

Antioch approves new fees for charging developers to serve future growth

By Paul Bugarino Contra Costa Times Contra Costa Times
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ANTIOCH -- City leaders this week approved a change to Antioch's method of charging developers to serve future growth, establishing a set of one-time charges on builders to cover items such as roads, parks and police services.

Before giving unanimous approval Tuesday, council members said the goal of the new Development Impact Fee program is to create consistency.

"I like the fact, immensely, that there is certainty for impact fees in Antioch. That's a real benefit to us," Councilman Gary Agopian said. "Certainty is what we have had off and on; we'll have it on all the time now."

Under Antioch's old growth system, a prospective developer had to score a certain number of points on a system to receive entitlements and offer certain local improvements, such as roads or parks, said Tina Wehrmeister, the city's community development director. Over time, that morphed into builders offering money, she said.

The council agreed with numbers set in the study of a maximum fee of \$7,198 per single-family unit, \$4,692 per multifamily unit, and 77 cents per nonresidential square foot. Sewer and water, school district and regional road fees would stay the same.

"The developer will know in Antioch what we're doing, why we're doing it and what we need to do," Agopian said.

Antioch can revise those fees if it sees shifts in the city's housing mix, which is likely given plans to build around the new eBART station and downtown.

City leaders also rejected a suggestion from the Building Industry Association of the Bay Area to phase in the fee changes.

Antioch's residential development is expected to increase from 34,000 units to 44,800 as the city builds out, according to the study. That would increase its population from about 105,000 to 132,000. Future costs to accommodate that growth is \$124.8 million, with new growth being on the hook for about \$66.8 million of it.

After years of rampant growth in the 1990s, Antioch voters passed Measure U in 1998, an advisory measure aimed at phasing in new home construction to account for land-use and financial planning. It also said that growth should pay its own way through fees and other methods.

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Dams could be constructed to block saltwater creep into

Delta's fresh water

By Denis Cuff and Paul Burgarino Contra Costa Times Contra Costa Times

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The state Department of Water Resources is rushing to place temporary dams in three channels in the Sacramento-San Joaquin River Delta to hold back the intrusion of seawater from San Francisco Bay and protect water quality during this drought year.

With less fresh water than normal flowing through the rivers, salty seawater is creeping into the Delta, which provides drinking water for 25 million people -- including 1.8 million customers of the Santa Clara Valley Water District, 500,000 in the Contra Costa Water District, and 19 million people served by Southern California's Metropolitan Water District -- and 3 million acres of farmland. The \$25 million barriers would prevent the river water from flowing out to tributaries and instead push it downstream to where giant pipes capture the supply.

"The idea is that we will be able to avoid having to release water from reservoirs to meet water quality, and conserving as much as we can for later," said Mark Holderman, the project manager with the state water department.

The barrier idea -- last used during the state's drought of 1976-77 -- was mentioned by Gov. Jerry Brown in January when he declared a state of emergency. 2013 was the driest year on record.

Diverting the natural flow of the waterways will have an impact on wildlife and recreation in the Delta.

Maria Rea, Sacramento-area supervisor at the National Marine Fisheries Service, said north Delta barriers would block the migration paths of the chinook salmon, but may be a necessary evil.

"Normally, from a fishery agency perspective, it would be a real concern to put rock barriers in some of these locations. But this isn't a normal water year," she said.

The dams would be made of 24-inch rocks at the entrance to three Delta channels, including False River near Oakley, just west of Franks Tract. The other two dams would be at Sutter and Steamboat sloughs on the Sacramento River near Courtland.

Rocks would be barged in and positioned by cranes. The state would remove the barriers in late November and put them back next year if the drought continues.

Holderman said the plan is to get the barriers in place as soon as May 1, which means working at a frenzied pace to get permits and notify property owners who could be affected. Among agencies that still must approve the plan are the State Water Resources Control Board, the U.S. Army Corps of Engineers and the National Marine Fisheries Service.

Contra Costa Water District is closely watching the project because of its potential to protect drinking water quality, said spokeswoman Jennifer Allen.

In the last two months, the district has pumped drinking water from Middle River because water from Rock Slough, near Knightsen, was getting too salty.

