

Oakley to seek applicants for seats on fire board*By Rowena Coetsee Contra Costa Times Contra Costa Times**Posted:***August 8, 2012
Agenda Item 12c****Thursday, July 12, 2012**

ContraCostaTimes.com

OAKLEY -- The City Council unanimously agreed Tuesday to solicit applications from residents interested in serving on East Contra Costa Fire District's board of directors.

Three council members currently represent Oakley's interests on the nine-member fire board, which also includes four Brentwood council members as well as two residents of unincorporated Bethel Island and Morgan Territory, both of whom were appointed by a county supervisor.

Initially run by the county Board of Supervisors after it was founded in 2002, the fire district became a locally governed agency in February 2010. Until now, its board members have been appointed either by the county or their respective city council.

From the agency's inception, however, the long-range plan was to have voters at large choose their representatives on the board.

But the process of converting to an elected board would cost about \$300,000, a price tag the financially strapped fire district cannot afford.

Oakley's city council instead will tap members of the general public to serve on the fire board; Brentwood's council is expected to discuss the matter later this month.

The plan is to have the successful candidates serve staggered terms of varying lengths -- a one-year appointment and a couple of two-year appointments. The council agreed that having newcomers to the fire board start at different times would make for a smoother transition than if Fire Chief Hugh Henderson had to acquaint them with the job all at the same time.

Settling into the position involves a "very steep learning curve," said Councilwoman Pat Anderson.

She and Councilman Jim Frazier said they'd like to start by appointing two Oakley residents and have a councilperson remain in the third seat for the time being; Frazier suggested that Mayor Kevin Romick continue as president of the fire board while he and Anderson step down.

Council members will accept applications until late August and plan to decide on the city's new representatives at their Sept. 11 meeting, Romick said.

Reach Rowena Coetsee at 925-779-7141.

Martinez postpones hearing on Alhambra Valley annexation

By Lisa P. White Contra Costa Times Contra Costa Times

Posted:

Thursday, July 12, 2012

ContraCostaTimes.com

MARTINEZ -- The city on Wednesday delayed a hearing on its plan to annex part of the Alhambra Valley, to allow staff more time to determine how many residents will be allowed to contest the proposal.

The Contra Costa Local Agency Formation Commission, or LAFCO, public hearing has been rescheduled for Sept. 12.

Martinez leaders want to annex 139 parcels spread across nearly 400 acres in the valley.

At issue are the agreements homeowners or developers signed stipulating they would not protest annexation, done in return for receiving water service from the city. Martinez has 83 signed deferred annexation agreements, according to Alan Shear, assistant city manager. But the city is unsure how many of those agreements were signed by homeowners and how many the developers of the Stonehurst and Alhambra Valley Ranch subdivisions signed.

If the original homeowner signed a deferred annexation agreement, subsequent property owners are bound by the agreement, Shear said. Until early this week, city staff also believed that homeowners were bound by agreements signed by the developer. Now they're not so sure.

"Instead of plowing forward on this, it seemed a little more prudent to ask for a continuance," Shear said.

Annexation opponents say the city only has 23 agreements signed by homeowners. Opponents believe the other 60 should be allowed to file a protest and vote if the city is forced to call an election. If 58 homeowners file a written protest with LAFCO, Martinez must hold a mail-in ballot election on the proposal which would be decided by majority vote.

Lisa P. White covers Martinez and Pleasant Hill. Contact her at 925-943-8011. Follow her at [Twitter.com/lisa_p_white](https://twitter.com/lisa_p_white).

Annexation Decision Delayed

Thursday July 12, 2012



By Ben DeLuca and Greta Mart

The Contra Costa Local Agency Formation Commission, or LAFCO, delayed its Wednesday vote on the annexation of sections of the Alhambra Valley amid accusations that the City of Martinez has failed to bring forth the documents necessary to proceed with the annexation.

The commission called for a continuance to September, due to the need to analyze new findings on the proposed annexation, LAFCO board member and Martinez Mayor Rob Schroder said.

Neither Martinez City Manager Phil Vince nor Assistant City Manager Alan Shear appeared at the meeting to make a presentation in favor of the annexation.

Hal Olson, president of the Alhambra Valley Improvement Association, claimed that the City of Martinez has not produced enough Deferred Annexation Agreements (DAAs), documents that would have been signed by an Alhambra Valley resident when purchasing a house, agreeing to not protest any future annexation efforts by the city. These documents are essential to Martinez's annexation proposal; with them the City can claim what they are doing is legal and even approved by Alhambra Valley residents.

"The city has 26 DAAs out of the 83 they are supposed to have," Olson said after the hearing. Olson said he knew this because he had made a public information request and had seen the DAAs on file at City Hall.

From the 47 parcels of land in the Stonehurst subdivision, Olson found only six DAAs; for the 17 parcels in Alhambra Valley Ranch, 11 DAAs.

Dozens of Alhambra residents showed up to the LAFCO public hearing at the Contra Costa County Administration building to speak and support friends and neighbors. Many of the citizens speaking pointed out that they had to take time off from work to attend the meeting. The commission's move to postpone their decision was met by some with exasperation and defiance.

"They (LAFCO) are just doing this to wear us down, thinking that nobody will show up at the next meeting," Hal Olson said. Olson said he has no intention of missing the next meeting.

Every single citizen who spoke at the public hearing opposes the City of Martinez's attempt to annex portions of the Alhambra Valley. A common concern among those who spoke was the change in quality of infrastructure and public services to residents who would be living in Martinez.

