

Tuesday, September 13, 2011

October 12, 2011 Agenda Item 15c

Parcel tax for fire services in East Contra Costa headed to voters

By Rowena Coetsee Contra Costa Times

Posted: 09/13/2011 11:37:55 AM PDT

Updated: 09/13/2011 05:44:28 PM PDT

OAKLEY -- The East Contra Costa Fire District will ask voters to approve a \$197 parcel tax next year so the agency can add firefighters -- including paramedics -- to its six stations.

The eight directors present at Monday's meeting unanimously agreed to place the proposed tax on the June 5 ballot.

If the tax is approved, officials expect the roughly \$8.6 million in additional revenue to enable the f inancially strapped agency to expand its 43-man crew, hiring enough firefighters to put three on a shift at each station.

Currently, two of the six stations have only a pair of firefighters on duty at any time. None has firefighters with advanced life support training; the parcel tax would ensure that one paramedic would be on every engine.

Directors had been discussing a \$187 parcel tax with the goal of eventually reopening the two stations the district was forced to close last year, but after seeing five years' worth of budget projections, they acknowledged they needed to try for more money while scaling back their hopes.

Directors Steve Barr and Erick Stonebarger emphasized that the district must be realistic in telling taxpayers what they will be getting for their money.

East Contra Costa Fire is operating at a deficit and, barring some development, will exhaust its savings at some point in 2012-13.

That could happen sooner rather than later: The district had to reduce the property tax revenue it is

about \$330,000 after the county reassessed real

counting on by

estate values downward this spring, an adjustment that fire Chief Hugh Henderson says will leave his agency with an ending fund balance in June of about \$480,000.

That sum doesn't reflect any of the yet-to-bedetermined costs the district will incur in getting the parcel tax on the ballot, he said.

If the district cannot persuade two-thirds of voters to pony up more money for protection, Henderson is projecting that the district will have to slash staffing levels in half and shutter more stations.

In a related matter, the board agreed to hire a political consultant to educate the public about what's at stake.

The district will pay San Francisco-based Ehrlich Campaigns as much as \$120,000 to conduct the campaign, a figure that director John Jewell initially questioned.

"I got a problem with these numbers," he said of the winning bid, which includes a monthly retainer fee of \$5,750.

The consulting firm will organize at least two direct mailings to voters, assemble fact sheets, and help board members get their message across at public meetings.

One property owner who won't be a hard sell is



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Knightsen resident Carolyn Prince.

With four parcels, she is facing the prospect of shelling out more than \$700 more per year. Still, Prince said she appreciates the value of paramedics, and urged directors to put the tax to voters as soon as possible.

"I don't care (about the added cost) -- I want the protection," she said.

Contact Rowena Coetsee at 925-779-7141.



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Wednesday, September 14, 2011

Los Medanos Community Healthcare looks to escape deal with state

By Rick Radin Contra Costa Times

Posted: 09/13/2011 06:45:07 PM PDT

Updated: 09/14/2011 05:49:44 PM PDT

An East Contra Costa public health care district is looking to get out of a deal that has allowed the county to rent the Los Medanos Hospital building for far less than market value with no rent increases for the past 13 years.

To escape the agreement, which allows the county to operate a health clinic in the building for \$100,000 a year, the Pittsburg-based Los Medanos Community Healthcare District must come up with \$1.5 million to pay off a 13-year-old agreement from the state Department of Health Planning and Development.

The district made the agreement in 1998 to pay off creditors of Los Medanos Hospital, a private hospital that closed in 1994.

The hospital district, which ran the hospital, went bankrupt in 1996 with debt of more than \$10 million, according to Mike Peterson, an attorney representing the district.

"The district didn't have a lot of bargaining power in the bankruptcy," Peterson said.

Los Medanos receives property tax revenue to administer community grants to improve health care in Bay Point and Pittsburg as well as parts of Antioch, Clayton and Clyde.

If the district buys out of the agreement, it will keep the \$100,000 annual rent, which it now pays to the state, until the lease term ends in 2018 and will be able to receive the rent from the county or any other tenant from then on.

Rental income from the hospital building could be quite lucrative, said district accountant Arlene Mose.