Salt in Rock Slough water now exceeds 180 parts per million chlorides -- 200 parts is considered the level when it can be tasted -- while Middle River water is about 100 ppm chlorides, the district said Wednesday.

"We're in an extraordinary time with the current drought, and not knowing what the summer is going to bring," said Allen. "We're looking at any option to protect our water quality as this drought continues."

Salinity at the giant state water pumps near Tracy is about 100 ppm chlorides -- well within a 250 ppm state standard. However, as the rainy season ends, water experts expect salt content to creep upward.

Some North Delta farmers say the barriers could make their irrigation water even saltier and harder to get by disrupting upstream flows that freshen up their Delta water.

"It worries me a lot," said J.B. Morais, owner of Delta Islands Organic Farm on Sutter Island. He recently invested in a new irrigation pump to tap his water rights in Steamboat Slough, and now isn't sure he'll be able to reach that water at all.

"My main concern is that people up here are going to be denied good water," he said.

Cate Kuhne, a Bradford Island property owner, says she worries about the dam limiting a key waterway for boaters, forcing them to detour toward narrower channels, jeopardizing island levees.

But, still, she says something must be done to address the water quality fallout from the drought.

"It's kind of a Catch-22. There are a lot of questions that haven't been addressed yet," she said.

State officials on Tuesday will be at a Bethel Island meeting to get a permit for the barriers from Reclamation District 799. The 10 a.m. meeting will be at the district office, 6325 Bethel Island Road, Bethel Island.

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Revised financial projections lift Moraga-Orinda Fire District

By Jennifer Modenessi Contra Costa Times Contra Costa Times
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MORAGA -- Higher-than-projected property tax revenue means the cash-strapped Moraga-Orinda Fire District will add about \$507,000 next fiscal year to an ailing general fund being kept stable through loans from its capital projects fund -- and possibly reduce the borrowing, according to the district's top fire official.

Fire Chief Stephen Healy announced March 7 that the district has received updated preliminary property tax revenue projections for the next fiscal year beginning July 1, 2014, showing property tax revenues increasing 5.9 percent from the previous year.

That accompanies news that the district's employer contribution rates for current and past employee benefits managed by the Contra Costa County Employees' Retirement Association are projected to decrease beginning in fiscal year 2015 until fiscal year 2019-20.

The positive financial projections followed another announcement by the chief last week that the district and firefighters union -- United Professional Firefighters of Contra Costa County Local 1230 -- have entered mediation after fire officials declared in late January an impasse in contract negotiations.

"It's nice to have good news for a change," Healy said later. He declined to comment further on the developments.

Union leadership also welcomed the updated financial projections.

"Those changes are something we're happy about," said Local 1230 President Vince Wells.

The property tax revenue projections follow recent district estimates of \$17.8 million in property tax revenue next fiscal year. That amount climbed to \$17.9 million after the district received \$166,000 in state homeowner's property tax relief funds, said Administrative Services Director Gloriann Sasser. Property tax revenue, which makes up the bulk of the general fund, is now expected to total \$18.63 million next fiscal year.

However, more than \$2.9 million of that revenue will be set aside for the ongoing repayment of about \$24.1 million in pension obligation bond debt.

Administrators moved more than \$2 million in general fund reserves into the "debt service" fund last year after discovering previous administrators had failed to record the money as restricted; the district uses property tax revenue to make the annual payment.

As for the revised employer contribution projections, Healy explained in a statement that the district will see its contribution rate of 80.03 percent -- adopted by the retirement association -- decline 3.77 percent in fiscal year 2016-17 after a 0.42 percent increase in 2015-16. The trend is expected to continue through fiscal year 2019-20. The savings to the district as a result of the revisions is still being calculated, Healy said.

But because employer contribution rates are projected to stay at about 80 percent of the district's estimated \$7 million payroll next fiscal year, MOFD will still have to make a \$5.2 million payment to the county retirement association.

The next district board meeting is 7 p.m. Wednesday in the Moraga Library community room, 1500 St. Mary's Road.

Environmental documents for Pittsburg expressway headed toward final stretch

By Paul Burgarino *Contra Costa Times* *Contra Costa Times*
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PITTSBURG -- A long-sought expressway that would untangle local traffic could soon get the green light, but it could still be years away from reality.

