIS BUSINESS
Entertainment

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY
CocaCola
 GENERAL DESCRIPTION OF THIS BUSINESS
Beverage

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY
Cisco
 GENERAL DESCRIPTION OF THIS BUSINESS
Technology

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY
Microsoft
 GENERAL DESCRIPTION OF THIS BUSINESS
Technology

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY
Walmart
 GENERAL DESCRIPTION OF THIS BUSINESS
Retail

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

Comments: _____

SCHEDULE A-1

Investments

Stocks, Bonds, and Other Interests

(Ownership Interest is Less Than 10%)

Investments must be itemized.

Do not attach brokerage or financial statements.

CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION Name <u>Cooper, Deborah R.</u>
--

▶ NAME OF BUSINESS ENTITY
A T & T

GENERAL DESCRIPTION OF THIS BUSINESS
Communications

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY
McDonalds

GENERAL DESCRIPTION OF THIS BUSINESS
Food Service

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/19 _____/_____/19
 ACQUIRED DISPOSED

Comments: _____

SCHEDULE C
Income, Loans, & Business Positions
(Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION
Name
Cooper, Deborah R.

1. INCOME RECEIVED
NAME OF SOURCE OF INCOME
Spouse's salary income
ADDRESS (Business Address Acceptable)
Richmond, CA 94806
BUSINESS ACTIVITY, IF ANY, OF SOURCE
Wine Warehouse
YOUR BUSINESS POSITION
GROSS INCOME RECEIVED
CONSIDERATION FOR WHICH INCOME WAS RECEIVED

2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from a commercial lending institution, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status.

NAME OF LENDER*
ADDRESS (Business Address Acceptable)
BUSINESS ACTIVITY, IF ANY, OF LENDER
HIGHEST BALANCE DURING REPORTING PERIOD
INTEREST RATE
TERM (Months/Years)
SECURITY FOR LOAN

Comments:

JASON A. BEZIS
3661-B Mosswood Drive
Lafayette, CA 94549-3509
(925) 962-9643
Bezis4Law@gmail.com

February 4, 2020

Contra Costa County Board of Supervisors (c/o Chair Candace Andersen)
651 Pine Street, 1st Floor, Room 106
Martinez, CA 94553
VIA E-MAIL: clerkoftheboard@cob.cccounty.us; john_gioia@bos.cccounty.us;
supervisorandersen@bos.cccounty.us; supervisor_burgis@bos.cccounty.us;
SupervisorMitchoff@bos.cccounty.us; district5@bos.cccounty.us

Re: February 4, 2020 Board of Supervisors Meeting, Item D.3 – Clerk-Recorder Appointment

Dear Chair Andersen and Supervisors:

The Contra Costa County Board of Supervisors should not appoint Debi Cooper as Clerk-Recorder/Registrar of Voters on February 4th until she explains her failure to follow state election law associated with the Measure J sales tax increase on the March 2020 ballot.

The *East Bay Times* in December 2019 observed “[t]he rotting of Contra Costa’s political moral fabric: After the cases of the district attorney, elections chief, assessor and two judges, it’s time to raise the bar.” Yet the *Times* (Jan. 25th, p. B1) quotes Ms. Cooper as saying that she intends to pursue “business as usual” and “[t]o retain the public trust while remaining impartial and neutral is crucial.” This job requires a vigilant watchdog, not a lapdog who permits “business as usual.”

Your Board voted last fall to place an argumentative and prejudicial question onto the ballot in violation of Elections Code sec. 13119. Ms. Cooper had to duty to object under secs. 9190 and/ or 13314, but she deferred to your Board’s improper action. She assigned the letter “J” through an extra-legal process that was inconsistent with Elections Code sec. 13116. County Counsel weakened the “impartial analysis” at the last minute to conceal that this is an “additional” tax, despite your Board’s and the sponsor’s own resolutions asserting that this is an “additional” tax.

Ms. Cooper ignored letters that I submitted on behalf of concerned citizens on December 16th and December 24th protesting these violations, forcing a lawsuit against her. Then she rushed incorrect ballots to the printer and, aided by your County Counsel, misled the judge on law and facts in order to dismiss the lawsuit. *East Bay Times*, January 13th, p. B1. Her actions are akin to a police officer witnessing a bank robbery, allowing the robber through a checkpoint because the officer wishes to "remain impartial and neutral," and then escorting the robber to safety.

Your Board is planning its own sales tax increase for the November 2020 ballot and apparently wants an acquiescent elections official who would not object to further misleading of voters. Ms. Cooper needs to explain her complicity in electoral misconduct concerning the March 2020 Measure J tax increase before Supervisors appoint her to this important, \$210,686/year job.

Sincerely,

JASON A. BEZIS



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: February 4, 2020

Subject: 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project (RZ16-3234)

RECOMMENDATION(S):

1. Open the public hearing on the 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project, RECEIVE public testimony, and CLOSE the hearing.
2. FIND that the mitigated negative declaration prepared for the 18320 Bollinger Canyon Road Project adequately analyzes the Project’s environmental impacts, that there is no substantial evidence that the Project with the proposed mitigation measures will have a significant effect on the environment; and that the mitigated negative declaration reflects the County's independent judgment and analysis.
3. ADOPT the mitigated negative declaration for the Project.
4. ADOPT the mitigation monitoring program for the Project.
5. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, California, is the custodian of the documents and other material which constitute the record of proceedings upon which the decision of the Board of Supervisors is based.
6. ADOPT Ordinance No. 2020-02, rezoning the subject property from the A-4 Agricultural Preserve District to the A-2 General Agricultural District.
7. ACKNOWLEDGE that the County Planning Commission approved the tentative parcel map for the project (MS16-0014), and no appeal of the approval was filed.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: June McHuen, Deputy

Contact: Stan Muraoka,
925-674-7781

cc:

RECOMMENDATION(S): (CONTD)

8. APPROVE the 18320 Bollinger Canyon Road Project.
9. APPROVE the findings in support of the Project.
10. APPROVE the Project conditions of approval.
11. DIRECT the Director of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.

FISCAL IMPACT:

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

BACKGROUND:

Project Description. 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project, as detailed below and in the CPC staff report of December 11, 2019, consists of: (A) a Rezoning of a 102.22-acre agricultural parcel from the A-4 Agricultural Preserve District to the A-2 General Agricultural District., and (B) a two-lot Minor Subdivision including a Tentative Parcel Map. The project does not include any new construction on the parcels. The subject property is in the AL Agricultural Lands General Plan land use designation.

A. Rezoning RZ16-3234: The proposal is a Rezoning of a 102.22-acre agricultural parcel, from the A-4 Agricultural Preserve District to the A-2 General Agricultural. The property was rezoned in 1975 from the CM Controlled Manufacturing District to the A-4 District and was included in Williamson Act Contract 17-75. A Notice of Non-Renewal for the property was received by the County and recorded on December 27, 1996, and the Williamson Act Contract on the property expired on February 28, 2006.

The A-4 District has a minimum lot size of 40 acres. The proposed Rezoning of the property to the A-2 District, which has a minimum lot size of five acres, would accommodate the Minor Subdivision that creates an 81.38-acre Parcel A and a 20.84-acre Parcel B. Adoption of Ordinance No. 2020-02 will implement Rezoning RZ16-3234.

B. Minor Subdivision MS16-0014: Minor Subdivision MS16-0014, including a Tentative Parcel Map, to subdivide the property into Parcel A and Parcel B was approved on December 11, 2019 by the County Planning Commission (CPC), with a condition (Condition of Approval #4) that the approval is contingent on approval of Rezoning RZ16-3234. The Minor Subdivision includes an exception to the requirements of County Code Section 914-2.002 for onsite collect and convey (drainage).

Site/Area Description. The subject property is a 102.22-acre legal lot that is in use for raising and keeping horses, and for rural residential uses. The site is located on the north side of Bollinger Canyon Road, approximately 0.4 mile southeast of the intersection of Bollinger Canyon Road and Bollinger Estates Court. One single-family residence, a barn, a covered arena, and a number of accessory structures are currently located on proposed Parcel A. One single-family residence and several accessory structures are currently located on proposed Parcel B. Along the project frontage, Bollinger Canyon Road is a two-lane, approximately 20-foot wide road within a 60-foot right-of-way.

Surrounding the project site are other agricultural parcels and open space properties, including an 86.76-acre parcel owned by the East Bay Regional Park District to the north, and privately-owned parcels ranging from 21.5 acres to over 110 acres to the east, and from 5.69 acres to 10.75 acres to the west. South of the project site and across Bollinger Canyon Road are parcels ranging from 3.46 acres to over 250 acres. The smaller parcels are rural residential ranchettes, and the larger parcels are either in agricultural use for raising and keeping livestock or are open space lands.

County Planning Commission. On December 11, 2019, the County Planning Commission held a public hearing on the 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project. After receiving public testimony from two individuals, the CPC closed the hearing. Subsequently, the CPC approved Minor Subdivision MS16-0014. The CPC approval included a recommendation to the Board of Supervisors to approve Rezoning RZ16-3234.

Environmental Review. Pursuant to the Guidelines for California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3, Sections 15000 – 15387), Conservation and Development staff prepared an Initial Study assessment of potentially significant adverse environmental impacts that could result from the proposed 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project. The identified potential impacts include:

- Construction period air quality and odors;
- Geotechnical and hydrological risks on the upland portion of the project site due to ground failure, landslides, and exposed soil;
- Construction period noise and vibration; and,
- Potential adverse impacts on Native American cultural resources.

Staff determined that although the proposed project could have potentially significant adverse environmental impacts, with implementation of mitigation measures that have been agreed to by the applicant, the project would not result in significant environmental impacts.

A draft Mitigated Negative Declaration/Initial Study was prepared and published for the proposed project. The public review period for the draft MND started on October 18, 2019 and ended on November 8, 2019.

Subsequently, a Final MND was prepared that includes the written comments received on the draft MND, responses to the comments received, and staff-initiated text changes, including minor corrections and technical changes. Written comments from eight commenters were received during the public review period for the draft MND. Neither the comments nor the staff responses to the comments result in any substantial changes to the draft MND, and the impacts, mitigation measures, and findings of the MND are unchanged. The text changes are not the result of any new significant adverse environmental impact, do not alter the effectiveness of any mitigation included in the pertinent section, and do not alter any findings in the section.

Pursuant to CEQA Section 15097, a Mitigation Monitoring Program has been prepared, based on the identified significant impacts and mitigation measures in the MND. The Mitigation Monitoring Program is intended to ensure that the mitigation measures identified in the MND are implemented. All mitigation measures listed in the Mitigation Monitoring Program are included in the CPC Approved Findings and COAs.

Rezoning. The December 11, 2019 CPC staff report includes findings for Rezoning RZ16-3234. The project site has a General Plan Land Use designation of AL, Agricultural Lands. The AL designation allows for agricultural production and related activities. The project site is in use for raising and keeping horses. The requested exception to the County Code requirements for onsite collect and convey would not alter the relationship of the proposed project to the General Plan, and the minor subdivision would be consistent with the AL land use designation. The Minor Subdivision includes Condition of Approval #8 that requires the project to be consistent with Rural Residential Development policies #8-v of the General Plan Conservation Element at the time future development on a minor subdivision parcel is proposed. Thus, as conditioned, the proposed project is be consistent with the AL General Plan

designation and General Plan Rural Residential Development policies.

Given that the proposed project maintains the current agricultural use on the site and does not propose any construction, there would not be any effect on Crow Canyon Road, which is the closest County designated arterial. Accordingly, the project is consistent with General Plan transportation policies for arterials.

The Minor Subdivision includes Condition of Approval #15 that requires compliance with the A-2 requirements for all existing structures, whereby the applicant is required to: (i) adjust the boundary between Parcel A and Parcel B of the Tentative Parcel Map as necessary to comply with the minimum setback and yards of the A-2 District; and/or (ii) modify or relocate the structures to comply with the minimum setback and yards; and/or (iii) partially or completely remove the structures. Thus, as conditioned, the proposed project is consistent with the requirements and regulations of A-2 General Agricultural District.

Conclusion. County staff has analyzed the proposed 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project in terms of consistency with the surrounding neighborhood, appropriateness of use, and conformance with the County General Plan and zoning regulations. Completion of the MND identified potentially significant adverse environmental impacts, and mitigation measures that have been agreed to by the applicant, such that the project will not result in any significant environmental impact. Persons in the Bollinger Canyon community have submitted comments to staff that have been addressed in the CPC staff report and/or the Final MND.

Two individuals spoke at the December 11, 2019, CPC public hearing on the proposed project, including the project engineer and the brother of the property owner. The CPC unanimously approved Minor Subdivision MS16-0014 and recommended that the Board of Supervisors approved Rezoning RZ16-3234, based on the CPC Approved Findings and COAs.

CONSEQUENCE OF NEGATIVE ACTION:

If the recommended action is not approved, the subject property will remain in the A-4 Agricultural Preserve District and the Minor Subdivision will not occur.

CHILDREN'S IMPACT STATEMENT:

The Project involves the rezoning of the subject property from the A-4 Agricultural Preserve District to the A-2 General Agricultural District. The project does not involve any construction and there will be no effect on schools, recreational facilities, or childcare facilities.

AGENDA ATTACHMENTS

Parcel Page

General Plan Map

Zoning Map

Aerial Photographs

Ordinance No. 2020-02

CPC Staff Report 121119

CPC Approved Findings and COAs 121119

Tentative Parcel Map

CEQA - Draft Mitigated Negative Declaration

CEQA - Final Mitigated Negative Declaration

CEQA - Mitigation Monitoring Program

MINUTES ATTACHMENTS

Signed Ordinance No. 2020-02

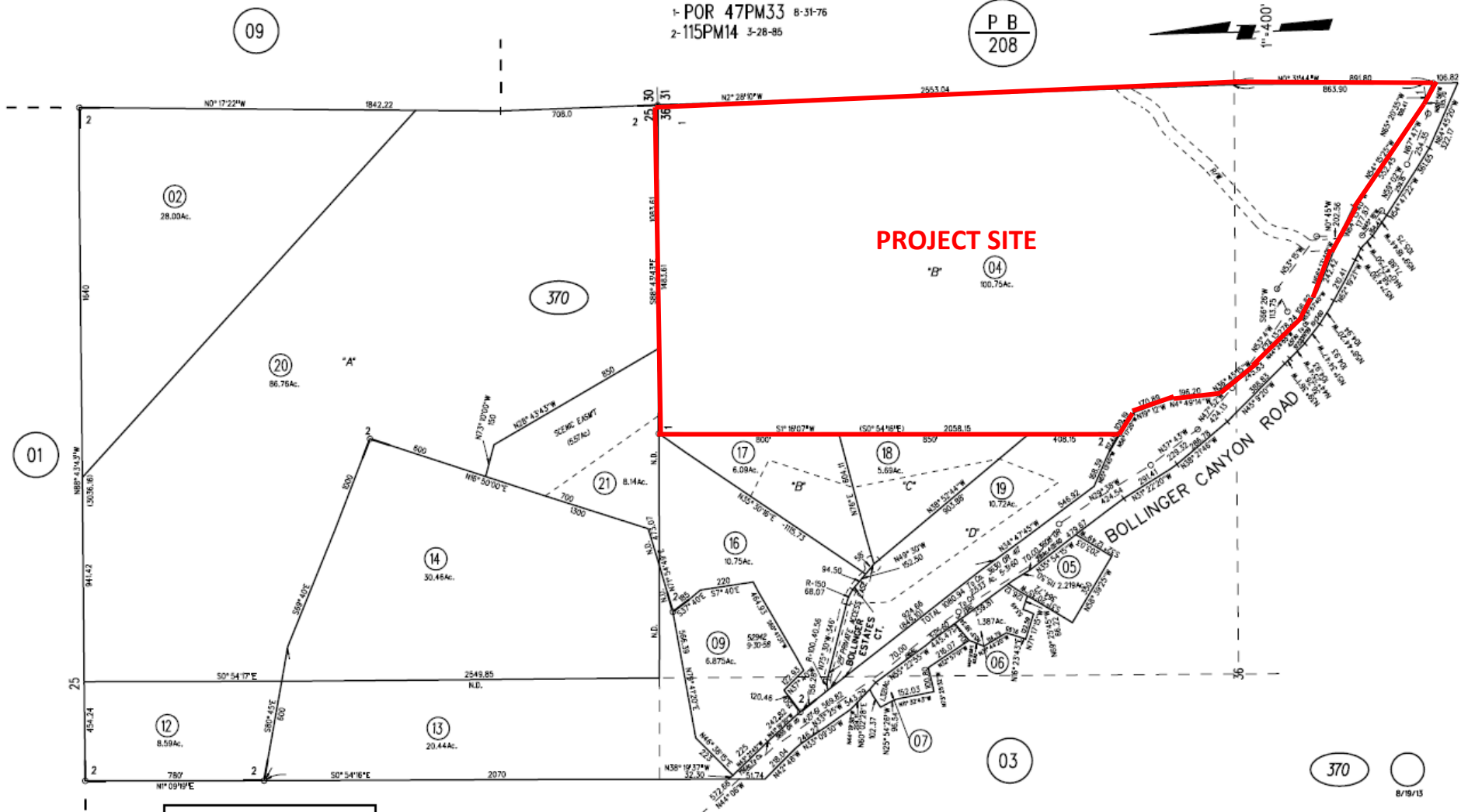
POR SEC 25 & 36 T1S R2W MDBM

1-POR 47PM33 8-31-76
2-115PM14 3-28-85

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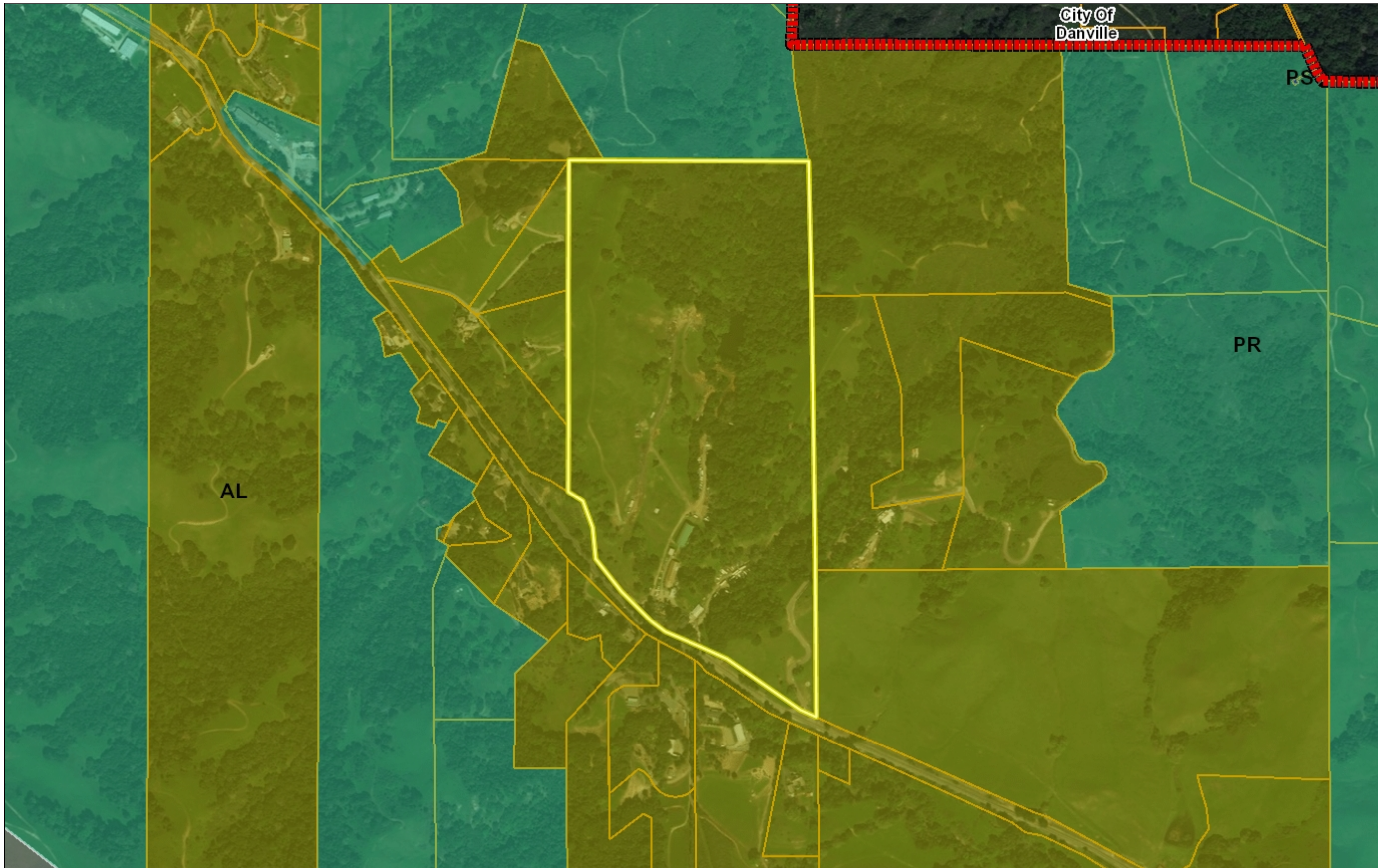


PROJECT SITE



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

Bollinger Canyon Rd Two-Lot Minor Subdivision and Rezoning Project (RZ16-3234) - General Plan Map



Legend

- City Limits
- Highways
- Highways Bay Area
- General Plan**
- SV (Single Family Residential - Ver
- SL (Single Family Residential - Low
- SM (Single Family Residential - Me
- SH (Single Family Residential - Hig
- ML (Multiple Family Residential - Lc
- MM (Multiple Family Residential - M
- MH (Multiple Family Residential - H
- MV (Multiple Family Residential - V
- MS (Multiple Family Residential - V
- CC (Congregate Care/Senior Housi
- MO (Mobile Home)
- M-1 (Parker Avenue Mixed Use)
- M-2 (Downtown/Waterfront Rodeo I
- M-3 (Pleasant Hill BART Mixed Use
- M-4 (Willow Pass Road Mixed Use)
- M-5 (Willow Pass Road Commercia
- M-6 (Bay Point Residential Mixed U
- M-7 (Pittsburg/Bay Point BART Star
- M-8 (Dougherty Valley Village Cent
- M-9 (Montalvin Manor Mixed Use)
- M-10 (Willow Pass Business Park M
- M-11 (Appian Way Mixed Use)
- M-12 (Triangle Area Mixed Use)
- M-13 (San Pablo Dam Road Mixed
- M-14 (Heritage Mixed Use)
- CO (Commercial)
- OF (Office)
- BP (Business Park)
- LI (Light Industry)
- HI (Heavy Industry)
- AL, OIBA (Agricultural Lands & Off
- CR (Commercial Recreation)
- ACO (Airport Commercial)
- LF (Landfill)
- PS (Public/Semi-Public)

1: 9,028



0.3 0 0.14 0.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

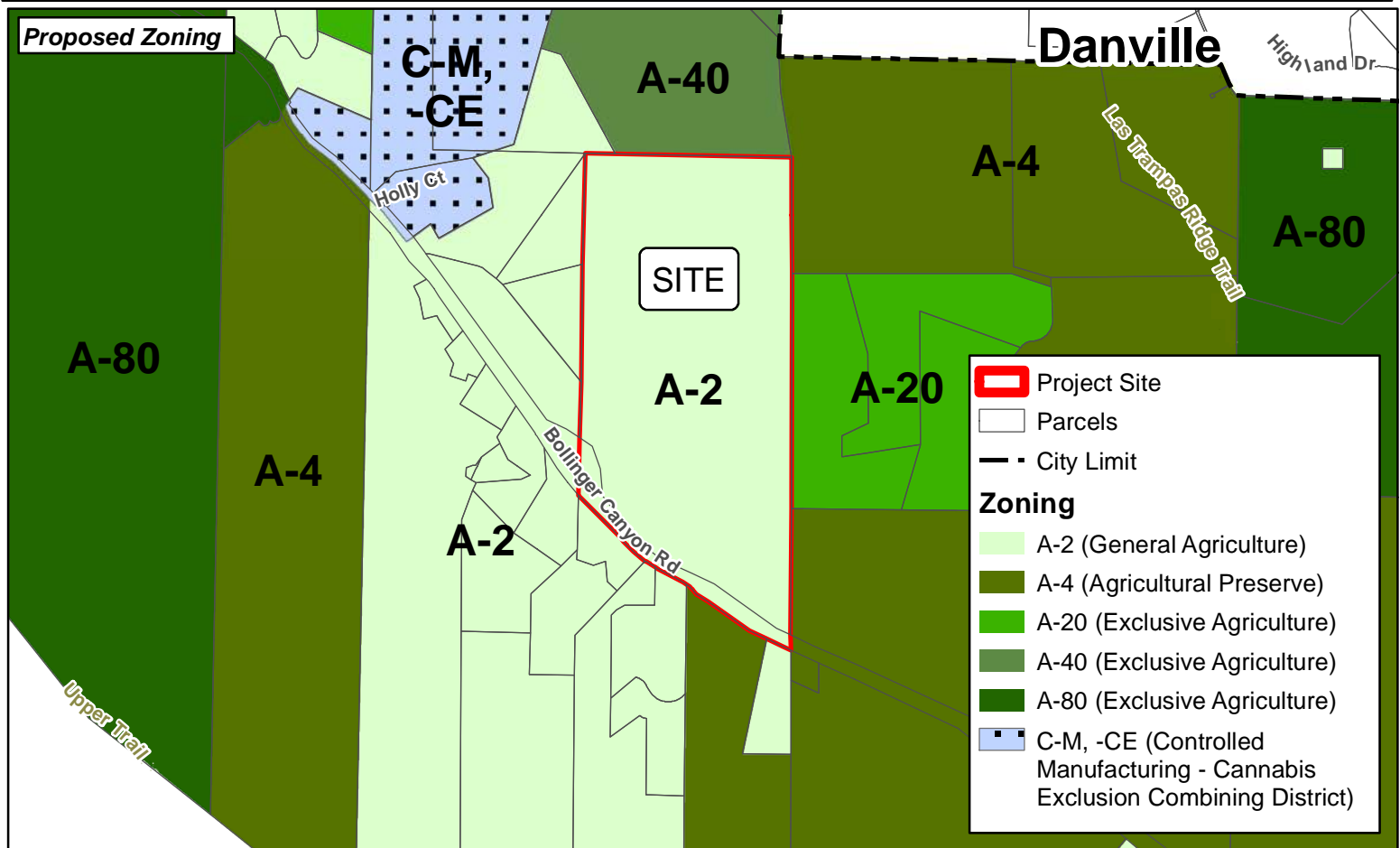
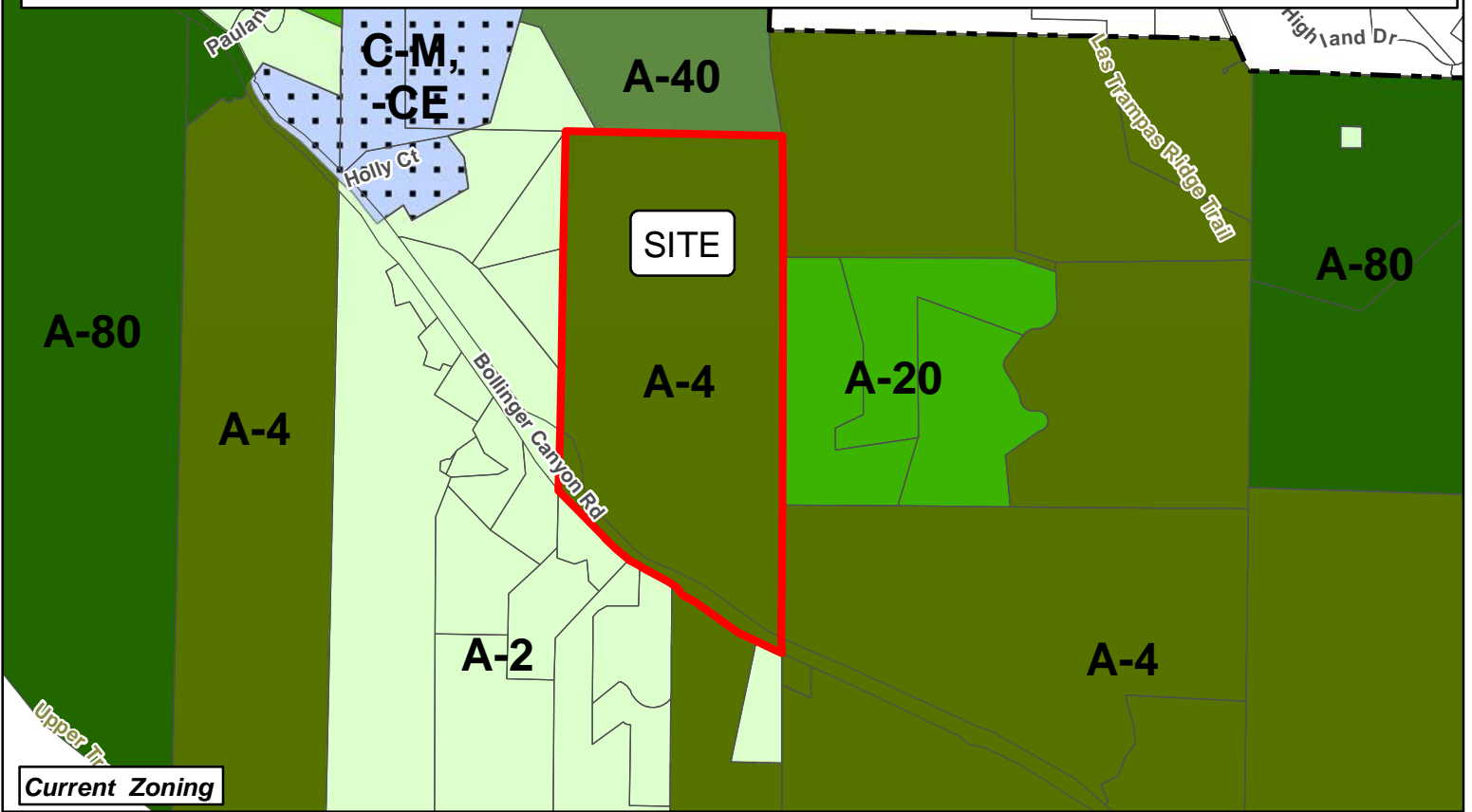
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Contra Costa County -DOIT GIS

Bollinger Canyon Rd Two-Lot Minor Subdivision and Rezoning Project (RZ16-3234)

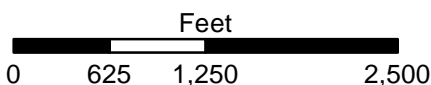


Legend

- Project Site
- Parcels
- City Limit

Zoning

- A-2 (General Agriculture)
- A-4 (Agricultural Preserve)
- A-20 (Exclusive Agriculture)
- A-40 (Exclusive Agriculture)
- A-80 (Exclusive Agriculture)
- C-M, -CE (Controlled Manufacturing - Cannabis Exclusion Combining District)



Map Created 12/02/2019
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

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



Bollinger Canyon Rd Two-Lot Minor Subdivision and Rezoning Project (RZ16-3234)
Aerial Photographs

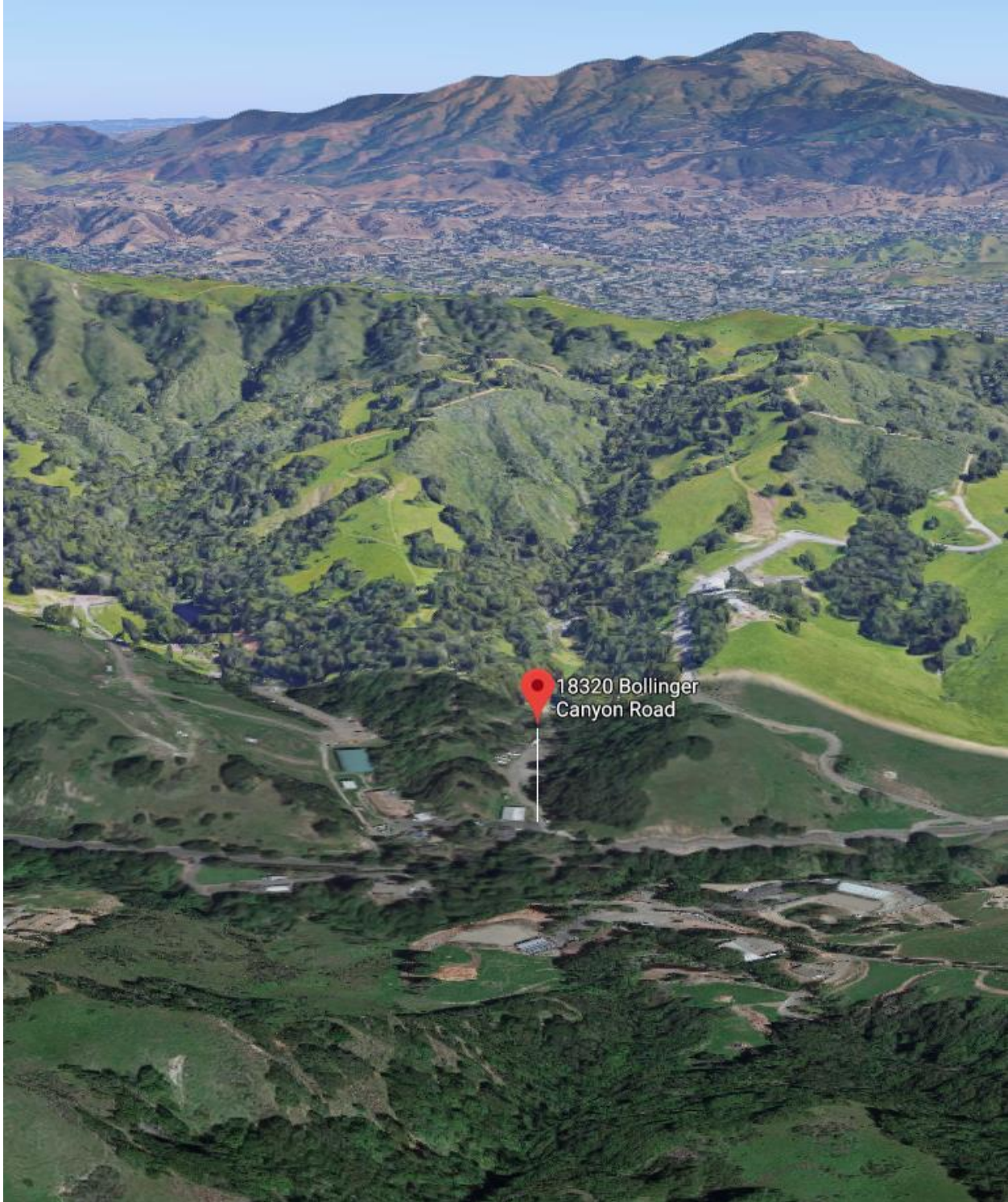


Source: CCMAP, accessed December 13, 2019



18320 Bollinger Canyon Road Project Site

Source: Google Maps, accessed December 13, 2019



Project site within Bollinger Canyon area

View towards northeast

Source: Google Maps, accessed December 13, 2019

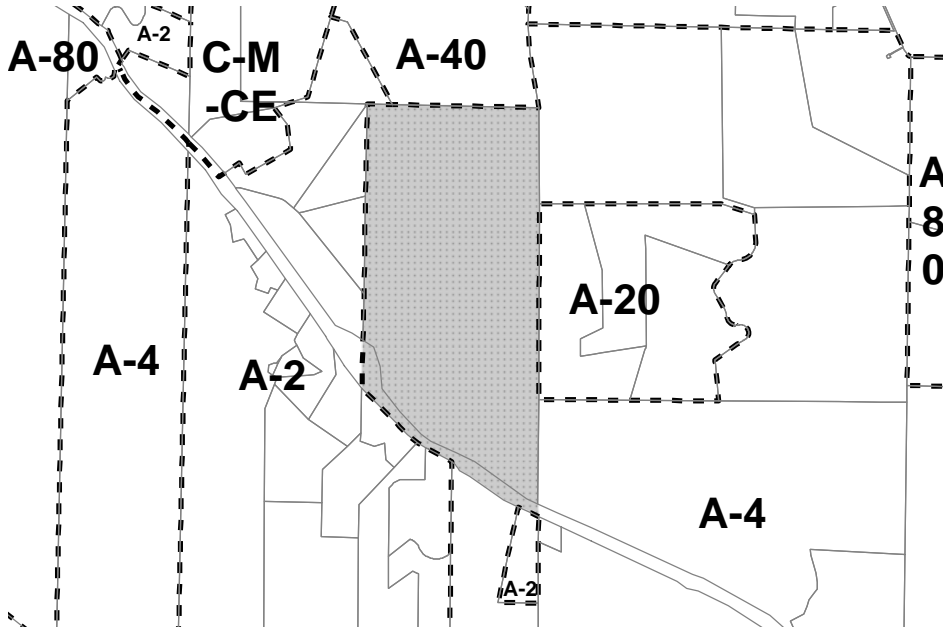
ORDINANCE NO. 2020 - 02
 (Re-Zoning Land in the
Bollinger Canyon Area)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I: Page U-15 of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Department of Conservation and Development File No. RZ16-3234.)

FROM: Land Use District A-4 ((Agricultural Preserve))

TO: Land Use District A-2 ((General Agriculture))
 and the Department of Conservation and Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



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

PASSED on _____ by the following vote:

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

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

By _____, Dep. _____ Chairman of the Board
 (SEAL)

0.5

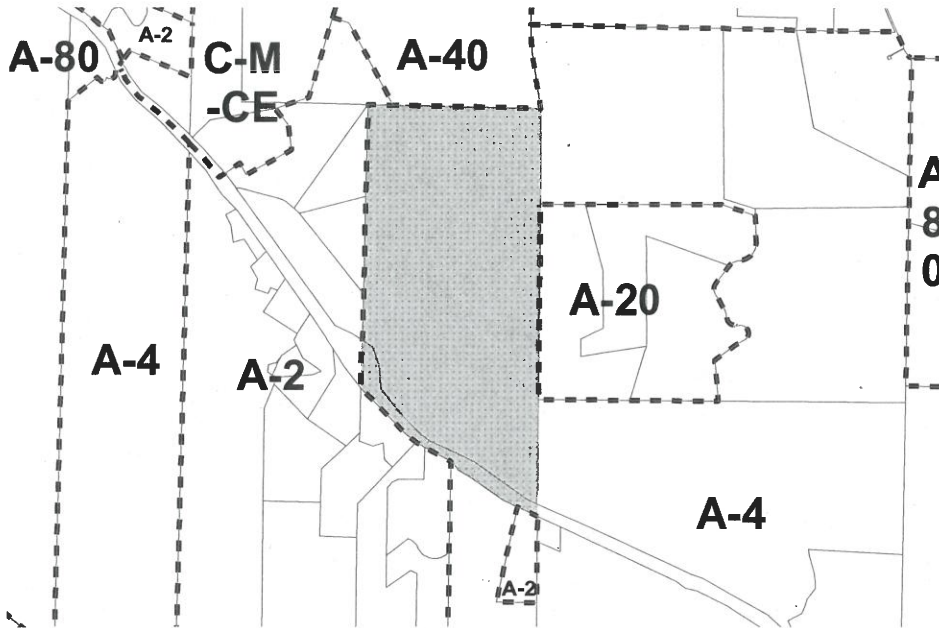
Bollinger Canyon Area)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I: Page U-15 of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Department of Conservation and Development File No. RZ16-3234.)

FROM: Land Use District A-4 ((Agricultural Preserve))

TO: Land Use District A-2 ((General Agriculture))
and the Department of Conservation and Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



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

PASSED on February 4 2020 by the following vote:

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

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

Chairman of the Board Candace Andersen (SEAL)

By [Signature], Dep.



Department of Conservation and Development

County Planning Commission

Wednesday, December 11, 2019 – 7:00 .P.M.

STAFF REPORT

Agenda Items #3a, 4a

Project Title:	18320 Bollinger Canyon Road Minor Subdivision and Rezoning
County File:	Ms16-0014, RZ16-3234
Applicant/Owner:	Lauren And Aaron Locey (Applicant), Frances Farr (Owner)
Zoning/General Plan:	A-4 Agricultural Preserve District / AL Agricultural Lands
Site Address/Location:	18320 Bollinger Canyon Road in the San Ramon area in unincorporated Contra Costa County (Assessor's Parcel Number 199-370-004)
California Environmental Quality Act (CEQA) Status:	Mitigated Negative Declaration
Project Planner:	Stan Muraoka, AICP, Senior Planner (925) 674-7781
Staff Recommendation:	Approve (See section II for full recommendation)

I. PROJECT SUMMARY

The applicant requests approval of the 18320 Bollinger Canyon Road Minor Subdivision and Rezoning Project, consisting of (A) a rezoning of a 102.22-acre agricultural parcel, and (B) a two-lot Minor Subdivision including a Tentative Parcel Map.

- A. Rezoning RZ16-3234: A Rezoning of a 102.22-acre agricultural parcel from the A-4 Agricultural Preserve District to the A-2 General Agricultural District.
- B. Minor Subdivision MS16-0014: A Minor Subdivision, including a Tentative Parcel Map, to subdivide the 102.22-acre agricultural parcel in to two lots, including an 81.38-acre parcel and a 20.84-acre parcel. The project does not include any new

construction on the parcels. The applicant also requests authorization of an exception to the requirements of County Code Section 914-2.002 (Onsite Collect and Convey Requirements).

II. RECOMMENDATIONS

Department of Conservation and Development, Community Development Division (CDD) staff recommends that the County Planning Commission:

- A. ADOPT Mitigated Negative Declaration/Initial Study (MND) for 18320 Bollinger Canyon Road consisting of the draft MND and the Final MND, and the Mitigation Monitoring Program, based on the attached findings; and specify that the Department of Conservation and Development (located at 30 Muir Road, Martinez, CA) is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
- B. GRANT the exception to the requirements of County Code Section 914-2.002 (Onsite Collect and Convey Requirements), as detailed in the attached findings.
- C. APPROVE Minor Subdivision MS16-0014, including the Tentative Parcel Map, based on the attached findings and subject to the attached conditions of approval.
- D. DIRECT staff to file a Notice of Determination.
- E. ADOPT a motion recommending that the Board of Supervisors:
 1. ADOPT Mitigated Negative Declaration/Initial Study (MND) for 18320 Bollinger Canyon Road, finding that: there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment; the MND, consisting of the draft MND and Final MND, reflects the County's independent judgement and analysis, the MND is adequate and complete; and, the MND has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and specify that the Department of Conservation and Development (located at 30 Muir Road, Martinez, CA) is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.

2. APPROVE proposed Rezoning RZ16-3234 from the A-4 Agricultural Preserve District to the A-2 General Agricultural District.

3. DIRECT staff to file a Notice of Determination with the County Clerk.

III. GENERAL INFORMATION

A. General Plan: AL Agricultural Lands

B. Zoning: A-4 Agricultural Preserve

C. California Environmental Quality Act: A draft Mitigated Negative Declaration/Initial Study (MND) was prepared and published for the application. The 21-day public review period for the draft MND started on October 18, 2019 and ended on November 8, 2019. The draft MND is included as Attachment 6. Six letters and two emails were received in response to the publication of the draft MND. A Final MND has been prepared that includes the written comments received on the draft MND, responses to the comments received, and staff-initiated text changes, including minor corrections and technical changes. The Final MND is included as Attachment 7. A related Mitigation Monitoring Program is included as Attachment 8.

D. Tribal Cultural Resources: On March 12, 2019, in accordance with Section 21080.3.1 of the California Public Resources Code, a Notice of Opportunity to Request Consultation was mailed and emailed to the Wilton Rancheria, the one California Native American tribe that has requested notification of proposed projects. Pursuant to Section 21080.3.1(d), there was a 30 day time period for the Wilton Rancheria to either request or decline consultation in writing for this project. The Wilton Rancheria submitted an email on March 31, 2019 stating that it wished to initiate consultation. On August 20, 2019, CDD staff completed a telephone discussion on the proposed project with a representative of the Wilton Rancheria. The Wilton Rancheria requested additional information on the proposed project, and staff agreed to include the Native American tribe in the distribution of the environmental review document for the proposed project. Staff emailed and mailed the draft MND to the Wilton Rancheria on October 18, 2019. The Wilton Rancheria sent the CDD an email on October 29, 2019 commenting on the draft MND. The email included a suggested mitigation measure. As discussed in the Final MND, the Wilton Rancheria did not raise any issues with the adequacy of the MND in evaluating tribal cultural resources, and

therefore, the suggested mitigation measure has not been included in the MND. Since two tributaries of Bollinger Creek traverse the project site, the Wilton Rancheria's suggested mitigation is included as Condition of Approval #14 in the attached Conditions of Approval and Advisory Notes.

E. Previous Applications:

AP17-75: A Land Conservation (Williamson Act) Contract for approximately 507 acres of land in the vicinity of Bollinger Canyon and Crow Canyon roads, including the project site, was approved by the Board of Supervisors on February 11, 1975 and became effective on February 28, 1975.

A Notice of Nonrenewal of AP17-75 for the project site was recorded on December 27, 1996. Subsequently the Williamson Act Contract for the project site expired on February 28, 2006.

RZ1925. This Rezoning of land under Williamson Act Contract AP17-75, from the A-2 General Agricultural District and the CM Controlled Manufacturing District to the A-4 Agricultural Preserve District, was approved by the Board of Supervisors on February 24, 1975.

MS76-0072: A Minor Subdivision to subdivide a 512 acre property, including the project site (MS76-0072 Parcel B), was approved on July 7, 1975.

LP76-2069: A Land Use Permit to establish a single-family residence on the project site in the A-4 District was approved effective July 28, 1976.

IV. SITE/AREA DESCRIPTION

The 102.22-acre property (the project site) is a single legal lot, as shown on the Assessor's Parcel Map in Attachment 1. The project site is in use for raising and keeping horses, and for rural residential uses. The site is located on the north side of Bollinger Canyon Road, approximately 0.4 mile southeast of the intersection of Bollinger Canyon Road and Bollinger Estates Court. One single-family residence, a barn, a covered arena, and a number of accessory structures are currently located on proposed Parcel A. One single-family residence and several accessory structures are currently located on proposed Parcel B. The existing single-family residences on the project site are accessed via a loop driveway that has two driveway intersections with Bollinger Canyon Road, located approximately 475 feet apart. As shown in

Attachment 2, the northerly driveway is partially asphalt and partially gravel and provides direct access to the residences on Parcel A. The southerly asphalt driveway provides direct access to the residence on Parcel B and a property adjacent to the northeast. A third driveway is located approximately 825 feet southeast of the driveway that provides access onto Parcel B. This asphalt driveway (Bear Tree Road) also provides access through Parcel B to properties located east of the project site. Along the project frontage, Bollinger Canyon Road is a two-lane, approximately 20-foot wide road within a 60-foot right-of-way.

Surrounding the project site are other agricultural parcels and open space properties, including an 86.76-acre parcel owned by the East Bay Regional Park District to the north, parcels ranging from 21.5 acres to over 110 acres to the east, and parcels ranging from 5.69 acres to 10.75 acres to the west. South of the project site and across Bollinger Canyon Road are parcels ranging from 3.46 acres to over 250 acres. The smaller parcels are rural residential ranchettes, and the larger parcels are either in agricultural use for raising and keeping livestock or are open space lands.

Bollinger Creek runs along the south side of Bollinger Canyon Road. Two tributaries of Bollinger Creek run in a north to south direction on the project site. Vegetation on the site includes riparian woodland composed primarily of mature live and valley oak trees along the tributaries, oak woodland on the northeastern and eastern portions of the site that are upslope from the tributaries, and non-native annual grassland on the western and southwestern portions of the site. These habitats are also found on the surrounding agricultural properties.

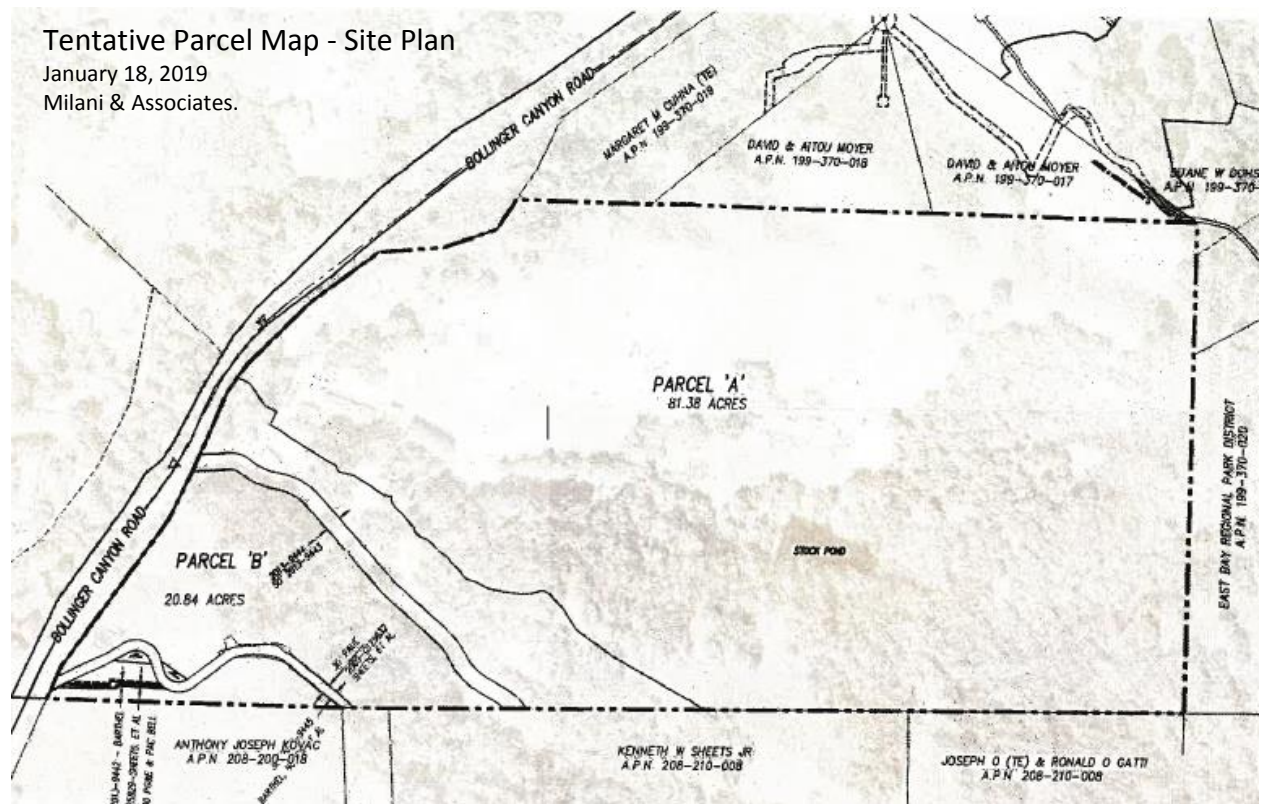
The closest urban, residential area is located approximately 0.6 mile to the northeast on the other side of the northwest to southeast-trending ridge that separates the Bollinger Canyon area from the City of Danville. This ridge averages approximately 1,650 feet in elevation near the project site. The site itself ranges from approximately 850 feet in elevation at Bollinger Canyon Road and rises to approximately 1,300 feet in elevation at its northern boundary.

V. PROJECT DESCRIPTION

The proposed 18320 Bollinger Canyon Road Project is a Minor Subdivision of the 102.22-acre project site into two agricultural lots, including an 81.38-acre Parcel A and a 20.84-acre Parcel B as shown on the Tentative Parcel Map, and a Rezoning of the site from the A-4 Agricultural Preserve District to the A-2 General Agricultural

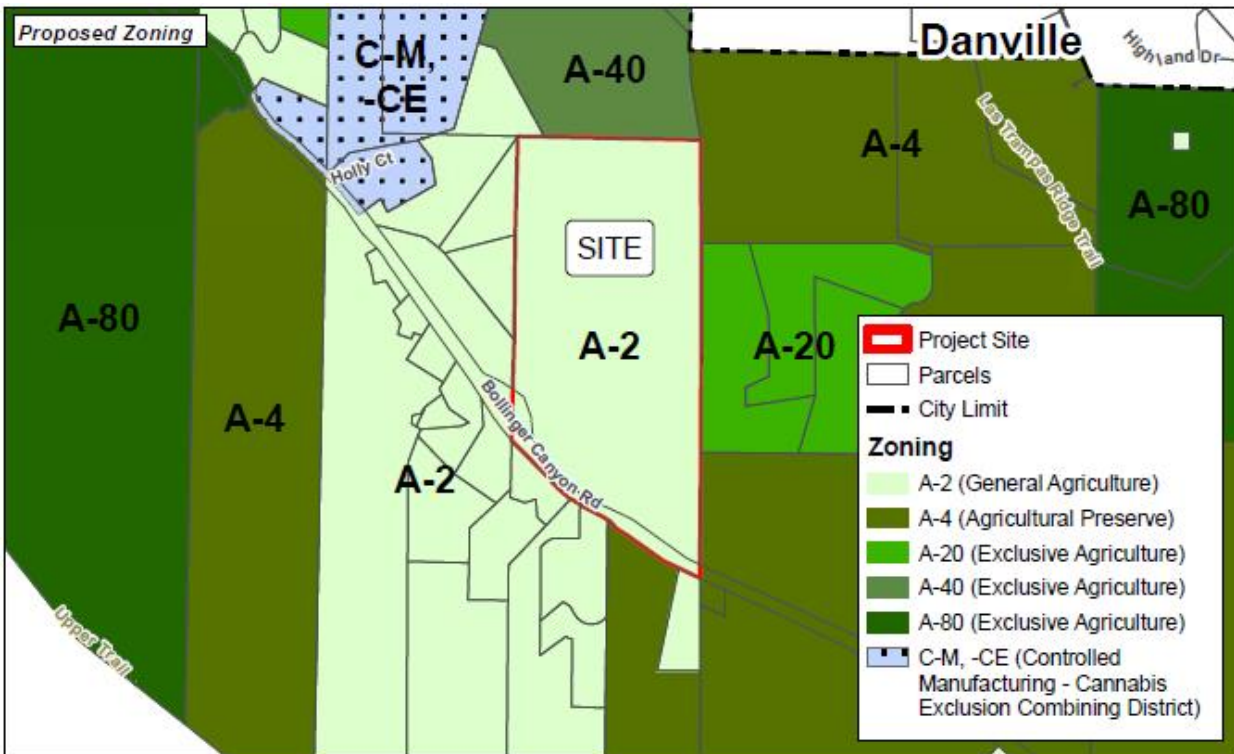
District.

Minor Subdivision MS16-0014: As described above in Section IV, Site/Area Description, one single-family residence is currently located on proposed Parcel A and one single-family residence is currently located on proposed Parcel B. With the recordation of the Parcel Map, there would be no new construction on Parcel A or on Parcel B. After recordation of the Parcel Map, both agricultural lots would continue in their current use. Since the project does not include any new construction on the parcels, the applicant has proposed no change to onsite drainage and has requested an exception to the requirements of County Code Section 914-2.002 for the onsite drainage requirements. The Tentative Parcel Map is included in Attachment 1.



Rezoning RZ16-3234: The project site is in the AL, Agricultural Lands General Plan Land Use designation and the A-4 District, which has a minimum lot size of 40 acres. The property was rezoned in 1975 from the CM Controlled Manufacturing District to the A-4 District and was included in Williamson Act Contract 17-75; however, a Notice of Non-Renewal for the property was received by the County and recorded on December 27, 1996, and the Williamson Act Contract on the property expired on

February 28, 2006. The proposed project includes a Rezoning of the property to the A-2 District, which has a minimum lot size of five acres. The Rezoning Map is included as Attachment 3.



VI. AGENCY COMMENTS

An Agency Comment Request packet was sent on November 14, 2016 to a number of public agencies, including the Building Inspection Division, the Environmental Health Division of the Health Services Department, the Engineering Services Division of the Public Works Department, the San Ramon Valley Fire Protection District, the City of San Ramon, the San Ramon Valley Unified School District, the Contra Costa Local Agency Formation Commission, the California Historical Resources Information System, and the Williamson Act Planner. Comments received by staff are included in Attachment 4. Following are summaries of the comments on the proposed 18320 Bollinger Canyon Road project and staff responses to the comments.

A. Williamson Act Planner: The Department of Conservation and Development's Williamson Act Planner returned the Agency Comment Request form on November 16, 2016, with a comment stating that the property came out of the Williamson Act.

- B. City of San Ramon: The City of San Ramon returned the Agency Comment Request form on November 17, 2016 with no comment.
- C. Northwest Information Center of the California Historical Resources Information System: Northwest Information Center submitted a letter on November 23, 2016 stating that they have no record of previous cultural resource studies for the project area and recommended that any existing structures 45 years or older be evaluated for potential historic value. The Center also recommended that a study of unrecorded archaeological sites be conducted, and that local Native American tribes be contacted regarding Native American resources.

As discussed in Section III.D (General Information, Tribal Cultural Resources), a Notice of Opportunity to Request Consultation was sent to the Wilton Rancheria, the one California Native American tribe that has requested notification of proposed projects in the County. Staff subsequently emailed and mailed the draft MND to the Wilton Rancheria on October 18, 2019. The Wilton Rancheria sent the CDD an email on October 29, 2019 commenting on the draft MND. The email included a suggested mitigation measure. The Wilton Rancheria's suggested mitigation is included as Condition of Approval #14 in the attached Conditions of Approval and Advisory Notes.

- D. San Ramon Valley Fire Protection District: On December 1, 2016, the Fire Protection District submitted a letter stating that new construction would be subject to District and Fire Code requirements for the residential fire sprinklers, adequate access and adequate water supply, as well as regulations for development near wildland or open space areas.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is required to submit development plans for new construction to the Fire Protection District and comply with District requirements, and that plans submitted for a building permit must receive prior approval and be stamped by the District.

- E. Building Inspection Division: On December 2, 2016, the Building Inspection Division returned the Agency Comment Request form with a comment that existing structures should be a minimum of two feet from property lines, otherwise requirements of the Building Codes may apply. Staff has reviewed the

Tentative Parcel Map and has determined that the existing structures are more than two feet from property lines.

With respects to any future new construction, an Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is required to submit building plans to the Building Inspection Division and to comply with Division requirements.

- F. San Ramon Valley Unified School District: An Agency Comment Request packet was sent to the Unified School District on November 14, 2016. To date, the District has not submitted any comments on the proposed project.

- G. Contra Costa County Health Services Department, Environmental Health Division: The Environmental Health Division submitted a letter on December 12, 2016, stating that: a permit was required for any well or soil boring, abandoned wells and septic tanks must be destroyed under a permit from the Division; each parcel is required to have a septic system that complies with applicable standards, and each parcel is required to have its own water supply.

On January 10, 2019, the Environmental Health Division submitted an email stating that all wells and septic systems needed to be submitted to the Division for review, approval, permits, and inspections, and further, that all uses on the property be reviewed to evaluate whether the onsite water and septic systems would be sufficient to serve all uses.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is responsible for contacting the Environmental Health division regarding its requirements and permits.

- H. Contra Costa County Public Works Department, Engineering Services Division: The Engineering Services Division submitted a letter on December 8, 2016, stating that the minor subdivision application was incomplete and that the applicant needed to revise the tentative map to meet applicable map requirements, provide information on creek structure setbacks and all drainage facilities, submit an adequate Stormwater Control Plan, and submit requests for exceptions from the County Code subdivision requirements, if applicable.

On February 26, 2017, the Engineering Services Division submitted a letter, stating that the minor subdivision application was incomplete and that the applicant needed to include additional revisions on the tentative map to meet applicable map requirements, provide information on creek structure setbacks, submit an adequate Stormwater Control Plan, and provide findings for the request for an exception from the requirements of County Code Division 914 (Drainage).

The Engineering Services Division submitted a letter on December 20, 2018 stating that the tentative map should meet the requirements of County Code Section 94-2.204 related to pavement conditions, and submit information to substantiate that a Stormwater Control Plan was not necessary.

On September 24, 2019, the Engineering Services Division submitted a letter describing the regulatory programs that applied to the project site and included a number of conditions of approval and advisory notes to be applied to the proposed project. The Division recommended approval of the request for exception to County Code Section 914-2.002.

The September 24, 2019 Engineering Services Division conditions of approval and advisory notes are incorporated in the Conditions of Approval and the Advisory Notes.

- I. Contra Costa Local Agency Formation Commission (LAFCO): Contra Costa LAFCO submitted an email on December 7, 2016 stating that the project site was not served by municipal water or sewer and was located outside of the Urban Limit Line. LAFCO also stated that the extension of municipal water or sewer services to the site would require its approval.

On October 21, 2019, LAFCO submitted an email during the public review period for the draft MND, stating that given the reliance of the project on wells and septic systems, that no LAFCO action would be required.

VII. ENVIRONMENTAL REVIEW

Staff conducted an Initial Study assessment of potentially significant adverse environmental impacts that could result from the proposed 18320 Bollinger Canyon Road Minor Subdivision and Rezoning Project. Staff determined that although the proposed project could have potentially significant adverse environmental impacts,

with implementation of mitigation measures that have been agreed to by the applicant, the project would not result in significant environmental impacts. The identified significant impacts include:

- Construction period air quality and odors;
- Accidental discovery of buried archaeological resources, human remains, buried fossils and other paleontological resource, and hidden geologic features;
- Geotechnical risks on the upland portion of the project site due to ground failure (soil creep), landslides, and adverse soil conditions;
- Geotechnical and hydrological risks of exposed soil on the upland portion of the project site;
- Severe limitations of the upland soils on the project site for use as a filter field for septic systems;
- Construction period noise and vibration; and,
- Potential adverse impacts on Native American cultural resources.

A draft MND was prepared and published for the proposed project. The draft MND is included as Attachment 6. The 21-day public review period for the draft MND started on October 18, 2019 and ended on November 8, 2019.

A Final MND has been prepared that includes the written comments received on the draft MND, responses to the comments received, and staff-initiated text changes, including minor corrections and technical changes. The text changes update the MND to reflect that: two of the existing single-family residences on Parcel A have been converted to accessory structures; an additional single-family residence could be constructed on a minor subdivision parcel with a land use permit, the project site had been in the CM Controlled Manufacturing District prior to the rezoning to the A-4 Agricultural Preserve District; and, the southerly asphalt driveway provides access to a property located northeast of Parcel B as well as to the residence on Parcel B. The text changes are not the result of any new significant adverse environmental impact, do not alter the effectiveness of any mitigation included in the pertinent section, and do not alter any findings in the section. The Final MND is included as Attachment 7.

Written comments from eight commenters were received during the October 18, 2019 to November 8, 2019 public review period for the draft MND, including letters

and emails from (1) the Contra Costa LAFCO, (2) the Wilton Rancheria, (3) Kenneth Sheets, (4) Jason and Dana Dombrosky (5) Duane Dohse, (6) John Reese, (7) Charles and Lorraine Farr, and (8) Allan Moore of Wendel Rosen LLP. The written comments have been coded by commenter and the commenter's numbered comment, as shown in Attachment A of the Final MND. The comments are related to the project description, land use and planning, and tribal cultural resources. Five commenters stated their support of the proposed project. Neither the comments nor the staff responses to the comments result in any substantial changes to the draft MND, and the impacts, mitigation measures, and findings of the MND are unchanged.

Pursuant to CEQA Section 15097, a Mitigation Monitoring Program has been prepared, based on the identified significant impacts and mitigation measures in the MND. The Mitigation Monitoring Program is intended to ensure that the mitigation measures identified in the MND are implemented. The Mitigation Monitoring Program is included in Attachment 8. All mitigation measures are included in the Conditions of Approval and Advisory Notes.

VIII. PUBLIC COMMENT

In addition to comments submitted during the public review period for the draft MND, staff received a letter from Ronald Gatti on November 26, 2019, stating support for the proposed project. The letter is included in Attachment 5.

IX. STAFF ANALYSIS

A. General Plan Consistency: The proposed 18320 Bollinger Canyon Road Minor Subdivision and Rezoning Project is consistent with the General Plan, as discussed below.

Land Use Element: The project site is in the AL, Agricultural Lands, General Plan Land Use designation. The AL designation allows for agricultural production and related activities. The project site is in use for raising and keeping horses, and is consistent with the AL designation. The requested exception to the County Code requirements for onsite collect and convey would not alter the relationship of the proposed project to the General Plan, and the minor subdivision would be consistent with the AL land use designation.

Conservation Element: A subdivision of land within the AL designation is required to include conditions of approval to ensure that the proposed project will

conform with the Rural Residential Development policies #8-v of the General Plan Conservation Element, which include locating wells and septic systems on each minor subdivision parcel. The intent of the policies is to maintain long-term, predominantly agricultural use of the land, while allowing development of a single-family residence on a parcel of at least five acres. Each minor subdivision parcel includes an existing single-family residence. The proposed minor subdivision does not include any construction and does not propose any future single-family residence; however, the A-2 District allows an additional single-family residence with a land use permit. In addition, pursuant to the Accessory Dwelling Unit (ADU) Ordinance, each parcel could include an ADU in the future. If a land use permit for an additional single-family residence or an ADU Permit is issued for either parcel, the Environmental Health Division will review all uses on the parcel to evaluate whether the onsite water and septic systems would be sufficient to serve all uses, as discussed in Section VI.G (Agency Comments - Contra Costa County Health Services Department, Environmental Health Division). Accordingly, as required by Condition of Approval #8, the project will be required to be consistent with Rural Residential Development policies #8-v of the General Plan Conservation Element at the time subsequent development on a minor subdivision parcel is proposed. As conditioned, the minor subdivision would consistent with the Rural Residential Development policies.

Transportation and Circulation Element: Figure 5-2, Roadway Network Plan, in the General Plan Transportation and Circulation Element shows designated arterials and expressways that are part of the County roadway network. Crow Canyon Road, which is approximately 2.5 miles southeast of the project site, is the nearest designated arterial. Given that the proposed project maintains the current agricultural use the site and does not propose any construction, there would not be any effect on Crow Canyon Road.

- B. Zoning Compliance: As discussed previously in Section V (Project Description), the project site is in the A-4 Agricultural Preserve District, which requires a minimum lot size of 40 acres. In order to implement the proposed minor subdivision, which would include an 81.38-acre Parcel A and a 20.84-acre Parcel B, Rezoning RZ16-3234 is required to allow a parcel that is less than 40 acres. With the rezoning from the A-4 District to the A-2 General Agricultural District, the minor subdivision can be implemented.

The proposed Rezoning to the A-2 District would require the minor subdivision parcels to conform to the A-2 requirements for minimum lot area, lot width, and

lot depth, setbacks, side yards, and rear yards. The applicant has identified two accessory structures on proposed Parcel A and a shed on proposed Parcel B that would be subject to compliance with the setback and side yard requirements of the A-2 District. Accordingly, Condition of Approval #15, addresses this compliance issue. As conditioned, the minor subdivision would be consistent with the A-2 requirements.



In approving a Rezoning, uses on the project site must be compatible with the new zoning district and with uses in adjacent districts. The project site is located within the established agricultural area along Bollinger Canyon Road. The surrounding area includes other agricultural parcels and open space properties, including an 86.76-acre parcel owned by the East Bay Regional Park District to the north, parcels ranging from 21.5 acres to over 110 acres to the east in the A-4 District and the A-20 Exclusive Agricultural District, and parcels ranging from 5.69 acres to 10.75 acres to the west in the A-2 District. Thus, the project is in harmony with the surrounding area and the uses established in the area.

- C. Traffic and Circulation: The applicant had requested an exception to the requirements of County Code Section 96-14.002 for the improvement of County streets. As discussed in Section IV, Site/Area Description, Bollinger Canyon Road is a two-lane, approximately 20-foot wide road within a 60-foot right-of-way along the project frontage. The Engineering Services Division has determined that Bollinger Canyon Road has adequate right-of-way and that no right-of-way dedication would be required of the proposed project. Further, given the rural character of the project area, the Engineering Services Division has stated that no frontage improvements would be required. As a result, the applicant's request

for an exception to County Code Section 96-14.002 is not required.

- D. Undergrounding Utilities: The applicant had requested an exception to the requirements of County Code Chapter 96-10 regarding underground utilities. The Engineering Services Division reviewed applicable County requirements for undergrounding utilities and determined that undergrounding would be required for all new utility distribution services. The proposed minor subdivision would subdivide the project site into two parcels; however, the current ongoing agricultural use of the property would continue, and there would be no construction on the parcels. Thus, Division staff determined that undergrounding of existing utilities would not be required. At the time subsequent development of a minor subdivision parcel is proposed, undergrounding of any new utilities to serve the future development would be required. Thus, the applicant's request for an exception to County Code Chapter 96-10 is not required.
- E. Drainage: The applicant has requested an exception from County Code Section 914-2.002 for the onsite collect and convey requirements. Engineering Services Division staff notes that the Tentative Parcel Map does not include any proposed drainage facilities, but that there are no existing drainage problems in the area, and that since there is no construction on the project site, no additional concentrated runoff would be directed to adjacent parcels, and the existing drainage pattern would be maintained. Thus, Engineering Services Division staff does not oppose the granting of the exception. Accordingly, the granting if the exception is recommended for the following reasons.
- (1) An unusual circumstance exists in that the minor subdivision application consists of the subdivision of the existing rural parcel in to two rural parcels. The new property line between proposed Parcel A and proposed Parcel B has been set to preserve the existing, occupied single-family residences. No new residential structures or improvements are proposed, and therefore, there would be no incremental impacts on existing drainage facilities.
 - (2) The exception is necessary because no construction is proposed and all existing infrastructure improvements, both public and private, will be retained in their current locations and configurations. Thus, implementation of the collect and covey requirements would unfairly impact the applicant and owner by forcing new infrastructure in the absence of any new construction or development.

- (3) The granting of the exceptions would not be materially detrimental to the public welfare or injurious to other property. As stated previously, no new construction is proposed with the minor subdivision, and all existing infrastructure improvements, both public and private, will be retained in their current locations and configurations. The existing uses on the project site would be maintained, are compliance with the regulations of the A-4 District, and as conditioned, would be compliant with the regulations of the A-2 District.

With the requested exception to the County Code, the proposed MS16-0014 Minor Subdivision would be consistent with County drainage requirements.

X. CONCLUSION

The proposed MS16-0014 Minor Subdivision would be consistent with the AL, Agricultural Lands, General Plan Land Use designation. The proposed project would continue the use of the project site for raising and keeping horses, and for rural residential uses, consistent with applicable goals and policies of the General Plan. As conditioned, the MS16-0014 Minor Subdivision would be consistent with the proposed A-2 General Agricultural District under Rezoning RZ16-3234. Accordingly, the proposed project would be consistent with the surrounding area and would maintain the rural character along this section of Bollinger Canyon Road. Staff recommends that the County Planning Commission approve Minor Subdivision MS16-0014 and recommend approval of Rezoning RZ16-3234 by the Board of Supervisors.

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILES MS16-0014, RZ16-3234, LAUREN AND AARON LOCEY (APPLICANT), FRANCES FARR (OWNER)

FINDINGS

A. Growth Management Performance Standards

1. Traffic: The 18320 Bollinger Canyon Road Minor Subdivision and Rezoning Project involves no construction. Thus, the project will not generate any new vehicle trips. Accordingly, the project will not have a substantial impact on traffic on any roadways in the San Ramon area. Possible future construction of an additional single-family residence and an ADU on each minor subdivision parcel will generate 4 AM and 4 PM peak period trips; however, this increase in vehicle trips would not exceed the 100 trip threshold for a traffic study. Further, compliance with the requirements of the Bridge/Thoroughfare Fee Ordinance for the South County, as adopted by the Board of Supervisors is required.
2. Water: The project site is in an agricultural area that is not served by any municipal water system, and therefore, the minor subdivision will not affect any water service provider. The project site includes on-site groundwater wells for potable water, which serve the existing single-family residences on the site. These wells, as well as any future wells, are subject to review and approval by the Health Services Department, Environmental Health Division. Future construction of an additional single-family residence could occur with a land use permit and future construction of an ADU could occur with an ADU permit on each minor subdivision parcel. At the time of application for a building permit for a future single-family residence or ADU, the applicant will be required to submit water supply plans to the Environmental Health Division.
3. Sanitary Sewer: The project site is in an agricultural area that is not served by any sanitary sewer district, and therefore, the minor subdivision will not affect any sanitary facilities. The existing single-family residences on the site use on-site septic system for wastewater disposal. The existing septic systems, as well as any future septic system, are subject to review and approval by the Health Services Department, Environmental Health Division. Future construction of an additional single-family residence could occur with a land use permit and future construction of an ADU could occur with an ADU permit on each minor subdivision parcel. At the time of application for a building permit for a future single-family residence or ADU, the applicant will be required to submit septic system plans to the

Environmental Health Division.

4. Fire Protection: The project site is in the service area of the San Ramon Valley Fire Protection District. Fire protection to the project site is provided by Station 31 at 800 Sab Ramon Valley Boulevard, located approximately 2.07 miles to the east of the site with a driving distance of 6.2 miles to the site. The minor subdivision involves no construction, and therefore, will not affect fire protection services. In addition, the construction drawings for any new structure will be reviewed and approved by the Fire Protection District.
5. Public Protection: Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office, which provides patrol service to the unincorporated Bollinger Canyon area. . In addition to regular patrol service, the Sheriff's Office has a substation at 150C Alamo Plaza, located approximately 3.68 miles to the north of the site with a driving distance of 11.3 miles to the site. The minor subdivision involves no construction, and therefore, will not affect police services The addition of an additional single-family residence and/or a new accessory dwelling unit (ADU) in the future on a minor subdivision parcel will not significantly affect the provision of police services to the Bollinger Canyon area.
6. Parks and Recreation: The minor subdivision involves no construction, and therefore, will not affect population in the project vicinity. Future construction of an additional single-family residence and a new ADU on each minor subdivision parcel could increase population in the Bollinger Canyon area by 11 persons; however, given the number of parks in the San Ramon area, the proximity of the project site to the Las Trampas Wilderness Regional Preserve, and the project's relatively small addition to the population in the Bollinger Canyon area, the proposed project will not significantly affect parks and recreation facilities and services.
7. Flood Control and Drainage: The minor subdivision involves no construction, and therefore, will not alter the existing drainage pattern of the project site. Further, Engineering Services Division staff has noted that there are no existing drainage problems in the area, and that since there is no construction on the project site, no additional concentrated runoff would be directed to adjacent parcels, and the existing drainage pattern would be maintained. Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU would implement storm water controls as required by the Contra Costa Clean Water Program. Thus, there will not be any significant risk due to an

increase in the volume of runoff that will result in onsite or off-site flooding.

B. Tentative Parcel Map

The following are required findings for the approval of a tentative parcel map.

1. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general and specific plans.*

Project Finding. The project site is in active agricultural use, and thereby, is consistent with the AL, Agricultural Lands, General Plan Land Use designation for the area. After subdivision, the two new parcels will remain in agricultural use.

Even though the minor subdivision does not include any construction, an additional single-family residence could be constructed with a land use permit and an ADU could be constructed with an ADU Permit on each minor subdivision parcel. Accordingly, the minor subdivision is subject to Rural Residential Development policies #8-v of the General Plan Conservation Element. The minor subdivision meets the 5-acre minimum size requirement in the Rural Residential Development policies.

Rural Residential Development policies #8-v include locating wells and septic systems on each minor subdivision parcel. The intent of the policies is to maintain long term predominantly agricultural use of the land, while allowing development single-family residential development on a parcel of at least five acres in the AL designation. Condition of Approval #8 requires compliance with the Rural Residential Development policies at the time subsequent development of a minor subdivision parcel is proposed, including locating new wells and/or septic systems on the parcel. The wells and septic systems are subject to review and approval by the Environmental Health Division. Accordingly, as conditioned, the minor subdivision will be consistent with the Rural Residential Development policies.

The Transportation and Circulation Element of the General Plan shows designated arterials and expressways that are part of the County roadway network. Crow Canyon Road, which is approximately 2.5 miles southeast of the project site, is the nearest designated arterial. Given that the proposed project maintains the current agricultural use the site and does not propose any construction, there will be no effect on Crow Canyon Road.

2. *The proposed subdivision fulfills construction requirements.*

Project Finding. The project includes a Rezoning from the A-4 Agricultural Preserve District to the A-2 General Agricultural District. The A-2 District allows agricultural uses and requires a land use permit for other uses such as a single-family residence and an ADU permit for an accessory dwelling unit. The minor subdivision maintains ongoing agricultural use on the parcels. Accordingly, the minor subdivision is consistent with the A-2 District requirements and regulations. In addition, the minor subdivision includes Condition of Approval #15 requiring compliance with the A-2 requirements and Condition of Approval #8 requiring compliance with the Rural Residential Development policies, including the provision of a viable well and septic system on each minor subdivision parcel.

C. Exceptions to the Requirements of County Code Title 9

Pursuant to County Code Section 96-14.002, the Advisory Agency (Zoning Administrator) may authorize exceptions to the requirements and regulations of County Code Title 9 (Subdivisions). Accordingly, following is the request for an exception and findings for granting the requested exception.

1. Exception to exception from County Code Section 914-2.002: The applicant requests an exception to the onsite collect and convey requirements. This exception is based on the following findings:

- A. *That there are unusual circumstances or conditions affecting the property:*

An unusual circumstance exists in that the minor subdivision application consists of the subdivision of the existing rural parcel in to two rural parcels. The new property line between proposed Parcel A and proposed Parcel B has been set to preserve the existing, occupied single-family residences. No new residential structures or improvements are proposed, and therefore, there will be no incremental impacts on existing drainage facilities.

- B. *That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

The exception is necessary because no construction is proposed and all existing infrastructure improvements, both public and private, will be retained in their current locations and configurations. Thus, implementation of the collect and

covey requirements will unfairly impact the applicant and owner by forcing new infrastructure in the absence of any new construction or development.

- C. *That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

The granting of the exceptions will not be materially detrimental to the public welfare or injurious to other property. As stated previously, no new construction is proposed with the minor subdivision, and all existing infrastructure improvements, both public and private, will be retained in their current locations and configurations. The existing uses on the project site are maintained in compliance with the regulations of the A-4 District, and as conditioned, will be compliant with the regulations of the A-2 District.

D. Rezoning Findings

Pursuant to County Code Section 26-2.1806, the following three findings must be made to approve a rezoning application.

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

Project Finding: The project site has a General Plan Land Use designation of AL, Agricultural Lands. The AL designation allows for agricultural production and related activities. The project site is in use for raising and keeping horses, and is consistent with the AL designation. The exception to the County Code requirements for onsite collect and convey will not alter the relationship of the proposed project to the General Plan Land Use Element, and the minor subdivision and rezoning project is consistent with the AL land use designation.

The minor subdivision does not include any construction and does not propose any future single-family residence; however, future construction of an additional single-family residence could occur with a land use permit and future construction of an ADU could occur with an ADU permit. If a land use permit for an additional single-family residence or an ADU Permit is issued for either parcel, the Environmental Health Division will review all uses on the parcel to evaluate whether the onsite water and septic systems are sufficient to serve all uses. Accordingly, as required by Condition of Approval #8, the project will be required to be consistent with Rural Residential Development policies #8-v of the General Plan

Conservation Element at the time subsequent development on a minor subdivision parcel is proposed. As conditioned, the minor subdivision and rezoning project is consistent with the Rural Residential Development policies.

Crow Canyon Road, which is approximately 2.5 miles southeast of the project site, is the nearest arterial that is designated in the General Plan Transportation and Circulation Element. Given that the proposed project maintains the current agricultural use the site and does not propose any construction, the minor subdivision and rezoning project does not affect Crow Canyon Road.

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

Project Finding: The project site is located within the A-4 District. The Rezoning to the A-2 District is required to have a minor subdivision parcel that is less than 40 acres. Upon rezoning, the minor subdivision and rezoning project will conform to the A-2 requirements for minimum lot area, lot width, and lot depth, setbacks, side yards, and rear yards. The applicant has identified two accessory structures on proposed Parcel A and a shed on proposed Parcel B that will be subject to compliance with the setback and side yard requirements of the A-2 District. Accordingly, Condition of Approval #15, addresses this compliance issue. As conditioned, the minor subdivision is be consistent with the A-2 requirements.

The project site is located within the established agricultural area along Bollinger Canyon Road. The surrounding area includes other agricultural parcels and open space properties, including an 86.76-acre parcel owned by the East Bay Regional Park District to the north, parcels ranging from 21.5 acres to over 110 acres to the east in the A-4 District and the A-20 Exclusive Agricultural District, and parcels ranging from 5.69 acres to 10.75 acres to the west in the A-2 District. Thus, the project is in harmony with the surrounding area and the uses established in the area.

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

Project Finding: The project site is located within an active agricultural and open space area, in proximity to the Las Trampas Wilderness Regional Preserve. The site is in use for raising and keeping horses, and for rural residential uses. Upon subdivision, the agricultural and rural residential uses will continue, and therefore,

the agricultural character of the area will be maintained, in compliance with the Agricultural Lands policies in the General Plan Land Use Element.

E. Environmental Review

Following are the findings required pursuant to the California Environmental Quality Act to adopt a Mitigated Negative Declaration/Initial Study for the project, prior to the approval of a project.

1. A draft Mitigated Negative Declaration/Initial Study (MND) was prepared and published for the project. The 21-day public review period for the draft MND started on October 18, 2019 and ended on November 8, 2019. A total of six letters and two emails were received during the public review period for the draft MND.
2. A Final MND has been prepared that includes the written comments received on the draft MND, responses to the comments received, and staff-initiated text changes, including minor corrections and technical changes.
3. The comments received are related to the project description, land use and planning, and tribal cultural resources. Five commenters stated their support of the proposed project. Neither the comments received nor the staff responses to the comments result in any changes to the draft MND, and the Final MND does not affect any impacts, mitigation measures, or findings in the draft MND.
4. The text changes update the MND to reflect that: two of the existing single-family residences on Parcel A have been converted to accessory structures; an additional single-family residence could be constructed on a minor subdivision parcel with a land use permit, the project site had been in the CM Controlled Manufacturing District prior to the rezoning to the A-4 Agricultural Preserve District; and, the southerly asphalt driveway provides access to a property located northeast of Parcel B as well as to the residence on Parcel B.. The text changes are not the result of any new significant adverse environmental impact, do not result in any mitigation added to the pertinent section, and do not alter the findings in the section.
5. On the basis of the whole record before it, including the draft ND and final ND, the County Planning Commission finds that:
 - There is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment;

- The MND, consisting of the draft MND and Final MND, reflects the County's independent judgement and analysis;
 - The MND is adequate and complete; and
 - The MND has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA guidelines.
6. A Mitigation Monitoring Program has been prepared, based on the identified significant environmental impacts and mitigation measures in the MND. The mitigation measures in the Mitigation Monitoring Program are included in the Conditions of Approval.

CONDITIONS OF APPROVAL FOR COUNTY FILES MS16-0014, RZ16-3234

Project Approval –Minor Subdivision and Tentative Parcel Map

1. The Tentative Parcel Map for the 18320 Bollinger Canyon Road Minor Subdivision is APPROVED, as generally shown and based on the following documents:
 - Application and materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on November 8, 2016;
 - Tentative Parcel Map for Minor Subdivision MS16-0014, prepared by Milani & Associates, submitted on January 18, 2019;
 - Stormwater Control Plan, prepared by Milani & Associates, submitted on November 29, 2018;
2. A copy of the recorded Parcel Map shall be submitted to the CDD upon recordation.
3. Any modifications to the project approved under this permit that is not required by a Condition of Approval herein shall be subject to the review and approval of the CDD.

Approval Contingent on Consistent Approval of Related Rezoning Application

4. This Minor Subdivision is approved contingent upon approval of a Rezoning, County File #RZ16-3234 from the A-4 Agricultural Preserve District to the A-2 General Agricultural District for 18320 Bollinger Canyon Road. If the Rezoning is not approved, then this approval shall be null and void.

Application Costs

5. The Minor Subdivision application was subject to an initial deposit of \$5,400.00. The applications are subject to time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors

Resolution Number 2019/553, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

Indemnification

6. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees, to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate full in the defense.

Prior to recordation of the Parcel Map, or at the time of application for a grading or building permit, whichever occurs first, the applicant shall submit the indemnification agreement between the applicant and Contra Costa County for the review and approval of CDD.

Compliance Report

7. At least 45 days prior to filing the Parcel Map or at the time of application for a grading or building permit, whichever occurs first, the applicant shall submit an application for a COA Compliance Review and provide a report on compliance with the conditions of approval for the review and approval by the CDD. The fee for this application is a deposit of \$1,000.00 that is subject to time and material costs. Should staff costs exceed the deposit, additional fees will be required.

The report shall identify all conditions of approval that are administered by the CDD. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Parcel Map. A copy of the permit conditions of approval may be obtained from the CDD.

Rural Residential Development

8. Prior to approval of a land use permit for an additional single-family residence, or

an ADU Permit, or at the time of application of a building permit for any minor subdivision parcel, whichever occurs first, the applicant shall comply with the Rural Residential Development policies #8-v of the General Plan Conservation Element, including but not limited to, providing an adequate well and a septic system on each minor subdivision parcel. The wells and septic systems will be subject to review and approval by the Contra Costa County Health Services Department, Environmental Health Division.

Landscaping and Water Efficient Landscape Ordinance

9. Prior to approval of a land use permit for an additional single-family residence, or an ADU Permit, or at the time of application of a building permit for any minor subdivision parcel, whichever occurs first, the applicant shall submit evidence of screening of the new development on the parcel in public views of the development. As determined necessary by the CDD, the applicant shall submit a landscaping and irrigation plan, prepared by a licensed arborist or landscape architect for review and approval by the CDD. In preparing the landscaping and irrigation plan, the applicant shall comply with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495) and/or any State mandated landscape/water related requirements applicable for project landscaping. To the maximum extent feasible, the project proponent shall use drought tolerant vegetation for the development. The landscaping and irrigation plan shall commence no later 90 days after the final inspection for the building permit.

Child Care

10. Prior to the issuance of building permits, the applicant shall pay a fee of \$400.00 for construction of a single-family residence on a subdivision parcel for childcare facility needs in the area as established by the Board of Supervisors.

Park Impact

11. Prior to the issuance of building permits, the applicant shall pay a fee of \$6,616.00 for construction of a single-family residence on a subdivision parcel for park and recreation improvements in the area as established by the Board of Supervisors; however, the actual fee amount collected shall be that which is applicable at the time of building permit issuance.

Park Dedication Fee

12. Prior to the issuance of building permits, the applicant shall pay a fee of \$4,489.00 for construction of a single-family residence on a subdivision parcel as in-lieu fees for dedication of parkland in the area as established by the Board of Supervisors; however, the actual fee amount collected shall be that which is applicable at the time of building permit issuance.

The Park Dedication Fee paid may be applied as a credit towards the Park Impact Fee.

Police Services

13. Prior to the issuance of building permits, the applicant shall pay a fee of \$1,000.00 for construction on a subdivision parcel for police services mitigation in the area as established by the Board of Supervisors.

Tribal Cultural Resources

14. At least seven days prior to beginning grading or other soil disturbance activities, the applicant shall notify the CDD of the proposed grading/soil disturbance start date, in order to provide the CDD with time to contact the Wilton Rancheria and invite a tribal representative to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of ground breaking activity.

During this inspection, a site meeting of construction personnel shall also be held in order to afford the tribal representative the opportunity to provide tribal cultural resources awareness information.

If any tribal cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during this initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the project applicant shall immediately notify the CDD.

The project applicant shall coordinate any necessary investigation of the site with a Wilton Rancheria tribal representative and a certified archaeologist. The certified archaeologist shall consult with the Wilton Rancheria and provide proper

management recommendations should potential impacts to the resources be found by the CDD to be significant.

A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the CDD by the certified archaeologist. Possible management recommendations for tribal cultural resources, historical, or unique archaeological resources could include resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures.

The contractor shall implement any measures deemed by the CDD to be necessary and feasible to avoid or minimize significant effects to the cultural resources, including the use of a Native American Monitor whenever work is occurring within 100 feet of the find.

This Condition of Approval shall be applied in conjunction with Condition of Approval #17.

Compliance with the A-2 General Agricultural District

15. The following shall be applied to ensure compliance with the A-2 General Agricultural District: (i) the boundary between Parcel A and Parcel B of the Tentative Parcel Map as approved hereunder shall be adjusted as necessary to comply with the minimum setback and yards of the A-2 District for existing structures that are within the setback and/or yards; and/or (ii) the structures shall be modified or relocated to comply with the minimum setback and yards of the A-2 District; and/or (iii) the structures will be partially or completely removed. If the structures are proposed to be modified, relocated, or partially or completely removed, then prior to such modification, relocation or removal, the applicant shall first obtain all permits necessary, and shall conform with all requirements under the Californian Environmental Quality Act (CEQA), including a determination whether the buildings or the site are/is a historic resource, or of historical or architectural significance, as defined and referenced under CEQA.

Air Quality

16. The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all construction plans.

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- H. A publicly visible sign shall be posted on the property with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

This Condition of Approval implements Mitigation Measure Air Quality 1 of the Mitigation Monitoring Program.

Cultural Resources

17. The following measures shall be implemented during project construction.

- A. A program of on-site education to instruct all construction personnel in the identification of prehistoric and historic deposits shall be conducted by a certified archaeologist prior to the start of any grading or construction activities.
- B. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.

This Condition of Approval implements Mitigation Measure Cultural Resources 1 of the Mitigation Monitoring Program and shall be applied in conjunction with Condition of Approval #14.

- 18. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

This Condition of Approval implements Mitigation Measure Cultural Resources 2 of the Mitigation Monitoring Program.

Geology and Soils

- 19. At least 30 days prior to requesting building permits for any improvements in the

upland portion of the site, the project proponent shall submit a geotechnical/engineering geologic report that evaluates potential geologic and geotechnical hazards, and which provides specific standards and criteria for site grading, drainage and foundation design. The required report shall also provide California Building Code seismic design parameters. The scope of the investigation shall include adequate subsurface exploration, laboratory testing and engineering analysis. The resulting report shall include both an original geologic map prepared by a Certified Engineering Geologist and detailed geologic cross-sections (e.g. identifying stratigraphic units, orientation of bedding, nearby landslides and/or areas of heavy erosion.) The report shall include adequate laboratory test data to evaluate the hazard posed by expansive and corrosive soils and bedrock.

This Condition of Approval implements Mitigation Measure Geology 1 of the Mitigation Monitoring Program.

20. The geotechnical/engineering geologic investigation required by Geology1 shall utilize a detailed topographic map (of appropriate scale) of the consultant's study area. The study area shall include the access road, nearby landside area(s), residential building site(s) and all accessory and utility structures.

This Condition of Approval implements Mitigation Measure Geology 2 of the Mitigation Monitoring Program.

21. The required geotechnical/engineering geologic report shall be subject to technical review by the County Peer Review Geologist, and review and approval by the CDD.

This Condition of Approval implements Mitigation Measure Geology 3 of the Mitigation Monitoring Program.

22. Prior to requesting the final building inspection, the developer/ owner shall submit a letter from the project geotechnical engineer that documents the inspections and testing performed during construction, and provide the professional opinion of the project geotechnical engineer on compliance of the as-graded/ as-built project with the recommendations in the geotechnical report.

This Condition of Approval implements Mitigation Measure Geology 4 of the Mitigation Monitoring Program.

23. For any proposed development in the upland portion of the site, minimize grading by employing hillside development techniques. With regard to the gradient of engineered slopes, use of 2:1 (horizontal to vertical) gradients shall be restricted to slopes that are 5 ft. high (max.); 2½:1 (h:v) gradients shall be required on slopes that are up to 10 ft. in vertical height; and 3:1 (h:v) gradients shall be required on engineering slopes that exceed 10 ft. in vertical height. Where these standards are inconsistent project objectives, special engineering shall be required (e.g. use of reinforced earth, retaining walls, etc.).

This Condition of Approval implements Mitigation Measure Geology 5 of the Mitigation Monitoring Program.

24. Should an application be filed for a new development area located within the upland portion of the site, the project proponent will have responsibility of identify a potential leach field site of adequate size that complies with regulations administered by the Environmental Health Division of the County Health Services Department. If a suitable site is not identified in the upland area the project proponent will need to either identify a site on the relatively level alluvial terrace deposit located in the southwestern portion of the site or request that the Environment Health Division consider a specialized design.

This Condition of Approval implements Mitigation Measure Geology 6 of the Mitigation Monitoring Program.

Noise

25. The following noise reduction measures shall be implemented during project construction. The noise reduction measures shall be included on all construction drawings.
- A. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
 - B. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.

- D. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The Department of Conservation and Development phone number shall also be visible to ensure compliance with applicable regulations.

- E. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

- F. All construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:
 - New Year's Day (State and Federal)
 - Birthday of Martin Luther King, Jr. (State and Federal)
 - Washington's Birthday (Federal)
 - Lincoln's Birthday (State)
 - President's Day (State and Federal)
 - Cesar Chavez Day (State)
 - Memorial Day (State and Federal)
 - Independence Day (State and Federal)
 - Labor Day (State and Federal)
 - Columbus Day (State and Federal)
 - Veterans Day (State and Federal)
 - Thanksgiving Day (State and Federal)
 - Day after Thanksgiving (State)
 - Christmas Day (State and Federal)

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

Federal Holidays: www.federalreserve.gov/aboutthefed/k8.htm

California Holidays: www.sos.ca.gov/holidays.htm

This Condition of Approval implements Mitigation Measure Noise 5 of the Mitigation Monitoring Program.

Construction

26. The contractor and/or developer shall comply with the following construction, noise, dust and litter control requirements.
- A. A dust and litter control program shall be submitted for the review and approval of the CDD. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
 - B. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

Debris Recovery

27. At least 15 days prior to the issuance of a grading permit or building permit, the developer shall demonstrate compliance with the Debris Recovery CalGreen program.

PUBLIC WORKS CONDITIONS OF APPROVAL FOR COUNTY FILE MS16-0014

The applicant shall comply with the requirements of Title 8, Title 9, and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. The Conditions of Approval are based on the Tentative Parcel Map submitted to the Department of Conservation and Development on January 18, 2019.

The applicant shall comply with the following conditions of approval prior to filing the Parcel Map.

General Requirements

28. In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any

exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the Tentative Parcel Map received by the Department of Conservation and Development, Community Development Division, on January 18, 2019.

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

Access to Adjoining Property

Encroachment Permit

30. The applicant shall obtain an encroachment permit from the Application and Permit Center for construction of driveways or other improvements within the right-of-way of Bollinger Canyon Road.

Site Access

31. The applicant shall only be permitted access at the locations shown on the approved tentative parcel map.
32. The applicant shall restrict access along the Bollinger Canyon Road frontage of this property, with the exception of the access points shown on the applicant's site plan, as specifically approved under these conditions of approval. This restriction does not apply to farm equipment accessing the property for agricultural purposes.
33. The applicant shall pave the first 50 feet of the driveways, measured from the existing edge of pavement of Bollinger Canyon Road into the property, to allow vehicles to pull completely off the roadway and remain on a paved surface, and to prevent dust, gravel, and debris from spilling on to Bollinger Canyon Road.

Sight Distance

34. The applicant shall provide sight distance at the intersection of the private

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

Street Lights

35. The applicant shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Utilities/Undergrounding

36. Applicant shall underground all new utility distribution facilities.

Drainage Improvements

Collect and Convey

37. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.

Exception (Subject to Advisory Agency findings and approval)

The applicant shall be permitted an exception from the collect and convey requirements of the County Ordinance Code due to the large size of the proposed parcels, provided that there are no known drainage problems on-site currently, the existing drainage pattern is maintained and additional concentrated stormwater runoff is not discharged onto adjacent properties.

Miscellaneous Drainage Requirements

38. To reduce the impact of additional stormwater run-off from this development on San Ramon Creek, one cubic yard of channel excavation material will be removed from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the developer, at his cost. The site selection, land rights, and construction staking will be by the Flood Control and Water Conservation District.

OR

Upon written request, the applicant may make a cash payment in lieu of actual excavation and removal of material from the creek. The cash payment will be calculated at the rate of \$0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the Flood Control District's standard impervious surface area ordinance. The Flood Control and Water Conservation District will use these funds to work on the creek annually.

Creek Structure Setbacks

39. The applicant shall relinquish "development rights" over that portion of the site that is within the structure setback area of the tributary to Bollinger Creek. The structure setback area shall be determined by using the criteria outlined in Chapter 914-14, "Rights of Way and Setbacks," of the Subdivision Ordinance. "Development rights" shall be conveyed to the County by grant deed. The creek structure setback as shown on the tentative map is incomplete in scope and approximate and shall not be construed as the final determined creek structure setback area.

Stormwater Management and Discharge Control Ordinance

40. The applicant will not be subject to the requirements of Provision C.3 of the County Stormwater Management and Discharge Control Ordinance, since the proposed project will not create or replace at least 10,000 square feet of impervious surface (5,000 square feet for projects that include parking lots, restaurants, automotive service facilities and gas stations). However, this project is subject to all other provisions of the County Stormwater Management and Discharge Control Ordinance (§1014, Ordinance No. 200501) and future development applications on the subject parcel may be required to comply with Provision C.3.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

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

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

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

- B. The applicant shall submit building plans to the Building Inspection Division and comply with Division requirements. It is advisable to check with the Division prior to requesting a building permit or proceeding with the project.
- C. The applicant is responsible for contacting the Health Services Department Environmental Health Division regarding its requirements and permits.
- D. The applicant must submit building plans to the San Ramon Valley Fire Protection District and comply with its requirements. The applicant is advised that plans submitted for a building permit must receive prior approval and be stamped by the Fire Protection District.

- E. The applicant is responsible for contacting the Contra Costa Mosquito & Vector Control District regarding its requirements and permits.

- F. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the South County, SCC Regional, SCC Sub-Regional, and Tri-Valley Dev Areas of Benefit as adopted by the Board of Supervisors prior to issuance of building permit.

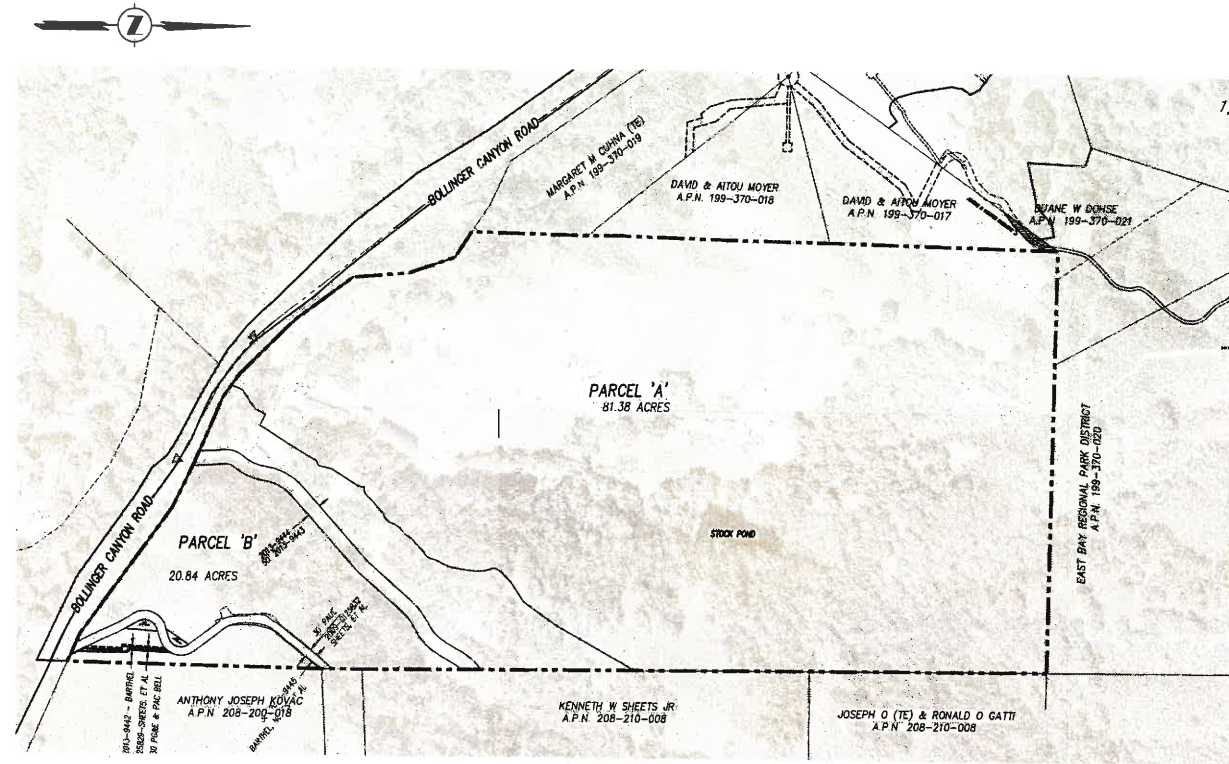
- G. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region 11).