Α

recent appraisal commissioned by the district placed a fair market value to rent the five-story hospital at \$1.14 million annually, Mose said.

Without a settlement, the district will owe the state lump sum payments of \$500,000 in 2018 and 2019. From then on, rent would be negotiated and continue to be sent to the state until 2026.

Los Medanos is paying about 30 percent of its annual revenues on upkeep and expenses on the hospital building without receiving income from it, according to the district's projected 2011-12 budget.

"Currently, we are subsidizing the state and county," Mose said. "The minute the state contract is settled, we get the rents."

The district has more than \$1 million in cash and would borrow up to \$500,000 to buy out of the agreement, Mose said.

Los Medanos is talking with banks about securing the loan, she said.

"The state is looking forward to us paying them in cash, which they don't have," Mose said. "We believe they would rather have the money now than wait over the long term."

The Pittsburg Health Clinic that operates out of the hospital building is one of 10 county clinics, according to Dorothy Sansoe, a senior deputy



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county administrator, who confirmed the \$100,000 annual rent.



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Sunday, September 18, 2011

Contra Costa supervisors likely to reject Marsh Creek Road residents' plea for water.

By Lisa Vorderbrueggen and Thomas Peele Contra Costa Times

Posted: 09/18/2011 12:00:00 AM PDT

Residents of a stretch of Marsh Creek Road who have pleaded for years to win access to an emergency water line that will pass near their rural homes may find sympathy but no votes when county supervisors consider their arguments Tuesday.

"It's probably not going to happen," Supervisor Federal Glover said of the landowners' wishes. "I think the board will listen, but we have an emergency on our hands."

Inspectors in 2007 declared a public health emergency at the Clayton Regency Mobile Home Park, a remote community seven miles southeast of Clayton that hauls its water in daily by truck and pumps it into on-site tanks for storage.

Health officers cited the possible introduction of waterborne diseases into the park's two 63,900-gallon tanks during the water-transfer process and called for an emergency waterline extension to connect the park to an existing Contra Costa Water District line that stops about three miles away.

But county and water officials say adding customers would trigger expanded environmental study, violate an existing service deal and spark a major growth fight in these rural grassy foothills.

Delays or the possibility the line may never win approval could also force the park to close and displace its 120 families, says park owner and corporate giant General Electric.

For people who live along the span between the end of a Contra Costa Water District line and the mobile home park, the prospect of watching

crews dig a trench in front of their houses for a new

waterline and being denied a hookup is ludicrous.

The 14 homes have domestic wells, but during dry summer months when the water table drops, many must truck in water.

"I'm fighting this tooth-and-nail because it makes no sense," said Rocco Covalt, a general contractor who moved into his Marsh Creek home in 2008. "We are going to get our water. We deserve water. This isn't a Third World country."

The residents found unexpected support earlier this summer when the Planning Commission upended a pipeline pact among the board of supervisors, the Contra Costa Water District and General Electric.

The 2009 agreement specified a small, 4-inch pipe and restricted water service to the mobile home park.

Contrary to the deal, the commission ordered General Electric to add the intervening landowners, resize the pipeline for "all possible uses," including fire hydrants, and pay for everything other than individual residents' construction costs.

"There is no way I am putting my fingerprints on a pipeline that passes right by people," Commissioner Richard Clark said at the June hearing. "On any level, it is unfair. It sucks. It is terrible."

The landowners suddenly had hope.

"Planning commissioners were the first ones who have had the slightest interest in us," said Ric Schiff,



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a San Francisco police sergeant who has lived on Marsh Creek Road for more than two decades. "It was a fantastic display of compassion and understanding."

But when supervisors hear project appeals Tuesday, they are likely to stick to a previous agreement that excludes the landowners.

"I feel sympathy for these residents, and I appreciate their logic," said Supervisor Mary Nejedly Piepho. "In this particular situation, we have significant extenuating circumstances that defy logic."

The houses along the pipe route fall outside the emergency declaration, a mechanism that allowed the county and park owners to proceed under a truncated state environmental review process.

A bigger pipe would alter the project and trigger a full-scale environmental analysis under state law, said Contra Costa Water District General Manager Jerry Brown.