"The City of Martinez will not be able to take care of the roads like the county can," Valley resident T.J. Griffin said.

"Annexation will wreck the Valley."



"We have a workable situation ... [the Valley] works well," said Oak Ridge Lane resident Ken Jordan. Jordan pointed out that his house was the only property on his road that was within the annexation area.

Tim Millette and his wife said they bought their Valley property, an old farm house and land, 13 years ago. They say the city is now telling them different information than what appeared in their purchase agreement.

"I'm wondering if you are seeing people out here, or dollar signs," Millette said to the Commission.

Lifelong Martinez resident Tom Greerty spoke against the annexation plan.

"The way [the city] is doing [the annexation] is not a natural way to do it," said Greerty, adding that the "gerrymandering ... is not worthy of LAFCO."

"When we had a car stolen from our driveway we had to call the highway patrol and the county sheriff to get it processed," Valley resident Steve Cracknell said. "Will we have to call the Martinez police too? Will we have to talk to three police departments?"

Cracknell has lived in Alhambra Valley for 13 years. When the City started its annexation efforts in the Valley, Cracknell said, the City could not find his DAA. and he did not remember ever signing one. Cracknell said he looked again at the closing papers for his house and was surprised to find the precise papers he had no recollection of ever signing.

"Not that they (the City of Martinez) would cheat," he added.

Nearing the end of the public comment period, one unidentified speaker expressed her outrage over what she said was rude behavior on behalf of the Commission.

Throughout the afternoon meeting, LAFCO member Michael McGill repeatedly popped food items into his mouth, and the woman took exception to this.

"I see you eating, laughing ... this shows a lack a respect for Valley residents," said the woman, admonishing the Commission members for their alleged lack of decorum.

After LAFCO member Federal Glover made a motion to continue the meeting until Sept. 13, at 1:30 p.m., alternate Mary Piepho asked that the Commissioners and the public be presented with a complete list of addresses and family names of the annexation area parcels. She was responding to one speaker's professed confusion over whether his property was being eyed for annexation or not.

After the Commission had moved on to the next agenda item, Valley attendees milled about outside of the county administration building, chatting with neighbors and catching up on community tidbits.

"I think [LAFCO members] need to know we are all opposed to the annexation," said Valley resident Nancy McMorrow, vowing she would appear again at future meetings and keep fighting against the annexation bid.

Asked if she was surprised the Commission voted to continue the agenda item, Mary Lou Johnson said, "the delay is stalling ... they are stalling."

Several Alhambra Valley residents argued that this process was a violation of their rights. Some went further than others in their characterization of the political process.

"This is a semi war between the makers and the takers," Valley resident Ernest Lompoc said. "The City of Martinez is fixing it so that they can take over the Valley in pieces to prevent a vote on the annexation."



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Health districts' oversight questioned

Jennifer Gollan and Katharine Mieszkowski, Bay Citizen

Updated 03:03 a.m., Friday, July 13, 2012

A financial review of more than 20 health care districts in California found millions of dollars in transactions involving companies and nonprofits with ties to top district officials.

The findings raise questions about the adequacy of state and local scrutiny of the taxpayer-funded districts, which operate nursing homes and hospitals, distribute grants to health programs and manage their own real estate portfolios. The elected boards that run California health care districts oversee more than \$4 billion annually in public and private funds.

In one example, since 1990, Michael Wallace has served on the board of directors of the Washington Township Health Care District, which banks with Fremont Bank and, over the past decade, has paid the Alameda County financial institution more than \$1.2 million in fees.

During that same period, Wallace has held various leadership roles at Fremont Bank and is now its board chairman. As recently as last year, his salary as chairman was more than \$100,000, and he held more than \$1 million of stock in the bank's parent company.

In a statement issued through the district, Wallace defended his actions, saying he has followed legal requirements. "I did not participate in the district's selection of Fremont Bank in 2001 and abstained from the board's vote," the statement said.

A Bay Citizen review of contracts, vendor payments, tax filings and financial disclosures filed from 2006 through 2011 by 22 of the state's 74 health care districts uncovered eight questionable transactions involving millions of dollars, including some that appear to break conflict-of-interest laws.

The examination included all of the Bay Area health care districts and a cross-section of others statewide.

Under the state's Political Reform Act and state conflict-of-interest laws that apply to government contracting, public officials are prohibited from voting on transactions with companies or nonprofits in which they have a financial stake, including ventures affecting a spouse's income.

Ethics watchdogs say the handling of payments by board members and administrators raises questions about whether the public officials involved are making objective decisions on behalf of their constituents.

"The people of the state who pay the taxes are losing," said Judy Nadler, a senior fellow in government ethics at the Santa Clara University Markkula Center for Applied Ethics. "This is alarming. It indicates a pattern of not abiding by the law and by good ethical principles."

Close ties to nonprofits

In the Sequoia Healthcare District, which serves Redwood City and other parts of the Peninsula, board member Gerald Shefren voted in April 2011 to approve a \$60,000 grant to Pathways Home Health, Hospice and Private Duty, a nonprofit where his wife, Joyce, works part time. The grant supported programs for chronically ill patients in the district.

It was the first time the district had provided a grant to the nonprofit, according to Lee Michelson, the district's CEO.

Last year, Shefren served on a district committee that recommended Pathways and other groups receive funding from the health care district, documents show. Shefren said he recused himself from that decision. There are no records of the meeting, nor is the district required by the state to keep them, Don Shoecraft, spokesman for the Sequoia district, said in an e-mail.