18320 BOLLINGER CANYON ROAD SAN RAMON, CONTRA COSTA COUNTY CA.

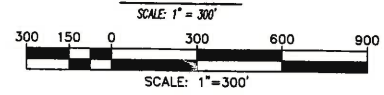
MINOR SUBDIVISION MS 16-0014 REZONE 16-3234 TENTATIVE PARCEL MAP & REZONE EXHIBIT

GENERAL NOTES:

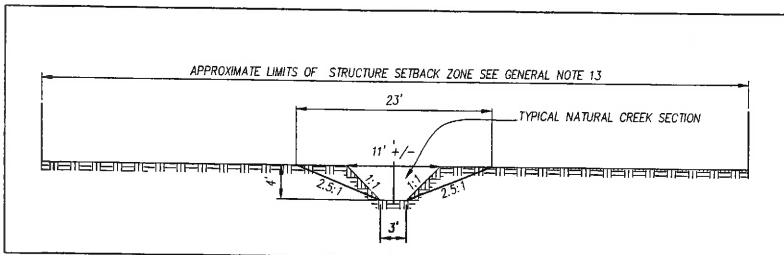
- OWNER:**
FRANCES FARR (E)
13645 RANDOM RIDGE VIEW
COLORADO SPRINGS, CO. 80921
PHONE: (541) 219-2713 (M)
- OWNER REPRESENTATIVE CONTACT:**
JERRY A. JACOBSON
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MEDFORD, OR 97501
PHONE: (541) 773-2727
- APPLICANT:**
LAUREN LOCEY C/O
AARON LOCEY
18303 BOLLINGER CANYON ROAD
SAN RAMON, CALIFORNIA 94583
PHONE (925) 820-4072
- CIVIL ENGINEER:**
MILANI & ASSOCIATES
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CONCORD, CA 94520
PHONE (925) 674-9082 X 103
FAX (925) 674-9279
E-MAIL mmilani@milani-eng.com
- ATTN:** MICHAEL E. MILANI
RCE 35121 EXP 09-30-2019
PLS 5311 EXP 12-31-2019
QSD 351 EXP 02-16-2019
- LEGAL DESCRIPTION:**
ALL OF PARCEL "B" AS DESIGNATED ON THE MINOR SUBDIVISION MAP ENTITLED,
"PARCEL MAP - SUBDIVISION MS 72-76, CONTRA COSTA COUNTY,
CALIFORNIA", WHICH MAP WAS FILED AUGUST 31, 1976 IN BOOK 47 OF PARCEL MAPS AT PAGE 33.
FOR A MORE COMPLETE DESCRIPTION REFER TO THE PRELIMINARY TITLE REPORT
PREPARED BY OLD REPUBLIC TITLE COMPANY, ORDER NO. 0147018975, DATED
AUGUST 16, 2016 SUBMITTED TO THE COUNTY WITH THIS MINOR SUBDIVISION APPLICATION.
- GENERAL PLAN LAND USE DESIGNATION:**
AL
- EXISTING ZONING:**
A-4
- PROPOSED ZONING:**
A-2
- TOTAL PROPOSED NUMBER OF PARCELS:**
PARCEL "A" 81.38 ACRES
PARCEL "B" 20.84 ACRES
- ASSESSOR PARCEL NUMBER:**
199-370-004 FEE PARCEL
- SITE ADDRESS:**
18320 BOLLINGER CANYON ROAD, SAN RAMON, CA 94583
- SITE ACREAGE:**
102.223 ACRES
- SITE UTILITIES**
WATER - PRIVATE - ONSITE WELLS - CONTRA COSTA COUNTY DEPARTMENT OF PUBLIC HEALTH
STORM DRAIN - PRIVATE WITH CONNECTION TO PUBLIC MAIN - CONTRA COSTA COUNTY PUBLIC
WORKS
SANITARY SEWER - PRIVATE - SEPTIC TANK AND LEACH FIELDS - CONTRA COSTA COUNTY
DEPARTMENT OF PUBLIC HEALTH
POLICE - CONTRA COSTA COUNTY SHERIFF
FIRE - SAN RAMON VALLEY FIRE PROTECTION DISTRICT
GAS & ELECTRIC - PACIFIC GAS & ELECTRIC
PHONE - AT&T
CABLE - COMCAST
- SITE STRUCTURES:**
PROPOSED PARCEL "A"
FOUR (4) EXISTING RESIDENTIAL STRUCTURES, 1 COVERED ARENA, 1 WORKING ARENA AND
SUPPORT STRUCTURE, 1 COVERED BARN, 1 COVERED HAY STORAGE STRUCTURE, 1 WORKSHOP
AND TWELVE (12) RURAL FIRE/DOMESTIC STORAGE TANKS.
PROPOSED PARCEL "B":
1 EXISTING SINGLE FAMILY RESIDENCE, 1 WORK SHOP AND TWO (2) RURAL FIRE/DOMESTIC STORAGE TANKS.
- FEMA:**
FLOOD ZONE DESIGNATION: THE SITE IS NOT INCLUDED IN ANY SPECIAL FLOOD ZONE.
- STRUCTURE SETBACK LIMITS:**
AREAS NOTED AS "APPROXIMATE LIMITS OF STRUCTURE SETBACK ZONE" WILL BE SUBJECT TO SUPPLEMENTAL FIELD
MAPPING AND DETERMINATION OF STRUCTURE SETBACK LIMITS PURSUANT TO CHAPTER 914-14 - RIGHT OF WAY AND SETBACKS
OF THE COUNTY MUNICIPAL CODE. FINAL SETBACK LIMITS SHALL BE REVIEWED AND APPROVED BY COUNTY PUBLIC WORKS
AND WILL BE REQUIRED TO BE REFLECTED ON THE FINAL PARCEL MAP PRIOR TO RECORDATION.
- C3 COMPLIANCE:**
PARCELS "A" AND "B" ARE PROVIDED WITH CONCEPTUAL C3 TREATMENT AREAS SIZED TO ACCOMMODATE UP TO 10,000 SF
OF NEW IMPERVIOUS DEVELOPMENT. THE PROPOSED LOCATIONS ARE SUBJECT TO RELOCATION AND RESIZING UNDER FUTURE
DEVELOPMENT OPTIONS.



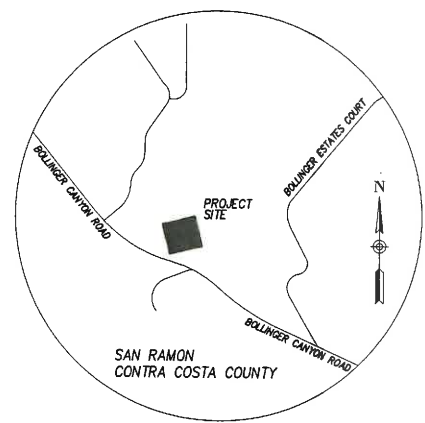
SITE PLAN



SHEET INDEX	
NO.	DESCRIPTION
1	TITLE SHEET, GENERAL NOTES
2	BOUNDARY & EASEMENTS
2A	EXISTING CONDITIONS - COLLECT & CONVEY
2B	EXISTING CONDITIONS - COLLECT & CONVEY WITH AERIAL
3	LOTING AND EASEMENT PLAN
3A	LOTING AND EASEMENT PLAN W/O AERIAL BACKGROUND
4	ENHANCED LOTING & ACCESS EXHIBIT - PCLs "A" & "B"
5	NET UTILITIES - WATER & SEWER
6	C3 COMPLIANCE EXHIBIT (SEE GN #14)



TYPICAL CREEK STRUCTURAL SETBACK (SEE GENERAL NOTE 13)



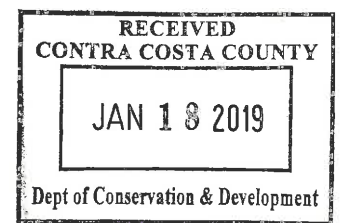
VICINITY MAP
N.T.S.

LEGEND

- EASEMENT LINE
- OR
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ABBREVIATIONS

- ESMT EASEMENT
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- SF SQUARE FEET



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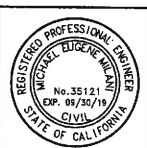
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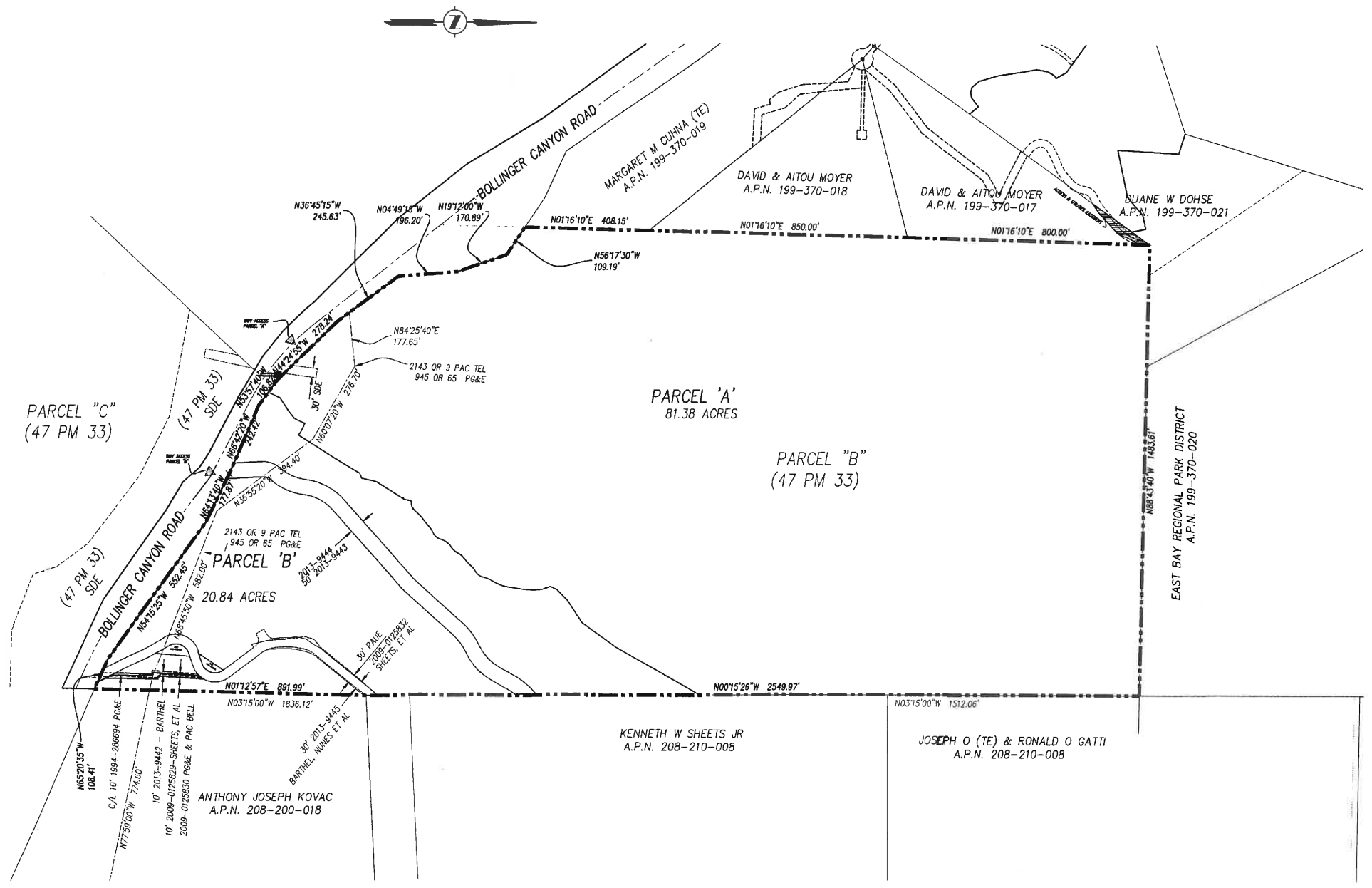
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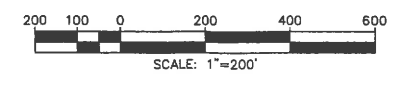
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JANUARY 2019
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	UPDATED TPM RESUBMITTAL TO CCC	MEM		11/29/2018	
	UPDATED TPM RESUBMITTAL TO CCC	MEM		11/15/2017	
	UPDATED TPM RESUBMITTAL TO CCC	MEM		07/31/2017	
	INITIAL TPM SUBMITTAL TO CCC	MEM		11/08/2016	



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BOUNDARY & EASEMENTS

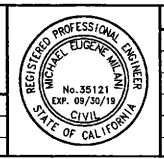
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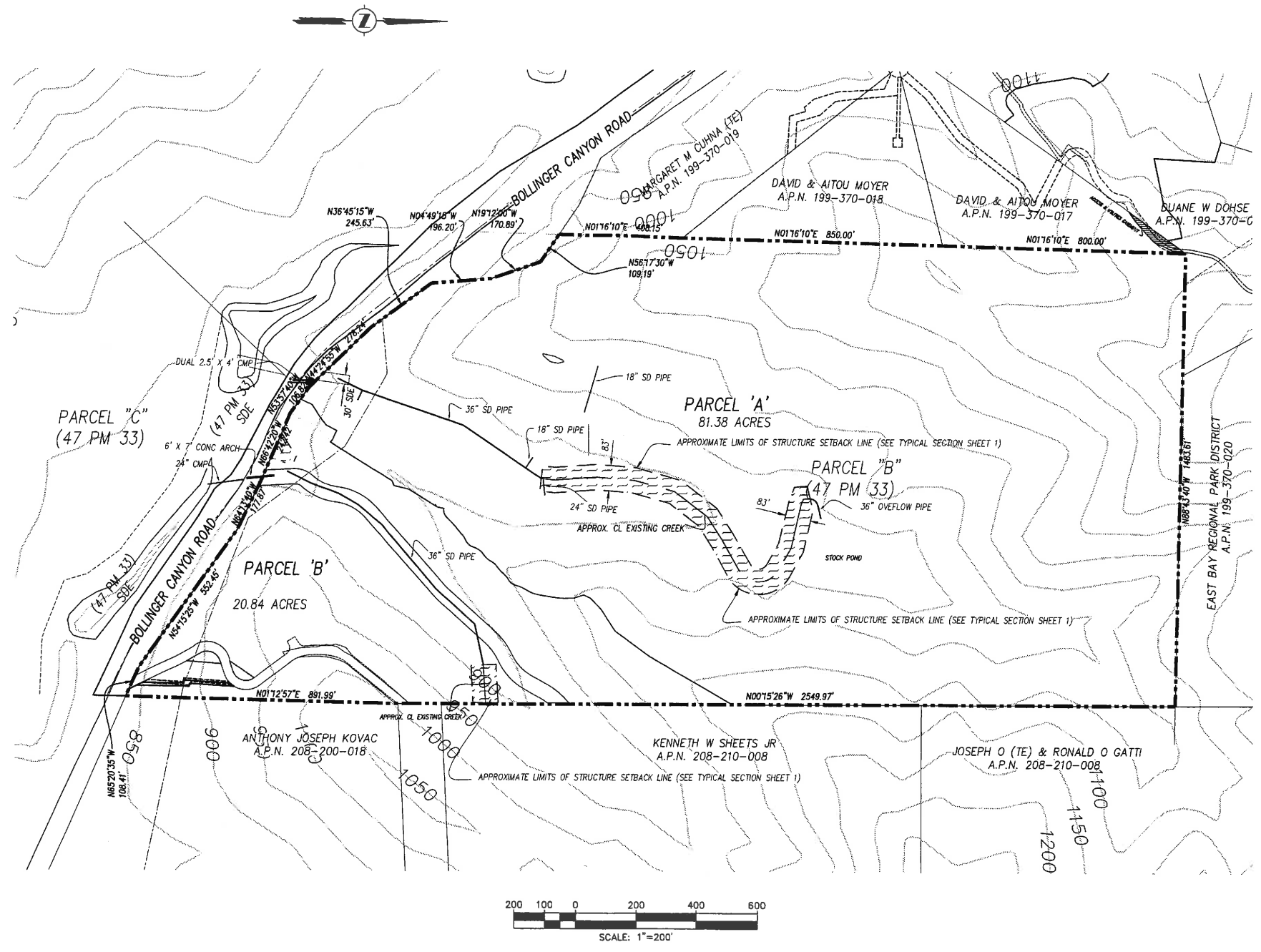
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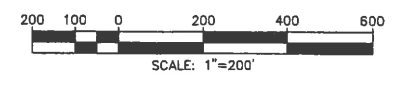
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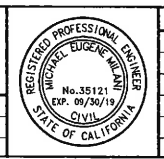
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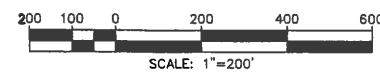
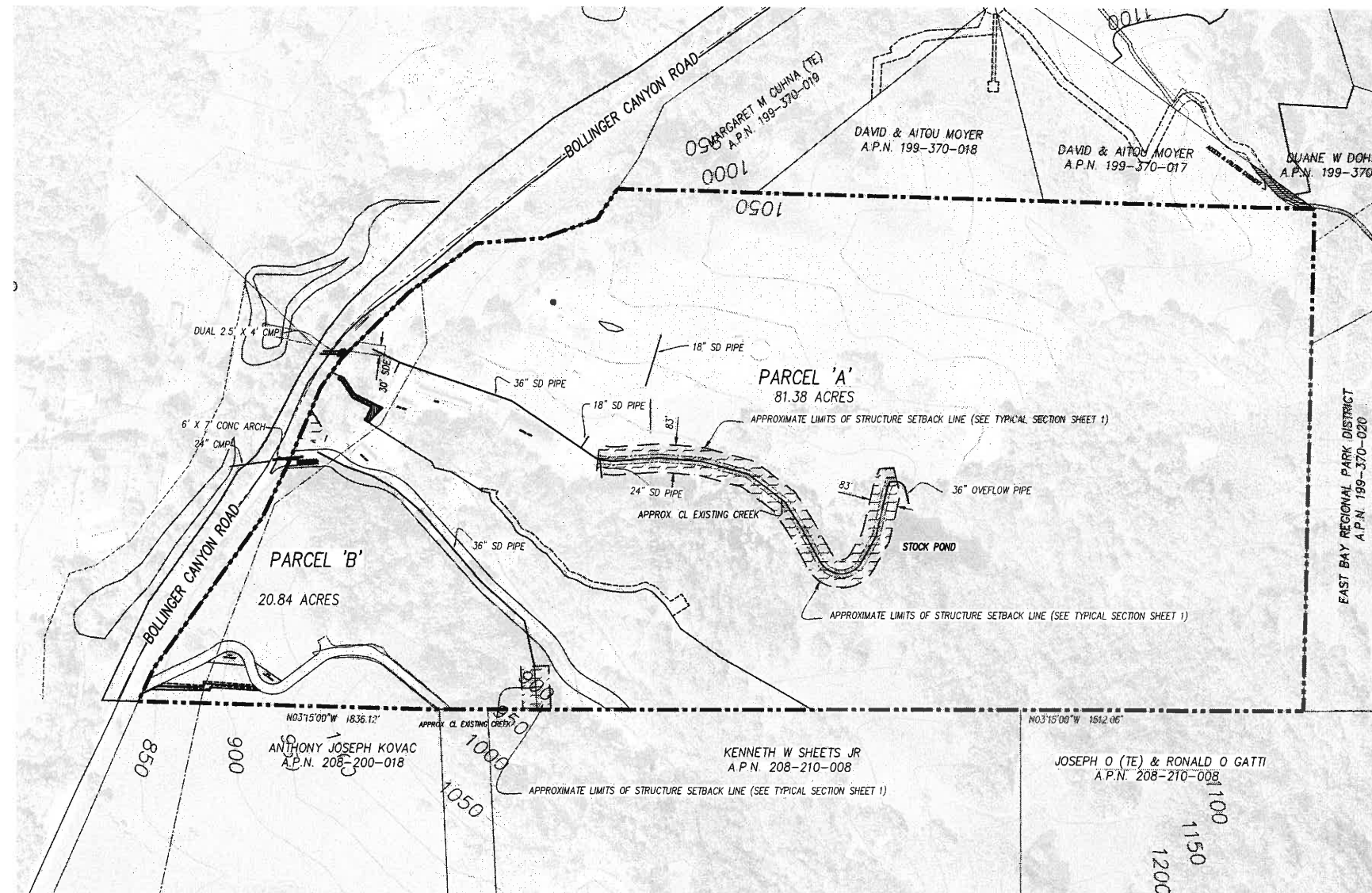
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18320 BOLLINGER CANYON ROAD

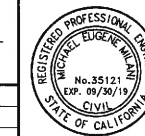
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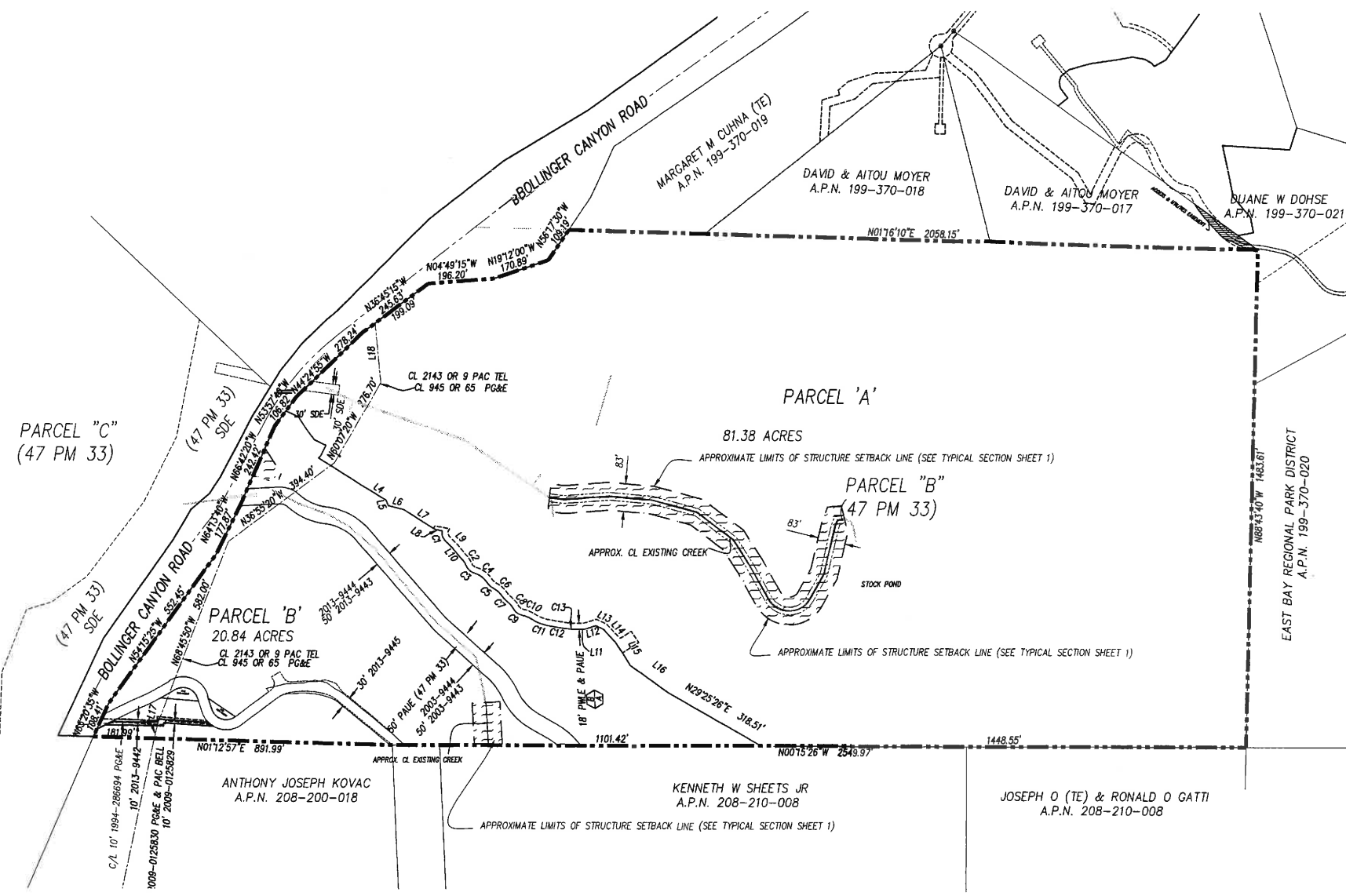


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LINE TABLE

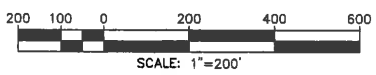
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L3	N32°16'11"E	161.65
L4	N31°01'21"E	74.90
L5	N69°00'42"E	17.59
L6	N1°29'15"E	48.31
L7	N32°07'08"E	110.18
L8	N10°06'58"E	22.08
L9	N44°39'22"E	29.80
L10	N50°37'39"E	39.40
L11	N02°56'31"W	18.77
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C5	61.04	32.69	30°40'58"
C6	46.63	23.70	29°07'02"
C7	124.39	34.68	15°58'25"
C8	55.68	22.13	22°46'23"
C9	38.95	34.01	50°01'51"
C10	86.22	31.40	20°51'51"
C11	133.76	57.18	24°29'42"
C12	1968.02	41.53	01°12'37"
C13	221.78	47.89	12°22'16"



LOTING AND EASEMENT PLAN

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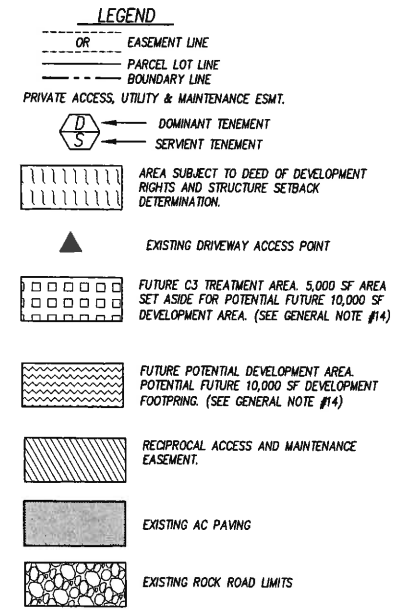
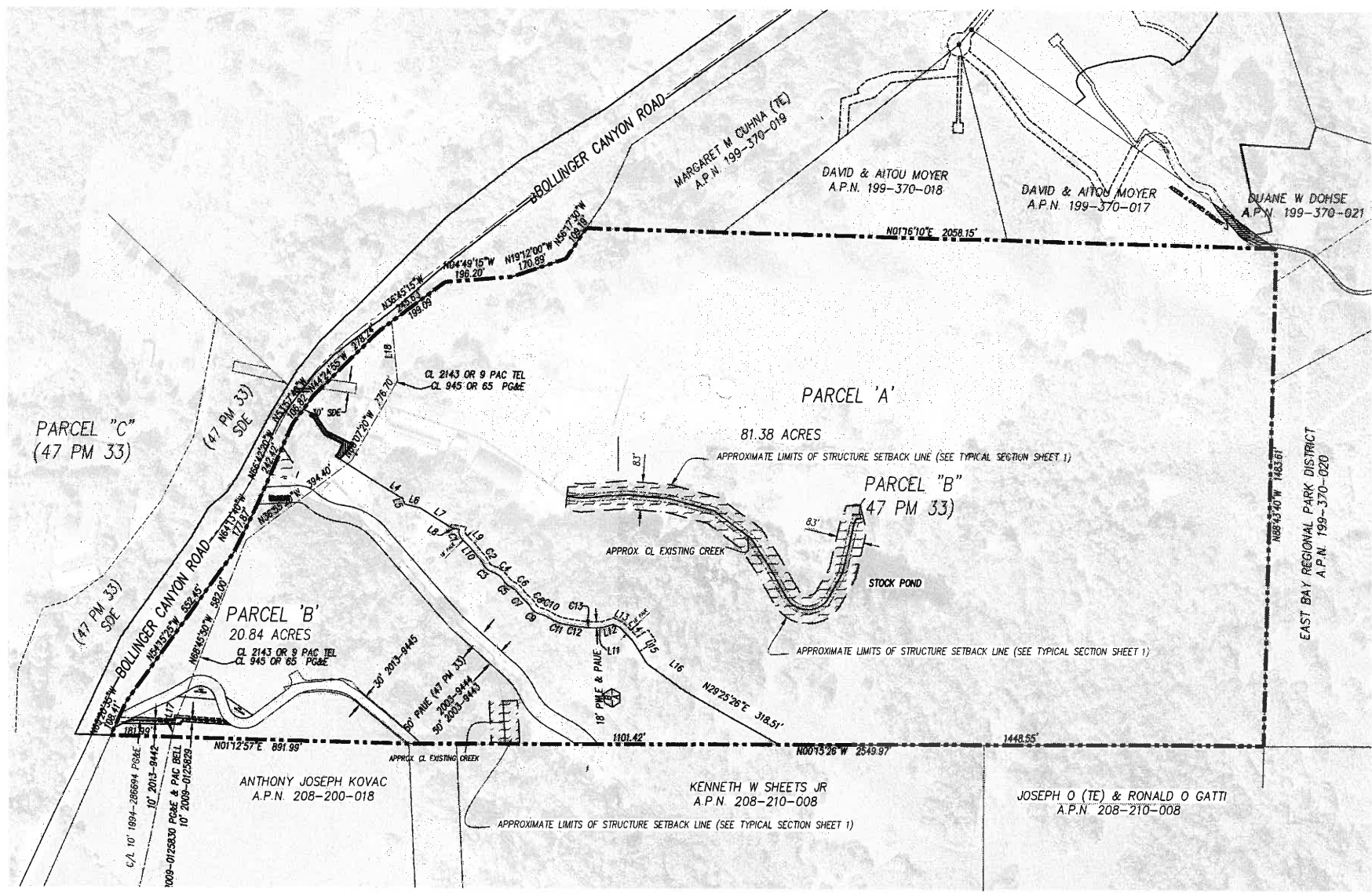
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LINE TABLE

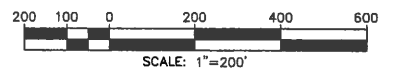
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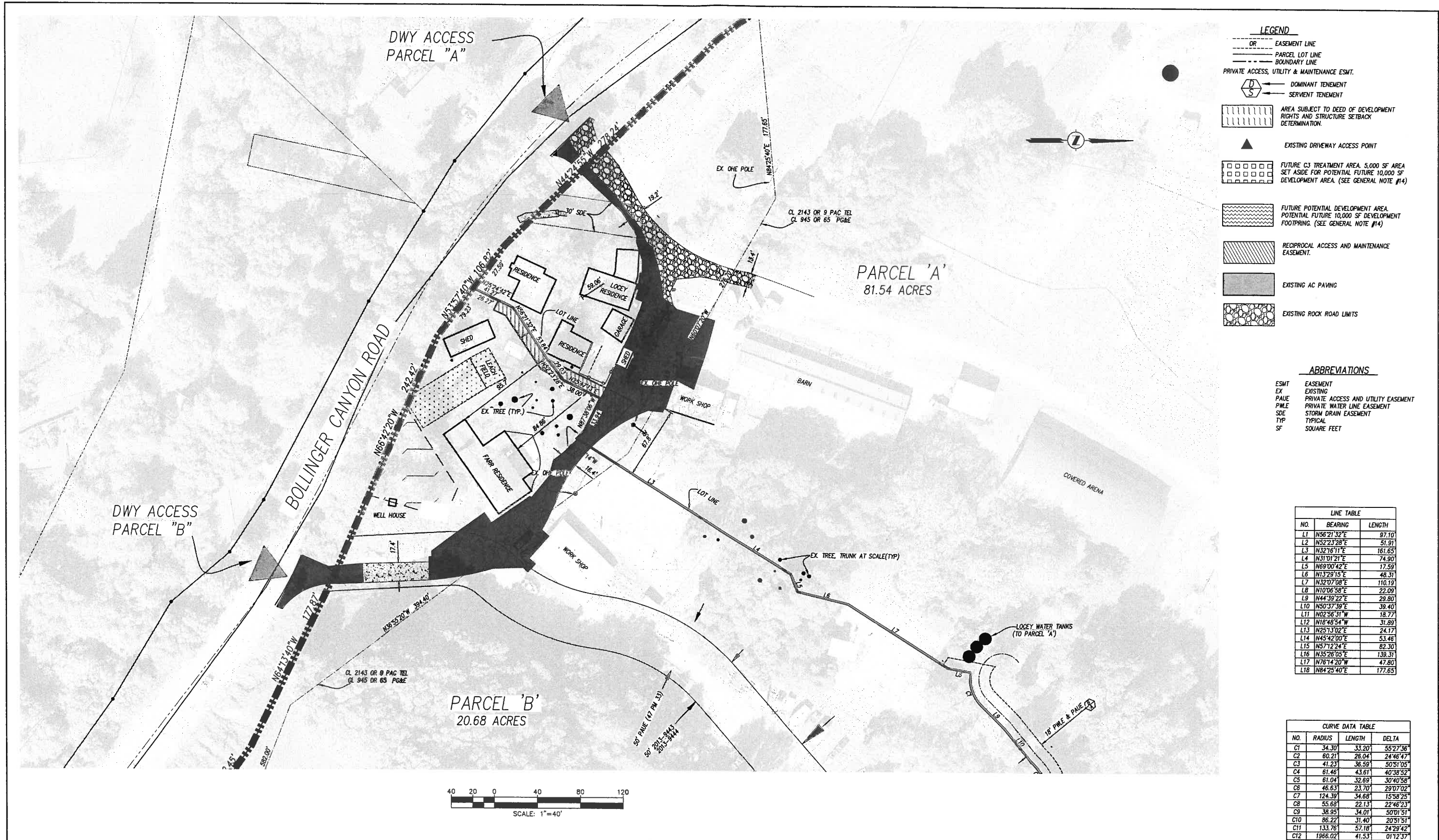
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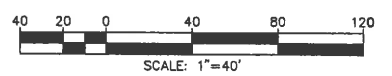
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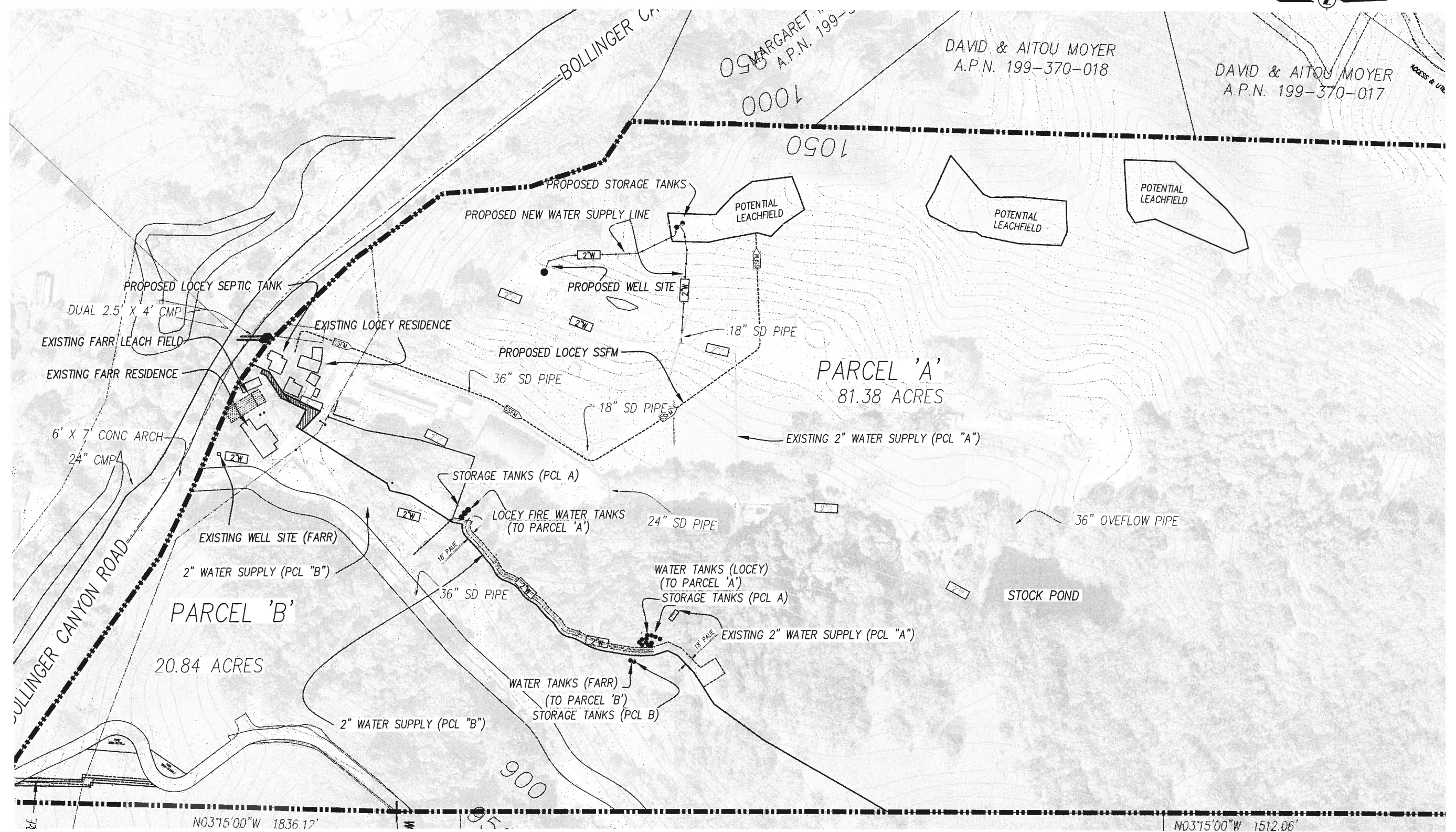
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C6	46.63	23.70	29°07'02"
C7	124.39	34.68	15°58'25"
C8	55.68	22.13	22°46'23"
C9	38.95	34.01	50°01'51"
C10	86.22	31.40	20°51'51"
C11	133.76	57.18	24°29'42"
C12	1966.02	41.53	01°12'37"
C13	221.78	47.89	12°22'16"

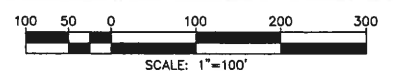


LOTING DETAIL & LOTTING ACCESS FROM BOLLINGER CANYON ROAD

Planning Surveying & Mapping Land Development Engineering Municipal Engineering Construction Staking Construction Management SWPPP Monitoring & Reporting	 MILANI & Associates	2655 Stanwell Drive, Suite 105 Concord, CA 94520 Phone: (925) 674-9082 Fax: (925) 674-9279 Web: www.milaniassociates.com	APN 199-370-004 TENTATIVE PARCEL MAP & REZONE MS16- 0014 UNINCORPORATED SAN RAMON CONTRA COSTA COUNTY CALIFORNIA	DESIGNED UNDER THE DIRECTION OF: MICHAEL E. MILANI R.C.E. No. 35121 REGISTRATION EXPIRES 9-30-19 P.L.S. No. 5311 REGISTRATION EXPIRES 12-31-19 DATE: 01/17/2019 DESIGN: MEM DRAWN: MEM CHECKED: KRA JOB NO: 915 JANUARY 2019 SCALE: AS SHOWN		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>REVISIONS</th> <th>BY</th> <th>APP</th> <th>DATE</th> <th>SHEET</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center; font-size: 24pt;">4</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center; font-size: 24pt;">6</td> </tr> </tbody> </table>	NO.	REVISIONS	BY	APP	DATE	SHEET						4						6
NO.	REVISIONS	BY	APP	DATE	SHEET																			
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					6																			



N03°15'00"W 1836.12' 900 N03°15'00"W 1512.06'



SITE WET UTILITIES - SEWER, WATER AND FIRE WATER

Planning
Surveying & Mapping
Land Development Engineering
Municipal Engineering
Construction Staking
Construction Management
SWPPP Monitoring & Reporting



2655 Stanwell Drive, Suite 105
Concord, CA 94520
Phone: (925) 674-9082
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APN 199-370-004
TENTATIVE PARCEL MAP & REZONE
MS16- 0014
UNINCORPORATED SAN RAMON CONTRA COSTA COUNTY CALIFORNIA

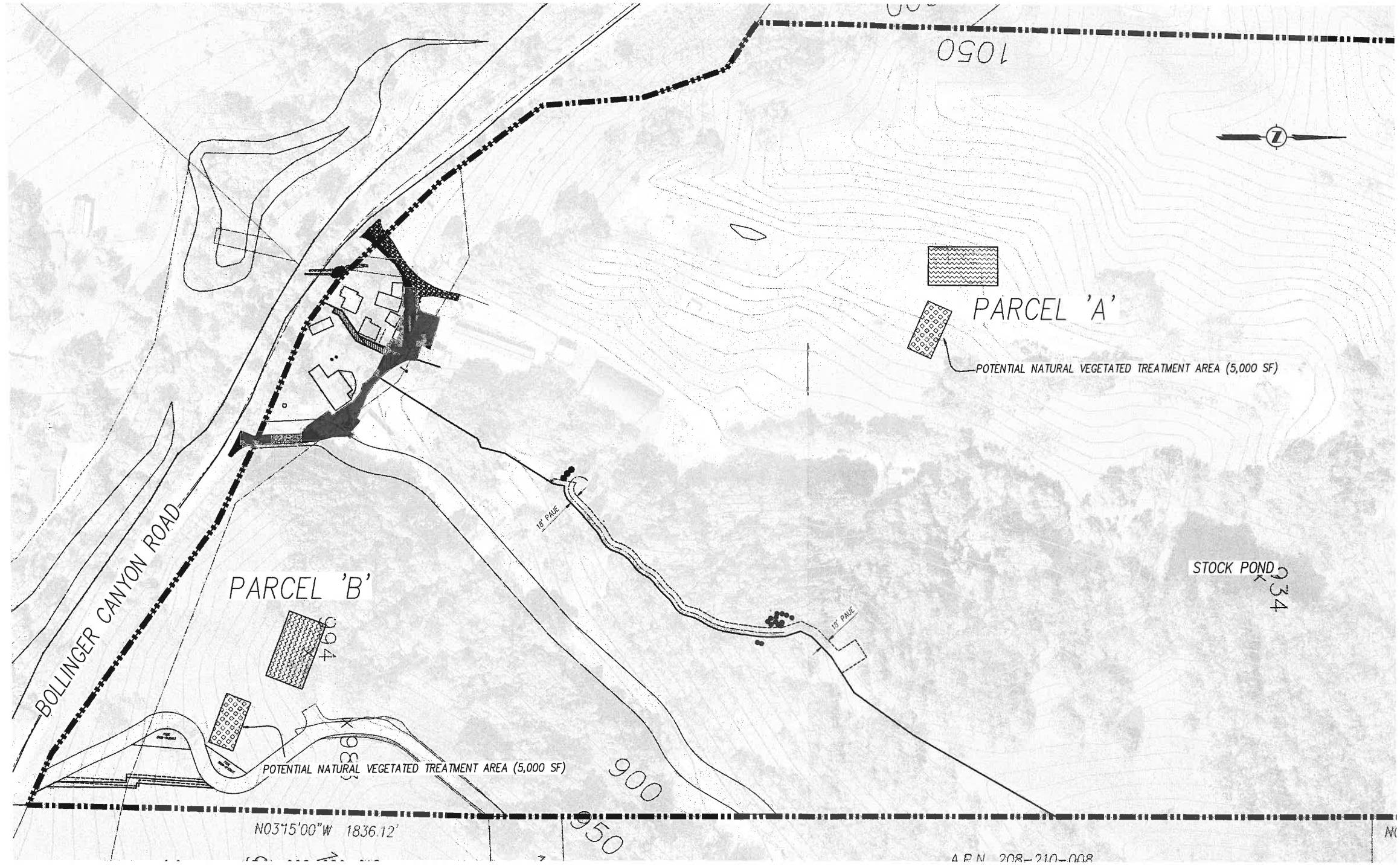
18320 BOLLINGER CANYON ROAD

DESIGNED UNDER THE DIRECTION OF:		01/17/2019
<i>Michael E. Milani</i>		DATE
MICHAEL E. MILANI R.C.E. No. 35121 REGISTRATION EXPIRES 9-30-19 P.L.S. No. 5311 REGISTRATION EXPIRES 12-31-19		
DESIGN: MEM	JOB NO: 915	
DRAWN: MEM	JANUARY 2019	
CHECKED: KRA	SCALE: AS SHOWN	



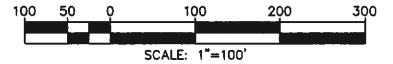
NO.	REVISIONS	BY	APP	DATE	SHEET
					5
					6

OF SHEETS



- LEGEND**
- EASEMENT LINE
 - OR --- PARCEL LOT LINE
 - BOUNDARY LINE
 - PRIVATE ACCESS, UTILITY & MAINTENANCE ESMT.
 - DS DOMINANT TENEMENT
 - SRV SERVIENT TENEMENT
 - [Hatched Area] AREA SUBJECT TO DEED OF DEVELOPMENT RIGHTS AND STRUCTURE SETBACK DETERMINATION.
 - ▲ EXISTING DRIVEWAY ACCESS POINT
 - [Grid Pattern] FUTURE C3 TREATMENT AREA, 5,000 SF AREA SET ASIDE FOR POTENTIAL FUTURE 10,000 SF DEVELOPMENT AREA. (SEE GENERAL NOTE #14)
 - [Wavy Pattern] FUTURE POTENTIAL DEVELOPMENT AREA, POTENTIAL FUTURE 10,000 SF DEVELOPMENT FOOTPRINT. (SEE GENERAL NOTE #14)
 - [Diagonal Lines] RECIPROCAL ACCESS AND MAINTENANCE EASEMENT.
 - [Solid Grey] EXISTING AC PAVING
 - [Stippled] EXISTING ROCK ROAD LIMITS

- ABBREVIATIONS**
- ESMT EASEMENT
 - EX EXISTING
 - PAUE PRIVATE ACCESS AND UTILITY EASEMENT
 - PWLE PRIVATE WATER LINE EASEMENT
 - SDE STORM DRAIN EASEMENT
 - TYP TYPICAL
 - SF SQUARE FEET



C3 COMPLIANCE EXHIBIT

Planning
Surveying & Mapping
Land Development Engineering
Municipal Engineering
Construction Staking
Construction Management
SWPPP Monitoring & Reporting



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18320 BOLLINGER CANYON ROAD

DESIGNED UNDER THE DIRECTION OF:		01/17/2019
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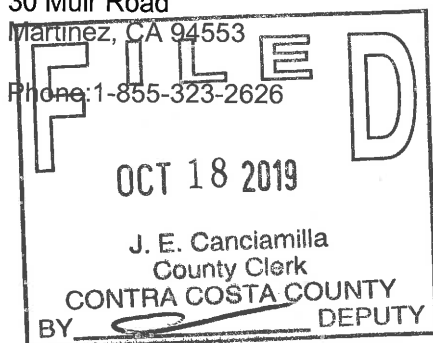
NO.	REVISIONS	BY	APP	DATE	SHEET
					6
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OF SHEETS

Lead Agency:
**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

Kelli Zenn
Business Operations Manager

October 18, 2019

**NOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT A
PROPOSED MITIGATED NEGATIVE DECLARATION**

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as amended to date, this is to advise you that the Contra Costa County Department of Conservation and Development, Community Development Division, has prepared an initial study evaluating the potential environmental impacts of the following project:

- Project Title:** 18320 Bollinger Canyon Road Minor Subdivision and Rezoning (San Ramon)
- County File Number:** Minor Subdivision MS16-0014, Rezoning RZ16-3234
- County Contact Person and Phone Number:** Stan Muraoka, AICP
(925) 674-7781
- Project Location:** 18320 Bollinger Canyon Road in the San Ramon area in unincorporated Contra Costa County (Assessor's Parcel Number 199-370-004)
- Project Sponsor's Name and Address:** *Applicant*
Lauren and Aaron Locey
18308 Bollinger Canyon Road
San Ramon, CA 94583
925-820-4072
- Description of Project:** The proposed project is a Minor Subdivision of a 102.22-acre agricultural property (the "project site") into two agricultural lots, including an 81.38-acre Parcel A and a 20.84-acre Parcel B and a Rezoning from the A-4 Agricultural Preserve District to the A-2 General Agricultural District. Three single-family residences, a barn, a covered arena, and a number of accessory structures are currently located on proposed Parcel A. One single-family residence and several accessory structures are currently located on proposed Parcel B. With the recordation of the Parcel Map, two of the three existing single-family residences on Parcel A would be converted to

agricultural or accessory structures; however, there would be no new construction on Parcel A. There would also be no new construction on Parcel B. After recordation of the Parcel Map, both agricultural lots would continue in their current use.

The project site is in the AL, Agricultural Lands General Plan Land Use designation and the A-4 District, which has a minimum lot size of 40 acres. The property, along with adjacent properties, was rezoned in 1975 from the A-2 District to the A-4 District and was included in Williamson Act Contract 17-75; however, a Notice of Non-Renewal for the property was received by the County and recorded on December 27, 1996, and the Williamson Act Contract on the property expired on February 28, 2006. The proposed project includes a Rezoning of the property back to the A-2 District, which has a minimum lot size of five acres.

7. **Surrounding Land Uses and Setting:** The property is a single legal lot that is in use for raising and keeping horses, and for rural residential uses. The site is located on the north side of Bollinger Canyon Road, approximately 0.4 mile southeast of the intersection of Bollinger Canyon Road and Bollinger Estates Court. The existing single-family residences on the project site are accessed via a loop driveway that has two driveway intersections with Bollinger Canyon Road, located approximately 475 feet apart. The northerly driveway is partially asphalt and partially gravel and provides direct access to the residences on Parcel A. The southerly asphalt driveway provides direct access to the residence on Parcel B. A third driveway is located approximately 825 feet southeast of the driveway that provides access onto Parcel B. This asphalt driveway (Bear Tree Road) also provides access through Parcel B to properties located east of the project site. Along the project frontage, Bollinger Canyon Road is a two-lane, approximately 20-foot wide road within a 60-foot right-of-way.

Surrounding the project site are other agricultural parcels and open space properties, including an 86.76-acre parcel owned by the East Bay Regional Park District to the north, parcels ranging from 21.5 acres to over 110 acres to the east, and parcels ranging from 5.69 acres to 10.75 acres to the west. South of the project site and across Bollinger Canyon Road are parcels ranging from 3.46 acres to over 250 acres. The smaller parcels are rural residential ranchettes, and the larger parcels are either in agricultural use for raising and keeping livestock or are open space lands.

Bollinger Creek runs along the south side of Bollinger Canyon Road. Two tributaries of Bollinger Creek run in a north to south direction on the project site. Vegetation on the site includes riparian woodland composed primarily of mature live and valley oak trees along the tributaries, oak woodland on the northeastern and eastern portions of the site that are upslope from the tributaries, and non-native annual grassland on the western and southwestern portions of the site. These habitats are also found on the surrounding agricultural properties.

The closest urban, residential area is located approximately 0.6 mile to the northeast on the other side of the northwest to southeast-trending ridge that separates the Bollinger Canyon area from the City of Danville. This ridge averages approximately 1,650 feet in elevation near the project site. The site itself ranges from approximately 850 feet in elevation at Bollinger Canyon Road and rises to approximately 1,300 feet in elevation at its northern boundary.

8. **Determination:** The County has determined that without mitigation the project may result in significant impacts to the environment. Therefore, pursuant to California Code of Regulations Section 15070, a Mitigated Negative Declaration/initial study has been prepared which identifies mitigation measures to be incorporated into the project that will reduce the impacts to less than significant levels. Prior to adoption of the Mitigated Negative Declaration, the County will be accepting comments on the Mitigated Negative Declaration/initial study during a 20-day public comment period.

A copy of the Mitigated Negative Declaration/initial study and all documents referenced therein may be reviewed in the offices of the Department of Conservation & Development during normal business hours, located at 30 Muir Road in Martinez.

Public Comment Period – The period for accepting comments on the adequacy of the environmental document will extend to **4:00 P.M., Friday, November 8, 2019**. Any comments should be submitted in writing to the following address:

Contra Costa County
Department of Conservation & Development
Attn: Stan Muraoka, AICP
30 Muir Road
Martinez, CA 94553

The proposed Mitigated Negative Declaration will be considered for adoption at a meeting of the County Planning Commission. The **tentative** hearing date before the County Planning Commission for the project and for adoption of the Mitigated Negative Declaration is ***Wednesday, December 11, 2019***. The hearing will be held at 30 Muir Road, Martinez. Hearing notices will be sent out prior to the finalized hearing date.

Additional Information – For additional information on the Mitigated Negative Declaration and the proposed project, you can contact me by telephone at (925) 674-7781, or email at stanley.muraoka@dcd.cccounty.us

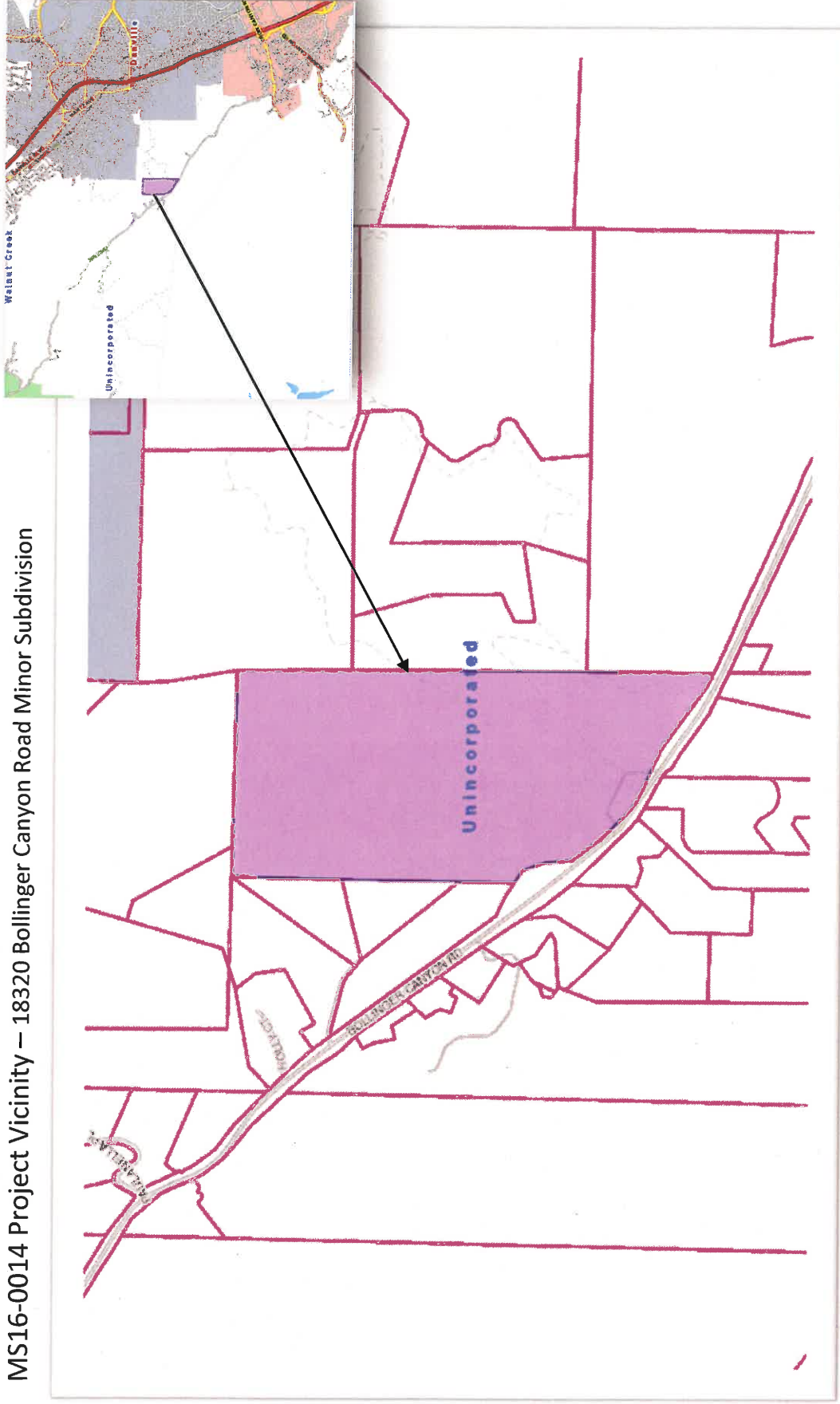
Sincerely,



Stan Muraoka, AICP
Senior Planner
Department of Conservation & Development

cc: County Clerk's Office (2 copies)
attachment: Project Vicinity Map

MS16-0014 Project Vicinity – 18320 Bollinger Canyon Road Minor Subdivision



Source: Accela, accessed November 29, 2018

CEQA ENVIRONMENTAL CHECKLIST FORM (REVISED JANUARY 7, 2019)

1. **Project Title:** 18320 Bollinger Canyon Road Minor Subdivision and Rezoning (San Ramon)

County Files – Minor Subdivision MS16-0014, Rezoning RZ16-3234
2. **Lead Agency Name and Address:** Contra Costa County
Department of Conservation and Development
30 Muir Rd.
Martinez, CA 94553
3. **Contact Person and Phone Number:** Stan Muraoka, AICP
(925) 674-7781
4. **Project Location:** 18320 Bollinger Canyon Road in the San Ramon area in unincorporated Contra Costa County (Assessor's Parcel Number 199-370-004)
5. **Project Sponsor's Name and Address:** Lauren and Aaron Locey
18308 Bollinger Canyon Road
San Ramon, CA 94583
6. **General Plan Designation:** AL, Agricultural Lands
7. **Zoning:** A-4, Agricultural Preserve
8. **Description of Project:** The proposed project is a Minor Subdivision of a 102.22-acre agricultural property (the "project site") into two agricultural lots, including an 81.38-acre Parcel A and a 20.84-acre Parcel B and a Rezoning from the A-4 Agricultural Preserve District to the A-2 General Agricultural District. Three single-family residences, a barn, a covered arena, and a number of accessory structures are currently located on proposed Parcel A. One single-family residence and several accessory structures are currently located on proposed Parcel B. With the recordation of the Parcel Map, two of the three existing single-family residences on Parcel A would be converted to agricultural or accessory structures; however, there would be no new construction on Parcel A. There would also be no new construction on Parcel B. After recordation of the Parcel Map, both agricultural lots would continue in their current use.

The project site is in the AL, Agricultural Lands General Plan Land Use designation and the A-4 District, which has a minimum lot size of 40 acres. The property, along with adjacent properties, was rezoned in 1975 from the A-2 District to the A-4 District and was included in Williamson Act Contract 17-75; however, a Notice of Non-Renewal for the property was received by the County and recorded on December 27, 1996, and the Williamson Act Contract on the property expired

on February 28, 2006. The proposed project includes a Rezoning of the property back to the A-2 District, which has a minimum lot size of five acres.

- 9. Surrounding Land Uses and Setting:** The property is a single legal lot that is in use for raising and keeping horses, and for rural residential uses. The site is located on the north side of Bollinger Canyon Road, approximately 0.4 mile southeast of the intersection of Bollinger Canyon Road and Bollinger Estates Court. The existing single-family residences on the project site are accessed via a loop driveway that has two driveway intersections with Bollinger Canyon Road, located approximately 475 feet apart. The northerly driveway is partially asphalt and partially gravel and provides direct access to the residences on Parcel A. The southerly asphalt driveway provides direct access to the residence on Parcel B. A third driveway is located approximately 825 feet southeast of the driveway that provides access onto Parcel B. This asphalt driveway (Bear Tree Road) also provides access through Parcel B to properties located east of the project site. Along the project frontage, Bollinger Canyon Road is a two-lane, approximately 20-foot wide road within a 60-foot right-of-way.

Surrounding the project site are other agricultural parcels and open space properties, including an 86.76-acre parcel owned by the East Bay Regional Park District to the north, parcels ranging from 21.5 acres to over 110 acres to the east, and parcels ranging from 5.69 acres to 10.75 acres to the west. South of the project site and across Bollinger Canyon Road are parcels ranging from 3.46 acres to over 250 acres. The smaller parcels are rural residential ranchettes, and the larger parcels are either in agricultural use for raising and keeping livestock or are open space lands.

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The closest urban, residential area is located approximately 0.6 mile to the northeast on the other side of the northwest to southeast-trending ridge that separates the Bollinger Canyon area from the City of Danville. This ridge averages approximately 1,650 feet in elevation near the project site. The site itself ranges from approximately 850 feet in elevation at Bollinger Canyon Road and rises to approximately 1,300 feet in elevation at its northern boundary.

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

None

- 11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the**

determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

In accordance with Section 21080.3.1 of the California Public Resources Code, subsequent to the County determination that the project application was complete, a Notice of Opportunity to Request Consultation was both mailed and sent via email on March 12, 2019 to the Wilton Rancheria, the one California Native American tribe that has requested notification of proposed projects. Pursuant to Section 21080.3.1(d), there is a 30 day time period for the Wilton Rancheria to either request or decline consultation in writing for this project. The Wilton Rancheria submitted an email on March 31, 2019 stating that it wished to initiate consultation. On August 20, 2019, Department of Conservation and Development staff completed a telephone discussion on the proposed project with a representative of the Wilton Rancheria. The Wilton Rancheria requested additional information on the proposed project, and staff agreed to include the Native American tribe in the distribution of the environmental review document for the proposed project. Staff emailed and mailed the Mitigated Negative Declaration with this Environmental Checklist Form to the Wilton Rancheria on October 18, 2019.

Previously, the Wilton Rancheria requested tribal consultation in response to a consultation notice for a different project that led to a meeting between staff and a representative of the Wilton Rancheria. At that meeting, a tentative agreement was reached between staff and the Wilton Rancheria that the Native American tribe will be notified of any discovery of cultural resources or human remains on the site. Subsequently, the Native American Heritage Commission (NAHC) requested that pursuant to State law, the NAHC shall be notified of any discovery of human remains rather than the Native American tribe. Mitigation Measures *Cultural Resources 1* and *Cultural Resources 2* in Section 5 (Cultural Resources) of this Environmental Checklist provide for notice to the Wilton Rancheria of any discovery of cultural resources and notice to the NAHC of any discovery of human remains on the site. The proposed minor subdivision and rezoning project does not involve any construction activity; however, any future construction activity on the proposed parcels would be subject to Mitigation Measures *Cultural Resources 1* and *Cultural Resources 2*.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Services Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

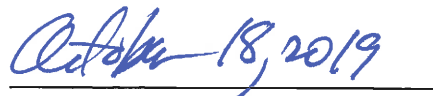
Environmental Determination

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Stan Muraoka, AICP
Senior Planner
Contra Costa County
Department of Conservation & Development



Date

ENVIRONMENTAL CHECKLIST

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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1. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

a) *Would the project have a substantial adverse effect on a scenic vista? (No impact)*

Figure 9-1 (Scenic Ridges & Waterways) of the General Plan Open Space Element identifies the major scenic resources in the County. Views of these scenic resources are considered scenic vistas. The identified scenic ridges in proximity to the Bollinger Canyon area include the northwest to southeast-trending ridge that separates the Bollinger Canyon area from the City of Danville. This ridge averages approximately 1,650 feet in elevation near the project site. The site itself is approximately 1,300 feet in elevation at its northern boundary, roughly 650 feet southwest of the crest of the ridge. Due to the hilly terrain along Bollinger Canyon Road in the vicinity of the project site, the scenic ridge is not be readily visible in the project vicinity, and therefore, the proposed project would not affect a scenic vista.

b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway? (Less than significant)*

Figure 5-4 (Scenic Routes) of the General Plan Transportation and Circulation Element identifies scenic routes in the County, including both State Scenic Highways and County designated Scenic

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Routes. The project site is located adjacent to Bollinger Canyon Road, which is a County-designated Scenic Route. The proposed project, including the minor subdivision and rezoning, would create two agricultural lots in an A-2 General Agricultural District, but would not result in any new development. Accordingly, there are no views along the scenic route that would change with the project.

Properties in the A-2 District are allowed to have one single-family residence, accessory structures, and agricultural structures without a planning permit, as well as one Accessory Dwelling Unit (ADU) with an ADU permit. The proposed parcels currently include single-family residences and other structures. In the future, construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could occur. Such new construction would be required to be set back at least 25 feet from Bollinger Canyon Road, and would not significantly change views along the route.

- c) *In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (Less than significant)*

As discussed in Environmental Checklist Section 1.b above, views of the project site would not change with the project and would not significantly change in the future as a result of potential new construction.

- d) *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Less than significant)*

As discussed in Environmental Checklist Section 1.b above, the proposed project would not result in any new development, but construction of a new accessory or agricultural structure and/or an ADU could occur at some point in the future. The new structures would be subject to building code regulations and would be required to be set back at least 25 feet from Bollinger Canyon Road. A new ADU would also be subject to an ADU permit. In addition, any new lights installed on the project site would be required to face downward and away from the roadway. Due to the foregoing reasons, there would not be any substantial light or glare created.

Sources of Information

- Site visits by County staff, April and October 2019.
- Milani & Associates. 2019. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road.*
- Contra Costa County General Plan, 2005-2020. *Open Space Element.*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- Contra Costa County General Plan, 2005-2020. *Transportation and Circulation Element*.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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2. AGRICULTURAL AND FOREST RESOURCES – Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (No impact)*

As shown on the California Department of Conservation's *Contra Costa County Important Farmland 2016* map, the 102.22-acre project site includes Grazing Land. Thus, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide importance to a non-agricultural use.

- b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? (Less than significant)*

The current zoning on the project site is A-4 Agricultural Preserve District, which allows agricultural uses on lots with a minimum size of 40 acres. The proposed project includes a Rezoning from the A-4 District to the A-2 General Agricultural District, which allows agricultural

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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uses on lots with a minimum size of five acres. With the Rezoning, the subdivision of the project site into an 81.38-acre Parcel A and a 20.84-acre Parcel B would be consistent with the A-2 District.

In 1975, the project site, along with adjacent properties, was included in Williamson Act Contract 17-75; however, a Notice of Non-Renewal for the property was received by the County and recorded on December 27, 1996, and the Williamson Act Contract on the property expired on February 28, 2006.

- c) *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)) or conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?* **(No impact)**

The project site is not considered forest land as defined by California Public Resources Code Section 12220 (g) or timberland as defined by California Public Resources Code Section 4526. Thus, the proposed project would not result in the conversion or loss of forest resources.

- d) *Would the project involve or result in the loss of forest land or conversion of forest land to non-forest use?* **(No impact)**

The project site is not considered forest land, as discussed in Environmental Checklist Section 2.c above.

- e) *Would the project involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use?* **(Less than significant)**

The proposed project would subdivide the 102.22-acre site into two parcels and would rezone the project site from the A-4 District to the A-2 District. These actions would not result in conversion of agricultural land to a non-agricultural use. The proposed project would not involve any construction on the project site, would not affect the continuing agricultural use of other farmlands in the vicinity, and would have a less-than-significant impact on the conversion of farmland.

As discussed in Environmental Checklist Section 1.a (Aesthetics) above, properties in the A-2 District are allowed to have one single-family residence, accessory structures, and agricultural structures without a planning permit, as well as one ADU with an ADU permit. The proposed parcels currently include single-family residences and other structures. In the future, construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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parcel could occur. However, such new construction would be ancillary to the primary agricultural use of the property, and therefore, would not have a significant effect on the agricultural use of the property.

Sources of Information

- Milani & Associates. 2019. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road.*
- <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/con16.pdf>, accessed October 2, 2019. *Contra Costa County Important Farmland 2016.*
- Contra Costa County Community Development Department, 1977. *Recordation of Notice of Nonrenewal of Agricultural Preserve Contract.*
- Contra Costa County, 1996. *Notice of Nonrenewal of Land Conservation (Williamson Act) Contract, AP17-75.*
- Contra Costa County. 1975. *Resolution 75/119, approving RZ1975 (Land Conservation Contract AP17-75).*
- Contra Costa County Code, Title 8. Zoning Ordinance.
- Contra Costa County General Plan 2005-2020. *Land Use Element.*

Environmental Issues	Potentially	Less Than	Less Than	No
	Significant	Significant	Significant	Impact
	Impact	With	Impact	Impact
		Mitigation		
		Incorporated		

3. AIR QUALITY – Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project conflict with or obstruct implementation of the applicable air quality plan? (No impact)*

Contra Costa County is within the San Francisco Bay air basin, which is regulated by the Bay Area Air Quality Management District (BAAQMD) pursuant to the 2017 Bay Area Clean Air Plan: *Spare the Air, Cool the Climate*. The purpose of the Clean Air Plan is to bring the air basin into compliance with the requirements of Federal and State air quality standards and achieve greenhouse gas reduction targets for 2030 and 2050. The proposed project would not involve any construction. In the future, construction of a new accessory or agricultural structure could occur without a planning permit and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels. However, such construction is allowed in the A-2 District. Thus, future construction would not be in conflict with the Clean Air Plan or obstruct its implementation.

- b) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? (Less than significant)*

The proposed minor subdivision and rezoning would not change the use of the project site and there would be no change in operational air quality. As discussed in Environmental Checklist Section 3.a above, construction of a new accessory or agricultural structure could occur without a planning permit and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels at some point in the future.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Future construction of a new accessory or agricultural structure, or an ADU, would not exceed the operational screening criteria of 325 dwelling units or the construction-related screening criteria of 114 dwelling units of the 2017 Guidelines, and therefore, the proposed project would not cause a violation of any air quality standard and would not contribute substantially to any existing or projected air quality violation. Thus, the proposed project would have a less than significant impact on any air quality standard.

- c) *Would the project expose sensitive receptors to substantial pollutant concentrations? (Less than significant)*

As discussed in Environmental Checklist Section 3.b above, the proposed project would not result in significant emissions of criteria air pollutants during the construction period or during project operation (i.e., use of the new accessory or agricultural structure or occupancy of the new ADU). Although the proposed project would contribute small increments to the level of criteria air pollutants in the atmosphere, the project would have a less than significant impact on the level of any criteria pollutant.

- d) *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Less than significant with mitigation)*

Use of a new accessory or agricultural structure or occupancy of a new ADU would not be expected to cause any localized emissions that could expose sensitive receptors (e.g., residences, schools) to unhealthy long-term air pollutant levels. Further, the proposed project would not contain any major sources of odor and would not be located in an area with existing odors.

Construction activities, however, would produce combustion emissions from various sources, including heavy equipment engines and motor vehicles used by the construction workers. Dust would be generated during grading and construction activities, with the most dust occurring during grading activities. The amount of dust generated would be highly variable would be dependent on the size of the area disturbed, amount of activity, soil conditions, and meteorological conditions. Although **grading and construction activities** would be temporary, such activities could have a **potentially significant impact during project construction** on residences within one-quarter mile of the construction site, such as the single-family residences located across from the project frontage on Bollinger Canyon Road and the closest residences on Bear Tree Road (southernmost driveway on the project site). In addition, during construction and grading, diesel powered vehicles and equipment used on the site could create localized odors. These odors would be temporary; however, there could be a **potentially significant impact during project construction due to the creation of objectionable odors** on residences within one-quarter mile of the construction site. Consequently, the applicant is required to implement the following mitigation measures, which the BAAQMD recommends to reduce construction dust and exhaust impacts, and the creation of objectionable odors to less than significant levels.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Air Quality 1: The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all sets of construction drawings.

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
2. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
3. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
4. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
5. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
6. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
7. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.*
8. *A publicly visible sign shall be posted on the property with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.*

Implementation of these mitigation measures would reduce the impacts of project construction to less than significant levels.

Sources of Information

- Milani & Associates. 2019. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road.*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- Bay Area Air Quality Management District, 2017. *2017 Bay Area Clean Air Plan: Spare the Air, Cool the Climate*.
- Bay Area Air Quality Management District, 2017. *Air Quality Guidelines, May 2017*.
- Contra Costa County Code, Title 8. Zoning Ordinance.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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4. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Less than significant)*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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As discussed in Section 9 (Surrounding Land Uses and Setting), two tributaries of Bollinger Creek run in a north to south direction on the project site. Vegetation on the site includes riparian woodland composed primarily of mature live and valley oak trees along the tributaries, oak woodland on the northeastern and eastern portions of the site that are upslope from the tributaries, and non-native annual grassland on the western and southwestern portions of the site. These habitats are also found on the surrounding agricultural properties. Existing structures on the project site, including the three single-family residences, barn, covered arena, and accessory structures located on proposed Parcel A and the single-family residence and accessory structures on proposed Parcel B are located primarily within the non-native annual grassland habitat. The minor subdivision and rezoning project would not involve any construction, and therefore would not have any effect on any habitat.

In the future, construction of a new accessory or agricultural structure could occur without a planning permit and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels. However, such construction would be relatively minor in scale and would not have a substantial effect on the on-site habitats. Moreover, future construction would occur outside of the creek structure setbacks, as required by Division 914 of the County Ordinance Code. Approval of the minor subdivision would include Public Works Department (PWD) Conditions of Approval that require relinquishing development rights over that portion of the site that would be within the structure setback area. Thus, future construction of a new accessory or agricultural structure or a new ADU would have a less than significant impact on any habitat.

- b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Less than significant)*

As discussed in Environmental Checklist Section 4.a above, two tributaries of Bollinger Creek run in a north to south direction on the project site. Bollinger Creek is a major water body that is part of the San Ramon Creek Watershed. The watershed is monitored by the Contra Costa Clean Water Program staff for compliance with the requirements of the San Francisco Bay Regional Water Quality Control Board. The two tributaries on the project site are natural channels surrounded by riparian woodland vegetation. The proposed project would not involve any construction, and would not affect the tributaries or riparian woodland habitat. As discussed in Environmental Checklist Section 4.a above, approval of the minor subdivision would include PWD Conditions of Approval that require relinquishing development rights over that portion of the site that would be within the structure setback area. Accordingly, future construction of a new accessory or agricultural structure, or a new ADU, would not be allowed within the creek structure setbacks, and therefore, would not have a substantial adverse effect on the tributaries or the riparian woodland habitat.

Environmental Issues	Potentially	Less Than	Less Than	No
	Significant	Significant	Significant	Impact
	Impact	With	Impact	Impact
		Mitigation		
		Incorporated		

- c) *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Less than significant)*

Two tributaries of Bollinger Creek run in a north to south direction on the project site. As discussed in Environmental Checklist Section 4.b above, the minor subdivision and rezoning project would not involve any construction, and would not affect the tributaries or riparian woodland habitat. Future construction of a new accessory or agricultural structure, or a new ADU, would not be allowed within the creek structure setbacks, and therefore, would be outside the creek's "ordinary high water marks" which is the limit of state and federal jurisdiction. Accordingly, the proposed project would have a less than significant impact on state or federally protected wetlands.

- d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? (Less than significant)*

The project site is maintained as a horse ranch and includes single-family residences, accessory structures, and agricultural structures associated with the raising and keeping of horses. Thus, native wildlife species have adapted to the ongoing agricultural use of the site, and have established wildlife corridors and nursery sites that account for the agricultural activity. The proposed project would not involve any construction, and therefore, would not affect any on-site wildlife corridors or nursery sites. Future construction of a new accessory or agricultural structure, or a new ADU, would be relatively minor in scale and would not have a substantial effect on wildlife corridors or nursery sites.

- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Less than significant)*

The Contra Costa County Tree Protection and Preservation Ordinance provides for the protection of certain trees by regulating tree removal while allowing for reasonable development of private property. The proposed project would not involve any construction, and therefore, would not involve alteration or removal of any protected tree. In the future, potential tree alteration or removal would be evaluated pursuant to the Ordinance prior to construction of a new accessory or agricultural structure, or a new ADU.

Division 914 of the County Ordinance Code establishes creek setbacks. Thus, within the project site, the two tributaries of Bollinger Creek are protected with minimum setbacks from the top of the bank. Any future new accessory or agricultural structure or new ADU would be required to be located outside of the creek setback. A septic system to serve a new ADU, including a leach field, would also be outside of the creek setback.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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As discussed above, no conflicts with local policies or ordinances protecting biological resources would occur, and therefore, potential project impacts would be less than significant.

- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (No impact)*

There is one adopted habitat conservation plan in Contra Costa County, the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP), which was approved in May 2007 by the East Contra Costa County Habitat Conservancy, comprised of the cities of Brentwood, Clayton, Oakley, and Pittsburg, and Contra Costa County. The HCP/NCCP establishes a coordinated process for permitting and mitigating the incidental take of endangered species in eastern Contra Costa County. The Bollinger Canyon area is outside of the covered area for the HCP/NCCP, and therefore, the proposed project would not affect the HCP/NCCP.

Sources of Information

- Site visits by County staff, April and October 2019.
- Milani & Associates. 2019. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road.*
- Contra Costa County Code, Division 914. Drainage.
- Contra Costa Clean Water Program, 2004. *Contra Costa Creek Inventory and Watershed Characterization Report.*
- Contra Costa County Code, Title 8. Zoning Ordinance.
- Contra Costa County Public Works Department, Engineering Services Division. 2019. *Minor Subdivision MS16-0014 Staff Report and Conditions of Approval.*
- <https://www.contracosta.ca.gov/depart/cd/water/HCP/>, accessed October 7, 2019. *East Contra Costa County Habitat Conservancy.*
- <https://www.fws.gov/sacramento/es/Habitat-Conservation-Plans/>, accessed October 7, 2019. *Habitat Conservation Plans, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office.*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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5. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to California Environmental Quality Act Guidelines Section 15064.5? (Less than significant)*

As discussed in Section 8 (Description of Project), the project site is in use for raising and keeping horses. The site includes four single-family residences, a barn, a covered arena, and a number of accessory structures. None of the structures are on the Contra Costa County Historic Resources Inventory. The residences vary in age, with the earliest built in 1850 and the latest in the 1980s. The earliest building has been altered and remodeled over time. All of the buildings are vernacular in architectural style, without any distinctive or unique features.

With the recordation of the Parcel Map, each minor subdivision parcel would have one single-family residence and two of the existing residences would be converted to agricultural or accessory structures; however no structure would be demolished. Accordingly, the proposed project would have a less than significant effect on historical resources.

- b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to California Environmental Quality Act Guidelines Section 15064.5? (Less than significant with mitigation)*

As discussed in Environmental Checklist Section 1.a (Aesthetics), properties in the A-2 District are allowed to have one single-family residence, accessory structures, and agricultural structures without a planning permit, as well as one ADU with an ADU permit. Each of the proposed parcels currently include a single-family residence and other structures. In the future, construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could occur. In addition, there could be installation of a septic system to serve a new ADU, including a leach field. Future construction would not occur next to the two tributaries on the project site, which, as discussed in Environmental Checklist Section 4.e (Biological Resources), are protected with minimum setbacks from the top of the bank. Any future new accessory or agricultural structure or new ADU would be required to be located outside of the creek setback. A septic system to

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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serve a new ADU, including a leach field, would also be outside of the creek setback. Furthermore, as discussed in Environmental Checklist Section 4.a, approval of the minor subdivision would include PWD Conditions of Approval that require relinquishing development rights over that portion of the site that would be within the structure setback area.

Although the tributary locations on the project site would be protected from future construction, there is a possibility that buried archaeological resources could be present and accidental discovery could occur during grading and other earthwork on the project site, resulting in a **potentially significant impact on archaeological resources**. Consequently, the applicant is required to implement the following mitigation measures.

Cultural Resources 1: The following Mitigation Measures shall be implemented during project construction.

1. *A program of on-site education to instruct all construction personnel in the identification of prehistoric and historic deposits shall be conducted by a certified archaeologist prior to the start of any grading or construction activities.*
2. *If archaeological materials are uncovered during grading, trenching, or other on-site excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.*

Implementation of these mitigation measures would reduce the impacts on archeological resources to less than significant levels.

- c) ***Would the project disturb any human remains, including those interred outside of formal cemeteries? (Less than significant with mitigation)***

No human remains or cemeteries are known to exist within or near the project site; however, there is a possibility that human remains could be present on site and accidental discovery could occur. Consequently, construction activities on the project site could result in a **potentially significant impact due to disturbance of human remains**. Thus, the applicant is required to implement the following mitigation measure.

Cultural Resources 2: Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

Implementation of this mitigation measure would reduce the impacts of on human remains to less than significant levels.

Sources of Information

- Site visits by County staff, April and October 2019.
- Contra Costa County, 2019. *Historic Resources Inventory*.
- Milani & Associates. 2019. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road*.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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6. ENERGY – Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Less than significant)*

The minor subdivision and rezoning project would not involve any construction, and therefore would not have any effect on energy resources. With the recordation of the Parcel Map, two of the existing single-family residences on Parcel A would be converted to agricultural or accessory structures; however, the conversion effort would be relatively minor and consist of interior and exterior alterations of existing structures. In the future, construction of a new accessory or agricultural structure could occur without a planning permit and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels. However, such construction would be relatively minor in scale and would not have a substantial effect on energy resources. Moreover, future construction would be required to comply with the CalGreen / Construction & Demolition Debris Recovery Program. The program requires at least 65% by weight of job site debris to be recycled, reused, or otherwise diverted from landfill disposal. Operationally, construction of an ADU would be required to comply with Title 24 of the California Energy Code, which requires new energy efficiency technologies and methods to be incorporated in residential and non-residential projects to conserve energy. Due to required compliance with each of these programs, future construction would not result in wasteful use of energy during the either the construction or operation.

- b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Less than significant)*

The State of California has routinely adopted legislation to address climate change and clean energy production that has resulted in efforts to increase the efficiency of vehicles, buildings, and appliances and to provide energy from renewable sources. Locally, the Contra Costa County Board of Supervisors adopted the Climate Action Plan in December 2015. The design and operation strategies set forth in the Plan for reducing GHG emissions include measures such as installing energy efficient appliances that would also reduce consumption of energy resources during project operation. The proposed minor subdivision and rezoning project would continue

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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the agricultural use of the project site, and therefore, would not impede any State or Local initiatives for increasing renewable energy or efficiency.

Sources of Information

- <https://www.contracosta.ca.gov/4746/CalGreen-Construction-Demolition-Debris->, accessed October 9, 2019. *CalGreen / Construction & Demolition (C&D) Debris Recovery Program*.
- <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>, accessed October 9, 2019. *2019 Building Energy Efficiency Standards, California Energy Commission*.
- Contra Costa County, 2015. *Climate Action Plan*.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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7. GEOLOGY AND SOILS – Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:*

Environmental Issues	Potentially	Less Than	Less Than	No
	Significant	Significant	Significant	Impact
	Impact	With	Impact	Impact
		Mitigation		
		Incorporated		

- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Less than significant)*

The California Geological Survey (CGS) has delineated Alquist-Priolo (A-P) zones along the known active faults in California. The nearest fault considered active by CGS is the Calaveras fault, which passes approximately 1.5 miles east-southeast of the site. Additionally, the northwest-trending Bollinger fault, which is considered inactive, is mapped approximately 250 ft. southwest of the site. Because the site is not within the Calaveras A-P zone, the risk of fault rupture is generally regarded as very low. As a result, the potential impact from surface fault rupture would be less than significant.

- ii) *Strong seismic ground shaking? (Less than significant)*

Figure 10-4 (Estimated Seismic Ground Response) of the Contra Costa County General Plan Safety Element identifies the project site to be in an area rated “moderately low” damage susceptibility. This designation is applied relatively weak bedrock that is chiefly of Pliocene age and/or Pleistocene alluvial deposits. The legend of this General Plan map states that the overall performance of structures sited in this zone is anticipated to be somewhat less satisfactory than structures constructed on older bedrock formations because ground conditions are more variable. Nevertheless, sound structures typically perform satisfactorily if foundation materials and critical slopes are stable. The risk of structural damage from ground shaking is regulated by the building code and the County Grading Ordinance. The County has adopted the 2016 California Building Code (CBC), which requires use of seismic parameters in the design of all structures requiring building permits (e.g. single-family residences, other structures for human occupancy, most accessory structures). The seismic parameters are based on soil profile types and proximity of faults deemed capable of generating strong/violent earthquake shaking. Quality construction, conservative design and compliance with building and grading regulations can be expected to keep risks within generally accepted limits. For these reasons, the environmental impact from seismic ground shaking would be considered to be less than significant.

- iii) *Seismic-related ground failure, including liquefaction? (Less than significant)*

Figure 10-5 (Estimated Liquefaction Potential) of the General Plan Safety Element divides land in the County into three liquefaction potential categories: “generally high,” “generally moderate to low,” and “generally low”. It is used as a “screening criteria” during the processing of land development applications, on a project-by-project basis. By intent, the map is conservative on the side of safety. The project site is entirely within an area that is in the “generally low” category. As a result, the potential impact of liquefaction would be considered less than significant.

Environmental Issues	Potentially	Less Than	Less Than	No
	Significant	With	Significant	Impact
	Impact	Mitigation	Impact	Impact
		Incorporated		

Although the risks of liquefiable sands in the subsurface can be considered low, the County Peer Review Geologist, Darwin Myers Associates (DMA), cautions that geologic hazard maps in the Safety Element of the General Plan are not a substitute for a site-specific geotechnical investigation. In this case, there is a cluster of residential and agricultural buildings, constructed near Bollinger Canyon Road (i.e. there are three existing single-family residences on proposed Parcel A, along with accessory and agricultural structures; there is one single-family residence and accessory structures on proposed Parcel B). The development area is located on terrace deposits that are inferred to be of Pleistocene age. DMA indicates that there have been no geotechnical investigations in Contra Costa County that have confirmed the existence of liquefiable sands in Pleistocene deposits. Nevertheless, DMA recommends that if a geotechnical investigation were to be required for a new structure or major renovations to existing structures within this development complex, it would provide an opportunity to gather technical data to confirm or modify the preliminary assessment of this hazard that based chiefly on a countywide hazard map presented in the General Plan. In the rugged, upland portion of the site, no further assessment of liquefaction-related risks is warranted.

iv) *Landslides? (Less than significant with mitigation)*

In 1975 the U.S. Geological Survey (USGS) issued photointerpretive maps of Contra Costa County showing the distribution landslide and other surficial deposits. The USGS mapping is presented on Figure 10-6 (Geologic (Landslide) Hazards) of the General Plan Safety Element. This map, which was prepared by an experienced USGS geologist, indicates all or portions of 14 landslide deposits on the project site. Another set of hazard maps were issued by the CGS. The CGS maps were based on field reconnaissance mapping in combination with geologic interpretation of historic aerial photographs. The products of that investigation included a landslide features map and a relative slope stability map. The CGS map confirms the 14 landslides previously mapped by the USGS, but the limits of the slide debris are somewhat different. The relative slope stability map classified the rugged upland portion of the site *Most Susceptible* to landsliding, and goes on to state that these slopes should be considered naturally unstable, subject to failure even in the absence of the activities of man. The only portion of the site that was regarded as stable was the portion of the site that is relatively level and underlain by Quaternary terrace deposits (i.e. area of the existing development complex).

DMA reviewed available landslide information, and analyzed aerial photographs, and concluded that the mapping of landslide deposits by the USGS and CGS provides compelling evidence that the rugged upland portion of the property is an unstable/marginally stable site, and likely to be sensitive to grading and development of any kind. DMA also indicates that the soils on the rugged upland portion of the site are considered to be highly expansive. Expansive soils present a potential for damage from slope creep, which is a slow process, typically involving a small fraction of an inch of displacement per

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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year. This movement accumulates over the years and can result in several inches of lateral and vertical movement over the life of improvements. Any proposed improvements in the upland portion of the site, including utility improvements warrant detailed topographic mapping of the project vicinity, and a detailed engineering geologic/ geotechnical report that is compliant with the standards for projects in an official Seismic Hazard Zone. Thus, there is a **potentially significant impact due to landslides on the upland portion of the project site**. Consequently, the applicant is required to implement the following mitigation measures.

Geology 1: *At least 30 days prior to requesting building permits for any improvements in the upland portion of the site, the project proponent shall submit a geotechnical/ engineering geologic report that evaluates potential geologic and geotechnical hazards, and which provides specific standards and criteria for site grading, drainage and foundation design. The required report shall also provide California Building Code seismic design parameters. The scope of the investigation shall include adequate subsurface exploration, laboratory testing and engineering analysis. The resulting report shall include both an original geologic map prepared by a Certified Engineering Geologist and detailed geologic cross-sections (e.g. identifying stratigraphic units, orientation of bedding, nearby landslides and/or areas of heavy erosion.) The report shall include adequate laboratory test data to evaluate the hazard posed by expansive and corrosive soils and bedrock.*

Geology 2: *The geotechnical/ engineering geologic investigation required by Geology1 shall utilize a detailed topographic map (of appropriate scale) of the consultant's study area. The study area shall include the access road, nearby landside area(s), residential building site(s) and all accessory and utility structures.*

Geology 3: *The required geotechnical/ engineering geologic report shall be subject to technical review by the County Peer Review Geologist, and review and approval by the Department of Conservation and Development, Community Development Division (CDD).*

Geology 4: *Prior to requesting the final building inspection, the developer/ owner shall submit a letter from the project geotechnical engineer that documents the inspections and testing performed during construction, and provide the professional opinion of the project geotechnical engineer on compliance of the as-graded/ as-built project with the recommendations in the geotechnical report.*

Implementation of these mitigation measures would reduce the impact from landslides to a less than significant level.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- b) *Would the project result in substantial soil erosion or the loss of topsoil? (Less than significant with mitigation)*

According to the Soil Survey of Contra Costa County, the soil series mapped on the upland portion of the site are the Sehorn clay (30 to 75% slopes), which is mapped west of the tributary on proposed Parcel A; and the Los Osos clay loam (30-75% slopes), which is mapped on the remaining upland portion of the site. These soils present a moderate to high erosion hazard, depending on the slope gradient. In contrast, the soil series that occurs on the valley floor area of the site (i.e. the alluvial terrace adjacent to Bollinger Canyon Road) is the Botella clay loam (2 to 9% slopes), which poses only a slight erosion hazard. DMA states that due to the limited relief in the area of the existing development complex, and the cohesive nature of the soils, the erosion hazard is expected to be slight. With ordinary care, the erosion hazard can be considered to be less than significant. Conversely, any development in the upland portion of the site presents a substantial erosion hazard that can best be controlled by (i) limiting the footprint of grading; (ii) to the degree possible, retain existing trees as their roots help to bind soils, even on steep slopes; (iii) keep the gradient of engineered slopes as flat as possible to facilitate revegetation and increase their stability; and (iv) efficiently intercept runoff from graded and developed areas and convey it to a suitable discharge point(s). Nevertheless, during grading and construction activity on the project site, there would be exposed soils, resulting in a **potentially significant impact due to soil erosion on the upland portion of the project site**. Consequently, the applicant is required to implement the following mitigation measure.

Geology 5: *For any proposed development in the upland portion of the site, minimize grading by employing hillside development techniques. With regard to the gradient of engineered slopes, use of 2:1 (horizontal to vertical) gradients shall be restricted to slopes that are 5 ft. high (max.); 2½:1 (h:v) gradients shall be required on slopes that are up to 10 ft. in vertical height; and 3:1 (h:v) gradients shall be required on engineering slopes that exceed 10 ft. in vertical height. Where these standards are inconsistent project objectives, special engineering shall be required (e.g. use of reinforced earth, retaining walls, etc.)*

Implementation of this mitigation measure would reduce the impact of soil erosion during grading and construction to a less than significant level.

- c) *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Less than significant with mitigation)*

As discussed in Environmental Checklist Section 7.a.iv above, the **risk of risk of ground failure (i.e. slope creep) is considered to be a potentially significant impact on the upland portion of the project site**. Consequently, the applicant is required to implement mitigation measures **Geology 1, 2, 3, and 4** above.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Implementation of these mitigation measures would reduce the impact from unstable geologic units or soil to a less than significant level.

- d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? (Less than significant with mitigation)*

According to the Soil Survey of Contra Costa County, soils in the upland portion of the property are considered to be highly expansive and highly corrosive. Conversely, the soils on within the existing development complex on the valley floor are considered to be only moderately expansive and moderately corrosive. Expansive soils expand when water is added and shrink when they dry out. This continuous change in soils volume causes structures to move unevenly and crack. Corrosive soils tend to damage concrete and/or uncoated steel that is in contact with the ground. Thus, there is a **potentially significant impact due to adverse soil conditions on the upland portion of the project site**. Consequently, the applicant is required to implement mitigation measure **Geology 1, 2, 3 and 4** above.

Implementation of these mitigation measures would reduce the impact of expansive and corrosive soils to a less than significant level.

- e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Less than significant with mitigation)*

The Soil Survey of Contra Costa County characterizes the engineering properties of soils that occur in the County. The soils that are mapped in the upland portion of the site have many adverse engineering properties that include (i) medium to low shear strength, (ii) susceptibility to piping (i.e. a type of underground erosion), (iii) natural slope gradient that are very steep, (iv) slow permeability, and (v) shallow depth to rock. Based on these engineering properties, the Soil Survey concludes that the upland soils that occur on the site has severe limitation for use as a filter field for septic system. Thus, there would be a **potentially significant impact on septic systems due to soil conditions on the upland portion of the project site**. Consequently, The applicant is required to implement the following mitigation measure.

Geology 6: Should an application be filed for a new development area located within the upland portion of the site, the project proponent will have responsibility of identify a potential leach field site of adequate size that complies with regulations administered by the Environmental Health Division of the County Health Services Department. If a suitable site is not identified in the upland area the project proponent will need to either identify a site on the relatively level alluvial terrace deposit located in the southwestern portion of the site or request that the Environment Health Division consider a specialized design.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Implementation of this mitigation measure would reduce the impact of soil conditions on septic systems to a less than significant level.

- f) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Less than significant with mitigation)*

Although there are no known unique paleontological resources or geologic features on the project site, there is a possibility that buried fossils and other paleontological resources or hidden geologic features could be present and accidental discovery could occur during grading and other earthwork on the project site, resulting in a **potentially significant impact on unique paleontological resources and geologic features**. Thus, the applicant is required to implement the mitigation measure ***Cultural Resources 1***.

Implementation of this mitigation measure would reduce the adverse environmental impact on the unique paleontological resources or geologic features to a less than significant level.

Sources of Information

- <https://maps.conservation.ca.gov/geologichazards/>, accessed December 18, 2018. *Geologic Hazards, California Department of Conservation, Geospatial Data and Web Maps.*
- Contra Costa County General Plan, 2005-2020. *Safety Element.*
- California Building Code, 2016.
- Contra Costa County Grading Ordinance.
- Welch, L.E. et. al., 1977. *Soil Survey of Contra Costa County, California.* USDA Soil Conservation Service.
- Ellen, S.D., and C.M. Wentworth, 1995. *Hillside Materials and Slopes in the San Francisco Bay Region, California.* U.S. Geological Survey Professional Paper 1357.
- Graymer, R., D.L. Jones & E.E. Brabb, 1994. *Preliminary Geologic Map Emphasizing Bedrock Formations in Contra Costa County, California.* U.S. Geological Survey Open File Report 94-622.
- Helley E.J. and R.W. Graymer, 1997. *Quaternary Geology of Contra Costa County and Surrounding Parts of Alameda, Marin, Sonoma, Solano, Sacramento and San Joaquin Counties, California. A Digital Database.* U.S. Geological Survey, Open File Report 97-98.
- Nilsen, T.H., 1975. *Preliminary Photointerpretation Map of Landslide and Other Surficial Deposits of the Las Trampas Ridge, Quadrangle, Contra Costa and Alameda Counties,* U.S. Geological Survey, Open File Report 75-277-24.
- Majmundar, H.H., 1995, *Landslide Hazards in the Las Trampas Ridge and Parts of the Diablo Quadrangles, Alameda and Contra Costa Counties, California,* Open File Report 95-15 (2 Sheets).

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- Milani & Associates, 2018. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road.*
- Darwin Myers Associates, 2018, *Geologic Review / Draft CEQA Section, MS16-0014 & RZ16-3234/ Lauren Locey (appli.), APN 199-370-004 / 18320 Bollinger Canyon. Rd., San Ramon Area, Contra Costa County, DMA Project # 3065.18*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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8. GREENHOUSE GAS EMISSIONS – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Less than significant)*

Greenhouse gases are gases that trap heat in the atmosphere and contribute to global climate change. Greenhouse gases include gases such as carbon dioxide, methane, nitrous oxide, and various fluorocarbons commonly found in aerosol sprays. Typically, a single residential or commercial construction project in the County would not generate enough greenhouse gas (GHG) emissions to substantially change the global average temperature; however, the accumulation of GHG emissions from all projects both within the County and outside the County has contributed and will contribute to global climate change.

In the future, construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could occur, and as a result, some GHG emissions could be generated; however, the amount generated would not result in a significant adverse environmental impact. This determination has been made using the screening criteria provided in the BAAQMD 2017 Air Quality Guidelines, which specifies 56 dwelling units as the operational greenhouse gas screening size; the BAAQMD does not have any standards for construction-related greenhouse gases. If the project does not exceed the screening criteria, the project would not result in the generation of GHG emissions that exceed the threshold of significance.

- b) *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Less than significant)*

At a regional scale, the BAAQMD adopted *the 2017 Bay Area Clean Air Plan: Spare the Air, Cool the Climate*. The purpose of the Clean Air Plan is to bring the air basin into compliance with the requirements of Federal and State air quality standards and achieve greenhouse gas reduction targets for 2030 and 2050. The Clean Air Plan included a number of pollutant reduction strategies for the San Francisco Bay air basin.

Locally, the Contra Costa County Board of Supervisors adopted the Climate Action Plan in December 2015. The Climate Action Plan includes a number of GHG emission reduction

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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strategies. The strategies include measures such as implementing standards for green buildings and energy-efficient buildings, reducing parking requirements, and reducing waste disposal. Green building codes and debris recovery programs are among the strategies currently implemented by the County.

The proposed minor subdivision and rezoning project would involve no construction; however, with the recordation of the Parcel Map, each minor subdivision parcel would have one single-family residence and two of the existing residences would be converted to agricultural or accessory structures. In the future, construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could occur. The future activities would generate some GHG emissions, but not at levels that would result in a conflict with any policy, plan, or regulation adopted for the purpose of reducing GHG emissions. Proposed future construction would be required to incorporate energy efficiency measures of the current Title 24 Building Energy Efficiency Standards Code, and a debris recovery program. Thus, the proposed project would be in conformance with applicable County GHG emission reduction strategies.

Sources of Information

- Bay Area Air Quality Management District, 2017. 2017 Bay Area Clean Air Plan: Spare the Air, Cool the Climate.
- Bay Area Air Quality Management District, 2017. Air Quality Guidelines; May 2017.
- Contra Costa County, 2015. Climate Action Plan.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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9. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Less than significant)*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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With the recordation of the Parcel Map, each minor subdivision parcel would have one single-family residence and two of the existing residences would be converted to agricultural or accessory structures. In the future, construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could occur. There would be associated use of fuels and lubricants, paints, and other construction materials during the construction period. The use and handling of hazardous materials during construction would occur in accordance with applicable federal, state, and local laws, including California Occupational Health and Safety Administration (Cal/OSHA) requirements. With compliance with existing regulations, the project would have a less than significant impact from construction.