"Once you go down that road, you will raise questions about growth-inducing impacts," Brown said. "It could be done, but it would take another two or three years."

The landowners could apply directly to the district but would have to pay the costs and overcome significant opposition.

Save Mount Diablo, an environmental group, has also appealed the commission's action, but it opposes a pipe of any size.

The area sits outside the county's growth boundary, and extending water would fuel sprawl, they argue.

In addition, the 192-space park is only two-thirds occupied but would likely become more desirable if it had a water supply, they say.

"We understand the difficult nature of this problem," wrote Seth Adams, land programs manager at Save Mount Diablo. "However, we believe the project --particularly as now amended -- has numerous significant environmental impacts and sets a very dangerous precedent for land-use planning in the county."

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ibabuzz.com/politics or at Twitter. com/lvorderbrueggen. Contact Thomas Peele tpeele- @bayareanewsgroup.com. Follow him at Twitter.com/thomas_peele.

If you go

WHAT: Contra Costa County Board of Supervisors WHEN: 10 a.m. Tuesday WHERE: County administrative building, 651 Pine St., Room 107, Martinez DETAILS: www.co.contra-costa.ca.us. Click on "Board of Supervisors."

Dan Rosenstrauch/Staff

Truck driver Steve Vallerga pumps water in Brentwood to deliver to the Clayton Regency Mobile Home Park along Marsh Creek Road in Contra Costa County near Clayton. A planned pipeline to the park may exclude landowners without water on its path.

Dan Rosenstrauch/Staff A truck carries water to the Clayton Regency Mobile Home Park near Clayton.



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Monday, September 19, 2011

East Bay cities consider whether or not to incorporate

By Rick Radin Contra Costa Times

Posted: 09/17/2011 02:52:47 PM PDT

Updated: 09/19/2011 06:02:46 AM PDT

The road to cityhood -- once a rite of passage for communities in the fast-growing East Bay -- has been rarely traveled in recent years, leading to a dead end for those that tried.

Despite the appeal of local control and the ability to shape a town's destiny, voters have turned their backs on the idea of incorporation in places like Castro Valley and Alamo over the past decade.

Communities such as Bay Point, Discovery Bay and Rodeo that flirted with the idea have determined that the price of cityhood is too steep.

Low-income communities tend to lack the tax base to support themselves. More affluent areas may be short on business tax revenue or not see the need to go their own way. And there are few fast-growing unincorporated areas for which cityhood is the natural step in their evolution.

No community in the East Bay has incorporated since Oakley in 1999, and there is little indication that will change anytime soon.

Alamo voters rejected that area's application to incorporate by a nearly 2-to-1 ratio in 2009. Seven years earlier, Castro Valley voters rendered the same verdict by an even larger margin. Also in Alameda County, a number of movements to incorporate San Lorenzo have fizzled.

A community such as Alamo with high property tax collections but a low sales tax base is better off staying with the county, said resident and land use lawyer Cecily Talbert Barclay, who argued against incorporation.

"Why take

the fiscal risk? It didn't add up," Barclay said.

The cost of putting together a general plan, hiring a city manager and a city staff and establishing a City Hall would have been more than the community could have expected to receive in benefits over the long term, Barclay said.

The demographics of low-income Bay Point contrast sharply with affluent Alamo, but leaders there also decided that cityhood didn't make sense after exploring the idea for five years.

Bay Point decided against trying to incorporate because the cost was too high, given the income of the community, said Steve Hoagland, one of the organizers of the effort.

Bay Point also had concerns about the cost of an application to the Local Agency Formation Commission, which governs incorporation and annexation issues, and an election, which could cost hundreds of thousands of dollars.

Bay Point later looked at annexation into neighboring Pittsburg as a cheaper alternative, Hoagland said.

"People were saying, 'Let's just go to Pittsburg and talk to them,' " he said. "They had a huge amount of redevelopment money available."

That idea also flopped after the economic downturn hit in 2008.

"It became clear we would have been a drain on



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Pittsburg for services," Hoagland said.