But soon after, at a full district board meeting, Shefren voted to advance the \$60,000 grant for the nonprofit where his wife works, meeting minutes show. He seconded a motion to vote on a package of grants, then joined the 4-to-1 majority in approving it.

When asked about his vote, Shefren said: "In talking with our CEO and legal counsel, I think that this is an oversight. This probably should have been pulled out separately, so that I could recuse myself."

Other examples

By contrast, Nancy Farber, CEO of the Washington Hospital Healthcare System, maintains that she followed the state's conflict-of-interest rules. Farber reports to the Washington Township district's board, which oversees Washington hospital and various outpatient clinics that serve residents in southern Alameda County.

Since April 2010, Farber's husband, Peter Farber-Szekrenyi, has played a leading role at the George Mark Children's House, a San Leandro nonprofit organization that provides care for children facing serious illnesses. He began volunteering for the organization in January 2009 before joining the nonprofit's board of directors in May 2009.

In July 2009, the health district board voted to authorize Farber to provide a \$100,000 grant to the George Mark Children's House,

documents show. The district board voted to give the nonprofit an additional grant of \$250,000 on March 10, 2010. The grants were intended to help the nonprofit meet "an urgent need for funds in order to continue operations," documents show.

Less than a month later, Farber-Szekrenyi became a consultant, earning \$12,800 per month as executive director. In April 2011, he became the Children's House CEO, earning \$208,000 a year.

No comment on role

Farber did not vote on either grant because she does not sit on the district board. But she participated in a discussion about the second transaction, telling board members that the \$250,000 grant would be awarded in installments based on "agreed upon milestones," meeting minutes show.

Farber declined to respond directly to questions about her role in awarding the grants. A written statement from the district's spokeswoman said that two weeks after the board awarded the second grant, Farber notified board members that her husband had been asked to become the organization's executive director.

The district maintains that Farber "stepped away from dealing with matters relating to George Mark Children's House" after her husband took the job.

However, as CEO, she continued to run the system, which provides ongoing logistical help to the children's house. The hospital has donated billing services to the small facility, which reopened in fall 2010 and typically cares for three to four patients at a time, who stay an average of two weeks.

In addition, the Washington Hospital Healthcare Foundation provided more than \$55,000 between 2009 and January of this year to support the nonprofit's operating costs, events and fundraisers, documents show. As CEO, Farber approved at least a portion of those payments, according to the district.

Both Farber and her husband also serve on the health care foundation's board of trustees.

Business ties

Oversight of the state's health care districts falls to the local agency formation commissions, the Legislature's county-level watchdogs.

Enforcement is spotty at best.

A 2004 review of the Washington Township district by the Alameda County Local Agency Formation Commission found that it had "relatively high costs compared with other hospitals." Yet that fact prompted no additional scrutiny.

William Chiat, executive director of the California Association of Local Agency Formation Commissions, which represents the state's 58 commissions, said they don't normally investigate conflicts of interest unless there are major red flags.

But Jessica Levinson, an associate clinical professor at Loyola Law School in Los Angeles, said health care districts need "some sort of checks to know what these officials are up to."

"All of these activities raise important questions," she said. "If you are a public official, all you should be doing is serving the public, not yourself or your spouse."

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Guest Commentary: Times editorial on health care issue was unfair

By Ron Leone Contra Costa Times San Jose Mercury News

Posted:

Sunday, July 15, 2012

ContraCostaTimes.com

It is becoming much more commonplace these days to see the Times publish editorials without checking out the facts beforehand.

I would like the opportunity to present the facts.

"Public servant" is not a dirty word. I served from 1990 to 2006 making critical health care policy for Mt. Diablo Hospital before it joined the John Muir health system.

I worked many hours for quality health care, with little to no pay, and am proud of my service to the Concord community.

Health care costs in the 1990s were minimal compared to now. I did not establish the policy of providing health care benefits while on the Mt. Diablo Healthcare District Board, although my wife and I were grateful to receive them.

In the 1990s, health care costs were just a fraction of the cost they are today.

For many years, the district's health care was much less costly and was the only medical plan affordable to my family and me. Having served as a high school teacher and principal, we did not receive health care benefits where I worked.

Not all teachers and school personnel receive basic health care benefits.

Concord teachers, for example, do not receive health care as a part of their employment package. Even though I worked for 35 years in education, I do not qualify for health care from the school districts I worked.

Maria is a cancer survivor -- we would not have managed without the health care provided us by the district. As it turns out, Maria became quite ill. In the years I served the district, Maria was diagnosed with cancer, and had two major life-changing medical operations.

To this day, we are still dealing with Maria's medical issues and would not qualify for medical care on our own due to these illnesses.

Maria and I recognize the high cost of health care, and when I was elected to the Concord City Council we switched to the more affordable health care plan offered by the city in 2011.

It was our intention to save the district taxpayers money. Contrary to the Times editorial, which used words like "greed" and "gouging," our sensitivity toward the use of taxpayer dollars is anything but.

We need to maintain health care, especially for Maria, who also lost her mom to cancer a few years back. But at the same time, we do not want to take the benefit offered by the district if it is not needed.

Maria and I have devised a possible solution, which we would have gladly shared with the Times if they had called us before publishing its editorial.

Here's the plan we are currently investigating with John Muir Health:

Maria and I will not take the health care funds offered by the district and will continue on the city of Concord's health plan.