Use of new agricultural or accessory structures and use of new ADUs on the project site would involve the routine transport, use, and disposal of hazardous materials in very small quantities as they relate to agricultural and/or household use. Contra Costa County regulates hazard disposal, and residents on the project site would be responsible for proper handling and disposal of hazardous materials. For example, household hazardous substances can be dropped off for free at the Central Contra Costa Sanitary District's Household Hazardous Waste facility in Martinez. Because any hazardous materials used for agricultural and/or household operations would be in small quantities, long-term impacts associated with handling, storing, and dispensing of hazardous materials from project operation would be less than significant.

- b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? (Less than significant)*

Conversion of two of the existing residences to agricultural or accessory structures, and future construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel, would not result in substantial concentrations of asbestos-containing materials, lead-based paint, or other hazardous materials. Aside from these activities, the project site would continue to be a horse ranch. Thus, the risk of release of hazardous materials into the environment would be less than significant.

- c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (No impact)*

There are no schools located within a quarter mile of the project site. The closest schools are more than 2 miles to the east and southeast, including the Danville Montessori School located 2.20 miles to the east, and The Child Day Schools located 2.29 miles to the southeast. Due to the distance between the project site and the schools, the proposed project would not have an impact on the schools related to hazardous substances.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (No impact)*

A review of regulatory databases maintained by County, State, and federal agencies found no documentation of hazardous materials violations or discharge on the project site. The site is not listed on the State of California Hazardous Waste and Substance Sites (Cortese) List that is maintained pursuant to California Government Code section 65962.5.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (No impact)*

The nearest public use airport is the Hayward Executive Airport, located 10.57 miles to the south-southwest, and the nearest public airport is the Oakland International Airport, located 11.77 miles to the southwest. Accordingly, the project site would not be located within an area where airport operations present a potential safety hazard or excessive airport-related noise.

- f) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Less than significant)*

As discussed in Section 9 (Surrounding Land Uses and Setting), the existing single-family residences on the project site are accessed via a loop driveway that has two driveway intersections with Bollinger Canyon Road, located approximately 475 feet apart. The northerly driveway is partially asphalt and partially gravel and provides direct access to the residences on Parcel A. The southerly asphalt driveway provides direct access to the residence on Parcel B. A third driveway is located approximately 825 feet southeast of the southern driveway leading to the residence on Parcel B. This asphalt driveway provides access through Parcel B to properties located east of the project site.

Along the project frontage, Bollinger Canyon Road is a two-lane, approximately 20-foot wide road within a 60-foot right-of-way. The road is planned to ultimately be a 40-foot wide road within a 60-foot right-of-way. The project would not create any impairment of emergency access along Bollinger Canyon Road, because the roadway currently has adequate right-of-way width, and no dedication would be required with the proposed MS16-0014 minor subdivision. Approval of the minor subdivision would include PWD Conditions of Approval that require restriction of site access to the existing driveways, paving the first 50 feet of the driveways, and ensuring adequate sight distance at the driveway intersections with Bollinger Canyon Road. With implementation of these subdivision requirements, adequate access along Bollinger Canyon Road would be maintained. The minor subdivision and rezoning project would result in the conversion of two of the on-site single-family residences to agricultural or accessory structures. In the future, construction of a new accessory or agricultural structure and/or an ADU on a minor

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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subdivision parcel could occur. The San Ramon Valley Fire Protection District would review future construction plans at the time of submittal of a grading or building permit application for adequacy of emergency ingress and egress. Thus, the proposed project would not impair implementation of or physically interfere with the emergency response or evacuation along Bollinger Canyon Road. Accordingly, project impacts on emergency response would be a less than significant.

- g) *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Less than significant)*

The project site is in an agricultural area in the Bollinger Canyon area. The California Department of Forestry and Fire Protection’s Fire Hazard Severity Zones in SRA map characterizes the project site as in the High Fire Hazard Severity Zone. All construction plans for new development on the project site will be reviewed and approved by the San Ramon Valley Fire Protection District. Compliance with all Fire Protection District requirements will ensure that there would be a less than significant risk of loss, injury or death involving wildland fires.

Sources of Information

- Contra Costa County Code, Title 4, Division 450. Hazardous Materials and Wastes.
- <https://www.envirostor.dtsc.ca.gov/>, accessed October 9, 2019. *Hazardous Waste and Substances Site List (Cortese), California Department of Toxic Substances Control.*
- Contra Costa County General Plan, 2005-2020. *Transportation and Circulation Element.*
- Contra Costa County Public Works Department, Engineering Services Division. 2019. *Minor Subdivision MS16-0014 Staff Report and Conditions of Approval.*
- California Department of Forestry and Fire Protection (CalFire), 2007. *Fire Hazard Severity Zones In SRA.*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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10. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (Less than significant with mitigation)*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Future construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could involve surface grading and excavation; however because the construction activity would disturb less than one acre of land, the applicant does not have to request coverage under the State Water Resources Control Board (SWRCB) General Construction Permit. Nevertheless, unless adequate erosion control measures are implemented during construction on the upland portion of the site, uncontrolled **discharge of graded soil and materials during construction could have a potentially significant impact** on the on-site tributaries and offsite drainage facilities in the Bollinger Canyon area. Consequently, the applicant is required to implement mitigation measure *Geology 5*.

Implementation of this mitigation measure would reduce the impact from the discharge of graded soil and materials during construction to a less than significant level.

With respect to project operation, the proposed project must comply with applicable Contra Costa County C.3 requirements. Contra Costa County, the Contra Costa County Flood Control and Water Conservation District, and 16 incorporated cities in the county have formed the Contra Costa Clean Water Program. In October 2009, the RWQCB adopted a Municipal Regional Permit for the Program, which regulates discharges from municipal storm drains pursuant to the National Pollutant Discharge Elimination System. Provision C.3 of the Municipal Regional Permit places requirements on site design to minimize creation of impervious surfaces and control storm water runoff. The County has the authority to enforce compliance with its Municipal Regional Permit authority in its adopted C.3 requirements. The C.3 requirements stipulate that projects creating and/or redeveloping at least 10,000 sq. ft. of impervious surface shall treat storm water runoff with permanent storm water management facilities, along with measures to control runoff rates and volumes. The applicant’s preliminary Stormwater Control Plan (SWCP) includes measures to optimize site layout of future building areas, use permeable pavements, disperse runoff to pervious areas, and consider harvesting storm flows. The PWD has determined that no final SWCP is required at this time, because the proposed project does not include any new development.

The C.3 requirements also stipulate that projects that create or replace 2,500 sq. ft. or more of impervious surface must incorporate specific measures to reduce runoff, such as dispersion of runoff to vegetated areas, use of pervious pavement, installation of cisterns, and installation of bioretention facilities or planter boxes. Future construction of a new accessory or agricultural structure and/or an ADU would implement storm water controls as required by the Contra Costa Clean Water Program. The C.3 storm water controls will be reviewed and approved as part of the building permit. With implementation of the storm water controls, the project would have a less than significant impact on water quality.

- b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (Less than significant)*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The 102.22-acre project site is currently served by a well and water tanks, including a well near the single-family residence on proposed Parcel B and water tanks on both proposed parcels. At the time of application for a building permit for a future ADU, the applicant will be required to submit water supply plans to the Environmental Health Division. The Division would review the plans with respect to applicable well standards, including setbacks, sustained yield, water quality, and construction.

c) *Would the project substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

i) *Result in substantial erosion or siltation on- or off-site? (Less than significant with mitigation)*

Future construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could involve surface grading and excavation. However, such new construction would be ancillary to the primary agricultural use of the property, and therefore, would not have a significant effect on the existing drainage pattern of the area. Nevertheless, as discussed in Environmental Checklist Section 10.a above, unless adequate erosion control measures are implemented during construction on the upland portion of the site, uncontrolled **discharge of graded soil and materials during construction could have a potentially significant impact** on the on-site tributaries and offsite drainage facilities in the Bollinger Canyon area. Consequently, the applicant is required to implement mitigation measure **Geology 5**.

Implementation of this mitigation measure would reduce the impact of potential erosion during construction to a less than significant level.

ii) *Substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? (Less than significant)*

As described in Environmental Checklist Section 10.c.i above, the proposed project would not substantially alter the existing drainage pattern of the site or area. As discussed in Environmental Checklist Section 10.a above, the applicant's preliminary SWCP includes measures to optimize site layout of future building areas, use permeable pavements, disperse runoff to pervious areas, and consider harvesting storm flows. Thus, there would not be any significant risk due to an increase in the project-related volume of runoff that would result in on-site or off-site flooding.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- iii) *Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Less than significant)*

As discussed in Environmental Checklist Section 10.a above, the applicant’s preliminary SWCP includes measures to optimize site layout of future building areas, use permeable pavements, disperse runoff to pervious areas, and consider harvesting storm flows. In addition, future construction would implement C.3 storm water controls as required by the Contra Costa Clean Water Program. The SWCP and C.3 storm water controls will be reviewed and approved as part of the building permit. With implementation of the SWCP and storm water controls, the project would have a less than significant impact on stormwater runoff.

- iv) *Impede or redirect flood flows? (Less than significant)*

The project site is not within a 100-year flood hazard area. The project site is located FEMA (Federal Emergency Management Agency) Flood Map 06013C0445F. As shown on the FEMA Flood Map, land north of Bollinger Canyon Road in the vicinity of the project site is classified as being in Zone X, which is considered to be an area of minimal flood hazard.

- d) *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? (No impact)*

As discussed in Environmental Checklist Section 10.c.iv above, the project site is not within a 100-year flood hazard area. The project site is also not in an area that would be susceptible to inundation by seiche or tsunami. The California Geological Survey (2009) has projected and mapped the tsunami hazard posed by a tidal wave that passes through the Golden Gate and into San Francisco Bay, San Pablo Bay and Carquinez Strait. As mapped, the tsunami hazard in Contra Costa County is limited to the lowland areas immediately adjacent to these waterways. A seiche is a water wave in a standing body of water such as a large lake or reservoir that is caused by an earthquake, a major landslide, or strong winds. This hazard does not exist within the project vicinity as there are no large lakes or reservoirs in the area.

- e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Less than significant with mitigation)*

As discussed in Environmental Checklist Section 10.a above, future construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could involve surface grading and excavation. Unless adequate erosion control measures are implemented during construction on the upland portion of the site, uncontrolled **discharge of graded soil and materials during construction could have a potentially significant impact** on water quality. Consequently, the applicant is required to implement mitigation measure **Geology 5**.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Implementation of this mitigation measure would reduce the impact from the discharge of graded soil and materials during construction to a less than significant level.

Sources of Information

- Milani & Associates. 2019. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road.*
- Milani & Associates, 2018. *Stormwater Control Plan for Parcels "A" & "B", Minor Subdivision MS16-0014.*
- Contra Costa County Code, Title 10, Division 1014. *Stormwater Management and Discharge Control.*
- <https://www.cccleanwater.org/construction-business/development>, accessed October 14, 2019. *Contra Costa County Clean Water Program, C.3 Guidance: Development.*
- <https://msc.fema.gov/portal/>, accessed October 14, 2019. *FEMA (Federal Emergency Management Agency), Flood Map 06013C0445F, effective 06/16/2009.*
- California Emergency Management Agency, 2009. *Tsunami Inundation Maps for Emergency Planning: Richmond Quadrangle/San Quentin Quadrangle, Mare Island Quadrangle, Benicia Quadrangle.*
- Contra Costa County General Plan, 2005-2020. *Safety Element.*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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11. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

a) *Would the project physically divide an established community? (No impact)*

The project site is a 102.22-acre working horse ranch in the A-4 Agricultural Preserve District with four existing single-family residence, a barn, a covered arena, and a number of accessory structures. The proposed minor subdivision and rezoning would create two parcels on the site, and each parcel would include one single-family residence, accessory structures, and agricultural structures. Two of the existing single-family residences would be converted to agricultural or accessory structures. In the future, there could be construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel. However, both Parcel A and Parcel B would continue to be in active use for raising and keeping horses.

As discussed in Section 9 (Surrounding Land Uses and Setting), other agricultural parcels and open space properties surround the project site, including an 86.76-acre parcel owned by the East Bay Regional Park District to the north, parcels ranging from 21.5 acres to over 110 acres to the east, and parcels ranging from 5.69 acres to 10.75 acres to the west. South of the project site and across Bollinger Canyon Road are parcels ranging from 3.46 acres to over 250 acres. The smaller parcels are rural residential ranchettes, and the larger parcels are either in agricultural use for raising and keeping livestock or are open space lands. Thus, the proposed project would not divide an established community and there would be no impact.

b) *Would the project cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (Less than significant)*

As discussed in Section 8 (Description of Project), the project site, along with adjacent properties, was rezoned in 1975 from the A-2 General Agricultural District to the A-4 District and was included in Williamson Act Contract 17-75. The A-4 District is intended to provide for the preservation of agricultural use of lands under Williamson Act contracts. Consistent with this intent, the A-4 District has a minimum lot size of 40 acres, which would not accommodate the proposed minor subdivision. However, a Notice of Non-Renewal for the project site was recorded on December 27, 1996, and the Williamson Act Contract on the property expired on

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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February 28, 2006. Accordingly, the proposed project includes a Rezoning of the property back to the A-2 District, which has a minimum lot size of five acres and which would accommodate the 20.84-acre proposed Parcel B. With the rezoning, the proposed project would not be in conflict with the zoning regulations. Under the A-2 District, the primary use of the property would remain as agricultural use. Thus, the effects of the rezoning would be less than significant.

Sources of Information

- Site visits by County staff, April and October 2019.
- Milani & Associates. 2019. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road.*
- Contra Costa County General Plan, 2005-2020. *Land Use Element.*
- Contra Costa County General Plan, 2005-2020. *Transportation and Circulation Element.*
- Contra Costa County Code, Title 8, *Zoning Ordinance.*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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12. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a) *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (No impact)*

Known mineral resource areas in the County are shown on Figure 8-4 (Mineral Resource Areas) of the Contra Costa County General Plan Conservation Element. No known mineral resources have been identified in the project vicinity, and therefore the proposed project would not result in the loss of availability of any known mineral resource.

- b) *Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (No impact)*

The project site is not within an area of known mineral importance according to the General Plan Conservation Element, and therefore, the project would not impact any mineral resource recovery site.

Sources of Information

- Contra Costa County General Plan, 2005-2020. *Conservation Element*.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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13. NOISE – Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Less than significant with mitigation)*

Activities at the working horse ranch are not expected to expose persons to, or generate, noise levels in excess of the Community Noise Exposure Levels shown on Figure 11-6 of the General Plan Noise Element. Figure 11-6 shows 75 dBA as normally acceptable for agricultural land uses such as land in the A-2 or A-4 District. The 75 dBA noise standard for agricultural land uses accounts for noise from farm equipment. The proposed project would not alter the use of the project site for the raising and keeping of horses, but could accommodate future construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel. Types and levels of noise generated at future accessory and agricultural structures would be similar to noise levels from the existing agricultural use. Types and levels of noise generated at future ADUs would be similar to existing residential development in the area such as at the existing single-family residences on the project site. which typically have less noise than from farm equipment. Thus, noise levels from project operation would be less than significant.

A temporary increase in ambient noise levels would occur during future construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel. During project construction, there may be periods of time where there would be loud noise from construction equipment, vehicles, and tools. The maximum projected noise level of construction equipment

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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operating on the project site could be up to 88 dBA at a distance of 50 feet. Although such activities would be temporary, the activities could have a **potentially significant impact during project construction** on sensitive receptors within one-quarter mile of project site, such as at the single-family residences located across from the project frontage on Bollinger Canyon Road and the closest residences on Bear Tree Road (southernmost driveway on the project site). Consequently, the applicant is required to implement the following noise mitigation measures.

Noise 1: *The following noise reduction measures shall be implemented during project construction and shall be included on all sets of construction drawings.*

1. *The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.*
2. *The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.*
3. *A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The Department of Conservation and Development phone number shall also be visible to ensure compliance with applicable regulations.*
4. *Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.*
5. *All construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:*

New Year's Day (State and Federal)

Birthday of Martin Luther King, Jr. (State and Federal)

Washington's Birthday (Federal)

Lincoln's Birthday (State)

President's Day (State and Federal)

Cesar Chavez Day (State)

Memorial Day (State and Federal)

Independence Day (State and Federal)

Labor Day (State and Federal)

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- Columbus Day (State and Federal)*
- Veterans Day (State and Federal)*
- Thanksgiving Day (State and Federal)*
- Day after Thanksgiving (State)*
- Christmas Day (State and Federal)*

Implementation of these mitigation measures would reduce the impact from the construction noise to a less than significant level.

- b) *Would the project result in generation of excessive groundborne vibration or groundborne noise levels? (No impact)*

Future construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel, the installation of wells and septic systems, and the paving of the first 50 feet of the on-site driveways as required by the PWD, would not include any components (e.g., pile-driving) that would generate excessive ground-borne vibration levels. Additionally, normal activities at the working horse ranch would not generate ground-borne vibrations during project operations.

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (No impact)*

There is no currently operating private airstrip in the vicinity of the project site. Thus, the proposed project would not expose people to airstrip-related noise.

The nearest public use airport is the Hayward Executive Airport, located 10.57 miles to the south-southwest, and the nearest public airport is the Oakland International Airport, located 11.77 miles to the southwest. Accordingly, the project site would not be located within an area where there would be excessive airport-related noise.

Sources of Information

- Site visits by County staff, April and October 2019.
- Contra Costa County General Plan, 2005-2020. *Noise Element*.
- Bolt, Beranek, and Newman, 1971. *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*. U.S.E.P.A. Office of Noise Abatement and Control, Contract 68-04-0047.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- Contra Costa County Public Works Department, Engineering Services Division. 2019. *Minor Subdivision MS16-0014 Staff Report and Conditions of Approval.*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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14. POPULATION AND HOUSING – Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a) *Would the project induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (Less than significant)*

There would be no new construction on Parcel A or Parcel B with the proposed minor subdivision and rezoning; however, there could be future construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel. Construction of an ADU on Parcel A and an ADU on Parcel B would directly increase the population in the 94583 zip code area, which is the zip code area for the project site, by an estimated six persons, based on the Census 2010 estimate of 2.73 persons per household for the 94583 zip code area. (Persons living in the existing single-family residences are part of the existing population of the zip code area.) Using data from the U.S. Census Bureau American Fact Finder, the six-person population increase in the zip code area which would be less than one percent of the estimated 35,244 persons living in the zip code area in 2017. Thus, the impact of adding six persons to the 94583 zip code area would be less than significant.

- b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (No impact)*

As discussed in Section 8 (Description of Project), three single-family residences are currently located on proposed Parcel A and one single-family residence is currently located on proposed Parcel B. With the recordation of the Parcel Map, two of the three existing single-family residences on Parcel A would be converted to agricultural or accessory structures. According to the applicant, no one lives in the two existing residences that would be converted. Accordingly, the proposed project would not displace any person from the project site.

Sources of Information

- Site visits by County staff, April and October 2019.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- <https://factfinder.census.gov/>, accessed October 15, 2019. *U.S. Census, American Fact Finder.*

Environmental Issues	Potentially	Less Than	Less Than	No
	Significant	Significant	Significant	Impact
	Impact	With	Impact	Impact
		Mitigation		
		Incorporated		

15. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) **Fire Protection? (Less than significant)**

Fire protection and emergency medical response services for the project vicinity are provided by the San Ramon Valley Fire Protection District (SRVFPD). Fire protection to the project site would be provided by Station 31 at 800 Sab Ramon Valley Boulevard, located approximately 2.07 miles to the east of the site with a driving distance of 6.2 miles to the site. Using an average travel speed of 35 miles per hour, an engine responding from Station 31 would take 11 minutes to reach the project site. This response time is considered acceptable for a rural area such as the project vicinity. Moreover, the project site includes existing fire water storage tanks. The proposed minor subdivision involves no construction, and therefore, would not affect fire protection services. In addition, the construction drawings for a new accessory or agricultural structure or ADU would be reviewed and approved by the Fire Protection District. As a result, potential impacts of the proposed project on fire protection would be less than significant.

b) **Police Protection? (Less than significant)**

Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office, which provides patrol service to the unincorporated Bollinger Canyon area. In addition to regular patrol service, the Sheriff's Office has a substation at 150C Alamo Plaza, located approximately 3.68 miles to the north of the site with a driving distance of 11.3 miles to the site. The addition of an ADU on Parcel A and an ADU on Parcel B to the project vicinity would not significantly affect the provision of police services to the Bollinger Canyon area.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) *Schools? (Less than significant)*

The San Ramon Valley Unified School District (SRVUSD) provides public education services from kindergarten to 12th grade to students in the Bollinger Canyon area. Based on Census 2010 data, one person (21.9 percent) living in the future ADUs on Parcel A and Parcel B would be between the ages of five and 19. The school-age child would have a direct impact on schools. The student from the project site would attend Twin Creeks Elementary School located at 2785 Marsh Drive (3.14 miles to the southeast of the site), Iron Horse Middle School located at 12601 Alcosta Boulevard (4.33 miles to the southeast of the site), and California High School located at 9870 Broadmoor Drive (5.76 miles to the southeast of the site). The enrollment at Twin Creeks Elementary School is 568 students; the enrollment at Iron Horse Middle School is 1,083 students; and the enrollment at California High School is 2,667 students. Thus, the student from the project site would increase enrollment at any school by less than one percent. Also, the applicant would be required to pay the state-mandated school impact fees for the one new dwelling units. Accordingly, direct school impacts would be less than significant.

d) *Parks? (Less than significant)*

The project site is a working horse ranch and does not include any park facility. Future construction of an ADU on each minor subdivision parcel could increase population in the Bollinger Canyon area by six persons. As a result, there could be an increase in use of parks in the City of San Ramon. These parks provide recreational facilities such as playgrounds, picnic and barbecue areas, sports fields, and walking and bicycle trails. The nearest park is the Mill Creek Hollow Park located at 2100 Deerwood Road (2.73 miles to the southwest of the site). Given the number of parks in the San Ramon area, and the project's relatively small addition to the population in the Bollinger Canyon area, the impacts of the proposed project on parks would be less than significant.

e) *Other public facilities? (Less than significant)*

Libraries: The Contra Costa Library operates 28 facilities in Contra Costa County, including the San Ramon Library located at 100 Montgomery Street (4.77 miles to the southeast of the site). The Contra Costa Library system is primarily funded by local property taxes, with additional revenue from intergovernmental sources. A portion of the property taxes on the project site would go to the Contra Costa Library system. Accordingly, the impact of the use of the public libraries by six additional persons living on the project site would be less than significant.

Health Facilities: The Contra Costa County Health Services Department (CCCHSD) operates a regional medical center (hospital) and 11 health centers and clinics in the County. County health facilities generally serve low income and uninsured patients. There is no public health facility in the Bollinger Canyon area. The closest public health facilities to the project site are the Willow Pass Wellness Center located at 1420 Willow Pass Road (11.78 miles to the north of the project

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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site), the Concord Health Center located at 3052 Willow Pass Road (12.51 miles to the north of the site), and the Concord Public Health Clinic located at 2355 Stanwell Circle (12.72 miles to the north of the site). CCCHSD is primarily funded by federal and state funding programs, with additional revenue from local taxes. Thus, the impact of the use of public health facilities by residents of future ADUs on Parcel A and Parcel B would be less than significant.

Sources of Information

- <https://firedepartment.org/our-district/district-overview/stations-facilities>, accessed October 15, 2019. *San Ramon Valley Fire Protection District, Stations and Facilities.*
- http://www.cocosherriff.org/bureaus/field_operations/patrol/valley.htm, accessed October 15, 2019. *Contra Costa County Office of the Sheriff, Valley Station.*
- <https://www.srvusd.net/>, accessed October 15, 2019. *San Ramon Valley Unified School District.*
- <https://www.greatschools.org/>, accessed October 15, 2019. *Great Schools.*
- http://www.sanramon.ca.gov/our_city/departments_and_divisions/parks_community_services/parks_facilities/parks, accessed October 15, 2019. *City of San Ramon Parks.*
- <http://ccclib.org/>, accessed October 15, 2019. *Contra Costa County Library.*
- <http://cchealth.org/>, accessed October 15, 2019. *Contra Costa Health Services.*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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16. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Less than significant)*

As discussed in Section Environmental Checklist Section 15.d (Public Services – Parks), the six persons who may reside in the future ADUs on Parcel A and Parcel B could increase use of parks in the City of San Ramon. These parks provide recreational facilities such as playgrounds, picnic and barbecue areas, sports fields, and walking and bicycle trails. In addition to these recreational facilities, the Las Trampas Wilderness Regional Preserve located along Bollinger Canyon Road includes 5,342 acres of undeveloped open space that provide opportunities for hiking activities. The Bollinger Canyon staging area of the Regional Wilderness is located approximately 1.67 miles to the northwest of the project site. The residents of the ADUs on Parcel A and Parcel B may incrementally increase use of the Regional Wilderness. The impact of the incremental increase in use of the recreational facilities would be less than significant.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (No impact)*

The proposed project would not include a recreational facility on the project site. Given the location of the nearby parks in San Ramon, as well as the Las Trampas Wilderness Regional Preserve, the residents of the ADUs on Parcel A and Parcel B would likely use these facilities. The incremental increase in the use of these nearby recreational facilities would not be expected to result in the need to construct or expand recreational facilities.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Sources of Information

- https://www.ebparks.org/parks/las_trampas/, accessed October 15, 2019. *East Bay Regional Park District, Las Trampas Wilderness Regional Preserve.*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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17. TRANSPORTATION – Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (Less than significant)*

Policy 4-c of the Growth Management Element of the General Plan requires a transportation impact analysis of any project that is estimated to generate 100 or more AM or PM peak-hour trips. The proposed project does not involve any construction, and therefore, would not generate any new peak-hour trips; however, there could be future construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel. Based on the Institute of Transportation Engineers peak period trip generation rate of 0.99 trips per dwelling unit for single-family residences, the future ADU on Parcel A and the future ADU on Parcel B would generate 2 AM and 2 PM peak period trip. Accordingly, a project-specific traffic impact analysis is not required. Since the project would yield less than 100 peak hour AM or PM trips, the proposed project would not conflict with the circulation system in the Bollinger Canyon area.

Following are assessments of possible effects on public transit, bicycle facilities, and pedestrian facilities.

Public Transit: There is no transit service along Bollinger Canyon Road north of Crow Canyon Road. The nearest transit stop is the County Connection bus stop on Crow Canyon Road at Bollinger Canyon Road approximately 2.54 miles to the southeast of the project site. Because of the distance between transit stops and the hilly terrain of the Bollinger Valley area, significant demand for transit service is not expected, and the project would not impede any existing transit service.

Bicycle Facilities: There are no existing bicycle facilities on Bollinger Canyon Road in the project vicinity. The Contra Costa County Bicycle Facilities Network Map shows proposed bicycle

Environmental Issues	Potentially	Less Than	Less Than	No
	Significant	Significant	Significant	Impact
	Impact	With	Impact	Impact
		Mitigation		
		Incorporated		

facilities along Bollinger Canyon Road adjacent to the project site. Since Bollinger Canyon Road has a 60-foot wide right of way in the project vicinity, bicycle facilities could be installed without affecting the project site. Similarly, the proposed project would not impede the future provision of bicycle lanes along Bollinger Canyon Road.

Pedestrian Facilities: There are no pedestrian facilities along Bollinger Canyon Road in the project vicinity. Due to the rural character of this area, pedestrian activity along any roadway is largely non-existent. The location and characteristics of the project site make it unlikely that anyone would travel by foot. Thus, the absence of pedestrian facilities would not constitute a significant impact.

- b) *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)? (Less than significant)*

Contra Costa County has not developed and adopted its own thresholds of significance for analyzing transportation impacts in terms of a project’s anticipated vehicle miles traveled (VMT). However, CEQA Guidelines Section 15064.7(c) allows lead agencies to consider thresholds previously adopted or recommended by other public agencies or experts, provided the decision to adopt those thresholds is supported by substantial evidence.

Pursuant to the December 2018 *Technical Advisory On Evaluating Transportation Impacts in CEQA* published by the Office of Planning and Research (OPR), projects that generate or attract fewer than 110 trips per day can be assumed to cause a less than significant transportation impact, unless there is substantial evidence indicating that a project would generate a potentially significant level of VMT or inconsistency with a Sustainable Communities Strategy or General Plan. This threshold is based on OPR’s analysis of CEQA categorical exemptions for existing facilities, and the linear increase of trip generation in relation to building footprint. Given the estimated 2 peak hour vehicle trips associated with the new ADUs on Parcel A and Parcel B in Environmental Checklist Section 17.a above, which is generally 10 percent of the daily vehicle trips, the project’s anticipated daily trip count would be 20 trips. Accordingly, the proposed project would have a less than significant transportation impact, and therefore, would be consistent with CEQA Guidelines Section 15064.3(b).

- c) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Less than significant)*

Bollinger Canyon Road is a two-lane, approximately 20-foot wide road within a 60-foot right-of-way roadway. There are currently three driveway connections on Bollinger Canyon Road that provide access to and from both Parcel A and Parcel B, as well as from parcels located east of the project site. Approval of the minor subdivision would include PWD Conditions of Approval that require restriction of site access to the existing driveways, paving the first 50 feet of the

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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driveways, and ensuring adequate sight distance at the driveway intersections with Bollinger Canyon Road. Thus, the proposed project would not have any design features that would substantially increase hazards on Bollinger Canyon Road.

The proposed project does not involve any construction; however, in the future, construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could occur. As discussed above, access to any new structures on the project site would be limited to the existing driveways. Thus, there would be a less than significant impact related to hazards on Walnut Boulevard from future on-site construction.

d) *Would the project result in inadequate emergency access? (Less than significant)*

As discussed in Environmental Checklist Section 17.c above, there are currently driveway connections on Bollinger Canyon Road for both Parcel A and Parcel B. The driveway connection would not change with the proposed project; however, the first 50 feet of the driveways would be paved. Thus, emergency access to the project vicinity would not be impeded and emergency access onto the project site would be improved. At the time of County review of construction drawings for future building permits, the SRVFPD would review the construction drawings and ensure that adequate emergency access to buildings on the project site is provided.

Sources of Information

- Contra Costa County General Plan 2005-2020. *Growth Management Element*.
- Contra Costa County General Plan 2005-2020. *Transportation and Circulation Element*.
- Contra Costa County General Plan 2005-2020. *Bicycle Facilities Network Map*.
- <https://countyconnection.com/routes/>, accessed October 16, 2019. *County Connection Maps and Schedules*.
- State of California, Governor’s Office of Planning and Research, 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA*.
- Contra Costa County Public Works Department, Engineering Services Division. 2019. *Minor Subdivision MS16-0014 Staff Report and Conditions of Approval*.

Environmental Issues	Potentially	Less Than	Less Than	No
	Significant	Significant	Significant	Impact
	Impact	With	Impact	Impact
		Mitigation		
		Incorporated		

18. TRIBAL CULTURAL RESOURCES – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (Less than significant)*

The project site includes four single-family residences, a barn, a covered arena, and a number of accessory structures. With the recordation of the Parcel Map, each minor subdivision parcel would have one single-family residence and two of the existing residences would be converted to agricultural or accessory structures; however, no structure would be demolished. Thus, the proposed project would have a less than significant impact on visible tribal cultural resources.

- b) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (Less than significant with mitigation)*

Two tributaries of Bollinger Creek run in a north to south direction on the project site. As discussed in Environmental Checklist Section 4.e (Biological Resources), the two tributaries on the project site are protected with minimum setbacks from the top of the bank. Any future new accessory or agricultural structure or new ADU would be required to be located outside of the creek setback. A septic system to serve a new ADU, including a leach field, would also be outside

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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of the creek setback. Furthermore, as discussed in Environmental Checklist Section 4.a, approval of the minor subdivision would include PWD Conditions of Approval that require relinquishing development rights over that portion of the site that would be within the structure setback area.

Although the tributary locations on the project site would be protected from future construction, there is a possibility that buried archaeological resources and/or human remains could be present on the project site and accidental discovery could occur during grading and other earthwork on the project site, resulting in a **potentially significant impact on archaeological resources or human remains**. Consequently, the applicant is required to implement mitigation measures *Cultural Resources 1* and *Cultural Resources 2*.

Implementation of these mitigation measures would reduce the impacts from accidental discovery to less than significant levels.

Sources of Information

- Site visits by County staff, April and October 2019.
- Milani & Associates. 2019. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road*.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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19. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? (Less than significant)*

The project site is in an agricultural area that is not served by any municipal water or wastewater system, and therefore, the project would have no effect on water or wastewater treatment facilities. Similar to other land uses in the vicinity, the proposed project would use an on-site groundwater wells for potable water and an on-site septic system for wastewater disposal. The wells and septic system would be subject to review and approval by the Environmental Health Division.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project site includes existing improvements for electric power, natural gas, and other common utilities. The proposed project does not involve any construction; however, in the future, construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could occur. The new structures and ADUs would connect to existing improvements, and therefore, construction of new or relocated facilities would not be necessary. Approval of the minor subdivision would include PWD Conditions of Approval for drainage improvements on the project site. Thus, potential impacts on water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunication facilities would be less than significant.

- b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years? (Less than significant)*

As discussed in Section 10.b (Hydrology and Water Quality), the project site is currently served by a well and water tanks, including a well near the single-family residence on proposed Parcel B and water tanks on both proposed parcels. Since no construction is proposed with the minor subdivision and rezoning project, there would be no effect on water supplies. Nevertheless, construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could occur in the future. At the time of application for a building permit for a future ADU, the applicant will be required to submit water supply plans to the Environmental Health Division. The Division would review the plans with respect to applicable well standards, including setbacks, sustained yield, water quality, and construction. Due to the size of the proposed minor subdivision parcels and the ongoing horse raising and keeping on the project site, use of water at the new ADUs on Parcel A and Parcel B would not significantly deplete groundwater supplies. Thus, the demand for water resources to serve future development on the project site would have a less than significant impact on existing water resources.

- c) *Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (No impact)*

The project site is in an agricultural area that is not served by any municipal wastewater system, and therefore, the project would have no effect on wastewater treatment facilities.

- d) *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (Less than significant)*

The proposed project would not involve any construction and would not change the existing agricultural activities on the project site. Future construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel would generate construction solid waste

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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and the ADU would generate post-construction residential solid waste. Construction waste would be hauled to the Acme Landfill, located at 890 Waterbird Way in Martinez. The Acme Landfill is estimated to be at 35 percent of capacity. Future construction on a minor subdivision parcel would incrementally add to the construction waste headed to the landfill; however, the impact of the project-related incremental increase is considered to be less than significant. Further, construction on the project site would be subject to the CalGreen Construction and Demolition Debris Recovery Program administered by the Department of Conservation and Development at the time of application for a building permit. The Debris Recovery Program would reduce the construction debris headed to the landfill by diverting materials that can be recycled to appropriate recycling facilities.

With respect to residential waste, the receiving landfill for operational waste is Keller Canyon, located at 901 Bailey Road in Bay Point. Keller Canyon is estimated to be at 15 percent of capacity. Residential waste from the future ADUs on Parcel A and Parcel B would incrementally add to the operational waste headed to the landfill; however, the impact of the project-related residential waste is considered to be less than significant. As is the case with construction debris, a portion of the residential waste is expected to be recycled, and would thereby reduce the residential waste headed to the landfill.

- e) *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (Less than significant)*

The proposed project would not involve any construction and would not change the existing agricultural activities on the project site. Future construction on a minor subdivision parcel will be required to comply with applicable federal, state, and local laws related to solid waste. The proposed project would not result in the generation of unique types of solid waste that would conflict with existing regulations applicable to solid waste.

Sources of Information

- Milani & Associates. 2019. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road.*
- <http://www.co.contra-costa.ca.us/depart/cd/recycle/>, accessed October 12, 2018. *Contra Costa County Waste Reduction and Recycling.*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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20. WILDFIRE – <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) ***Substantially impair an adopted emergency response plan or emergency evacuation plan? (Less than significant)***

As discussed in Environmental Checklist Section 9.g (Hazards and Hazardous Materials), The project site is in an agricultural area in the Bollinger Canyon area. The California Department of Forestry and Fire Protection’s Fire Hazard Severity Zones in SRA map characterizes the project site as in the High Fire Hazard Severity Zone. As discussed in Environmental Checklist Section 15.a (Public Services – Fire Protection), fire protection and emergency medical response services for the project vicinity are provided by the SRVFPD, which has a fire station (Station 31) at 800 Sab Ramon Valley Boulevard, located approximately 6.2 miles driving distance to the project site. The site includes a number of existing water tanks, including fire water storage tanks. All construction plans for new development on the project site will be reviewed and approved by

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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the SRVFPD. Compliance with all Fire Protection District requirements would ensure that project impacts on emergency response and evacuation would be less than significant.

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (Less than significant)*

As described in Section 9 (Surrounding Land Uses and Setting), the project site varies in elevation from approximately 850 feet at Bollinger Canyon Road to approximately 1,300 feet at its northern boundary. The existing single-family residences on the project site are located no more than 170 feet from Bollinger Canyon Road, and therefore, are on relatively level land close to the road. Accordingly, access to and from the residences would not be substantially encumbered due to a wildfire and persons on the project site would be able to readily evacuate if necessary. In the future, construction of a new accessory or agricultural structure and/or an ADU on a minor subdivision parcel could occur. As discussed in Environmental Checklist Section 20.a above, construction plans for new development on the project site will be reviewed and approved by the SRVFPD, and compliance with all Fire Protection District requirements would ensure that wildfire risk to the occupants of the ADUs would be less than significant.

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (Less than significant)*

As discussed above in Environmental Checklist Section 20.a, the site includes a number of existing water tanks, including fire water storage tanks. As discussed in Environmental Checklist Section 20.a above, construction plans for new development on the project site will be reviewed and approved by the SRVFPD, and compliance with all Fire Protection District requirements would ensure that temporary or ongoing impacts to the environment due to wildfires would be less than significant.

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (Less than significant)*

As discussed above in Environmental Checklist Section 19.a (Utilities and Service Systems), approval of the minor subdivision would include PWD Conditions of Approval for drainage improvements on the project site. Implementation of the Conditions of Approval would reduce risks of runoff, slope instability, and drainage changes to a less than significant level.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Sources of Information

- Milani & Associates. 2019. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road.*
- Contra Costa County Public Works Department, Engineering Services Division. 2019. *Minor Subdivision MS16-0014 Staff Report and Conditions of Approval.*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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21. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? (Less than significant with mitigation)*

As assessed in Environmental Checklist Section 5 (Cultural Resources), the proposed project would have a less than significant impact on historic resources, and, with mitigation measures, less than significant impacts on archaeological resources. Where mitigation measures are proposed in this Initial Study, the measures will be conditions of approval of the proposed project and the applicant will be responsible for implementation of the measures. With implementation of the mitigation measures, project impacts will be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Less than significant)*

The proposed minor subdivision and rezoning project would not involve any construction and would not change the existing agricultural activities on the project site. In the future, construction of a new accessory or agricultural structure could occur without a planning permit and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels. However, such construction would be relatively minor in scale, and therefore, would not create substantial cumulative impacts. The future construction of ADUs on Parcel A and Parcel B would increase the number of housing units in the Bollinger Canyon area by two dwelling units. Based on U.S. Census Bureau American Fact Finder data, the population in the 94583 zip code area could increase by six persons, which would be less than one percent of the estimated 35,244 persons living in the zip code area in 2017. Thus, the proposed project would be consistent with the existing surrounding agricultural land use and would have less than significant cumulative impacts.

- c) *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (Less than significant)*

This environmental assessment has disclosed impacts that would be less than significant with the implementation of mitigation measures. All identified mitigation measures will be included in the Conditions of Approval for the proposed project, and the applicant will be responsible for implementation of the measures. As a result, there would not be any environmental effect that will cause substantial adverse effects on human beings, either directly or indirectly.

REFERENCES

In the process of preparing the Initial Study Checklist and conduction of the evaluation, the following references (which are available for review at the Contra Costa County Department of Conservation and Development, 30 Muir Rd., Martinez, CA 94553) were consulted:

- Milani & Associates. 2019. *Tentative Parcel Map & Rezone, MS15-0009, 18320 Bollinger Canyon Road.*
- Milani & Associates, 2018. *Stormwater Control Plan for Parcels "A" & "B", Minor Subdivision MS16-0014.*
- Contra Costa County Community Development Department, 1977. *Recordation of Notice of Nonrenewal of Agricultural Preserve Contract.*
- Contra Costa County, 1996. *Notice of Nonrenewal of Land Conservation (Williamson Act) Contract, AP17-75.*
- Contra Costa County. 1975. *Resolution 75/119, approving RZ1975 (Land Conservation Contract AP17-75).*
- Contra Costa County Public Works Department, Engineering Services Division. 2019. *Minor Subdivision MS16-0014 Staff Report and Conditions of Approval.*
- Darwin Myers Associates, 2018, *Geologic Review / Draft CEQA Section, MS16-0014 & RZ16-3234/ Lauren Locey (appli.), APN 199-370-004 / 18320 Bollinger Canyon. Rd., San Ramon Area, Contra Costa County, DMA Project # 3065.18*

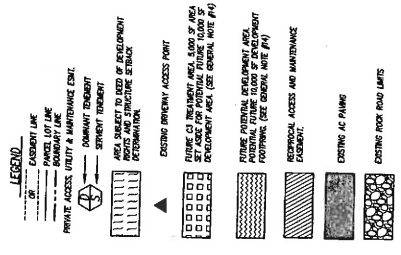
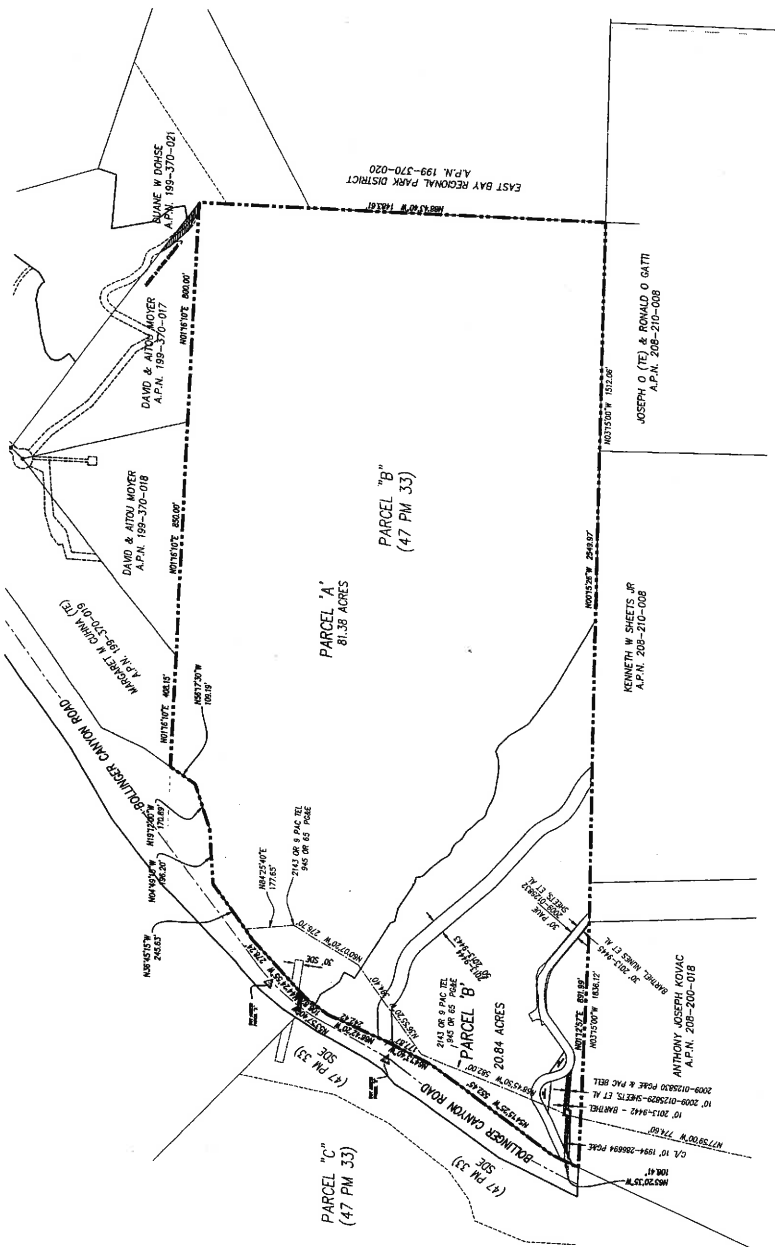
ATTACHMENTS

- 1. Vicinity Map**
- 2. Tentative Parcel Map**

MS16-0014 Project Vicinity – 18320 Bollinger Canyon Road Minor Subdivision



Source: Accela, accessed November 29, 2018



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FINAL MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

18320 Bollinger Canyon Road Minor Subdivision and Rezoning County Files MS16-0014, RZ16-3234 December 11, 2019

I. Introduction:

This document constitutes the Final Mitigated Negative Declaration/Initial Study (MND) for the 18320 Bollinger Canyon Road Minor Subdivision and Rezoning that consists of proposed Minor Subdivision MS16-0014 and Rezoning RZ16-3234 for a 102.22-acre agricultural property at 18320 Bollinger Canyon Road in the San Ramon area in unincorporated Contra Costa County. The proposed project would create two agricultural lots, including an 81.38-acre Parcel A and a 20.84-acre Parcel B. There would be no new construction on either Parcel A or Parcel B after the subdivision. The proposed project includes a rezoning from the existing A-4 Agricultural Preserve District to the A-2 General Agricultural District. The A-2 District, which has a minimum lot size of five acres and which would accommodate the 20.84-acre proposed Parcel B.

On October 18, 2019, the Contra Costa County Department of Conservation and Development, Community Development Division (CDD), published a draft MND that analyzed potential significant adverse environmental impacts of the proposed project. Pursuant to Section 15073 of the California Environmental Quality Act (CEQA), which requires a minimum 20-day public review period, the draft MND included a 21-day public review period that ended on November 8, 2019. The purpose of the public review period is for the public to submit comments on the adequacy of the environmental analysis in the MND. CDD received written comments from eight commenters in response to the publication of the draft MND.

The Final MND includes all the comments received on the draft MND, responses to the comments received, and staff-initiated text changes, including minor corrections and technical changes. The text changes are not the result of any new significant adverse environmental impact, do not alter the effectiveness of any mitigation included in the pertinent section, and do not alter any findings in the section. The County Planning Commission and Board of Supervisors will consider the environmental record including the draft MND, the Final MND, and the findings therein prior to taking action on the project as a whole.

II. Comments Received and Responses:

During the October 18, 2019 to November 8, 2019 public review period on the draft MND, CDD received written comments from the following commenters. The written comments are included herein as Attachment A. The letters and email from the commenters have been numbered by comment. Following are summaries of the written comments and staff responses to the comments. The comments and responses are organized by topic. The coding in parentheses following each comment summary indicates the commenter and the commenter's numbered comment, as shown in Attachment A.

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Comment Letter	Commenter	Type
1	Contra Costa LAFCO	Email
2	Cultural Resource Department, Wilton Rancheria	Email
3	Kenneth Sheets	Letter
4	Jason and Dana Dombrosky	Letter
5	Duane Dohse	Letter
6	John Reese	Letter
7	Charles and Lorraine Farr	Letter
8	Allan Moore, Wendel Rosen LLP	Letter

A. Project Description, MND Section 8

Comment A.1: Contra Costa LAFCO (Local Agency Formation Commission) submitted a comment that no LAFCO action will be needed as the project site does not require municipal water or sewer services. (Letter 1: Contra Costa LAFCO, Comment 1.1)

Response: The project site is served by onsite water wells and septic systems. There is no municipal water or sewer service to the project site.

Comment A.2: The commenter does not support the conversion of the extra existing single-family residences into agricultural or accessory structures. (Letter 7: Charles and Lorraine Farr, Comment 7.1)

Response: The A-4 Agricultural Preserve District allows one single-family residence with a land use permit. An additional single-family residence can be permitted in the A-4 District with another land use permit, if the project site has 40 acres of land per residence. The project site, as described in MND Section 8 includes four single-family residences. One single-family residence was legally established pursuant to Land Use Permit LP76-2069, which was approved and became effective in July 1976. There is no land use permit that allows a second residence on the project site. The A-2 General Agricultural District allows one single-family residence on a parcel, an additional second single-family residence with a land use permit, and an accessory dwelling unit (ADU) with an ADU permit. In order to conform to the requirements of the A-2 General Agricultural District upon rezoning without obtaining additional planning permits, the applicant has agreed to have one single-family residence on each minor subdivision parcel and to convert the other two residences to agricultural or accessory structures. The applicant has subsequently converted the other two residences into accessory structures.

Comment A.3: The commenter(s) support the proposed project. (Letter 3: Kenneth Sheets, Comment 3.1; Letter 4: Jason and Dana Dombrosky, Comment 4.1; Letter 5: Duane Dohse, Comment 5.1; Letter 6: John Reese, Comment 6.1; Letter 7: Charles and Lorraine Farr, Comment 7.2)

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Response: The support for the proposed project is noted.

Comment A.4: The original zoning of the project site was CM Controlled Manufacturing District. (Letter 8: Allan Moore, Wendel Rosen LLP, Comment 8.1)

Response: The second paragraph of MND Section 8 has been revised to reflect the original CM District on the project site.

B. Land Use and Planning Environmental Checklist Section 11

Comment B.1: The original zoning of the project site was CM Controlled Manufacturing District. (Letter 8: Allan Moore, Wendel Rosen LLP, Comment 8.1)

Response: The discussion in Environmental Checklist Section 11.b has been revised to reflect the original CM District on the project site.

C. Tribal Cultural Resources, MND Section 18

Comment C.1: The commenter requests the inclusion of an additional mitigation measure for tribal cultural resources (Letter 2: Cultural Resource Department, Wilton Rancheria, Comment 2.1)

Response: The commenter does not raise any issues with the adequacy of the MND in evaluating tribal cultural resources, the impact findings, or the recommended mitigation measures. MND Section 18 states that *[a]lthough the tributary locations on the project site would be protected from future construction, there is a possibility that buried archaeological resources and/or human remains could be present on the project site and accidental discovery could occur during grading and other earthwork on the project site, resulting in a potentially significant impact on archaeological resources or human remains. Consequently, the applicant is required to implement mitigation measures Cultural Resources 1 and Cultural Resources 2.* Implementation of the two mitigation measures would reduce the impacts from accidental discovery to less than significant levels.

The additional mitigation measure submitted by the Wilton Rancheria has been evaluated by CDD staff. However, given that no issues were raised regarding the adequacy of the MND, the measure is not included in the MND, but instead, has been included as a Condition of Approval.

III. Staff-Initiated Text Changes

This section includes edits to the text of the draft MND. Deleted text is shown with ~~strikethrough text~~ and new text is indicated by double underlined text. The text changes update the MND to reflect that: two of the existing single-family residences on Parcel A have been converted to accessory structures; an additional single-family residence could be constructed on a minor subdivision parcel with a land use permit, the

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project site had been in the CM Controlled Manufacturing District prior to the rezoning to the A-4 Agricultural Preserve District; and, the southerly asphalt driveway provides access to a property located northeast of Parcel B as well as to the residence on Parcel B. The text changes, are in the following locations.

MND Section 8, Description of Project

The fourth sentence of the first paragraph of the discussion in MND Section 8 is revised as follows:

~~With the recordation of the Parcel Map, Two of the three existing single-family residences on Parcel A have been~~ would be converted to ~~agricultural or~~ accessory structures; however, there would be no new construction on Parcel A.

The second and third sentences of the second paragraph of the discussion in MND Section 8 is revised as follows:

The property, ~~along with adjacent properties,~~ was rezoned in 1975 from the CM Controlled Manufacturing A-2 District to the A-4 District and was included in Williamson Act Contract 17-75; however, a Notice of Non-Renewal for the property was received by the County and recorded on December 27, 1996, and the Williamson Act Contract on the property expired on February 28, 2006. The proposed project includes a Rezoning of the property ~~back~~ to the A-2 District, which has a minimum lot size of five acres.

MND Section 9, Surrounding Land Uses and Setting

The fifth sentence in the first paragraph of the discussion in MND Section 9 is revised as follows:

The southerly asphalt driveway provides direct access to the residence on Parcel B and a property adjacent to the northeast.

Environmental Checklist Section 1, Aesthetics

The first and third sentences in the second paragraph of the discussion in Section 1.b of the MND Initial Study is revised as follows:

Properties in the A-2 District are allowed to have one single-family residence, accessory structures, and agricultural structures without a planning permit, as well as one additional single-family residence with a land use permit and one Accessory Dwelling Unit (ADU) with an ADU permit. The proposed parcels currently include single-family residences and other structures. In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

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The first and third sentences of the discussion in Section 1.d of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 1.b above, the proposed project would not result in any new development, but construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU could occur at some point in the future. The new structures would be subject to building code regulations and would be required to be set back at least 25 feet from Bollinger Canyon Road. The additional single-family residence would require a land use permit. A new ADU would require ~~also be subject to~~ an ADU permit.

Environmental Checklist Section 2, Agricultural and Forest Resources

The first and third sentences in the second paragraph of the discussion in Section 2.e of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 2.e (Aesthetics) above, properties in the A-2 District are allowed to have one single-family residence, accessory structures, and agricultural structures without a planning permit, as well as one additional single-family residence with a land use permit and one ADU with an ADU permit. The proposed parcels currently include single-family residences and other structures. In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

Environmental Checklist Section 3, Air Quality

The fourth sentence of the discussion in Section 3.a of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure could occur without a planning permit, construction of one additional single-family residence with a land use permit could occur with a land use permit, and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels.

The second sentence in the first paragraph of the discussion in Section 3.b of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 3.a above, construction of a new accessory or agricultural structure could occur without a planning permit, construction of one additional single-family residence could occur with a land use permit, and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels at some point in the future.

The first sentence in the second paragraph of the discussion in Section 3.b of the MND Initial Study is revised as follows:

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Future construction of a new accessory or agricultural structure, or an additional single-family residence, or an ADU, would not exceed the operational screening criteria of 325 dwelling units or the construction-related screening criteria of 114 dwelling units of the 2017 Guidelines, and therefore, the proposed project would not cause a violation of any air quality standard and would not contribute substantially to any existing or projected air quality violation.

The first sentence of the discussion in Section 3.c of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 3.b above, the proposed project would not result in significant emissions of criteria air pollutants during the construction period or during project operation (i.e., use of the new accessory or agricultural structure or occupancy of an additional single-family residence or an ~~the new~~ ADU).

The first sentence in the first paragraph of the discussion in Section 3.d of the MND Initial Study is revised as follows:

Use of a new accessory or agricultural structure or occupancy of an additional single-family residence or an ~~a new~~ ADU would not be expected to cause any localized emissions that could expose sensitive receptors (e.g., residences, schools) to unhealthy long-term air pollutant levels.

Environmental Checklist Section 4, Biological Resources

The first sentence in the second paragraph of the discussion in Section 4.a of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure could occur without a planning permit, construction of one additional single-family residence could occur with a land use permit, and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels.

The fifth sentence in the second paragraph of the discussion in Section 4.a of the MND Initial Study is revised as follows:

Thus, future construction of a new accessory or agricultural structure, or one additional single-family residence, or a new ADU would have a less than significant impact on any habitat.

The seventh sentence of the discussion in Section 4.b of the MND Initial Study is revised as follows:

Accordingly, future construction of a new accessory or agricultural structure, or one additional single-family residence, or a new ADU, would not be allowed within the creek structure

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setbacks, and therefore, would not have a substantial adverse effect on the tributaries or the riparian woodland habitat.

The third sentence of the discussion in Section 4.c of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure, or one additional single-family residence, or a new ADU, would not be allowed within the creek structure setbacks, and therefore, would be outside the creek's "ordinary high water marks" which is the limit of state and federal jurisdiction.

The fourth sentence of the discussion in Section 4.d of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure, or one additional single-family residence, or a new ADU, would be relatively minor in scale and would not have a substantial effect on wildlife corridors or nursery sites.

The third sentence in the first paragraph of the discussion in Section 4.e of the MND Initial Study is revised as follows:

In the future, potential tree alteration or removal would be evaluated pursuant to the Ordinance prior to construction of a new accessory or agricultural structure, or one additional single-family residence, or a new ADU.

The third and fourth sentences in the second paragraph of the discussion in Section 4.e of the MND Initial Study is revised as follows:

Any future new accessory or agricultural structure, or one additional single-family residence, or new ADU would be required to be located outside of the creek setback. A septic system to serve a new single-family residence or ADU, including a leach field, would also be outside of the creek setback.

Environmental Checklist Section 5, Cultural Resources

The first sentence in the second paragraph of the discussion in Section 5.a of the MND Initial Study is revised as follows:

~~With the recordation of the Parcel Map, e~~Each minor subdivision parcel would have one single-family residence, as and two of the existing residences have been ~~would be~~ converted to ~~agricultural or~~ accessory structures; however no structure would be demolished.

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The first, third, fourth, sixth, and seventh sentences in the first paragraph of the discussion in Section 5.b of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 1.a (Aesthetics), properties in the A-2 District are allowed to have one single-family residence, accessory structures, and agricultural structures without a planning permit, as well as one additional single-family residence with a land use permit and one ADU with an ADU permit. Each of the proposed parcels currently include a single-family residence and other structures. In the future, construction of a new accessory or agricultural structure and/or one additional single-family residence and/or an ADU on a minor subdivision parcel could occur. In addition, there could be installation of a septic system to serve a new single-family residence or ADU, including a leach field. Future construction would not occur next to the two tributaries on the project site, which, as discussed in Environmental Checklist Section 4.e (Biological Resources), are protected with minimum setbacks from the top of the bank. Any future new accessory or agricultural structure, or single-family residence, or new ADU would be required to be located outside of the creek setback. A septic system to serve a new single-family residence or ADU, including a leach field, would also be outside of the creek setback.

Environmental Checklist Section 6, Energy

The second sentence of the discussion in Section 6.a of the MND Initial Study is revised as follows:

~~With the recordation of the Parcel Map, two of the existing single-family residences on Parcel A have been~~ would be converted to agricultural or accessory structures; however, the conversion effort ~~was~~ would be relatively minor and consisted of interior and exterior alterations of existing structures.

The third sentence of the discussion in Section 6.a of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure could occur without a planning permit, construction of one additional single-family residence could occur with a land use permit, and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels.

The seventh sentence of the discussion in Section 6.a of the MND Initial Study is revised as follows:

Operationally, construction of a single-family residence or an ADU would be required to comply with Title 24 of the California Energy Code, which requires new energy efficiency technologies and methods to be incorporated in residential and non-residential projects to conserve energy.

Environmental Checklist Section 8, Greenhouse Gas Emissions

The first sentence in the second paragraph of the discussion in Section 8.a of the MND Initial Study is revised as follows:

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In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur, and as a result, some GHG emissions could be generated; however, the amount generated would not result in a significant adverse environmental impact.

The first sentence in the third paragraph of the discussion in Section 8.b of the MND Initial Study is revised as follows:

The proposed minor subdivision and rezoning project would involve no construction; however, ~~with the recordation of the Parcel Map,~~ each minor subdivision parcel would have one single-family residence, as ~~and~~ two of the existing residences have been ~~would be~~ converted to ~~agricultural or~~ accessory structures.

The second sentence in the third paragraph of the discussion in Section 8.b of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

Environmental Checklist Section 9, Hazards and Hazardous Materials

The first sentence in the first paragraph of the discussion in Section 9.a of the MND Initial Study is revised as follows:

~~With the recordation of the Parcel Map,~~ Each minor subdivision parcel would have one single-family residence, as ~~and~~ two of the existing residences have been ~~would be~~ converted to ~~agricultural or~~ accessory structures.

The second sentence in the first paragraph of the discussion in Section 9.a of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

The first sentence in the second paragraph of the discussion in Section 9.a of the MND Initial Study is revised as follows:

Use of new agricultural or accessory structures and use of additional single-family residences or new ADUs on the project site would involve the routine transport, use, and disposal of hazardous materials in very small quantities as they relate to agricultural and/or household use.

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The first sentence of the discussion in Section 9.b of the MND Initial Study is revised as follows:

~~Conversion of two of the existing residences to agricultural or accessory structures, and~~ Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel, would not result in substantial concentrations of asbestos-containing materials, lead-based paint, or other hazardous materials.

The third sentence in the first paragraph of the discussion in Section 9.f of the MND Initial Study is revised as follows:

The southerly asphalt driveway provides direct access to the residence on Parcel B and a property adjacent to the northeast.

The sixth sentence in the second paragraph of the discussion in Section 9.f of the MND Initial Study is revised as follows:

~~The minor subdivision and rezoning project would result in the conversion of two of the on-site single-family residences to agricultural or accessory structures.~~ In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

Environmental Checklist Section 10, Hydrology and Water Quality

The first sentence in the first paragraph of the discussion in Section 10.a of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could involve surface grading and excavation; however because the construction activity would disturb less than one acre of land, the applicant does not have to request coverage under the State Water Resources Control Board (SWRCB) General Construction Permit.

The second sentence in the fourth paragraph of the discussion in Section 10.a of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU would implement storm water controls as required by the Contra Costa Clean Water Program.

The second sentence of the discussion in Section 10.b of the MND Initial Study is revised as follows:

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At the time of application for a building permit for a future single-family residence or ADU, the applicant will be required to submit water supply plans to the Environmental Health Division. The Division would review the plans with respect to applicable well standards, including setbacks, sustained yield, water quality, and construction.

The first sentence of the discussion in Section 10.c.i of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could involve surface grading and excavation.

The first sentence of the discussion in Section 10.e of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 10.a above, future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could involve surface grading and excavation.

Environmental Checklist Section 11, Land Use and Planning

The third sentence in the first paragraph of the discussion in Section 11.a of the MND Initial Study is revised as follows:

Two of the existing single-family residences ~~have been~~ would be converted to ~~agricultural or~~ accessory structures.

The third sentence in the first paragraph of the discussion in Section 11.a of the MND Initial Study is revised as follows:

In the future, there could be construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel.

The first sentence of the discussion in Section 11.b of the MND Initial Study is revised as follows:

As discussed in Section 8 (Description of Project), the project site, ~~along with adjacent properties,~~ was rezoned in 1975 from the CM Controlled Manufacturing A-2 General Agricultural District to the A-4 District and was included in Williamson Act Contract 17-75.

The fifth sentence of the discussion in Section 11.b of the MND Initial Study is revised as follows.

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Accordingly, the proposed project includes a Rezoning of the property ~~back~~ to the A-2 District, which has a minimum lot size of five acres and which would accommodate the 20.84-acre proposed Parcel B.

Environmental Checklist Section 13, Noise

The fourth and sixth sentences in the first paragraph of the discussion in Section 13.a of the MND Initial Study is revised as follows:

The proposed project would not alter the use of the project site for the raising and keeping of horses, but could accommodate future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel. Types and levels of noise generated at future accessory and agricultural structures would be similar to noise levels from the existing agricultural use. Types and levels of noise generated at future single-family residences and ADUs would be similar to existing residential development in the area such as at the existing single-family residences on the project site, which typically have less noise than from farm equipment.

The first sentence in the second paragraph of the discussion in Section 13.a of the MND Initial Study is revised as follows:

A temporary increase in ambient noise levels would occur during future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel.

The first sentence of the discussion in Section 13.b of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel, the installation of wells and septic systems, and the paving of the first 50 feet of the on-site driveways as required by the PWD, would not include any components (e.g., pile-driving) that would generate excessive ground-borne vibration levels.

Environmental Checklist Section 14, Population and Housing

The first and second sentences of the discussion in Section 14.a of the MND Initial Study is revised as follows:

There would be no new construction on Parcel A or Parcel B with the proposed minor subdivision and rezoning; however, there could be future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel. Construction of an additional single-family residence and an ADU on Parcel A and an additional single-family residence and an ADU on Parcel B would directly increase the population in the 94583 zip code

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area, which is the zip code area for the project site, by an estimated 11 ~~six~~ persons, based on the Census 2010 estimate of 2.73 persons per household for the 94583 zip code area.

The fourth and fifth sentences of the discussion in Section 14.a of the MND Initial Study is revised as follows:

Using data from the U.S. Census Bureau American Fact Finder, the 11 ~~six~~ person population increase in the zip code area which would be less than one percent of the estimated 35,244 persons living in the zip code area in 2017. Thus, the impact of adding 11 ~~six~~ persons to the 94583 zip code area would be less than significant.

The second and third sentences of the discussion in Section 14.b of the MND Initial Study is revised as follows:

~~With the recordation of the Parcel Map, two of the three existing single-family residences on Parcel A have been~~ would be converted to agricultural or accessory structures. According to the applicant, ~~no one lives~~ in the two existing residences that ~~have been~~ would be converted.

Environmental Checklist Section 15, Public Services

The seventh sentence of the discussion in Section 15.a of the MND Initial Study is revised as follows:

In addition, the construction drawings for a new accessory or agricultural structure, or an additional single-family residence, or ADU would be reviewed and approved by the Fire Protection District.

The third sentence of the discussion in Section 15.b of the MND Initial Study is revised as follows:

The addition of an additional single-family residence and/or an ADU on Parcel A and an additional single-family residence and/or an ADU on Parcel B to the project vicinity would not significantly affect the provision of police services to the Bollinger Canyon area.

The second, third, and fourth sentences of the discussion in Section 15.c of the MND Initial Study is revised as follows:

Based on Census 2010 data, three ~~one~~ persons (21.9 percent) living in the future single-family residences and ADUs on Parcel A and Parcel B would be between the ages of five and 19. The school-age children would have a direct impact on schools. The students from the project site would attend Twin Creeks Elementary School located at 2785 Marsh Drive (3.14 miles to the southeast of the site), Iron Horse Middle School located at 12601 Alcosta Boulevard (4.33 miles to the southeast of the site), and California High School located at 9870 Broadmoor Drive (5.76 miles to the southeast of the site).

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The second sentence of the discussion in Section 15.d of the MND Initial Study is revised as follows:

Future construction of an additional single-family residence and an ADU on each minor subdivision parcel could increase population in the Bollinger Canyon area by the 11 ~~six~~ persons.

The fifth sentence of the *Health Facilities* discussion in Section 15.e of the MND Initial Study is revised as follows:

Thus, the impact of the use of public health facilities by residents of future single-family residences and ADUs on Parcel A and Parcel B would be less than significant.

Environmental Checklist Section 16, Recreation

The first sentence of the discussion in Section 16.a of the MND Initial Study is revised as follows:

As discussed in Section Environmental Checklist Section 15.d (Public Services – Parks), the 11 ~~six~~ persons who may reside in the future single-family residences and ADUs on Parcel A and Parcel B could increase use of parks in the City of San Ramon.

The fifth sentence of the discussion in Section 16.a of the MND Initial Study is revised as follows:

The residents of the future single-family residences and ADUs on Parcel A and Parcel B may incrementally increase use of the Regional Wilderness.

The second sentence of the discussion in Section 16.b of the MND Initial Study is revised as follows:

Given the location of the nearby parks in San Ramon, as well as the Las Trampas Wilderness Regional Preserve, the residents of the future single-family residences and ADUs on Parcel A and Parcel B would likely use these facilities.

Environmental Checklist Section 17, Transportation

The second and third sentences in the first paragraph of the discussion in Section 17.a of the MND Initial Study is revised as follows:

The proposed project does not involve any construction, and therefore, would not generate any new peak-hour trips; however, there could be future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel. Based on the Institute of Transportation Engineers peak period trip generation rate of 0.99 trips per dwelling unit for single-family residences, the future single-family residence and ADU on Parcel A and the future single-family residence and ADU on Parcel B would generate 42 AM and 42 PM peak period trip.

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The third sentence in the second paragraph of the discussion in Section 17.b of the MND Initial Study is revised as follows:

Given the estimated ~~42~~ peak hour vehicle trips associated with the new single-family residences and ADUs on Parcel A and Parcel B in Environmental Checklist Section 17.a above, which is generally 10 percent of the daily vehicle trips, the project's anticipated daily trip count would be ~~4020~~ trips.

The second sentence in the first paragraph of the discussion in Section 17.c of the MND Initial Study is revised as follows:

There are currently three driveway connections on Bollinger Canyon Road that provide access to and from both Parcel A and Parcel B, as well as from parcels located east and northeast of the project site.

The first sentence in the second paragraph of the discussion in Section 17.c of the MND Initial Study is revised as follows:

The proposed project does not involve any construction; however, in the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

Environmental Checklist Section 18, Tribal Cultural Resources

The second sentence of the discussion in Section 18.a of the MND Initial Study is revised as follows:

~~With the recordation of the Parcel Map, e~~Each minor subdivision parcel would have one single-family residence, ~~as and~~ two of the existing residences have been ~~would be~~ converted to ~~agricultural or~~ accessory structures; however, no structure would be demolished.

The third and fourth sentences in the first paragraph of the discussion in Section 18.b of the MND Initial Study is revised as follows:

Any future new accessory or agricultural structure or new single-family residence or new ADU would be required to be located outside of the creek setback. A septic system to serve a new single-family residence or new ADU, including a leach field, would also be outside of the creek setback.

Environmental Checklist Section 19, Utilities and Service Systems

The second and third sentences in the second paragraph of the discussion in Section 19.a of the MND Initial Study is revised as follows:

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The proposed project does not involve any construction; however, in the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur. The new structures, single-family residence, and ADUs would connect to existing improvements, and therefore, construction of new or relocated facilities would not be necessary.

The third, fourth, and sixth sentences of the discussion in Section 19.b of the MND Initial Study is revised as follows:

Nevertheless, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur in the future. At the time of application for a building permit for a future single-family residence or ADU, the applicant will be required to submit water supply plans to the Environmental Health Division. The Division would review the plans with respect to applicable well standards, including setbacks, sustained yield, water quality, and construction. Due to the size of the proposed minor subdivision parcels and the ongoing horse raising and keeping on the project site, use of water at the new single-family residences and ADUs on Parcel A and Parcel B would not significantly deplete groundwater supplies.

The second sentence in the first paragraph of the discussion in Section 19.d of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel would generate construction solid waste and the single-family residence and ADU would generate post-construction residential solid waste.

The third sentence in the second paragraph of the discussion in Section 19.d of the MND Initial Study is revised as follows:

Residential waste from the future single-family residences and ADUs on Parcel A and Parcel B would incrementally add to the operational waste headed to the landfill; however, the impact of the project-related residential waste is considered to be less than significant.

Environmental Checklist Section 20, Wildfire

The fourth and fifth sentences of the discussion in Section 20.b of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur. As discussed in Environmental Checklist Section 20.a above, construction plans for new development on the project site will be reviewed and approved by the SRVFPD, and compliance with all Fire Protection District requirements

Final Mitigated Negative Declaration/Initial Study

would ensure that wildfire risk to the occupants of the future single-family residences and ADUs would be less than significant.

Environmental Checklist Section 21, Mandatory Findings of Significance

The second and fourth sentences of the discussion in Section 21.b of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure could occur without a planning permit, construction of an additional single-family residence could occur with a land use permit, and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels. However, such construction would be relatively minor in scale, and therefore, would not create substantial cumulative impacts. The future construction of single-family residences and ADUs on Parcel A and Parcel B would increase the number of housing units in the Bollinger Canyon area by ~~four~~^{two} dwelling units.

Final Mitigated Negative Declaration/Initial Study

ATTACHMENT A

RE: MS16-0014 and RZ16-3234



Monday, October 21, 2019 4:17 PM

Subject	RE: MS16-0014 and RZ16-3234
From	<u>Lou Ann Texeira</u>
To	Stanley Muraoka
Sent	Monday, October 21, 2019 2:31 PM

Hi Stan,

Hope all is well.

Thank for sending Contra Costa LAFCO the *Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration* on the above-referenced project.

As you previously explained, this project will rely on septic and well and will not require municipal water or sewer services. Thus, it appears that no LAFCO action will be needed.

Please let us know if anything has changed. Thanks!


THE CONTRA COSTA LAFCO OFFICE HAS MOVED!

Contra Costa LAFCO
40 Muir Road, 1st Floor
Martinez, CA 94553
Texeira phone: 925-313-7133
Talbott phone: 925-313-7131

18320 Bollinger Canyon Road Minor Subdivision

2

Tuesday, October 29, 2019 5:29 PM

Subject	18320 Bollinger Canyon Road Minor Subdivision
From	<u>Cultural Resource Department Inbox</u>
To	Stanley Muraoka
Cc	Cultural Resource Department Inbox
Sent	Tuesday, October 29, 2019 11:01 AM
Attachments	 3_Mitigation_Measur...

Good morning,

We received the proposed Neg Dec for this project and would like to thank you for keeping us updated.

Attached is a Mitigation Measure for Post Con Site inspection we would like to include.

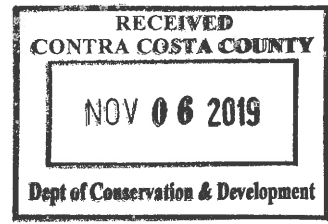
Thank you

|
|

Post-Ground Disturbance Site Visit Mitigation Measure

A minimum of seven days prior to beginning earthwork or other soil disturbance activities, the applicant shall notify the CEQA lead agency representative of the proposed earthwork start-date, in order to provide the CEQA lead agency representative with time to contact the Wilton Rancheria tribal representative shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of ground-breaking activity. During this inspection, a site meeting of construction personnel shall also be held in order to afford the tribal representative the opportunity to provide tribal cultural resources awareness information. If any tribal cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during this initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the project applicant shall immediately notify the CEQA lead agency representative. The project applicant shall coordinate any necessary investigation of the site with a Wilton Rancheria tribal representative, a qualified archaeologist approved by the City, and as part of the site investigation and resource assessment the archeologist shall consult with the Wilton Rancheria and provide proper management recommendations should potential impacts to the resources be found by the CEQA lead agency representative to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the CEQA lead agency representative by the qualified archaeologist. Possible management recommendations for tribal cultural resources, historical, or unique archaeological resources could include resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures. The contractor shall implement any measures deemed by CEQA lead agency representative staff to be necessary and feasible to avoid or minimize significant effects to the cultural resources, including the use of a Native American Monitor whenever work is occurring within 100 feet of the find.

3



MS16-0014

Date : 05 Nov. 2019

From: Kenneth W. Sheets Jr.

1850 Bear Tree Road

San Ramon, CA 94583

kwsheets@hotmail.com

925-389-6718

To : Contra Costa County - Dept. of Conservation and Development

30 Muir Road

Martinez, CA 94553

1-855-323-2626

Subject: Owner comment to CCC-CD letter dated 18 Oct. 2019, "Notice of Public Review and Intent to Adopt Proposed Mitigated Negative Declaration." Locey MS16-0014,RZ16-3234.

Dear Mr. Muraoka;

I have received your letter of 18 Oct. 2019 and endorse the Minor Subdivision and Rezoning application for the Locey and Farr parcels A & B at 18308 Bollinger Canyon Road, San Ramon, CA 94583.

The completion of this application should be fast tracked and approved due to the lengthy application period they have already been exposed to.

If you have any questions for me you may contact me at the above address.

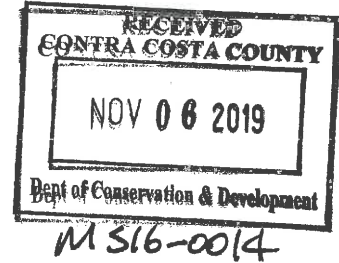
Best Regards,

A handwritten signature in cursive script, appearing to read "Kenneth W. Sheets Jr.", written over a horizontal line.

Kenneth W. Sheets Jr.

4

Jason and Dana Dombrosky
18355 Bollinger Canyon Rd, San Ramon CA
94583



To whom it may concern:

We are in favor of the lot split as proposed by Aaron Locey at 18320 Bollinger Canyon Rd. San Ramon, CA 94583.

Sincerely,

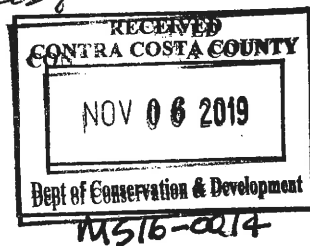
A handwritten signature in black ink, appearing to be "JD" with a large flourish.

Jason Dombrosky

Nov 5, 2019

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To whom it May Concern
Dept of Conservation & Development
Concerning Project Title-18320 Ballinger
Canyon Road minor Subdivision
County File # MS16-0014
Lauren & Aaron Lacey.



Sirs:

As much as I have reviewed this document and know this family for some 17 years as solid residents and neighbors in the Canyon I offer this comment concerning this desired action by these property Owners.

again, having read the "Notice of Public Review" I see nothing contained therein that should cause anyone heartburn over allowing them to subdivide. The only thing that might have negative impact on some neighbors would be the building of new structure near or above these present neighbors/residences. I see this has been clearly dealt with by the clear statement concerning both lots A & B, no new construction.

So please, grant them this subdivision, and give them a speedy Final Map.....

Sincerely
Diana Johnson

To Contra Costa County Planning Commission, (6)
My name John Reese; the closest neighbor to
Francis Farr and Lauren Lorie. My residence is
18275 Bollinger Canyon Rd.

I support the subdivision as outlined in your letter
received last week. The change will be a huge improvement.

The Lories have always been good neighbors and
Stewards of their land.

Please contact me if you have any questions.

John Reese

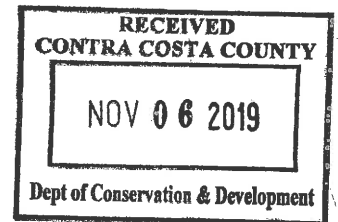
Reese-con@hotmail.com

510-410-1255

18275 Bollinger Canyon Rd

San Ramon Ca 94583

NOV 5 2019



MS16-0014

7

Charles and Lorraine Farr
18311 Bollinger Canyon Rd
San Ramon ,California 94583

Stan Murakami, Senior Planner
Department of Conservation and
Development
30 Muir Road
Martinez, CA 94553

RECEIVED
CONTRA COSTA COUNTY
NOV 06 2019
Dept of Conservation & Development
MS16-0014

November 5, 2019

Dear Mr, Muraoka,

We wish to support the Negative Declaration for the project :

Minor Subdivision MS16-0014, Rezoning RZ16-3234
18320 Bollinger Canyon Road, San Ramon, CA 94583

However, we do not support the mitigation measure requiring the conversion of two of the existing residences to be designated for storage.

We believe that both houses meet the requirements to be designated as auxiliary dwellings.

During the 43 years of our residency in Bollinger Canyon our family has lived directly across Bollinger Canyon Road from those homes, which have always provided much needed space for the high demand of affordable housing in the San Ramon Valley .

Most especially, the rare opportunity to live in a true rural setting.

During the seventeen years that the Locey family has been caring for the property those residences have been well managed.

We request that staff reconsider this finding based on several important considerations:

The high demand and limited availability of affordable housing in the San Ramon area.

The unique opportunity to live in a home in one of the few remaining agricultural spaces in Contra Costa County.

The opportunity for staff to preserve and allow the continued residential use of these historical homes.

We will attend the scheduled hearing to voice our support of the Locey project, and the preservation of their ability to continue to contribute to our community.

Sincerely,

Charles M Farr
Lorraine Farr

Charles "Mike" Farr and Lorraine Farr
18311 Bollinger Canyon Road
San Ramon, California 94583

Charles Farr

2



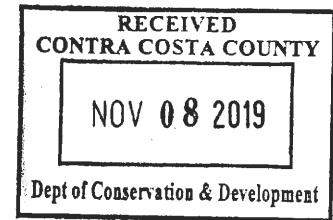
1111 Broadway, 24th Floor
Oakland, CA 94607-4036

T: 510.834.6600
F: 510.808.4752

www.wendel.com
amoore@wendel.com

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November 8, 2019



MS16-0014

By E-mail
stanley.muraoka@dcd.cccounty.us

Contra Costa County
Department of Conservation & Development
Attn: Stan Muraoka, AICP
30 Muir Road
Martinez, CA 94553

**Re: Comments/Proposed Mitigated Negative Declaration dated October 18, 2019
Locey Minor Subdivision MS16-0014, Rezoning RZ16-3234
Bollinger Canyon Road, San Ramon, CA 94583**

Dear Mr. Muraoka:

Our offices continue to represent Lauren Locey, the project applicant for the minor subdivision and rezoning at 18320 Bollinger Canyon Road (APN 199-370-004) ("Locey"). As stated, the proposed project is a Minor Subdivision of a 102.22-acre site into two lots, including an 81.38-acre Parcel A, and a 20.84-acre Parcel B.

Please consider these brief comments as the applicant's comments on the proposed Mitigated Negative Declaration (MND) dated October 18, 2019.

I. General Comment

As set forth in the MND, the proposed minor subdivision and rezoning project will not result in any new construction on Parcel A nor on Parcel B. Locey therefore believes that there will be no potentially significant impacts on the environment from the project (the lot split and rezoning) and that no mitigation measures are necessary to reduce such project impacts. However, Locey wants to confirm that Locey has reviewed the proposed mitigation measures as set forth in the MND, and Locey concurs with and agrees to each of the mitigation measures as proposed in the MND.

II. Specific Comment

Locey has the following minor, specific comments

1. Land Use and Planning. At page 43 of the MND, under Section 11, "Land Use and Planning" the MND references earlier zoning the project site. Locey simply notes his

November 8, 2019
Page 2

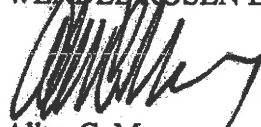
WENDEL ROSEN LLP

understanding that the original zoning of the site was CM zoning district. This does not impact the MND's environmental analysis.

We appreciate the Staff's preparation of the MND.

Very truly yours,

WENDEL ROSEN LLP



Allan C. Moore

ACM

cc: Locey

**Mitigation Monitoring Program
18320 Bollinger Canyon Road
Minor Subdivision and Rezoning
County Files MS16-0014, RZ16-3234**

**18320 Bollinger Canyon Road
San Ramon, CA 94583**

December 11, 2019

SECTION 3: AIR QUALITY

Potentially Significant Impacts: (d) Construction and grading activities would produce combustion emissions, dust, and objectionable odors. Although grading and construction activities would be temporary, such activities could have a potentially significant impact during project construction.

Mitigation Measure:

Air Quality 1: The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all construction plans.

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. A publicly visible sign shall be posted on the property with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents (with COA compliance review); field review during construction.
Responsible Department or Agency:	Project sponsor, contractor, CDD, and Building Inspection Division.
Compliance Verification:	CDD review and approval of construction documents; verification by contractor and Building Inspection Division.

Abbreviations:

Condition of Approval (COA)
Community Development Division (CDD)

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SECTION 5: CULTURAL RESOURCES

Potentially Significant Impact: (b) There is a possibility that buried archaeological resources could be present and accidental discovery could occur during grading and other earthwork on the project site, resulting in a potentially significant adverse environmental impact on archaeological resources.

Mitigation Measure:

Cultural Resources 1: The following Mitigation Measures shall be implemented during project construction.

1. A program of on-site education to instruct all construction personnel in the identification of prehistoric and historic deposits shall be conducted by a certified archaeologist prior to the start of any grading or construction activities.
2. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.

Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents (with COA compliance review); field review during construction.
Responsible Department or Agency:	Project sponsor, contractor, project archaeologist, CDD, and Building Inspection Division.
Compliance Verification:	CDD review and approval of construction documents; verification by contractor, project archaeologist, and Building Inspection Division.

Potentially Significant Impact: (c) There is a possibility that human remains could be present and accidental discovery could occur. Consequently, construction activities on the project site could result in a potentially significant adverse environmental impact due to disturbance of human remains.

Mitigation Measure:

Cultural Resources 2: Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant

to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents (with COA compliance review); field review during construction.
Responsible Department or Agency:	Project sponsor, contractor, County coroner, CDD, and Building Inspection Division.
Compliance Verification:	CDD review and approval of construction documents; verification by contractor, County coroner, and Building Inspection Division.

Abbreviations:

Condition of Approval (COA)
 Community Development Division (CDD)

SECTION 7: GEOLOGY AND SOILS

Potentially Significant Impact: (a.iv), (c), and (d) Due to the evidence that the rugged upland portion of the property is an unstable/ marginally stable site, and has soils that are considered to be highly expansive, there would be a potentially significant impact on the upland portion of the site due to ground failure (soil creep), landslides, and adverse soil conditions.

Mitigation Measures:

Geology 1: At least 30 days prior to requesting building permits for any improvements in the upland portion of the site, the project proponent shall submit a geotechnical/engineering geologic report that evaluates potential geologic and geotechnical hazards, and which provides specific standards and criteria for site grading, drainage and foundation design. The required report shall also provide California Building Code seismic design parameters. The scope of the investigation shall include adequate subsurface exploration, laboratory testing and engineering analysis. The resulting report shall include both an original geologic map prepared by a Certified Engineering Geologist and detailed geologic cross-sections (e.g. identifying stratigraphic units, orientation of bedding, nearby landslides and/or areas of heavy erosion.) The report shall include adequate laboratory test data to evaluate the hazard posed by expansive and corrosive soils and bedrock.

Geology 2: The geotechnical/engineering geologic investigation required by Geology1 shall utilize a detailed topographic map (of appropriate scale) of the consultant’s study area. The study area shall include the access road, nearby landside area(s), residential building site(s) and all accessory and utility structures.

Geology 3: The required geotechnical/engineering geologic report shall be subject to technical review by the County Peer Review Geologist, and review and approval by the Department of Conservation and Development, Community Development Division (CDD).

Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents (with COA compliance review).
Responsible Department or Agency:	Project sponsor, project geotechnical engineer, County peer review geologist, and CDD.
Compliance Verification:	Submit geotechnical/engineering geologic report to CDD for review; review and approval of report by County peer review geologist and CDD.

Geology 4: Prior to requesting the final building inspection, the developer/ owner shall submit a letter from the project geotechnical engineer that documents the inspections and testing performed during construction, and provide the professional opinion of the project geotechnical engineer on compliance of the as-graded/ as-built project with the recommendations in the geotechnical report.

Implementing Action:	COA
Timing of Verification:	Field review during construction.
Responsible Department or Agency:	Project sponsor, project geotechnical engineer, Building Inspection Division, County peer review geologist, and CDD.
Compliance Verification:	Verification by project geotechnical engineer, Building Inspection Division, and County peer review geologist. Submit letter to CDD for review; review and approval by County peer review geologist and CDD.
Potentially Significant Impact: (b) During the grading and construction activity on the project site, there would be exposed soils, resulting in a potentially significant impact due to soil erosion on the upland portion of the project site.	
Mitigation Measure:	
Geology 5: For any proposed development in the upland portion of the site, minimize grading by employing hillside development techniques. With regard to the gradient of engineered slopes, use of 2:1 (horizontal to vertical) gradients shall be restricted to slopes that are 5 ft. high (max.); 2½:1 (h:v) gradients shall be required on slopes that are up to 10 ft. in vertical height; and 3:1 (h:v) gradients shall be required on engineering slopes that exceed 10 ft. in vertical height. Where these standards are inconsistent project objectives, special engineering shall be required (e.g. use of reinforced earth, retaining walls, etc.)	
Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents (with COA compliance review).
Responsible Department or Agency:	Project sponsor, project geotechnical engineer, County peer review geologist, and CDD.
Compliance Verification:	CDD review and approval of construction documents, verification by contractor and Building Inspection Division.
Potentially Significant Impact: (e) The engineering properties of the upland soils that occur on the site has severe limitation for use as a filter field for septic system, resulting in a potentially significant impact on septic systems on the upland portion of the project site.	
Mitigation Measure:	
Geology 6: Should an application be filed for a new development area located within the upland portion of the site, the project proponent will have responsibility of identify a potential leach field site of adequate size that complies with regulations administered by the Environmental Health Division of the County	

Abbreviations:
Condition of Approval (COA)
Community Development Division (CDD)

Health Services Department. If a suitable site is not identified in the upland area the project proponent will need to either identify a site on the relatively level alluvial terrace deposit located in the southwestern portion of the site or request that the Environment Health Division consider a specialized design.	
Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents (with COA compliance review).
Responsible Department or Agency:	Project sponsor, project geotechnical engineer, County peer review geologist, Environmental Health Division, CDD.
Compliance Verification:	Submit septic system plans to CDD for review; review and approval by County peer review geologist, the Environmental Health Division, and CDD.
Potentially Significant Impact: (f) There is a possibility that buried fossils and other paleontological resources or hidden geologic features could be present and accidental discovery could occur during grading and other earthwork on the project site, resulting in a potentially significant adverse environmental impact on paleontological resources.	
Mitigation Measure:	
<u>Cultural Resources 1:</u> The following Mitigation Measures shall be implemented during project construction. <ol style="list-style-type: none"> 1. A program of on-site education to instruct all construction personnel in the identification of prehistoric and historic deposits shall be conducted by a certified archaeologist prior to the start of any grading or construction activities. 2. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary. 	
Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents (with COA compliance review); field review during construction.
Responsible Department or Agency:	Project sponsor, contractor, project archaeologist, CDD, and Building Inspection Division.

Abbreviations:

Condition of Approval (COA)
Community Development Division (CDD)

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Compliance Verification:	CDD review and approval of construction documents; verification by contractor, project archaeologist, and Building Inspection Division.
SECTION 10: HYDROLOGY AND WATER QUALITY	
Potentially Significant Impact: (a), (c)(i), and (e) Unless adequate erosion control measures are implemented during construction on the upland portion of the site, uncontrolled discharge of graded soil and materials during construction could have a potentially significant impact on the on-site tributaries and offsite drainage facilities in the Bollinger Canyon area.	
Mitigation Measure:	
Geology 5: For any proposed development in the upland portion of the site, minimize grading by employing hillside development techniques. With regard to the gradient of engineered slopes, use of 2:1 (horizontal to vertical) gradients shall be restricted to slopes that are 5 ft. high (max.); 2½:1 (h:v) gradients shall be required on slopes that are up to 10 ft. in vertical height; and 3:1 (h:v) gradients shall be required on engineering slopes that exceed 10 ft. in vertical height. Where these standards are inconsistent project objectives, special engineering shall be required (e.g. use of reinforced earth, retaining walls, etc.)	
Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents (with COA compliance review).
Responsible Department or Agency:	Project sponsor, project geotechnical engineer, County peer review geologist, and CDD.
Compliance Verification:	CDD review and approval of construction documents, verification by contractor and Building Inspection Division.

Abbreviations:
Condition of Approval (COA)
Community Development Division (CDD)

SECTION 13: NOISE

Potentially Significant Impacts: (a) Future construction on the project site may result in noise levels that would exceed the 75 dB normally acceptable level for agricultural land uses, and would result in a potentially significant impact on sensitive receptors within one-quarter mile of project site.

Mitigation Measure:

Noise 1: The following noise reduction measures shall be implemented during project construction. The noise reduction measures shall be included on all construction drawings.

1. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
2. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
3. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The Department of Conservation and Development phone number shall also be visible to ensure compliance with applicable regulations.
4. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
5. All construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

New Year's Day (State and Federal)

Birthday of Martin Luther King, Jr. (State and Federal)

Washington's Birthday (Federal)

Lincoln's Birthday (State)

President's Day (State and Federal)

Cesar Chavez Day (State)

Memorial Day (State and Federal)

Independence Day (State and Federal)

Labor Day (State and Federal)

Columbus Day (State and Federal)

Veterans Day (State and Federal)

Thanksgiving Day (State and Federal)

Day after Thanksgiving (State)

Abbreviations:

Condition of Approval (COA)

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Christmas Day (State and Federal)	
Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents (with COA compliance review); field review during construction.
Responsible Department or Agency:	Project sponsor, contractor, Building Inspection Division, and CDD.
Compliance Verification:	CDD review and approval of construction documents; verification by contractor and Building Inspection Division.

Abbreviations:
Condition of Approval (COA)
Community Development Division (CDD)

SECTION 17: TRIBAL CULTURAL RESOURCES

Potentially Significant Impact: (b) Two tributaries of Bollinger Creek run in a north to south direction on the project site. Although the tributary locations on the project site would be protected from future construction, there is a possibility that buried archaeological resources and/or human remains could be present on the project site and accidental discovery could occur during grading and other earthwork on the project site, resulting in a potentially significant impact on archaeological resources or human remains.

Mitigation Measures:

Cultural Resources 1: The following Mitigation Measures shall be implemented during project construction.

1. A program of on-site education to instruct all construction personnel in the identification of prehistoric and historic deposits shall be conducted by a certified archaeologist prior to the start of any grading or construction activities.
2. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.

Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents (with COA compliance review); field review during construction.
Responsible Department or Agency:	Project sponsor, contractor, project archaeologist, CDD, and Building Inspection Division.
Compliance Verification:	CDD review and approval of construction documents; verification by contractor, project archaeologist, and Building Inspection Division.

Cultural Resources 2: Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the

<p>ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.</p>	
<p>Implementing Action:</p>	<p>COA</p>
<p>Timing of Verification:</p>	<p>Prior to CDD approval of construction documents (with COA compliance review); field review during construction.</p>
<p>Responsible Department or Agency:</p>	<p>Project sponsor, contractor, County coroner, CDD, and Building Inspection Division.</p>
<p>Compliance Verification:</p>	<p>CDD review and approval of construction documents; verification by contractor, County coroner, and Building Inspection Division.</p>

Abbreviations:

Condition of Approval (COA)
Community Development Division (CDD)



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: February 4, 2020

Subject: Agricultural Land Use Policy Update Report

RECOMMENDATION(S):

ACCEPT report on “Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability” and DIRECT staff to take the actions necessary to further evaluate and implement the recommendations in the report, including returning to the Board for any and all necessary authorizations and approvals.

FISCAL IMPACT:

None to the General Fund. The Board previously approved the expenditure of up to \$150,000 from the Livable Communities Trust (District III portion) by the Department of Conservation and Development (DCD) to conduct the public review and develop recommendations. Of this amount, approximately \$40,000 remains.

The majority of the recommendations in the report relate to the proposed modifications of the zoning code and General Plan. The expense of preparing and analyzing these policy changes and conducting the necessary approval process can be covered by the remaining \$40,000, and, if necessary, by DCD’s existing Land Development Fund budget.

-
- APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: February 4, 2020

Contact: Jennifer Cruz, (925)
674-7790

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

By: , Deputy

cc:

FISCAL IMPACT: (CONT'D)

Most of the remaining recommendations relate to suggestions for new approaches to existing County work and can be accommodated within existing budgets. A few of the recommendations call for exploring new policies or approaches (e.g. explore establishing a noise ordinance) that could lead to public demands for additional service. The fiscal impacts of these actions will need to be evaluated in the future as part of the detailed review recommended by the report. One of the recommendations mentions seeking outside grant funding to promote agriculture in the county.

BACKGROUND:

Board Direction

On December 20, 2016, at the recommendation of then Supervisor Piepho, the Board of Supervisors approved the expenditure of up to \$150,000 from the Livable Communities Trust (District III Portion) and authorized DCD, in consultation with the Ag Task Force and local agricultural stakeholders, to identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality. The succeeding District III Supervisor, Supervisor Burgis, met with staff and outreached to the community to generate interest and ideas for the upcoming public process. On February 13, 2018, Supervisor Burgis recommended, and the Board approved, authorizing DCD to convene a series of open, public meetings with persons and groups interested in the policy reform topic, in lieu of relying on the Ag Task Force which has not met in years and does not have any members.

Public review process

Over the past 20 months, DCD convened a series of public meetings with people and parties interested in agricultural sustainability and economic vitality in Contra Costa County to review existing land use regulations and collect input on potential modifications to these policies.

The core of the policy review process was 12 large public meetings, which included a range of 20-70 participants per meeting. Participants that attended the meetings come from diverse backgrounds, ranging from various segments of the farming and ranching community, to rural residents, to proponents of various agricultural commercial ventures to conservation organizations. The meetings also included significant support and participation from the County's Departments of Agriculture, Health Services (Environmental Health Division), and Public Works, and agencies such as the University of California Cooperative Extension (UCCE) and Contra Costa Resource Conservation District (RCD).

The first three meetings were held in different areas of the County (Knightsen, Martinez, and Danville) during the months of June, July, and August 2018. The remaining meetings were held in Knightsen at the Knightsen Farm Bureau Hall, with the last meeting held on September 19, 2019. Participants provided insights on what makes the County unique, developed a shared vision for the future of agriculture in Contra Costa County, identified obstacles to a healthier agricultural economy, and discussed opportunities and constraints of agritourism. Staff researched policies and programs in other counties and developed numerous tables and maps with relevant background information. The meetings also included guest speakers from Yolo County and Sonoma County sharing their experiences promoting agriculture in their regions and their work as an agricultural ombudsperson.

The discussion among the participants and the County led to a number of specific proposals to improve agricultural land use policy. These proposals were assembled into a preliminary list of recommendations, including thoughts on key conditions and staff notes on key relevant Building, Health and Public Works provisions. Iterative drafts of the list of recommendations were discussed in meetings

and commented on in numerous comment periods over the course of approximately one year.

The attached report is the result of that intensive process. It is intended to reflect the general consensus of participants in the process, where such consensus emerged. Key areas of disagreement are noted at various places within the recommendations. Challenging issues will still need to be resolved in order to implement these recommendations, but it is hoped that this report can serve as a foundation for progress toward more sustainable and economically vibrant agriculture in Contra Costa County.

Staff appreciates the contributions provided by the many community members who gave significant time and effort to this process.

Summary of Recommendations

The recommendations can be found in Section IV of the attached report. These recommendations consist of proposed new agricultural uses and new agricultural land use policy initiatives. The recommendations in Section IV are briefly summarized below.

This report recommends various new types of lodging accommodations, including short-term rentals for 90 days or less, farm stays for up to 90 days, bed-and-breakfast, and camping/yurts/little houses on wheels. Short-term rentals and farm stays would require being located within an existing building. Bed-and-breakfast could be located within an existing, new, or modified building. These recommended uses may require a zoning permit such as a ministerial permit or a land use permit, in addition to other permits required by other agencies.

Participants of the public meetings also recommend food service uses such as farm dinners, farm-to-table restaurants, updating the Winery Ordinance, and allowing hosting of large events. These recommended uses may require a zoning permit such as a ministerial permit or a land use permit, in addition to other permits required by other agencies.

Broader policy reforms have also been a topic of discussion. Policy reforms include mitigation for conversion of agricultural land, new efforts to address rural blight and illegal dumping, examining opportunities to reduce impacts of rural development on agriculture, new efforts to facilitate communication between the farming community and regulatory agencies, improving permitting for agricultural uses, and considering a noise ordinance.

Recommendations to promote agriculture in Contra Costa County include equestrian and bike trails to connect farms, consider allowing equestrian facilities within additional agricultural districts, exploring additional funding for signage to promote agriculture in the County, updating the County's Sign Ordinance, and working with other agencies to promote agricultural vitality in the County.

Next Steps

If authorized by the Board of Supervisors, DCD will work to develop the following:

- An overall work plan and timeline for evaluating and implementing the recommendations, as directed by the Board.
- Develop draft General Plan Policies and Zoning Text Amendments, perform environmental review and present recommended new policies to the Planning Commission and the Board for consideration.
- On a parallel track, work with other agencies and partners to pursue

recommendations that are not related to General Plan and Zoning changes.

- On a third parallel track, continue the outreach to, and dialog with, the community of people interested in these topics to maintain community engagement and solicit input as recommendations are evaluated and implemented.