Pittsburg recently released a final version of an environmental impact report for the James Donlon Extension -- a 1.7-mile road south of the city that would run from the western edge of Discovery Builders' planned Sky Ranch II subdivision to Kirker Pass Road.

The City Council will consider approving the report next month, but the proposal could still face an uphill battle. If approved, Pittsburg would then work with the county's Local Agency Formation Commission on annexation for the area around the planned alignment.

The two-lane road through the steep hilly terrain, estimated by Pittsburg to be in low \$50 million range, has been part of the city's plans for more than three decades. It is viewed as a key route to take commuters to Central Contra Costa from Antioch and farther east, moving them off Buchanan Road.

"It's a milestone," City Manager Joe Sbranti said. "(Pittsburg) has been looking at (the road) at least as far back as the 1980s. Now, we're finally at a point where the Council has something to look it."

Documents identify several "potentially significant" effects, including aesthetics, biological resources, geology and soils, noise and air quality. The study also addresses landslide prevention, crossing seasonal stream beds and the relocation of utilities.

"We know it's an environmentally sensitive area, and we will do what we have to do to mitigate that," Sbranti said.

The 243-page final report includes comments from government agencies, residents and regional environmental groups on the proposed expressway, along with city responses.

Concerns include how the road would affect ranching and other land uses, annexation, and accounting for stormdrains and a Kinder Morgan pipeline.

Pittsburg says the project will not require removing or displacing any homes or people, and that it will add culverts large enough to allow cattle and ranching equipment to safely cross the road.

Regional conservation groups Greenbelt Alliance and Save Mount Diablo have said that the road would require drastic cuts and extensive grading for the sloping hills and canyons in the vicinity, destroying some of the most pristine land and views in the region. Save Mount Diablo, which has retained experts and legal counsel and plans on submitting more objections to the report, says the city is underestimating the cost of the project, projecting it would cost \$100 to \$125 million.

"It's a flawed document, and we don't think it's legally adequate," Seth Adams, the group's land program director, said.

Approximately 2.1 million cubic yards of grading would be required for the roadway, according to city documents.

The two groups also say the construction will prompt suburban sprawl development.

"The proposed project would not cause or contribute to 'leap frog' or 'premature' development," according to the report. The area in question will also be zoned in Pittsburg's general plan as open space.

Even so, work could be years away. It will also have to acquire right-of-way for the piece of the road that would bisect the Thomas Ranch property, then work on utility relocation.

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MORE INFO:

To view the Environmental Impact Report on the James Donlon Extension, visit:

<http://www.ci.pittsburg.ca.us/index.aspx?page=745>.

The Pittsburg City Council will consider adopting the environmental impact report at a meeting in April. A hearing is tentatively scheduled 7 p.m., April 7, at the City Council chamber, 65 Civic Ave.



FPUD asks LAFCO for consolidation; will seek another JPA partner

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Joe Naiman

Village News Correspondent

Despite the wishes of the Rainbow Municipal Water District board not to continue with plans to merge Rainbow and the Fallbrook Public Utility District, the FPUD board has submitted an application for the merger to San Diego County's Local Agency Formation Commission.

A 4-0 FPUD board vote March 10, with Archie McPhee absent, approved the consolidation application which was delivered to LAFCO executive officer Mike Ott by FPUD general manager Brian Brady on March 11.

"I think there's a general understanding that without the JPA structure or the (employee) leasing agreement, which also Rainbow has given notice to withdraw from that, it leaves little or no opportunity to continue the success that we accomplished in 2013," Brady said.

The North County Joint Powers Authority was created in February 2013 as a transitional structure to test the possibility of consolidating the Fallbrook and Rainbow districts, and the first JPA meeting was held on March 6, 2013. The functional consolidation allowed for the experience of combining tasks among the two districts while also creating the possibility that the districts could experience cost savings due to such sharing without governance consolidation. The joint powers agreement also included an employee leasing agreement which allowed FPUD and Rainbow to share employees, and the functional consolidation saved more than \$1 million during the agreement's first 11 months of existence.

In November the FPUD and Rainbow boards voted to begin the process of applying to LAFCO for an actual jurisdictional consolidation, but the boards of the two districts could not agree on the governance structure for the successor district. Each district currently has a five-member board, but FPUD elects its directors by seat with the entire district voting for each seat while Rainbow elects its directors by division with only voters in that division participating in that election.