Discovery Bay, in far East Contra Costa, has toyed with the idea of cityhood for years but elected not to move ahead in part because business tax revenue is insufficient, said David Piepho, a former member of the Discovery Bay Community Services District board.

"We're kind of in a holding pattern with the economy," Piepho said. "I think we'd have to have a couple more shopping centers to make it work."

Oakley leaders have no regrets about their decision to incorporate 12 years ago. The Delta city has beefed up its law enforcement presence and added a host of parks.

But going its own way hasn't been easy.

City Manager Brian Montgomery said the big problem after Oakley's incorporation was the shared property tax agreement negotiated with the county.

Oakley agreed to take a 6 percent share of city property taxes in exchange for its freedom and has been struggling to live on that amount, especially after the real estate downturn gutted property values. Many older cities receive higher percentages of property taxes.

But Montgomery said Oakley has benefited from cityhood, despite the foreclosure crisis, which has reduced its income over the past three years.

The city has a police department, which it contracts from the Sheriff's Office, of 28 officers, compared with the equivalent of three sheriff's deputies when it was under county jurisdiction.

"The services such as law enforcement, planning and zoning that the county provides to a community are not significant," Montgomery said. "Incorporation gave us some equality in these areas with other cities."

Oakley has built parks and roads that probably would not exist if the city had stayed under county control, Montgomery said.

"We now have 33 parks, while before we had a few small-pocket parks and one larger park," he said.

The ability to form a police department or contract

for police services was also an attraction for Vicki Koc, who led Alamo's unsuccessful campaign.

Koc pointed to the ability to negotiate for police with other cities as well as the county as a big plus. She estimates that Alamo's police costs as a city would be 20 percent lower had it incorporated.

After winning incorporation elections in recent years, four new Riverside County cities have been placed in financial peril by the state's withdrawal of support from the vehicle license fee that new cities previously enjoyed for five to 10 years, a problem that could further deter communities here from incorporating.

Jurupa Valley, the latest Riverside County city to incorporate, stands to lose \$6.5 million out of its \$14 million budget for 2011-12 if the funding isn't restored, said Gary Thompson, a consultant to the city who did the comprehensive fiscal analysis for Alamo's incorporation effort.

Contact Rick Radin at 925-779-7166.



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Thursday, September 22, 2011

Mt. Diablo health district trustee pleads not guilty to using public funds to pay rent

By Malaika Fraley and Sandy Kleffman Contra Costa Times

Posted: 09/22/2011 03:46:07 PM PDT

Updated: 09/22/2011 05:41:32 PM PDT

WALNUT CREEK -- A recently ousted Mt. Diablo Health Care District board trustee stole \$3,475 in district funds, \$2,200 of which he used to make a rent payment just before he became homeless, a prosecutor said.

Gregory Lemmons, 60, pleaded not guilty Thursday to one felony court of misappropriation of public funds. A judge released Lemmons on his own recognizance after the public defender's office agreed to accept his case, deputy district attorney Steve Bolen said. Bail had been set at \$20,000.

Bolen said it appears that Lemmons used the money for basic living expenses, but did not know circumstances surrounding Lemmons' financial troubles.

Lemmons was listed as a self-employed business consultant when he was sworn into office Dec. 11 without an election because he was the sole candidate. He was evicted from his Pleasant Hill home in April and is now reportedly living out of his car, Bolen said.

In March, Mt. Diablo Health Care District Board Chairwoman Grace Ellis called for and accepted Lemmons' resignation upon learning that he had made a \$175 unauthorized withdrawal from the district's account.

Upon being confronted, Lemmons said he could only pay back \$150.

"I find that my life circumstances have changed," Lemmons wrote in his resignation letter. He could not be reached for comment Thursday. The board later learned the full amount that Lemmons withdrew during trips to several Wells Fargo banks in early February,

Ellis said. Lemmons was one of three board members with authority to sign checks.

"It's just disappointing to find that somebody you trusted would do something like that," Ellis said.

Although the district requires two signatures on all checks, Ellis said, Lemmons apparently was allowed to withdraw money with just his signature, until the bank alerted Ellis of suspicious activity on the account.

The district is taking steps to ensure that additional safeguards are in place.