CONSEQUENCE OF NEGATIVE ACTION:

If the Department of Conservation and Development is not authorized to take the steps to explore the recommendations, then the necessary work required to move forward with the agricultural land use policy recommendations discussed with the participants would not be implemented.

CHILDREN'S IMPACT STATEMENT:

The recommended action will not affect children's programs in the County.

CLERK'S ADDENDUM

Speakers: Jan Rix, Kamyar Aram, UC Cooperative; Jeff Weidemann, Weidemann Ranch; Kathy Griffin; Zoe Siegel, Greenbelt Alliance; Barbara Frantz, Tess' Community Farm; Rebecca Courchesne, Frog Hollow Farm; Juan Pablo Bavan, Save Mount Diablo; John Viano, CC Farm Bureau; Karen Rarey, Brentwood City Council.

The Supervisors expressed particular interest in staff addressing:

Guidelines for farm-to-table cafes, such as a particular percentage of the food served originating from the farm, and the required amount of acreage to have a permit for café or bed and breakfast being manageable;

Further examination of whether mitigation fees are an appropriate choice for the agricultural area or an economic burden;

Retaining sustainable agriculture and the rural nature of the area.

ACCEPTED the report on "Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability" and DIRECTED staff to take the actions necessary to further evaluate and implement the recommendations in the report, including returning to the Board for any and all necessary authorizations and approvals.

ATTACHMENTS

Recommendations on Agricultural Land Use Policy to BOS 2-4-20

Recommendations on Reforming
Agricultural Land Use Policies in
Contra Costa County
To Improve Both Economic Vitality and
Sustainability

February 4, 2020

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 - d. Table Comparing Agricultural Uses in Other Counties
 - e. Table Comparing Ombudsperson in Different Counties
- IV. Recommendations

I. Summary

With authorization and direction from the Contra Costa County Board of Supervisors, the Department of Conservation and Development (DCD) conducted a public review of existing land use regulations related to agriculture to identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality. Over the past 20 months, DCD convened a series of public meetings with people and parties interested in agricultural sustainability and economic vitality in Contra Costa County to review existing land use regulations and collect input on potential modifications to these policies.

The core of the policy review process was 12 large public meetings, which included a range of 20-70 participants per meeting. Participants that attended the meetings come from diverse backgrounds, from various segments of the farming and ranching community, to rural residents, to proponents of various agricultural commercial ventures to conservation organizations. The meetings also included significant support and participation from the County's Departments of Agriculture, Health Services (Environmental Health Division), and Public Works, and agencies such as the University of California Cooperative Extension (UCCE) and Contra Costa Resource Conservation District (RCD).

The first three meetings were held in different areas of the County (Knightsen, Martinez, and Danville) during the months of June, July, and August 2018. The remaining meetings were held in Knightsen at the Knightsen Farm Bureau Hall, with the last meeting held on September 19, 2019. Participants provided insights on what makes the County unique, developed a shared vision for the future of agriculture in Contra Costa County, and identified obstacles to a healthier agricultural economy, and opportunities and constraints of agritourism. Staff researched policies and programs in other counties and developed numerous tables and maps with relevant background information. The meetings also included guest speakers from Yolo County and Sonoma County sharing their experiences promoting agriculture in their regions and their work as an agricultural ombudsperson.

The discussion among the participants and the County led to a number of specific proposals to improve agricultural land use policy. These proposals were assembled into a preliminary list of recommendations, including thoughts on key conditions and staff notes on key relevant Building, Health and Public Works provisions. Iterative drafts of the list of recommendations were discussed in meetings and commented on in numerous comment periods over the course of approximately one year.

This report is the result of that intensive process. It is intended to reflect the general consensus of participants in the process, where such consensus emerged. Key areas of

disagreement are noted at various places within the recommendations. Challenging issues will still need to be resolved in order to implement these recommendations, but it is hoped that this report can serve as a foundation for progress toward more sustainable and economically vibrant agriculture in Contra Costa County.

Key recommendations continued in this report are summarized below:

This report recommends various new types of lodging accommodations, including short-term rentals for 90 days or less, farm stays for up to 90 days, bed-and-breakfast, and camping/yrurts/little houses on wheels. Short-term rentals and farm stays would require being located within an existing building. Bed-and-breakfast could be located within an existing, new, or modified building. These recommended uses may require a zoning permit such as a ministerial permit or a land use permit, in addition to other permits required by other agencies.

Participants of the public meetings also recommend food service uses such as farm dinners, farm-to-table restaurants, updating the Winery Ordinance, and allowing hosting of large events. These recommended uses may require a zoning permit such as a ministerial permit or a land use permit, in addition to other permits required by other agencies.

Broader policy reforms have also been a topic of discussion. Policy reforms include mitigation for conversion of agricultural land, new efforts to address rural blight and illegal dumping, examining opportunities to reduce impacts of rural development on agriculture, new efforts to facilitate communication between the farming community and regulatory agencies, improving permitting for agricultural uses, and considering a noise ordinance.

Recommendations to promote agriculture in Contra Costa County include equestrian and bike trails to connect farms, consider allowing equestrian facilities within additional agricultural districts, exploring additional funding for signage to promote agriculture in the County, updating the County's Sign Ordinance, and working with other agencies to promote agricultural vitality in the County.

II. Vision and Goals to Guide Review of Agricultural Land Use Policy in Contra Costa County

Setting:

Contra Costa County's rich soils, micro-climate, and reliable water supplies have allowed generations of farmers to produce a variety of outstanding crops. Contra Costa farmers have grown a wide variety of food for the Bay Area and beyond since the Gold Rush; from vast winter wheat fields in the 1880's to sweet corn, stone fruits, vegetables, olives, wine grapes and beef today. Before the prohibition, Contra Costa County was home to over fifty wineries, including the largest winery in the world for 12 years (1907-1919), Winehaven, in Richmond. East Contra Costa has a long history of agricultural tourism, including U-pick operations going back to the 1970s. Over 100,000 people travel to Brentwood to pick cherries over Memorial Day weekend, annually. The unique combination of world class growing conditions, proud farming tradition and location within a major metropolitan area make agriculture one of Contra Costa County's most important assets.

Agricultural lands composed primarily of highly fertile Class I or II soils support a wide variety of crops and many are irrigated and intensively farmed to produce food, fiber, and plant materials. The majority of East Contra Costa's agricultural lands with Class I or II soils are located east of Brentwood in the County's Agricultural Core, a General Plan Land Use Designation intended to protect and promote agriculture on these high quality lands. The County's remaining intensively cultivated agricultural lands are primarily concentrated there, in the Sacramento-San Joaquin Delta and in the surrounding plain of Eastern Contra Costa County.

Agriculture thrives in other areas of the County as well. The Tassajara Valley area supports thousands of acres of rangeland. That area is at a crossroad; historic farming and ranching activities are merging with rural residential development, habitat conservation, public lands, and various other activities. Briones, Morgan Territory, and Las Trampas areas are also facing similar land use transitions and challenges.

Contra Costa County's History of Land Use Regulations:

In 1978, the Board of Supervisors adopted the East County Area General Plan, which included the new Agricultural Core (Ag Core) land use designation. The adopted policies were intended to preserve and protect East County's prime agricultural soils. In 1990, County voters approved Measure C, establishing the 65/35 Land Preservation Plan and Urban Limit Line (ULL) requiring at least 65 percent of all land in the county be preserved for "non-urban" uses such as agriculture, open space, wetlands, and parks. Measure C also required a 40-acre minimum parcel size for prime agricultural lands. In

2006, voters approved Measure L, which extended the term of the ULL through 2026 and placed limitations on changes to the boundary. The required 2016 review of the ULL determined capacity existed inside the ULL to accommodate jobs and housing growth through 2036.

Policies have also been adopted to protect and encourage the economic viability of agricultural land. For example, the County has adopted Farmstand, Farm-Market, and Right to Farm Ordinances to protect existing uses and allow some new ones. Additionally, the County also has adopted the Farmworker Housing Ordinance, which allows and regulates housing accommodations for farmworkers. Further, the County commissioned a report entitled Agricultural Infrastructure Report and Key Findings from agricultural economist Lon Hatamiya in 2015. That report identified economic opportunities such as demand for locally grown, source-identified, health, and sustainably-produced food, demand for organic products, potential to expand value-added food processing, manufacturing, co-processing, and co-packing across the County, and expanded agricultural tourism in Contra Costa County.

Vision and Goals for the Future of Agriculture in Contra Costa County:

A thriving agricultural sector, including sustainable agricultural lands and a vibrant and diverse agricultural economy, should remain a high priority for the County in setting land use policy.

The following are primary goals for the future of agriculture in Contra Costa County:

- Build on the unique assets of Contra Costa County to make agriculture more vibrant and sustainable. These assets include rich soils, a unique and varied climate, high-quality rangeland, reliable water supply, proximity to a major metropolitan area, natural beauty and the recognized expertise of County farmers and ranchers.
- Enable production of a diverse array of high-quality crops and agricultural products. The diversified production will make the agricultural sector more adaptable and resilient to changes in market conditions.
- Provide farmers greater opportunity to capitalize on the beauty, quality, diversity and accessibility of farmland in the County. Agricultural tourism and direct marketing opportunities should be supported and expanded.
- Protect the natural resources necessary for a thriving agricultural economy, beneficial to the quality of life for residents in the agricultural areas, important for climate resilience and ecological health and representing an important piece of the natural heritage of future generations (e.g. soil, water and water quality, air quality, biotic resources).

- Adapt regulation to meet the unique needs of the agricultural community, including making County permitting as efficient and flexible as possible (while maintaining effective regulatory protections), communicating clearly and often with the agricultural constituency and ensuring that enforcement is effective.
- Improve the sustainability of agricultural communities, by retaining and enhancing the attractive, rural, natural, agricultural character of these areas and by discouraging non-conforming uses that blight the community, while also reflecting that farmers have a right to farm. The beauty of agricultural and natural open space is a County resource with value for the economy, health, and well-being of farming communities, commuters, and surrounding urban areas.
- Recognize that finite resources (water, transportation, space, firefighting/fire resiliency) require a balanced approach to rural development.
- Support opportunities for urban agriculture, where appropriate.

III. Background Information

- a. Board Direction
- b. Key maps (General Plan, Zoning, Ag Core, Conserved agricultural lands, etc.)
- c. Table of Existing Agriculturally Zoned Uses in Contra Costa County
- d. Table Comparing Agricultural Uses in Other Counties
- e. Table Comparing Role of Agricultural Ombudsperson in Other Counties



Contra
Costa
County

To: Board of Supervisors
From: Mary N. Piepho, District III Supervisor
Date: December 20, 2016

Subject: Allocation of Funds from the Livable Communities Trust to Develop Recommendations on Agricultural Land Use Policy

RECOMMENDATION(S):

1. AUTHORIZE the Department of Conservation and Development (DCD), in consultation with the Contra Costa County Agriculture Advisory Task Force and local agricultural stakeholders, to review existing land use regulations (e.g., General Plan policies and zoning) and identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality; and

2. APPROVE the expenditure of up to \$150,000 from the Livable Communities Trust (District III Portion) for this purpose, as recommended by Supervisor Mary Nejedly Piepho.

FISCAL IMPACT:

None to the General Fund. Up to \$150,000 from the Livable Communities Trust (District III portion) will be allocated toward the effort.

BACKGROUND:

Agriculture has historically been an important part of Contra Costa County's economy and culture, with agricultural

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/20/2016** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: December 20, 2016

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

ABSENT: Federal D. Glover, District V
Supervisor

By: Stephanie Mello, Deputy

Contact: TOMI RILEY,
925-252-4500

cc:

BACKGROUND: (CONT'D)

activities dating back to the Spanish colonial period. Good soils, a mild climate, and adequate water supplies allowed agriculture to become a principal element of the county's economy. However, the agricultural sector began a steady decline following World War II, as tens of thousands of acres of productive agricultural land were converted to accommodate urban and suburban growth.

Understanding the impact of development pressures on agricultural resources, in 1978 the Board of Supervisors established the Agricultural Core ("Ag Core") as part of the newly-adopted East County Area General Plan (see Note 1). The Ag Core included 14,600 acres of farmland that were the most capable of supporting and sustaining agricultural production because the soils were considered the best for farming a wide variety of plants or crops. These soils were rated as "Prime Farmland" through a soil survey conducted by the U.S. Department of Agriculture's Soil Conservation Service (now the Natural Resource Conservation Service). Additionally, the Ag Core is identified as Prime Farmland through the Farmland Monitoring and Mapping Program administered by the California Department of Conservation, Division of Land Resources Protection (see Attachment A, Contra Costa County Important Farmland Map 2014 and Note 2).

In 1990 Contra Costa voters approved Measure C, which among other things established the County's Urban Limit Line and resulted in the County rezoning the Ag Core to require 40-acre minimum parcel sizes where 10-acres had been the previous minimum.

Unfortunately, the years immediately preceding Measure C's adoption saw a spike in subdivision applications within the Ag Core, which resulted in creation of numerous parcels that are undersized by today's zoning standards. These parcels are often developed as estate lots or other non-agricultural uses and may not easily lend themselves to economically-viable agricultural enterprises due to their size.

Despite public and private efforts to preserve the county's productive agricultural land over the past several decades, from 1984 through 2014 Prime Farmland decreased from 41,181 to 25,502 acres and Important Farmland decreased from 116,148 to 88,912 acres (see Note 3). Prime Farmland within the Ag Core itself has decreased from 14,600 acres to approximately 11,500 acres since the Ag Core's inception.

Despite the decrease in agricultural acreage, agriculture is still an important element of the Contra Costa County economy. In 2015 agriculture contributed \$225 million and provided 2,277 jobs (1,735 direct and 542 indirect/supporting) (see Note 4). The \$128.5 million gross value of the county's agricultural production ranked 38th out of the 56 California counties submitting crop reports in 2015 and 6th out of the 9 Bay Area counties (see Note 5).

While Contra Costa's agricultural production may be small compared to the \$3.23 billion production of San Joaquin County, it is nearly three times larger than the agricultural production of neighboring Alameda County. Local initiatives such as Buy Fresh, Buy Local and Harvest Time in Brentwood have increased awareness of Contra Costa's agricultural

resources and products, but its agricultural tourism (“agritourism”) industry lags behind Alameda County’s relative to the size of its agricultural economy. In part this is because Alameda County has adopted a clear vision for its most prominent agricultural area, the South Livermore Valley, and successfully worked with the cities of Livermore and Pleasanton and local stakeholders, like the Livermore Valley Winegrowers Association, to leverage its agricultural resources. Contra Costa County can learn from and build upon Alameda County’s experience.

Food production has also become an issue of intense public interest in recent years. Across the nation people have become increasingly aware of their food sources and production practices. Organically farmed and farm-to-table, concepts which were somewhat obscure a just decade ago, are now mainstream and commonly factor into consumer choices. Therefore, it is important that Contra Costa County farms remain an economically-viable local food source.

The District III Supervisor has consistently engaged with the agricultural community over the last twelve years to hear their thoughts on the future of agriculture, including convening town hall style meetings, participating in forums and conferences and engaging with individual farmers and other interested people at numerous other meetings and events. Farmers in Contra Costa County value our agricultural tradition and want to see it continue, but they also feel strongly that opportunities to promote economic vitality for agriculture need to be identified and pursued.

With these considerations in mind, the District III Supervisor recommends that the full Board authorize DCD, in consultation with the Agricultural Advisory Task Force and stakeholders in the local agricultural community, to identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality. These could include, but are not limited to:

- Researching on how programs to promote agricultural sustainability and economic vitality have been developed and funded throughout California, including agritourism, agricultural marketing opportunities and efforts to make agriculture more sustainable.
- Reviewing the County General Plan and zoning ordinance to identify changes necessary to promote the economic vitality and sustainability of agriculture.
- Reviewing current permitting procedures for agricultural projects to identify opportunities for streamlining and removing barriers in order to promote the economic sustainability of agricultural uses.
- Review policies and programs to identify opportunities for complementing improved economic vitality with retention of the agricultural land and productivity necessary to drive a sustainable and vital agricultural economy.

Completing the actions described above will require considerable staff resources. Extensive

public outreach and engagement will be necessary. Amendments to the County General Plan and zoning ordinance are subject to review under the California Environmental Quality Act and must go through a series of public hearings. The District III Supervisor therefore recommends allocating \$150,000 from the District III portion of deposits into the Livable Communities Trust Fund to DCD to cover staff time and other costs.

The Livable Communities Trust Fund (Fund) was established to implement the County's Smart Growth Action Plan. Goals of the Action Plan relevant to this proposal are the following: 3) to promote innovative land use planning and design principles that encourage mixed use and infill development (this proposal is to study innovative land use planning and is intended to improve the sustainability of agricultural lands and reduce pressure to convert such lands to urban uses, thereby enabling a focus on mixed use and infill development in existing urban areas; and 4) promote economic revitalization and urban infill communities (this proposal is intended to promote the agricultural economy).

In reviewing the purpose of the Fund, the Board of Supervisors determined on December 3, 2013 that "the goal shall be to spend the money equally among supervisorial districts." At build-out of the development projects contributing revenue to the Fund, deposits to the Fund will total \$8,448,000. The interest-bearing trust account has earned over \$300,000 in interest to date. So far, one expenditure has been made from the Fund (a \$250,000 expenditure approved on October 22, 2013 for the Northern Waterfront Economic Development Initiative). Another expenditure was authorized on June 14, 2016, with \$1,432,830 from the District I portion providing matching funds for the development of the Heritage Point affordable housing project in North Richmond. An additional proposal to authorize expenditure of up to \$250,000 from the District III portion is on the December 20 agenda for a feasibility study for the Marsh Creek Corridor Multi-Use Trail.

CONSEQUENCE OF NEGATIVE ACTION:

If the funding is not allocated resources will not be available to the County to study and develop policies to improve agricultural sustainability and profitability.

CHILDREN'S IMPACT STATEMENT:

The recommended action will not affect children's programs in the County.



Contra
Costa
County

To: Board of Supervisors
From: Diane Burgis, District III Supervisor
Date: February 13, 2018

Subject: Modifying Ag Land Use Policy & Public Engagement

RECOMMENDATION(S):

1. ACCEPT update from the Department of Conservation and Development (DCD) on work previously authorized by the Board to review existing land use regulations related to agriculture and to identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality; and
2. AUTHORIZE DCD to convene a series of public meetings with people and parties interested in agricultural sustainability and economic vitality in Contra Costa County to review existing land use regulations and provide input on potential modifications to these policies, in lieu of coordinating with the Contra Costa County Agriculture Advisory Task Force (Ag Task Force) which is currently dormant.

FISCAL IMPACT:

None to the General Fund. Up to \$150,000 from the Livable Communities Trust (District III portion) has previously been allocated by the Board toward the effort.

APPROVE

OTHER

RECOMMENDATION OF CNTY

RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/13/2018** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 13, 2018

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

By: June McHuen, Deputy

Contact: Alicia Nuchols,
925-252-4500

cc:

BACKGROUND:

On December 20, 2016, at the recommendation of then Supervisor Piepho, the Board of Supervisors approved the expenditure of up to \$150,000 from the Livable Communities Trust (District III Portion) and authorized DCD, in consultation with the Ag Task Force and local agricultural stakeholders, to identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality (see Attachment 1). As the new District III Supervisor, Supervisor Burgis has heard significant community interest in this topic and is very eager to facilitate an effective public engagement effort that results in meaningful policy modifications. To initiate the discussion on policy reform needs and ideas, Supervisor Burgis worked with DCD to convene a meeting of agricultural stakeholders on November 15, 2017. Participants generated a number of ideas (see Attachment 2) for policy reforms that provide a useful starting point for future discussions. To expeditiously generate policy reforms that reflect the needs of the community and further promote and incentive both agricultural sustainability and economic vitality, DCD needs a public engagement strategy that does not depend on the Ag Task Force. The Ag Task Force has not met in years, does not have any members with current appointments and is not anticipated to be in a position to start meeting again in the near future. Therefore, it is recommended that in lieu of relying on the Ag Task Force for input, DCD be authorized to convene a series of open, public meetings with persons and groups interested in the policy reform topic. DCD would generate a contact list of interested stakeholders based on its knowledge of the issue and in consultation with District Offices, publicize the effort on its website and continuously update the list to include anyone interested in the topic and send announcements of open, public meetings (perhaps four to eight in total) on this topic to everyone on the list inviting their participation. It is recommended that meetings be held in or near agricultural areas of the County, with a majority of the meetings being held in eastern Contra Costa County where the majority of agricultural lands are located, but with some meetings in other areas as well. Participants would be invited and encouraged to all meetings, or as many as they can, to stay engaged in the process and provide consistent input as the effort progresses. The results of these discussions and the staff work would be presented to the Board for review and direction and any modifications on General Plan policies or zoning provisions would need to be considered by the County Planning Commission and approved by the Board.

CONSEQUENCE OF NEGATIVE ACTION:

If the Department of Conservation and Development is not authorized to convene a series of stakeholder meetings in lieu of coordinating with the Ag Task Force, then the process for developing policies to improve agricultural sustainability and vitality would be delayed

CHILDREN'S IMPACT STATEMENT:

The recommended action will not affect children's programs in the County.

CLERK'S ADDENDUM

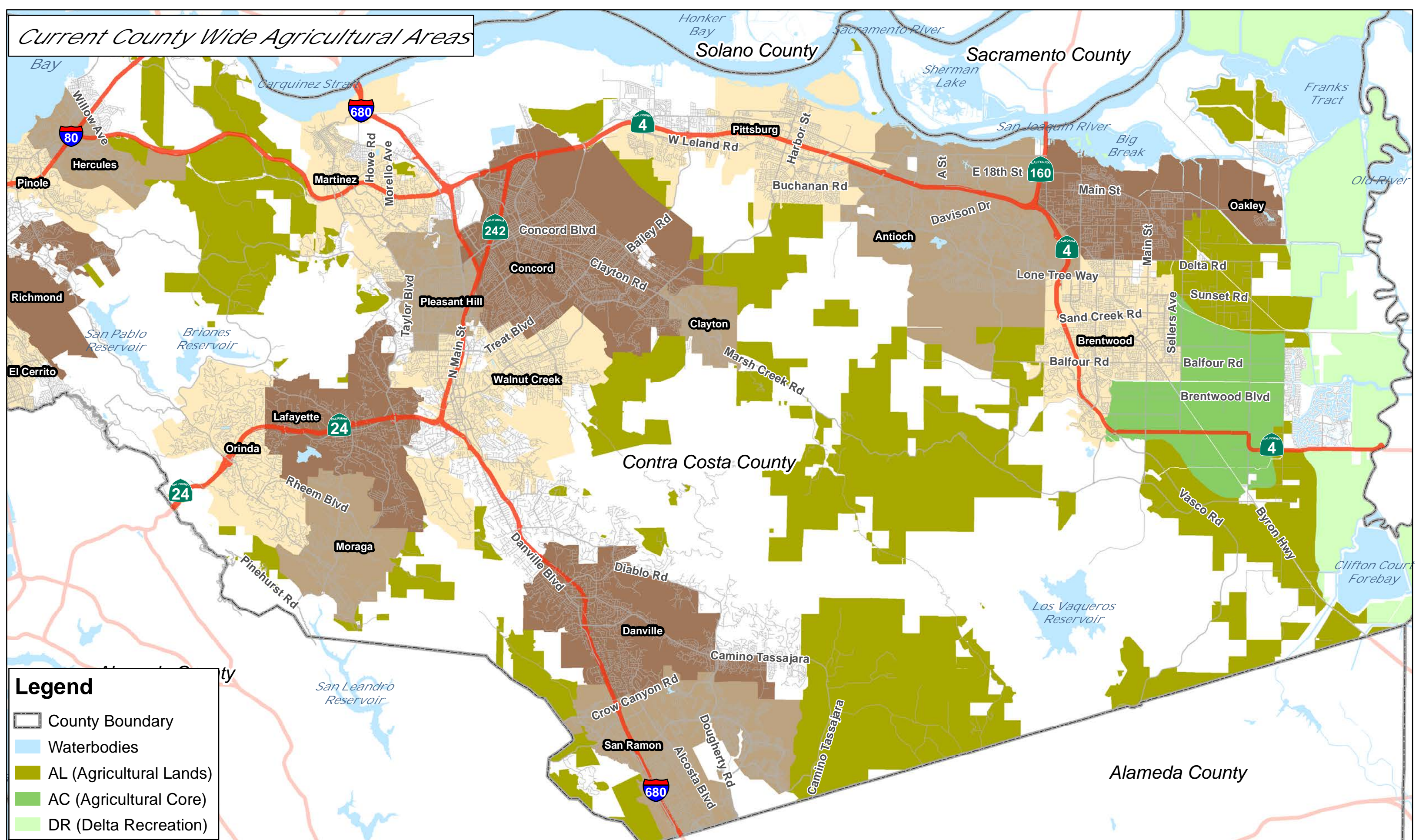
Speaker: Lisa Borba, Ron Nunn Farms.

ATTACHMENTS

12-20-16 Board Order

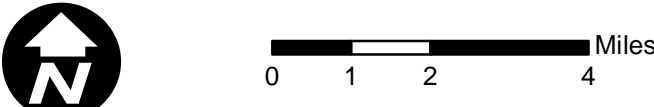
11-15-17 Meeting Notes

Current County Wide Agricultural Areas



Legend

- County Boundary
- Waterbodies
- AL (Agricultural Lands)
- AC (Agricultural Core)
- DR (Delta Recreation)

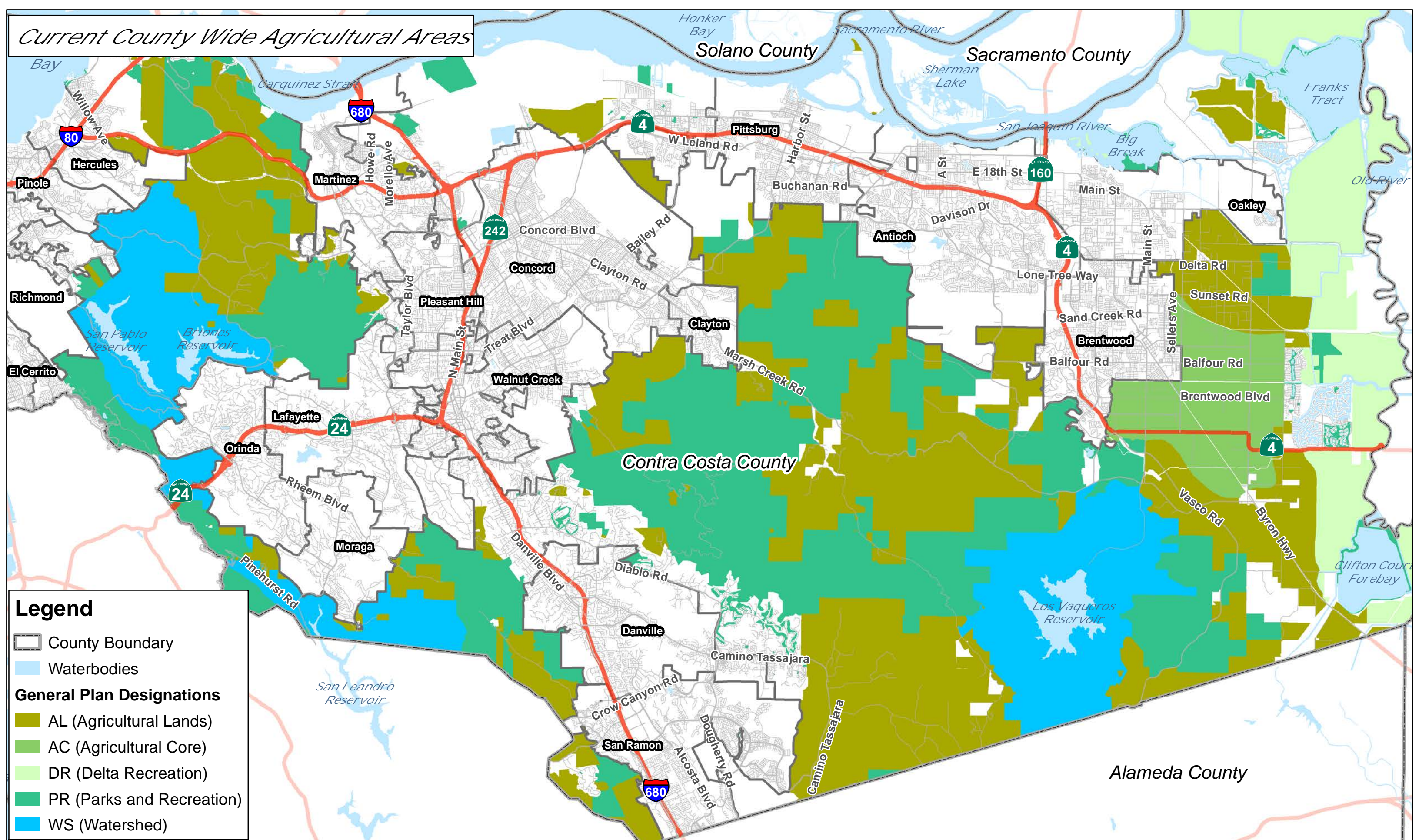


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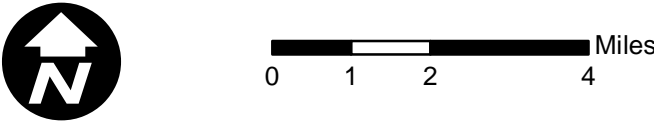


Current County Wide Agricultural Areas



Legend

- County Boundary
- Waterbodies
- General Plan Designations**
- AL (Agricultural Lands)
- AC (Agricultural Core)
- DR (Delta Recreation)
- PR (Parks and Recreation)
- WS (Watershed)

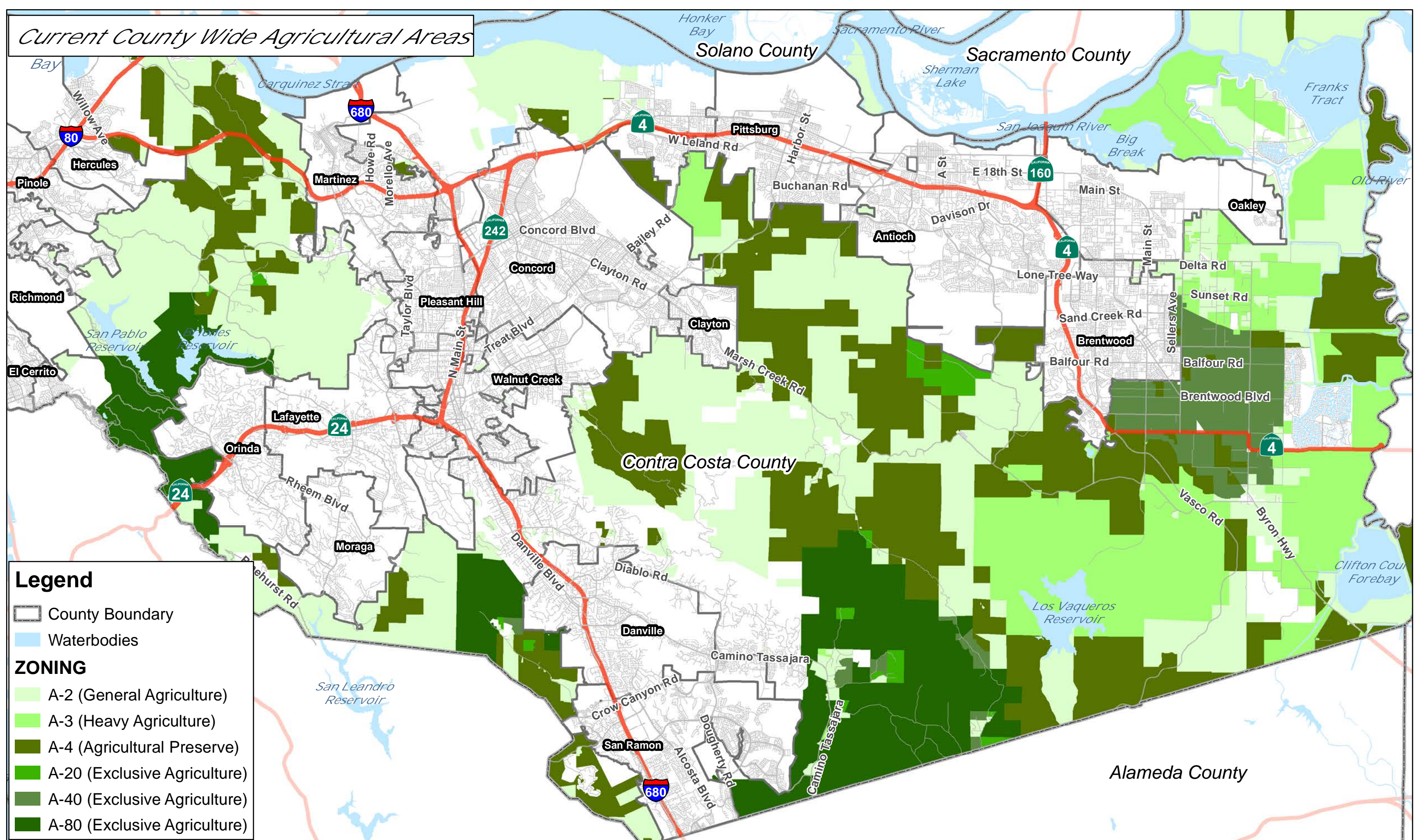


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Current County Wide Agricultural Areas

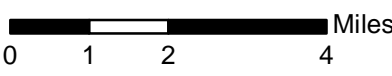


Legend

- County Boundary
- Waterbodies

ZONING

- A-2 (General Agriculture)
- A-3 (Heavy Agriculture)
- A-4 (Agricultural Preserve)
- A-20 (Exclusive Agriculture)
- A-40 (Exclusive Agriculture)
- A-80 (Exclusive Agriculture)

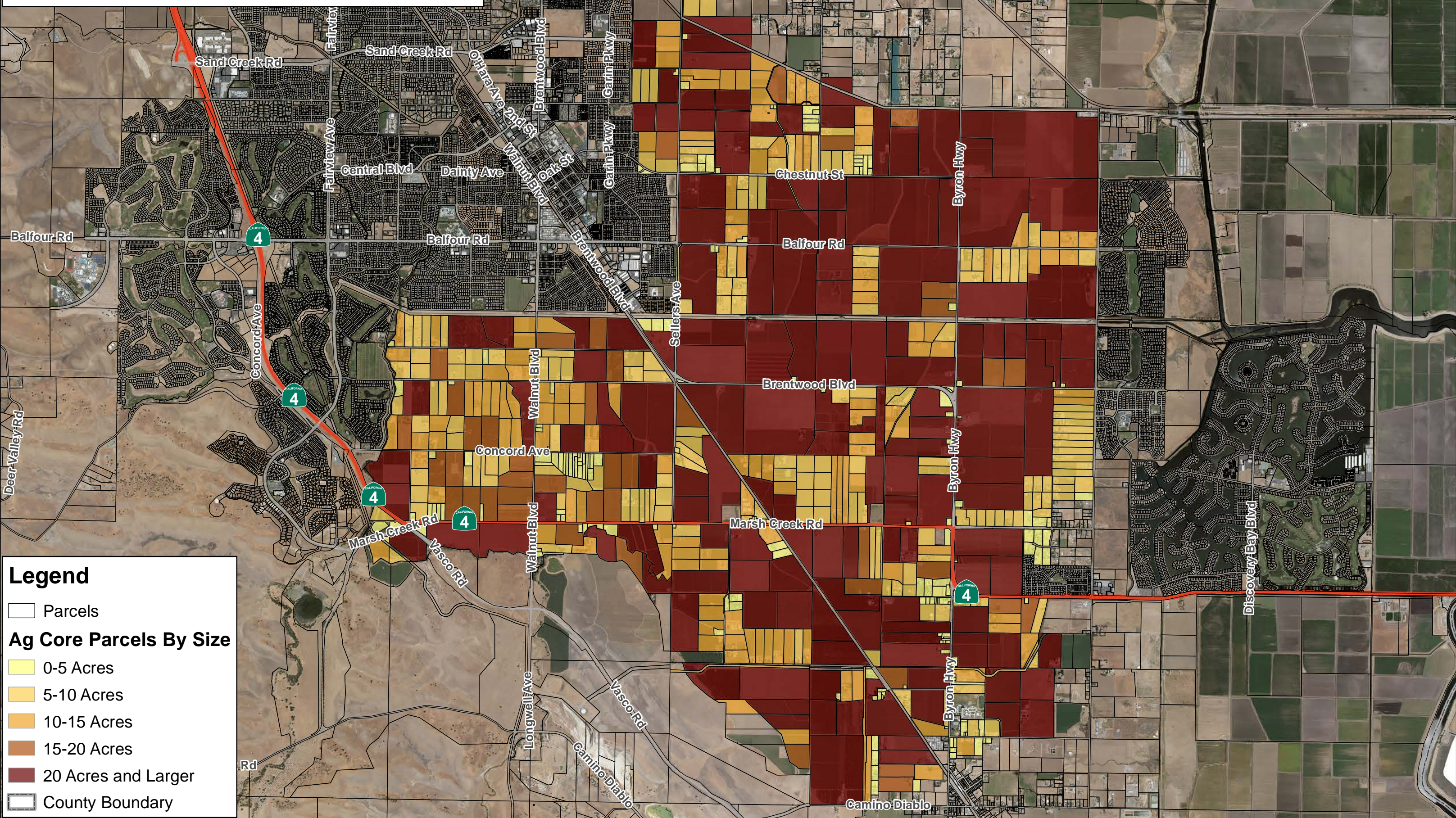


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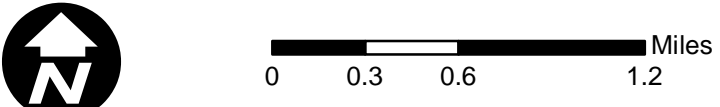


Current County Ag-Core Parcels by Size



Legend

- Parcels
- Ag Core Parcels By Size**
- 0-5 Acres
- 5-10 Acres
- 10-15 Acres
- 15-20 Acres
- 20 Acres and Larger
- County Boundary

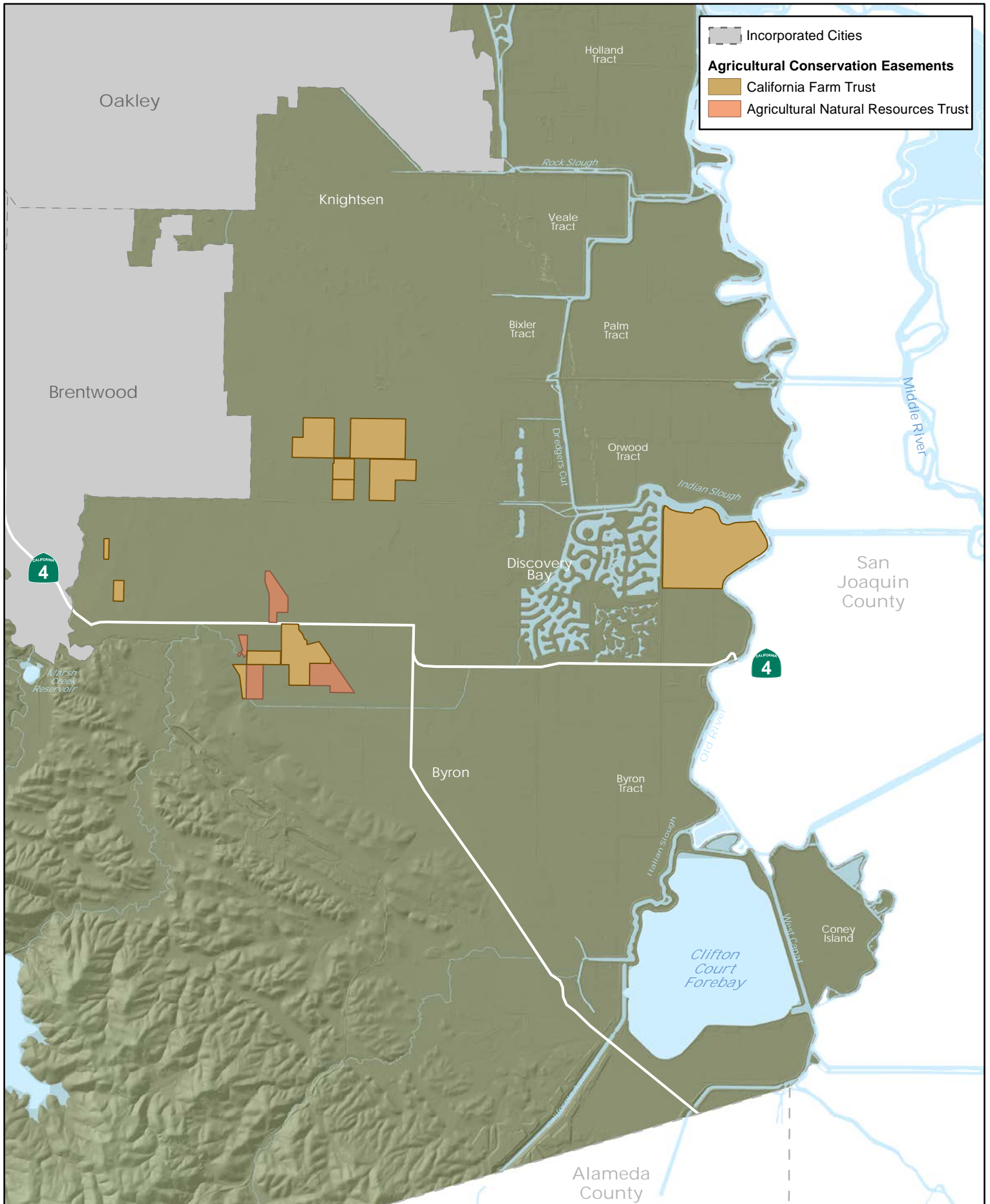


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Agricultural Conservation Easements in East Contra Costa County



Incorporated Cities
Agricultural Conservation Easements
 California Farm Trust
 Agricultural Natural Resources Trust

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Miles
 0 1 2 4

LAND USE MATRIX FOR AGRICULTURAL ZONING DISTRICTS

LAND USES \ AGRICULTURAL ZONING DISTRICT**	A-2	A-3	A-4	A-20	A-40 ²	A-80 ²
Residential (not specifically mentioned in General Plan AL designation):						
A detached single-family dwelling on each parcel & the accessory structures and uses normally auxiliary to it.	A	A	L ³	A	A	A
One additional single-family dwelling	L	L	L ⁴	L	L	L
Accessory dwelling units complying with the provisions of Chapter 82-24.	A	A	A ⁵	A	A	A
A farmworker dwelling (see chapter 82-52.402)	A	A	A	A	A	A
Farmworker housing complex (see chapter 82-52.404)	A	A	A	A	A	A
Farmworker housing center (see chapter 82-52.406)	L	L	L	L	L	L
A foster family home or a small family home, as those terms are defined in Health and Safety Code section 1502(a), that has obtained all required state and local agency approvals and licenses.	A	A	-	-	-	-
A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.	A, L	A, L	-	-	-	-
Agricultural (growing, processing/manufacturing, storage, sales):						
Agricultural cold storage plants on parcels at least ten acres in size	A	A	-	L	L	L
Agricultural cold storage plants on parcels less than ten acres in size	L	L	-	L	L	L
Agricultural-related storage of products and equipment (e.g., sheds, warehouses, granaries)	A	A	L	A	A	A
Animal breeding	A	A	-	-	-	-
Aviaries, Apiaries	A	A	A	A	A	A
Canneries	L	L	L	L	L	L
Commercial fish farming	-	-	L	-	-	-
Dairying	A	A	L	A	A	A
Dryers & dehydration plants	A	A	L	-	-	-
Farm market	L	L	L	L	L	L
Forestry	A	A	A	A	A	A
Fruit and vegetable packing plants	A	A	L	A	A	A
Fur farms	A	A	L	-	-	-
General Farming	A	A	A	A	A	A
Grain-fed rodent raising	-	-	-	A	A	A
Grower stand or farm stand	A	A	A	A	A	A
Hog ranches	-	-	L	-	-	-
Hullers	A	A	L	A	A	A
Livestock and feed yards	-	-	L	-	-	-
Livestock auction or sales yards	L	-	-	L	L	L
Livestock breeding	-	-	-	A	A	A
Livestock production	A	A	A	A	A	A
Merchandising of agricultural supplies and services incidental to an agricultural use	L	L	-	L	L	L
Mushroom rooms, mushroom houses	A	A	L	L	L	L
Poultry raising	A	A	L	A	A	A
Processing of milk not produced on the premises	-	L	-	L	L	L
Rendering plants and fertilizer plants or yards	L	L	-	L	L	L
Retail firewood sales	L	L	-	-	-	-
Slaughterhouses and stockyards	L	L	-	-	-	-
Wholesale horticulture and floriculture	A	A	A	A	A	A
Wholesale nurseries and greenhouses	A	A	L	L	L	L
Wineries, commercial kitchens, or other facilities for creating value-added farm products	L	L	L	L	L	L
Public, Semi-Public, Recreational:						
Boat storage facilities/area within one mile by public road of a public boat launching facility/boat launching facility open to the public.	L ⁶	L ⁶	-	L	-	-
Churches, religious institutions, and parochial and private schools, including nursery schools	L	L	-	L	-	-
Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices	L	L	L	L	L	L
Commercial recreational facilities when the principal use is not in a building	L	L	-	-	-	-
Community buildings, clubs, & activities of a quasi-public, social, fraternal, or recreational character	L ⁷	L ⁷	-	L	-	-
Dude ranches, riding academies and stables, and dog kennels	L	L	-	L	-	-
Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes	L	L	-	L	-	-
Medical and dental offices and medical clinics	L	L	-	L	-	-
Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed	L	L	-	-	-	-
Publicly owned buildings and structures, except as provided in Division 82	L	L	-	-	-	-
Publicly owned parks and playground	L	L	-	-	-	-
Recycling, Energy Production:						
Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited	L	L	-	-	-	-
Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use	L ⁸	L ⁸	L	L	L	L
Oil and gas drilling and production including the installation and use of only such equipment necessary and convenient for drilling and extracting operations	-	-	-	L	L	L
Williamson Act:						
Those agricultural and compatible uses specifically agreed upon between the county and the landowner at the time of entering into the agreement and designated in writing within the agreement			A			
Those uses described in Section 51201(e) of Government Code [Williamson Act]: "Compatible use" is any use determined by the county or city administering the preserve pursuant to Section 51231, 51238, or 51238.1 or by this act to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. "Compatible use" includes agricultural use, recreational use or open-space use unless the board or council finds after notice and hearing that the use is not compatible with the agricultural, recreational or open-space use to which the land is restricted by contract pursuant to this chapter.			L			

Key:
 - Not Allowed
 A Allowed
 L Requires Land Use Permit

Footnotes:
 ** Check consistency with General Plan Land Use Designation. All land use permits must be consistent with all findings in Section 26-2.2008, including consistency with the General Plan.
 1 AC Land Use Designation: The maximum permitted residential density is 1 unit per forty acres.
 2 A-40 district: No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than forty acres in area.
 A-80 district: No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than eighty acres in area.
 3 In no event shall any residential structure be permitted to be built or additional residential structure be erected on less than forty acres per unit for non-prime agricultural land, or less than ten acres per unit of the agricultural land.
 4 A separate land use permit is required for one additional single-family dwelling on the parcel.
 5 ADU allowed provided a land use permit has been obtained pursuant to Section 84-42.404 for the detached single-family dwelling on the parcel. Also refer to Williamson Act Contract, if any, for allowances.
 6 Vessels and vessel trailers may be stored in a boat storage facility. Recreational vehicles may be stored in a boat storage facility as long as the number of recreational vehicles stored does not exceed fifteen percent of the total number of storage spaces in the storage facility.
 7 Such as golf, tennis or swimming clubs, or veterans' or fraternal organizations; these uses are prohibited if organized for monetary profit.
 8 This use is allowed without a land use permit if used only as an accessory to an allowable residential or agricultural use.

County	Alameda	El Dorado	Marin	Napa	Sacramento	San Joaquin	San Luis Obispo	Solano
Minimum Parcel Size	Every use in A District shall be on a building site not less than 100 acres	PA - 10, 20, 40, 80, 160 (lot size based on commodity type, soil type, surrounding uses, and other appropriate factors) LA - 10, 20, 40, 80, 160 (lot size based on commodity type, soil type, surrounding uses, and other appropriate factors) AG - 40, 80, 160 (based on use designation and other appropriate factors) RL - 10, 20, 40, 80, 160 (lot sized based on constraints of site, surrounding use, and other applicable factors)	A-2: 2 acres A: 3 acres to 60 acres C-APZ: 60 acres	AP - 40 acres AW - 160 acres	AG-20: 20 acres AG-40: 40 acres AG-80: 80 acres AG-160: 160 acres	AG-20: 20 acres AG-40: 40 acres AG-80: 80 acres AG-160: 160 acres AL-5: 5 acres AL-10: 10 acres AU-20: 20 acres AU-40: 40 acres AU-80: 80 acres AU-160: 160 acres ARM: 20 acres ARM-40: 40 acres ARM-80: 80 acres ARM-160: 160 acres	<u>Existing AG Land Use</u> - irrigated row crops: 40 acres - irrigated pasture: 40 acres (80 acres if ag capability w/ Ag Preserve Rules and Ag and OS Element) <u>Undeveloped Ag Land</u> Class I or II - 20 acres (irrigated) Class III or IV - 40 acres irrigated (80 acres if ag capability w/Ag Preserve Rules and Ag and OS Element) VI, VII, VII - 320 acres (irrigated and non-irrigated) Rural Lands: 20 - 320 acres (20, 40, 80, 160, 320) depending on site features Rural Residential: 5 - 20 acres (5, 10, 20) depending on site features	A-20, A-40, A-60, A-80 - Not specified AL-80: 80 acres AL-160: 160 acres A-SV w/ water and sewer: 20 acres, w/water or sewer: 20 acres, w/o water or sewer: 20 acres ATC w/water and sewer: 2,000 sq. ft., w/ water or sewer: 2.5 acres, w/o water or sewer: 5 acres
Uses Permitted and Uses Requiring a Land Use Permit								
Winery	Permitted; winery or olive mill related uses w/use permit	Permitted; permitted w/use permit		small winery permitted; permitted w/use permit	large wineries/breweries w/ use permit; small wineries/specialty craft breweries permitted	large and medium w/use permit; boutique and small w/site approval	Permitted w/use permit;	small winery: permitted; medium winery: w/ administrative permit; large: w/use permit
Food Service/ Farm-to-table Farm to table, which is also known as 'farm to food' and 'farm to school', is a local movement that encourages the behavior of providing food from local farms to nearby organizations.		Snack foods during wine tasting allowed; dining facilities w/ use permit; tasting facilities include catered food, food prepared on premises, and winemaker dinners (not considered part of dining facility) Commercial kitchen > 20 acre parcels		Commercial kitchen w/use permit Food and wine pairing allowed No menu options, no meal service such that the winery functions as a café or restaurant		Commercial kitchen allowed for events and shall not be used as a restaurant		Commercial kitchen w/ use permit
Farm Dinners		Dining facilities w/ use permit						
Farm stay A form of agricultural tourism where a farmer or rancher hosts guests or tourists at his/her working farm or ranch to familiarize the visitors with the daily activities associated with farming or ranching.		Permitted			Permitted			Permitted
Bed and Breakfast	Permitted (South Livermore Valley Area Plan, limited to existing homes)	Permitted w/use permit	Permitted (3 or less guest rooms); w/use permit for (4-5 guest rooms)		Permitted w/use permit	Permitted with site approval	Permitted as incidental use to visitor-serving facility; permitted w/use permit	Permitted; permitted w/use permit
Farm Tours		Permitted, limited to daylight hours (Ranch Marketing Activities and Accessory Uses)		Winery tours w/use permit	permitted in AG districts		Winery tours w/ Minor Use Permit	Agricultural education/demonstration farms permitted

County	Sonoma	Yolo
Minimum Parcel Size	AS - w/public sewer & public water: 8,000 sq. ft. public water only: 1 acre none: 1.5 acres AR - 1.5 acres, 1 acre w/public water DA - 10 acres LEA - 1.5 acres LIA - 20 acres RRD - 20 acres	AN: 40 acres -160 (depending of if irrigated and cultivated) AX: 160 acres for dryland farming, 320 acres for rangeland AC- 1 acre AI - 5 acre
Uses Permitted and Uses Requiring a Land Use Permit		
Winery	tasting room w/ use permit	Site plan review; w/ use permit
Food Service/ Farm-to-table Farm to table, which is also known as 'farm to food' and 'farm to school', is a local movement that encourages the behavior of providing food from local farms to nearby organizations.		Restaurant allowed in Agricultural Commercial Zone
Farm Dinners		Allowed, site plan review
Farm stay A form of agricultural tourism where a farmer or rancher hosts guests or tourists at his/her working farm or ranch to familiarize the visitors with the daily activities associated with farming or ranching.	Permitted w/ zoning permit	Allowed, site plan review
Bed and Breakfast	Permitted w/ zoning permit; w/us permit (not more than 5 guest rooms)	small: site plan review; large: use permit
Farm Tours		site plan review

County Agricultural Ombudsman Comparison Chart

Counties	What agency or organization administers the Ag Ombudsman position?	What is the role of the Ag Ombudsman?	Percentage of time in role as an Ag Ombudsman?	Funding	Typical Tasks
Marin	University of California Cooperative Extension (UCCE)	<ul style="list-style-type: none"> -Neutral, non-enforcement person with whom farmers and ranchers can freely discuss their ideas and plans; -Consultation work with individual farmers and ranchers to help them through the permitting process; -Serves as a liaison between farmers/ranchers and the agencies that regulate their operations. 	Time is divided between Ombudsman work and outreach aimed at sustainability of local agriculture	County General Funds and State Ag Commissioner's Office	<ul style="list-style-type: none"> -Provides useful information online such as guides, factsheets, and links to common permit applications; -Makes the permit process approachable and accessible, and explores options and alternatives with farmers and ranchers planning an expansion or a new activity on their farm or ranch.
San Mateo	San Mateo Resource Conservation District (RCD)	<ul style="list-style-type: none"> -Provides important consultative and advisory services to the County and its agricultural community; -Assists local producers with County's permitting process; -Helps County staff understand agriculture in San Mateo County; -Identifies opportunities to streamline the County's permitting process; -Works directly with ag producers who are contemplating or initiating ag developments or projects that may necessitate the County permit process; -The Agbudsman role is focused on the permitting process only, not broader agricultural issues. 		County of San Mateo BOS allocated funds	<ul style="list-style-type: none"> -Works with the County to produce handouts for ag producers detailing a simple step-by-step process for permitting; -Participates in community meetings related to the permit streamlining project; -Attends Agricultural Advisory Committee meetings; -Attends other organizations' meetings to the extent needed to build relationships and share or elicit information; -Collaborates with County departments to develop and maintain searchable, sortable, map-able list of San Mateo County ag producers; -Tracks all activities, provides quarterly activity reports, provides an in-depth annual report, and participates in an evaluation of the program at the end of each year.

County Agricultural Ombudsman Comparison Chart

Counties	What agency or organization administers the Ag Ombudsman position?	What is the role of the Ag Ombudsman?	Percentage of time in role as an Ag Ombudsman?	Funding	Typical Tasks
Solano	Solano Small Business Development Center (Solano SBDC), hosted by Humboldt State University	<ul style="list-style-type: none"> -Liaison between Solano Agricultural business and the government; -Helps develop value-added agricultural projects in the County; -Advisor to local farmers and ranchers; -Connects the agricultural community with the right government agencies to navigate the permitting and regulatory process; -Encourages economic viability of farms. 		County of Solano, SBDC/Small Business Administration	<ul style="list-style-type: none"> -Walks farmers through the process of participating in farmer’s markets; -Provides free technical assistance and trainings to farming community; -Provides consulting or training services to farmers, ranchers and agriculture-related businesses located in Solano County to help navigate the various permitting processes.
Sonoma	University of California Cooperative Extension (UCCE)	<ul style="list-style-type: none"> -Help local ag operations (mostly small ones) navigate the permitting process; -Facilitate meetings between the various county, state, and federal agencies; -Refer general farming/ranching questions to farm advisors; -Educates ag operations about the regulations and also works with regulators to educate them about farming; -Works on large projects such as guidelines for prescribed burns and a project to evaluate ecosystems services to create payments for them as a way to support rural agricultural operations; -Is on the county planning department’s Directors Advisory Group and Santa Rosa Junior College’s Sustainable Ag Department Advisory Committee. 	Full-time position – 35 hours a week	County Funds – housed at UCCE; five positions funded by the county	<ul style="list-style-type: none"> -Works with the UC on workshops; -Updates website with fact sheets; -Works on website for UCCE office, specifically the Disaster Resources pages; -Posts blogs for their office on a variety of topics; -Schedules most of the social media posts, including information on their website, upcoming workshops, resources from UC ANR, etc.; -Works on countywide efforts, for example project with Economic Development Board to create an Ag Business Council to support ag operations in the county by building on small scale technological innovations.

County Agricultural Ombudsman Comparison Chart

Counties	What agency or organization administers the Ag Ombudsman position?	What is the role of the Ag Ombudsman?	Percentage of time in role as an Ag Ombudsman?	Funding	Typical Tasks
Yolo	Ag Commissioner’s Office	<ul style="list-style-type: none"> -Assist with the permitting process; -Bring in new ag businesses; -Promote Yolo County as a good place to locate an ag business. 		Position is no longer funded	<ul style="list-style-type: none"> -Assist with the permitting process; -Work on ag related business opportunities with the City of Woodland;
Santa Clara	UCCE or SBDC	<ul style="list-style-type: none"> -Provides economic development assistance to the farming and agricultural community; -Assists members of the farming and ranching community with permitting and regulatory compliance; -Provides business assistance to new farmers seeking to establish or grow a farming operation; -Provide information to farmers on other available financial incentive programs 	Full-time position (under consideration with recommendation to Board to create Farm Ombudsman program)	Santa Clara County	<ul style="list-style-type: none"> -Provides information about regulations and permitting applicable to farm businesses; -Assists and consults during the permitting process; -Provides information to regulatory and permitting agencies regarding unique needs of the farming community and advises on regulatory changes; -Prepares fact sheets and handouts that explain regulations and permitting requirements for farmers; -Provides feedback to farmers and ranchers who have questions regarding regulatory compliance for new and expanding farming operations; -Hosts workshops for farmers incorporating speakers, handouts, and information regarding different permitting requirements

IV. Recommendations

Proposed New Agricultural Uses and New Agricultural Land Use Policy Initiatives

A. LODGING

Enabling farmers and ranchers to provide guest accommodations at a scale and in a manner that is consistent with and enhances the rural setting, as set forth more fully in the mechanisms described below, will capitalize on the beauty and agricultural/natural resources of the setting, reinforce local support for maintaining those assets, increase transient occupancy tax revenues and add a new dimension to the agricultural tourism opportunities afforded in the County.

1. Short-term rental within existing residential building for 90 days or less.

Summary: This proposed use would allow short-term rentals by one party at a time within an existing residential building for less than 90 cumulative days per year on any agriculturally-zoned land.



Zoning permit required: Ministerial short-term rental permit. Neighbors are notified, but no public hearing required.

Potential key conditions: Maximum party size is two per bedroom plus two. Owner/manager not required to be present. Permit would be subject to various standards and performance measures and non-compliance could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines). Conditions should reflect constraints of rural communities and prevent strain on roads and law enforcement from inappropriate parties and similar incompatible uses.

Notes: Proposed to be consistent with Draft Regulatory Framework for Short-term Rentals considered by the Board on 9-25-18 for rentals in residential areas.

Building Code Notes

- This recommendation pertains to existing residential buildings (not agricultural buildings, such as barns). With no construction and no change in use, no

Health Code Notes

- If a residence changes its use, a review of the method of sewage disposal will be required from Environmental Health (EH)

Public Works Notes

- Analysis of applicable fees and requirements is pending.

building permits are anticipated.

- Small Water System permit from EH may be required
- If there are 25 or more visitors in a 60-day period, approval from California Water Resources Control Board may be required, prior to EH issuing permit.

2. Farm Stay (farm experience, lodging and meals for up to five parties at a time in an existing residential building, for up to 90 cumulative days per year).



Summary: This proposed use is intended to allow guests to have an authentic farm experience that includes accommodation, meals and observing and/or participating in farming activities for up to five parties at time. Must be in an existing residential building. Facility may be occupied by guests not more than 90 days per year.

Zoning permit required: Ministerial short-term farm-stay permit. Neighbors are notified, but no public hearing required.

Potential key conditions: Maximum occupancy is 2 persons per bedroom, not including owner-occupied rooms. Maximum number of parties at a time is five, maximum number of guest rooms is five and total maximum number of guests is 10. Food may only be served to staying guests and the cost of the food must be included in the price of the accommodation. Lodging and meals are incidental and not the primary function of the agricultural homestay facility. A minimum parcel size is recommended (perhaps ten acres), as is verifiable, active farming of five acres of land (or 25 acres of active ranching) for every guest room (e.g. use of two guest rooms would require 10 acres of verifiable active farming or 50 acres of active ranching). Owner would be required to live on site. Permit would be subject to various standards and performance measures and non-compliance

could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines).

Notes: Proposed to meet or be exceed standards for an agricultural homestay facility in Section 113893(a)(2) of the Health and Safety Code.

Building Code Notes

- This recommendation pertains to existing residential buildings (not agricultural buildings, such as barns). With owner occupancy required and accommodation limited to 10, use of an existing residential building would not amount to a change in use under the Building Code (remains R-3) and ADU requirements applicable to uses such as hotels and motels would not apply.
- If no construction were to occur, no building permits would be required.

Health Code Notes

- If a residence changes its use, a review of the method of sewage disposal will be required from Environmental Health (EH).
- A small water system permit from EH may be required.
- If there are 25 or more visitors in a 60-day period, approval from California Water Resources Control Board may be required, prior to EH issuing permit.
- A health permit from EH may be required for Bed and Breakfast and Agricultural Homestays (not a restaurant).
- Health & Safety Code requirements will apply when food and beverages are served to guests.

Public Works Notes

- Analysis of applicable fees and requirements is pending.

3. Bed and Breakfast (short-term stays in an existing, new or modified building)



Summary: This proposed use is intended to allow an option for a dedicated, short term agricultural lodging facility that reflects and enhances agricultural character of the site and its surroundings. No limit is proposed on the number of days per year it could be occupied by guests, but stays of individual guests would be limited to 30 days.

Zoning permit required: Land use permit (discretionary; public hearing required).

Potential key conditions: Maximum guest rooms is five, not including any owner-occupied rooms. Maximum number of parties at a time is five, and total maximum number of guests is 10. No kitchens or kitchenettes in guest rooms. Food may only be served to overnight guests. A minimum parcel size is recommended (see discussion below). Also recommended is verifiable, active farming. Owner or manager would be required to be present. There should be a one-quarter mile separation between bed and breakfast establishments. Permit would be subject to various standards and performance measures and non-compliance could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines).

Bed and Breakfasts are proposed to be limited to areas served by a retail water supplier in order to provide assurances that water supply is secure and water use won't harm neighbors or environment. A retail water supplier means a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission, that provides retail water service. A retail water supplier does not include a mutual water company. Retail water supply need not necessarily be used for potable water on-site. Some participants expressed concern with this limitation, preferring broader application of this new use.

Minimum parcel size and mitigation: The group discussed minimum parcel size but couldn't reach consensus on this topic. Minimums discussed ranged from 10 to 40 acres. Factors considered included impacts to neighbors, maintaining farm integrity, stress on ground water and septic from increased use, right to farm and pesticide drift as well as the existing number of relatively small agricultural parcels. The group also discussed the need to have an exception process to allow smaller parcels to qualify for the use. Below

please find a table summarizing some tools that could be used to enable smaller parcels to qualify.

Tools to Supplement Minimum Parcel Size (Intended as a menu of options that could be used in combination. Some are mutually exclusive.)	Example Requirement for a Smaller Parcel (< min parcel size)	Example Requirement for a Larger Parcel (≥ min parcel size)
Restrictions on footprint of new use, incl. parking	5% of lot area	5% of lot area
Portion of property required to be kept free of structures and in farming	90% of lot area	70% of lot area
Siting requirements and buffers / setbacks of new use to neighboring properties	Minimize impacts to farmland while also setting back 100 feet from property line (hedges could reduce via findings)	Minimize impacts to farmland while also setting back 100 feet from property line (hedges could reduce via findings)
Farming assurances: Grant deed of development rights to ensure farming on subject property and possibly adjacent properties	90% of subject property and enough acres on adjacent such that the total restricted area is at least half the min parcel size	None
Mitigation (with fees or in-kind)	Mitigation at 1:1 ratio required only for exceedance of footprint maximums or deficit in meeting minimum farming acreage.	Mitigation at 1:1 ratio required only for exceedance of footprint maximum or deficit in meeting minimum farming acreage

Building Code Notes

- Bed and breakfast considered as R-1 (hotel/motel) occupancy. Building code requires Americans with Disabilities Act (ADA), even if an existing building is being repurposed.
- If the B&B building is also the primary residence for the owner, the B&B may still qualify as an R-3 use and the ADA provisions applicable to R-1 may not apply (since guest rooms and occupancy are limited to 5 and 10, respectively).

Health Code Notes

- If a residence changes its use, a review of the method of sewage disposal will be required from Environmental Health (EH).
- A Small Water System permit from EH may be required.
- If there are 25 or more visitors in a 60-day period, approval from California Water Resources Control Board may be required, prior to EH issuing permit.
- A health permit from EH may be required for Bed and Breakfast or Agricultural Homestays. This type of facility is not considered a restaurant.
- Outdoor events where the general public are sold or given food/food/beverages, an EH Temporary Food Facility permit will be required.
- Health & Safety Code requirements will apply when food and beverages are served to guests or the general public.

Public Works Notes

- Area of Benefit (AOB) fee may be required.
- Pavement of first 50 feet of driveway may be required.
- May require compliance with stormwater regulations, which requires new development projects incorporate features that control stormwater runoff to reduce the quantity of pollutants introduced into the storm drain system and our waterways and with drainage requirements.

4. Camping / Yurts / Little Houses on Wheels

Summary: This is an alternative form of short term accommodation that is intended to offer guests a different, more outdoors experience while minimizing permanent land disturbance. This proposal is for structures that are owned by the property owner or lessee of the land and not brought to the property by guests (self-service camping is not proposed to be allowed except for limited special events associated with other uses).

Zoning permit required: Land use permit (discretionary; public hearing required).

Potential key conditions: Maximum number of guest units is five. Maximum number of parties at a time is five, and total maximum number of guests is 10. No kitchens or kitchenettes in guest units. Food may only be served to overnight guests. A minimum parcel size is recommended (see discussion below). Owner or manager would be required to be present. Farm experience requirements of Farmstay (recommendation 2) also recommended. Permit would be subject to various standards and performance measures and non-compliance could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines).

Minimum parcel size: There should be a minimum. No consensus has been reached on what that should be. See discussion under recommendation 3 regarding ideas for alternative methods for qualifying smaller parcels for exceptions to minimum parcel size.



Building Code Notes

- Yurts are subject to building code and when offered for short terms stays will be considered as R2 (multi-family) occupancy. Building code requires Americans with Disabilities Act (ADA).
- Very challenging to design a yurt that can accommodate electricity and plumbing and comply with Building Code (cooking facilities almost certainly not possible).
- Little house on wheels would need a permit from the California Department of Motor Vehicles and would need be maintained in a state where it is movable (in which case the Building Code would not apply to vehicle). Building Code would apply to external features. ADA compliance needs more analysis.
- Separate standards apply for organized camps.

Health Code Notes

- If a residence changes its use, a review of the method of sewage disposal will be required from Environmental Health (EH).
- A Small Water System permit from EH may be required.
- If there are 25 or more visitors in a 60-day period, approval from California Water Resources Control Board may be required, prior to EH issuing permit.
- An Organized Camp health permit from EH will be required, if children under 18 are camping overnight for 4 or more consecutive nights. A health permit from EH may be required for Bed and Breakfast or Agricultural Homestays. This type of facility is not considered a restaurant. Outdoor events where the general public are sold or given food/beverages, an EH Temporary Food Facility permit may be required.
- A health permit from Environmental Health will be required for Bed and Breakfast or Agricultural Homestays. This type of facility is not considered a restaurant.
- Outdoor events where the general public are sold or given food/beverages, an EH Temporary Food Facility permit will be required.

Public Works Notes

- Area of Benefit (AOB) fee may be required.
- Pavement of first 50 feet of driveway may be required.
- May require compliance with stormwater regulations, which requires new development projects incorporate features that control stormwater runoff to reduce the quantity of pollutants introduced into the storm drain system and our waterways and with drainage requirements.

- Health & Safety Code requirements will apply when food and beverages are served to guests or the general public.

B. FOOD SERVICE

Enabling farmers to showcase farm products grown on-site or within the County and to offer a farm experience (i.e., culinary education), while maintaining the agricultural landscape provides an additional source of farm revenue and highlights the value of agriculture in the County.

5. Farm Dinners

Summary: This proposal would enable farmers to host up to twelve dinners at their farm per year for paying guests. Dinners could be located within an existing building that meets building code and fire standards appropriate for the proposed number of guests. Dinners could also be outdoors, on the farm or on a patio or deck. No new buildings allowed for this use; repurposing existing buildings in compliance with all applicable codes is possible. Farm dinners provide a farm experience by educating guests about the farm and the ingredients used from the farm.



Zoning permit required: Ministerial farm dinner permit. No public hearings.

Potential key conditions: Maximum number of dinners per year is 12, with one large event permitted per year. Maximum number of guests per dinner is 30, except for the one large annual event that would have a limit of 150 guests. Permit would be subject to

various standards and performance measures (e.g. time of day, duration, parking, etc.,) and non-compliance could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines).

Building Code Notes

- Applicable use category is B occupancy (Business). ADA compliance is required, even if dinner is outside. Any retrofitted buildings would need to meet the standards of B occupancy.

Health (EH) Code Notes

- If a residence changes its use, a review of the method of sewage disposal will be required from Environmental Health (EH).
- A Small Water System permit from EH may be required.
- If there are 25 or more visitors in a 60-day period, approval from California Water Resources Control Board may be required, prior to EH issuing permit.
- A health permit from Environmental Health may be required for a Temporary Food Facility. Approval from EH will only be permitted for outdoor events, where the food is prepared within an approved enclosed booth and involves agricultural educational components.
- For Culinary Experiences, where food is prepared and consumed by the guest and not sold or shared, a health permit from EH may not be required.

Public Works Notes

- Analysis of applicable fees and requirements is pending.

6. Farm-to-Table Restaurant

Summary: A farm-to-table restaurant is a full service restaurant located on a working farm. The ingredients are sourced as locally as possible (grown on-farm whenever possible) and are served fresh from the farm to the table. The farm-to-table concept encourages eating as locally as possible, taking advantage of seasonally available fruits and vegetables and increasing awareness and appreciation of where our food comes from and what goes into growing it.

Zoning permit required:

Land use permit (discretionary; public hearing required).

Potential key conditions:

Maximum dining area size is proposed to be 1500 square feet or a maximum capacity of 35 guests. A minimum parcel size is recommended (see discussion below). Also recommended is verifiable, active farming of one acre of



land for every guest (e.g. hosting 35 guests at a time would require 35 acres of verifiable active farming, on-site whenever possible). A farm-to-table restaurant would need to maximize use of ingredients grown on farm and in Contra Costa County. Suggested minimum standards are 50% of fruit and vegetables grown-on farm, 75% grown in-County. There should be one mile separation between farms-to-table restaurants. Alternatively or in addition, the County may also wish to explore establishing a cap on the number of such restaurants that may be established (e.g. explore the feasibility of limiting the number of these businesses that can be established to a relatively small number, such as four). Permit would be subject to various standards and performance measures and non-compliance could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines).

Farm-to-table restaurants are proposed to be limited to areas served by a retail water supplier in order to provide assurances that water supply is secure and water use won't harm neighbors or environment. A retail water supplier means a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission, that provides retail water service. A retail water supplier does not include a mutual water company. Retail water supply need not necessarily be used for potable water on-site. Some participants expressed concern with this limitation, preferring broader application of this new use.

Minimum parcel size and mitigation: The group discussed minimum parcel size but couldn't reach consensus on this topic. Minimums discussed ranged from 10 to 40 acres. Factors considered included impacts to neighbors, maintaining farm integrity, stress on ground water and septic from increased use, right to farm and pesticide drift as well as the existing number of relatively small agricultural parcels. The group also discussed the need to have an exception process to allow smaller parcels to qualify for the use. Below please find a table summarizing some tools that could be used to enable smaller parcels to qualify.

Tools to Supplement Minimum Parcel Size (Intended as a menu of options that could be used in combination. Some are mutually exclusive.)	Example Requirement for a Smaller Parcel (< min parcel size)	Example Requirement for a Larger Parcel (≥ min parcel size)
Portion of property required to be kept free of structures and in farming	90% of lot area	70% of lot area
Siting requirements and buffers / setbacks of new use to neighboring properties	Minimize impacts to farmland while also setting back 100 feet from neighbor (hedges could reduce via findings)	Minimize impacts to farmland while also setting back 100 feet from neighbor (hedges could reduce via findings)
Farming assurances: Grant deed of development rights to ensure farming on subject property and possibly adjacent properties OR (see next row)	90% of subject property and enough acres on adjacent such that the total restricted area is at least half the min parcel size	None
Alternative form of assurance, if host property is not large (less than 40 acres): lease land in County to farm and/or long-term purchase agreement for farm products grown on a farm in the County	Required	Not required
Mitigation (with fees or in-kind)	Mitigation at 1:1 ratio required only for exceedance of footprint maximums or deficit in meeting minimum farming acreage or deficit in meeting farming assurances	Mitigation at 1:1 ratio required only for exceedance of footprint maximums or deficit in meeting minimum farming acreage

Building Code Notes

- B occupancy (Business), ADA compliance is required, even if dinner is outside

Health Code Notes

- Well, septic, and restaurant plan review may be required.
- Outdoor events where the general public are sold or given food/beverages, an EH Temporary Food Facility permit may be required.

Public Works Notes

- Area of Benefit (AOB) fee may be required.
- Pavement of first 50 feet of driveway may be required.
- May require compliance with stormwater regulations, which requires new development projects incorporate features that control stormwater runoff to reduce the quantity of pollutants introduced into the storm drain system and our waterways and with drainage requirements.
- May require a traffic study.

7. Winery and Olive Oil Mill Ordinance Update

Summary: Currently, a winery is permitted with the approval of a land use permit on properties of 5 acres or more in all Agricultural Zoning Districts. The County should update the current guidelines to better facilitate and reflect new market conditions. The current Winery and Olive Oil Mill Guidelines should



be incorporated into the Zoning Ordinance. The County should explore the options to allow certain winery functions with an administrative permit (less involved than a land use permit), such as small facilities without tasting rooms. Hosting larger special events would be allowed, but is proposed to be limited to larger parcels, as further discussed in Item #8 below. The zoning code requirements for wineries should otherwise remain unchanged and wineries should continue to be encouraged.

Zoning permit required: In most instances, a land use permit (discretionary; public hearing required).

Building Code Notes

- Pending

Health Code Notes

- A winery or brewery may submit plans to Environmental Health (EH) to be permitted as a Host Facility. A Host Facility allows permitted caterers to serve from the winery.
- Outdoor events where the general public are sold or given food/beverages, an EH Temporary Food Facility permit is required.

Public Works Notes

- Area of Benefit (AOB) fee may be required.
- Pavement of first 50 feet of driveway may be required.
- May require compliance with stormwater regulations, which requires new development projects incorporate features that control stormwater runoff to reduce the quantity of pollutants introduced into the storm drain system and our waterways and with drainage requirements.
- May require a traffic study. May require a traffic study.

8. Hosting Larger Events at Wineries, Bed and Breakfasts, and Farm-to-Table Restaurants

Summary: Currently, event centers can be permitted as a subordinate use to a winery, which can be permitted as a subordinate use to farming (grape growing). In the past, event center use has become the dominant use (often used for weddings) and some concerns have been expressed about noise and impacts to



agriculture. Large events do depend on the beauty and vibrancy of the setting and can be a complement to efforts to improve the vitality and sustainability of agricultural lands. The recommendation is to require such use to be appurtenant to significant agricultural production and agricultural visitor facilities, namely wineries, bed and breakfast, and farm-

to-table restaurants (i.e., no longer limit larger event use to only wineries). A once a year special event would be allowed as an associated use for farm dinners. Standalone event centers are not currently allowed and are not recommended.

Zoning permit required for larger event uses: Use may be approved through the land use permit granted for appurtenant agricultural use (e.g., winery). (discretionary; public hearing required).

Potential key conditions, minimum parcel size and mitigation: Moving forward, proposed uses with appurtenant large events are proposed to be required to have a large minimum parcel size moving forward (e.g., 40 acres) as well as reasonable conditions on hours, noise levels, etc., to assure the primary use of the property is for agriculture and to provide a buffer for noise impacts on adjacent neighbors. Large events can be defined as having more than 300 people present, including staff and host. There should be a one-mile separation between larger event center establishments.

Larger event uses are proposed to be limited to areas served by a retail water supplier in order to provide assurances that water supply is secure and water use won't harm neighbors or environment. A retail water supplier means a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission, that provides retail water service. A retail water supplier does not include a mutual water company. Retail water supply need not necessarily be used for potable water on-site. Some participants expressed concern with this limitation, preferring broader application of this new use.

Below please find a table summarizing some tools that could be used to enable smaller parcels to qualify.

Tools to Supplement Minimum Parcel Size (Intended as a menu of options that could be used in combination. Some are mutually exclusive.)	Example Requirement for a Smaller Parcel (< min parcel size)	Example Requirement for a Larger Parcel (≥ min parcel size)
Restrictions on footprint of new use, incl. parking	5% of lot area	5% of lot area
Portion of property required to be kept free of structures and in farming	90% of lot area	70% of lot area

Siting requirements and buffers / setbacks of new use to neighboring properties	Minimize impacts to farmland while also setting back 100 feet from property line (hedges could reduce via findings)	Minimize impacts to farmland while also setting back 100 feet from property line (hedges could reduce via findings)
Farming assurances: Grant deed of development rights to ensure farming on subject property and possibly adjacent properties	90% of subject property and enough acres on adjacent such that the total restricted area is at least half the min parcel size	None
Mitigation (with fees or in-kind)	Mitigation at 1:1 ratio required only for exceedance of footprint maximums or deficit in meeting minimum farming acreage.	Mitigation at 1:1 ratio required only for exceedance of footprint maximum or deficit in meeting minimum farming acreage.

Building Code Notes

- Pending

Health Code Notes

- A winery or brewery may submit plans to Environmental Health (EH) to be permitted as a Host Facility. A Host Facility allows permitted caterers to serve from the winery.
- For other uses, an event center permit from EH would be needed to allow caterers to serve at the facility.

Public Works Notes

- Area of Benefit (AOB) fee may be required.
- Pavement of first 50 feet of driveway may be required.
- May require compliance with stormwater regulations, which requires new development projects incorporate features that control stormwater runoff to reduce the quantity of pollutants introduced into the storm drain system and our waterways and with drainage requirements.
- May require a traffic study.

C. POLICY / IMPLEMENTATION REFORMS

Sustaining and enhancing agricultural lands for production of a diverse array of crop and agricultural products should be key goals for Contra Costa County. The following recommendations are consistent with the goals and policies of the County's Conservation Element of the General Plan.

9. Mitigation requirements for conversion of agricultural land

While large-scale conversion of agricultural lands to urban uses is not anticipated to occur in the future—certainly not at the scale that occurred during preceding decades before the establishment of (and near buildout to) the County's Urban Limit Line—some impacts are likely to occur, including impacts from minor subdivisions, rural home construction and some of the agricultural tourism activities described in this report. However, agricultural uses including agricultural tourism activities that comply with all standards without the need for an exception are proposed to be exempt from mitigation requirements set by proposed new agricultural mitigation program.



The County should consider establishing an agricultural mitigation program to protect irrigated and intensively cultivated agricultural lands and offset impacts to such lands. The County could also consider a mitigation effort for rangeland. The program could take the form of an in-lieu fee (funding to establish such a mechanism would need to be identified) or could be satisfied with in-kind conservation. Conserved lands would be from willing sellers only and the conservation instrument could be an agricultural conservation easement held by a land trust or some similar method. The primary purpose of the easement would be to protect the agricultural value of the encumbered land. Dedication of development rights is another option that would be easier to administer, but would have less protections and assurances. 1:1 has been suggested as a mitigation ratio typical for mitigation of irrigated and intensively cultivated lands.

10. New efforts to avoid/address rural blight

Agricultural lands in Contra Costa County are inherently beautiful and can provide a wonderful setting for rural homes and communities. However, blighted conditions can occur and can greatly harm the quality of life of neighbors. Examples of blighted conditions include but are not limited to illegal dumping, excessive storage of dumped soil and equipment unrelated to agriculture, operation of illegal



businesses (cannabis, light industrial, etc.) and excessively noisy unpermitted activities. Blighted conditions are out of character or incompatible with the existing zoned agricultural land uses and creates eyesores that prevent the quiet enjoyment of the region by visitors and local producers. Most of these blighted conditions constitute a code violation in one form or another. Code enforcement actions related to property can be violations of either or both the Zoning Code and Building Code and must be addressed by the County in accordance with procedures set forth in state law (including a step-wise process to inform the property owner of the violation and afford an opportunity to address the problem or appeal). Neighbors are often frustrated with the pace of the process as well the challenges associated with recurring problems and the limitations of a finite Code Enforcement staff covering a large area.

The County is urged to continue prioritize rural code enforcement and to seek mechanisms for improving its speed and efficacy. One measure recommended now is to provide an additional regulatory tool—namely, making property nuisance code sections more applicable to agricultural areas (illegal dumping is dealt with in the next recommendation).

Below please find an excerpt from County Code specific to residential property nuisances:

720-2.006 - Residential property nuisance.

No person owning, leasing, renting, occupying or having charge or possession of residential real property shall maintain or allow the maintenance of the property in such a manner that any of the following conditions exist on the property and are visible from a street, highway, or private road:

- (a) Attractive nuisances dangerous to children, such as abandoned, broken or neglected equipment, machinery, refrigerators or freezers, or unsafe pools, ponds or excavations;
- (b) Shopping carts, household equipment or broken or discarded furniture for an unreasonable period of time;
- (c) Garbage or trash cans for more than thirty-six hours;
- (d) Boats, trailers, vehicle parts or other articles of personal property that are abandoned or left in a state of partial construction or repair for an unreasonable period of time;
- (e) Construction and wood debris, including cuttings, for an unreasonable period of time;
- (f) Weeds over eighteen inches in height.

The recommendation is to define nuisance standards specific to agricultural properties, recognizing that articles like old tractors that are not suitable in urban areas are perfectly suitable in agricultural areas. Participants recognize that rural properties need to be held to a different, more permissive standard than urban properties, but also that the lack of adherence to any standard does not adequately protect the rights of neighbors. Proposed examples of nuisances include the following visible from a street, highway or private road:

- Accumulation of non-operable, broken or neglected equipment, machinery, or other unsafe and dangerous articles not associated with agricultural uses;
- Excessive storage for an unreasonable period of time of non-agricultural items such as: shopping carts, home appliances, broken or discarded furniture boats, trailers, vehicles, vehicle parts, or other articles of personal property that are abandoned or left in a state of partial construction or repair except for incidental articles related to agricultural related activities;

- Tracks constructed for racing and jumping of motorcycles or other off-road vehicles and the operation of such vehicles for racing or jumping.

11. New efforts to address illegal dumping

As discussed above, illegal dumping has been a huge problem for a long time and the consensus is that it is getting worse. It is a particular hardship on rural communities as these areas are frequently targeted by dumpers and clean-up can be onerous.



The County has been considering a comprehensive strategy to address illegal dumping and the proposed measures shared with the Board in October 2018 were also shared with the people attending the agricultural policy review meetings. These strategies include dedicated law enforcement to deter dumpers, stronger enforcement of the County's mandatory subscription rules (requirement for garbage service), improved removal of illegally dumped material, easier opportunities to dispose of waste properly and greater public education.

The Board approved the illegal dumping recommendations on June 11, 2019 and funding has been secured to implement an initial phase. The County is recommended to pursue effective implementation of these more aggressive strategies to reduce illegal dumping.

12. Examine opportunities to reduce impacts of rural home development on agriculture.

The County should consider initiating a process to examine and adjust the provisions for development of homes on agricultural properties to protect agricultural vitality and sustainability. The ability to have a home on their farm is essential to many farmers. However, the development of homes on some agricultural parcels in the County have partially or completely negated the availability of the parcel to be used for agriculture. This can lead to rural residential neighborhoods instead of farming areas, leading to a cumulative loss of farmland and residences that are not close to schools, stores, jobs, etc., and increased exposure to wildfire.

The County should look at provisions to try to address this problem in the future, such as minimum parcel size requirements and requirements to site a home and other structures

on a property in such a way that availability of land remaining for agriculture is maximized on properties 40 acres or less. The County should also consider a floor area ratio for ranchette construction and should encourage restricting the storage of articles or development within one area of the property, in addition to siting restrictions.

Below are some examples of agricultural properties and the impact of home siting on agricultural use.



13. New efforts to facilitate communication between the farming community and the local regulatory agencies

During public meetings conducted as part of this process (as well as in various forums that preceded this process), farmers and representatives of owners of agricultural land expressed concern that government permitting processes can be difficult to access. Many felt this could be due to the complexity of regulations, confusion about which agency has authority over which regulation and the unique nature of permitting inquiries made by such landowners (e.g. their inquiries are not frequent and may not be similar to inquiries made by urban residents). One idea that has been discussed to try to address this concern is seeking to identify or hire an agricultural ombudsperson.

The group learned a lot about what an agricultural ombudsperson does depending on their County. The group heard directly from the people who perform this role in Yolo and Sonoma Counties (Stephanie Cormier and Karen Giovannini). Ms. Cormier and Ms. Giovannini attended the agricultural meetings as guest speakers, explained their work and answered questions. Also, CC County Staff reviewed the role of an ombudsperson in five counties and provided information to the group in the form of a comparison table. Typical duties ranged from serving as an approachable point of contact to direct applicants to the proper agency/department--to more directly assisting applicants as they navigate permitting requirements--to trying to assist the agricultural economy more generally through marketing and outreach to investors/the public--to assisting with particularly complex regulations such as health requirements related to beef, pork or poultry. A common approach was to locate the ombudsperson role in an organization that was not charged with code enforcement and was therefore perceived as approachable.

To delve deeper into the issue and try to frame an implementable recommendation, staff from the following five agencies working in Contra Costa County met in December: Contra Costa Resource Conservation District (RCD), University of California Cooperative Extension (UCCE) – Contra Costa County and the County Departments of Agriculture, Conservation and Development (DCD) and Health Services-- Division of Environmental Health. The group discussed options and sought consensus on a recommended approach. The following is a summary of the group's preliminary recommendations:

- Establish a point person for coordination in each agency. DCD's point person would be a point of contact for farmers dealing with DCD, would help farmers understand processes at DCD and help DCD staff understand the particular needs of farmers (as well as coordinate with other agencies). The RCD point person would be a more general point of contact for farmers and would maintain a working knowledge of processes at other agencies so that a farmer could be directed to the right place for detailed questions and applications. Environmental Health, County Department of Agriculture and UCCE would designate a point person to participate in coordination

meetings with other agencies and with the public. Each agency anticipates it could perform this function with existing budgeted resources.

- Point people from each local agency meet periodically to improve communication and foster understanding of permit processes across local agencies. Contra Costa County Public Works was also recommended to participate and have agreed to do so. The affected fire district(s) should also be invited to participate.
- Local agencies convene an annual, public Agricultural Forum meeting to listen to and communicate with the agricultural community. The intent is to build relationships and foster better mutual understanding. This Forum could also be a sounding board for policy initiatives, similar to the current meeting process. Staff felt an open, less-structured Agricultural Forum process was preferable at this time to re-establishing the appointed Agricultural Task Force, a County advisory committee that has not met in many years.
- Contra Costa AgForum portal web page to be created and hosted by RCD (DCD can help). This portal page will link visitors to the proper website/agency to pursue their question. It will also be the home for information on the Agricultural Forum meetings.
- UC Cooperative Extension has been recruiting for the UCCE Specialty Crops Advisor position. When Advisors commence UCANR employment, they undertake a needs assessment based on input from their farmer/crops-producer clientele. The Ag Specialty Crops Advisor can research local needs on making local permitting processes more streamlined. Such assessment will establish baseline information to determine whether current processes serve County farmer's needs well, should be improved or if it would be beneficial to replace them with a more intensive approach (assuming funds could be found to implement).

14. Improve permitting for agricultural uses

Farmers and representatives of owners of agricultural land expressed concerns with the complexity, time and expense of securing various permits, and also with some of the requirements imposed when developing their agricultural property. Many felt that farm development should not have the same requirements as commercial and residential developments. Some also mentioned that the permitting process should maximize focus on meeting the objective of the regulations. The County Departments of Conservation and Development, Agriculture, Health, and Public Works have indicated a willingness to continue to engage with the agricultural community to pursue these goals to the reduce the time and cost of processing the required permits. Collaboration as discussed in Item #13 above will be important.

The agricultural lands in the County, including grazing lands such as those found in East County, Tassajara, Central County, and the orchard and row crops located in the East County area, are unique. As such, the County should consider having distinct policies for the different agricultural regions informed by residents' vision for the future.

15. Consider a Noise Ordinance

During the agricultural land use policy meetings, a topic that has been brought up several times was on noise generated from special events occurring on neighboring properties. The County currently does not have a Noise Ordinance and has limited ability to enforce complaints received on noise, though enforcement tools increase when a land use entitlement is approved and conditions of approval regarding noise are imposed. A Noise Ordinance should be considered to provide thresholds for noise generating impacts. However, it should be recognized that even if a Noise Ordinance were adopted significant enforcement hurdles would remain.

D. PROMOTION / MARKETING

16. Equestrian, bike trail connecting farms; Consider Allowing Equestrian Facilities within the A-40 and A-80 Zoning Districts with a Land Use Permit

The County should work with partners to explore and plan for enhanced trail connections between agricultural tourism sites, including existing U-Pick operations.

Currently, the A-40 and A-80 Zoning Districts do not allow equestrian facilities. Though such uses do not capitalize on the exceptionally productive soils in the A-40 Zoning District, they also do not destroy the soils. Also, despite the prohibition, a number of equestrian uses are present today. The County should consider allowing new or existing equestrian uses through a land use permitting process incorporating standards to protect neighbors, and agricultural uses generally, and should consider requiring mitigation.





17. Signage

The County should work with partners to explore, seek funding for and implement an effort to provide more signage promoting agriculture in the County.

The County currently has a Sign Ordinance that provides standards for any proposed signage. The County is currently working on amending the existing Sign Ordinance to update the sign standards to allow way-finding signs in the right-of-way to direct people to U-pick operations.

The working group recommends the sign standards also be amended to clarify that lighted signs for lodging, food service, and winery uses may be compatible with agricultural areas if conditioned appropriate with setting (e.g. wood signs lit from the front; not neon, not lit from within).

18. Promoting Agriculture in Contra Costa County

The County should work with other agencies and non-profits to continue to promote agricultural vitality in Contra Costa County. The County should continue to evaluate its agricultural policies in the future and strive to expand the tools available to promoting a thriving, sustainable agricultural economy. Planning grants from the State's Sustainable Agricultural Lands Conservation Program should be pursued.



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 4, 2020

Subject: APPROVE the Delta De Anza Trail Crossing Improvements at Alves Lane Project and take related actions under the California Environmental Quality Act.

RECOMMENDATION(S):

ADOPT Resolution No. 2020/27 to APPROVE and AUTHORIZE the Public Works Director, or designee, to submit a 2020/27 Transportation Development Act (TDA) Grant Application to the Metropolitan Transportation Commission in the total amount of \$100,000 for the fiscal year 2020/2021 for the Delta De Anza Trail Crossing Improvements at Alves Lane Project.

APPROVE the Delta De Anza Trail Crossing Improvements at Alves Lane Project and take related actions under the California Environmental Quality Act, and AUTHORIZE the Public Works Director, or designee, to advertise the Project. Bay Point area. [County Project No. WO1025, DCD-CP#19-42] (District V).

DETERMINE the Project is a California Environmental Quality Act (CEQA), Class 15301(c) Categorical Exemption, pursuant to Article 19, Section 15301 of the CEQA Guidelines, and

DIRECT the Director of Conservation and Development to file a Notice of Exemption with the County Clerk, and

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Laura Cremin
(925)313-2015

RECOMMENDATION(S): (CONT'D)

AUTHORIZE the Public Works Director, or designee, to arrange for payment of a \$25 fee to Conservation and Development for processing, and a \$50 fee to the County Clerk for filing the Notice of Exemption.

FISCAL IMPACT:

Estimated Project cost: \$220,000. This project will be funded approximately 55% Local Road Funds and 45% Transportation Development Act Funds.

BACKGROUND:

The purpose of this project is to improve pedestrian and bicyclist safety the Delta De Anza Trail crossing at Alves Lane in Bay Point. The Project consists of installing rectangular rapid flashing beacons (RRFB), a raised crosswalk, and trail crossing improvements compliant with the Americans with Disabilities Act (ADA).

CONSEQUENCE OF NEGATIVE ACTION:

Delay in approving the project may result in a delay of design, construction, and may jeopardize funding.

AGENDA ATTACHMENTS

Resolution No. 2020/27

CEQA Document

Attachment A & B for Resolution No. 2020/27

MINUTES ATTACHMENTS

Signed: Resolution No. 2020/27

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

Adopted this Resolution on 02/04/2020 by the following vote:

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



Resolution No. 2020/27

IN THE MATTER OF approving and authorizing the Public Works Director, or designee, to submit a 2020/2021 Transportation Development Act (TDA) Grant Application to the Metropolitan Transportation Commission (MTC) in the total amount of \$100,000 for Fiscal Year 2020/2021 for the Delta De Anza Trail Crossing Improvements at Alves Lane.

WHEREAS, Article 3 of the TDA, Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, MTC, as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, Contra Costa County desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists;

NOW, THEREFORE, BE IT RESOLVED, that Contra Costa County declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code;

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of Contra Costa County to carry out the project;

BE IT FURTHER RESOLVED, that the project has been reviewed by the Bicycle Advisory Committee (BAC) of Contra Costa County;

BE IT FURTHER RESOLVED, that Contra Costa County attests to the accuracy of and approves the statements in Attachment A to this resolution;

BE IT FURTHER RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Contra Costa County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

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

ATTESTED: February 4, 2020

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

Contact: Laura Cremin (925)313-2015

By: Stacey M. Boyd, Deputy

cc: Ave Brown - Environmental Division Manager, Laura Cremin-Environmental Services

PUBLIC WORKS DEPARTMENT
INITIAL STUDY OF
ENVIRONMENTAL SIGNIFICANCE

PROJECT NUMBER: WO#1025
CP# 19-42

PROJECT NAME: Delta De Anza Trail Crossing Improvements at Alves Lane

PREPARED BY: Laura, Environmental Services Division

DATE: January 13, 2020

APPROVED BY: [Signature]

DATE: 1/13/20

RECOMMENDATIONS:

- Categorical Exemption: §15301(c) Negative Declaration
- Environmental Impact Report Required Conditional Negative Declaration

The project will not have a significant effect on the environment. The recommendation is based on the following: The project consists of minor alterations of existing streets and sidewalks, involving negligible expansion of existing or former use, pursuant to section 15301(c) of the State CEQA Guidelines.

What changes to the project would mitigate the identified impacts: N/A.

USGS Quad Sheet: Honker Bay	Base Map Sheet #: E-17	Parcel #: N/A
-----------------------------	------------------------	---------------

GENERAL CONSIDERATIONS:

1. **Location:** The project is located at the Delta De Anza trail crossing at Alves Lane in unincorporated Bay Point in East Contra Costa County (Figures 1 – 2).
2. **Project Description:**
The purpose of this project is to improve pedestrian and bicyclist safety at the Delta De Anza Trail crossing at Alves in unincorporated Bay Point. The De Anza Trail is an East Bay Regional Park District operated trail.

The project consists of installing rectangular rapid flashing beacons (RRFB) at each trail crossing. The RRFBs will include a passive detection system which automatically activates the flasher for trail users (Figure 3). The RRFBs will be solar powered. The trail crossing improvements will be constructed to comply with the Americans with Disabilities Act (ADA), and include Detectable Warning Surfaces (truncated domes). The maximum depth of excavation will be approximately five feet for installation of the RRFB posts.

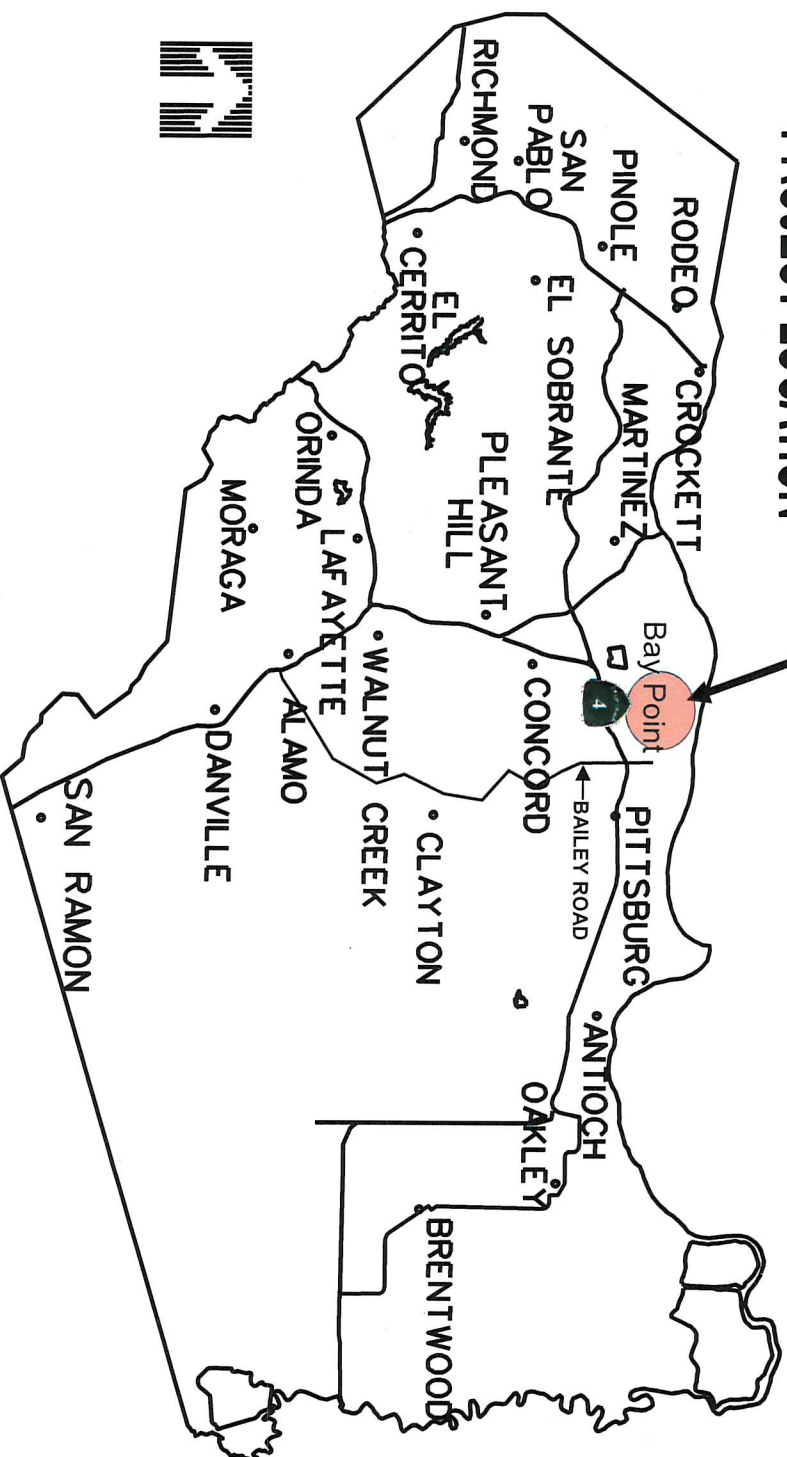
At the trail crossing, the existing crosswalk will be retrofitted with a raised crosswalk for traffic calming and "No Parking" signs will be installed to improve visibility. The curbs surrounding the crosswalks will be painted red at all three locations. Yield signs will be installed and the pavement will be re-stripped with yield lines (in a "sawtooth" pattern) which will require motorists to come to a complete stop and allow trail users to cross.