The FPUD board initially proposed that the board members of the consolidated agency all be elected at large. At the February 5 North County JPA meeting FPUD's representatives on the

JPA board (which consists of three FPUD board members, three Rainbow board members, and an at-large member chosen by the rest of the board) put forth a compromise proposal in which four directors would be elected by division and three directors would be elected at large. Such a format would provide board representation for residents of each of the four divisions while also ensuring that a majority of the board would be accountable to all of the district's residents. Rainbow's board members rejected that proposal.

During Rainbow's February 25 regular meeting director Helene Brazier provided a position which noted that functional consolidation was not necessary to achieve the benefits of sharing resources with neighboring water districts as is the case with the recent activity between Rainbow and the Valley Center Municipal Water District to coordinate pipelines. Brazier's comments defined the proposed merger as absorption into FPUD and permanent minority status instead of a full partnership.

Rainbow's February 25 board meeting also discussed the process of hiring a new general manager. Rainbow general manager Dave Seymour retired shortly after the creation of the JPA, and Brady also became Rainbow's general manager. Brady is also the executive officer for the JPA. FPUD's March 10 agenda also addressed the JPA's conflict of interest code which covers incompatible offices and thus led Brady to resign as Rainbow's general manager. The FPUD board expressed a desire for Brady to continue to work cooperatively with Rainbow's new general manager. The Rainbow board is expected to name an interim general manager, if not a long-term general manager, at its March 25 board meeting although existing Rainbow policy makes assistant general manager Gene Buckley Rainbow's acting general manager in the absence of the general manager so no Rainbow board vote was required to make Buckley the acting general manager upon Brady's resignation.

The joint powers agreement allowed for a termination provision after one year, and on March 5 Rainbow's board voted 4-1 with Dennis Sanford in opposition to terminate the joint powers agreement with FPUD. Rainbow board president George McManigle delivered the 30-day notice of termination to FPUD on March 6, so the JPA will be dissolved effective April 5 unless FPUD obtains another partner.

The FPUD board responded by pursuing the merger unilaterally. "The Fallbrook board and the Rainbow board have been working through the JPA process and have decided on a number of things," Brady said. "It's my sense that the Fallbrook board believed that as many issues had been settled as what was going to be, so they thought it would be appropriate to submit to LAFCO."

"I think that FPUD has acted irresponsibly," McManigle said. "Rainbow followed the spirit of the letter of the joint powers authority."

The Local Agency Formation Commission has an eight-member board consisting of two county supervisors (currently Bill Horn and Diane Jacob), one San Diego City Council member (currently Lorie Zapf), two city council members from the county's other 17 incorporated cities (currently Sam Abed of Escondido and Jim Janney of Imperial Beach, two special district board members (currently John Ingalls of the Santa Fe Irrigation District and Bud Pocklington of the

South Bay Irrigation District), and one public member (currently Rainbow Municipal Water District resident Andy Vanderlaan). LAFCO is responsible for handling jurisdictional boundary changes including annexations, consolidations, detachments, dissolutions, and city incorporations.

"I don't see how it affects Rainbow at this time," McManigle said. "We have our own concerns."

Although the support of both agencies would not be required for LAFCO to process the consolidation request, input from the Rainbow board as well as input from Rainbow residents during the public hearing on the merger recommendation would be part of the process.

"The Rainbow board of directors has certain opportunities to weigh in on Fallbrook's application," Brady said.

"Rainbow will act responsibly," McManigle said.

"We can also put an application into LAFCO with our own terms," McManigle said. "They defined their terms. We can define our terms. I'm not saying we're going to, but there's nothing to stop us from doing it."

If the LAFCO board approves the merger, sufficient petition signatures from residents of either district would trigger a public vote although the election would be for the two districts combined and the merger thus could be approved even if a majority vote from one of the districts opposes the merger.

The North County JPA held a special meeting March 13 to discuss Rainbow's withdrawal from the JPA and the LAFCO application, although those items involved discussion rather than votes. "Neither one of them really resulted in anything other than discussion," Brady said.