"Right now, there's a big red alert that we put on the account saying: Must have two signatures," Ellis said.

At its meeting in October, the district board will consider moving the money to another bank, after obtaining written assurances that tellers will require two signatures on both checks and withdrawal slips, Ellis said.

The district encompasses about 200,000 residents in Concord, Martinez, Clyde, Pacheco, and portions of Lafayette and Pleasant Hill. It collects about \$230,000 in property taxes annually. A county agency, the Local Agency Formation Commission, is discussing whether the district should be disbanded. Four grand juries and the Contra Costa



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Taxpayers Association have called the district a waste of taxpayers' money and recommended that it be eliminated.

Lemmons returns to court Oct. 13 to schedule his preliminary hearing.

Contact Malaika Fraley at 925-234-1684. Follow her at Twitter.com/malaikafraley.



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Friday, September 23, 2011

Pittsburg making new push on James Donlon extension

By Rick Radin Contra Costa Times

Posted: 09/23/2011 12:00:00 AM PDT

Updated: 09/23/2011 07:16:01 AM PDT

After years of delays and clashes with regional transportation leaders, Pittsburg is looking to speed ahead with building a long-awaited road to alleviate traffic bottlenecks. However, the barriers to completing the project may be as steep as the terrain through which it would run.

The City Council recently committed \$685,000 out of the \$1.5 million in its newly created road-building fund to an environmental impact report for the James Donlon Boulevard Extension, a road it has coveted for years, according to City Manager Joe Sbranti.

The total cost of the road is estimated at \$47.5 million, according to Paul Reinders, Pittsburg's chief civil engineer on the project.

The thoroughfare would connect Somersville Road in Antioch with Kirker Pass Road south of Pittsburg and relieve extensive congestion on Buchanan Road during the morning and afternoon commutes, Sbranti said.

"I've been working on this project for 20 years," he said. "It's astounding that it has taken so long to build a little 2-mile section of road."

The wait is far from over. After assessing the environmental challenges and figuring out how to pay for the project, Pittsburg must acquire the land from an owner who doesn't want to sell and work with the Contra Costa Local Agency Formation Commission to annex it into the city.

Further clouding the picture is a lawsuit by the East Contra Costa Regional Fee and Financing Authority, which Pittsburg abandoned last year because of a dispute over funding for the project. The fee-collection agency is trying to force Pittsburg to rejoin it.

The 471-acre parcel through which most of the extension would run is owned by Tina Thomas, widow of Wayne Thomas, a member of a pioneering Contra Costa County family who died in 2007.

Thomas operates a cattle ranch on the property and has for years been warily watching the city's moves, including an earlier environmental impact report.

"The road would basically bisect my property," she said. "I'm sure you can imagine my feelings about it are negative, to say the least."

Thomas doesn't know whether she could continue ranching on the property if the city acquired the right of way through eminent domain, but she said she's seen the effect of development along the western edge of her property that borders Kirker

"The first EIR found that if the road went in, it would lead to fires, hazardous waste spills, litter, noise and the need for additional fencing and drainage," Thomas said. "That road would completely devastate this property."

Pittsburg must annex the land between the road and its city limit from the county because the project has never been a part of the county's general plan, Reinders said.

Annexation would require approval of the local



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formation agency, which reviewed an earlier environmental report for the project in 2007.

Pittsburg would need to purchase 16.8 acres of Thomas' land for the right of way and gain 52.8 acres of easement for the slopes bordering the road, Reinders said.

Seth Adams of Save Mount Diablo, the environmental group dedicated to preserving the East Bay hills, thinks the project "relocates bottlenecks while inducing growth."

The main barrier to its completion will probably be cost, given the terrain involved, he added.

"There will be huge cuts and fills involved and a much larger grading footprint than has been suggested in the past," Adams said.

Contact Rick Radin at 925-779-7166.



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Monday, September 26, 2011

Bethel Islands property owners asked to pay for levee repair

By Roman Gokhman Contra Costa Times

Posted: 09/26/2011 12:00:00 AM PDT

The financially struggling district that manages Bethel Island's levee is asking property owners to voluntarily buy rock and help pay for the labor to shore up their own sections of the barrier.