The health care benefit will be placed in an annuity at John Muir Health with the profits going directly to assist cancer patients with paying medical bills.

In 2014, if I am re-elected to the Concord City Council, we will gift these funds entirely to John Muir Concord solely for the purpose of assisting cancer patients and their families with medical bills.

If I am not re-elected, or I choose not to run for City Council, those funds will only be available to Maria and me to pay for supplemental insurance as we will be eligible for Medicare at that time.

Regardless, all remaining unused funds will not go into our family's pocket, but will be given back to the community to help Concord cancer patients pay for exorbitant medical costs not covered by medical insurance.

Ron Leone is a Concord City Councilman, a retired high school principal and served on the Mt. Diablo Healthcare District for 16 years.

Contra Costa Times editorial: Officials must stop holding Delta's water hostage

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Wednesday, July 18, 2012
ContraCostaTimes.com

Nothing is more important to California than its water supply. Yet Gov. Jerry Brown and the Legislature are playing Russian roulette with one of the state's most precious resources.

The primitive conditions of the levees guarding the Sacramento-San Joaquin River Delta are shocking. The Delta is mostly below sea level. It provides water to 65 percent of Californians, including more than half of Silicon Valley, and those fragile levees are the only thing preventing salt water from San Francisco Bay from spoiling the fresh water flowing from the rivers.

Hundreds of miles of levees were built out of sand and dirt by immigrants, wheelbarrow by wheelbarrow load, in the late 1800s and early 1900s. Saying they're primitive is kind. They are at extreme risk of collapsing in an earthquake or flood. State Sen. Joe Simitian, D-Palo Alto, calls them "California's Katrina waiting to happen."

But neither Brown nor the Legislature has even tried to expedite repairing the levees. Last week, the state ballot proposition for an \$11 billion water bond was postponed again, this time until 2014. That's fine because we can't imagine that porker passing anyway, but the \$1 billion in absolutely necessary repairs to the levees should have been done years ago.

Brown and lawmakers are holding the levees hostage to help persuade voters to approve a peripheral canal (or tunnel, depending on whom you talk to) around the Delta to feed Southern Californians and Big Ag an even higher percentage of the water. Expect that grand plan to be unveiled next Wednesday. But don't expect wild celebration in these parts. Nobody knows for certain how it will affect the ecological health of the estuary, let alone how much it would cost or where the money would come from. Of course, Southern California has made verbal commitments to do its part. Whatever that means.

Since 1900, more than 150 separate levees around the Delta have failed, and thousands of acres of onetime farmland has been permanently flooded. In 2004, on a sunny June day, "one of the best levees in the Delta" inexplicably and without warning collapsed, creating a 200-foot break. Within hours, water swamped more than 12,000 acres and nearly took out Highway 4 between Tracy and Antioch.

Besides flood damage, failed levees can mean water is not available for pumping -- or can cause salt water to move up from the bay. If that type of levee break happened closer to the bay, bringing the salt water close to pumping stations, it could be catastrophic to Silicon Valley's water supply.

We need the levees shored up first, protecting the water supply we've got. When water is soaking into farms and swamping highways, it's not going to anybody's faucet.

Then let science dictate how best to meet the state's water needs while ensuring the environmental health of the huge estuary we so heavily rely on.

Delta island ejects board member who hasn't paid his taxes

By Lisa Vorderbrueggen *Contra Costa Times Contra Costa Times*

Posted:

Wednesday, July 18, 2012
ContraCostaTimes.com

The tribe has spoken.

In a dramatic "Survivor" style, Bradford Island landowners have deposed from their governing board a man who hasn't paid his taxes in 1 1/2 years and drove the tiny levee maintenance district to its financial knees.

Then, after Paul Sosnowski and his girlfriend, Holly Davis, vacated their seats, the remaining board members moved Tuesday to auction off his land in an attempt to recover an estimated \$159,470 in unpaid assessments and penalties.

Sosnowski owns the most property on the island and his assessments add up to a third of the district's annual income, which pays for levee repairs and maintenance, and a ferry to the 2,172-acre Delta island.

"I'm barely able to pay the bills," district manager Angelia Tant told the board. "I sometimes go three months without a paycheck and I have four kids. But we've all been doing our best to keep the district going."

Sosnowski, who has called the reclamation board's members "stupid" and its landowners "dumb," appeared blindsided by the action to remove him from his seat.

He and Davis arrived at the board meeting to find no chairs for them at the voting members' table or their customary binders packed with agenda documents.

The pair insisted, however, on having seats brought to the head table in the district's small lobby, where they and about a dozen people listened very closely to legal counsel Mia Brown explain the strange turn of events.

When Sosnowski in 2006 successfully petitioned the district for an expansion of its board from three members to five -- after which he and Davis successfully ran for the new seats -- he was 3.6 acres shy of meeting the mandatory majority landownership threshold, Brown said. The landowner erroneously included his underwater acreage, which Brown said is ineligible for the purposes of amending the district's bylaws. The attorney discovered the discrepancy during research into revisions to the agency's bylaws.

As a result, the board's expansion is void and it must return to its original configuration of three members, Brown said.

And the two seats happen to be the ones that Sosnowski and Davis occupy, and neither looked happy about it.

Sosnowski, who has long hoped to develop on the island, wrested majority control of the district last year when he secured a third seat for his employee, Steve Lucas.

Sosnowski perched uneasily on the folding metal chair Tuesday and forcefully questioned the attorney's conclusions on the acreage calculations and demanded a new property survey.