Real Property transactions may be required. Temporary full or partial lane closures may be necessary during construction. If closures are necessary, traffic control will be implemented. At least one lane will remain open and emergency vehicles will have access at all times. No tree or vegetation removal is anticipated. Best Management Practices (BMPs) will be implemented during construction.

3. **Does it appear that any feature of the project will generate significant public concern?**
 Yes No maybe (Nature of concern):
4. **Will the project require approval or permits by other than a County agency?**
 Yes No
5. **Is the project within the Sphere of Influence of any city?** No.

CONTRA COSTA COUNTY CALIFORNIA

PROJECT LOCATION



Contra Costa County
Public Works
Department

285 GLACIER DRIVE, MARTINEZ, CA 94553 PH: (925)313-2000 FAX: (925) 313-2333

DB: CB. IV DATE: SHEET OF

FIGURE 1: Regional Location Map
Delta de Anza Trail Crossing Improvements at Alves Lane

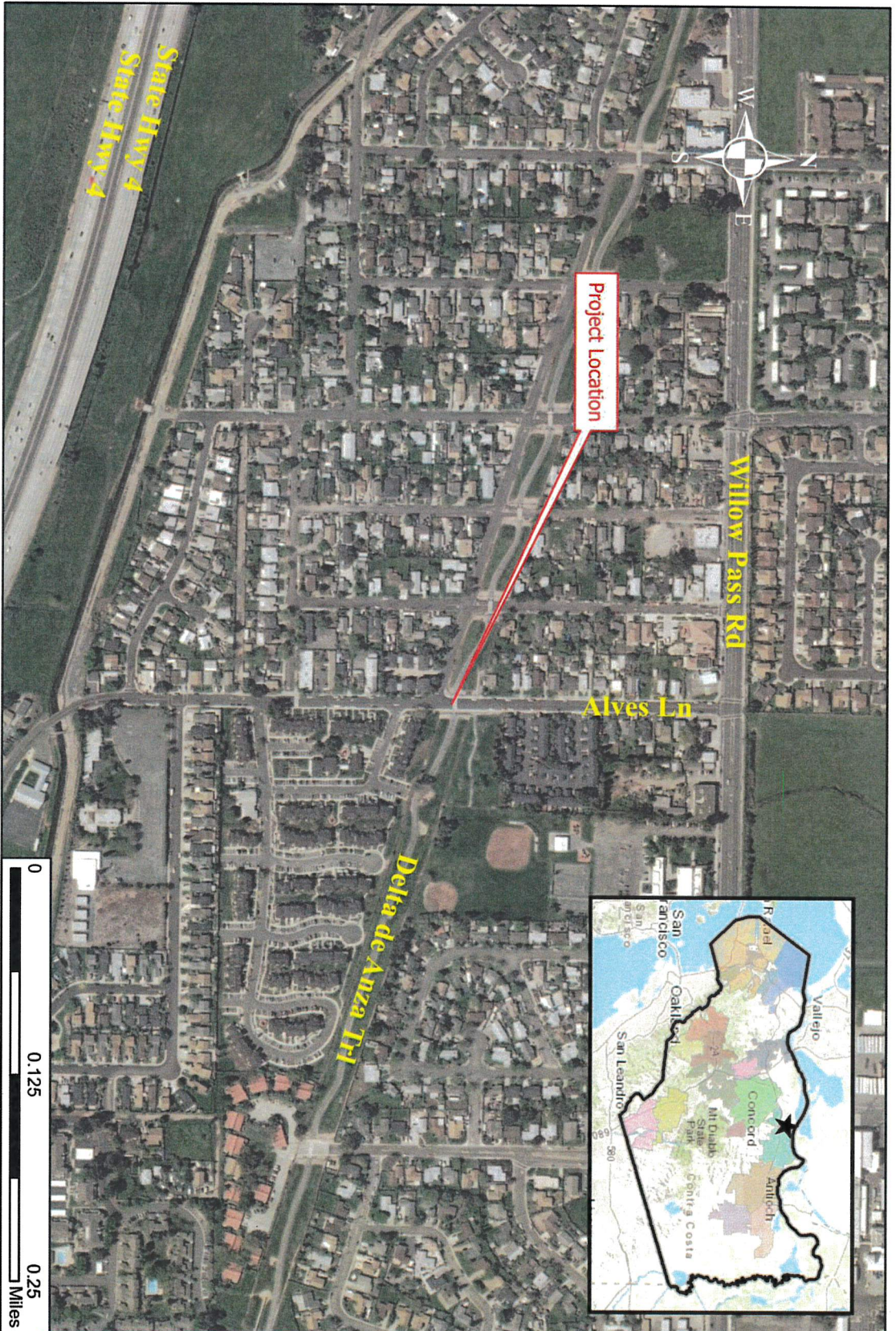
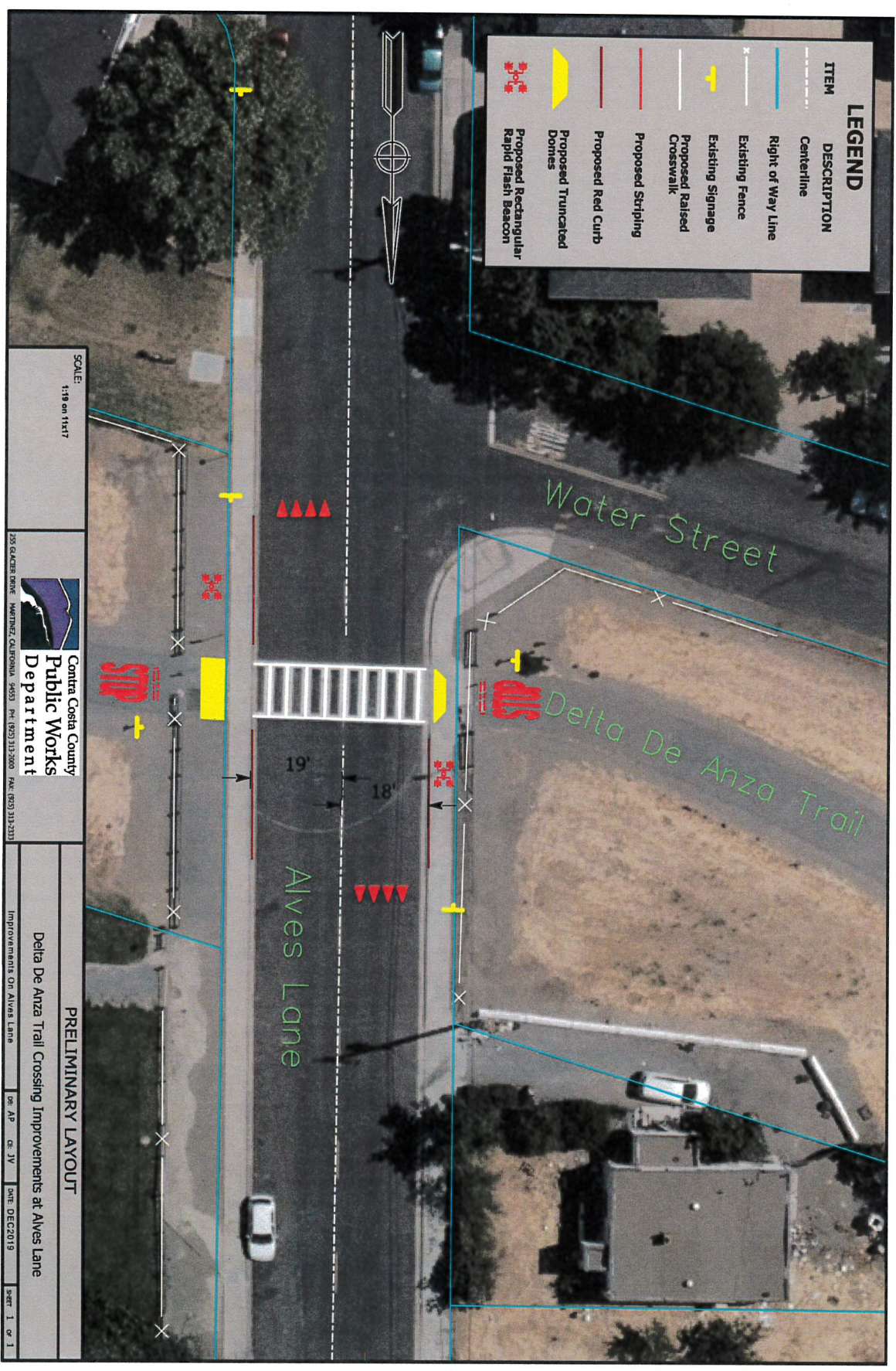


FIGURE 2: Project Vicinity Map
 Delta de Anza Trail Crossing Improvements at Alves Lane



ITEM	DESCRIPTION
---	Centerline
---	Right of Way Line
X	Existing Fence
Y	Existing Signage
---	Proposed Raised Crosswalk
---	Proposed Striping
---	Proposed Red Curb
Y	Proposed Truncated Domes
Y	Proposed Rectangular Rapid Flash Beacon

SCALE: 1" = 10' on 11x17


 Contra Costa County
 Public Works
 Department
 255 GARDNER DRIVE MARTINEZ, CALIFORNIA 94553 PH: (925) 313-2000 FAX: (925) 313-2333

PRELIMINARY LAYOUT
 Delta De Anza Trail Crossing Improvements at Alves Lane
 IMPROVEMENTS ON ALVES LANE | DS: AP | CS: JV | DATE: DEC2019 | SHEET: 1 OF 1

FIGURE 3: Proposed Layout
Delta de Anza Trail Crossing Improvements at Alves Lane

CALIFORNIA ENVIRONMENTAL QUALITY ACT
Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: Contra Costa County
Dept. of Conservation & Development
30 Muir Road
Martinez, CA 94553

County Clerk
County of: Contra Costa

Project Title: Delta De Anza Trail Crossing Improvements at Alves Lane
Project No. WO1025, CP#19-42

Project Applicant: Contra Costa County Public Works Department,
255 Glacier Drive Martinez, CA 94553

Project Location: The project is located at the Delta De Anza Trail crossing at Alves Lane in unincorporated Bay Point in East Contra Costa County.

Lead Agency: **Contra Costa County Department of Conservation and Development**

Description of Nature, Purpose and Beneficiaries of Project: The purpose of this project is to improve pedestrian and bicyclist safety at the Delta De Anza Trail crossing at Alves Lane in unincorporated Bay Point. The De Anza Trail is an East Bay Regional Park District operated trail.

The project consists of installing rectangular rapid flashing beacons (RRFB) at each trail crossing. The RRFBs will include a passive detection system which automatically activates the flasher for trail users (Figure 3 – 5). The RRFBs will be solar powered. The trail crossing improvements will be constructed to comply with the Americans with Disabilities Act (ADA), and include Detectable Warning Surfaces (truncated domes). The maximum depth of excavation will be approximately five feet for installation of the RRFB posts.

At the trail crossing, the existing crosswalk will be retrofitted with a raised crosswalk for traffic calming and "No Parking" signs will be installed to improve visibility. The curbs surrounding the crosswalk will be painted red. Yield signs will be installed and the pavement will be re-stripped with yield lines (in a "sawtooth" pattern) which will require motorists to come to a complete stop and allow trail users to cross

Real Property transactions may be required. Temporary full or partial lane closures may be necessary during construction. If closures are necessary, traffic control will be implemented. At least one lane will remain open and emergency vehicles will have access at all times. No tree or vegetation removal is anticipated. Best Management Practices (BMPs) will be implemented during construction.

Name of Public Agency Approving Project: **Contra Costa County**
Name of Person or Agency Carrying Out Project: **Contra Costa County Public Works Department**

Exempt Status:

- Ministerial Project (Sec. 21080(b)(1); 15268); Categorical Exemption: Class 15301 (c)
 Declared Emergency (Sec. 21080(b)(3); 15269(a)); Other Statutory Exemption, Code No.: _____
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); Common Sense Exemption [Section 15061 (b)(3)]

Reasons why project is exempt: The project consists of minor alterations of existing streets and sidewalks, involving negligible expansion of existing or former use, pursuant to section 15301(c) of the CEQA guidelines.

Lead Agency Contact Person: **Laura Cremin- Public Works Dept.** Area Code/Telephone/Extension: **(925) 313-2015**

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Contra Costa County Department of Conservation and Development

Signed by Lead Agency Signed by Applicant

AFFIDAVIT OF FILING AND POSTING

I declare that on _____ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature

Title

Applicant:

Public Works Department
255 Glacier Drive
Martinez, CA 94553
Attn: **Laura Cremin**
Environmental Services Division
Phone: (925) 313-2015

Department of Fish and Game Fees Due

- EIR - \$3,343.²⁵
 Neg. Dec. - \$2,406.⁷⁵
 DeMinimis Findings - \$0
 County Clerk - \$50
 Conservation & Development - \$25

Total Due: \$ 75 _____

Total Paid \$ _____

Receipt #: _____

ATTACHMENT A to Resolution No. 2020/27

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2020/2021 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

FINDINGS

1. That Contra Costa County is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is Contra Costa County legally impeded from undertaking the project(s) described in “Attachment B” of this resolution.
2. That Contra Costa County has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right of way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by Contra Costa County within the prior five fiscal years.
8. That the project(s) described in Attachment B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B will be completed before the funds expire.
11. That the Contra Costa County agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Attachment B to Resolution No. 2020/27

TDA Article 3 Project Application Form

Fiscal Year of this Claim: **2020/2021** Applicant: **Contra Costa County Public Works**

Contact person: **Jeff Valeros**

Mailing Address: **255 Glacier Drive, Martinez, CA 94553**

E-Mail Address: **jeff.valeros@pw.cccounty.us** Telephone: **925-313-2031**

Secondary Contact (in event primary not available): **Austin Pato**

E-Mail Address: **austin.pato@pw.cccounty.us** Telephone: **925-313-2378**

Short Title Description of Project: **Delta De Anza Trail Crossing Improvements at Alves Lane**

Amount of claim: **\$100,000**

Functional Description of Project:

The purpose of this project is to improve pedestrian and bicyclist safety along trail crossings at the Delta De Anza Trail crossing at Alves Lane in Bay Point. This will be done by installing rectangular rapid flashing beacons (RRFBs), a raised crosswalk, striping with accompanying signage, and ADA compliant truncated domes.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, engineering, and construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

Project Elements: Engineering and Construction

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$100,000			\$100,000
list all other sources:					
1. Local Funds		\$120,000			\$120,000
2.					
Totals		\$220,000			\$220,000

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated). <u>February 4, 2020</u>	PENDING
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	NO
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	YES
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: <u>December 19, 2019</u>	YES
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	PENDING
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <u>12/2022</u>	YES
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	YES

c.1

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

Adopted this Resolution on 02/04/2020 by the following vote:

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



Resolution No. 2020/27

IN THE MATTER OF approving and authorizing the Public Works Director, or designee, to submit a 2020/2021 Transportation Development Act (TDA) Grant Application to the Metropolitan Transportation Commission (MTC) in the total amount of \$100,000 for Fiscal Year 2020/2021 for the Delta De Anza Trail Crossing Improvements at Alves Lane.

WHEREAS, Article 3 of the TDA, Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, MTC, as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, Contra Costa County desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists;

NOW, THEREFORE, BE IT RESOLVED, that Contra Costa County declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code;

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of Contra Costa County to carry out the project;

BE IT FURTHER RESOLVED, that the project has been reviewed by the Bicycle Advisory Committee (BAC) of Contra Costa County;

BE IT FURTHER RESOLVED, that Contra Costa County attests to the accuracy of and approves the statements in Attachment A to this resolution;

BE IT FURTHER RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Contra Costa County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

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

ATTESTED: February 4, 2020

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

Contact: Laura Cremin (925)313-2015

By: Stacey M. Boyd, Deputy



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 4, 2020

Subject: APPROVE an amendment to the Real Property Services Agreement with the City of Vallejo for the Sacramento Bridge Replacement Project.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chair, Board of Supervisors, to execute Amendment No. 2 to the Real Property Services Agreement with the City of Vallejo (City) effective January 1, 2020, to increase the amount payable to Contra Costa County by \$35,000, to a new payment limit of \$110,000, and to extend the termination date from December 31, 2019 to December 31, 2020, for additional services in connection to the Sacramento Bridge Replacement Project, Vallejo area. (Project No. 4660-6X1074/Federal Project No.: STPLZ-5030(056))

FISCAL IMPACT:

100% General Fund. This action results in revenues from the City of Vallejo to reimburse the Real Estate Division of Public Works, up to the payment limit as amended.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Angela Bell,
925.957-2451

cc:

BACKGROUND:

The City requires a variety of right of way services related to the Sacramento Bridge Replacement Project, but has no right of way staff and has contracted with the County for these services. On July 24, 2018, the Board approved the original agreement between the County and City and Amendment No. 1 on July 23, 2019. The parties now wish to extend the term and increase the payment limit to cover costs for additional right of way services required in order to extend the already acquired rights and updating the certification of the project with Caltrans.

CONSEQUENCE OF NEGATIVE ACTION:

The City will not be able to contract for the County's right of way services.

AGENDA ATTACHMENTS

Real Property Services Agreement

MINUTES ATTACHMENTS

Signed: Real Property Services Agreement

REAL PROPERTY SERVICES AGREEMENT
SACRAMENTO STREET BRIDGE REPLACEMENT PROJECT
AMENDMENT NO. 2

Contract 178

1. **Effective Date and Parties.** Effective on January 1, 2020, the COUNTY OF CONTRA COSTA, a political subdivision of the State of California (hereinafter referred to as "County"), and CITY OF VALLEJO, a municipal corporation (hereinafter referred to as "CITY"), hereby amend the Real Property Services Agreement entered into by the parties (effective July 24, 2018 and amended July 23, 2019), as follows:
2. **Payment Limit Increase:** The payment limit of the above-described Agreement is hereby increased by \$35,000 from \$75,000 to a new total payment limit of \$110,000.
3. **Extension of Term:** The termination date of above-described Agreement is hereby extended from December 31, 2019 to the new termination date of December 31, 2020 or upon termination by either party upon 30 days written notice.

COUNTY OF CONTRA COSTA

CITY OF VALLEJO

Recommended to the County
Board of Supervisors for Approval:

By _____
Candace Anderson
Chair, Board of Supervisors

By _____
Terrance Davis
Public Works Director

By _____
Jessica L. Dillingham
Principal Real Property Agent

By _____
Melissa Tigbao
City Engineer

By _____
Brian M. Balbas
Public Works Director

Approved as to Form:
Sharon L. Anderson, County Counsel

Approved as to Form:
City Attorney

By _____
Deputy

By _____
Claudia Quintana

**CITY OF VALLEJO
SACRAMENTO St. BRIDGE REPLACEMENT PROJECT**

(Amendment No. 2)

- 1. The Payment Limit as set forth in Section 4 of the Agreement is increased by \$35,000 from \$75,000 to a new Payment Limit of \$110,000. This increase is based on the following estimated budget.

Right of Way Services Cost Estimate

ADMINISTRATION	\$ 11,500
NEGOTIATIONS (Parcel 13-Schady)	\$ 7,500
RIGHT OF WAY CERTIFICATION	\$ 14,000
FILE CLOSE OUT	\$ 2,000
<hr/>	
TOTAL	\$35,000

APPENDIX "B"
Pay Rate Schedule

City shall reimburse the COUNTY for labor costs as detailed below:

1. COUNTY direct labor rates shall include the base salary wages paid to personnel plus fringe benefits. Total labor rate shall include direct labor rate multiplied by County's overhead rate. The total labor rate shall not exceed the range of labor rates by classification, included as Attachment 1.
2. COUNTY's overhead rate shall be a summation of division and department overhead rates. Appropriate overhead rates for COUNTY shall be developed based on procedure previously approved as described below:

In general, the division overhead rates are determined by identifying each division's total expenditures after adjustments less any non-labor generated revenue. The division expenditures are then divided by the productive hours for the division establishing the overhead rate needed to cover the remaining net cost of division expenditures. The department overhead rates are determined similar to the division rate by dividing the total department expenditures by the total billable hours. Each year overhead rates will be evaluated and adjusted to reflect the actual costs from the previous fiscal year.

3. COUNTY may adjust both labor rates and overhead rates periodically due to contracted salary increases and overhead rate changes. COUNTY shall submit any changes to rates to the City prior to invoicing.

**ATTACHMENT 1
AMENDMENT NO. 2**

Project: Sacramento Street Bridge Replacement.

A. Budget.

The Payment Limit, as set forth in Section 4 of the Agreement, is increased by \$35,000 from \$65,000 to a new Payment Limit of \$110,000. This increase is based on the following estimated budget:

ADMINISTRATION/FILE CLOSE OUT	\$ 11,500
NEGOTIATIONS (PARCEL 13)	\$ 14,000
RIGHT OF WAY CERTIFICATION	\$ 2,000
VALUATION/APPRaisal	<u>\$ 7,500</u>
	\$ 35,000

TOTAL BUDGET FOR THE PROJECT:	\$60,000 (Original budget)
	\$15,000 (Amendment No. 1)
	<u>\$35,000 (Amendment No. 2)</u>
	\$110,000

B. Charge-Out Rates. County will charge City for Services under this Agreement at the following hourly rates:

REAL PROPERTY AGENT	HOURLY CHARGE OUT RATE
	Hourly Rate
Principal Real Property Agent	\$177/hr to \$249/hr
Supervising Real Property Agent	\$147/hr to \$207/hr
Senior Real Property Agent	\$131/hr to \$189/hr
Associate Real Property Agent	\$118/hr to \$174/hr
Assistant Real Property Agent	\$101/hr to \$142/hr
Senior Real Property Technical Assistant	\$95/hr to \$133/hr
Real Property Technical Assistant	\$82/hr to \$119/hr

**REAL PROPERTY SERVICES AGREEMENT
SACRAMENTO STREET BRIDGE REPLACEMENT PROJECT
AMENDMENT NO. 2**

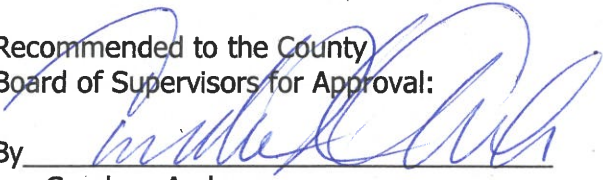
Contract 178

1. **Effective Date and Parties.** Effective on January 1, 2020, the COUNTY OF CONTRA COSTA, a political subdivision of the State of California (hereinafter referred to as "County"), and CITY OF VALLEJO, a municipal corporation (hereinafter referred to as "CITY"), hereby amend the Real Property Services Agreement entered into by the parties (effective July 24, 2018 and amended July 23, 2019), as follows:
2. **Payment Limit Increase:** The payment limit of the above-described Agreement is hereby increased by \$35,000 from \$75,000 to a new total payment limit of \$110,000.
3. **Extension of Term:** The termination date of above-described Agreement is hereby extended from December 31, 2019 to the new termination date of December 31, 2020 or upon termination by either party upon 30 days written notice.

COUNTY OF CONTRA COSTA

CITY OF VALLEJO

Recommended to the County
Board of Supervisors for Approval:

By 
Candace Anderson
Chair, Board of Supervisors

By _____
Terrance Davis
Public Works Director

By 
Jessica L. Dillingham
Principal Real Property Agent

By _____
Melissa Tigbao
City Engineer

By _____
Brian M. Balbas
Public Works Director

Approved as to Form:
Sharon L. Anderson, County Counsel

Approved as to Form:
City Attorney

By 
Deputy

By _____
Claudia Quintana

**CITY OF VALLEJO
SACRAMENTO St. BRIDGE REPLACEMENT PROJECT**

(Amendment No. 2)

1. The Payment Limit as set forth in Section 4 of the Agreement is increased by \$35,000 from \$75,000 to a new Payment Limit of \$110,000. This increase is based on the following estimated budget.

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NEGOTIATIONS (Parcel 13-Schady)	\$ 7,500
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<hr/>	
TOTAL	\$35,000

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1. COUNTY direct labor rates shall include the base salary wages paid to personnel plus fringe benefits. Total labor rate shall include direct labor rate multiplied by County's overhead rate. The total labor rate shall not exceed the range of labor rates by classification, included as Attachment 1.
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In general, the division overhead rates are determined by identifying each division's total expenditures after adjustments less any non-labor generated revenue. The division expenditures are then divided by the productive hours for the division establishing the overhead rate needed to cover the remaining net cost of division expenditures. The department overhead rates are determined similar to the division rate by dividing the total department expenditures by the total billable hours. Each year overhead rates will be evaluated and adjusted to reflect the actual costs from the previous fiscal year.

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**ATTACHMENT 1
AMENDMENT NO. 2**

Project: Sacramento Street Bridge Replacement.

A. Budget.

The Payment Limit, as set forth in Section 4 of the Agreement, is increased by \$35,000 from \$65,000 to a new Payment Limit of \$110,000. This increase is based on the following estimated budget:

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NEGOTIATIONS (PARCEL 13)	\$ 14,000
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VALUATION/APPRAISAL	<u>\$ 7,500</u>
	\$ 35,000

TOTAL BUDGET FOR THE PROJECT:	\$60,000 (Original budget)
	\$15,000 (Amendment No. 1)
	<u>\$35,000 (Amendment No. 2)</u>
	\$110,000

B. Charge-Out Rates. County will charge City for Services under this Agreement at the following hourly rates:

REAL PROPERTY AGENT

HOURLY CHARGE OUT RATE

Hourly Rate

Principal Real Property Agent	\$177/hr to \$249/hr
Supervising Real Property Agent	\$147/hr to \$207/hr
Senior Real Property Agent	\$131/hr to \$189/hr
Associate Real Property Agent	\$118/hr to \$174/hr
Assistant Real Property Agent	\$101/hr to \$142/hr
Senior Real Property Technical Assistant	\$95/hr to \$133/hr
Real Property Technical Assistant	\$82/hr to \$119/hr

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767043.1



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 4, 2020

Subject: Approve the contingency fund increase for the Jersey Island Road Bridge Project, Oakley area.

RECOMMENDATION(S):

APPROVE the Jersey Island Road Bridge Project contingency fund increase of \$100,000 for a new contingency fund total of \$158,203.50, and a new payment limit of \$740,238.50, effective February 4, 2020, as recommended by the Public Works Director. Project No. 0662-6U4134 (District III)

FISCAL IMPACT:

The project is being funded by 100% Local Road Funds.

BACKGROUND:

The contingency fund increase is necessary to compensate the contractor for unforeseen extra work required to complete the project.

CONSEQUENCE OF NEGATIVE ACTION:

The lack of approval would prevent successful completion of this contract and prevent payment for the additional work performed by the contractor.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh
925-313-2233

cc:



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 4, 2020

Subject: ADVERTISE for the 2020 On-Call Facilities Pavement Services Contract(s)

RECOMMENDATION(S):

AUTHORIZE the Public Works Director, or designee, to advertise for the 2020 On-Call Facilities Paving Services Contract(s) for routine maintenance and repair of existing driveways, parking lots, paths, and various pavements, Countywide.

FISCAL IMPACT:

100% General Fund (Facilities Maintenance Budget)

BACKGROUND:

The Public Works Department will use the 2020 On-Call Facilities Pavement Services Contract(s) to provide pavement services as needed for maintenance and repair of various roads, parking lots, paths, and other pavements, including but not limited to pavement repairs and replacement, skin patching, asphalt concrete cold-planning, pavement leveling, surface seals, and hot mix asphalt paving in support of pavement maintenance operations at various facilities within Contra Costa County.

The Public Works

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Lachapelle,
925-313-7082

cc:

BACKGROUND: (CONT'D)

Department intends to award at least one (1) \$750,000 contract, but not more than three (3) \$750,000 contracts, total of contracts not to exceed \$2,250,000 to the responsible bidder(s). Each contract will have a term of one (1) year with the option of two (2) one-year extensions, and will be used as needed with no minimum amount that has to be spent.

CONSEQUENCE OF NEGATIVE ACTION:

Where pavement services are required, the Public Works Department may be unable to complete routine pavement maintenance and repair work in a timely manner, which could result in liability claims against the County.



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 4, 2020

Subject: Approve the Stormwater Management Facilities Operation and Maintenance Agreement for development plan permits DP16-03023 & DP17-03027, Richmond area.

RECOMMENDATION(S):

ADOPT Resolution No. 2020/24 approving the Stormwater Management Facilities Operation and Maintenance Agreement for development plan permits DP16-03023 and DP17-03037, for a project being developed by MNCVAD-IND Richmond CA LLC, as recommended by the Public Works Director, Richmond area. (District I)

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The Stormwater Management Facilities Operation and Maintenance Agreement is required by Condition of Approval No. 49 for DP16-03023.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Randolph Sanders
(925)313-2111

CONSEQUENCE OF NEGATIVE ACTION:

The agreement will not be recorded and the Contra Costa County may not be in full compliance with its National Pollutant Discharge Elimination System (NPDES) permit and Stormwater Management Discharge Control Ordinance.

AGENDA ATTACHMENTS

Resolution No. 2020/24

Stormwater Management Facilities Operation & Maintenance Agreement and Right of Entry

MINUTES ATTACHMENTS

Signed: Resolution No. 2020/24

Recorded at the request of: Clerk of the Board

Return To: Public Works Dept- Simone Saleh

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

Adopted this Resolution on 02/04/2020 by the following vote:

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

NO:

ABSENT:

ABSTAIN:

RECUSE:

Resolution No. 2020/24

IN THE MATTER OF approving the Stormwater Management Facilities Operation and Maintenance Agreement for development plan permits DP16-03023 and DP17-03037 (APN 408-090-049), Richmond area. (District I)

WHEREAS the Public Works Director has recommended that he be authorized to execute the Stormwater Management Facilities Operation and Maintenance Agreement with MNCVAD-IND Richmond CA LLC, as required by the Conditions of Approval for development plan permits DP16-03023 and DP17-03037. This agreement would ensure the operation and maintenance of the stormwater facilities in accordance with the approved Stormwater Control Plan and approved Operation and Maintenance Plan for development plan permits DP16-03023 and DP17-03037, which is located at 1601 Goodrick Ave in the Richmond area.

NOW, THEREFORE, BE IT RESOLVED that the recommendation of the Public Works Director is APPROVED.

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

ATTESTED: February 4, 2020

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

Contact: Randolph Sanders (925)313-2111

By: Stacey M. Boyd, Deputy

cc: Larry Gossett- Engineering Services, Randolph Sanders- Engineering Services, Deborah Preciado - Engineering Services, Michelle Mancuso- Watershed Program, Flood Control, MNCVAD-IND Richmond CA LLC, Renee Hutchins - Records, Karen Piona- Record

**Recording Requested By:
COUNTY OF CONTRA COSTA**

**When Recorded, Return To:
COUNTY OF CONTRA COSTA
Contra Costa County Public Works Department
Attn: County Watershed Program
255 Glacier Drive
Martinez, CA 94553**

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

Document Title

COUNTY OF CONTRA COSTA

**COVENANT RUNNING WITH THE LAND,
STORMWATER MANAGEMENT FACILITIES OPERATION
AND MAINTENANCE AGREEMENT, AND RIGHT OF ENTRY**

PROJECT: DP16-3023/DP17-3037

PROPERTY OWNER(S): MNCVAD-IND Richmond CA LLC

ASSESSOR'S PARCEL NUMBER(S): 408-090-049

**COVENANT RUNNING WITH THE LAND,
STORMWATER MANAGEMENT FACILITIES
OPERATION AND MAINTENANCE AGREEMENT,
AND RIGHT OF ENTRY**

This Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement, and Right of Entry ("Agreement") is made and entered into this _____ day of _____, 20_____, by and between MNCVAD-IND Richmond CA LLC and the County of Contra Costa, a political subdivision of the State of California.

DEFINITIONS

The following terms used in this Agreement have the meanings specified below:

County: The term "**County**" means the County of Contra Costa and its authorized officers, agents, and employees.

County Engineer: The term "**County Engineer**" means the Public Works Director for the County or his/her designee.

Maintain: The terms "**maintain**," "**maintained**," or "**maintenance**" mean taking all actions reasonably necessary to keep the Stormwater Facilities in first-class operation, condition, and repair, as described in the Stormwater Control Plan and the Operation and Maintenance Plan, which actions include but are not limited to annual inspection and reporting, painting, cleaning, refinishing, repairing, replacing, and reconstructing the Stormwater Facilities, the payment of any applicable County fees, and in the case of landscaping, plant replacement, mulch replacement, irrigating, trimming, mowing, and fertilizing the landscaping.

NPDES Permit: The term "**NPDES Permit**" means the National Pollutant Discharge Elimination System (NPDES) Permit No. CAS612008 issued to the County and other co-permittees by the San Francisco Regional Water Quality Control Board, as amended, and as may be superseded by subsequent NPDES permits that are issued from time to time.

Operation and Maintenance Plan: The term "**Operation and Maintenance Plan**" means the Stormwater Control Operation and Maintenance Plan for the Property prepared by Ware Malcomb, and deemed consistent with the Ordinance by the County, which may only be modified when, upon written application for such changes, the County Engineer, in his/her sole discretion, provides written consent to such changes. The Operation and Maintenance Plan and any approved changes are on file at the County Public Works Department.

Ordinance: The term "**Ordinance**" means Division 1014 of Title 10 of the Contra Costa County Code (Stormwater Management and Discharge Control), as may be amended from time to time.

Project: The term "**Project**" means DP16-3023 and DP17-3037, which are being developed on the Property by the Property Owner.

Property: The term "**Property**" means that real property described in Exhibit A attached to this Agreement.

Property Owner: The terms "**Property Owner**" and "**Property Owners**" mean MNCVAD-IND Richmond CA, LLC, and all heirs, successors, executors, administrators, and assigns of any interest in the Property, it being the intent of the parties that the obligations under this Agreement, as provided in Civil Code Section 1468, run with the Property.

Stormwater Control Plan: The term "**Stormwater Control Plan**" means the Stormwater Control Plan prepared by Ware Malcomb, and deemed consistent with the Ordinance by the County, which may only be modified when, upon written application for such changes, the County Engineer, in his/her sole discretion, provides written consent to such changes. The Stormwater Control Plan and any approved changes are on file at the County Public Works Department.

Stormwater Facilities: The term "**Stormwater Facilities**" means the permanent stormwater management facilities and appurtenant design features located and constructed on the Property, as described in the Stormwater Control Plan and/or the Operation and Maintenance Plan.

RECITALS

This Agreement is made and entered into with reference to the following facts:

- A. The Property Owner is the owner of the Property and intends to develop the Property with impervious surfaces.
- B. The County is the owner of the westerly 25 feet of Goodrick Avenue, between 20 feet and 407 feet north of the Property's northern property line, and an associated storm drain, and the County is required to ensure that stormwater runoff from the Property meets the requirements of the NPDES Permit.
- C. To meet its obligations under the NPDES Permit, the County has required the Property Owner to construct the Stormwater Facilities.
- D. To meet its obligations under the NPDES Permit, the County has approved the Property Owner's Operation and Maintenance Plan and the Stormwater Control Plan for the Stormwater Facilities.

- E. To meet the County's obligations under the NPDES Permit, the County's Ordinance requires proper operation and maintenance in perpetuity of the Stormwater Facilities constructed on the Property.
- F. The Operation and Maintenance Plan and/or the Stormwater Control Plan include an annual inspection and reporting requirement and a continuing maintenance requirement for the Stormwater Facilities constructed on the Property.

AGREEMENT

NOW, THEREFORE, in consideration of the above premises, the sufficiency of which is acknowledged, the mutual covenants contained in this Agreement, and the following terms and conditions, the County and the Property Owner agree as follows:

SECTION 1

Responsibility for Operation and Maintenance: The Property Owner represents and warrants that the Stormwater Facilities have been designed and installed in strict accordance with the Stormwater Control Plan, the Operation and Maintenance Plan, and the Ordinance. No portion of the Stormwater Facilities may be altered in any manner that is inconsistent with the Stormwater Control Plan or the Operation and Maintenance Plan without the prior, written consent of the County Engineer. The Property Owner shall continuously maintain the Stormwater Facilities in first-class operating condition, in strict accordance with the Stormwater Control Plan, the Operation and Maintenance Plan, and the Ordinance, and in compliance with all applicable federal, state, and local laws and regulations, as they may be amended from time to time.

The Property Owner shall engage a licensed landscape contractor or other licensed professional acceptable to the County Engineer to undertake the following maintenance activities on the Property, unless the Property Owner receives prior, written approval of an alternative method from the County Engineer:

1. Diagnosis and correction of the Stormwater Facilities malfunctions that cannot be corrected through routine maintenance,
2. Application of fertilizer and/or pest control products within, under, or above the Stormwater Facilities,
3. Repair of private drainage system (including rain gutters, downspouts, area drains, risers, inlets, outlets, overflows, clean-outs, connectors, earthen and concrete conveyance swales, check dam/retaining walls, and catch basins),
4. Maintenance of irrigation system that may affect stormwater reaching the Stormwater Facilities,
5. Modification of site topography through yard and driveway grading that may affect stormwater reaching the Stormwater Facilities,
6. Subdrain cleaning/replacement (including perforated drain pipe), and
7. Replacement of engineered soil and mulch.

The County Engineer may, at any time, revoke approval of an alternate method for the maintenance of the Stormwater Facilities and require the Property Owner to hire a licensed landscape contractor or other licensed professional acceptable to the County Engineer to undertake any of the activities mentioned in this section.

If a dispute should arise between the Property Owner with respect to the necessity for maintenance, the standard of maintenance, the contractor(s) to be engaged to perform any repair or maintenance work, or any other matters pertaining to the operation or maintenance of the Stormwater Facilities, the dispute may be submitted to the County Engineer, in which case the decision of the County Engineer shall be final.

The County recognizes that the Operation and Maintenance Plan may provide for the allocation of Property Owner responsibilities for the maintenance of Stormwater Facilities located on various Lots. However, regardless of the allocation of maintenance responsibilities, the Property Owner of each Lot is responsible for compliance with all of the obligations contained in this Agreement, and all Property Owners will be jointly and severally liable for failure to comply with the terms and conditions set forth in this Agreement and in the Ordinance.

The County may require the Property Owner to amend the Stormwater Control Plan and/or the Operation and Maintenance Plan whenever the County deems amendments necessary to maintain compliance with the NPDES Permit. In that case, the Property Owner shall have the amendments prepared by a licensed engineer and promptly submit the amendments to the County Engineer for review and approval. All amendments proposed by the Property Owner are subject to the prior, written approval of the County Engineer. Whenever the Property Owner requests amendments to the Stormwater Control Plan and/or the Operation and Maintenance Plan, the Property Owner shall pay the County in advance for all staff time spent reviewing and taking action with respect to such request, whether or not the County Engineer approves the proposed amendments. All approved amendments to the Stormwater Control Plan and the Operation and Maintenance Plan will be kept on file at the County Public Works Department. The Property Owner shall promptly comply with all requirements of the Stormwater Control Plan and the Operation and Maintenance Plan, including any approved amendments.

SECTION 2

Inspection by Property Owner: The Property Owner shall inspect, at least annually, the Stormwater Facilities in accordance with this Agreement, including the requirements of the Operation and Maintenance Plan, the Stormwater Control Plan, and the Ordinance. The annual inspection shall include completion of the reporting form(s) required by the County, which form(s) will be provided annually to the Property Owner by the County. The Property Owner or a licensed landscape contractor or other licensed professional acceptable to the County Engineer must submit the reporting form(s) to the County Engineer no later than the deadline indicated on the form(s). Upon review, the County may require additional information from either the Property Owner or an appropriately-licensed contractor.

SECTION 3

Right of Entry and Stormwater Facilities Inspection by the County: The Property Owner hereby grants permission to the County and its contractors and other agencies with an interest in the Stormwater Facilities, such as the Contra Costa County Flood Control and Water Conservation District, the Contra Costa Mosquito and Vector Control District, and the Regional Water Quality Control Board, to enter upon the Property at any reasonable time to inspect, assess, or observe the Stormwater Facilities for the purpose of ensuring that the Stormwater Facilities are being properly maintained and are continuing to perform in an adequate manner to protect water quality and the public health and safety. This includes the right to enter upon the Property whenever the County or other agency has a reasonable basis to believe that a violation of this Agreement, the Operation and Maintenance Plan, the Stormwater Control Plan, the Ordinance, or the NPDES Permit has occurred or is threatening to occur. It also includes the right for the County and its contractors to enter upon the Property to perform any maintenance or other obligations required of the Property Owner under this Agreement or to abate any nuisance in connection with the Stormwater Facilities. The County and the other agencies shall endeavor to provide reasonable notice to the Property Owner before entering the Property.

SECTION 4

Failure to Perform Required Stormwater Facilities Repairs or Maintenance by the Property Owner: If the Property Owner fails to maintain the Stormwater Facilities in good working order and in accordance with the approved Operation and Maintenance Plan, the Stormwater Control Plan, and the Ordinance, the County, with prior notice, may enter the Property to return the Stormwater Facilities to good working order. The County is under no obligation to maintain or repair the Stormwater Facilities, and this Agreement may not be construed to impose any such obligation on the County. If the County, under this section, performs any work to return Stormwater Facilities to good working order, the Property Owner shall reimburse the County for all the costs incurred by the County, including administrative costs. The County will provide the Property Owner with an itemized invoice of the County's costs and the Property Owner will have 30 days to pay the invoice. If the Property Owner fails to pay the invoice within 30 days, the County may secure a lien against the Property in the amount of such costs. In addition, the County may make the cost of abatement of the nuisance caused by the failure to maintain the Stormwater Facilities a special assessment against the Property, which assessment may be collected on the tax roll in accordance with applicable law. This section does not prevent the County from pursuing other remedies against the Property or the Property Owner, including but not limited to those in the Ordinance and the nuisance abatement procedures in Division 14 of Title 1 (or successor provisions) of the Contra Costa County Ordinance Code.

If the Property Owner fails to maintain the Stormwater Facilities in accordance with this Agreement, the Operation and Maintenance Plan, the Stormwater Control Plan, or the Ordinance, the Property Owner shall be responsible for: (a) the costs of any code enforcement or nuisance abatement actions commenced by the County; and (b) the payment of, or reimbursement to the County for, any fines or penalties that may be levied against the County by the Regional Water Quality Control Board or any other regulatory agency, to the extent that the fines or penalties result from the Property Owner's failure to properly maintain the Stormwater Facilities. The County may recover such costs, fines, or penalties from the Property Owner in the same manner as provided in the preceding paragraph.

SECTION 5

Indemnity: The Property Owner agrees to defend, indemnify, save, and hold harmless the County and its governing board from any and all demands, losses, claims, costs, suits, liabilities, and expenses for any property damage, personal injury, or death arising directly or indirectly from or connected with the design, construction, use, operation or maintenance of the Stormwater Facilities by the Property Owner or the presence or existence of the Stormwater Facilities on the Property, except for claims, costs, or liabilities resulting from the sole negligence or sole willful misconduct of the County. The Property Owner's obligations under this section shall include the payment of penalties, fines, attorneys' fees, experts' fees, costs, and litigation expenses, as well as liability for the release or existence of any hazardous materials on, under, or in the Property. If any action or proceeding is brought against any of the indemnitees, the Property Owner shall reimburse the indemnitees for any expenditures, including reasonable attorneys' fees and costs, incurred by the indemnitees and, if requested by any of the indemnitees, shall defend the action or proceeding at the Property Owner's sole expense with counsel reasonably acceptable to the indemnitees.

SECTION 6

Covenant Running with the Land: The covenants of the Property Owner set forth above shall run with the land, and the burdens of the covenants shall be binding upon each and every part of the Property and the Lots and upon the Property Owner and the Property Owner's successors and assigns in ownership (on any interest in the Property) for the benefit of the westerly 25 feet of Goodrick Avenue, between 20 feet and 407 feet north of the Property's northern property line, and an associated storm drain, and each and every part thereof. Said covenants shall inure to the benefit of and be enforceable by the County and its successors and assigns in ownership of each and every part of the above referenced road(s) and storm drains.

SECTION 7

Severability: Invalidation of any one of the provisions of this Agreement shall in no way affect any other provisions and all other provisions shall remain in full force and effect.

SECTION 8

No Dedication for Public Use: The provisions of this Agreement shall not be construed to constitute a dedication for public use, either express or implied, and any actions by the County to enforce this Agreement, including without limitation code enforcement or nuisance abatement actions, shall not be deemed to involve the exercise by the County of dominion or control over the Stormwater Facilities or the Property.

SECTION 9

Notices: All notices required by this Agreement or by law shall be in writing and shall be delivered in person or sent by certified mail, postage pre-paid.

Notices required to be given to the County shall be addressed as follows:

Contra Costa County Public Works Department
Attention: County Watershed Program
255 Glacier Drive
Martinez, CA 94553

Notices required to be given to the Property Owner, including any heirs, successors, or assigns, will be sent to the mailing address for the Property Owner that is on file with the Contra Costa County Assessor. The Property Owner may request in writing that notices be sent to an additional address.

Any party may change its address or contact person by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address and/or new contact person.

SECTION 10

Effective Date and Modification: This Agreement is effective upon the date stated at the beginning of this Agreement. This Agreement shall not be modified except by written instrument executed by the County and the Property Owner at the time of modification. Such modifications shall be effective upon the date of execution and shall be recorded.

County of Contra Costa

Property Owner

By: _____
Brian M. Balbas, Public Works Director

By: 
Michael Hamilton
Vice President

RECOMMENDED FOR APPROVAL:

Brian M. Balbas, Public Works Director

By: _____
Deputy Director

[Note: All Property Owner signatures must be notarized. If Property Owner is a limited liability company, Property Owner must sign in accordance with one of the following, as applicable: (1) Two managers must sign, or, if the articles of organization indicate that the limited liability company is managed by only one manager, one manager must sign (Corp. Code, § 17703.01, subd. (d)); or (2) subject to the articles of organization, two officers must sign, the first being the chairperson of the board, president or any vice president and the second being any secretary, any assistant secretary, the chief financial officer or any assistant treasurer. (Corp. Code, § 17704.07, subd. (w).)]

APPROVED AS TO FORM:

Sharon L. Anderson
County Counsel

By: 
Deputy County Counsel

Attachments:

Exhibits A (Legal Description) and A-1 (Plat)

Acknowledgment

H:\Public Works\WatershedProgram\OMAg.DP16-3023&DP17-3037.7.18.19.docx

ACKNOWLEDGMENT

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

State of California)
County of San Francisco)

On November 27th, 2019, before me, Elaina Lee

Notary Public, personally appeared Michael Hamilton

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

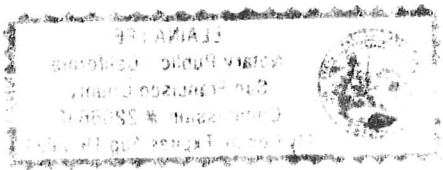
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Signature of Notary Public



(SEAL)



LOT LINE ADJUSTMENT

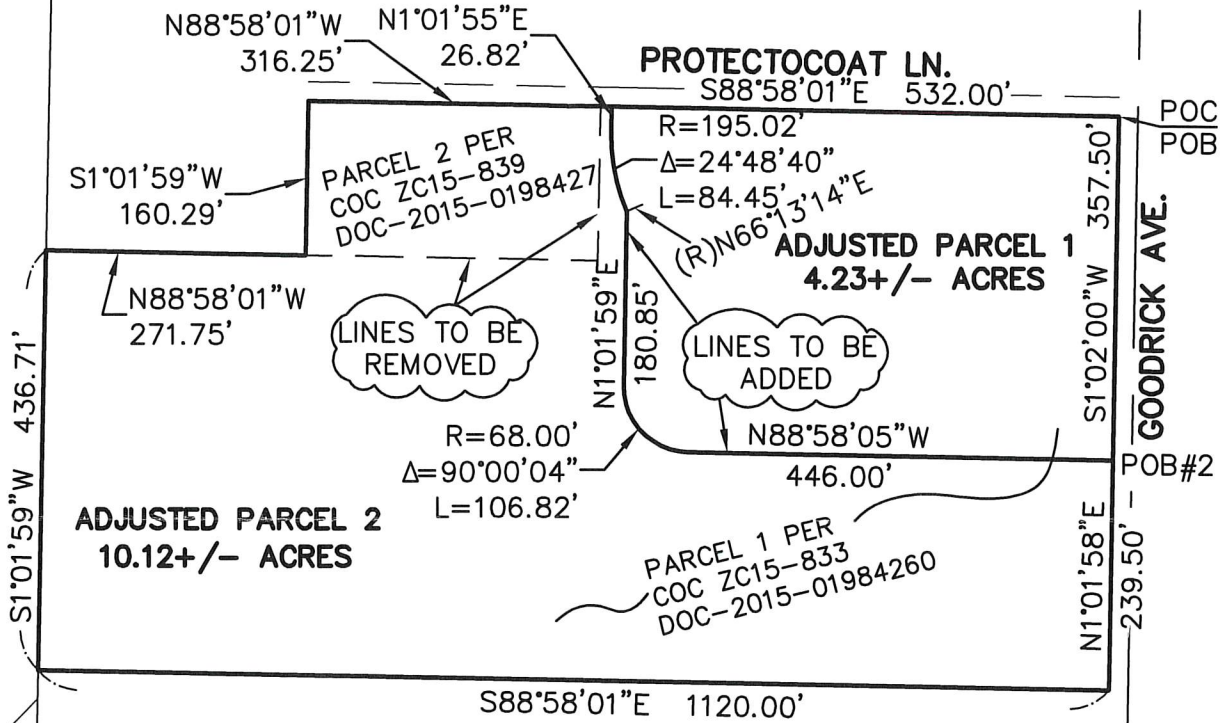
February 17, 2016
Job No. 14.177
Adjusted Parcel 2

EXHIBIT "A" LEGAL DESCRIPTION

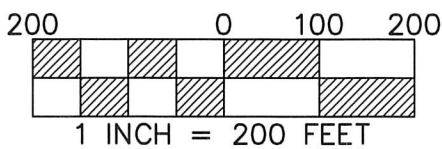
All that certain real property located within Lot 201 as shown on the Map of San Pablo Rancho, recorded March 1, 1894, situate in Contra Costa County, State of California, more particularly described as follows:

COMMENCING at the Northeast corner of that Parcel 1 as described in Certificate of Compliance No. ZC15-833 recorded in Doc No 2015-0198426-00, on September 24, 2015, Contra Costa County Recorders also being the point at the intersection of the Westerly right of way of Goodrick Ave and the Southerly right of way of Protectocoat Lane; thence South $01^{\circ}02'00''$ West along the Westerly right of way of Goodrick Ave a distance of 357.50 feet to the POINT OF BEGINNING (POB #2); thence North $88^{\circ}58'05''$ West a distance of 446.00 feet; thence along a curve to the right having a radius of 68.00 feet, a central angle of $90^{\circ}00'04''$ and an arc length of 106.82 feet; thence North $01^{\circ}01'59''$ East a distance of 180.85 feet; thence from a tangent bearing North $23^{\circ}46'46''$ West, along a curve to the right having a radius of 195.02 feet, a central angle of $24^{\circ}48'40''$ and an arc length of 84.45 feet; thence North $01^{\circ}01'55''$ East a distance of 26.82 feet to a point on the Southerly right of way of Protectocoat Lane; thence North $88^{\circ}58'01''$ West a distance of 316.25 feet; thence South $01^{\circ}01'59''$ West a distance of 160.29 feet; thence North $88^{\circ}58'01''$ West a distance of 271.75 feet; thence South $01^{\circ}01'59''$ West a distance of 436.71 feet; thence South $88^{\circ}58'01''$ East a distance of 1120.00 feet to a point on the Westerly right of way of Goodrick Ave.; thence North $01^{\circ}01'58''$ East a distance of 239.50 feet to the POINT OF BEGINNING.





SIGNED: 5/14/2019
DATE



PARR BLVD

EXHIBIT B

LOT LINE ADJUSTMENT

PORTION OF LOT 201, SAN PABLO RANCHO,
CITY OF RICHMOND, CONTRA COSTA
COUNTY, CALIFORNIA

FOR
NORCAL PERLITE

BY

SHARRAH DUNLAP SAWYER, INC.

Civil Engineering • Land Planning • Surveying & Mapping
Landscape Architecture • Presentation Graphics

6590 Lockheed Drive, Redding, CA 96002
530.221.1792 voice • 530.221.8369 fax • info@sdsengineering.com

TO BE USED AS A VISUAL AID ONLY. LINEWORK DOES NOT REPRESENT, NOR IS IT INTENDED TO REPLACE SURVEY OR RECORDED PROPERTY INFORMATION.

DATE: FEBRUARY, 2016 SCALE: 1"=200' SHEET 1 OF 1

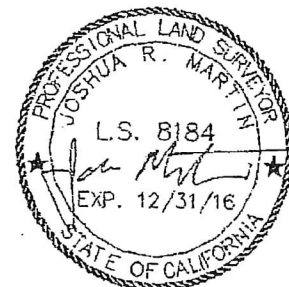
LOT LINE ADJUSTMENT

February 17, 2016
Job No. 14.177
Adjusted Parcel 2

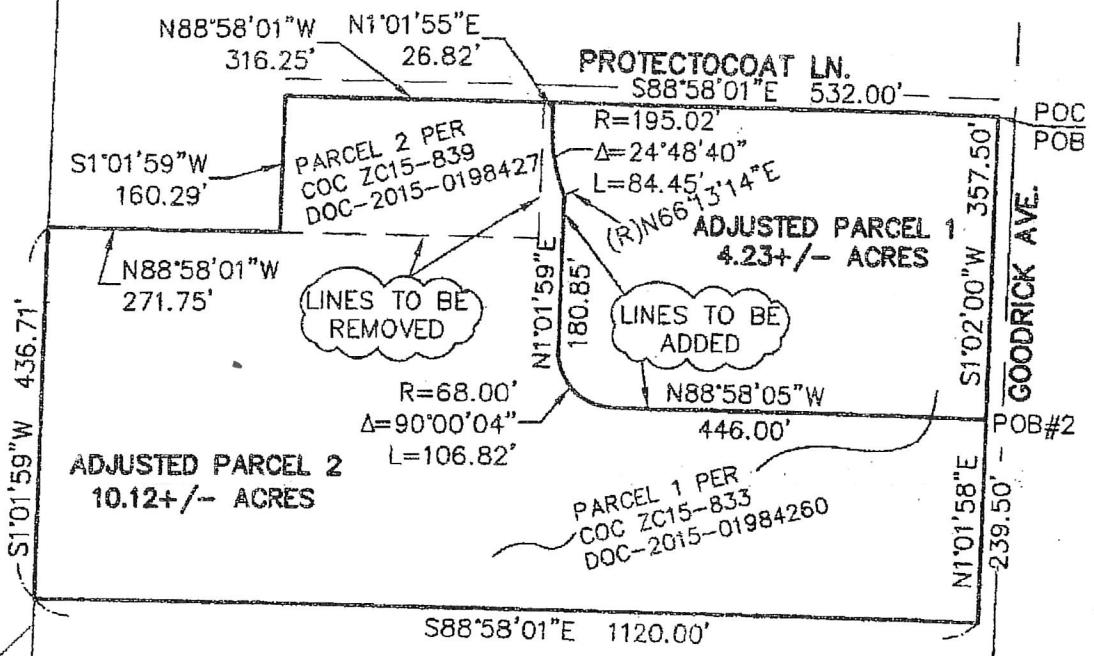
EXHIBIT "A"
LEGAL DESCRIPTION

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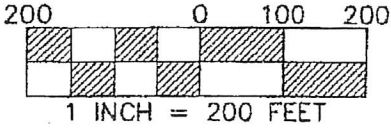
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SIGNED: 2/18/2016
DATE



SIGNED: 2/18/2016
DATE



PARR BLVD

EXHIBIT A-1
LOT LINE ADJUSTMENT
 PORTION OF LOT 201, SAN PABLO RANCHO,
 CITY OF RICHMOND, CONTRA COSTA
 COUNTY, CALIFORNIA
 FOR
NORCAL PERLITE

BY
SHARRAH DUNLAP SAWYER, INC.



Civil Engineering • Land Planning • Surveying & Mapping
 Landscape Architecture • Presentation Graphics
 6590 Lockheed Drive, Redding, CA 96002
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TO BE USED AS A VISUAL AID ONLY. LINEWORK DOES NOT REPRESENT, NOR IS IT INTENDED TO REPLACE SURVEY OR RECORDED PROPERTY INFORMATION.

DATE: FEBRUARY, 2016 SCALE: 1"=200' SHEET 1 OF 1

Recorded at the request of: Clerk of the Board

Return To: Public Works Dept- Simone Saleh

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

Adopted this Resolution on 02/04/2020 by the following vote:

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

- NO:
- ABSENT:
- ABSTAIN:
- RECUSE:

Resolution No. 2020/24

IN THE MATTER OF approving the Stormwater Management Facilities Operation and Maintenance Agreement for development plan permits DP16-03023 and DP17-03037 (APN 408-090-049), Richmond area. (District I)

WHEREAS the Public Works Director has recommended that he be authorized to execute the Stormwater Management Facilities Operation and Maintenance Agreement with MNCVAD-IND Richmond CA LLC, as required by the Conditions of Approval for development plan permits DP16-03023 and DP17-03037. This agreement would ensure the operation and maintenance of the stormwater facilities in accordance with the approved Stormwater Control Plan and approved Operation and Maintenance Plan for development plan permits DP16-03023 and DP17-03037, which is located at 1601 Goodrick Ave in the Richmond area.

NOW, THEREFORE, BE IT RESOLVED that the recommendation of the Public Works Director is APPROVED.

Contact: Randolph Sanders (925)313-2111



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

ATTESTED: February 4, 2020

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

By: *Stacey M Boyd*
Stacey M. Boyd, Deputy

cc: Larry Gossett- Engineering Services, Randolph Sanders- Engineering Services, Deborah Preciado - Engineering Services, Michelle Mancuso- Watershed Program, Flood Control, MNCVAD-IND Richmond CA LLC, Renee Hutchins - Records, Karen Piona- Record



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors

From: Brian M. Balbas, Public Works Director/Chief Engineer

Date: February 4, 2020

Subject: Agreement with the California Department of Water Resources: Flood Emergency Response Projects Grants Program
— Statewide.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation District (Flood Control District), or designee, to execute an agreement with the California Department of Water Resources: Flood Emergency Response Projects Grants Program — Statewide, in an amount not to exceed \$374,000, for analysis and preparation of flood-stage elevations for 12 existing stream gauges, West and Central County areas.

FISCAL IMPACT:

Grant amount requested is for \$374,000 (100% of the project cost) from the California Department of Water Resources: Flood Emergency Response Projects Grants Program. Grant administration is included in the Project Management portion of the project budget of \$15,840. Any incidental costs associated with the project and not covered by the grant will be paid for by Flood Control District general funds (Project No. 7505-6F8117).

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Mark Boucher, (925)
313-2274

BACKGROUND:

In 2014, the County applied for and received a grant from the Department of Water Resources for \$206,500 under the first round of the Flood Emergency Response Project Grant — Statewide (FER Grant). This grant was for 10 stream gauges to be installed on nonlegal Delta streams and for our RainMap webpage (www.cccounty.us/RainMap). The work on that project was completed in December 2017. We were able to find cost savings for some materials and amend the grant agreement to add one stream gauge for a total of 11 new stream gauges under that grant.

The current FER Grant will pay for the establishment of flood-stage elevations at the new stream gauges plus one existing stream gauge. This will provide stream flood stages at 12 of our stream gauges. We will perform records research, field and office surveying, and computer modeling to establish the elevations at each stream gauge where we estimate flooding could occur in the general area upstream and downstream of the stream gauges.

The established flood-stage elevations will be shown on plots on our RainMap so that the general public will be able to view the stream stages and see how close to flood stage the streams are. It will heighten the public's awareness of the stream conditions during area-wide flood watches that are proclaimed by the Department of Water Resources and/or the National Weather Service. We will also communicate these flood stages and stream gauge information with the County Office of Emergency Service and other jurisdictions, such as cities and park districts.

CONSEQUENCE OF NEGATIVE ACTION:

Without the Board of Supervisors' approval, the Flood Control District will not receive funding through the FER Grant described above.

ATTACHMENTS

FER Grant Agreement

**STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES**

Agreement Number: 4600012938

**FUNDING AGREEMENT BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES**

AND

CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

STATEWIDE FLOOD EMERGENCY RESPONSE GRANT ROUND 3

UNDER

**PROPOSITION 84: THE SAFE DRINKING WATER, WATER QUALITY & SUPPLY, FLOOD CONTROL,
RIVER & COASTAL BOND ACT OF 2006 ET SEQ.**

THIS FUNDING AGREEMENT is entered into by and between the Department of Water Resources of the State of California, herein referred to as the "State" and Contra Costa County Flood Control and Water Conservation District, a public agency in the State of California, duly organized, existing, and acting pursuant to the laws thereof, herein referred to as the "Funding Recipient," which parties do hereby agree as follows:

1. **PURPOSE.** State shall provide funding from the Safe Drinking Water, Water Quality & Supply, Flood Control, River & Coastal Bond Act of 2006 (Proposition 84) to Funding Recipient to assist in financing the Flood Emergency Response Grant Project pursuant to Public Resources Code Division 43, Chapter 3, Section 75032.
2. **TERM OF FUNDING AGREEMENT.** The term of this Funding Agreement begins on the date this Funding Agreement is executed by State, through final payment plus three (3) years unless otherwise terminated or amended as provided in this Agreement. However, all work shall be completed 3 years after the date of execution and no funds may be requested after 6 months following project completion. Execution date is the date the State signs this Funding Agreement indicated on page 6.
3. **FUNDING AMOUNT.** The maximum amount payable by the State under this Agreement shall not exceed \$374,000.
4. **BASIC CONDITIONS.** State shall have no obligation to disburse money for a project under this Funding Agreement until Funding Recipient has satisfied Paragraph D.8 of this Funding Agreement and the following conditions:
 - A. For the term of this Funding Agreement, Funding Recipient submits timely Quarterly Progress Reports as required by Paragraph 10, "Submission of Reports."
 - B. Funding Recipient submits all deliverables as specified in Paragraph 10 of this Funding Agreement and in Exhibit A.
5. **DISBURSEMENT OF FUNDS.** State will disburse to Funding Recipient the amount approved, subject to the availability of funds through normal State processes. Notwithstanding any other provision of this Funding Agreement, no disbursement shall be required at any time or in any manner which is in violation of, or in conflict with, federal or state laws, rules, or regulations, or which may require any rebates to the federal government, or any loss of tax-free status on state bonds, pursuant to any federal statute or

regulation. Any and all money disbursed to Funding Recipient under this Funding Agreement shall be deposited in a non-interest bearing account and shall be used solely to pay Eligible Project Costs.

6. ELIGIBLE PROJECT COST. Funding Recipient shall apply State funds received only to Eligible Project Costs in accordance with applicable provisions of the law and Exhibit B (Budget). Reimbursable administrative expenses are the necessary costs incidental but directly related to the Project included in this Agreement. Work performed on the Project after agreement execution shall be eligible for reimbursement.

Costs that are not eligible for reimbursement include but are not limited to the following items:

- A. Costs, other than those noted above, incurred prior to the award date of this Grant.
 - B. Operation and maintenance costs, including post construction performance and monitoring costs.
 - C. Purchase of equipment not an integral part of a project.
 - D. Establishing a reserve fund.
 - E. Purchase of water supply.
 - F. Monitoring and assessment costs for efforts required after project construction is complete.
 - G. Replacement of existing funding sources for ongoing programs.
 - H. Per diem costs.
 - I. Support of existing agency requirements and mandates (e.g., punitive regulatory agency requirement).
 - J. Purchase of land in excess of the minimum required acreage necessary to operate as an integral part of a project, as set forth and detailed by engineering and feasibility studies, or land purchased prior to the effective date of agreement.
 - K. Overhead and indirect costs. "Indirect Costs" means those costs that are incurred for a common or joint purpose benefiting more than one cost objective and are not readily assignable to the funded project (i.e., costs that are not directly related to the funded project). Examples of Indirect Costs include, but are not limited to: central service costs; general administration of the Funding Recipient; non-project-specific accounting and personnel services performed within the Funding Recipient's organization; depreciation or use allowances on buildings and equipment; the costs of operating and maintaining non-project-specific facilities; tuition and conference fees; and, generic overhead or markup. This prohibition applies to the Funding Recipient and any subcontract or sub-agreement for work on the Project that will be reimbursed pursuant to this Agreement.
7. METHOD OF PAYMENT. After the disbursement requirements in Paragraph 4 "Basic Conditions" are met, State will disburse the whole or portions of State funding to Funding Recipient, following receipt from Funding Recipient via US mail or Express mail delivery of a "wet signature" invoice for costs incurred, including Cost Share, and timely Quarterly Progress Reports as required by Paragraph 10, "Submission of Reports." Payment will be made no more frequently than monthly, in arrears, upon receipt of an invoice bearing the Funding Agreement number. State will notify Funding Recipient, in a timely manner, whenever, upon review of an Invoice, State determines that any portion or portions of the costs claimed are not eligible costs or is not supported by documentation or receipts acceptable to State. Funding Recipient may, within thirty (30) calendar days of the date of receipt of such notice, submit additional documentation to State to cure such deficiency(ies). If Funding Recipient fails to submit adequate documentation curing the deficiency(ies), State will adjust the pending invoice by the amount of ineligible or unapproved costs.

Invoices submitted by Funding Recipient shall include the following information:

- A. Costs incurred for work performed in implementing the Project during the period identified in the particular invoice.
- B. Costs incurred for any interests in real property (land or easements) that have been necessarily acquired for a project during the period identified in the particular invoice for the implementation of a project.

- C. Invoices shall be submitted on forms provided by State and shall meet the following format requirements:
- i. Invoices must contain the date of the invoice, the time period covered by the invoice, and the total amount due.
 - ii. Invoices must be itemized based on the categories (i.e., tasks) specified in Exhibit B. The amount claimed for salaries/wages/consultant fees must include a calculation formula (i.e., hours or days worked times the hourly or daily rate = the total amount claimed).
 - iii. One set of sufficient evidence (i.e., receipts, copies of checks, time sheets) must be provided for all costs included in the invoice.
 - iv. Each invoice shall clearly delineate those costs claimed for reimbursement from the State's funding amount, as depicted in Paragraph 3, "Funding Amount."
 - v. Original signature and date (in ink) of Funding Recipient's Project Representative. Submit the original "wet signature" copy of the invoice form to the following address:

State of California
Department of Water Resources
Flood Operations Branch
3310 El Camino Avenue, Room 200
Sacramento, CA 95821

All invoices submitted shall be accurate and signed under penalty of law. Any and all costs submitted pursuant to this Agreement shall only be for the tasks set forth herein. The Funding Recipient shall not submit any invoice containing costs that are ineligible or have been reimbursed from other funding sources unless required and specifically noted as such (i.e., match costs). Any eligible costs for which the Funding Recipient is seeking reimbursement shall not be reimbursed from any other source. Double or multiple billing for time, services, or any other eligible cost is illegal and constitutes fraud. Any suspected occurrences of fraud, forgery, embezzlement, theft, or any other misuse of public funds may result in suspension of disbursements of grant funds and/or termination of this Agreement requiring the repayment of all funds disbursed hereunder plus interest. Additionally, the State may request an audit pursuant to Paragraph D.5 and refer the matter to the Attorney General's Office or the appropriate district attorney's office for criminal prosecution or the imposition of civil liability. (Civ. Code, §§ 1572-1573; Pen. Code, §§ 470, 489-490.)

8. WITHHOLDING OF DISBURSEMENTS BY STATE. If State determines that a project is not being implemented in accordance with the provisions of this Funding Agreement, or that Funding Recipient has failed in any other respect to comply with the provisions of this Funding Agreement, and if Funding Recipient does not remedy any such failure to State's satisfaction, State may withhold from Funding Recipient all or any portion of the State funding and take any other action that it deems necessary to protect its interests. Where a portion of the State funding has been disbursed to the Funding Recipient and State notifies Funding Recipient of its decision not to release funds that have been withheld pursuant to Paragraph 9, the portion that has been disbursed shall thereafter be repaid immediately with interest at the California general obligation bond interest rate at the time the State notifies the Funding Recipient, as directed by State. State may consider Funding Recipient's refusal to repay the requested disbursed amount a contract breach subject to the default provisions in Paragraph 9, "Default Provisions." If State notifies Funding Recipient of its decision to withhold the entire funding amount from Funding Recipient pursuant to this paragraph, this Funding Agreement shall terminate upon receipt of such notice by Funding Recipient and the State shall no longer be required to provide funds under this Funding Agreement and the Funding Agreement shall no longer be binding on either party.
9. DEFAULT PROVISIONS. Funding Recipient will be in default under this Funding Agreement if any of the following occur:
- A. Substantial breaches of this Funding Agreement, or any supplement or amendment to it, or any other agreement between Funding Recipient and State evidencing or securing Funding Recipient's obligations.

- B. Making any false warranty, representation, or statement with respect to this Funding Agreement or the application filed to obtain this Funding Agreement.
- C. Failure to operate or maintain project in accordance with this Funding Agreement.
- D. Failure to make any remittance required by this Funding Agreement.
- E. Failure to submit timely progress reports.
- F. Failure to routinely invoice State.

Should an event of default occur, State shall provide a notice of default to the Funding Recipient and shall give Funding Recipient at least ten (10) calendar days to cure the default from the date the notice is sent via first-class mail to the Funding Recipient. If the Funding Recipient fails to cure the default within the time prescribed by the State, State may do any of the following:

- A. Declare the funding be immediately repaid, with interest, which shall be equal to State of California general obligation bond interest rate in effect at the time of the default.
- B. Terminate any obligation to make future payments to Funding Recipient.
- C. Terminate the Funding Agreement.
- D. Take any other action that it deems necessary to protect its interests.

In the event State finds it necessary to enforce this provision of this Funding Agreement in the manner provided by law, Funding Recipient agrees to pay all costs incurred by State including, but not limited to, reasonable attorneys' fees, legal expenses, and costs.

10. SUBMISSION OF REPORTS. The submittal and approval of all reports is a requirement for the successful completion of this Funding Agreement. Reports shall meet generally accepted professional standards for technical reporting and shall be proofread for content, numerical accuracy, spelling, and grammar prior to submittal to State. If requested, Funding Recipient shall promptly provide any additional information deemed necessary by State for the approval of reports. Reports shall be presented in the formats described in the applicable portion of Exhibit E. The timely submittal of reports is a requirement for initial and continued disbursement of State funds. Submittal and subsequent approval by the State of a Project Completion Report is a requirement for the release of any funds retained for such project.

- A. Quarterly Progress Reports: Funding Recipient shall submit Quarterly Progress Reports to meet the State's requirement for disbursement of funds. Quarterly Progress Reports shall be submitted to the State's Project Manager. Quarterly Progress Reports shall, in part, provide a brief description of the work performed, Funding Recipient's activities, milestones achieved, any accomplishments, and any problems encountered in the performance of the work under this Funding Agreement during the reporting period. The first Quarterly Progress Report should be submitted to the State no later than the first full quarter after the execution of the agreement with future reports then due on successive three-month increments based on the invoicing schedule and this date.
- B. Project Completion Reports: Funding Recipient shall prepare and submit to State a separate Project Completion Report for each project included in Exhibit A. Funding Recipient shall submit a Project Completion Report within ninety (90) calendar days of project completion. Each Project Completion Report shall include, in part, a description of actual work done, any changes or amendments to each project, and a final schedule showing actual progress versus planned progress, copies of any final documents or reports generated or utilized during a project.

11. OPERATION AND MAINTENANCE OF PROJECT. For the useful life of construction and implementation projects and in consideration of the funding made by State, Funding Recipient agrees to ensure or cause to be performed the commencement and continued operation of the project, and shall ensure or cause the project to be operated in an efficient and economical manner; shall ensure all repairs, renewals, and replacements necessary to the efficient operation of the same are provided; and shall ensure or cause the same to be maintained in as good and efficient condition as upon its construction, ordinary and reasonable wear and depreciation excepted. The State shall not be liable for any cost of such maintenance, management, or operation. Funding Recipient or their successors may, with the written approval of State, transfer this responsibility to use, manage, and maintain the property. For purposes of this Funding Agreement, "useful life" means period during which an asset, property, or activity is expected to be usable for the purpose it was acquired or implemented; "operation costs" include direct costs incurred for material

and labor needed for operations, utilities, insurance, and similar expenses, and "maintenance costs" include ordinary repairs and replacements of a recurring nature necessary for capital assets and basic structures and the expenditure of funds necessary to replace or reconstruct capital assets or basic structures. Refusal of Funding Recipient to ensure operation and maintenance of the projects in accordance with this provision may, at the option of State, be considered a breach of this Funding Agreement and may be treated as default under Paragraph 9, "Default Provisions."

12. NOTIFICATION OF STATE. Funding Recipient shall promptly notify State, in writing, of the following items:
- A. Events or proposed changes that could affect the scope, budget, schedule, or work performed under this Funding Agreement. Funding Recipient agrees that no substantial change in the scope of a project will be undertaken until written notice of the proposed change has been provided to State and State has given written approval for such change. Substantial changes generally include changes to the scope of work, schedule or term, and budget.
 - B. Any public or media event publicizing the accomplishments and/or results of this Funding Agreement and provide the opportunity for attendance and participation by State's representatives. Funding Recipient shall make such notification at least 14 calendar days prior to the event.
 - C. Discovery of any potential archaeological or historical resource. Should a potential archaeological or historical resource be discovered during construction, the Funding Recipient agrees that all work in the area of the find will cease until a qualified archaeologist has evaluated the situation and made recommendations regarding preservation of the resource, and the State has determined what actions should be taken to protect and preserve the resource. The Funding Recipient agrees to implement appropriate actions as directed by the State.
 - D. The initiation of any litigation or the threat of litigation against the Funding Recipient regarding the Project or that may affect the Project in any way.
13. NOTICES. Any notice, demand, request, consent, or approval that either party desires or is required to give to the other party under this Funding Agreement shall be in writing. Notices may be transmitted by any of the following means:
- A. By delivery in person.
 - B. By certified U.S. mail, return receipt requested, postage prepaid.
 - C. By "overnight" delivery service; provided that next-business-day delivery is requested by the sender.
 - D. By electronic means.
 - E. Notices delivered in person will be deemed effective immediately on receipt (or refusal of delivery or receipt). Notices sent by certified mail will be deemed effective given ten (10) calendar days after the date deposited with the U. S. Postal Service. Notices sent by overnight delivery service will be deemed effective one business day after the date deposited with the delivery service. Notices sent electronically will be effective on the date of transmission, which is documented in writing. Notices shall be sent to the below addresses. Either party may, by written notice to the other, designate a different address that shall be substituted for the one below.
14. PROJECT REPRESENTATIVES. The Project Representatives during the term of this Funding Agreement are as follows:
- | | |
|--|--|
| Department of Water Resources | Contra Costa County Flood Control and Water Conservation District |
| John Paasch, Chief | Mark Boucher, Senior Hydrologist |
| Hydrology and Flood Operations Office | 255 Glacier Drive |
| 3310 El Camino Ave, Room 200 | Martinez, CA 94553 |
| Sacramento, CA 95821 | (925) 313-2274, mark.boucher@pw.cccounty.us |
| (916) 574-2611, john.paasch@water.ca.gov | |

Direct all inquiries to the Project Manager:

Department of Water Resources

Contra Costa County Flood Control and Water Conservation District

Brooks Weisser, Engineer
3310 El Camino Ave, Room 200
Sacramento, CA 95821
(916) 574-0358, brooks.weisser@water.ca.gov

Mark Boucher, Senior Hydrologist
255 Glacier Drive
Martinez, CA 94553
(925) 313-2274, mark.boucher@pw.cccounty.us

Either party may change its Project Representative or Project Manager upon written notice to the other party.

15. STANDARD PROVISIONS AND INTEGRATION. This Funding Agreement is complete and is the final Agreement between the parties. The following Exhibits are attached and made a part of this Funding Agreement by this reference:

- Exhibit A – Work Plan
- Exhibit B – Budget
- Exhibit C – Schedule
- Exhibit D – Standard Conditions
- Exhibit E – Report Formats and Requirements
- Exhibit F – Monitoring and Maintenance Plan Components

IN WITNESS WHEREOF, the parties hereto have executed this Funding Agreement.

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

CONTRA COSTA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

John Paasch, Chief
Hydrology and Flood Operations Office

Brian Balbas
Chief Engineer

Date _____

Date _____

Approved as to Legal Form and Sufficiency

Approved as to Legal Form and Sufficiency

Robin Brewer
Assistant Chief Counsel

Sharon Anderson
County Counsel

Date _____

Date _____

Exhibit A WORK PLAN

Introduction

The Funding Recipient provides the Contra Costa County Emergency Operations Center (EOC) with field intelligence regarding flood protection infrastructure as well as real-time situational awareness during flood emergencies. The purpose of the Project is to determine flood stage elevations at twelve (12) stream gauges outside of the legal Delta in order to provide better data for flood emergency response (the "Project"). The Funding Recipient will collect field data and office information, perform in-person interviews with local agencies and citizens, and perform computer modeling. The Funding Recipient will then provide the flood stages on its website along with real-time stream stage data. This will enhance flood emergency response decision making. The Funding Recipient will reach out to agencies responsible for emergency response and to the public to disseminate the findings.

Work Plan

The Funding Recipient shall determine flood stages at twelve (12) existing stream gauges using computer models (Hydrologic Engineering Center's River Analysis System or HEC-RAS). The computer models will be created using existing models, collected field survey data, and office information. The Funding Recipient will perform in-person interviews with local agencies and citizens in an effort to gain information as to where flood flows first escape the creeks' banks during flood events. The Funding Recipient will then disseminate the findings with agencies responsible for emergency response and to the public. The stage data will be provided publicly on Funding Recipient's website along with real-time stream stage information to enhance flood emergency response decision making.

Task 1: Data Collection

Subtask 1.1: Field and Office Surveying

Survey data will be collected and used to augment or create hydraulic models in the vicinity of the stream gauges. Surveying is required to collect accurate creek and channel cross sections as well as bridge geometry data. This data will be placed into the models that will be modified or developed in Task 2.0. The cross-section surveys will be done within 500 feet up and downstream of the gauges and can include capturing bridge structure data pertinent to the models. If the model exists for the location, fewer surveying points will be taken. The office surveying work is to convert the collected data into a format that can be used by the engineers in the modeling effort.

DELIVERABLE: Copies of the survey notes and reduced data used by the engineers.

Subtask 1.2: Engineering - Model Search

The models will be used to determine the water level for various flow rates including the flow rates where flows begin to escape the creeks in the vicinities of the stream gauges. These flood stages will be put on the Funding Recipient's RainMap plots so that the water level can be monitored relative to those flood stages by public and private entities during flood events. This will enhance situational awareness.

Some models may exist, but they will need to be located in the Funding Recipient's files and server and a determination needs to be made if they are in a format compatible with HEC-RAS.

The Funding Recipient will search its records and discuss model availability with staff that are familiar with the models. There may be opportunities to obtain models from Federal Emergency Management Agency (FEMA) archives on floodplain studies that were performed relatively recently.

DELIVERABLE: Progress report statements regarding these efforts with references to gauge sites for which models were found.

Subtask 1.3: Interviews with Cities and Citizens

The Funding Recipient will schedule meetings and/or phone conversations with each city associated with specific creeks and ask their staffs for input on their experiences during flooding. The Funding Recipient will take geographic information system (GIS) generated maps that show FEMA flood plains, parcel lines, roads, and topography. Funding Recipient staff will use this time to discuss with city staffs what they observed during and specific flood events. The Funding Recipient will ask if the cities know what properties in their area may have experienced the earliest flooding. The Funding Recipient will attempt to meet with and ask questions of those residents. The Funding Recipient anticipates meeting with the following agencies/cities (collectively "Cities"):

- City of Martinez
- City of Concord
- Town of Danville
- City of Hercules
- City of Pinole
- City of Pleasant Hill
- City of San Pablo
- City of Walnut Creek
- Contra Costa County OES
- Contra Costa County Public Works

DELIVERABLE: Meeting reports with notes and names of persons contacted in this effort with a summary of findings.

Task 2: Engineering – Modeling

This Task consists of creating models of the stream gauge locations and meshing them with models of the stream reaches the Funding Recipient finds during the model search. When the Funding Recipient finds locations where floodwaters appear to escape the creek or channel, the Funding Recipient can use county LiDAR to confirm creek bank elevations and/or obtain/confirm model cross sections. The modeling will be done in HEC-RAS and include bridge structures.

DELIVERABLE: Copies of summary reports on each model which identify the location of the "first flooding" and the flood stage at the gauge site.

Task 3: Website Programing

The website programing consists of modifying the Funding Recipient's base station output and inserting commands in the website code to make the flood stages appear on stream stage plots. The Funding Recipient will verify that the flood stages appear clearly on the plots. The flood stage elevations will appear on popup plots as well as a page that shows all the stream gauge plots in the Funding Recipient's system. Coding will be performed to highlight the point on RainMap (www.ccflood.us/rainmap.html) in a different color when the creek is near flood stage. The Funding Recipient will determine what "near" flood stage means at each gauge site. Information from these gauges will be made available to the California Data Exchange Center (CDEC) website.

DELIVERABLE: Notification in the Progress Reports of which flood stage elevations have been added to the RainMap plots. Links to specific plots so DWR can verify the effort by viewing the plots on-line.

Task 4: Outreach

This will consist of holding meetings to present the Funding Recipient's findings to the Cities and at one or more of the association meetings to ensure the Cities have a chance to understand, ask questions, and suggest improvements on how the flood stages are communicated. The Funding Recipient will explain findings on how the public can access and use the information. These meetings will include the City-County Engineering Advisory Committee (CCEAC), American Public Works Association (APWA), and East Bay Municipal Engineers. Other local and regional groups to present the information are the Contra Costa

Watershed Forum, Integrated Regional Water Management (IRWM) planning groups, and the Bay Area Flood Protection Agencies Association (BAFPAA).

DELIVERABLE: Copies of meeting invitations, outreach material, sign-in sheets, and meeting notes.

Task 5: Project Management

Funding Recipient will prepare invoices and progress reports as well as perform tasks for coordination of the Project with professional consultants who may perform modeling.

DELIVERABLES: Quarterly Progress Reports, Project Completion Report, and Invoices.

Schedule:

The schedule is shown in Exhibit C. The schedule is based on assumed start dates and may be adjusted for actual start dates.

Schedule Deliverables:

Updated schedules will be provided to the DWR project manager as part of the quarterly reports, upon request by the DWR project manager, or as deemed necessary by the Funding Recipient.

**Exhibit B
BUDGET**

Task	Description	Total DWR Authorized Funding
1.0	Data Collection	
1.1	Field and Office Surveying	\$97,680
1.2	Engineering - Model Search	\$ 7,040
1.3	Interviews with Cities and Citizens	\$15,840
2.0	Engineering - Modeling	\$215,600
3.0	Website Programming	\$ 5,280
4.0	Outreach	\$16,720
5.0	Project Management	\$15,840
	Grand Total	\$374,000

**Exhibit C
SCHEDULE**

**Table C1 — Schedule
Approximate Start Date**

Task	Description	Start Date	Duration (days)	End Date	Working Days*
	3 Year Agreement Limit	12/1/2019	1,095	11/30/2022	754
1.0	DATA COLLECTION	12/22/2019	182	6/21/2020	125
1.1	Field and Office Surveying	12/22/2019	140	5/10/2020	96
1.2	Engineering - Model Search	1/5/2020	28	2/2/2020	19
1.3	Interviews with Cities and Citizens	1/5/2020	140	6/21/2020	117
2.0	Engineering - Modeling	5/10/2020	408	6/22/2021	282
3.0	Website Programming	6/22/2021	20	7/12/2021	14
4.0	Outreach	7/12/2021	70	9/20/2021	50
5.0	Project Management	12/1/2019	779	1/18/2022	535
	Float	1/18/2022	316	11/30/2022	220

*Working days exclude weekends and holidays.

Figure C1 — Schedule

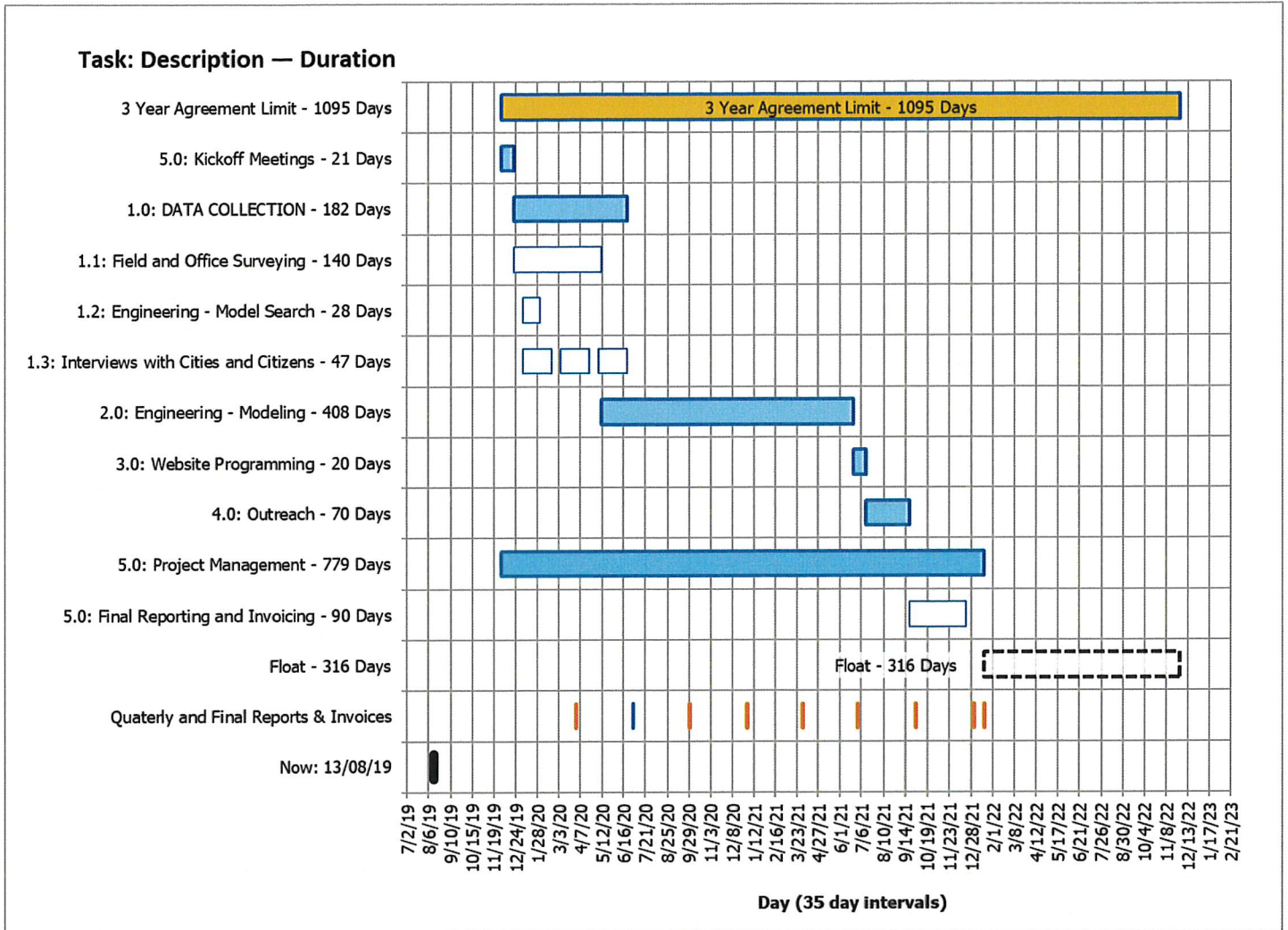


Exhibit D**STANDARD CONDITIONS****D.1. ACCOUNTING AND DEPOSIT OF FUNDING DISBURSEMENT:**

- A. **Separate Accounting of Funding Disbursements:** Funding Recipient shall account for the money disbursed pursuant to this Funding Agreement separately from all other Funding Recipient funds. Funding Recipient shall maintain audit and accounting procedures that are in accordance with generally accepted accounting principles and practices, consistently applied. Funding Recipient shall keep complete and accurate records of all receipts and disbursements on expenditures of such funds. Funding Recipient shall require its contractors or subcontractors to maintain books, records, and other documents pertinent to their work in accordance with generally accepted accounting principles and practices. Records are subject to inspection by State at any and all reasonable times.
- B. **Disposition of Money Disbursed:** All money disbursed pursuant to this Funding Agreement shall be deposited in a non-interest bearing account, administered, and accounted for pursuant to the provisions of applicable law.
- C. **Remittance of Unexpended Funds:** Funding Recipient shall remit to State any unexpended funds that were disbursed to Funding Recipient under this Funding Agreement and were not used to pay Eligible Project Costs within a period of sixty (60) calendar days from the final disbursement from State to Funding Recipient of funds or, within thirty (30) calendar days of the expiration of the Funding Agreement, whichever comes first.

D.2. ACKNOWLEDGEMENT OF CREDIT AND SIGNAGE: Funding Recipient shall include appropriate acknowledgement of credit to the State for its support when promoting the Project or using any data and/or information developed under this Funding Agreement. Signage shall be posted in a prominent location at Project site(s) (if applicable) or at the Funding Recipient's headquarters and shall include the Department of Water Resources color logo and the following disclosure statement: "Funding for this project has been provided in full or in part from the Safe Drinking Water, Water Quality & Supply, Flood Control, River & Coastal Bond Act of 2006 and through an agreement with the State Department of Water Resources." The Funding Recipient shall also include in each of its contracts for work under this Agreement a provision that incorporates the requirements stated within this Paragraph.

D.3. AMENDMENT: This Funding Agreement may be amended at any time by mutual agreement of the Parties, except insofar as any proposed amendments are in any way contrary to applicable law. Requests by the Funding Recipient for amendments must be in writing stating the amendment request and the reason for the request. Requests solely for a time extension must be submitted at least 90 days prior to the work completion date set forth in Paragraph 2. Any other request for an amendment must be submitted at least 180 days prior to the work completion date set forth in Paragraph 2. State shall have no obligation to agree to an amendment.

D.4. AMERICANS WITH DISABILITIES ACT: By signing this Funding Agreement, Funding Recipient assures State that it complies with the Americans with Disabilities Act (ADA) of 1990, (42 U.S.C. § 12101 et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

D.5. AUDITS: State reserves the right to conduct an audit at any time between the execution of this Funding Agreement and the completion of the Project, with the costs of such audit borne by State. After completion of the Project, State may require Funding Recipient to conduct a final audit to State's specifications, at Funding Recipient's expense, such audit to be conducted by and a report prepared by an independent Certified Public Accountant. Failure or refusal by Funding Recipient to comply with this provision shall be considered a breach of this Funding Agreement, and State may elect to pursue any remedies provided in Paragraph 9 or take any other action it deems necessary to protect its interests.

Pursuant to Government Code section 8546.7, the Funding Recipient shall be subject to the examination and audit by the State for a period of three (3) years after final payment under this Funding Agreement with respect of all matters connected with this Funding Agreement, including but not limited

to, the cost of administering this Funding Agreement. All records of Funding Recipient or its contractor or subcontractors shall be preserved for this purpose for at least three (3) years after receipt of the final disbursement under this Agreement.

- D.6. BUDGET CONTINGENCY: If the Budget Act of the current year covered under this Funding Agreement does not appropriate sufficient funds for this program, this Funding Agreement shall be of no force and effect. This provision shall be construed as a condition precedent to the obligation of State to make any payments under this Funding Agreement. In this event, State shall have no liability to pay any funds whatsoever to Funding Recipient or to furnish any other considerations under this Funding Agreement and Funding Recipient shall not be obligated to perform any provisions of this Funding Agreement. Nothing in this Funding Agreement shall be construed to provide Funding Recipient with a right of priority for payment over any other Funding Recipient. If funding for any fiscal year after the current year covered by this Funding Agreement is reduced or deleted by the Budget Act, by Executive Order, or by order of the Department of Finance, the State shall have the option to either cancel this Funding Agreement with no liability occurring to State, or offer a Funding Agreement amendment to Funding Recipient to reflect the reduced amount.
- D.7. CALIFORNIA CONSERVATION CORPS: Funding Recipient may use the services of the California Conservation Corps or other community conservation corps as defined in Public Resources Code section 14507.5.
- D.8. CEQA: Activities funded under this Funding Agreement, regardless of funding source, must be in compliance with the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21000 et seq.) Any work that is subject to CEQA and funded under this Agreement shall not proceed until documents that satisfy the CEQA process are received by the State's Project Manager and the State has completed its CEQA compliance. Work funded under this Agreement that is subject to a CEQA document shall not proceed until and unless approved by the Department of Water Resources. Such approval is fully discretionary and shall constitute a condition precedent to any work for which it is required. If CEQA compliance by the Funding Recipient is not complete at the time the State signs this Agreement, once State has considered the environmental documents, it may decide to require changes, alterations, or other mitigation to the Project; or to not fund the Project. Should the State decide to not fund the Project, this Agreement shall be terminated in accordance with Paragraph 9.
- Applicants seeking Proposition 84 funding should note that Public Resources Code section 75102 requires lead agencies to notify tribal entities prior to adoption of Negative Declarations or Environmental Impact Reports (EIRs) if traditional tribal lands are within the area of the Project.
- D.9. CHILD SUPPORT COMPLIANCE ACT: The Funding Recipient acknowledges in accordance with Public Contract Code section 7110, that:
- A. The Funding Recipient recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Family Code section 5200 et seq.; and
 - B. The Funding Recipient, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.
- D.10. CLAIMS DISPUTE: Any claim that the Funding Recipient may have regarding performance of this Agreement including, but not limited to, claims for additional compensation or extension of time, shall be submitted to the DWR Project Representative, within thirty (30) days of the Funding Recipient's knowledge of the claim. State and Funding Recipient shall then attempt to negotiate a resolution of such claim and process an amendment to this Agreement to implement the terms of any such resolution.
- D.11. COMPETITIVE BIDDING AND PROCUREMENTS: Funding Recipient's contracts with other entities for the acquisition of goods and services and construction of public works with funds provided by State under this Funding Agreement must be in writing and shall comply with all applicable laws and

regulations regarding the securing of competitive bids and undertaking competitive negotiations. If the Funding Recipient does not have a written policy to award contracts through a competitive bidding or sole source process, the Department of General Services' *State Contracting Manual* rules must be followed and are available at: <https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/State-Contracting>.

- D.12. **COMPUTER SOFTWARE:** Funding Recipient certifies that it has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this Funding Agreement for the acquisition, operation, or maintenance of computer software in violation of copyright laws.
- D.13. **CONFLICT OF INTEREST:** All participants are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code section 1090 and Public Contract Code sections 10410 and 10411, for State conflict of interest requirements.
- A. **Current State Employees:** No State officer or employee shall engage in any employment, activity, or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any State agency, unless the employment, activity, or enterprise is required as a condition of regular State employment. No State officer or employee shall contract on his or her own behalf as an independent contractor with any State agency to provide goods or services.
- B. **Former State Employees:** For the two-year period from the date he or she left State employment, no former State officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decision-making process relevant to the contract while employed in any capacity by any State agency. For the twelve-month period from the date he or she left State employment, no former State officer or employee may enter into a contract with any State agency if he or she was employed by that State agency in a policy-making position in the same general subject area as the proposed contract within the twelve-month period prior to his or her leaving State service.
- C. **Employees of the Funding Recipient:** Employees of the Funding Recipient shall comply with all applicable provisions of law pertaining to conflicts of interest, including but not limited to any applicable conflict of interest provisions of the California Political Reform Act. (Gov. Code, § 87100 et seq.)
- D. **Employees and Consultants to the Funding Recipient:** Individuals working on behalf of a Funding Recipient may be required by the Department to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.
- D.14. **DELIVERY OF INFORMATION, REPORTS, AND DATA:** Funding Recipient agrees to expeditiously provide throughout the term of this Funding Agreement, such reports, data, information, and certifications as may be reasonably required by State.
- D.15. **DISPOSITION OF EQUIPMENT:** Funding Recipient shall provide to State, not less than 30 calendar days prior to submission of the final invoice, an itemized inventory of equipment purchased with funds provided by State. The inventory shall include all items with a current estimated fair market value of more than \$5,000.00 per item. Within 60 calendar days of receipt of such inventory State shall provide Funding Recipient with a list of the items on the inventory that State will take title to. All other items shall become the property of Funding Recipient. State shall arrange for delivery from Funding Recipient of items that it takes title to. Cost of transportation, if any, shall be borne by State.
- D.16. **DRUG-FREE WORKPLACE CERTIFICATION:** Certification of Compliance: By signing this Funding Agreement, Funding Recipient, its contractors or subcontractors hereby certify, under penalty of perjury under the laws of State of California, compliance with the requirements of the Drug-Free Workplace Act of 1990 (Gov. Code, § 8350 et seq.) and have or will provide a drug-free workplace by taking the following actions:

- A. Publish a statement notifying employees, contractors, and subcontractors that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees, contractors, or subcontractors for violations, as required by Government Code section 8355.
 - B. Establish a Drug-Free Awareness Program, as required by Government Code section 8355 to inform employees, contractors, or subcontractors about all of the following:
 - i. The dangers of drug abuse in the workplace,
 - ii. Funding Recipient's policy of maintaining a drug-free workplace,
 - iii. Any available counseling, rehabilitation, and employee assistance programs, and
 - iv. Penalties that may be imposed upon employees, contractors, and subcontractors for drug abuse violations.
 - C. Provide, as required by Government Code section 8355, that every employee, contractor, and/or subcontractor who works under this Funding Agreement:
 - i. Will receive a copy of Funding Recipient's drug-free policy statement, and
 - ii. Will agree to abide by terms of Funding Recipient's condition of employment, contract or subcontract.
- D.17. **EASEMENTS:** Where the Funding Recipient acquires property in fee title or funds improvements to real property already owned in fee by the Funding Recipient using State funds provided through this Funding Agreement, an appropriate easement or other title restriction providing for floodplain preservation and agricultural and/or wildlife habitat conservation for the subject property in perpetuity, approved by the State, shall be conveyed to a regulatory or trustee agency or conservation group acceptable to the State. The easement or other title restriction must be in first position ahead of any recorded mortgage or lien on the property unless this requirement is waived by the State.
- Where the Funding Recipient acquires an easement under this Agreement, the Funding Recipient agrees to monitor and enforce the terms of the easement, unless the easement is subsequently transferred to another land management or conservation organization or entity with State permission, at which time monitoring and enforcement responsibilities will transfer to the new easement owner.
- Failure to provide an easement acceptable to the State may result in termination of this Agreement.
- D.18. **FUNDING RECIPIENT'S RESPONSIBILITIES:** Funding Recipient and its representatives shall:
- A. Faithfully and expeditiously perform or cause to be performed all project work as described in Exhibit A (Work Plan) and in accordance with Project Exhibit B (Budget) and Exhibit C (Schedule).
 - B. Accept and agree to comply with all terms, provisions, conditions, and written commitments of this Funding Agreement, including all incorporated documents, and to fulfill all assurances, declarations, representations, and statements made by Funding Recipient in the application, documents, amendments, and communications filed in support of its request for funding.
 - C. Comply with all applicable California, federal, and local laws and regulations.
 - D. Implement the Project in accordance with applicable provisions of the law.
 - E. Fulfill its obligations under the Funding Agreement and be responsible for the performance of the Project.
 - F. Obtain any and all permits, licenses, and approvals required for performing any work under this Funding Agreement, including those necessary to perform design, construction, or operation and maintenance of the Project. Funding Recipient shall provide copies of permits and approvals to State.
 - G. Be solely responsible for design, construction, and operation and maintenance of projects within the work plan. Review or approval of plans, specifications, bid documents, or other construction

documents by State is solely for the purpose of proper administration of funds by State and shall not be deemed to relieve or restrict responsibilities of Funding Recipient under this Agreement.