"The fact of the matter is Rainbow sent notice that they were dropping out," McManigle said. "It was a waste of time to continue because nothing was going to change."

"On the second item there was a great deal of discussion on the fact that Fallbrook had decided to go ahead with the application on its own," Brady said. "It didn't amount to any decisions or any vote or action."

The oral and written reports section of the March 13 agenda included director comments and reports; although the board cannot take official action board members can request that staff investigate a possibility and return to the board in the future for a possible vote. JPA president Milt Davies, who is on the FPUD board, gave Brady direction to seek another agency for the JPA to replace Rainbow.

"The Fallbrook board members emphasized that they would prefer to keep the JPA structure in effect and therefore they would be interested in finding another partner," Brady said.

In addition to FPUD and the Valley Center Municipal Water District, the Rainbow district borders the Vista Irrigation District and the San Marcos-based Vallecitos Water District. Rainbow also borders the City of Oceanside and the Eastern Municipal Water District in Riverside County. FPUD borders Rainbow, Camp Pendleton, and Riverside County's Western Municipal Water District and Rancho California Water District.

The special meeting may not be the final North County JPA meeting even if the JPA is dissolved as of April 5. The board meets on the first Wednesday of the month, although the March 5 meeting was cancelled due to the lack of any agenda items. The next North County Joint Powers Authority meeting is scheduled for April 2.

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ConFire's Quest for Additional Revenue

By Nick Marnell

When the final draft of the Fitch Report was presented to the Board of Supervisors in February, the document offered no ideas for revenue generation for the Contra Costa County Fire Protection District. The report focused mainly on how the struggling district could improve its service model. "As a fire chief, I've looked for revenue sources for 40 years and found none that were sustainable or reliable," said Jim Broman, the Fitch consultant who made the presentation.

ConFire chief Jeff Carman did not accept that message. He recently outlined his ideas for securing additional revenue for the district, his first notion being the implementation of a first responder fee, a fee-for-service program that he proposed to the Board of Supervisors at its March 11 meeting.

A portion of your property tax bill has traditionally been allocated to fire departments to protect just that - property. But fire districts have expanded their service models over the years to include medical calls, technical rescue operations, hazardous materials responses and the like. As long as times were good, there were no issues providing these and other services.

Times are no longer so good, acknowledged Carman, and revenue needs to increase; at least, to offset the expenses of responding to these non-property protection incidents. "We have to find a way to stabilize our revenue streams, so that is my main priority for the district while I am here," he said.

Carman's proposal will enable ConFire to collect a first responder fee for the assessment and treatment of medical patients at the scene. At \$416 per incident, to be billed to insurance companies, Carman expects the district will generate over \$1 million per year. The insurance companies benefit, he said, because it will cost them less in the long run to have quality care provided early in a medical emergency. Under a similar, but not identical, program, the Moraga-Orinda Fire District budgeted more than \$1 million in ambulance fee revenue this fiscal year.

The Board of Supervisors agreed in principle with Carman's proposal, but supervisors Federal Glover and John Gioia asked Carman to perform more due diligence on its implementation. "We want to be sure we are not violating our responsibilities to the California Welfare and Institutions Code," said Gioia, referring to the county's duty to provide health care services to indigent and dependent poor persons and those otherwise incapacitated.

Other ideas Carman discussed included using the ConFire training division to generate revenue. He explained that the cost of running the division could be offset by allowing colleges and other organizations to use the training facility to provide high level fire service education. "We are fortunate enough to have a facility like we do, and many of our neighbors do not," he said. "We could host training classes at our facility and invite our neighbors. They can attend classes close to home, we collect tuition costs and it is a win/win for all."

The chief envisioned a similar situation involving his maintenance facility, providing repair work for neighboring agencies that do not have their own shop. "If we determine we have extra capacity in our shop, we could contract with those neighboring agencies to bring their equipment to us," said Carman. "It would save them travel time and money, and it could support our fleet maintenance program." He also threw out the possibility of performing mobile repairs on other agencies' apparatus, potential for yet more revenue.

"With our areas of expertise and specialty, including our communication center and radio service programs, we can provide a better and more economical service to our co-operators," said Carman. "We all win!" Other than for the first responder fee program, he did not estimate revenue figures.