In the interim, Sosnowski told the board that county "Assessor (Gus Kramer) would give me a letter today saying the survey is inaccurate" and suggested the county official's opinion could serve as the basis of a request for a court stay of the seat reduction pending the completion of a new survey.

Whether Sosnowski has sufficient money to reverse this turn of events is an open question.

In addition to his unpaid reclamation assessments, he is behind on his general property taxes. On June 30 Sosnowski agreed at the final minute to a payment plan -- not his first -- and averted a public auction on this bill, according to the county.

From comments at the meeting, it appears Sosnowski will find little sympathy among district employees, contractors or fellow landowners who complained about how he conducted his business.

In the meantime, the district says it lacks the funds to buy emergency supplies before the next spring snow runoff, such as those big water-stopping rocks and plastic sheeting.

Gene Lewis, who has owned a piece of Bradford Island with his wife, Esther, for nearly two decades and sat on the board, vividly remembers 1993 when water poured over the levee.

"Just because a major landowner doesn't pay his assessments, are we going to sit around and wait for the island to flood?" an angry Lewis asked. "The sole purpose of this board is to protect the island from a flood. This has to stop."

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California authorizes government in the shadows

Don Tatzin

Published 07:49 p.m., Sunday, July 22, 2012

Do not envy the challenge facing California's legislators and Gov. Jerry Brown. The bursting of the housing bubble, high unemployment, reduced property values and the never-ending Great Recession, coupled with the rising cost of government, have triggered a financial debacle from which state government may not recover for a decade. Even in difficult times, however, state officials should not forget the words of the Declaration of Independence: "Governments ... [derive] their just powers from the consent of the governed."

Pursuant to that spirit, in 1953 California adopted the Ralph M. Brown Act, which demanded that lawmakers make decisions openly and deliberate before the public. "The people of this State," states the act, "do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

Our lawmakers have seemingly forgotten these commands.

In what was billed as a cost-saving move, the Legislature and the governor recently suspended portions of the Brown Act - specifically those ordering local governments to post notices of public meetings in advance.

This purportedly will save state government about \$96 million by eliminating a mandate. (Mandates placed on local government by Sacramento must be paid for by the state government.) This saving equals about .07 percent of the state budget. Despite the loss of state funding, the vast majority of school districts, cities, special districts and counties will follow the law, because it is the right thing to do.

Some jurisdictions, however, will not, and the implications of their actions could be more costly than the money saved. These agencies will, instead, follow the Legislature's and governor's cynical lead and no longer post meeting notices or report results of closed sessions. Eventually, an agency will do something wrong - either unintentionally or purposefully crooked - that might not have occurred if the public and press oversight that comes from posting agendas and reporting actions were required.

When that happens, we will hear the predictable hue and cry from the press and Sacramento lamenting the day. Special investigations will be launched, reports issued and crackdowns promised.

Citizen confidence in government will decline further. People will be less likely to vote for new taxes if they know that the governing body can meet without public notice to decide how to spend their money and make other important decisions. If just a few of California's hundreds of local governments act badly, the rest are tainted.

Citizens should do two things. First, demand that the local governments that serve you continue to adhere to the Brown Act. Second, convey your opinions of the state's decision to your legislators and Gov. Brown.

History offers inspiring stories of people who would not trade their principles for temporal benefit. Those stories should be required reading in Sacramento.

Don Tatzin is a member of the Lafayette City Council, which will continue to follow the Brown Act.

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Concord Mayor Ron Leone says he will give up claim to free healthcare perk

By Lisa Vorderbrueggen Contra Costa Times Contra Costa Times

Posted:

Wednesday, July 25, 2012

ContraCostaTimes.com

CONCORD -- Making lemonade out of lemons, Concord Mayor Ron Leone is giving up his controversial claim to free lifetime health benefits he earned while serving on a small Contra Costa public health district board.

In exchange, the mayor is expected to announce Tuesday, the Mt. Diablo Health Care District will donate \$150,000 to the American Cancer Society.

But there is a caveat: The charity will initially establish a safety-net annuity for the mayor and his wife, Maria.

The mayor would dip into the annuity only if he fails to win re-election or chooses not to run for the Concord City Council in 2014, when he would be a year shy of eligibility for Medicare. The retired teacher and principal said he didn't work long enough at any particular district to qualify for health benefits.

All unused annuity funds, however, would revert to the American Cancer Society to help local cancer victims, the mayor said.

"I feel very comfortable that the vast majority of the money, if not all of it, will go to cancer patients in Concord," said Leone, who chose the charity because his wife, Maria, is a cancer survivor.

A conversion to an annuity in both Leones' names ensures that Maria will have coverage. The district's coverage ends when Ron Leone dies.

The mayor also very likely hopes the move will help reverse years of bad publicity surrounding a publicly funded perk he shares with Mt. Diablo Health Care District board member Grace Ellis.

The district expects Ellis will also relinquish her benefits in exchange for a \$58,000 payment. An pension analyst recommended the both settlement figures and they will go before the health care district board on Aug. 2.

"My only objective was to reach an agreement that would release the district from future liability for these benefits," said health care district Chairman Jeff Kasper. "The board still has to approve them but I don't anticipate a problem."

The settlements will be among the board's final acts.

Contra Costa regulators are expected to formally disband the existing five-member elected health care district board in early August and hand over the reins to the city of Concord.

Residents formed the health district in the 1950s for the purposes of building a hospital in Concord. It later ran into financial troubles and voters in 1996 handed over its hospital to John Muir Health.