- H. Be solely responsible for all work and for persons or entities engaged in work performed pursuant to this Agreement, including, but not limited to, contractors, subcontractors, suppliers, and providers of services. The Funding Recipient shall be responsible for any and all disputes arising out of its contracts for work on the Project, including but not limited to payment disputes with contractors and subcontractors. The State will not mediate disputes between the Funding Recipient and any other entity concerning responsibility for performance of work.
- D.19. GOVERNING LAW: This Funding Agreement is governed by and shall be interpreted in accordance with the laws of the State of California.
- D.20. INCOME RESTRICTIONS: The Funding Recipient agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Funding Recipient under this Agreement shall be paid by the Funding Recipient to the State, to the extent that they are properly allocable to costs for which the Funding Recipient has been reimbursed by the State under this Agreement. The Funding Recipient shall also include in each of its contracts for work under this Agreement a provision that incorporates the requirements stated within this Paragraph.
- D.21. INDEMNIFICATION: Funding Recipient shall indemnify and hold and save the State, its officers, agents, and employees, free and harmless from any and all liabilities for any claims and damages (including inverse condemnation) that may arise out of the Project and this Agreement, including, but not limited to any claims or damages arising from planning, design, construction, maintenance and/or operation of levee rehabilitation measures for this Project and any breach of this Agreement. Funding Recipient shall require its contractors or subcontractors to name the State, its officers, agents and employees as additional insureds on their liability insurance for activities undertaken pursuant to this Agreement.
- D.22. INDEPENDENT CAPACITY: Funding Recipient, and the agents and employees of Funding Recipients, in the performance of the Funding Agreement, shall act in an independent capacity and not as officers, employees, or agents of the State.
- D.23. INSPECTION OF BOOKS, RECORDS, AND REPORTS: During regular office hours, each of the parties hereto and their duly authorized representatives shall have the right to inspect and to make copies of any books, records, or reports of either party pertaining to this Funding Agreement or matters related hereto. Each of the parties hereto shall maintain and shall make available at all times for such inspection accurate records of all its costs, disbursements, and receipts with respect to its activities under this Funding Agreement. Failure or refusal by Funding Recipient to comply with this provision shall be considered a breach of this Funding Agreement, and State may withhold disbursements to Funding Recipient or take any other action it deems necessary to protect its interests.
- D.24. INSPECTIONS OF PROJECT BY STATE: State shall have the right to inspect the work being performed at any and all reasonable times during the term of the Funding Agreement. This right shall extend to any subcontracts, and Funding Recipient shall include provisions ensuring such access in all its contracts or subcontracts entered into pursuant to its Funding Agreement with State.
- D.25. LABOR CODE COMPLIANCE: The Funding Recipient agrees to be bound by all the provisions of the Labor Code regarding prevailing wages and shall monitor all contracts subject to reimbursement from this Agreement to assure that the prevailing wage provisions of the Labor Code are being met. Current Department of Industrial Relations (DIR) requirements may be found at: <http://www.dir.ca.gov/lcp.asp>. For more information, please refer to DIR's *Public Works Manual* at: <http://www.dir.ca.gov/dlse/PWManualCombined.pdf>. The Funding Recipient certifies that it has a Labor Compliance Program (LCP) in place or has contracted with a third party that has been approved by the Director of DIR to operate an LCP. The Funding Recipient affirms that it is aware of the provisions of section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance, and the Funding Recipient affirms that it will comply with such provisions

before commencing the performance of the work under this Agreement and will make its contractors and subcontractors aware of this provision.

- D.26. MODIFICATION OF OVERALL WORK PLAN: At the request of the Funding Recipient, the State may at its sole discretion approve non-material changes to the portions of Exhibit A which concern the budget and schedule without formally amending this Funding Agreement. Non-material changes with respect to the budget are changes that only result in reallocation of the budget and will not result in an increase in the amount of the State Funding Agreement. Non-material changes with respect to the Project schedule are changes that will not extend the term of this Funding Agreement. Requests for non-material changes to the budget and schedule must be submitted by the Funding Recipient to the State in writing and are not effective unless and until specifically approved by the State's Program Manager in writing.
- D.27. NONDISCRIMINATION: During the performance of this Funding Agreement, Funding Recipient and its contractors or subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex (gender), sexual orientation, race, color, ancestry, religion, creed, national origin (including language use restriction), pregnancy, physical disability (including HIV and AIDS), mental disability, medical condition (cancer/genetic characteristics), age (over 40), marital status, and denial of medial and family care leave or pregnancy disability leave. Funding Recipient and its contractors or subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Funding Recipient and its contractors or subcontractors shall comply with the provisions of the California Fair Employment and Housing Act (Gov. Code, § 12990.) and the applicable regulations promulgated there under (Cal. Code Regs., tit. 2, § 11000 et seq.). The applicable regulations of the Fair Employment and Housing are incorporated into this Agreement by reference. Funding Recipient and its contractors or subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
- Funding Recipient shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Funding Agreement.
- D.28. OPINIONS AND DETERMINATIONS: Where the terms of this Funding Agreement provide for action to be based upon, judgment, approval, review, or determination of either party hereto, such terms are not intended to be and shall never be construed as permitting such opinion, judgment, approval, review, or determination to be arbitrary, capricious, or unreasonable.
- D.29. PERFORMANCE BOND: Where contractors are used, the Funding Recipient shall not authorize construction to begin until each contractor has furnished a performance bond in favor of the Funding Recipient in the following amounts: faithful performance (100%) of contract value, and labor and materials (100%) of contract value. This requirement shall not apply to any contract for less than \$25,000.00. Any bond issued pursuant to this paragraph must be issued by a California-admitted surety. (Pub. Contract Code, § 7103; Code Civ. Proc., § 995.311.)
- D.30. PRIORITY HIRING CONSIDERATIONS: If this Funding Agreement includes services in excess of \$200,000, the Funding Recipient shall give priority consideration in filling vacancies in positions funded by the Funding Agreement to qualified recipients of aid under Welfare and Institutions Code section 11200 in accordance with Public Contract Code section 10353.
- D.31. PROHIBITION AGAINST DISPOSAL OF PROJECT WITHOUT STATE PERMISSION: The Funding Recipient shall not sell, abandon, lease, transfer, exchange, mortgage, hypothecate, or encumber in any manner whatsoever all or any portion of any real or other property necessarily connected or used in conjunction with the Project, or with Funding Recipient's service of water, without prior permission of State. Funding Recipient shall not take any action, including but not limited to actions relating to user fees, charges, and assessments that could adversely affect the ability of Funding Recipient meet its obligations under this Funding Agreement, without prior written permission of State. State may require that the proceeds from the disposition of any real or personal property be remitted to State.

- D.32. PROJECT ACCESS: The Funding Recipient shall ensure that the State, the Governor of the State, or any authorized representative of the foregoing, will have safe and suitable access to the Project site at all reasonable times during Project construction and thereafter for the term of this Agreement.
- D.33. REMEDIES NOT EXCLUSIVE: The use by either party of any remedy specified herein for the enforcement of this Funding Agreement is not exclusive and shall not deprive the party using such remedy of, or limit the application of, any other remedy provided by law.
- D.34. RETENTION: The State shall withhold ten percent (10%) of the funds requested by the Funding Recipient for reimbursement of Eligible Project Costs until the Project is completed and Final Report is approved. Any retained amounts due to the Funding Recipient will be promptly disbursed to the Funding Recipient, without interest, upon completion of the Project.
- D.35. RIGHTS IN DATA: Funding Recipient agrees that all data, plans, drawings, specifications, reports, computer programs, operating manuals, notes and other written or graphic work produced in the performance of this Funding Agreement shall be made available to the State and shall be in the public domain to the extent to which release of such materials is required under the California Public Records Act. (Gov. Code, § 6250 et seq.) Funding Recipient may disclose, disseminate and use in whole or in part, any final form data and information received, collected and developed under this Funding Agreement, subject to appropriate acknowledgement of credit to State for financial support. Funding Recipient shall not utilize the materials for any profit-making venture or sell or grant rights to a third party who intends to do so. The State shall have the right to use any data described in this paragraph for any public purpose.
- D.36. SEVERABILITY: Should any portion of this Funding Agreement be determined to be void or unenforceable, such shall be severed from the whole and the Funding Agreement shall continue as modified.
- D.37. SUSPENSION OF PAYMENTS: This Funding Agreement may be subject to suspension of payments or termination, or both if the State determines that:
- A. Funding Recipient, its contractors, or subcontractors have made a false certification, or
 - B. Funding Recipient, its contractors, or subcontractors violates the certification by failing to carry out the requirements noted in this Funding Agreement.
- D.38. SUCCESSORS AND ASSIGNS: This Funding Agreement and all of its provisions shall apply to and bind the successors and assigns of the parties. No assignment or transfer of this Funding Agreement or any part thereof, rights hereunder, or interest herein by the Funding Recipient shall be valid unless and until it is approved by State and made subject to such reasonable terms and conditions as State may impose.
- D.39. TERMINATION BY FUNDING RECIPIENT: Subject to State approval which may be reasonably withheld, Funding Recipient may terminate this Agreement and be relieved of contractual obligations. In doing so, Funding Recipient must provide a reason(s) for termination. Funding Recipient must submit all progress reports summarizing accomplishments up until termination date.
- D.40. TERMINATION FOR CAUSE: Subject to the right to cure under Paragraph 9, the State may terminate this Funding Agreement and be relieved of any payments should Funding Recipient fail to perform the requirements of this Funding Agreement at the time and in the manner herein, provided including but not limited to reasons of default under Paragraph 9.
- D.41. TERMINATION WITHOUT CAUSE: The State may terminate this Agreement without cause on 30 days' advance written notice. The Funding Recipient shall be reimbursed for all reasonable expenses incurred up to the date of termination.
- D.42. THIRD PARTY BENEFICIARIES: The parties to this Agreement do not intend to create rights in, or grant remedies to, any third party as a beneficiary of this Agreement, or any duty, covenant, obligation or understanding established herein.
- D.43. TIMELINESS: Time is of the essence in this Funding Agreement.

- D.44. TRAVEL: Travel includes the reasonable and necessary costs of transportation costs incurred by personnel during the term of this Funding Agreement. Any reimbursement for necessary travel shall be at rates not to exceed those set by the California Department of Human Resources. These rates may be found at: <http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>. Reimbursement will be at the State travel amount that is current as of the date costs are incurred. No travel shall be reimbursed unless prior written authorization is obtained from the State.
- D.45. UNION ORGANIZING: Funding Recipient, by signing this Funding Agreement, hereby acknowledges the applicability of Government Code sections 16645 through 16649 to this Funding Agreement. Furthermore, Funding Recipient, by signing this Funding Agreement, hereby certifies that:
- A. No State funds disbursed by this Funding Agreement will be used to assist, promote, or deter union organizing.
 - B. Funding Recipient shall account for State funds disbursed for a specific expenditure by this Funding Agreement to show those funds were allocated to that expenditure.
 - C. Funding Recipient shall, where State funds are not designated as described in (b) above, allocate, on a pro rata basis, all disbursements that support the program.
 - D. If Funding Recipient makes expenditures to assist, promote, or deter union organizing, Funding Recipient will maintain records sufficient to show that no State funds were used for those expenditures and that Funding Recipient shall provide those records to the Attorney General upon request.
- D.46. VENUE: The State and the Funding Recipient hereby agree that any action arising out of this Agreement shall be filed and maintained in the Superior Court in and for the County of Sacramento, California, or in the United States District Court in and for the Eastern District of California. The Funding Recipient hereby waives any existing sovereign immunity for the purposes of this Agreement.
- D.47. WAIVER OF RIGHTS: None of the provisions of this Funding Agreement shall be deemed waived unless expressly waived in writing. It is the intention of the parties here to that from time to time either party may waive any of its rights under this Funding Agreement unless contrary to law. Any waiver by either party of rights arising in connection with the Funding Agreement shall not be deemed to be a waiver with respect to any other rights or matters, and such provisions shall continue in full force and effect.

Exhibit E**REPORT FORMATS AND REQUIREMENTS**

The following reporting formats should be utilized. Please obtain State approval prior to submitting a report in an alternative format.

1. PROGRESS REPORTS

Progress reports shall generally use the following format. This format may be modified as necessary to effectively communicate information.

PROJECT STATUS

For each project, describe the work performed during the time period covered by the report including but not limited to:

PROJECT INFORMATION

- Legal matters
- Engineering Evaluations
- Environmental matters
- Status of permits, easements, rights-of-way, rights of entry and approvals as may be required by other State, federal, and/or local agencies
- Major accomplishments during the quarter (i.e. tasks completed, milestones met, meetings held or attended, press releases, etc.)
- Issues/concerns that have, will, or could affect the schedule or budget, with a recommendation on how to correct the matter
- Describe differences between the work performed and the work outlined in the Overall Work Plan, including change orders
- Estimate the percentage completion of the overall project
- Identify key issues that need to be resolved
- Photos documenting progress

COST INFORMATION

- Provide a list showing all project costs incurred during the time period covered by the report by the Funding Recipient and each contractor working on the project and which of these costs are Eligible Project Costs
- A discussion on how the actual budget is progressing in comparison to the project budget included in the Overall Work Plan
- A list of any changes approved to the budget in accordance with Funding Agreement and a revised budget, by task, if changed from latest budget in the Overall Work Plan

SCHEDULE INFORMATION

- A schedule showing actual progress verses planned progress
- A discussion on how the actual schedule is progressing in comparison to the original or last reported schedule
- A list of any changes approved to the Schedule in accordance with Funding Agreement and a revised schedule, by task, if changed from latest reported schedule

2. PROJECT COMPLETION REPORT

Project Completion Reports shall generally use the following format.

EXECUTIVE SUMMARY – Should include a brief summary of project information and include the following items:

- Brief description of work proposed to be done in the original application
- Description of actual work completed and any deviations from the work plan identified in the Funding Agreement

REPORTS AND/OR PRODUCTS – The following items should be provided:

- Final Evaluation report
- Electronic copies of any data collected, not previously submitted
- Self-Certification that the Project meets the stated goal of the funding agreement (e.g. Water Code 9650)
- Project photos (if applicable)
- Discussion of problems that occurred during the work and how those problems were resolved
- A final project schedule showing actual progress versus planned progress

COSTS AND DISPOSITION OF FUNDS – A list of showing:

- The date each invoice was submitted to State
- The amount of the invoice
- The date the check was received
- The amount of the check (If a check has not been received for the final invoice, then state this in this section.)
- A summary of final funds disbursement including:
 - Labor cost of personnel of agency/ major consultant /sub-consultants. Indicate personnel, hours, rates, type of profession and reason for consultant, i.e., design, CEQA work, etc.
 - Evaluation cost information, shown by material, equipment, labor costs, and any change orders
 - Any other incurred cost detail
 - A statement verifying separate accounting of funding disbursements
- Summary of project cost including the following items:
 - Accounting of the cost of project expenditure;
 - Include all internal and external costs not previously disclosed; and
 - A discussion of factors that positively or negatively affected the project cost and any deviation from the original project cost estimate.

ADDITIONAL INFORMATION – Any relevant additional Information should be included.

Exhibit F**MONITORING AND MAINTENANCE PLAN COMPONENTS**

The Department of Water Resources is not responsible for the funding or execution of any scheduled maintenance, emergency repair activities, or product updates related to equipment, plans, maps, or committees purchased, created, and/or updated under this grant project.

Resources & Procedure for Maintenance Plan

- a. Personnel allocated to perform maintenance
 - i. Hydrographer to maintain gauges.
 - ii. Hydrologist maintains webpage. Other staff available to perform this work.
- b. Required equipment for maintenance.
 - i. Equipment includes common equipment for maintaining stream gauges tools for mechanical and electrical work.
- c. Procedure
 - i. Description of maintenance procedures.
 - ii. Maintain the stream gauges to keep them operational for measuring the water level and getting that data out to the public on RainMap and through the California Data Exchange Center (CDEC). For each gauge the Funding Recipient will trouble shoot issues as they come up to keep the running and providing accurate data.
 - iii. Investigate future flooding events to determine if the flood stages the Funding Recipient derived under this grant were accurate. Adjust the flood stage if it is believed to be different than the actual flooding elevation that was determined.
 - iv. Keep the models used for this grant program activity and it could be used to determine how they may have provided inaccurate information and learn from those experiences in an adaptive management process.
 - v. Continue to inform agencies and the public of the flood stage and creek level information via the Funding Recipient's website and annual flood awareness month activities.
 - vi. Frequency of maintenance procedures
 1. Minimum on annual site inspection on gauges. Likely visit each gauge multiple times a year.
 2. Maintenance of website is on-going as technology changes require.

Funding

- d. Approximate funding amount required for regular maintenance
 - i. Stream gauge maintenance costs can be upward of \$5,000 per year per gauge unless replacement of equipment is needed.
Estimated total \$60,000/year
 - ii. Maintenance cost of the website is spread over many facets. Cost to keep flood stage on website is minimal.
Estimated total \$1,000/year
 - iii. Cost for continuing to use social media and other venues to communicate the flood stage information and use of it is also minimal and would be lumped into the Funding Recipient's other normal outreach costs.
Estimated total \$2,000/year
- e. Reference budget location that accounts for cost of maintenance.
Flood Control District General Fund: Number 250500



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 4, 2020

Subject: Consulting Services Agreement with Park Engineering, Inc., Concord area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract with Park Engineering, Inc., in an amount not to exceed \$400,000 for construction management services for the Buchanan Field Airport Runway 14L/32 Rehabilitation (Project), for the period February 4, 2020 through June 30, 2021, Concord area. County Project No.: 4855-4661-SAS-6X5324, Federal Project No.: 3-06-0050-025 (District IV)

FISCAL IMPACT:

This project, including this Consulting Services Agreement, will be funded by the Federal Aviation Administration (FAA) (approximately 90%), by Caltrans (approximately 4.5%), and by the Airport Enterprise Fund (approximately 5.5%).

BACKGROUND:

The project consists of rehabilitating asphalt concrete pavement, full width, on Runway 14L/32R. Work includes cold milling, crack repair, full depth asphalt and PCC pavement

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh
925-313-2233

cc:

BACKGROUND: (CONT'D)

removal, earthwork, grading, paving, runway grooving, application of runway marking and taxiway lights and signage modifications.

Park Engineering was selected to provide construction management services for the project after completing a request for proposal solicitation and technical proposal process. Public Works has successfully negotiated with Park Engineering to provide the construction management services.

CONSEQUENCE OF NEGATIVE ACTION:

Without Board of Supervisors' approval, this Consulting Services Agreement will not be in effect. A delay in the construction of the Project will occur, ultimately delaying the completion of the project. Project delay may also result in substantial additional project costs and jeopardize the funding.



**Contra
Costa
County**

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: February 4, 2020

Subject: Amendment to contract with Mead & Hunt, Inc. for PFAS Work Plan Implementation and Final Report at Buchanan Field Airport

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports, or designee, to execute Amendment No. 1 to the contract between the County and Mead & Hunt, Inc., effective August 1, 2019, to (i) extend the term of the contract by eleven months, to June 30, 2021, and (ii) increase the payment limit by \$162,872.00 to a new payment limit of \$299,872.00 in order to allow Mead & Hunt, Inc. to perform additional sampling and testing work pursuant to State Regional Water Board Order WQ 2019-0005-DWQ.

FISCAL IMPACT:

Costs incurred under the contract are paid 100% by the Airport Enterprise Fund.

BACKGROUND:

In March 2019, the California State Water Resources Control Board (State Water Board) issued Order WQ 2019-0005-DWQ (Order), which requires certain airports, including Buchanan Field Airport, to (i) conduct a “one-time preliminary site investigation” regarding the storage and use of Per- and Polyfluoroalkyl Substances (PFAS), and (ii) obtain a preliminary understanding of PFAS concentrations in soil and/or groundwater resulting from the use of PFAS at the

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee, (925)
681-4200

cc:

BACKGROUND: (CONT'D)

airport. PFAS is a family of more than 3,000 man-made and mostly unregulated chemicals that are resistant to degradation in the environment. PFAS are manufactured globally and have been used in the production of many industrial and household products such as dental floss, non-stick cookware and products, waterproof products, cleaning products, and fire-fighting foams. The Order applies to Buchanan Field because Buchanan Field operates pursuant to 14 CFR Part 139. As a result of the Order, the County is required to submit an investigation work plan (Work Plan) and final report to the local Regional Water Quality Control Board (Regional Water Board).

Effective August 1, 2019, the County executed a contract with Mead and Hunt to conduct planning, environmental, sampling, and legal support services needed to implement the Work Plan and final report (Phase 2). Phase 1 was completed through a contract with Mead and Hunt dated April 15, 2019. Under that contract, Mead and Hunt prepared the Work Plan for Buchanan Field Airport, which was submitted to the Regional Water Board before the required deadline.

In review of the County's Work Plan, the Regional Water Board requested revisions and subsequently accepted the County's revised Work Plan on December 19, 2019. The revised Work Plan specifies additional services to be performed by Mead & Hunt on behalf of the County to comply with the Order. Amendment No. 1 will enable Mead & Hunt to perform the additional services by extending the term and increasing the payment limit.

The County's use of PFAS at Buchanan Field is not optional. It is mandated by the Federal Aviation Administration (FAA), which requires airports with Part 139 certifications to provide aircraft rescue and firefighting (ARFF) services using aqueous film-forming foam (AFFF) that meets military specifications (MIL-PRF-24385)(MilSpec), which include PFAS constituents. Not only must Part 139 airports have such AFFF available, the FAA mandates that airport operators test and calibrate their equipment to ensure proper operation in case of an emergency. Part 139 airports have no option but to comply with FAA mandates in order to maintain their operating certificates and maintain eligibility for future federal funding opportunities.

CONSEQUENCE OF NEGATIVE ACTION:

If the Airports Division does not amend the contract with Mead & Hunt to perform the additional services required by the revised Work Plan, the County will be unable to complete the work required under the revised Work Plan and will be non-compliant with the Order. Non-compliance with the Order could subject the County to a daily fine (of up to \$5,000 per day) and criminal penalties.



**Contra
Costa
County**

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: February 4, 2020

Subject: APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a hangar rental agreement with Buchanan Field Airport Hangar tenant

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports, or designee, to execute a month-to-month hangar rental agreement with Paragon Analysis Corporation for a T-hangar at Buchanan Field Airport effective February 7, 2020 in the monthly amount of \$350.00.

FISCAL IMPACT:

The Airport Enterprise Fund will realize \$4,200.00 annually.

BACKGROUND:

On September 1, 1970, Buchanan Airport Hangar Company entered into a 30-year lease with Contra Costa County for the construction of seventy-five (75) hangars and eighteen (18) aircraft shelters/shade hangars at Buchanan Field Airport. In 1977 Buchanan Airport Hangar Company amended their lease to allow for the construction of another 30-year lease with Contra Costa County for the construction of seventeen (17) additional hangars. Buchanan Airport Hangar Company was responsible for the maintenance and property management of the property during the lease period.

On September 1, 2000, the ninety-three (93) t- and shade hangars at Buchanan Field reverted

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee, (925)
681-4200

cc:

BACKGROUND: (CONT'D)

to the County ownership pursuant to the terms of the above lease.

On November 14, 2006, the Contra Costa County Board of Supervisors approved the form of the T-Hangar and Shade Hangar Rental Agreement for use with renting the County's t-hangars, shade hangars, medium hangars, and executive hangars at Buchanan Field Airport.

On February 16, 2007, the additional seventeen (17) hangars at Buchanan Field reverted back to the County pursuant to the above referenced lease. This row included six (6) large hangars which were not covered by the approved T-Hangar and Shade Hangar Rental Agreement.

On February 23, 2007, Contra Costa County Board of Supervisors approved the new Large Hangar Rental Agreement for use with the large East Ramp Hangars.

On January 16, 2009, Contra Costa County Board of Supervisors approved an amendment to the T-Hangar and Shade Hangar Rental Agreement and the Large Hangar Rental Agreement (combined "Hangar Rental Agreements") which removed the Aircraft Physical Damage Insurance requirement. The Hangar Rental Agreements are the current forms in use for rental of all the County hangars at Buchanan Field Airport.

CONSEQUENCE OF NEGATIVE ACTION:

A negative action will cause a loss of revenue to the Airport Enterprise Fund.

ATTACHMENTS

Hangar Agreement

CONTRA COSTA COUNTY - BUCHANAN FIELD AIRPORT

T-HANGAR AND SHADE HANGAR RENTAL AGREEMENT

1. **PARTIES:** February 7, 2020 ("Effective Date"), the COUNTY OF CONTRA COSTA, a political subdivision of the State of California ("Airport"), Paragon Analysis Corporation ("Renter"), hereby mutually agree and promise as follows:

2. **RENTER AND AIRCRAFT INFORMATION:** Simultaneous with the execution of this T-Hangar and Shade Hangar Rental Agreement ("**Rental Agreement**") by Renter, Renter shall complete the Renter and Aircraft Information Form. A completed copy of the Renter and Aircraft Information Form is attached hereto as Exhibit "A" and incorporated herein. Renter must also provide to Airport at that time, for inspection and copying, (1) the original current Aircraft Registration or, if the aircraft described in Exhibit A is under construction, the plans for and proof of ownership of such aircraft; and (2) the insurance information required by Section 16 below.

3. **PURPOSE:** The purpose of this Rental Agreement is to provide for the rental of a T-Hangar or Shade Hangar space at the Contra Costa County - Buchanan Field Airport for the storage of the aircraft described in the Renter and Aircraft Information Form ("**Renter's Aircraft**").

4. **PREMISES:** For and in consideration of the rents and faithful performance by Renter of the terms and conditions set forth herein, Airport hereby rents to Renter and Renter hereby rents from Airport that T-Hangar or Shade Hangar shown as # A-6 on the T-Hangar and Shade Hangar Site Plan, attached hereto as Exhibit B and incorporated herein. This T-Hangar or Shade Hangar is part of the T-Hangar and Shade Hangar Site ("**T-Hangar Site**") and shall hereinafter be described as the "**T-Hangar.**"

Renter has inspected the T-Hangar and hereby accepts the T-Hangar in its present condition, as is, without any obligation on the part of Airport to make any alterations, improvements, or repairs in or about the T-Hangar.

5. **USE:** The T-Hangar shall be exclusively by Renter for the storage of Renter's Aircraft. In addition to the storage of Renter's Aircraft, Renter may use the T-Hangar for (1) the homebuilding, restoration and/or maintenance of Renter's Aircraft, provided that such homebuilding, restoration and/or maintenance is performed by Renter only and in conformance with all applicable statutes, ordinances, resolutions, regulations, orders, circulars (including but not limited to FAA Advisory Circular 20-27) and policies now in existence or adopted from time to time by the United States, the State of California, the County of Contra Costa and other government agencies with jurisdiction over Buchanan Field Airport; (2) the storage of and materials directly

related to the storage, construction of homebuilt planes homebuilding, restoration, and/or maintenance of Renter's Aircraft; (3) the storage of one boat, or one recreational vehicle, or one motorcycle, or one automobile, provided that Renter first provides to Airport proof of Renter's ownership and original registration of any stored boat or vehicle, for inspection and copying; and/or (4) the storage of comfort items (such as a couch, small refrigerator, etc.) that the Director of Airports, in his sole discretion, determines will not impede the use of the hangar for the storage of Renter's Aircraft, and are not prohibited by applicable building and fire codes. The T-Hangar shall not be used for any purpose not expressly set forth in this Section 5. Use.

The use of all or a portion of the T-Hangar for the storage of aircraft not owned or leased by Renter is prohibited. ("Aircraft not owned or leased by Renter" means any aircraft in which Renter does not have an ownership interest or which is not directly leased to Renter). Renter shall present proof of said ownership interest or lease to Airport upon request in addition to that information provided in Exhibit A.

If Renter's Aircraft is or becomes non-operational, it may be stored in the T-Hangar only if it is being homebuilt or restored by Renter. Prior to the commencement of any such homebuilding or restoration, Renter shall provide to Airport (1) a copy of the purchase agreement or (2) a valid federal registration number. If Renter's Aircraft is not registered as of the Effective Date, upon completion of construction, Renter shall register and apply for an airworthiness certificate for Renter's Aircraft in accordance with all applicable federal statutes and regulations and provide the original registration and certification to Airport, for inspection and copying, immediately upon receipt by Renter. On or before January 1 of each year, if the homebuilding or restoration has not been completed, Renter shall provide a written annual report to the Director of Airports that details the homebuilding or restoration activity performed, work still required to be completed and an estimate of time of completion.

6. **TERM:** This Rental Agreement shall be from month to month commencing **February 7, 2020**, and shall continue until terminated. This Rental Agreement may be terminated by any party upon thirty (30) days written notice to the other party.

7. **RENT:**

A. Monthly Rent and Additional Rent. Renter shall pay \$ **350.00** in rent per month ("**Monthly Rent**") due and payable in advance on the first day of each calendar month, beginning on the commencement date of this Rental Agreement. Unless directed to do otherwise by Airport, Renter shall pay rent only in cash or by personal check, certified check, or money order. If the term of this Rental Agreement begins on a day other than the first day of the month, the Monthly Rent stated above for the first month shall be prorated



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 4, 2020

Subject: Claims

RECOMMENDATION(S):

DENY claims filed by Allstate, a subrogee of Harriett Means and Mirtau Voltaire.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Allstate, a subrogee of Harriett Means: Property claim for damage to vehicle arising out of motor vehicle accident in the amount of \$2,139.15.

Mirtau Voltaire: Personal injury claim for damages resulting from a tree falling in an undisclosed amount.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Scott Selby
925.335.1400

cc:



**Contra
Costa
County**

To: Board of Supervisors
From: Russell Watts, Treasurer-Tax Collector
Date: February 4, 2020

Subject: Business License Tax Ordinance

RECOMMENDATION(S):

ADOPT Ordinance No. 2020-03, requiring zoning verification before a business license is issued.

FISCAL IMPACT:

None.

BACKGROUND:

Currently, the Business License Tax Ordinance requires a business license prior to the issuance of permits for work to be done. It has been discovered in the past that, some businesses, after obtaining a business license operated in the unincorporated area of the County without first ensuring compliance with Title 8 of the County Ordinance Code. Such businesses may be required to cease operations and aside from the negative effects this scenario could create for county businesses and residents, it results in an administrative burden for County staff to pursue a business for a code violation. This ordinance amending Chapter 64-14 would add as a pre-requisite to obtaining a business license that an applicant first obtains confirmation that the business is permitted to operate at its proposed location in accordance with the provisions of Title 8 of the County Ordinance Code.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: June McHuen, Deputy

Contact: Brice Bins, (925)
957-2848

cc:

AGENDA ATTACHMENTS

Business License Ordinance

MINUTES ATTACHMENTS

Signed Ordinance No.

2020-03

Chapter 64-14 - BUSINESS LICENSE TAX

Article 64-14.2. Purpose and Authority

64-14.202 - Purpose and authority.

The purpose of this chapter is to effectuate Revenue and Taxation Code Section 7284 (CH 466, Stats. 1990; Cal. Const. Art. IV, § 8(c)(2)) in order to levy a business license tax in the unincorporated area of the county.

(Ord. 91-35 § 1).

Article 64-14.402. Definition and License Requirements

64-14.402 - Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section.

- (a) "Amusement and itinerant businesses" includes only those businesses which are (1) not operated or carried on regularly throughout the year in the unincorporated area of the county, such as circuses, carnivals, and other exhibitions or entertainments on an occasional basis and not otherwise licensed and (2) involve the operation of a temporary place of sale, and itinerant vendors, peddlers, hawkers and solicitors.
- (b) "Business" includes all activities engaged in or caused to be engaged in within the unincorporated area of the county with the object of gain, benefit or advantage, whether direct or indirect, to the taxpayer or to another or to others, but does not include the services rendered by an employee to his or her employer or a casual or isolated transaction.
- (c) "Employee" means every person engaged in the operation or conduct of any business whether as an owner, any member of owner's family, partner, associate, agent, manager or solicitor, and any and all other persons engaged in such business. In addition, an "employee" means any person who works for or receives a salary for work in the unincorporated area of the county, from which Federal Withholding tax or Federal Insurance Compensation Act (FICA) funds have been withheld.
- (d) "Engaging in business" means commencing, conducting or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
- (e) "Full time equivalent employee" shall be calculated by ascertaining the total number of hours of service including vacation, or other paid leave, performed by all employees of applicant within the unincorporated area of the county during the previous year ending on December 31st and dividing the total number of hours of service thus obtained by the number of hours of service constituting a year's work of one full-time employee according to the custom or laws governing such employment, in the absence of other such standards, one thousand eight hundred hours of service per year shall constitute one full-time employee.
- (f) "Tax collector" shall mean the treasurer-tax collector of the county of Contra Costa.

(Ord. 91-35 § 1).

64-14.404 - License required.

It is unlawful to engage in business in the unincorporated area of the county without first procuring a business license unless an exemption is granted.

(Ord. 91-35 § 1).

64-14.406 - Exemptions.

Exemptions must be requested and acceptable proof must be presented to the tax collector that shows the business meets one or more of the following criteria:

- (a) Nonprofit organizations as defined in Section 501 (c)(1), (2) or (3) of the Internal Revenue Code, as it currently exists or is hereafter amended;
- (b) Businesses exempt from local taxation by virtue of the Constitution or applicable statutes of the United States or the state of California;
- (c) Businesses with annual gross receipts less than twenty thousand dollars per year;
- (d) Businesses which rent or lease to others no more than four residential dwelling units;
- (e) Any public utility which pays a franchise tax to the county based on gross receipts. The exemption applies only to the business conducted under the franchise agreement;
- (f) Every peddler, solicitor or other person entitled to exemption from the payment of any license provided for in this chapter upon the ground that such license casts an unreasonable burden upon his/her right to engage in commerce with foreign nations, or among the several states, or conflicts with the regulations of the United States Congress respecting interstate commerce;
- (g) Businesses engaged in growing livestock, poultry or agricultural products for sale or disposal by the growers themselves.

(Ord. 91-35 § 1).

64-14.408 - License fee a tax— Does not permit business otherwise prohibited.

"License," as used in this chapter, does not mean a permit. Any other permits or licenses which are required otherwise than by this chapter remain in effect and are not superseded by this chapter. The fees prescribed by this chapter constitute a tax for revenue purposes, and are not regulatory permit fees. The payment of a license tax required by the provisions of this chapter, and its acceptance by the county, and the issuance of a business license to any person, shall not entitle the holder thereof to carry on any business unless he/she has complied with all of the requirements of this chapter and all other applicable laws, nor to carry on any business in any building or on any premises designated in such license in the event that such building or premises are situated in a zone or locality in which the conduct of such business is in violation of any law.

(Ord. 91-35 § 1).

64-14.410 - Contents of license.

Every person required to have a license under the provisions of this chapter must apply for a license on an application form provided by the treasurer-tax collector. After receiving the zoning verification specified Section 64-14.414, a completed application form, and payment of the prescribed fee, the treasurer-tax collector shall issue a license that contains the following:

- (a) The name of the person to whom the license is issued;
- (b) Identification of the business licensed;
- (c) The address where the business is to be carried on;
- (d) The date that the license expires; and

(e) Such other information as the tax collector may determine.

(Ord. 91-35 § 1).

64-14.412 - Annual license.

- (a) All licenses issued, except daily licenses, and the first license issued to a new business, shall be issued and due for renewal effective July 1st and shall expire on the subsequent June 30th.
- (b) New businesses shall have fees prorated to the beginning of the quarter in which the business is established and the license will expire June 30th.
- (c) All daily licenses are due in advance no later than the day prior to the start of the business activity for which the license is necessary.

(Ord. 91-35 § 1).

64-14.414 – Zoning approval

Before a business license is issued, any business newly located or relocated in the unincorporated area of the county, or any business that has changed or modified its type of business, shall obtain written verification from the Department of Conservation and Development confirming that the proposed business is consistent with all applicable zoning requirements. The issuance of a business license under this chapter does not constitute zoning approval and does not relieve anyone from the obligation to obtain all other permits or licenses required by this code and state law.

Article 64-14.6. License Procedures

64-14.602 - Transfer of license—Procedure.

No license granted or issued under any provisions of this chapter shall be in any manner transferred or assigned, or authorize any person other than the person named in the license to carry on the business therein named, or to transact such business in any place other than the place of location therein named, without the written consent of the tax collector endorsed thereon. At the time such license is assigned or transferred or the place of location for the carrying on of such business is changed, the person applying for such transfer or change shall pay to the tax collector a fee, as provided in Section 64- 14.802, for each assignment or transfer.

(Ord. 91-35 § 1).

64-14.604 - License to be conspicuously posted— Exception.

Every person having a license under the provisions of this chapter and carrying on a business at a fixed place of business shall keep such license posted and exhibited in some conspicuous part of said place of business. A copy of the license may be posted in additional business locations if the licensed business operates out of more than one location.

Every person having a license and not having a fixed place of business shall carry such license in possession at all times while carrying on the business for which the same was granted. Every peddler having a license shall keep such license prominently displayed.

(Ord. 91-35 § 1).

64-14.606 - Multiple locations.

A separate license is not required for every branch establishment or separate place of business in which a business is carried on within the unincorporated area of the county. The flat fee portion of the business license tax is assessed on one location. The per employee fee is assessed for employees at all locations.

Article 64-14.8. Fees and Penalties

64-14.802 - Rates.

Class A: All businesses not defined as amusements or itinerant businesses.

Flat fee \$100 per business entity

Plus \$ 10 per each full time

equivalent employee over one

Class B: Amusements and itinerant businesses.

Flat fee \$100 per day

Other fees:

Transfer of license or location \$10

Lost license/duplicate license \$10

(Ord. 91-35 § 1).

64-14.804 - Penalties and interest.

If a business license tax remains unpaid the tax collector shall:

- (a) Impose twenty-five-percent penalty for an annual license tax which is not paid within thirty days of the due date;
- (b) Impose twenty-five-percent penalty for a daily license tax which is not paid by the close of the day when it was due; and
- (c) In addition to the penalties imposed, any person who fails to pay any license fee within thirty days of the due date shall pay interest at the rate of one and one-half percent per month or fraction thereof, on the amount of the fee and penalties from the date on which the license fee is delinquent, until paid.

(Ord. 91-35 § 1).

64-14.806 - License a debt.

The amount of any license fee penalty, and interest imposed by the provisions of this chapter shall be deemed a debt to the county; and any person carrying on any business without first having procured a license from the county to do so shall be liable to action in the name of the county in any court of competent jurisdiction, for the amount of license and penalties and interest imposed on such business.

The county may collect the debt through any legal means including attachment and seizure of business property.

(Ord. 91-35 § 1).

Article 64-14.10. Enforcement, Appeals, and Refunds

64-14.1002 - Enforcement.

It is the duty of the tax collector, and he/she is directed, to enforce each and all of the provisions of this chapter.

In the exercise of the duties imposed upon him/her under this chapter, and acting through deputies or duly authorized assistants, the tax collector shall examine or cause to be examined from time to time all places of business in the unincorporated area of the county to ascertain whether the provisions of this chapter have been complied with.

The tax collector, and each and all of the his/her assistants and any deputy sheriff, shall have the power and authority to enter, free of charge and at any reasonable time, any place of business required to be licensed in this chapter and demand an exhibition of its license certificate. Any person, having such license certificate heretofore issued in his/her possession or under his/her control, who willfully fails to exhibit the same on demand, shall be guilty of an infraction. It shall be the duty of the tax collector and each of his/her assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions.

(Ord. 91-35 § 1).

64-14.1004 - Remedies cumulative.

The conviction and punishment of any person for transacting any business without obtaining a license shall not excuse or exempt such person from the payment of any license tax due or unpaid at the time of such conviction, and nothing in this chapter shall prevent a criminal prosecution of any violation of the provisions of this chapter. All remedies prescribed under this chapter are cumulative and the use of one or more remedies by the county shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

(Ord. 91-35 § 1).

64-14.1006 - Appeals.

- (a) Any person aggrieved by any decision of an administrative officer or agency with respect to the issuance or refusal to issue a license, or the amount of a license tax, may appeal the county administrator by filing a written notice of appeal setting forth in full the grounds of the appeal, with the clerk of the board of supervisors.
- (b) The county administrator is authorized to issue such regulations as may be reasonable and necessary to hear and determine such appeals. Such regulations shall be in writing, approved by the board of supervisors and available to any person so requesting them.
- (c) The amount of any license tax finally determined, as provided in this section, or any other section of this chapter, shall be due and payable as of the date the original license fee was due and payable, together with any penalties and interest that may be due thereon; provided, however, if the amount of such license tax is fixed in accordance with the original statement of the applicant, then no penalty shall attach by reason of any delinquency.

(Ord. 91-35 § 1).

64-14.1008 - Examination of books, records, witnesses — Information confidential — Penalty.

The tax collector, or any authorized employee of the tax collector is authorized to examine the books, papers and records of any person subject to this chapter for the purpose of verifying the accuracy of any application or, if no application was made, to ascertain the license fees due under this chapter. Every licensee or business operating in the unincorporated area of the county is directed and required to furnish to the tax collector, or his/her duly authorized agent or employee, the means, facilities and opportunity for making such examination and investigations as are authorized by this section. The tax collector is authorized to examine any person, under oath, for the purpose of verifying the accuracy of any application made, or, if no application was made, to ascertain the license fees due under this chapter, and for this purpose may compel the production of books, papers and records and the attendance of all persons before him/her, whether as parties or witnesses, whenever he/she believes such persons have knowledge of such matters. The refusal of such examination by any employer or person subject or presumed to be subject to the license fees shall be deemed a violation of this chapter.

(Ord. 91-35 § 1).

64-14.1010 - Refund claim.

Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the county under this chapter, it may be refunded provided a verified claim in writing therefor, stating the specific grounds upon which said claim is founded, is filed with the tax collector within one year from the date of payment. The claim shall be audited by the tax collector and shall be made in accordance with current county refund procedures. If the claim is approved, the refund may be refunded or may be credited on any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to such person or to his/her administrators or executors.

(Ord. 96-5 § 4).

ORDINANCE NO. 2020-03
(Require Zoning Verification Before a Business License Is Issued)

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Sections 64-14.410 and Section 64-14.1002 of the County Ordinance Code and adds Section 64.14.414 to require zoning verification before a business license is issued.

SECTION II. Section 64-14.410 of the County Ordinance Code is amended to read:

64-14.410 Contents of license.

Every person required to have a license under this chapter must apply for a license on an application form provided by the treasurer-tax collector. After the treasurer-tax collector receives the zoning verification specified in Section 64-14.414, a completed application form, and payment of the prescribed fee, the treasurer-tax collector shall issue a license that contains the following:

- (a) The name of the person to whom the license is issued;
- (b) Identification of the business licensed;
- (c) The address where the business is to be carried on;
- (d) The date that the license expires; and
- (e) Such other information as the tax collector may determine.

(Ords. 2020-03 § 2; 91-35 § 1).

SECTION III. Section 64-14.414 is added to the County Ordinance Code, to read:

64-14.414 Zoning verification.

Before a business license is issued, any business newly located or relocated in the unincorporated area of the county, or any business that has changed or modified its type of business, shall obtain written verification from the Department of Conservation and Development confirming that the proposed business is consistent with all applicable zoning requirements. The issuance of a business license under this chapter does not constitute zoning approval and does not relieve anyone from the obligation to obtain all other permits or licenses required by this code and state law.

(Ord. 2020-03 § 3).

SECTION IV. Section 64-14.1002 of the County Ordinance Code is amended to read:

64-14.1002 Enforcement.

It is the duty of the tax collector, and he/she is directed, to enforce each and all of the provisions of this chapter. In the exercise of the duties imposed upon him/her under this chapter, and acting through deputies or duly authorized assistants, the tax collector shall examine or cause to be examined from time to time all places of business in the unincorporated area of the county to ascertain whether the provisions of this chapter have been complied with.

The tax collector, and each and all of the his/her assistants and any deputy sheriff, shall have the power and authority to enter, free of charge and at any reasonable time, any place of business required to be licensed in this chapter and demand an exhibition of its license certificate. Any person, having such license certificate heretofore issued in his/her possession or under his/her control, who willfully fails to exhibit the same on demand, shall be guilty of an infraction. It shall be the duty of the tax collector and each of his/her assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions.

(Ord.s 2020-03 § 4; 91-35§ 1).

SECTION V. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this county.

PASSED on February 4 2020, by the following vote:

AYES: Gioia, Andersen, Burgis, Mitchoff, Glover

NOES: None

ABSENT: None

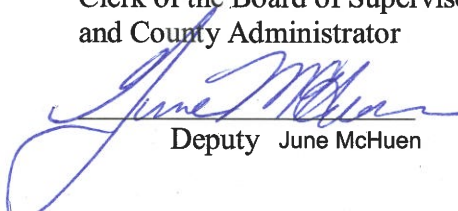
ABSTAIN: None

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



Board Chair Candace Andersen

By:



Deputy June McHuen

[SEAL]

ORDINANCE NO. 2020-03



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: February 4, 2020

Subject: Introduction of Amendment to County Cannabis Ordinance Addressing the Transferability of Commercial Cannabis Land Use Permits

RECOMMENDATION(S):

INTRODUCE Ordinance No. 2020-05, prohibiting the transfer and assignment of cannabis permits, and allowing certain ownership changes in commercial cannabis businesses, WAIVE reading, and FIX February 25, 2020 for adoption.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The attached ordinance amends Chapter 88-28 of the County Ordinance Code to prohibit the transfer and assignment of a cannabis permit to another person, and to allow a change in ownership of a commercial cannabis business if the change does not result in one or more new persons owning a total of 20% of the business.

Under the proposed ordinance, a new cannabis permit would be required if, for example, an individual who owned 50% of a cannabis business transferred half of his or her ownership interest in the business to one new person. In this case, the new person would own 25% of the business. A new permit would also be required if, for example, a person who owned 50% of a business transferred one-fifth of his or her interest to one new person and another one-fifth to another new person. In this case, two new persons would

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: June McHuen, Deputy

Contact: Ruben Hernandez,
925-674-7785

cc:

BACKGROUND: (CONT'D)

own a total of 20% of the business. A new permit would also be required if, for example, an individual who owned 100% of a corporation transferred his or her entire ownership interest to one new individual. In this case, even though the corporation is the same corporation, a new person would own more than 20% of the corporation, so a new use permit would be required.

A new cannabis permit would not be required if, for example, a person who owned 50% of a business transferred one-fourth of his or her ownership interest to one person. In this case, the new person would own 12.5% of the business. A new permit also would not be required if, for example, a person who owned 50% of a business transferred all of his or her ownership interest to a person who already owns the other 50% of the business, because there would be no transfer to a “new” person.

If a cannabis permit terminates because a change in ownership results in one or more new persons owning a total of 20% or more of the business, the business may not operate until a new permit is obtained.

Chapter 88-28 and state law define “person” as any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

The attached ordinance is authorized by the following codes: Business and Professions Code section 26200, which authorizes Counties to adopt ordinances to establish zoning and business regulations for commercial cannabis businesses; Government Code section 65850, which authorizes counties to adopt ordinances that regulate the use of buildings and land for businesses; and Business and Professions Code section 16100, which authorizes counties to issue regulatory permits to businesses.

CONSEQUENCE OF NEGATIVE ACTION:

If the proposed amendments to the Cannabis Ordinance are not adopted, approved land use permits for commercial cannabis uses could be transferred to property owners with the sale of the land allowing property owners who were not selected through the Commercial Cannabis RFP process to obtain land use permits without having been selected by the Board as required by the Cannabis Ordinance for specified commercial cannabis uses such as storefront retail businesses, commercial cultivation and manufacturing in agricultural zoning districts.

ATTACHMENTS

Ordinance No. 2020-05

ORDINANCE NO. 2020-05

(Cannabis Permits)

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. SUMMARY. This ordinance amends Chapter 88-28 of the County Ordinance Code to prohibit the transfer and assignment of cannabis permits, and to allow a change in ownership of a commercial cannabis business if the change does not result in one or more new persons owning a total of 20 percent or more of the business.

SECTION 2. Section 88-28.426 is added to the County Ordinance Code, to read:

88-28.426 Permits nontransferable.

- (a) A permit issued under this chapter is not transferable or assignable to another person.
- (b) A permit issued under this chapter terminates if a change in ownership results in one or more new persons owning a total of 20 percent or more of the business.
- (c) Any change to the information provided to the department in an application for a permit under this chapter must be reported to the department within 14 days after the change occurs. (Ord. 2020-05 § 2.)

SECTION 3. Section 88-28.202 of the County Ordinance Code is amended to read:

88-28.202 Purpose and Authority.

- (a) The purpose of this chapter is to regulate the personal cultivation of cannabis, and the commercial cultivation, distribution, transportation, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and by the Medicinal and Adult Use Cannabis Regulation and Safety Act.
- (b) A permit issued under this chapter regulates the location of commercial cannabis activities and regulates the business operations of commercial cannabis activities, as authorized by Business and Professions Code section 26200, Government Code section 65850, and Business and Professions Code section 16100.

- (c) The requirements of this chapter are in addition to any other applicable requirements of this code and all applicable state laws and regulations. The requirements of this chapter apply to commercial cannabis activities regardless of whether the activity is authorized under a state A-license or a state M-license. (Ords. 2018-18 § 3, 2020-05 § 3.)

SECTION 4. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: DAVID J. TWA
 Clerk of the Board of Supervisors _____
 and County Administrator Board Chair

By: _____ [SEAL]
 Deputy

TLG:
H:\2020\Conservation and Development\Cannabis permit transfers - final.wpd



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 4, 2020

Subject: FIX a Public Hearing on February 25, 2020 to consider an 18-month temporary road closure, North Richmond area.

RECOMMENDATION(S):

FIX a Public Hearing on February 25, 2020 at 9:30 a.m., to consider adopting a resolution for an 18-month temporary road closure beginning March 1, 2020 and ending September 1, 2021, of the following roadways:

- (1) Market Street (Road No. 0565L), between First Street (Road No. 0565U) and extending westerly for 500 feet (to Martin Drive, Road No. 0565AP); and
- (2) Silver Avenue (Road No. 0565K), between First Street (Road No. 0565U) and extending westerly for 500 feet to its terminus; and
- (3) Jade Street (Road No. 0565S), between West Grove Avenue (Road No. 0565J) and northerly to Market Street (Road No. 0565L); and
- (4) Harrold Street (Road No. 0565V); and
- (5) Warren Drive (Road No. 0565AH); and

DIRECT the Public Works Director to send, by first class mail, written notice of the Public Hearing to all residents and owners of each parcel adjacent to the roadway to be closed, as indicated on the last equalized assessment roll. (District I)

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Monish Sen,
925.313.2187

cc:

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The Las Deltas Housing Authority is in the process of demolishing all of the residential structures on Market Street, Silver Street, Jade Street, Harrold Street, and Warren Street in North Richmond. The demolition work is expected to be completed early this year. The long term plan is to construct affordable housing on the property. However, in the interim, there is a concern that having a large vacant parcel in the neighborhood will become an attractive nuisance, leading to urban blight, illegal dumping or the establishment of homeless encampments. The vacant parcels may also attract illegal roadway sideshows, as well as other illicit and criminal activities.

Therefore, the Contra Costa County Public Works Department, Contra Costa County Office of the Sheriff, and the California Highway Patrol support the Las Deltas Housing Authority's request to temporarily close portions of Market Street and Silver Street, as well as all of Jade Street, Harrold Street, and Warren Street, and recommends that the Board of Supervisors fix the hearing to consider adoption of the resolution temporarily closing these public roadways in North Richmond.

CONSEQUENCE OF NEGATIVE ACTION:

The roadways could not be temporarily closed to prevent serious and continual criminal activities along the roadways.

ATTACHMENTS

Sheriff's Letter of Support

CHP's Letter of Support



CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF - CORONER

December 10, 2019

Mr. Monish Sen, Senior Civil Engineer- Traffic

Transportation Engineering Division, Contra Costa County Public Works

255 Glacier Drive, Martinez, California 94553

Dear Mr. Sen,

I have received your request regarding support and endorsement for temporary road closures at the corner of First and Silver, Warren Drive, Harold Street, and a portion of the roadway on North Jade and Market Street in North Richmond for the Housing Authority of Contra Costa County.

Upon evaluating the request, a review of the criminal activity and service response calls by the Sheriff's Office was conducted. For the reporting period between December 01, 2018 and November 30, 2019, a total of approximately 300 service calls were recorded. Those calls range from 911s, auto burglaries, various disturbances, security checks, service to citizens, suspicious subjects, suspicious vehicles, traffic stops, warrant arrests, vandalisms, trespass, and various other crimes and civil stand-by'.

The statistical data approximates what would be considered a high crime area. The locations and affected areas lends itself to a plethora of various types of criminal activity. It does not seem unreasonable to exercise prevention measures such as temporary road closures which would restrict access to and hopefully reduce or prevent criminal activities in these areas.

In order to reduce concern for the ability of emergency personnel to gain access when necessary, I recommend that the closures have some sort of gates with breakaway locks or similar apparatus in place.

There are currently no objections at this time for temporary road closures. Thank you for the opportunity to respond to this request. Should you have any questions, please contact me at (510) 262-4206.

Sincerely,

DAVID O. LIVINGSTON, Sheriff

A handwritten signature in black ink, appearing to read 'D. Livingston', with a long horizontal flourish extending to the right.

By: Lieutenant Joseph Buford
Office of the Sheriff
Patrol Division, Bay Station
5555 Giant Highway
Richmond, California 94806
(510) 262-4206

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

3601 Telegraph Avenue
Oakland, CA 94609
(510) 450-3821
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



January 14, 2020

File No.: 370.17274.15004

Elizabeth Campbell
Director of Asset Management
3133 Estudillo Street
Martinez, CA 94553

Subject: Road Closure Request for "North Richmond Area".

I have received your request regarding support and endorsement for temporary road closures at the corner of First and Silver, Warren Drive, Harold Street, and a portion of the roadway on North Jade and Market Street in North Richmond. The California Highway Patrol supports the Housing Authority of Contra Costa in its desire to assist the Contra Costa County Public Work in a project to demolish buildings in the North Richmond area and understands that there will be an impact to traffic in the area during the duration of the project

Upon receiving the request, a review of the California Highway Patrol's activity associated with the area of Unincorporated North Richmond was conducted for the last six months. A total of approximately 170 calls for service were recorded. Those calls range from 911's, traffic collisions, auto thefts, arrests, service to citizens, and various other crimes. Based on the statistics it does not seem unreasonable to exercise preventative measures such as temporary road closures which would limit access to those areas.

Based on your request for road closures, the Oakland Area will experience no significant impacts to local operations and/or public safety from these proposed closures. Provided our department would be provided with keys or some mechanism to access the closed portion of the roads during the project, I would support the Board of Supervisors moving forward and approving the demolition project and its associated closures.

If you have any additional questions, you may contact Lieutenant Jason Roy at (510) 450-3821.

Sincerely,

A handwritten signature in black ink, appearing to read "S. D. PEREA".

S. D. PEREA, Captain
Commander
Oakland Area





Contra
Costa
County

To: Board of Supervisors
From: Karen Mitchoff, District IV Supervisor
Date: February 4, 2020

Subject: Reappoint Kevin Van Buskirk to the District IV Seat of the Contra Costa County Planning Commission

RECOMMENDATION(S):

REAPPOINT the following individual to fill the District IV Seat on the Contra Costa County Planning Commission to a term ending on June 30, 2023:

Kevin Van Buskirk

Pleasant Hill, CA 94523

FISCAL IMPACT:

none

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: February 4, 2020

Contact: Colleen Isenberg,
925-521-7100

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

By: , Deputy

cc:

BACKGROUND:

The County Planning Commission (CPC) consist of seven members appointed by the board on the basis that one member shall be nominated by each of the five supervisors and two members shall be nominated by the Board of Supervisors as a whole. The appointed commissioners serve for four-year terms beginning on July 1st and ending on June 30th.

The Planning Commission is responsible for:

- Exercise all powers and duties prescribed by law, 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.
- 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.
- Hear and make recommendations regarding proposed development agreements when it is hearing the related project applications being processed concurrently with the development agreements.

CONSEQUENCE OF NEGATIVE ACTION:

The appointment will become vacant



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 4, 2020

Subject: Designate Official Representative and Alternate to CSAC-EIA

RECOMMENDATION(S):

ADOPT Resolution 2020/45 designating Risk Manager Karen Caoile and Assistant Risk Manager Denise Rojas, as official representative and alternate, respectively, to act on behalf of Contra Costa County with regard to official matters of the California State Association of Counties (CSAC) Excess Insurance Authority (EIA).

FISCAL IMPACT:

NA

BACKGROUND:

In 1980, Contra Costa County joined the CSAC EIA for procurement of insurance and risk management services. CSAC EIA requires the governing board of all member entities to designate a representative who has authority to officially act on behalf of that entity.

CONSEQUENCE OF NEGATIVE ACTION:

The County will not have representation for official matters with the CSAC EIA.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Sarah Shkidt,
925-335-1042

cc:

AGENDA ATTACHMENTS

Resolution 2020/45

MINUTES ATTACHMENTS

Signed: Resolution No.

2020/45

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 02/04/2020 by the following vote:

John Gioia
Candace Andersen
Diane Burgis
Karen Mitchoff
Federal D. Glover

AYE: 5

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2020/45

ADOPT Resolution 2020/45 designating Risk Manager Karen Caoile and Assistant Risk Manager Denise Rojas, as official representative and alternate, respectively, to act on behalf of Contra Costa County with regard to official matters of the California State Association of Counties (CSAC) Excess Insurance Authority (EIA).

WHEREAS, In 1980, Contra Costa County joined the CSAC EIA for procurement of insurance and risk management services. CSAC EIA requires the governing board of all member entities to designate a representative who has authority to officially act on behalf of that entity.

The appointment of Risk Manager Karen Caoile and Assistant Risk Manager Denise Rojas, as official representative and alternate, respectively, to act on behalf of Contra Costa County with regard to official matters of the California State Association of Counties (CSAC) Excess Insurance Authority (EIA).

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

ATTESTED: February 4, 2020

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

By: *Stacey M. Boyd*
Stacey M. Boyd, Deputy

Contact: Sarah Shkidt, 925-335-1042

cc:



Contra
Costa
County

To: Board of Supervisors
From: Marc Shorr, Chief Information Officer
Date: February 4, 2020

Subject: Approve Appropriation Adjustment transferring \$125,000 from Information Technology to Telecommunications

RECOMMENDATION(S):

APPROVE Appropriation Adjustment No.005042 authorizing the transfer of \$125,000 in appropriations from the Department of Information Technology (0147) to Telecommunications (0060).

FISCAL IMPACT:

None.

BACKGROUND:

During the FY 18-19 budget process, the Department of Information Technology applied for and was awarded Venture Capital Funds. A portion of the Venture Capital funding was for a Telecommunications project to replace and add cameras at six (6) of the microwave hilltop radio sites for security purposes and to protect the public safety radio network from theft and vandalism. Both Alameda and Contra Costa County depend on this system to be up and running 24/7, 365 days a year.

<w:LatentStyles DefLockedState="false" DefUnhideWhenUsed="false" DefSemiHidden="false" DefQFormat="false" DefPriority="99" LatentStyleCount="376"> </td></tr> </tbody> </table> <table class="formtable tableCollapsed"> <tbody> </tbody> </table>

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Joanne Buenger, (925)
313-1202

cc: Joanne Buenger, Nancy Zandonella

BACKGROUND: (CONT'D)

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, there will be insufficient funds in Telecommunications (0060) to complete paying for the project.

CHILDREN'S IMPACT STATEMENT:

None.

AGENDA ATTACHMENTS

AP 5042 TC 27

MINUTES ATTACHMENTS

Signed: Appropriations & Adjustments No. 5042

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

T/C 27

AUDITOR CONTROLLER

AUDITOR-CONTROLLER USE ONLY


FINAL APPROVAL NEEDED BY:


- BOARD OF SUPERVISORS
 COUNTY ADMINISTRATOR

2020 JAN 23 A 10:53

ACCOUNT CODING		BUDGET UNIT: DOIT (0147) or Telecommunications (0060)			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
1060	2479	Moving VC money from DoIT 0147/1060 To Telecommunications 0060/4295	125,000	00	
4295	2284	OTHER SPECIAL DPMTAL EXP REQUESTED MAINTENANCE			125,000 00
			125,000	00	125,000 00

APPROVED

AUDITOR-CONTROLLER:
BY:  DATE 1/24/20


COUNTY ADMINISTRATOR:
BY:  DATE 1/29/20

BOARD OF SUPERVISORS:
YES:
NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST

Move FY 18/19 Venture Capital funds to correct budget unit, organization number and sub-account


SIGNATURE TITLE Deputy-CIO DATE 12/23/19

APPROPRIATION APOO 5042
ADJ. JOURNAL NO.

CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT

T/C 27 10:10:03 0011

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

- BOARD OF SUPERVISORS
 COUNTY ADMINISTRATOR

2020 JAN 23 A 10:53

ACCOUNT CODING		BUDGET UNIT: DOIT (0147) or Telecommunications (0080)			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
1060	2479	Moving VC money from DoIT 0147/1060 To Telecommunications 0080/4295	125,000	00	
4295	2284	OTHER SPECIAL DPMTAL EXP REQUESTED MAINTENANCE			125,000 00
			125,000	00	125,000 00

APPROVED

AUDITOR-CONTROLLER:
BY: [Signature] DATE 1/21/20

COUNTY ADMINISTRATOR:
BY: [Signature] DATE 1/21/20

BOARD OF SUPERVISORS:
YES: Gioia, Andersen, Burgis, Mitchoff, Glover
NO: None

BY: [Signature] DATE 2/4/2020

EXPLANATION OF REQUEST

Move FY 18/19 Venture Capital funds to correct budget unit, organization number and sub-account

SIGNATURE: [Signature] TITLE: Deputy-CIO DATE: 12/23/19
APPROPRIATION ADJ. JOURNAL NO. APOO 5042



**Contra
Costa
County**

To: Board of Supervisors

From: Matt Slattengren

Date: February 4, 2020

Subject: Appropriations Adjustment for Purchase of two (2) All-Terrain Vehicles

RECOMMENDATION(S):

APPROVE Appropriations and Revenue adjustment No. 005041 authorizing new revenue in the amount of \$17,521 from the California Department of Food & Agriculture and appropriating it for the purchase of two (2) all-terrain vehicles in the Department of Agriculture-Weights & Measures.

FISCAL IMPACT:

The Department of Agriculture will be reimbursed for the cost through a grant provided by California Department of Food & Agriculture (CDFA) to implement and carry out strategic weed control and eradication for artichoke thistle and purple star thistle previously approved on July 9, 2019, #18-00657-000-SG and #18-00656-000-SG.

BACKGROUND:

Contra Costa County Agriculture Weights and Measures Department has a long history of weed management and weed abatement. Artichoke Thistle (AT) and Purple Star Thistle (PST) are non-native invasive weeds that have generally infested Contra Costa County. Both, AT & PST, are classified as B rated pests and can be detrimental to our rangelands and our fragile regional state parks. We have built a strong relationship and work closely with the state park districts, regional water districts, various other entities, and private landowners to collectively control these weeds. The department will be implementing control methods that will protect endangered species as well as promote regrowth of native and desirable plants.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: (925)608-6600

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The department would be unable to fulfill the agreement timeline by using other outdated equipment.

AGENDA ATTACHMENTS

TC24/27 AP005041

MINUTES ATTACHMENTS

Signed: Appropriations & Adjustments No. 5041

**CONTRA COSTA COUNTY
 APPROPRIATION ADJUSTMENT/
 ALLOCATION ADJUSTMENT
 TIC-27**

AUDITOR-CONTROLLER USE ONLY: FINAL APPROVAL NEEDED BY:	
<input checked="" type="checkbox"/>	BOARD OF SUPERVISORS
<input type="checkbox"/>	COUNTY ADMINISTRATOR
<input type="checkbox"/>	AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: Agriculture - 0335		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
3305	4953	Autos & Trucks		17,521.00
			0.00	17,521.00

APPROVED

AUDITOR - CONTROLLER
 By: *[Signature]* Date 1/16/20

COUNTY ADMINISTRATOR
 By: *[Signature]* Date 1/28/20

BOARD OF SUPERVISORS
 YES:
 NO:

By: _____ Date _____

EXPLANATION OF REQUEST

Appropriation adjustment needed to purchase (2) all terrain vehicles needed for Grant Agreements (18-0675-000SG and 18-0656-000SG) previously approved by the CCC Board of Supervisors July 9, 2019. Vehicles are needed to fulfill the requirements of the agreement in the control of Artichoke Thistle and Purple Star Thistle.

PREPARED BY: Roxann Crosby
 TITLE: Executive Secretary
 DATE: 1/8/2020

[Signature]


APPROPRIATION APOO 5041
 ADJ. JOURNAL NO.


**CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT/
ALLOCATION ADJUSTMENT
TC/24**

AUDITOR-CONTROLLER USE ONLY:
FINAL APPROVAL NEEDED BY:
<input checked="" type="checkbox"/> BOARD OF SUPERVISORS
<input type="checkbox"/> COUNTY ADMINISTRATOR
<input type="checkbox"/> AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: 0335 Agriculture		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
3305	9330	ST AID FOR AGRICULTURE	17,521.00	
TOTALS			17,521.00	0.00

APPROVED

AUDITOR – CONTROLLER
 By:  Date 1/16/20

COUNTY ADMINISTRATOR
 By:  Date 1/28/20

BOARD OF SUPERVISORS

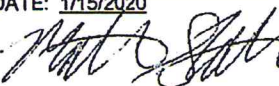
YES:
 NO:

By: _____ Date _____

EXPLANATION OF REQUEST

Appropriate revenue to be received from the California Department of Food & Agriculture Grant.

PREPARED BY: Stephanna Hidalgo
 TITLE: Senior Level Clerk, Department of Agriculture
 DATE: 1/15/2020

 REVENUE ADJ. JOURNAL NO. RAOO 5041

**CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT/
ALLOCATION ADJUSTMENT
TIC-27**

AUDITOR-CONTROLLER USE ONLY: FINAL APPROVAL NEEDED BY:	
<input checked="" type="checkbox"/>	BOARD OF SUPERVISORS
<input type="checkbox"/>	COUNTY ADMINISTRATOR
<input type="checkbox"/>	AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: Agriculture - 0335		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
3305	4953	Autos & Trucks		17,521.00
			0.00	17,521.00

<p align="center">APPROVED</p> <p>AUDITOR - CONTROLLER By: <u><i>[Signature]</i></u> Date <u>1/16/20</u></p> <p>COUNTY ADMINISTRATOR By: <u><i>[Signature]</i></u> Date <u>1/28/20</u></p> <p>BOARD OF SUPERVISORS YES: Gioia, Andersen, Burgis, Mitchoff, Glover NO: None</p> <p>By: <u><i>[Signature]</i></u> Date <u>2/4/2020</u></p>	<p>EXPLANATION OF REQUEST</p> <p>Appropriation adjustment needed to purchase (2) all terrain vehicles needed for Grant Agreements (18-0675-000SG and 18-0656-000SG) previously approved by the CCC Board of Supervisors July 9, 2019. Vehicles are needed to fulfill the requirements of the agreement in the control of Artichoke Thistle and Purple Star Thistle.</p> <p>PREPARED BY: Roxann Crosby TITLE: Executive Secretary DATE: 1/8/2020</p> <p>APPROPRIATION ADJ. JOURNAL NO. <u>AF00 5041</u></p>
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**CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT/
ALLOCATION ADJUSTMENT
TC/24**

AUDITOR-CONTROLLER USE ONLY:
FINAL APPROVAL NEEDED BY:
<input checked="" type="checkbox"/> BOARD OF SUPERVISORS
<input type="checkbox"/> COUNTY ADMINISTRATOR
<input type="checkbox"/> AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: 0335 Agriculture		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
3305	9330	ST AID FOR AGRICULTURE	17,521.00	
TOTALS			17,521.00	0.00

<p align="center">APPROVED</p> <p>AUDITOR - CONTROLLER By: <u>[Signature]</u> Date <u>1/16/20</u></p> <p>COUNTY ADMINISTRATOR By: <u>[Signature]</u> Date <u>1/28/20</u></p> <p>BOARD OF SUPERVISORS YES: Gioia, Andersen, Burgis, Mitchoff, Glover NO: None</p> <p>By: <u>Stacy M Boyd</u> Date <u>2/4/2020</u></p>	<p align="center">EXPLANATION OF REQUEST</p> <p>Appropriate revenue to be received from the California Department of Food & Agriculture Grant.</p> <p align="right">PREPARED BY: <u>Stephanna Hidalgo</u> TITLE: <u>Senior Level Clerk, Department of Agriculture</u> DATE: <u>1/15/2020</u></p> <p align="right"><u>[Signature]</u> REVENUE ADJ. JOURNAL NO. RAOO <u>5041</u></p>
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Contra
Costa
County

To: Board of Supervisors
From: Melinda Self, Child Support Services Director
Date: February 4, 2020

Subject: Appropriation and Revenue Adjustment Decreasing the Federal Aid Family Support (Child Support) Budget

RECOMMENDATION(S):

APPROVE Appropriations and Revenue Adjustment No. 005043 to reduce appropriations and estimated revenue in the amount of \$216,014 in the Child Support Operating Fund (113400) to reflect the reduction in the FY 19-20 Final Budget Allocation from the California State Department of Child Support Services.

FISCAL IMPACT:

This action has a negative fiscal impact of \$216,014 for FY19/20 to funds previously appropriated to Salary expenses within org 1780.

BACKGROUND:

The Department of Child Support Services has received notice of a reduction in the Final Budget allocation for FY19-20 from the California State Department of Child Support Services. This reduction will impact Org 1780. This reduction in funding will limit that ability of the Department to recruit additional staffing that is allocated to org 1780.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Sarah Bunnell,
925-313-4433

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Appropriations and estimated revenue in the Child Support Operating fund 113400 will not reconcile with State fiscal records.

AGENDA ATTACHMENTS

TC24/27_AP005043

MINUTES ATTACHMENTS


Signed: Appropriations & Adjustments No. 5043

**CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT/
ALLOCATION ADJUSTMENT
TC/24**

AUDITOR-CONTROLLER USE ONLY:
FINAL APPROVAL NEEDED BY:
<input checked="" type="checkbox"/> BOARD OF SUPERVISORS
<input type="checkbox"/> COUNTY ADMINISTRATOR
<input type="checkbox"/> AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: Child Support Services		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
1780	9553	Fed Aid Family Support		216,014
TOTALS			0.00	216,014

APPROVED

AUDITOR – CONTROLLER
 By:  Date 1/24/20


COUNTY ADMINISTRATOR
 By: _____ Date _____

BOARD OF SUPERVISORS
 YES:
 NO:

By: _____ Date _____

EXPLANATION OF REQUEST
 Final State Budget allocation for FY 19/20 was reduced.
 Adjustment to current appropriation necessary to account for budget reduction.

PREPARED BY: Jessica Shepard
 TITLE: Admin Services Asst. III
 DATE: 1/22/2020



 REVENUE ADJ. JOURNAL NO. RAOO 5043

**CONTRA COSTA COUNTY
 APPROPRIATION ADJUSTMENT/
 ALLOCATION ADJUSTMENT
 T/C-27**

AUDITOR-CONTROLLER USE ONLY:
 FINAL APPROVAL NEEDED BY:
 BOARD OF SUPERVISORS
 COUNTY ADMINISTRATOR
 AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: Child Support Services		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
1780	1011	Permanent Salaries	216,014	
			216,014	0.00

APPROVED

AUDITOR – CONTROLLER
 By:  Date 1/24/20

COUNTY ADMINISTRATOR
 By: _____ Date _____


BOARD OF SUPERVISORS
 YES:
 NO:

By: _____ Date _____

EXPLANATION OF REQUEST

Final State Budget allocation for FY 19/20 was reduced.
 Adjustment to current appropriation necessary to account for budget reduction.

PREPARED BY: Jessica Shepard
 TITLE: Admin Services Asst III
 DATE: 1/22/2020


 APPROPRIATION APOO 5043
 ADJ. JOURNAL NO.

**CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT/
ALLOCATION ADJUSTMENT
TC/24**

AUDITOR-CONTROLLER USE ONLY:
FINAL APPROVAL NEEDED BY:
<input checked="" type="checkbox"/> BOARD OF SUPERVISORS
<input type="checkbox"/> COUNTY ADMINISTRATOR
<input type="checkbox"/> AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: Child Support Services		
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE	<DECREASE>
1780	9553	Fed Aid Familu Support		216014
TOTALS			0.00	216,014

APPROVED

AUDITOR - CONTROLLER
 By: Date 11/24/20

COUNTY ADMINISTRATOR
 By: _____ Date _____

BOARD OF SUPERVISORS
 YES: Gioia, Andersen, Burgis, Mitchoff, Glover
 NO: None

By: Date 2/4/2020

EXPLANATION OF REQUEST
 Final State Budget allocation for FY 19/20 was reduced.
 Adjustment to current appropriation necessary to account for budget reduction.

PREPARED BY: Jessica Shepard
 TITLE: Admin Services Asst. III
 DATE: 1/22/2020

REVENUE ADJ. JOURNAL NO. RAOO 5043

**CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT/
ALLOCATION ADJUSTMENT
T/C-27**

**AUDITOR-CONTROLLER USE ONLY:
FINAL APPROVAL NEEDED BY:**

BOARD OF SUPERVISORS
 COUNTY ADMINISTRATOR
 AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: Child Support Services		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
1780	1011	Permanent Salaries	216014	
			216,014	0.00

APPROVED

AUDITOR – CONTROLLER
 By: [Signature] Date 1/24/20

COUNTY ADMINISTRATOR
 By: _____ Date _____


BOARD OF SUPERVISORS
 YES: Gioia, Andersen, Burgis, Mitchoff, Glover
 NO: None

By: Stacy M. Boyd Date 2/4/2020

EXPLANATION OF REQUEST

Final State Budget allocation for FY 19/20 was reduced.
 Adjustment to current appropriation necessary to account for budget reduction.

PREPARED BY: Jessica Shepard
 TITLE: Admin Services Asst III
 DATE: 1/22/2020


 APPROPRIATION APOO 5043
 ADJ. JOURNAL NO.



**Contra
Costa
County**

To: Board of Supervisors
From: Beth Ward, Animal Services Director
Date: February 4, 2020

Subject: Appropriations Adjustment - California Office of Food and Agriculture 2019 Animal Homelessness and Cruelty Fund Program Award

RECOMMENDATION(S):

APPROVE Appropriations and Revenue Adjustment No.005037 authorizing new revenue in the amount of \$15,000 from California Department of Food and Agriculture and appropriating it to provide low-cost spay and neuter services for resident pet owners in the Animal Services Department

FISCAL IMPACT:

This action increases revenue and appropriations by \$15,000 with no change in Net County Cost. The new revenue is from the California Department of Food and Agriculture. (100% State funded; no County match)

BACKGROUND:

The California Department of Food and Agriculture's (CDFA) AHCF Program is supported by California taxpayer contributions and anticipates awarding of \$184,000 on a competitive basis to be distributed to municipal animal control agencies for the sole purpose of spay and neuter activities to eliminate cat and dog homelessness. The funds has been allocated to 17 shelters within California, including Contra Costa County Animal Services, which was awarded \$15,000 for fiscal year 2020/21.

CONSEQUENCE OF NEGATIVE ACTION:

Revenue and appropriation will not be reflected in the current year budget for the purpose of Spay and Neuter of animals.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Arturo Castillo, (925) 608-8470

cc:

AGENDA ATTACHMENTS

TC27/27 AP005037

MINUTES ATTACHMENTS

Signed: Appropriations & Adjustments No.
5037

CONTRA COSTA COUNTY
 ESTIMATED REVENUE ADJUSTMENT/
 ALLOCATION ADJUSTMENT
 T/C 24

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

- BOARD OF SUPERVISORS
- COUNTY ADMINISTRATOR
- AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT :			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
3354	9966	MISC GRANTS & DONATIONS	15,000	00	
TOTALS			15,000	00	15,000 00

APPROVED

AUDITOR-CONTROLLER:

BY: *[Signature]* DATE 11/14/20

COUNTY ADMINISTRATOR:

BY: *[Signature]* DATE 1/28/2020

BOARD OF SUPERVISORS:

YES:

NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST: The Animal Services Department was awarded \$15,000 from the State of California for Spay and Neuter services for FY 2019/20. These funds will be utilized to support the Department's efforts to provide low-cost Spay and Neuter services for Contra Costa resident pet owners (dogs and cats).

The Department is requesting to move the grant funds from Org 3354 sub-account 9966 to sub-account 2310 to support these expenses.

[Signature] Director 1/14/20
 SIGNATURE TITLE DATE

REVENUE ADJ. RAOO 5037
 JOURNAL NO.

CONTRA COSTA COUNTY
 APPROPRIATION ADJUSTMENT /
 ALLOCATION ADJUSTMENT
T/C 27

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

- BOARD OF SUPERVISORS
- COUNTY ADMINISTRATOR
- AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT : Animal Services		
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>	INCREASE
3354	2310	NON CNTY PROF SPCLZD SVCS		15,000 00
TOTALS			0 00	15,000 00

APPROVED

AUDITOR-CONTROLLER:

BY: *[Signature]* DATE 1/14/20

COUNTY ADMINISTRATOR:

BY: *[Signature]* DATE 1/28/2020

BOARD OF SUPERVISORS:

YES:

NO:

BY: _____ DATE _____

EXPLANATION OF REQUEST:

The Animal Services Department was awarded \$15,000 from the State of California for Spay and Neuter services for FY 2019/20. These funds will be utilized to support the Department's efforts to provide low-cost Spay and Neuter services for Contra Costa resident pet owners (dogs and cats).

[Signature] Director 1/14/20
 SIGNATURE TITLE DATE

APPROPRIATION APOO 5037
 ADJ. JOURNAL NO.

**CONTRA COSTA COUNTY
ESTIMATED REVENUE ADJUSTMENT/
ALLOCATION ADJUSTMENT
T/C 24**

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

- BOARD OF SUPERVISORS
- COUNTY ADMINISTRATOR
- AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT :			
ORGANIZATION	REVENUE ACCOUNT	REVENUE ACCOUNT DESCRIPTION	INCREASE		<DECREASE>
3354	9966	MISC GRANTS & DONATIONS	15,000	00	
TOTALS			15,000	00	16,000 00

APPROVED

AUDITOR-CONTROLLER:

BY: [Signature] DATE 1/14/20

COUNTY ADMINISTRATOR:

BY: [Signature] DATE 1/28/20

BOARD OF SUPERVISORS:

YES: Gioia, Andersen, Burgis Mitchoff, Glover

NO: None

BY: [Signature] DATE 2/4/2020

(48134 Rev 05/08)

EXPLANATION OF REQUEST: The Animal Services Department was awarded \$16,000 from the State of California for Spay and Neuter services for FY 2019/20. These funds will be utilized to support the Department's efforts to provide low-cost Spay and Neuter services for Contra Costa resident pet owners (dogs and cats).
The Department is requesting to move the grant funds from Org 3354 sub-account 9966 to sub-account 2310 to support these expenses.

[Signature] Director 1/14/20
SIGNATURE TITLE DATE

REVENUE ADJ. RA00 5037
JOURNAL NO.

**CONTRA COSTA COUNTY
APPROPRIATION ADJUSTMENT /
ALLOCATION ADJUSTMENT
T/C 27**

AUDITOR-CONTROLLER USE ONLY

FINAL APPROVAL NEEDED BY:

- BOARD OF SUPERVISORS
- COUNTY ADMINISTRATOR
- AUDITOR-CONTROLLER

ACCOUNT CODING		DEPARTMENT: Animal Services			
ORGANIZATION	EXPENDITURE SUB-ACCOUNT	EXPENDITURE ACCOUNT DESCRIPTION	<DECREASE>		INCREASE
3354	2310	NON CNTY PROF SPCLZD SVCS			15,000 00
TOTALS			0 00		15,000 00

APPROVED

AUDITOR-CONTROLLER:

BY: [Signature] DATE 1/14/20

COUNTY ADMINISTRATOR:

BY: [Signature] DATE 1/28/2020

BOARD OF SUPERVISORS:

YES: Gioia, Andersen, Burgis, Mitchoff, Glover

NO: None

BY: [Signature] DATE 2/4/2020

(M129 Rev 05/02)

EXPLANATION OF REQUEST:

The Animal Services Department was awarded \$15,000 from the State of California for Spay and Neuter services for FY 2019/20. These funds will be utilized to support the Department's efforts to provide low-cost Spay and Neuter services for Contra Costa resident pet owners (dogs and cats).

[Signature] Director 1/14/20
SIGNATURE TITLE DATE

APPROPRIATION APOO 5037
ADJ. JOURNAL NO.



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: February 4, 2020

Subject: Reclassify One (1) Information Systems Assistant II to Clerk Senior-Level

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22535 to reclassify one (1) Information Systems Assistant II (LTVH) (represented) position #17028 at salary plan and grade 3R5-1005 (\$3,454 - \$4,199) and its incumbent to Clerk-Senior Level (JWXC) (represented) at salary plan and grade 3RX-1033 (\$3,542 – \$4,524) in the Department of Conservation and Development.

FISCAL IMPACT:

Upon approval this action will result in an annual increased cost of \$7,686, of which \$1,524 is in pension costs. The Land Development Fund will absorb all costs.

BACKGROUND:

The Department of Conservation and Development has in its IT Division three (3) positions dedicated to the scanning of planning and building documents and files. In July 2019, Position Adjustment Resolution No. 22488 was approved by the board to cancel two (2) of the Information Systems Assistant II (LTVH) positions and add three (3) Clerk-Senior Level (JWXC) positions. Two of the Clerk-Senior Level positions replaced the two Information Systems Assistant II positions in the document management section of the IT Division because it was determined through a needs analysis that it was the most appropriate classification for the type of work being performed. The third Clerk-Senior Level position was added to the Business Operations Division. Both of the Clerk positions in the document management section of the IT Division

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: June McHuen, Deputy

Contact: Kelli Zenn, (925)
674-7726

cc: Kelli Zenn

BACKGROUND: (CONT'D)

were flexed down to the Clerk-Experienced Level and one was filled.

There is one Information Systems Specialist II (LTVH) position remaining in the document management section of the IT Division. The incumbent in this position is responsible for quality control and ensures accurate and efficient retrieval of documents. The incumbent also trains and provides lead direction to the division's clerical staff and works closely with the Records Research group when responding to Public Records Acts requests. A classification study was conducted and it was determined that this position should be reclassified to Clerk-Senior Level (JWXC) due to the specialized nature of the work and the lead direction provided.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to reclassify this position will result in continued use of a classification that does not adequately reflect the work performed in the IT Division of DCD. Additionally, it would cause a failure to provide adequate clerical support throughout the department and necessary lead duties to other staff.

CHILDREN'S IMPACT STATEMENT:

No Impact

AGENDA ATTACHMENTS

P300 22535 ISA II to Clerk Senior

MINUTES ATTACHMENTS

Signed P300 22535

POSITION ADJUSTMENT REQUEST

NO. 22535
DATE 9/6/2019

Department Conservation & Development Department No./
Budget Unit No. 0280 Org No. 2653 Agency No. 38

Action Requested: Reclassify one (1) Information Systems Assistant II (LTVH) (represented) position number 17028 and its incumbent to Clerk Specialist Lead Level (JWXD) (represented).

Proposed Effective Date: 11/1/2019

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$24,155.00 Net County Cost \$0.00
Total this FY \$16,104.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Land Development Fees

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

John Kopchik

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Shkidt

10/4/2019

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/13/2020

Reclassify one (1) Information Systems Assistant II (LTVH) (represented) position number 17028 and its incumbent to Clerk Senior Level (JWXC) (represented).

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.

2/1/2020(Date)

Alycia Leach

1/13/2020

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

1/29/2020

Approve Recommendation of Director of Human Resources

Disapprove Recommendation of Director of Human Resources

Other: _____

/s/ Julie DiMaggio Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 1/29/2020

No. 22535

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

POSITION ADJUSTMENT REQUEST

NO. 22535
DATE 9/6/2019

Department Conservation & Development
Department No./ Budget Unit No. 0280 Org No. 2653 Agency No. 38

Action Requested: Reclassify one (1) Information Systems Assistant II (LTVH) (represented) position number 17028 and its incumbent to Clerk Specialist Lead Level (JWXD) (represented).

Proposed Effective Date: 11/1/2019

Classification Questionnaire attached: Yes [] No [X] / Cost is within Department's budget: Yes [] No []

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$24,155.00 Net County Cost \$0.00
Total this FY \$16,104.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Land Development Fees

Department must initiate necessary adjustment and submit to CAO. Use additional sheet for further explanations or comments.

John Kopchik

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Shkidt

10/4/2019

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/13/2020

Reclassify one (1) Information Systems Assistant II (LTVH) (represented) position number 17028 and its incumbent to Clerk Senior Level (JWXC) (represented).

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: [] Day following Board Action.

[X] 2/1/2020(Date)

Alycia Leach

1/13/2020

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

1/29/2020

- [X] Approve Recommendation of Director of Human Resources
[] Disapprove Recommendation of Director of Human Resources
[] Other:

/s/ Julie DiMaggio Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED [X] xDISAPPROVED []

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

DATE February 4 2020

BY

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:



Contra
Costa
County

To: Board of Supervisors
From: Melinda Cervantes, County Librarian
Date: February 4, 2020

Subject: Add one Librarian Specialist position and cancel one Librarian position

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22564 to add one (1) Librarian Specialist (3AVA) (represented) position at Salary Plan and Grade QXX 1479 (\$5,508 - \$7,034) and cancel one (1) Librarian (3AWA) (represented) position number 12931 in the Library Department.

FISCAL IMPACT:

If approved, this will result in an annual cost of approximately \$13,507 to the Library Fund. No fiscal impact to the County General Fund.

BACKGROUND:

Upon the promotion of a Librarian in the Technical Services (Collection Development) unit to a Community Library Manager, the Library performed an organizational analysis of functions and services of the Technical Services Unit. As part of that analysis, it was determined that service to the community would be improved by having a position that could assume more responsibility over distribution to the Library's patrons. This position's focus would meet all four goals of the Library's Strategic Plan. The current vacant Librarian position would not be able to perform all of the necessary duties. Instead, the Library determined the community could be served better with a Librarian Specialist.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: June McHuen, Deputy

Contact: Samuel Treanor at (925)
608-7702

BACKGROUND: (CONT'D)

This new Librarian Specialist position will oversee collection activities for all 28 Libraries, including Juvenile Hall and the Orin Allen Youth Rehabilitation Facility. These duties will include ordering, receiving, processing, and distributing materials. The position will also be responsible for compiling and analyzing statistics and preparing reports of Library activities and operations. These new roles will permit the Library to better serve County residents with a focused role to distribute materials where needed.

CONSEQUENCE OF NEGATIVE ACTION:

If unapproved, Library services, activities and operations may be negatively impacted.

AGENDA ATTACHMENTS

P300 22564 Add Librarian Spec/Cxl Librarian

MINUTES ATTACHMENTS

Signed P300 22564

POSITION ADJUSTMENT REQUEST

NO. 22564
DATE 10/11/2019

Department County Library

Department No./
Budget Unit No. 0620 Org No. 3721 Agency No. 85

Action Requested: Cancel one (1) permanent full-time Librarian (3AWA) position number 12931, and add one (1) permanent full-time Librarian Specialist (3AVA) position.

Proposed Effective Date: 12/1/2019

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$13,507.00 Net County Cost \$0.00
Total this FY \$6,753.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Library Fund

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Melinda S. Cervantes

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Shkidt FOR Julie Enea

12/11/2019

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/10/2020

Add one (1) Librarian Specialist (3AVA) (represented) position at Salary Plan and Grade QXX 1479 (\$5,508 - \$7,034) and cancel one (1) Librarian (3AWA) (represented) position number 12931

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

Gladys Scott Reid

1/10/2020

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 1/28/2020

Approve Recommendation of Director of Human Resources
 Disapprove Recommendation of Director of Human Resources
 Other: _____

/s/ Julie DiMaggio Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 1/28/2020

No. 22564

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

POSITION ADJUSTMENT REQUEST

C.21

NO. 22564
DATE 10/11/2019

Department County Library
Department No./ Budget Unit No. 0620 Org No. 3721 Agency No. 85
Action Requested: Cancel one (1) permanent full-time Librarian (3AWA) position number 12931, and add one (1) permanent full-time Librarian Specialist (3AVA) position.

Proposed Effective Date: 12/1/2019

Classification Questionnaire attached: Yes [] No [x] / Cost is within Department's budget: Yes [x] No []

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$13,507.00 Net County Cost \$0.00
Total this FY \$6,753.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Library Fund

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Melinda S. Cervantes

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Shkidt FOR Julie Enea

12/11/2019

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/10/2020

Add one (1) Librarian Specialist (3AVA) (represented) position at Salary Plan and Grade QXX 1479 (\$5,508 - \$7,034) and cancel one (1) Librarian (3AWA) (represented) position number 12931

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: [x] Day following Board Action.

[] (Date)

Gladys Scott Reid

1/10/2020

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

1/28/2020

- [x] Approve Recommendation of Director of Human Resources
[] Disapprove Recommendation of Director of Human Resources
[] Other:

/s/ Julie DiMaggio Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED [x] DISAPPROVED [x]

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

DATE Feb 4 2020

BY

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services
Date: February 4, 2020

Subject: Add One Mental Health Community Support Worker II Position and Cancel One Dual Diagnosis Program Specialist Position

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22577 to add one (1) Mental Health Community Support Worker II (VQVB) (represented) position at salary plan and grade level TC5-0968 (\$3,331-\$4,048) and cancel one (1) vacant Dual Diagnosis Program Specialist (VQWG) (represented) position #9838 at salary plan and grade level TC5-1258 (\$4,438-\$5,395) in the Health Services Department.

FISCAL IMPACT:

This action will result in a cost savings of approximately \$25,465 annually.

BACKGROUND:

The Dual Diagnosis Program Specialist classification was created in 1999 to support the Dual Diagnosis program, which was a pilot program that was funded through a three-year grant from the Substance Abuse Mental Health Services Administration (SAMHSA). The program extended beyond the initial three-year period, however SAMHSA decreased the annual funding to an amount that would only cover a single Dual Diagnosis Program Specialist position.

The funding for this position has been renewed annually, however the service needs of the department have changed slightly over the years. There has been only one incumbent in this position from 1999 through December 2018, at which point the employee retired.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: June McHuen, Deputy

Contact: Lauren Ludwig,
925-957-5269

cc:

BACKGROUND: (CONT'D)

When preparing to apply for the annual SAMHSA grant, the Mental Health Division evaluated the current departmental needs in order to ensure that grant funding is being allocated toward services most in need, but also to ensure appropriate staffing to provide those services. In doing so, the department identified the need for additional peer support resources, which have since been approved for grant funding through SAMHSA. In turn, the department determined that adding a Mental Health Community Support Worker II position would be the most appropriate action – this position will work closely with mental health clients who are homeless or living in shelters, to promote recovery services. While the Dual Diagnosis Program Specialist classification was able to provide similar services in terms of advocacy, education, and identifying resources available to clients; the Mental Health Community Support Worker II classification is able to provide peer support that is fundamental to the recovery process, which has been lacking up to this point. Because of this, Health Services is requesting to add one Mental Health Community Support Worker II position and to subsequently cancel one vacant Dual Diagnosis Program Specialist position, to offset the costs.

CONSEQUENCE OF NEGATIVE ACTION:

The Behavioral Health division will not have the appropriate staff to provide necessary services to a specialized client group.

AGENDA ATTACHMENTS

Cost Analysis Sheet - Add MH CSW II & Cancel Dual Diagnosis Program Specialist
P300-22577

MINUTES ATTACHMENTS

Signed P300 22577

Health Community Support Wo

ADD

Salary	\$48,579.00	ANNUAL SALARY
Employer Paid Benefits*	\$27,981.50	57.60%
Average Cost of OT	\$1,462.23	3.01%
Health/Dental	\$15,677.50	
One Time Costs	\$0.00	
Total Cost	\$92,238.00	
Deferred comp Benefit	\$1,800	\$1,800
ANNUAL TOTAL COST	\$94,038.00	

*Includes:

0.55%	Vacation/Sick Le
3.49%	Retiree Health In
7.85%	FICA
4.62%	Workers Comper
0.05%	Unemployment
1.38%	OPEB Pre-Pay
39.66%	Pension
57.60%	

CLASS TITLE

CANCEL

Salary	\$64,737.00	ANNUAL SALARY
Employer Paid Benefits*	\$37,288.51	57.60%
Average Cost of OT	\$1,948.58	3.01%
Health/Dental	\$15,677.50	
One Time Costs	\$0.00	
Total Cost	\$117,703.01	
Deferred comp Benefit	\$1,800	\$1,800
ANNUAL TOTAL COST	\$119,503.01	

*Includes:

0.55%	Vacation/Sick Le
3.49%	Retiree Health In
7.85%	FICA
4.62%	Workers Comper
0.05%	Unemployment
1.38%	OPEB Pre-Pay
39.66%	Pension
57.60%	

**TOTAL ANNUAL COST
OR COST SAVINGS**

-\$25,465.01 Difference of pos

**Use PY actuals budget is low
insurance**

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Use PY actuals budget is low
Use PY actuals budget is low**

**Use PY actuals budget is low
insurance**

**isation
Use PY actuals budget is low
Use PY actuals budget is low**

POSITION ADJUSTMENT REQUEST

NO. 22577
DATE 1/17/2020

Department Health Services

Department No./
Budget Unit No. 0467 Org No. 9574 Agency No. A18

Action Requested: ADOPT Position Adjustment Resolution No. 22577 to add one (1) Mental Health Community Support Worker II (VQVB) (represented) position at salary plan and grade level TC5-0968 (\$3,331-\$4,048) and cancel one (1) vacant Dual Diagnosis Program Specialist (VQWG) (represented) position #9838 at salary plan and grade level TC5-1258 (\$4,438-\$5,395) in the Health Services Department.

Proposed Effective Date: _____

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$0.00 Net County Cost \$0.00
Total this FY \$0.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cost Savings

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Lauren Ludwig

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Kennard for

1/27/2020

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE _____

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 1/27/2020

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

POSITION ADJUSTMENT REQUEST

C.22

NO. 22577
DATE 1/17/2020

Department Health Services
Action Requested: ADOPT Position Adjustment Resolution No. 22577 to add one (1) Mental Health Community Support Worker II (VQVB) (represented) position at salary plan and grade level TC5-0968 (\$3,331-\$4,048) and cancel one (1) vacant Dual Diagnosis Program Specialist (VQWG) (represented) position #9838 at salary plan and grade level TC5-1258 (\$4,438-\$5,395) in the Health Services Department.

Proposed Effective Date: _____

Classification Questionnaire attached: Yes [] No [X] / Cost is within Department's budget: Yes [X] No []

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$0.00 Net County Cost \$0.00
Total this FY \$0.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Cost Savings

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Lauren Ludwig

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Kennard for

1/27/2020

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: [X] Day following Board Action.
[] _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE _____

- [] Approve Recommendation of Director of Human Resources
[] Disapprove Recommendation of Director of Human Resources
[] Other: _____

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED [X] DISAPPROVED []

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

DATE Feb 4 2020

BY [Signature]

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:



**Contra
Costa
County**

To: Board of Supervisors
From: Dianne Dinsmore, Human Resources Director
Date: February 4, 2020

Subject: Increase the hours of one (1) Board of Supervisors Special Assistant - Specialist Level (J994).

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22575 to increase the hours of one Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) from part-time (20/40) to part-time (24/40) and to decrease the hours of one Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) from part-time (20/40) to part-time (16/40) in the Board of Supervisors, District I Office.

FISCAL IMPACT:

Cost neutral

BACKGROUND:

The District I Board of Supervisors' Office has a need to increase the hours of a part-time Special Assistant by four (4) hours each week, due to the incumbent absorbing the responsibilities of another part-time employee who retired effective November 1, 2019. Increasing the position from part-time (20/40) to part-time (24/40) will permit the position to operate three (3) full days per week in order to complete work necessary to support the Supervisor's goals. The vacant Specialist position will be reduced from part-time (20/40) to part-time (16/40) to fund the increased hours.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: June McHuen, Deputy

Contact: Cynthia Harvey,
510-231-8687

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Without this modification, the Board of Supervisors' District I Office will be unable to fully address the business needs of the office.

CHILDREN'S IMPACT STATEMENT:

No impact.

AGENDA ATTACHMENTS

P300 No. 22575

MINUTES ATTACHMENTS

Signed P300 22575

POSITION ADJUSTMENT REQUEST

NO. 22575
DATE 01/06/2020

Department BOS Department No./
Budget Unit No. 0001 Org No. 1101 Agency No. 01

Action Requested: Increase the hours of one (1) Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) position No. 2471 from part-time (20/40) to part-time (24/40) and reduce the hours of one (1) Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) position No. 2480 from part-time (20/40) to part-time (16/40) in the Board of Supervisors, District 1 Office.

Proposed Effective Date: 1/6/2020

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$0.00 Net County Cost \$0.00
Total this FY \$0.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% General Fund

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Sonia Bustamante

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Timothy M. Ewell

1/24/2020

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/10/2020

Increase the hours of one (1) Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) position No. 2471 from part-time (20/40) to part-time (24/40) and reduce the hours of one (1) Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) position No. 2480 from part-time (20/40) to part-time (16/40) in the Board of Supervisors, District 1 Office.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 1/6/2020(Date)

Tina Pruett

1/10/2020

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

1/24/2020

Approve Recommendation of Director of Human Resources
 Disapprove Recommendation of Director of Human Resources
 Other: _____

Timothy M. Ewell

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

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

Adjustment is APPROVED DISAPPROVED

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 1/24/2020

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

POSITION ADJUSTMENT REQUEST

NO. 22575
DATE 01/06/2020

Department BOS Department No./ Budget Unit No. 0001 Org No. 1101 Agency No. 01

Action Requested: Increase the hours of one (1) Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) position No. 2471 from part-time (20/40) to part-time (24/40) and reduce the hours of one (1) Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) position No. 2480 from part-time (20/40) to part-time (16/40) in the Board of Supervisors, District 1 Office.

Proposed Effective Date: 1/6/2020

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$0.00 Net County Cost \$0.00
Total this FY \$0.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% General Fund

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Sonia Bustamante

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Timothy M. Ewell

1/24/2020

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/10/2020

Increase the hours of one (1) Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) position No. 2471 from part-time (20/40) to part-time (24/40) and reduce the hours of one (1) Board of Supervisors Special Assistant - Specialist Level (J994) (unrepresented) position No. 2480 from part-time (20/40) to part-time (16/40) in the Board of Supervisors, District 1 Office.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.