First comes internal house cleaning, though. ConFire's lead mechanic retired in February, and the district is considering an organizational change in the fleet maintenance division. Lewis Broschard was recently promoted to assistant chief of support services, and one of his first goals is to improve the performance of the district's communications center.

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But They'll Certainly Be Well Protected

By Nick Marnell

Station 41 captain Anthony Perry, on behalf of the nearly two dozen firefighters standing behind him, sent the board a message regarding the labor negotiations at the March 19 meeting of the Moraga-Orinda Fire District. "We're not here to impede your meeting," said Perry, one of the district's Local 1230 representatives. "We've had some positive things occur and it's clear evidence that both sides are working hard on a solution. We hope that an agreement can be reached soon." The district declared an impasse in the negotiations in January, but one month later accepted the union's request to enter into mediation. Vince Wells, the union president, had publicly expressed his gratitude and the presence of the rank and file seemed to endorse his position. The firefighters stayed until the end of the meeting and contributed during public discussion of the main agenda item.

Real estate developer City Ventures, Inc., has proposed a 36-unit townhome project to the Town of Moraga, to be constructed on a site adjacent to MOFD station 41. Fire chief Stephen Healy presented the latest update on the project: that the developer agreed to construct a sound wall along the property line shared with the district in an attempt to minimize noise for the residents.

The first to object was director Fred Weil. He lambasted the idea that the sound wall will provide noise protection. He predicted that the development's proposed hiking trail will impede the ability of the district to reconstruct station 41. And he demanded that residents be warned of the fact that fire service training will be going on at all hours on MOFD property. "The fire district was there first," he said. "I will not agree to further degrade that site. It's the wrong place to put (the development), and I would like the board to tell the council that it's the wrong place to put it."

Director Kathleen Famulener offered that constructing a children's playground adjacent to the district's training facility was a terrible idea. "We need to fight now to have it built on the other end of the development," she said. "The first 3-year-old who cries because he's afraid of the chain saw noise, we're going to lose."

"We could no longer flow water during our training," added Perry. "Since water can shoot several hundred feet, we would no longer be able to use our hoses by the playground."

All of these objections can be stated in the covenants, conditions and restrictions of the homeowners' association, said director Steve Anderson: "There's a fire station next to you, and there's going to be a lot of smoke and a lot of noise." Board president John Wyro agreed that the compatibility issues need to be addressed, and the board authorized Healy to present the district's concerns to the Moraga Planning Commission in late April.

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Risky Business

By Nick Marnell

The politics and the dangers of the firefighting industry collided at the March 20 meeting of the Lafayette Emergency Services Task Force.

The initial focus of the meeting was the status of fire station 46, the proposed joint venture between the Contra Costa County Fire Protection District and the Moraga-Orinda Fire District. ConFire chief Jeff Carman, who spent most of his day involved with a three-alarm brush fire in Pittsburg, reported that he and chief Stephen Healy of MOFD were closer than they have ever been to an agreement on the station. But he needed to know the position of the task force.

"Do you get behind 46 and support it? Or, are you still going to seek detachment? I need to decide where to put our emphasis," he said. Carman did not want to present a station 46 plan to the Board of Supervisors and have it be simultaneously reported that the Lafayette task force was still looking at detachment from ConFire. "The chief has a point here," said Steven Falk, city manager. "If there's a risk that Lafayette will detach, why invest \$1 million?" He proposed that detachment efforts could be put on hold until Carman received an answer from his board. Co-chair Traci Reilly agreed, saying that she'd be in favor of "hitting the pause button. We're in charge of how we pace this process," she said.

Task force member Peter Clark did not agree. He said that station 46 will not be a cure-all, and that the committee should continue to explore all options for providing fire service to the city. "The ConFire model is not sustainable, with an intractable financial problem," added committee member Rich Cunningham.

As Cunningham spoke, an obviously preoccupied Carman ran across the room and ushered Falk out of the meeting. An ashen Falk returned to his seat while Carman grabbed his assistant chief and two ConFire captains and shot out of the room. "One of our chiefs has been in an accident," said Carman.

The station 46 discussion ceased. And in one of the many ironies of the evening, Pat Frost of Contra Costa Emergency Medical Services began her presentation on the state of the county's EMS system.