But the district remained in place even though it no longer ran a hospital. Instead, the agency spent the vast majority of its roughly \$250,000 a year in property tax receipts on elections, legal bills and overhead rather than direct services.

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Contra Costa looks at fire parcel tax for November election

By Lisa Vorderbrueggen *Contra Costa Times* *Contra Costa Times*
Posted:

Monday, July 30, 2012
ContraCostaTimes.com

CONTRA COSTA COUNTY -- Contra Costa's largest fire district will deliberate Tuesday whether to ask voters in November for a \$75 a year parcel tax intended to keep open a third of the financially struggling agency's stations.

Declining property tax receipts coupled with rising firefighter pension and health benefit costs has left the Contra Costa Fire Protection District in the red.

Without more money to tide the district over until the economic climate improves, Fire Chief Daryl Louder has said he must close seven to 10 of the district's 28 stations and lay off firefighters.

The district serves 304 square miles including nine cities and a large swath of unincorporated area in the central portion of the county.

Details of the proposed tax include:

- Generates an estimated \$16.8 million a year.
- Sunsets in seven years.
- Single-family and condo homeowners pay \$75 a year. Apartment owners pay \$37.50. Commercial and industrial landowners pay \$75 per 1/4-acre. Agricultural and vacant property owners pay \$37.50 per parcel.
- Two-thirds voter approval required to pass.
- If approved, the tax goes into effect July 1, 2013.

The \$100-million-a-year district estimates its property tax receipts -- the vast majority of its funds -- have dropped \$32 million since 2008.

At the same time, pension costs have skyrocketed in the economic downturn. The fire district's retirement system portfolio has suffered major market losses, leaving the agency to cover the costs of generous benefits granted during the boom years.

Confire's pension bill this fiscal year is \$26 million, which will consume slightly more than a quarter of the agency's revenues. By 2017, estimates show the price tag will reach \$35.7 million, an amount equal to 37 percent of its income.

Critics within the community, including the Contra Costa Taxpayers Association, have already raised questions about the tax idea, which was unveiled last month.

They have argued that the district has failed to secure meaningful cost-cutting concessions from the firefighters' union.

They have also noted that the plan includes no money for aging equipment and buildings nor does it call for serious exploration of privatization or other less costly ways to provide emergency fire and medical services.

The board of supervisors, which also serves as the fire district, will consider the tax question at a public hearing on Tuesday starting at 10:30 a.m. in the county's Martinez public meeting chambers.

Contact Lisa Vorderbrueggen at 925-945-4773, lvorderbrueggen@bayareanewsgroup.com, www.ibabuzz.com/politics or [Twitter.com/lvorderbrueggen](https://twitter.com/lvorderbrueggen).

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- What: Public hearing on proposed \$75-a-year parcel tax measure for fire services in the Contra Costa Fire Protection District.
- When: Tuesday, 10:30 a.m.
- Where: Contra Costa board of supervisors chambers, 651 Pine St., Martinez.
- Read the agenda and staff report at www.co.contra-costa.ca.us. Click on "Board of Supervisors" followed by "Board Meeting Agendas" and "2012."

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North Pacheco Annexation Ballots Sent Out

By Greta Mart
Staff Reporter
Tuesday July 31, 2012



The Contra Costa Elections Division yesterday began sending out ballots for a special, mail-only election and North Pacheco residents can expect to receive an official ballot in their mailbox soon.

Registered voters deciding the fate of Measure T must return the ballots by Aug. 28.

Those who cast "yes" votes approve of the planned annexation of 99 acres and 252 parcels in North Pacheco into the City of Martinez, as approved by the Contra Costa Local Agency Formation Commission (LAFCO) earlier this year.

Those opposed to the annexation will vote no, and if a majority of voters cast a nay vote, the "annexation will be terminated," according to the voter information pamphlet for Measure T.

After LAFCO Commissioners – including member and Martinez Mayor Rob Schroder – approved the city's North Pacheco annexation application at its meeting on Jan. 11, LAFCO staff received enough protest votes to trigger an election. The agency then ordered the annexation on April 11, subject to voter confirmation.

As part of the impartial analysis of Measure T, LAFCO's executive officer Lou Ann Texeira writes: "the North Pacheco annexation area ... is bounded by Highway 4 to the south, Interstate 680 to the east, and the City of Martinez to the west. The annexation of the North Pacheco area would add this area to the City of Martinez for public services, future development and economic revitalization of the area consistent with the City's general plan, including the John Muir Parkway Specific Area Plan."

Fifty individuals submitted a protest letter to LAFCO at a hearing in early March, and the Elections Division certified 47 of those letters as authored by eligible residents. The threshold for triggering an

election was 32 protests, or over 25 percent, but less than 50 percent of registered voters in the annexation area or 25 percent of landowners owning 25 percent of the annexation area parcels.

"If the annexation area is inhabited (i.e., 12 or more registered voters), then registered voters residing within the annexation area or landowners owning land within the annexation area can file written protests," Teixeira explained Monday.

North Pacheco voters will receive a special election ballot in the mail, and the package includes printed arguments for and against Measure T.

Teixeira told LAFCO Commissioners on March 14 that the purpose of the annexation "is to allow for the extension of city services and to facilitate future development and economic revitalization of the area."

Annexation area residents Darlene Koch, Gene Koch, R.W. Pike, Tom Gunsul and Patricia McMillen authored the ballot's argument against Measure T, saying "this annexation is a bad deal for North Pacheco residents and businesses." In their arguments against Measure T and rebuttals to supporters, the group includes the URL for a campaign website, <http://pachecoannex.wordpress.com>, and points to the current city budget woes as a key reason to block the annexation.