1/6/2020(Date)

Tina Pruett

1/10/2020

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

1/24/2020

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other: _____

Timothy M. Ewell

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED ~~DISAPPROVED~~

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

DATE Feb 4 2020

BY Jane Miller

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:



Contra
Costa
County

To: Board of Supervisors
From: Dianne Dinsmore, Human Resources Director
Date: February 4, 2020

Subject: RECLASSIFY ONE BOARD OF SUPERVISORS ASSISTANT-GENERAL SECRETARY TO SPECIALIST

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22576 to reclassify one Board of Supervisors Assistant-General Secretary (J993) (unrepresented) position (#2489) and its incumbent to Board of Supervisors Assistant-Specialist (J994) in the Board of Supervisors, District III.

FISCAL IMPACT:

This action will increase total compensation by approximately \$8,300, which includes an increase to employer pension costs of \$1,568, annually. 100% General Fund.

BACKGROUND:

This recommendation is to reclassify one Board of Supervisors Assistant - General Secretary to Board of Supervisors Assistant - Specialist along with the position incumbent. In the past year, this position has assumed complex duties in the office including staffing the Blackhawk P2A Advisory Committee and the Agricultural Policy Working Group. In addition, the incumbent has also been assigned as primary staff for public safety and justice systems, and continues to serve as primary staff for multiple transportation committees. Under general supervision, the incumbent routinely performs specialized work, including drafting letters, representing Supervisor Burgis at meetings with constituents and providing feedback on policy. The Specialist classification more appropriately reflects the duties of the incumbent within the District III office.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: June McHuen, Deputy

Contact: Mark Goodwin, (925)
252-4500

cc:

CONSEQUENCE OF NEGATIVE ACTION:

The position and incument will not be reclassified.

CHILDREN'S IMPACT STATEMENT:

No impact.

AGENDA ATTACHMENTS

P300 No. 22576

MINUTES ATTACHMENTS

Signed P300 22576

POSITION ADJUSTMENT REQUEST

NO. 22576
DATE 1/10/2020

Department BOS

Department No./
Budget Unit No. 0001 Org No. 1103 Agency No. 01

Action Requested: Reclassify one Board of Supervisors Assistant-General Secretary (J993) (unrepresented) position (#2489) and its incumbent to Board of Supervisors Assistant-Specialist (J994) in the Board of Supervisors, District III

Proposed Effective Date: 2/5/2020

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost	<u>\$8,300.24</u>	Net County Cost	<u>\$8,300.24</u>
Total this FY	<u>\$3,458.43</u>	N.C.C. this FY	<u>\$3,458.43</u>

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% General Fund

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Mark Goodwin

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Timothy M. Ewell

1/24/2020

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 2/5/2020(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

1/24/2020

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other: _____

Timothy M. Ewell

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 1/24/2020

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

C.24

POSITION ADJUSTMENT REQUEST

NO. 22576
DATE 1/10/2020

Department BOS Department No./ Budget Unit No. 0001 Org No. 1103 Agency No. 01
Action Requested: Reclassify one Board of Supervisors Assistant-General Secretary (J993) (unrepresented) position (#2489) and its incumbent to Board of Supervisors Assistant-Specialist (J994) in the Board of Supervisors, District III

Proposed Effective Date: 2/5/2020

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost	<u>\$8,300.24</u>	Net County Cost	<u>\$8,300.24</u>
Total this FY	<u>\$3,458.43</u>	N.C.C. this FY	<u>\$3,458.43</u>

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% General Fund

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Mark Goodwin

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Timothy M. Ewell

1/24/2020

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 2/5/2020 (Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

1/24/2020

Approve Recommendation of Director of Human Resources
 Disapprove Recommendation of Director of Human Resources
 Other: _____

Timothy M. Ewell

(for) County Administrator

BOARD OF SUPERVISORS ACTION:
Adjustment is APPROVED ~~DISAPPROVED~~

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

DATE Feb 4 2020

BY 

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:



**Contra
Costa
County**

To: Board of Supervisors
From: Dianne Dinsmore, Human Resources Director
Date: February 4, 2020

Subject: Add Network Technician II and Cancel Network Administrator I in Department of Information Technology

RECOMMENDATION(S):

ADOPT Position Adjustment Resolution No. 22578 to add one Network Technician II (LNVA) (\$6,177.91-\$7,509.20) (represented) and cancel one Network Administrator I (LNSA) (\$6,834.43-\$8,307.29), position #00044 (represented) in the Department of Information Technology.

FISCAL IMPACT:

DoIT costs are recovered through service charges to client departments and agencies. The action will result in an estimated annual cost savings of \$13,000.

BACKGROUND:

The Department of Information Technology requests the cancelation of one Network Administrator I position (#00044) and the addition of one Network Technician II to better meet the ability of the department to respond to current customer requests for services.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: June McHuen, Deputy

Contact: D Dinsmore,
925-335-1766

cc:

AGENDA ATTACHMENTS

P300 22578 Add Network Tech II & Cx1 Network Admin I in DoIT

MINUTES ATTACHMENTS

Signed P300 22578

POSITION ADJUSTMENT REQUEST

NO. 22578
DATE 1/30/2020

Department DOIT

Department No./
Budget Unit No. 0147 Org No. _____ Agency No. ____

Action Requested: ADD one Network Technician II (LNVA) and cancel one Network Administrator I (LNSA) Position # 00044 in the Department of Information Technology.

Proposed Effective Date: 2/5/2020

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$13,000.00 Net County Cost \$0.00
Total this FY \$5,400.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Department User Fees

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

/s/ Dianne Dinsmore for MS

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

/s/ Laura Strobel

1/30/2020

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/30/2020

ADD one Network Technician II (LNVA) (\$6,177.91-\$7,509.20) (represented) and CANCEL one Network Administrator I (LNSA) (\$6,834.43-\$8,307.29) position # 00044.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.

1/23/2020(Date)

Dianne Dinsmore

1/30/2020

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

1/30/2020

Approve Recommendation of Director of Human Resources

Disapprove Recommendation of Director of Human Resources

Other: _____

/s/ Laura Strobel

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

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

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

REQUEST FOR PROJECT POSITIONS

Department _____

Date 1/30/2020

No. xxxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost
 - a. Salary & Benefits Costs: _____
 - b. Support Costs: _____
(services, supplies, equipment, etc.)
 - c. Less revenue or expenditure: _____
 - d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
 - a. potential future costs
 - b. legal implications
 - c. financial implications
 - d. political implications
 - e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
 - a. Competitive examination(s)
 - b. Existing employment list(s) Which one(s)? _____
 - c. Direct appointment of:
 1. Merit System employee who will be placed on leave from current job
 2. Non-County employee

Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

POSITION ADJUSTMENT REQUEST

NO. 22578
DATE 1/30/2020

Department DOIT
Department No./ Budget Unit No. 0147 Org No. Agency No.

Action Requested: ADD one Network Technician II (LNVA) and cancel one Network Administrator I (LNSA) Position # 00044 in the Department of Information Technology.

Proposed Effective Date: 2/5/2020

Classification Questionnaire attached: Yes [] No [X] / Cost is within Department's budget: Yes [X] No []

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$13,000.00 Net County Cost \$0.00

Total this FY \$5,400.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Department User Fees

Department must initiate necessary adjustment and submit to CAO. Use additional sheet for further explanations or comments.

/s/ Dianne Dinsmore for MS

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

/s/ Laura Strobel

1/30/2020

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE 1/30/2020

ADD one Network Technician II (LNVA) (\$6,177.91-\$7,509.20) (represented) and CANCEL one Network Administrator I (LNSA) (\$6,834.43-\$8,307.29) position # 00044.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: [] Day following Board Action.

[X] 1/23/2020(Date)

Dianne Dinsmore

1/30/2020

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

1/30/2020

- [X] Approve Recommendation of Director of Human Resources
[] Disapprove Recommendation of Director of Human Resources
[] Other:

/s/ Laura Strobel

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED [X] DISAPPROVED []

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

DATE Feb 4 2020

BY

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 4, 2020

Subject: APPROVE an amendment to lease for the Sheriff-Coroner at 150 Alamo Plaza, Suites B & C, District II.

RECOMMENDATION(S):

APPROVE a third amendment to lease agreement with DS PROPERTIES 17 LP, for a five-year term for continued use of approximately 3,000 square feet of office space located at 150 Alamo Plaza, Suites B and C, Alamo, for continued occupancy by the Sheriff-Coroner.

AUTHORIZE the Public Works Director, or designee, to execute the amendment.

FISCAL IMPACT:

The third amendment to lease will obligate the County to pay rent of approximately \$554,280 over the five-year term. Rent is charged to Sheriff budget unit 0255 (100% General Fund)

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stephanie Mello, Deputy

Contact: Stacey Sinclair,
925.957-2464

cc:

BACKGROUND:

The Sheriff-Coroner has occupied this location since February 1996 as a substation for its patrol activities in the south central area of Contra Costa County. Approving a third amendment to lease will provide for the continued occupancy for the Sheriff-Coroner's at this location to support law enforcement activities and services to the residents of this area.

CONSEQUENCE OF NEGATIVE ACTION:

Not authorizing a third amendment to lease for the Sheriff-Coroner's continued occupancy at 150 Alamo Plaza, Suites B and C, Alamo, would require the Sheriff-Coroner to either not have a substation in the south central area of the county to provide law enforcement services to residents of this area, or require finding a new location at an additional expense.

ATTACHMENTS

Lease Amendment

Third Amendment to Lease
150 Alamo Plaza, Suites B and C
Alamo, California

Contra Costa County Sheriff-Coroner

This third amendment is dated February 4, 2020 and is between DS PROPERTIES 17 LP, a Delaware limited partnership (successor in interest to 230 Alamo Plaza, LLC, a California limited liability company) (the "**Lessor**") and the County of Contra Costa, a political subdivision of the State of California (the "**County**").

Recitals

A. The Lessor and the County are parties to a lease dated September 19, 2006, as amended on March 27, 2012, and as further amended on March 31, 2015 (the "**Lease**"), under which the County is leasing approximately 3,000 square feet consisting of Suite B and C in the building commonly known as 150 Alamo Plaza, Alamo, California (the "**Premises**").

B. On December 31, 2014, the parties agreed to extend the Lease on a month-to-month basis.

C. The parties desire to amend the Lease to extend the term, revise the rent and include a provision for lessor provided tenant improvements to the Premises.

The parties therefore agree as follows:

Agreement

1. Paragraph A.3 Term is deleted in its entirety and replaced with the following:

Paragraph A.3 Term: The term ("**Term**") of this Lease begins on October 1, 2006, and ends December 31, 2024. County has no renewal options under this Lease.

2. Paragraph A.4 Rent is deleted in its entirety and replaced with the following:

A.4 Rent: County shall pay to Lessor as rent ("**Rent**") for the use of the Premises a monthly rent as follows:

1. FIFTEEN THOUSAND ONE HUNDRED TWENTY AND NO/100 DOLLARS (\$15, 120.00) for the month commencing October 1, 2006 and ending October 31, 2006.

2. SIX THOUSAND AND NO/100 DOLLARS (\$6,000.00) per month commencing November 1, 2006 and ending September 30, 2007.
3. SIX THOUSAND ONE HUNDRED EIGHTY AND NO/100 DOLLARS (\$6,180.00) per month commencing October 1, 2007 and ending September 30, 2008.
4. SIX THOUSAND THREE HUNDRED SEVENTY AND NO/100 DOLLARS (\$6,370.00) per month commencing October 1, 2008 and ending September 30, 2009.
5. SIX THOUSAND FIVE HUNDRED SIXTY AND NO/100 DOLLARS (\$6,560.00) per month commencing October 1, 2009 and ending September 30, 2010.
6. SIX THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$6,750.00) per month commencing October 1, 2010 and ending December 31, 2012.
7. SIX THOUSAND NINE HUNDRED FIFTY-TWO AND NO/100 DOLLARS (\$6,952.00) per month commencing January 1, 2013 and ending December 31, 2013.
8. SEVEN THOUSAND ONE HUNDRED SIXTY-ONE AND NO/100 DOLLARS (\$7,161.00) per month commencing October 1, 2014 and ending December 31, 2014.
9. SEVEN THOUSAND THREE HUNDRED SEVENTY-SIX AND NO/100 DOLLARS (\$7,376.00) per month commencing January 1, 2015 and ending December 31, 2015.
10. SEVEN THOUSAND FIVE HUNDRED NINETY-SEVEN AND NO/100 DOLLARS (\$7,597.00) per month commencing January 1, 2016 and ending December 31, 2016.
11. SEVEN THOUSAND EIGHT HUNDRED TWENTY-FIVE AND NO/100 DOLLARS (\$7,825.00) per month commencing January 1, 2017 and ending December 31, 2017.
12. EIGHT THOUSAND SIXTY AND NO/100 DOLLARS (\$8,060.00) per month commencing January 1, 2018 and ending December 31, 2018.
13. EIGHT THOUSAND THREE HUNDRED TWO AND NO/100 DOLLARS (\$8,302.00) per month commencing January 1, 2019 and ending December 31, 2019.

14. EIGHT THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$8,700.00) per month commencing January 1, 2020 and ending December 31, 2020.
15. EIGHT THOUSAND NINE HUNDRED SIXTY-ONE AND NO/100 DOLLARS (\$8,961.00) per month commencing January 1, 2021 and ending December 31, 2021.
16. NINE THOUSAND TWO HUNDRED THIRTY AND NO/100 DOLLARS (\$9,230.00) per month commencing January 1, 2022 and ending December 31, 2022.
17. NINE THOUSAND FIVE HUNDRED SEVEN AND NO/100 DOLLARS (\$9,507.00) per month commencing January 1, 2023 and ending December 31, 2023.
18. NINE THOUSAND SEVEN HUNDRED NINETY-TWO AND NO/100 DOLLARS (\$9,792.00) per month commencing January 1, 2024 and ending December 31, 2024.

The total monthly Rent is payable in advance, without notice or demand, on the tenth (10th) day of each month during the Term of this Lease. Payments are to be mailed to: c/o Donahue Schriber Realty Group, L.P. at P.O. Box 6157, Hicksville, NY 11802-6157, or such other place as Lessor may designate in writing from time to time.

3. Paragraph A.8. Notices is deleted in its entirety and replaced with the following:

A.8. Notices: All notices given hereunder shall be in writing and shall be deemed to have been given if personally delivered, sent by nationally – recognized overnight courier services, or deposited in the United States mail postage prepaid, certified or registered, return receipt requested, and addressed to the other party as follows, or as otherwise designated by written notice hereunder from time to time:

To Lessor: c/o Donahue Schriber Realty Group
200 E. Baker Street, Suite 100
Costa Mesa, CA 92626
Attn: Alamo Plaza Property Manager

With copy to: Donahue Schriber
3501 Del Paso Road, Suite 100
Sacramento, California 95835
Attention: Alamo Plaza Property Manager

To County: Contra Costa County
Public Works Department
Attn: Principal Real Property Agent
255 Glacier Drive
Martinez, CA 94553

4. In consideration for the County extending the term of the Lease, Lessor shall reimburse County up to \$15,000 for: (i) installation of carpet in a color chosen by the County in the Premises, and (ii) repaint the Premises, using colors selected by the County. Tenant to submit before and after photos with receipts of said work. Work to be completed by May 31, 2020.
5. All other terms of the Lease remain unchanged.

[Remainder of Page Intentionally Left Blank]

Lessor and County are causing this third amendment to be executed as of the date set forth in the introductory paragraph.

COUNTY:

COUNTY OF CONTRA COSTA,
a political subdivision of the State of
California

By: _____

Brian M. Balbas
Director of Public Works

LESSOR:

DS PROPERTIES 17 LP,
a Delaware limited partnership

By: PROPERTY MANAGEMENT
DSRG, LLC, a California limited
liability company, its General Partner

By:  _____

Lawrence P. Casey
President

RECOMMENDED FOR APPROVAL:

By: _____

Jessica L. Dillingham
Principal Real Property Agent

By: _____

Stacey Sinclair
Senior Real Property Agent

APPROVED AS TO FORM
SHARON L. ANDERSON, COUNTY COUNSEL

By: _____

Kathleen M. Andrus
Deputy County Counsel



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 4, 2020

Subject: APPROVE a revenue lease renewal with Bi-Bett Corporation for space located at 4639 Pacheco Blvd., Martinez.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a revenue lease renewal with Bi-Bett Corporation, commencing on July 1, 2019 for approximately 3,138 square feet of rentable space at 4639 Pacheco Blvd., in Martinez, at the initial annual rate of \$29,730 for the first year with annual increases thereafter.

FISCAL IMPACT:

Bi-Bett Corporation will pay rent to the County at the initial annual rate of \$29,730 for the first year. Lease revenue is deposited to the General Fund (Budget Unit 0466, Alcohol & Drug Services)

BACKGROUND:

The County and Lessee are parties to a lease dated July 9, 2013, under which the Lessee is leasing the Premises. The parties now desire to amend the Lease to extend the term and revise the rent to correspond to the term of the service contract between the County and the Lessee under which Lessee is operating a transitional housing facility for homeless adult males for the County at the Premises. The tenant will continue to operate at this site as a transitional housing facility for homeless adult males according to the terms of the contract service with the County.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stephanie Mello, Deputy

Contact: Stacey Sinclair, 925.
957-2464

cc:

BACKGROUND: (CONT'D)

CONSEQUENCE OF NEGATIVE ACTION:

If the lease is not approved the tenant will not be able to provide the services as per the service contract with the County.

ATTACHMENTS

Lease Amendment

First Amendment to Lease

4639 Pacheco Blvd.
Martinez, CA

This first amendment is dated July 1, 2019 (the “**Effective Date**”), and is between the County of Contra Costa, a political subdivision of the State of California (the “**County**”) and Bi-Bett Corporation, a California non-profit corporation (the “**Lessee**”).

Recitals

A. The County is the owner of the property located at 4639 Pacheco Blvd., Martinez, California (the “**Property**”). The Property has been improved with a parking lot and a two-story building that consists of approximately 3,138 square feet (the “**Premises**”).

B. The County and Lessee are parties to a lease dated July 9, 2013, under which the Lessee is leasing the Premises (the “**Lease**”). The parties now desire to amend the Lease to extend the term and revise the rent to correspond to the term of a separate contract between the County and the Lessee under which Lessee is operating a transitional housing facility for homeless adult males for the County at the Premises (the contract in effect on the Effective Date and each renewal of such contract, the “**Service Contract**”).

The parties therefore agree as follows:

Agreement

1. All defined terms used but not defined in this first amendment have the meaning ascribed to them in the Lease.
2. Section 2. Term. Is deleted in its entirety and replaced with the following:

Term. The term of this Lease is comprised of an Initial Term and, at Lessee’s election, five options to renew the Lease for a term of one year for each option (each, a “**Renewal Term**”) upon all the terms and conditions set forth herein.

- a. Initial Term. The “**Initial Term**” is seven years, commencing July 9, 2013 and ending July 10, 2020.
- b. Renewal Terms. Lessee has five options to renew this Lease for a term of one year for each option (each, a “**Renewal Term**”) upon all the terms and conditions set forth herein.

3. Section 3. Rent. Is deleted in its entirety and replaced with the following:

Rent. Lessee shall pay rent to County monthly in advance, without offset or demand, on or before the first day of each month in the amounts set forth below:

<u>Period</u>	<u>Monthly Rent</u>
July 10, 2013 – July 9, 2014	\$2200.00
July 10, 2014 – July 9, 2015	\$2244.00
July 10, 2015 – July 9, 2016	\$2,288.88
July 10, 2016 – July 9, 2017	\$2,334.66
July 10, 2017 – July 9, 2018	\$2,381.35
July 10, 2018 – July 9, 2019	\$2,428.98
July 10, 2019 – July 9, 2020	\$2,477.56

First Renewal Term. \$2,527.11 commencing July 10, 2020 and ending July 9, 2021.

Second Renewal Term. \$2,577.65 commencing July 10, 2021 and ending July 9, 2022.

Third Renewal Term. \$2,629.20 commencing July 10, 2022 and ending July 9, 2023.

Fourth Renewal Term. \$2,681.78 commencing July 10, 2023 and ending July 9, 2024.

Fifth Renewal Term. \$2,735.42 commencing July 10, 2024 and ending July 9, 2025.

4. All other terms of the Lease remain unchanged.

[Remainder of Page Intentionally Left Blank]

5. County and Lessee are causing this first amendment to be executed as of the date set forth in the introductory paragraph.

COUNTY

COUNTY OF CONTRA COSTA, a political subdivision of the State of California

By: _____
Brian M. Balbas
Director of Public Works

RECOMMENDED FOR APPROVAL:

By: _____
Jessica L. Dillingham
Principal Real Property Agent

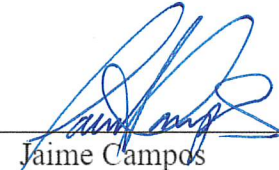
By: _____
Stacey Sinclair
Senior Real Property Agent

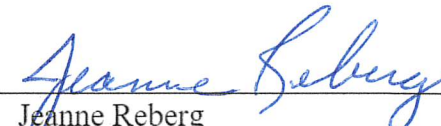
APPROVED AS TO FORM:
Sharon L. Anderson, County Counsel

By: _____
Kathleen M. Andrus
Deputy County Counsel

LESSEE

Bi-Bett Corporation, a California non-profit corporation

By: _____ 1/13/20

Jaime Campds
Chief Executive Officer

By: _____

Jeanne Reberg
Chief Financial Officer



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: February 4, 2020

Subject: APPROVE AND AUTHORIZE CONFLICT WAIVER WITH SCHIFF HARDIN LLP

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Counsel, or her designee, to execute on behalf of the County a conflict waiver acknowledging a potential conflict of interest and consenting to Schiff Hardin LLP representing the County as disclosure counsel in connection with the issuance of the County of Contra Costa Public Finance Authority 2020A Lease Revenue Bonds while, at the same time, representing a subsidiary of the underwriter in an unrelated bankruptcy matter.

FISCAL IMPACT:

There is no financial impact.

BACKGROUND:

The County has appointed Schiff Hardin LLP (the Firm) as disclosure counsel to the County with regard to the issuance of the County of Contra Costa Public Finance Authority 2020A Lease Revenue Bonds. Barclays PLC has been selected as the underwriter of the bonds. The Firm has brought to the County's attention that the Firm currently represents a subsidiary of Barclays,

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stephanie Mello, Deputy

Contact: Kate Andrus,
925-335-1824

cc: Kate Andrus

BACKGROUND: (CONT'D)

Zedra Trust Company (Zedra), in bankruptcy matters that are unrelated to the issuance of the bonds.

Barclays is not considered to be an adverse party to the County in the bond issuance. Nevertheless, the Firm believes that its professional obligations require it to advise the County of the relationship with Zedra in the unrelated matters. The Firm advises that the Firm's work as disclosure counsel for the County and its work for Zedra will likely be handled by different lawyers within the Firm. The Firm also advises that it will not share Zedra's confidential information with the County or the County's confidential information with Zedra.

The Firm is requesting that the County consent to the Firm's simultaneous representation of the County in the bond issuance and Zedra in the unrelated matters. A copy of the letter from the Firm asking for the County's consent is attached.

CONSEQUENCE OF NEGATIVE ACTION:

If the conflict waiver is not granted, Schiff Hardin could not represent the County as disclosure counsel in the bond issuance and continue to act as counsel to Zedra in the unrelated bankruptcy matters.

ATTACHMENTS

Conflict Waiver



Schiff Hardin LLP
4 Embarcadero Center
Suite 1350
San Francisco, CA 94111

T 415.901.8700
F 415.901.8701

schiffhardin.com

January 9, 2020

Jacquelynne M. Jennings
(415) 901.8759
jjennings@schiffhardin.com

Sharon L. Anderson
County Counsel
County of Contra Costa
651 Pine Street, 9th Floor
Martinez, CA 94553-1229

Re: County of Contra Costa Public Finance Authority 2020A Lease Revenue Bonds

Dear Ms. Anderson:

Pursuant to the appointment by the County of Contra Costa (the "County") of Schiff Hardin LLP (the "Firm") as disclosure counsel to the County, we will represent the County with regard to the issuance of the County of Contra Costa Public Finance Authority 2020A Lease Revenue Bonds (the "Bonds") (the "Proposed Matter"). As you know, Barclays PLC ("Barclays") has been selected as the underwriter of the Bonds. Accordingly, we wish to bring to your attention the Firm's representation of Zedra Trust Company (Jersey) Limited ("Zedra Trust"), a subsidiary of Barclays, in bankruptcy matters that are unrelated to the Proposed Matter. Please know the factual and legal issues likely to arise with regard to the services the County has asked us to perform on the Proposed Matter are unrelated to the services we are performing or anticipate performing for Zedra Trust.

Although Barclays is not considered an adverse party in the Proposed Matter, we believe our professional obligations require that we advise the County that Schiff represents Zedra Trust, a subsidiary of Barclays, in unrelated matters that do not involve the County and obtain its consent to representation by Schiff in the Proposed Matter in light of this information and waiver of any claim of conflict of interest arising from such concurrent representations.

In deciding whether to consent, the County should consider how our representation of Zedra Trust as described above could or might adversely affect its interests in the Proposed Matter. For example, clients that are asked to waive claims of conflict of interest typically should consider whether there is any material risk that "their" attorney will be less zealous or eager on their behalf due to the conflict issue. Similarly, clients should consider whether there is any material risk that their confidential information will be used adversely to them in light of the conflict. The Proposed Matter and the pending matters in which we represent Zedra Trust are completely unrelated and will be handled by different lawyers within the Firm. For these reasons, we do not believe that there is any material risk that our commitment and dedication to the County's interests will be adversely affected, and we are confident we will be able to provide competent and diligent representation to the County in the Proposed Matter. Nevertheless, these are issues the County should consider.

In connection with the Firm's duty of loyalty to clients, Schiff has an obligation to share any information it may have that is relevant to the representation. In this case, however, that duty conflicts with the Firm's obligation to maintain the confidentiality of information of its other client, Zedra Trust. Therefore, before



Ms. Sharon L. Anderson
January 9, 2020
Page 2

granting consent, the County must understand that we will not provide confidential information of Zedra Trust to the County, even if such information may be material to the County's interests.

Similarly, we assure you that any privileged, sensitive, proprietary, or other confidential information of a nonpublic nature acquired by us as a result of our representation of the County will not be transmitted to or shared with Zedra Trust, Firm lawyers who may be involved in the representation of Zedra Trust or any other Firm client.

Through this communication, the County is being asked to consent to representation by Schiff Hardin in the Proposed Matter and waive any claim of conflict of interest arising from the Firm's concurrent unrelated representation of Zedra Trust and/or its affiliates in bankruptcy or other potential matters that do not involve the County. If any litigation, arbitration or other adversary proceeding or claim arises between Barclays and the County concerning the Proposed Matter, the Firm will not act as counsel to either Barclays or the County with regard to such proceedings.

The decision of whether to provide the requested consent is important. The County should feel free to consult independent counsel on the issue, if it desires.

Please review this letter carefully. If the County has questions prior to reaching a decision on these issues, please let me know. Otherwise, after careful consideration of the foregoing, if the County is willing to consent to representation by Schiff Hardin in the Proposed Matter and waive any claim of conflict of interest arising from the Firm's concurrent unrelated representation of Zedra Trust and/or its affiliates in bankruptcy or other matters that do not involve the County, please sign and return a copy of this letter or send me an e-mail, indicating the County consents to these terms.

Thank you for your consideration. We very much look forward to representing the County on this matter.

Sincerely,

Jacquelynne M. Jennings

The County of Contra Costa hereby consents to the terms of representation as set forth above:

COUNTY OF CONTRA COSTA

By: _____
Sharon L. Anderson
County Counsel

Date: _____



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 4, 2020

Subject: California Department of Aging, Older California Act Funding, Amendment 2

RECOMMENDATION(S):

ACCEPT Resolution No. 2020/28 to approve and authorize the Employment and Human Services Director, or designee, to execute a contract amendment, AP-1920-07(2), with California Department of Aging to increase the payment limit by \$768,136 to a new payment limit of \$5,696,914 with no change in term July 1, 2019 through June 30, 2020.

FISCAL IMPACT:

County to receive \$5,696,914, which includes this Amendment 2 amount of \$768,136 from the California Department of Aging. Funding is 18% State and 82% Federal. The County match required was originally \$198,930, but it is now decreased to \$196,678.

BACKGROUND:

The Employment and Human Services Department, Area Agency on Aging, provides services to low income older County residents as defined by Title III and Title VII of the Older American Act. Services include, but are not limited to supportive services, ombudsman services, congregate meal sites, nutrition services, home delivered meals, disease prevention, family caregiver services and elder abuse prevention services. Additional funding will enhance service delivery.

CONSEQUENCE OF NEGATIVE ACTION:

Without additional funding, enhanced Older American Act services could not be delivered.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Elaine Burres
608-4960

cc:

AGENDA

ATTACHMENTS

Resolution 2020/28

MINUTES

ATTACHMENTS

Res 2020 28 signed

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

Adopted this Resolution on 02/04/2020 by the following vote:

		John Gioia
		Candace Andersen
AYE:	<input type="text" value="5"/>	Diane Burgis
		Karen Mitchoff
		Federal D. Glover
NO:	<input type="text"/>	
ABSENT:	<input type="text"/>	
ABSTAIN:	<input type="text"/>	
RECUSE:	<input type="text"/>	



Resolution No. 2020/28

IN THE MATTER OF: California Department of Aging, Older American Act Funding, Amendment 2

WHEREAS, the Employment and Human Services Department, Area Agency on Aging provides services to and receives funding from the California Department of Aging for services to low income older County residents, and

WHEREAS, services include supportive services, ombudsman services, congregate meal sites, nutrition services, home delivered meals, disease prevention, family caregiver services, and elder abuse prevention, and

WHEREAS, the California Department of Aging has made additional funding available to County for these services.

NOW, THEREFORE, BE IT RESOLVED: the Contra Costa County Board of Supervisors approve and authorize the Employment and Human Services Director, or designee, to execute a contract amendment (AP-1920-07) with California Department of Aging to increase the payment limit by \$768,136 to a total payment limit of \$5,696,914 for Older American Act services with no change in term of July 1, 2019 through June 30, 2020.

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

ATTESTED: February 4, 2020

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

Contact: Elaine Burres 608-4960

By: Laura Cassell, Deputy

cc:

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

Adopted this Resolution on 02/04/2020 by the following vote:

John Gioia
Candace Andersen
Diane Burgis
Karen Mitchoff
Federal D. Glover

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2020/28

IN THE MATTER OF: California Department of Aging, Older American Act Funding, Amendment 2

WHEREAS, the Employment and Human Services Department, Area Agency on Aging provides services to and receives funding from the California Department of Aging for services to low income older County residents, and

WHEREAS, services include supportive services, ombudsman services, congregate meal sites, nutrition services, home delivered meals, disease prevention, family caregiver services, and elder abuse prevention, and

WHEREAS, the California Department of Aging has made additional funding available to County for these services.

NOW, THEREFORE, BE IT RESOLVED: the Contra Costa County Board of Supervisors approve and authorize the Employment and Human Services Director, or designee, to execute a contract amendment (AP-1920-07) with California Department of Aging to increase the payment limit by \$768,136 to a total payment limit of \$5,696,914 for Older American Act services with no change in term of July 1, 2019 through June 30, 2020.

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

ATTESTED: February 4, 2020

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

Laura Cassell

By: Laura Cassell, Deputy

Contact: Elaine Burres 608-4960

cc:



**Contra
Costa
County**

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 4, 2020

Subject: U.S. Department of Justice Housing Assistance for Victims of Human Trafficking Grant

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, on behalf of the Alliance to End Abuse, to apply for and accept grant funding in an amount not to exceed \$500,000 from the Department of Justice, Office of Justice Programs, Office for Victims of Crime to support housing assistance for victims of all forms of human trafficking for the period of May 1, 2020 through April 30, 2023.

FISCAL IMPACT:

County to receive an amount not to exceed \$500,000 from the Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Victims of Crime (OVC). Funding is entirely Federal, with a County required match of 3% (\$8,075 from Certified Copies fees).

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

By: Laura Cassell, Deputy

Contact: Elaine Burres
608-4960

cc:

BACKGROUND:

The Contra Costa Alliance to End Abuse (formerly Zero Tolerance for Domestic Violence Initiative), a multi-agency system improvement effort, providing funding and establishing accountability criteria for a variety of support and services, was launched in 2001. In 2006, the California State Legislature granted permanent authorization to Contra Costa Alliance to End Abuse (CCAEA) through the Zero Tolerance for Domestic Violence Act under SB 968, which mandated a multi-faceted, multi-sectorial, and coordinated approach to domestic violence. Since then, CCAEA has broadened its scope to include sexual assault, human trafficking, elder abuse, and stalking.

This grant funding is to be used to provide funding for transitional housing for both adult and transitional age youth who identify as victims of human trafficking, as defined by the Trafficking Victims Protection Act (TVPA) of 2000. In addition to housing, funding will also provide supportive services to allow victims to: 1) locate and secure permanent housing; 2) secure employment; and 3) integrate back into the community by providing services such as: transportation, counseling, childcare services, and other services.

CCAEA will partner with STAND! for Families Free of Violence and Contra Costa County Health Services Department (Transitional Living Program) to deliver the activities outlined in the application to the OVC. Additional partners may be identified and added as needed.

Pros and cons of request:

Pros:

- Provide funds to cover bed night (shelter) costs, staff housing and supportive services to victims of human trafficking.
- Develop and implement strategies to help victims of human trafficking find long-term housing and integrate into the community

Cons:

- Sustainability of program funding beyond end of grant term, April 30, 2023.

CONSEQUENCE OF NEGATIVE ACTION:

Without funding, County will continue to face an increasing number of human trafficking victims who are without housing options and will be at a high risk for going back to trafficking.



Contra
Costa
County

To: Contra Costa County Fire Protection District Board of Directors
From: Lewis T. Broschard III, Chief, Contra Costa Fire Protection District
Date: February 4, 2020

Subject: FY 20 State Homeland Security Grant Program - Towable Generator

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Fire Chief, or designee, to apply for and accept grant funding from the Federal Emergency Management Agency, U.S. Department of Homeland Security, California Governor's Office of Emergency Services, State Homeland Security Grant Program (SHSGP), in an amount not to exceed \$96,000, for the purchase of a towable emergency power generator.

FISCAL IMPACT:

The Contra Costa County Fire Protection District (District) could receive up to \$96,000 in federal funds if awarded. No County cost.

BACKGROUND:

The California Governor's Office of Emergency Services (Cal OES) is responsible for designing and implementing homeland security initiatives and ensuring that the state is ready to protect lives and property by effectively preparing for, preventing, responding to, and recovering from all threats, crimes, hazards, and emergencies. To help fulfill this mission, Cal OES administers a pass-through program of federal homeland security grant funds to local public agencies through California. This program is critical to maintaining the quality and quantity of homeland

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

Contact: Lewis Broschard, Fire Chief
(925) 941-3300

By: Laura Cassell, Deputy

cc:

BACKGROUND: (CONT'D)

security initiative programs provided within the County.

The District is seeking approval to apply for the State Homeland Security Grant Program (SHSGP) to purchase a towable 125 kilowatt emergency power generator. The generator will provide the District and its operational area's critical infrastructure with emergency power in future instances of power failure or Public Safety Power Shutoffs.



**Contra
Costa
County**

To: Contra Costa County Fire Protection District Board of Directors
From: Lewis T. Broschard III, Chief, Contra Costa Fire Protection District
Date: February 4, 2020

Subject: FY 20 State Homeland Security Grant Program - Radio Cache

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Fire Chief, or designee, to apply for and accept grant funding from the State Homeland Security Grant Program (SHSGP), in an amount not to exceed \$141,600, for the purchase of a portable radio cache.

FISCAL IMPACT:

The Contra Costa County Fire Protection District (District) could receive up to \$141,600 in federal funds if awarded. There is no local agency cost sharing requirement.

BACKGROUND:

The California Governor's Office of Emergency Services (Cal OES) is responsible for designing and implementing homeland security initiatives and ensuring that the state is ready to protect lives and property by effectively preparing for, preventing, responding to, and recovering from all threats, crimes, hazards, and emergencies. To help fulfill this mission, Cal OES administers a pass-through program of federal homeland security grant funds to local public agencies through California. This program is critical to maintaining the quality and quantity of homeland security initiative programs provided within the County.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

Contact: Lewis Broschard, Fire Chief,
925-941-3300

By: Laura Cassell, Deputy

cc:

BACKGROUND: (CONT'D)

The District is seeking approval to apply for the State Homeland Security Grant Program (SHSGP) to purchase twelve (12) portable radios. This purchase will provide the District with a cache of radios that will be available for use by additional personnel assisting in major events.



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Grant Agreement #29-544-6 with U.S. Department of Housing and Urban Development

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Grant Agreement #29-544-6 (CA1747L9T051800) with the U.S. Department of Housing and Urban Development (HUD), for McKinney-Vento Act funds, to pay County an amount not to exceed \$427,033, for the County's Continuum of Care Project to provide housing and support services for homeless individuals, for the period from December 1, 2019 through November 30, 2020.

FISCAL IMPACT:

Approval of this agreement will result in an amount not to exceed \$427,033, payable to the County from HUD McKinney-Vento Act funds for County's Continuum of Care Project. A 25% County match is required.

BACKGROUND:

The Contra Costa Continuum of Care (CoC), through its Inter-jurisdictional Council on Homelessness, was awarded funds for CoC Planning. The CoC's planning needs and proposed activities include: 1) Evaluating the outcomes of CoC and ESG funded projects; 2) Preparing and submitting an application to HUD on behalf of the entire Continuum of Care membership; 3) Conducting a sheltered and unsheltered

APPROVE OTHER
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Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

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VOTE OF SUPERVISORS

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Federal D. Glover, District V Supervisor

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Lavonna Martin
925-608-6701

BACKGROUND: (CONT'D)

point-in-time count; and 4) Monitoring recipients and sub-recipients and enforcing compliance with CoC program requirements. The CoC's Executive Committee, with the CoC coordinator, will coordinate and implement the activities. This will improve the members' ability to comply with current and new McKinney-Vento regulations related to their funding from HUD.

Approval of Grant Agreement #29-544-6 will allow the County to continue to receive funding for the Continuum of Care project through November 30, 2020.

CONSEQUENCE OF NEGATIVE ACTION:

If this award is not accepted, the County will not receive funding to support the Continuum of Care project.

ATTACHMENTS



**Contra
Costa
County**

To: Board of Supervisors
From: Marc Shorr, Chief Information Officer
Date: February 4, 2020

Subject: Authorize Purchasing Agent to Issue Purchase Order with Integrated Archive Systems for Rubrik Backup Solution

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Department of Information Technology, to execute a purchase order with Integrated Archive Systems in the amount not to exceed \$739,548.61 to procure backup appliances and support for the period of February 1, 2020 through January 31, 2023.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

- AYE:
- John Gioia, District I Supervisor
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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Marc Shorr
925-608-4071

cc:

RECOMMENDATION(S): (CONT'D)

>

FISCAL IMPACT:

The contract first year payment of \$375,802.80 is covered in DoIT's 2019-2020 fiscal budget through venture capital funding. Maintenance for years two and three in the amount of \$181,872.91 will be incorporated into DoIT's annual budget.

BACKGROUND:

DoIT will purchase the Rubrik backup solution, through reseller Integrated Archive Systems. DoIT's current backup appliances have reached their end of life and are becoming unreliable. DoIT, in conjunction with other County departments represented on the County's ITAC committee, evaluated new vendors to provide a replacement and Rubrik was recommended as the new county standard. This purchase includes three years of maintenance and support. Under the support agreement, the County is obligated to indemnify Rubrik for County breach of the agreement.

The license and support will be governed by the County's existing end user license agreement with Rubrik through Employment and Human Services.

CONSEQUENCE OF NEGATIVE ACTION:

The County departments supported by DoIT will be at risk of not meeting standards for security, performance, reliability, and cost effectiveness. Additionally, this technology will improve the County's ability to protect and recover its intellectual assets in the event of a cyber-attack.



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: February 4, 2020

Subject: APPROVAL OF CONTRACT FOR PROFESSIONAL SERVICES

RECOMMENDATION(S):

APPROVE AND AUTHORIZE the County Counsel, or designee, to execute, on behalf of the County, a contract with Baker & O'Brien, Inc., in an amount not to exceed \$700,000 to provide refining industry analyses in connection with refinery property tax appeals, for the period from January 1, 2020 through December 31, 2020.

FISCAL IMPACT:

100% General Fund. The cost of this contract will be partially offset by revenue generated by Property Tax Administration Charges.

BACKGROUND:

Baker and O'Brien, Inc. is a consultant for refinery industry analyses, and provides the County with specialized consulting services with respect to the refining industry and refineries in defending actual and anticipated assessment appeals, which challenge the valuations of the taxable property of refineries in Contra Costa County. These appeals typically place several billion dollars of valuation in issue. Assistance is required because valuations of refineries are highly technical, requiring specialized knowledge that only industry experts have. The Assessor concurs with and supports this recommendation.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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ATTESTED: February 4, 2020

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

Contact: Kathleen S. Kizer, Deputy County Counsel, 925-335-1800

By: Laura Cassell, Deputy

CONSEQUENCE OF NEGATIVE ACTION:

If the contract is not approved, there is a greatly increased possibility of very significant but presently unquantifiable impacts due to adverse decisions by the Assessment Appeals Board on large refinery valuation disputes.



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 4, 2020

Subject: Approve a Purchase Order with George Reed, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Public Works Director, a purchase order with George Reed, Inc., in an amount not to exceed \$2,000,000 for aggregate and rock products for the Road Surface Treatment Program, for the period February 1, 2020 through January 31, 2024, Countywide.

FISCAL IMPACT:

100% Local Road Funds

BACKGROUND:

The placement of chip seal to resurface County roads is a long-established preventative maintenance practice. A chip seal increases the asphalt pavement life by an extra 7 to 10 years before another surface treatment is needed. This purchase order is to supply aggregate and rock product for the Road Surface Treatment Program. As bid on BidSync No. 1905-350, George Reed, Inc. has been awarded this commodity for a two-year term with two possible one-year extensions.

CONSEQUENCE OF NEGATIVE ACTION:

If this request is not approved, aggregate and rock product will not be procured through George Reed, Inc.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Chris Lau,
925-313-7002

cc:



Contra
Costa
County

To: Board of Supervisors
From: Marc Shorr, Chief Information Officer
Date: February 4, 2020

Subject: Restore Critical Services and Purchase Software Licenses for the County Library

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Information Officer, or designee, to move forward with an emergency purchase for the County Library in an amount not to exceed \$475,000, to restore critical services and implement a secure email environment by doing the following:

- Engage Microsoft Incident Response Team to remediate and perform recovery work from the ransomware attack on the Library's network.
- Procure Office 365 licensing for the Library staff, so they are in a more secured email environment.

FISCAL IMPACT:

The cost for Microsoft Incident Response Team is \$125,000 for the first week and \$112,000 for an additional week if necessary. The cost for migrating the Library to Microsoft Office 365 is as follows:

- \$28,000 for remainder of year 1 Enterprise Agreement
- \$105,000 for year 2
- \$105,000 for year 3

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Marc Shorr
925-608-4071

BACKGROUND:

On January 3, 2020, the Library sustained a Ransomware attack on their administrative network. Library staff are unable to access any files stored on their servers. The attack also affected their ability to receive and send email. In addition, the Wi-Fi network was damaged, making it inaccessible to staff and citizens utilizing Library locations. The Microsoft Incident Response Team will assist DoIT in its investigative process and restore the Library's infrastructure back to a healthy state. The next step will be to migrate Library staff to Office 365, which will give them the ability to utilize email and increase both the security and resilience of their business files.

CONSEQUENCE OF NEGATIVE ACTION:

The Library's infrastructure would be at risk of another possible attack. Critical Services would take longer to restore, causing further service impacts to citizens.



Contra
Costa
County

To: Board of Supervisors
From: Beth Ward, Animal Services Director
Date: February 4, 2020

Subject: Purchase Order with Covetrus North America

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Animal Services Director, a purchase order with Covetrus North America in an amount not to exceed \$500,000 for veterinary pharmaceutical supplies and chemicals for the Animal Services Department, for the period January 1, 2020 through June 30, 2021.

FISCAL IMPACT:

Upon approval of this action, the department estimates costs to be \$327,000 per year. These expenses will be funded 37% by User Fees, 54% by City Revenues and 9% by County General Fund.

BACKGROUND:

The department's in-house veterinary medical program requires access to a large variety of pharmaceutical and chemical supplies for the thousands of animals it cares for each year. The Purchasing Department conducted a formal competitive Request for Proposal (RFP) bid process in 2019 on behalf of Animal Services and awarded Covetrus North America the purchase order for FY 2019/2020 and FY 2020/2021.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve this action would impact the department's capacity to provide mandated veterinary medical care for sick and injured animals in the County's two shelters (Pinole and Martinez).

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
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Federal D. Glover, District V Supervisor

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Arturo Castillo
925-608-8470

cc:



Contra
Costa
County

To: Board of Supervisors
From: Todd Billeci, County Probation Officer
Date: February 4, 2020

Subject: Gift Cards for the Probation Department's Evidence Based Incentives Program

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Probation Department, to purchase one hundred twenty-five (125) Wal-Mart gift cards in an amount of \$10 each, one hundred twenty-five (125) Target gift cards in an amount of \$10 each, two hundred fifty (250) Wal-Mart gift cards in an amount of \$5 each, and two hundred fifty (250) Target gift cards in an amount of \$5 each, for a grand total of \$5,000 to use to support the Probation Department's Evidence Based Incentives Program for adult and juvenile probationers who have attained rehabilitative goals.

FISCAL IMPACT:

50% SB678 State Revenue; 50% County General Fund

BACKGROUND:

The Probation Department has implemented an Evidence Based Practices (EBP) cognitive behavioral program called "Core Correctional Practices (CCP)" as part of an EBP redesign. CCP focuses on training Deputy Probation Officers to utilize effective communication and rehabilitative interventions with individuals on probation to effect positive behavioral change. The Department has created a behavioral management system that offers defined sanctions, incentives and interventions

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Danielle Fokkema,
925-313-4195

cc:

BACKGROUND: (CONT'D)

which are responsive to the individual risk and needs of the probationer. Incentives, such as gift cards, have been proven to be a positive motivator for sustained behavioral change and a necessary component to a successful behavior management system. Scientific evidence has shown, much like sanctions, rewards must match the level of achievement, thus requiring the Department to implement appropriate, low and moderate rewards.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Department will not be able to provide these incentives to individuals on probation which will have an impact on the overall fidelity of the behavior management system and the ability to reward probationers for meeting their rehabilitative goals.



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: February 4, 2020

Subject: Contract Amendment with FCS International Incorporated to Continue Work on the EIR for the Del Hombre Apartment Project in the Walnut Creek Area

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract amendment with FCS International, Inc. (dba FirstCarbon Solutions/Michael Brandman Associates), to increase the payment limit by \$54,867 to a new payment limit of \$353,986 to complete the environmental study of the proposed 284-unit Del Hombre apartment complex in Walnut Creek.

FISCAL IMPACT:

No impact to the General Fund. The cost for preparing the EIR (Environmental Impact Report) is paid by the project applicant.

BACKGROUND:

The Department of Conservation and Development (DCD) received an application from 3000 Del Hombre Holdings, LLC requesting approval of a General Plan Amendment, Rezoning, Minor Subdivision, and Development Plan for a proposed 284-unit apartment project in the Walnut Creek area to be known as the Del Hombre Apartments.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Jennifer Cruz, (925)
674-7790

cc:

BACKGROUND: (CONT'D)

Based on the scope and scale of the project, the Department determined that an Environmental Impact Report (EIR) should be prepared in order to evaluate the potential environmental impacts of the project. The County awarded a contract to FCS (Contract #46393), who is currently in the process of preparing the document. Due to the number of comments received during the Draft EIR public comment period, additional work and additional funds will be required to complete the Final EIR. The increased expenditure limit of \$54,867 is needed to complete the remaining tasks for the environmental review.

CONSEQUENCE OF NEGATIVE ACTION:

If unapproved, DCD will be unable to complete the environmental review for the pending land development application.



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Amendment #27-963-3 with Insight Digestive Health Care

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract Amendment Agreement #27-963-3 with Insight Digestive Health Care, a general partnership, effective March 1, 2020, to amend Contract #27-963-2, to add anesthesiology services for Contra Costa Health Plan (CCHP) Members, with no increase in the payment limit of \$600,000, and no change in the original term of January 1, 2019 through December 31, 2020.

FISCAL IMPACT:

This amendment is funded by 100% CCHP Enterprise Fund II. (Additional rates)

BACKGROUND:

On December 18, 2018, the Board of Supervisors approved Contract #27-963-2 with Insight Digestive Health Care for the provision of gastroenterology services for CCHP Members, for the period January 1, 2018 through December 31, 2020.

Approval of Contract Amendment Agreement #27-963-3 will allow the Contractor to provide additional anesthesiology services for CCHP Members through December 31, 2020.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Sharron Mackey,
925-313-6104

CONSEQUENCE OF NEGATIVE ACTION:

If this amendment is not approved, certain specialized health care services for CCHP members will not be provided.



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Contract #26-305-37 with Vista Staffing Solutions, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #26-305-37 with Vista Staffing Solutions, Inc., a corporation, in an amount not to exceed \$450,000, to provide temporary locum tenens physicians at Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Centers, for the period from December 1, 2019 through November 30, 2022.

FISCAL IMPACT:

This contract is funded 100% by Hospital Enterprise Fund I. (Rate Increase)

BACKGROUND:

On March 28, 2017, the Board of Supervisors approved Contract #26-305-36, with Vista Staffing Solutions, Inc., for the provision of locum tenens physicians to work as temporary employees to ensure appropriate medical staff coverage at CCRMC and Health Centers for the period from December 1, 2016 through November 30, 2019.

Approval of Contract #26-305-37 will allow the Contractor to continue providing temporary locum tenens physicians at CCRMC and Health Centers through November 30, 2022.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
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Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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

ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Samir Shah, M.D.,
925-370-5475

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County will not have access to Contractor's services.

ATTACHMENTS



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Contract #24-716-2 with Resource Development Associates, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #24-716-2 with Resource Development Associates, Inc., a corporation, in an amount not to exceed \$413,970, to provide consultation and technical assistance with regard to County's Assisted Outpatient Treatment (AOT), Assertive Community Treatment (ACT) and Forensic Assertive Community Treatment (FACT), for persons with serious mental illness (SMI) who demonstrate resistance to voluntarily participating in services offered and who are involved with the criminal justice system, for the period from December 1, 2019 through June 30, 2023.

FISCAL IMPACT:

This Contract is funded 100% by State Mental Health Services Act (MHSA). (Rate increase)

BACKGROUND:

This Contract meets the social needs of County's population by providing assistance to the Behavioral Health Administration with various programs within the Assembly Bill (AB) 1421 or Laura's Law such as AOT under MHSA. Treatment is provided using ACT and FACT models in the community on an outpatient basis. AOT is a civil court ordered mental health treatment based on its minimum required

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

Contact: Suzanne Tavano, Ph.D.,
925-957-1812

By: Laura Cassell, Deputy

BACKGROUND: (CONT'D)

treatment standards of ACT for persons with serious mental illness who demonstrate that they are resistant to voluntarily participating in services that have been offered. FACT is a service delivery model intended for individuals with SMI who are involved with the criminal justice system.

Under Contract #24-716-2, Contractor will provide consultation and technical assistance to the Department with regard to County's AOT, ACT and FACT, for intensive and highly integrated outpatient treatment for individuals whose symptoms of mental illness result in serious functioning difficulties in several areas of life, including work, social relationships, residential independence, money management, physical health and wellness through June 30, 2023.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, contractor will not provide consultation and technical assistance for AOT, ACT and FACT cited by AB 1421.

ATTACHMENTS



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Contract #77-016-2 with Mauricio Kuri, M.D., P.C.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #77-016-2 with Mauricio Kuri, M.D., P.C., a professional corporation, in an amount not to exceed \$225,000, to provide plastic and reconstructive surgery services to Contra Costa Health Plan (CCHP) members, for the period from April 1, 2020 through March 31, 2022.

FISCAL IMPACT:

This Contract is funded 100% by CCHP Enterprise Fund II. (Rate increase)

BACKGROUND:

On March 27, 2018, the Board of Supervisors approved Contract #77-016-1 with Mauricio Kuri, M.D., P.C., for the provision of plastic and reconstructive surgery services for CCHP members, for the period from April 1, 2018 through March 31, 2020.

Approval of Contract #77-016-2 will allow the Contractor to continue providing plastic and reconstructive surgery services for CCHP members through March 31, 2022.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, certain specialty health care services for its members under the terms of their Individual and Group Health Plan membership contracts with the County will not be provided.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Sharron Mackey,
925-313-6104

cc: Marcy Wilhelm, Kimberley Mullen



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Contract #27-733-8 with Muhammad Raees, M.D.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #27-733-8 with Muhammad Raees, M.D., an individual, in an amount not to exceed \$525,000 to provide pulmonary services to Contra Costa Health Plan (CCHP) members for the period from March 1, 2020 through February 28, 2022.

FISCAL IMPACT:

This Contract is funded 100% by CCHP Enterprise Fund II. (Rate increase)

BACKGROUND:

On January 16, 2018, the Board of Supervisors approved Contract #27-733-7, with Muhammad Raees, M.D., for the period from March 1, 2018 through February 29, 2020, for the provision of pulmonary services to CCHP members.

Approval of Contract #27-733-8 will allow Contractor to continue to provide pulmonary services through February 28, 2022.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, certain specialized health care services for its members under the terms of their Individual and Group Health Plan membership contracts with the County will not be provided.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
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Karen Mitchoff, District IV Supervisor
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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Sharron Mackey,
925-313-6104

cc: Marcy Wilhelm, Kimberley Mullen



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Contract #26-777-7 with Stephen Arnold, M.D.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #26-777-7 with Stephen Arnold, M.D., an individual, in an amount not to exceed \$1,318,000, to provide cardiology services for Contra Costa Regional Medical Center (CCRMC) and Health Centers patients, for the period March 1, 2020 through February 28, 2023.

FISCAL IMPACT:

This Contract is funded 100% Hospital Enterprise Fund I. (Rate increase)

BACKGROUND:

On February 7, 2017, the Board of Supervisors approved Contract #26-777-3 (as amended by Contract Amendment Agreement #26-777-4 through #26-777-6) with Stephen Arnold, M.D., to provide cardiology services, including consultation, training, medical and surgical procedures for CCRMC and Health Centers patients for the period from March 1, 2017 through February 29, 2020.

Approval of Contract #26-777-7 will allow Contractor to continue to provide cardiology services through February 28, 2023.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, County's patients will not have access to Contractor's services.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Samir Shah, MD,
925-370-5525



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Contract #26-508-11 with Liam Keating, M.D.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #26-508-11 with Liam Keating, M.D., an individual, in an amount not to exceed \$1,098,000 to provide otolaryngology services at Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Centers, for the period from March 1, 2020 through February 28, 2023.

FISCAL IMPACT:

This Contract is funded 100% by Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On February 12, 2019, the Board of Supervisors approved Contract #26-508-10 with Liam Keating, M.D., to provide otolaryngology services, including but not limited to; consultation, training, clinic coverage and on-call services at CCRMC and Health Centers, for the period from March 1, 2019 through February 29, 2020.

Approval of Contract #26-508-11 will allow the Contractor to continue to provide otolaryngology services through February 28, 2023.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
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Federal D. Glover, District V Supervisor

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

By: Laura Cassell, Deputy

Contact: Samir Shah, M.D.,
925-370-5525

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, Contractor will not be able to provide otolaryngology services at CCRMC and Contra Costa Health Centers.



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Contract #26-792-7 with Edward Y. Tang, M.D., Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #26-792-7 with Edward Y. Tang, M.D., Inc., a professional corporation, in an amount not to exceed \$1,230,000, to provide orthopedic services at Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Centers, for the period from March 1, 2020 through February 28, 2023.

FISCAL IMPACT:

This Contract is funded 100% by Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:

On February 12, 2019, the Board of Supervisors approved Contract #26-792-6 with Edward Tang, M.D., Inc., for the provision of orthopedic services including, consultation, training, on-call coverage and medical/surgical procedures, at CCRMC and Contra Costa Health Centers, for the period from March 1, 2018 through February 29, 2020.

Approval of Contract #26-792-7 will allow the Contractor to continue to provide orthopedic services at CCRMC and Contra Costa Health Centers, through February 28, 2023.

CONSEQUENCE OF NEGATIVE ACTION:

If this Contract is not approved, Contractor will not provide orthopedic services at CCRMC and Contra Costa Health Centers.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Samir Shah, M.D.,
925-370-5475



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Contract #77-260 with Creekside Operating Company, LP (dba Creekside Healthcare Center)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #77-260 with Creekside Operating Company, LP (dba Creekside Healthcare Center), a limited liability partnership, in an amount not to exceed \$400,000, to provide skilled nursing services for Contra Costa Health Plan (CCHP) Members for the period March 1, 2020 through February 28, 2021.

FISCAL IMPACT:

This Contract is funded 100% by CCHP Enterprise Fund II.

BACKGROUND:

Under Contract #77-260, the Contractor will provide skilled nursing services for CCHP Members for the period March 1, 2020 through February 28, 2021.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, CCHP Members will not receive the benefits of skilled nursing services from the Contractor.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Sharron Mackey,
925-313-6104



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Purchase Order with Beckman Coulter, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase Order with Beckman Coulter, Inc., in an amount not to exceed \$1,500,000 for the rental of immunoassay analyzers, supplies, and reagents for the Clinical Laboratory at the Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Centers, for the period from May 15, 2020 through May 14, 2021.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I budget.

BACKGROUND:

CCRMC Clinical Laboratory needs to rent immunoassay analyzers as well as purchasing Remisol middleware, supplies, and reagents for the analyzers. The Clinical Laboratory and CCRMC use the analyzers to perform various chemistry tests for Contra Costa Health Center patients.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, then the Clinical Laboratory will be unable to perform critical patient testing thus impacting patient care and safety.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Jaspreet Benepal,
925-370-5101



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Purchase Order with Arthrex, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, a purchase order with Arthrex, Inc., in an amount not to exceed \$870,000 for the purchase of instruments, supplies, and medical devices for the Contra Costa Regional Medical Center (CCRMC), for the period from February 1, 2020 through January 31, 2022.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I budget.

BACKGROUND:

CCRMC obtains instruments, surgical supplies, and medical devices from Arthrex, Inc. used when providing orthopedic surgical services to its patients.

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, CCRMC will not be able to meet the surgical needs of its orthopedic patients.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Jaspreet Benepal,
925-370-5100



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 4, 2020

Subject: Purchase Order with Watermark Medical, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Health Services Director, an amendment to Purchase Order #F17927 with Watermark Medical, Inc., to increase the payment limit by \$100,000 to a new payment limit of \$626,000 to expand Home Sleep Study services at West County Health Center, with no change in the term of September 1, 2019 through August 31, 2021.

FISCAL IMPACT:

100% funding is included in the Hospital Enterprise Fund I budget.

BACKGROUND:

Watermark Medical, Inc. supplies equipment and supplies for Home Sleep Studies, and provides complete and accurate reports so physicians can make treatment decisions for patients with sleep related breathing disorders. This supports the PRIME initiative of preventing frequent readmissions related to untreated sleep disordered breathing by decreasing complications of patients who are successfully treated. Additional funds are necessary to add services, supplies, and rental of monitors to the West County Health Center.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Jaspreet Benepal,
925-370-5101

CONSEQUENCE OF NEGATIVE ACTION:

If this Purchase Order is not approved, the Health Services Department will be unable to provide Home Sleep Study testing to patients being treated at the West County Health Center. The result would be increased costs due to having to send all testing to an external provider, longer turnaround time for testing, and longer overall wait times to establish a treatment plan.



Contra
Costa
County

To: Board of Supervisors
From: Denise Rojas, Interim Risk Manager
Date: February 4, 2020

Subject: Contract with Contra Costa County Schools Insurance Group (CCCSIG)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Risk Management to execute a contract with Contra Costa County Schools Insurance Group in an amount not to exceed \$198,500 to perform medical billing reviews for the period effective January 1, 2020 through December 31, 2020.

FISCAL IMPACT:

100% funded by the Workers' Compensation Internal Service Fund.

BACKGROUND:

Contra Costa County Schools Insurance Group (CCCSIG) and Contra Costa County Risk Management created a joint partnership public entities in 2003 so that CCCSIG could provide workers' compensation medical billing reviews for Risk Management at a lower annual review cost than the previous provider. This contract allows the County to continue receiving the same services at the lowest cost.

CONSEQUENCE OF NEGATIVE ACTION:

The County would not be able to maintain compliance of the California Department of Industrial Relations.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: Laura Cassell, Deputy

Contact: Risk Management
925-335-1400

cc:



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: February 4, 2020

Subject: Multifamily Housing Revenue Bonds TEFRA - Veterans Square in Pittsburg

RECOMMENDATION(S):

ADOPT Resolution No. 2020/25 authorizing the issuance of multifamily housing revenue bonds in an amount not to exceed \$18 million to finance the costs of the acquisition and construction of Veterans Square Apartments, a 30-unit residential rental housing development located at 901 Los Medanos Street (APN 085-182-001) and 295 E. 10th Street (APN 085-196-001) in the City of Pittsburg (the "Development"), including:

1. Finding and declaring that the recitals contained in the proposed Resolution are true and correct;
2. For purposes of Section 147(f) of the Internal Revenue Code of 1986, authorizing the issuance of Multifamily Housing Revenue Bonds (the "Bonds") to finance the costs of the acquisition and construction of the Development subject to Board of Supervisors approval of all documents related to the Bonds to which the County is a party;
3. Declare official intent to issue the Bonds for the Development;
4. Adoption of this resolution does not relieve or exempt the borrower from obtaining required permits or approvals, nor obligate the County to incur any obligation or provide financial assistance with respect to the Bonds or the Development; and

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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ATTESTED: February 4, 2020

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

By: Stephanie Mello, Deputy

Contact: Kristen Lackey, (925)
674-7793

cc:

RECOMMENDATION(S): (CONTD)

5. Authorizing and directing any authorized officer of the County to do any and all things, take any and all actions, and execute and deliver any and all certificates, agreements, and other documents, which the officer may deem necessary or advisable in order to effectuate the intent of the Resolution.

FISCAL IMPACT:

The requested action will have no impact on the General Fund. In the event that the bonds are issued, the County is reimbursed for costs incurred in the issuance process. Annual expenses for monitoring of Regulatory Agreement provisions are provided for in the bond issue. The bonds will be secured solely by revenues (e.g. rents, reserves, etc.) pledged under the bond documents. No County funds are pledged to secure the bonds.

BACKGROUND:

Contra Costa County, through the Conservation and Development Department, operates a multifamily housing revenue bond financing program. The purpose of the program is to increase or preserve the supply of affordable rental housing available to lower income households and very low income households. The County program may be undertaken within the unincorporated County and within the cities. The proposed financing would implement County policies to increase the supply of affordable housing.

The recommended action is the adoption of a Tax Equity and Fiscal Responsibility Act (TEFRA) Resolution by the Board, as the legislative body of the County, declaring the County's intent to issue the bonds and authorizing the issuance of Multifamily Housing Revenue Bonds, which will be used to finance the acquisition and construction of Veterans Square Apartments, a 30-unit rental housing development located at 901 Los Medanos Street (APN 085-182-001) and 295 E. 10th Street (APN 085-196-001) in Pittsburg. The Board of Supervisors previously allocated approximately \$2.2 million in HOME Investment Partnerships Program funds for Veterans Square and approved the County submission of an application to the State for \$3.6 million in No Place Like Home funds. On December 17, 2019, the Board of Supervisors approved a Reimbursement Resolution (No. 2019/665, Item C.66) for this prospective issuance of bonds.

Veterans Square, L.P. will be the ownership entity of the project. The partnership consists of Satellite Affordable Housing Associates, or an affiliate, as the managing general partner and a to-be-named tax credit equity investor. The partnership proposes the use of housing revenue bonds to develop and construct the development with 29 units of affordable housing plus one manager's unit. Fifteen units will be reserved for households with incomes at or below 50% of the area median income and fourteen units will be reserved at or below 30% of the area median income.

The main purpose of the proposed Resolution is to acknowledge that a public hearing was held by the Affordable Housing Program Manager on January 21, 2020, with no public comment, and to meet other bond issuance requirements, which are specified in Section 147(f) of the Internal Revenue Code. The proposed bonds cannot be issued until a separate, future resolution is adopted by the Board of Supervisors specifically authorizing the sale of the bonds. Such separate resolution to authorize the sale of bonds would come before the Board after receipt of an allocation from the State of California for Private Activity Bond Authority. An application for Private Activity Bond Authority was submitted to the California Debt Limit Allocation Committee on January 17, 2020. The expected timing for a Bond Sale Resolution would be July 2020.

The proposed resolution would not relieve the Borrower from obtaining other required permits or approvals required by law, nor obligate the County to incur any obligation or provide financial

assistance with respect to the Bonds or the Project. Annual expenses of the County related to the monitoring of the Regulatory Agreement are provided for in the bond issue.

CONSEQUENCE OF NEGATIVE ACTION:

Negative action would prevent the County from meeting the public approval requirement of the Internal Revenue Code for issuing the Bonds, and prior actions of officers and agents of the County would not be confirmed and ratified. As a result, Veterans Square, L.P. will not be able to commence with the process of applying to the California Debt Limit Allocation Committee for multifamily housing revenue bond authority through the County.

CHILDREN'S IMPACT STATEMENT:

The recommendation supports one or more of the following children's outcomes:

- (1) Children Ready for and Succeeding in School;
- (2) Children and Youth Healthy and Preparing for Productive Adulthood;
- (3) Families that are Economically Self Sufficient;
- (4) Families that are Safe, Stable and Nurturing; and
- (5) Communities that are Safe and Provide a High Quality of Life for Children and Families.

AGENDA ATTACHMENTS

Resolution 2020/25

Veterans Square TEFRA Proof of Publication

Veterans Square TEFRA Transcript

MINUTES ATTACHMENTS

Signed Resolution No. 2020/25

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

Adopted this Resolution on 02/04/2020 by the following vote:

		John Gioia
		Candace Andersen
AYE:	<input type="text" value="5"/>	Diane Burgis
		Karen Mitchoff
		Federal D. Glover
NO:	<input type="text"/>	
ABSENT:	<input type="text"/>	
ABSTAIN:	<input type="text"/>	
RECUSE:	<input type="text"/>	



Resolution No. 2020/25

Resolution Authorizing the Issuance of Multifamily Housing Revenue Bonds in an Aggregate Principal Amount not to Exceed Eighteen Million Dollars (\$18,000,000) for the Purpose of Providing Financing for Certain Multifamily Rental Housing Facilities Located in the City of Pittsburg, California.

WHEREAS, the County of Contra Costa (the "County") is authorized to issue multifamily housing revenue bonds pursuant to Section 52075 and following of the California Health and Safety Code; and

WHEREAS, the County desires to participate in financing costs of the acquisition and construction of 30 units of residential rental housing currently identified as Veterans Square Apartments to be located at 901 Los Medanos Street and 295 East 10th Street (County Assessor's Parcel Nos. 085-182,001-9 and 085-196,001) in the City of Pittsburg (the "Development"), which will be initially owned at the time of the financing by Veterans Square, L.P., a California limited partnership (the "Borrower"); and

WHEREAS, to assist in financing the Development, the County intends to sell and issue its multifamily housing revenue bonds (the "Bonds") and to loan the proceeds of the Bonds to the Borrower, thereby assisting in providing housing for low income persons; and

WHEREAS, in order for the interest on the Bonds to be tax-exempt, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that the issuance of the Bonds by the County be approved by an applicable elected representative body with respect to the Development following the conduct of a public hearing on the proposed financing; and

WHEREAS, the Board of Supervisors of the County of Contra Costa (the "Board") is the elected legislative body of the County and is one of the applicable elected representatives authorized to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, the Affordable Housing Program Manager of the Department of Conservation and Development of the County has, following notice duly given, held a public hearing regarding the financing of the Development and the issuance of the Bonds, and a summary of any oral or written testimony received at the public hearing has been presented to the Board of Supervisors for its consideration; and

WHEREAS, the Board now desires to approve the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Contra Costa, as follows:

Section 1. The Board hereby finds and declares that the foregoing recitals are true and correct.

Section 2. For purposes of Section 147(f) of the Code, the Board hereby authorizes the issuance of Bonds by the County to provide financing for costs of the Development. The sale and delivery of the Bonds shall be subject to the approval by the Board of all documents related to the Bonds to which the County is a party.

Section 3. The adoption of this Resolution does not (a) relieve or exempt the Borrower from obtaining any permits or approvals that are required by, or determined to be necessary from, the County in connection with the Development, nor (b) obligate the County to incur any obligation or provide financial assistance with respect to the Bonds or the Development.

Section 4. All actions heretofore taken by the officers and agents of the County with respect to the financing of the Development and the sale and issuance of Bonds are hereby approved, ratified and confirmed, and any authorized officer of the County is hereby authorized and directed, for and in the name and on behalf of the County, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents, which any such officer may deem necessary or advisable in order to effectuate the purposes of this Resolution.

Section 5. This Resolution shall take effect upon its adoption.

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

Contact: Kristen Lackey, (925) 674-7793

ATTESTED: February 4, 2020

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

By: Stephanie Mello, Deputy

cc:

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

Adopted this Resolution on 02/04/2020 by the following vote:

		John Gioia
		Candace Andersen
AYE:	<input type="checkbox"/> 5	Diane Burgis
		Karen Mitchoff
		Federal D. Glover
NO:	<input type="checkbox"/>	
ABSENT:	<input type="checkbox"/>	
ABSTAIN:	<input type="checkbox"/>	
RECUSE:	<input type="checkbox"/>	



Resolution No. 2020/25

Resolution Authorizing the Issuance of Multifamily Housing Revenue Bonds in an Aggregate Principal Amount not to Exceed Eighteen Million Dollars (\$18,000,000) for the Purpose of Providing Financing for Certain Multifamily Rental Housing Facilities Located in the City of Pittsburg, California.

WHEREAS, the County of Contra Costa (the "County") is authorized to issue multifamily housing revenue bonds pursuant to Section 52075 and following of the California Health and Safety Code; and

WHEREAS, the County desires to participate in financing costs of the acquisition and construction of 30 units of residential rental housing currently identified as Veterans Square Apartments to be located at 901 Los Medanos Street and 295 East 10th Street (County Assessor's Parcel Nos. 085-182,001-9 and 085-196,001) in the City of Pittsburg (the "Development"), which will be initially owned at the time of the financing by Veterans Square, L.P., a California limited partnership (the "Borrower"); and

WHEREAS, to assist in financing the Development, the County intends to sell and issue its multifamily housing revenue bonds (the "Bonds") and to loan the proceeds of the Bonds to the Borrower, thereby assisting in providing housing for low income persons; and

WHEREAS, in order for the interest on the Bonds to be tax-exempt, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that the issuance of the Bonds by the County be approved by an applicable elected representative body with respect to the Development following the conduct of a public hearing on the proposed financing; and

WHEREAS, the Board of Supervisors of the County of Contra Costa (the "Board") is the elected legislative body of the County and is one of the applicable elected representatives authorized to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, the Affordable Housing Program Manager of the Department of Conservation and Development of the County has, following notice duly given, held a public hearing regarding the financing of the Development and the issuance of the Bonds, and a summary of any oral or written testimony received at the public hearing has been presented to the Board of Supervisors for its consideration; and

WHEREAS, the Board now desires to approve the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Contra Costa, as follows:

Section 1. The Board hereby finds and declares that the foregoing recitals are true and correct.

Section 2. For purposes of Section 147(f) of the Code, the Board hereby authorizes the issuance of Bonds by the County to provide financing for costs of the Development. The sale and delivery of the Bonds shall be subject to the approval by the Board of all documents related to the Bonds to which the County is a party.

Section 3. The adoption of this Resolution does not (a) relieve or exempt the Borrower from obtaining any permits or approvals that are required by, or determined to be necessary from, the County in connection with the Development, nor (b) obligate the County to incur any obligation or provide financial assistance with respect to the Bonds or the Development.

Section 4. All actions heretofore taken by the officers and agents of the County with respect to the financing of the Development and the sale and issuance of Bonds are hereby approved, ratified and confirmed, and any authorized officer of the County is hereby authorized and directed, for and in the name and on behalf of the County, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents, which any such officer may deem necessary or advisable in order to effectuate the purposes of this Resolution.

Section 5. This Resolution shall take effect upon its adoption.

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

Contact: Kristen Lackey, (925) 674-7793

ATTESTED: February 4, 2020

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

Stephanie Mello
By: Stephanie Mello, Deputy



cc:

East County Times

3260 Lone Tree Way, Suite 100
Antioch, CA 94509
925-779-7115

3697629

QUINT & THIMMIG LLP
900 LARKSPUR LANDING, SUITE 270
LARKSPUR, CA 94939

PROOF OF PUBLICATION

In the matter of

East County Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the East County Times, a newspaper published in the English language in the City of Antioch, County of Contra Costa, State of California.

I declare that the East County Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated January 6, 1919, Case Number 8268 and modified January 19, 2006, Case Number N05-1494. Said decree states that the East County Times is adjudged to be a newspaper of general circulation for the City of Antioch, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

01/11/2020

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 15th day of January, 2020.



Signature

Legal No.

0006445592

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Affordable Housing Program Manager of the Contra Costa County Department of Conservation and Development on Tuesday, January 21, 2020 at the hour of 9:00 a.m., or as soon thereafter as the matter may be heard, in the offices of the Contra Costa County Department of Conservation and Development, 30 Muir Road, Martinez, California, will hold a public hearing in accordance with Section 147(f) of the Internal Revenue Code of 1986 with respect to the proposed issuance by the County of Contra Costa (the "County") of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$18,000,000, in order to finance costs of the acquisition and construction by Veterans Square, L.P., a California limited partnership, of 30 units of multifamily rental housing currently identified as Veterans Square Apartments to be located at 901 Los Medanos Street and 295 East 10th Street in the City of Pittsburg, California (the "Development"). All or a portion of the units in the Development will be rented to persons and families of very low or low income.

Notice is further given that at said hearing, all proponents and opponents of the Development will have an opportunity to be heard on the question as to whether or not such multifamily housing revenue bonds should be issued by the County and all interested parties will be given the opportunity to be heard. Written comments may also be submitted at or before the hearing to Kristen Lackey, Affordable Housing Program Manager of the Contra Costa County Department of Conservation and Development, 30 Muir Road, Martinez, California 94553.

Publish East County Times
ECT# 6445592 Jan. 11, 2020

TRANSCRIPT FOR THE TEFRA HEARING


January 21, 2020 9:00 a.m.

This noticed public hearing is required by Section 147(f) of the Internal Revenue Code of 1986, as amended. The hearing is on the proposed issuance by the County of Contra Costa of multifamily housing revenue bonds in an amount not to exceed Eighteen Million Dollars (\$18,000,000). Proceeds from the sale of the proposed bonds will be used to provide financing for costs of the acquisition and construction of 30 units of multifamily residential rental housing by Veterans Square, L.P., a California limited partnership. The housing units, currently identified as Veterans Square Apartments, will be located at 901 Los Medanos Street and 295 East 10th Street in the City of Pittsburg, California.

The Board of Supervisors may consider adoption of a resolution approving the issuance of the bonds on February 4, 2020. Any comments provided at this hearing will be made available to the Board of Supervisors prior to their taking action on February 4th or on such later date as the matter may be considered by the Board of Supervisors.

If there are parties present who wish to voice their opinion and provide comments on the proposed financing of the development or the issuance of the bonds, I would ask that they be recognized now by raising their hand. I will then let each person provide any written or oral testimony that they may wish to provide on this matter.

Opened hearing: 9:02 am
Speakers present: 0
Closed hearing: 9:17 am

By: 
Kristen Lackey,
Affordable Housing Program Manager,
Contra Costa County Department of
Conservation and Development

Date: 1/21, 2020



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: February 4, 2020

Subject: ACCEPT report on Employee Commute Survey, as Recommended by the Sustainability Committee

RECOMMENDATION(S):

ACCEPT report on the Employee Commute Survey, as recommended by the Sustainability Committee.

FISCAL IMPACT:

There is no financial impact to accept the report.

BACKGROUND:

As part of the ongoing Climate Action Plan Update, staff worked with 511 Contra Costa to conduct a survey of County employees regarding how they travel to and from work. This survey was conducted in July and August 2019. The survey found that most employees drive alone and are spending 40-45 minutes on average commuting each day. Two-thirds of County employees would consider alternatives for their work commute, particularly telecommuting and carpools. Primary factors that inform current commute choices are travel time, cost, and flexibility. While a small percentage of County employees taking the survey drive electric vehicles currently, over half are considering purchasing an electric vehicle, and 75 percent would like the County to install electric vehicle chargers at County facilities. The survey report is attached.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stephanie Mello, Deputy

Contact: Jody London,
925-674-7871

cc:

BACKGROUND: (CONT'D)

The survey finds that County employees, although supportive of adopting alternative commute modes, are not committing to these options because they are not as convenient as driving alone to and from work. In the comments portion of the survey, many respondents indicated that they would be interested in telecommuting options and carpool options. Such programs would be effective ways for the County to reduce greenhouse gas emissions from employee commute trips, the largest source of emissions from County operations. The report suggests that the County may want to explore options for telecommuting and workplace electric vehicle charging, as well as provide more information at the department level on commute alternative modes and incentives. The County policy on telecommuting was last updated in 1993. The report suggests the County may wish to revisit this policy in light of the survey results and current technological options.

The report also identifies areas for future research. The report suggests the County could further examine the data pertaining to electric vehicles, including perceived costs, range anxiety, adequate charging infrastructure, and other factors. Next steps may also include a cost-benefit analysis to compare the costs of electric vehicles or alternative commute modes to the drive-alone trips currently made by the majority of employees. This information could be used to help educate employees on the long-term cost and benefits of EV ownership or alternative commute modes.

The report also suggests the County could research opportunities for shuttles and other options that would facilitate employees using public transit. This research should include collaboration with other large employers in Martinez, such as Kaiser Permanente and the U.S. Veterans Administration Medical Center. Additional surveys, specific to the Martinez sites where the majority of County employees work, may be needed.

The Sustainability Committee discussed the Employee Commute Survey at its December 9, 2019 meeting. The Committee discussed some of the challenges it perceives with telecommuting, including that not all jobs lend themselves to telecommuting, and telecommuting policies would have to be negotiated with bargaining units. The Committee voted to forward the report to the Board for acceptance.

CONSEQUENCE OF NEGATIVE ACTION:

The Employee Commute Survey provides insight into why County employees overwhelmingly choose to drive alone to and from work, the largest source of greenhouse gas emissions from County operations. The Board can take steps to reduce these emissions by accepting the report and establishing a process to address how the County can reduce emissions and congestion from employee commutes.

CHILDREN'S IMPACT STATEMENT:

Reducing greenhouse gas emissions will lead to cleaner air, which has a positive impact on children's health.

ATTACHMENTS

2019 Employee Commute Survey

Contra Costa County Employee Commute Survey

REPORT
December 2019



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INTRODUCTION AND SUMMARY

INTRODUCTION

This report summarizes a survey conducted in July and August 2019 of Contra Costa County (County) employees regarding how they travel to and from work. The survey found that most employees drive alone and are spending 40-45 minutes on average commuting each day. Two-thirds of County employees would consider alternatives for their work commute, particularly telecommuting and carpools. Primary factors that inform current commute choices are travel time, cost, and flexibility. While a small percentage of County employees taking the survey drive electric vehicles currently, more than half are considering purchasing an electric vehicle, and 75 percent would like to the County to install electric vehicle chargers at County facilities.

In 2015, Contra Costa County adopted a Climate Action Plan (CAP) to set goals and identify solutions to reduce emissions of Greenhouse Gases (GHGs) and other harmful pollutants. The County's CAP supports then-current California legislation related to climate change, including AB 32 and SB 375, which directed state and local agencies to reduce GHG emissions.¹ The CAP supports a balanced transportation system including bicycle, pedestrian, transit, and carpooling facilities, transit, and parking demand management. This balance ensures that harmful environmental effects from the transportation sector can be addressed, and effective policies put in place.

As one of the largest employers in the county, it is imperative that County government understands transportation trends and the preferences of its employees, in order to adopt measures that will best support the use of alternative commute modes, including zero-emission vehicles.

The findings presented in this report were derived from a survey of Contra Costa County employees and was commissioned by the County. The questionnaire was designed by the County's Sustainability Office with input from 511 Contra Costa. The survey was administered by the County. 511 Contra Costa tabulated the data and prepared this report with further analyses and modifications by the County.

SUMMARY

The following conclusions were based on the analysis of 727 completed surveys.

Popular Commute Type by Mode

The most popular commute mode is driving alone to work. Of the 727 employees responding to the survey, 93 percent of respondents indicated that they drive alone to work. On average, employees live 18 miles from their place of employment.

Preference for Alternative Commute Options

More than 67 percent of respondents indicated that they would consider an alternative mode of commute and 73 percent cited that travel time is the greatest barrier to choosing an alternative mode of commuting. Many respondents shared that their alternative commute mode preferences would

¹ The County is in the process of updating its Climate Action Plan, concurrent with an update to its General Plan and Zoning Code. The updated CAP is expected to be adopted by the end of 2020.

include carpooling and telecommuting/ working from home. The survey included a comments section, where many of the respondents indicated that they would prefer telecommuting when possible.

Preference for Electric Vehicle Adoption

Only 4 percent of respondents currently drive electric vehicles. Of the respondents that answered the question about whether they would consider buying an electric vehicle, 57 percent of respondents answered positively. Of those respondents, more than 61 percent shared that their greatest barrier to purchasing an electric vehicle is the cost of the vehicle.

Findings, Additional Research and Next Steps

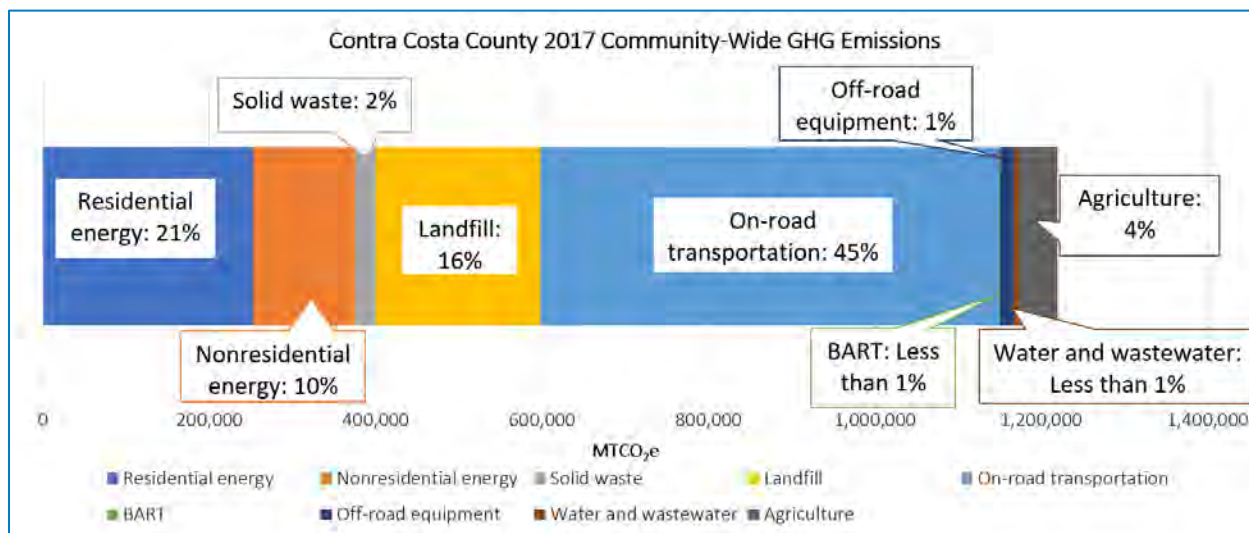
Capturing the zip codes for the trip origins and worksite addresses of employees in future surveys would provide further insight on the context for commute options, incentives, demand for electric vehicle charging, bicycle parking infrastructure, and transit stops near worksites.

The County could further examine the data pertaining to electric vehicles, including perceived costs, range anxiety, adequate charging infrastructure, and other factors. It may be beneficial to coordinate events for County employees to learn and share additional information on electric vehicle ownership. One such event can be a ride and drive event that brings people and electric vehicles together in an experience area. Additionally, more information can be shared with the public regarding the cost and cost savings of electric vehicles along with first-hand experience to dispel any misgivings about electrical vehicle ownership.

Based on the survey results and respondent comments, additional focus on County sites in Martinez, where the majority of County employees work, is warranted. Follow-up can focus on telecommuting for worksite or department-specific County employees, relocating employees to office sites closer to their homes and coordinating commute services with other large Martinez employers such as Kaiser Permanente and the U.S. Veterans Administration Medical Center.

WHY COMMUTE CHOICES MATTER FOR CLIMATE GOALS

In Contra Costa County, as in much of California, the transportation sector comprises 45 percent of community-wide greenhouse gas emissions. This is true for County employees, as well. Reducing travel in single-occupant vehicles that run on fossil fuels is important to achieving the County's climate goals.



PURPOSE OF ANALYSIS AND STUDY APPROACH

PURPOSE OF STUDY

To successfully fulfill the goals set in the Contra Costa County Climate Action Plan, and as one of the largest employer in the county, it is imperative for the County to understand how employee commutes contribute to GHG emissions and what barriers employees have cited that prevent them from using commute alternatives. In order to identify opportunities for encouraging more environmentally-friendly means of travel the County must understand employee travel preferences and have current information regarding the travel behaviors of its employees. By profiling employees' commute characteristics (distance, time, mode, alternative commute type etc.) this report will allow the County to plan for necessary infrastructure and incentives to encourage the use of alternative commute modes.

This survey gauges the need for electric charging infrastructure, and attitudes regarding the use of alternative commute modes to support the shift to zero emission-based transportation.

APPROACH

The County employs 9,478 people who report to various worksites located throughout the county. The electronic survey administered through Google Forms was distributed via email to every department on July 22, 2019 and closed on August 2, 2019. The survey instrument contained a total of 19 questions including the opportunity to provide comments. Additionally, participants who shared their email address were included in a prize drawing to win one of ten (10) \$20 BART tickets, provided by 511 Contra Costa.

COUNTY EMPLOYEE COMMUTER SURVEY GOALS AND OBJECTIVE

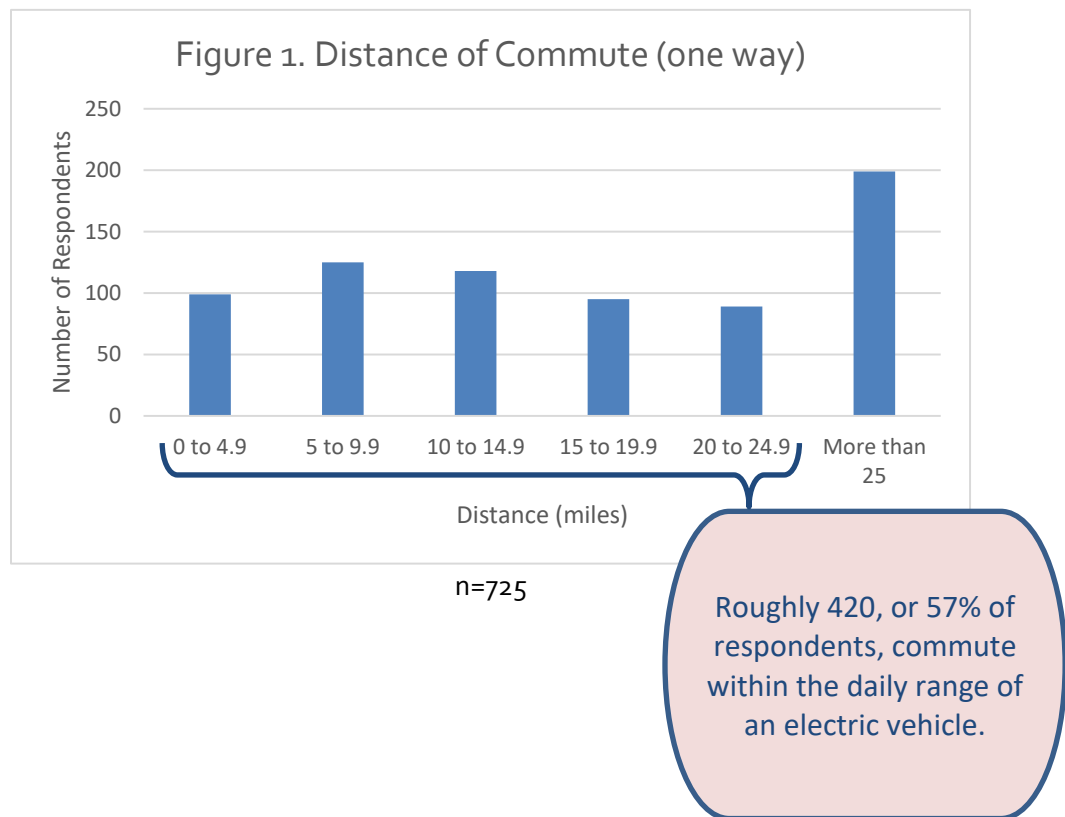
The County issued the survey mindful of the goals being considered for the ongoing update to the Contra Costa County Climate Action Plan. The survey was conducted to evaluate the current commute modes of County employees and to understand the barriers to adoption of alternative modes of transportation and electric vehicles.

FINDINGS

The survey was completed by 727 employees, representing a response rate of 7 percent. Some survey questions allowed multiple answers, and some attitudinal questions were optional.

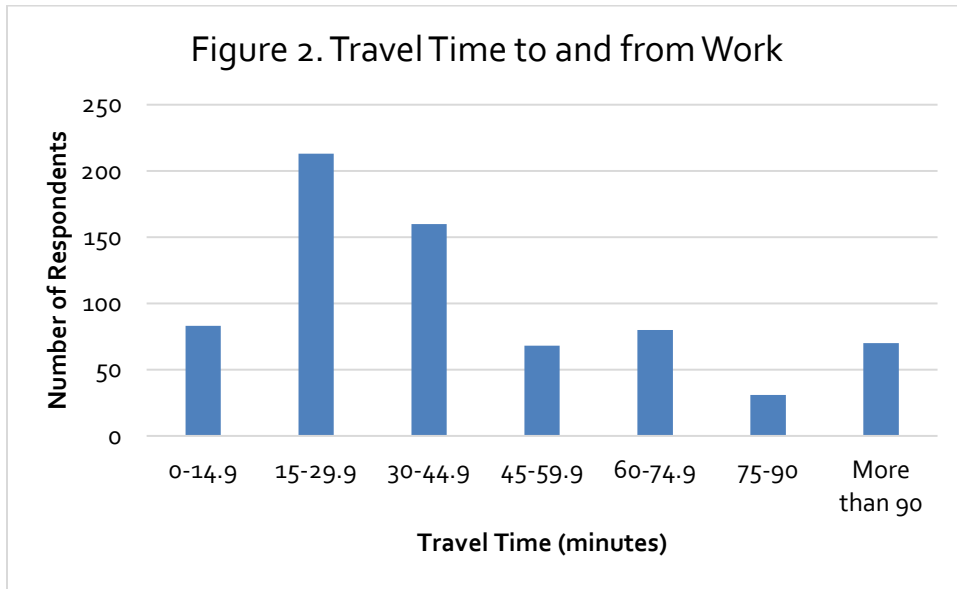
On average, what is the distance of your commute in miles (one way)?

Average commute distance: 18.4 miles



On average, how long is your travel time to get to and from work?

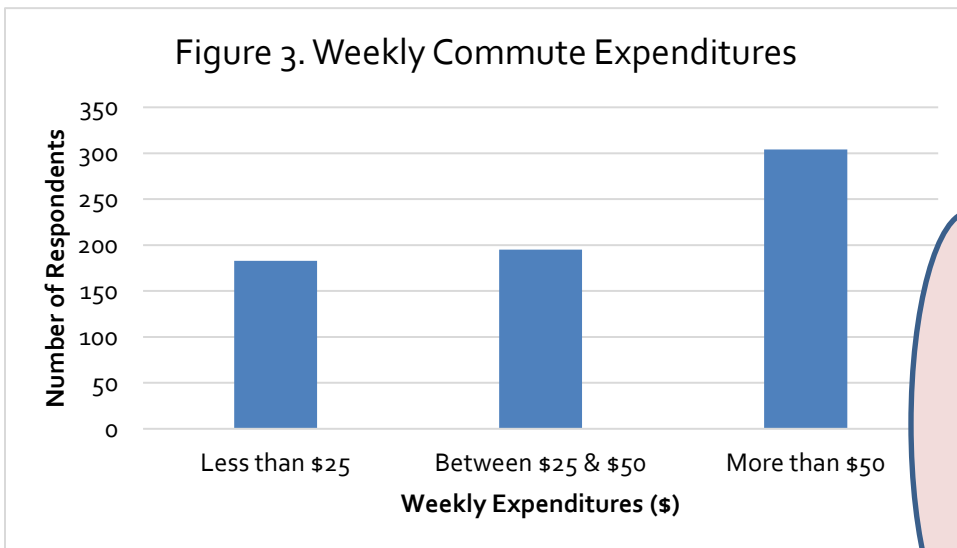
Average travel time to and from work: 40.45 minutes



n=705

On average, how much money do you spend on your commute weekly (including tolls, ferry passes, ride hailing apps, gas, public transit, bike costs, etc.)?

Average weekly commute costs: \$52.66



n=682

Cost of electric vehicle charging is roughly .049 per mile, or \$9.06 per week, based on the average 37-mile round trip.*

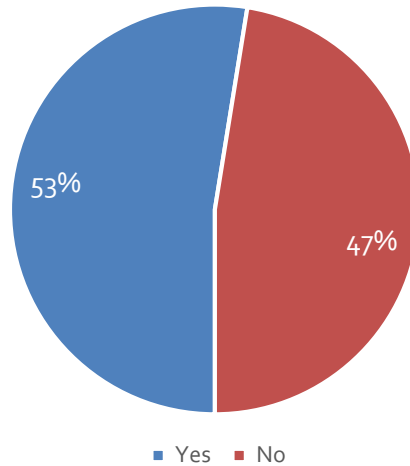
* Based on 2018 Nissan Leaf. 240V charger, costs are \$7.36 for a full 150-mile charge. This was arrived at by 40kWh battery size x electricity costs of .184 per kWh. $\$7.36 / 150 \text{ mile charge} = .049 \text{ per mile} \times 37\text{-mile daily round trip} \times 5 \text{ days} = \9.06 .

Do you have an alternate work schedule?

Yes: 53%

No: 47%

Figure 4. Alternate Work Schedule



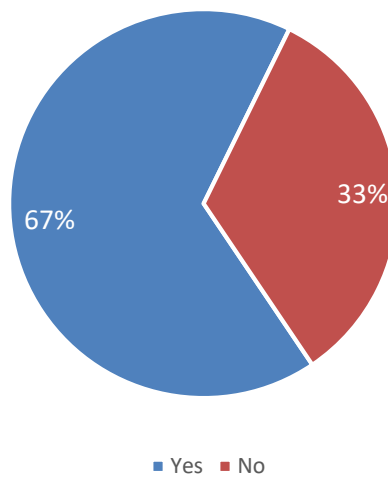
n=726

If you drive alone, would you consider an alternate commuting method where feasible?

Yes: 67%

No: 33%

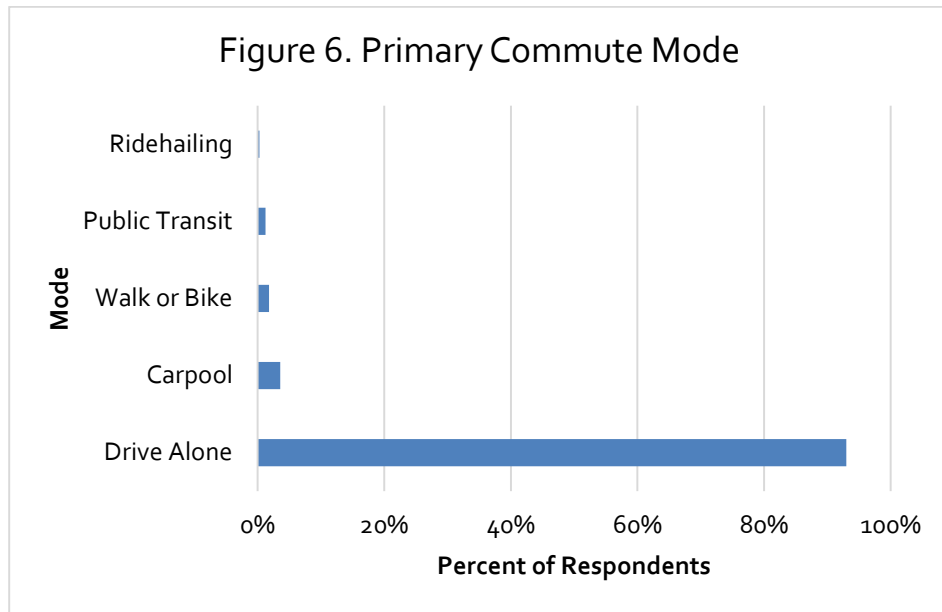
Figure 5. Consideration of Commute Alternative



n=697

What is your primary mode of transportation?

Drive Alone	93%
Carpool	4%
Walk or Bike	2%
Public Transit (Bus, BART, Amtrak)	1%
Ridehailing	0.3%



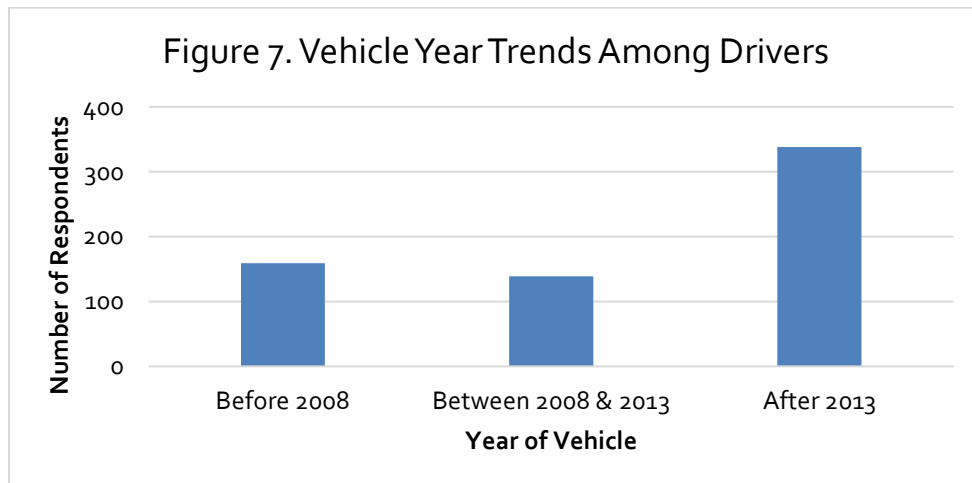
n=726

If you drive alone, what is the model year of your car?