ConFire captain Chris Leimpeter returned to the meeting and relayed that the injured firefighter had been rushed from Pittsburg to John Muir Hospital, where his condition was improving.

"It's the worst thing that can happen in your career," said Carman, who discussed his initial reaction to the emergency call. "It pains you ... it's an out of control feeling, for someone who is used to always being in control."

The politics of the firefighting business - as discussed by those at the task force meeting - continue to be wrought with delay and frustration. The dangers of the firefighting business - impressed upon those at the task force meeting - resulted that day in a near tragedy.

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Board prepares to close Doctors Medical Center if new funds don't emerge

By Robert Rogers *Contra Costa Times Contra Costa Times*
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SAN PABLO -- Doctors Medical Center could be forced to close as early as July 25 if several funding streams don't emerge in the coming months, according to a contingency plan presented to the West Contra Costa Healthcare District board of directors Wednesday.

"While we are optimistic that district residents will support our hospital in great numbers, it is incumbent on hospital leadership to prepare for the worst, and that is what this contingency planning is all about," board Chairman Eric Zell said in a prepared statement.

The hospital, which employs just under 1,000 people and projects a \$16 million deficit this year, has the largest emergency room in West County and serves residents of all backgrounds when they suffer heart attacks and strokes.

The board in January authorized a parcel tax mail-in ballot election in May in hopes of averting closure and making the long-struggling hospital more attractive to potential partners. The proposed parcel tax is 14 cents per square foot of developed property, or about \$210 annually on a 2,000-square-foot house, and would raise about \$20 million a year. The proposed tax is much larger than two previous taxes approved by district voters since 2004.

For DMC to remain open through the year, three bundles of new funds must emerge, according to the presentation.

First, DMC needs \$3.5 million by May. Second, district voters must approve the parcel tax by a two-thirds vote on a mail-in ballot that will go out April 6 and is due May 6. Third, the hospital must get about \$13 million in bridge funding this summer to operate into December, when the parcel tax funds would start coming in.

"Should we fail at any of these, the hospital will close," according to a staff document.

DMC officials are banking on about \$5 million in funding to come from a deal recently struck with a nearby casino to lease part of its parking lot, but the rest of the funding has not emerged. Late last year, the board sent a letter to Kaiser Permanente, which operates a hospital in Richmond that would be flooded with new patients if DMC closed, asking for \$20 million.

"We have several irons in the fire," hospital spokeswoman Remy Goldsmith said, referring to entreaties to area hospitals and other entities for funds, "but no commitment yet."

Kaiser spokesman Jessie Mangaliman said Wednesday that Kaiser has provided more than \$20 million to DMC since 2006 but stopped short of saying more funds would be forthcoming.

"It has long been our hope that Doctors Medical Center and the West Contra Costa Healthcare District board could work together to develop a plan that would ensure a successful and sustainable future for the hospital," Mangaliman wrote in an email.

The hospital's \$143 million operating budget is strained under the weight of its mostly uninsured and underinsured patients. DMC is the leading provider of hospital care to the area's Medicare and Medi-Cal patients, and cuts to Medicare reimbursement rates have exacerbated the fiscal straits, Goldsmith said.

Board member Dr. Sharon Drager said that if DMC closes, it will trigger a ripple effect throughout the community, including broader economic contraction and a reduction of doctors' offices because many physicians would not be inclined to operate in an area with no hospital. "West County will become a medical desert," Drager said.

If the parcel tax fails on May 6, the board plans to vote for closure and notify employees within two days. The emergency department, which sees 40,000 patient visits annually, could close about July 18, while the hospital could close completely on July 25.

But passing the parcel tax may prove difficult, as West County residents have shouldered a mounting burden of hospital and school district taxes in the last decade. "Property owners here are already some of the most heavily taxed in the nation," said Mike Ali Kinney, a resident and anti-tax advocate. "We can't take any more taxes."

County Supervisor John Gioia, also a board member, said the choice ultimately will be up to the community to pass the tax.

"This is the last-ditch effort," he said.

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California Drought: After years of overpumping groundwater, state may be ready for reforms

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For nearly 50 years, California has passed sweeping environmental laws that limit private property for the common good -- from the nation's toughest automobile pollution standards to curbs on clear-cutting forests to rules requiring that developers keep beaches open to the public.