Last year, voters turned down a tax measure that would have paid for needed repairs.

"We don't have the money to go around and put rock on everyone's (section of) levee who needs it," said Dan Phippen, president of the Bethel Island Municipal Improvement District board of directors. "We don't have the means to do this for them without their assistance. We need help with the expense."

The improvement district struck a deal with the California Department of Water Resources in which the state department reimburses the local agency 75 percent of the labor cost to strengthen the levee, Phippen said. The property owner pays the full cost of the rock and 25 percent of the labor cost.

For a lot with 50 feet of levee, the cost to the property owner is about \$1,600, according to the improvement district. The program is voluntary.

Resident Alberta Trowbridge said she is paying only \$1,200 to have her 50 feet of levee fixed this week.

"The rocks in my levee were disappearing into the water," Trowbridge said. "They gave us the opportunity to install the rock, and I want to protect my property."

Beavers or other animals have burrowed into the gaps in her section of levee, and water is seeping through. Trowbridge said she voted yes on

Measure X, a parcel tax, in November 2010. The measure was soundly defeated.

"It would have been a little expense for everyone instead of a big expense for a few," she said.

Trowbridge will be just the third resident to pay for the repairs. A few others have asked for quotes but decided to pay, according to the district.

Trowbridge said seniors like herself have a difficult time coming up with the money to pay such a large expense.

"But we have to protect this island, and the only way to do that is to keep the water from coming in," she said.

Contact Roman Gokhman at 925-779-7189. Follow him at Twitter.com/RomiTheWriter.

HOW TO HELP

Property owners interested in volunteering for the program can call the improvement district at 925-684-2210.



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Thursday, September 29, 2011

Moraga-Orinda fire board rejects \$1.1 million office building purchase

By Jonathan Morales Contra Costa Times

Posted: 09/27/2011 10:13:58 PM PDT

Updated: 09/29/2011 01:24:03 PM PDT

The Moraga-Orinda Fire District's search for new office space will continue after its board of directors declined this week to buy a \$1.1 million office building to house its administrators.

Directors opposed to the move said the two-story facility at 1150 Moraga Way was too large a purchase given the district's murky financial forecast.

The board will discuss other administrative office space options at its October meeting. Those options include purchasing a prefabricated building and leasing space at Orinda City Hall.

Fire Chief Randy Bradley has asked the board to look at relocating administrators, currently split between Moraga's station 41 and Orinda's station 45, to clear space for needed upgrades at the Moraga location.

Moving staff out of station 41 could lower its renovation cost by \$500,000, Bradley said. Consolidating administration could save \$30,000 a year, according to the district's latest projections.

Bradley continued to present buying 1150 Moraga Way as the best investment for the district, calling the building a long-term asset that also could, through leasing out the unneeded bottom floor, bring new revenue.

Money from the district's fire flow taxes, historically used only for capital projects, would have paid for the building, which would have needed as much as \$800,000 in renovations.

Nearly \$3 million is in the capital fund, and taxes add another \$1 million each year. But the district is also

moving forward with its top priority, the \$3 million replacement of 60-year-old station 43 in Orinda, and the effects of the recession continue to batter its operating budget.

Director Frank Sperling did not dispute the office building's merits, but said he could not support buying it given the district's uncertain financial outlook.

"If we had the cash and we knew the cash was going to come in, this would be the best decision ever, but that's not the case," he said.

Directors Brook Mancinelli and Dick Olsen also voted against the purchase.

Board President John Wyro and Vice President Fred Weil supported buying the building, both saying its long-term benefits outweighed cash flow concerns.

"I don't see the risk as great as the opportunity," Wyro said.

In other district action Tuesday, the board approved a final budget that will leave the district \$355,908 in the red at the end of fiscal year 2011-12.

With \$3.7 million in the district's reserve, running a deficit was preferable to cutting service, Bradley told board members.

The deficit is the result of declining revenues, fueled by a 1.8 percent drop in property taxes from Orinda. The district had originally projected Orinda's tax base would increase by just over a half



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percent.

Board members asked Bradley to update the district's long-range financial forecast and bring it to them for review.

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