Before 2008: 25%

Between 2008 and 2013: 22%

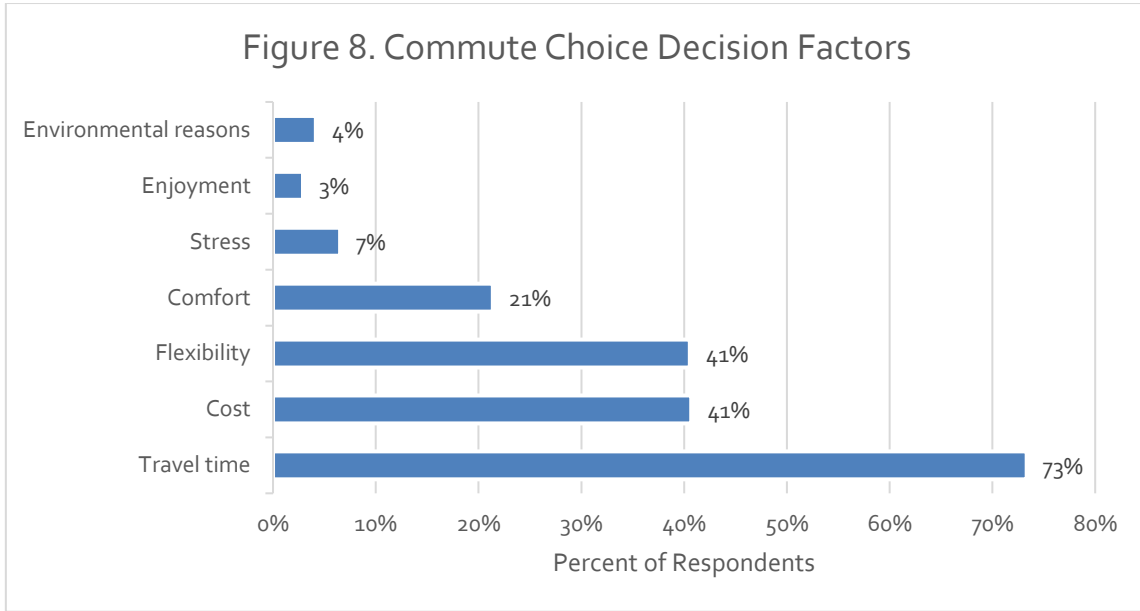
After 2013: 53%



n=636

What informs your commute choice decision?

Travel time	73%
Cost	41%
Flexibility	41%
Comfort	21%
Stress	7%
Enjoyment	3%
Environmental reasons	4%

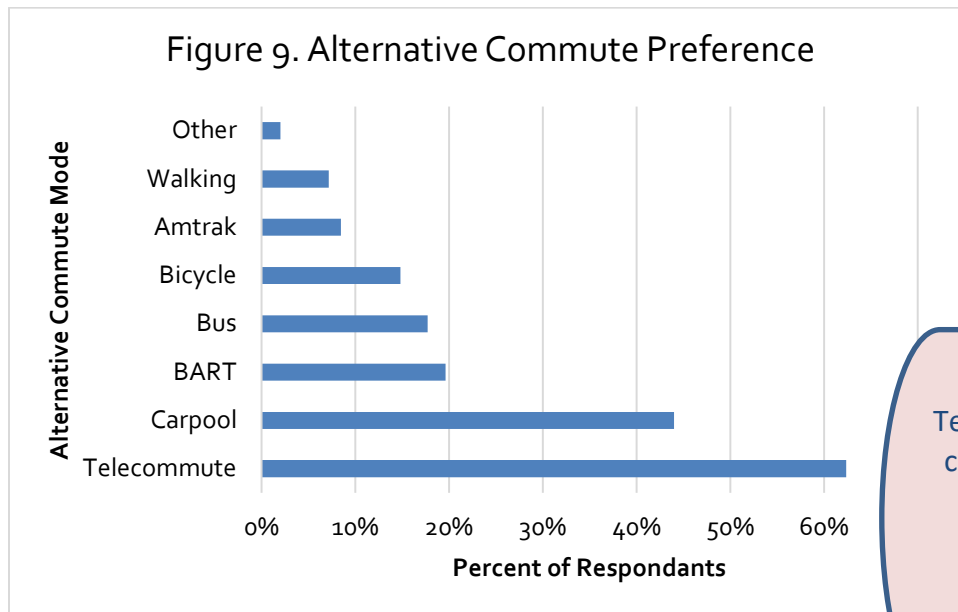


n=720; multiple selections allowed by respondents

What forms of alternative commuting would you consider?

Telecommute	62%
Carpool	44%
BART	20%
Bus	18%
Bicycle	15%
Amtrak	8%
Walking	7%
Other	2%

Figure 9. Alternative Commute Preference



Telecommuting and carpooling are the most common commute preferences to driving alone.

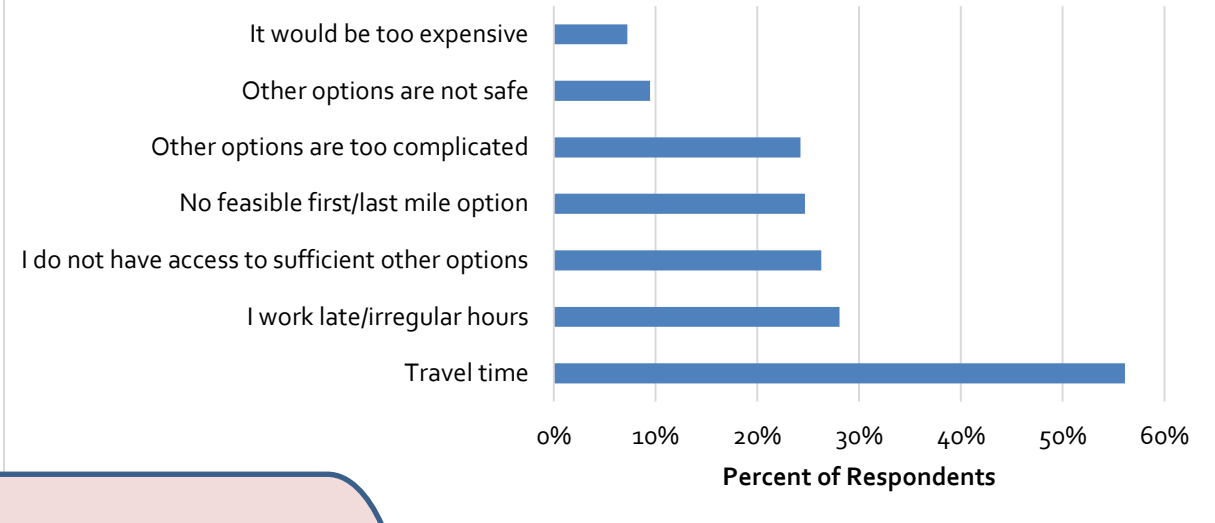
n=627; multiple selections allowed by respondents

“The Board approved telecommuting for employees as an alternative to driving into the office, especially for bad commutes like Highway 4. So, why doesn't management support this initiative if the Board already approved it? ... I'm not sure why we can't get buy in at the management level.”

What are your obstacles to using alternative transportation modes?

Travel time	56%
I work late/irregular hours	28%
I do not have access to sufficient other options	26%
No feasible first/last mile option	25%
Other options are too complicated	24%
Other options are not safe	9%
It would be too expensive	7%

Figure 10. Obstacles to Alternate Modes of Transportation



n=677; multiple selections allowed by respondents

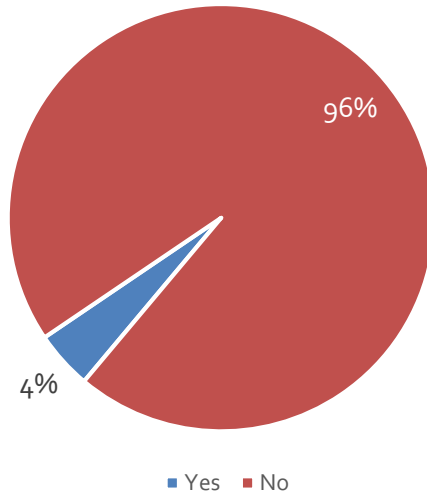
“While the bus may appear to be a viable option, the length of time it takes to get to my office...makes the bus, for me, an impossible solution.”

Do you drive an electric vehicle?

Yes: 4%

No: 96%

Figure 11. Electric Vehicle Use



n=725

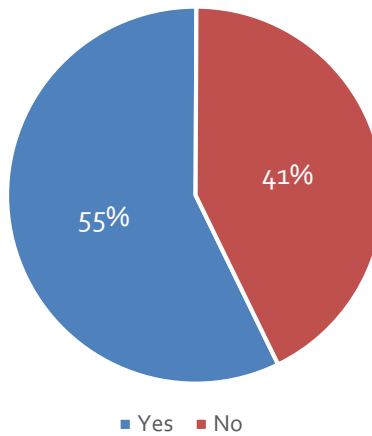
"I think many more people would drive electric vehicles if work sites everywhere had sufficient charging stations."

Would you consider purchasing an electric vehicle?

Yes: 55%

No: 41%

Figure 12. Considering Purchasing an Electric Vehicle

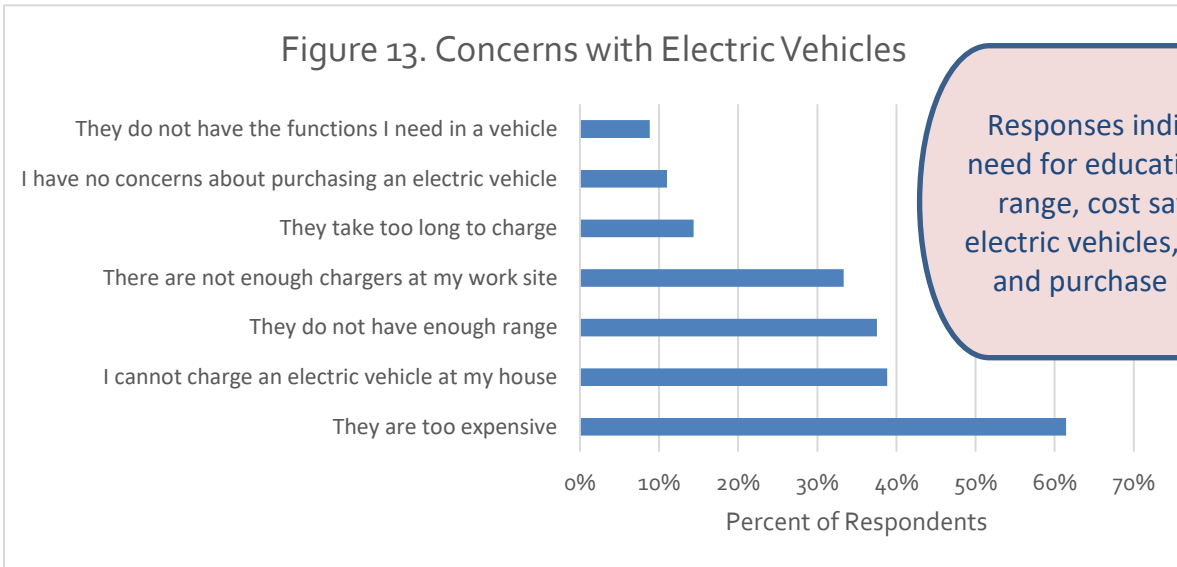


n=695

What concerns do you have about purchasing an electric vehicle?

They are too expensive	61%
I cannot charge an electric vehicle at my house	39%
They do not have enough range	38%
There are not enough chargers at my work site	33%
They take too long to charge	14%
I have no concerns about purchasing an electric vehicle	11%
They do not have the functions I need in a vehicle	9%

Figure 13. Concerns with Electric Vehicles



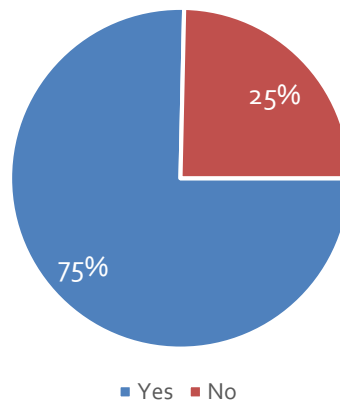
n=690; multiple selections allowed by respondents

Would you like to see more electric vehicle chargers at County offices and facilities?

Yes: 75%

No: 25%

Figure 14. Electric Vehicle Chargers at County Facilities



n=726

"If there was electrical vehicle charging at my workplace, I would purchase an electric vehicle tomorrow."

KEY TAKEAWAYS

In considering the County's Climate Action Plan, we find that County employees, although supportive of adopting alternative commute modes, are not committing to these options because they are not as convenient as driving alone to and from work. In the comments portion of the survey, many respondents indicated that they would be interested in telecommuting options and carpool options. Such programs would be effective ways for the County to reduce GHG emissions from employee commute trips. The County may want to explore options for telecommuting and workplace electric vehicle charging, as well as provide more information at the department level on commute alternative modes and incentives. The County policy on telecommuting was last updated in 1993 (see Appendix C). The County may wish to revisit this policy in light of the survey results and current technological options.

FUTURE RESEARCH

The County could further examine the data pertaining to electric vehicles, including perceived costs, range anxiety, adequate charging infrastructure, and other factors. Next steps may also include a cost-benefit analysis to compare the costs of electric vehicles or alternative commute modes to the drive-alone trips currently made by the majority of employees. This information could be used to help educate employees on the long-term cost and benefits of electric vehicle ownership or alternative commute modes.

The County could research opportunities for shuttles and other options that would facilitate employees using public transit. This research should include collaboration with other large employers in Martinez, such as Kaiser Permanente and the U.S. Veterans Administration Medical Center. Additional surveys, specific to the Martinez sites where the majority of County employees work, may be needed.

APPENDIX A: SURVEY INSTRUMENT

Employee Commute Survey

Please help Contra Costa County by finishing this survey to the best of your ability. The survey will be open for 2 business weeks. Participants who share their name and email will be entered into a raffle to win 1 of 10 BART tickets each with a value of \$20.

* Required

Commute Questions

1. Which County department do you work for? *

2. On average, what is the distance of your commute in miles (one way)? *

3. On average, how long is your travel time to get to and from work (in hours and minutes)? *

4. On average, how much money do you spend on your commute weekly (including tolls, ferry passes, ride hailing apps, gas, public transit, bike costs, etc.)? *

5. Do you have an alternate work schedule? **

Mark only one oval.

- Not Offered
- 4/10s
- 9/80s
- Other: _____

6. Which of these transportation modes do you use in an average week? Mark all that apply.

Check all that apply.

- Drive alone
- Carpool
- Ride hailing (Uber, Lyft, etc.)
- Bus
- BART
- Amtrak
- Bicycle
- Walk
- Telecommute/work from home
- Other: _____

7. If you use more than one mode of transportation to get to work in an average week, please list the predominant mode and distance of that mode:

8. If you drive to work, what is the make, model, and year of the car:

9. If you carpool, how many other people on average do you share the ride with? Do not include ride hailing apps if you are the only person in the car.

10. If you drive alone, would you consider an alternate commuting method where feasible?

Mark only one oval

- Yes
- No

Commute Preference Questions

11. What informs your commute choice decision? *

Check all that apply.

- Travel time
- Cost
- Flexibility
- Comfort
- Environmental reasons
- Enjoyment
- Stress
- Other: _____

12. What forms of alternative commuting would you consider? Mark all that apply:

Check all that apply.

- Carpool
- Bus
- BART
- Amtrak
- Bicycle
- Walking
- Telecommute/work from home
- Other: _____

13. What are your obstacles to using alternative transportation modes? Mark all that apply:

Check all that apply.

- Travel time
- No feasible first/last mile option
- I work late/irregular hours
- It would be too expensive
- I do not have access to sufficient other options
- Other options are not safe
- Other options are too complicated
- Not enough secure bicycle parking spots
- Not enough protected bicycle lanes or sidewalks
- Other: _____

Electric Vehicles

14. Do you drive an electric vehicle to work? *

Mark only one oval.

- Yes. *Skip to question 17.*
- No. *Skip to question 15.*

Electric Vehicles

15. **Would you consider purchasing an electric vehicle? ***

Mark only one oval

- Yes
 No

16. **What concerns do you have about purchasing an Electric vehicle? Mark all that apply ***

Check all that apply

- They are too expensive
 They do not have enough range
 They do not have the functions I need in a vehicle
 They take too long to charge
 I cannot charge an electric vehicle at my house
 There are not enough chargers at my work site
 I have no concerns about purchasing an electric vehicle
 Other: _____

Electric Vehicles

17. **Would you like to see more Electric Vehicle chargers at County offices and facilities? ***

Mark only one oval

- Yes
 No

18. **To be entered into the raffle add your name and email address:**

19. **Do you have any concerns or issues related to this survey that are not captured in this survey? If so, please describe them:**

APPENDIX B: COMMENTS

Do you have any concerns or issues related to this topic that are not captured in this survey? If so, please describe them:

There should be more work time options. Alternative work schedules should be reinstated.

I wish our office offered more flexibility for start times. Many people accrue additional childcare cost from being late to pick up their children from daycare and the traffic is expected to get worse as the construction of highway proceeds for the next two years

Give employees alternate work schedules!!

Earlier and later start times should be offered in 8-5 offices.

Alternative work schedules might also help relieve the parking challenge at Ellinwood campus.

It would be ideal if my office opened at 7am for a 7am-4pm shift

Why is there no BART service directly to downtown Martinez? There needs to be better BART service not only from Central County but also from East and West.

I would never take BART, I live in Solano County and BART is not offered, AMTRAK tickets would be more appropriate for those who don't use BART.

BART along the 680 corridor in Contra Costa County would be lovely.

Would like to see more bike friendly lanes and routes and offices to support bikes.

There is a lot to be said for "if they build it, people will use it" - As a bicyclist I see this every time a road is improved with a bike lane or a new section of multi-use pathway is added anywhere. If the county just prioritized connecting their buildings to emphasize this, it would increase usage tremendously as well as improve the overall network for everyone considerably.

Public Works should encourage bicycling to work by paying a subsidy.

More bike lanes please.

If would be nice to have shower at work for people who bike. Also, monetary incentives are nice for people who biked rather than drove.

If there were painted bike lanes from Clayton to Martinez route I would be more inclined to ride my bike the 12 miles to work 2 - 3 days per week. I rode my bike on Bike to Work Day this year and it felt very unsafe on some sections of commute road.

What can the county do to assist employees with bridge toll expensive? I think mileage reimbursement should reflect the current cost of gas.

Although there is a fairly direct route from my area to work, the bus requires multiple transfers, backtracking, and several hours to complete when I can drive in 30 minutes. Carpools are not flexible and I don't necessarily want to have to converse with others on the drive. A county organized vanpool would be more welcome.

While the bus may appear to be a viable option, the length of time it takes to get to my office and the physical issues for me that go with the bus make the bus, for me, an impossible solution.

When my car died, public transportation was inefficient. The bus takes 1.5 hours for a ride that takes 10 minutes.

Very limited bus service and times near office.

The bus route that would get me to work would require transfers. Time to get from my location to work via bus would take almost an hour. Thirteen miles in an hour is way too long. I work very early in the morning and buses do not run during this time anyway. Public transportation in the Eastbay in my opinion is poor. Some routes are good but going from one transit area to another like WestCat to County Connection can prove difficult, and travel times are not very efficient.

I would take a bus if there was a route from Benicia to Martinez that didn't take two hours each way and still make you walk over a mile to/from each stop

I would really like to see a better bus route with shorter times from the Clayton Road Treat area to Conservation and Development.

Even if I would like to take the bus, there are no convenient locations close to my house. It would also limit me if I want to stop by somewhere after work, or I have too much to carry. The entire trip would cost too much time.

My personal vehicle is a condition of hire.

I use my car for County business.

Would 511.org be a better option to find a carpooler?

if carpooling is established to and from Martinez to Fairfield, how do you allocate the Fastrak charges?

Unable to carpool due to having drop off children in the morning.

On my scheduled work days, I take my child to two different child care locations (different locations on different days), so it's difficult to have a set schedule with carpooling unless some don't mind driving to different places

I would say that the issue of adding childcare into the mix has been the biggest restriction for me when it comes to evaluating commuting options. I used to carpool four days a week with my husband, and occasionally took BART, but with the added time that it takes to drop off my son at daycare, we have had to drive separately. BART and biking aren't really options when transporting babies and making multiple stops. This is only temporary, but I imagine it is an issue for many other families as well.

My organization does not offer commuter check. I wish they would. It would be a great supplement to my already low income.

Please take into consideration when making any changes, how it may affect those with a disability so that any changes may be accessible for everyone.

Accessibility of transportation for disabled employees

I would consider an Electric Bike or Scooter. That would help in my commute and it is a cheaper option for part of my commute.

Are there resources/programs available through Contra Costa County to help purchase an electric vehicle?

There are 9 chargers in a controlled/ gated lot behind the Board of Supervisors' building. They are routinely empty, yet I cannot access them to charge my electric vehicle. I am a county employee and have to drive as a part of my job, so I find this extremely frustrating, and makes my efforts to be environmentally responsible with my driving much more difficult.

The electric vehicle survey has been sent for at least 4 years and nothing has been done to allow more employees to have access to charging stations.

Some employers require employees to pay for charging stations at work.

Not enough electric car chargers.

Not commute related, but happy to see so many EVs in the county's fleet. I get good feedback from others when I arrive at meetings in a full EV, and it paints the county in a positive, progressive light.

Multiple charging stations at the County Administration Building not being used. All county employees should be able to use charging stations.

Low interest loans available to buy an electric car :)

If there was EV charging at my workplace I would purchase an EV tomorrow.

If more EV chargers are at county offices, it reduces the number of regular space parking. There aren't enough parking spaces at my work site.

I would drive an electric vehicle more often if there was an electric vehicle charger available in downtown Martinez.

I would consider an electric vehicle or other alternatives but the expense of a vehicle and upgrading my electrical at home are definitely cost considerations. One other issue about carpooling is that not that people at my office live in Pleasant Hill/Walnut Creek area so not that many choices for carpooling partners.

I think the county should provide free electric vehicle charging as an incentive for employees to drive electric vehicles - especially when the electricity is being generated for free by solar panels as it is at 651 Pine.

I think MANY more people would drive electric vehicles, if work sites everywhere had sufficient charging stations.

EV chargers take up space that could be used for regular parking spaces. If EVs were able to use regular electrical outlets, then the county could require the placement of regular outlets at parking spaces rather than the current EV charging stations. Also, there are constraints on commercial parking lots due to the dedicated EV charging stations.

EV chargers should be free for county employees especially for county rideshare/carpool to other county employees.

Access to electric charging while at work is difficult. New charging stations are not accessible and are not used to the potential. Please provide a pass to the parking lot at 651 Pine for staff with electric cars. That way Charge Point can recoup some of their investment.

There are not enough charging stations for electric cars in Martinez. There should be charging stations at all county buildings as well as access to chargers for all county employees. There should be chargers at the jail parking lots in Martinez and Richmond. Jurors need chargers at the courthouses.

We have lots of other things to do before electric car chargers.

There are way too many vacant electric-only vehicle parking spots and a surplus of Hybrid cars in normal parking spots. Although Hybrid cars also positively impact our environment, those who chose to purchase environmentally friendly hybrids receive no benefits. Hybrids should be allowed to park in the electric-only vehicle parking spots while there is a surplus. Otherwise we are just contributing to pollution by forcing others to drive in circles in search of parking while various electric only vehicle parking spots remain vacant.

Need chargers at Summit Center.

I often have to make off-site visits for work, so just getting to work does not address my work-related transportation expenses. To drive an electric vehicle, there would have to be a way to charge the vehicle at work.

Covered solar parking and EV chargers would be great!

Charging stations should not be free.

Why do people have to commute so far? Wages do not match housing costs. To afford to buy a home I had to move out of Contra Costa County.

The lack of proper infrastructure between Pittsburg and Martinez.

I purposely moved here with the intention of having a short commute and the costs that I previously paid in commute, toll, car maintenance, etc. In turn, I pay more in housing expenses for living here in Martinez.

I prefer living in the San Leandro area, but don't want the commute.

I live in Solano County.

I just would like to see some action. Thanks.

I answered these questions as they apply currently. However, I was previously commuting 30 miles one way. If this Pilot unit doesn't work out I'll be back to the long drive.

I am a renter and single. The place I was living that was 20 minutes (1w) from work was sold. I had to find a rental that I could manage on my county salary. So now I am living twice as far away. I am dealing with a tough commute too.

Considering areas such as Solano Co. that does not have BART.

Company-wide practices, such as use of electricity, low flow toilets, and other sustainable practices that should be implemented.

Commuting is dictated by where people live, and people live where they can afford to live, and affordable housing is dictating by the wage they make.

Commuting from a different city is difficult.

Safety of leaving office at night - it is safer to walk the short distance to my car than to BART.

I haven't looked into the county's carpooling program since I don't have a car, but if it's financially feasible and the county wants to promote better commuting, it could provide financial incentives for carpooling or electric vehicle purchases.

How about a toll raffle, or incentives for those who pay toll to commute daily. BART is not an option for those in Solano County so we must pay toll regardless.

Employee benefits for commuting environmentally efficient.

County facilities need to be located near services so that at lunch, you can access restaurants and other things without needing a car. Many county facilities are located in areas that require a vehicle just to get lunch...and I'm not always a good planner to pack a lunch the night before.

Employees should have options to work closer to their home, 4/10 schedules or telecommute. 4/10 schedule allows our participants to meet before and after work and cuts out one day of commuting time.

There are two offices closer to my house.

My concern is that there are not enough offices in far East Contra Costa County to house those of us that live in East Contra Costa.

If a transfer was available to work as an SSPA Intake worker, at the Hercules office, which is 5 minutes from my house, I'd take it!

How about placing employees who request to be closer to their homes instead of forcing them to commute and deal with this horrible traffic jam! County need to start paying mileage.

Please place county offices near public transportation options!

It would be easier to relocate people to offices closer to home. I live in walking distance to the Pittsburg SIT site and 4545 Delta Fair is 15 minutes from my home.

If/ when electric chargers will be offered, we need to ensure that parking is not jeopardized for all employees.

There is no parking downtown Martinez even if people did have electric cars.

There is a diminishing amount of parking spaces available at my worksite (625 Court St., Martinez). Even with this issue, there are minimal options for workers other than to drive.

Parking is limited/impacted in the downtown Martinez area. Hopefully there are plans to improve parking for county employees.

Need to make sure there are enough parking spaces for employees as well as visitors during all times of the day.

If I used an alternate form of transportation, I would be concerned that I wouldn't be able to attend late meetings easily. I also would be concerned that if I had a family emergency, I wouldn't be able to be available to get home quickly.

Maybe all departments should have an electric car on hand for work use. Then people like me could leave their car at home more often.

I would consider other modes of transportation if I had county car access.

Expansion of light rail throughout county to get last mile, such as eTranzUSA. We need this type of rail to make Contra Costa County vital.

Walking would be a great alternative as would be electric scooters for rent or free usage as a commute option to free up a parking space and reduce carbon footprint.

1. Commuter Check should be an option for county employees 2. Shuttle to county building from BART stations (e.g. Kaiser shuttles). Richmond is the only convenient office within walking distance from BART station.

Yes, a BART station is nowhere near Martinez, where most of the county buildings are located. BART is irrelevant to the county employees. If the county did provide a shuttle from one of the stations 10 miles away, then I think it would be appropriate to include on the survey.

A shuttle service from local BART stations to county offices would be ideal

We need to solve the issue of how employees can more easily take transit, bike, and/or carpool. The current Commuter Benefit program is a joke, totally irrelevant unless you work downtown and can reliably take Amtrak from your home. The county should invest in shuttles from employment centers to BART - consider partnering with other nearby employers such as Kaiser and the Veterans Administration.

There should be mini buses with a schedule to transport county people from point A to point B. It would be amazing if the county invested in a shuttle from BART to the various sites in Martinez. Perhaps the city of Martinez could be a partner - it could increase traffic to downtown Martinez without requiring more parking spaces.

I tried taking Amtrak + biking from Oakland, but trains are not frequent, and are often delayed in the evenings. A bus or shuttle connection from central county BART stations would help me stop driving for my commute. More frequent bus connections to 30 Muir would also help me take transit more often.

This question is oddly worded. What informs your commute choice decision?

Its worded very poorly. 1st question asks about commute one direction. 2nd question asks about commute both ways?

I'm glad to see the outreach for this important issue!

I drive a hybrid and that question was not asked.

Hoping that I will not receive a ton of spam emails as this is a work address.

Add to survey question of hometown to better understand commute options.

I would love to take BART, but the station is nowhere near the office. I would to take Amtrak, but the cost is prohibitive. I would love to telecommute, but my office has a strict policy against all forms of telecommuting (even though I regularly telecommute on sick days and vacation days). The county could help by 1) offering Amtrak discounts, 2) arranging BART shuttles from/to downtown Martinez

(from 7 am to 9 am, and 4pm to 7pm), 3) encouraging department heads to officially allow telecommuting.

Would love it if telecommuting was offered more.

Would like to telecommute, not sure how to go about it.

Work on clear policies to support and promote secure telecommuting.

There should be a written telecommute program available for employees. There was once a pilot program, but no other information is available.

The county should expand the option of telecommuting where feasible. This is a win-win for all involved. Less traffic, wear and tear on the roads and our cars, less pollution, fewer hours wasted on the road traveling, less electricity usage in county buildings, huge savings for the employee in travel costs, etc.

The BOS approved telecommuting for employees as an alternative to driving into the office, especially for bad commutes like Highway 4. So, why doesn't management support this initiative if the Board already approved it? My work can be monitored and I'm a Level 1 Performer, so I'm not sure why we can't get buy in at the management level.

Telecommuting should be considered more seriously. There should be adequate parking for all employees at all offices at all times of the day.

Telecommuting should be an option.

Telecommuting 1-2 days a week should be an option for some staff.

Telecommute should be top of the list for county employees.

More telecommute days should be offered to employees that travel more than an hour from their office site. I have only been approved one day a week however I could potentially work from home every work day unless I need to be in the office for meetings. I drive a total of 146 miles round trip every day and would be more productive if I was not spending 3 to 4 hours a day in my car. Thank you for the commute survey.

Just wish telecommute was an option at least partially.

If you get management to agree to telecommute options, I would be first in line.

If I could work from home, I wouldn't have to replace my vehicle as often.

I would like to have telecommuting and the option of a 4/10 schedule. I feel like these two options are not "encouraged" in my office; however, I would like it to be.

I like the county to consider work from home more than one day a week. Maybe 2 or 3 days a week to reduce driving. If I do take public transit, it will require, ferry, Bart and bus. The travel time one way will be 3 hours. To reduce carbon footprint, 2 or 3 days' work from home will be very helpful.

Department (Library) seems to offer working remotely on a few days per week for some administrative positions and not others, and it's not clear how it's offered. Would be interested even if it's one day per week or per month.

Alternated work schedules should be offered to all units not just some units.

Telecommute is a good idea if the unit one works in is supported.

I feel with some departments/jobs would be feasible for telecommuting.

The county could work to ensure traffic lights along commute routes are timed.

APPENDIX C: COUNTY TELECOMMUTING POLICY & PROCEDURES

CONTRA COSTA COUNTY TELECOMMUTING POLICY AND PROCEDURES

Approved by the Board of Supervisors July 13, 1993



I. OBJECTIVE

The telecommuting program is part of Contra Costa County's employee Transportation Demand Management (TDM) program. The objectives of the telecommuting program are to reduce peak hour traffic congestion, air pollution, and demand for parking spaces by allowing selected employees to work at home or at a satellite location near their home, as provided in an agreement between the employee and management. As a secondary benefit, the County believes that telecommuting will increase productivity and improve the morale of employees.

II. TELECOMMUTING POLICY

A. Participation in Telecommuting

The telecommuting program allows County employees, upon approval of their supervisor and department head, to work at a home or a satellite work facility. The specific arrangements for telecommuting will be set forth in an agreement between the employee and management. Telecommuting is a privilege and not a right. Participation in telecommuting may be terminated at the request of either the employee or management. Attachment A provides guidelines to management for selecting telecommuters.

B. Working Hours

Work hours, compensation and vacation schedules will conform to the County Ordinance Code, MOU provisions, Fair Labor Standards Act (FLSA) provisions, and to terms otherwise agreed upon by the telecommuting employee and the supervisor. The telecommuter will spend a minimum of one regular work day per week in the office or usual place of work. No employee shall work more hours than his/her normal work week as a result of telecommuting unless he/she has received prior overtime authorization and is compensated for that overtime (except if that employee is exempt from overtime).

C. Communications

Telecommuting employees will agree with their supervisor on a method for receiving and responding to communications, including mail, telephone messages, electronic mail, departmental and County memoranda and announcements, training opportunities, and other. This method will be specified in the telecommuting agreement.

D. Measuring Work Activity

Telecommuting employees will agree with their supervisor on the objectives and work assignments to be accomplished during the telecommuting period. The agreement will also identify the method of measuring productivity. The telecommuting program is not intended to require more work from employees than normally accomplished, nor to encourage employees to work uncompensated hours.

E. On-Site Visits

When the work site is located in an employee's residence, the County reserves the right to conduct an on-site visit. A minimum of 48 hours advance notice of the visit will be provided to the employee. The purpose of the visit would be to determine that the worksite is suitable, ensure that any confidential records used by the employee are secure, and, if applicable, to maintain, repair, inspect or retrieve County-owned equipment.

F. Overall Obligations

Telecommuting employees are obligated to comply with all applicable County rules, policies, practices and instructions. Employees are responsible for clarifying any questions regarding the applicability of rules, policies, practices and instructions through discussions with their supervisor. If an employee finds he/she is unable to work effectively while telecommuting and stops telecommuting, this will not reflect negatively in the employee's performance evaluation.

G. Flexibility to Departments

It is the intent of these policies and procedures that department heads have the maximum flexibility in developing telecommuting agreements that reflect the nature of work of their department and characteristics of their employees.

III. TELECOMMUTING PROCEDURES

A. Set-Up

1. Application Procedures

To become eligible to telecommute, an employee must submit to their supervisor an application requesting consideration for telecommuting (Attachment B). Applications for telecommuting will be reviewed by the employee's supervisor for a recommendation. All applications, regardless of the supervisor's recommendation, will be forwarded to the department head for approval or disapproval. Copies of all approved applications will be submitted to the Community Development Department during the pilot program. If a new supervisor or department head is assigned to a

telecommuter after he/she has begun telecommuting, the new supervisor/department head must also approve the agreement.

2. *Telecommuting Training*

Prior to initiation of telecommuting, both supervisor and employee must participate in training designed to survey and identify the following: job responsibilities and physical arrangements necessary to support telecommuting; supervision and measurement of performance; methods of communication; and procedures or use of tools/equipment to be used in telecommuting. Training will emphasize the organizational and planning skills necessary for telecommuting.

3. *Agreement*

The application to participate in telecommuting also serves as a written agreement between the employee and supervisor and sets forth the terms for telecommuting, including work schedule, work location, work to be performed while telecommuting, method of communicating with the office, use of County equipment and supplies, and any other terms mutually agreed to.

4. *Termination*

A telecommuting agreement may be terminated by either party with at least two weeks notice unless both parties agree otherwise. Termination of a telecommuting agreement by the supervisor or department head shall not be a grievable issue and will not reflect negatively on the employee.

5. *Participation in Telecommuting Studies*

Employees and their supervisors/managers must agree to participate in all studies and analyses relating to telecommuting for the County. Individual survey responses will remain anonymous, unless authorized for release. Otherwise, aggregate employee responses may be compiled and made available to the public, without identification of the study participants. Non-telecommuters will also be surveyed to identify any adverse impact resulting from telecommuters. All studies shall be reviewed by the Telecommuting Committee.

B. **Operations**

1. *Employee Benefits*

All existing employee benefits will continue for telecommuting employees. An employee is covered by Workers' Compensation whether working at home or for work-related travel. Requests for sick leave, vacation or other leave must be approved by the telecommuter's supervisor/manager

in the same manner as the employee who does not telecommute. If a telecommuter becomes ill while telecommuting, he/she must report the hours actually worked and use sick leave for those hours not worked.

2. *Clerical Support*

The need for clerical support will be identified and addressed in the agreement between the supervisor and the employee.

3. *Requests for Training*

All requests for training, other than telecommuting training, and all other activities will be handled in accordance with existing County policy.

4. *Program equipment and Supplies*

The equipment and supplies necessary to telecommute will be provided by either the employee, the department, or a combination of both employee and department. The County will endeavor to make available to an employee wishing to purchase equipment, any discounts for hardware, software, or equipment to be used to complete assigned work. County assigned equipment and supplies shall not be loaned by the telecommuter to anyone unless authorized by his/her supervisor. The telecommuter and supervisor are responsible for including a plan to safeguard confidentiality of work and protection of equipment as part of the telecommuting agreement.

Participants that are assigned County-owned hardware and software will provide written acceptance before being given custody of the items. The responsible supervisor/manager and employee, along with the help of a representative from Data Processing Services, if necessary, will define what tools are needed beyond what is available. Once this is determined, a request should be submitted to the appropriate department head for approval to obtain identified items.

Materials needed to support the telecommuting effort will be provided by the department. All requests must be submitted by the responsible supervisor/manager to the department head for approval, if feasible.

5. *Software and Required Hardware*

The cost of software and hardware modifications will be paid by the department. The supervisor/manager, after consulting with Data Processing Services, will obtain the necessary equipment. The software and all files and databases shall remain the property of the department. All software copyright laws will be strictly adhered to; no unauthorized copies will be made of County-owned software.

6. *Repairs to Equipment*

The cost of repairs of employee owned equipment will be paid by the employee. When County equipment is provided to the telecommuter, it is his/her responsibility to ensure that the equipment is used properly. Repair costs for equipment owned by the County will be paid for by the department.

Upon determining that there is a problem with County-owned hardware, the employee should notify his/her department as soon as practical and inform them of the problem. The department will decide whether or not to repair or replace any items identified.

If there is a delay in the repair or replacement of the equipment or any other circumstance under which it would be impossible for the telecommuter to work off-site, then he/she will be reassigned to a County facility until the repair has been made or circumstance has been corrected.

7. *Designated Work Space*

The telecommuter will designate a work space at the off-site area. Any equipment to be used while telecommuting will be installed at this work space. This work space should be maintained in a safe condition, free from hazards to people and equipment, and should comply with County VDT standards. The County will provide guidelines for VDT and ergonomic standards and provide assistance to telecommuters for complying with these standards. The County reserves the right to conduct on-site visits.

8. *Costs Directly Attributed to Telecommuting*

Costs incurred as the direct result of telecommuting, such as billings for local and long distance County calls, and the costs of a direct line for a computer modem, will be reimbursed to the employee by the department, upon verification as agreed between the department and the employee. The employee must maintain an adequate record of expenses incurred while telecommuting. Attachment C may be used for recording telephone calls made on behalf of the County. Alternatively, the department may provide calling cards to telecommuting employees. The department and employee should work together to minimize the direct costs attributed to telecommuting. This method will aid in the verification of the calls being paid for by the department. No form of reimbursement will be made without this or similar proof.

IV. PILOT PROGRAM

In order to test the feasibility of a telecommuting program for County employees and to resolve any problems inherent in such a program, the County conducted a six-month telecommuting pilot program between November 1992 and May 1993. On July 13, 1993, the Board of Supervisors approved an extension of the pilot program through June 30, 1994. The Board set an objective of enrolling 70 additional telecommuters in the pilot program. Training Sessions for new telecommuters and their supervisors will be held in September and January. A report on the expanded pilot program will be made to the Board of Supervisors prior to June 30, 1994.

- Attachments: 1) How to Select Commuters
2) Contra Costa County Telecommuting Application/Agreement
3) Contra Costa County Telecommuting Telephone Log

Item 304-Proc. CCC



Contra
Costa
County

To: Board of Supervisors
From: Kathy Gallagher, Employment & Human Services Director
Date: February 4, 2020

Subject: Family and Children's Trust Committee Annual Report

RECOMMENDATION(S):

ACCEPT the 2019 Annual Report on the activities of the Family and Children's Trust Committee (FACT).

FISCAL IMPACT:

There is no fiscal impact.

BACKGROUND:

On December 13, 2011 the Board adopted Resolution No. 2011/497, which requires that each regular and ongoing board, commission, or committee shall annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year. This report fulfills this requirement for the Family and Children's Trust Committee (FACT).

FACT was established in 1985 by the Contra Costa County Board of Supervisors to make funding recommendation to the Board of Supervisors on allocation of specific funds for the prevention and treatment of child abuse and neglect, supportive services for families and children, and promotion of positive family functioning.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stephanie Mello, Deputy

Contact: Elaine Burres
608-4960

cc:

ATTACHMENTS

FACT Annual Report
2019



ADVISORY BODY ANNUAL REPORT

Advisory Body Name: _____
Advisory Body Meeting Time/Location: _____
Chair (during the reporting period): _____
Staff Person (during the reporting period): _____
Reporting Period: _____

I. Activities

(estimated response length: 1/2 page)

Describe the activities for the past year including areas of study, work, special events, collaborations, etc.

II. Accomplishments

(estimated response length: 1/2 page)

Describe the accomplishments for the past year, particularly in reference to your work plan and objectives.

III. Attendance/Representation

(estimated response length: 1/4 page)

Describe your membership in terms of seat vacancies, diversity, level of participation, and frequency of achieving a quorum at meetings.

IV. Training/Certification

(estimated response length: 1/4 page)

Describe any training that was provided or conducted, and any certifications received, either as a requirement or done on an elective basis by members. NOTE: Please forward copies of any training certifications to the Clerk of the Board.

V. Proposed Work Plan/Objectives for Next Year

(estimated response length: 1/2 page)

Describe the advisory body's workplan, including specific objectives to be achieved in the upcoming year.



Contra
Costa
County

To: Board of Supervisors
From: Beth Ward, Animal Services Director
Date: February 4, 2020

Subject: Animal Benefit Fund Donations Report Quarter 2

RECOMMENDATION(S):

ACCEPT the monetary donation report from the Animal Services Department, which describes the source and value of each gift received by Animal Services from October 1, 2019 through December 31, 2019.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The Animal Benefit Fund was created by the Animal Services Department in 1988 to allow the Department to receive donations from individuals, animal welfare organizations and businesses, to support animal health and welfare projects that are not funded by departmental or general County revenue. On April 19, 2016 the Board of Supervisors delegated specific authority to the Animal Services Director as it related to the Animal Benefit Fund. The Animal Services Director was granted authorization to accept any monetary donation, gift, bequest, or devise made to or in favor of the Contra Costa County Animal Services Department as allowed under Government Code section 25355 and solicit donations for the benefit of shelter animals. Along with this delegated authority, the Animal Services Director is required to file a report with the Board of Supervisors every quarter

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stephanie Mello, Deputy

Contact: Arturo Castillo
925-608-8470

cc:

BACKGROUND: (CONT'D)

that describes the source and value of each gift. Attached is the donation report that provides details of all monetary donations received by the Animal Services Department from October 1, 2019 through December 31, 2019. Moving forward the department will submit the donation report to the Board of Supervisors on a quarterly basis.

ATTACHMENTS

ABF Q2 Donation Report

Fund	Dept	Org	Obj	Sub Obj	Description	TC Reference	Date Posted
133200	0369	0369	9800	9965	DONATE-AB	25 DP800638	12/31/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP800632	12/31/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP800630	12/31/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP800633	12/31/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800637	12/30/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800634	12/30/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP800637	12/30/2019
133200	0369	0369	9800	9965	DONATION FROM BENEVITY	25 DP800577	12/30/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800636	12/30/2019
133200	0369	0369	9800	9965	DONATE CCAS WEB	25 DP800637	12/30/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800635	12/30/2019
133200	0369	0369	9800	9965	DONATE CCAS WEB	25 DP800635	12/30/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP800634	12/30/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP800635	12/30/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800497	12/26/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP800351	12/26/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800498	12/26/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP800498	12/26/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800493	12/26/2019
133200	0369	0369	9800	9965	DONATE CCAS WEB	25 DP800498	12/26/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800495	12/26/2019
133200	0369	0369	9800	9965	DONATE CCAS WEB	25 DP800493	12/26/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP800493	12/26/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP800491	12/26/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP800474	12/26/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP800349	12/26/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP800483	12/26/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP799915	12/20/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP799913	12/20/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP799917	12/20/2019
133200	0369	0369	9800	9965	DONATE CCAS WEB	25 DP800091	12/17/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800091	12/17/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800090	12/17/2019
133200	0369	0369	9800	9965	DONATE CCAS WEB	25 DP800089	12/17/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP800086	12/17/2019
133200	0369	0369	9800	9965	DONATE CCAS WEB	25 DP800090	12/17/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800086	12/17/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP800089	12/17/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP799916	12/16/2019
133200	0369	0369	9800	9965	DONATE CCAS WEB	25 DP799916	12/16/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP799916	12/16/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP799574	12/13/2019

133200	0369	0369	9800	9965	DONATE-AB	25	DP799106	12/13/2019
133200	0369	0369	9800	9965	DONATE-AB	25	DP799656	12/13/2019
133200	0369	0369	9800	9965	DONATE-AB	25	DP799722	12/13/2019
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133200	0369	0369	9800	9965	DONATE-AB	25	DP799122	12/13/2019
133200	0369	0369	9800	9965	DONATE-AB	25	DP799431	12/13/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP799631	12/10/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP799629	12/10/2019
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133200	0369	0369	9800	9965	DONATE CCAS WEB	25	DP799631	12/10/2019
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133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP799631	12/10/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP799630	12/10/2019
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133200	0369	0369	9800	9965	DONATE CCAS WEB	25	DP799628	12/10/2019
133200	0369	0369	9800	9965	DONATE CCAS WEB	25	DP799632	12/10/2019
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133200	0369	0369	9800	9965	DONATE CCAS WEB	25	DP799630	12/10/2019
133200	0369	0369	9800	9965	DONATE-AB	25	DP798868	12/6/2019
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133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP799051	12/3/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP799052	12/3/2019
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133200	0369	0369	9800	9965	DONATE-AB	25	DP798688	12/2/2019
133200	0369	0369	9800	9965	DONATE-AB	25	DP798724	12/2/2019
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133200	0369	0369	9800	9965	DONATE-AB	25	DP798511	11/25/2019
133200	0369	0369	9800	9965	DONATE-AB	25	DP798349	11/25/2019

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133200	0369	0369	9800	9965	DONATE-AB	25	DP798248	11/25/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP798592	11/25/2019
133200	0369	0369	9800	9965	DONATE CCAS WEB	25	DP798592	11/25/2019
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133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP798589	11/25/2019
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133200	0369	0369	9800	9965	DONATE-AB	25	DP798526	11/25/2019
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133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP798350	11/21/2019
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133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP798351	11/21/2019
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133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP798350	11/21/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP798353	11/21/2019
133200	0369	0369	9800	9965	DONATE-AB	25	DP797879	11/14/2019
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133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP797847	11/13/2019
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133200	0369	0369	9800	9965	DONATE CCAS WEB	25	DP797849	11/13/2019
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133200	0369	0369	9800	9965	DONATE-AB	25	DP797817	11/13/2019
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133200	0369	0369	9800	9965	DONATE-AB	25	DP797215	11/8/2019
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133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP797484	11/6/2019
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133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP797484	11/6/2019
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133200	0369	0369	9800	9965	DONATE-AB	25	DP796897	10/31/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP797007	10/31/2019
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133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP796935	10/29/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP796932	10/29/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP796932	10/29/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP796929	10/29/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP796937	10/29/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP796929	10/29/2019
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133200	0369	0369	9800	9965	DONATE CCAS WEB	25	DP796564	10/25/2019
133200	0369	0369	9800	9965	DONATE-AB	25	DP796505	10/25/2019
133200	0369	0369	9800	9965	DONATE-AB	25	DP796392	10/25/2019
133200	0369	0369	9800	9965	DONATE-AB	25	DP796484	10/25/2019
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133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP796562	10/25/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25	DP796561	10/25/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP796562	10/25/2019
133200	0369	0369	9800	9965	DONATE-AB	25	DP796457	10/25/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25	DP796113	10/16/2019

133200	0369	0369	9800	9965	DONATE-AB	25 DP795910	10/16/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP795911	10/16/2019
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133200	0369	0369	9800	9965	DONATE-AB	25 DP795909	10/16/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP795601	10/16/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP795912	10/16/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP795908	10/16/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP795663	10/16/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP795915	10/14/2019
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133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP795914	10/14/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP795916	10/14/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP795916	10/14/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP795913	10/14/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP795668	10/10/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP795665	10/10/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP795667	10/10/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP795668	10/10/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP795665	10/10/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP795667	10/10/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP795430	10/8/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP795429	10/8/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP795432	10/8/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP795552	10/8/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP795431	10/8/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP795200	10/3/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP795146	10/3/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP795171	10/3/2019
133200	0369	0369	9800	9965	DONATE-AB	25 DP795232	10/3/2019
133200	0369	0369	9800	9965	DONATE PETDATA CC	25 DP795114	10/1/2019
133200	0369	0369	9800	9965	DONATE PETDATA WF	25 DP795114	10/1/2019

TOTAL

Amount	PO #	Task	Option	Activity	Coll. Org
\$100.00				000000	3340
\$104.00				000000	3340
\$5,050.00				000000	3340
\$0.01				000000	3340
\$5.00				000000	3340
\$50.00				000000	3340
\$105.00				000000	3340
\$38.08				000000	3340
\$20.00				000000	3340
\$145.00				000000	3340
\$73.00				000000	3340
\$505.00				000000	3340
\$114.00				000000	3340
\$75.00				000000	3340
\$58.00				000000	3340
\$250.01				000000	3340
\$21.00				000000	3340
\$30.00				000000	3340
\$85.00				000000	3340
\$70.00				000000	3340
\$18.00				000000	3340
\$335.00				000000	3340
\$272.00				000000	3340
\$360.00				000000	3340
\$1,001.00				000000	3340
\$4,811.21				000000	3340
\$0.05				000000	3340
\$1.00				000000	3340
\$439.00				000000	3340
\$210.00				000000	3340
\$10.00				000000	3340
\$5.00				000000	3340
\$33.00				000000	3340
\$225.00				000000	3340
\$46.00				000000	3340
\$350.00				000000	3340
\$26.00				000000	3340
\$33.00				000000	3340
\$145.00				000000	3340
\$25.00				000000	3340
\$67.00				000000	3340
\$1,500.00				000000	3340

\$2,200.00	000000	3340
\$220.00	000000	3340
\$70.00	000000	3340
\$100.00	000000	3340
\$229.00	000000	3340
\$395.00	000000	3340
\$13.00	000000	3340
\$84.00	000000	3340
\$198.00	000000	3340
\$1,655.00	000000	3340
\$22.00	000000	3340
\$26.00	000000	3340
\$63.00	000000	3340
\$111.00	000000	3340
\$58.00	000000	3340
\$1,000.00	000000	3340
\$100.00	000000	3340
\$162.00	000000	3340
\$25.00	000000	3340
\$23.00	000000	3340
\$15.00	000000	3340
\$3.00	000000	3340
\$268.00	000000	3340
\$5.00	000000	3340
\$350.00	000000	3340
\$58.00	000000	3340
\$98.00	000000	3340
\$20.00	000000	3340
\$100.00	000000	3340
\$42.00	000000	3340
\$50.00	000000	3340
\$48.00	000000	3340
\$32.00	000000	3340
\$50.00	000000	3340
\$11.00	000000	3340
\$5.00	000000	3340
\$130.00	000000	3340
(\$33.00)	000000	0000
\$76.16	000000	3340
\$21.00	000000	3340
\$35.00	000000	3340
\$8.00	000000	3340
\$3.01	000000	3340
\$32.00	000000	3340

\$29.00	000000	3340
\$29,057.07	000000	3340
\$93.00	000000	3340
\$53.00	000000	3340
\$50.00	000000	3340
\$5,630.01	000000	3340
\$5.00	000000	3340
\$68.00	000000	3340
\$94.00	000000	3340
\$10.00	000000	3340
\$172.00	000000	3340
\$250.00	000000	3340
\$1,000.00	000000	3340
\$728.00	000000	3340
\$260.00	000000	3340
\$36.00	000000	3340
\$250.00	000000	3340
\$45.00	000000	3340
\$34.00	000000	3340
\$60.00	000000	3340
\$25.00	000000	3340
\$32.00	000000	3340
\$45.00	000000	3340
\$91.00	000000	3340
\$80.00	000000	3340
\$121.00	000000	3340
\$500.00	000000	3340
\$5.00	000000	3340
\$61.00	000000	3340
\$3.00	000000	3340
\$20.00	000000	3340
\$305.00	000000	3340
\$100.00	000000	3340
\$37.00	000000	3340
\$42.00	000000	3340
\$213.00	000000	3340
\$49.00	000000	3340
(\$40.00)	000000	0000
\$1,174.13	000000	3340
\$60.60	000000	3340
\$128.35	000000	3340
\$220.60	000000	3340
\$75.00	000000	3340
\$70.00	000000	3340

\$40.00	000000	3340
\$32.00	000000	3340
\$115.00	000000	3340
\$300.00	000000	3340
\$96.00	000000	3340
\$65.00	000000	3340
\$155.00	000000	3340
\$96.00	000000	3340
\$15.00	000000	3340
\$58.00	000000	3340
\$70.00	000000	3340
\$1,780.00	000000	3340
\$20.00	000000	3340
\$221.00	000000	3340
\$45.00	000000	3340
\$24.00	000000	3340
\$70.00	000000	3340
\$5.00	000000	3340
\$60.00	000000	3340
\$160.00	000000	3340
\$47.00	000000	3340
\$12.00	000000	3340
\$42.00	000000	3340
\$109.00	000000	3340
\$2.00	000000	3340
\$149.00	000000	3340
\$200.00	000000	3340
\$143.00	000000	3340
\$175.05	000000	3340
\$183.00	000000	3340
\$32.00	000000	3340
\$60.00	000000	3340
\$1,061.00	000000	3340
\$50.00	000000	3340
\$235.00	000000	3340
\$50.00	000000	3340
\$20.40	000000	3340
\$50.00	000000	3340
\$128.00	000000	3340
\$10.00	000000	3340
\$134.00	000000	3340
\$100.00	000000	3340
\$43.08	000000	3340
\$12.00	000000	3340

\$50.01	000000	3340
\$130.00	000000	3340
\$59.00	000000	3340
\$40.00	000000	3340
\$683.25	000000	3340
\$185.94	000000	3340
\$50.00	000000	3340
\$173.00	000000	3340
\$67.00	000000	3340
\$144.00	000000	3340
\$73.00	000000	3340
\$75.00	000000	3340
\$40.00	000000	3340
\$256.00	000000	3340
\$28.00	000000	3340
\$10.00	000000	3340
\$37.00	000000	3340
\$60.00	000000	3340
\$40.00	000000	3340
\$206.00	000000	3340
\$20.00	000000	3340
\$20.00	000000	3340
\$39.00	000000	3340
\$55.00	000000	3340
\$109.00	000000	3340
\$274.00	000000	3340
\$97.00	000000	3340
\$100.00	000000	3340
\$600.00	000000	3340
\$10.00	000000	3340
\$356.00	000000	3340
\$76,895.02		



Contra
Costa
County

To: Board of Supervisors
From: David O. Livingston, Sheriff-Coroner
Date: February 4, 2020

Subject: Purchase Order - Life Technologies Corp. GeneMapper ID-X Software

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute (1) a purchase order with Life Technologies Corporation and (2) the Terms and Conditions of Sale with Life Technologies Corporation, on behalf of the Sheriff-Coroner, in an amount of \$95,142 for the purchase of GeneMapper ID-X Software.

FISCAL IMPACT:

100% Federal Funds. Zero Net County Cost. Funded through 2018 DNA Capacity Enhancement for Backlog Reduction (CEBR) Grant Program

BACKGROUND:

The Contra Costa County, Office of the Sheriff, Forensic Services Division operates an ISO 17025 Accredited Crime Laboratory able to provide County-wide Forensic DNA testing services. The DNA Backlog Reduction Program grant funds are needed to ensure the efficient processing of DNA evidence. Grant funds have been used to purchase scientific equipment and software allowing for high throughput DNA extraction, quantification, detection and analysis. The 2018 DNA Backlog Reduction Program Grant funds will be used to purchase an upgrade to our current Life Technologies Corporation's GeneMapper® *ID-X* System Software to ensure state-of-the-art forensic DNA testing is provided to law enforcement agencies in Contra Costa County. The GeneMapper®

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stephanie Mello, Deputy

Contact: Alycia Rubio,
925-335-1529

BACKGROUND: (CONT'D)

ID-X Software System is a powerful data analysis tool designed to significantly reduce the amount of time required to perform sizing, allele calling, mixture analysis, and statistical calculations on all types of forensic samples. The tool offers a comprehensive quality value system that can be optimized and validated for use in both Expert System and traditional data analysis workflows.

The Terms and Conditions of Sale requires the County to indemnify Life Technologies Corporation against third-party claims for infringement of its intellectual property rights.

CONSEQUENCE OF NEGATIVE ACTION:

A decision not to purchase GeneMapper® ID-X Software will increase the DNA case backlog, increase the turnaround time for DNA sample processing, and contribute to delays in criminal prosecutions.



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: February 4, 2020

Subject: Conflict of Interest Code for the Office of the District Attorney

RECOMMENDATION(S):

APPROVE amended list of designated positions for the Conflict of Interest Code for the Office of the District Attorney ("Department").

FISCAL IMPACT:

None.

BACKGROUND:

The Department has amended the list of designated positions in its Conflict of Interest Code and submitted the revised list, attached as Exhibit A, to the Board for approval pursuant to Government Code section 87306 and 87306.5. The change includes the addition of a new position designated to file conflict of interest statements. This change will ensure that the Conflict of Interest Code accurately reflects the current positions and organizational structure in use by the Department. A strike-out version of the list of designated positions is attached as Exhibit B.

CONSEQUENCE OF NEGATIVE ACTION:

None.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

Contact: Cynthia Schwerin, Deputy County Counsel, 925-335-1800

By: Stephanie Mello, Deputy

cc: Cynthia Schwerin, Deputy County Counsel, David Twa, Clerk of the Board of Supervisors, Diana Becton, District Attorney

ATTACHMENTS

Exhibit A: District Attorney COI Code Designated Positions

Exhibit B: District Attorney COI Code Designated Positions

STRIKEOUT

OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY
(Revised January 2020)

Designated Positions

District Attorney
Chief Assistant District Attorney
Assistant District Attorney
Senior Deputy District Attorney
Deputy District Attorney
District Attorney Chief of Administration Services
Chief of Inspectors
Assistant Chief of Inspectors
Lieutenants of Inspectors
Senior Inspectors
District Attorney Program Assistant
District Attorney Manager of Law Offices
District Attorney Office Manager
Information Systems Project Manager
Victim Witness Assistance Program Manager
Public Information Officer

EXHIBIT A

OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY
(Revised January 2020)

Designated Positions

District Attorney
Chief Assistant District Attorney
Assistant District Attorney
Senior Deputy District Attorney
Deputy District Attorney
District Attorney Chief of Administration Services
Chief of Inspectors
Assistant Chief of Inspectors
Lieutenants of Inspectors
Senior Inspectors
District Attorney Program Assistant
District Attorney Manager of Law Offices
District Attorney Office Manager
Information Systems Project Manager
Victim Witness Assistance Program Manager
Public Information Officer

EXHIBIT A



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: February 4, 2020

Subject: Conflict of Interest Code for the Contra Costa Community College District

RECOMMENDATION(S):

APPROVE amended Conflict of Interest Code for the Contra Costa Community College District ("District"), including the list of designated positions.

FISCAL IMPACT:

None.

BACKGROUND:

The District has amended its Conflict of Interest Code and submitted the revised code, attached as Exhibit A, to the Board for approval pursuant to Government Code section 87306 and 87306.5. The changes include an updated list of positions designated to file conflict of interest statements. These changes will ensure that Conflict of Interest Code accurately reflects the current positions and organizational structure used by the District. A strike-out version of the Conflict of Interest Code is attached as Exhibit B.

CONSEQUENCE OF NEGATIVE ACTION:

None.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

Contact: Cynthia Schwerin, Deputy
County Counsel

By: Stephanie Mello, Deputy

ATTACHMENTS

Exhibit A: District COI Code

Exhibit B: District COI Code

STRIKEOUT

CONFLICT OF INTEREST

In accordance with Board Policy 1020, the procedures listed below should be followed by Governing Board members and designated District staff in complying with the District's conflict of interest policy.

Location and Time of Filing of Disclosure Statements

Governing Board members and the District employees designated in Exhibit A hereto shall file their financial disclosure statements (e.g., Form 700) with the Chief Administrative Services Officer, in accordance with Exhibit B. The disclosure statements will be available for public inspection and reproduction upon request to the Chief Administrative Services Officer. (GC 81008) These statements will be retained on a Fair Political Practices Commission (FPPC) certified electronic filing system.

Disclosure of Conflicts

If a Governing Board member or designated District employee has a disqualifying financial interest regarding a decision or proposal, this fact shall be disclosed and made part of the Governing Board's official minutes at the first meeting following the discovery of the conflict of interest.

In the case of an employee, this announcement shall be made in writing and submitted to the Governing Board through the Chancellor's Office.

A Governing Board member, upon identifying a conflict of interest, shall do all of the following prior to consideration of the matter:

- publicly identify the interest in detail sufficient to be understood by the public;
- recuse himself or herself from discussing, deliberating, and/or voting on the matter; and
- during Board consideration of the matter, the conflicted Board member shall leave the room as to closed session matters, and leave the dais as to open session matters, until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the open session agenda reserved for uncontested matters. A Governing Board member may, however, discuss the issue as it relates to his/her personal interest during the time the general public speaks on the issue.

Declaration

Annually, each Governing Board member and designated employee shall submit to the District a signed declaration, set forth in Exhibit C hereto, which acknowledges compliance with this Code.

**CONTRA COSTA COMMUNITY COLLEGE DISTRICT
DESIGNATED POSITIONS/DISCLOSURE CATEGORIES**

Designated Position	Assigned Disclosure Category
Governing Board Member	1
Chancellor	1
President	1
Executive Vice Chancellor	1
Vice Chancellor	1
Associate Vice Chancellor	1
Associate Chief Facilities Planner	1
Vice President	1
Academic/Student Services Manager	2
Assistant Comptroller	2
Associate Chancellor	2
Athletic Director	2
Bond Budget Controls Manager	2
Buildings and Grounds Manager	2
Capital Projects Manager	2
Central Services Manager	2
Chief Accountant	2
Chief of Police	2
College Bookstore Manager	2
Comptroller/Assistant Chief Financial Officer	2
Contract Manager	2
Custodial Manager	2
Dean	2
Director of Administrative Information Systems	2
Director of Admissions and Records	2
Director of Business Services	2
Director of Communications and Community Relations	2
Director of Construction Operations	2

Designated Position	Assigned Disclosure Category
Director of Construction Program Controls	2
Director of District Finance Services	2
Director of District Research	2
Director of Early Childhood Laboratory School	2
Director of Risk Management	2
Director of Facilities and Construction	2
Director of Facilities Services	2
Director of Facilities Support	2
Director of Financial Aid	2
Director of Fiscal Services	2
Director of Human Resources	2
Director of Information Technology	2
Director of Instructional Support	2
Director of Internal Audit Services	2
Director of International Education	2
Director of Library Services	2
Director of Maintenance and Operations	2
Director of Marketing and Communication	2
Director of Marketing and Media Design	2
Director of Payroll Services	2
Director of Public Safety and Related Programs	2
Director of Purchasing and Contract Services	1
Director of Special Programs and Services	2
Director of Student Programs and Services	2
Director of Student Services	2
District Design Director	2
Executive Dean	2
Facilities Project Manager	2
Fiscal Services Manager	2
Food Services Manager	2

Designated Position	Assigned Disclosure Category
Foundation Director	2
Human Resources Operations Manager	2
Human Resources Support Services Manager	2
Information Security Officer	2
Manager of Accounting Services	2
Manager of Disability Support Services	2
Network Technology Manager	2
Program Manager	2
Satellite Business Services Manager	2
Senior Academic/Student Services Manager	2
Senior Dean	2
Senior Foundation Director	2
Special Assistant to the Chancellor	2
Special Project Manager	2
Technology Applications Manager	2
Technology Systems Manager	2
Consultant	*See Exhibit B

DISCLOSURE CATEGORIES

Designated Positions in Category 1 shall disclose:

All interests in real property which is located in whole or in part within the boundaries of the District, as well as investments and business positions in business entities and sources of income, including gifts, loans, and travel payments, from persons or entities that provide, or who are likely to provide, goods or services to the District, or who seek or who are likely to seek any contract or other entitlement from the District

Designated Positions in Category 2 shall disclose:

All investments, business positions in business entities and sources of income, including gifts, loans and travel payments, from persons or entities that manufacture, sell or provide, or who are likely to provide, work, services, materials, commodities, supplies, books, machinery, vehicles, or equipment utilized by the department for which the designated position has discretionary authority.

Consultants

Consultants shall be included in the list of designated employees and shall disclose pursuant to Category 1 subject to the following limitation:

The Chancellor, or designee, may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of disclosure requirements. The Chancellor or designee's determination is a public record and shall be retained for public inspection.

**CONTRA COSTA COMMUNITY COLLEGE DISTRICT
CONFLICT OF INTEREST DECLARATION**

This form is to be completed by each Governing Board member and designated District manager when assuming office and submitted to the Chief Administrative Services Officer.

I declare that as a member of the Governing Board or designated Contra Costa Community College District (CCCCD) manager, I am aware of the legal requirements imposed on me to disclose business and professional relationships that could affect decision-making and to abstain from participating in any matter when I have a disqualifying conflict of interest. By the following, I declare that:

- I will disclose whether I am related by blood or marriage to any member of the Governing Board, or to an employee of the CCCCCD;
- I will disclose any contract, agreement, or business arrangement that I, or any member of my immediate family (persons related by blood, marriage or legal procedure, including registered domestic partners, parents, children, spouses, siblings, first cousins, and in-laws of any of the aforementioned, uncles, aunts, nieces, nephews, grandparents and grandchildren), may have with the CCCCCD, either directly or indirectly through a corporation, partnership, or other business entity;
- I will disclose whether any person who has a business relationship with, or a financial interest in, any business that I own, operate, manage, or am employed by, also has a contract, agreement, or business arrangement with the CCCCCD;
- I have read the Conflict of Interest policy established by the Governing Board, and I understand that, in the public's view, a conflict of interest may exist if I, or any member of my immediate family, does business with, or proposes to do business with, any entity that does business with the CCCCCD;
- I understand that a conflict of interest, or the appearance of a conflict of interest, may exist if anyone with a family, business, or professional relationship with me does business or proposes to do business with the CCCCCD; and
- I understand that any of these conflicts shall be fully disclosed in writing to the Governing Board as soon as the conflict is discovered.

By my signature, I agree to comply with the District's Conflict of Interest policy.

Printed Name _____

Signature _____

Date _____

CONFLICT OF INTEREST

In accordance with Board Policy 1020, the procedures listed below should be followed by Governing Board members and designated District staff in complying with the District's conflict of interest policy.

Location and Time of Filing of Disclosure Statements

Governing Board members and the District employees designated in Exhibit A hereto shall file their financial disclosure statements (e.g., Form 700) with the Chief Administrative Services Officer, in accordance with Exhibit B. The disclosure statements will be available for public inspection and reproduction upon request to the Chief Administrative Services Officer. (GC 81008) These statements will be retained in the office of the Executive Vice Chancellor, Administrative Services on a Fair Political Practices Commission (FPPC) certified electronic filing system.

Disclosure of Conflicts

If a Governing Board member or designated District employee has a disqualifying financial interest regarding a decision or proposal, this fact shall be disclosed and made part of the Governing Board's official minutes at the first meeting following the discovery of the conflict of interest.

In the case of an employee, this announcement shall be made in writing and submitted to the Governing Board through the Chancellor's Office.

A Governing Board member, upon identifying a conflict of interest, shall do all of the following prior to consideration of the matter:

- publicly identify the interest in detail sufficient to be understood by the public;
- recuse himself or herself from discussing, deliberating, and/or voting on the matter; and
- during Board consideration of the matter, the conflicted Board member shall leave the room as to closed session matters, and leave the dais as to open session matters, until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the open session agenda reserved for uncontested matters. A Governing Board member may, however, discuss the issue as it relates to his/her personal interest during the time the general public speaks on the issue.

Declaration

Annually, each Governing Board member and designated employee shall submit to the District a signed declaration, set forth in Exhibit C hereto, which acknowledges compliance with this Code.

**CONTRA COSTA COMMUNITY COLLEGE DISTRICT
DESIGNATED POSITIONS/DISCLOSURE CATEGORIES**

Designated Position	Assigned Disclosure Category
Governing Board Member	1
Chancellor	1
President	1
Executive Vice Chancellor	1
Vice Chancellor	1
Associate Vice Chancellor	1
Chief Facilities Planner	1
Associate Chief Facilities Planner	1
Vice President	1
Academic/Student Services Manager	2
Assistant Comptroller	2
Associate Chancellor	2
Athletic Director	2
Bond Budget Controls Manager	2
Buildings and Grounds Manager	2
Capital Projects Manager	2
Central Services Manager	2
Chief Accountant	2
Chief of Police	2
College Bookstore Manager	2
Comptroller/Assistant Chief Financial Officer	2
Contract Manager	2
Custodial Manager	2
Dean	2
Director of Administrative Information Systems	2
Director of Admissions and Records	2
Director of Admissions, Records and Relations with Schools	2
Director of Business Services	2

Designated Position	Assigned Disclosure Category
Director of Communications and Community Relations	2
Director of Construction Operations	2
Director of Construction Program Controls	2
Director of District Finance Services	2
Director of District Research	2
Director of Early Childhood Laboratory School	2
Director of Environmental Health, Occupational Safety, & Risk Management	2
Director of Facilities and Construction	2
Director of Facilities Services	2
Director of Facilities Support	2
Director of Financial Aid	2
Director of Fiscal Services	2
Director of Human Resources	2
Director of Information Technology	2
Director of Instructional Support	2
Director of Internal Audit Services	2
Director of International Education	2
Director of Library Services	2
Director of Maintenance and Operations	2
Director of Marketing and Communication	2
Director of Marketing and Media Design	2
Director of Payroll Services	2
Director of Police, Safety and Emergency Services	2
Director of Public Safety and Related Programs	2
Director of Purchasing and Contract Services	1
Director of Special Programs and Services	2
Director of Student Programs and Services	2
Director of Student Services	2
District Design Director	2
Executive Dean	2

Designated Position	Assigned Disclosure Category
Facilities Project Manager	2
Fiscal Services Manager	2
Food Services Manager	2
Foundation Director	2
Human Resources Operations Manager	2
Human Resources Support Services Manager	2
Information Security Officer	2
Manager of Accounting Services	2
Manager of Disability Support Services	2
Network Technology Manager	2
Program Manager	2
Satellite Business Services Manager	2
Senior Academic/Student Services Manager	2
Senior Dean	2
Senior Foundation Director	2
Special Assistant to the Chancellor	2
Special Project Manager	2
Technology Applications Manager	2
Technology Systems Manager	2
Consultant	*See Exhibit B

DISCLOSURE CATEGORIES

Designated Positions in Category 1 shall disclose:

All interests in real property which is located in whole or in part within the boundaries of the District, as well as investments and business positions in business entities and sources of income, including gifts, loans, and travel payments, from persons or entities that provide, or who are likely to provide, goods or services to the District, or who seek or who are likely to seek any contract or other entitlement from the District

Designated Positions in Category 2 shall disclose:

All investments, business positions in business entities and sources of income, including gifts, loans and travel payments, from persons or entities that manufacture, sell or provide, or who are likely to provide, work, services, materials, commodities, supplies, books, machinery, vehicles, or equipment utilized by the department for which the designated position has discretionary authority.

Consultants

Consultants shall be included in the list of designated employees and shall disclose pursuant to Category 1 subject to the following limitation:

The Chancellor, or designee, may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of disclosure requirements. The Chancellor or designee's determination is a public record and shall be retained for public inspection.

**CONTRA COSTA COMMUNITY COLLEGE DISTRICT
CONFLICT OF INTEREST DECLARATION**

This form is to be completed by each Governing Board member and designated District manager annually when ~~the Form 700 is completed and submitted to the Chief Administrative Officer at the District Office~~ assuming office and submitted to the Chief Administrative Services Officer.

I declare that as a member of the Governing Board or designated Contra Costa Community College District (CCCCD) manager, I am aware of the legal requirements imposed on me to disclose business and professional relationships that could affect decision-making and to abstain from participating in any matter when I have a disqualifying conflict of interest. By the following, I declare that:

- I will disclose whether I am related by blood or marriage to any member of the Governing Board, or to an employee of the CCCCC;
- I will disclose any contract, agreement, or business arrangement that I, or any member of my immediate family (persons related by blood, marriage or legal procedure, including registered domestic partners, parents, children, spouses, siblings, first cousins, and in-laws of any of the aforementioned, uncles, aunts, nieces, nephews, grandparents and grandchildren), may have with the CCCCC, either directly or indirectly through a corporation, partnership, or other business entity;
- I will disclose whether any person who has a business relationship with, or a financial interest in, any business that I own, operate, manage, or am employed by, also has a contract, agreement, or business arrangement with the CCCCC;
- I have read the Conflict of Interest policy established by the Governing Board, and I understand that, in the public's view, a conflict of interest may exist if I, or any member of my immediate family, does business with, or proposes to do business with, any entity that does business with the CCCCC;
- I understand that a conflict of interest, or the appearance of a conflict of interest, may exist if anyone with a family, business, or professional relationship with me does business or proposes to do business with the CCCCC; and
- I understand that any of these conflicts shall be fully disclosed in writing to the Governing Board as soon as the conflict is discovered.

By my signature, I agree to comply with the District's Conflict of Interest policy.

Printed Name _____

Signature _____

Date _____



Contra
Costa
County

To: Board of Supervisors
From: TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE
Date: February 4, 2020

Subject: Communication to CCTA Re: County Appointments: Iron Horse Corridor Mgmt Advisory Committee, Accessible Transportation Policy Advisory Committee

RECOMMENDATION(S):

1. APPOINT Supervisor Candace Andersen as the Board of Supervisors representative and Dr. Chris Farnitano as County Health Services Department representative to the Contra Costa Transportation Authority's Policy Advisory Committee for the Accessible Transportation Strategic Plan, and DIRECT the Clerk of the Board to update the Board's Master Resolution for Board Committee appointments.
2. AUTHORIZE the Chair of the Board of Supervisors to sign two letters to the Contra Costa Transportation Authority, 1) requesting an appointment from the Authority to the Iron Horse Corridor Management Program Advisory Committee pursuant to Assembly Bill 1025 (2019-Grayson), and 2) notifying the Authority of the County's appointees to the Authority's Policy Advisory Committee for the Accessible Transportation Strategic Plan.

FISCAL IMPACT:

None.

BACKGROUND:

Iron Horse Corridor Management Program Advisory Committee

Assembly Bill (AB) 1025 (Grayson) "Transportation: California Transportation Commission: San Ramon Branch Corridor: reimbursement" resulted in 1) the elimination of County obligations to the state associated

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stephanie Mello, Deputy

Contact: John Cunningham 925
674-7833

BACKGROUND: (CONT'D)

with the legacy State grants used to acquire the Iron Horse Corridor, and 2) changes to the County's Iron Horse Corridor Management Program Advisory Committee. From the bill text:

§ 2. (a) The County of Contra Costa shall do both of the following: (1) Revise the bylaws of the Iron Horse Corridor Management Program Advisory Committee to include a seat for a Contra Costa Transportation Authority representative and expand the management program elements to include a new, seventh element that considers proposals to study new and emerging mobility modes and technologies in the corridor. (2) Include a new task in the committee's work program to recommend a framework for acting on the proposals.

The attached letter is being brought to the Board in order to comply with AB 1025 through the addition of an Authority representative on the Iron Horse Advisory Committee.

Policy Advisory Committee: Accessible Transportation Strategic Plan

The Accessible Transportation Strategic (ATS) Plan is being conducted by the Contra Costa Transportation Authority (CCTA) with support from Contra Costa County. The ATS Plan is reviewing how transit services are provided to seniors, persons with disabilities, and veterans. The oversight structure for the Committee includes a Policy Advisory Committee that was approved by CCTA in 2019 and includes two seats for the County. Those seats include one each from the Board of Supervisors and Contra Costa Health Services.

The Transportation, Water, and Infrastructure Committee discussed the appointments and made the recommendations seen in the attached letter, Candace Andersen and Chris Farnitano.

CONSEQUENCE OF NEGATIVE ACTION:

If the recommended actions are not taken, the County will not be in compliance with the obligations in Assembly Bill 1025 to modify the membership of the Iron Horse Corridor Management Program Advisory Committee, and will not have County representatives on the Policy Advisory Committee for the Accessible Transportation Strategic Plan.

ATTACHMENTS

BOS_to_CCTA_IronHorse_appointment

BOS_to_CCTA_ATS_appointment

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553

John Gioia, 1st District
Candace Andersen, 2nd District
Diane Burgis, 3rd District
Karen Mitchoff, 4th District
Federal D. Glover, 5th District

Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

February 2, 2020

Julie Pierce, Chair
Contra Costa Transportation Authority
2999 Oak Road, Suite 100

Subject: Iron Horse Corridor Management Program Advisory Committee: Contra Costa Transportation Authority Appointment

Dear Chair Pierce

As you are aware, the Governor signed Assembly Bill 1025 (Grayson) in to law at the end of 2019. The bill relieved the County of obsolete conditions in legacy grants from the 1980s related to the acquisition of the Iron Horse Corridor. In addition, the bill made changes¹ to the oversight of the Corridor by way of modifications to the Iron Horse Corridor Management Program Advisory Committee. One such change is the addition of a seat for the Contra Costa Transportation Authority.

The Board of Supervisors is requesting that the Authority appoint a member to the Iron Horse Committee. We look forward to your contribution in this forum and are confident that County residents and visitors will benefit from an enhanced corridor as a result.

Sincerely,

Candace Andersen, Chair
Contra Costa County Board of Supervisors
Supervisor, District II

Copy: Carrie Ricci, Deputy Directory – Public Works Department
Attachment: Assembly Bill No. 1025

¹ § 2. (a) The County of Contra Costa shall do both of the following: (1) Revise the bylaws of the Iron Horse Corridor Management Program Advisory Committee to include a seat for a Contra Costa Transportation Authority representative and expand the management program elements to include a new, seventh element that considers proposals to study new and emerging mobility modes and technologies in the corridor. (2) Include a new task in the committee's work program to recommend a framework for acting on the proposals.

Assembly Bill No. 1025

CHAPTER 816

An act relating to transportation.

[Approved by Governor October 12, 2019. Filed with Secretary
of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1025, Grayson. Transportation: California Transportation Commission: San Ramon Branch Corridor: reimbursement.

Existing law creates the California Transportation Commission, with various powers and duties relative to the programming of transportation capital projects and the allocation of funds to those projects, pursuant to the state transportation improvement program and various other transportation funding programs. Through certain commission resolutions, the commission allocated moneys appropriated to it in the 1980s from the Transportation Planning and Development Account to the County of Contra Costa for the acquisition of a specified right-of-way, and for associated projects, relating to the San Ramon Branch Corridor. Those resolutions require the county to reimburse the state if the county fails to meet specified conditions.

This bill would relinquish the rights of the state to reimbursement pursuant to those resolutions.

This bill would also require the County of Contra Costa to revise the bylaws of the Iron Horse Corridor Management Program Advisory Committee to: (1) include a seat for a Contra Costa Transportation Authority representative, (2) expand the management program elements to include a new, 7th element that considers proposals to study new and emerging mobility modes and technologies in the corridor, and (3) include a new task in the committee's work program to recommend a framework for acting on these proposals. The bill would also make findings and declarations in support of these requirements.

By imposing new duties on local public officials, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The Southern Pacific Railroad's San Ramon Branch Line started service in 1891. That section of the rail line in the County of Contra Costa extended 18.5 miles from the City of Concord to the Alameda County line.

(b) In 1978, Southern Pacific Railroad received federal permission to abandon the rail line. The line's railroad tracks were removed over the following one to two years.

(c) The County of Contra Costa obtained \$10,579,000 in Transportation Planning and Development Account (TP&D) grants starting in 1982 to fund a feasibility study and pay for the partial acquisition of the San Ramon Branch Corridor's right-of-way, including a 1982 TP&D grant, MT-83-16, for \$2,000,000, a 1985 TP&D grant, MT-86-1, for \$2,579,000, and a 1986 TP&D grant, MT-87-2, for \$6,000,000.

(d) The grants' requirements included (1) the conduct of a feasibility study with costs to be shared equally by state and nonstate sources, and (2) the planning and construction of a busway or exclusive mass transit guideway. The feasibility study investigated possible transportation improvements within the right-of-way and the Interstate Route 680 corridor between the Cities of Concord and Pleasanton.

(e) The County of Contra Costa raised some of the nonstate moneys necessary to purchase the right-of-way through the sale of easements to the Central Contra Costa Sanitary District and the Contra Costa County Flood Control District. The Contra Costa County Redevelopment Agency (RDA) also acquired portions of the right-of-way in the redevelopment area. The RDA used a portion of that right-of-way to construct bicycle and pedestrian access improvements, including a bridge exclusively for bicycles and pedestrians crossing over a major arterial that serves the Pleasant Hill/Contra Costa Centre Bay Area Rapid Transit (BART) station.

(f) In 1986 the County of Contra Costa entered into a license agreement with East Bay Regional Park District to operate a 10-foot wide paved multiuse trail within the right-of-way called the "Iron Horse Regional Trail." On July 5, 2017, the East Bay Regional Park District's Board of Directors authorized an electric bicycle pilot program, for Class 1 and 2 E-bikes, on the Iron Horse Regional Trail. On October 18, 2017, the Contra Costa Transportation Authority appropriated \$350,000 in funds from Measure J, the local transportation sales tax initiative approved by the voters in November 2004, to conduct the Iron Horse Active Transportation Corridor Study.

(g) Due to a combination of an acute shortage of automobile parking at the Pleasant Hill/Contra Costa Centre BART station and the immediate proximity of the Iron Horse Regional Trail, a significant expansion of bicycle accommodation in the station area has taken place to improve BART station access. New accommodations include the installation of a 215-space secure bike station, the placement of a fleet of docked and dockless bikes, and improvements to the surrounding infrastructure to accommodate bikes.

These investments concurrently rely on, and increase the usage of, the Iron Horse Regional Trail.

(h) When the County of Contra Costa purchased the right-of-way, water lines and a high pressure gas line were already in place in the right-of-way. The county has expanded access to utilities by authorizing the installation of a reclaimed waterline, a fiber optic line, sewer lines, and additional water lines.

(i) Consistent with requirements in the grants described in subdivision (c), the County of Contra Costa has identified, and restricted the use of, a 34-foot wide transit area throughout the right-of-way for a busway or exclusive mass transit guideway while continuing to use and manage the right-of-way, emphasizing active transportation projects and the general benefit to the public. The Board of Supervisors of the County of Contra Costa is advised on this use and management by the multijurisdictional Iron Horse Corridor Management Program Advisory Committee that is comprised of representatives from the community of Alamo, the City of Concord, the City of San Ramon, the Town of Danville, the City of Walnut Creek, and the City of Pleasant Hill, the board of supervisors, and the East Bay Regional Park District.

(j) The Iron Horse Regional Trail is one of the largest and oldest multiuse trails in the San Francisco Bay area, is the East Bay Regional Park District's most used trail, and has evolved into a cherished community element. The County of Contra Costa, through grant funding and project sponsors, constructed alternate trails in several sections of the right-of-way allowing walkers and joggers to use the right-of-way separately from faster moving cyclists and other wheeled modes of transportation.

(k) The County of Contra Costa receives requests from adjacent cities and companies to make improvements to the right-of-way. Approving the requests continues to be a challenge while maintaining the 34-foot wide clear area to accommodate the busway or exclusive mass transit guideway.

(l) While there is potential for emerging transportation technologies to be implemented in the corridor, a busway or exclusive mass transit guideway is no longer a best practice or appropriate use of the right-of-way. The right-of-way is used annually by over one million recreational users, commuters, and students for access to 11 schools, three BART stations that face severe parking shortages, numerous commercial and recreational activity centers, as well as other regional trails which together with the Iron Horse Trail form a sophisticated countywide active transportation network comprised of the Contra Costa Canal Trail and two other trails to which connections are planned, the Lafayette-Moraga Regional Trail and the Delta de Anza Regional Trail.

(m) With the evolution of new mobility technologies, including ride hailing, transportation network companies, autonomous vehicles, miscellaneous wheeled devices, and other "last mile" options, an investment in a busway or exclusive mass transit guideway in a corridor bounded by the BART commuter rail line in both the north, the Pittsburgh-Bay

Point-SFO Line, and in the south, the Dublin-Pleasanton-Daly City Line, is unlikely to meet cost-benefit expectations.

(n) The construction of a busway or exclusive mass transit guideway is no longer operationally or financially viable due to the cost of developing these modes of transportation in compact, established communities with substantial density immediately adjacent to urban and suburban uses, and the corresponding density of road and trail crossings, the overwhelming presence of active mode users, and the status in the community of the corridor and trail as a linear park, recreational, and multiuse facility.

(o) Above and beyond the requirements to study and construct the busway or exclusive mass transit guideway, the Contra Costa Transportation Authority has conducted comprehensive analyses in the broader travel corridor, the “I-680 Investment Options Analysis” (2003) and the “I-680 Transit Investment/Congestion Relief Options Study” (2015). Neither effort recommended the use of the Iron Horse right-of-way as a viable option to address congestion on I-680. With the rapid emergence of new mobility options, an update to these prior studies is warranted.

(p) The County of Contra Costa remains committed to continuing its good faith effort in working with corridor-adjacent cities and the Contra Costa Transportation Authority, to collaboratively invest, study, and develop the corridor for the public benefit, including the examination of new transportation modes and technologies as they evolve. This commitment is evidenced by the Iron Horse Active Transportation Corridor Study currently underway. The study includes an examination of the accommodation of shared autonomous vehicles. Study oversight includes representatives from the Contra Costa Transportation Authority, corridor cities, and the East Bay Regional Park District.

SEC. 2. (a) The County of Contra Costa shall do both of the following:

(1) Revise the bylaws of the Iron Horse Corridor Management Program Advisory Committee to include a seat for a Contra Costa Transportation Authority representative and expand the management program elements to include a new, seventh element that considers proposals to study new and emerging mobility modes and technologies in the corridor.

(2) Include a new task in the committee’s work program to recommend a framework for acting on the proposals.

(b) The state hereby relinquishes the rights to reimbursement established pursuant to the following California Transportation Commission resolutions relating to the San Ramon Branch Corridor: Resolution MT-83-16 (December 17, 1982), TP&D Abandoned Railroad Right-of-Way Program, Resolution MT-86-1 (September 1985), TP&D Transit Capital Improvement Funding, Resolution MT-87-2 (July 1986), and TP&D Abandoned Railroad Right-of-Way Program.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and

school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553

John Gioia, 1st District
Candace Andersen, 2nd District
Diane Burgis, 3rd District
Karen Mitchoff, 4th District
Federal D. Glover, 5th District

Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

February 2, 2020

Julie Pierce, Chair
Contra Costa Transportation Authority
2999 Oak Road, Suite 100
Walnut Creek, CA 94597

Subject: County Appointment to the Accessible Transportation Strategic Plan Policy Advisory Committee

Dear Chair Pierce,

I'm writing on behalf of the Board of Supervisors to appoint Dr. Chris Farnitano, the Public Health Officer for our Health Services Department and myself, as current Board Chair, to the Policy Advisory Committee (PAC) for the Accessible Transit Strategic (ATS) Plan. We understand that the ATS Plan will examine how to improve transportation services to seniors, persons with disabilities, and veterans. Dr. Farnitano and I look forward to participating on the PAC to achieve this end.

The Board of Supervisors appreciates the leadership provided by the Authority in addressing this critical service area.

Sincerely,

Candace Andersen, Chair
Contra Costa County Board of Supervisors
Supervisor, District II

Copy: Anna Roth, Contra Costa Health Services - Director
Peter Engel, CCTA – Director of Programs



Contra
Costa
County

To: Board of Supervisors
From: TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE
Date: February 4, 2020

Subject: Pipeline Safety Recommendations from the Hazardous Materials Commission

RECOMMENDATION(S):

APPROVE recommendations from the Hazardous Materials Commission and the Transportation, Water, and Infrastructure Committee on pipeline safety, and DIRECT staff to implement the recommendations through the appropriate processes.

FISCAL IMPACT:

None.

BACKGROUND:

On October 7th, the Transportation, Water, and Infrastructure Committee (TWIC) received a report from the Hazardous Materials Commission (HMC). The TWIC contributed additional recommendations and directed staff to bring those recommendations to the Board of Supervisors and back to the HMC.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **02/04/2020** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 4, 2020

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

By: Stephanie Mello, Deputy

Contact: Michael Kent, (925)
313-6587

cc: Michael Kent

BACKGROUND: (CONT'D)

A letter from George Smith, HMC Chair, transmitting the Commission's recommendations is attached and the additional recommendations from the TWIC include the following:

- Support federal legislation that requires pipeline operators to conduct technical seismic vulnerability studies.
- Direction to staff to continue to track federal regulations related to pipeline safety.
- Directed staff to communicate the County's priorities relative to school siting and safety (inclusive of pipeline/hazardous materials issues) to the Superintendent of Public Instruction, Tony Thurmond.

Due to the varying character of the recommendations, staff will pursue each through the appropriate mechanisms and seek Board approval as necessary through the TWIC, the Legislation Committee, directly to the Board of Supervisors.

CONSEQUENCE OF NEGATIVE ACTION:

If unapproved, the County's policy development relative to pipeline safety will not reflect the recent recommendations of the Hazardous Materials Commission and the Transportation, Water, and Infrastructure Committee.

CHILDREN'S IMPACT STATEMENT:

The following Outcomes from the Children's Report Card are furthered by this item:

Outcome 2: Youth Are Healthy and Preparing for Adulthood

Outcome 4: Families and Communities Are Safe

ATTACHMENTS

Ltr_HMC_to_BOSreHMCrecs.pdf

Brochure-PipelineSafety-EmergencyPlanning.pdf

June 25, 2019

Supervisor John Gioia, District 1
Contra Costa County Board of Supervisors
11780 San Pablo Avenue, Suite D
El Cerrito, CA 94530

Re: Pipeline Safety Recommendations

Dear Supervisor Gioia:

I am writing on behalf of the Contra Costa County Hazardous Materials Commission to recommend the Board of Supervisors take following actions to promote pipeline safety in Contra Costa County. These recommendations were voted on at the May 23, 2019 Commission meeting after careful review and deliberation of recommendations in a 2018 report by the Pipeline Safety Trust on pipeline safety in Contra Costa County. All recommendations were approved by a vote of 10 – 0 with the exception of recommendation number 4, which was opposed by the representative of the Industrial Association, Mark Hughes. This report was done on behalf of the Alamo Improvement Association as part of a grant they received from the Federal Department of Transportation. This report focused on gas pipeline safety issues, and was done as a follow-up to a previous report in 2015 that focused on liquid pipeline safety issues.

- 1) Recommend to the Pipeline and Hazardous Materials Safety Administration (PHMSA) that they include enforcement actions against operators by state pipeline safety regulators and the U.S Department of Justice on their webpage.

The PHMSA web page currently only includes PHMSA pipeline safety enforcement actions which doesn't give a full and transparent understanding of the enforcement status of an operator. For example, the enforcement status for PGE on the PHMSA website shows no federal enforcement actions since 2006. This does not include the fact that PGE was convicted

of federal felony criminal violations by the Department of Justice for the 2010 San Bruno incident.

- 2) Recommend to PHMSA, the Office of the State Fire Marshal and the California Public Utilities Commission that they make information about a pipeline's High Consequence Area (HCA) designation easily available to the public.

Hazardous Liquid pipelines that could affect HCAs, which include high population areas, certain drinking water sources, or some ecologically sensitive areas, must prepare integrity management plans and adhere to stricter assessment rules than pipelines that could not affect an HCA in the event of a failure. Information about which pipeline segments are, and are not, within HCAs is not easily available to the public.

- 3) Support federal legislation that improves leak detection systems in pipelines.

PHMSA has been working on a rule-making process for seven years to address the findings of a 2013 study on the technical limitations of current leak detection systems, but no new or proposed rules have been release for public review.

- 4) Support federal legislation that requires pipeline operators to contract for an independent technical seismic vulnerability study on HCA pipelines affected by potentially active faults to feed into the pipeline risk analysis, and make the study available to the public.

The Alamo Improvement Association contracted with a private engineering firm to conduct seismic review report of the pipelines in the Alamo area which yielded recommendations about how to address current potential vulnerabilities.

- 5) Recommend to the California Department of Education that they complete their review of school siting and design standards review that was begun in 2016 and that they implement the recommendations the Commission made previously.

In January, 2018 the Commission recommended the Board of Supervisors recommend to the California Department of Education that they amend the regulations pertaining to the rebuilding of schools on the site of existing schools to require that the current risks from accidental explosions and fire of hazardous materials used, stored, manufactured or transported at industrial facilities, in pipelines and by rail be assessed and mitigated. The review begun in 2016 has stalled out, and there is no current effort underway to complete the review.

- 6) Recommend to the California Department of Education, local community colleges, and local School Districts that they use the enclosed brochure or other, similar brochure to encourage schools to address pipeline incidents in their emergency response plans, and encourage existing schools to mitigate the risks from nearby pipelines utilizing the state guidelines that have been developed for siting new schools.

The County Hazardous Materials Program and Public Works Department, the Contra Costa CAER group, the Contra Costa County Fire District and the San Ramon Valley Fire District developed the enclosed brochure to be used by schools, daycare centers, Senior Centers, medical facilities and other “Sensitive Receptors” to educate them about pipeline safety issues and the need to address potential pipeline incidents in their Emergency Response Plans.

- 7) Recommend to pipeline operators that they reach out to the schools along their pipeline easements and offer to provide technical assistance assessing pipeline risks and evacuation strategies. Offer to provide them the County brochure on pipeline safety and emergency planning if they don’t already have appropriate educational materials.

The County Hazardous Materials Program and Public Works Department, the Contra Costa CAER group, the Contra Costa County Fire District and the San Ramon Valley Fire District developed the enclosed brochure to be used by schools, daycare centers, Senior Centers, medical facilities and other “Sensitive Receptors” to educate them about pipeline safety issues and the need to address potential pipeline incidents in their Emergency Response Plans.

Sincerely,

George Smith
Chairperson, Hazardous Materials Commission

How to Recognize a Pipeline Leak:

LOOK for Releases Around a Pipeline

- ◆ Liquid pipeline: pools of liquid along the pipeline, oily sheen on water surfaces or continuous bubbling in wet or flooded areas.
- ◆ Liquefied petroleum gas pipeline: dead vegetation or blowing dirt at the release, or a vaporous cloud or fog that travels low to the ground with possible frost formation even in warm water.
- ◆ Natural gas pipeline: dead or discolored plants in an otherwise healthy area of vegetation, frozen ground in warm weather, blowing dirt near a pipeline, or fire coming from the ground or burning above it.

LISTEN for Unusual Sounds

- ◆ The sound can range from a quiet hissing to a loud roar, depending on the pressure, the type of pipeline and the size of the leak.

SMELL of Unexpected Odors

- ◆ A crude oil or refined product liquid release may have an unusual smell or petroleum odor, however some products can be odorless while still toxic.
- ◆ A release from a natural gas or liquefied petroleum gas pipeline may or may not have a smell.
- ◆ Petroleum scent or odors such as sulfur (rotten eggs) or mild, unusual fragrance.

Contacts:

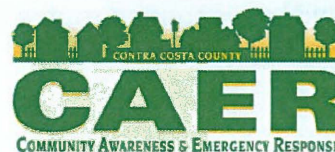
Call 9-1-1 immediately if you suspect a leak coming from a pipeline. Wait until the fire department responds to determine the appropriate protective actions to take.

The Office of the State Fire Marshal (OSFM) has safety, regulatory and enforcement authority over intrastate hazardous liquid pipelines. OSFM Headquarters can be reached at (916) 653-5123. <http://osfm.fire.ca.gov/>

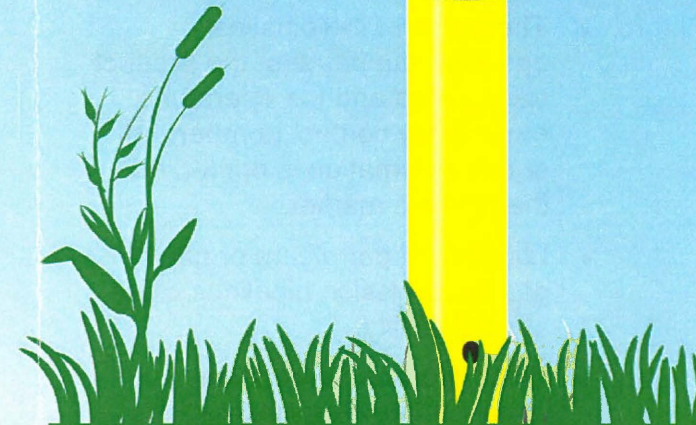
The California Public Utilities Commission (PUC) has regulatory authority for natural gas pipelines. The PUC can be reached at (800) 848-5580. <http://www.cpuc.ca.gov/>

If you have questions about the information in this brochure, please contact Contra Costa County Community Awareness Emergency Response (CAER) at (925) 313-9296. <http://www.cococaer.org/>

CAER is a non-profit public benefit corporation of public emergency response agencies, local government officials and facilities and businesses that use, store, handle, produce or transport hazardous materials.



PIPELINE SAFETY AND EMERGENCY PLANNING



Pipeline Safety and Emergency Planning

Facilities like yours commonly have an emergency plan in place for many potentially dangerous situations including fires, earthquakes, hazardous weather events, and even acts or threats of violence on your property. Although rare, natural gas or petroleum pipelines can rupture, or explode and catch fire threatening the safety of nearby homes and facilities. If your facility is located near a major gas or petroleum pipeline it is vital that your safety plan provides emergency procedures for your employees in the event of a pipeline rupture, explosion or fire.

What to include in your Emergency Plan:

- ◆ The name of the pipeline operator, the name of the product transported and the operator's emergency contact number. All of this information is printed on the pipeline marker.
- ◆ Location of petroleum or natural gas transmission pipelines close to your facility.
- ◆ The reference information obtained from pipeline markers. This information identifies the

pipeline operator and their emergency contact information.

- ◆ The warning signs of a pipeline leak.
- ◆ Who to notify if you suspect a pipeline leak. This includes the pipeline operator(s) and calling 9-1-1.
- ◆ Preparing safe responses to a pipeline leak: how you would either Shelter-in-Place or safely evacuate your facility depending on what you are instructed to do by the Fire Department.
- ◆ Instructions on how to Shelter-in-Place if instructed to do so. Shelter-in-Place means to Shelter, Shut and Listen:
 - Stay inside.
 - Close all windows and secure doors (locking provides a tighter seal).
 - Turn off all ventilation systems, such as heating or air conditioning.
 - If there are gaps in windows or doors, seal with tape or damp towels.
 - Have an AM radio for emergencies and tune to KCBS 740 for information.
- ◆ Plan your evacuation routes in and out of your facility.

- Consider a backup plan if there is only one route in and out of your facility.
 - Know what routes you can take to avoid the pipeline.
 - Conduct drills or tabletop exercises to simulate and test your emergency response.
- ◆ Ask your local Fire Department to do a site visit and review your Emergency Plan.

Before You Dig



**Know what's below.
Call before you dig.**

811 is the phone number you call before digging to protect yourself and others from unintentionally hitting underground utility lines.

811 is the federally designated number to call before you dig that helps homeowners and professionals avoid damaging vital utilities. When you make the **free** call to 811 a few days before you dig, you'll help prevent unintended consequences such as injury to you or your family, damage to your property, utility service outages to the entire neighborhood and potential fines and repair costs.