"Martinez is in budget crisis, eliminating jobs and services, and will continue to be according to the city manager's reports. And Martinez has agreed to give away 45 percent of all sales tax and property tax revenue from North Pacheco to the county forever. Where will the money come from for services for us?" ask the residents. "Martinez Police are not filling open positions (including two officers) because of budget cuts. We get good, professional service from the county sheriff now ... the City's own consultant shows a large deficit in the road maintenance budget for North Pacheco. Our roads are now well maintained by the county, but the Martinez City sections on Pacheco Boulevard are not."

In their argument in favor of Measure T, Schroder, Chamber of Commerce chairperson Marie Knutson, Martinez Police Officers' Association president Sergeant Bryan Dodd and North Pacheco resident and Belmont Terrace Homeowner's Association member Ryan Baillie claim annexation will bring benefits to North Pacheco.

"For too long, Contra Costa County has ignored the needs of North Pacheco, paying little attention to beautifying the area and maintaining its failing infrastructure. North Pacheco is a natural gateway to Martinez; you deserve to live in an area that makes you proud. The City of Martinez would like to bring North Pacheco into the city limits, and invites you to become a member of our thriving community. If area voters approve Measure T to annex North Pacheco into the City of Martinez, we have plans for a revitalization and beautification program to improve the area's infrastructure and visual appearance," writes Schroder and other annexation supporters.

The supporters assert that 9-1-1 calls will be answered faster by the MPD instead of the county sheriff's office; that property owners will pay less in taxes and garbage rates will "typically be lower" and collection services improved. They also maintain that property values will "eventually" increase.

Countering those assertions, Measure T opposers contend property taxes and garbage rates will increase rather than decrease. They also say City Hall's "record for development is very poor ... the city council has let the Marina fall into such disrepair that some discussed closing it.."

"The City Council makes many promises. But actions speak louder ... promises require money. Annexation brings little income to Martinez. And Martinez's budget and staff have been severely cut," states those opposed to Measure T.

Measure T ballots must be returned to the Contra Costa Elections Division, 555 Escobar St., Martinez, by 8 p.m. on Tuesday, Aug. 28.



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Brentwood looks to public to fill some of its fire board spots

By Paul Bugarino Contra Costa Times
Posted: 07/31/2012 12:56:32 PM PDT
Updated: 07/31/2012 12:56:32 PM PDT

BRENTWOOD -- The city is soliciting applications from those interested in serving on the East Contra Costa Fire District Board of Directors, but residents will have plenty of time to consider if they want the gig.

Leaders decided last week they want to keep at least one sitting City Council member -- and possibly two -- as part of its four representatives on the district's nine-member board, but wait to appoint any new members to the board until after the November election.

"We have some pretty seasoned veterans on this board. It's going to take some really good thought process because Brentwood's safety is at risk," Mayor Bob Taylor said.

East Contra Costa Fire became a locally governed agency in February 2010. Until now, its board members have been appointed either by the county or their respective city councils.

The long-range plan for the fire district was to have voters at large choose their representatives on the board.

But the process of converting to an elected board would cost about \$300,000, a price tag the financially strapped fire district cannot afford.

Brentwood leaders said they wanted to be sure not to leave a fire board that could fail. Taylor started the discussion by saying he thought neighboring Oakley's methodology in replacing board directors was done in haste.

"I want us to proceed cautiously," Taylor said. "I don't wish to throw a new board member to the wolves."

Oakley leaders

agreed earlier this month to solicit residents' applications until late August and pick new representatives at its Sept. 11 meeting. It plans to appoint two residents now and possibly keep a council member on an additional year, to stagger the terms.

Brentwood Vice Mayor Steve Barr suggested a similar split of two council members and two appointees. That number could increase to three based on the number of qualified candidates.

"We want to leave a little flexibility," Barr said. "There have been times where we've had two candidates for two commission positions. You never know with these things."

The city would re-evaluate the appointments in one year, he said.

Brentwood council members expressed hesitation in putting new board members in a position where they would be adopting the fire district's budget in September.

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Councilman Bob Brockman pointed out if a sitting council member loses in the November election, hey would have time, as a member of the public, to apply for the fire board.

"If November would allow us to potentially have some more experienced candidates, then I think it would behoove us to wait," Councilman Joel Bryant said. "It's not that much longer, but it could have long-term negative repercussions if we do it before then." Council members up for re-election who sit on the fire board are Brentwood's Brockman and Erick Stonebarger and Oakley's Kevin Romick, Pat Anderson and Jim Frazier. Oakley leaders suggested Romick stay on the board.

The rest of the nine-member board is made up of two residents of unincorporated Bethel Island and Morgan Territory, both of whom were appointed by a county supervisor.

Staff writer Rowena Coetsee contributed to this story.

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 **Steve Barr** · Vice Mayor at City of Brentwood
Brentwood needs to appoint 2-3 members to the ECCFPD Board and would like interested individuals to contact city staff. The application period will open in mid August and close November 15th.
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 **Kim Moore**
The greatest challenge will be engaging with CoCoCounty LAFCO, as any tweaking of or real improvement to the ECCFPD scale and operation will either/and/or

- Annex land to the district
- Detach land from the district
- Consolidate/merge two or more districts/entities
- Form a new district
- Dissolve a district
- Enable the district to provide services outside current boundaries etc etc etc

-and all of the above is supervised/controlled by LAFCO
I think one real possibility is targeting another LAFCO prerogative and mandate, which is the control of "urban sprawl", which the current district model actually encourages

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Contra Costa fire tax measure sent to voters

Supervisors vote 4-1 to place parcel tax on Nov. 6 ballot.