However, when it comes to preserving one of the state's most critical and politically divisive resources -- billions of gallons of groundwater that are vital to farms and cities -- California lawmakers and voters have done almost nothing.

Now, driven by the historic drought and new pressure from Gov. Jerry Brown, the chances of reform appear better than ever.

Decades of intense pumping have dropped water tables dangerously low in places such as the San Joaquin Valley and Paso Robles. Scientific studies show that the ground is sinking in some places and that aquifers are at risk of running dry.

"Some people have had the attitude that our groundwater will be here forever," said John Garner, who grows rice and walnuts on 600 acres in Glenn County, 80 miles north of Sacramento.

"But now they realize that 'Holy cow, we could have an impact here and to protect ourselves -- although not everybody is there yet -- they realize they probably really should start better management.'"

Over the past six months, farmers, environmentalists and urban water districts have been holding workshops, hearings and private meetings in Sacramento to discuss how to preserve the state's depleted groundwater.

In years past, the Farm Bureau and other powerful agricultural groups fought nearly every attempt at statewide rules.

"Opponents have attacked it as an attack on property rights," said Lester Snow, former director of the state Department of Water Resources. "But the irony is that you need rules to protect property rights. Today there is a whole different tone in this conversation."

Now, for the first time, some farm groups are open to discussing measures to require landowners to report the amount of groundwater they pump, probably to local agencies. The rules could require installing meters on some wells and even limiting how much water is taken out of the ground.

Depending on what bills emerge in the Legislature this summer, counties and local water districts also may be given the authority to collect fees, or "pump taxes," from farmers and other well owners to pay for programs to restore groundwater basins.

Santa Clara County has had a pump tax in place since 1964. Because of farming and population growth, the water table fell 175 feet from 1915 to 1965. Since then, after years of the Santa Clara Valley Water District putting water back underground in wet years, the water table has returned to where it was a century ago.

Statewide, the details are complex. But the basic problem is simple.

California is largely arid. Most of the state, including San Jose, Los Angeles and much of the Central Valley, receives only 15 inches of rain a year on average, the same amount as Casablanca, Morocco. So far this year, those places have received only 4 or 5 inches of rain.

Although reservoirs, creeks and rivers provide the bulk of the state's drinking and farm irrigation water, groundwater provides 30 percent of the water for farms and cities in most years, and as much as 60 percent in dry years such as this one. When reservoirs run low, farmers and cities furiously pump more water from the ground.

However, in many parts of the state, they don't put any back. Overall, California pumps out about 2 million more acre-feet a year than is recharged, according to state estimates. That's enough water for 10 million people a year.

"It is similar to federal budget deficits, except that the government cannot print more water, nor can we borrow it from Chinese banks," said Jonas Minton, with the Planning and Conservation League, an environmental group in Sacramento.

California uses more groundwater than any other state. Other dry Western states, such as Arizona, New Mexico and Colorado, require property owners to obtain a permit from the state to pump groundwater, and make data on well pumping public as a tool to manage aquifer levels. California does not.

Many California farmers remain wary of any new controls, however.

"For farmers down here, there is a lot of concern," said Ryan Jacobsen, whose family grows grapes on 640 acres south of Fresno.

"It's no secret that groundwater is what allows farmers to get through these critically dry years. And when you start talking about what could be some very substantial regulations and restrictions, that's going to hamper their operations."

Jacobsen, who is also executive director of the Fresno County Farm Bureau, said that for any rules, local oversight is key, as is building new reservoirs to help store more water.

Ironically, it may be a change in the type of crops grown that could lead to reforms. In many areas, expensive permanent crops, such as almond orchards and wine-grape vineyards, are replacing row crops and pasture land that can be fallowed in dry years.

"It's in the economic interest of these high-value crops to make sure there is enough groundwater to get through droughts," said Jay Lund, director of the Center for Watershed Sciences at UC Davis.

With farmers all over the Central Valley spending hundreds of thousands of dollars to drill deeper wells, often competing with their neighbors for the same water, pressure is mounting.

"I have people come up to me all the time and say, 'You guys have got to do something, just don't tell anyone I told you that,'" said Felicia Marcus, head of the State Water Resources Control Board.

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