By David DeBolt Contra Costa Times
Posted: 07/31/2012 03:09:23 PM PDT
Updated: 08/01/2012 08:48:11 AM PDT

MARTINEZ -- Contra Costa's largest fire district on Tuesday placed a parcel tax on the November ballot after hearing warnings about the crumbling state of emergency services in neighboring East Contra Costa, where a similar tax was recently rejected.

The Contra Costa Fire Protection District board voted 4-1 to send the \$75-a-year parcel tax to voters on Nov. 6. In doing so, the fire district attempts to do what the East Contra Costa County Fire Protection District could not.

In June, the East Contra Costa parcel tax of \$197 -- almost triple the annual rate of ConFire's tax proposal -- fell far short of voter approval, getting 43 percent "yes" votes when it needed a two-thirds majority.

On Tuesday, both supporters and opponents of ConFire's tax measure used East County's failed tax to further their arguments. Opponents said June's vote was validation that voters won't stomach any more taxes, while supporters warned of the aftermath in East County, where there have been layoffs and the closure of three of six fire stations.

Gil Guerrero, a fire engineer in East Contra Costa, told the board a before-and-after story. Guerrero said before the station closures, fire crews were able to respond within a minute to a woman with cardiac arrest. After the closures, a response to the same area came from a station five minutes further away, he said.

"We weren't able to get to that patient in time," Guerrero said.

Supervisor Mary Piepho

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read an excerpt from a story in a local newspaper about a Bethel Island small business owner who said her monthly fire insurance rate doubled after the tax failed in June.

"This is life and death," said Piepho. "This is small business being affected, this is people's lives being affected and your pocketbook being affected."

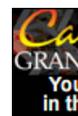
Without the tax, ConFire Chief Daryl Louder said he would have to close seven fire stations in July 2013 and three more in 2014. The district has 28 stations, serving 304 square miles throughout nine cities and several unincorporated areas in the central part of the county.

Under the tax measure, owners of single-family houses and condos would pay \$75 a year. Industrial and commercial landowners would pay \$75 per quarter-acre. Agricultural and vacant property owners would pay \$37.50 per parcel, while apartment owners would pay \$37.50 per unit.

If approved, the tax would go into effect July 1, 2013 and

end June 30, 2020. It requires two-thirds approval.

"It seems to me, for the price of one cup of coffee per week that we can keep fire stations open and provide quick



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since 2008. Meanwhile, pension costs have skyrocketed, with the fire district's pension bill this year at \$26 million and rising.

"Your rise in pension costs are the reason you have no money to deliver services," said resident Wendy Lack, who opposes the tax measure. "With this tax measure, the district offers voters an ultimatum."

Tax opponents Joyce Ellis and Matt Heavey said the district needs to reform its pension system before asking taxpayers to dip into their pockets. Ellis called supporter's talking points "scare tactics," a term officials and firefighters objected to publicly.

ConFire union President Vincent Wells joined Louder in telling the board negotiators are discussing pension reform for new hires and are optimistic an agreement can be reached soon.

Supervisor Candace Andersen, the lone dissenter in the 4-1 vote, said she could not support a parcel tax without a long-term financial plan detailing how the district would sustain itself. Andersen said fire district figures show that even if the tax passes, the district will be in the red by fiscal year 2015-16.

"I would rather, as horrible as it sounds, put no measure before voters than a flawed measure that is destined to fail," said Andersen.

Contact David DeBolt at 925-943-8048. Follow him at [Twitter.com/daviddebolt](https://twitter.com/daviddebolt).

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Contra Costa Times editorial: Two directors get distasteful buyout

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Posted: 08/01/2012 11:42:24 AM PDT

Updated: 08/01/2012 12:54:49 PM PDT

It's fitting that Mt. Diablo Health Care District directors, in their final act Thursday, will probably approve with inadequate public review a deal benefiting a current and a former board member.

Next week, the Contra Costa Local Agency Formation Commission will probably disband the health care board and turn management over to the Concord City Council. It's about time. The district hasn't run a hospital since 1996 and wasted most of more than \$2.5 million it collected in the past decade.

Two large beneficiaries were current Director Grace Ellis and former Director Ron Leone, now a Concord councilman. The two laid claim to lifetime health care coverage under an outrageous deal for directors who served at least 12 years. The future liability is about \$700,000, mostly for Leone, 61, because he has a much longer life expectancy.

At their meeting, district directors are expected to approve deals to pay off Ellis and Leone. Written details still had not been released Wednesday morning.

We're told the district would spend about \$210,000 to free itself of a much larger liability. But Leone's portrayal of this as a magnanimous gesture is silly. He could have fully waived the benefit.

Instead, his share, \$150,000, will go into a trust at the American Cancer Society, he says. But he and his wife can draw from it as they want. The exact details are unclear because Leone hasn't released his written agreement with the cancer society.

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Ron Leone photographed in Martinez, Calif. on Thursday, Aug. 26. 2010. (Jim Stevens/Staff)

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It seems this is little more than a payoff to Leone to avoid an even larger unreasonable and unaffordable benefit. It's sad that he's trying to sanitize it with the cancer society's name.



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